



City Council Special Meeting Agenda

Tuesday, October 28, 2025

City Council Chambers
City Hall, One Twin Pines Lane, Belmont, California

General order of Business

1. CALL TO ORDER
2. ITEMS BEFORE 7:00 PM
3. PLEDGE OF ALLEGIANCE
4. REPORT FROM CLOSED SESSION
5. SPECIAL PRESENTATIONS
6. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
7. COUNCILMEMBER ANNOUNCEMENTS
8. CONSENT BUSINESS
9. PUBLIC HEARINGS
10. GENERAL BUSINESS
11. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF
12. MATTERS OF INTEREST/CLARIFICATION
13. ADJOURNMENT

City Council

Julia Mates, Mayor
Robin Pang-Maganaris, Vice Mayor
Gina Latimerlo, Councilmember
Tom McCune, Councilmember
Cathy Jordan, Councilmember

Staff

Afshin Oskoui, City Manager
Scott Rennie, City Attorney
Kathy Kleinbaum, Assistant City Manager
Ken Stenquist, Police Chief
Grace Castaneda, Finance Director
Ann Ritzma, Interim Admin Services Director
Carlos deMelo, Community Development Director
Brigitte Shearer, Parks and Recreation Director
Edric Kwan, Public Works Director
Jozi Plut, City Clerk

MEETING ATTENDANCE:

Council meetings, unless otherwise noted, are broadcast live to Belmont residents on

1. Comcast Cable Channel 27
2. Streamed live via the City's website at www.Belmont.gov
3. ZOOM <https://belmont-gov.zoom.us/> **Meeting ID: 95745673035**
4. Attend the meeting in the Council Chambers, Belmont City Hall 2nd floor

PUBLIC COMMENT:

- Public in the Council Chamber present the Clerk a request to speak slip found at the table at the rear of the chamber.
- If participating virtually use the Raise Hand feature to request to speak.
 - For dial- in comments, call *67 1-(669) 900-6833 (your phone number will appear on the live broadcast if *67 is not dialed prior to the phone number)
 - enter **Meeting ID: 95745673035**, and press *9 to request to speak

All public comments are subject to a **3-minute time limit** unless otherwise determined by the Chair.

To submit a written public comment:

E-mail cclerk@belmont.gov before the Council discusses the item, noting the agenda topic or number in the subject line. Comments received up to three hours before the meeting will be distributed to the Council and included in the record but not read aloud during the meeting..

The Mayor has the authority to rule any speaker out of order, including speakers during the Public Comment period; If the subject raised is not within the subject matter jurisdiction of the City Council, during a public hearing or a general business item if the speaker is not presenting testimony or evidence relevant to the matter or if the speaker becomes disruptive to the proceedings and conduct of the meeting.

The Mayor also has the authority to order any person who willfully interrupts the meeting to be removed. All persons are expected to always conduct themselves with civility and courtesy. All persons giving comments shall speak directly to the Council and address issues, not individuals. Personal attacks, cursing and outbursts from the audience in support or opposition to a speaker are not tolerated to foster an environment where everyone feels welcome to speak.

LEVINE ACT:

The Levine Act (California Government Code Section 84308) limits campaign contributions that may be made to elected or appointed City officials (including councilmembers and the mayor) and certain candidates for elective city offices. The Act prohibits an agent of a party from contributing any amount to councilmember while a proceeding for a contract valued at \$50,000 or more, permit, license, or other entitlement for use is pending that does not solely involve purely ministerial decisions. The Act also prohibits parties and participants in the above entitlement proceedings from contributing more than \$500 during the proceeding and for 12 months after the proceeding and requires disclosure of the prohibited contributions. The Act prohibits certain officials, including local elected officials, from taking part in an entitlement proceeding if the official has received a contribution exceeding \$500 from a party or participant in the proceeding within the preceding 12 months. An official is also prohibited from accepting, soliciting, or directing a contribution exceeding \$500 from a party or participant in the proceeding for 12 months after a final decision is rendered in such a proceeding. The law is complex, and this brief description is not legal advice. If you or an agent have made any campaign contributions to a councilmember in the 12 months before a proceeding in which you have an interest or you are contemplating making a contribution within the 12 months after such a proceeding, you are urged to review the Levine Act and consider consulting an attorney. The California Fair Political Practices Commission (FPPC) is responsible for administering the Levine Act. More information about the Act and its implementing regulations can be found on the FPPC’s website here: <https://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html>

ACCESSIBILITY

If you need assistance to participate in this meeting, please contact the City Clerk at (650) 595-7413. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA POSTING: I declare a copy of this agenda was posted at City Hall, One Twin Pines Lane, and the City's website www.Belmont.gov Date: _____ Time: _____ /s/:

City of Belmont
City Council Special Meeting Agenda
October 28, 2025
City Council Chambers
City Hall, One Twin Pines Lane, Belmont, California

NOTICE REGARDING MEETING SCHEDULE

The City Council may meet prior to 7:00 PM for Study Sessions, Closed Sessions, or other Special Topics. All other business will commence at 7:00 PM as a time-certain agenda item.

1. CALL TO ORDER

- Roll Call

2. ITEMS BEFORE 7:00 PM

A. CLOSED SESSION (none)

B. STUDY SESSION - Joint Meeting with Planning Commission (5:45 PM Start)

The public will have an opportunity to address the City Council concerning this item.

i. Housing Law Update

Recommendation: Receive an informational update on State housing laws and their implications for the City of Belmont

Attachments:

[Staff Report](#)

[CPPG Housing Policy Overview](#)

[Goldfarb California Housing Law Presentation](#)

C. SPECIAL SESSION/OTHER TOPICS (none)

ITEMS STARTING AT 7:00 PM

3. PLEDGE OF ALLEGIANCE

4. REPORT FROM CLOSED SESSION

5. SPECIAL PRESENTATIONS

A. Recognition of Belmont Softball 10U & 12U Outstanding 2025 Season

B. San Mateo County Library Annual Report Presentation

6. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

This portion of the meeting is reserved for persons wishing to address the Body on any City matter not on the agenda. The period for public comment at this point in the agenda is limited to 15 minutes, with a maximum of 3 minutes per speaker. Speakers who requested but did not receive an opportunity to speak during this comment period will be given an opportunity to address the Body later in the meeting. State law prohibits the Body from acting on non-agenda items.

7. COUNCILMEMBER ANNOUNCEMENTS

8. CONSENT BUSINESS

Consent business items are considered to be routine in nature and will be enacted by one motion. There will be no

separate discussion on these items unless a member or staff request specific items to be removed for separate action. The City Attorney will read the title of ordinances to be adopted.

A. Approval of Minutes

Recommendation: Consider modifications and approve minutes.

Attachments:

[October 14, 2025 Minutes](#)

B. Monthly Financials

Recommendation: Motion to approve July 2025 Monthly Financials

Attachments:

[July 2025 Monthly Report](#)

C. Community Center Restroom Renovation Project CIP #8115 - CCN 2025-643

Recommendation: Adopt a resolution to 1) approve plans and specs, 2) authorize the City Manager to execute a contract to Zone 4 Construction, Inc. for \$550,430 for renovation of restrooms in the Twin Pines Senior Center, Twin Pines Lodge, and Belmont Sports Complex, City Contract Number 2025-643, and 3) approve a budget appropriation in FY 2025-26 in the amount of \$413,858 to complete all three renovation locations during this fiscal year

Attachments:

[Staff Report](#)

[Resolution](#)

D. Parking and Traffic Safety Committee – Fall 2025 Recommended Actions

Recommendation: Adopt a resolution approving Parking and Traffic Safety Committee (PTSC) recommendations for safety improvements at Middle Road and Hainline Drive, Lassen Drive, and Old County Road near Sterling View Avenue

Attachments:

[Resolution](#)

[Staff Report](#)

9. PUBLIC HEARINGS

A. Appeal of Planning Commission Approval of Application No. 2023-0032 for By-Right Processing of Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus for 500-580 Masonic Way

Recommendation: Adopt a resolution approving the requested by right entitlements for 500-580 Masonic Way: Design Review, Grading Plan, Tree Permit, Affordable Housing Plan, Density Bonus, Transportation Demand Management Program, and State Density Bonus.

Attachments:

[Staff Report](#)

[Attachment A - Resolution with Exhibit A and Exhibit B](#)

[Attachment B - Planning Commission Staff Report](#)

[Attachment C - Planning Commission Resolution No. 2025-18](#)

[Attachment D - Appeal Application and Supplemental Appellant Materials](#)

[Attachment E - Applicant Appeal Response \(Dated October 2, 2025\)](#)

[Attachment F - Revised Development Standards Evaluation](#)

10. GENERAL BUSINESS

General Business items are considered separately, typically in the order listed. The chair will call for public

comment on each item when the body considers the item.

A. 1301 Shoreway Development Agreement Terms

Recommendation: Provide direction on the proposed Development Agreement terms under negotiation for the 1301 Shoreway commercial development project

Attachments:

[Staff Report](#)

[1301 Shoreway DA Term Sheet](#)

[1301 Shoreway project renderings](#)

B. Local Amendments to 2025 California Building Standards Codes

Recommendation: (1) Sitting as the City Council, introduce an ordinance adopting the 2025 California Building, Plumbing, Mechanical, Electrical, Residential and Wildland-Urban Interface Codes by reference with local amendments, designating fire hazard severity zones, amending City Code administrative and enforcement provisions, and ratifying Fire Code amendments by San Mateo Consolidated Fire Department applicable in the city.

(2) Sitting as the Board of Directors for the Belmont Fire Protection District, introduction an ordinance ratifying the 2025 Fire Code and Wildland-Urban Interface Code amendments by San Mateo Consolidated Fire Department applicable in the District's unincorporated areas and designating fire hazard severity zones.

Attachments:

[Staff Report](#)

[BFPD Ord Ratifying 2025 Fire Code amendments](#)

[2025 CBSC Adoption Ordinance introduction](#)

C. City-Owned Property Disposition Update and Exempt Surplus Land Declaration

Recommendation: Receive an update on staff's work related to the disposition of the three city-owned residential properties at 730 El Camino Real, 503 Crest View Ave, and 1000 O'Neill Ave (Emmett House) and adopt a resolution declaring the vacant lot at 780 El Camino Real as Exempt Surplus Property under the Surplus Lands Act

Attachments:

[Staff Report](#)

[Resolution](#)

D. Approval of Amendments to Employment Agreements for the City Manager and City Attorney

Recommendation: Adopt the attached resolutions: 1) Establishing compensation for the City Manager and authorizing the Mayor to execute a Third Amendment to the City Manager Employment Agreement; and 2) Establishing compensation for the City Attorney and authorizing the Mayor to execute a Second Amendment to the City Attorney Employment Agreement

Attachments:

[Staff Report](#)

[CM Employment Agreement Third Amendment - Resolution](#)

[CA Employment Agreement Second Amendment - Resolution](#)

11. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

A. Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

B. Verbal report from City Manager

12. MATTERS OF INTEREST/CLARIFICATION

Items in this category are for discussion and direction to staff only. However, Council/Board may take final action on an item if there is no need for additional staff analysis.

13. ADJOURNMENT



STAFF REPORT

Meeting Date: October 28, 2025
Agency: City of Belmont
Staff Contact: Kathy Kleinbaum, Assistant City Manager
Agenda Title: Housing Law Update
Agenda Action: For Information Only

Recommendation

Receive an informational update on State housing laws and their implications for the City of Belmont.

Strategic Focus Area

Economic Development and Housing

Background

The landscape for housing development review and approval has significantly changed over the past few years with recent State laws significantly eroding local control. These laws have resulted in significant changes in the ability of cities to set enforceable design standards and allow for a comprehensive public review process. Additionally, recent laws have significantly shortened the timeline allotted to staff for review of housing development applications.

To provide an overview of the shifting landscape that cities are operating under, staff has arranged for a joint study session with the City Council and Planning Commission to go over the most impactful aspects of the new laws and other pending legislative trends. The presentation will be provided by the California Public Policy Group (CPPG), the City's State legislative consultant, and Goldfarb and Lipman, a law firm that provides contract services to the City related to land use and development review.

Analysis

Key topics that will be covered in the presentation include:

- Trends in State laws related to housing production and erosion of local control
- What to expect next session from the State
- Increase in projects eligible for ministerial approvals
- Changes in timeline for project reviews
- Decreased control over building design/standards
- Residential development allowed in commercially zoned areas
- Increased penalties for noncompliance

A draft of the presentations are included as Attachment A and B to this report.

Alternatives

1. No alternative actions, informational item only.



Attachments

- A. CPPG Presentation
- B. Goldfarb and Lipman Presentation

Fiscal Impact

No Fiscal Impact

This is an informational report and has no direct fiscal impact on the City.

Funding Source Confirmed:

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda



City of Belmont

City Council/Planning Commission Study Session
State Housing Policy Trends and Laws

Dane Hutchings, Founder and CEO, California Public Policy Group
Dan Carrigg, Senior Policy Advisor, California Public Policy Group

CPPPG: Presenters Snapshot



Dane Hutchings

- CPPPG Founder and CEO
- 18 years of legislative advocacy—Last 10 representing local government
- Former League of California Cities lobbyist
- Advanced legislation on behalf of clients in areas of housing, transportation, Brown Act and Voting Rights



Dan Carrigg

- Senior Policy Advisor with CPPPG
- 25 years of legislative advocacy—Former League of California Cities Legislative Director and Deputy Executive Director
- Regarded as a leading expert in housing, land use and taxation policy in the state

Goals and Objectives

- Trends in State Housing Laws. (A few charts and graphs)
- Major Factors Not Being Addressed in Policy
- Recently Signed Bills, including SB 79
- What to expect next session

Policy Trends

- State has tightened many housing laws, mostly focused on local authority (softest target)
- Legislative policy focus largely reflects housing/land use disputes within the Bay Area, attempting to respond to:
 - ✓ Affordability challenges through increased density.
 - ✓ Traffic/commute/GHG reduction by promoting TOD
 - ✓ Lack of vacant, buildable land, by up-zoning single-family and other low-density development.
- Most aggressive laws carried by Bay Area legislators and signed by Bay Area Governor.

State Tightened Many Laws

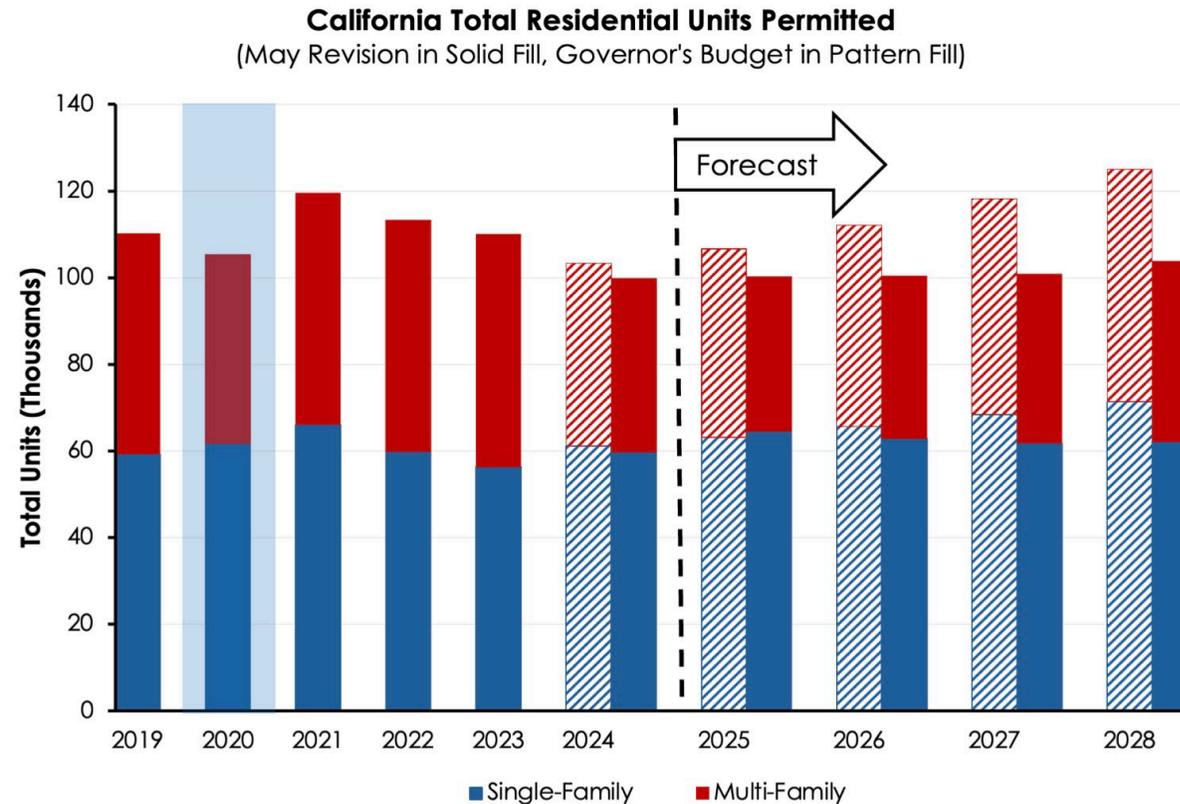
- RHNA and Housing Elements: Increasing allocations to local agencies; adding new factors; increasing state oversight with penalties for non-compliance.
- Density Bonus Law: Authorizing increased densities and expanding developer incentives.
- “By-Right” Development: Authorizing “ministerial” (non-discretionary) approval of projects which meet specified criteria.
- Housing Accountability: Expanding Attorney General’s and HCD’s authority to enforce various housing laws.
- Accessory Dwelling Units: Authorizing construction of multiple ADUs on a single-family parcel and multifamily parcels.
- Duplex and Four-Plex Housing: Authorizing development of up to four units on a single-family lot. (SB 9)
- Housing in Commercial Zones: Authorizing ministerial approval of multifamily housing development on sites meeting various criteria in commercial zones. (SB 6, AB 2011)
- Affirmatively Furthering Fair Housing: Promoting development/retention of affordable housing in higher-resourced areas.

Other Factors Not Being Addressed in State Policy

State housing policy expectations disconnected from some market realities:

- ✓ Production: Decline in state housing production Since the 80's, made even worse after 2008-2009 recession/foreclosure crisis. Despite hundreds of bills being signed over the past 7 years production remains down.
- ✓ Population: Flattening of state population growth decreases demand for new units.
- ✓ Market dynamics: increased interest rates, labor and construction costs affect investment.
- ✓ Developer/investor behavior: They pull back when prices/rents flatten.
- ✓ Wall Street: Corporate ownership of single-family housing increases competition for first-time homebuyers.
- ✓ Lack of Resources: Affordable units require subsidies. Declines exacerbated by RDA elimination.

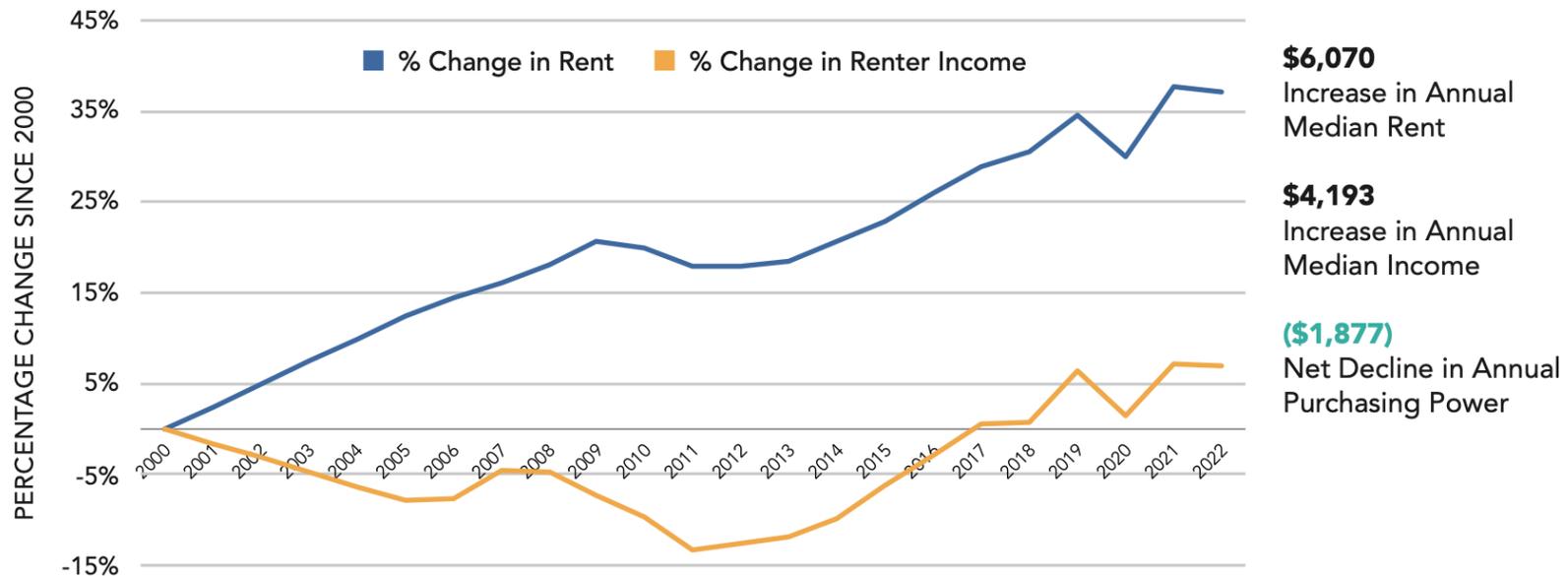
Production Declines over Governor's Term, and through 2028 state forecast



Note: Shaded area indicates the COVID-19 Pandemic Recession.
Source: U.S. Census Bureau; California Department of Finance, 2025-26 May Revision Forecast.

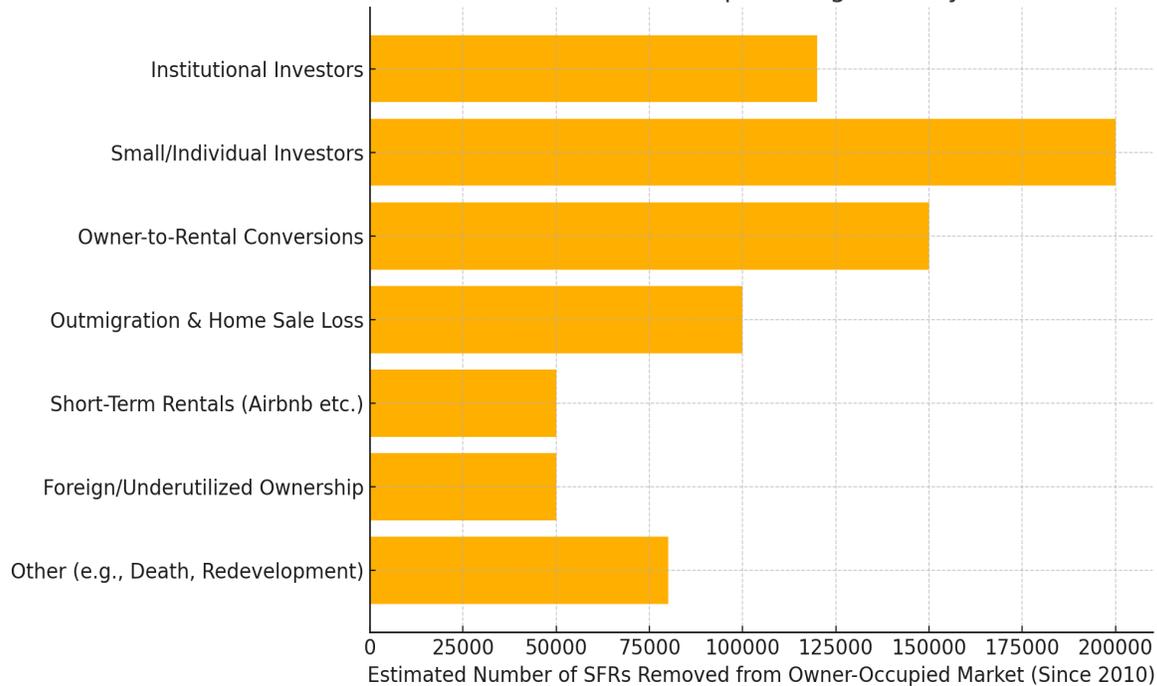
Deeper Economic Issues at Play

FROM 2000 TO 2022, CALIFORNIA'S MEDIAN RENT INCREASED 37% WHILE MEDIAN RENTER INCOME INCREASED 7%⁵



Corporate / Speculative Ownership of Single-Family Homes

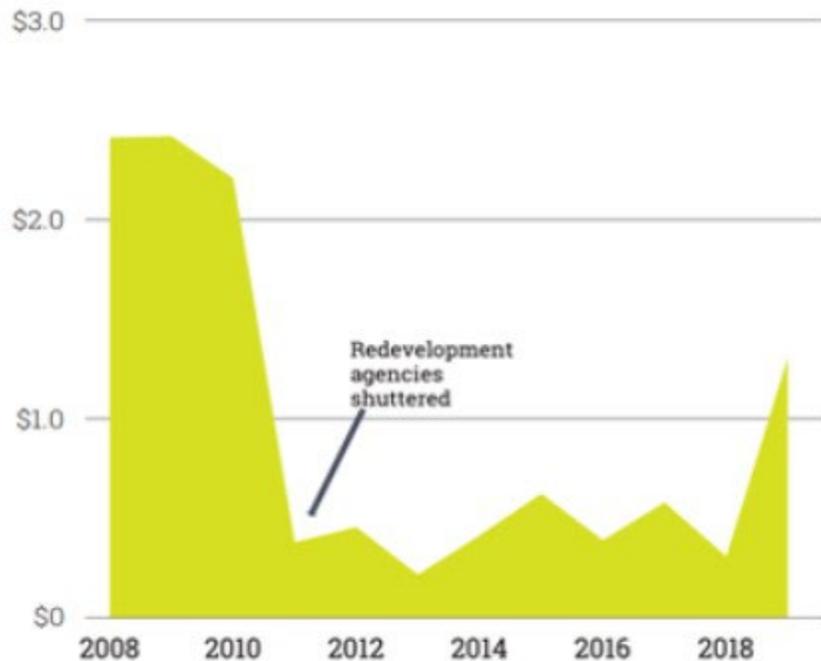
California's 700,000+ Loss in Owner-Occupied Single-Family Homes: Where Did They Go?



- Since 2010, California has lost over 700,000 owner-occupied single-family homes.
- This decline is driven not just by Wall Street landlords, but also by a broader shift toward financialized ownership — including private equity, short-term rentals, and absentee buyers.
- Combined, these forces have turned homes into assets, reducing affordability and destabilizing communities across the state.
- In the Bay Area, these pressures are intensifying — as institutional, remote, and corporate buyers reshape once locally-owned neighborhoods.

Major Factor: Significant Shortage of Affordable Housing Funding

State Funds for Affordable Housing, 2008–2019*
\$ Billion



Affordable housing construction dollars have been reduced:

- ✓ Federal investments have declined since the 1980's
- ✓ Elimination of Redevelopment in 2012
- ✓ State funding infrequent and minimal compared to needs
- ✓ 1986 Tax Reform Act, reduced tax benefits for multifamily housing

ABAG's RHNA More Than Double for 6th Cycle

Comparison Between ABAG's 5th and 6th Cycle RHNA Allocations

Affordability Level	5 th Cycle Allocation	6 th Cycle Allocation	Percentage Increase
Very Low	46,680	114,442	245%
Low	28,940	65,892	227%
Moderate	33,420	72,712	217%
Above Moderate	78,950	188,130	238%
Total	187,990	441,176	234%

Major Bills Signed

SB 79 (Wiener) Transit-Oriented Development

Establishes minimum height, density, and floor-area-ratios for housing development projects as an “allowed use” (on any site zoned for commercial, mixed, or commercial development) within either ¼ or ½ mile of a transit stop. (Transit districts given separate authority for projects developed on district-owned property). Takes effect July 1, 2026.

Belmont’s Cal Train Station appears to meet the definition in the bill for a ”Tier 1” stop, and housing development projects would be subject to the following minimum standards:

Height: ¼ mile: 75ft; ½ mile 65ft. Additional 20 feet if immediately adjacent to TOD stop.

Density: ¼ mile: 120ac; ½ mile: 100ac, with an additional 40 units per acre if immediately adjacent to TOD stop.

FAR: ¼ mile: 3.5; ½ mile: 3, with an additional 1 FAR if immediately adjacent to TOD stop.

Density Bonus: 3 DB incentives/concessions (1/4 mile at min density of 90ac) or 2 DB incentives/concessions (1/2 mile at min. density of 75 ac) (depending on level of affordability).

Minimum affordability: 7% extremely low; 10% very low; 13% lower, or local inclusionary requirement (if higher).

Labor: Prevailing wage applies to projects over 85 feet.

CPPG provided its clients with a detailed analysis of this bill.

Major Bills Signed

SB 79 (Wiener) Implementation

MPO's are required to create maps of each TOD zone within its region by tier, in accordance with HCD's guidance. HCD will promulgate standards by July 1, 2026, on how to allow for capacity in housing land inventory.

Locals can adopt interpreting ordinances, and "alternative plans" subject to HCD review and approval, which can offer some flexibility for locals on applicability of these standards to specific sites.

- Alternative plans can be developed via the housing element, a program to implement the housing element, a specific plan, a zoning overlay, or enactment of an ordinance. Plans must maintain overall "net zoned capacity" (units and floor area) across all TOD zones.
- Plans cannot reduce maximum allowed density for any individual site for which the plan allows residential use by more than 50 percent, unless the site meets one of the following criteria:
 - i. Within very high fire hazard severity zone, or vulnerable to one-foot of sea level rise.
 - ii. Sites with a historic resource designated on a local register. (Excluded sites can't be more than 10% of eligible area.)
 - iii. Where jurisdictions have more than one TOD zone, can't reduce density by more than 50 percent in any one zone.

Major Bills Signed

AB 507 (Haney) Adaptive Reuse

Allows for “by right” conversions of office and other building to residential uses regardless of the underlying zoning. Does not apply within industrial zones that do not permit residential uses or hotel conversions.

Building must be either: (1) less than 50-years old, or (2) more than 50-years-old and not a historic resource, or (3) more than 50-years-old and a historic resource and the project complies with specified criteria.

At least 50% of project must be dedicated to residential uses.

Project must include affordable units:

Rental units must designate either 15% for lower income, or 8% very low and 5% extremely low.

Ownership units must designate either 15% for lower, or 30% for moderate.

Local inclusionary ordinances (requiring additional affordability) may also apply.

Local agencies are authorized to adopt an ordinance or resolution that agrees to dedicate additional property tax received from the converted property to the project proponent for up to 30 years as an “incentive amount” to support the project’s affordable units.

Going Forward

- Monique Limon (D-Santa Barbara) assumes leadership of the Senate. Decisions on chairs of key committees very important.
- Continued state budget challenges, exacerbated by state/federal tensions.
- Many candidates vying for Governor.
 - In Housing,
 - Expect another run at major revisions to SB 9 (duplex-fourplex) law.
 - Continued efforts to erode, limit, cap local development fee authority.
 - HCD will have major role in implementation of SB 79.
 - Possible housing bond for 2026 ballot.



Thank You!



California's Housing Laws

Barbara E. Kautz
Goldfarb & Lipman LLP

City of Belmont Joint City Council and
Planning Commission Meeting

October 28, 2025

Presentation Overview

- Introduction: State Housing Policy
- The Housing Accountability Act
- Density Bonuses
- Ministerial Approvals and CEQA Exemptions
- Housing in Commercial Zones
- Shortened Review Times
- Litigation, HCD, and the Courts
- What Can Cities Do?

State Housing Policy

Making It Hard to Deny Housing Projects

“The Legislature’s intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval & construction of new housing for all economic segments of California’s communities by meaningfully and effectively **curbing the capability of local governments to deny, reduce the density of, or render infeasible housing development projects.** This intent has not been fulfilled.”

Major Themes in Legislation Since 2017

- Very difficult to deny or reduce density of housing
- Applicants may use density bonus law to ignore almost all City standards (height, floor area, etc.)
- State standards imposed in place of local ones (ADUs, SB 9, SB 79, parking, housing in commercial zones, code limits)
- Greatly reduced timelines for many approvals
- More ministerial approvals (no public input, no CEQA)
- Increased authority to HCD
- Increased penalties for noncompliance

The Housing Accountability Act

Preliminary Applications

“Preliminary application” freezes development standards as of date all required info was submitted

- But project must meet these timelines:
 - Project application must be filed within 180 days
 - Applicant must complete application within 90 days of receiving incomplete letter
- Can be submitted for ANY housing project.

Five-Meeting Limit for Housing Projects

City cannot hold more than 5 public meetings on any housing project after project is “complete”

- Includes appeals and continuances
- Includes any meeting organized by the City
- Applies to single-family homes
- Excludes legislative actions (rezonings, etc.)

Key Provisions

Denial of any housing project with 2+ units only if:

- Project doesn't comply with "objective standards" OR
- Results in "specific adverse impact" on public health & safety
 - A "significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards" that can't be mitigated

Key Provisions - “ Affordable” Project

Denial of “ affordable” project only if:

- Doesn't comply with both zoning and general plan
- “ Specific adverse impact”
- Doesn't comply with state or federal law
- Inadequate water or sewer
- Zoned for ag or resource preservation;
surrounded on two sides by sites used for that

What Is an “Objective Standard” ?

“Involves **no personal or subjective judgment** by a public official and verifiable by referring to an **external benchmark**”

OBJECTIVE	SUBJECTIVE
DENSITY REQUIREMENTS	REFLECT THE LOOK AND FEEL OF THE COMMUNITY
HEIGHT LIMITS	SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED USE
LOT COVERAGE	MUST BE COMPATIBLE WITH ADJACENT USES
SETBACKS	
FAR REQUIREMENTS	

Implications for Project Review

- **BUT:** Developers can obtain waivers of most City standards, objective or not, under density bonus law
 - Includes height, setbacks, open space, ground floor commercial, design standards, etc. etc.
- Project with waivers is considered “consistent”

Density Bonuses

Density Bonus Law

- Eligible project: 5% to 100% affordable housing
- Eligible projects entitled to receive:
 - A density bonus [20 - 100%, or unlimited];
 - 1 - 7 "incentives / concessions" [reduce costs]
 - Unlimited waivers of development standards
 - Reduced parking requirements.
- Density Bonus project = consistent with City standards
 - So can qualify for many CEQA exemptions

Concessions and Waivers for Density Bonus

- Can only be denied if:
 - “Specific, adverse impact”
 - Violates state or federal law
 - Adverse impact on project listed on California Register
- Concessions may also be denied if they do not result in “identifiable and actual cost reductions”
- Banker’s Hill 150 v. City of San Diego: waivers must be approved for project “as designed”

Density Bonus Law

- Affordable units required by City can qualify project for density bonus (Latino Unidos v. County of Napa)
- Example:
 - Belmont requires 15% low (rental) or 15% moderate (for-sale) income units for projects with 25 units or more
 - All of these projects are eligible for a density bonus
 - Smaller projects can also elect to provide affordable housing

Ministerial Approvals & CEQA Exemptions & More Limits

California Environmental Quality Act

If project requires discretionary approval, CEQA may apply

- Mitigation measures can be imposed if project not exempt
- But more exemptions and more ministerial approvals exempt from CEQA



Ministerial Approvals

- Only reviewed according to fixed standards; like building permits
- Exempt from CEQA review
- State has created more and more categories
 - ADUs, SB 9, some subdivisions with 10 units or less
 - "SB 35": streamlined review on housing sites
 - AB 2011: housing in commercial zones
 - SB 4: affordable housing on faith-based and private educational sites

Broad New Infill Exemption (AB 130)

Housing Projects in City Are Exempt from CEQA If:

- Site not more than 20 acres
- Previously developed with an urban use or 75% surrounded by urban uses or near urban uses
- Consistent with general plan and zoning
- At least 15 du/acre
- Meets certain environmental standards (no habitat for protected species, no wetlands, meets flood & fire stds.)
- Doesn't demolish listed historic resource

“ By Right ” Sites

Exemption from CEQA for Housing on “ Reused ” Sites Designated for Housing in Housing Element

- 20% lower income housing
- Subdivision subject to CEQA

Freeze on Residential Building Codes

No changes in CBC or local standards until June 1, 2031 except:

- Bldg. Standards Comm. deems necessary as emergency standards to protect health & safety
- Relate to home hardening (also if proposed by Fire District)
- Implement a general plan adopted by June 10, 2025 to permit mixed-fuel buildings while incentivizing all-electric
- Changes related to administrative practices

Housing in Commercial Zones

Housing in Commercial Zones (AB 2011/SB 6)

- City is receiving inquiries from developers interested in developing housing in 100% commercial/industrial zones
- AB 2011/SB 6/SB 79 may allow this
 - Ministerial approval under AB 2011/SB 6
 - May be ministerial under SB 79

AB 2011/SB 6

- Apply to most sites where commercial & parking uses may occupy more than 1/3 of the site
 - Specific plan adopted before 1.1.24 must allow multifamily development
 - Not allowed if site or adjoining sites have more than 1/3 industrial use
- Other complex requirements

SB 79:

- Appears to apply within ¼ mile of Caltrain station

Housing in Commercial Zones

- Specifies allowed building heights & densities
 - AB 2011: 30 to 80 units/acre; 35-65' height
 - SB 79: 120 units/acre; 75-foot height; FAR 3.5
 - Density bonus applicable
- Affordability requirements
- Prevailing wages required (SB 79: over 85' only)
- SB 6: only 50% residential required

Shortened Review Times

Ministerial Projects: VERY Fast Timelines

- 60 days from receipt of complete application
 - City may have only 30 days from determination of completeness
 - No time for optional public review of projects
- Exception for AB 2011/SB 6 projects
 - 60-90 days from submittal to determine consistency; 30 days from resubmittal
 - 60-90 days from consistency to approve

New AB 130 Infill Exemption

Tribal Notification

- Tribes have 60 days to respond
- Consultation must be completed in 45 - 60 days

If Project Eligible, City Must Then Approve or Deny Project Either:

- Within 30 Days after tribal notification complete; or
- Within 30 days after deadline to provide consistency determination

Difficult to Schedule Public Hearings within Limited Review Time

- Public notice must be sent minimum of 10 days before hearing
- Staff reports published 6 days before hearing
- To schedule hearing, staff must commence staff reports and preparation of hearing notices before tribal consultation or review of project is complete

Litigation, HCD, and the Courts

HCD and Attorney General Enforcement

- HCD Housing Accountability Unit
 - Broader and broader authority
 - Letters of Technical Advice
 - Notices of Violation
 - Referral to Attorney General
- Attorney General has strike force that acts independently

HCD Decertification & the Builder's Remedy

- HCD has authority to “decertify” housing element if not implemented as promised
- Would subject Belmont to the “builder’s remedy”
 - All sites could be built with “base density” of at least 80 du/acre; could be doubled with density bonus
 - Project could qualify for new infill exemption
 - Must be approved “as proposed by the applicant”

Third-Party Litigants & Aggressive Developers

Californians for Homeownership, YIMBY, California Housing Defense Fund

- Have sued dozens of cities on housing issues
- Often join in, or are plaintiffs, in litigation related to denials of housing development

Developers' attorneys

- More & more aggressive, demanding, & challenging

Housing Cases in General

- Courts:

- Generally very pro-housing
- Uphold housing approvals
- Overturn denials

- City risks:

- Significant attorneys fees exposure
- High defense costs
- AB 712: fine of \$10,000/unit if take action contrary to letter received from HCD or AG



What Can Cities Do?

Proactive Steps

- Adopt objective health & safety standards
 - Examples: sidewalk & bikeway standards, street design, "safe routes to school," fire evacuation standards, adequate sewer & water capacity, etc.
- Designate historic sites and buildings
- Adopt standards requiring studies of environmental issues apart from CEQA
- Adopt environmental standards & mitigation measures
- Contact your legislators

Project Review

- Review Under CEQA, If Not Exempt
 - Analysis of environmental issues required
 - City may impose feasible mitigation measures
- Enforce Health & Safety Standards
- Enforce State & Federal Law
- Protect Historic Sites If Possible

Thank You

CITY OF BELMONT CITY COUNCIL REGULAR MEETING MINUTES

City Council Chambers, City Hall, One Twin Pines Lane, Belmont, California

OCTOBER 14, 2025

1. CALL TO ORDER 5:47 PM

ROL CALL

COUNCILMEMBERS PRESENT: McCune, Jordan, Latimerlo, Pang-Maganaris, Mates

COUNCILMEMBERS ABSENT: None

2. ITEMS BEFORE 7:00 PM

A. CLOSED SESSION - 5:45 PM, Room 360, City Hall, 3rd floor

I. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation under Government Code Section 54956.9(d)(4): 2 cases

II. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6 Unrepresented Employees: City Manager, City Attorney, Designated Representatives: Robin Pang-Maganaris and Tom McCune

RECESSES at 7:00 PM to items starting at 7:00 pm.

B. STUDY SESSION (none)

C. SPECIAL SESSION/OTHER TOPICS (none)

3. PLEDGE OF ALLEGIANCE

Led by Mayor Mates

4. REPORT FROM CLOSED SESSION

City Rennie stated that direction to initiate or intervene in an action was given. The action, the defendants, and the other particulars will, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

5. SPECIAL PRESENTATIONS (none)

6. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

David Clark representing Invisible San Mateo commented on national politics.

7. COUNCILMEMBER ANNOUNCEMENTS

Councilmembers mad announcements of upcoming events.

8. CONSENT BUSINESS

A. Approval of Minutes, September 9, 2025, September 23, 2025

B. Monthly Financial Report June 2025 A

C. **Resolution 2025-66** authorizing the City Manager to negotiate and enter into a Memorandum of Understanding with the Cities of Brisbane, Daly City, East Palo Alto, Half Moon Bay, Menlo Park, Pacifica, Redwood City, San Bruno, San Mateo, the County of San Mateo, and Baird + Driskell + Abrams Community Planning, dba Community Planning Collaborative (CPC), for the purpose of studying the feasibility and complying with the legal requirements of inclusionary housing and commercial linkage fee requirements, and sharing analysis and resources for greater efficiency for the eleven jurisdictions participating in this collaborative effort known as the Multi-Jurisdictional Grand Nexus and Feasibility Study (Grand Nexus Study)

D. **Resolution 2025-67** approving a Permanent Encroachment Agreement for a retaining wall within the public right-of-way at 718 Alameda de las Pulgas (APN 044-043-200)

E. **Resolution 2025-68** authorizing the City Manager to negotiate and execute a Project Specific Maintenance Agreement between the City of Belmont and Caltrans for the construction of a High-Intensity Activated Crosswalk (HAWK) crossing. Hill Street and El Camino Real

F. Motion authorizing the City Manager to negotiate and execute Amendment No. 2 to the Service Agreement with Granicus LLC for public engagement software solutions in an amount not-to-exceed \$37,947, plus a 10% contingency, for a total service agreement amount not-to-exceed \$666,637 through June 30, 2029.

G. Motion authorizing the City Manager to negotiate and execute a Service Agreement with Economic & Planning Systems, Inc. (EPS) to perform a Development Impact Fee Nexus Study in an amount not-to-exceed \$128,000.

ACTION: On a motion made by Councilmember McCune and seconded by Councilmember Pang-Maganaris the consent calendar was approved by a roll call vote (5-0)

9. PUBLIC HEARINGS (none)

10. GENERAL BUSINESS

A. Belmont Community Center Master Plan Update

Jonathan Hartmann City Consultant with Group 4 provided a presentation on the master plan progress. He noted that staff and Group 4 held a project kickoff and conducted technical meetings with the Planning and Parks & Recreation Departments, shared design updates with the Parks and Recreation Commission, and engaged directly with residents.

He noted that feedback from the broader community highlighted the upgrades and repairs most valued by Belmont residents.

Public comment provided by Govind Narayan and email correspondence received.

Council discussion ensued no action taken.

B. Belmont Harbor Industrial Area (HIA) Specific Plan Update

At this time Councilmember Latimerlo recused herself from the dais and exited the chamber due to her home's proximity to the HIA.

Deputy Community Development Director Russel provided an update on the Belmont Harbor Industrial Area (HIA) Specific Plan Project. She noted that next steps are to draft the Specific Plan and provide public comment opportunities.

Council discussion ensued.

Written correspondence was received as well as public comment at the meeting from the following individuals: Caroline Pyrz, Ward Mace, Jen McBride, Jill Elkington, Yerry Yee, Joseph LoCoco, Noreen Leek, Brian Shiraisiti, Reed McBride, Kelly O'Dea, Alan Droutsas, Annie Chung, Jan Hoang, Lorena Ventura, Alison LoCoco Taylor E.

The Council concurred with staff's recommendation and directed staff to maintain low height limits, adopt regulations to minimize light pollution, and not pursue a residential buffer transition.

11. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

A. Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmembers reported on their assignments.

B. Verbal report from City Manager

City Manager Oskoui noted that a number of holiday events are being planned for the community to enjoy and the search for a new Belmont Poet Laurett is open.

12. MATTERS OF INTEREST/CLARIFICATION

13. ADJOURNMENT to Closed Session at this time being 10:08 PM.

Closed Session adjourned at 10:30 p.m.; report out to be provided at the October 28 meeting.

**Submitted by,
Jozi Plut, City Clerk**

Meeting video recorded

DRAFT



HIGHLIGHTS

PERFORMANCE AT A GLANCE REPORT

- General Fund balance increased compared to prior YTD

FUND RECAP AT A GLANCE REPORT

Notable Fund Balance Increase compared to prior YTD:

- General Fund
- Belmont Fire Protection District
- Sewer Collection System
- Sewer Treatment

Notable Fund Balance Decrease compared to prior YTD:

- Affordable Housing Successor

BUDGET VARIANCE REPORT

- Management Discussion & Analysis
- Tax Trends

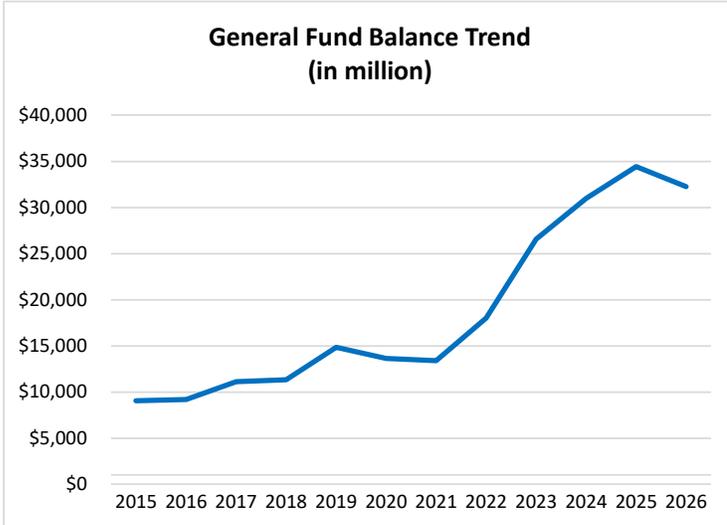
CASH DISBURSEMENTS & PURCHASE ORDER ACTIVITY REPORT

This report contains financial information which has not been reviewed or audited by an independent auditor, does not reflect the application of generally accepted accounting principles in all instances and is subject to future revision. This report has not been prepared with a view to informing an investment decision in any of the City's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in this report are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the City's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the City on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and website, maintained on the World Wide Web at <https://emma.msrb.org/>

These financial reports are designed to provide a general overview of the City of Belmont's interim finances. Questions concerning any information provided in these reports should be addressed to financedept@belmont.gov or for additional information regarding the City's financial activities, including past award winning audited financial statements, transparency efforts and best practices please visit the City at www.belmont.gov.



