



## LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

July 10, 2019

**To:** LAFCo Commissioners

**From:** Martha Poyatos, Executive Officer  
Rob Bartoli, Management Analyst

**Subject:** LAFCo File No. 17-19—Proposed Annexation of Assessor's Parcels 046-031-020 (1304 Elmer Street) and 046-031-030 (633 O'Neill Avenue) and associated road Right-of-Way on Old County Road and O'Neill Avenue, and detachment of subject parcels and road Right-of-Way from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District (0.86 acre).

### Summary

This proposal, submitted by landowner petition, requests annexation of two parcels, APN 046-031-020 (1304 Elmer Street) and APN 046-031-030 (633 O'Neill Avenue) to the City of Belmont and detachment from County-governed Harbor Industrial Sewer Maintenance District and Belmont Highway Lighting District. The proposal also includes the annexation of associated road Right-of-Way on Old County Road and O'Neill Avenue. The applicant's stated reason for annexation is to create a more logical boundary and provide city services to existing and proposed development on the properties.

The applicant is proposing the construction of a multi-family residential building, known as the Windy Hill Project, on the two subject parcels, as well as three parcels that are already located within the City of Belmont. The new apartment building will create 250 dwellings units, 38 of which would be made affordable to low income households. The applicants indicate that proposed development would be consistent the City of Belmont Village Specific Plan Area. The proposal is consistent with the City of Belmont sphere of influence and the spheres of the special districts. Approval of the reorganization is recommended.

The proposal has 100 percent landowner consent and requests waiver of conducting authority proceedings. Commission approval is recommended.

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ JOSHUA COSGROVE, VICE CHAIR, SPECIAL DISTRICT ▪ RICH GARBARINO, City ▪ DON HORSLEY, COUNTY ▪ MIKE O'NEILL, CITY ▪ WARREN SLOCUM, County ▪ RIC LOHMAN, SPECIAL DISTRICT

**ALTERNATES:** KATI MARTIN, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

**STAFF:** MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST

### **Existing and Proposed Land Use Designations**

All properties within the proposal area are developed with light industrial uses. The current San Mateo County General Plan designation for the area is General Industrial Urban and the zoning designation is M-1 (Light Industrial District). The City of Belmont applied a General Plan designation of Village Corridor Mixed Use and a pre-zoning designation of Village Corridor Mixed Use (VCMU) to the proposal area.

### **Sphere of Influence**

The sphere of influence of the City of Belmont was most recently adopted by LAFCo in 2011, which included the Harbor Industrial area, as well as one other unincorporated area. The subject parcels are also currently located in the service area of two San Mateo County governed districts, the Harbor Industrial Sewer Maintenance District (HISMD) and Belmont Highway Lighting District (BHLD). Both of these two districts are limited to a service area within the existing unincorporated area.

### **Background**

In 2017, the Belmont City Council adopted the 2035 General Plan and Belmont Village Specific Plan. These land use plans identified the land use designation for territory located within the city limits, along with the unincorporated areas located in the sphere of influence for the City. The plans designated the majority of the unincorporated Harbor Industrial Area as Harbor Industrial Area 1 and Harbor Industrial Area 2. Three unincorporated parcels were designated as Village Corridor Mixed Use. Two of these three parcels are part of the current annexation proposal.

Subsequently, later in 2017, an application was submitted to the City of Belmont regarding the development of five parcels that are located between Old County Road, O’Neill Avenue, Elmer Street, and Karen Road. The site is currently developed with a mix of commercial and industrial buildings. The five parcels are proposed to be merged to facilitate construction of one 224,000 square foot, 4-story residential apartment building with 250 dwelling units and an underground parking garage with approximately 258 parking stalls.

Two of the parcels that are associated with this development, 1304 Elmer Street (APN 046-031-020) and 633 O’Neill Avenue (APN 046-031-030), are located in the unincorporated area of Harbor Industrial. The initial application to LAFCo only included 1304 Elmer Street, but was later amended in 2018 by the applicant to include 633 O’Neill Avenue and the associated right-of-way. These two parcels, along with the associated roadway right-of-way on Old County Road and O’Neill Avenue are proposed to be annexed to the City of Belmont and detached from the County governed districts.

### **Departmental Reports**

*County Assessor:* The net assessed land valuation shown in the records of the County Assessor for APN 046-031-020 and APN 046-031-030 is \$1,790,000 and \$76,882 respectively. The boundaries of the annexation as proposed conform to lines of assessment and ownership.

*County Clerk:* The territory has no registered voters. Annexation would not conflict with any political subdivision boundaries.

*County Public Works:* County Public Works supports the annexation of the two parcels and the associated road right-of-way on Old County Road and O’Neill Avenue. The annexation of the right-of-way on Old County Road would alter the boundaries of the City of Belmont so that all road way that faces the project area on Old County would be within in the City limits. This will allow the City to coordinate any improvements required by the project that are proposed in the right-of-way.

Currently, the road right-of-way on O’Neill Avenue from Elmer Street east to Keith Street is divided along the center line of the road between the City of Belmont and the County of San Mateo. To better coordinate maintenance and improvements, the remaining portion of the County maintained right-of-way is proposed to be annexed by the City. County Public Works is supportive of annexation of the right-of-way.

The map and legal description have not yet been submitted for review of the requirements set by the State Board of Equalization.

*County Planning:* The San Mateo County General Plan supports the annexation of the urban unincorporated parcels and encourages a holistic approach to annexation of parcels that are located within the Belmont Village Specific Plan Planning Area. The properties are located within the existing sphere of influence for the City of Belmont and are currently served by water and sewer providers.

The City’s adopted Belmont Village Specific Plan examined the needed infrastructure improvements to serve future development of this area that is consistent with the relevant County General Plan policies. The annexation of the two properties and associated right-of-way would not have any foreseeable regional impacts that cannot be mitigated through the Village Plan implementation polices.

*County Environmental Health Services:* The property is served by a domestic water and sewer connection. Environmental Health is supportive of the annexation.

*Mid-Peninsula Water District:* No comment. The project site is currently served by water connections from the District. Any new construction will also be served by the District.

*City of Belmont:* The City of Belmont supports the annexation proposal. The City Council approved the various required development entitlements, including pre-zoning of the two subject parcels, on May 14, 2019. At this meeting, the City Council also adopted a resolution for an addendum to the General Plan 2035 Final Environmental Impact Report for the associated project.

### **Current and Proposed Services**

Changes in service that would occur as a result of the reorganization are summarized below:

<b>Service</b>	<b>Current Service Provider</b>	<b>Proposed Service Provider</b>
Police	San Mateo County Sheriff	City of Belmont Police Department
Fire	Belmont Fire Protection District	Belmont Fire Protection District
Streets/Storm Water	County of San Mateo	City of Belmont

Water	Mid-Peninsula Water District	Mid-Peninsula Water District
Sewer	Harbor Industrial Sewer District (County of San Mateo)	City of Belmont
Street Lighting	Belmont Highway Lighting District (County of San Mateo)	City of Belmont
Parks	County of San Mateo	City of Belmont
Library	Library Joint Power Authority	Library Joint Power Authority

No change in service delivery patterns will occur for water as the properties already receive service from the Mid-Peninsula Water District. The properties are currently connected to sewer from the Harbor Industrial Sewer District, a County-governed special district. As part of the proposal, the properties will detach from the Harbor Industrial Sewer District and will be served by the City of Belmont for sewer. Annexation to the City and detachment from the districts will result in transfer of service responsibility for police, fire, streets and stormwater, sewer, parks and recreation, and street lights and transfer of associated property tax revenue to the City of Belmont.

### **Property Tax Exchange**

As noted, annexation to the City and detachment from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District will result in transfer of service responsibility and associated property tax revenue to the City of Belmont. Both the City of Belmont and the County of San Mateo have adopted resolutions of property tax exchange pursuant to Revenue and Tax Code Section 99, which stipulates that the County shall negotiate on behalf of special districts.

The County and the City agreed to a tax exchange that approximates the County and City shares elsewhere in the city. Because the parcels are being detached from the HISMD and BHL D 100% of the tax share from these districts is being transferred to the City of Belmont as well as a share the County's General share of the 1% increment. The agreed upon property tax transfers in tax rate area 053-011 are summarized in the following chart.

<b>From</b>	<b>To</b>	<b>Incremental Factor</b>
HISMD	City of Belmont	0.0094812614
BHL D	City of Belmont	0.0077590724
County of San Mateo	City of Belmont	0.0793891566

The total incremental factor transferred to the City of Belmont is 0.0966294904. The remaining incremental factor for the County is 0.1627855374. Based on the proposed transfers, after the



annexation and amendments are complete, the City of Belmont will receive \$2,037.18 and the County will receive \$3,431.91.

While this does not appear to have a large fiscal impact based on the amounts noted above, once the properties are developed property taxes will increase substantially and the incremental tax revenues will be distributed based on the proposed incremental factors. This property tax exchange was approved by both the San Mateo County Board of Supervisor and the City of Belmont City Council in 2019.

The properties will also be subject to the Belmont Library Community Facilities District special tax.

### **Applicable Factors to be Considered for Annexation (Government Code Section 56668)**

a. Population and the likelihood of significant growth in the area, during the next 10 years.

The annexation of the parcels and roadway that are currently located in the unincorporated area of San Mateo County are part of a larger development application for a multi-family building that has been submitted to the City of Belmont. This development proposes 250 residential rental units in a four-story building. It is anticipated that that the project will increase the City of Belmont population by 500 residents once the project is completed. Based on the City's Annexation Evaluation document, 5 new jobs are also projected to be created. Due to the location, size, and lack of other significant development activity, the City does not anticipate additional growth directly relating to this project.

The City of Belmont's adopted General Plan anticipates an increase in population of 1,110 residents and 910 new jobs created by 2035 within the Belmont Village Specific Plan area. The development of the proposed multi-family building would contribute towards 45% of the projected population.

b. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the County.

The proposal to annex will allow the City of Belmont to implement the Belmont Village Specific Plan, which promotes economic development and provides much needed housing. As reviewed by the City of Belmont, the proposed development of the multi-family building allows the Plan to achieve the stated goals of increasing density and intensity of residential and commercial uses, develops a visitor serving use through the creation of a public plaza and available space for a non-profit art instruction use, and allows for enhanced circulation of people, bikes, and vehicles in the area.

The alternative of no annexation would prohibit the City of Belmont from implementing the specific plans in unincorporated areas of the Belmont Village Specific Plan area and continue to require the County maintenance of portions of the roadway along Old County Road and O'Neill Avenue.

- c. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development and definiteness and certainty of the boundaries of the territory, the creation of islands or corridors of unincorporated territory.

The proposal conforms with LAFCo and County General Plan policies encouraging annexation of areas within city spheres of influence and would reduce unincorporated areas within Harbor Industrial requiring County services. The right-of-way along O'Neill Avenue would be wholly incorporated into the City of Belmont which will allow for greater certainty regarding maintenance responsibility.

- d. Consistency with city or county general and specific plan and the sphere of influence of any local agency which may be applicable to the proposal being reviewed.

The application requests annexation in order to allow the development of a multi-family residential building in the City of Belmont. The development would include the construction of 250 new residential units, 38 of which will be affordable to low income households. The proposal area is currently eligible for development in the County subject to County zoning, which does not allow for residential uses.

The Belmont Village Specific Plan allows for residential uses and contains a number of policies that promote higher density, transit-oriented, and mixed-use development. As reviewed by the City of Belmont, the proposed development of a 250-unit multi-family apartment building is consistent with the adopted Specific Plan.

As noted above, the proposal is consistent with both City and County General Plan policies encouraging annexation of areas in city spheres of influence. Detachment from the special districts is consistent with policies discouraging overlapping service delivery patterns and within the spheres of influence of the districts.

- e. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The proposal area is already receiving water and sewer service consistent with other areas in the City of Belmont and in the unincorporated area of Harbor Industrial. The City has indicated that there are sufficient revenue and resources to serve the property. The proponent has received will-serve letters from all affected utilities, and the proposed project would not exceed the anticipated buildout of the Belmont Village Specific Plan.

The City's General Plan EIR indicates that the buildout of the General Plan and Belmont Village Specific Plan is not expected to result in significant impacts to Fire and Police service levels, as new development would primarily be concentrated in infill areas already adequately served by both departments. The project would also be required to pay all applicable school, park, storm water fees, and sewer impact fees to the City and other relevant agencies.

- f. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.

The project was proposed after adoption of the City's Housing Element, and so the additional housing proposed was not anticipated; however, the annexation and construction of the project would result in 250 housing units and 38 affordable units, which would make a positive contribution towards the City achieving its respective fair share of regional housing needs.

- g. The extent to which the proposal will promote environmental justice.

The project area does not include a disadvantaged unincorporated community (DUC), as defined in Section 56033.5. (i.e., residents making less than 80% of the statewide annual median household income). At the census tract level, there are no DUCs identified in San Mateo County. The project area to be annexed is uninhabited and located within the City's SOI. The pre-zoned properties would allow for additional development density and intensity, and would allow for construction of 250 housing units, including 38 affordable, low income, housing units. Thus, the annexation of the properties would not displace existing, disadvantaged, unincorporated communities, and there is no indication that it would result in social inequities.

- h. Information contained in a safety element of general plan, local hazard mitigation plan, and any maps that identify land as a very high fire hazard zone or state responsibility area.

Based on a review of all relevant plans and maps, the area proposed to be annexed is not located in a very high fire or a state responsibility area.

### **California Environmental Quality Act**

The City of Belmont certified a Final Environmental Impact Report (FEIR) that evaluated the environmental impacts of the City's 2035 General Plan, Phase I Zoning, Belmont Village Specific Plan, and Climate Action Plan on October 24, 2017. In order to evaluate the potential impacts of the proposed development project, and whether additional environmental review would be required, the City of Belmont prepared an EIR Addendum for the project (attached). The Addendum stated that proposed development project would not result in any significant impacts not considered under the original EIR. The EIR Addendum was adopted by the City of Belmont City Council on May 14, 2019.

As responsible agency under CEQA, the Commission must certify that it has considered the contents of the Belmont Village Specific Plan Environmental Impact Report and EIR Addendum prepared by the City of Belmont in considering the annexation application. Pursuant to Sections 15096(g)(2) and 15096(h) of the State CEQA Guidelines, the Commission as responsible agency must consider the EIR Addendum for the Windy Hill Project. It is recommended that the Commission make the following finding regard to the EIR Addendum:

*The Commission has reviewed and considered the Belmont Village Specific Plan Environmental Impact Report and subsequent addendum for the Windy Hill Project including any findings and the mitigation and monitoring program, prepared by the City of Belmont as lead agency and that*

*mitigation measures are within the responsibility and jurisdiction of the City of Belmont and not (Section 15091(a)(2)).*

### **Waiver of Conducting Authority Proceedings**

Section 56663(c) of the Cortese-Knox-Herzberg (CKH) Act specifies that the Commission may waive conducting authority proceedings for annexations of uninhabited territory with 100 percent landowner consent provided that no objection is submitted by subject property owners or voters. The purpose of the conducting authority proceedings is to measure landowner or voter protest within the affected territory. Paragraph (c) was added to Government Code Section 56663 to streamline proceedings in which landowners have already given consent to an uninhabited annexation. The landowners have requested, and staff recommends, waiver of conducting authority proceedings.

### **Recommended Commission Action by Resolution**

The proposal is consistent with the spheres of influence of the City and special districts, General Plans of the County and the City and the service delivery patterns in the area. Staff respectfully recommends that the Commission approve the proposal by taking the following actions:

1. By motion, certify that the Commission has reviewed and considered the Belmont Village Specific Plan Environmental Impact Report and subsequent addendum for the Windy Hill Project including any findings and the mitigation and monitoring program, prepared by the City of Belmont as lead agency and that mitigation measures are within the responsibility and jurisdiction of the City of Belmont and not (Section 15091(a)(2)).
2. By resolution, approve LAFCo File No. 17-19–Proposed Annexation of Assessor’s Parcels 046-031-020 (1304 Elmer Street) and 046-031-030 (633 O’Neill Avenue) and associated road Right-of-Way on Old County Road and O’Neill Avenue, and detachment of subject parcels and road Right-of-Way from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District and direct the Executive Officer to waive the conducting of the conducting authority proceedings

### **Attachments**

- A. Annexation Application
- B. Vicinity Map
- C. Annexation Maps
- D. Road Right-of-Way Map
- E. EIR Addendum and Notice of Determination from City of Belmont for the Windy Hill Project
- F. City of Belmont Resolutions

cc: Jamie D'Alessandro, Applicant  
Lisa Ring, Applicant  
Greg Scoles, City Manager, City of Belmont  
Carlos de Melo, City of Belmont  
Michael Callagy, County Manager  
Jim Porter, County of San Mateo  
Ann Stillman, County of San Mateo  
Joe LoCoco, County of San Mateo

Revised Application to include 633 O'Neill Ave. APN-046-031-030

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APPLICATION FOR A CHANGE OF ORGANIZATION OR REORGANIZATION TO THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION SEP 25 2018

LAFCO

A. GENERAL INFORMATION

- 1. Briefly describe the nature of the proposed change of organization or reorganization.  
APNs 046-031-020 and 046-031-030 are currently in San Mateo County and is proposed to be annexed into the City of Belmont. The jurisdictional line between San Mateo County and City of Belmont on Old County Road between O'Neill Avenue and Karen Road is proposed to shift from the mid-block of Old County Road to the westerly line of Karen Road and toward Elmer St. Detachment from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District is also requested.
- 2. An application for a change of organization or reorganization may be submitted by individuals in the form of a petition or by an affected public agency in the form of a certified resolution. This application is submitted by (check one):  
 Landowners or registered voters, by petition  
 An affected public agency, by resolution

(If this application is submitted by petition of landowners or registered voters in the affected territory, complete the petition form.)

- 3. What are the reasons for the proposal?  
 These areas lie within the Belmont Village Specific Plan. The annexation would allow a larger portion of this block to be re-developed under the Belmont Village Specific Plan. Annexation would allow for city services to be provided to the project. The project under preliminary review by the City of Belmont and proposes the construction of 250 multi-family rental units in a 4 story building approximately 50 ft. in height. The units would range from studio to two-bedroom units ranging in size from 430-1,168 sq. ft. in size. The project also includes artist flex space on the ground level. Open space, landscaping and amenity space is proposed for the use of the residents, as well as a public plaza to enhance the pedestrian environment. Street trees, wider sidewalk widths and street furniture are also proposed.
- 4. Does this application have 100% consent of landowners in the affected area?  
 Yes       No
- 5. Estimated acreage: 0.86 acres

B. SERVICES

- 1. List the name or names of all existing cities and special districts whose service area or service responsibility would be altered by the proposed change of organization or reorganization.  
City of Belmont, Harbor Industrial Sewer Maintenance District, Belmont Highway Lighting District
- 2. List all changes to the pattern of delivery of local services to the affected area. For each service affected by the proposed change(s) of organization, list the present source of service (state "none" if service is not now provided), the proposed source of service and the source of funding for

construction of necessary facilities (if any) and operation. Example is given on the first two lines of the space provided for your response.

SERVICE	PRESENT SOURCE	PROPOSED SOURCE	FUNDING SOURCE	
			CONSTRUCTION	OPERATING
<i>Police</i>	<i>Co. Sheriff</i>	<i>City Police</i>	<i>N/A</i>	<i>Taxes</i>
<i>Sewer</i>	<i>Belmont Sewer Maintenance District</i>	<i>City of Belmont</i>	<i>Proponent</i>	<i>Fees</i>
<i>Water</i>	<i>California Water Service Company</i>	<i>California Water Service Company</i>	<i>Proponent</i>	<i>Fees</i>
<i>Storm Drain</i>	<i>County of San Mateo</i>	<i>City of Belmont</i>	<i>Proponent</i>	<i>Fees</i>
<i>Gas/Electric</i>	<i>PG&amp;E</i>	<i>PG&amp;E</i>	<i>Proponent</i>	<i>Fees</i>
<i>Telecom</i>	<i>AT&amp;T, Comcast</i>	<i>AT&amp;T, Comcast</i>	<i>Proponent</i>	<i>Fees</i>
<i>Fire</i>	<i>Belmont Fire Protections District</i>	<i>Belmont Fire Protections District</i>	<i>Proponent</i>	<i>Taxes</i>
<i>Parks/Rec.</i>	<i>County of San Mateo</i>	<i>City of Belmont</i>	<i>Proponent</i>	<i>Fees/Taxes</i>

**C. PROJECT PROPOSAL INFORMATION**

1. Please describe the general location of the territory which is the subject of this proposal. Refer to major highways, roads and topographical features.

APNs 046-031-020 and 046-031-030 in the block bounded by Old County Road, Karen Road and O'Neill Ave.. The easterly portion of Old County Road between O'Neill Avenue and Karen Road

2. Describe the present land use(s) in the subject territory.

APN 046-031-020 is currently used as light industrial and APN 046-031-030 includes a dog kennel. Old County Road is currently a public street.

3. How are adjacent lands used?

North: light industrial – auto body shops

South: light industrial – auto body shops, dance studio

East: light industrial – deli, gymnastics studio

West: light industrial – dog kennel, book store, carpentry shop

4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed? Yes. APNs 046-031-020 and 046-031-030 will be redeveloped into a mixed-use housing development. Old County Road will remain a street with new public improvements such as sidewalks. See response to #3 above.

5. What is the general plan designation of the subject territory?

The General Plan Designation is Belmont Mixed-Use (PDA) San Mateo County- General Industrial (Harbor Industrial)



6. What is the existing zoning designation of the subject territory?  
The Zoning Designation is Village Corridor Mixed Use (VCMU) (Belmont) and San Mateo County M-1-Light Industrial

7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory?  
The parcels have been rezoned by the City of Belmont as part of the recently adopted General Plan and Zoning Code Amendments to implement the Belmont Village Specific Plan (BVSP). A final EIR was adopted by the City to provide environmental review for the overall BVSP. (General Plan, Phase I Zoning, Belmont Village Specific Plan, and Climate Action Plan Final Environmental Impact Report SCH #201608207 5). The proposed development project includes the development of multi-family residential uses.

8. What additional approvals will be required to proceed?  
The project will require project specific approvals including a Multi-Family Design Review Permit and Tentative Parcel Map. The permits will rely on the recently adopted General Plan, Phase I Zoning, Belmont Village Specific Plan, and Climate Action Plan Final Environmental Impact Report (SCH #2016082075) for environmental clearance.

9. Does any portion of the subject territory contain any of the following --agricultural preserves, sewer or other service moratorium or wetlands subject to the State Lands Commission jurisdiction?  
The subject properties do not contain agricultural preserves, sewer or other service moratoriums, or wetlands subject to State Lands Commission jurisdiction.

10. If no specific development projects are associated with this proposal, will the proposal increase the potential for development of the property? If so, how?  
A specific development project is associated with this proposal as noted above in #7.  
\*\*\*\*\*

LAFCo will consider the person signing this application as the proponent of the proposed action(s). Notice and other communications regarding this application (including fee payment) will be directed to the proponent at:

NAME: Jaime D'Alessandro/Windy Hill Property Ventures  
ADDRESS: 530 Emerson Street, Suite 150 TELEPHONE: 650-847-1266  
Palō Alto, California, 94301  
ATTN: \_\_\_\_\_  
Signature of Proponent

**D. AFFECTED PUBLIC AGENCIES**

**Please complete this section if this application is submitted by resolution of one or more affected public agencies. Certified copies of resolutions listed below must accompany this application.**

1. The names and resolutions of agencies applying for the change of organization or reorganization described above are as follows:

AFFECTED AGENCY	RESOLUTION NO.	DATE ADOPTED

2. Does this application have 100% consent of landowners in the affected area?

Yes  No (If Yes, include proof of consent.)

**E. PLAN FOR PROVIDING SERVICES**

1. Enumerate and describe the services to be extended to the affected territory.

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2. Describe the level and range of those services.

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3. Indicate when those services can feasibly be extended to the affected territory.

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4. Indicate any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions to be imposed or required within the affected territory.

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5. Describe financial arrangements for construction and operation of services extended to the affected territory. (Attach proposed operations budget if available) Will the territory be subject to any special taxes, charges or fees? (If so, please specify.)

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6. In as much detail as required to give a clear explanation, explain why this proposal is necessary at this time.

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This section completed by \_\_\_\_\_  
(Name) (Title)

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SEP 25 2018

LAFCO

PETITION  
FOR PROCEEDINGS PURSUANT TO  
THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF  
2000

The undersigned hereby petition(s) the Local Agency Formation Commission of San Mateo County for approval of a proposed change of organization or reorganization, and stipulate(s) as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

2. The specific change(s) of organization proposed (i.e., annexation, detachment, reorganization, etc. is/are:  
Annexation of 1304 Elmer St. and 633 O'Neill Ave. to the City of Belmont and Detachment from the Harbor Industrial Sewer Maintenance District and Belmont Highway Lighting District

3. The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) attached hereto and by this reference incorporated herein.

4. The territory(ies) included in the proposal is/are:  
           inhabited (12 or more registered voters) X    Uninhabited

5. This proposal is X    is not consistent with the sphere of influence of the affected city and/or district(s).

6. The reason(s) for the proposed Annexation and Detachment (annexation, detachment, reorganization, etc.) is/are:  
These areas lie within the Belmont Village Specific Plan. The annexation would allow a larger portion of this block to be re-developed under the Belmont Village Specific Plan. Annexation would allow for city services to be provided to the project. The project under review by the City of Belmont and proposes the construction of 250 multi-family rental units in a 4 story building approximately 50 ft. in height. The units would range from studio to two-bedroom units ranging in size from 430-1,168 sq. ft. in size. The project also includes artist flex space on the ground level. Open space, landscaping and amenity space is proposed for the use of the residents, as well as a public plaza to enhance the pedestrian environment. Street trees, wider sidewalk widths and street furniture are also proposed.

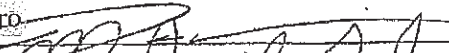
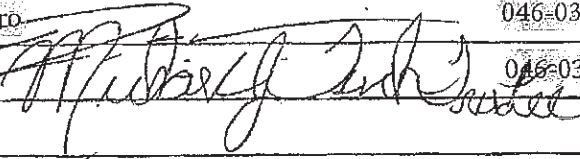
7. The proposed Annexation is requested to be made subject to the following terms and conditions: None

8. The persons signing this petition have signed as:

           registered voters or   X   Owners of land (check one)  
within the subject territory.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. Of the Government Code and herewith affix signatures as follows:

Chief Petitioners (not to exceed three):

Date:	Printed Name:	Signature/Residence address	APN*
8/31/18	Jamie D'Alessandro		046-031-020
9-13-18	Michael J. Tuck		046-031-030

\*Assessor's Parcel Number of parcel(s) proposed for annexation.

046-031-020-1304 Elmer St.

046-031-030-633 O'Neill Ave.



## Artisan Crossing - Project Description

1325 Old County Road, 1301 Old County Road, 1304 Elmer Street, 633 O'Neill Ave., Vacant Lot

(APN 046-031-070, -030, -050, -080, -020)

September 10, 2018

**RECEIVED**

**SEP 25 2018**

**LAFCO**

### Previous Project

In October 2017, Windy Hill Property Ventures (WHPV) submitted a project that included 175 multi-family units and community serving space to include music and art school uses on an approximately 64,128 square foot project site that was made up of three parcels, including 1325 Old County Road, 1304 Elmer Street and a Vacant Parcel along O'Neill Avenue.

The previous project proposed the project entry and a pedestrian plaza focused at the corner of Karen and Old County Roads. During the project review process, WHPV was able to option two additional parcels adjacent to the original project site allowing for the development of additional units and an orientation of the project toward the corner of O'Neill Avenue and Old County Road as described below.

### New Project Site and Project Area

The new project site includes two additional parcels (1301 Old County Road and 633 O'Neill Avenue). The parcels are within the City of Belmont boundaries, with the exception of 1304 Elmer Street and 633 O'Neill Avenue. These parcels are located within the unincorporated area of San Mateo County (Harbor Industrial Area). The parcels have a General Plan Designation of Belmont Village Mixed Use (PDA) and have been zoned or rezoned Village Corridor Mixed Use (VCMU) as part of the Belmont Village Specific Plan (BVSP). WHPV has submitted an application to the County of San Mateo LAFCO for annexation of the two parcels to the City of Belmont. This application is currently under review.

The approximately 2.1 acre project site is located on a block bounded O'Neill Avenue to the north, Elmer Street to the west, Karen Road to the south and Old County Road to the east. The project site does not include this entire block, but does make up a substantial portion of the block. The site is bounded by primarily commercial and industrial uses contained in warehouse buildings. There are nearby single-family residential uses further to the northeast of the project site. Adjacent to the project site across Karen Road and to the south is a gymnasium and industrial uses.

The new project site consists of a total of 5 parcels. Two of the parcels are the former location of the Peterson Products buildings, which closed last year. This building is approximately 34,361

square feet in size. The third parcel is located at the corner of O'Neill Avenue and Old County Road and includes a building (6,535 sq. ft.) with varied small office uses. The fourth parcel consists of a narrow, vacant parcel fronting onto O'Neill Avenue. The fifth parcel located along O'Neill Avenue, includes an animal shelter facility (6,300 sq. ft.).

### **Revised Project Description**

It is the intent of the project to implement the vision and goals of the recently adopted City of Belmont 2035 General Plan and the BVSP by developing multi-family residential uses on the project site. The revised project as proposed includes the construction of 250 multi-family rental units in a 4-story building (approximately 50 feet in height). The units would be studio, 1-bedroom and 2-bedroom units ranging from 430-1,168 square feet in size, with an average unit size of 669 sq. ft. The project also includes space (1,350 sq. ft.) dedicated for a Music and Art School at the ground level.

### ***Open Space/Project Amenities***

The project includes open space, landscaping and amenity space for the use of the residents, consisting of 3 distinct areas including a roof deck with a lounge, seating and outdoor dining amenities at the corner of O'Neill Avenue and Old County Road. A courtyard is proposed at the center of the development that will include a large open space amenity with lounging and seating options, as well as pet spa located in this area and a pool and deck is proposed the northeastern portion of the site. A bicycle kitchen that would provide an area for bicycle repair is proposed at the ground level facing O'Neill Avenue. The project also includes a large public plaza at the corner of O'Neill Avenue and Old County Road. Street trees, wider sidewalk widths, and street furniture are also proposed for this purpose.

### ***Affordable Housing***

The project proposes to provide 15% of the units of to lower income households in accordance City of Belmont regulations, as detailed in the Development Agreement (DA) for the project.

### ***Circulation/Parking/Bicycle Parking***

The project proposes sidewalk and frontage improvements along Old County Road and O'Neill Avenue that include parking restriping, as well as the provision of a Class II and Class III bike lanes, and installation of wayfinding signage, as detailed in the requested DA for this project.

The project includes one level of below grade parking containing a total of 259 spaces, 249 residential spaces and 10 spaces for the proposed music and art school uses. It is important to note that the project is proposing 23 parking spaces above the minimum required number of spaces for the proposed uses, but still within the maximum number of spaces allowed per the



BVSP. It is the intent of the project to provide shared parking (10 spaces) between the music and art school and residential uses during the evening hours when the school is not in session, effectively providing residential parking at a ratio of 1.04 spaces per unit. The parking would be accessed via a driveway fronting onto O'Neill Avenue. In addition, parallel parking is proposed along Karen Road, the private street to the south of the project site. There are currently 14 angled parking spaces located along the project site frontage. The project proposes to modify these spaces to 12 parallel spaces (time limited) and a loading area, which would allow better circulation on this street while still maintaining street parking. The angled spaces along the south side of Karen Road would remain.

The project also proposes 18 back-in angled parking along the Old County Road project site frontage (to replace the existing angled parking) since it will provide for the following:

1. **Improved Visibility and Increased Field of Vision** — When leaving the parking space, you'll be better able to see oncoming traffic.
2. **Decreased Number of Collisions** — Drivers no longer have to back out blindly from their parking space. When used on steep streets, back-in angled parking automatically curbs a driver's wheels, which reduces the threat of runaway vehicles.
3. **Improved Loading and Unloading** — Since your car doors don't open right into traffic, you can load and unload outside of the traveled roadway.
4. **Increased Space** — Back-in angled parking doesn't require as much space to maneuver as traditional angle parking, which may result in an increased number of parking spaces or additional room for sidewalks, bike lanes, etc.
5. **Traffic Calming** — Back-in angled parking also helps visually narrow the roadway, which can reduce unsafe speed.

The project includes two loading areas, one located off O'Neill Avenue and another located off Karen Road, both meeting the locational and size requirements as outlined in the BVSP.

Per the criteria for the design and location of bicycle parking spaces outlined in the BVSP, the project includes 192 secure long-term bike parking spaces for resident use to be located in the below-grade garage, as well as 8 short-term bicycle spaces located along Old County Road. The project also includes an additional 22 long-term bicycle spaces for resident use in the form of bike racks mounted to the garage walls, that would be accessible to residents parking within the spaces adjacent to these racks. Also, an additional 42 short-term bike spaces are proposed at the sidewalks along the project frontages. The location of these additional long-term and short-term bike racks do not meet the strict criteria required in the BVSP, but the applicant feels it is important to maximize the use of bicycles throughout the project, as part of the TDM Plan. This brings the overall total of bicycle parking spaces provided to 264 spaces: 214 long-term space and 50 short-term spaces.

### ***Community Benefits***

As stated above, along with the circulation and public parking improvements, the project proposes to incorporate a variety of public benefits as part of the project (as outlined in the project DA). These include the provision of a Public Plaza at the corner of O'Neill Avenue and Old County Road. This plaza would serve as a community amenity to provide a gathering place in the project area, improve pedestrian circulation and provide for a visual focal point.

The project also includes the provision of dedicated space for community use, proposed as music and art school uses along Old County Road. This space would provide for a location in which art could be displayed, classes could be taught and the art community in Belmont could use to provide community programs. and will be provided rent free. This space would be managed and maintained by the property owner and would be made available at no charge to the community-serving non-profit tenant. The tenant would be responsible for providing outreach and services to the community. This space also serves to activate the street front and buffers residential units within the project.

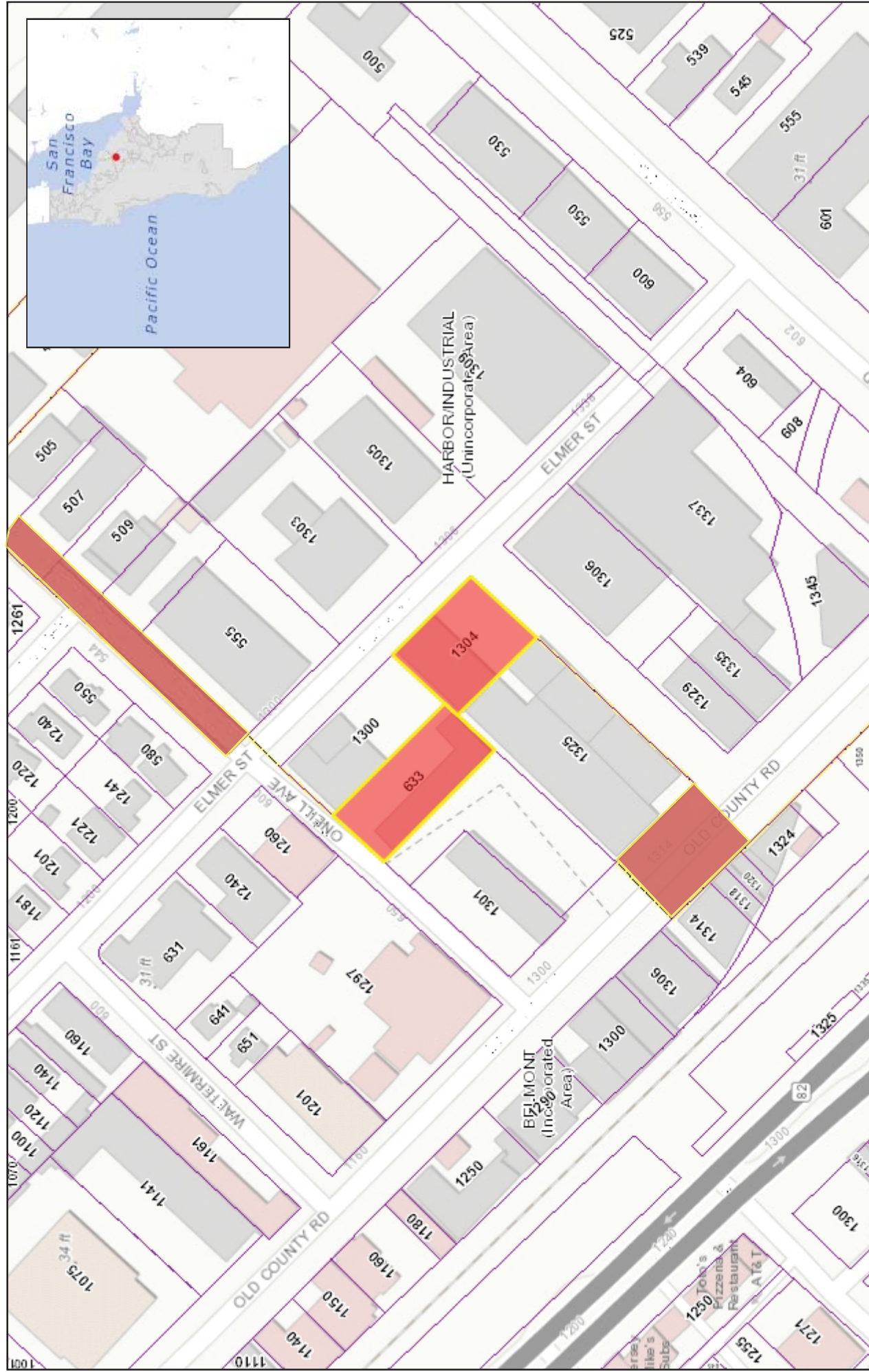
### ***Requested Approvals***

The project is requesting a variety of approvals as listed below:

- **Approval of a Complex Project** - to allow the development 250 multi-family units and space for community use, with 259 parking spaces located in a below grade garage.
- **Grading Plan** – to allow for grading and excavation to construct the project
- **Tree Removal Permit** - to removal all trees within the project site.
- **Vesting Tentative Map** – to merge the 5 parcels into one lot
- **5-foot PUE Exception** to allow for less than a 5-foot wide Public Utility Easement along the Old County Road project frontage, as shown on the project plans (Sheet C3.01)
- **Development Agreement** -Include requests for exceptions as listed below along with a package of Community Benefits.
  - **Exception to the Minimum Ground Floor Height**, The non-residential portion of the ground floor is designed as 13'-0" measured from the ground floor to the bottom the first floor assembly. This height is not in compliance with the VCMU column of BVSP Table 31-2: Village Zoning District Development Standards. The project is requesting an exception to this requirement as part of the Development Agreement.
  - **Exception to Building Bulk (Maximum Floor Plate)**, The project is requesting an exception to this requirement as part of the Development Agreement since it would be difficult to attain compliance (BVSP section 31.4.1(h)(1)) for Floors 3 and 4 due to the design of the building and project goals to provide housing on the project site. Floor 3 floor plate is 100.7% of floor 1 floor plate. Floor 4 floor plate is 89% or floor 1 floor plate.