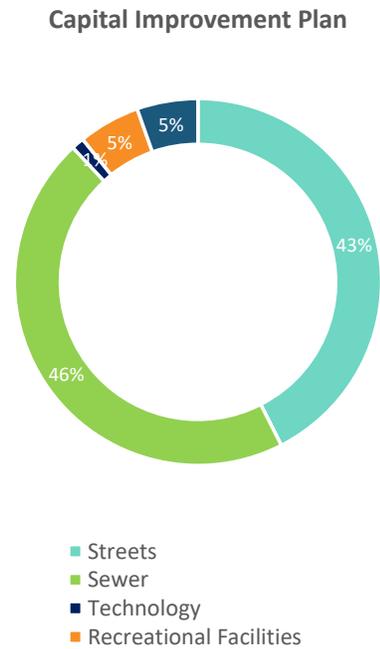
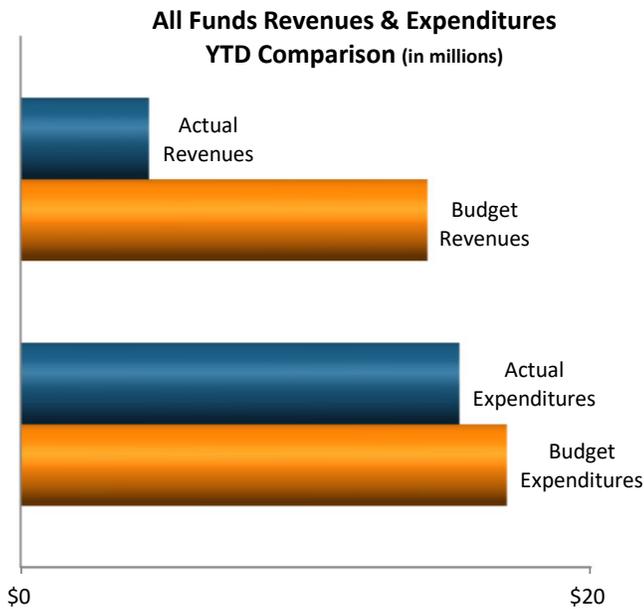
**City of Belmont
Performance at a Glance
Results for the Period Ended July 31, 2025
(000's)**



General Fund Balance Trends*

6/30/2015	2015	\$9,049	Audited
6/30/2016	2016	\$9,177	Audited
6/30/2017	2017	\$11,128	Audited
6/30/2018	2018	\$11,325	Audited
6/30/2019	2019	\$14,846	Audited
6/30/2020	2020	\$13,637	Audited
6/30/2021	2021	\$13,398	Audited
6/30/2022	2022	\$18,013	Audited
6/30/2023	2023	\$26,586	Audited
6/30/2024	2024	\$31,003	Audited
6/30/2025	2025	\$34,416	Unaudited
7/31/2025	2026	\$32,250	Unaudited

* excludes Measure I



General Fund

The General Fund balance is \$32.2 million, a decrease of \$2.2 million compared to the amount at the prior fiscal year end primarily due to annual insurance premiums and pension contributions that were made in the beginning of the fiscal year.

Fund Balance - YTD Fund Deficits

As shown on the Fund Recap at a Glance (page 3) Library Bond Debt Service Fund has deficits and is expected to be eliminated in a future period.

City of Belmont
Fund Recap at a Glance
Results for the Period Ended July 31, 2025
(000's)



Fund	Fund Name	UnAudited Fund Balance 06/30/25 (1)	Revenues					Expenditures					Unaudited Fund Balance 07/31/25 (1)+(2)-(3)	PY YTD Fund Balance 07/31/24
			YTD Budget	YTD Actual (2)	Variance (Under) Over	%	PY YTD Actual	YTD Budget	YTD Actual (3)	Variance Under (Over)	%	PY YTD Actual		
GENERAL FUND														
101	General	\$34,416	\$2,744	(\$214)	(\$2,958)	-8%	\$300	\$2,874	\$1,952	\$922	68%	\$1,808	\$ 32,250	29,495
102	Measure I	3,599	209	(215)	(424)	-103%	(196)	583	0	583	0%	1	3,384	4,268
SPECIAL REVENUE FUNDS														
205	Recreation	609	352	106	(246)	30%	87	357	439	(82)	123%	407	276	77
206	Library Maintenance & Operation	211	54	(2)	(56)	-4%	0	48	17	31	35%	24	192	753
207	Athletic Field Maintenance	446	16	25	9	156%	28	29	7	22	24%	5	464	414
208	City Tree	230	1	1	0	100%	1	4	3	1	75%	3	228	250
209	Senior Services Donation	105	1	0	(1)	0%	6	1	0	1	0%	0	105	102
210	Development Services	2,815	478	505	27	106%	439	547	385	162	70%	375	2,935	2,084
212	General Plan Maintenance	855	105	40	(65)	38%	42	150	46	104	31%	43	849	1,491
223	Belmont Fire Protection District	31,503	1,658	(88)	(1,746)	-5%	274	1,268	2,542	(1,274)	200%	4,653	28,873	21,503
225	Police Grants and Donations	35	0	0	0	N/A	0	2	0	2	0%	0	35	35
227	Supplemental Law Enforcement	167	16	0	(16)	0%	0	18	17	1	94%	8	150	63
231	Street Maintenance	1,988	242	5	(237)	2%	2	254	177	77	70%	173	1,816	1,194
232	RMRA Street Project	798	63	0	(63)	0%	0	127	2	125	2%	6	796	492
233	Measure W	2,618	43	(33)	(76)	-77%	(36)	246	0	246	0%	0	2,585	2,259
234	Street Improvements	3,209	93	0	(93)	0%	9	285	3	282	1%	8	3,206	2,936
237	Traffic Impact	511	19	5	(14)	26%	0	0	0	0	N/A	0	516	100
239	Public Art	438	4	110	106	2750%	0	22	0	22	0%	0	548	420
275	Affordable Housing Successor	4,033	55	2	(53)	4%	7	163	15	148	9%	21	4,020	6,042
277	Inclusionary Housing	3,541	4	0	(4)	0%	0	0	0	0	N/A	0	3,541	3,254
	Total Special Revenue	54,109	3,204	676	(2,528)	21%	859	3,521	3,653	(132)	104%	5,726	51,132	43,469
CAPITAL PROJECT FUNDS														
308	General Facilities	581	2	0	(2)	0%	0	50	0	50	0%	0	581	621
310	Infrastructure	2,383	8	0	(8)	0%	0	206	0	206	0%	0	2,383	2,290
312	Comcast PEG Program	364	5	0	(5)	0%	0	4	0	4	0%	0	364	421
341	Planned Park	482	36	0	(36)	0%	0	58	0	58	0%	0	482	1,084
342	Park Impact	1,083	5	9	4	180%	0	91	0	91	0%	0	1,092	680
343	Open Space	55	0	0	0	N/A	0	9	0	9	0%	0	55	104
399	Capital Improvement Projects	2,962	4,465	(254)	(4,719)	-6%	(17)	4,804	(300)	5,104	-6%	(99)	3,008	3,374
704	Special Assessment Districts	342	1	0	(1)	0%	0	0	0	0	N/A	0	342	328
	Total Capital Projects	8,251	4,522	(245)	(4,767)	-5%	(17)	5,222	(300)	5,522	-6%	(99)	8,306	8,901
DEBT SERVICE & OTHER FUNDS														
406	Library Bond Debt Service	345	60	0	(60)	0%	0	82	553	(471)	674%	546	(208)	(226)
501-505	Sewer Collection System	48,626	1,935	2,861	926	148%	5,869	2,902	5,185	(2,283)	179%	7,596	46,302	38,579
507	Sewer Treatment	30,304	290	0	(290)	0%	0	359	1,744	(1,385)	486%	1,243	28,560	27,591
525	Storm Drainage Enterprise	879	176	0	(176)	0%	10	277	163	114	59%	138	716	1,278
530	Solid Waste Management	2,370	65	0	(65)	0%	0	54	35	19	65%	38	2,335	2,072
570	Worker's Compensation	1,941	91	128	37	141%	81	78	769	(691)	986%	729	1,300	1,189
571	Liability Insurance	3,233	95	732	637	771%	67	120	629	(509)	524%	653	3,336	2,738
573	Fleet & Equipment Management	9,239	485	461	(24)	95%	409	544	536	8	99%	301	9,164	8,349
574	Facilities Management	925	269	205	(64)	76%	244	298	359	(61)	120%	398	771	212
575	Benefit Prefunding	1,627	134	112	(22)	84%	109	150	126	24	84%	65	1,613	1,357
	Total Debt & Other	99,489	3,600	4,499	899	125%	6,789	4,864	10,099	(5,485)	208%	11,707	93,889	83,139
	Total All Funds	\$199,865	\$14,279	\$4,501	(\$9,778)	32%	\$7,735	\$17,064	\$15,404	\$1,410	90%	\$19,143	\$188,962	\$169,272

Fund Types:

General Fund - Used to account for and report all financial resources not accounted for and reported in another fund.

Special Revenue Funds - Used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

Capital Projects Funds - Used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital as

Debt Service & Other Funds - Includes funds used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest; funds used to finance and account for special activities and services performed by a designated department for other departments in the City on a cost reimbursement basis; and funds used to account for operations financed and operated in a manner similar to a private business enterprise with the intent that the cost of providing goods and services is primarily financed through user charges; and funds used to account for assets held by the City as an agent.

City of Belmont
Budget Variance Report
General Fund / All Other Funds
Results for the Period Ended July 31, 2025
(000's)



	General Fund					All Other Funds						
	Budget	Year to Date (YTD)			Annual Budget	PY YTD Actual	Budget	Year to Date (YTD)			Annual Budget	PY YTD Actual
		Actual	Variance	%				Actual	Variance	%		
REVENUES												
Taxes	\$1,948	(\$471)	(\$2,419)	-24% a	\$23,377	(\$351)	\$1,968	(\$247)	(\$2,215)	-13% d	\$23,618	(\$232)
Licenses and permits	\$102	\$5	(97)	5%	\$1,227	\$5	200	271	71	136%	2,392	247
Intergovernmental	\$35	\$12	(23)	34%	\$420	\$17	1,014	(363)	(1,377)	-36% e	12,167	2
Charge for services	\$393	\$269	(124)	68% b	\$4,714	\$298	3,406	1,508	(1,898)	44% f	40,870	1,252
Fines and forfeits	\$9	\$2	(7)	22%	\$113	\$1	-	-	-	N/A	-	-
Use of money and property	\$161	(\$32)	(193)	-20% c	\$1,934	\$330	537	(65)	(602)	-12% c	6,447	320
Miscellaneous	\$27	\$1	(26)	4%	\$321	\$0	47	707	660	1504%	563	33
Other financing sources	-	-	-	N/A	-	-	-	-	-	N/A	-	-
Transfers in	\$75	-	(75)	0%	\$894	-	4,355	2,904	(1,451)	67% g	52,271	5,813
Total Revenues	2,750	(214)	(2,964)	-8%	33,000	300	11,528	4,715	(6,813)	41%	138,328	7,435
EXPENDITURES												
General Government	\$697	\$523	(174)	75%	8,359	500	765	2,049	1,284	268% h	9,188	1,748
Public Safety	\$1,448	\$1,253	(195)	87%	17,378	1,134	1,252	2,556	1,304	204% i	15,020	4,661
Streets and Utilities	-	-	-	N/A	-	-	5,965	749	(5,216)	13%	71,583	1,043
Culture and Recreation	\$259	\$176	(83)	68%	3,105	174	936	837	(99)	89%	11,234	854
Urban Redevelopment	-	-	-	N/A	-	-	679	331	(348)	49%	8,147	326
Non Departmental	\$0	\$0	-	N/A	0	0	134	12	(122)	9%	1,610	7
Debt Service	-	-	-	N/A	-	-	497	4,012	3,515	807% j	5,965	2,885
Transfers out	\$475	-	(475)	0%	5,700	-	3,955	2,904	(1,051)	73%	47,465	5,813
Total Expenditures	2,879	1,952	(927)	68%	34,542	1,808	14,183	13,450	(733)	95%	170,212	17,337
OVER/ (UNDER)												
EXPENDITURES	(\$129)	(\$2,166)			(\$1,542)	(\$1,508)	(\$2,655)	(\$8,735)			(\$31,884)	(\$9,902)

Management Discussion and Analysis

(Items with unfavorable budget variance more than \$0.1 million)

General Fund

Revenues

- a) **Taxes** - The budget variance is primarily due to the timing of semi-annual property tax receipts received in December and April. In addition, the majority of Sales Tax and Transient Occupancy Tax (TOT) received in July are related to June activities, which are subject to an accounting adjustment.
- b) **Charges for Services** - the budget variance is primarily due to the 1st quarter Public Safety and Wildfire Prevention revenue, which will be received in September.
- c) **Use of Money and Property** - the budget variance is primarily due to quarterly interest that won't get allocated until the end of the quarter in September.

Other Funds

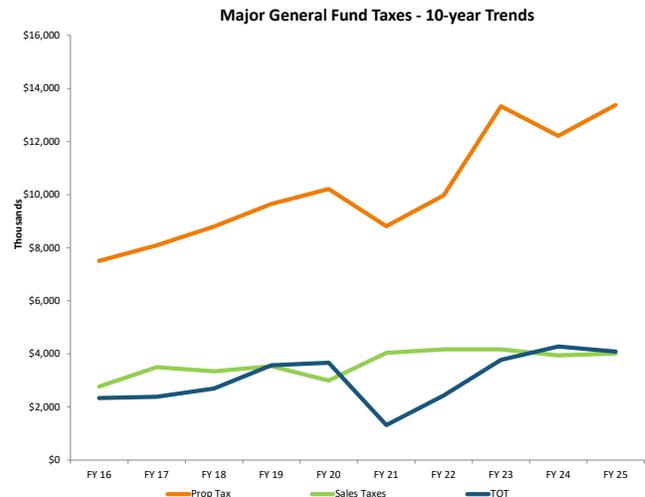
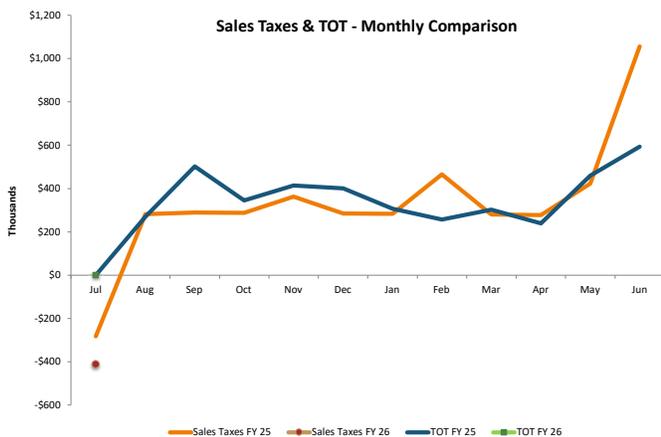
Revenues

- d) **Taxes** - The budget variance is primarily due to the timing of semi-annual property tax receipts received in December and April.
- e) **Intergovernmental** - Grant revenue will be received and reported in a future reporting period.
- f) **Charges for Services** - The Sewer User Fee (Collection & Treatment) is included as part of the City's Property Tax bill to be received semi-annually, typically in December and
- g) **Transfers In** - Transfer amount was budgeted based on full CIP commitments. Actual expenditures and CIP transfers are recorded as the project progresses, and any remaining budget will be carried forward to the next fiscal year or release back to funding source upon project completion.

Expenditures

- h) **General Government** - The annual insurance premium and OPEB contributions were paid in July.
- i) **Public Safety** - First quarter payments of \$2.1M to BSCFD was made in July.
- j) **Debt Service** - Annual debt service on bonds were paid in July.

Trends



City of Belmont
Disbursements & Purchase Order Activity Report
Results for the Period Ended July 31, 2025



Disbursements Amounts Equal to \$50,000 and Above

Vendor	Description	Date	No.	Amount
CALPERS	JULY HEALTH PREMIUM	7/9/25	DAJ000009854	227,895.98
CALPERS	COB CONTRIBUTIONS PPE 7/11/25	7/10/25	DAJ000009855	94,228.07
CALPERS	COB CONTRIBUTIONS PPE 7/25/25	7/25/25	DAJ000009856	114,994.84
CALPERS	COB & BFD UAL PAYMENTS	7/30/25	DAJ000009857	4,736,862.00
MISSIONSQUARE	DEF COMP ACCT 302442	7/14/25	DAJ000009860	54,063.81
MISSIONSQUARE	DEF COMP ACCT 302442	7/28/25	DAJ000009863	53,912.84
BANK OF NEW YORK	2019 SEWER REVENUE BOND	7/22/25	DAJ000009864	719,508.37
FIRST FOUNDATION BANK	2022 SEWER REFUNDING BOND	7/22/25	DAJ000009865	772,432.75
BANK OF NEW YORK	2018 SEWER REVENUE BOND	7/22/25	DAJ000009866	913,375.09
BANK OF NEW YORK	2016 SEWER REVENUE BOND	7/22/25	DAJ000009867	372,129.45
BANK OF NEW YORK	2016 SEWER REFUNDING BOND	7/22/25	DAJ000009868	673,917.70
BANK OF NEW YORK	2004 SPECIAL TAX FUND(LIBRARY)	7/22/25	DAJ000009869	551,579.56
ADP WAGE PPE 7/05/25	ADP WAGE PPE 7/05/25	7/11/25	DAJ000009921	528,728.66
ADP TAX PPE 07/05/25	ADP TAX PPE 07/05/25	7/11/25	DAJ000009924	128,347.86
ADP WAGE PPE 07/19/25	ADP WAGE PPE 07/19/25	7/25/25	DAJ000009925	558,000.98
ADP TAX PPE 07/19/25	ADP TAX PPE 07/19/25	7/25/25	DAJ000009928	140,470.43
APR - JUN 25 LAIF INTEREST	APR - JUN 25 LAIF INTEREST	7/15/25	IAJ000009937	814,448.41
APR - JUN 25 LAIF INTEREST	APR - JUN 25 LAIF INTEREST	7/15/25	IAJ000009938	817,533.61
Total Disbursements in Excess of \$50,000				\$ 12,272,430.41
Total Count				18

Purchase Order Amounts Equal to \$50,000 and Above

Vendor	Description	Date	No.	Amount
CRAYON SOFTWARE EXPERTS LLC	MS ENTERPRISE SUBSCRIP	7/1/25	26 00005	238,699.00
BAMACOR, INC.	FY26 FACILITIES CUSTODIAL	7/1/25	26 00004	420,275.00
Total Purchase Orders Issued in Excess of \$50,000				\$ 658,974.00
Total Count				2

**CITY OF BELMONT
TREASURER'S REPORT
July 31, 2025**



Agency Receipts and Disbursements Summary

	Beginning Balance June 30, 2025	Receipts	Disbursements	Ending Balance July 31, 2025
City of Belmont	\$ 139,661,432.02	\$ 6,174,280.75	\$ (14,285,167.86)	\$ 131,550,544.91
Belmont Fire Protection District	31,262,686.74	306,970.81	(2,693,080.86)	28,876,576.69
Total	\$ 170,924,118.76	\$ 6,481,251.56	\$ (16,978,248.72)	\$ 160,427,121.60

Balance Summary

	Deposit	Investments	Pool Total
City of Belmont & Belmont Fire Protection District	\$ 6,773,921.03	\$ 153,653,200.57	\$ 160,427,121.60

I certify that this report accurately reflects all investments of City of Belmont and Belmont Fire Protection District, and is in conformance with the adopted Investment Policy mandated by Government Code 53646. Furthermore, I certify to the best of my knowledge, sufficient investment liquidity and anticipated revenues are available to meet the Agency's budgeted expenditure requirement for the next six months.

Respectfully Submitted,

s/b Grace Castaneda

Grace Castaneda

City Treasurer

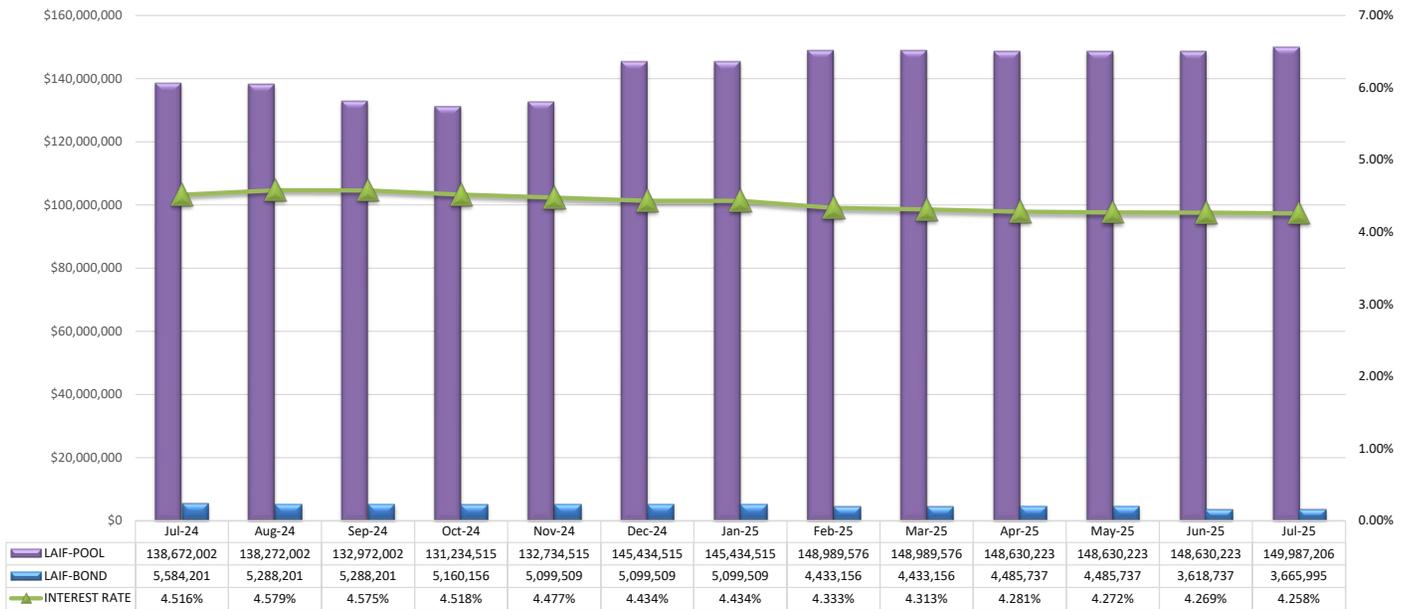
CITY OF BELMONT TREASURER'S REPORT July 31, 2025



Investment Detail

Investment Type	45838	Maturity Date	Par Amount	Current Market Value	Interest Total	Investment Period	Rate	Pricing Source	Manager
Deposit									
General Account	Wells Fargo		\$ 6,773,921.03	\$ 6,773,921.03				Bank	Bank
Investments:									
L.A.I.F.-POOL	State of California	Daily	149,987,205.50	150,166,936.67	532,204.60	90 days	4.258%	LAIF	LAIF
L.A.I.F.-BONDS	State of California	Daily	3,665,995.07	3,670,388.07	13,008.17	90 days	4.258%	LAIF	LAIF
Total			\$ 160,427,121.60	\$ 160,611,245.77	\$ 545,212.77				

City of Belmont Investment Portfolio Trends





STAFF REPORT

Meeting Date: October 28, 2025
Agency: City of Belmont
Staff Contact: Cody George, Recreation Manager, cgeorge@belmont.gov; Brigitte Shearer, Parks and Recreation Director, bshearer@belmont.gov
Agenda Title: Community Center Restroom Renovation Project CIP #8115 - CCN 2025-643
Agenda Action: Resolution

Recommendation

Adopt a resolution to 1) approve plans and specs, 2) authorize the City Manager to execute a contract to Zone 4 Construction, Inc. for \$550,430 for renovation of restrooms in the Twin Pines Senior Center, Twin Pines Lodge, and Belmont Sports Complex, City Contract Number 2025-643, and 3) approve a budget appropriation in FY 2025-26 in the amount of \$413,858 to complete all three renovation locations during this fiscal year.

Strategic Focus Area

Infrastructure and Mobility

Background

The Twin Pines Senior and Community Center, constructed in 1987, has long served as a vital gathering place for seniors and the broader community, hosting recreation programs, social activities, educational events, community meetings, and private celebrations. After decades of continuous and heavy use, the facility now requires more substantial improvements, particularly to its restrooms, to ensure continued accessibility, comfort, and functionality.

Similarly, the Lodge (built in 1976) and the Belmont Sports Complex (built in 1990) have supported extensive recreation programming, community events, and facility rentals over many years. Both facilities exhibit signs of wear consistent with their age and level of use, underscoring the need for modernization and maintenance to sustain their high level of service to the community..

Analysis

Accessibility renovations identified in the City’s 2017 ADA Transition Plan will also be incorporated into each site improvement project, ensuring compliance with current standards and enhancing equitable access for all users.

The City issued Invitations for Sealed Bids for the Community Center Restroom Renovation Project on September 16, 2025. The bid package included add alternates for restroom renovations at the Twin Pines Lodge and the Belmont Sports Complex, as well as potential hazardous materials removal at each site, should such work be required. A mandatory pre-bid site visit was held on September 29, 2025, with fifteen



potential bidders in attendance.

Bids were opened on October 10, 2025, and the City received one bid for the project. The bid amount exceeded the engineer’s estimates prepared in April 2025 for each location, likely reflecting the impact of recent material cost increases and tariffs. However, the bid was within approximately 10 percent of the amounts budgeted during the most recent budget cycle. Subsequent review has determined that hazardous materials removal procedures are required only at one of the three sites.

Item Description	Bid Amount	Engineer's estimate	Budgeted/Planned amount	Original Plan year
Twin Pines Senior and Community Center	\$210,784	\$ 173,983	\$ 200,000	FY 2025-26 (budgeted)
Belmont Sports Complex	\$169,246	\$ 146,738	\$ 155,000	FY 2026-27 (planned)
Twin Pines Lodge	\$165,400	\$ 130,197	\$ 145,000	FY 2027-28 (planned)
TPSCC Hazmat containment	\$5,000			

Total Contract Cost	\$550,430	\$450,918	\$500,000
10 % Contingency	\$55,043		
Total Construction Cost	\$605,473		
Hazardous material testing	\$8,385		
Total Project Cost	\$613,858		

The restroom renovations at the three facilities were originally estimated at \$500,000 and planned to occur over a three-year period. However, due to continued escalation in material and labor costs, and to reduce administrative and project management expenses associated with managing separate bids in successive years, staff recommends completing all three renovations within the current fiscal year.

The total cost to renovate all three sites—including construction, hazardous materials testing, and a 10 percent contingency—is \$613,858. With \$200,000 already budgeted in FY 2025-26, an additional appropriation of \$413,858 is required. The total project cost will be funded by the Facilities Management Fund.

Approval of the resolution will authorize the City Manager to execute a contract with Zone 4 Construction, Inc. for a total amount not to exceed \$550,430 and to approve plans and specifications for the restroom renovations at the Twin Pines Senior Center, Twin Pines Lodge, and Belmont Sports Complex. In accordance with City Code Section 2-29(k)(2), the City Manager is further authorized to approve change orders and amendments up to an additional 10% of the award amount (\$55,043). The project also includes \$8,385 in hazardous materials testing completed by ProTech Consulting & Engineering, bringing the total



project budget to \$613,858.

Approval of the resolution will also authorize a budget appropriation of \$413,858 from the Facilities Management Fund in FY 2025-26 to fully fund the renovations at all three locations during the current fiscal year.

Alternatives

- 1. Take No Action
- 2. Refer to staff for more information

Attachments

- A. Invitation for Bid, including Plans and Specifications ([Community Center Restroom Renovation Project | Bidding & Contract Opportunities | City of Belmont](#))

Fiscal Impact

No Fiscal Impact

Funding Source Confirmed:

\$200,000 is budgeted in the current FY 2025-26 under Capital Improvement Program (CIP) Twin Pines/Sports Complex/Lodge Restroom Renovations Project #8115, funded by the Facilities Management Fund. Consolidation of the three renovation locations into this fiscal year totals \$613,858. An additional budget appropriation in the amount of \$413,858 is required from the Facilities Management Fund to the CIP Restroom Renovations Project #8115 (Account# 399-4-803-8115-9030).

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2025 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT TO 1) APPROVE PLANS AND SPECS, 2) AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH ZONE 4 CONSTRUCTION INC. FOR AN AMOUNT NOT TO EXCEED \$550,430 FOR THE COMMUNITY CENTER RESTROOM RENOVATION PROJECT, CITY CONTRACT NUMBER 2025-643, AND APPROVE A BUDGET APPROPRIATION IN FY 2025-26 IN THE AMOUNT OF \$413,858 FROM THE FACILITIES MANAGEMENT FUND TO COMPLETE ALL THREE RENOVATION LOCATIONS DURING THIS FISCAL YEAR.

WHEREAS, The City’s restroom facilities at the Twin Pines Senior and Community Center, the Twin Pines Lodge and the Belmont Sports Complex are in need to renovation due to heavy use; and,

WHEREAS, The City issued an Invitation for Sealed Bids for the Community Center Restroom Renovation Project on September 16,2025; and,

WHEREAS, The bid openings took place on October 10, 2025, and the City received one bid for the renovation project; and,

WHEREAS, The total cost to renovate all three sites this year, including construction cost and a 10% contingency totaling \$605,473, and hazardous materials testing at \$8,385, for a total potential project cost of \$613,858; and,

WHEREAS, The current FY 2025-26 includes \$200,000 for the Twin Pines/Sports Complex/Lodge Restroom Renovations Project #8115, funded by the Facilities Management Fund, for a single location, and construction costs for the other two locations were budgeted in subsequent years; and,

WHEREAS, To consolidate the renovation for all three locations into this fiscal year, an additional budget appropriation in the amount of \$413,858 is required from the Facilities Management Fund to the CIP Restroom Renovations Project #8115 (Account# 399-4-803-8115-9030).

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

SECTION 1. Adopt a resolution to 1) approve plans and specs, 2) authorize the City Manager to execute a contract to Zone 4 Construction, Inc. for \$550,430 for renovation of restrooms in the Twin Pines Senior Center, Twin Pines Lodge, and Belmont Sports Complex, City Contract Number 2025-643 and 3) approve a budget appropriation to the Capital Improvement Program (CIP) Twin Pines/Sports Complex/Lodge Restroom Renovations Project #8115 in the amount of \$413,858 funded by the Facilities Management Fund 574 to complete all three renovation locations during this fiscal year.

* *

ADOPTED October 28, 2025 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2025 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING THE INSTALLATION OF 1) NO TRUCK ACCESS ON HAINLINE ROAD, 2) MARKING PORTIONS OF LASSEN DRIVE AS ONE WAY ROADS, AND 3) EXTENDING THE BIKE LANE APPROXIMATELY 60 FEET ON OLD COUNTY ROAD NEAR STERLING VIEW AVENUE

WHEREAS, the Parking and Traffic Safety Committee (PTSC) received complaints from residents along Hainline Drive regarding large trucks that frequently become stuck or scrape the pavement while turning onto the roadway; and,

WHEREAS, the PTSC received a complaint that visitors to Lassen Drive are unaware that the divided roadway segments are intended to operate as one-way streets and are not properly posted; and,

WHEREAS, the PTSC received a complaint that cyclists traveling along Old County Road experiences difficulty accessing the Class II bike facility beginning at the Belmont-San Mateo border due to vehicles parked within the Belmont right-of-way; and,

WHEREAS, the PTSC reviewed and discussed these items and found that improvements are warranted at all three locations.

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

SECTION 1. Approves prohibiting access to Hainline Drive for trucks in excess of three tons.

SECTION 2. Approves posting Lassen Drive between Tahoe Drive and the beginning of the divided segment near 1112 Lassen Drive as One Way only.

SECTION 3. Approves extending the bike lane approximately 60 feet from the Belmont-San Mateo border, resulting in the removal of three parking spaces.

* * *

ADOPTED October 28, 2025 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: October 28, 2025
Agency: City of Belmont
Staff Contact: Daniel Matthews, Assistant Engineer, dmatthews@belmont.gov, (650)-637-2985
Agenda Title: Parking and Traffic Safety Committee – Fall 2025 Recommended Actions
Agenda Action: Resolution

Recommendation

Adopt a resolution approving Parking and Traffic Safety Committee (PTSC) recommendations for safety improvements at Middle Road and Hainline Drive, Lassen Drive, and Old County Road near Sterling View Avenue.

Strategic Focus Area

Infrastructure and Mobility

Background

The Parking and Traffic Safety Committee (PTSC), composed of representatives from the Public Works, Police, and San Mateo Consolidated Fire Departments, received and reviewed requests from residents for traffic safety improvements on Hainline Drive at Middle Road, on Lassen Drive, and on Old County Road near Sterling View Avenue.

Analysis

Hainline Drive

Staff received a request to address larger vehicles frequently bottoming out and becoming stuck from turning to and from Hainline Drive at Middle Road. Hainline Drive has a grade of over 18%, which causes difficulties for larger vehicles. The Police Department has responded to stuck vehicles on numerous occasions which resulted in pavement on Middle Road being significantly damaged by vehicles bottoming out or scraping while turning.

To prevent further damage and avoid future instances of stranded vehicles, PTSC recommends restricting access to Hainline Drive for vehicles larger than three tons and posting the street as such.



Figure 1 – Stranded truck at the bottom of Hainline Drive on Middle Road.



Figure 2 - Signage and striping plan at divided segment of Lassen Drive

Lassen Drive

Staff received a request to address motorist confusion along the divided portion of Lassen Drive. Each side of the divided roadway is intended to operate as a one-way street, as the width is insufficient to accommodate two-way traffic. The divided portions are not currently posted as One Way, which has led to uncertainty among drivers. To clarify traffic circulation and improve safety, PTSC recommends posting the divided portions of Lassen Drive as One Way.

Old County Road near Sterling View Avenue

Staff received a request to address vehicles blocking access to the Class II bike lane on Pacific Avenue within the San Mateo County right-of-way. When vehicles park in the Belmont right-of-way on Old County Road, where the Class III shared bike roadway transitions to a Class II bike lane on the City of San Mateo side, cyclists are unable to enter the bike lane at its starting point. To improve connectivity and safety, PTSC recommends extending the Class II bike lane on the west side of Old County Road by approximately 60 feet to the end of the curb return

near Sterling View Avenue. This change would remove three parking spaces between Sterling View Avenue and the Belmont-San Mateo border but would provide continuous and safe access for bicyclists.

Alternatives

1. Take no action
2. Refer back to staff for further information

Attachments

A. Resolution

Fiscal Impact

No Fiscal Impact

Funding Source Confirmed: Expenditures have been incorporated in current fiscal year’s operating budget in the Street Maintenance Fund (Account 231-3-701-8351) for the PTSC recommended improvements

Source:

Citizen Initiated

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda



STAFF REPORT

Meeting Date: October 28, 2025
Agency: City of Belmont
Staff Contact: Laura Russell, Deputy Community Development Director (lrussell@belmont.gov)
Rob Gill, Senior Planner (rgill@belmont.gov)
Agenda Title: Appeal of Planning Commission Approval of Application No. 2023-0032 for By-Right Processing of Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus for 500-580 Masonic Way
Agenda Action: Resolution

Recommendation

Adopt a resolution approving the requested by right entitlements for 500-580 Masonic Way: Design Review, Grading Plan, Tree Permit, Affordable Housing Plan, Density Bonus, Transportation Demand Management Program, and State Density Bonus.

Strategic Focus Area

Not Applicable

Background

The 500-580 Masonic Way Project consists of the construction of a five story, approximately 147,198 sq. ft. building with a total of 140 apartment units, including 25 affordable units, parking for 138 vehicles, landscaping and site improvements. Approximate grading includes 3,120 cubic yards of cut and 910 cubic yards of fill. The project also includes an Affordable Housing Plan, a Transportation Demand Management Program, and application of State Density Bonus Law.

The proposed project is located in the Belmont Village Specific Plan area within the Station Core land use designation. The Zoning District is Village Station Core and the site is included as a Housing Opportunity Site in the 2023-2031 Housing Element. A detailed description of the project is included in the Planning Commission staff report, included as Attachment B.

At their August 19, 2025 meeting, the Planning Commission adopted Resolution 2025-18 by a 5-1 vote approving the project and all by right entitlements (Attachment C). [Verbatim meeting minutes](#) of the Commission hearing with video timestamps are also available on the [project website](#).

On August 28, 2025, a member of the public, Doug Ricket, filed an appeal of the Planning Commission decision (see Attachment D). The applicant submitted a response to the appeal (Attachment E).

Legal Context

The applicant (Prometheus Real Estate Group) submitted this application under the Housing Crisis Act of



2019 (SB 330), which established various requirements and regulations that reviewing agencies must adhere to facilitate housing in an efficient manner and within a specified timeline. This Act was aimed at removing obstacles to the construction of new housing in urban areas. It also prohibits local jurisdictions from implementing new laws that would restrict the legal capacity for new housing or cause delays in housing development. It is codified in Government Code Section 65589.5.

The California State Density Bonus Law (SDBL) - Government Code sections 65915- 65918 - provides developers with tools to encourage the development of affordable housing, including an increase in project densities, incentives/concessions, and waivers. SDBL is a State mandate, meaning a developer who meets the requirements of the State Law is entitled to receive the density bonus and other benefits as a matter of right.

Under SDBL and the City’s Zoning Ordinance, the applicant must first identify a “base project” that is consistent with all *relevant* objective development standards. SDBL then allows the applicant to increase the size of the building to accommodate the additional bonus units. The applicant included information for a base project of a three-story building, including FAR, lot coverage, bulk, private open space, publicly accessible open space, landscape percentage, parking and height.

The amount of the density bonus (increase in housing units above that allowed under the Zoning Ordinance) is set on a sliding scale, based upon the percentage of affordable units at each income level. The bonus units are in addition to the base density for the development.

SDBL also requires the City to grant additional benefits to qualifying housing applications called: 1) Incentives and Concessions, and 2) Waivers. These are two different categories under the law but their use can be nuanced and subject to legal interpretation and application of case law.

1. **Incentives and Concessions:** these two terms are interchangeable in the SDBL (staff is using the term “incentive” since that is the most common usage). Incentives are intended to result in identifiable and actual cost reductions to provide for affordable housing rents. In other words, incentives are related to the costs of development under the assumption that it costs a significant amount to build affordable housing and make it affordable for decades, and the applicant should receive a financial incentive for providing affordable housing. Incentives may include but are not limited to:
 - a. A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or,
 - b. Other regulatory incentives or concessions which result in identifiable and actual cost reductions for the project.

The City is required to grant the requested incentive proposed by the developer unless the City finds based on substantial evidence that the requested incentive does not result in identifiable cost reductions. The City may not require an applicant to submit a pro forma or other documentation to prove that an incentive is required to make the housing development economically feasible. The burden of proof is on the City in the event it declines a request for an incentive.



The number of incentives is limited for most projects, based on a number of factors in SDBL. In the current version of the project, the applicant did *not* apply for any incentives, but they are entitled to three under the law.

- 2. Waivers of Development Standards:** A development that qualifies for density bonus is also entitled to waivers. The applicant may apply for waivers of development standards that would physically prevent the project from being built at the permitted density and with the granted incentives. Common waivers include height and setbacks but may be applied to a wide range of other standards.

Recent case law has stated that a developer cannot be required to remove amenities or redesign the project in order to meet local development standards that would have the effect of physically precluding the project's construction. The burden of proof is on the City in the event it declines a request for a waiver.

Additionally, the project is identified in the certified 2023-2031 Housing Element (page 6-6) as subject to "by right" processing if the project includes 20% lower income units (at or below 80% of Area Median Income). This Housing Element provision was required by Government Code Section 65583.2(c) because the site meets two criteria: 1) the site was included in the previous Housing Element (2015-2023) and also included in the current Housing Element (2023-2031); and 2) the site was required to be upzoned to meet the Regional Housing Needs Allocation (RHNA), as opposed to the City voluntarily upzoning the property. "By right" processing means the jurisdiction shall not require a conditional use permit or other discretionary approval. Furthermore, by right projects are not subject to the California Environmental Quality Act (CEQA) per Government Code Section 65583.2(i). The proposed project includes 20% lower income units, so it is being processed through the by-right process.

The Planning Commission review was limited to reviewing for objective standards for all entitlements and the City Council review is limited to the same standard. This is the only project site in the City of Belmont currently subject to this particular provision of State law that requires by right processing. There are other sites carried forward from the 2015-2023 Housing Element into the 2023-2031 Housing Element, but those sites do not meet the second criteria above because the City voluntarily upzoned them through the General Plan and Belmont Village Specific Plan process.

Some of the necessary entitlements for the project include findings for approval that are subjective in nature. Since the City Council cannot consider subjective findings as part of a by right approval, the draft Resolution (included as Attachment A) includes subjective findings for transparency, but they are shown in strikethrough and no rationale for whether the finding can be made is included.

Specific to the Design Review entitlement, State law and Belmont Zoning Ordinance Section 13.5.1 (Design Review), say that the City Council may only deny the project if it makes the findings below. The required findings read in the negative, as the review authority (Planning Commission for original approval and City Council on appeal) is required to approve the project unless the findings can be made.

- (a) The reviewing body must approve or conditionally approve Design Review for a project that is*



defined as a “Housing Development Project” by the Housing Accountability Act (Government Code Section 65589.5(h)(2)) unless it makes one of the following findings supported by a preponderance of the evidence in the record:

(1) *The project does not comply with all applicable objective general plan, zoning, subdivision and development standards including objective design review standards.*

(2) *The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density.*

(b) *As used in subsection (a), a “specific, adverse impact” is defined by Government Code Section 65589.5(j) and means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.*

Belmont’s Ordinance Regarding Appeals

Belmont Zoning Ordinance Section 10.11.5 includes the following language related to the consideration of appeals:

(a) *When a timely and complete notice of appeal is filed, the Zoning Administrator shall schedule the matter for consideration by the appeal body and prepare a report on the matter.*

(b) *Appealed matters are considered de novo by the appeal body. The appeal body shall follow the same notice and determination procedures that govern the lesser approval authority’s action on the entitlement, and any other procedures required by law.*

(c) *The appellant must deliver to the Zoning Administrator all written materials that he or she wishes the appeal body to consider no later than 5 business days before the meeting at which the appeal is first considered. The appellant may supplement these materials with additional written materials to rebut any written information first provided to appeal body after or less than 24 hours before Appellant submitted his or her initial materials. The appeal body may extend or waive the timing requirements in this paragraph for good cause. The appeal body shall continue the meeting and the hearing of evidence as necessary for due process.*

Analysis

State housing laws have changed in meaningful ways since the BVSP was adopted in 2017. Since 2019, there have been a series of laws that decrease local control over housing development. Notably, State Density Bonus Law has been amended several times to increase benefits for applicants and reduce local control over the final design of housing projects. Housing Element law has also changed to reduce local control over sites that are carried over from one housing element cycle to the next. Taken together, these laws have significantly decreased the City’s ability to implement the original vision of the Belmont Village Specific Plan.



This report focuses on the appeal of the Planning Commission’s approval. A detailed description of the project is included in the Planning Commission staff report (Attachment B). The analysis of General Plan consistency and Findings for Approval are included as exhibits to the Draft Resolution, which is included as Attachment A.

Primary Topics of Appeal

The appellant argues that the project was improperly approved because it does not have ground floor active use as required by the Belmont Village Specific Plan and therefore violates the City’s objective standards. The appellant also questions how State Density Bonus Law has been applied to the project.

The [Belmont Village Specific Plan](#) (BVSP) includes the concept of an Active Use Frontage Overlay (AUFO), that is applied to specific locations to encourage a high level of pedestrian activity. How the AUFO is applied and the relationship to State Density Bonus Law are the primary questions raised in the appeal. The AUFO is described on page 2-18 of the BVSP as follows:

*“Several streets within the Village Core and Station Core districts are shown with Active Use Frontage Overlay on the Land Use Diagram. This designation requires that the ground level has uses that are accessible to the general public, are engaging to pedestrians walking by, and generate walk-in pedestrian clientele and thus contribute to a high level of pedestrian activity. Listed in Table 2-5, **active uses may include, but are not limited to:** retail stores, restaurants, cafes, markets, bars, theaters and performing arts venues, parks, plazas, commercial recreation and entertainment, personal and convenience services, tourism-oriented services, banks, childcare services, libraries, museums, galleries, and **entrance lobbies to upper-floor residential uses.** While office and other less active non-residential uses may be permitted at ground level on an interim basis at the discretion of the Planning Commission, all spaces must be designed to accommodate active uses, as outlined in Chapter 4, Urban Design. **See Table 31-1, Village District Use Regulations, in Appendix A for further specification.**” (Emphasis added)*

This text specifically references Table 31-1 for further specification. Table 31-1 was created as Appendix A to the BVSP and was codified as Table 31-1 of the [Belmont Zoning Ordinance](#) (page 31-12). Table 31-1 outlines land use regulations in the different zoning districts within the BVSP. In the Village Station Core District, multi-unit dwellings are principally permitted except that a “conditional permit” is required for multi-unit dwellings on the ground floor. This has been interpreted to mean that ground floor residential uses require a conditional use permit, which is a discretionary entitlement subject to subjective findings.