- **BVSP Exception Request – Outdoor Noise Exposure** - (Projects requesting exceptions to exterior noise standards should demonstrate that: (1) all feasible noise mitigations have been incorporated to lower exterior noise levels as close as possible to City standards; and (2) noise mitigations that lower interior noise levels below the City and State standard of 45 dB have been incorporated, to compensate for the high exterior noise levels which make outdoor activities uncomfortable).
- **Alternate Means and Measures Request** – if determined to be needed by Fire Department
- **Exception for Road Improvement Standard for O’Neill Avenue** since it is not wide enough for improvements) - per Section 31.5.2 of the BVSP –





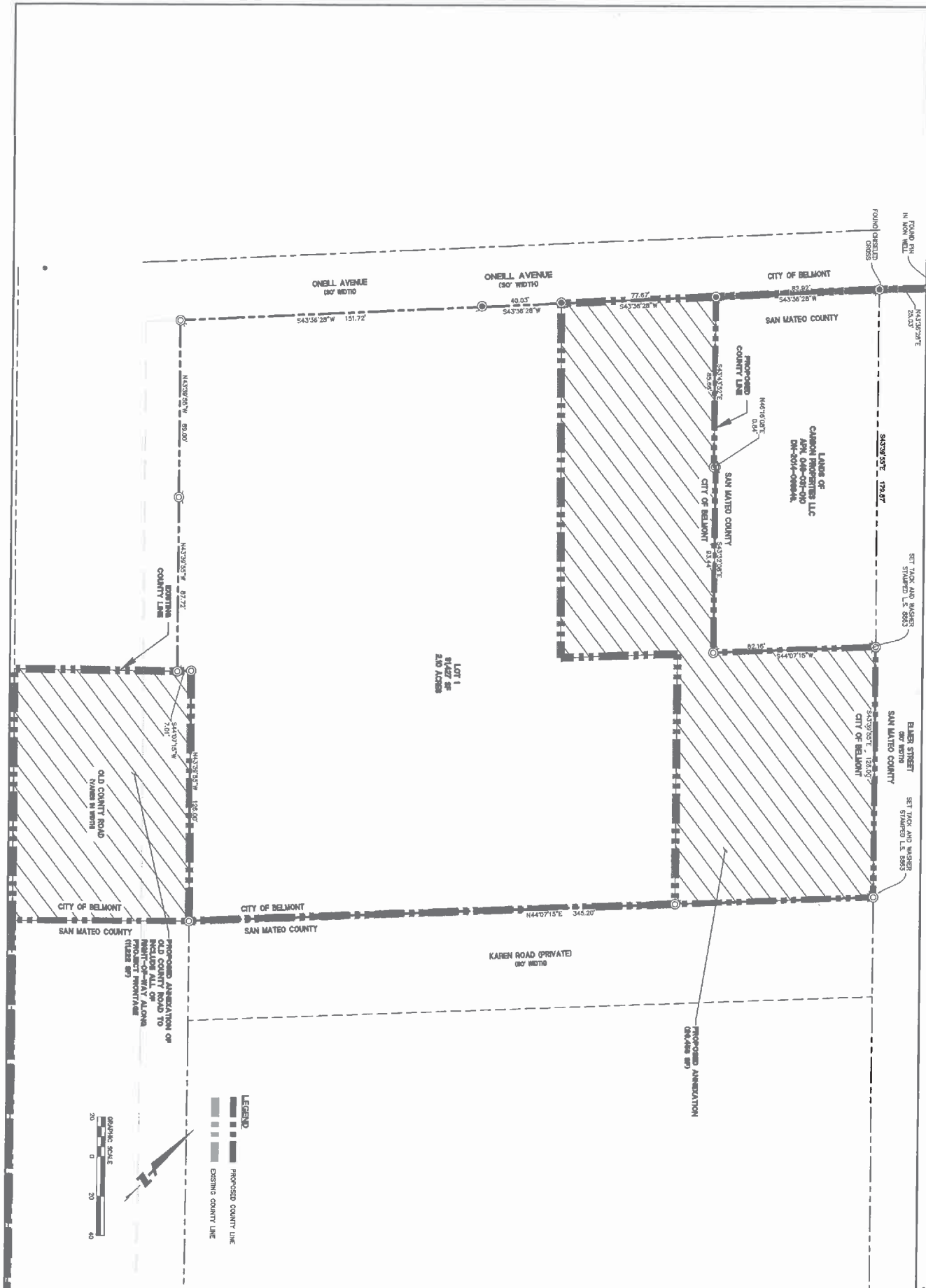
0.07 0 0.04 0.07 Miles



1:2,257

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DRAWING NAME: K:\2016\160331\_City\_of\_Belmont\ENG\EXHIBITS\17\_1122 Annexation Exhibit\16\_0607 Annexation Exhibit.dwg  
 PLOT DATE: 08-07-16 PLOTTED BY: acap



Date	By	Revisions
11/22/17	AS SHOWN	
	Design	SCM
	Drawn	AMJ
	Approved	MAO
Job No 20160331		



**1325 OLD COUNTY ROAD  
 PRELIMINARY ANNEXATION EXHIBIT**

CITY OF BELMONT      SAN MATEO COUNTY      CALIFORNIA

**BKF100**  
 YEARS  
 ENGINEERS · SURVEYORS · PLANNERS

155 CALIFORNIA STREET  
 SUITE 650  
 SAN FRANCISCO, CA 94111  
 415.533.7900

© BKF Engineers





APN 046-031-030  
(633 Oneill Ave.)  
Unincorporated  
San Mateo County

Current County  
Right-Of-Way

APN 046-031-020  
(1304 Elmer St.)  
Unincorporated  
San Mateo County

APN 046-031-050  
(1301 Old County  
Rd.) City of  
Belmont

APN 046-031-080  
City of Belmont

APN 046-031-070  
(1325 Old County  
Rd.) City of  
Belmont

Current County  
Right-Of-Way

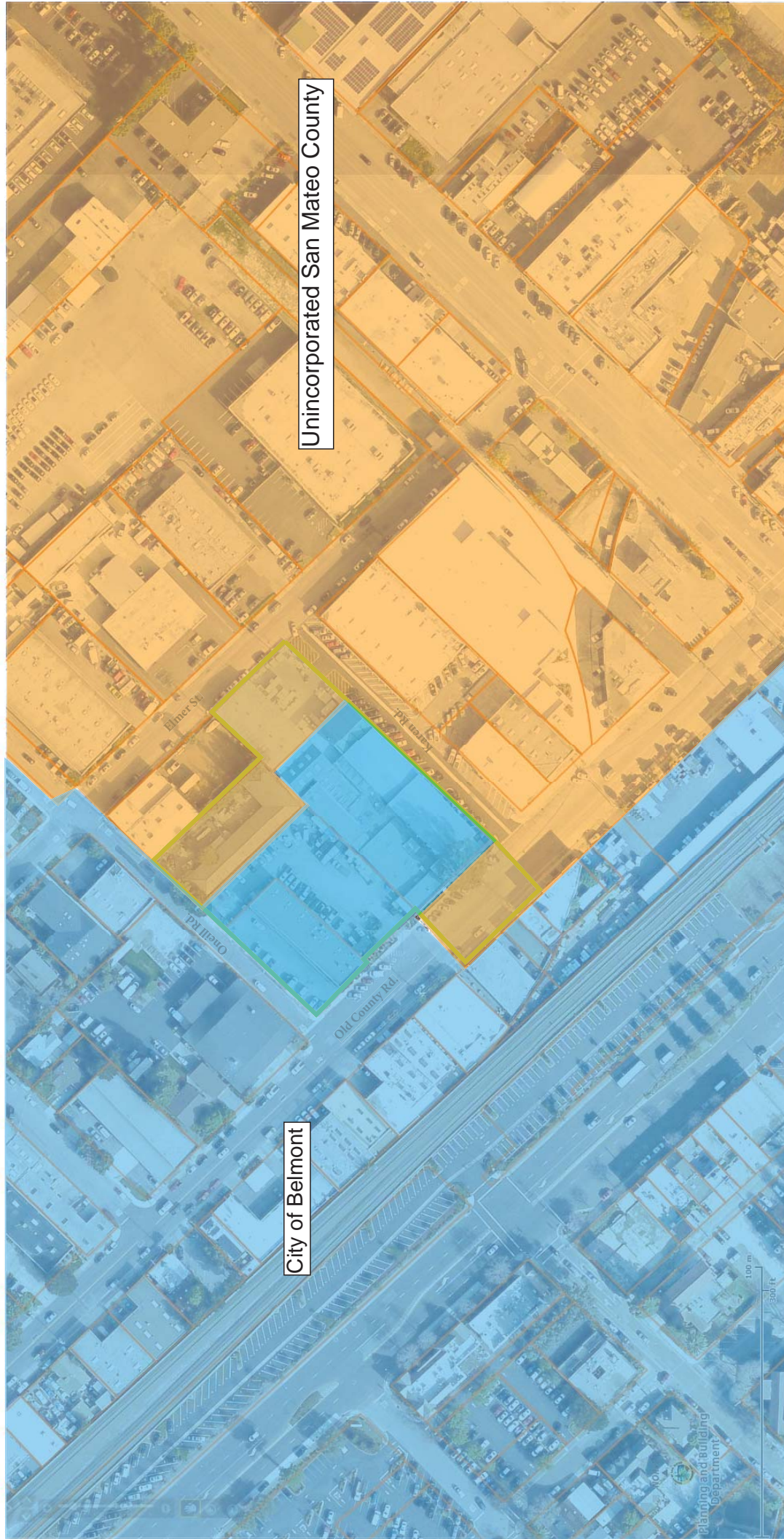
Current City of Belmont Area

Project Boundary  
Current Unincorporated Area





Prior to Annexation



City of Belmont

Unincorporated San Mateo County

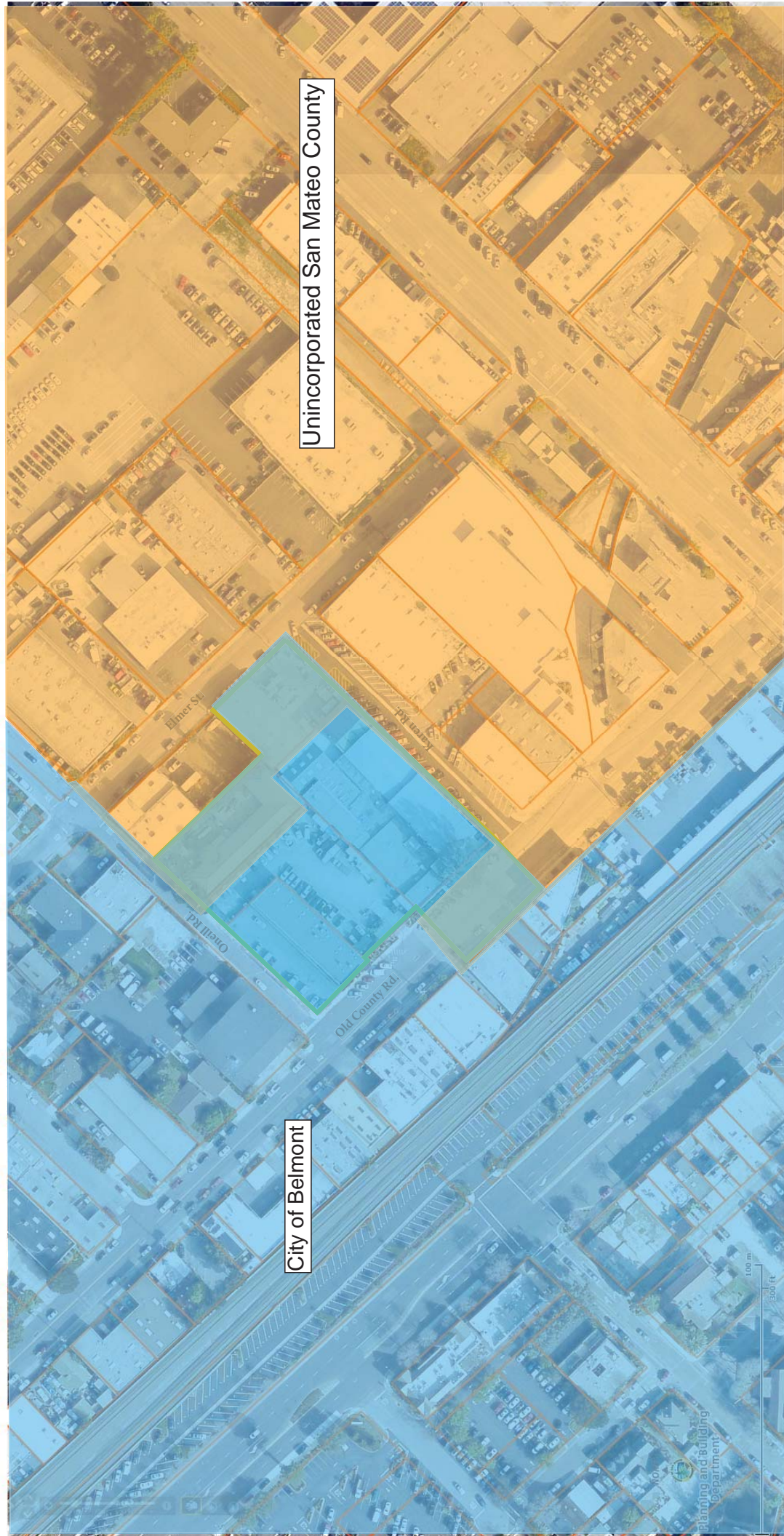
Current City of Belmont Area

Project Boundary

Current Unincorporated Area



After Annexation

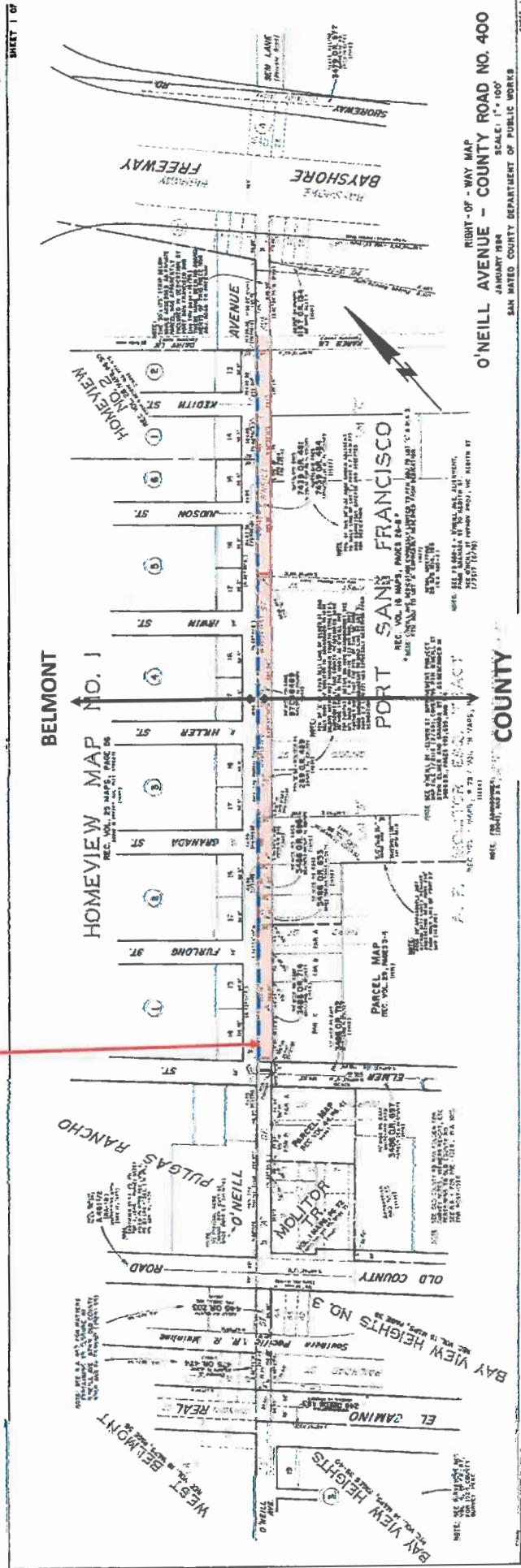


Current City of Belmont Area

Project Boundary

Current Unincorporated Area

RECOMMENDED HALF-STREET ANNEXATION BY BELMONT



SHEET 1 OF

SHEET



**RESOLUTION NO. 2019 -- 047****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ADOPTING  
AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE  
BELMONT GENERAL PLAN FOR THE WINDY HILL PROJECT**

---

WHEREAS, Jamie D'Alessandro, applicant, on behalf of Windy Hill PV Fourteen MF LLC, property owner, requests approval of entitlements for construction of a 250-unit apartment building, underground parking garage and associated landscape and frontage improvements at 1325 Old County Road, 1301 Old County Road (City of Belmont), 1304 Elmer Street, And 633 O'Neill Avenue (San Mateo County) Assessor's Parcel Numbers: 046-031-020, 045-013-030, 046-031-050, 046-031-070, AND 046-031-080); and,

WHEREAS, the project also includes a petition for the annexation of certain territory to the City of Belmont, and detachment of said territory from the Harbor Industrial Sewer Maintenance and Belmont County Lighting Districts and San Mateo County, consisting of approximately 0.87 acres, has been filed with the San Mateo County Local Agency Formation Commission (LAFCO), File. No 17-19, by the owners of said parcels; and,

WHEREAS, on November 14, 2017, Belmont adopted a comprehensive update to its General Plan (General Plan 2035), and subsequently adopted the Belmont Village Specific Plan (BVSP), on November 28, 2017; and,

WHEREAS, the updated General Plan is a long term policy document that includes all incorporated areas within the City, as well as adjacent unincorporated territory that the city ultimately expects to annex or to serve, known as the City's sphere of influence (SOI); and,

WHEREAS The project site is located within the BVSP Area, and the properties proposed for annexation are located within the City's SOI; and,

WHEREAS the properties proposed for annexation were pre-zoned Village Corridor Mixed Use (VCMU), consistent with the City's adopted General Plan/BVSP; and,

WHEREAS, The Belmont City Council certified a Final Environmental Impact Report (FEIR) that evaluated the environmental impacts of the City's 2035 General Plan, Phase I Zoning, Belmont Village Specific Plan (BVSP), and Climate Action Plan (CAP) on November 14, 2017 (the "General Plan EIR" - SCH #2016082075). The Council also made the required California Environmental Quality Act (CEQA) findings, and adopted a Mitigation Monitoring and Reporting Program (MMRP) and a statement of overriding consideration for the project on November 14, 2017; and,

WHEREAS, in accordance with CEQA Guideline Section 15162, if the lead agency reviewing a site-specific project finds that no new effects could occur or no new mitigation measures would be required compared to what was outlined in the EIR, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required; and,

WHEREAS, an EIR Addendum has been prepared in accordance with Section 15162 of the California Environmental Quality Act (“CEQA”) Guidelines, which demonstrates that none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred, the changes that are part of the Project would not result in any significant impacts not considered under the original EIR; and,

WHEREAS, on April 30, 2019, the Planning Commission, following notification in the prescribed manner, conducted a public hearing at which hearing the Commission considered the Project, received public testimony and evidence, and adopted a resolution recommending City Council adoption of the Addendum to the FEIR; and,

WHEREAS, on May 14, 2019, the City Council held a noticed public hearing to consider public testimony, the Planning Commission recommendations, and a staff report for the Windy Hill Project.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

#### SECTION 1. FINDINGS

The City Council after reviewing all the relevant evidence before the City Council, including the information provided in the staff report and enclosures to the City Council, the public meeting, public correspondence and testimony received, the City Council incorporates herein by reference and adopts the analysis and findings in the staff report to the City Council dated May 14, 2019; and,

The City Council determined that: 1) none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred, and that the changes that are part of the Project would not result in any significant impacts not considered under the original EIR; and 2) the Addendum to the Final Environmental Impact Report was prepared in compliance with California Environmental Quality Act.

#### SECTION 2. ADDENDUM ADOPTED

The City Council adopts an Addendum to the General Plan Environmental Impact Report for the Windy Hill Project, as described in the City Council staff report and Attachment J, dated May 14, 2019.

\* \* \*

ADOPTED May 14, 2019, by the City Council of the City of Belmont by the following vote:


Ayes: Mates, Lieberman, Stone, Kim, Hurt

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



## Attachment J

### CEQA ADDENDUM Windy Hill Project

#### Background

##### Environmental Review

The Belmont City Council certified a Final Environmental Impact Report (FEIR) that evaluated the environmental impacts of the City's 2035 General Plan, Phase I Zoning, Belmont Village Specific Plan (BVSP), and Climate Action Plan (CAP) on October 24, 2017 (the "General Plan EIR" - SCH #2016082075). The Council made the required California Environmental Quality Act (CEQA) findings, and adopted a Mitigation Monitoring and Reporting Program (MMRP) and a statement of overriding consideration for the project on November 14, 2017.

In accordance with CEQA Guideline Section 15162, if the lead agency reviewing a site specific project finds that no new effects could occur or no new mitigation measures would be required compared to what was outlined in the EIR, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

##### Development Project

The Windy Hill Project ("the Project") consists of the construction of a four story, approximately 224,468 sq. ft. building with 250 apartment units, 1,352 sq. ft. of commercial space for art instruction, and an underground parking garage for 258 vehicles. The project would also include approximately 26,450 cubic yards of grading (cut) for construction of the parking garage, and removal of 5 protected size trees. The project site is located within the BVSP Area at 1325 Old County Road, 1301 Old County Road (City of Belmont), 1304 Elmer Street, and 633 O'Neill Avenue (San Mateo County); An Annexation of pre-zoned properties at 1304 Elmer Street, 633 O'Neill Avenue, and a portion of the roadway along Old County Road is proposed as part of the project. The project includes the following requested/proposed entitlements:

Design Review	Alternative – Window Transparency - per BZO 31.4.1(k)
Conditional Use Permit	Exemption - Bulk – Per BZO 31.4.1(h)(1)
Grading Plan	Additional Floor Area – Per BZO 31.4.1(f)
Tree Removal Permit	Exception – Outdoor Noise Exposure
Vesting Tentative Map to Merge Lots	Annexation
Development Agreement	

#### Purpose of the Addendum

The purpose of this Addendum is to evaluate whether the proposed development project would result in any new or substantially greater significant effects or require any new mitigation measures not identified in the General Plan EIR.



This Addendum has been prepared with consideration of the previously certified FEIR, which is incorporated by reference under CEQA Guidelines, Section 15150. The FEIR is available for review at the Community Development Department, Belmont City Hall, One Twin Pines Lane, Suite #310, Belmont, CA 94002, and is also posted on the City's Website at <http://www.belmont-2035generalplan.com/library.html>. The Executive Summary Table of the General Plan EIR and the MMRP adopted for the project are included as attachments to this addendum.

### **CEQA Authority for the Addendum**

The CEQA Guidelines establish the type of environmental documentation that is required when changes to a project occur after an EIR has been adopted. Section 15164(a) states:

*“The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”*

When the lead agency has previously adopted an EIR, no new EIR need be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following, per Section 15162 of the CEQA Guidelines:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
  - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

**Project Evaluation**

General Plan / BVSP Buildout

The General Plan EIR considered all potential environmental impacts under an assumed maximum buildout. The Windy Hill Project is proposed within the limits of the proposed BVSP project area and the number of units is within the projected number of units evaluated in the Final EIR for the City’s General Plan and BVSP, as provided in the following table.

**Table 1- BVSP Buildout & Windy Hill Development Project**

	2013 Year <sup>1</sup>	2035 Year <sup>1</sup>	Growth <sup>1</sup>	Windy Hill <sup>2</sup>
Population	670	1,780	1,110	500
Housing Units	340	890	560	250
Jobs	1,440	2,450	910	5
Non – Residential sq. ft.	679,000	1,044,000	364,800	1,352

<sup>1</sup> BVSP Source: Table ES-2, Belmont General Plan EIR; <sup>2</sup> Windy Hill assumed population of two persons per unit plus five employees. Source: Belmont Housing Element and Department of Finance estimates for rental units.

Development Project Impacts

The General Plan EIR identifies: 1) the potential impacts of the buildout of the General Plan; and 2) the General Plan, BVSP, CAP policies that would reduce or mitigate project impacts. As such, development projects are considered to be within the scope of the project covered by the General Plan Program EIR when they are found consistent with these relevant General Plan, BVSP, and CAP policies designed to mitigate or reduce impacts; however, individual development projects also need to comply with mitigation measures identified in the adopted General Plan MMRP.