In January 2024, as part of the Housing Element update and State certification process, the City Council amended Table 31-1 for compliance with State law and to implement a Program in the Housing Element of the General Plan. The legal deadline for this amendment was January 31, 2024, which the City met. As described in the *Legal Context* section (beginning on Page 1 of this report), certain Housing Element sites are subject to “by right” processing under State law. That law expressly states that cities cannot require a conditional use permit (or other discretionary approval) for housing projects on the specified sites. At the time of the amendment to Table 31-1, staff was working directly with State Housing and Community



Development (HCD) staff to have them review and approve draft language, including the zoning ordinance amendment to Table 31-1, as part of the Housing Element certification process. HCD indicated to City staff that they view local requirements for ground floor commercial uses as a constraint to housing development due to increased complexity, financing challenges and costs, and HCD approved the text of the zoning ordinance amendment to remove this constraint.

To comply with State law and HCD guidance, Table 31-1 was amended to include Note 2 which says that for by right projects (as defined by State law), multiple-unit dwellings are permitted on the ground floor. This amendment removed the requirement for a conditional permit for ground floor residential uses for sites eligible for by right processing and was intended to allow one hundred percent residential on the ground floor. The application for 500-580 Masonic Way was already under review at the time of this Zoning Ordinance Amendment. The applicant revised the project to include three additional low-income units, thereby qualifying the project for by right processing. Note 2 in Table 31-1 thereafter applied to the project.

Table 31-1 also notes that for the Multi-Unit Dwellings land use, “Multifamily entrance lobbies may be located on the ground floor in the AUFO.”

Staff has analyzed the BVSP and Zoning Code regulations and applies them to the subject project as follows:

- The language in the BVSP related to the AUFO allows flexibility. It does not expressly require that the ground floor use be retail or restaurant, for example. There are multiple ways to meet the standard for active use.
- The project includes an entrance lobby on the ground floor of the Masonic Way side of the building. Entrance lobbies count as active uses in the BVSP and Table 31-1 also specifies that entrance lobbies may be located on the ground floor in the AUFO. Therefore, the lobby on the ground floor of the Masonic Way side of the building does not violate the AUFO.
- The project includes a gym for use by the residents on the ground floor of the Masonic Way side of the building. Per Zoning Ordinance Section 31.3.1(a), in cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. While gyms for residents are not expressly included in the AUFO list of active uses, the Director finds that the gym has similar levels of activity to the lobby, which can be viewed from the street. Like the lobby, the gym will be used by the residents and their guests.
- The architectural design of the Masonic Way elevation includes windows and storefront doors that provide transparency and interaction with the pedestrian environment.

Another way to analyze the active use is to consider the relationship to Table 31-1. The BVSP text that describes the AUFO specifically references Table 31-1 for implementation. As such, the AUFO text and Table 31-1 text are taken together in analyzing what is allowed. It is common for a Specific Plan to have general regulations, and the Zoning Ordinance to have more specific regulations for implementation. The AUFO refers to Table 31-1, then Table 31-1 allows multiple unit dwellings on the ground floor for certain



sites. In this case, Table 31-1, Note 2 applies such that residential use is permitted on the ground floor. Therefore, the project does not conflict with the AUFO (which is implemented through Table 31-1).

In light of Planning Commission and resident questions on the AUFO, staff revisited the Development Standards Evaluation (Attachment 2 to the Planning Commission staff report) to increase clarity. Staff revised the language in the table and numbering of the footnotes to more clearly include the analysis outlined above and differentiate the questions about the AUFO from other issues. The Development Standards Evaluation has been updated and included as Attachment F to this report.

If the City had determined that the proposed project did *not* comply with the AUFO, the applicant would have the legal right to apply for a SDBL incentive to remove the requirement for an active use on the ground floor. The applicant would have to request the incentive and the analysis would hinge on whether the requested incentive would result in a cost reduction for the project. This requirement would be met because ground floor commercial uses are known to add cost to development projects due to different financing requirements from the rest of the building and difficulty in leasing small commercial spaces, especially those that are not immediately contiguous to other commercial uses. Many small commercial spaces remain vacant for years in Peninsula cities. As a result, the City would be required to grant the incentive, if requested, thereby removing the requirement for an active use on the Masonic Way side of the building.

It is important to note that there have been several past versions of the project and early versions included ground floor commercial. The applicant had been contemplating removing it prior to the project qualifying for by right processing and had included a request for an incentive to remove the requirement for active use on the ground floor prior to being informed by staff an incentive was not necessary due to the January 2024 Zoning Code amendments to Table 31-1.

Additional Topics of Appeal

The appeal also raises secondary issues related to how the City's objective standards are applied. Specifically, the appellant argues that the project should comply with active use requirements on Wessex Way, Granada Street and Hiller Street and the objective standard of 50' depth for retail spaces. The appellant also questions how staff described the objective standards in the Planning Commission staff report. Staff analyzes the appellant's arguments as follows:

Active Use Requirements on Wessex, Granada and Hiller: The appellant questions why the active use standards were not applied to these three sides of the building. As discussed above, the amendment to Table 31-1 was intended to allow 100-percent residential on the ground floor of buildings subject to by right processing. Even if this standard was applied, the applicant would have the legal option of applying for an incentive to remove this requirement.

50' Retail Depth: This requirement does not apply to the project for two reasons.

1. Zoning Ordinance Table 31-3 (page 31-25) includes the Streetscape and Street Frontage Development Standards in the BVSP. It includes a "Retail depth from front entrance" that is intended to allow for retail flexibility. These types of standards are often used in zoning



- regulations to ensure retail spaces are deep enough to be practical for retail use. In this case, the standard is 50'; however, the way the zoning ordinance is written, it applies only to *retail* use, not *all active* uses. Therefore, this provision does not apply to the project as proposed.
2. As discussed above, Note 2 of Table 31-1 expressly allows residential uses on the ground floor of the subject site. As such, the applicant has flexibility on the use of the ground floor. They have not proposed ground floor retail, so this standard does not apply.

It is also worth noting that if the 50' Retail Depth *did* apply to the project, the applicant would have the option of including it in their base project and then applying for a SDBL incentive or waiver to remove the requirement.

Development Standards Evaluation and Director's Interpretation: The appellant raises questions about the Development Standards Evaluation, particularly about how the shape of the building is related to the AUFO. Staff acknowledges that the language in the Development Standards Evaluation document included with the Planning Commission staff report could have been more specific and descriptive; however, the outcome of the analysis remains the same. As noted above, staff has updated this analysis to clarify language. See Attachment F for the revised version.

Environmental Review

The project is being processed "by right" as defined in Government Code Section 65583.2(i), as it meets the following criteria: at least 20 percent of the units are designated as affordable to lower income households as defined in Government Code Section 65584; and the project is proposed wholly on a property that is identified in the 2023-2031 Housing Element for by right processing. Per State law, CEQA does not apply to this project.

Action Requested of the City Council

For this project, the City Council's role is limited to reviewing whether the project complies with the City's objective standards, as altered by State Density Bonus Law. Attachment A includes a draft Resolution that includes objective findings for approval for all of the entitlements, General Plan consistency findings, as well as conditions of approval.

Staff recommends that the City Council adopt the resolution approving the requested by right entitlements: Design Review, Grading Plan, Tree Permit, Affordable Housing Plan, Density Bonus, Transportation Demand Management Program, and State Density Bonus.

Alternatives

1. If Council does not support staff's analysis that the project meets the objective standards, the Council may approve the project with an incentive granted to remove the ground floor active use requirement.



Attachments

- A. Resolution
 - Exhibit A: Conformance with General Plan and Belmont Village Specific Plan
 - Exhibit B: Conditions of Approval
- B. Planning Commission Staff Report (dated August 19, 2025) Without Attachments
- C. Planning Commission Resolution No. 2025-18
- D. Appeal (Dated August 28, 2025) and Supplemental Appellant Materials (Dated October 22, 2025)
- E. Applicant’s Appeal Response (Dated October 2, 2025)
- F. Development Standards Evaluation (Revised)
- G. [Project Plans](http://www.belmont.gov/developmentprojects) (accessed via www.belmont.gov/developmentprojects)
- H. Affordable Housing Plan Evaluation (accessed via www.belmont.gov/developmentprojects)
- I. Planning Commission Verbatim Minutes (accessed via www.belmont.gov/developmentprojects)

Fiscal Impact

No Fiscal Impact

Funding Source Confirmed: Applicant has paid all applicable fees through the current application status and will be charged other fees as applicable should the project be approved and advances to construction permitting phase.

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

*Notice of public hearing mailed to all property owners within 300’ of subject site.

Attachment A

RESOLUTION NO. 2025 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE A BY RIGHT APPLICATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65583.2(C) AND 65583.2(I) FOR DESIGN REVIEW, GRADING PLAN, TREE REMOVAL PERMIT, AFFORDABLE HOUSING PLAN, TRANSPORTATION DEMAND MANAGEMENT PLAN, AND STATE DENSITY BONUS TO ALLOW FOR CONSTRUCTION OF A 140 UNIT APARTMENT DEVELOPMENT AT 500 AND 580 MASONIC WAY (ASSESSOR'S PARCEL NUMBER: 040-315-010) (APPL. NO. PA2023-032)

WHEREAS, Prometheus Real Estate Group, applicant, requests approval of entitlements for construction of a 140-unit project comprised of market rate and affordable housing units across four lots that will be merged into a single lot for a total site area of 1.24 acres at 500 and 580 Masonic Way (Assessor's Parcel Number: 040-315-010) (APPL. NO. PA2023-032); and,

WHEREAS, the project is in the Belmont Village Specific Plan area, adopted by the City of Belmont on November 14, 2017, which outlines future growth for the project site; and,

WHEREAS, the project site is identified in the Belmont Housing Element (2023 - 2031) as a Housing Opportunity Site subject to by-right processing under California Government Code Section 65583.2(c) if the project includes twenty percent low income housing units; and,

WHEREAS, the project is subject to by right processing under Government Code Section 65583.2(i) so the California Environmental Quality Act (CEQA) does not apply to the project; and,

WHEREAS, a Planning Commission public hearing was duly noticed, held, and closed on August 19, 2025; and,

WHEREAS, on August 19, 2025, the Planning Commission adopted Resolution Number 2025-18 to approve the by right entitlements for the subject property; and,

WHEREAS, on August 28, 2025, Doug Ricket, a member of the public, filed an appeal of the Planning Commission decision; and,

WHEREAS, a City Council public hearing was duly noticed, held, and closed on October 28, 2025; and,

WHEREAS, the City Council hereby relies upon the staff report dated October 28, 2025, and the facts contained therein, as they pertain to the project, as its own findings of facts, along with any additional findings of facts made by the City Council at the hearing; and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony hereinabove set forth and as included in the record.

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

SECTION 1. The City Council finds that the project at 500-580 Masonic Way is consistent with the 2035 General Plan and the Belmont Village Specific Plan as described in Exhibit “A”.

SECTION 2. The City Council makes the following findings for the by-right review of the requested Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus. Subjective findings are not being considered by the City Council in compliance with Government Code Section 65583.2(i). Subjective findings are included in strikethrough and no rationale for whether the finding can be made is included.

Design Review

The City Council finds that neither of the findings set forth in Section 13.5.1 of the Belmont Zoning Ordinance (BZO) for denial of the project can be made in the affirmative, as follows:

- (1) ***The project does not comply with all applicable objective general plan, zoning, subdivision and development standards including objective design review standards.***

Except for development standards that have been waived according to State Density Bonus law (Height, Bulk, and Street Wall Height Standards), the project would be consistent with all applicable objective development and design standards identified in the BVSP and the BZO. Specifically, the project would be consistent with all of the following objective standards:

- Setbacks
- Landscaping / Number of Trees & Water Efficiency in Landscaping (WELO)
- Lot Coverage
- Full Cut-off Lighting
- Minimum Ground Floor Height
- Vehicle & Bicycle Parking
- Limit on Blank Walls
- Color & Material Variation
- Building Module Standards
- Open Space / Outdoor Area Per Unit
- Trash and recycling areas covered and screened
- Roof-top mechanical equipment screened

Therefore, Finding # 1 cannot be affirmed.

- (2) ***The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density.***

No specific, adverse impacts to public and health and safety have been identified for the project as defined in Government Code Section 65589.5(j). There are no significant, quantifiable, direct,

and unavoidable impacts, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. City staff and consultants have provided technical review, and conditions of approval are included, as applicable, regarding project-related traffic, parking, grading, drainage, storm-water runoff, sanitary sewer impacts, vehicular and pedestrian access, site circulation, site stability, structural encroachments, and construction impacts. Therefore, the project would not result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density and Finding # 2 cannot be affirmed.

Grading Plan

The City Council finds that the grading plan meets the required objective findings set forth in Section 9-27(a)-(h) of the City of Belmont Municipal 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 the project design.

The City's consultant geologist prepared an independent peer review of the geotechnical investigations proposed as part of the project and recommends that a design level geotechnical study be provided by the applicant and reviewed by the City's geotechnical consultant for concurrence. The City's consultant geologist further recommends, and is standard practice, 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 geotechnical consultant 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 and comply with written City standards and standards of the Municipal Regional Permit for stormwater pollution prevention. Detailed

working drawings with stormwater measures will be required to be submitted for review and approval as part of the building permit application process. The project complies with written standards for drainage and erosion control and this finding is affirmed.

- c) ~~*The amount of grading proposed is necessary to allow reasonable use of the site.*~~
- 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.*~~
- 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 required for 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.*~~
- g) ~~*The grading permit is conditioned on issuance of a hauling permit, if required.*~~

Per the conditions of approval, 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.*~~

Tree Removal Permit

The applicant is seeking to remove three protected trees as part of the project, which requires a Tree Removal Permit under Section 25-5 of the Belmont City Code. The criteria for approval of a Tree Removal Permit set forth in Section 25-7 (b)-(c) is included below. It requires balancing of the criteria by the decision-making body, which is not allowed for a by-right application. The City Council is considering only the objective criteria.

(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>(A) The tree is located outside of the developable area of the property. (B) The tree and its location contribute substantially to the aesthetic appeal of the property or the neighborhood. (C) The effect of the requested tree removal</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>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>
--	---

The City Council finds that the arborist report and site plans submitted as part of the project indicate that the trees proposed for removal are directly impacted by the project construction and/or have low suitability for preservation with conforming use of the property. As such, the trees proposed for removal comply with criteria D. The submitted landscape plans satisfy the City Code requirement (Section 25-7 (d) (1)) for replacing protected trees at a 1:1 ratio, by proposing the planting of 24 street trees and 14 trees in the outdoor amenity area on the 3rd level of the residential project. The species of the replacement trees will comply with City policies, including the Street Tree Master Plan. This finding is affirmed.

Affordable Housing Plan

The City Council finds that the project’s Affordable Housing Plan meets the required findings in Belmont Zoning Ordinance Section 29.6 (b) (1-3), as follows:

- (1) ***Affordable units must be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities must equal those provided in the base model market-rate units.***

The exterior appearance of the affordable units is consistent with the market rate units, as depicted on the Elevation Plans (Sheets A2.1 through A2.2) of the project. It is not possible to verify interior finishes and amenities at this time. A project condition of approval will require verification of interior finishes at time of building permit review and after construction of the project (prior to certificate of occupancy). This finding is affirmed.

- (2) ***The number of bedrooms in the affordable units must be comparable to the average number of bedrooms in the market-rate units, and the affordable units must be reasonably dispersed within the residential project, with unit locations comparable to those of the market-rate units, or, subject to the approval of the community development director, may be clustered within the residential project when this furthers affordable housing opportunities.***

The 25 affordable units are proportional to the overall project bedroom count as demonstrated in the table below:

Unit Type	Number of Units	Unit Type Percent of Total	Expected Affordable Units	Proposed Affordable Units
Studio	39	27.86%	25 x 27.86% = 7	7
1 Bedroom	68	48.57%	25 x 48.57% = 12	12
2 Bedroom	33	23.57%	25 x 23.57% = 6	6
Total	140	100%	25	25

The affordable units are reasonably dispersed within the residential project as depicted on sheet E2.0 of the project plans. The affordable units are dispersed across the first through fourth floors. The units include both exterior facing and interior facing units across multiple floor plan types. This requirement will be enforced through the Affordable Housing Agreement, which is required by a condition of approval. This finding is affirmed.

- (3) *The affordable units must have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential project.*

Each affordable unit features a private patio or balcony. In addition, the affordable units will have the same access to amenities as the market rate units, including the same access to and enjoyment of common open space, parking, and other facilities in the residential project. This requirement will be enforced through the Affordable Housing Agreement, which is required by a condition of approval. This finding is affirmed.

Transportation Demand Management (TDM)

Per Belmont Zoning Ordinance Section 31.7.6, the City Council makes the following findings on the objective portions of the criteria for the transportation demand management plan:

- (a) *The proposed trip reduction measures are ~~feasible~~ and appropriate for the project, considering the proposed use or mix of uses and the project’s location, size, and hours of operation;*

The proposed TDM Program trip reduction measures were evaluated by City staff and consultants and found to be consistent with the numeric standards of the City Transportation Demand Management Program Report and Guidebook. The TDM Plan includes measures that are commonly applied to a multi-family use in proximity to public transportation (Caltrain station). This finding is affirmed.

- (b) *The proposed vehicle trip reductions will ensure that the performance targets of this section will be achieved and maintained.*

The Transportation Demand Management (TDM) Program Report and Guidebook establishes a target of 15% reduction in per-capita vehicle miles traveled (VMT) for new projects which is achieved by selecting from a range of measures that are awarded points in the TDM Report and Guidebook. The applicant's TDM Plan achieves 12 points, which complies with City policy. Conditions of approval are included to implement the trip reduction measures. This finding is affirmed.

Density Bonus Law

Density Bonus

The applicant is entitled to a density bonus in accordance with Government Code Sections 65915(f) as follows:

- The applicant proposed 15% very low-income units, entitling the project to a 50% density bonus
- The applicant proposed 15% moderate-income units entitling the project to an additional 50% density bonus

There are no numeric standards for density in the subject VSC District (i.e. dwelling units per acre) and the project is entitled to a 100% increase in floor area ratio (FAR) to construct additional market rate units. The proposed project includes a total of 140 units, inclusive of 70 Density Bonus Units and 25 Affordable units.

Waivers

There is no limit on the number of zoning waivers that may be requested or granted. The proposed project includes three zoning waivers as follows:

- **Height:** The base height standard for the BVSP's Station Core district and the VSC zoning district is a maximum of 45 feet, and up to 60 feet with community benefits. To accommodate the 100% density bonus granted under State Density Bonus Law, the additional 15 feet in height is required. Without the additional height, the additional units cannot fit within the base 45-foot height limit within the maximum allowable floorplate of the site's physical constraints. The project building's roofline will be 60 feet. No non-habitable building features will exceed eight feet.
 - o The development standard referenced would physically preclude development of the Project if the waiver was not allowed.
 - o The proposed height of the building is required to accommodate the 140-unit project.
- **Bulk:** The Development Standards for the VSC district require that the third story floorplate is not larger than 85% of the first floorplate, and that the fourth story maximum floorplate is 70% of the first story floorplate. To accommodate the 100% density bonus granted under State Density Bonus Law, additional bulk for the fourth and fifth stories is required. The proposed bulk at the fourth and fifth stories will be 78% of the first floor footplate. Without the additional bulk, the additional 100% density bonus units would not fit.

- o The development standard referenced would physically preclude development of the Project if the waiver was not provided.
 - o Any required setbacks on the upper floors would not allow for the current volume of the building and therefore prevent the total units proposed which includes the affordable units included in the Project. Diagrams are shown on sheet G2 of the development plans.
 - o In mathematical terms, the base project includes three residential floors of an average 23.3 units per floor. A 100% density bonus is equal to an additional 70 units, or three additional full floors equivalent of units.
- **Street Wall Height Standards:** Table 4-4 of BVSP and Section 31.3 of the BZO supports a two story minimum, three story maximum building. In the areas of the building where the building wall height standards are not met, a waiver is requested.
 - o To accommodate the 100% density bonus granted under State Density Bonus Law, the Project must exceed the street wall height standards as depicted on sheet G1.8 of the development plans. Without exceeding the wall height standards, the additional 100% bonus units would not fit.

Government Code Section 65915(e)(1) specifies that local jurisdictions shall grant the waivers requested by the applicant unless the jurisdiction can make a written finding of any of the following:

- *The waiver would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.*
- *The waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.*
- *The waiver would be contrary to state or federal law.*

The project has been reviewed for consistency with applicable City policies to protect the public health and safety. All applicants for development projects are required to agree to the mitigation measures identified in the General Plan EIR, including the policies, programs and implementation measures within the General Plan and the Belmont Village Specific Plan that are designed to avoid, reduce or eliminate significant environmental impacts. Applicants must also agree to standard development requirements and the standard Conditions of Approval that implement policies and mitigation measures to reduce environmental impacts. Based on this review and the implementation of all appropriate standard Conditions of Approval, no significant adverse impacts were identified for the project. The project does not have an adverse impact on any real property that is listed in the California Register of Historic places. No violations of state or federal laws have been identified for the project. Therefore, the findings cannot be made, and the waivers are granted.

SECTION 3. The City Council upholds the Planning Commission decision to approve the by-right application for Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus subject to the conditions of approval in Exhibit “B”.

* * *

ADOPTED October 28, 2025 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit “A”
General Plan and Belmont Village Specific Plan (BVSP) Consistency Analysis

<i>General Plan and BVSP Land Use Goals and Policies</i>	
<p><u>GP Goal 2.3</u> Provide balanced neighborhoods with a variety of housing types and density ranges to meet the diverse demographic, economic, and social needs of residents, while ensuring a cohesive urban form and regard for compatibility with surrounding uses and existing residential development.</p>	<p>The project helps create and enhance a complete neighborhood in the City of Belmont by integrating higher density residential housing in a well-resourced area nearby transit. The project would develop 140 units of high-density housing within in proximity to commercial services and transit. The project would be located in an already developed area, where it can be served by existing public services and infrastructure. The project enhances the Belmont Village area by developing a housing project with a range of unit types to serve a range of households. Specifically, the project includes 39 studios, 68 one-bedrooms, and 33 two-bedroom units. The proposed development would consist of a five-story, multi-family residential building incorporating contemporary style architecture. The scale and mass of the building would be consistent with the development standards, and objective design requirements outlined in the Belmont Village Specific Plan (BVSP) and Zoning Ordinance, except where waivers are requested consistent with State law. The project provides a mix of market-rate and affordable housing units, including 11 units for very low-income households, 3 units for low-income households, and 11 units for moderate income households. The project also includes enhanced sidewalk widths and street trees as required by the BVSP.</p>
<p><u>BVSP Goal 2.3</u> Provide a variety of housing types to accommodate different types of households, different income levels, different age groups, and different lifestyles.</p>	
<p><u>GP Policy 2.3-1</u> Encourage the provision of lower- and moderate-income housing to meet the objectives of the Housing Element.</p>	
<p><u>GP Policy 2.3-2</u> Encourage higher density residential uses located in proximity to commercial services, employment opportunities, and major transportation corridors and facilities.</p>	
<p><u>GP Policy 2.3-4</u> Focus new development in or directly adjacent to already-developed areas, where it can be served by existing public services and infrastructure.</p>	
<p><u>GP Goal 2.5</u> Enhance the Belmont Village Priority Development Area and develop a distinct identify for the area as Belmont’s vibrant town center for residents and visitors with commercial, residential, dining, civic, cultural, and entertainment activities.</p>	
<p><u>GP Policy 2.5-3</u> Implement the Belmont Village Specific Plan as the guide for land use planning, design, streetscape, and public improvements in the Belmont Village Priority Development Area.</p>	
<p><u>GP Policy 3.5-4</u> Design sidewalks to comply with requirements set in the Belmont Village Specific Plan within the plan area.</p>	

General Plan Housing Element 2023-2031

<p>Pending Projects: page 6-5 to 6-6</p>	<p>The project is included in the list of Pending Projects as a location where multi-family development is expected during the 2023-2031 timeframe. The Housing Element anticipated 11 very low-income units, 11 moderate income units and 117 market rate units, for a total project size of 139 units. The proposed project includes 11 very low-income units, 3 low-income units, 11 moderate income units and 115 market rate units, for a total project size of 140 units. Therefore, the proposed project includes more affordable units than was anticipated in the Housing Element. This calculation meets the City’s obligation to monitor development projects to ensure sufficient residential capacity to accommodate the RHNA per Housing Element Program H1.1.</p>
<p><u>Goal H1:</u> Produce new housing at all income levels, with a focus on Affordable Housing.</p>	<p>The project supports the goal to produce new housing at all income levels, helping to fulfill the City's housing needs allocation (RHNA) as identified in the adopted 2023-2031 Housing Element (see BVSP Goal 2.3 & GP Policy 2.3-1). The project includes a variety of residential unit types (Studio, 1 and 2 bedroom) and sizes to accommodate the varied housing needs of diverse households.</p>
<p><u>Policy H1.A:</u> Provide adequate capacity to meet the Sites Inventory for Regional Housing Needs Allocation (RHNA).</p>	
<p><u>Policy H1.B:</u> Encourage a range of both market-rate and affordable housing in a variety of unit sizes and types to accommodate the varied housing needs of diverse households</p>	
<p><u>Goal H1:</u> Produce new housing at all income levels, with a focus on Affordable Housing.</p>	<p>In 2024 The City amended its Zoning Ordinance to include by-right processing consistent with State Law. The project site was included in the previous Housing Element (2015-2023) and included in the current Housing Element (2023-2031) and meets the additional legal criteria. The project site is <u>therefore</u> subject to by right processing, which means the jurisdiction shall not require a conditional use permit or other discretionary approval.</p>
<p><u>Program H1.4:</u> Establish By-Right Housing Designation for Prior Housing Sites. Designate housing sites that have carried over from the prior Housing Element to allow housing development by-right consistent with State law.</p>	

General Plan Circulation Element (Transportation)

<p><u>GP Goal 3.6</u> Promote Transportation Demand Management Programs (TDM) and encourage increased transit use through convenient, safe, efficient, and cost- effective services.</p>	<p>The City has adopted a citywide TDM program. A TDM is proposed with the project, which would discourage the use of single-occupancy vehicles as resident’s primary mode, especially for commuting, and transition residents into other transportation modes including transit, bicycling, carpooling, and walking. Proposed measures to augment travel habits include providing residents: information on commute alternatives, transit passes (e.g., Clipper Card) ride share coordination, bicycle parking, etc.).</p>
<p><u>Policy 3.1-5</u> Require new development and redevelopment projects to construct or pay their fair share toward improvements for all travel modes to provide and enhance connectivity to existing transportation facilities</p>	<p>The project includes public improvements along all street frontages (i.e., wide sidewalks, and street trees) that are consistent with the adopted Complete Streets policies to promote the development of public transit, bicycle, or pedestrian facilities, and increase use of these facilities. The project developer would pay for these proposed improvements. Additionally, the applicant will pay Transportation Impact Fees to mitigate their fair share of future transportation improvements.</p>
<p><u>Policy 3.1-5</u> Ensure that major new development is adequately served by transit.</p>	<p>The project site is located within 0.5 mile of the Belmont Caltrain station and within close proximity of SamTrans bus stops on Ralston Avenue.</p>

Exhibit "B"

Conditions of Approval for the 500-580 Masonic Way Project

APN: 040-315-010

Application Number: PA2023-0032

These Conditions of Approval apply to the City approval of the following entitlements requested by Prometheus Real Estate Group, the Applicant for the 500-580 Masonic Way Project: By-Right Processing of Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus pursuant to Government Code §65915.

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

Planning Division

1. Indemnification. Land Owner hereby agrees to and shall indemnify, defend, and hold harmless City, any City agencies and their respective elected and appointed councils, boards, commissions, officers, agents, employees, volunteers, and representatives (collectively, for the purposes of this condition, "City") from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and property damage) and from any and all third party claims, demands, and actions in law or equity (including attorneys' fees and litigation expenses) directly or indirectly arising or alleged to have arisen out of or in any way related to: (a) the approval of the City Approvals; (b) any development or use of the Property under the City Approvals; and (c) any actions or inactions by the Land Owner or its contractors, subcontractors, agents, or employees in connection with the construction or improvement of the Property and the Project as defined in the development agreement; excepting to the extent arising from the intentional acts or willful misconduct of City, its elected and appointed representatives, officers, agents, employees, contractors or subcontractors.

This indemnification and hold harmless agreement apply to all damages and claims for damages suffered or alleged to have been suffered by reason of the operations referred to in this condition, regardless of whether or not City prepared, supplied, or approved plans or specifications for the Property, but does not apply to damages and claims for damages caused by City with respect to public improvements and facilities after City has accepted maintenance responsibility for them.

2. Except as modified by these conditions of approval, or as required by subsequent project review, the Building Permit Plans shall be consistent with the approved Planning Plans, with a revision date of December 20, 2024 and inclusive of the architectural drawings (Sheets A1.0 through A5.3); Civil Engineering Plans (Sheets C1.0 through C7.0); Landscape Plans (Sheets L1.0 through L1.9), and Lighting Plans (Sheets LT1.1 through LT.1.2).
3. The applicant shall demonstrate that the apartment building is consistent with the maximum floor area and height (per zoning standards, incentives and approved density bonus waivers),

prior to final building permit inspection. As built, floor plans and a roof height elevation from an engineer or surveyor that includes roof top equipment and screens shall be provided.

4. Ground Equipment Screening. All exterior trash, recycling, and storage utility boxes, and electric and gas meters must be screened from visibility from the surrounding public vantage points (right-of-way, public trails, open space and parks). Said screening must incorporate the same architectural design, colors, and materials as the main building on site.
5. The plans submitted for a Building Permit shall include: a) a plan sheet that includes all project conditions of approval; b) boxed-out floor plans demonstrating that the apartment building would not exceed the maximum floor area permitted for the project; c) individual floor plans for each of the unit types and sub types (studio, one-bedroom, and two-bedroom); and d) floor plans for each level of the building that include a numbering and lettering system identifying each of the types of units and a table reflecting the total number of units in each category.
6. Exterior building materials shall be consistent with Elevation Drawings (Sheet A2.1 through A2.3) and submitted color and materials (Sheets A4.1 and A4.2), dated *December 20, 2024*, except for minor modifications approved by the Community Development Department, or as modified via an approved Design Review Amendment.
7. Fees. The applicant/developer must pay all applicable regulatory, connection, and impact fees, in accordance with Government Code Section 65589.5(o), and as specified by each respective City Ordinance or the City's Master Fee Schedule, as follows:
 - a) Transportation Impact Fees (TIF) - the current fee for the project per the City's Master Fee Schedule is \$6,201.01 per unit for multi-family development. Fees will be adjusted to the most current adopted fee schedule in effect at the time of building permit issuance. If the applicant elects to defer payment of fees until after building permit issuance, the applicant shall enter into a post-permit fee agreement with the City of Belmont and file the agreement with the San Mateo County recorder prior to building permit issuance. Fees must be paid prior to Temporary Certificate of Occupancy or Certificate of Occupancy, whichever occurs first.
 - b) Park Improvement Impact Fees - the current fee for the project per the City's Master Fee Schedule is \$9,856 per unit for multi-family development. Fees will be adjusted to the most current adopted fee schedule in effect at the time of building permit issuance. If the applicant elects to defer payment of fees until after building permit issuance, the applicant shall enter into a post-permit fee agreement with the City of Belmont and file the agreement with the San Mateo County recorder prior to building permit issuance. Fees must be paid prior to Temporary Certificate of Occupancy or Certificate of Occupancy, whichever occurs first.
 - c) Building Permit & Plan Check Fees – based on building valuation. The current fees may be calculated using the adopted FY 2024-25 fee schedule located on the [Finance page](#) of the City's website. Fees will be adjusted to the most current adopted fee schedule in effect at the time of payment. Plan check fees must be paid at the time of building permit application. Building permit fees must be paid prior to building permit issuance.
 - d) General Plan Maintenance Fee - 0.75% of Building Valuation. Must be paid prior to building permit issuance.

- e) Sewer Connection Fees - \$12,024.81 per unit for multi-family development. Fees will be adjusted to the most current adopted fee schedule in effect at the time of payment. Must be paid prior to building permit issuance.
8. TDM Program. The applicant shall demonstrate compliance with both the County of San Mateo (CCAG) and the City of Belmont's TDM programs by submitting a completed TDM application form (available on the City website) which will be subject to review and approval by the Department of Public Works. The applicant shall implement the TDM program as described in the approved TDM Plan prepared by Hexagon Transportation Consultants. The applicant shall submit an annual TDM compliance report and pay a TDM review fee, as specified in the City's Master Fee Schedule. In addition, the following is required:
- a) The Applicant, using the adopted TDM program, shall provide a tally of how many points and under which categories the project will be achieving TDM measures.
 - b) The Applicant shall implement the TDM measures identified in the final approved Transportation Analysis. The applicant shall submit an annual TDM compliance report and pay a TDM review fee, as specified in the City's Master Fee Schedule.
 - c) The TDM program shall be evaluated annually to assess the actual level of trip reduction achieved at the site and to identify any adjustments to the program necessary to ensure the TDM measures are successful. Consistent with common traffic engineering data collection principles, trip generation shall be monitored annually by means of AM and PM commute hour driveway counts. The counts shall be conducted between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM one day per year on a typical weekday (Tuesday, Wednesday, or Thursday) during the fall when school is in session. Mechanical tube counts, hand counts, or video counts may be used. The peak 60-minute period should be calculated for each two-hour traffic count period.
 - d) An annual resident survey should be conducted to determine transportation mode choice (i.e., drive alone, carpool, bus, Caltrain, etc.). The site TDM coordinator shall work with an independent consultant to obtain traffic count data, implement the annual commuter surveys and document the results in a TDM monitoring report) The annual monitoring report shall be submitted to the Public Works Director or citywide TMA by the TDM coordinator. The data shall be reviewed by the City to assess whether the goal of a 15% trip reduction is being met.
 - e) In addition to the annual monitoring reports, a five-year review shall be conducted to evaluate the overall effectiveness of the TDM measures. If the city determines that the trip reduction goal is not being achieved, additional TDM measures may be implemented. Modifications to the TDM plan may include additional programs or services listed in the City of Belmont's TDM program or otherwise available for achieving vehicle trip reductions.
 - f) The annual TDM monitoring report shall describe any planned modifications to the TDM program intended to ensure compliance with the trip reduction targets established for this project.
9. The applicant shall obtain Sign Program approval under Zoning Ordinance Section 23.10.02 (C), before the installation of any non-exempt signage on site.
10. Final details for the installation of public streetscape improvements (i.e., specific design of all proposed street furniture, ADA-compliant decorative tree grates, paving color/material lighting

standards, etc.) shall be consistent with the December 20, 2024 project plan set and the Belmont Village Specific Plan Streetscape Design Guidelines and approved by the Community Development Department in consultation with the Public Works and Park and Recreation Departments, prior to their installation.

11. All public improvements (frontage, streetscape, landscaping, lighting, public plaza, short term bicycle parking, and areas open to the public) shall be installed or constructed, prior to final Building Permit inspection.
12. Affordable Housing. The applicant shall record the fully executed Affordable Housing Agreement after approval of the project. Conformed copies of the recorded agreement shall be provided to the City Attorney and Community Development Department, prior to issuance of a building permit. The Affordable Housing Agreement shall incorporate the standards of the approved Affordable Housing Plan, including but not limited to:
 - a) Affordable housing shall be provided in accordance with the approved Affordable Housing Plan, including the number, location, level of affordability, and type of units. Minor amendments to unit location and type may be approved by the Community Development Director.
 - b) Interior finishes and amenities of the affordable units shall be equal to those provided in the base model market-rate units. A Planning inspection verifying interior finishes in the affordable units shall occur after construction of the project, and before issuance of a certificate of occupancy.
 - c) Affordable units shall be provided equal access to project parking, and on-site amenity areas.
13. All exterior lighting shall employ the use of cut-off fixtures to restrict the direction of the light in accordance with City standards. Lighting should be the minimum required for safety, but not result in undue glare off site. There shall be no floodlighting of landscape plantings, the apartment building, courtyards, or patios/decks. To ensure consistency with city standards for lighting and compliance with the submitted photometric plan, a final lighting review shall occur after installation of project lighting and before final Building Permit inspection.
14. Installation of roof mounted mechanical equipment shall be consistent with Elevation Drawings (Sheet A1.6) and Sections (Sheet A3.1) dated December 20, 2024. Roof mounted equipment shall be placed behind roof screens so as not to be visible from surrounding vantage points at or below the highest point of the equipment.
15. Interior & Operational Noise
 - a) Prior to issuance of a Building Permit, the project noise consultant shall certify in writing that the submitted Building Plans include all required noise reduction recommendations specified in the project noise analysis (i.e., construction methods, increased insulation, noise baffling, etc.) to reduce interior noise levels below the City and State level of 45 dB.
 - b) Final building plans shall include a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

- c) The Project Noise Consultant shall conduct an acoustic analysis of all mechanical and HVAC equipment proposed with the final building permit plans. The results of the analysis and design recommendations for compliance with the City's Noise Ordinance shall be summarized by the Consultant in a letter submitted with the building permit plans. The consultant's recommendations shall be incorporated into the building plans, prior to issuance of a building permit.

16. Construction Noise

- a) The applicant shall ensure that the following preventative and monitoring measures are enforced during grading and building operations:
 - i. Conduct construction activity according to the City Noise Ordinance.
 - ii. Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses.
 - iii. Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition.
 - iv. Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.
 - v. Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses.
 - vi. Utilize "quiet" air compressors and other stationary equipment where feasible and available.
 - vii. Designate a noise disturbance coordinator who would respond to neighborhood complaints about construction noise by determining the cause of the noise complaints and require implementation of reasonable measures to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.
- b) The applicant shall notify property owners within 300 feet of the project site two weeks prior to the initiation of construction activities on site. A schedule of construction activities, and a copy of the noise control plan shall be included with this notice.
- c) Prior to issuance of grading or building permits, the applicant shall demonstrate that a condition of contract of all contractors and subcontractors requires the use of internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers, which are maintained in good condition.
- d) Prior to issuance of grading or building permits, the applicant shall demonstrate that a condition of contract of all contractors and subcontractors requires the use of "quiet" air compressors and other stationary equipment. If the applicant demonstrates that the use of quiet air compressors and other stationary equipment is not feasible, moveable sound barriers or portable sound huts shall be used for noise mitigation.

17. Construction Vibration

- a) Pursuant to the Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and Holidays.
- b) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers

- that are in good condition and appropriate for the equipment.
- c) Prohibit unnecessary idling of internal combustion engines.
 - d) Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Any enclosure openings or venting shall face away from sensitive receptors.
 - e) Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
 - f) Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - g) Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - h) Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
 - i) Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
 - j) Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

18. Geotechnical Conditions

- a) Final Geotechnical Report – The geotechnical report shall be finalized based on peer review comments in the letter from Atlas Technical Consultants dated October 17, 2023. The final report shall be submitted to the City for review and concurrence by Atlas, prior to issuance of any permits.
- b) 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 setbacks, 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.
- c) 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.
- d) 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).

19. Construction & Operations

- a) Pursuant to GP EIR Mitigation Measure AQ-1, the applicant 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.
- b) Pursuant to GP EIR Mitigation Measure AQ-2, the applicant 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.
- c) Pursuant to GP EIR Mitigation Measure AQ-3, the applicant 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.
- d) Pursuant to GP EIR Mitigation Measure AQ-4, the applicant 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.
 - i. 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.
 - ii. All haul trucks transporting soil, sand, or other loose material offsite will be covered.
 - iii. All visible mud or dirt track-out onto adjacent public roads or sidewalks will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. Entry and exit from the site will use rock or rumble strips to prevent tracking.
 - v. All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 mph.
 - vi. 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.
 - vii. 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.
- e) Pursuant to GP EIR Mitigation Measure AQ-5, the 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.

- i. The applicant must require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by implementing following measures during construction related activities:
 - ii. Idling times must be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage must be provided for construction workers at all access points.
 - iii. All construction equipment must be maintained and properly tuned in accordance with manufacturer's specifications. All equipment must be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - iv. The applicant must require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that paints and solvents have a VOC content of 100 grams per liter or less for interior surfaces and 150 grams per liter or less for exterior surfaces.
- f) Pursuant to General Plan EIR Mitigation Measure AQ-6, the applicant shall prepare a project-specific health risk assessment (HRA), prior to issuance of a building permit. If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for sensitive receptors would be less than Bay Area Air Quality Management District (BAAQMD) project-level thresholds, then additional mitigation will be unnecessary. If the health risk exposure for sensitive receptors is greater than BAAQMD project-level thresholds, then the report must identify appropriate mitigation.

20. Sensitive Receptors

- a) Pursuant to General Plan EIR Mitigation Measure AQ-6, the applicant shall prepare a project-specific health risk assessment (HRA), prior to issuance of a building permit. If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for sensitive receptors would be less than Bay Area Air Quality Management District (BAAQMD) project-level thresholds, then additional mitigation will be unnecessary. If the health risk exposure for sensitive receptors is greater than BAAQMD project-level thresholds, then the report must identify appropriate mitigation.

21. Cultural Resources

- a) Prior to the start of construction, 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.
- b) In the event that paleontological, archaeological, and/or cultural resources are

encountered during construction activities, all construction activity within a 60' radius 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.

22. Human Remains

- a) 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:
 - i. The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
 - ii. If the remains are of Native American origin:
 - 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
 - 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.

23. Nesting Birds

- a) 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 February 1 and August 31); or 2) Conduct pre-construction surveys for nesting raptors and provide appropriate buffer zones, if construction has the potential to impact nesting birds.
- b) 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.

24. Bats

- a) A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist will look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains, or urine stains around openings in trees or structures, or flies around such openings. Trees

with multiple hollows, crevices, forked branches, woodpecker holes or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully.

- b) If signs of bats are detected, CDFW should be contacted about how to proceed. Echo-location surveys may be needed to verify the presence of bats, or an exclusion zone around the occupied tree may be recommended until bats leave the roost. Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.

25. Green House Gases

Pursuant to the General Plan EIR Section for Energy, Green House Gas (GHG), and Climate Change (Mitigation Measure AQ-2 and Action 5.10-3.a), the Land Owner shall demonstrate the following:

- a) Applicant shall endeavor to acquire (source) a minimum of 10% of the construction materials from within 100 miles of the planning area.
- b) A minimum of ~~50%~~ 65% 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 may be used to assist in documenting compliance.
- c) 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).

26. Hazardous Materials

- a) Site Management Plan (SMP): Prepare and submit an SMP to San Mateo County Environmental Health Service (SMCEH) for approval before building permit plan check. Submit a copy of the approved SMP and required conditions to the Community Development Department before building permit issuance.
- b) Hazardous Materials Survey & Abatement: Hire a qualified hazardous materials abatement specialist to: (a) Survey for hazardous materials (e.g., lead, PCBs, asbestos, mold, mercury) in existing structures prior to demolition; (b) Remove identified hazardous materials.
- c) Health and Safety Plan (HSP): Submit an HSP per OSHA (29 CFR 1910.120) and Cal/OSHA (CCR Title 8, Sec. 1592) to the City Building Division, **prior to** demolition, grading, or building permits. Include HSP requirements as a plan sheet in your demolition/grading/building permit submittal.
- d) Contractor & Worker Safety: Ensure all contractor documents specify SMP compliance. Contractors' employees with exposure risks must be trained and follow the contractor's HSP, including personal protective equipment (PPE) use.
- e) Public Notification & Signage: Post signs on all site perimeters with project sponsor and environmental consultant contact info. Include a "visible dust alert" hotline monitored during construction hours. Prepare a construction schedule; mail and post the schedule

- for all property owners/occupants within 300ft, at least two weeks before work starts. Provide mailing proof to Planning Division.
- f) Soil & Groundwater Management: Submit the SMCEH–Groundwater Protection Program (GPP)–approved soil and groundwater management plan to the City prior to demolition/grading/building permits. Attach approval letter and conditions to relevant plan sheets.
 - g) Construction Dewatering: Provide a temporary dewatering plan addressing methods for handling, testing, and disposal of construction water, per sanitary sewer or NPDES permit. Follow Silicon Valley Clean Water requirements for sewer discharge.
 - h) Dust & Vapor Controls: Implement dust mitigation measures from the Dust and Vapor Control Plan (DVCP) during construction. Include DVCP measures in permit plans, keep copies onsite for inspection.
 - i) Stormwater Pollution Prevention: Submit a Stormwater Pollution Prevention Program (SWPPP) with grading permit application. Maintain compliance with STOPPP Best Management Practices during work.
 - j) Unanticipated Conditions: Include protocols for unexpected findings (as per SMP) in all grading/building permit plans.
 - k) Reporting: After completion, submit a comprehensive close-out report to the CUPA, including at a minimum: Soil disposal manifest/receipts, Groundwater discharge/permits, Laboratory reports, Soil gas sample results.

27. Airport Hazards

- a) The project requires review by the Airport Land Use Commission prior to issuance of a building permit. The Community Development Department will prepare and submit the requisite application materials. The applicant may be asked to supply project specific data to assist in completing the application. The following conditions are typically applied by the Airport Land Use Commission:
 - The applicant has an obligation to comply with the real estate disclosure requirements outlined in Overflight Policy 1 of the San Carlos ALUCP.
 - The applicant shall provide evidence of a recorded ‘Overflight Notification’ on each residential parcel in accordance with Overflight Policy 2 of the San Carlos ALUCP. (An example for the Overflight Notification to be used to fulfill this condition is included in the amended San Carlos ALUCP, Appendix E, Exhibit E.
- b) Applicant shall comply with all applicable requirements of the FAA, including but not limited to the requirements of the Determination of No Hazard issued for the project on March 2, 2024. At the time of building permit submittal, applicant must determine whether they are required to file FAA Form 7460-1 for construction equipment. In order to do so, the applicant must determine the maximum height of any cranes to be used during construction. The determination shall be submitted in writing.

28. Mid-Peninsula Water District (MPWD)

- a) The applicant shall demonstrate that the final landscape plan has been reviewed and approved by the Mid-Peninsula Water District (MPWD) and is consistent with MPWD’s Water Efficient Landscape Ordinance (WELO), prior to installation of landscaping. A post installation certification from MPWD is also required prior to final building permit inspection. Contact the MPWD Water Conservation Administrative Specialist at (650)

591-8941 or jeanettek@midpeninsulawater.org for more information.

29. School Fees. This project is subject to the School Facilities Fee. Proof of payment must be presented to the City of Belmont before the permit will be issued. Contact the Sequoia Union School District directly for further information.
30. Public Art Requirement ([Belmont City Code Sec. 17-128](#)) - The City has a development standard that requires residential development of five (5) or more new dwelling units to devote an amount not less than 1% of construction costs for acquisition and installation of public art on the development site. For projects that do not include public art on the development site, developers can meet this obligation by either: 1) acquiring and installing freely accessible art on city property or in the public right of way; or 2) providing an in-lieu contribution (payment) to the City for acquisition and placement of public art in the city not less than 1% of construction costs.
31. At the time of building permit submittal, the landscape plans shall be updated to specify the species of street trees to be installed. Final selection of street trees shall be consistent with the Street Tree Master Plan and subject to approval by the Community Development Director.