The proposed development project is evaluated for consistency with the adopted General Plan EIR and the MMRP, in the tables and discussion that follow on pages 4 through 36 of this document. The tables and discussion reference Table ES-3 of the General Plan EIR (see Attachment 1), which provides an outline of the significant impacts of the General Plan, and the policies and mitigation measures designed to reduce these impacts to the extent possible. The MMRP adopted for the General Plan EIR is also referenced (see Attachment 2).

**Table 2-Aesthetics**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.1-1	N/A	N/A	N/A
Impact 4.1-2	N/A	N/A	N/A
Impact 4.1-3	No	No	No
Impact 4.1-4	No	No	No

**Aesthetics:** There are no scenic vistas or scenic corridors in the BVSP Area where the project would occur (Impacts 4.1-1 & 4.1-2). Unless exceptions are approved, the proposed development project would be required to comply with development standards, street standards, lighting standards (i.e., full cutoff lighting) and design standards identified in the DEIR and the BVSP to reduce aesthetic impacts to less than significant. Thus, no new significant aesthetic impacts would occur (Impacts 4.1-3 & 4.1-4).

**Table 3-Air Quality**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.2-1	No	No	No
Impact 4.2-2	No	No	No
Impact 4.2-3	No	No	No
Impact 4.2-4	No	No	No
Impact 4.2-5	No	No	No
Impact 4.2-6	No	No	No
Impact 4.2-7	No	No	No

**Air Quality:**

Air Quality Plans & Standards

The General Plan and BVSP would be consistent with the Bay Area Air Quality Management District (BAAQMD) regional air quality strategy (Impact 4.2-1). The General Plan EIR indicates

that individual development projects have the potential for construction and operational emissions in excess of BAAQMD's project level thresholds; however, Mitigation Measures AQ-1 through AQ-4 would reduce construction related emissions, and Mitigation Measure AQ-5 would address operational-related emissions (see Attachment 2). Thus, the proposed project would be required to implement the following mitigation measures as conditions of project approval (Impacts 4.2-2 through 4.2-4).

### Air Quality Mitigation Measures

<i>Number</i>	<i>Mitigation Measure</i>
AQ-1	<b>Require Tier 4 engines on Construction Equipment.</b> All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to further reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on an EPA-approved Tier 4 or newer engine. Exemptions can be made for specialized equipment where Tier 4 engines are not commercially available within 200 miles of the project site. The construction contract must identify these pieces of equipment, document their unavailability, and ensure that they operate on no less than an EPA- approved Tier 3 engine. ARB regulations will result in the percentage of Tier 4 engines increasing over the next several years.
AQ-2	<b>Require Construction Fleet to Use Renewable Diesel.</b> All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as Diesel high performance renewable). Renewable diesel is currently commercially available in San Francisco Bay Area.
AQ-3	<b>Require Low-VOC Coatings during Construction.</b> All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that low-VOC coatings that have a VOC content of 10 grams/liter (g/L) or less are used during construction. The project applicant will submit evidence of the use of low-VOC coatings to BAAQMD prior to the start of construction.

**Air Quality Mitigation Measures**

<i>Number</i>	<i>Mitigation Measure</i>
AQ-4	<p><b>Require Fugitive Dust Best Management Practices.</b> All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related fugitive dust by implementing BAAQMD’s basic control measures at all construction and staging areas. The following measures are based on BAAQMD’s current CEQA guidelines.</p> <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and un- paved access roads) will be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material offsite will be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 mph.</li> <li>• All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.</li> </ul> <p>Post a publicly visible sign with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the District will also be visible to ensure compliance.</p>
AQ-5	<p><b>Promote Green Consumer Products.</b> For all projects developed within the Planning Area, developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy, the project sponsors shall work with the City of Belmont to develop electronic correspondence to be distributed by email to new residential and commercial tenants that encourages the purchase of consumer products that generate lower than typical VOC emissions. Examples of green products may include low-VOC architectural coatings, cleaning supplies, and consumer products, as well as alternatively fueled landscaping equipment</p>

Sensitive Receptors

The General Plan EIR indicates that the construction of individual development projects have the potential to expose sensitive receptors (residential uses, hospitals, schools, daycare centers, etc.) to toxic air contaminants (TACs). Thus, Mitigation Measure AQ-6, below, requires that all projects proposing development within 1,000 feet of existing sensitive receptors prepare a site-specific health risk assessment (HRA). If the HRA demonstrates, to the satisfaction of the City,



that the health risk exposures for adjacent receptors will be less than BAAQMD project-level thresholds, then additional mitigation would be unnecessary.

### Air Quality Mitigation Measures

AQ-6	<b>Require Future Projects Located within 1,000 Feet of Receptors Perform a Construction Health Risk Assessment.</b> All applicants proposing development of projects within 1,000 feet of existing sensitive receptors, as defined by the Bay Area Air Quality Management District (BAAQMD), shall prepare a site-specific construction health risk assessment (HRA). If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for adjacent receptors will be less than BAAQMD project-level thresholds, then additional mitigation would be unnecessary. However, if the HRA demonstrates that health risks would exceed BAAQMD project-level thresholds, additional feasible on- and offsite mitigation shall be analyzed by the applicant to help reduce risks to the greatest extent practicable.
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The applicant has submitted an HRA (Attachment 3) for the project that demonstrates compliance with BAAQMD project level thresholds. Thus, no new significant impacts would occur (Impact 4.2-5).

#### Carbon Monoxide

Traffic volumes under the General Plan and BVSP would not result in carbon monoxide (CO) concentrations in excess of the state or federal 1- or 8-hour CO standards. Consequently, CO concentrations in 2035 would be lower than under existing (2013) conditions, despite an increase in traffic volumes. This decrease is due to expected improvements in vehicle engine technology, fuel efficiency, and turnover in older, more heavily polluting vehicles, which reduces exhaust emissions. Since predicted CO concentrations would not violate the NAAQS, the impact of traffic conditions on ambient CO levels in the Planning Area would be less than significant (Impact 4.2-6).

#### Objectionable Odors

Potential odor emitters during construction activities include diesel exhaust, asphalt paving, and the use of architectural coatings and solvents. Construction-related operations near existing receptors would be temporary, and construction activities would not be likely to result in nuisance odors that would violate BAAQMD Regulation 7. Given mandatory compliance with BAAQMD rules, no construction activities or materials are proposed that would create a significant level of objectionable odors. Accordingly, odor impacts would be less than significant (Impact 4.2-7).

**Table 4 – Biological Resources**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.3-1	No	No	No
Impact 4.3-2	No	No	No
Impact 4.3-3	N/A	N/A	N/A
Impact 4.3-4	No	No	No
Impact 4.3-5	No	No	No
Impact 4.3-6	N/A	N/A	N/A

**Biological Resources:**

Habitat Modification & Protected Species

The proposed development project would include the removal of five protected trees, and construction in proximity to other large trees, which may disturb nesting birds. Nesting birds are protected under the Migratory Bird Treaty Act, and Section 3503 of the California Fish and Game Code; however, the General Plan EIR indicates that significant impacts would not occur with adherence to General Plan polices requiring compliance with the City's adopted tree protection ordinance (Chapter 25 of the City Code). The Tree Ordinance provides a process and standards for review of requested tree removal. Applicants that receive approval to remove protected trees, are required to replant one tree for each protected tree removed, or pay an in-lieu fee. In addition, applicants are required to adhere to tree protection measures to protect trees that are on or adjacent to the project site, and not identified for removal. Environmental impacts are considered mitigated for projects that adhere to this policy. The project applicant has requested a Tree Removal Permit, and the project would be consistent with the requirements of the Tree Ordinance. Also, a standard condition of project approval (COA) will require that the applicant either avoid construction activities (i.e., tree removal, demolition, grading, and construction) during the active nesting season, or conduct surveys for nesting birds and provide appropriate buffer zones, as follows:

COA – Nesting Birds

- *To minimize potential impacts on nesting raptors, the applicant shall either: 1) Avoid construction activities (i.e., tree removal, demolition, grading, and construction) during the active nesting season (between August and February); or 2) Conduct pre-construction surveys for nesting raptors and provide appropriate buffer zones, if construction has the potential to impact nesting birds.*

*Note: Pre-construction surveys shall be conducted by a qualified biologist or ornithologist in order to ensure that no raptor nests will be disturbed during project implementation. This survey will be conducted no more than 15 days prior to the*



*initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the biologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with the California Department of Fish and Wildlife Service, will determine the extent of a construction-free buffer zone to be established around the nest.*

Subject to standard tree permit processing and the standard condition of project approval for nesting birds identified above, no significant impacts would occur with respect to tree removal or nesting birds (Impact Areas 4.3-1, 4.3-2, 4.3-4, and 4.3-5).

Wetlands & Habitat Conservation Plans

There are no federally protected wetlands in proximity of the development project site, and no habitat conservation plans have been adopted in the planning area. Thus, no project-related impacts would occur in these impact areas (Impact 4.3-3 & 4.3-6).

**Table 5 – Cultural Resources**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.4-1	No	No	No
Impact 4.4-2	No	No	No
Impact 4.4-3	No	No	No
Impact 4.4-4	No	No	No
Impact 4.4-5	No	No	No

**Cultural Resources:**

Historic Structures

A study of maps and records conducted by the Northwest Information Center of the California Historical Resources Information System indicates that there are no recorded prehistoric or historic sites within the project site area (File No.: NWIC#-17-2346). In addition, the buildings proposed for demolition were not identified in the General Plan EIR as historic, and have not been locally listed as historic resources. Thus, no impacts to known historic structures would occur from the development project (Impact 4.4-1).

### Archaeological & Paleontological

The General Plan EIR indicates potentially unrecorded archaeological sites may exist in Belmont, particularly along Belmont and Laurel creeks, near wetlands areas, and in the foothill to valley ecotones (ecological transition areas). The EIR further notes that future development projects allowed under the EIR may involve grading, excavation, or other ground-disturbing activities, which could disturb or damage unknown archaeological resources.

Although implementation of the proposed General Plan may result in actions that could adversely affect archaeological resources, the General Plan includes policies and regulations that would minimize or avoid impacts by requiring the protection and preservation of such resources. Specifically, the General Plan includes Policies 5.12-1, 5.12-2 and 2.2-2 and Actions 5.12-1a, and 5.12-2b that require establishing guidelines and mitigation programs when sites of archaeological, paleontological, and/or cultural concern would be disturbed by development, including:

- 1) Reviewing records for development proposed in areas that are considered archaeologically or paleontologically sensitive.
- 2) Determining the potential effects of development and construction on archaeological or paleontological resources (as required by CEQA).
- 3) Requiring pre-construction surveys and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity.
- 4) Implementing appropriate measures to avoid the identified impacts, as conditions of project approval (i.e., halting construction when resources are uncovered, evaluating the find, and implementing avoidance measures and/or mitigation plans as required by CEQA).

A records review was conducted for the project site, and a cultural resources evaluation was prepared for the development project by a qualified consultant (see Attachment 4a-4c). The consultant recommends pre-construction surveys (archaeological auger testing), and monitoring during any ground disturbance by a qualified professional archaeologist. Thus, the proposed project would be required to implement the following conditions of project approval:

### COAs – Pre-construction Survey & Monitoring

- *A qualified archaeologist shall conduct preconstruction auger testing, as identified in the Cultural Resources Analysis prepared for the project. A letter with the results of the auger testing shall be submitted to the Community Development Department, prior to issuance of grading or building permits.*
- *All earthmoving activities for the project shall be monitored by a qualified professional archaeologist. A report on the results of the monitoring shall be submitted to the Community Development Department, prior to the construction of the building foundation.*

If archaeological/paleontological resources are uncovered, standard project conditions of approval (COAs) would require that construction be halted until such time as these resources can be evaluated by a qualified professional archaeologist. Additional CEQA review may be required

depending upon the evaluation of the find. Standard conditions of approval for unanticipated cultural resource finds are as follows:

COAs – Cultural Resource Finds

- *Prior to issuance of building permits, the applicant shall demonstrate that construction crews have proper training for the discovery, handling and retention methods for paleontological, archeological and/or cultural resources found at the project site. Project personnel should not collect cultural resources. Prehistoric resources include: chert, or obsidian flakes, projectile points, mortars and pestles, dark, friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include: stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps.*
- *In the event that paleontological, archaeological, and/or cultural resources are encountered during construction activities, all construction activity in the area of the find shall be halted, and the Community Development Director shall be notified; an archaeologist shall examine the find and make appropriate recommendations. A plan for the mitigation of impacts to the resources will be prepared and submitted to the City of Belmont for approval. Additional CEQA review may be required depending upon the evaluation of the find.*

The proposed development project would be consistent with the environmental mitigations for cultural resource impacts (policies, programs, and actions) identified in the General Plan EIR. Subject to these provisions, and the standard project conditions of approval identified above, no significant impacts would occur with respect to archaeological/paleontological resources (Impacts 4.4-2, 4.4-3 & 4.4-5).

Human Remains

The proposed development project would be required to comply with the procedures identified in the General Plan EIR for the discovery of any human remains (i.e., halting of construction, contacting the County Sheriff and Coroner, consulting with the Native American Heritage Commission, if applicable, etc.). These procedures have been incorporated into standard conditions of project approval, as follows:

COA- Human Remains

- *If any human remains are discovered or recognized in any location on a project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:*
  - A. *The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and*
  - B. *If the remains are of Native American origin:*
    1. *The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or*

2. *The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.*

Subject to the procedures and condition of approval identified above, no impacts would occur as it relates to the discovery of human remains (Impact 4.2-4).

**Table 6 – Geology, Soils & Seismicity**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.5-1	No	No	No
Impact 4.5-2	No	No	No
Impact 4.5-3	No	No	No
Impact 4.5-4	No	No	No

**Geology, Soils & Seismicity:**

Fault Rupture, Soil Erosion & Lateral Spreading

The project site is substantially developed/paved and is not located in a state-designated Alquist Priolo Earthquake Fault Zone or on an exposed slope, so no fault rupture, substantial soil erosion, or lateral spreading would be expected for the project.

Strong Seismic Ground Shaking & Liquefaction

The project site would be subject to strong seismic ground shaking and liquefaction; however, the proposed project would be required to conform to the current seismic design provisions of the most current version of the California Building Code (CBC), to provide for the latest in earthquake safety and minimize losses from an earthquake. The CBC contains the latest seismic safety requirements to resist groundshaking through modern construction techniques, which are periodically updated to reflect the most recent seismic research. In addition, proposed General Plan Policy 6.1-2 requires the regulation of development on sites that have a history or threat of seismic dangers; Policy 6.1-4 requires geotechnical site analysis for proposed development on certain sites; and Policy 6.1-5 requires geotechnical studies that address the potential for groundshaking. With implementation of these policies, which supplement the existing building code requirements, the potential impacts from groundshaking would be minimized to the greatest extent feasible and are less than significant.

Consistent with the policies in the General Plan EIR and the requirements of the City Code, the applicant has submitted a detailed geotechnical investigation for the project, which has been peer reviewed by the City’s consulting geologist (see Attachment 5a-5f). The geotechnical investigation concluded that the proposed residential development is suitable for the site from a geotechnical

perspective, provided that the recommendations contained in the investigation are implemented in the design and construction. The City's consulting geologist concurs with the recommendations with the investigation, and recommends approval of the project subject to standard conditions (i.e., geotechnical review of final building and grading plans and field inspections during construction), as follow:

COA – Geotechnical

- *Geotechnical Plan Review - Before submittal to the City, the Project Geotechnical Consultant shall review and approve all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, building set-backs, site drainage improvements and design parameters for foundations, retaining walls and access driveway/garage) to ensure that their recommendations have been properly incorporated. The consultant shall ensure that the geotechnical design recommendations comply with the most current seismic design parameters of the California Building Code.*

*The results of the geotechnical plan review and updated geotechnical design recommendations shall be summarized by the Project Geotechnical Consultant in a letter and submitted to the city for review and approval prior to issuance of building permits.*

- *Geotechnical Field Inspection –The geotechnical consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a certification letter and submitted to the City Engineer for review prior to final (granting of occupancy).*

Subject to the procedures and conditions of approval identified above, no significant impacts are expected from the project (Impacts 4.5-1 through 4.5-3).

Septic Systems

Septic systems or other alternative waste water disposal systems are not proposed for the project. The project would be connected to the City's sewer system, per General Plan Policy 6.5-5 and the City Code. Therefore, no impacts related to alternative waste systems would occur (Impact 4.5-4).



**Table 7 – Energy, Greenhouse Gases & Climate Change**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.6-1	No	No	No
Impact 4.6-2	No	No	No
Impact 4.6-3	No	No	No
Impact 4.6-4	No	No	No
Impact 4.6-5	No	No	No

**Energy, Greenhouse Gases & Climate Change:**

Energy Efficiency & Energy Supplies

California has adopted statewide legislation addressing various aspects of energy consumption, greenhouse gas (GHG) emissions reduction, and climate change. The legislation establishes a broad framework for the State’s long-term energy and GHG reduction program. The Governor of California has also issued several executive orders related to the State’s evolving climate change policy.

The General Plan EIR anticipates an increase in overall energy usage as growth in the planning area occurs; however, EIR analysis indicates that the General Plan and BVSP policies would be consistent with or go beyond the state and local energy policies enacted to reduce energy consumption. The General Plan, BVSP and climate action plan (CAP) include policies that encourage high-density residential uses in close proximity to employment centers and transportation corridors, improved access to transit, and the implementation of complete streets requirements as development occurs. These policies would reduce the intensity of energy consumption as compared to a no project alternative (i.e., increase energy efficiencies).

The proposed multi-family residential project would be located in the BVSP Area, and would be consistent with all applicable General Plan, BVSP and CAP policies designed to reduce energy waste and inefficiency. Further, the project would be required to comply with the most current state energy code requirements of Calgreen (green building code), and state and local water efficiency requirements. Thus, no new impacts would occur, and impacts would be less than significant (Impact 4.6-1 and 4.6-2).

Green House Gas (GHG) Emissions & Adopted GHG Reduction Plans

CEQA Guidelines §15183.5 provides that: 1) quantified plans may be used in the cumulative impacts analysis of later projects; and 2) subsequent project-specific environmental documents may tier from and/or incorporate by reference the programmatic review conducted for the GHG reduction plan (CAP). The General Plan, CAP, and BVSP were adopted simultaneously, and all were studied in the General Plan EIR. The significance of GHG emissions generated by the



buildout of the BVSP were evaluated and found consistent with all applicable measures outlined in the CAP and General Plan. Thus, projects that are consistent with the BVSP, and the policies of the CAP and General would not conflict with the City's ability to achieve future emission reduction goals.

The General Plan EIR Section for Energy, GHG and Climate Change provides applicable mitigation measures, actions, and policies for review of development projects construction- related and operational GHG emissions. Development projects are required to be consistent with all applicable policies, and the action and mitigation measure listed below:

**Action 5.10-3.a** Require applicants proposing new development projects within the Planning Area to require their contractors, as a condition of contract, to reduce construction-related GHG emissions by implementing BAAQMD's recommended best management practices, including (but not limited to) the following measures (based on BAAQMD's (2011) CEQA Guidelines):

- Use local building materials of at least 10 percent (sourced from within 100 miles of the planning area).
- Recycle and reuse at least 50 percent of construction waste or demolition materials.

**Mitigation Measure AQ-2: Require Construction Fleet to Use Renewable Diesel.**

All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as Diesel high performance renewable). Renewable diesel is currently commercially available in San Francisco Bay Area.

The proposed multi-family residential project would be located in the BVSP Area, and would be consistent with all applicable General Plan, and CAP policies designed to reduce GHGs. Adherence to Action 5.10-3 and Mitigation Measure AQ-2 will be required of the project as conditions of project approval, as follows:

COAs - GHG

- *A minimum of 10% of the construction materials shall be acquired (sourced) within 100 miles of the planning area. Documentation shall be provided before the final building permit inspection.*
- *A minimum of 50% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final building permit inspection. Sample forms located at [www.hcd.ca.gov/CALGreen.html](http://www.hcd.ca.gov/CALGreen.html) may be used to assist in documenting compliance.*

- *Prior to issuance of a building permit, the applicant shall provide documentation (i.e., construction contracts or signed agreements) demonstrating that all contractors and subcontractors agree to operate all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of work on renewable diesel (such as Diesel high performance renewable).*

Subject to the procedures and conditions of approval identified above, the proposed development project would be consistent with the environmental mitigations for GHG impacts (policies, programs, and actions) identified in the General Plan EIR. As such, no significant impacts would occur with respect to construction- related or operational GHG (Impacts 4.6-3 through 4.6-5).

**Table 8 – Hazards & Hazardous Materials**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.7-1	No	No	No
Impact 4.7-2	No	No	No
Impact 4.7-3	N/A	N/A	N/A
Impact 4.7-4	N/A	N/A	N/A
Impact 4.7-5	No	No	No
Impact 4.7-6	N/A	N/A	N/A
Impact 4.7-7	N/A	N/A	N/A
Impact 4.7-8	N/A	N/A	N/A

**Hazards & Hazardous Materials:**

Routine Transportation & Accidental Release

Federal and State regulations require adherence to specific guidelines regarding the use, transportation, disposal, and accidental release of hazardous materials. The management of hazardous materials and waste within California is under the jurisdiction of California Environmental Protection Agency (CalEPA), which coordinates the State’s Unified Program for permitting, inspecting, and enforcing regulations related to hazards materials. As the Certified Unified Program Agency (CUPA) for the area, the County of San Mateo Division of Environmental Health Services is responsible for implementing hazardous waste and materials State standards.

The methodology and assumptions identified in the General Plan EIR indicate that the hazardous materials analysis considered the range and nature of foreseeable hazardous materials use, storage, and disposal resulting from implementation of the General Plan EIR, and identified the primary

ways that these hazardous materials could expose individuals or the environment to health and safety risks. In determining the level of significance, the analysis assumed that residents and businesses in the Planning Area act in compliance with applicable federal, State, regional, and local health and safety laws and regulations and that new development under the Project (General Plan, BVSP & CAP) would comply with relevant federal, State, regional, and local ordinances and regulations.

The General Plan EIR concluded that implementation of the policies of the General Plan, and existing state and local regulations would reduce the impact of hazardous materials use, storage, disposal, and accidental release to less than significant; however, the General Plan EIR analysis indicates that the review of environmental risks did not include any sampling, site-specific review, laboratory analysis, or physical inspection of buildings or site surfaces. The EIR notes that site-specific investigation for projects developed under the General Plan Project will be required to address hazardous materials conditions. As such, Phase I environmental site assessments are required for specific projects, and if a Phase I assessment indicates the presence or likely presence of contamination, a Phase II soil/groundwater testing and remediation is required before development may occur.

The proposed development project included the submittal of Phase I and Phase II environmental site assessments, in accordance with City and San Mateo County Environmental Health Department (SMCEH) requirements. The Phase I assessments are available on the city's website on the Major Projects page. The Phase II assessments are included as Attachment 6a-6d. The assessments were completed under a work plan that was previously approved by SMCEH's Groundwater Protection Program. The assessments found that hydrocarbon impacted groundwater (motor oil), and soils (gasoline) was slightly above the Tier 1 Environmental Screen Level (ESL); a Tier 1 ESL is the lowest and most conservative threshold for contamination. In addition, Tetrachloroethene (PCE) was detected and Benzene were detected in shallow soil; however, the report indicates that the concentrations of these contaminants was found to be low (slightly above the Tier 1 ESL), and the soils and impacted ground water would be removed as part of the project (i.e., it would be disposed of properly and not impact the redevelopment of the site).

SMCEH reviewed the Phase 1 and Phase 2 studies, and concluded that opening a voluntary clean-up case for the site was not warranted; however, SMCEH did require the applicant to prepare a Groundwater Management Plan (GMP). The intent of the GMP is to provide environmental consultants, demolition and construction contractors and workers and property owners with: 1) information regarding known environmental conditions at the site; 2) protocols for proper management of soil and groundwater during site redevelopment activities; 3) protocols for implementing contingency procedures in the event that previously unidentified suspected chemically-affected soil or underground structures are identified during site redevelopment and construction.

The applicant has provided a GMP that is consistent with the requirements of the SMCEH Groundwater Protection Program (see Attachment 7). The applicant has agreed to the recommendations provided in the GMP, which will be conditions of project approval. Subject to these recommendations, and the following conditions of project approval, environmental impacts

related to hazardous materials use, storage, disposal, and accidental release would be less than significant (Impact 4.7-1 & 4.7-2).

#### COAs - Hazardous Materials

- *The applicant shall engage the services of a qualified hazardous materials abatement specialist to: 1) Conduct a survey for hazardous materials (e.g., lead, Polychlorinated biphenyls, asbestos, mold, mercury, etc.) in the existing structures, prior to demolition; and 2) remove any hazardous materials in compliance with all pertinent regulations regarding handling and disposal of these hazardous materials, including City demolition permit requirements.*
- *A Health and Safety Plan (HSP) pursuant to the Occupational Health and Safety Administration Standard “Hazardous Waste Operations and Emergency Response” guidelines (29 CFR 1910.120) and the California Occupational Health and Safety Administration “Hazardous Waste Operations and Emergency Response” guidelines (CCR Title 8, Section 1592), shall be submitted to the City Building Division, prior to issuance of any demolition, grading or building permits. A plan sheet shall be prepared noting the requirements of the HSP as a part of the demolition, grading and building permit submittal.*
- *A qualified environmental consultant (as identified in the project GMP) and a licensed contractor with a Hazardous Substance Removal Certification from the State of California shall be on site during demolition, grading and trenching activities to oversee operations. This requirement shall be noted on the plans approved for demolition, grading and construction. No permits shall be issued in absence of noting and fulfilling this requirement.*
- *The Project site shall be posted with a sign on all four sides identifying the name and telephone number of the project sponsor and environmental consultant. Contact information will be provided for the public to report visible dust so that fugitive dust can be promptly addressed. The contact information will allow for a “visible dust alert” hotline that is monitored by the responsible person (or designee) during construction hours and allows for voice messaging at all other times.*
- *A schedule of the anticipated demolition, grading and construction operations shall be prepared that identifies the types of activities and duration of the activities on the Project site. The Project sponsor shall mail the schedule to the owners and occupants of property within a 300-foot radius of the Project site no less than two weeks prior to the start of demolition, grading or construction. Proof of mailing shall be provided to the Planning Division. The schedule shall be posted on the jobsite visible from all four sides of the project site.*
- *The soil and groundwater management plan approved by SMCEH’s Groundwater Protection Program (SMCEH-GPP), shall be submitted to the City Building Division, prior to issuance*



*of any demolition, grading or building permits. A plan sheet shall be prepared noting the requirement to follow the approved soil and groundwater management plan, and all of provisions of the Site Management Plan as a part of the demolition, grading and building permit submittal. Said plan sheet shall also include the November 15, 2018 approval letter from SMCEH-GPP, and the following conditions:*

- a) All soil removed for the construction of a subterranean parking garage shall be disposed off-site at an appropriately licensed landfill. It is the responsibility of the property owner representative, Windy Hill Property Ventures, and the lead environmental consultant, PES, to ensure that soil management and disposal procedures are followed.*
- b) Construction generated groundwater shall be disposed under permit to the local sanitary sewer (or a NPDES permit if sewer discharge cannot be obtained).*
- c) PES shall collect soil gas samples from the locations of elevator pits at the time of construction to confirm soil gas quality in these locations. DTSC's 2015 Active Soil Gas Investigations guidance shall be followed.*
- d) If previously unidentified contamination is discovered during construction, additional lateral and vertical assessment to residential ESLs will be required. If contamination exceeding residential ESLs is proposed to be left in place, it must be fully justified.*
- e) It is the responsibility of the property owner representative, Windy Hill Property Ventures, and the lead environmental consultant, PES to inform GPP with regard to the project schedule and completion.*
- f) A comprehensive report, including results of soil disposal manifests/receipts, groundwater discharge and permits, associated laboratory reports, and soil gas sample results, shall be submitted to GPP following completion of site activities.*

#### School Sites, Emergency Response Plans & Adjacent Hazards

The proposed development project site is not included on a list of hazardous material sites compiled pursuant to Government Code 65962.5, and would not involve the handling of acutely hazardous materials within a ¼ mile of a public school. In addition, the project site is not located in the vicinity of a private airstrip, or adjacent to a wildfire urban interface (WUI). Lastly, the project would not close roadways or impair implementation of an emergency response/evacuation plan (i.e., it would not block ingress or egress of emergency responders or evacuees). Thus, there would be no project-related impacts in these areas (Impacts 4.7-3, 4.7-4, 4.7-6, 4.7-7, & 4.7-8).

#### Airport Land Use Plan Compatibility

The San Carlos Airport is located approximately one mile south of the City of Belmont. The Airport accommodates almost 400 based aircraft and a variety of aviation-related businesses including flight schools.



An Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport was prepared according to Federal Aviation Administration (FAA) requirements (see Attachment 8). Each ALUCP prevents exposure to excessive noise and safety hazards within an airport influence area over a 20-year horizon and are intended to encourage land uses in the vicinity surrounding an airport that are compatible with the airport land uses. California law requires that local government agencies affected by an ALUCP update their general plans and Specific plans to be consistent with the ALUCP (California Government Code, Section 65302.3).

The City's General Plan EIR considered the requirements of the ALUCP, and a determination of consistency was solicited from the Airport Land Use Commission, prior to taking action to approve the General Plan. Thus, impacts from the General Plan Project were found to be less than significant in the General Plan EIR; however, General Plan Policy 2.16-1 requires new development located in the San Carlos Airport Influence Area (AIA) to comply with applicable land use compatibility provisions of the San Carlos ALUCP through review and approval of a site development plan, or other development permit.

The development project site is located in AIA Area B. The project's compliance with relevant compatibility measures for aircraft noise, safety, air space protection/building height, and notification is as follows:

**Noise:** Determined compatible per Noise Policy-1 (*Noise Impact Area*). The project site is located outside of the 60 dB CNEL Noise Contour on Figure 4-1 and 4-2 (Existing and Future Noise Conditions) of the ALUCP.

**Safety:** Determined compatible per Safety Compatibility Policy 2 (e) – (*Residential Development Criteria*). The project site is located in Zone 6 on Exhibit 4-3 (Airport Safety Zones). New residential development is compatible and is not restricted for safety reasons in Zone 6; however, the project sponsor will be required to determine if the filing of a Form 7460-1 (notice of Proposed Construction) with the Federal Aviation Administration is necessary for the project in accordance with Section 9.5.6 of the Belmont Zoning Ordinance.

**Airspace Protection/Building Height:** Determined compatible per Airspace Protection Policy 1 – (*Airspace Protection Compatibility for New Development Compatibility*). The project site is 32 feet above mean sea level (MSL), and the proposed building would be approximately 58 feet in height (total of 90 feet above MSL). The total height is well below the maximum elevation (approximately 180 feet MSL) denoted on Exhibit 4-4 (San Carlos Airport Part 77 Airspace Protection Surfaces).

**Notification:** The project appears compatible per Airspace Protection Policy 2 – (*Requirements for FAA Notification of Proposed Construction*). The applicant has determined that a crane would be needed for construction of the building, and it would be from 120' to 140' feet tall (as measured from grade). The project site is 32 feet above mean sea level (MSL), and the proposed crane would be approximately 120 to 140 feet in height (total of 172 feet above MSL) The total elevation of the project site and crane would be below the maximum elevation of approximately 180 feet MSL, as denoted on Exhibit 4-4 (San Carlos Airport Part 77 Airspace Protection Surfaces). As such, the

filing of a Form 7460-1 (notice of Proposed Construction) with the Federal Aviation Administration is not necessary for the project.

**Table 9 – Hydrology, Flooding & Water Quality**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.8-1	No	No	No
Impact 4.8-2	No	No	No
Impact 4.8-3	No	No	No
Impact 4.8-4	No	No	No
Impact 4.8-5	No	No	No
Impact 4.8-6	N/A	N/A	N/A
Impact 4.8-7	N/A	N/A	N/A
Impact 4.8-8	N/A	N/A	N/A
Impact 4.8-9	N/A	N/A	N/A

**Hydrology, Flooding & Water Quality:**

Water Quality & Drainage

The General Plan EIR indicated that additional development within the city (i.e., buildout of the General Plan and BVSP) could increase the amount of impervious surfaces, and could therefore increase the amount of runoff and associated pollutants during both construction and operation; however, the General Plan EIR noted that the San Mateo County Water Pollution Prevention Program (SMCWPPP) requires every construction activity within Belmont that has the potential to negatively affect water quality to comply with the National Pollution Discharge and Elimination System (NPDES) Stormwater Discharge Permit. The NPDES Stormwater Discharge Permit limits the severity of any potential environmental effects caused by developments associated with the buildout of the General Plan and BVSP.

The county’s SMCWPPP is a partnership of the City/County Association of Governments (C/CAG), each incorporated city in the County and the County of San Mateo, which share a common NPDES permit or Municipal Regional Permit (MRP). The Municipal Regional Permit (MRP) outlines the State’s requirements for municipal agencies in San Mateo County to address the water quality and flow-related impacts of stormwater runoff. Some of these requirements are implemented directly by municipalities while others are addressed by the San Mateo Countywide Water Pollution Prevention Program on behalf of all the municipalities. The MRP is a comprehensive permit that requires activities related to construction sites, industrial sites, illegal discharges and illicit connections, new development, and municipal operations. The permit also requires a public education program, implementing targeted pollutant reduction strategies, and a

monitoring program to help characterize local water quality conditions and to begin evaluating the overall effectiveness of the permit's implementation.

The Municipal Regional Stormwater Permit (MRP) generally requires projects to utilize Low Impact Development (LID) stormwater treatment; however, the MRP allows applicants to use alternative means of treatment depending on specific criteria (i.e., non-LID methods) for certain types of smart growth, high density, and transit-oriented development. These types of qualifying projects, known as Special Projects, can apply for alternative means of Low Impact Development (LID) stormwater treatment which may include non-LID methods in addition to LID practices of infiltration, harvest and use and biotreatment to manage stormwater runoff.

Qualifying projects may apply for reduction credits based on location and density criteria that allow non-LID treatment for a portion of the project's runoff, but only after the applicant demonstrates why LID is infeasible for the proposed project. The LID reduction credits are intended to allow Smart Growth projects greater flexibility in meeting stormwater treatment requirements, based on the inherent environmental benefits of Smart Growth and potential technical challenges of implementing LID treatment exclusively on high-density sites in urban areas. The Windy Hill Project is considered a Special Project under the MRP.

As proposed and conditioned, the Department of Public Works has found that the development project would comply with all state and federal water quality requirements. In addition, the proposed project would be compliant with General Plan and BVSP policies that require: 1) the incorporation of best management practices (BMPs) to reduce construction and operational water pollutant loads; 2) implementation of Urban Design guidelines for Low Impact Development (as applicable for Special projects); 3) streetscape and landscape designs that manage stormwater, to ensure that runoff potential does not exceed the storm drain system's capacity; 4) documentation of the site investigation and cleanup of impacted groundwater provided to City staff during development project review; and 5) remediation and cleanup of impacted waters in compliance with federal and State standards (if applicable).

As a result of implementation of existing federal, State and local regulations and the General Plan and BVSP policies described above, the impact of the proposed development project on water quality would be less than significant (Impacts 4.8-1, & 4.8-3 through 4.8-5).

#### Groundwater Supplies

The project site is located in the Santa Clara Valley Groundwater Basin, San Mateo Sub-basin. The groundwater in this basin is not considered a good source of irrigation or municipal water use due to the high content of chloride, sulfate, and total dissolved solids. The proposed development project could increase demands for water; however, this increase in water demand would not impact local groundwater supplies as the primary purveyor of water for the city is the MPWD, which currently does not utilize any local groundwater or surface water supplies to serve the city. In addition, the project includes site design measures to facilitate groundwater recharge (inclusion of street trees and shrubs and vegetated swales), consistent with General Plan Policies that have been identified to reduce groundwater impacts to less than significant (Impact 4.8-2).

Flooding

The project site is not located within a 100-year flood plain; therefore impacts related to flooding studied in the General Plan EIR would not be applicable to the project (Impacts 4.8-6 through 4.8-8).

Seiche, Tsunami, or Mudflow

The City of Belmont is not subject to a Tsunami (ocean wave), and the project site is relatively flat (approximate slope of 2.5%), with no steep or precipitous slopes, which eliminates the likelihood of a mudflow. A Seiche is a wave from an enclosed or semi-enclosed body of water, such as the San Francisco Bay. The General Plan EIR indicates that the impacts of a Seiche would be mitigated (buffered) by wetlands, Foster City land, and Redwood City land. This buffer leads to a less than significant impact in regards to Seiche inundation. Thus, impacts from Seiches, Tsunamis, or Mudflows is either non-applicable to the project or less than significant (Impact 4.8-9).

**Table 10 – Land Use, Population & Housing**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.9-1	No	No	No
Impact 4.9-2	No	No	No
Impact 4.9-3	N/A	N/A	N/A
Impact 4.9-4	No	No	No
Impact 4.9-5	N/A	N/A	N/A

**Land Use, Population & Housing:**

Community Division & Conflicts with Land Use Plans

The proposed project would redevelop an existing commercial site for housing, and the scale and layout of the project would not include barriers that have the potential to physically divide an established community. As discussed in this addendum, the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Impacts 4.9-1 & 4.9-2).

Habitat Conservation Plan

No habitat conservation plans have been adopted in the planning area. Thus, this impact area would not be applicable to the project (Impact 4.9-3).

Substantial Population Growth or Displacement

The proposed project would not exceed the expected buildout of the BVSP Area (population and housing units) that was studied in the General Plan EIR. The redevelopment of the commercial



project site would not involve the relocation of any housing units. Thus, impacts in these areas would be either less than significant or not applicable to the project (Impact 4.9-4 & 4.9-5).

**Table 11 – Noise**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.10-1	No	No	No
Impact 4.10-2	No	No	No
Impact 4.10-3	No	No	No
Impact 4.10-4	No	No	No
Impact 4.10-5	No	No	No
Impact 4.10-6	N/A	N/A	N/A

**Noise:**

Construction Noise & Vibration

The General Plan EIR indicates that construction noise and vibration associated with future development (i.e., General Plan and BVSP buildout) could expose sensitive receptors to noise and vibration levels that exceed the standards identified in the General Plan (a potentially significant and unavoidable impact). Increased operational noise from traffic, trains, and stationary sources is also identified as a potentially significant and unavoidable impact.

The potential construction noise, ground borne vibration, and operational noise impacts of the General Plan/BVSP buildout cannot be fully mitigated at the Program EIR (General Plan EIR) level, because of the uncertainty involved in evaluating the impacts on all potential future users of new development. The evaluation of noise impacts is “project/location specific”, and noise impacts change over time as development occurs and traffic patterns change. Thus, in order to address potential noise impacts, the General Plan EIR: 1) identified comprehensive policies to limit the exposure of sensitive receptors to construction noise, ground borne vibration, and operational noise; and 2) required that applicants for individual development projects evaluate potential noise impacts, and develop appropriate mitigation measures to reduce these impacts.

The development project included a noise and vibration assessment, which evaluated project/location specific impacts (see Attachment 9). The assessment determined that construction noise and vibration impacts would be less than significant with implementation of all applicable General Plan and BVSP noise reduction policies, the City’s Noise Ordinance, and the recommended mitigation measures provided in the assessment. These measures have been made conditions of project approval. Thus, construction and vibration impacts would be less than significant (Impacts 4.10-1, 4.10-2, & 4-10-4).

Operational Noise – (project on environment)

Operational noise from residential projects typically result from increased traffic noise, and heating ventilation and air conditioning (HVAC) systems. Standard conditions of approval would attenuate HVAC system noise from the project, but increased project-related traffic noise has the potential to cause impacts to current sensitive receptors, including noise-sensitive land uses along Old County Road and Elmer Street. The noise assessment indicates that a significant noise impact would occur if traffic generated by the project would substantially increase noise levels for sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. The assessment compared net project trip traffic volumes from the project's traffic study with existing peak hour traffic conditions, and found that the project would have a future noise increases of 0 to 1 dBA DNL. These increases would be less than 3 dBA DNL, and would therefore result in a less-than-significant impact (Impact 4.10-3).

Operational Noise – (environment on project)

CEQA does not require analysis of impacts of the existing environment on a project pursuant to the California Supreme Court decision in California Building Industry Association vs. Bay Area Air Quality Management District (CBIA v. BAAQMD). Therefore, noise impacts in this area would not be significant for CEQA purposes; however, the proposed residential project has the potential to expose persons (occupants) to noise levels in the vicinity of the project site that are in excess of standards established in the General Plan. This is a potentially significant impact that is identified in the General Plan EIR. As such, the General Plan EIR identifies polices to reduce or mitigate these potential impacts, including:

- *General Plan Policy 7.1-2 - Use the Community Noise Level Exposure Standards, shown in [General Plan] Table 7-1, as review criteria for new land uses. Require all new development that would be exposed to noise greater than the “normally acceptable” noise level range to reduce interior noise through design, sound insulation, or other measures.*
- *BVSP Policy 6.5-1 - Require residential and other noise-sensitive land uses within the 65 dB contours, as shown in [BVSP] Figure 6-6, to incorporate adequate noise attenuation into the design and site planning of the project in order to achieve an interior noise level of not more than 45 dBA. Ensure that adequate noise attenuation methods are incorporated in new development prior to the issuance of building permits.*
- *BVSP Policy 6.5-2 - Require projects in the Belmont Village Planning Area to incorporate noise mitigations to strive to achieve City standards for exterior noise levels. However, after incorporating noise mitigations, if a project still cannot achieve City standards for exterior noise levels, as determined by acoustical analysis by a licensed acoustical engineer, project sponsors may apply for an exception to City exterior noise standards. Such exception requests will be considered through a discretionary development entitlement process. Projects requesting exceptions to exterior noise standards should demonstrate that: (1) all feasible noise mitigations have been incorporated to lower exterior noise levels as close as possible to City standards; and (2) noise mitigations that*

*lower interior noise levels below the City and State standard of 45 dB have been incorporated, to compensate for the high exterior noise levels which make outdoor activities uncomfortable.*

The project noise assessment includes recommendations (construction methods, increased insulation, noise baffling, etc.) that would reduce interior noise levels below the City and State level of 45 dB. Private balconies facing Old County Road, Karen Road, and Elmer Street and a shared terrace on the corner of Old County Road and Karen Road would experience noise levels up to 68 dBA DNL (conditionally acceptable noise category - Table 7-1). Common outdoor use areas on the ground floor would be shielded and partially shielding from traffic and railroad train noise, and would experience future exterior noise levels less than 65 dBA DNL (normally acceptable noise category - Table 7-1). The applicant has applied for an exception to City exterior noise standards, consistent with BVSP Policy 6.5-2. Subject to the approval of this exception, and conditions of project approval that include adherence to the noise mitigation recommendations in the Noise Assessment, the project would be consistent with General Plan standards, and impacts would be less than significant (Impact 4.2-1).