Building Division

1. The building permit submittal shall be in conformance with the approved project plans (PA2023-0032).
2. The applicant shall obtain all required permits.
3. The building plans shall specify that the 2022 California Code of Regulations as amended by the State of California and all applicable City of Belmont ordinances will be employed during this project.
4. A minimum of 65% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final inspection. Sample forms found in A Guide to the California Green Building Standards Code (Residential) located at www.hcd.ca.gov/CALGreen.html may be used to assist in documenting compliance. CALGreen Section 4.408.
5. Detached accessory structures located less than 50 feet from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire resistance-rated construction, heavy timber, log wall construction, or constructed with approved noncombustible material on the exterior side. When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under-floor areas enclosed to within 8-10 inches of the ground, with exterior wall construction in accordance with Section 505.5. Height has been modified to comply with geographical needs.
6. All construction and related activities (not including grading) may only be conducted during

the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m., Saturdays. Grading may occur between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction activity (including grading) or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Years Day, Presidents Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.

7. The City of Belmont Municipal Code requires a soils and engineering geology report for all new or substantially altered foundations. Provide such a report and a letter from the geotechnical engineer confirming that the foundation plan has been reviewed and that it has been determined that the recommendations in the soils report are properly incorporated into the plans. BMC 7-12, IBC 106.1 & 1804.3.
8. Provide on the plans the existing and proposed locations of the electric and gas meters, subpanels, water heater and furnace.
9. The building plans shall show the location of all transformers, fire standpipes, and back flow preventers.
10. Accessibility features are required pursuant to the 2022 California Building Code (Chapter 11A & 11B).
11. Photovoltaic installation may be a deferred submittal.
12. Special inspections will be required during construction as determined by the structural engineer and/or the Building Official.
13. The applicant shall post hours of operation and phone numbers for noise complaints.
14. The applicant shall obtain all department final signatures prior requesting a Building final.

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

1. The project shall complete an approved Lot Line Adjustment process showing all necessary easement dedication(s) and vacation(s). All easement dedication(s) and vacation(s), including but not limited to PG&E and PUE, shall be successfully completed and recorded in accordance with the California Streets and Highways Code and, where applicable, the California Subdivision Map Act prior to issuance of any building permits. A Record of Survey shall also be recorded in accordance with the Professional Land Surveyors' Act, prior to issuance of any building permits.
2. Proposed service laterals serving the site and the proposed sidewalk and landscaping along project frontages would be privately owned and maintained. This should be noted on the

- plan.
3. Developer shall satisfy the conclusions and recommendations in the Storm Drain Technical Memo prepared by BKF Engineers dated April 5, 2024.
 4. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements, including but not limited to the following:
 - a) Street improvement requirements are specified in the new General Plan (GP) and Belmont Village Specific Plan (BVSP). The street improvement designs shall meet these requirements.
 - b) Installation of new curb, gutter, bulb-outs, ramp, driveway, landscaping, and sidewalk along all project frontages.
 - c) Masonic Way will require a curb-to-curb grind & overlay. Wessex Way, Granada Street, & Hiller Street will require a curb-to-curb slurry seal. Areas to receive utility trenching and areas that are damaged during construction will be repaired per City standards.
 - d) Extension of the exiting utilities and installation of new utilities, including but not limited to, water, sewer and storm drain lines and services.
 - e) Installing the necessary Green Infrastructure for capturing the required street flow, treating, and conveying the flow to the City Storm Drain system.
 - f) Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements.
 5. The developer shall execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. All improvements must be in accordance with the City of Belmont standard detail and specs and built to the City Engineer's satisfaction and accepted by the City prior to issuance of any certificate of occupancy for the project.
 6. It is applicant's responsibility to get permit(s) or approval from all affected agencies or private entities. Copies of these approvals should be submitted to the City prior to permit issuance.
 7. Within vehicle sight triangles, walls, fences, trees, shrubs, bushes or hedges shall not exceed 3-feet in height while tree canopies shall maintain a minimum of 7-feet vertical clearance at all driveway locations.
 8. Public sidewalks, driveway crossing path, and on-site pedestrian walkways and crossings shall have no greater than 2% cross slope. Cross slopes on ADA accessible parking space and access space shall not exceed 2% in all directions.
 9. All existing on-site public utilities shall be protected in place and if necessary, relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrub are permitted within City utility easements, where the easement is located within landscape areas.
 10. The developer shall comply with Regional Water Quality Control Board's C.3 requirements and implement the following:

- a) At the time of building permit plan check submittal, the developer shall submit a “final” Stormwater Control Plan (SWCP) and Report. Site grading, drainage, landscaping and building plans shall be consistent with the approved Stormwater Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order and shall be implemented as part of the site improvements.
 - b) At the time of building permit plan check submittal, the developer shall submit plans for installing necessary Green Infrastructure to capture the required street flow, treating, and conveying to the City Storm Drain system.
 - c) The owner/applicant shall submit an updated C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist prior to design review approval as part of the final SWCP.
 - d) Prior to final inspection or certificate of occupancy, the developer shall submit and record an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C-3 and street Green Infrastructure treatment facilities.
 - e) Prior to final inspection or certificate of occupancy, property Owner shall enter into a Maintenance Agreement with the municipality to ensure long-term maintenance and servicing by the Property Owner of stormwater site design and treatment control [and/or HM] measures according the approved Maintenance Plan(s), including the proposed Green Infrastructure for treatment of street flow.
11. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended. “Bordering” does not include any sidewalks or curbs/gutters on the opposite side of the street.
 12. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
 13. A driveway approach shall be installed in accordance with Department of Public Works approved standards.
 14. Roof leaders and site drainage will not be routed directly to the City stormwater system. All stormwater runoff will be routed to treatment facilities (either bioretention basins, flow-through planters, or underground mechanical treatment filter devices) prior to being routed to the City stormwater system. Energy dissipation will be incorporated into the treatment measures, as needed. The property owner or association shall be responsible for inspection and maintenance.
 15. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection [available from BASMAA @ 510-622-2465]).
 16. The developer shall incorporate the following Best Management Practices (BMPs) for stormwater quality protection into site design to the extent that conditions allow. (Refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465):
 - a) The landscape design shall incorporate biofilters, infiltration and retention/detention

basins into the site plan as feasible.

17. Runoff from trash enclosures, recycling areas, and/or food compactor enclosures, or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. If any drains are installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities, the drains shall be connected to a grease removal device and/or treatment devices prior to discharging to the sanitary sewer.
18. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.
19. The project shall implement the bulleted recommendations listed on Pg. ii and iii of the Executive Summary of the project's revised Transportation Improvement Analysis prepared by Hexagon Transportation Consultants dated July 28, 2025.

The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions:

20. Property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. Prior to issuance of any grading permit, provide a letter confirming that all recommendations of the Geotechnical Report and its supplemental letters have been incorporated in the design of the proposed development.
21. Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personal parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress.
22. Prior to issuance of an encroachment, building or grading permit, the Applicant shall prepare a construction management plan (CMP) for review and approval by the Public Works Department in consultation with the Community Development Department and Police Department. For properties located at or in close proximity to the City borders, the plan shall be routed to adjacent jurisdictions. The CMP shall include a response to construction-related conditions and requirements identified by reviewing City departments, and outside agencies for inclusion in the Plan. The plan shall include at least the following items:
 - a) Schedule - A project construction schedule shall be provided that includes the approximate date and expected time frame for each stage of construction. At minimum, the schedule shall include:
 - i. Excavation & Shoring (as applicable)
 - ii. Below Grade & Foundation Construction
 - iii. Above Grade Construction & Framing
 - iv. Exterior & Interior Finish Work
 - v. Public Frontage Improvements

- vi. Offsite & Utility Improvements
- b) Site & Logistics Plan - Site and logistics plan(s) shall be provided for each phase of project construction. Said plan(s) shall include:
 - i. Location of Construction Fencing & Access Control for The Site
 - ii. Proposed Circulation Pattern, including Access & Egress, for Each Phase of Construction
 - iii. Location of Dewatering Tanks, Construction Trailer, Temporary Power Pole, & Restrooms
 - iv. Erosion & Dust Control Plans
 - v. Security & Lighting Plans
 - vi. Location of Construction Staging Areas for Materials, Equipment, & Vehicles
 - vii. Crane Plane (Location, Height, & Radius), as applicable
 - viii. Construction Worker Parking
- c) Traffic Control Plan - Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment /trucks, during construction, expected temporary street closure and the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour

Written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time.

- d) Noticing - The CMP shall include notice to property owners within 300 feet of the project site two weeks prior to grading, and identification of haul route(s) and staging area for the project. The notice shall also include a process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. 24-hour advance written notice shall also be provided to adjacent property owners, adjacent businesses, and Public Works and Police Department personnel prior to all major deliveries, detours, and lane closures.
 - e) Road Conditions - Documentation of road pavement conditions shall be provided to the Public Works Department for all routes that will be used by construction vehicles, both before and after project construction. Roads found to have been damaged by construction vehicles shall be repaired to the level at which they existed prior to project construction.
 - f) Response to CMP Conditions - A response shall be provided to CMP conditions from other City departments, and outside agencies.
23. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
24. The owner/applicant shall provide a street light plan that confirms that any street light improvements are focused on the project street frontage, excluding the opposite side of said

streets. This requirement is in line with the December 20, 2024 entitlement plan set and previous confirmation from the City on June 27, 2024.

25. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, AT&T that these utilities will provide service to the subdivision.
26. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
27. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
28. The property owner/applicant shall apply for and obtain a permanent encroachment agreement from the Department of Public Works, with approval by the City Council, for a structure, retaining wall, awning, or other features constructed in the public right-of-way, easement or on property in which the City holds an interest.
29. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.
30. Construction activity resulting in a land disturbance of 10,000 SF or more, or less than 10,000 SF but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board (<http://www.scrb.ca.gov/stormwtr/construction.html> or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.
31. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.
32. Prior to any grading or clearing being performed on-site, the owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division.

Soil or other construction materials shall not be stockpiled in the public right-of- way unless

an encroachment permit is obtained from the Department of Public Works. Grading shall neither be initiated nor continued between November 15 and April 15. Exceptions can be considered upon further review with the Building Official.

Grading shall be done between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specifically authorized by the Director of Public Works. Grading shall incorporate the restrictions and recommendations of the Geologic and Soils report as approved by the City. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.

33. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary.

The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled. The measures shall also include:

- a) Water all active construction sites at least twice daily.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c) Pave or apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- d) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- g) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiled materials.
- h) Install sandbags or other erosion-control measures to prevent silt runoff to public roadways.
- i) Replant vegetation in disturbed areas as quickly as possible.
- j) Watering should be used to control dust generation during the break-up of pavement.
- k) Cover all trucks hauling demolition debris from the site.
- l) Use dust-proof chutes to load debris into trucks whenever feasible.
- m) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- n) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be in proper running order prior to operation.
- o) Diesel powered equipment shall not be left inactive and idling for more than five minutes and shall comply with applicable BAAQMD rules.
- p) Use alternative fueled construction equipment, if possible.
- q) All vehicle speeds on unpaved roads shall be limited to 15 mph.
- r) Post a visible sign with the telephone number and person to contact at the Lead Agency

regarding dust complaints. This person shall respond and take corrective action within 24 hours. The Air District phone number shall also be visible to ensure compliance with applicable regulations.

34. Storm drainage calculations shall be required for all storm drains and overland flows. Drainage shed maps shall be submitted showing all upstream acreage and run-off coefficients for each tributary area. Overland flow paths and site release points shall be clearly identified. Calculations shall be submitted to the Department of Public Works for review and approval.
35. The owner/applicant shall perform a video inspection of any sewer laterals proposed to remain. Submit the inspection to the Department of Public Works for review and make any necessary repairs to the lateral.
36. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
37. If PG&E is requiring the developer to construct the gas and/or electrical connections in City right of way or easements, then the developer must submit plans and obtain an encroachment permit from Department to Public Works.
38. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
 - a) A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
 - b) Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual (available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).
 - c) Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
 - d) Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes or berms, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
 - e) Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
 - f) Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
39. All utilities to each lot including, but not limited to, electric power, telephone, cable television, shall be provided underground.
40. The owner/applicant shall provide field survey data to permit retracing all survey monuments set to establish the street right-of-way both public and private.
41. All landscaping shall be maintained and shall be designed with efficient irrigation systems

to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.

42. A letter from the geotechnical consultant, shall inspect, test (as needed) and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to site preparations and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the replacement of steel and concrete. The geotechnical consultant shall observe all excavations during project grading to verify anticipated geologic conditions and to check for any apparent indications of temporary excavation instability. A final geotechnical inspection shall be performed of completed drainage improvements to verify conformance with geotechnical standards. The results of these inspections as the as-built conditions of the project shall be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.
43. The property owner shall install, operate, and maintain all permanent stormwater quality protection measures included in the approved project plan using qualified personnel. The property owner/applicant must keep a maintenance and inspection schedule and record to ensure that the treatment control measures continue to operate effectively. Records must be provided to the Department of Public Works, on an annual basis, on or before June 30 of each year.
44. The developer shall provide to the first residents/occupants/tenants practical information materials (as furnished by the City) on good housekeeping for hazardous products, proper use and disposal of hazardous products, and prohibited discharge practices prior to issuance of any certificate of occupancy for the project.
45. The property owner/association shall implement a trash management and litter control program including emptying trash receptacles in common areas, noting trash disposal violations by homeowners or business, and notifying violators.
46. The phrase “No Dumping-Drains to Bay” or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting. All on-site drain facilities must be inspected twice a year and cleaned immediately prior to the rainy season (prior to October 15) and once again during the rainy season. Results of inspection and cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year.
47. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter.
48. The subdivision improvement plan agreement shall provide for payment of all grading permit fees and inspection charges including the reviews by the City’s Consultant Geologist or Geotechnical Engineer in accordance with the City’s Grading Ordinance.
49. The subdivision improvement plan shall provide for payment of all City inspection and plan check charges associated with the installation of public and private improvements including, but not limited to, streets, sanitary sewers, storm drains and streetlights. A cash deposit shall be made in accordance with the fee schedule, against which the City will assess its costs. A refund or additional charge will be made at the conclusion of construction.

50. Storm drainage, sanitary sewer, and emergency vehicle access easements shall be provided to the City as necessary.
51. The Project shall demonstrate compliance with all TIA recommendations.
52. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, and AT&T Broadband cable TV that these utility companies will provide service to the development project/site.
53. Prior to Lot Line Adjustment approval, the developer shall post maintenance bonds or letters of credit for all off-site improvements to be dedicated to the City at the time the Council accepts the project.
54. The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall indicate the location of all the protected trees and protection fences on site. No utility trench shall encroach within the protection fence areas.

The following conditions shall be met prior to occupancy except as otherwise specified in the conditions:

55. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.
56. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.
57. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
58. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These include, but are not limited to, the following:
 - a) Store, handle and dispose of construction materials and wastes properly, to prevent their contact with stormwater.
 - b) Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment, and non-stormwater discharges to storm drains and watercourses.
 - c) Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.

- d) Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
 - e) Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
 - f) Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
 - g) Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
 - h) Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
 - i) Limit construction access routes and stabilize designated access points.
 - j) Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
59. A maintenance agreement is required to be executed between the City and the developer prior to issuance of a certificate of occupancy or final inspection, whichever comes first. The property owner shall maintain the following:
- a) Stormwater treatment areas inside and along the frontage of the properties.
 - b) Sidewalks, driveways, street furniture, decorative streetlights, landscaping, street trees along the frontage of property up to the back of curb.

III COMPLY WITH THE FOLLOWING CONDITIONS OF THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT:

1. EGRESS – The applicant shall maintain required egress for all adjacent buildings/properties.
2. STANDPIPES – For projects that require standpipes by California Fire Code Section 905.3.1, the applicant shall provide not less than one standpipe for use during construction or demolition.
3. DEMOLITION – The applicant shall comply with the California Fire Code Chapter 33 during all phases of construction of the project. Applicant shall prepare a Fire Safety Plan for the Fire Department which shall be adhered to throughout construction.
4. FIRE FLOW – The applicant shall provide fire flow information to the Fire Plan Checker, which is subject to the review and approval of the Fire Marshal or his/her designee.
5. REMOTE POWER DISCONNECT – The plans shall show a key switch/shunt trip to disconnect the building electrical power and/or solar photovoltaic system by Fire Department personnel. The key switch/shunt trip location(s) shall be subject to the review and approval of the Fire Marshal or his/her designee.
6. FIRE CONTROL ROOM – The plans shall show a fire control room with direct access from the exterior of the building subject to the requirements listed in the Fire Department’s local

Ordinance and subject to the review and approval of the Fire Marshal or his/her designee.

7. CODE CONFORMANCE – The applicant shall indicate on all building permit plans that all construction shall meet current code standards at the time of building permit submittal. The building permit plans are subject to review and approval by the Fire Marshal or his/her designee.
8. FIRE DEPARTMENT SUBMITTALS – The applicant shall submit all plans involving fire systems (including but not limited to fire sprinklers, fire hydrants, and fire alarms) in conjunction with the superstructure building permit plans to the Fire Department. The plans are subject to review and approval by the Fire Marshal or his/her designee.
9. FIRE HYDRANTS – The applicant shall install the approved number of public/private fire hydrant(s) spaced as per the Fire Department’s local Ordinance. All fire hydrants used for fire flow for the project site shall be upgraded to a Clow model 960 or equivalent consisting of (2) 2-½ inch and (1) 4-½ inch outlets. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with water purveyor’s specifications. The water supply shall be tested, flushed and approved operable prior to any combustible construction materials being placed on the site. Staged construction shall insure that the necessary water supply is maintained from stage to stage in the construction planning. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection.
10. EMERGENCY RESPONDER RADIO COVERAGE – An Emergency Responder Radio Coverage system may be required for this project. Testing shall occur during construction due to circuit protection requirements that will affect building design. The applicant shall provide a third-party testing grid report to the Fire Department subject to the review and approval by the Fire Marshal or his/her designee prior to the Fire Final Inspection.
11. Prior to application for a Fire Sprinkler Permit, the applicant shall submit plans to the Mid-Peninsula Water District (MPWD) for their review and approval. Contact MPWD at 650-591-8941 to coordinate review of the project.
12. A separate application and permit are required for the installation or alteration of any Fire Alarm, or Water-flow Monitoring System. This application shall include the interconnection of any Fixed Fire Protection System to an Alarm System where provided. A valid Permit and Approved Plans shall be at the jobsite at all times.
13. A separate application and permit are required for the installation of any underground fire service lines. Application shall be made by a Registered Engineer or by either a General Engineering Contractor or a Licensed Fire Sprinkler Contractor, who will be performing the work.
14. A master building wide Hazardous Materials Inventory Statement (HMIS) and a tenant

HMIS shall be kept on file with the building management for the lifetime of the use . The building management shall manage all tenant HMIS documents against the Master HMIS such that the total quantity of hazardous materials shall not exceed the Maximum Area Quantities (MAQ's) as defined by the HMIS and CFC Chapter 50. This project shall update their fire sprinkler design density to an Extra Hazard class to 0.4/3,000 square-feet.

15. A Knox Key-Lock Box is required to be installed as shown on plans. Please contact Fire Prevention at 650-522-7940 to obtain an application.
16. Fire inspections are available Monday through Friday, 8:00 am to 4:00 pm. Call 650-522-7940 a minimum of 48 hours in advance to place your inspection request.
17. On plans submitted for a Building Permit, show the location of all required Smoke Alarms and Carbon Monoxide Alarms, in accordance with CRC Sections 314 & 315.
18. In accordance with the Municipal/Regional Stormwater Permit, no fire sprinkler system drain shall discharge into any Storm Drain System. The system shall discharge to either a landscape area large enough to contain the outflow, or to the Sanitary Sewer by means of an indirect connection. Indicate the location of the Fire Sprinkler System drain on plans submitted for a building permit.
19. Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction and in all alterations greater than 50% of the original structure. Numbers shall be as follows: Minimum of one-half inch (1/2") stroke by six inches (6") high. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2") stroke by nine inches (9") high is required. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one-inch (1") stroke by twelve inches (12") high is required.

IV COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street unless permitted.
3. Flag person(s) shall be required for closures positioned at both ends of any closure.
4. A 24-hour written notice to and approval from the Police Department is required before any lane closure. (Contact PD Traffic Unit or Watch Commander for approvals).
5. No parking of construction employee vehicles is allowed in the roadways.

6. Any lane/road closures must only be conducted during non-commute hours (9am-3pm).
7. Any burglar alarm shall be registered with the PD per BCC 18-50 et. seq.
8. A signage plan is required for closures/detours. This plan must be approved by the PD Traffic Unit.
9. The applicant shall provide a security plan to the Police Department plan for the construction period, prior to issuance of a building permit. Said plan shall, at minimum, include: lighting (if desired), surveillance, physical security of property, and securing of any tools, equipment and/or materials left on site. The Police Department shall also be provided 24-hour emergency contact information for the contractor and owner. Route emergency contact information to PD Attn: Sgt. Thompson or email to mthompson@belmont.gov.
10. No Trespassing signs, per 602 PC, are required to be posted around property to discourage unauthorized entry and aid in criminal prosecutions for trespassing/theft.
11. The property address must be clearly posted at all times during and after construction, visible and legible from entire roadway frontage(s).
12. The applicant shall ensure the Police Department has access to any secured emergency access easements/gates/pathways.

Certification of Approved Final Conditions:

 Carlos de Melo, Community Development
 Director

 Date

MEETING OF AUGUST 19, 2025

AGENDA ITEM NO.



Application I.D.: PA2023-0032

Application Type: By-Right Processing of Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus

Location: 500-580 Masonic Way

Applicant: Prometheus Real Estate Group

APN: 040-315-010

General Plan Designation: Village Corridor Mixed Use
Housing Opportunity Site in 2023-2031 Housing Element

Specific Plan Designation: Belmont Village Specific Plan- Village Station Core

Zoning: Village Station Core

Environmental Determination: The project is subject to Government Code Section 65583.2(i) so CEQA does not apply

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution approving the request for Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus as described in this report and its attachments.

PROJECT SUMMARY

Overview

The 500-580 Masonic Way Project consists of the construction of a five story, approximately 147,198 sq. ft. building with a total of 140 apartment units, including 25 Affordable units, parking for 138 vehicles, landscaping and site improvements. Approximate grading includes 3,120 cubic yards of cut and 910 cubic yards of fill. The project also includes an Affordable Housing Plan, a Transportation Demand Management Program, and application of State Density Bonus Law.

BACKGROUND

In 2017, the City Council adopted the 2035 General Plan (GP), Belmont Village Specific Plan (BVSP), and Climate Action Plan (CAP). The Council also certified the associated Final

Environmental Impact Report (FEIR) and adopted a Mitigation Monitoring and Reporting Program (MMRP).

The BVSP envisions that the downtown area would be “transformed”, as described in BVSP Section 2.3 (*Land Use Framework*):

“The Belmont Village Specific Plan envisions the transformation of the Planning Area into a vibrant, mixed use activity center with an attractive, well-defined identity. It is intended to provide the entire Belmont community with opportunities to eat, shop, live, work, and play. To support this vision of the Planning Area, this Specific Plan introduces new mixed-use districts that support a variety of land uses, including residential, employment, service, and entertainment uses.”

Consistent with state housing, zoning, and environmental laws, and the overarching goal of creating a vibrant downtown, the General Plan, BVSP, and CAP contain numerous policies that promote higher density, transit-oriented, mixed-use development. The General Plan EIR identified the potential impacts of implementation of the General Plan and BVSP. The GP EIR indicates that adherence to the policies identified in the policy documents would substantially reduce or mitigate these impacts to less than significant. When impacts would not be reduced, the GP EIR includes mitigation measures to reduce or lessen the impacts; however, some impacts could not be adequately mitigated, and the City Council adopted a Statement of Overriding Considerations for the GP EIR. Essentially this means that the City Council determined that there could be unmitigated impacts as a result of the implementation of the GP and BVSP, but that the benefits to the Belmont community of adopting/implementing these policy documents outweighed the severity of these impacts.

Review of this project requires that the project be consistent with the vision (goals, policies, standards) of the General Plan and BVSP, as opposed to with the existing development surrounding it. As such, staff evaluated the project for consistency with the Zoning Ordinance, objective development standards, General Plan and BVSP Policies, and the mitigation measures identified in the General Plan EIR that prevent or lessen environmental impacts.

Legal Context

The applicant submitted this application under the Housing Crisis Act of 2019 (SB 330), which established various requirements and regulations that reviewing agencies must adhere to facilitate housing in an efficient manner and within a specified timeline. This Act was aimed at removing obstacles to the construction of new housing in urban areas. It also prohibits local jurisdictions from implementing new laws that would restrict the legal capacity for new housing or cause delays in housing development. It is codified in Government Code Section 65589.5.

The California State Density Bonus Law (SDBL) - Government Code sections 65915- 65918 - provides developers with tools to encourage the development of affordable housing, including an increase in project densities, waivers, and incentives/concessions. SDBL is a State mandate, meaning a developer who meets the requirements of the State Law is entitled to receive the density bonus and other benefits as a matter of right. The amount of the density bonus (increase in housing units above that allowed under the Zoning Ordinance) is set on a sliding scale, based upon the percentage of affordable units at each income level. The bonus units are in addition to the base

density for the development. The law also requires the City to grant waivers, and incentives or concessions to accommodate the development at the allowed density. The City is not permitted to apply a development standard which physically precludes the construction of the project at its permitted density under SDBL.

Additionally, the project is identified in the certified 2023-2031 Housing Element (page 6-6) as subject to “by right” processing if the project includes 20% lower income units¹. This Housing Element provision was required by Government Code Section 65583.2(c) because the site meets two criteria: 1) the site was included in the previous Housing Element (2015-2023) and also included in the current Housing Element (2023-2031); and 2) the site was required to be upzoned to meet the Regional Housing Needs Allocation, as opposed to the City voluntarily upzoning the property. “By right” processing means the jurisdiction shall not require a conditional use permit or other discretionary approval. Furthermore, by right projects are not subject to the California Environmental Quality Act (CEQA) per Government Code Section 65583.2(i). The proposed project includes 20% lower income units, so it is being processed through the by-right process. The Planning Commission review is limited to reviewing for objective standards for all entitlements. This is the only project site in the City of Belmont currently subject to this particular provision of State law. There are other sites carried forward from the 2015-2023 Housing Element into the 2023-2031 Housing Element, but those sites do not meet the second criteria above because the City voluntarily upzoned them through the General Plan and/or Belmont Village Specific Plan process.

Some of the necessary entitlements for the project include findings for approval that are subjective in nature. Since the Planning Commission cannot consider subjective findings as part of a by-right approval, the draft Resolution (included as Attachment 1) includes subjective findings for transparency but they are shown in ~~strike through~~ and no rationale for whether the finding can be made is included.

Specific to the Design Review entitlement, State law and Belmont Zoning Ordinance Section 13.5.1 (Design Review), say that the Planning Commission may only deny the project if it makes the findings below. The required findings read in the negative, as the review authority (Planning Commission) is required to approve the project unless the findings can be made.

(a) *The reviewing body must approve or conditionally approve Design Review for a project that is defined as a “Housing Development Project” by the Housing Accountability Act (Government Code Section 65589.5(h)(2)) unless it makes one of the following findings supported by a preponderance of the evidence in the record:*

- (1) *The project does not comply with all applicable objective general plan, zoning, subdivision and development standards including objective design review standards.*
- (2) *The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density.*

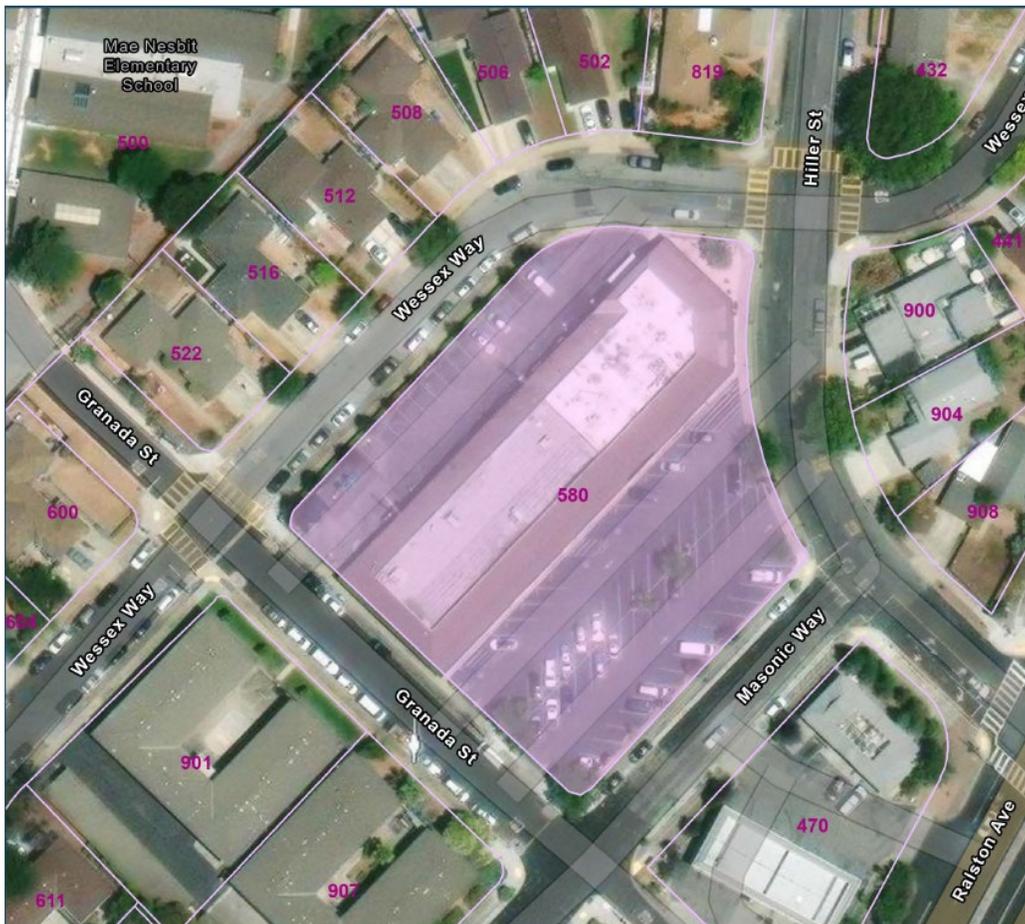
¹ Under State law related to Housing Elements, the term “lower income” refers to units affordable to low income households and those with deeper levels of affordability. For this particular project, “lower income” includes low income and very low income units.

(b) *As used in subsection (a), a “specific, adverse impact” is defined by Government Code Section 65589.5(j) and means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.*

Project Site

The project site is an entire block surrounded by four public street frontages: Masonic Way to the south, Granada Street to the west, Wessex Way to the north and Hiller Street to the east (see Location Map on page 5). The subject property is currently developed with a retail building with six units occupied by various commercial uses. The project would demolish the existing building on the site and construct a five-story apartment building. Four existing parcels would be merged to form a single 1.24-acre site that would contain the proposed apartment building.

Location Map



PROJECT DESCRIPTION

Lot Merger

The project site is currently comprised of four separate lots that will be merged into a single lot as part of the project. The lot merger is considered a cleanup item, as the current building crosses the legal property lines. A condition of approval has been included to require the applicant to receive approval of a Lot Line Adjustment/Lot Merger prior to issuance of a building permit.

Site Plan & Building Design

The proposed five-story apartment building would be 60' in height. The building would be set back 10' from Masonic Way, 3' to the closest point on Hiller Street, 5' to the closest point on Wessex Way and 4' to the closest point on Granada Street. Proposed improvements to the street frontages include sidewalks, curb and gutter, 24 street trees, and a garden and outdoor area at the corner of Hiller Street and Wessex Way.

The project would include the construction of a contemporary style multifamily apartment building. The proposed design of the building includes a complimentary palette of materials (cement stucco, wood siding and composition shingle roofing) and colors (beige and gray and brown and tan wood tones). The building would be five stories in height with design elements required by the objective standards that would mitigate for project bulk and create visual interest at the pedestrian level (see Analysis below for additional information on design standards).

Access, Circulation and Parking

Vehicular access to the parking garage would be provided from Granada Street. The garage would accommodate 138 car parking spaces, and a bike room equipped with 142 long-term bicycle spaces. Pedestrian access to the building's main lobby and leasing office would be accessible from Masonic Way and Hiller Street. Resident access to the building will also be accessible from Wessex Way.

Floor Plans

The submitted floor plans show that there would be 39 studio units, 68 one-bedroom units, and 33 two-bedroom units. The proposed floor plans would include the following elements:

Floor Area Summary	
Floor Level – Area	Type of Rooms
1 st Floor Level – 24,983 sq. ft. + 17,713 sq. ft. garage area	Vehicle Parking (85 spaces), Trash/Recycling, Bike Parking (142 spaces), Mail Room, Lobby, Fitness Center, Mechanical/Utility, Elevators & Stairwells, 15 Apartments
2 nd Floor Level – 21,121 sq. ft. + 18,556 sq. ft. garage	Vehicle Parking (53 spaces), Trash, Elevators, Stairwells, Amenity Space & 20 Apartments
3 rd Floor Level – 35,104 sq. ft.	Indoor and Outdoor Amenity Spaces, Spa, Elevators, Stairwells & 35 Apartments
4 th Floor Level – 32,995 sq. ft.	Elevators, Stairwells, & 35 Apartments
5 th Floor Level – 32,995 sq. ft.	Elevators, Stairwells, & 25 Apartments
Total = 147,198 sq. ft.	

Base Project

Under California State Density Bonus Law (SDBL) and the City’s Zoning Ordinance, the applicant must first identify a “base project” that is consistent with all relevant objective development standards. SDBL then allows the applicant to increase the size of the building to accommodate the additional bonus units. The applicant included information for a base project of a three-story building, including FAR, lot coverage, bulk, private open space, publicly accessible open space, landscape percentage, parking and height. Staff analyzed the average unit size, configuration of parking, configuration of open space, ceiling heights, and amenities and found the base project to be consistent with the proposed project.

The setbacks, layout, configuration of parking (two levels), and inclusion of a podium level amenity area are identical. The total amenity area for the project would be substantially consistent from the base to the project. Access and circulation on site, and project amenities (fitness room, leasing/lobby) would be the same.

Affordable Housing and Density Bonus

BZO Section 29.3(a)(3) requires that residential rental projects of 25 units or more provide 15% affordable units for low-income households. For the subject project, the applicant proposed 15% very low-income affordable units, entitling them to a 50% density bonus under State law. The applicant also proposed 15% moderate-income units which entitles them to an additional 50% density bonus. There are 70 units in the base project and the applicant is entitled to a 100% increase because the two 50% bonuses are added together. As a result, there are a total of 140 units proposed including 70 base units and 70 bonus units. Additionally, the applicant proposed 5% low-income units for a total of 20% lower income units, which qualifies the project for a by-right approval (as discussed in the Background section above). Since SDBL allows the number of housing units to increase by 100%, the floor area ratio is also allowed to increase by up to 100% to physically accommodate the bonus units.

The affordable units include seven studio units, 12 one-bedroom units, and six two-bedroom units as shown in the table below.

Unit Size	Very Low Income	Low Income	Moderate Income	Subtotal
Studio	3	1	3	7
One Bedroom	6	1	5	12
Two Bedroom	2	1	3	6
Total	11	3	11	25

The applicant has requested SDBL waivers to the development standards for height, bulk and street wall height standards in order to construct the additional floor area required for the bonus units. Applicable Affordable Housing provisions are discussed in greater detail later in this report.

TDM Program

Transportation Demand Management (TDM) refers to a set of strategies that result in increased efficiency in a transportation system by changing travel behavior. The implementation of

appropriate TDM programs can discourage the use of single-occupancy vehicles trips as a user's primary mode, especially for commuting, and transition users into other transportation modes including transit, bicycling, carpooling, and walking. A TDM Program has been submitted by the applicant as part of the project, as required by the City. Details of the TDM Program are discussed in the Analysis section of this report.

Trash/Recycling

Trash, compostable items, and recycling containers would be located within trash rooms in the parking garage area on the ground floor with a smaller trash room on the second floor. These materials would be picked up at the loading area on the ground floor. Building custodial/maintenance staff would be responsible to move the containers to the loading area on pick up days. The City's trash/recycling hauler (Recology) has reviewed the project and finds that it meets their standards for level of service and operations.

Landscaping & Lighting

A variety of trees, shrubs, and ground covers would be planted, predominantly along the perimeter of the site. The project also includes a landscaped garden area and open space at the corner of Hiller Street and Wessex Way and a landscaped interior courtyard with a spa and outdoor amenity space on the third floor (see sheets L1 and L2 of the project plans). Landscape plantings have been selected for compliance with water efficiency in landscape requirements identified by the Mid-Peninsula Water District. Street trees would be consistent with the BVSP tree species list.

Exterior lighting consists of down directed wall-mounted fixtures around the exterior of the building, and puck lights, bollard lights and step lights along sidewalks and walkways. Two pole lights and trellis lights are proposed at the ground level garden. Lighting fixtures and locations are shown on sheet LT1.1 of the development plans. The project would employ full cut-off fixtures to restrict the direction of the light in accordance with City standards. A photometric plan has been submitted for the project that demonstrates that lighting should be the minimum required for safety but not result in undue glare off site (see sheet LT1.2 of the project plans). A condition of approval has also been included that would require a final lighting review after installation, but before final inspection and occupancy.

Grading

It is anticipated that approximately 3,120 cubic yards of cut and 910 cubic yards of fill would be required for construction of the project, with 2,210 cubic yards of export from the site. The proposed grading would also allow for installation of required landscaping, storm water treatment measures and construction of the streetscape frontage improvements.

Site Remediation

The City requires site-specific investigations for development projects to address potentially hazardous materials conditions. As such, Phase I and II environmental assessments were conducted for the project. The results of those assessments indicate that past uses on the project site and uses on an adjacent site may have resulted in contamination to the project site; however, the site would be remediated as part of the project to ensure that the proposed development would not result in significant impacts to surrounding residents or construction workers. The work to remediate the site would be accomplished in accordance with all California Department of Toxic Substance Control (DTSC) requirements. San Mateo County Environmental Health Services has

advised that there is a small amount of Tetrachloroethane (PCE) has been detected on the site and is requiring a Site Management Plan to be submitted for approval. Conditions of approval have been included to ensure potentially hazardous material conditions will be addressed consistent with County and State requirements.

PROJECT ANALYSIS

The proposed project is consistent with the General Plan and Belmont Village Specific Plan as outlined in Attachment 1, Exhibit A. The analysis below considers State Density Bonus Law, requested entitlements, parking, transportation, and geotechnical review.

State Density Bonus Law - Waivers

The project includes three requested waivers as follows:

- **Height:** The base height standard for the BVSP’s Station Core district and the Village Station Core (VSC) Zoning district is a maximum of 45 feet, and up to 60 feet with community benefits. To accommodate the 100% density bonus granted under State Density Bonus Law, the additional 15 feet in height is required. Without the additional height, the additional units cannot fit within the base 45-foot height limit within the maximum allowable floorplate of the site’s physical constraints. The project building’s roofline will be 60 feet. No non-habitable building features will exceed eight feet.
 - The development standard referenced would physically preclude development of the Project if the waiver was not allowed.
 - The proposed height of the building is required to accommodate the 140-unit project.
- **Bulk:** The Development Standards for the VSC district require that the third story floorplate is not larger than 85% of the first floorplate, and that the fourth story maximum floorplate is 70% of the first story floorplate. To accommodate the 100% density bonus granted under State Density Bonus Law, additional bulk for the fourth and fifth stories is required. The proposed bulk at the fourth and fifth stories will be 78% of the first floor footplate. Without the additional bulk, the additional 100% density bonus units would not fit.
 - The development standard referenced would physically preclude development of the Project if the waiver was not provided.
 - Any required setbacks on the upper floors would not allow for the current volume of the building and therefore prevent the total units proposed which includes the affordable units included in the Project. Diagrams are shown on sheet G2 of the development plans.
 - In mathematical terms, the base project includes three residential floors of an average 23.3 units per floor. A 100% density bonus is equal to an additional 70 units, or three additional full floors equivalent of units.
- **Street Wall Height Standards:** Table 4-4 of BVSP and Section 31.3 of the Zoning Code supports a two story minimum, three story maximum building. In the areas of the building where the building wall height standards are not met, a waiver is requested.
 - To accommodate the 100% density bonus granted under State Density Bonus Law, the Project must exceed the street wall height standards as depicted on sheet G1.8 of the development plans. Without exceeding the wall height standards, the additional 100% bonus units would not fit.

Requested Entitlements

Design Review

A Design Review Permit is required for the proposed housing development project. The City’s findings for a Design Review Permit for housing projects are consistent with SB330 (Housing Crisis Act) and AB678 and SB167 (Housing Accountability Act), which require that local jurisdictions utilize a streamlined process for specified housing projects; this process requires the Planning Commission to consider only objective standards.

Government Code § 65913.4 (5) defines objective standards as: “Standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent, and the public official prior to submittal.”

The Belmont Village Specific Plan (BVSP) and Section 31 of the Belmont Zoning Ordinance (BZO) include numerous objective standards for evaluating development projects in the BVSP Area (i.e., lot and layout standards, building form and street frontage standards, open space standards, parking standards, etc.). The standards are intended to create an active pedestrian-oriented street frontage within the BVSP Area. For example, build-to lines, ground floor elevation, and ground floor transparency standards result in buildings that are close to the public right-of-way and provide a visual connection between pedestrians and ground floor commercial uses.

The project would be consistent with all of the following objective standards:

- Setbacks
- Landscaping / Number of Trees & Water Efficiency in Landscaping (WELO)
- Lot Coverage
- Full Cut-off Lighting
- Minimum Ground Floor Height
- Vehicle & Bicycle Parking
- Limit on Blank Walls
- Color & Material Variation
- Building Module Standards
- Open Space / Outdoor Area Per Unit

The objective design standards identified in the list above (Limitation on Blank Walls, Building Module Standards, and Color & Material Variation), largely address project-related building bulk by articulating (projecting and recessing) and visually breaking up large building walls. In addition, the following objective development standards assist in addressing the potential aesthetic impacts of the project:

- Trash and recycling areas are required to be covered and screened. The project trash and recycling areas would be located within the garages on the ground floor and second floor.
- Roof-top mechanical equipment is required to be screened. The project’s roof top equipment would be screened from view of the surrounding area.

- Any future signage would be reviewed for compliance with the City’s Sign Ordinance, which includes provisions that prohibit the use of extreme color and signage that does not conform to building design.
- A total of 10% of the project site is required to be landscaped, with one tree for each 400 sq. ft. of landscaping. The proposed landscape plan includes 10% of the project site in landscaping. The street trees and shrubs along the perimeter of the project site would screen and soften the appearance of the building as seen from the surrounding area.

The project would be consistent with all applicable objective development and design standards identified in the BVSP and the BZO other than the three requested Density Bonus waivers. Attachment 1 includes the findings of approval for the Design Review approval.

Affordable Housing Plan

Applicants for residential rental projects of 25 units or more must submit an Affordable Housing Plan concurrently with the application for the project including key information such as the level of affordability and location of the units in the development (See Attachment 3). BZO 29.8(a)(5) indicates that an Affordable Housing Plan must be processed concurrently with all other permits required for the development project. Before approving the Affordable Housing Plan, the decision-making body must find that the affordable housing plan conforms to BZO Section 29.6 (b) (1-3) (*Standards for Affordable Units*). Attachment 3 includes Staff’s responses to the standards for the Affordable Housing Plan.

Grading Plan

Approximately 3,120 cubic yards of cut and 910 cubic yards of fill would be required for construction of the project, with 2,210 cubic yards of export from the site. In addition to the apartment building, the proposed grading would also allow for installation of required landscaping, parking stackers, stormwater treatment measures and construction of the streetscape frontage improvements.

Development projects that exceed 500 cubic yards of grading require Grading Plan approval by the Planning Commission. Key considerations for the Grading Plan identified in the required findings for approval (City Code Section 9-27 (a)–(h)) include review of the grading for site stability, and erosion control/flooding/water quality impacts. This review entails an evaluation of the potential condition of the property as a result of the proposed grading. Conformance with the technical aspects of grading (site stability, erosion control, dust control, and the methods of cut, fill, compaction, etc.) are reviewed by engineers in the Public Works Department and consultants working for the City.

The grading plan has been reviewed by the Public Works Department and found to be in compliance with City requirements and professional standards. A final, detailed grading plan will be reviewed and approved by the Public Works Department prior to building permit issuance. There are no known geological hazards on site or in the immediate neighborhood of the subject property. Unless an exception is granted, grading is limited to the drier season (April 15-November 14), which also serves to prevent erosion; however, the Department of Public Works will require the applicant to adhere to specific best management practices (BMPs) to avoid air and

water quality impacts. Findings for approval of the Grading Plan have been included in Attachment 1.

Tree Removal & Replacement

The applicant's consulting arborist (Monarch Consulting Arborists) surveyed 23 trees proposed for removal within the project area and prepared a report in May 2023. Of the 23 trees surveyed, three are considered protected by City Code Chapter 25. The arborist report and the plans submitted as part of the project indicate that the trees proposed for removal are directly impacted by the project construction. The applicant proposes a significant number of replacement plantings, including 24 street trees and 14 trees within the third-level outdoor amenity area of the building. In determining whether to approve the Tree Removal Permit, the Planning Commission is limited to considering the objective criteria for removal of protected trees. The discretionary criteria may not be considered for this application. These criteria supporting tree removal is provided in the attached resolution (see Attachment 1).

Transportation Demand Management

The City has adopted a points-based Transportation Demand Management (TDM) Program to help address transportation-related impacts of new development by requiring projects to provide features and amenities that will foster a better pedestrian/bicycle environment, support transit, and make it easier and more appealing for residents, employees, and visitors to use alternatives to driving or driving alone.

A TDM Program has been submitted by the applicant as part of the project and is included in Attachment 5 (available online). Residential land uses whose size is greater than 50 units are required to achieve a minimum of 12 points. The project is expected to achieve 12 points through identified TDM measures to reduce single occupant vehicle trips, including providing residents and workers with access to free transit passes (i.e., Clipper Card), secure bicycle parking, and rideshare matching services. The proposed TDM Program trip reduction measures were evaluated by City staff and consultants and found to be consistent with City policies. The findings for approval of the TDM Program are included in Attachment 1.