Private Airstrips & Airport Noise

There are no private airstrips in the vicinity of Belmont, and the proposed development project is not located within areas of excessive noise from either the San Carlos Airport or the San Francisco International Airport. Thus, noise from private airstrips are not applicable to the project, and no significant impacts are expected with respect to aircraft noise from airports (Impacts 4.10-5 & 4.10-6).

**Table 12 – Public Services & Recreation**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.11-1	No	No	No
Impact 4.11-2	No	No	No
Impact 4.11-3	No	No	No
Impact 4.11-4	N/A	N/A	N/A
Impact 4.11-5	No	No	No

**Public Services & Recreation:**

Fire & Police

The General Plan EIR indicates that the buildout of the General Plan/BVSP is not expected to result in significant impacts to Fire and Police service levels, as new development would primarily be concentrated in infill areas already adequately served by both departments; however, the General Plan EIR identifies General Plan and BVSP policies that are intended to reduce the

potential Fire and Police service level impacts of individual development projects. These policies generally encourage focusing development in already developed areas where it can be served by existing public services, and allowing sufficient density/intensity to enable development to support all required infrastructure/community facilities. The policies also require Fire and Police Department review of individual development projects to ensure consideration of potential impacts to public safety.

The proposed development project would be located in an urbanized part of the city, which is easily accessible by major streets. The site's BVSP Area location has an average fire service response time of 4 minutes and 32 seconds, which is well under the average response time benchmark of 6 minutes and 59 seconds for the city. The project would be constructed to its maximum density/intensity, and would contribute to infrastructure upgrades and street improvements impacted by or in the immediate vicinity of the site. The Fire and Police Departments have reviewed the proposed development project, and have provided appropriate conditions of approval addressing fire mitigation measures, fire flow capacity, evacuation and access provisions for first responders, and design considerations to increase public safety (i.e., project lighting, parking garage security, etc.). Neither the Police nor the Fire Department have identified that an increased need for staffing facilities or equipment would be required to serve the site. Thus, impacts to fire and police services from the project would be less than significant (Impact 4.11-1).

#### Schools

The General Plan EIR indicates that the potential increased enrollment of students resulting from the buildout of the General Plan/BVSP would exceed the designated capacity for both the Belmont Redwood Shores (BRSSD) and the Sequoia Unified High School (SUHSD) School Districts. The EIR notes that additional elementary school facilities may need to be constructed, but that the siting and construction of new schools is regulated by the California Department of Education, not the City of Belmont; however future school expansions and new school construction would be subject to CEQA.

The General Plan EIR includes policies that encourage the City to continue to coordinate and collaborate with the public school districts that serve Belmont in an effort to ensure the appropriate accommodation of future student populations. In addition, the General Plan EIR notes that funding for new school construction is provided through the state and local revenue sources, and Senate Bill (SB) 50 (Chapter 407, Statutes of 1998) governs the amount of school-impact fees that can be levied against new development. Subject to the payment of school-impact fees, individual development projects are considered fully mitigated, according to the General Plan EIR.

The SUHSD and BRSSD have been informed of the subject development application, and if approved, the time frame for entitlement review, approximate population increase and the approximate completion of construction. Pursuant to Section 17620 (b) of the California Education Code, the City will require proof of payment of school impact fees, prior to issuance of building permits for the project. These fees are collected for the sole purpose of funding the construction or reconstruction of school facilities. Thus, subject to the implementation of the General Plan/BVSP and the collection of appropriate school impact fees, project impacts would be less than significant (Impact 4.11-2).



### Parks, Recreation & Public Facilities

The General Plan EIR indicates that the population increase associated with buildout of the General Plan/BVSP, would place additional physical demands on existing parks and City facilities, potentially shortening their useful lives. In addition, the developed park acres presently identified in the General Plan will not be enough to satisfy the standard set by the General Plan; however, the EIR notes that Belmont does have enough parkland and open space citywide to meet the needs of its current and future population, and the EIR identifies policies, programs and actions that will ensure that the parks/recreation and public facility needs of the population of the Planning Area will be met under the buildout of the General Plan/BVSP (i.e., impacts would be less than significant).

Key policies and implementation measures require that development projects: 1) locate development within or adjacent to existing development to make it easier for existing facilities to serve new development; 2) supplement public parks and open spaces with privately owned public open spaces and common open spaces (i.e., plazas, courtyards, roof decks, and terraces) in nonresidential and residential development projects; 3) remake urban landscapes to include complete streets strategies and active infrastructure (bike lanes, and landscape features) to potentially provide recreational opportunities and gathering spaces; and 4) contribute to the City's park, recreation, and open space resources commensurate with their impacts, through the Quimby Act or the collection of park impact fees.

The proposed project would be located within the BVSP Area adjacent to existing development, and would provide approximately 4,031 sq. ft. of public open space; BVSP standards require 200 sq. ft. of public open space. The public open space would include a public plaza and lobby area for gatherings, landscaping, seating, and public art. An art instruction use is proposed for the commercial space at the ground floor. Adjacent streets are proposed to be upgraded consistent with complete streets strategies, to include landscaping, bike lanes or sharrows (as appropriate) and traffic calming measures (bulb-outs) to increase pedestrian safety. Should the project be approved, conditions of approval would require payment of park impact fees in accordance with the City's adopted ordinance. As such, impacts from the development project would be less than significant (Impacts 4.11-3 & 4.11-5).

### Park Construction Impacts

The General Plan EIR indicates that the construction of parks has the potential to negatively impact the environment through habitat disturbance and water pollution during construction, increased exposure of sensitive habitats to human activity and traffic, installation of impermeable surfaces, introduction of invasive species, and the conversion of open space that could otherwise have been preserved; however, the General Plan includes policies to mitigate the potential impacts of park construction, and the impacts of future park construction would be considered under a separate CEQA review, when the scope of the park construction project and its potential impacts are understood. The proposed development project would not include the conversion of existing open space to parkland. Thus, the impacts of future park construction are not applicable to the project (Impact 4.11-4).

**Table 13 – Transportation**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.12-1	No	No	No
Impact 4.12-2	No	No	No
Impact 4.12-3	No	No	No
Impact 4.12-4	No	No	No
Impact 4.12-5	No	No	No
Impact 4.12-6	No	No	No
Impact 4.12-7	No	No	No
Impact 4.12-8	No	No	No
Impact 4.12-9	No	No	No

**Transportation:**

Intersections & Road Segments

The General Plan EIR indicates that buildout of the General Plan /BVSP would cause intersections and road/highway segments to fall below the established significance criteria for City of Belmont and City/County Association of Governments (C/CAG) road segments/intersections. The EIR lists the impacted segments/intersections, and identifies physical improvements (mitigations), such as installation of traffic signals and turning lanes, to reduce impacts to less than significant levels; however, the EIR notes that the physical improvements proposed are not always feasible due to right-of-way constraints, and that in many cases the prescribed improvements would conflict with corridor plans, and General Plan, BVSP, and CAP policies related to creating “Complete Streets,” resulting in secondary impacts. As such, the EIR concludes that impacts to the identified segments/intersections would remain potentially “Significant and Unavoidable.”

In order to certify the General Plan EIR with Significant and Unavoidable impacts, the City Council made certain findings required by CEQA, and adopted a Statement of Overriding Considerations. This statement essentially communicated that the City had determined that the potential benefits of the project (General Plan, BVSP, CAP adoption and buildout of the General Plan/BVSP) outweighed its potential impacts. The City Council made the required CEQA Findings and adopted a Statement of Overriding Considerations, prior to approval of the General Plan update and approval of the BVSP Zoning.

The adoption of a Statement of Overriding Considerations does not mean that future development projects need not comply with General Plan/BVSP policies designed to reduce intersection impacts, or that applicants for development projects would not be responsible to address their project-related impacts. General Plan, BVSP and CAP Policies encourage improving multimodal infrastructure, and coordinating land use and circulation in a way that would reduce vehicle trips.

In addition, implementation of the General Plan, BVSP and CAP policies would result in denser and/or more complimentary land uses and the development of complete streets that would either shorten or reduce the number of vehicle trips. The MMRP adopted with the General Plan EIR also contains mitigation measures that would reduce project impacts by requiring that project applicants contribute proportionate share of payments towards intersection/segment improvements, or pay a traffic impact fee (should an impact fee program be established by the City).

The development project is proposed at its maximum density, and in BVSP Area; it is also located in close proximity to transit corridors (approximately ¼ mile to a Cal train station, 1/8 mile to El Camino Real/State Highway 82, and ½ mile to Highway 101). The project would also include public improvements along all street frontages that would be consistent with adopted Complete Streets policies. A Traffic Impact Analysis (TIA) and Transportation Demand Management Plan (TDM) were submitted for the project and peer reviewed by consultants working for the City, in consultation with the Department of Public Works (see Attachment 10a and 10b). The report and peer review indicate that traffic from the Windy Hill project would impact the Elmer Street/Ralston Avenue intersection. A signal warrant would be triggered for the Elmer Street/Ralston Avenue intersection; however, the City has planned for a pedestrian hybrid beacon at this location. The applicant would pay their fair share improvements at this intersection as a condition of project approval.

The adopted MMRP includes mitigation measures that requires applicants to pay a proportionate share of the cost for the improvement of street intersections that are impacted by their project, and General Plan Policy 3.1-5 requires that new development and redevelopment projects construct or pay their fair share toward improvements for all travel modes; however, the City of Belmont does not currently have a mechanism for the collection of these fees (i.e., a Traffic Impact Fee or TIF). As such, the applicant is proposing to pay the fees as part of a requested Development Agreement. The collection of fees in this way is consistent with the intent of the mitigation measures in the MMRP, and achieves the same purpose: a proportionate share payment towards improvements. The deposited fees would be held in an account dedicated towards improvements towards the impacted intersections. This account would be managed by the Department of Public Works. Therefore, the proposed project would not result in any new significant impacts as compared to the EIR, or increase the severity of a significant impact that has already been disclosed in the EIR. As such, no subsequent environmental review is required for the project related to traffic (Impact 4.12-1) through Impact 4.12-3).

#### Conflict with Plans

The General Plan, BVSP, and CAP contain numerous policies that promote higher density, transit-oriented, mixed-use development, and the implementation of adopted Complete Streets standards. The development project is proposed at its maximum permitted density, and would be located in the BVSP area in close proximity to public transit. In addition, the project would include street improvements consistent with adopted Complete Streets Standards. Therefore, the proposed project would be consistent with programs that promote the development of public transit, bicycle, or pedestrian facilities, and increase use of these facilities. No impacts, or positive impacts would result from the project (Impact 4.12-4, Impact 4.12-5 & Impact 4.12-7).

Operations Impacts to Airports

The General Plan EIR indicates that policies of the General Plan/BVSP would not modify planning or operations at airports, or introduce land use patterns that would cause substantial risks to or from airports. The project would be consistent with General Plan/BVSP policies related to airports and would not conflict with an adopted Airport Land Use Compatibility Plan (ALUC). Therefore, no impacts to airport operations would result from the development project (Impact 4.12-6).

Hazardous Design Features

The General Plan EIR indicates that future improvements to the transportation and circulation system related to buildout of the General Plan/BVSP would be constructed to all local, regional and federal standards, and thus would not result in any hazardous design features. A Traffic Impact Analysis (TIA) was submitted for the project and peer reviewed by a consultant working for the City, in consultation with the Department of Public Works. The Peer Review included a circulation and safety evaluation of the street improvements (including sidewalks, parking layout, bike lanes, and intersections improvements), and the internal circulation of the proposed parking garage. The report and peer review concluded that the proposed improvements would not result in hazardous design features, and the Department of Public Works concurs with these findings (Impact 4.12-8).

Emergency Access

The General Plan EIR indicates that buildout of the General Plan/BVSP could potentially result in increased congestion that would impact emergency vehicles response times. The potential impacts to response times could not be accurately quantified, so the impacts were considered Significant and Unavoidable. The EIR explains that the precise impacts of buildout are difficult to quantify, because response times differ during the time of day, and can change based on the number of emergency calls, and the use of sirens or traffic signal preemption equipment.

The General Plan EIR indicates that the use of signal priority preemption equipment and strict adherence to emergency vehicle passing priority under state law would reduce impacts on emergency response times. In addition, the EIR states that future modifications implementing Complete Streets standards would reduce vehicle speeds through core areas, which would likely reduce the severity of accidents. The EIR notes that impacts would also be reduced through entitlement review, public safety officials would continue to review development project plans to ensure that they are compliant with emergency access requirements.

The proposed project would include frontage improvements consistent with the City's adopted Complete Streets standards, and the applicant would contribute a fair-share portion fees for the construction of road improvements, based on project impacts to roadway intersections and segments. The project has also been reviewed by all appropriate safety personnel to ensure that project plans are compliant with emergency access requirements. As such, development project-related impacts to emergency access are less than significant (Impact 4.12-9).



**Table 14 – Utilities**

<b>Impact Area &amp; Corresponding Policies identified in Table ES-3 (Attachment 1)</b>	<b>The development project has new or substantially more severe significant impacts?</b>	<b>New circumstances involve new or substantially more severe significant impacts?</b>	<b>New information related to: new or more severe impacts, or previously infeasible or more effective mitigations that are not agreed to by the applicant?</b>
Impact 4.12-1	No	No	No
Impact 4.12-2	No	No	No
Impact 4.12-3	No	No	No
Impact 4.12-4	No	No	No
Impact 4.12-5	No	No	No
Impact 4.12-6	No	No	No
Impact 4.12-7	No	No	No

**Utilities:**

Wastewater Treatment Plant Capacity

Wastewater from Belmont is predominantly treated at the Silicon Valley Clean Water (SCVW) treatment plant, which is located in Redwood Shores near the eastern side of Belmont. Treated wastewater from SCVW is released into the San Francisco Bay. The SCVW plant currently complies with all Clean Water Act (CWA), State Water Resource Control Board (SWRCB), and National Pollution Discharge and Elimination System (NPDES) regulations and standards. The buildout of the General Plan/BVSP would result in increased wastewater for treatment; however, the General Plan EIR indicates that impacts would be less than significant as current regulations require compliance with federal and state water quality standards, and these measures would preclude development lacking adequate utility (wastewater treatment plant) capacity. In addition, the EIR references General Plan/BVSP policies that require: 1) making improvements and upgrades to the wastewater system, consistent with the City’s Sanitary Sewer System Capacity Analysis and the Silicon Valley Clean Water Conveyance System Master Plan; 2) updating impact fees, connection fees, and service charges to ensure adequate funds are collected to operate/maintain existing treatment facilities and construct new facilities; and 3) collecting impact fees from new development projects to ensure that new waste water facilities are constructed to meet performance standards, and to allow for future maintenance.

The City has determined that adequate wastewater treatment capacity would be available for the project, and conditions of project approval would require the applicant to pay of sewer impact fees. As a result of compliance with existing regulations, implementation of General Plan /BVSP policies, and the payment of impact fees by the applicant, the potential impacts to wastewater treatment would be less than significant (Impact 4.13-1).

New Facilities/Supply – Water

Water supply in Belmont is provided by the Mid-Peninsula Water District (MPWD). In accordance with state law, MPWD prepared an Urban Water Management Plan (UWMP) in 2015. Urban Water Management Plans are prepared by urban water suppliers every 5 years. These plans support the suppliers' long-term (20-year) resource planning to ensure that adequate water supplies are available to meet existing and future water needs. MPWD's 2015 UWMP indicates that water supply is sufficient to meet current and projected demands in Belmont.

In analyzing water needs, the General Plan EIR references MPWD's 2015 UWMP. The EIR indicates that water demand is expected to increase through the horizon year of the General Plan as population and job growth occur, but that per capita water use is gradually expected to trend downward because of conservation efforts. The EIR concludes that water supply is sufficient to meet current and projected demands outside of the BVSP Area, provided that water conservation efforts and strategies are continued (i.e., prioritization of high density infill development, rebates for water efficient appliances, water efficient landscaping, adherence to state green building code - CALGreen, etc.).

The EIR concludes that water supply would be sufficient to meet current and projected demands inside of the BVSP Area, subject to the strategies and policies identified in the General Plan, CAP, and BVSP, and with Mitigation Measure (MM) UTIL-1 (below), which requires the upgrading of specific 6-inch water lines to 8-inch water lines over time as development intensification within the BVSP Area occurs. MM UTIL-1 requires that project applicants secure verification that water service can be provided (i.e., obtain an "Intent to Serve" letter from MPWD).

<i>Number</i>	<i>Mitigation Measure</i>
UTIL-1	<b>Require water line upsizing.</b> As development intensification occurs throughout the BVSP Area, upgrades from 6-inch to 8-inch water lines will be required as necessary. The existing water lines in the BVSP Area are displayed in Figure 4.13-2, and planned improvements are displayed in Figure 4.13-3. Lines that are anticipated to need upgrades include the 6-inch lines along Old County Road between Masonic Way and Harbor Boulevard, along Ralston Avenue between Old County Road and Elmer Street, along Sixth Avenue between Hill Street and O'Neill Avenue, and along O'Neill Avenue between Sixth Avenue and El Camino Real. The physical improvements will be subject to project-level environmental review as needed.

As projects are built in accordance with the BVSP, Belmont Public Works in conjunction with Mid-Peninsula Water District is required to monitor system capacity and construct necessary upgrades.

The proposed development project would be considered high-density infill development, and includes a drought-tolerant landscape plan in accordance with the current MPWD water efficiency in landscape ordinance (WELO). The project applicant has secured an Intent to Serve letter from MPWD (see Attachment 11), and the project would be required to meet all applicable CALGreen standards at the time of building permit issuance. Subject to these measures and

implementation of MM UTIL-1, project-specific impacts would be less than significant (Impacts 4.13-2 & 4.13-4).

New Facilities & Capacity - Wastewater

The General Plan EIR indicates that implementation of the proposed General Plan /BVSP would result in future residential, commercial, office, and industrial uses in Belmont, resulting in additional population that would generate additional wastewater. Therefore, wastewater collection, conveyance, and treatment services would increase over current levels. The EIR notes that the Silicon Valley Clean Water (SCVW) treatment plant would have adequate capacity to treat wastewater, but system improvements would be needed to mitigate potential impacts. Specifically, pipe segments downstream of the BVSP Area (MM UTIL-2), and the Shoreway Pump Station (MM UTIL-3) would need to be upsized to address increased wastewater. Implementation of the following mitigation measures would result in less than significant impacts for the buildout of the General Plan / BVSP:

<i>Number</i>	<i>Mitigation Measure</i>
UTIL-2	<b>Require sewer line upsizing.</b> As development intensification occurs throughout the BVSP Area, approximately 1,675 feet of sewer lines downstream of the BVSP Area will be required to be upsized as a direct result of growth in the BVSP Area. The existing sewer lines in the BVSP Area are displayed in Figure 4.13-5, and planned improvements are displayed in Figure 4.13-6. Lines that are anticipated to need upgrades lie along Masonic Way and Hiller Street.
UTIL-3	<b>Require upsizing of Shoreway Pump Station.</b> As development intensification occurs throughout the BVSP Area, the Shoreway Pump Station will be required to be upsized as a direct result of growth in the BVSP Area.

Ongoing study and monitoring of the BVSP Area sewer infrastructure will be performed by the Public Works Department and Silicon Valley Clean Water. Applicants for development projects are required to secure verification that sewer service can be provided, and pay appropriate fees to ensure that new waste water facilities are constructed to meet performance standards, and to allow for future maintenance. As projects are built in accordance with the BVSP, Belmont Public Works in conjunction with Silicon Valley Clean Water is responsible to monitor system capacity and construct necessary upgrades to the sewer lines and the Shoreway Pump Station over time consistent with the City’s Sanitary Sewer System Capacity Analysis and the Silicon Valley Clean Water Conveyance System Master Plan.

The project applicant has submitted a sewer impact analysis (Attachment 12) that demonstrates waste water capacity for the residential project. In addition, conditions of project approval will require that the applicant: 1) pay sewer impact fees based on the increased flows from the project; 2) up-size the sewer pipe in O’Neill Avenue to address the increase in flows (if needed); and 3) contribute their fair share towards the cost of enlarging the sewer trunk main (if needed). Subject to the implementation of mitigation Measures UTIL-2 and UTIL-3, and the aforementioned

conditions of approval, project specific impacts would be less than significant (Impact 4.13-2 & 4.13-5).