Vehicle Parking

Senate Bill 2097 was approved by the State of California in 2022 (Government Code Sections 65585 and 65863.2) and prohibits a public agency from imposing or enforcing any minimum automobile parking requirement on any residential, commercial, or other development project that is within one-half mile (0.5) of a Major Transit Stop. A development project, for the purposes of this bill, includes any project requiring a discretionary entitlement or building permit to allow the construction, reconstruction, alteration, addition, or change of use of a structure or land.

The project site is located within 0.5 mile of a Major Transit Stop (Belmont Caltrain Station). Thus, the project is not required to meet the City's standard parking requirements under AB 2097. A parking analysis is included as information for the Planning Commission and public even though it does not apply.

The residential parking standards, as defined in Zoning Ordinance Section 31.6, Table 31-4, require the following minimum parking spaces per unit: studios, 0.5 spaces; one-bedroom units, 1 space; and two-bedroom units, 1.5 spaces. This equates to a minimum requirement of 138 spaces

for the project. Although the applicant is not required to meet the City’s vehicle parking minimums, the application includes 138 spaces, which complies with the Zoning Ordinance.

Transportation

A comprehensive Transportation Analysis was prepared for the project by Hexagon Traffic Consultants and peer reviewed by the City’s consultant. The Transportation Analysis includes an evaluation of potential traffic impacts, as well as the TDM Plan. The trips generated by the existing buildings on the site were estimated based on driveway counts conducted in January 2024. The proposed project trip rates are based on trip generation rates recommended by the Institute of Transportation Engineers (which is the industry standard). The project is estimated to generate 129 fewer net daily trips, with 17 fewer trips during the AM peak hour and 59 fewer trips during the PM peak hour. In other words, the proposed residential development is anticipated to generate less trips than the existing commercial center.

Geotechnical

The applicant submitted a preliminary geotechnical investigation for the project. The report was peer-reviewed by the City’s Geotechnical Consultant, Atlas Technical Consultants LLC (Atlas). Atlas commented that the preliminary report is in effect a feasibility geotechnical investigation for the project and is to be followed by a design-level geotechnical study once more specific project details have been defined. The design level report is expected to include additional field investigation, including soil sampling and testing in order to define and characterize in greater detail the subsurface conditions and engineering properties to more closely determine the effect of the aforementioned geotechnical considerations on the design of the project, as well as develop the geotechnical design criteria for the project foundation design as well as site grading, pavement and other project aspects. Atlas recommends geotechnical approval of the application with conditions of approval, which have been included.

ENVIRONMENTAL REVIEW

The project is being processed “by right” as defined in Government Code Section 65583.2(i), as it meets the following criteria: at least 20 percent of the units are designated as affordable to lower income households as defined in Government Code Section 65584; and the project is proposed wholly on a property that is identified in the 2023-2031 Housing Element for by right processing. Per State law, CEQA does not apply to this project.

CONCLUSION

As previously discussed, the proposed housing development qualifies for by-right processing, without requiring discretionary approval, as required by Government Code Section 65583.2(c). The project must be evaluated based solely on objective development standards. The project has been reviewed and found to be consistent with all applicable objective development and design standards identified in the Belmont Village Specific Plan and Zoning Ordinance, and other applicable City policies, except for those standards waived through the Density Bonus process.

Based on the foregoing analysis, staff recommends the Planning Commission take the following action:

Adopt a resolution approving the requested by right entitlements: Design Review, Grading Plan, Tree Permit, Affordable Housing Plan, Density Bonus, Transportation Demand Management Program, and State Density Bonus.

ATTACHMENTS

1. Resolution
 - Exhibit A: Conformance with General Plan and Belmont Village Specific Plan
 - Exhibit B: Conditions of Approval
2. Development Standards Evaluation
3. Affordable Housing Plan Evaluation
 - Exhibit A: Applicant Supplied Materials
4. Project Plans (accessed via www.belmont.gov/developmentprojects)
5. [Transportation Analysis Report including Transportation Demand Management Plan](#) (accessed via www.belmont.gov/developmentprojects)
6. 300/500 Foot Radius Map

Respectfully submitted,



Laura Russell
Deputy Community Development Director

Rob Gill
Senior Planner

RESOLUTION NO. 2025-18

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT APPROVING A BY RIGHT APPLICATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65583.2(c) AND 65583.2(i) FOR DESIGN REVIEW, GRADING PLAN, TREE REMOVAL PERMIT, AFFORDABLE HOUSING PLAN, TRANSPORTATION DEMAND MANAGEMENT PLAN, AND STATE DENSITY BONUS TO ALLOW FOR CONSTRUCTION OF A 140 UNIT APARTMENT DEVELOPMENT AT 500 AND 580 MASONIC WAY (ASSESSOR'S PARCEL NUMBER: 040-315-010) (APPL. NO. PA2023-032).

WHEREAS, Prometheus Real Estate Group, applicant, requests approval of entitlements for construction of a 140-unit project comprised of market rate and affordable housing units across four lots that will be merged into a single lot for a total site area of 1.24 acres at 500 and 580 Masonic Way (Assessor's Parcel Number: 040-315-010) (APPL. NO. PA2023-032); and,

WHEREAS, the project is in the Belmont Village Specific Plan area, adopted by the City of Belmont on November 14, 2017, which outlines future growth for the project site; and,

WHEREAS, the project site is identified in the Belmont Housing Element (2023 - 2031) as a Housing Opportunity Site subject to by-right processing under California Government Code Section 65583.2(c) if the project includes twenty percent low income housing units; and,

WHEREAS, the project is subject to by right processing under Government Code Section 65583.2(i) so the California Environmental Quality Act (CEQA) does not apply to the project; and,

WHEREAS, on August 19, 2025, the Planning Commission, following notification in the prescribed manner, conducted a public meeting, at which time the Commission considered public comments and a staff report on the aforementioned requested entitlements; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated August 19, 2025, and the facts contained therein as its own findings of facts; and,

WHEREAS, the Planning Commission did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

NOW, THEREFORE, the Planning Commission of the City of Belmont resolves as follows:

SECTION 1. The Planning Commission finds that the project at 500-580 Masonic Way is consistent with the 2035 General Plan and the Belmont Village Specific Plan as described in the staff report dated August 19, 2025 and Exhibit "A".

SECTION 2. The Planning Commission makes the following findings for the by-right review of the requested Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus. Subjective findings are not being considered by the Planning Commission in compliance with Government Code Section 65583.2(i). Subjective findings are included in ~~strike through~~ and no rationale for whether the finding can be made is included.

Design Review

The Planning Commission finds that neither of the findings set forth in Section 13.5.1 of the Belmont Zoning Ordinance (BZO) for denial of the project can be made in the affirmative, as follows:

- (1) The project does not comply with all applicable objective general plan, zoning, subdivision and development standards including objective design review standards.*

Except for development standards that have been waived according to State Density Bonus law (Height, Bulk, and Street Wall Height Standards), the project would be consistent with all applicable objective development and design standards identified in the BVSP and the BZO. Specifically, the project would be consistent with all of the following objective standards:

- Setbacks
- Landscaping / Number of Trees & Water Efficiency in Landscaping (WELO)
- Lot Coverage
- Full Cut-off Lighting
- Minimum Ground Floor Height
- Vehicle & Bicycle Parking
- Limit on Blank Walls
- Color & Material Variation
- Building Module Standards
- Open Space / Outdoor Area Per Unit
- Trash and recycling areas covered and screened
- Roof-top mechanical equipment screened

Therefore, Finding # 1 cannot be affirmed.

- (2) The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density.*

No specific, adverse impacts to public and health and safety have been identified for the project as defined in Government Code Section 65589.5(j). There are no significant, quantifiable, direct, and unavoidable impacts, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. City staff and consultants have provided technical review, and conditions of approval are included, as applicable, regarding project-related traffic, parking, grading, drainage, storm-water runoff, sanitary sewer impacts, vehicular and pedestrian access, site circulation, site stability, structural encroachments, and construction impacts. Therefore, the project would not result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density and Finding # 2 cannot be affirmed.

Grading Plan

The Planning Commission finds that the grading plan meets the required objective findings set forth in Section 9-27(a)-(h) of the City of Belmont Municipal 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 the project design.

The City's consultant geologist prepared an independent peer review of the geotechnical investigations proposed as part of the project and recommends that a design level geotechnical study be provided by the applicant and reviewed by the City's geotechnical consultant for concurrence. The City's consultant geologist further recommends, and is standard practice, 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 geotechnical consultant 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 and comply with written City standards and standards of the Municipal Regional Permit for stormwater pollution prevention. Detailed working drawings with stormwater measures will be required to be submitted for review and approval as part of the building permit application process. The project complies with written standards for drainage and erosion control and this finding is affirmed.

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

~~***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.***~~

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 required for 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.~~

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

Per the conditions of approval, 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.~~

Tree Removal Permit

The applicant is seeking to remove three protected trees as part of the project, which requires a Tree Removal Permit under Section 25-5 of the Belmont City Code. The criteria for approval of a Tree Removal Permit set forth in Section 25-7 (b)-(c) is included below. It requires balancing of the criteria by the decision-making body, which is not allowed for a by-right application. The Planning Commission is considering only the objective criteria.

(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>

The Planning Commission finds that the arborist report and site plans submitted as part of the project indicate that the trees proposed for removal are directly impacted by the project construction and/or have low suitability for preservation with conforming use of the property. As such, the trees proposed

for removal comply with criteria D. The submitted landscape plans satisfy the City Code requirement (Section 25-7 (d) (1)) for replacing protected trees at a 1:1 ratio, by proposing the planting of 24 street trees and 14 trees in the outdoor amenity area on the 3rd level of the residential project. The species of the replacement trees will comply with City policies, including the Street Tree Master Plan. This finding is affirmed.

Affordable Housing Plan

The Planning Commission finds that the project’s Affordable Housing Plan meets the required findings in Belmont Zoning Ordinance Section 29.6 (b) (1-3), as follows:

- (1) Affordable units must be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities must equal those provided in the base model market-rate units.***

The exterior appearance of the affordable units is consistent with the market rate units, as depicted on the Elevation Plans (Sheets A2.1 through A2.2) of the project. It is not possible to verify interior finishes and amenities at this time. A project condition of approval will require verification of interior finishes at time of building permit review and after construction of the project (prior to certificate of occupancy). This finding is affirmed.

- (2) The number of bedrooms in the affordable units must be comparable to the average number of bedrooms in the market-rate units, and the affordable units must be reasonably dispersed within the residential project, with unit locations comparable to those of the market-rate units, or, subject to the approval of the community development director, may be clustered within the residential project when this furthers affordable housing opportunities.***

The 25 affordable units are proportional to the overall project bedroom count as demonstrated in the table below:

Unit Type	Number of Units	Unit Type Percent of Total	Expected Affordable Units	Proposed Affordable Units
Studio	39	27.86%	25 x 27.86% = 7	7
1 Bedroom	68	48.57%	25 x 48.57% = 12	12
2 Bedroom	33	23.57%	25 x 23.57% = 6	6
Total	140	100%	25	25

The affordable units are reasonably dispersed within the residential project as depicted on sheet E2.0 of the project plans. The affordable units are dispersed across the first through fourth floors. The units include both exterior facing and interior facing units across multiple floor plan types. This requirement will be enforced through the Affordable Housing Agreement, which is required by a condition of approval. This finding is affirmed.

- (3) *The affordable units must have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential project.*

Each affordable unit features a private patio or balcony. In addition, the affordable units will have the same access to amenities as the market rate units, including the same access to and enjoyment of common open space, parking, and other facilities in the residential project. This requirement will be enforced through the Affordable Housing Agreement, which is required by a condition of approval. This finding is affirmed.

Transportation Demand Management (TDM)

Per Belmont Zoning Ordinance Section 31.7.6, the Planning Commission makes the following findings on the objective portions of the criteria for the transportation demand management plan:

- (a) *The proposed trip reduction measures are ~~feasible and~~ appropriate for the project, considering the proposed use or mix of uses and the project's location, size, and hours of operation;*

The proposed TDM Program trip reduction measures were evaluated by City staff and consultants and found to be consistent with the numeric standards of the City Transportation Demand Management Program Report and Guidebook. The TDM Plan includes measures that are commonly applied to a multi-family use in proximity to public transportation (Caltrain station). This finding is affirmed.

- (b) *The proposed vehicle trip reductions will ensure that the performance targets of this section will be achieved and maintained.*

The Transportation Demand Management (TDM) Program Report and Guidebook establishes a target of 15% reduction in per-capita vehicle miles traveled (VMT) for new projects which is achieved by selecting from a range of measures that are awarded points in the TDM Report and Guidebook. The applicant's TDM Plan achieves 12 points, which complies with City policy. Conditions of approval are included to implement the trip reduction measures. This finding is affirmed.

Density Bonus Law

Density Bonus

The applicant is entitled to a density bonus in accordance with Government Code Sections 65915(f) as follows:

- The applicant proposed 15% very low-income units, entitling the project to a 50% density bonus
- The applicant proposed 15% moderate-income units entitling the project to an additional 50% density bonus

There are no numeric standards for density in the subject VSC District (i.e. dwelling units per acre) and the project is entitled to a 100% increase in floor area ratio (FAR) to construct additional market rate units. The proposed project includes a total of 140 units, inclusive of 70 Density Bonus Units and 25 Affordable units.

Waivers

There is no limit on the number of zoning waivers that may be requested or granted. The proposed project includes three zoning waivers as follows:

- **Height:** The base height standard for the BVSP’s Station Core district and the VSC zoning district is a maximum of 45 feet, and up to 60 feet with community benefits. To accommodate the 100% density bonus granted under State Density Bonus Law, the additional 15 feet in height is required. Without the additional height, the additional units cannot fit within the base 45-foot height limit within the maximum allowable floorplate of the site’s physical constraints. The project building’s roofline will be 60 feet. No non-habitable building features will exceed eight feet.
 - o The development standard referenced would physically preclude development of the Project if the waiver was not allowed.
 - o The proposed height of the building is required to accommodate the 140-unit project.

- **Bulk:** The Development Standards for the VSC district require that the third story floorplate is not larger than 85% of the first floorplate, and that the fourth story maximum floorplate is 70% of the first story floorplate. To accommodate the 100% density bonus granted under State Density Bonus Law, additional bulk for the fourth and fifth stories is required. The proposed bulk at the fourth and fifth stories will be 78% of the first floor footplate. Without the additional bulk, the additional 100% density bonus units would not fit.
 - o The development standard referenced would physically preclude development of the Project if the waiver was not provided.
 - o Any required setbacks on the upper floors would not allow for the current volume of the building and therefore prevent the total units proposed which includes the affordable units included in the Project. Diagrams are shown on sheet G2 of the development plans.
 - o In mathematical terms, the base project includes three residential floors of an average 23.3 units per floor. A 100% density bonus is equal to an additional 70 units, or three additional full floors equivalent of units.

- **Street Wall Height Standards:** Table 4-4 of BVSP and Section 31.3 of the BZO supports a two story minimum, three story maximum building. In the areas of the building where the building wall height standards are not met, a waiver is requested.
 - o To accommodate the 100% density bonus granted under State Density Bonus Law, the Project must exceed the street wall height standards as depicted on sheet G1.8 of the development plans. Without exceeding the wall height standards, the additional 100% bonus units would not fit.

Government Code Section 65915(e)(1) specifies that local jurisdictions shall grant the waivers requested by the applicant unless the jurisdiction can make a written finding of any of the following:

- *The waiver would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.*

- *The waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.*

- *The waiver would be contrary to state or federal law.*

The project has been reviewed for consistency with applicable City policies to protect the public health and safety. All applicants for development projects are required to agree to the mitigation measures identified in the General Plan EIR, including the policies, programs and implementation measures within the General Plan and the Belmont Village Specific Plan that are designed to avoid, reduce or eliminate significant environmental impacts. Applicants must also agree to standard development requirements and the standard Conditions of Approval that implement policies and mitigation measures to reduce environmental impacts. Based on this review and the implementation of all appropriate standard Conditions of Approval, no significant adverse impacts were identified for the project. The project does not have an adverse impact on any real property that is listed in the California Register of Historic places. No violations of state or federal laws have been identified for the project. Therefore, the findings cannot be made, and the waivers are granted.

SECTION 3. The Planning Commission approves the by-right application for Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus subject to the conditions of approval in Exhibit “B”.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on August 19, 2025 by the following vote:

AYES,
 COMMISSIONERS: Adamkewicz, Kramer, Kulich, Twigg, Jadallah
 NOES,
 COMMISSIONERS: Majeski
 ABSENT,
 COMMISSIONERS: None
 ABSTAIN,
 COMMISSIONERS: None
 RECUSED,
 COMMISSIONERS: None

Carlos de Melo

Carlos de Melo
 Planning Commission Secretary

Exhibit “A”
General Plan and Belmont Village Specific Plan (BVSP) Consistency Analysis

<i>General Plan and BVSP Land Use Goals and Policies</i>	
<p><u>GP Goal 2.3</u> Provide balanced neighborhoods with a variety of housing types and density ranges to meet the diverse demographic, economic, and social needs of residents, while ensuring a cohesive urban form and regard for compatibility with surrounding uses and existing residential development.</p>	<p>The project helps create and enhance a complete neighborhood in the City of Belmont by integrating higher density residential housing in a well-resourced area nearby transit. The project would develop 140 units of high-density housing within in proximity to commercial services and transit. The project would be located in an already developed area, where it can be served by existing public services and infrastructure. The project enhances the Belmont Village area by developing a housing project with a range of unit types to serve a range of households. Specifically, the project includes 39 studios, 68 one-bedrooms, and 33 two-bedroom units. The proposed development would consist of a five-story, multi-family residential building incorporating contemporary style architecture. The scale and mass of the building would be consistent with the development standards, and objective design requirements outlined in the Belmont Village Specific Plan (BVSP) and Zoning Ordinance, except where waivers are requested consistent with State law. The project provides a mix of market-rate and affordable housing units, including 11 units for very low-income households, 3 units for low-income households, and 11 units for moderate income households. The project also includes enhanced sidewalk widths and street trees as required by the BVSP.</p>
<p><u>BVSP Goal 2.3</u> Provide a variety of housing types to accommodate different types of households, different income levels, different age groups, and different lifestyles.</p>	
<p><u>GP Policy 2.3-1</u> Encourage the provision of lower- and moderate-income housing to meet the objectives of the Housing Element.</p>	
<p><u>GP Policy 2.3-2</u> Encourage higher density residential uses located in proximity to commercial services, employment opportunities, and major transportation corridors and facilities.</p>	
<p><u>GP Policy 2.3-4</u> Focus new development in or directly adjacent to already-developed areas, where it can be served by existing public services and infrastructure.</p>	
<p><u>GP Goal 2.5</u> Enhance the Belmont Village Priority Development Area and develop a distinct identify for the area as Belmont’s vibrant town center for residents and visitors with commercial, residential, dining, civic, cultural, and entertainment activities.</p>	
<p><u>GP Policy 2.5-3</u> Implement the Belmont Village Specific Plan as the guide for land use planning, design, streetscape, and public improvements in the Belmont Village Priority Development Area.</p>	
<p><u>GP Policy 3.5-4</u> Design sidewalks to comply with requirements set in the Belmont Village Specific Plan within the plan area.</p>	

General Plan Housing Element 2023-2031

<p>Pending Projects: page 6-5 to 6-6</p>	<p>The project is included in the list of Pending Projects as a location where multi-family development is expected during the 2023-2031 timeframe. The Housing Element anticipated 11 very low-income units, 11 moderate income units and 117 market rate units, for a total project size of 139 units. The proposed project includes 11 very low-income units, 3 low-income units, 11 moderate income units and 115 market rate units, for a total project size of 140 units. Therefore, the proposed project includes more affordable units than was anticipated in the Housing Element. This calculation meets the City’s obligation to monitor development projects to ensure sufficient residential capacity to accommodate the RHNA per Housing Element Program H1.1.</p>
<p><u>Goal H1:</u> Produce new housing at all income levels, with a focus on Affordable Housing.</p>	<p>The project supports the goal to produce new housing at all income levels, helping to fulfill the City's housing needs allocation (RHNA) as identified in the adopted 2023-2031 Housing Element (see BVSP Goal 2.3 & GP Policy 2.3-1). The project includes a variety of residential unit types (Studio, 1 and 2 bedroom) and sizes to accommodate the varied housing needs of diverse households.</p>
<p><u>Policy H1.A:</u> Provide adequate capacity to meet the Sites Inventory for Regional Housing Needs Allocation (RHNA).</p>	
<p><u>Policy H1.B:</u> Encourage a range of both market-rate and affordable housing in a variety of unit sizes and types to accommodate the varied housing needs of diverse households</p>	
<p><u>Goal H1:</u> Produce new housing at all income levels, with a focus on Affordable Housing.</p>	<p>In 2024 The City amended its Zoning Ordinance to include by-right processing consistent with State Law. The project site was included in the previous Housing Element (2015-2023) and included in the current Housing Element (2023-2031) and meets the additional legal criteria. The project site is <u>therefore</u> subject to by right processing, which means the jurisdiction shall not require a conditional use permit or other discretionary approval.</p>
<p><u>Program H1.4:</u> Establish By-Right Housing Designation for Prior Housing Sites. Designate housing sites that have carried over from the prior Housing Element to allow housing development by-right consistent with State law.</p>	

General Plan Circulation Element (Transportation)

<p><u>GP Goal 3.6</u> Promote Transportation Demand Management Programs (TDM) and encourage increased transit use through convenient, safe, efficient, and cost- effective services.</p>	<p>The City has adopted a citywide TDM program. A TDM is proposed with the project, which would discourage the use of single-occupancy vehicles as resident’s primary mode, especially for commuting, and transition residents into other transportation modes including transit, bicycling, carpooling, and walking. Proposed measures to augment travel habits include providing residents: information on commute alternatives, transit passes (e.g., Clipper Card) ride share coordination, bicycle parking, etc.).</p>
<p><u>Policy 3.1-5</u> Require new development and redevelopment projects to construct or pay their fair share toward improvements for all travel modes to provide and enhance connectivity to existing transportation facilities</p>	<p>The project includes public improvements along all street frontages (i.e., wide sidewalks, and street trees) that are consistent with the adopted Complete Streets policies to promote the development of public transit, bicycle, or pedestrian facilities, and increase use of these facilities. The project developer would pay for these proposed improvements. Additionally, the applicant will pay Transportation Impact Fees to mitigate their fair share of future transportation improvements.</p>
<p><u>Policy 3.1-5</u> Ensure that major new development is adequately served by transit.</p>	<p>The project site is located within 0.5 mile of the Belmont Caltrain station and within close proximity of SamTrans bus stops on Ralston Avenue.</p>

Exhibit "B"

Conditions of Approval for the 500-580 Masonic Way Project

APN: 040-315-010

Application Number: PA2023-0032

These Conditions of Approval apply to the City approval of the following entitlements requested by Prometheus Real Estate Group, the Applicant for the 500-580 Masonic Way Project: By-Right Processing of Design Review, Grading Plan, Tree Removal Permit, Affordable Housing Plan, Transportation Demand Management Plan, and State Density Bonus pursuant to Government Code §65915.

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

Planning Division

1. Indemnification. Land Owner hereby agrees to and shall indemnify, defend, and hold harmless City, any City agencies and their respective elected and appointed councils, boards, commissions, officers, agents, employees, volunteers, and representatives (collectively, for the purposes of this condition, "City") from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and property damage) and from any and all third party claims, demands, and actions in law or equity (including attorneys' fees and litigation expenses) directly or indirectly arising or alleged to have arisen out of or in any way related to: (a) the approval of the City Approvals; (b) any development or use of the Property under the City Approvals; and (c) any actions or inactions by the Land Owner or its contractors, subcontractors, agents, or employees in connection with the construction or improvement of the Property and the Project as defined in the development agreement; excepting to the extent arising from the intentional acts or willful misconduct of City, its elected and appointed representatives, officers, agents, employees, contractors or subcontractors.

This indemnification and hold harmless agreement apply to all damages and claims for damages suffered or alleged to have been suffered by reason of the operations referred to in this condition, regardless of whether or not City prepared, supplied, or approved plans or specifications for the Property, but does not apply to damages and claims for damages caused by City with respect to public improvements and facilities after City has accepted maintenance responsibility for them.

2. Except as modified by these conditions of approval, or as required by subsequent project review, the Building Permit Plans shall be consistent with the approved Planning Plans, with a revision date of December 20, 2024 and inclusive of the architectural drawings (Sheets A1.0 through A5.3); Civil Engineering Plans (Sheets C1.0 through C7.0); Landscape Plans (Sheets L1.0 through L1.9), and Lighting Plans (Sheets LT1.1 through LT.1.2).
3. The applicant shall demonstrate that the apartment building is consistent with the maximum floor area and height (per zoning standards, incentives and approved density bonus waivers),

prior to final building permit inspection. As built, floor plans and a roof height elevation from an engineer or surveyor that includes roof top equipment and screens shall be provided.

4. Ground Equipment Screening. All exterior trash, recycling, and storage utility boxes, and electric and gas meters must be screened from visibility from the surrounding public vantage points (right-of-way, public trails, open space and parks). Said screening must incorporate the same architectural design, colors, and materials as the main building on site.
5. The plans submitted for a Building Permit shall include: a) a plan sheet that includes all project conditions of approval; b) boxed-out floor plans demonstrating that the apartment building would not exceed the maximum floor area permitted for the project; c) individual floor plans for each of the unit types and sub types (studio, one-bedroom, and two-bedroom); and d) floor plans for each level of the building that include a numbering and lettering system identifying each of the types of units and a table reflecting the total number of units in each category.
6. Exterior building materials shall be consistent with Elevation Drawings (Sheet A2.1 through A2.3) and submitted color and materials (Sheets A4.1 and A4.2), dated *December 20, 2024*, except for minor modifications approved by the Community Development Department, or as modified via an approved Design Review Amendment.
7. Fees. The applicant/developer must pay all applicable regulatory, connection, and impact fees, in accordance with Government Code Section 65589.5(o), and as specified by each respective City Ordinance or the City's Master Fee Schedule, as follows:
 - a) Transportation Impact Fees (TIF) - the current fee for the project per the City's Master Fee Schedule is \$6,201.01 per unit for multi-family development. Fees will be adjusted to the most current adopted fee schedule in effect at the time of building permit issuance. If the applicant elects to defer payment of fees until after building permit issuance, the applicant shall enter into a post-permit fee agreement with the City of Belmont and file the agreement with the San Mateo County recorder prior to building permit issuance. Fees must be paid prior to Temporary Certificate of Occupancy or Certificate of Occupancy, whichever occurs first.
 - b) Park Improvement Impact Fees - the current fee for the project per the City's Master Fee Schedule is \$9,856 per unit for multi-family development. Fees will be adjusted to the most current adopted fee schedule in effect at the time of building permit issuance. If the applicant elects to defer payment of fees until after building permit issuance, the applicant shall enter into a post-permit fee agreement with the City of Belmont and file the agreement with the San Mateo County recorder prior to building permit issuance. Fees must be paid prior to Temporary Certificate of Occupancy or Certificate of Occupancy, whichever occurs first.
 - c) Building Permit & Plan Check Fees – based on building valuation. The current fees may be calculated using the adopted FY 2024-25 fee schedule located on the [Finance page](#) of the City’s website. Fees will be adjusted to the most current adopted fee schedule in effect at the time of payment. Plan check fees must be paid at the time of building permit application. Building permit fees must be paid prior to building permit issuance.
 - d) General Plan Maintenance Fee - 0.75% of Building Valuation. Must be paid prior to building permit issuance.

- e) Sewer Connection Fees - \$12,024.81 per unit for multi-family development. Fees will be adjusted to the most current adopted fee schedule in effect at the time of payment. Must be paid prior to building permit issuance.
8. TDM Program. The applicant shall demonstrate compliance with both the County of San Mateo (CCAG) and the City of Belmont's TDM programs by submitting a completed TDM application form (available on the City website) which will be subject to review and approval by the Department of Public Works. The applicant shall implement the TDM program as described in the approved TDM Plan prepared by Hexagon Transportation Consultants. The applicant shall submit an annual TDM compliance report and pay a TDM review fee, as specified in the City's Master Fee Schedule. In addition, the following is required:
- a) The Applicant, using the adopted TDM program, shall provide a tally of how many points and under which categories the project will be achieving TDM measures.
 - b) The Applicant shall implement the TDM measures identified in the final approved Transportation Analysis. The applicant shall submit an annual TDM compliance report and pay a TDM review fee, as specified in the City's Master Fee Schedule.
 - c) The TDM program shall be evaluated annually to assess the actual level of trip reduction achieved at the site and to identify any adjustments to the program necessary to ensure the TDM measures are successful. Consistent with common traffic engineering data collection principles, trip generation shall be monitored annually by means of AM and PM commute hour driveway counts. The counts shall be conducted between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM one day per year on a typical weekday (Tuesday, Wednesday, or Thursday) during the fall when school is in session. Mechanical tube counts, hand counts, or video counts may be used. The peak 60-minute period should be calculated for each two-hour traffic count period.
 - d) An annual resident survey should be conducted to determine transportation mode choice (i.e., drive alone, carpool, bus, Caltrain, etc.). The site TDM coordinator shall work with an independent consultant to obtain traffic count data, implement the annual commuter surveys and document the results in a TDM monitoring report) The annual monitoring report shall be submitted to the Public Works Director or citywide TMA by the TDM coordinator. The data shall be reviewed by the City to assess whether the goal of a 15% trip reduction is being met.
 - e) In addition to the annual monitoring reports, a five-year review shall be conducted to evaluate the overall effectiveness of the TDM measures. If the city determines that the trip reduction goal is not being achieved, additional TDM measures may be implemented. Modifications to the TDM plan may include additional programs or services listed in the City of Belmont's TDM program or otherwise available for achieving vehicle trip reductions.
 - f) The annual TDM monitoring report shall describe any planned modifications to the TDM program intended to ensure compliance with the trip reduction targets established for this project.
9. The applicant shall obtain Sign Program approval under Zoning Ordinance Section 23.10.02 (C), before the installation of any non-exempt signage on site.
10. Final details for the installation of public streetscape improvements (i.e., specific design of all proposed street furniture, ADA-compliant decorative tree grates, paving color/material lighting

standards, etc.) shall be consistent with the December 20, 2024 project plan set and the Belmont Village Specific Plan Streetscape Design Guidelines and approved by the Community Development Department in consultation with the Public Works and Park and Recreation Departments, prior to their installation.

11. All public improvements (frontage, streetscape, landscaping, lighting, public plaza, short term bicycle parking, and areas open to the public) shall be installed or constructed, prior to final Building Permit inspection.
12. Affordable Housing. The applicant shall record the fully executed Affordable Housing Agreement after approval of the project. Conformed copies of the recorded agreement shall be provided to the City Attorney and Community Development Department, prior to issuance of a building permit. The Affordable Housing Agreement shall incorporate the standards of the approved Affordable Housing Plan, including but not limited to:
 - a) Affordable housing shall be provided in accordance with the approved Affordable Housing Plan, including the number, location, level of affordability, and type of units. Minor amendments to unit location and type may be approved by the Community Development Director.
 - b) Interior finishes and amenities of the affordable units shall be equal to those provided in the base model market-rate units. A Planning inspection verifying interior finishes in the affordable units shall occur after construction of the project, and before issuance of a certificate of occupancy.
 - c) Affordable units shall be provided equal access to project parking, and on-site amenity areas.
13. All exterior lighting shall employ the use of cut-off fixtures to restrict the direction of the light in accordance with City standards. Lighting should be the minimum required for safety, but not result in undue glare off site. There shall be no floodlighting of landscape plantings, the apartment building, courtyards, or patios/decks. To ensure consistency with city standards for lighting and compliance with the submitted photometric plan, a final lighting review shall occur after installation of project lighting and before final Building Permit inspection.
14. Installation of roof mounted mechanical equipment shall be consistent with Elevation Drawings (Sheet A1.6) and Sections (Sheet A3.1) dated December 20, 2024. Roof mounted equipment shall be placed behind roof screens so as not to be visible from surrounding vantage points at or below the highest point of the equipment.
15. Interior & Operational Noise
 - a) Prior to issuance of a Building Permit, the project noise consultant shall certify in writing that the submitted Building Plans include all required noise reduction recommendations specified in the project noise analysis (i.e., construction methods, increased insulation, noise baffling, etc.) to reduce interior noise levels below the City and State level of 45 dB.
 - b) Final building plans shall include a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

- c) The Project Noise Consultant shall conduct an acoustic analysis of all mechanical and HVAC equipment proposed with the final building permit plans. The results of the analysis and design recommendations for compliance with the City's Noise Ordinance shall be summarized by the Consultant in a letter submitted with the building permit plans. The consultant's recommendations shall be incorporated into the building plans, prior to issuance of a building permit.

16. Construction Noise

- a) The applicant shall ensure that the following preventative and monitoring measures are enforced during grading and building operations:
 - i. Conduct construction activity according to the City Noise Ordinance.
 - ii. Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses.
 - iii. Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition.
 - iv. Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.
 - v. Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses.
 - vi. Utilize "quiet" air compressors and other stationary equipment where feasible and available.
 - vii. Designate a noise disturbance coordinator who would respond to neighborhood complaints about construction noise by determining the cause of the noise complaints and require implementation of reasonable measures to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.
- b) The applicant shall notify property owners within 300 feet of the project site two weeks prior to the initiation of construction activities on site. A schedule of construction activities, and a copy of the noise control plan shall be included with this notice.
- c) Prior to issuance of grading or building permits, the applicant shall demonstrate that a condition of contract of all contractors and subcontractors requires the use of internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers, which are maintained in good condition.
- d) Prior to issuance of grading or building permits, the applicant shall demonstrate that a condition of contract of all contractors and subcontractors requires the use of "quiet" air compressors and other stationary equipment. If the applicant demonstrates that the use of quiet air compressors and other stationary equipment is not feasible, moveable sound barriers or portable sound huts shall be used for noise mitigation.

17. Construction Vibration

- a) Pursuant to the Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and Holidays.
- b) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers

- that are in good condition and appropriate for the equipment.
- c) Prohibit unnecessary idling of internal combustion engines.
 - d) Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Any enclosure openings or venting shall face away from sensitive receptors.
 - e) Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
 - f) Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - g) Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - h) Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
 - i) Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
 - j) Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

18. Geotechnical Conditions

- a) Final Geotechnical Report – The geotechnical report shall be finalized based on peer review comments in the letter from Atlas Technical Consultants dated October 17, 2023. The final report shall be submitted to the City for review and concurrence by Atlas, prior to issuance of any permits.
- b) 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 setbacks, 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.
- c) 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.
- d) 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).

19. Construction & Operations

- a) Pursuant to GP EIR Mitigation Measure AQ-1, the applicant 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.
- b) Pursuant to GP EIR Mitigation Measure AQ-2, the applicant 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.
- c) Pursuant to GP EIR Mitigation Measure AQ-3, the applicant 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.
- d) Pursuant to GP EIR Mitigation Measure AQ-4, the applicant 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.
 - i. 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.
 - ii. All haul trucks transporting soil, sand, or other loose material offsite will be covered.
 - iii. All visible mud or dirt track-out onto adjacent public roads or sidewalks will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. Entry and exit from the site will use rock or rumble strips to prevent tracking.
 - v. All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 mph.
 - vi. 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.
 - vii. 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.
- e) Pursuant to GP EIR Mitigation Measure AQ-5, the 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.

- i. The applicant must require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by implementing following measures during construction related activities:
 - ii. Idling times must be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage must be provided for construction workers at all access points.
 - iii. All construction equipment must be maintained and properly tuned in accordance with manufacturer's specifications. All equipment must be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - iv. The applicant must require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that paints and solvents have a VOC content of 100 grams per liter or less for interior surfaces and 150 grams per liter or less for exterior surfaces.
- f) Pursuant to General Plan EIR Mitigation Measure AQ-6, the applicant shall prepare a project-specific health risk assessment (HRA), prior to issuance of a building permit. If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for sensitive receptors would be less than Bay Area Air Quality Management District (BAAQMD) project-level thresholds, then additional mitigation will be unnecessary. If the health risk exposure for sensitive receptors is greater than BAAQMD project-level thresholds, then the report must identify appropriate mitigation.

20. Sensitive Receptors

- a) Pursuant to General Plan EIR Mitigation Measure AQ-6, the applicant shall prepare a project-specific health risk assessment (HRA), prior to issuance of a building permit. If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for sensitive receptors would be less than Bay Area Air Quality Management District (BAAQMD) project-level thresholds, then additional mitigation will be unnecessary. If the health risk exposure for sensitive receptors is greater than BAAQMD project-level thresholds, then the report must identify appropriate mitigation.

21. Cultural Resources

- a) Prior to the start of construction, 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.
- b) In the event that paleontological, archaeological, and/or cultural resources are

encountered during construction activities, all construction activity within a 60' radius 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.

22. Human Remains

- a) 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:
 - i. The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
 - ii. If the remains are of Native American origin:
 - 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
 - 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.

23. Nesting Birds

- a) 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 February 1 and August 31); or 2) Conduct pre-construction surveys for nesting raptors and provide appropriate buffer zones, if construction has the potential to impact nesting birds.
- b) 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.

24. Bats

- a) A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist will look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains, or urine stains around openings in trees or structures, or flies around such openings. Trees

with multiple hollows, crevices, forked branches, woodpecker holes or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully.

- b) If signs of bats are detected, CDFW should be contacted about how to proceed. Echo-location surveys may be needed to verify the presence of bats, or an exclusion zone around the occupied tree may be recommended until bats leave the roost. Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.

25. Green House Gases

Pursuant to the General Plan EIR Section for Energy, Green House Gas (GHG), and Climate Change (Mitigation Measure AQ-2 and Action 5.10-3.a), the Land Owner shall demonstrate the following:

- a) Applicant shall endeavor to acquire (source) a minimum of 10% of the construction materials from within 100 miles of the planning area.
- b) A minimum of ~~50%~~ **65%** 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 may be used to assist in documenting compliance.
- c) 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).

26. Hazardous Materials

- a) Site Management Plan (SMP): Prepare and submit an SMP to San Mateo County Environmental Health Service (SMCEH) for approval before building permit plan check. Submit a copy of the approved SMP and required conditions to the Community Development Department before building permit issuance.
- b) Hazardous Materials Survey & Abatement: Hire a qualified hazardous materials abatement specialist to: (a) Survey for hazardous materials (e.g., lead, PCBs, asbestos, mold, mercury) in existing structures prior to demolition; (b) Remove identified hazardous materials.
- c) Health and Safety Plan (HSP): Submit an HSP per OSHA (29 CFR 1910.120) and Cal/OSHA (CCR Title 8, Sec. 1592) to the City Building Division, **prior to** demolition, grading, or building permits. Include HSP requirements as a plan sheet in your demolition/grading/building permit submittal.
- d) Contractor & Worker Safety: Ensure all contractor documents specify SMP compliance. Contractors' employees with exposure risks must be trained and follow the contractor's HSP, including personal protective equipment (PPE) use.
- e) Public Notification & Signage: Post signs on all site perimeters with project sponsor and environmental consultant contact info. Include a "visible dust alert" hotline monitored during construction hours. Prepare a construction schedule; mail and post the schedule

- for all property owners/occupants within 300ft, at least two weeks before work starts. Provide mailing proof to Planning Division.
- f) Soil & Groundwater Management: Submit the SMCEH–Groundwater Protection Program (GPP)–approved soil and groundwater management plan to the City prior to demolition/grading/building permits. Attach approval letter and conditions to relevant plan sheets.
 - g) Construction Dewatering: Provide a temporary dewatering plan addressing methods for handling, testing, and disposal of construction water, per sanitary sewer or NPDES permit. Follow Silicon Valley Clean Water requirements for sewer discharge.
 - h) Dust & Vapor Controls: Implement dust mitigation measures from the Dust and Vapor Control Plan (DVCP) during construction. Include DVCP measures in permit plans, keep copies onsite for inspection.
 - i) Stormwater Pollution Prevention: Submit a Stormwater Pollution Prevention Program (SWPPP) with grading permit application. Maintain compliance with STOPPP Best Management Practices during work.
 - j) Unanticipated Conditions: Include protocols for unexpected findings (as per SMP) in all grading/building permit plans.
 - k) Reporting: After completion, submit a comprehensive close-out report to the CUPA, including at a minimum: Soil disposal manifest/receipts, Groundwater discharge/permits, Laboratory reports, Soil gas sample results.

27. Airport Hazards

- a) The project requires review by the Airport Land Use Commission prior to issuance of a building permit. The Community Development Department will prepare and submit the requisite application materials. The applicant may be asked to supply project specific data to assist in completing the application. The following conditions are typically applied by the Airport Land Use Commission:
 - The applicant has an obligation to comply with the real estate disclosure requirements outlined in Overflight Policy 1 of the San Carlos ALUCP.
 - The applicant shall provide evidence of a recorded ‘Overflight Notification’ on each residential parcel in accordance with Overflight Policy 2 of the San Carlos ALUCP. (An example for the Overflight Notification to be used to fulfill this condition is included in the amended San Carlos ALUCP, Appendix E, Exhibit E.
- b) Applicant shall comply with all applicable requirements of the FAA, including but not limited to the requirements of the Determination of No Hazard issued for the project on March 2, 2024. At the time of building permit submittal, applicant must determine whether they are required to file FAA Form 7460-1 for construction equipment. In order to do so, the applicant must determine the maximum height of any cranes to be used during construction. The determination shall be submitted in writing.

28. Mid-Peninsula Water District (MPWD)

- a) The applicant shall demonstrate that the final landscape plan has been reviewed and approved by the Mid-Peninsula Water District (MPWD) and is consistent with MPWD’s Water Efficient Landscape Ordinance (WELO), prior to installation of landscaping. A post installation certification from MPWD is also required prior to final building permit inspection. Contact the MPWD Water Conservation Administrative Specialist at (650)

591-8941 or jeanettek@midpeninsulawater.org for more information.

29. School Fees. This project is subject to the School Facilities Fee. Proof of payment must be presented to the City of Belmont before the permit will be issued. Contact the Sequoia Union School District directly for further information.
30. Public Art Requirement ([Belmont City Code Sec. 17-128](#)) - The City has a development standard that requires residential development of five (5) or more new dwelling units to devote an amount not less than 1% of construction costs for acquisition and installation of public art on the development site. For projects that do not include public art on the development site, developers can meet this obligation by either: 1) acquiring and installing freely accessible art on city property or in the public right of way; or 2) providing an in-lieu contribution (payment) to the City for acquisition and placement of public art in the city not less than 1% of construction costs.
31. At the time of building permit submittal, the landscape plans shall be updated to specify the species of street trees to be installed. Final selection of street trees shall be consistent with the Street Tree Master Plan and subject to approval by the Community Development Director.

Building Division

1. The building permit submittal shall be in conformance with the approved project plans (PA2023-0032).
2. The applicant shall obtain all required permits.
3. The building plans shall specify that the 2022 California Code of Regulations as amended by the State of California and all applicable City of Belmont ordinances will be employed during this project.
4. A minimum of 65% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final inspection. Sample forms found in A Guide to the California Green Building Standards Code (Residential) located at www.hcd.ca.gov/CALGreen.html may be used to assist in documenting compliance. CALGreen Section 4.408.
5. Detached accessory structures located less than 50 feet from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire resistance-rated construction, heavy timber, log wall construction, or constructed with approved noncombustible material on the exterior side. When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under-floor areas enclosed to within 8-10 inches of the ground, with exterior wall construction in accordance with Section 505.5. Height has been modified to comply with geographical needs.
6. All construction and related activities (not including grading) may only be conducted during

the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m., Saturdays. Grading may occur between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction activity (including grading) or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Years Day, Presidents Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.

7. The City of Belmont Municipal Code requires a soils and engineering geology report for all new or substantially altered foundations. Provide such a report and a letter from the geotechnical engineer confirming that the foundation plan has been reviewed and that it has been determined that the recommendations in the soils report are properly incorporated into the plans. BMC 7-12, IBC 106.1 & 1804.3.
8. Provide on the plans the existing and proposed locations of the electric and gas meters, subpanels, water heater and furnace.
9. The building plans shall show the location of all transformers, fire standpipes, and back flow preventers.
10. Accessibility features are required pursuant to the 2022 California Building Code (Chapter 11A & 11B).
11. Photovoltaic installation may be a deferred submittal.
12. Special inspections will be required during construction as determined by the structural engineer and/or the Building Official.
13. The applicant shall post hours of operation and phone numbers for noise complaints.
14. The applicant shall obtain all department final signatures prior requesting a Building final.

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

1. The project shall complete an approved Lot Line Adjustment process showing all necessary easement dedication(s) and vacation(s). All easement dedication(s) and vacation(s), including but not limited to PG&E and PUE, shall be successfully completed and recorded in accordance with the California Streets and Highways Code and, where applicable, the California Subdivision Map Act prior to issuance of any building permits. A Record of Survey shall also be recorded in accordance with the Professional Land Surveyors' Act, prior to issuance of any building permits.
2. Proposed service laterals serving the site and the proposed sidewalk and landscaping along project frontages would be privately owned and maintained. This should be noted on the

plan.

3. Developer shall satisfy the conclusions and recommendations in the Storm Drain Technical Memo prepared by BKF Engineers dated April 5, 2024.
4. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements, including but not limited to the following:
 - a) Street improvement requirements are specified in the new General Plan (GP) and Belmont Village Specific Plan (BVSP). The street improvement designs shall meet these requirements.
 - b) Installation of new curb, gutter, bulb-outs, ramp, driveway, landscaping, and sidewalk along all project frontages.
 - c) Masonic Way will require a curb-to-curb grind & overlay. Wessex Way, Granada Street, & Hiller Street will require a curb-to-curb slurry seal. Areas to receive utility trenching and areas that are damaged during construction will be repaired per City standards.
 - d) Extension of the exiting utilities and installation of new utilities, including but not limited to, water, sewer and storm drain lines and services.
 - e) Installing the necessary Green Infrastructure for capturing the required street flow, treating, and conveying the flow to the City Storm Drain system.
 - f) Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements.
5. The developer shall execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. All improvements must be in accordance with the City of Belmont standard detail and specs and built to the City Engineer's satisfaction and accepted by the City prior to issuance of any certificate of occupancy for the project.
6. It is applicant's responsibility to get permit(s) or approval from all affected agencies or private entities. Copies of these approvals should be submitted to the City prior to permit issuance.
7. Within vehicle sight triangles, walls, fences, trees, shrubs, bushes or hedges shall not exceed 3-feet in height while tree canopies shall maintain a minimum of 7-feet vertical clearance at all driveway locations.
8. Public sidewalks, driveway crossing path, and on-site pedestrian walkways and crossings shall have no greater than 2% cross slope. Cross slopes on ADA accessible parking space and access space shall not exceed 2% in all directions.
9. All existing on-site public utilities shall be protected in place and if necessary, relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrub are permitted within City utility easements, where the easement is located within landscape areas.
10. The developer shall comply with Regional Water Quality Control Board's C.3 requirements and implement the following:

- a) At the time of building permit plan check submittal, the developer shall submit a “final” Stormwater Control Plan (SWCP) and Report. Site grading, drainage, landscaping and building plans shall be consistent with the approved Stormwater Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order and shall be implemented as part of the site improvements.
 - b) At the time of building permit plan check submittal, the developer shall submit plans for installing necessary Green Infrastructure to capture the required street flow, treating, and conveying to the City Storm Drain system.
 - c) The owner/applicant shall submit an updated C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist prior to design review approval as part of the final SWCP.
 - d) Prior to final inspection or certificate of occupancy, the developer shall submit and record an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C-3 and street Green Infrastructure treatment facilities.
 - e) Prior to final inspection or certificate of occupancy, property Owner shall enter into a Maintenance Agreement with the municipality to ensure long-term maintenance and servicing by the Property Owner of stormwater site design and treatment control [and/or HM] measures according the approved Maintenance Plan(s), including the proposed Green Infrastructure for treatment of street flow.
11. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended. “Bordering” does not include any sidewalks or curbs/gutters on the opposite side of the street.
 12. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
 13. A driveway approach shall be installed in accordance with Department of Public Works approved standards.
 14. Roof leaders and site drainage will not be routed directly to the City stormwater system. All stormwater runoff will be routed to treatment facilities (either bioretention basins, flow-through planters, or underground mechanical treatment filter devices) prior to being routed to the City stormwater system. Energy dissipation will be incorporated into the treatment measures, as needed. The property owner or association shall be responsible for inspection and maintenance.
 15. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection [available from BASMAA @ 510-622-2465]).
 16. The developer shall incorporate the following Best Management Practices (BMPs) for stormwater quality protection into site design to the extent that conditions allow. (Refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465):
 - a) The landscape design shall incorporate biofilters, infiltration and retention/detention

basins into the site plan as feasible.

17. Runoff from trash enclosures, recycling areas, and/or food compactor enclosures, or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. If any drains are installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities, the drains shall be connected to a grease removal device and/or treatment devices prior to discharging to the sanitary sewer.
18. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.
19. The project shall implement the bulleted recommendations listed on Pg. ii and iii of the Executive Summary of the project's revised Transportation Improvement Analysis prepared by Hexagon Transportation Consultants dated July 28, 2025.

The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions:

20. Property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. Prior to issuance of any grading permit, provide a letter confirming that all recommendations of the Geotechnical Report and its supplemental letters have been incorporated in the design of the proposed development.
21. Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personal parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress.
22. Prior to issuance of an encroachment, building or grading permit, the Applicant shall prepare a construction management plan (CMP) for review and approval by the Public Works Department in consultation with the Community Development Department and Police Department. For properties located at or in close proximity to the City borders, the plan shall be routed to adjacent jurisdictions. The CMP shall include a response to construction-related conditions and requirements identified by reviewing City departments, and outside agencies for inclusion in the Plan. The plan shall include at least the following items:
 - a) Schedule - A project construction schedule shall be provided that includes the approximate date and expected time frame for each stage of construction. At minimum, the schedule shall include:
 - i. Excavation & Shoring (as applicable)
 - ii. Below Grade & Foundation Construction
 - iii. Above Grade Construction & Framing
 - iv. Exterior & Interior Finish Work
 - v. Public Frontage Improvements

- vi. Offsite & Utility Improvements
- b) Site & Logistics Plan - Site and logistics plan(s) shall be provided for each phase of project construction. Said plan(s) shall include:
 - i. Location of Construction Fencing & Access Control for The Site
 - ii. Proposed Circulation Pattern, including Access & Egress, for Each Phase of Construction
 - iii. Location of Dewatering Tanks, Construction Trailer, Temporary Power Pole, & Restrooms
 - iv. Erosion & Dust Control Plans
 - v. Security & Lighting Plans
 - vi. Location of Construction Staging Areas for Materials, Equipment, & Vehicles
 - vii. Crane Plane (Location, Height, & Radius), as applicable
 - viii. Construction Worker Parking
- c) Traffic Control Plan - Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment /trucks, during construction, expected temporary street closure and the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour

Written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time.

- d) Noticing - The CMP shall include notice to property owners within 300 feet of the project site two weeks prior to grading, and identification of haul route(s) and staging area for the project. The notice shall also include a process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. 24-hour advance written notice shall also be provided to adjacent property owners, adjacent businesses, and Public Works and Police Department personnel prior to all major deliveries, detours, and lane closures.
 - e) Road Conditions - Documentation of road pavement conditions shall be provided to the Public Works Department for all routes that will be used by construction vehicles, both before and after project construction. Roads found to have been damaged by construction vehicles shall be repaired to the level at which they existed prior to project construction.
 - f) Response to CMP Conditions - A response shall be provided to CMP conditions from other City departments, and outside agencies.
23. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
24. The owner/applicant shall provide a street light plan that confirms that any street light improvements are focused on the project street frontage, excluding the opposite side of said

streets. This requirement is in line with the December 20, 2024 entitlement plan set and previous confirmation from the City on June 27, 2024.

25. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, AT&T that these utilities will provide service to the subdivision.
26. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
27. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
28. The property owner/applicant shall apply for and obtain a permanent encroachment agreement from the Department of Public Works, with approval by the City Council, for a structure, retaining wall, awning, or other features constructed in the public right-of-way, easement or on property in which the City holds an interest.
29. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.
30. Construction activity resulting in a land disturbance of 10,000 SF or more, or less than 10,000 SF but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board (<http://www.scrwb.ca.gov/stormwtr/construction.html> or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.
31. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.
32. Prior to any grading or clearing being performed on-site, the owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division..

Soil or other construction materials shall not be stockpiled in the public right-of- way unless

an encroachment permit is obtained from the Department of Public Works. Grading shall neither be initiated nor continued between November 15 and April 15. Exceptions can be considered upon further review with the Building Official.

Grading shall be done between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specifically authorized by the Director of Public Works. Grading shall incorporate the restrictions and recommendations of the Geologic and Soils report as approved by the City. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.

33. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary.

The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled. The measures shall also include:

- a) Water all active construction sites at least twice daily.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c) Pave or apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- d) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- g) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiled materials.
- h) Install sandbags or other erosion-control measures to prevent silt runoff to public roadways.
- i) Replant vegetation in disturbed areas as quickly as possible.
- j) Watering should be used to control dust generation during the break-up of pavement.
- k) Cover all trucks hauling demolition debris from the site.
- l) Use dust-proof chutes to load debris into trucks whenever feasible.
- m) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- n) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be in proper running order prior to operation.
- o) Diesel powered equipment shall not be left inactive and idling for more than five minutes and shall comply with applicable BAAQMD rules.
- p) Use alternative fueled construction equipment, if possible.
- q) All vehicle speeds on unpaved roads shall be limited to 15 mph.
- r) Post a visible sign with the telephone number and person to contact at the Lead Agency

regarding dust complaints. This person shall respond and take corrective action within 24 hours. The Air District phone number shall also be visible to ensure compliance with applicable regulations.

34. Storm drainage calculations shall be required for all storm drains and overland flows. Drainage shed maps shall be submitted showing all upstream acreage and run-off coefficients for each tributary area. Overland flow paths and site release points shall be clearly identified. Calculations shall be submitted to the Department of Public Works for review and approval.
35. The owner/applicant shall perform a video inspection of any sewer laterals proposed to remain. Submit the inspection to the Department of Public Works for review and make any necessary repairs to the lateral.
36. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
37. If PG&E is requiring the developer to construct the gas and/or electrical connections in City right of way or easements, then the developer must submit plans and obtain an encroachment permit from Department to Public Works.
38. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
 - a) A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
 - b) Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual (available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).
 - c) Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
 - d) Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes or berms, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
 - e) Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
 - f) Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
39. All utilities to each lot including, but not limited to, electric power, telephone, cable television, shall be provided underground.
40. The owner/applicant shall provide field survey data to permit retracing all survey monuments set to establish the street right-of-way both public and private.
41. All landscaping shall be maintained and shall be designed with efficient irrigation systems

to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.

42. A letter from the geotechnical consultant, shall inspect, test (as needed) and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to site preparations and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the replacement of steel and concrete. The geotechnical consultant shall observe all excavations during project grading to verify anticipated geologic conditions and to check for any apparent indications of temporary excavation instability. A final geotechnical inspection shall be performed of completed drainage improvements to verify conformance with geotechnical standards. The results of these inspections as the as-built conditions of the project shall be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.
43. The property owner shall install, operate, and maintain all permanent stormwater quality protection measures included in the approved project plan using qualified personnel. The property owner/applicant must keep a maintenance and inspection schedule and record to ensure that the treatment control measures continue to operate effectively. Records must be provided to the Department of Public Works, on an annual basis, on or before June 30 of each year.
44. The developer shall provide to the first residents/occupants/tenants practical information materials (as furnished by the City) on good housekeeping for hazardous products, proper use and disposal of hazardous products, and prohibited discharge practices prior to issuance of any certificate of occupancy for the project.
45. The property owner/association shall implement a trash management and litter control program including emptying trash receptacles in common areas, noting trash disposal violations by homeowners or business, and notifying violators.
46. The phrase “No Dumping-Drains to Bay” or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting. All on-site drain facilities must be inspected twice a year and cleaned immediately prior to the rainy season (prior to October 15) and once again during the rainy season. Results of inspection and cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year.
47. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter.
48. The subdivision improvement plan agreement shall provide for payment of all grading permit fees and inspection charges including the reviews by the City’s Consultant Geologist or Geotechnical Engineer in accordance with the City’s Grading Ordinance.
49. The subdivision improvement plan shall provide for payment of all City inspection and plan check charges associated with the installation of public and private improvements including, but not limited to, streets, sanitary sewers, storm drains and streetlights. A cash deposit shall be made in accordance with the fee schedule, against which the City will assess its costs. A refund or additional charge will be made at the conclusion of construction.

50. Storm drainage, sanitary sewer, and emergency vehicle access easements shall be provided to the City as necessary.
51. The Project shall demonstrate compliance with all TIA recommendations.
52. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, and AT&T Broadband cable TV that these utility companies will provide service to the development project/site.
53. Prior to Lot Line Adjustment approval, the developer shall post maintenance bonds or letters of credit for all off-site improvements to be dedicated to the City at the time the Council accepts the project.
54. The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall indicate the location of all the protected trees and protection fences on site. No utility trench shall encroach within the protection fence areas.

The following conditions shall be met prior to occupancy except as otherwise specified in the conditions:

55. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.
56. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.
57. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
58. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These include, but are not limited to, the following:
 - a) Store, handle and dispose of construction materials and wastes properly, to prevent their contact with stormwater.
 - b) Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment, and non-stormwater discharges to storm drains and watercourses.
 - c) Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.

- d) Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
 - e) Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
 - f) Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
 - g) Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
 - h) Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
 - i) Limit construction access routes and stabilize designated access points.
 - j) Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
59. A maintenance agreement is required to be executed between the City and the developer prior to issuance of a certificate of occupancy or final inspection, whichever comes first. The property owner shall maintain the following:
- a) Stormwater treatment areas inside and along the frontage of the properties.
 - b) Sidewalks, driveways, street furniture, decorative streetlights, landscaping, street trees along the frontage of property up to the back of curb.

III COMPLY WITH THE FOLLOWING CONDITIONS OF THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT:

1. EGRESS – The applicant shall maintain required egress for all adjacent buildings/properties.
2. STANDPIPES – For projects that require standpipes by California Fire Code Section 905.3.1, the applicant shall provide not less than one standpipe for use during construction or demolition.
3. DEMOLITION – The applicant shall comply with the California Fire Code Chapter 33 during all phases of construction of the project. Applicant shall prepare a Fire Safety Plan for the Fire Department which shall be adhered to throughout construction.
4. FIRE FLOW – The applicant shall provide fire flow information to the Fire Plan Checker, which is subject to the review and approval of the Fire Marshal or his/her designee.
5. REMOTE POWER DISCONNECT – The plans shall show a key switch/shunt trip to disconnect the building electrical power and/or solar photovoltaic system by Fire Department personnel. The key switch/shunt trip location(s) shall be subject to the review and approval of the Fire Marshal or his/her designee.
6. FIRE CONTROL ROOM – The plans shall show a fire control room with direct access from the exterior of the building subject to the requirements listed in the Fire Department’s local

Ordinance and subject to the review and approval of the Fire Marshal or his/her designee.

7. **CODE CONFORMANCE** – The applicant shall indicate on all building permit plans that all construction shall meet current code standards at the time of building permit submittal. The building permit plans are subject to review and approval by the Fire Marshal or his/her designee.
8. **FIRE DEPARTMENT SUBMITTALS** – The applicant shall submit all plans involving fire systems (including but not limited to fire sprinklers, fire hydrants, and fire alarms) in conjunction with the superstructure building permit plans to the Fire Department. The plans are subject to review and approval by the Fire Marshal or his/her designee.
9. **FIRE HYDRANTS** – The applicant shall install the approved number of public/private fire hydrant(s) spaced as per the Fire Department’s local Ordinance. All fire hydrants used for fire flow for the project site shall be upgraded to a Clow model 960 or equivalent consisting of (2) 2-½ inch and (1) 4-½ inch outlets. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with water purveyor’s specifications. The water supply shall be tested, flushed and approved operable prior to any combustible construction materials being placed on the site. Staged construction shall insure that the necessary water supply is maintained from stage to stage in the construction planning. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection.
10. **EMERGENCY RESPONDER RADIO COVERAGE** – An Emergency Responder Radio Coverage system may be required for this project. Testing shall occur during construction due to circuit protection requirements that will affect building design. The applicant shall provide a third-party testing grid report to the Fire Department subject to the review and approval by the Fire Marshal or his/her designee prior to the Fire Final Inspection.
11. Prior to application for a Fire Sprinkler Permit, the applicant shall submit plans to the Mid-Peninsula Water District (MPWD) for their review and approval. Contact MPWD at 650-591-8941 to coordinate review of the project.
12. A separate application and permit are required for the installation or alteration of any Fire Alarm, or Water-flow Monitoring System. This application shall include the interconnection of any Fixed Fire Protection System to an Alarm System where provided. A valid Permit and Approved Plans shall be at the jobsite at all times.
13. A separate application and permit are required for the installation of any underground fire service lines. Application shall be made by a Registered Engineer or by either a General Engineering Contractor or a Licensed Fire Sprinkler Contractor, who will be performing the work.
14. A master building wide Hazardous Materials Inventory Statement (HMIS) and a tenant

HMIS shall be kept on file with the building management for the lifetime of the use . The building management shall manage all tenant HMIS documents against the Master HMIS such that the total quantity of hazardous materials shall not exceed the Maximum Area Quantities (MAQ's) as defined by the HMIS and CFC Chapter 50. This project shall update their fire sprinkler design density to an Extra Hazard class to 0.4/3,000 square-feet.

15. A Knox Key-Lock Box is required to be installed as shown on plans. Please contact Fire Prevention at 650-522-7940 to obtain an application.
16. Fire inspections are available Monday through Friday, 8:00 am to 4:00 pm. Call 650-522-7940 a minimum of 48 hours in advance to place your inspection request.
17. On plans submitted for a Building Permit, show the location of all required Smoke Alarms and Carbon Monoxide Alarms, in accordance with CRC Sections 314 & 315.
18. In accordance with the Municipal/Regional Stormwater Permit, no fire sprinkler system drain shall discharge into any Storm Drain System. The system shall discharge to either a landscape area large enough to contain the outflow, or to the Sanitary Sewer by means of an indirect connection. Indicate the location of the Fire Sprinkler System drain on plans submitted for a building permit.
19. Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction and in all alterations greater than 50% of the original structure. Numbers shall be as follows: Minimum of one-half inch (1/2") stroke by six inches (6") high. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2") stroke by nine inches (9") high is required. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one-inch (1") stroke by twelve inches (12") high is required.

IV COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street unless permitted.
3. Flag person(s) shall be required for closures positioned at both ends of any closure.
4. A 24-hour written notice to and approval from the Police Department is required before any lane closure. (Contact PD Traffic Unit or Watch Commander for approvals).
5. No parking of construction employee vehicles is allowed in the roadways.

6. Any lane/road closures must only be conducted during non-commute hours (9am-3pm).
7. Any burglar alarm shall be registered with the PD per BCC 18-50 et. seq.
8. A signage plan is required for closures/detours. This plan must be approved by the PD Traffic Unit.
9. The applicant shall provide a security plan to the Police Department plan for the construction period, prior to issuance of a building permit. Said plan shall, at minimum, include: lighting (if desired), surveillance, physical security of property, and securing of any tools, equipment and/or materials left on site. The Police Department shall also be provided 24-hour emergency contact information for the contractor and owner. Route emergency contact information to PD Attn: Sgt. Thompson or email to mthompson@belmont.gov.
10. No Trespassing signs, per 602 PC, are required to be posted around property to discourage unauthorized entry and aid in criminal prosecutions for trespassing/theft.
11. The property address must be clearly posted at all times during and after construction, visible and legible from entire roadway frontage(s).
12. The applicant shall ensure the Police Department has access to any secured emergency access easements/gates/pathways.

Certification of Approved Final Conditions:

 Carlos de Melo, Community Development
 Director

 Date

**CITY OF BELMONT
APPEAL APPLICATION
ZONING ORDINANCE #360 - SECTION 10**



I, Doug Ricket, appeal the action of the PLANNING COMMISSION
at the Regular Meeting held on August 19th, 2025
on the application for Application ID. PA20 23 -003 2
granted/not granted to Prometheus Real Estate Group
concerning the property located at the following address 580 Masonic Way
Being Lot _____ Block _____ Subdivision _____
Assessor's Parcel No. 040-315-010

This APPEAL, in accordance with Ordinance #360, gives the following reason(s) to make claim that there was an error or abuse of discretion by the Commission, or wherein its decision was not supported by the evidence in the record (attach a separate sheet of paper, if desired):

See attached.

I/We, the undersigned appellant, do hereby certify that this Appeal, in accordance with Ordinance #360, has been filed within the ten (10) day filing period and the fee of \$1,683 has been paid to the City of Belmont.

Doug Ricket 
Appellant Name (Print) Appellant Signature
[Redacted]
Address (City, State, Zip)
[Redacted]
Email address
[Redacted]
Home Phone Cell/Other Phone

- Multiple/group appellants will be considered as one entity for purposes of speaking time limits at the appeal hearing.
- The applicant may be required submit 8 paper sets of complete plans/blueprints with the completed appeal form. Submission of multiple sets of other backup documentation is not necessary.
- The City of Belmont can accept electronic submittals of documentation.
- City staff will coordinate a Hearing Date with the appellant and applicant following submittal of appeal.

To: The Honorable Mayor and Members of the Belmont City Council

From: Doug Ricket

Date: August 28, 2025

Re: Appeal to apply the Active Use Frontage Overlay requirement for 580 Masonic Way

Dear Mayor and Council Members,

As a Belmont resident, I support the Belmont Village Specific Plan's vision of "an attractive, mixed use, vibrant downtown" that was passed by the City Council. Like you, I look forward to welcoming new neighbors to our wonderful city.

The problem is that even though the plan for 580 Masonic Way doesn't have the ground floor active use required by the BVSP, the staff and commissioners mistakenly concluded that the city has to approve it because of state law.

At the August 19 Planning Commission meeting, commissioners spoke in favor of the BVSP's active, mixed-use goals, but believed they had no choice but to approve. One said, "The staff report quotes the BVSP about the vibrant mixed use we're supposed to have - **well, that's not what we're getting.**" Multiple commissioners stated they felt their "**hands are tied here**" and that they had to approve the project "because of certain rules the state has imposed upon us." [Appendix B]

I am appealing today because **state law does not require approval** of this non-compliant plan. Instead, because the plan **violates objective standards**, moving forward with it creates greater risk of future lawsuits. I therefore advocate to correct the issue now to avoid potential legal cost and delay. I ask that you uphold this appeal and direct the applicant to comply with the city's objective standards to build the vibrant mixed-use downtown we all want.

Does state law require approving the developer's plan?

No, because the plan violates the BVSP's objective standards for the "Active Use Frontage Overlay" (AUFO), which have not been waived. Let's explore current misunderstandings:

Does "by-right" status mean the city must waive all standards?

No, "by-right" review excludes subjective judgements, but expressly allows design review with **objective standards**, such as the 50' retail depth requirement of the AUFO. [1]

Does the Density Bonus Law (DBL) grant waivers to all city standards?

No, the DBL grants waivers only to city standards that would block the construction of the bonus units, such as the height, bulk, and street wall height waivers in this project. But the **AUFO does not qualify for a waiver** because it does not block the construction of the bonus units; in fact, there are no units on the ground floor facing Masonic Way. [2]

Does Footnote #2 in the Zoning Ordinance Table 31-1 [1] override the AUFO?

No, footnote #2 permits residential units on the ground floor (which this plan has), but the footnote does not state that the AUFO is nullified, and the developer did not apply for a waiver of the AUFO. Without a waiver, the AUFO still stands and must be applied objectively.

Can the Community Development Director decide that the AUFO is “not applicable” because of subjective criteria?

No. In the Development Standards Evaluation [3], the Director marked the AUFO standards “N/A,” stating that they would result in an “oddly shaped building” due to the “shape of the property” and its four frontages. This is a **subjective opinion** – the objective requirements of the BVSP contain no such exemption for lot shape or number of frontages. [3] As the staff report itself notes, subjective findings cannot be considered in approving a by-right application.

The Director’s second justification, that the AUFO is not applicable “because the building is entirely residential,” is a flawed, **circular argument**. The AUFO objectively requires the Masonic Way frontage to be non-residential. A developer cannot propose a non-compliant design and then use that non-compliance as the reason the objective standard should not apply.

The director cannot unilaterally waive the BVSP, and the city is not obligated to do so. Unless an explicit waiver is requested and granted, the project must comply with all objective standards of the BVSP, including the AUFO.

Does this project even qualify for the density bonus and by-right processing?

No, because:

- In order to qualify for the **density bonus**, this project needs to show a “base plan” that complies with all existing objective regulations with no waivers. [5]
- Similarly, to qualify for **by-right** processing, projects must be consistent with all objective standards, or else forfeit their by-right status. A project that does not meet all objective standards **is not approved** as “by-right” and instead goes through a regular non-by-right process. [6]

However, neither the base plan nor the bonus plan for this project comply with the **objective standards** of the AUFO, due to violations including the inward-facing gym and lack of 50’ retail depth. Both plans should be corrected now to comply with the AUFO so that the whole project is not vulnerable to future lawsuits.

Request: Require the plan to comply with the BVSP’s objective standards

This appeal does not seek to deny housing. It asks the City to uphold the **objective standards** as required by State Law and City Code, to avoid the risk of future lawsuits and to **build the vibrant mixed-use downtown we all want**.

Thank you for your consideration,
Doug Ricket

Appendix A. References

1. BVSP Zoning - includes AUFO objective standards
<https://www.belmont.gov/home/showpublisheddocument/20071/638596612258070000>
2. Project Proposal Exhibit A - floorplans
https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542485/Attachment_3_Exhibit_A_-_Applicant_Materials.pdf
3. Development Standards Evaluation
https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542476/Attach_2_Development_Standards_Evaluation.pdf
4. Belmont Village Specific Plan (Final)
<https://www.belmont.gov/departments/community-development/belmont-village-specific-plan/final-belmont-village-specific-plan-documents>
5. Staff report
“Under California State Density Bonus Law (SDBL) and the City’s Zoning Ordinance, the applicant must first identify a ‘base project’ that is consistent with all relevant objective development standards.”
https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542489/SR_-_500-580_Masonic_-_8-19-25_Final.pdf
6. Housing Accountability Act Technical Assistance Advisory
<https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf>

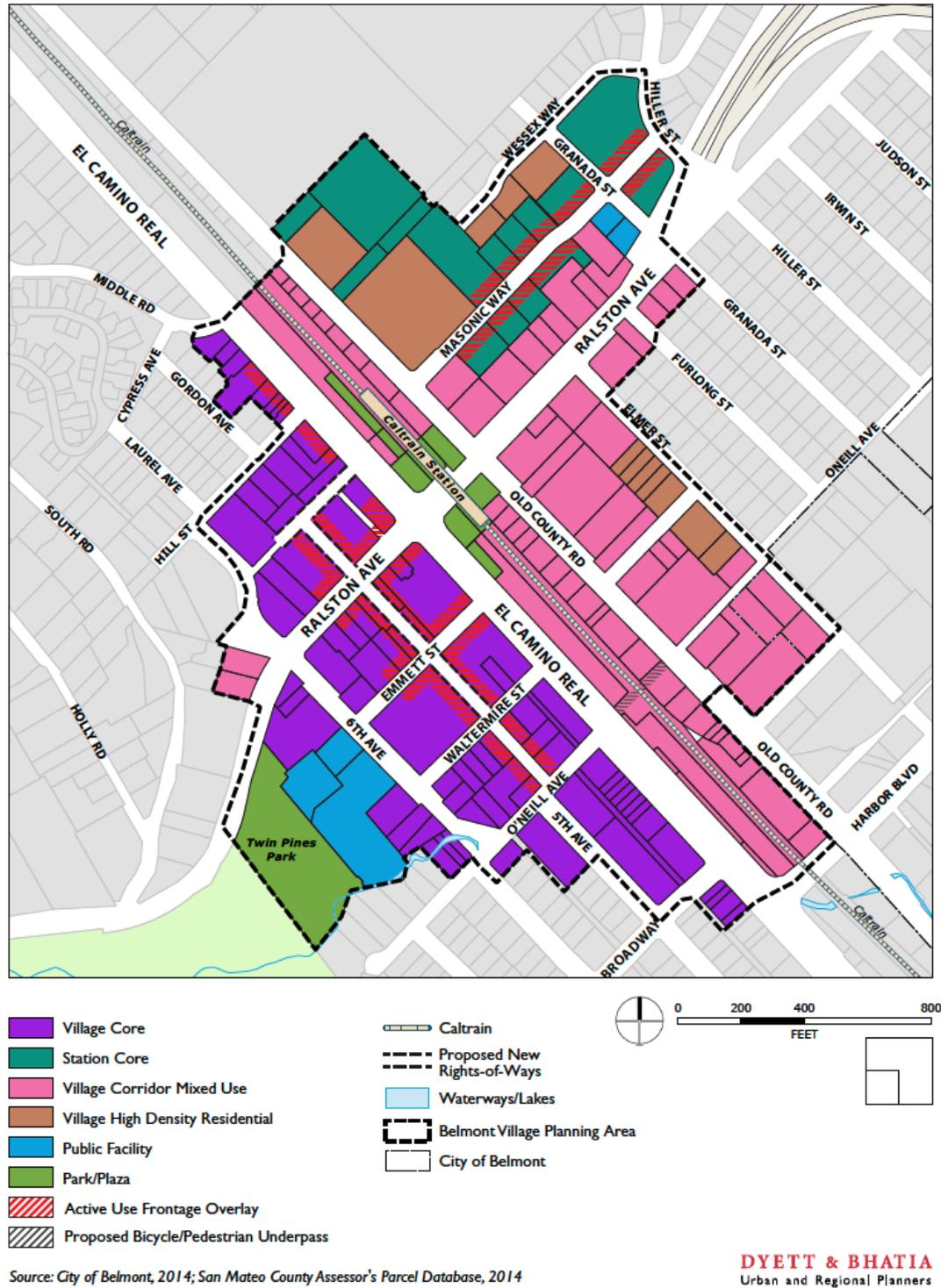
Appendix B. Comments by Planning Commissioners on 8/19/2025 meeting:

- Joanne Adamkewicz
 - “The staff report quotes the BVSP about the vibrant mixed use we're supposed to have – well, that’s not what we’re getting.”
 - “Ground floor active use is something the city really needs.”
 - “Current state law ... removes almost all decision making power from this body and from the city.”
- Cherry Twigg
 - “I reflect the views of Commissioner Adamkewicz.”
 - “There’s certain things that are very limited that we’re allowed to comment on at this point.”
- David Kramer
 - “I agree ... we should try to incentivize more mixed use.”
 - “But our hands are kind of tied here.”
- Margaret Jadallah
 - “Within the limited context of the by-right processing, I can make the findings.”
- Nathan Majeski
 - “I see a lot of places where I don’t feel like the objective standards are followed.”
 - “It’s brutalist, it’s ugly. It isn’t sensitive to the community around it.”
- Brian Kulich
 - “I agree that this has a lot of problems.”
 - “Because of certain rules the state has imposed upon us, I feel like I have to make the findings.”

Appendix C. Map of AUFO, BVSP Chapter 2, “Land Use”, Page 11,

Source: <https://www.belmont.gov/home/showpublisheddocument/16499/638580149884370000>

FIGURE 2-4: PROPOSED LAND USE DIAGRAM



- Masonic way is mapped for Active Use Frontage Overlay, 100% active use.

To: The Honorable Mayor and Members of the Belmont City Council
From: Doug Ricket
Date: October 22, 2025
Re: Appeal to uphold the BVSP's Active Use requirements for 580 Masonic Way

Dear Mayor and Council Members,

As a Belmont resident, I support the Belmont Village Specific Plan's vision of "an attractive, mixed use, vibrant downtown" that was passed into law by the City Council in 2017. Like you, I look forward to welcoming new neighbors to our wonderful city.

At 580 Masonic Way, residents have enjoyed a variety of local businesses within walking distance:

- An Indian restaurant
- A dry cleaners
- A sushi restaurant
- A chiropractor
- A dentist
- A salon
- A daycare

These businesses improve quality of life for local residents, and they or similar businesses would likewise benefit the hundreds of new residents who will live above them.

The problem is that even though the proposal for 580 Masonic Way doesn't have the ground floor active use required by the BVSP, city staff and commissioners mistakenly concluded that the city has to approve it because of state law. At the August 19 Planning Commission meeting, commissioners spoke in favor of the BVSP's active, mixed-use goals, but believed they had no choice but to approve. One said, "The staff report quotes the BVSP about the vibrant mixed use we're supposed to have - **well, that's not what we're getting.**" Multiple commissioners stated they felt their "**hands are tied here**" and that they had to approve the project "because of certain rules the state has imposed upon us." [Appendix B]

I am appealing today because **this plan violates the objective active use requirements of the BVSP**, and that requirement has not been waived or overridden by state law, so moving forward with this non-compliant plan is likely to generate future lawsuits and delay. I therefore advocate to correct the issue now so the city can make fastest progress on its housing goals with no delay. I ask that you uphold this appeal and direct the applicant to comply with the city's objective standards for active use to build the vibrant mixed-use downtown we all want.

I see two questions to answer for this matter:

1. Does the current design meet the Active Use requirement?

No, the plan violates the BVSP’s “**Active Use Frontage Overlay**” requiring 100% active use on Masonic Street, and the requirement for partial active use on the other three streets: (see Appendix F, Zoning Table 31-3, Frontage Standards)

- The BVSP requires ground level uses that are “**accessible to the general public, are engaging to pedestrians walking by, and generate walk-in pedestrian clientele**” (BVSP 2-18). The proposed plan for Masonic Way includes an inward-facing gym with no street entrance that is **not accessible** to the public, a clear violation of “active use” as defined above.
- Additionally even though lobbies are a permitted use, this particular proposed lobby, covering nearly the whole frontage at 130’ wide by 20’ deep and only for use by residents, does not comply with the text quoted above as well as the BVSP mandate that “**all spaces must be designed to accommodate active uses,**” which a huge empty lobby does not.
- The proposed plan for the other three streets is 0% active use, violating the BVSP’s requirements for partial Active Use: (Appendix E)
 - BVSP designates Wessex Way a Village Main Street, requiring 75% active use.
 - BVSP designates Granada St a Village Main Street, requiring 75% active use.
 - BVSP designates Hiller St a Village Avenue, requiring 50% active use..

2. Has the Active Use requirement been waived or cancelled?

No, there is no California state law or City of Belmont law that has overridden the BVSP’s “Active Use Frontage Overlay” (AUFO) requirement.

- **Does Footnote #2 in the Zoning Ordinance Table 31-1 override the AUFO?**
No, footnote #2 (see Appendix H) permits residential units on the ground floor (which this plan has), but the footnote does not state that the AUFO is nullified, and the developer did not apply for a waiver of the AUFO. Without a waiver, the AUFO still stands and must be applied objectively. In fact, the **AUFO can coexist with residential units on the ground floor; both can and do apply at the same time**, as shown in the developer’s own plan from 8/2/2024. (see Appendix J)

Additionally, California Government code sec, 65860, and section 31.1.6 of Belmont’s zoning code itself [1, page 2], both require that if there is a conflict between zoning code and the Specific Plan, **the Specific Plan prevails**. This means that even if footnote #2 in the Zoning Ordinance attempted to override the AUFO, it could not do so. The AUFO comes from the Specific Plan and cannot be overridden by zoning code.

On Masonic Way, the AUFO can coexist with the plan without disrupting any residential units. On the other three streets, the 50%-75% Active Use requirements for those streets can coexist with ground floor residential, just not 100% ground floor residential.

- **Does “by-right” status waive all city zoning laws?**

No, “by-right” review excludes subjective judgements, but California Government code sec 65583.2 explicitly authorizes design review with **objective requirements of a General or Specific Plan**, such as those of the BVSP’s AUFO mentioned above. [1] “By-right” does not mean exempt from compliance with applicable objective standards.

- **Does the Density Bonus Law (DBL) waive all city zoning laws?**

No: The DBL allows for waivers that physically preclude building the project, but the AUFO does not preclude building the project. **No waiver has been requested or granted**, so the city must apply the AUFO today. [2]

According to the Staff Report for this project [5], “Under California State Density Bonus Law (SDBL) and the City’s Zoning Ordinance, the applicant must first identify a ‘base project’ that is consistent with all relevant objective development standards.” The report **incorrectly represented to the Planning Commission that the base project was in order**, without including the base project itself for the commission to review or approve. If the Planning Commission had reviewed the base project (also called “base density study” or “base scheme”), they would have seen it is **non-compliant with the objective active use requirements** for all four frontages.

California Government code sec 65915(o)(6)(A) requires a base density study to account for “any nonresidential component.” Since this project’s base-density calculation ignored the mandatory nonresidential active use frontages, it does not meet “all applicable objective development standards” as also required by that California code, and the City is not obliged to accept it.

- **Can the Community Development Director decide that the AUFO is “not applicable” because of subjective criteria?**

No. In the Development Standards Evaluation [3], the Director marked the AUFO standards “N/A,” stating that they would result in an “oddly shaped building” due to the “shape of the property” and its four frontages. This is a **subjective opinion** – the objective requirements of the BVSP contain no such exemption for lot shape or number of frontages. [3] As the staff report itself notes, subjective findings cannot be considered in approving a by-right application.

The Director’s second justification, that the AUFO is not applicable “because the building is entirely residential,” is factually incorrect – the Masonic Way frontage has no residential at all. It is also a flawed, circular argument: The AUFO objectively requires the Masonic Way frontage to be non-residential. A developer cannot propose a non-compliant design and then use that non-compliance as the reason the objective standard should not apply.

The **director cannot unilaterally waive the BVSP**, and the city is not obligated to do so. Unless an explicit waiver is requested and granted, the project must comply with all objective requirements of the BVSP, including the AUFO.

Request: Require the plan to comply with the BVSP's objective requirements

In summary, the proposed project (and its base project) do not comply with the BVSP's objective requirements for active use on the ground floor frontages. And that active use requirement is not removed by footnote 2 (since ground floor residential can coexist with active use), nor is the active use requirement overridden by "by right" or "density bonus" designation. Therefore the plan is in violation of city code and the city should ask the developer to correct it to be compliant.

This appeal does not seek to block housing construction. It asks the City to uphold **objective requirements** in compliance with California State Law and the BVSP, by rejecting the non-compliant base plan and non-compliant density bonus plan submitted by the developer. This will avoid future lawsuits, allowing for housing construction with the least delay, and **building the vibrant mixed-use downtown we all want**, for current residents and those yet to come.

Thank you for your consideration,

Doug Ricket

Appendix A. References

1. BVSP Zoning - includes AUFO objective standards
<https://www.belmont.gov/home/showpublisheddocument/20071/638596612258070000>
2. Project Proposal Exhibit A - floorplans
https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542485/Attachment_3_Exhibit_A_-_Applicant_Materials.pdf
3. Development Standards Evaluation
https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542476/Attach_2_Development_Standards_Evaluation.pdf
4. Belmont Village Specific Plan (Final)
<https://www.belmont.gov/departments/community-development/belmont-village-specific-plan/final-belmont-village-specific-plan-documents>
5. Staff report
“Under California State Density Bonus Law (SDBL) and the City’s Zoning Ordinance, the applicant must first identify a ‘base project’ that is consistent with all relevant objective development standards.”
https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542489/SR_-_500-580_Masonic_-_8-19-25_Final.pdf
6. Housing Accountability Act Technical Assistance Advisory
Projects must be “consistent with objective local development standards.”
<https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf>
7. California Government Code section 65915
https://california.public.law/codes/government_code_section_65915

Appendix B. Comments by Planning Commissioners on 8/19/2025 meeting:

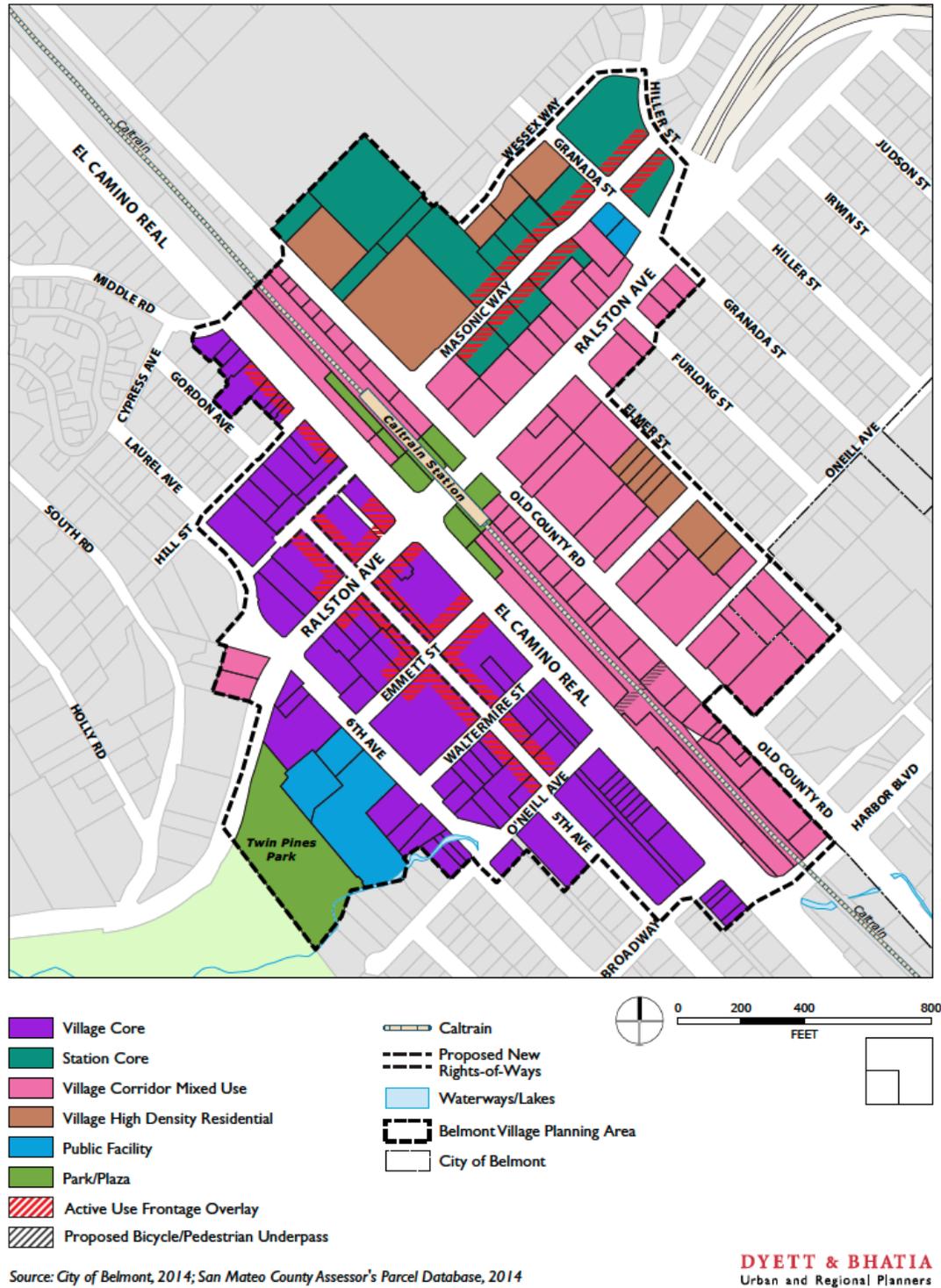
Planning commissioners supported requiring ground floor active use, but believed their hands were tied:

- Joanne Adamkewicz
 - “The staff report quotes the BVSP about the vibrant mixed use we're supposed to have – well, that’s not what we’re getting.”
 - “Ground floor active use is something the city really needs.”
 - “Current state law ... removes almost all decision making power from this body and from the city.”
- Cherry Twigg
 - “I reflect the views of Commissioner Adamkewicz.”
 - “There’s certain things that are very limited that we’re allowed to comment on at this point.”
- David Kramer
 - “I agree ... we should try to incentivize more mixed use.”
 - “But our hands are kind of tied here.”
- Nathan Majeski
 - “I see a lot of places where I don’t feel like the objective standards are followed.”
 - “It’s brutalist, it’s ugly. It isn’t sensitive to the community around it.”
- Brian Kulich
 - “I agree that this has a lot of problems.”
 - “Because of certain rules the state has imposed upon us, I feel like I have to make the findings.”

Appendix C. Map of AUFO, BVSP Chapter 2, “Land Use”, Page 11,

Source: <https://www.belmont.gov/home/showpublisheddocument/16499/638580149884370000>

FIGURE 2-4: PROPOSED LAND USE DIAGRAM



- Masonic Way is mapped for Active Use Frontage Overlay, requiring 100% active use.

Appendix D. Ground floor proposed layout

Source:

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542485/Attachment_3_Exhibit_A_-_Applicant_Materials.pdf

- Masonic Way frontage **does not meet 100% active use** requirements.
- Granada, Wessex, and Hiller **do not meet 50-75% active use** requirements.

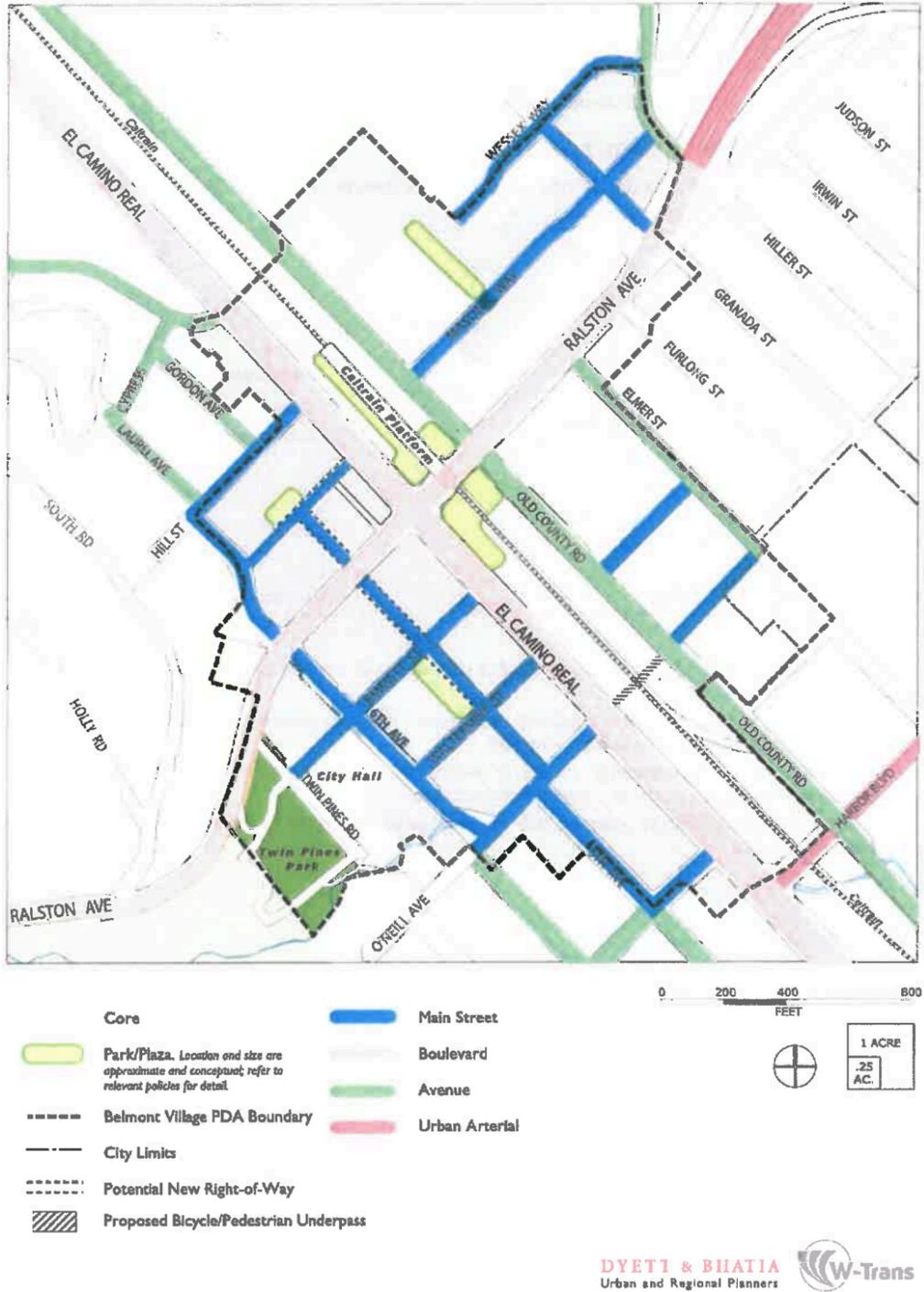


Appendix E. Street designations

Source: BVSP Appendix A, page 26

<https://www.belmont.gov/home/showpublisheddocument/16535/636658019230370000>

Figure 31-6: Village Street Typology



- Wessex, Granada, and Masonic are all **Village Main Streets** requiring 75% and 100% active use.
- Hiller is a **Village Avenue** requiring 50% active use.

Appendix F. Active use on BVSP streets

Source: BVSP Appendix A, pages 24-25, Table 31-1

<https://www.belmont.gov/home/showpublisheddocument/16535/636658019230370000>

(highlight added)

TABLE 31-3: STREETScape AND STREET FRONTAGE DEVELOPMENT STANDARDS				
	<i>Village Main Street</i>	<i>Village Avenue</i>	<i>Village Boulevard</i>	<i>Additional Regulations</i>
STREET FRONTAGES				
Ground Floor Active Uses along the main building frontage	100% where Active Use Frontage Overlay applies; 75% elsewhere; parking areas, garage entrances, or driveways are not allowed to front on 5 th Avenue between Ralston Avenue and Waltermire Street	50% minimum	Not required	See Section 31.3 and 31.4
Minimum ground level window transparency	75%	50%	25%	
Street wall height ¹	2 story minimum, 3 story maximum	1 story minimum, 3 story maximum	1 story minimum, 3 story maximum	

TABLE 31-3: STREETScape AND STREET FRONTAGE DEVELOPMENT STANDARDS				
	<i>Village Main Street</i>	<i>Village Avenue</i>	<i>Village Boulevard</i>	<i>Additional Regulations</i>
Retail depth from front entrance ²	50 feet minimum	60 feet minimum	25 feet minimum	
ENCROACHMENTS INTO PUBLIC RIGHT OF WAY				
Maximum length	25% maximum of the main façade line, not to exceed 20 feet without a 10 foot separation			
Maximum Width/Depth (ft)	3	5	4	
Minimum height above sidewalk	15 feet			
Awning/Canopy projection ³	4 feet maximum	4 feet maximum	4 feet maximum	
Marquees	5 feet maximum	5 feet maximum	10 feet maximum	
SETBACKS				
Min % of Front Facade Located at or within 10 feet of the sidewalk	90	70	50	See Section 31.4
Front setback ⁴	0-5 feet	0-5 feet	0-12 feet	

Notes:

1. For buildings fronting Ralston Avenue and El Camino Real, a streetwall with a minimum height of 18 feet is required, and 24 feet is recommended.
2. Required retail floor depths allow for retail use flexibility. With approval of a conditional use permit, the Planning Commission may grant exceptions where retail space wraps a parking structure.
3. Canopies with supporting columns that interrupt the path of pedestrians are not allowed. With approval of a conditional use permit, the Planning Commission may grant exceptions for recessed entrances.
4. Fronting Village Main Streets and Village Avenues, buildings may be set back up to 10 feet from the sidewalk to allow for outdoor seating areas and public plazas.

Appendix G. “Active Use Frontage Overlay”

BVSP Land Use, page 2-18

Source: <https://www.belmont.gov/home/showpublisheddocument/16499/638580149884370000>

Active Use Frontage Overlay

Several streets within the Village Core and Station Core districts are shown with Active Use Frontage Overlay on the Land Use Diagram. This designation requires that the ground level has uses that are **accessible to the general public, are engaging to pedestrians walking by, and generate walk-in pedestrian clientele** and thus contribute to a high level of pedestrian activity. Listed in Table 2-5, active uses may include, but are not limited to: retail stores, restaurants, cafes, markets, bars, theaters and performing arts venues, parks, plazas, commercial recreation and entertainment, personal and convenience services, tourism-oriented services, banks, childcare services, libraries, museums, galleries, and entrance lobbies to upper-floor residential uses. While office and other less active non-residential uses may be permitted at ground level on an interim basis at the discretion of the Planning Commission, **all spaces must be designed to accommodate active uses**, as outlined in Chapter 4, Urban Design. See Table 31-1, Village District Use Regulations, in Appendix A for further specification.

(emphasis added)

Table 2-5: Permitted Ground-Floor Uses in Active Use Frontage Overlay

Uses	
Banks ¹	Offices serving primarily walk-in clientele ¹
Bars or brewpubs ²	Parks
Cafes	Personal and convenience services ²
Childcare services ²	Plazas
Galleries ³	Restaurants
Libraries ³	Retail Stores, Small-Scale
Markets	Theaters and performing arts venues ²
Museums ³	Tourism-oriented services

Note:

1. Offices and other non-active uses may be permitted at ground level on an interim basis at the discretion of the Planning Commission.
2. Conditional permit required
3. Conditional permit required in Village Core only

Appendix H. Footnote #2

City of Belmont Zoning Ordinance, page 31-16

Source: <https://www.belmont.gov/home/showpublisheddocument/20071/638596612258070000>

“2. A project will be processed by right as defined in Government Code Section 65583.2(i), and only **design review based on objective standards shall be required**, if at least 20 percent of the units are designated as affordable to lower income households as defined in Government Code Section 65584, no subdivision is required, and the project is proposed wholly on a parcel that is identified in the 2023-2031 Housing Element as subject to by right processing. In such projects, **multiple-unit dwellings are permitted on the ground floor**, and such projects are exempt from CEQA.26”

(Emphasis added)

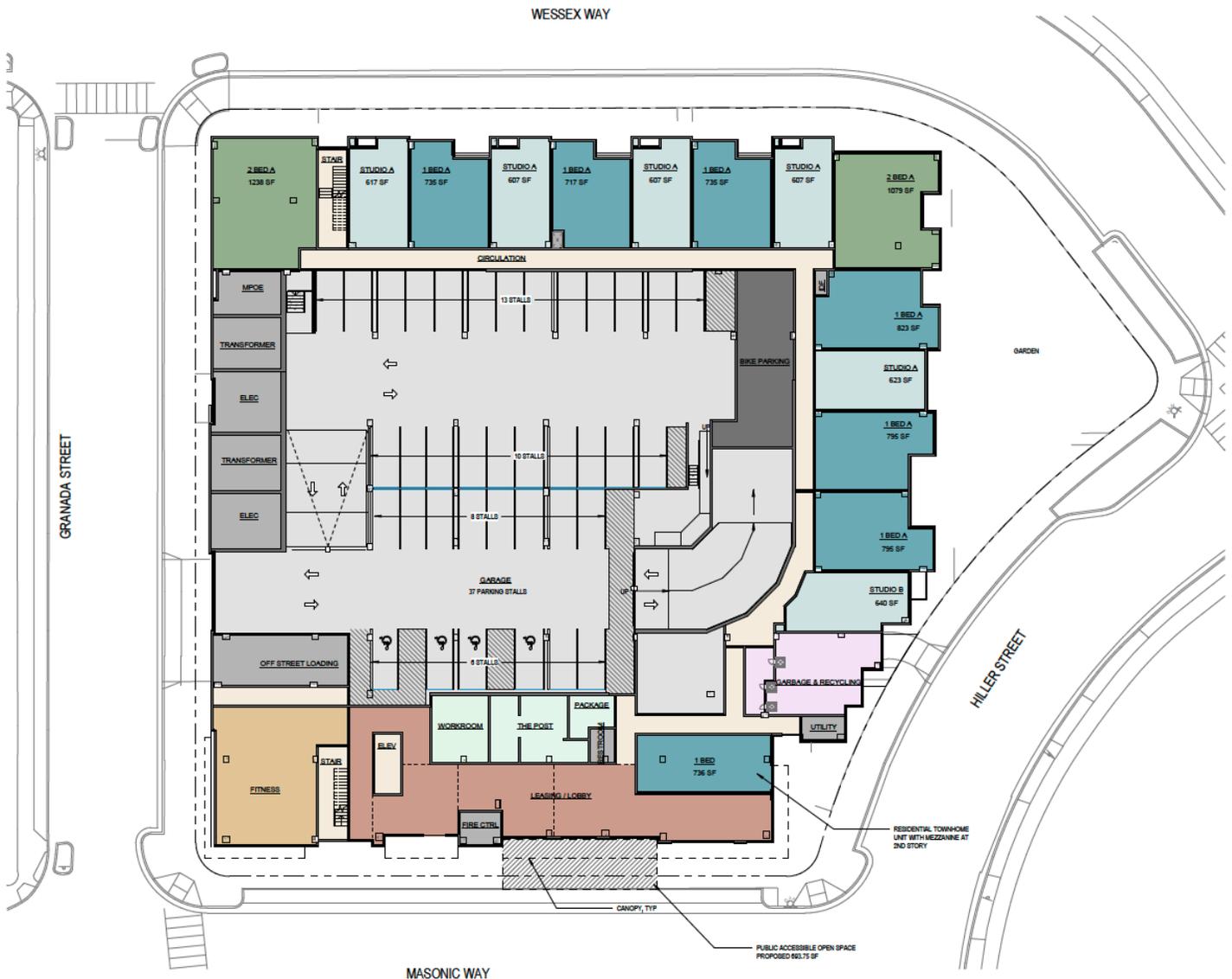
- Objective standards are still required
- Residential use is allowed
- Nowhere are Active Use requirements overridden
- ⇒ Therefore Active use requirements and ground-floor residential coexist

Appendix I. Base Plan for current project

Source file: Masonic580_BaseProject.12.20.24.pdf

<https://belm-trk.aspgov.com/eTRAKiT/viewAttachment.aspx?Group=PROJECT&ActivityNo=P A2023-0032&key=MG%3a2501100850450056>

- This base plan is **non-compliant** with the active uses required by the BVSP on all four frontages of the ground floor, identical to the full plan.



Appendix J. Prior Base Plan as of August 2nd, 2024

Source file: 580 MASONIC BASE SCHEME PACKET 20240802.pdf

<https://belm-trk.aspgov.com/eTRAKiT/viewAttachment.aspx?Group=PROJECT&ActivityNo=PA2023-0032&key=DD%3a2408151025390280>

- This version of the base plan submitted by the developer 8/22/204, shows that ground floor residential (the same 70 units) is not in conflict with 100% active use on Masonic Way’s AUFO.



- Masonic Way is shown hosting 4 active use businesses, labeled:
 - Neighborhood HQ
 - The Parlor
 - Co-work
 - Cafe

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
Three Embarcadero Center, 12th Floor | San Francisco, CA 94111-4074
Telephone: 415.837.1515 | Facsimile: 415.837.1516
www.allenmatkins.com

David H. Blackwell
E-mail: dblackwell@allenmatkins.com
Direct Dial: 415.273.7463 File Number: 372819.00011/4910-6036-6442.2

Via Electronic Mail (cclerk@belmont.gov)

October 2, 2025

Mayor Mates and Councilmembers
Belmont City Hall
One Twin Pines Lane
Belmont, CA 94002

**Re: City Council October 14, 2025 Agenda
Appeal of 500-580 Masonic Way By-Right Approval
PA2023-0032**

Dear Councilmembers:

This office represents Prometheus Real Estate Group, the recipient of the above-referenced Planning Commission approval issued at its August 19 meeting. A member of the public, Doug Ricket, filed an appeal on August 25, claiming that “state law does not require approval” of the project and that the project “violates objective standards.” As set forth below, the appeal is without merit.

I. Background

The approved project will replace an aging, single-story retail center with 140 apartment units, including 25 affordable units, all of which are in walking distance to the Belmont Train Station and Transit Center, as well as downtown.

Critically, the project is identified in the City’s certified 2023-2031 Housing Element as subject to “by right” processing pursuant to Government Code section 65583.2. Under the State Housing Law, “by right” processing means the City shall “not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a ‘project’” under the California Environmental Quality Act (CEQA). (Gov. Code, § 65583.2(i).) The City could subject the project to design review, but such review would be limited to objective standards. (*Ibid.*; § 65589.5(f).) The Planning Commission’s review of the project was correctly limited to reviewing objective standards, and it approved the project accordingly. (*Ibid.*)

Mayor Mates and Councilmembers

October 2, 2025

Page 2

Prometheus also invoked the State Density Bonus Law (Gov. Code, § 65915), and applied the density bonus and an incentive to increase the density and floor area ratio to accommodate the bonus units, and also applied three development standard waivers under the statute to address the City's height, bulk, and wall height standards.

Not only was the project subject to the "by right" processing requirements of State law and the Density Bonus Law, but it was also subject to the Housing Accountability Act's (Gov. Code, § 65589.5) express limitations regarding review of qualifying housing development projects, such as Prometheus' project. In short, the Planning Commission could not disapprove the project or seek a reduction in the project's density unless it could make one of three findings supported by a preponderance of evidence in the record. (Gov. Code, § 65589.5(j)(1).) None of the findings could be made here.

Applying these State laws, Staff and the Planning Commission supported the project, the latter by a 5-1 vote.

II. Appeal

On the last day of the appeal period, appellant Ricket filed an appeal of the Planning Commission's approval, stating: "I am appealing today because **state law does not require approval** of this non-compliant plan. Instead, because the plan **violates objective standards**, moving forward with it creates greater risk of future lawsuits." (Appeal, p. 2, emphases in original.)

Appellant argues that despite the project's "by right" status under State law, the City is not required to approve the project because it is inconsistent with the Belmont Village Specific Plan's active use frontage overlay development standard. These arguments are addressed below.

III. Analysis

A. The Project is Not Inconsistent with Any AUFO Objective Development Standards

Appellant's main argument is that the project "violates the BVSP's objective standards for the 'Active Use Frontage Overlay' (AUFO), which have not been waived." (Appeal, p. 2.) The AUFO is described on p. 2-18 of the BVSP, and it "requires that the ground level has uses that are accessible to the general public... [and that] all spaces must be designed to accommodate active uses, as outlined in Chapter 4, Urban Design. See Table 31-1, Village District Use Regulations, in Appendix A for further specification." Appellant does not cite any specific section of the BVSP, but we assume that he is referring to this provision.

The AUFO expressly refers to City Zoning Ordinance Table 31-1 "for further specification" of its requirements, as noted above. Table 31-1 was amended after the BVSP was adopted to add

Mayor Mates and Councilmembers

October 2, 2025

Page 3

Note 2, which expressly states that for “by right” projects, “multiple-unit dwellings are permitted on the ground floor, and such projects are exempt from CEQA.” (City Zoning Ordinance, p. 31-16.) Thus, the BVSP expressly defers to Table 31-1 for specific application of the active use requirement, and the Table explicitly allows ground floor residential uses for “by right” projects. There is no conflict with the AUFO.

B. Appellant’s Density Bonus Law (DBL) Arguments are Misplaced

Appellant claims that “the AUFO does not qualify for a waiver” (Appeal, p. 2), but there is no “AUFO waiver” cited in the Staff Report or the approval Resolution. As set forth above, the project is compliant with AUFO, thus no DBL incentives or waivers were necessary to address the AUFO.

With regard to the City’s consideration of DBL waivers more generally, Appellant misstates the law. He claims that waivers are limited to development standards that “would block the construction of the bonus units” (Appeal, p. 2), but waivers are not so limited. As explained by the State, the “City is also strictly limited in denying requested development standard waivers; it cannot apply any development standard that would physically preclude the Project as proposed unless granting the waiver would have a specific adverse impact on health or safety which could not be mitigated.” (2/27/25 HCD Letter of Support of Technical Assistance to City of Riverside, p. 2 [emphasis added].) All three of the waivers requested by Prometheus were considered by the City pursuant to this standard, and all three were properly granted. (Had Prometheus requested a waiver/incentive of a City requirement of active ground floor uses, it too would be granted because such a requirement would preclude development of the project as proposed by Prometheus.)

Appellant then argues that the project does not qualify under the DBL because the base project does not comply “with all existing objective regulations with no waivers.” (Appeal, p. 2.) Appellant overstates his case. Neither the Staff Report nor the DBL refer to a requirement that a base project comply with all existing objective regulations. Instead, both refer to “relevant” or “applicable” objective development standards. (Staff Report, p. 6; Gov. Code, § 65915(o)(6)(A).)

To provide the Council with context, a density bonus is based on a project site’s “maximum allowable residential density” or “base density,” which is typically calculated using dwelling units per acre. (Gov. Code, § 65915(o)(6).) If a city’s planning and zoning regulations do not provide a dwelling units per acre standard to calculate density, then the city calculates the number of units by applying applicable development standards, such as maximum building height and setbacks, to establish a base density for a project. (*Ibid.*) If the developer provides a base density study to a city, the city must accept it if the city determines that the study includes all applicable objective development standards. (*Ibid.*) That is the process that the City correctly followed here.

Appellant does not identify which applicable objective development standards are in conflict with the project’s base density study. He refers to an “inward-facing gym and lack of 50’ retail

Mayor Mates and Councilmembers

October 2, 2025

Page 4

depth” (Appeal, p. 2), but does not explain how either is applicable to a base density calculation. If the retail depth reference relates to the AUFO, then that argument has already been addressed in Section III.A above.

Appellant also attempts to apply his “objective standards consistency” argument to the project’s “by right” status (Appeal, p. 2), but again misstates the law. Government Code section 65583.2 does not provide that a project must be consistent with all objective development standards. It instead states that any design review, if authorized, must be limited to objective design standards. (Gov. Code, § 65583.2(i).) This requirement is recognized in the Planning Commission Staff Report at pages 3-4. Appellant may be confusing “by right” processing with processing a housing development project under subdivision (j) of the HAA, which has a threshold requirement that a project be consistent with applicable objective development standards. (Gov. Code, § 65589.5(j)(1).) Even under that statute, a project may use DBL waivers to negate any otherwise inconsistent development standards, as here. (Gov. Code, § 65589.5(j)(3).)

Therefore, Appellant’s claims regarding the project’s consistency with development standards are unavailing.

IV. Summary

The Planning Commission approved a project that it was legally obligated to approve pursuant to State law. As a result, the site will be invigorated with 140 residential units, including 25 affordable units. One person appealed this approval, yet the appeal is based on a misinterpretation of the governing law. The appeal should be dismissed.

Very truly yours,



David H. Blackwell

cc: Don Peterson
Jonathan Stone
Scott Rennie, City Attorney

DEVELOPMENT STANDARDS EVALUATION REVISED

LOT SIZE, SETBACKS, DENSITY, AND LOT COVERAGE				
Development Criteria	Village Station Core		Proposed	
Minimum Lot Area (sq. ft.)	7,200		54,139	
Minimum Lot Width (ft.)	60		N/A	
Minimum Setback	None except when a lot abuts a lot in a residential zoning district			
Minimum; Maximum Residential Density (du/acre)	N/A		N/A	
Maximum Site Coverage (% of Lot)	80		78.9	
BUILDING FORM AND STREET FRONTAGE STANDARDS				
Development Criteria	Village Station Core		Proposed	
Minimum; Maximum Floor Area Ratio (FAR)	0.5; 1.5 Up to 3.0 with density bonus ¹		2.73 ¹	
Minimum; Maximum Building Height (ft)	20; 50		60 ²	
Minimum Ground Floor Height (ft)				
- Active Use Frontage Overlay Zone	16'		>16'	
- Non-Residential	16'		N/A	
- Residential	10'		10'	
Building Bulk (maximum floorplate as percent of ground level floorplate)	1-story: 100% 2-story: 100% 3-story: 85% 4-story: 70%		100% 90% 82% 77% ³	
Limitations on Blank Walls	25% recess 1' in depth 5' width		Primary >25% Corner > 25%	
Type of Street	Main	Avenue	Main	Avenue
Build-to Lines (Percentage of building frontage within 10 feet of sidewalk)	90%	70%	Masonic 90%	Hiller 35% ⁵
			Granada 100%	
			Wessex 45% ⁵	
Ground Floor Transparency	Required	Required	N/A ^{4 & 6}	N/A ^{4 & 6}

STREETSCAPE AND STREET FRONTAGE DEVELOPMENT STANDARDS				
Development Criteria • Type of Street	Village Station Core		Proposed	
	Main	Avenue	Main	Avenue
Street Frontage				
Ground Floor Active Uses along the Main Building Frontage	100% where Active Use Frontage Overlay applies; 75% elsewhere	50%	Masonic Way 100% ⁷	Hiller St N/A ⁴
			Granada St N/A ⁴	
			Wessex Way N/A ⁴	
Minimum Ground Level Window Transparency	75%	50%	Masonic Way Complies; Granada N/A ⁶ Wessex N/A ⁶	N/A ⁶
Building Frontage Width (% of lot width) -minimum	90%	70%	N/A ⁵	N/A ⁵
Retail Depth from Front Entrance	50 feet minimum	60 feet minimum	N/A	N/A
Min % of Front Facade Located at or Within 10 Feet of the Sidewalk	90	70	Masonic 100%	Hiller 35% ⁵
			Granada 100%	
			Wessex 45% ⁵	
Front Setback (5 ft. max; 10 ft. max. permitted outdoor seating areas and public plazas.)	0-5' & 10'	0-5' & 10'	Masonic 10'	Hiller 3' to 24' ⁵
			Granada 4'	
			Wessex 5' to 14.5' ⁵	
Street Wall Height	2 story minimum, 3 story maximum	1 story minimum, 3 story maximum	2 story ⁸	2 story ⁸

OPEN SPACE & OUTDOOR LIVING AREA STANDARDS		
DEVELOPMENT CRITERIA	Village Station Core	Proposed
Minimum Publicly Accessible Open Space (i.e., plaza area); Lots $\geq 12,000$ sq. ft.	300 sq. ft.	694 sq. ft.
<i>Minimum Dimensions - open space area</i>	15 sq. ft.	>15 sq. ft.
Minimum Outdoor Living Area per Unit	36 sq. ft. / unit = 5,040 sq. ft	43 sq. ft. / unit = 6,116 sq. ft

OPEN SPACE & OUTDOOR LIVING AREA STANDARDS		
DEVELOPMENT CRITERIA	Village Station Core	Proposed
Minimum Landscaping (10% of Lot)	10% (5,414 sq. ft.)	10% (5,414 sq. ft.)
Minimum Number of Trees for every 400 sq. ft. of Landscape Area	1/400 sq. ft. or 14 trees	38 trees

VEHICLE PARKING STANDARDS		
Residential Criteria	Village Station Core	Proposed
Minimum⁹ Studios: 0.5 spaces min. per unit One Bedroom: 1 space min. per unit Two Bedroom: 1.5 spaces min. per unit	20 68 50 Total: 138 parking spaces	138 parking spaces
Parking Desing Standards		
Regular Parking Spaces	Minimum 8.5' X 18'	8.5' X 18'
Compact Parking Spaces	Minimum 8' X 16'	8' X 18'
Aisle Width – 90 Degree	Minimum 24'	24'
Loading Space	Minimum 10' X 25'	10' X 25'
Parking Structure driveway	Maximum 24'	24'
Access	Required	Standard met
Parking Location	Behind, Wrapped with Active Uses, or Underneath Building	The proposed parking is interior and underneath the building
Vehicle Flow	Standards required	Standard met
Bicycle Parking Standards		
Long Term (Class 1)	7 Required	142
Short term (Class 2)	2 Required	2

¹The project is entitled to a Density Bonus and/or increase in FAR per Gov. Code Sec. 65915(o)(6)(B).

²The project is entitled to Density Bonus Waivers for the “Height” standard.

³The project is entitled to Density Bonus Waivers for the “Building Bulk” standard.

⁴This project qualifies for 'by-right' processing, which allows ground-floor residential uses per Table 31-1 of the Zoning Ordinance.

⁵The Community Development Director has determined that street frontage standards are not applicable due to the shape of the property and the four street frontages. Application of build-to lines would require an oddly shaped building

that would not be feasible so this standard is not applicable. These standards are also in conflict with the lot coverage standard because strict application would require the building to be built out on all four sides when a typical project only has one or two street frontages. Building out to all four frontages would exceed lot coverage or require an empty space in the middle of the building.

⁶The Community Development Director has determined that transparency standards are not applicable because the building is allowed to be entirely residential per Table 31-1. Requiring transparent windows that allow pedestrians to see into the building conflict with the principally permitted and proposed residential use.

⁷ The Active Use Frontage Overlay (AUFO) allows a range of active uses including the entrance lobby to the upper floor residential. The gym area has similar characteristics to the lobby use and is also considered an active use consistent with the AUFO. Table 31-1 also allows entrance lobbies to multifamily uses as a permitted use.

⁸The project is entitled to a Density Bonus Waiver for the “Street Wall Height” standard.

⁹The project site is located within 0.5 mile of a Major Transit Stop (Belmont Caltrain Station). Thus, the project is not required to meet the City’s standard parking requirements under AB 2097. Senate Bill 2097 was approved by the State of California in 2022 (Government Code Sections 65585 and 65863.2) and prohibits a public agency from imposing or enforcing any minimum automobile parking requirement on any residential, commercial, or other development project that is within one-half mile (0.5) of a Major Transit Stop.



STAFF REPORT

Meeting Date: October 28, 2025
Agency: City of Belmont
Staff Contact: Kathy Kleinbaum, Assistant City Manager
Agenda Title: 1301 Shoreway Development Agreement Terms
Agenda Action: Discussion & Direction

Recommendation

Provide direction on the proposed Development Agreement terms under negotiation for the 1301 Shoreway commercial development project.

Strategic Focus Area

Economic Development and Housing

Background

In June 2022, Four Corners Development Properties submitted a planning application to redevelop the existing office building located at 1301 Shoreway Road. The project site is 6.9 acres and currently contains a four-story office building (approximately 149,000 square feet) and surrounding surface parking lots. When redeveloped, the project will consist of approximately 542,100 square feet of newly constructed Class A buildings for office, research and development and/or life science/laboratory uses.

The proposed project will replace the existing office building with 2 new commercial buildings, a new parking garage and related site and landscaping improvements. In addition to the on-site improvements, the project will renovate and improve the adjacent Belmont Creek trail with new trail surfaces, native landscaping, seating areas, fitness nodes, signage, and a renovated sports court that will be made accessible to the public.

Building 1, which will front Shoreway Road, will be an eight-story building (133 feet tall) with approximately 270,500 square feet. Building 2, which will front Sem Lane, will be a seven-story building (117 feet tall) with approximately 271,600 square feet. Both buildings will also have a mechanical screen that would add approximately 11 feet in height. The project also includes a nine-level parking garage (89 feet tall) situated to the south of Building 1 and surface parking, totaling 1,626 spaces. Between the buildings and parking garage, the project will include an outdoor courtyard programmed for building tenants activated with walking paths and site furnishings complemented by programmed landscaping with unobstructed views of the Belmont Creek trail.

The project entitlements will rezone the site from Regional Commercial (RC) to a Planned Unit Development (PD) zoning designation to allow for the greater building heights and life science/laboratory uses. The PD District is designed to accommodate various types of development, such as professional and administrative areas, commercial service centers, industrial parks, and others, and allow flexibility of



design, in accordance with the objectives and spirit of the General Plan. Under the existing RC zoning, the maximum height allowed is 55 feet which would allow for only 3 stories of development given modern floor to ceiling heights, less stories than what is currently existing on site.

Staff is working on a proposed amendment to the Regional Commercial zoning district that would allow applicants to submit a discretionary request to allow for projects to exceed the 55-foot height limit. The City Council gave direction and support for the proposed [RC zoning district amendments](#) at the April 22, 2025 City Council meeting. However, staff is still in the process of completing the environmental review necessary to adopt the zoning code amendments which is anticipated to take another calendar year. As a result, staff encouraged the developer to proceed with the PD zoning amendment to allow this project to move forward in advance of the completion of the RC zoning amendments.

The project has been before the Planning Commission three times to date. First as a study session in May 2024, then for the public scoping meeting for the Environmental Impact Report (EIR) in July 2024, and finally for a public hearing to receive public comments on the Draft EIR in November 2024. A site plan and renderings of the project are included as Attachment B to this report. More detailed information on the proposed project, including links to prior Planning Commission meetings are available on the City's [Development Projects](#) website page.

Analysis

Modeled after the City Council's direction for the proposed RC zoning amendments, the intent of the PD zoning is to allow for more permissive height and Floor Area Ratio (FAR) standards than are currently allowed in the area to the east of the 101 through a legislative action, requiring a public hearing by the Planning Commission, followed by City Council consideration at two meetings. As part of this legislative process, City staff have worked with the applicant to develop a community benefits package based on the [Community Benefit Program](#) implementation strategy reviewed by the City Council on February 25, 2025. The community benefits package will be included in a Development Agreement that would be approved as part of the entitlements for the project. The draft term sheet outlining the project community benefits and other Development Agreement terms is included as Attachment A to this report.

The community benefit package negotiated is consistent with the Community Benefit Program implementation guidance and based on the premise that the City and Four Corners Properties would share in the increased value of the project created as a result of the more permissive development standards allowed under the PD zoning. Additionally, given the uncertainty in the current real estate market and existing high commercial vacancy rates, Four Corner Properties has requested to vest their entitlements for a 10-year period to give them flexibility to move forward with construction when the market recovers.

The proposed community benefit package includes a \$6.3 million in a cash contribution to the City, provided at the time of building permit issuance, to be used towards any of the City's identified community benefit priorities, which include:

- Community Center reconstruction
- Public infrastructure (stormwater, roadways, transportation, etc.)
- Public recreation opportunities (parks and plazas, access to fields, courts, etc.)



- Funding for ongoing City services and operations
- Affordable childcare

The contribution would escalate to \$7.0 million if the developer does not submit for building permits within the first seven years of the Development Agreement term. This contribution equates to roughly \$13 per building square foot in years one to seven and \$14 per square foot in years eight to ten. The developer will prepay a portion of the community benefit payment, in exchange for extending the entitlements out beyond year seven. The amount of the proposed contribution on a per square foot basis is on par with recent community benefit negotiation outcomes in surrounding cities, including the 749 Old County Road and 841 Old County Road projects recently approved in San Carlos.

In addition to the cash contribution, Four Corners has committed to providing a minimum of 50% of their required Public Art investment (the total Public Art requirement is estimated to be \$5.4 million) to the City as an in-lieu payment for use on Citywide public art projects, the remainder will be spent on site. Additionally, Four Corners has included labor provisions in the term sheet regarding to local hire goals, participation in apprenticeship programs, having a union signatory general contractor, and reporting on their labor goal compliance to the City. The attached term sheet also includes provisions related to ensuring the Belmont Creek shoreline amenities, including the renovated sports court, remain available to the public during daylight hours and will be maintained by the property owner.

The proposed community benefit contribution is in addition to the development impact fees and other City fees that would be required to be paid by this project, including the Transportation Impact Fee, Park Improvement Fee, Housing Mitigation Fee, and Sewer Connection Fees. The total estimated fees that would be contributed by this project, including the Public Art investment, are estimated at \$23.3 million.

Next Steps

Following City Council review of the term sheet, staff will proceed with finalizing the Development Agreement consistent with the direction provided by the Council. The 1301 Shoreway project is anticipated to be presented to the Planning Commission in January 2026 for review and recommendation of the entitlement application and Development Agreement.

Subsequently, staff will schedule a City Council public hearing, likely in early February 2026, to consider the Final Environmental Impact Report, rezoning, Development Agreement, and other related project entitlements. Final project approvals are expected to occur at the second reading of the associated ordinances.

Alternatives

1. Propose modifications to the Development Agreement terms for the 1301 Shoreway Project

Attachments

- A. Development Agreement Term Sheet
- B. Project Renderings



Fiscal Impact

No Fiscal Impact

Funding Source Confirmed:

A fiscal impact analysis has been prepared that evaluated the financial impacts the project may have on the City’s General Fund over its 30-year horizon and determined that the project would have a net positive fiscal impact, not including any community benefit contributions under negotiation.

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

**Preliminary Term Sheet for 1301 Shoreway Development Agreement
With Four Corners Properties
October 2025**

These draft terms are for information and feedback and does not require City Council action at this time.

1. Term of Agreement:

Four Corners requests a 10-year period for the project entitlements.

- The initial term of the Development Agreement will be 7 years with three (1) year extension options for a maximum term of 10 years.
- In consideration for the extension options, Four Corners shall advance \$50,000 of their proposed community benefit financial contribution (as outlined below) to City to be paid at the beginning of each annual extension.
- All of the extension payments will be applicable to the final Community Benefits contribution obligation per the provision below.

2. Community Benefit Financial Contribution:

- Four Corners shall contribute \$6.3 million in discretionary funds to be used by the City to further the City Council's adopted Community Benefit priorities if the project submits for building permits within the first 7 years of the Development Agreement Term.
- If Four Corners ceases to continue the plan check permit process anytime during a 6-month period from its prior plan check submission, then the Community Benefits contribution will increase per the provision below.
- The contribution will increase to \$7.0 million if the project submits for building permits in years 8 to 10 of the Development Agreement term.
- Payment of contribution due upon issuance of building permits

3. Development Impact Fees:

- Development impact fee rates set at time of project entitlement, plus an annual escalation for CPI
- These fees include Park Impact fees, Affordable Housing mitigation fees, and Traffic Impact fees and shall be paid upon issuance of the building permits

4. Public Art:

- 1301 Shoreway to comply with City's Public Art ordinance which requires payment of 1% of building development costs (defined as those construction costs used to determine building permit fees).
- Four Corners will provide a minimum of 50% of the required Public Art investment to the City as an in-lieu payment for use on Citywide public art projects, the remainder will be spent on site with City approval of location, design, and timing. All in-lieu payments are due at building permit issuance.

5. Labor Provisions:

Four Corners agrees to require its general contractor performing construction work on the Project to:

- Make commercially reasonable good faith efforts to achieve at least 30% local hire goals (San Mateo County residents).
- Make commercially reasonable good faith efforts to participate in apprenticeship programs.
- Be a union signatory general contractor.
- Provide relevant updates to the City prior to start of, and during, construction in support of the labor goal compliance.

6. Public Realm Amenities:

- The project includes public amenities along the shoreline including the public access trail, sports court, fitness nodes, 5 public parking spaces, and 10 bicycle parking spaces.
- Developer shall construct and complete all outdoor public amenities and public access improvements prior to issuance of the first certificate of occupancy for any building within the project.
- The improvements will be accessible to all members of the public during daylight hours.
- Developer shall be responsible for long-term maintenance of such amenities.



1301 SHOREWAY ROAD, BELMONT, CALIFORNIA



PROPOSED SITE PLAN

1301 SHOREWAY ROAD, BELMONT – RENDERED SITE PLAN



PROPOSED BUILDING RENDERINGS

1301 SHOREWAY ROAD, BELMONT – BUILDING 1 AND GARAGE @ SHOREWAY



PROPOSED BUILDING RENDERINGS

1301 SHOREWAY ROAD, BELMONT – BUILDING 1 AND GARAGE @ SHOREWAY



PROPOSED BUILDING RENDERINGS

1301 SHOREWAY ROAD, BELMONT – BUILDING 2 AND GARAGE @ BELMONT CREEK



PROJECT DATA TABLE

1301 SHOREWAY ROAD, BELMONT

BUILDING DETAILS

Building 1	8 FLOORS	128 FT	270,452 SF
Building 2	7 FLOORS	112 FT	271,583 SF
Garage	9 FLOORS	85 FT	442,690 SF
Subtotal Building SF			542,035 SF
TOTAL SF			984, 725 SF

SITE DETAILS

Site FAR	1.8 SF	542,035 SF
Site Area	301,130 SF	6.9 Acres
Site Parking	3/1000	1,625 Cars
Open Landscape Space		83,594 SF

BUILDING PROGRAM / USE

Offices / Life Sciences Laboratory	Type 1B	Occ. B, S2
------------------------------------	---------	------------



STAFF REPORT

Meeting Date: October 28, 2025
Agency: City of Belmont
Staff Contact: Dino Francesconi, Chief Building Official, (650)-595-7450, dfrancesconi@belmont.gov
Agenda Title: Local Amendments to 2025 California Building Standards Codes
Agenda Action: Ordinance

Recommendation

- (1) Sitting as the City Council, introduce an ordinance adopting the 2025 California Building, Plumbing, Mechanical, Electrical, Residential and Wildland-Urban Interface Codes by reference with local amendments, designating fire hazard severity zones, amending City Code administrative and enforcement provisions, and ratifying Fire Code amendments by San Mateo Consolidated Fire Department applicable in the city.
- (2) Sitting as the Board of Directors for the Belmont Fire Protection District, introduction an ordinance ratifying the 2025 Fire Code and Wildland-Urban Interface Code amendments by San Mateo Consolidated Fire Department applicable in the District's unincorporated areas and designating fire hazard severity zones.

Strategic Focus

Public Safety

Background

On January 1, 2026, the 2025 California Building Standards Code, a set of building regulations primarily contained in California Code of Regulations (CCR) Title 24, will go into effect. These regulations, which include the California Building, Residential, Electrical, Mechanical, Plumbing, Fire and Wildland-Urban Interface Codes, are applicable to all occupancies in all cities and counties whether or not a local agency takes affirmative steps to adopt the codes.

The California Wildland-Urban Interface Code (WUI Code) is a new addition to the California Building Standards Code in 2025, replacing Chapter 49 of the California Fire Code, Section 337 of the California Residential Code and Chapter 7A of the California Building Code. The California WUI is based on the International Wildland-Urban Interface Code which has evolved over the years to address the growing threat of wildfires. The International WUI was initially developed in 2008 and has undergone multiple revisions to incorporate the latest scientific and construction methods. The California WUI Code is a collaboration between the California Building Standards Commission and the office of the State Fire Marshal, ensuring that the code reflects the latest research and engineering advancements.



Up until this year, local agencies could amend the California Building Standards Codes if they made findings that the amendments are necessary to address local climatic, geological, or topographical conditions. However, with the enactment of AB 130, between October 1, 2025, to June 1, 2031, local agencies are generally prohibited from adopting local amendments to the current codes that apply to residential units unless certain conditions are met, which include that the amendments are: (1) substantially equivalent to modifications previously made and in effect as of September 30, 2025, or (2) relate to home hardening. All of the amendments to the proposed amendments to the 2025 codes fall into one or both of the above exceptions. Staff will provide the Council proposed findings for the amendments at the Council's November 25, 2025 regular meeting to consider concurrently with adoption of the amendments.

The City of Belmont is part of the Silicon Valley Uniform Code Adoption and Interpretation Program, which strives to achieve uniformity among the local jurisdictions in the enforcement of the codes. To that end, minimizing the number of amendments to the state codes is the prime goal. Staff has carefully vetted the proposed amendments to ensure they continue to be necessary to address local conditions unique to our region on the San Francisco Peninsula.

This year as in previous years, the San Mateo Consolidated Fire Department is taking the lead on adopting local amendments to the California Fire Code which will be applicable in the City upon ratification by the Council which action is included in the proposed ordinance. Because there is substantial overlap in the fire prevention and protection requirements in the Fire, Building, Residential and Wildland-Urban Interface Codes, the City and the Fire Department coordinate their respective local amendments to fire prevention and protection requirements in those codes. Similar to the City, the Fire Department seeks to achieve consistency with other local fire departments when amending the codes to address local conditions on the Peninsula.

Analysis

Local Amendments to the Codes

The amendments to the various building standards codes are summarized below.

Building Code (CBC) and Residential Code (CRC). The City, in coordination with the Fire Department, has traditionally adopted more stringent standards in the Building Code and Residential Code for building address visibility, fire sprinklers, standpipes, fire alarm and detection systems, and roof coverings which improve home hardening and emergency response to address local conditions that affect fire risk and prevention. The City has also adopted the patio roof cover provisions in CRC Appendix Chapter BF for unconditioned patio spaces, and the sound transmission provision in CRC Appendix Chapter BG and the swimming pools, spas, and hot tubs provision in CRC Appendix Chapter CI. The provision in Appendix Chapters BG and CI parallel requirements in the CBC adopted by state agencies for residential occupancies subject to the CBC.

All of the proposed amendments to the 2025 Building and Residential Codes continue amendments to the previous codes.



Plumbing, Mechanical and Electrical Codes. Nearly all of the amendments to these codes are administrative and do not affect building standards. The one exception is the addition of water hammer prevention requirements to the Plumbing Code. This amendment to the Plumbing Code, and the administrative amendments to all three codes, continue the local amendments previously made to these codes.

Wildland-Urban Interface Code. As noted above, Belmont city staff coordinate amendments to the home hardening requirements in the Wildland-Urban Interface Code with the Fire Department. The 2025 amendments continue the Fire Department's policy of requiring occupancies in moderate and high fire hazard severity zones to comply with the requirements applicable in very high fire hazard severity zones. The amendments address hazardous trees, nonfire-smart vegetation, and trees within the required defensible space.

Fire Hazard Severity Zones

This spring, the State Fire Marshal issued maps recommending that certain areas within the City and Belmont Fire Protection District be designated as fire hazard severity zones, which the Fire Department subsequently designated by ordinance as recommended by the State Fire Marshal and the City ratified. The proposed city ordinance continues those designations and separately makes them by the City.

Belmont Fire Protection District. Because the Belmont Fire Protection District boundary extends beyond the city and includes unincorporated areas of the county, staff proposes that the Belmont Fire Protection District likewise continue those designations and separately make them by the District by adopting the proposed District ordinance.

Administration and Enforcement of City Code

The proposed amendments to the City Code administrative and enforcement provision: 1) reconcile inconsistent enforcement provisions in Chapter 7 applicable to the building codes, 2) consolidate those enforcement provisions into the general enforcement provisions in Chapter 1 applicable to the whole code, and 3) update and revise the provisions in Chapter 1. In general, the amendments are intended to provide flexibility in enforcement mechanisms and maximize the range of allowable administrative, civil, and criminal fine and penalty amounts to provide remedy options appropriate to the circumstances. Resorting to these kinds of formal remedies are rare, and while staff anticipates that will continue to be the case, staff recommends the amendments to ensure appropriate enforcement tools are available when needed.

Ratification of San Mateo Consolidated Fire Department 2025 Fire Code and WUI Code Amendments

As indicated in the discussion above of the amendments to the Building and Residential Codes, the San Mateo Consolidated Fire Department has prepared amendments to the 2025 Fire Code that track amendments previously made to the Fire Code. Upon ratification by the City Council, these amendments will apply in the City. The proposed ordinance includes this ratification. The Fire Department has also prepared amendments to the 2025 California Wildland-Urban Interface Code that carry forward amendments previously made to the international code and Chapter 49 of the California Fire Code, Section 337 of the California Residential Code and Chapter 7A of the California Building Code and that



promote home hardening. As the City is separately adopting its own WUI Code amendments, it is unnecessary for the Council to also ratify the Fire Department's WUI code amendments.

Belmont Fire Protection District. Upon ratification by the District, the Fire Department amendments to the Fire and WUI Codes will apply in the District's unincorporated areas. The separate District ordinance includes this ratification.

CEQA

Adoption of an ordinance and resolution regarding Building and Fire Codes is exempt from the requirements of the California Environmental Quality Act (CEQA) under Title 14 of the California Code of Regulations, Section 15061(b)(3), in that it is not a Project which has the potential for causing a significant effect on the environment.

Alternatives

1. Direct any questions to staff for additional research and response.

Attachments

- A. Ordinance
- B. BFPD Ordinance

Fiscal Impact

- No Fiscal Impact
 Funding Source Confirmed:

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

ORDINANCE NO. _____

AN ORDINANCE OF THE BELMONT FIRE PROTECTION DISTRICT RATIFYING SAN MATEO CONSOLIDATED FIRE DEPARTMENT ORDINANCE 2025-003 ADOPTING AND AMENDING THE 2025 CALIFORNIA FIRE CODE AND 2025 CALIFORNIA WILDLAND URBAN INTERFACE CODE WITH LOCAL AMENDMENTS AND DESIGNATING FIRE HAZARD SEVERITY ZONES

THE BOARD OF DIRECTORS OF THE BELMONT FIRE PROTECTION DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1. SAN MATEO CONSOLIDATED FIRE DEPARTMENT ORDINANCE 2025-003 RATIFIED

The adoption of the 2025 California Fire Code with local amendments and the 2025 Wildland-Urban Interface Code with local amendments by San Mateo Consolidated Fire Department Ordinance 2025-003 as the Fire Code and Wildland-Urban Interface Code for that joint powers authority exercising the power of the Belmont Fire Protection District and providing fire protection to unincorporated areas within the District’s jurisdictional boundaries is hereby ratified by the District and applies throughout the unincorporated areas of the District.

SECTION 2. FIRE HAZARD SEVERITY ZONES.

The moderate, high, and very high fire hazard severity zones within the boundaries of the Belmont Fire Protection District as recommended by the Office of the State Fire Marshal under Government Code Section 51178 are designated fire hazard severity zones as classified and recommended by the State Fire Marshal.

SECTION 3. EFFECTIVE DATE.

This Ordinance takes effect and will be enforced 30 days after its adoption and is operative no sooner than January 1, 2026.

SECTION 4. PUBLICATION AND POSTING

The Board Secretary has caused to be published a summary of this ordinance, prepared by the Board Attorney under Government Code Section 25124, subdivision (b), once, in a newspaper of general circulation printed and published in San Mateo County and circulated in the Belmont Fire Protection District, at least five days before the date of adoption. A certified copy of the full text of the ordinance was posted in the office of the Board Secretary since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the Board Secretary must cause the summary of this ordinance to be published again with the names of those Board members voting for and against the ordinance; and the Board Secretary must maintain in the office of the Board Secretary a certified copy of the full text of this adopted ordinance with the names of those Board members voting for and against the ordinance.

* * *

This ordinance was introduced before the Board of Directors of the Belmont Fire Protection District at the regular meeting of the Board held on October 28, 2025 and finally adopted at a regular meeting of the Board held on _____ 2025 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Board Secretary

Board Chair

APPROVED AS TO FORM:

District Counsel

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT ADOPTING THE 2025 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, RESIDENTIAL AND WILDLAND-URBAN INTERFACE CODES BY REFERENCE WITH LOCAL AMENDMENTS, DESIGNATING FIRE HAZARD SEVERITY ZONES, AMENDING BELMONT CITY CODE ADMINISTRATIVE AND ENFORCEMENT PROVISIONS, AND RATIFYING SAN MATEO CONSOLIDATED FIRE DEPARTMENT ORDINANCE 2025-003 ADOPTING AND AMENDING THE 2025 CALIFORNIA FIRE CODE

THE CITY COUNCIL OF THE CITY OF BELMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. REPEALS

All ordinances or parts of ordinances of the City of Belmont that are in conflict with this ordinance are repealed to the extent that they are in conflict with this ordinance.

SECTION 2. DRAFTING SYNTAX

Belmont City Code (BCC) section text is italicized in this ordinance to assist the reader in distinguishing between City of Belmont modifications to the California Building Standards Code and the City Code section text adopting the modifications.