Stormwater Facilities

The General Plan EIR indicates that new development under the General Plan/BVSP would allow for the redevelopment of existing developed areas that would generate increased stormwater volumes in portions of Belmont. Increased flows would in turn create a need for new infrastructure in growth areas, to accommodate infiltration of stormwater or to convey stormwater to detention basins to prevent flooding. Construction of new stormwater infrastructure could in and of itself have adverse effects on the physical environment; however, the required improvements would occur within rights-of-way and other already disturbed areas within previously developed areas.

In addition, the BVSP includes policies and guidelines that reduce the need for construction of stormwater drainage facilities. BVSP design guidelines encourage directing stormwater runoff to natural vegetated systems that reduce, filter, or slow the runoff before it makes its way into the storm drainage system. BVSP Policy 5.1-3 ensures that development projects comply with the NPDES Permit requirements, Policy 5.1-5 designs new streetscape and landscaped areas for stormwater management and the efficient use and conservation of water, and Policy 5.1-7 requires development to include low impact development features to reduce stormwater pollutant loads and increase onsite infiltration.

As discussed under water quality, the Municipal Regional Stormwater Permit (MRP) generally requires projects to utilize Low Impact Development (LID) stormwater treatment (consistent with Policy 5.1-7), but allows applicants to use alternative means of treatment depending on specific criteria (i.e., non-LID methods) for certain types of smart growth, high density, and transit-oriented development. These types of qualifying projects, known as Special Projects, can apply for alternative means of Low Impact Development (LID) stormwater treatment which may include non-LID methods in addition to LID practices of infiltration, harvest and use and biotreatment to manage stormwater runoff.

Qualifying projects may apply for reduction credits based on location and density criteria that allow non-LID treatment for a portion of the project's runoff, but only after the applicant demonstrates why LID is infeasible for the proposed project. The LID reduction credits are intended to allow Smart Growth projects greater flexibility in meeting stormwater treatment requirements, based on the inherent environmental benefits of Smart Growth and potential technical challenges of implementing LID treatment exclusively on high-density sites in urban areas. The Windy Hill Project is considered a Special Project under the MRP.

As proposed and conditioned, the proposed development project would comply with NPDES permit requirements, and all relevant General Plan/BVSP Policies designed to reduce stormwater impacts. The proposed project would implement Urban Design guidelines for Low Impact Development (as applicable), and would convey stormwater to detention basins to prevent flooding. As a result of implementation of the policies and zoning regulations of the BVSP, as well as the General Plan, CAP, and other existing regulations, the impact of the proposed project would be less than significant (Impact 4.13-3).



### Solid Waste

The General Plan EIR indicates that implementation of the General Plan/BVSP would result in additional population and increased solid waste generation within the city. AB 939 requires local governments to divert 50 percent of their community's solid waste, and the recent goal that has been set by CalRecycle of 75 percent recycling, composting, or source reduction of solid waste by 2020. These disposal targets for Belmont were met for both residential and employment disposal for the years 2013-2015.

Given the city's ability to meet its diversion targets, as well as the remaining capacity in area landfills, meeting the collection, transfer, recycling, and disposal needs of the projected population anticipated in the General Plan/BVSP is not expected to exceed existing permitted solid waste disposal capacity. In addition, the General Plan/BVSP and CAP contain policies for new development that require participation in all recycling, hazardous waste reduction, and solid waste diversion programs in effect at the time of issuance of building permits. Recycling is required for all multi-family residential projects of five or more units, pursuant to Assembly Bills 341 and 1826.

The applicant has submitted a trash management plan that provides details and methods for collecting trash and recycling for the proposed development project. A Waste Zero Specialist and Operation Supervisor with the City's trash and recycling hauler (Recology) have reviewed the plan and determined the appropriate levels service for the project. Recology staff would verify compliance with the plan and state law requirements for recycling. Thus, with implementation of the policies and zoning regulations of the BVSP, as well as the General Plan, CAP, and other existing regulations (state law), the impacts of the proposed development project would be less than significant (Impact 4.13-6 & Impact 4.13-7).

### **Determination**

None of the conditions requiring preparation of a subsequent Environmental Impact Report (EIR) or negative declaration have occurred: 1) the development project is within the buildout of the EIR, and thus no substantial changes are required to the EIR analysis; 2) the environmental setting of the Project Area and the relevant land use regulations adopted remain unchanged since the Original Project was approved in November 2017. In addition, there has been no large scale development in the BVSP Area, and the circumstances under which the General Plan EIR was adopted have not changed; and 3) there is no new information that was not known at the time the impacts were analyzed in the General Plan EIR, and the proposed development project would not result in any significant impacts not considered under the original EIR. Therefore, as provided by the California Environmental Quality Act (CEQA), this Addendum is the appropriate documentation to address the changes, if any, made by the Project.

MAY 17 2019

Notice of Determination

MARK CHURCH, County Clerk

By XIMENA CASTILLO

Deputy Clerk

From: (Public Agency) City of Belmont

To:  Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

One Twin Pines Lane, Suite 340

Belmont, CA 94002

San Mateo County Clerk-Recorder  
555 County Center, First Floor

Lead Agency

Responsible Agency

Redwood City, CA 94063

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Windy Hill Residential Project; Owner: Windy Hill PV Fourteen MF LLC; Application No.: PA2018-0087

Project Title

<u>2016082075</u>	<u>Damon DiDonato, Principal Planner, City of Belmont</u>	<u>650-637-2908</u>
State Clearinghouse Number	Responsible Agency Contact Person	Area Code/Telephone/Extension

1325 Old County Road, City of Belmont, San Mateo County, California

Project Location

**Project Description:** Construction of a 250-unit apartment building, underground parking garage and associated landscape and frontage improvements at 1325 Old County Road, 1301 Old County Road, 1304 Elmer Street, And 633 O'Neill Avenue; Assessor's Parcel Numbers: 046-031-020, 045-013-030, 046-031-050, 046-031-070, AND 046-031-080.

**Project Approvals:** On November 14, 2017, the Belmont City Council adopted a programmatic Environmental Impact Report (EIR) for the update of the City's General Plan, and on November 15, 2017 a Notice of Determination (NOD) was filed at the San Mateo County Clerk-Recorders' office. On May 14, 2019, the City Council determined that the Windy Hill Project was within the scope of the project covered by the program EIR, and in accordance with CEQA Guideline Section 15162 that no new Negative Declaration or EIR would be required. The City Council adopted an Addendum to the General Plan EIR (Resolution No. 2019-47), and approved the project on May 14, 2019 (Resolutions 2019-48 & 2019-49).

1. The project (will will not) have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (were  were not) made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan measures ( was  was not) adopted for this project.
5. A statement of Overriding Considerations ( was  was not) adopted for this project.
6. Findings (were  were not) made pursuant to the provisions of CEQA.

The Environmental Impact Report and appendixes, Addendum, and record of project approval are available to the General Public at: City of Belmont, One Twin Pines Lane, Suite 310, Belmont, CA 94002 (650-595-7417)

  
Signature (Public Agency)

5/17/19  
Date

Principal Planner  
Title

**RESOLUTION NO. 2019--049**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING DESIGN REVIEW, CONDITIONAL USE PERMIT, GRADING PLAN, TREE PERMIT, OUTDOOR NOISE EXCEPTION, ADDITIONAL FLOOR AREA ALLOWANCE IN EXCHANGE FOR SPECIFIED PUBLIC BENEFITS UNDER BELMONT ZONING ORDINANCE (BZO) SECTION 31.4.1(F), AN EXEMPTION TO MAXIMUM FLOOR PLATE AS A PERCENT OF FIRST FLOORPLATE STANDARDS UNDER BZO SECTION 31.4.1(H)(1), AND AN ALTERNATIVE TO WINDOW TRANSPARENCY REQUIREMENTS UNDER BZO SECTION 31.4.1(K) FOR THE WINDY HILL PROJECT**

WHEREAS, Windy Hill PV Fourteen MF LLC, property owner, requests Vesting Tentative Map, Development Agreement, Design Review, Conditional Use Permit, Grading Plan, Tree Permit, Outdoor Noise Exception, an additional floor area allowance in exchange for specified public benefits under Belmont Zoning Ordinance (BZO) Section 31.4.1(f), an Exemption to Maximum Floor Plate as a Percent of First Floorplate standards under BZO Section 31.4.1(h)(1), and an Alternative to Window Transparency requirements under BZO Section 31.4.1(k) for the construction of 224,000 square foot, 4-story residential apartment building with 250 dwelling units and an underground parking garage with approximately 258 parking stalls; and,

WHEREAS, the project also includes a petition for the annexation of certain territory to the City of Belmont, and detachment of said territory from the Harbor Industrial Sewer Maintenance and Belmont County Lighting Districts and San Mateo County, consisting of approximately 0.87 acres, has been filed with the San Mateo County Local Agency Formation Commission (LAFCO), File. No 17-19, by the owners of said parcels; and,

WHEREAS, on November 14, 2017, Belmont adopted a comprehensive update to its General Plan (General Plan 2035), and subsequently adopted the Belmont Village Specific Plan (BVSP) on November 28, 2017; and,

WHEREAS, the updated General Plan is a long term policy document that includes all incorporated areas within the City, as well as adjacent unincorporated territory that the city ultimately expects to annex or to serve, known as the City's sphere of influence (SOI); and,

WHEREAS The project site is located within the BVSP Area, and the properties proposed for annexation are located within the City's SOI; and,

WHEREAS the properties proposed for annexation were pre-zoned Village Corridor Mixed Use (VCMU), consistent with the City's adopted General Plan/BVSP; and,

WHEREAS, The Belmont City Council certified a Final Environmental Impact Report (FEIR) that evaluated the environmental impacts of the City's 2035 General Plan, Phase I Zoning, Belmont Village Specific Plan (BVSP), and Climate Action Plan (CAP) on November 14, 2017 (the "General Plan EIR" - SCH #2016082075). The Council also made the required California Environmental Quality Act (CEQA) findings, and adopted a Mitigation Monitoring and Reporting Program (MMRP) and a statement of overriding consideration for the project on November 14, 2017; and,

WHEREAS, in accordance with CEQA Guideline Section 15162, if the lead agency reviewing a site-specific project finds that no new effects could occur or no new mitigation measures would be required compared to what was outlined in the EIR, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required; and,

WHEREAS, an EIR Addendum has been prepared in accordance with Section 15162 of the California Environmental Quality Act (“CEQA”) Guidelines, which demonstrates that none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred, the changes that are part of the Project would not result in any significant impacts not considered under the original EIR; and,

WHEREAS, on April 30, 2019, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and at which hearing the Commission considered the Project, received public testimony and evidence, and adopted resolutions recommending adoption of an Addendum, and approval of all of the project entitlements; and,

WHEREAS, on May 14, 2019, the City Council held a noticed public hearing to consider public testimony, the Planning Commission recommendations, and a staff report for the Windy Hill Project, and in separate actions, adopted an Addendum to the General Plan Environmental Impact Report, introduced a Development Agreement, and approved a Vesting Tentative Map for the project.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

#### SECTION 1. FINDINGS

The City Council after reviewing all the relevant evidence before the City Council, including the information provided in the staff report and enclosures to the City Council, the public meeting, public correspondence and testimony received, the City Council incorporates herein by reference and adopts the analysis and findings in the staff report to the City Council dated May 14, 2019; and,

The City Council determined that requisite findings for approval of the project entitlements can be made in the affirmative, as follows:

##### Design Review

- a) *Review of buildings or structures for scale, mass, proportion, use of materials, and relationship to adjacent elements and relationship to the community as a whole.*

The proposed four-story apartment building would be larger than other buildings in the surrounding area, which are predominantly one and two-stories in height, and tilt-up



concrete construction; however, the scale and mass of the apartment building would be substantially consistent with the development standards, and objective design requirements outlined in the Belmont Village Specific Plan (BVSP) and the Belmont Zoning Ordinance (BZO), which allow for larger buildings and increased development intensity. In addition, the apartment building would include design elements that would mitigate for project bulk and create visual interest at the pedestrian level, including:

- A significant amount of vertical and horizontal articulation (projected and recessed building walls, decks, brick veneer, etc.).
- Changes in colors and material that break down the overall appearance of the building's massing.
- Three-dimensional elements (awnings, window trim, recessed windows, and door surrounds, etc.).
- Brick veneer, recessed doorways, storefront lobby windows, and porches on the ground floor Landscaping along the street frontages (street trees, foundation plantings, etc.), and scored concrete would be used for sidewalk areas.
- Decorative, ADA-compliant tree wells and a plaza area with decorative paving, landscaping, seating, a deck for gatherings, and a public art exhibit.

Therefore, the proposed project would provide appropriate scale, proportion, and use of materials that would be compatible with the vision for BVSP, and the character of the community as a whole. This principle is met.

- b) *Review of proposed exterior color and material application with relationship to adjacent architectural of natural elements. The intent with respect to review of color is to avoid the use of extreme color.*

Extreme color is not proposed for the project. The proposed building would include tan, taupe, and dark brown exterior building walls (stucco and brick veneer), with brown trim and a brown/black asphalt shingle roof. Windows would be framed with anodized metal (dark brown). The proposed color scheme is appropriate for its surroundings, and consistent with the structures in the vicinity of the development site. This principle is met.

- c) *Review of the proposed location, height, and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development or to conceal storage areas, utility installations or other surfacing to prevent dust erosion.*

Utilities for the project would be placed underground, and storage/trash containers would be located within the parking garage. Conditions of project approval require the trash area to be covered and plumbed to the sanitary sewer system. Best management practices for grading will be required as a condition of approval to prevent erosion and sedimentation impacts. This principle is met.

- d) *Review of location, size, height, lighting and landscaping of signs as specified in the Sign Ordinance, in relation to traffic hazards and the appearance of harmony with the*

*environment. The intent with respect to review of color is to avoid the use of extreme color.*

No signage is proposed as part of the project. Section 23.10.02 of the Belmont Zoning Ordinance requires the applicant to obtain a Master Sign Program for the site, prior to installation of signage for the mixed-use building. Standard review criteria and conditions of approval for a Sign Program would require that all proposed signage be integrated into the site design using comparable colors and materials, and thus signage would be in harmony with the built environment. Use of extreme color for signage would be prohibited, and signage lighting would be minimal. All proposed signage would be reviewed to ensure that the project would not present a traffic hazard or lead to driver confusion. Therefore, as conditioned, the size, height, and lighting of signs would be in harmony with the environment. This principle is met.

- e) *Review of site layout considering the orientation and location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood, the appearance and harmony of the buildings with adjacent development and the surrounding landscape.*

The project considers the size and shape of the site in the overall design and layout of the apartment building, which would be oriented toward the corner of Old County Road and O'Neill Avenue. The project would include a large plaza space, seating and public art display at this corner, which is the planned location of the O'Neill Avenue underpass and the bicycle and pedestrian loop. Open space amenity areas for the residents of the apartments would generally be located on the interior of the building to help mitigate noise, although an upper floor amenity area would be located at the corner of Old County Road and O'Neill Avenue.

The basic visual character of the planning area generally consists of surrounding commercial and industrial uses. Surrounding buildings are generally 1-3 stories in height with stucco exteriors and flat roofs. Surrounding lots are generally flat with less than a 3% slope, and building pads are typically surrounded by concrete parking areas with minimal landscaping.

The proposed apartment building would be the first project in the area to implement the streetscape/street frontage requirements and mixed-use urban design standards identified in the BVSP. The project would include the construction of a modern style mixed-use building that would be substantially residential; however, this building would include a brick veneer, and stucco exterior walls, storefront windows, and anodized metal frame windows that would be compatible with the commercial/industrial development in the surrounding area.

The proposed street frontage and landscape plan includes wide sidewalks, short term bicycle parking, screening shrubs along the building frontages, a public plaza, and street trees along the perimeter of the site in excess of the BVSP/BZO planting requirements. The proposed changes to the site and street frontages would result in a mixed-use urban

type of look that would be compatible with the surrounding commercial/industrial uses. Therefore, the site layout considers the location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood, the appearance and harmony of the buildings with adjacent development, and the surrounding landscape. This principle is met.

- f) *Review of the layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.*

Vehicular and pedestrian access to the site would be provided from surrounding public and private streets and sidewalks (Old County Road, O'Neill Avenue, Elmer Street, and Karen Road). The main entrance to the building would be located on Old County Road, and the access to the parking garage would be located on O'Neill Avenue.

The Public Works Department and a consulting traffic engineer working for the City have reviewed the layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways, and finds that as proposed and conditioned, the project would provide safe and appropriate access. This principle is met.

- g) *Review of site landscaping including adequacy of irrigation plans, size and location of plant materials, and protection of existing plant materials.*

A total of 12.5% of the property is proposed for landscaping, where the BVSP requires a minimum of 10% (landscaping along a public sidewalk, pedestrian walkway, public seating area or plaza and in rooftop gardens counts toward fulfillment of this requirement). The project would also exceed the BVSP standards for the number of trees required by including two trees for approximately every 382 sq. ft. of landscaped area, where the BVSP requires the planting of one tree for every 400 sq. ft. of landscaped area.

The proposed types of trees and the locations of trees and other plantings are consistent with the BVSP standards, which are based on street typology. Landscaping is required to be designed and plantings selected so that water use is minimized, as defined in Belmont City Code Section 25.5-26; the proposed landscape plan has been conditionally reviewed/approved as meeting the MPWD water efficiency in landscape ordinance (WELO) requirements. This principle is met.

The City Council has considered the applicant's request for Design Review and finds it generally consistent with the Design Review Principles in Section 13.5.3 of the Zoning Ordinance. In addition, the Council has reviewed the proposed building architecture and site layout, and finds that the project conforms to all applicable Design Review Guidelines identified in Chapter 4 of the Belmont Village Specific Plan (provided in Exhibit 1 to this Resolution).

### Alternative – Ground Floor Transparency

The City Council has considered the applicant’s request for an Alternative to the ground floor transparency requirements in conjunction with the Design Review Permit application for the project, and approves the alternative, finding that it meets the required standards set forth in Section 31.4.1(k)(3) of the BZO, as follows:

*(A) The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater.*

Section 31.4.1(k)(1) of the BZO indicates that window openings are “*required to have transparent or moderately tinted glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep and five feet wide.*” These design standards are consistent with retail uses, art galleries and restaurants, but not multi-family housing on the ground floor where a certain level of privacy is desired for interior spaces. Thus, the Planning Commission finds that the examples of uses identified in Section 31.4.1(k)(3)(B) of the BZO is not exhaustive, and that multi-family housing on the ground floor has unique operational characteristics that warrant alternative window opening design.

*(B) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.*

The proposed building design includes brick veneer, recessed doorways, storefront lobby windows, and porches at the pedestrian level. Landscaping would be provided along the street frontages (street trees, foundation plantings, etc.), and scored concrete would be used for sidewalk areas. Decorative, ADA-compliant tree wells would be used for street trees, and the proposed plaza area would include decorative paving, landscaping, seating, a deck for gatherings, and a public art exhibit. As such, the City Council finds that the proposed project would create visual interest at the pedestrian level.

### Conditional Use Permit

The City Council has considered the applicant’s request for a Conditional Use Permit required to allow for residential uses on the ground floor of the proposed apartment building, and finds that it meets required findings as set forth in Section 10.7.3 of the Zoning Ordinance, as follows:

1) *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.*

### Land Use Compatibility

BVSP Chapter Two (Land Use) indicates that: “*The Village Corridor Mixed Use designation is intended for a mix of community and visitor-serving uses. Uses include offices, services, and lodging uses, and retail is permitted but not encouraged. High-density residential is permitted and encouraged to be developed in a horizontal or*



*vertical mixed use setting, but it may be developed as a single use subject to the maximum FAR.”* Section 31 of the BZO allows residential uses on the ground floor in the VCMU Zoning District, with approval of a CUP.

The project site is adjacent to service, commercial and storage uses to the south (deli, gymnastics facility, storage facility), a children’s entertainment facility, and automotive/auto body repair businesses to the east, and automotive repair and commercial businesses to the west and north (flooring supplier, smog facility, cabinet maker). Key considerations for review of land use compatibility with these surrounding land uses include operation of the project with respect to significant adverse and/or unusual noise and vibration, odors, light/glare, use of hazardous materials, conflicts related to project pedestrian/vehicle circulation, parking and traffic, and incompatibility of project aesthetics.

#### *Noise & Vibration*

The Project would not include the use of heavy equipment after construction of the apartment building and, thus there would be no operational vibration impacts. Operational use would result in noise from vehicles arriving and departing the project site, trash pickup, and occasional public gatherings in the plaza area; however, there is no plans to have amplified music in the plaza area, and the operational noise for residential development would not be expected to exceed noise ordinance standards.

#### *Odors*

The project would remove waste (trash, compost and recycling) on a regular schedule in accordance with the specifications of the waste hauler, and the trash area would be enclosed and covered (stored in the underground garage). As such, no adverse odors are expected from the operation of the project.

#### *Light & Glare*

A photometric plan and cut sheets have been submitted which demonstrate that all site lighting would be the minimum required for safety. In addition, a condition of project approval would require that exterior lighting conform to the requirements of BZO Section 2.72.1, which requires full cutoff lighting fixtures meeting adopted criteria of the Illuminating Society of North America (i.e., exterior lighting that would be downcast to prevent light spill to adjacent properties). Thus, as proposed and conditioned, the project would not result in any significant adverse light or glare impacts.