For each section of the California Building Standards Code that is modified in part by the City of Belmont, whole subsections that are not modified are indicated by the subsection number followed by "{text not modified}" with the appropriate acronym for the specific code, which is to be codified as written. Each subsection that is deleted in its entirety by the City of Belmont is indicated by the subsection number followed by "- deleted".

SECTION 3. BCC § 1-8 AMENDED

~~Whenever in this Code or in any other ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do an act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any other ordinance of the city shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.~~

~~Every day any violation of this Code or any other ordinance of the city shall continue shall constitute a separate offense.~~

~~(a) Pursuant to Government Code Section 38773.5, effective January 1, 1997, cities will have authority to recover attorneys' fees in any action brought to abate a public nuisance. The attorneys' fees are payable by the prevailing party in any such nuisance abatement action. Violations of the City Code are deemed public nuisances pursuant to section 1-8, and the City of Belmont annually incurs attorneys' fees in enforcing the City Code against such violators.~~

(a) It is unlawful for any person to violate any provision or to fail to comply with any of the mandatory requirements of this code or a city ordinance.

(b) Violation of any provision or failure to comply with any mandatory requirement of this code or a city ordinance is a misdemeanor that may be charged and prosecuted as an infraction at the discretion of the city attorney.

(c) Each and every day during any portion of which any violation of any provision of this code or a city ordinance is committed, continued, or permitted is a separate offense.

(d) Each person convicted of a misdemeanor violation of this code or a city ordinance is punishable by a fine of not more than \$1,000, or up to six months in jail, or both.

(e) Each person convicted of an violation determined to be an infraction is punishable by a fine in the maximum amount authorized by Government Code Section 36900.

(f) For each person convicted of an infraction, the city attorney may reduce the amount of an infraction fine in excess of \$130 upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party. A request to reduce the fine must be made in writing within 10 calendar days of the date the citation is issued and must be accompanied by clear and specific evidence of financial hardship and efforts to comply.

(g)(1) Any person or entity violating this code or a city ordinance is liable for a civil penalty of up to \$1,000 per violation for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action by the city attorney in any court of competent jurisdiction.

(2) In assessing the amount of the civil penalty, the Court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including but not limited to the following: the nature and seriousness of the misconduct or nuisance, the number of violations, the persistence of the misconduct or nuisance, the length of time over which the misconduct occurred or the nuisance continued, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth. In addition, such violations will not be deemed legally abated until the property owner makes full payment of the assessment of costs and fees awarded to the City under this code or any applicable State law.

~~(h)~~ In addition to the penalties provided herein, aAny condition caused or permitted to exist in violation of a provision of this code is a public nuisance and may be summarily abated by the city attorney as such. Each day that the condition continues it is a new and separate offense. Pursuant to Section 38773.5 of the California Government Code, i~~n~~ any action, administrative proceeding, or special proceeding brought by the City of Belmont city attorney to abate a public nuisance, the prevailing party shall be entitled to reasonable attorneys' fees in accordance with Government Code Section 38773.5. Recovery of attorneys' fees shall be limited as follows:

(1) To those actions or proceedings where the city ~~has~~ elected to recover attorney's fees at the initiation of such actions or proceedings.

(2) The amount of attorneys' fees in any action, administrative action, or special proceeding awarded to a prevailing party shall may not exceed the amount of reasonable attorneys's fees

incurred by the city in the action or proceeding.

(i) The city attorney, in consultation with the city manager, is authorized to immediately commence an action or proceedings to abate and enjoin any condition or conduct declared by this code to be a nuisance, and to take such steps and apply to such courts of appropriate jurisdiction to grant such relief as will abate the nuisance and restrain any person from creating or maintaining such nuisances. The city attorney may in any such action combine and pursue any other remedy provided for in this section for abatement of a nuisance and violation of this code.

(j) The remedies in this section for violation of this code or a city ordinance are cumulative, not exclusive, and in addition to any other remedies that may be available to the city in law or equity.

(k) Nothing herein is intended to create a mandatory duty on the city or any city official to enforce this code or to seek any particular remedy for a violation or nuisance.

(j) Nothing in this chapter is intended to create a private right of action for the enforcement of this code or city ordinances or regulations.

~~(e) Notwithstanding any other provision of this Code, whenever violation of any section contained in this section is punishable as a misdemeanor, the prosecuting attorney, having jurisdiction to prosecute said misdemeanor may specify that the offense is an infraction and proceed with prosecution as an infraction unless the defendant, at the time of his arraignment or plea, objects to the offense being made an infraction, in which event the complaint shall be amended to charge a misdemeanor and the case shall proceed on a misdemeanor complaint.~~

~~(d) In addition to the penalties provided, any condition caused or permitted to exist in violation of the provision of this Code is a public nuisance and may be summarily abated as such. Each day that the condition continues it is a new and separate offense.~~

SECTION 4. BCC § 7-1 REPEALED

Belmont City Code Section 7-1 (definition of zoning ordinance) is repealed.

SECTION 5. BCC § 7-1 ADDED

Belmont City Code Section 7-1 is added to read:

Sec. 7-1 Administration and Enforcement of Building Standards Codes

(a) The city building official is authorized and responsible for administration and enforcement of the California Building Standards Codes as adopted and amended by the City.

(b) The San Mateo Consolidated Fire Department (SMCFD), exercising the powers of the Belmont Fire Protection District in accordance with the joint exercise of powers agreement between the City of San Mateo, the City of Foster City/Estero Municipal Improvement District and the Belmont Fire Protection District, is designated the fire authority for the City of Belmont. The enforcement of the fire and panic safety regulations for all occupancies in the California Fire Code as adopted with local amendments by SMCFD and ratified by the City of

Sec. 7-23

2025 CBC Appendix Chapters Adopted

(a) The following Appendix Chapter of the 2025 California Building Code is adopted: Appendix Chapter I (Patio Covers).

(b) The remaining Appendix Chapters are not adopted unless adopted by a state agency for application to occupancies subject to that agency's jurisdiction.

SECTION 9. BCC SECTION 7-24 AMENDED

Effective January 1, 2026, Belmont City Code Section 7-24 is amended to read as follows:

Sec. 7-24

2025 CBC Chapter 1, Division II Adopted with Amendments

(a) Except for the sections set forth in subsection (b), the requirements reproduced in Chapter 1, Division II of the 2025 California Building Code are adopted by reference, and govern the administration of the Belmont Building Code. References to model codes in the adopted sections mean the corresponding California Codes as adopted by the City of Belmont.

(b) The following sections of Chapter 1, Division II of the 2025 California Building Code are not adopted unless adopted by a state agency for application to occupancies subject to that agency's jurisdiction: 101.1, 101.2, 102, 103, 104.8, and 114.3.

SECTION 10. BCC §7-25 AMENDED

Effective January 1, 2026, Belmont City Code Section 7-25 is amended to read as follows:

Sec. 7-25

Numbering of Amendments to 2025 CBC

The 2025 California Building Code is amended as provided in Sections 7-25.502, 7-25.903, 7-25.905, and 7-25.907. The number to the right of the decimal point in these sections corresponds to the section in the 2025 California Building Code that is amended.

SECTION 11. BCC SECTION 7-25.502 AMENDED

Effective January 1, 2026, Belmont City Code Section 7-25.502 is amended as follows:

Sec. 7-25.502

Amendment of 2025 CBC Section 502 (Building Address)

Section 502 of the 2025 California Building Code is amended by amending section 502.1 and adding sections 502.1.2, 502.1.3 and 502.1.4 to read:

502.1 Address Identification. New and existing buildings must have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers must contrast with their background. Address numbers must be Arabic numerals or alphabet letters. The numbers must be either internally or externally illuminated in all new construction and in all alterations greater than 50% of the original structure. Numbers must be as follows:

1. Minimum of ½ inch stroke by 4 inches high.
2. When the structure is 36 to 50 feet from the street or fire district access a minimum of ½ inch stroke by 9 inches high is required.
3. When the structure is more than 50 feet from the street or fire apparatus access, a minimum of 1 inch stroke by 12 inches high is required.

502.1.1 Multi -Tenant Buildings. Numbers or letters must be designated on all occupancies within a building. Size must be ½ inch stroke by 4 inches high and on a contrasting background. Directional address numbers or letters must be provided. The addresses or numbers must be visible from the street posted at a minimum height of 5 feet, 6 inches above the finished floor, must be visible from the street and must be either internally or externally illuminated in all new construction.

502.1.2 Multiple buildings on one site. Where multiple buildings on one property cannot be viewed from the public way, a monument sign, or other signs or other approved means must be used to identify the entry to the given structure. Address identification must be maintained on each of the buildings within the site.

502.1.3 Rear Addressing. When required by the chief, approved numbers or addresses must be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size must comply with 502.1.

SECTION 12. BCC SECTION 7-25.903 AMENDED

Effective January 1, 2026, Belmont City Code Section 7-25.903 is amended as follows:

Sec. 7-25.903 Amendment of 2025 CBC Section 903 (Automatic Sprinkler Systems)

Section 903 of the 2025 California Building Code is amended to read:

903.1 through 903.1.1 {CBC text not modified}

903.2 Where required. Approved automatic sprinkler systems must be installed throughout all new buildings unless the structure does not require a building permit.

Exception: Detached Group U occupancies separated from structures in accordance with Table 705.5 of the California Building Code.

903.2.1 through 903.2.10 - deleted

903.2.11 through 903.2.21 {CBC text not modified}

903.2.22 Existing buildings and structures. Proposed addition, alterations or fire repairs in existing non-sprinklered buildings over a three-year period exceeding 50% of the original gross floor area square footage must require the entire building to be installed

with an automatic fire sprinkler system as follows:

1. Any additions that increase the existing gross floor area by more than 50% require the entire building to be installed with an automatic fire sprinkler system.
2. Any combination of additions, alterations and/or fire repairs to more than 50% of the existing gross building area requires the entire existing building to be installed with an automatic fire sprinkler system. For purposes of this section, alterations only apply to the building area if they increase the size of the fire area of the room or space. See the Policy Manual for further guidance.
3. Any addition, alteration or repair within a building that contains an automatic fire sprinkler system must have the automatic fire sprinkler system extended or modified to the area of proposed work.
4. Any change in use or occupancy creating a more hazardous fire or life safety condition, as determined by the Fire Code Official requires that an automatic fire sprinkler system be installed. For purposes of this section, the relative hazard category must be in accordance with table 903.2.22 based on table 1011.5 of the California Existing Building Code.

Table 903.2.22

Relative Hazard	Occupancy Class
1 (Highest Hazard)	H (not allowed)
2	I-2; I-3; I-4 (not allowed)
3	A; C; E; M; R-1; R-2; R-4
4	B; F-1; R-3; R-4, S-1
5 (Lowest Hazard)	F-2; S-2; U

Exceptions:

1. Seismic or accessibility improvements
2. Any exemption otherwise allowable under the Fire Code, as adopted by the San Mateo Consolidated Fire Department at the discretion of the Fire Marshal.
3. Exterior improvements and work not requiring permits as provided in the Building Code.
4. Detached Group U occupancies or detached carports less than 400 square feet.
5. Work requiring only a mechanical, electrical, plumbing and/or demolition permit.
6. Group R-3.1 occupancies unless already containing a fire sprinkler system.

903.3 through 903.3.1.2.3 {CBC text not modified}

903.3.1.3 NFPA 13D sprinkler systems. Automatic Sprinkler systems installed in one- and two-family dwellings; Group R-3; and townhouses may be installed throughout in accordance with NFPA 13D as amended in Chapter 35. NFPA 13D sprinkler systems must comply with section 903.4.2 Alarms.

903.3.2 through 903.4.2 {CBC text not modified}

903.4.3 Alarms. One approved audible and visual devices must be connected to every automatic sprinkler system at an approved location. The sprinkler water-flow alarm devices must be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system must actuate the building fire alarm system.

903.5 {CBC text not modified}

SECTION 13. BCC § 7-25.905 AMENDED

Effective January 1, 2026, Belmont City Code Section 7-25.905 is amended as follows:

Sec. 7-25.905 Amendment of 2025 CBC Section 905 (Standpipe Systems)

Section 905 of the 2025 California Building Code is amended to read:

905.1 through 905.3 {CBC text not modified}

905.3.1 Height. {CBC text not modified}

1. {CBC text not modified}
2. Buildings that are more than 2 stories in height.
3. {CBC text not modified}
4. {CBC text not modified}

Exceptions: 1 – 6.2 {CBC text not modified}

905.3.2 through 905.11 {CBC text not modified}

SECTION 14. BCC § 7-25.907 AMENDED

Effective January 1, 2026, Belmont City Code Section 7-25.907 is amended as follows:

Sec. 7-25.907 Amendment of 2025 CBC Section 907 (Fire Alarm and Detection Systems)

Section 907 of the 2025 California Building Code is amended to read:

907.1 through 907.1.5 {CBC text not modified}

accessed by the means of a private road, and the buildings cannot be viewed from the public way, a monument sign, or other signs or other approved means must be used to identify the structure. Address identification must be maintained on each of the buildings within the site.

R308.1.3 Rear addressing. When required by the chief, approved numbers or addresses must be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size must comply with CBC 502.1.

SECTION 21. BCC SECTION 7-35.R309 ADDED

Effective January 1, 2026, Belmont City Code Section 7-35.R309 is added to read:

Sec. 7-35.R309 Amendment of 2025 CRC Section R309 (Automatic Fire Sprinkler Systems)

Section R309 of the 2025 California Residential Code is amended to read:

R309.1 Townhouse and one- and two family dwelling automatic fire sprinkler systems. An automatic residential fire sprinkler system (ARFS) must be installed in townhouses, one-family and two-family dwellings throughout the entire building or structure as follows:

1. In new unit construction.
2. When additions, alterations or repairs are made to an existing building or structure.
3. When any change in use or occupancy occurs creates a more hazardous fire/life safety condition as determined by the Fire Code Official

Exceptions:

1. In an existing building or structure without an ARFS, additions, alterations, and repairs that when combined over a three year period total 50% or less the original floor area. For purposes of this exception, only alterations that increase the size of the fire area of the room or space are counted. See the San Mateo Consolidated Fire Department Fire Policy Manual for further guidance.
2. Seismic or accessibility improvements;
3. Any exemption required by law or otherwise allowable under the Fire Code as determined by the Code Official.
4. Exterior improvements and work not requiring permits as provided in the Building Code.
5. Detached Group U occupancies or detached carports less than 400 square feet.

6. Work requiring only a mechanical, electrical, plumbing and/or demolition permit.
7. Group R-3.1 occupancies unless already containing a fire sprinkler system.
8. An accessory dwelling unit to a single- or two family dwelling provided all of the following are met:
 - 8.1 The unit meets the definition of Accessory Dwelling Unit in Government Code Section 65852.2
 - 8.2 The existing primary residence does not have automatic fire sprinklers.
 - 8.3 The detached unit does not exceed 1,200 square feet.
 - 8.4 The unit is on the same lot as the primary residence.

R309.1.1 NFPA 13D sprinkler systems. Automatic Sprinkler systems installed in one- and two-family dwellings; Group R-3; and townhouses may be installed throughout in accordance with NFPA 13D as amended in Chapter 44. NFPA 13D sprinkler systems must comply with section R309.1.2 Alarms.

R309.1.2 Alarms. One approved audible and visual devices must be connected to every automatic sprinkler system at an approved location. The sprinkler water-flow alarm devices must be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system must actuate the building fire alarm system.

R309.2 –R309.2.1 deleted.

R309.3 through R309.3.8.2 {CRC text not modified}

SECTION 22. BCC SECTION 7-35.R313 REPEALED

Effective January 1, 2026, Belmont City Code Section 7-35.R313 is repealed.

SECTION 23. BCC SECTION 7-35.R319 REPEALED

Effective January 1, 2026, Belmont City Code Section 7-35.R319 is repealed.

SECTION 24. BCC SECTION 7-35.R902 AMENDED

Effective January 1, 2026, Belmont City Code Section 7-35.R902 is amended to read as follows:

Sec. 7-35. R902 Amendment to 2025 CRC Section R902 (Fire Classification)

Section R902 of the 2025 California Residential Code is amended to read:

R902.1 through R902.1.1 {CRC text not modified}

R902.1.2 Roof coverings in all other areas. The entire roof covering of every existing

2. The horizontal distance between crowns of new trees and the crowns of adjacent trees shall not be less than 10 feet (3048 mm).
3. Existing trees shall be trimmed to provide a minimum separation of 10 feet (3048 mm) away from chimney and stovepipe per California Code of Regulations Title 14, Section 1299.03.
4. Hazardous trees must be removed if they are within 100 feet of any important structure.

603.4.2.1 Nonfire-smart vegetation. New trees not classified as fire-smart vegetation, such as conifers, palms, pepper trees and eucalyptus species, shall be permitted provided the tree is planted and maintained so that the tree's drip line at maturity is a minimum 30 feet (9144 mm) from any combustible structure. Nothing in this section is intended to prevent the planting of any species.

603.4.2.2 Tree within defensible space.

Trees are allowed within the defensible space, provided that the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm). Trees shall be maintained alive. Hazardous trees must be removed as provided in 603.4.2.

SECTION 41. BCC CHP 7, ART X REPEALED

Belmont City Code Chapter 7, Article X (Enforcement) is repealed, including sections 7-301, 7-302, and 7-303.

SECTION 42. BCC CHP 7, ART X ADDED

Belmont City Code Chapter 7, Article X (Fire Hazard Severity Zones) is added beginning with section 7-301 to read:

Sec. 7-301 Fire Hazard Severity Zones

The moderate, high, and very high fire hazard severity zones within the boundaries of the city of Belmont as recommended by the Office of the State Fire Marshal under Government Code Section 51178 are designated fire hazard severity zones as classified and recommended by the State Fire Marshal.

SECTION 43. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision does not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 44. EFFECTIVE DATE.

* * *

This Ordinance takes effect and will be enforced 30 days after its adoption.

The City Council of the City of Belmont, California introduced the foregoing ordinance, on [insert date], 2025 and adopted the ordinance at a regular meeting held on [insert date], 2025 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: October 28, 2025
Agency: City of Belmont
Staff Contact: Tobi Liebermann, Housing and Economic Development Manager; Kathy Kleinbaum, Assistant City Manager
Agenda Title: City-Owned Property Disposition Update and Exempt Surplus Land Declaration
Agenda Action: Resolution

Recommendation

Receive an update on staff's work related to the disposition of the three city-owned residential properties at 730 El Camino Real, 503 Crest View Ave, and 1000 O'Neill Ave (Emmett House) and adopt a resolution declaring the vacant lot at 780 El Camino Real as Exempt Surplus Property under the Surplus Lands Act.

Strategic Focus Area

Economic Development and Housing

Background

As housing successor to the former Redevelopment Agency (RDA), the City of Belmont acquired various housing assets upon the RDA's dissolution in 2012. These properties consisted of several small-scale residential properties located throughout the City. The City previously sold several of these properties in 2023 and used the proceeds to contribute to new affordable housing development projects. The City now owns and maintains three remaining residential properties, including 730 El Camino Real, 503 Crest View Ave, and 1000 O'Neill Ave (referred to as the Emmett House), as well as the vacant lot at 780 El Camino Real.

730 El Camino Real is leased to the non-profit, Kainos, who operates it as a group home for individuals with intellectual disabilities who live independently. 503 Crest View is leased to Family Homes, a for-profit entity operating a six-bed Intermediate Care Nursing Facility (ICF/DD-Nursing) which provides 24-hour care and health services for persons with severe developmental and physical disabilities. The Emmett House property is a vacant duplex that was previously rented to moderate-income households. Both households were no longer income-eligible for the property and as a result the property was vacated in June 2025.

Prior Council Direction

On October 22, 2024, Staff requested direction from the City Council of the possible disposition of the three small-scale residential properties. Management of these properties has been an ongoing challenge for the City given our limited staffing resources and has resulted in significant deferred maintenance on all of the properties. Additionally, the rental revenue generated from the properties is not sufficient to cover both ongoing operations and the properties' long-term maintenance needs and given the affordable



housing/social service uses of the properties, the City is limited in its ability to increase the rents. As a result, continued ownership of the properties is a negative draw on the City's limited affordable housing funds.

At the October 2024 meeting, staff provided disposition options for each property given their current use and operational structure. For both 730 El Camino Real and 503 Crest View Avenue, staff recommended options to allow the existing uses to continue to ensure that the current special needs residents are protected from displacement. This requires the properties to either be transferred to their current operator or to another entity that is willing to continue leasing to the on-site operator. Staff provided two possible options for the Emmett House property, given its current vacancy, including selling it for market value and using the proceeds to develop new affordable housing or transferring it to a non-profit for congregate care or affordable housing use.

At the October 2024 meeting, the City Council was supportive of moving forward with the disposition of the three properties and gave direction to staff to proceed with the disposition process. The Council expressed support for maintaining the existing uses and protecting the current special needs residents from displacement at the 730 El Camino Real and 503 Crest View properties. The City Council asked that further analysis be conducted regarding the options for the Emmett House property.

As one of the initial steps in the disposition process, staff brought resolutions before the City Council on February 25, 2025 declaring the properties as Exempt Surplus Land as required by the State Surplus Lands Act. This declaration was then reviewed and approved by the State Department of Housing and Community Development (HCD).

Progress to Date

Since that time, staff has continued working towards the disposition of the three residential properties through the commissioning of title reports and real estate appraisals, including both a market appraisal and a reuse appraisal that evaluates the value of the property if transferred with restrictions on its use. The City also requested loan forgiveness from San Mateo County for an existing \$260,000 loan in place on 730 El Camino Real. This forgiveness was approved in March 2025 by the Board of Supervisors and the loan was subsequently cancelled in June. In addition, staff has been working with the operators at 730 El Camino Real and 503 Crest View to evaluate the transfer of the properties and potential deed restrictions to ensure continuation of the current uses. The current status of each property is described in the Analysis section of this report.

780 El Camino Vacant Lot

During the past year, staff has received inquiries from interested parties about the city-owned vacant lot at 780 El Camino Real, which is a small (0.12 acre) triangular shaped parcel located at Middle Road and El Camino Real that the City originally purchased September 25, 2008. The property was acquired for Low- and Moderate-Income housing purposes. In order to move forward with any future disposition of that property, it is first necessary to go through the State's Surplus Land Act process. Similar to the other residential properties, this parcel also qualifies as an Exempt Surplus Land parcel given its small size.



Analysis

730 El Camino Real

Staff has been working closely with the current lessor/operator, Kainos, to evaluate the potential transfer of the property, including addressing deferred maintenance, future operations, and analyzing organizational financial capacity to own and operate the property going forward. Staff recommends transferring the property to Kainos with deed restrictions in place to ensure it continues serving a similar population. The market appraisal for the property was \$2,170,000, which is the value of the property if it could be occupied as a single-family home. However, based on the preliminary draft financial analysis, given the extensive deferred maintenance on the property needed for it to continue in its current use and the proposed deed restrictions, the City would transfer the property to Kainos for \$1, a value that would be justified by the Reuse Appraisal.

Staff is seeking authorization to move forward with the remaining steps necessary for transfer which would likely occur later this year or in early 2026. These steps include a City Council public hearing for the adoption of the reuse appraisal (H&S Section 33433 Report) and the approval of the purchase and sale agreement. This action is consistent with prior Staff recommendations and direction from City Council.

503 Crest View Avenue

Staff has been working closely with the families whose children reside in the 503 Crest View Avenue property and the current operator to explore options for the transfer of this property. The families referred staff to the Golden Gate Regional Center (GGRC), a state and federal-funded nonprofit organization serving individuals with developmental disabilities in Marin, San Francisco and San Mateo counties. GGRC works with operators of similar facilities and helps facilitate transitions of both operators and property ownership.

GGRC has recommended transferring the property to Brilliant Corners, a 501(c)3 nonprofit public benefit corporation whose mission is to provide affordable, community-based supportive housing for individuals with developmental disabilities and other special needs. Brilliant Corners develops, owns and manages affordable, supportive, community-based housing and provides housing-related services and clinical case management to over 1,000 individuals. Brilliant Corners currently owns several licensed care homes in San Mateo County.

Under this model, Brilliant Corners would be the property owner and lease the premises to the existing long-term operator, Family Homes, with GGRC as the provider of the operating subsidy and oversight of the operations. The advantage of this approach is that it allows the existing long-term operator to continue to provide day to day services while providing long-term stable ownership through the non-profit Brilliant Corners, as the landlord and property manager. GGRC's involvement provides an opportunity for enhancing financial support due to potentially higher reimbursement rates to Family Homes. The City had previously explored transferring this property to Brilliant Corners in 2017 but did not move forward at the time due to other competing priorities.

The transfer to Brilliant Corners, as opposed to directly to the operator, is the preferred approach for the families whose children currently occupy the home since it allows for the current operator to stay in place



while ensuring that there is a third-party entity that can assure that operations of the home continue at the time of the retirement of the current operator, who has been operating the home for the past 26 years.

To assist with financing the deferred repairs needed on the property, GGRC submitted a grant application in September 2025 in the amount of \$632,000 to the State of California Department of Developmental Services that would cover substantial improvements to the property, if approved. This grant is contingent on the GGRC/Brilliant Corners partnership model. Funding awards are expected to be announced by the end of the year and GGRC believes there is a high likelihood that the property will obtain some, if not all, of the funding request.

If the property were to be transferred to Brilliant Corners, it would be a similar structure as the transfer of 730 El Camino Real. The property would be deed restricted to require the current use to continue. The market appraisal for the property was \$1,905,000, which is the value of the property if it could be occupied as a single-family home. Given the deferred maintenance, deed restriction, and the high cost of operating this type of skilled nursing facility, the City would transfer the property for \$1, a value that would be justified by the Reuse Appraisal. Staff is seeking direction to pursue the transfer of the property to Brilliant Corners in partnership with GGRC, with a continuation of Family Homes as the operator/service provider.

1000 O'Neill Ave (Emmett House)

Staff presented two options to the City Council for this property, selling it at market rate and using the proceeds to fund new affordable housing development or transferring it to a non-profit for use as congregant housing. In October 2024, the City Council was leaning toward the market sale of the property but wanted more analysis to be completed. A key issue of concern for this property is preserving the historic character of the exterior.

The property is now vacant since the former residents were no longer income eligible, as previously reported. Staff is monitoring the property on an ongoing basis to ensure that it remains secure. The market appraisal for the property was \$2,225,000.

Staff recommends that the Council sell the property at market rate and use the proceeds to support new affordable housing development. A deed restriction can be placed on the property that would require preservation of the historic exterior of the building. This would allow the City to leverage other public funding from the County and State sources to maximize new housing production and to meet the City's housing goals. The City has multiple affordable housing properties in the pipeline and limited funds to assist with financing their development, given that we have not had any large-scale commercial projects move forward and pay commercial linkage fees.

Additionally, another driver for this recommendation is recent instability in the finances for many non-profit organizations, including the sudden and abrupt closure of Star Vista, who was one of the parties interested in acquiring the property and the recent closure of a property managed by the non-profit Caminar in San Mateo County. The Emmett House property requires significant investment to address deferred maintenance and to convert from its current duplex format into one that could be used by a non-profit which would require significant fund raising and/or grant funds. There were no operators interested in taking over the property and continuing to offer it as a below-market rate rental.



Staff is seeking City Council direction to move forward with a market sale approach. If the Council is supportive of this recommendation, staff will move forward with the steps to market the property, including issuing an RFP for a Real Estate Broker to represent the property and a City Council public hearing for the adoption of the reuse appraisal (H&S Section 33433 Report).

780 El Camino Real

Staff is requesting that the City Council take the formal action to declare 780 El Camino Real as Exempt Surplus property. This site is identified as a housing opportunity site in the Belmont Housing Element. There has been previous interest in the site from Habitat for Humanity as well as the Mental Health Association of San Mateo County for housing development, but the small size of the site combined with its existing slope has made development infeasible to date. The owner of the immediately adjacent property is considering selling their property in the future which may allow for consolidation of the two sites making them more feasible for a future housing development. Declaring the property as Surplus Exempt would allow the City flexibility to transfer the property in the future but does not commit the City to disposing of the property or any future action. If specific disposition options for this site become available, staff would return to City Council for direction.

Alternatives

1. Direct staff to pursue other options for the disposition of any or all of the three the City-owned residential properties.
2. Direct staff to delay or suspend efforts for the disposition of any or all of the three the City-owned residential properties.
3. Take no action on Resolution declaring 780 El Camino as Exempt Surplus Land.

Attachments

- A. Resolution Declaring 780 El Camino Real as Surplus Exempt Land

Fiscal Impact

No Fiscal Impact

Funding Source Confirmed:

These properties currently operate at a financial loss to the City and are funded out of the Affordable Housing Fund. Any sales proceeds from these properties would be deposited in the Affordable Housing Fund and utilized for affordable housing purposes as they get identified and approved by Council.

Source:

Staff

Purpose:

Council Vision/Priority

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2025 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT FINDING THAT THE PROPERTY LOCATED AT 780 EL CAMINO REAL IS EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(F)(1)(B)

WHEREAS, the City of Belmont ("City") owns that certain property identified as APN 044-222-180 and more generally described as the irregular shaped property located at 780 El Camino Real, in the City of Belmont and situated at the intersection of El Camino Real and Middle Road, ("Property") in fee. The Property is described on Exhibit "A", attached hereto; and,

WHEREAS, the Property consists of vacant .125 acres plot of land and is not currently used by the City; and,

WHEREAS, under the Surplus Land Act (Government Code Sections 54220-54234) surplus land is land owned in fee simple by a local agency which is not necessary for the agency's use and for which the governing board takes formal action in a regular public meeting declaring that the land is surplus. The land must be declared either surplus land or exempt surplus land; and,

WHEREAS, the City is a local agency within the meaning of the Surplus Land Act; and,

WHEREAS, under the Surplus Land Act, land is necessary for a local agency's use if the land is being used, or is planned to be used pursuant to a written plan adopted by the governing body of the local agency, for the local agency's work or operations; and,

WHEREAS, the Property has not been identified for future municipal use as part of a written adopted plan and is not necessary for the City's operations; and,

WHEREAS, the Surplus Land Act (Government Code Section 54220 et seq.) requires that local agencies, including the City, comply with the requirements of the Act before disposing of Surplus Land unless the property is Exempt Surplus Land as defined in Government Code Section 54221(f); and,

WHEREAS, Government Code Section 54221 (f)(1)(B) provides that, except as provided in paragraph (2) of Section 54221 (f), "exempt surplus land" means surplus land that is less than one-half acre (21,780 square feet) in size and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing; and,

WHEREAS, the Property qualifies as "exempt surplus land" pursuant to paragraphs (B) of Government Code Section 54221 (f)(1) because the Property is less than one-half acre in size, not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing; and,

WHEREAS, as shown in the attached Exhibit B, the property located immediately adjacent to the subject property at the address 770 El Camino Real is a mixed-use residential and commercial/retail property in private ownership, and the adjacent property to the southwest is a portion of the City of Belmont public right-of-way known as Middle Road, and the adjacent

property to the northeast is a portion of El Camino Real also known as State Route 82 (SR 82) which is owned by the California Department of Transportation; and,

WHEREAS, pursuant to Government Code 54221(f)(2) the Property is not:

- (a) Within a coastal zone.
- (b) Adjacent to a historical unit of the State Parks System.
- (c) Listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places.
- (d) Within the Lake Tahoe region as defined in Section 66905.5.

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

SECTION 1. Evidentiary Basis: The City Council, having independently heard, considered, and weighed all the evidence in the record, finds that the above recitals are accurate and constitute findings in this matter and, together with the staff report have served as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution.

SECTION 2. Surplus Land: The City Council hereby designates the Property as exempt surplus land on the following basis:

1. The Property is no longer necessary for the City's use.
2. The Property is less than one-half acre in size.
3. The Property is not contiguous to land owned by a state or local agency that is used for open-space or affordable housing.
4. Government Code Section 54221(f)(1)(B) includes in the definition of "exempt surplus land", land that is less than one-half acre in size, not contiguous to land owned by a state or local agency that is used for open-space or low and moderate income housing.

SECTION 3. Notice to California Department of Housing and Community Development. The City Council directs the City Manager to transmit a copy of this Resolution to the California Department of Housing and Community Development no later than thirty (30) days prior to the disposition of the Property.

SECTION 4. This declaration of exempt surplus property is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 5. This Resolution is effective upon its adoption.

* * *

ADOPTED [Click to enter a date.] by the City of Belmont City Council by the following
vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 044-222-180

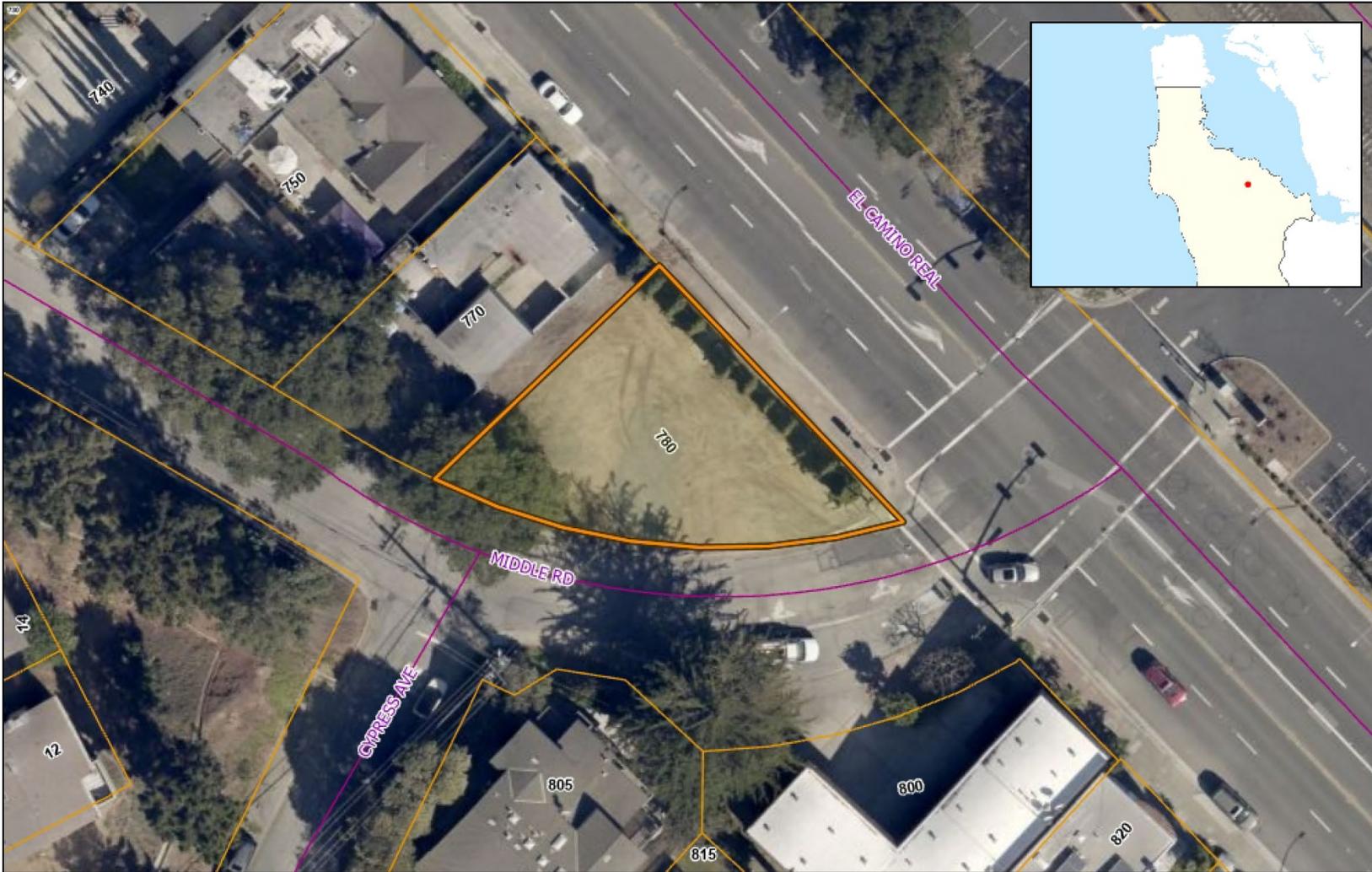
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BELMONT, COUNTY OF SAN MATEO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PORTION OF LOT 1, AS DELINEATED UPON THAT CERTAIN MAP ENTILED "SWIFTS SUBDIVISION OF LOT 10 AND A PORTION OF LOT NO. 13 MOSES RANCH, NEAR BELMONT, SAN MATEO CO. CAL, "FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON FEBRUARY 15, 1897 IN BOOK "A" OF MAPS, AT PAGE 57 AND COPIED INTO BOOK 2 OF MAPS AT PAGE 86 DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF MIDDLE ROAD WITH THE SOUTHWESTERLY LINE OF EL CAMINO REAL AS ESTABLISHED BY DEED TO THE STATE OF CALIFORNIA, DATED MAY 17, 1934 AND RECORDED JUNE 17, 1934 AND RECORDED JUNE 21, 1934 IN BOOK 624 OF OFFICIAL RECORDS AT PAGE 285; THENCE FROM SAID POINT OF BEGINNING NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF EL CAMINO REAL ON THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 20050 FEET FOR AN ARC DISTANCE OF 97.10 FEET, MORE OR LESS, TO THE SOUTHEASTERLY LINE OF LANDS CONVEYED TO MARIUS LAUERSEN AND WIFE. DATED SEPTEMBER 7, 1948 AND RECORDED SEPTEMBER 10, 1948 IN BOOK 1468 OF OFFICIAL RECORDS AT PAGE 488; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE OF SAID LAST MENTIONED LANDS, 80 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF MIDDLE ROAD; THENCE EASTERLY ALONG SAID NORTHERLY LINE 132 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ADDRESS: 780 El Camino Real, Belmont CA 94002

EXHIBIT "B" Site Map



0.02 0 0.01 0.02 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1:564 

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



STAFF REPORT

Meeting Date: October 28, 2025
Agency: City of Belmont
Staff Contact: Ann Ritzma, Interim Administrative Services Department
Agenda Title: Approval of Amendments to Employment Agreements for the City Manager and City Attorney
Agenda Action: Resolution

Recommendation

Adopt the attached resolutions: 1) Establishing compensation for the City Manager and authorizing the Mayor to execute a Third Amendment to the City Manager Employment Agreement; and 2) Establishing compensation for the City Attorney and authorizing the Mayor to execute a Second Amendment to the City Attorney Employment Agreement.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

The City Council is responsible for the appointment, evaluation, and establishment of compensation for its two direct employees: the City Manager and the City Attorney.

Following annual performance evaluations conducted in July 2025, the Council appointed a subcommittee to review compensation for each position. The subcommittee was tasked with considering the incumbents' performance, the cost of living, and the City's position within the regional market.

Subcommittee met with the respective appointees and developed recommendations for Council consideration. On October 14, 2025, the City Council met in closed session to review those recommendations and provided direction to bring forward amendments to each employment agreement for open session discussion and approval.

Analysis

The proposed amendments implement adjustments to the base salaries of the City Manager and City Attorney to reflect a cost-of-living adjustment and merit increase consistent with market practices and performance expectations.

These adjustments maintain the City's philosophy of:

- Aligning executive compensation with regional market benchmarks; and
- Recognizing strong leadership performance in meeting the Council's key directives and retention value while maintaining fiscal responsibility.



The amendments do not alter other material terms of the existing employment agreements beyond the approved salary adjustments and allowances.

Alternatives

1. Take no action
2. Provide direction to modify the proposed amendments and return at a future meeting.

Attachments

- A. Resolution – City Manager Employment Agreement (Third Amendment)
- B. Exhibit A – Third Amendment to City Manager Employment Agreement
- C. Resolution – City Attorney Employment Agreement (Second Amendment)
- D. Exhibit A – Second Amendment to City Attorney Employment Agreement

Fiscal Impact

No Fiscal Impact

Funding Source Confirmed: The cost of the approved salary adjustments will be incorporated into the adopted FY 2025–26 City Budget during the mid-year budget review, if necessary.

Source:

Council

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2025 –

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
ESTABLISHING COMPENSATION FOR THE CITY MANAGER AND
AUTHORIZING THE MAYOR TO EXECUTE A THIRD AMENDMENT TO THE
CITY MANAGER EMPLOYMENT AGREEMENT**

WHEREAS, on September 24, 2019, the City Council of the City of Belmont unanimously adopted Resolution 2019-098, appointing Afshin Oskoui to the position of City Manager effective of September 1, 2019; and,

WHEREAS, on November 8, 2022, the City Council approved a first amendment Mr. Oskoui’s Employment Agreement, and a second amendment on November 14, 2023; and,

WHEREAS, in or around July 2025, the City Council conducted Mr. Oskoui’s performance evaluation and selected a sub-committee, to review and make a compensation recommendation based on performance, cost of living, and market position, and to meet and negotiate with Mr. Oskoui; and,

WHEREAS, the City Council met in closed session on October 14, 2025, to consider the sub-committee’s findings and recommendations and gave direction to bring a proposed third amendment to the employment agreement to open session for discussion and consideration; and,

WHEREAS, the sub-committee recommends an increase in base pay for Mr. Oskoui, to reflect a cost of living adjustment and merit increase that is consistent with the market.

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

SECTION 1. The Council approves the Third Amendment to the Employment Agreement between the City of Belmont and City Manager Afshin Oskoui, attached as Exhibit A, and authorizes the Mayor to execute the amendment.

* * *

ADOPTED October 28, 2025 by the City of Belmont City Council by the following
vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

**Third Amendment to the Employment Agreement
between the City of Belmont
and Afshin Oskoui (City Manager)**

This Third Amendment to Employment Agreement (“Third Amendment”) is entered into by the City of Belmont, a municipal corporation (“City” or “Employer”), and Afshin Oskoui (“Employee”), collectively the “Parties.”

Recitals

A. The City and Employee entered into an agreement for employment effective September 1, 2019, for Employee to serve as City Manager, and subsequently entered into a first and second amendment to the Employment Agreement.

B. The City and Employee now desire to enter into a third amendment to the Employment Agreement.

Terms of Third Amendment

The City and Employee agree to amend the terms of the Employment Agreement as previously amended as follows:

1. Section 9.A (Salary) is amended by adding a second paragraph after the first paragraph to read:

Employee will receive a 3.0% cost of living increase and 2.5% merit increase effective the first day of the first full pay period on or after September 1, 2025.

2. Section 13.D (Professional Development) is amended by adding a second paragraph after the first paragraph to read:

The City will budget and reimbursed employee up to a maximum of \$1,000 per fiscal year for documented technology and other non-traditional work-related expenses. Eligible costs include but are not limited to computers, mobile devices, software subscriptions, data plans, professional applications, and home-office equipment directly supporting the performance of this Agreement.

3. Except as amended above, all other provisions of the Employment Agreement as previously amended remain in full force and effect.

By signing below, the Parties agree to the full performance of the terms set forth herein.

City of Belmont

Employee

By: _____
Julia Mates, Mayor

Dated: _____

Afshin Oskoui

Dated: _____

RESOLUTION NO. 2025 –

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
ESTABLISHING COMPENSATION FOR THE CITY ATTORNEY AND
AUTHORIZING THE MAYOR TO EXECUTE AN SECOND AMENDMENT TO THE
CITY ATTORNEY EMPLOYMENT AGREEMENT**

WHEREAS, on September 13, 2011, the City Council of the City of Belmont unanimously adopted Resolution 10417, appointing Scott M. Rennie to the position of City Attorney, and an employment agreement governing the terms of Mr. Rennie’s appointment was effectuated as of October 3, 2011 (“original agreement”); and,

WHEREAS, on November 9, 2022, approved a restated agreement with Mr. Rennie, which included adjustments to base pay, automobile allowance, and leave accruals, and on September 10, 2024, approved a further adjustment to the base pay; and,

WHEREAS, in or around July 2025, the City Council conducted Mr. Rennie’s performance evaluation and selected a sub-committee, to review and make a compensation recommendation based on performance, cost of living, and market position, and to meet and negotiate with Mr. Rennie; and,

WHEREAS, the City Council met in closed session on October 14, 2025, to consider the sub-committee’s findings and recommendations and gave direction to bring the proposed amendment to the City Attorney Employment Agreement to open session for discussion and consideration; and,

WHEREAS, the sub-committee recommends an increase in base pay for Mr. Rennie, to reflect a cost of living adjustment and merit increase that is consistent with the market.

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

SECTION 1. The Council approves the Second Amendment to the City Attorney Employment Agreement for Scott M. Rennie to implement the compensation adjustments as outlined in attached Exhibit A, and authorizes the Mayor to execute the amendment.

* * *

ADOPTED October 28, 2025 by the City of Belmont City Council by the following
vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

**Second Amendment to the Employment Agreement
between the City of Belmont
and Scott M. Rennie (City Attorney)**

This Second Amendment to Employment Agreement (“Second Amendment”) is entered into by the City of Belmont, a municipal corporation (“City” or “Employer”), and Scott M. Rennie (“Employee”), collectively the “Parties.”

Recitals

A. The City and Employee entered into an agreement for employment effective October 3, 2011, for Employee to serve as City Attorney and subsequently entered into a new Employment Agreement on November 29, 2022, and subsequently entered into a first amendment to the Employment Agreement on September 10, 2024.

B. The City and Employee now desire to enter into a second amendment to the Employment Agreement.

Terms of Second Amendment

The City and Employee agree to amend the terms of the Employment Agreement as previously amended as follows:

1. Section 8.A (Salary) is amended by adding a second paragraph after the first paragraph to read:

Employee will receive a 3.0% cost of living increase and 3.5% merit increase effective the first day of the first full pay period on or after October 1, 2025.

2. Section 12.C (Dues and Subscriptions) is amended by adding a second paragraph after the first paragraph to read:

The City agrees to budget and pay for the costs associated with maintaining Employee's attorney licensure with the State Bar of California and complying with mandatory continuing legal education requirements.

3. Section 12.D (Professional Development) is amended by deleting 12.D.1 and replacing it with the following:

The City will budget and reimburse employee up to a maximum of \$1,000 per fiscal year for documented technology and other non-traditional work-related expenses. Eligible costs include but are not limited to computers, mobile devices, software subscriptions, data plans, professional applications, and home-office equipment directly supporting the performance of this Agreement.

4. Except as amended above, all other provisions of the Employment Agreement as previously amended remain in full force and effect.

By signing below, the Parties agree to the full performance of the terms set forth herein.

City of Belmont

Employee

By: _____
Julia Mates, Mayor

Scott M. Rennie

Dated: _____

Dated: _____