#### *Hazardous Materials*

Contaminated ground water would be removed as part of the excavation of the underground garage. This work would be accomplished in accordance with all SMCEH’s Groundwater Protection Program requirements. No storage or transport of toxic, explosive or other hazardous materials is proposed for the project. Multi-family residential uses typically do not lend themselves to environmental hazards associated with transport, upset or emissions

of hazardous materials or wastes. Hazardous materials impacts are largely associated with industrial, heavy commercial and some light commercial land uses.

### *Pedestrian & Vehicle Circulation*

Vehicular and pedestrian access to the site would be provided from surrounding streets and sidewalks; access to the parking garage would be provide from O'Neill Avenue. The project would include wide sidewalk areas, and accessibility (ADA-compliant) improvements pursuant to the requirements the BVSP. Bicycle lanes would be provided along all public street frontages.

A Traffic Impact Analysis (TIA) was submitted for the project and peer reviewed by a consultant working for the City, in consultation with the Department of Public Works. The Peer Review included a circulation and safety evaluation of the street improvements (including sidewalks, parking layout, bike lanes, and intersections improvements), and the internal circulation of the proposed parking garage. The report and peer review concluded that the proposed improvements would not result in hazardous design features, and the Department of Public Works concurs with these findings. Thus, implementation of the proposed project would not be expected to result in pedestrian/vehicle conflicts with surrounding land uses.

### *Parking*

The applicant would provide 258 vehicle spaces within a parking garage where a total of 244 parking spaces would be required for the project. Additional vehicle parking would be provided along the street frontages of the project site (34 spaces). The project would also conform with the requirements for bicycle parking, electronic vehicle (EV) charging parking, and accessible parking. Thus, adequate on-street parking would be provided for the project.

### *Traffic*

A comprehensive traffic impact assessment (TIA) and a Transportation Demand Management Plan (TDM) were prepared for the project by Hexagon traffic consultants, and Nelson Nygaard consultants, respectfully. The project TIA includes an evaluation of potential traffic impacts, which are based upon significance criteria (what constitutes a significant traffic impact). The traffic significance criteria and the scope of the TIA were determined by the Department of Public Works. The TDM includes measures that are designed to reduce vehicle trips (i.e., providing transit passes, bicycle parking, etc.). The TIA and TDM were peer reviewed by a traffic consultant working for the city, in consultation with the Department of Public Works.

The TIA and peer review indicate that traffic from the Windy Hill project would impact the Elmer Street/Ralston Avenue intersection. A signal warrant would be triggered for the Elmer Street/Ralston Avenue intersection. In addition, the project would have impacts to other intersections within the surrounding area.

The City adopted mitigation measures as part of the adoption of the environmental review for the updated of the General Plan and adoption of the BVSP (General Plan EIR). These mitigation measures require applicants to pay a proportionate share of the cost for the improvement of street intersections that are impacted by their project, and that new development and redevelopment projects construct or pay their fair share toward improvements for all travel modes; however, the City of Belmont does not currently have a mechanism for the collection of these fees (i.e., a Traffic Impact Fee or TIF). As such, the applicant is proposing to pay the fees as part of a requested Development Agreement. The collection of fees in this way is consistent with the intent of the mitigation measures in the MMRP, and achieves the same purpose: a proportionate share payment towards improvements. The deposited fees would be held in an account dedicated towards improvements towards the impacted intersections. This account would be managed by the Department of Public Works. Therefore, the proposed project would not result in any new significant impacts as compared to the General Plan Environmental Impact Report (EIR), or increase the severity of a significant impact that has already been disclosed in the EIR. As such, subject to payment of the traffic mitigation fees, the applicant will have addressed the traffic impacts of the project (consistent with the General Plan EIR).

#### *Project Aesthetics*

The basic visual character of the planning area generally consists of surrounding commercial and industrial uses. Surrounding buildings are generally 1-3 stories in height with stucco exteriors and flat roofs. Surrounding lots are generally flat with less than a 3% slope, and building pads are typically surrounded by concrete parking areas with minimal landscaping.

The proposed apartment building would be the first project in the area to implement the streetscape/street frontage requirements and mixed-use urban design standards identified in the BVSP. The project would include the construction of a modern style mixed-use building that would be substantially residential; however, this building would include a brick veneer, and stucco exterior walls, storefront windows, and anodized metal frame windows that would be compatible with the commercial/industrial development in the surrounding area.

The proposed street frontage and landscape plan includes wide sidewalks, short term bicycle parking, screening shrubs along the building frontages, a public plaza, and street trees along the perimeter of the site in excess of the BVSP/BZO planting requirements. The proposed changes to the site and street frontages would result in a mixed-use urban type of look that would be compatible with the surrounding commercial/industrial uses.

#### Transportation, Utilities & Services

The proposed use will not place an undue burden on existing transportation, utilities and service facilities in the vicinity.

### *Transportation*

No new roads would be extended to any contiguous undeveloped areas and no residents would be displaced by the project. The proposed project would not conflict with any adopted policies, plans or programs supporting alternative transportation given that the subject property is located within close walking distance to public transit (there are existing bus stops on Old County Road and a train station within ¼ mile of the subject property). Given the limited number of residents (approximately 500), the project would not be expected to overburden the local public transportation system.

As previously discussed, the Project would have impacts to the roadway system, which cannot be fully mitigated pursuant to the technical requirements of the California Environmental Quality Act (CEQA); however, the applicant would pay fair share costs for traffic improvements (benefiting other properties in the area), and improve pedestrian and bicycle access to the site and surrounding area.

### *Utilities & Service*

The proposed use will not place an undue burden on existing utilities and service facilities in the vicinity. The project site is served for water supply by the Mid-Peninsula Water District (MPWD). The Project will pay fair share costs of additional sewer impacts, and replace existing sewer laterals as needed. The Project will not burden park and recreational facilities, as the applicant will be required to pay park impact fees. Lastly, the Project has been reviewed by all appropriate departments (Fire, Police, Public Works, Building, Parks and Recreation) to ensure that all service levels can be maintained to protect the public health, safety and welfare. Therefore, the project will not place an undue burden on utilities or services in the area. This finding is affirmed.

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

Based on review of the submitted plans, sufficient room exists to accommodate the proposed project in conformance with all required development standards. In addition, subject to the City Council approval of an increase in floor area in exchange for public benefits, the project would conform to identified floor area (FAR) requirements. Therefore, the subject property is of sufficient size to accommodate the Project. This finding is affirmed.

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

A project TIA has been prepared, which has been peer reviewed by a consulting Traffic Engineer working for the City, in consultation with the Department of Public Works. The TIA concluded that the project would result in traffic impacts, and mitigation measures from the General Plan EIR were identified to address project impacts consistent with the



California Environmental Quality Act (CEQA). Based upon the review of the project and implementation of the mitigation measures it was concluded that the site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use. This finding is affirmed.

- 4) *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 conditional use permit controlling the development and continued use of the Project will require compliance with Project-specific conditions, mitigation measures, and the City's regulations, as well as other regional, State and Federal regulations, all of which will prevent adverse effects to other property in the vicinity and protect the general welfare of the City. This finding is affirmed.

### Grading Plan

The City Council evaluated a Grading Plan proposal and finds that it meets the required findings set forth in Section 9-27(a)-(h) of the City of Belmont City Code (Grading), as follows:

- a). *The project will not endanger the stability of the site or adjacent properties, or pose a significant ground movement hazard to adjacent properties.*

The City's Building Division and Public Works Department have reviewed the grading plans for the project, and have determined that the plan is in conformity with the Building Code and the City of Belmont Grading Ordinance (Chapter 9 of the City Code). In addition, the City's standard requirements require the preparation of a site specific geotechnical investigation, independent peer review of the investigation and incorporation of the findings of the independent peer review into project design.

The City's consulting geologist, Geosphere prepared an independent peer review of the geotechnical investigations proposed as part of the project and concurs with the characterization of the project site, findings, and design specifications. Geosphere adds that the project geotechnical consultant shall review all plans, field work and conditions to assure that the project is built to specifications. The project geotechnical reports and the City's independent peer review requirements will, as a matter of grading and building permit procedures, be required of the project as conditions of project approval.

Based on reviews by City departments and the City's consulting geologist to assess site stability, no immediate safety concerns or hazards have been identified for the subject site or adjacent properties. Therefore, as proposed and conditioned, the project will not endanger the stability of the site or adjacent properties, or pose a significant ground movement hazard to adjacent properties. This finding is affirmed.

- b) *The proposed drainage improvements, landscaping, and erosion control measures would be adequate to control erosion or flooding and would not degrade riparian habitats, stream channel capacity or water quality.*

There are no streams or rivers on the site. The applicant has submitted a C-3 Checklist, hydrology study, and landscaping, grading, and drainage plans. The submitted materials identify appropriate methods to treat drainage from the site. The project has been reviewed and found acceptable by the City's Department of Public Works at this stage of the Development Review process. Detailed working drawings with storm water measures will be required to be submitted for review and approval as part of the building permit application process. The Department of Public Works has also reviewed the proposed drainage plans and facilities, and has provided conditions of approval.

In addition, the City requires the implementation of Best Management Practices (BMP's) for new development and construction as part of its storm water management program, as levied through standard City conditions of project approval. For new development and construction projects, the City requires the implementation BMP's to ensure the protection of water quality in storm runoff from the project site.

In brief, the measures address pollution control and management mechanisms for contractor activities, e.g. structure construction, material delivery and storage, solid waste management, employee and subcontractor training, etc. They also provide direction for the control of erosion and sedimentation as well as the establishment of monitoring programs to ensure the effectiveness of the BMP's. The City also requires an agreement with the applicant that ensures the permanent and on-going maintenance of water quality control improvements by the applicant and/or project site owner(s).

Therefore, the proposed drainage improvements, landscaping, and erosion control measures would be adequate to control erosion or flooding and would not degrade riparian habitats, stream channel capacity or water quality. This finding is affirmed.

- c) *The amount of grading proposed is necessary to allow reasonable use of the site.*

It is anticipated that approximately 26,450 cubic yards of export would be required for construction of the underground parking garage and other site improvements. The amount of grading proposed would also allow for installation of required landscaping, storm water treatment measures, and construction of the proposed streetscape frontage improvements. The grading plan has been reviewed by the Public Works Department and found not to be excessive, as it is required for the redevelopment of the property (i.e., there is no grading unnecessary for the project proposed on extraneous areas of the property). This finding is affirmed.

- d) *The proposed grading would result in a building site that is visually compatible with the surrounding land and accommodates any required off-street parking and wall landscaping.*

The building site would be would be visually compatible with the surrounding area, which is similarly graded/developed with commercial buildings located on generally flat pads and

surrounded by landscaping, and parking areas. The proposed grading would accommodate construction of the building, drainage, utilities and the landscaping of the subject property. This finding is affirmed.

- e) *The proposed grading will meet the standards and specifications of Article IV of Chapter 9 in the City Code (Grading Ordinance).*

Conditions of approval have been attached to the project to ensure that the final grading plan for the project will meet all of the standards contained in Article IV of Chapter 9 of the City Code (Grading Ordinance). This finding is affirmed.

- f) *The Director of Public Services and the applicant's Geotechnical engineer shall find that the form of vehicular access and methods of excavation are the simplest and least intrusive possible to obtain the geologic information required by the city.*

The Public Works Department has reviewed the grading plan, vehicular access, and methods of excavation and, as proposed and conditioned, found them to be adequate and complete. Conditions of approval require the final grading and drainage plans be consistent with Public Works Department requirements for the design and construction of the site improvements. This finding is affirmed.

- g) *The grading permit is conditioned on issuance of a hauling permit, if required.*

A hauling permit will be required in association with the Grading Permit for this project. This finding is affirmed.

- h) *The design of the project preserves existing protected trees on the site and trees on adjoining property to the extent possible.*

The project includes the removal of five protected trees. These tree removals are necessary for the proposed development of the site (i.e., to accommodate the site improvements, grading of the site, drainage improvements, fire access and safety, and utilities, etc.). A site-specific arborist report was prepared for the project which includes protection measures for trees to be retained. In addition, the applicant proposes to replant 43 trees on site. This finding is affirmed.

#### Tree Removal Permit

The City Council evaluated a Tree Removal Permit proposal for the project, and determined that the Permit may be approved based on the balancing of the Criteria for Permit Determination set forth in Section 25-7 (c) (1-2) of the City Code, as follows:

(1) Criteria Supporting Removal	(2) Criteria Supporting Retention
<p>(A) The tree is: (i) in poor condition; (ii) at the relative end of its life span of the particular species; (iii) diseased or infested beyond reasonable remediation; (iv) has poor structural integrity; (v) is in danger of falling; or, (vi) poses a safety hazard.</p> <p>(B) The particular tree species is undesirable due to characteristics such as invasiveness, tendency toward limb failure, and fire hazard.</p> <p>(C) The tree is damaging or interfering with existing structures, site improvements, or utility services.</p> <p>(D) Removal of the tree is needed in order to construct improvements or otherwise allow conforming use of the property.</p> <p>(E) Proximity of the tree to existing or proposed structures.</p>	<p>(A) The tree is located outside of the developable area of the property.</p> <p>(B) The tree and its location contribute substantially to the aesthetic appeal of the property or the neighborhood.</p> <p>(C) The effect of the requested tree removal on the remaining number, species, size and location of existing trees on the site and in the area, including trees mutually dependent on each other for survival, structural integrity or aesthetics.</p>

Criteria Supporting Removals & Retention

The project includes the removal of five protected trees. The arborist report and the landscape plans submitted as part of the project indicate that the trees proposed for removal are either directly impacted by project construction or are in very poor condition. While the large Redwood tree located on Old County Road contributes to the aesthetic appeal of the property, this tree is not in good condition, and would substantially interfere with the construction of sidewalk and other streetscape improvements required for the project.

Based upon review of the arborist report, and the site and grading plans, the City Council finds that the proposed tree removal is necessary for the construction of the project. In addition, the Commission finds that adequate arrangements would be made for the protection of trees to be retained. Specifically, a condition of approval would require the project arborist to prepare an updated evaluation of tree protection measures (for trees to be retained), based on final approved plans, prior to issuance of permits.



### Conditions of Permit

The project would exceed the replanting requirements set forth in Section 25-7 (d) (1) of the City Code, which require protected trees to be replaced at a 1:1 ratio. The applicant proposes to replant 43 trees. Thus, total protected tree replacement to removal would occur at more than an 8:1 ratio.

### Preferred Tree Species

The proposed replacement tree plantings would include preferred species trees (Coast Live Oak, Strawberry Tree, Chinese Pistache, and London Plane Trees) in conformance with Section 25-10 (a) of the City Code. The species identified above are also consistent with the preferred species identified in the Chapter 4 (Urban Design) of the BVSP.

### Exemption – Maximum Floor Plate

The City Council has considered the applicant's request for an Exemption to building bulk (maximum floor plate requirements), and approves the Exemption, finding that it meets the required standard set forth in Section 31 of the Belmont Zoning Ordinance, as follows:

*Ground floor space includes publicly-accessible walkways or other community benefits that reduce the area of the ground floor available for tenant use.*

### Publicly Accessible Space

The project would dedicate a large area of the ground floor to publicly-accessible walkways or other community benefits that reduce the area of the ground floor available for tenant use. As such, staff recommends that the Planning Commission approve the requested exemption. Specifically, the project includes a large public plaza area (4,031 sq. ft. where 200 sq. ft. is required), and wide sidewalks consistent with the BVSP.

In order to create a more inviting public plaza area, the ground floor of the building was set back farther along the corner of Old County Road and O'Neill Avenue, and the upper story (4<sup>th</sup> floor) was substantially stepped back. The area lost on the ground floor for creation of the plaza and wider walkways accounts for approximately 13% of the available building footprint, and the floor area gained on the upper floors is equal to approximately 14% of the total project square footage.

### Public Benefits & Design

The building design was informed by the vision, goals and policies of the BVSP. To this end, the proposed project includes measures that would contribute to a more active and vibrant downtown area: The project includes a high percentage of smaller studio or one-bedroom units (approximately 83%), an underground parking garage, a large public plaza area (with a sitting area space for a public art display), an art education use, a bike kitchen, short-term bicycle parking, and lobby space that could be used to host public events.

The applicant has incorporated adequate features to create visual variety. Pursuant to the requirements of Section 31.4.1(h)(3-5) of the BZO, long building facades have been broken up

into smaller modules, and building walls include three-dimensional elements (awnings, window trim, recessed windows, and door surrounds, etc.) that create visual interplay of light and shadows. In addition, the exterior of the building is proposed with a significant amount of vertical and horizontal articulation (projected and recessed building walls, decks, brick veneer, etc.), and changes in colors and material that break down the overall appearance of the projects massing. Thus, the applicant has adequately demonstrated that the project would include measures to address building bulk, and these measures would be consistent with the intent of the building bulk standard identified in Section 31.4.1(h)(1) of the BZO.

#### Exterior Noise Exception

The General Plan and BVSP identify the likelihood for developments projects to exceed their exterior noise limitations, and provide an exception mechanism to provide relief in these circumstances. While a formal exterior noise exception has not yet been created, BVSP Policy 6.5-2 provides a description of the situations in which an exception could be requested (applicability), and the method to determine if approval of an exterior noise exception is appropriate (findings).

The City Council finds that this type of exception is applicable to the proposed multifamily residential project, and that an exception to City exterior noise standards would be consistent with BVSP Policy 6.5-2, based on the following findings:

*(1) all feasible noise mitigations have been incorporated to lower exterior noise levels as close as possible to City standards.*

The applicant submitted an acoustical analysis prepared by a licensed acoustical engineer, which is included as an attachment to the EIR Addendum. The engineer confirms that all feasible noise mitigations have been incorporated to lower exterior noise levels as close as possible to City standards. The engineer indicates that further reduction in noise levels could only be achieved by enclosing the exterior spaces. This finding is affirmed.

*(2) noise mitigations that lower interior noise levels below the City and State standard of 45 dB have been incorporated, to compensate for the high exterior noise levels which make outdoor activities uncomfortable.*

The project noise assessment includes recommendations (construction methods, increased insulation, noise baffling, etc.) that would reduce interior noise levels below the City and State level of 45 dB. These recommendations have become conditions of project approval. This finding is affirmed.

#### Additional Floor Area in Exchange for Public Benefits

*Making such an award is in the City's interest and will help implement the General Plan and the Belmont Village Specific Plan.*

A complete General Plan / BVSP consistency analysis for the project is included as Attachment K. In summary, the proposed project is consistent with all relevant City General Plan and BVSP policies, including policies which speak to: 1) consolidating small lots into larger sites, which are better able to accommodate mixed-use development; 2) providing complete street improvements and publicly accessible amenities to create activity in the BVSP Area, and a sense of place; and 3) paying a “fair share” of costs as it relates to necessary capital/infrastructure improvements and project impacts.

*The benefits cannot be realized without granting increased FAR, height, and/or density.*

The General Plan EIR includes a mitigation measure requiring payment of traffic impact fees for projects in the BVSP area; however, the City has not established a Traffic Impact Fee and cannot require payment of the fees without one. As such, the applicant proposes to pay an in-kind payment of a transportation impact fee, memorialized in a Development Agreement (DA) for the project. The General Plan and BVSP also include implementation measures that require the preparation of nexus studies for the adoption of development impact fees; however, these studies are in process, and the required impact fees will not be adopted before public hearings for the project; however, the applicant has requested consideration of additional floor area in exchange for the payment of fees towards BVSP improvements/implementation (i.e., wayfinding signage, public art, the O’Neill undercrossing project, and TMA seed money). These fees could not be collected (and would not be offered) without the corresponding request for additional FAR.

*The increase granted is the minimum necessary to realize these benefits and no adverse impacts or land use incompatibilities will be created that are judged unacceptable.*

While the additional value of the increased floor area has not been quantified, City staff and the Planning Commission recommend that the applicant’s offer of public benefits is reasonable and consistent with the goals and policies of BVSP implementation for the area. Furthermore, the applicant would be required to: 1) pay all established development impact fees (i.e., sewer, drainage, and park impact fees); 2) install street improvements consistent with complete street standards; and 3) provide 15% of the units as affordable housing (38 units) in accordance with the City’s inclusionary housing requirements. Lastly, no land use incompatibilities or significant environmental impacts have been identified for the residential project (see discussion of environmental impacts in Attachment J - EIR Addendum).

Based on the foregoing discussion, the City Council determined that the Findings for approval of additional floor area for the project in exchange for community benefits can be made in the affirmative.

## SECTION 2. ENTITLEMENTS, EXEMPTION, EXCEPTION, ALTERNATIVE AND ADDITIONAL FLOOR AREA IN EXCHANGE FOR PUBLIC BENEFITS APPROVED

The City Council approves the Design Review, Conditional Use Permit, Grading Plan, Tree Permit, Outdoor Noise Exception, an additional floor area allowance in exchange for specified public benefits under Belmont Zoning Ordinance (BZO) Section 31.4.1(f), an Exemption

to Maximum Floor Plate as a Percent of First Floorplate standards under BZO Section 31.4.1(h)(1), and an Alternative to Window Transparency requirements under BZO Section 31.4.1(k) for the Windy Hill Project, as described in the City Council staff report and Attachments, dated May 14, 2019.

\* \* \*

ADOPTED May 14, 2019, by the City Council of the City of Belmont by the following vote:

Ayes: Mates, Lieberman, Stone, Kim, Hurt

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney