CITY OF BELMONT
CITY COUNCIL AND BELMONT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS

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CITY COUNCIL REGULAR MEETING AGENDA
Tuesday, November 14, 2023
7:00 PM
City Council Chambers
City Hall, One Twin Pines Lane, Belmont, California

The meeting will be broadcast live to Belmont residents on Comcast Cable Channel 27, streamed live via the City's website at www.Belmont.gov. The public may also attend the meeting in the Chambers and address the Council from the Chambers.

PUBLIC COMMENT:
To maximize time for live public comment, we encourage members of the public to provide comments by joining the Committee meeting via Zoom : For web, visit https://belmont-gov.zoom.us/ select "Join" and enter **Meeting ID: 95745673035**. Use the Raise Hand feature to request to speak. You may rename your profile if you wish to remain anonymous.

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 Committee Chair.

If you wish to submit written public comment, you may send an email to cclerk@belmont.gov before the council considers the item. Please indicate the agenda item topic or agenda item number you wish to comment on in your email's subject line. Any public comment regarding agenda items that are received from the publication of the agenda through the meeting date will be made part of the meeting record but will not be read during the Council meeting.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. REPORT FROM CLOSED SESSION

4. SPECIAL PRESENTATIONS

A. **Proclamation Celebrating NDNU 100 Years in Belmont**

B. **2023 RethinkWaste Poster Contest Recognition**

C. **Proclamation Recognizing November as Family Court Awareness Month**

5. 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.

6. COUNCILMEMBER ANNOUNCEMENTS

7. 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

Attachment(s):
City Council October 24, 2023 Special and Regular Meeting Minutes
BFPD October 24, 2023 Meeting Minutes

B. **Monthly Financial Reports - September 2023**
Recommendation: Motion to approve September 2023 Monthly Financial Reports

Attachment(s):
Monthly Financial Reports - September 2023

C. **Recommended Parking Restriction**
Recommendation: Adopt a resolution approving four (4) "No Parking on Mondays 6 AM to 10 AM" signs along Manzanita Avenue

Attachment(s):
Staff Report
Resolution

D. **Extension of Vesting Tentative Map - 800 Laurel Avenue – Multi-Family Residential (Townhome) Development**
Recommendation: Adopt a Resolution approving the extension of the Vesting Tentative Map for the 800 Laurel Avenue Multi-Family Residential (Townhome) Development.

Attachment(s):
Staff Report
Resolution
Applicant Extension Request

E. **Request for Extension of Approval - 800 Laurel Avenue – Multi-Family Residential (Townhome) Development**
Recommendation: Adopt a Resolution approving the Request for Extension of Approval for a Design Review, Grading Permit, and Tree Removal Permit for the 800 Laurel Avenue Multi-Family Residential Townhome Development

Attachment(s):

Staff Report
Resolution
Applicant Extension Request
Project No. 2019-0025 - Conditions of Approval
Nov 2021-Council Staff Report

8. PUBLIC HEARINGS

A. **Belmont General Plan and Zoning Ordinance (BZO) Amendments - Commercial Cannabis Overlay Zoning – South El Camino Real**
Recommendation: Adopt a resolution amending the Land Use Element to the 2035 General Plan that would potentially allow for Commercial Cannabis Land Uses in the south El Camino Real area of the City.
Introduce an ordinance establishing potential cannabis retail & distribution zoning regulations for properties should they rezone within the area along south El Camino Real from O'Neill Avenue to the San Carlos border.

Attachment(s):
Staff Report
Resolution
First Reading - Cannabis Land Use Ordinance
South El Camino Real Study Area
Adopted Planning Commission Resolutions
EIR Addendum

B. **Revise Maximum Rates For Solid Waste Collection Services For Calendar Year 2024**
Recommendation: Adopt a resolution revising the maximum rates that may be charged by Recology of San Mateo County for solid waste, recyclable materials, and organic materials collection services effective January 1, 2024

Attachment(s):
Staff Report
Resolution
Attachment B_Recology Rate Application
Attachment C_HDR Analysis Final
Attachment D_Proposition 218 Public Notice

9. 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. **City Council Compensation Review**
Recommendation: Review the options for City Council compensation and provide direction to staff

Attachment(s):
Staff Report
SB 329 City Council Compensation

10. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

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

B. **Verbal report from City Manager**

11. 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.

12. ADJOURNMENT

If you need assistance to participate in this meeting, please contact the City Clerk at (650) 595-7413. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Meeting information can also be accessed via the internet at: www.belmont.gov. All staff reports will be posted to the web in advance of the meeting, and any writings or documents provided to a majority of the City Council/District Board or Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, One Twin Pines Lane, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting.

MINUTES OF THE CITY OF BELMONT CITY COUNCIL AND BELMONT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS CITY COUNCIL SPECIAL MEETING AND REGULAR MEETING
City Council Chambers, City Hall, One Twin Pines Lane, Belmont, California

TUESDAY, OCTOBER 24, 2023

CALL TO ORDER: 6:15 PM

ROLL CALL
COUNCILMEMBERS PRESENT: Pang-Maganaris, McCune, Hurt, Mates
COUNCILMEMBERS ABSENT: Latimerlo (arrived at 6:30 p.m.)

ITEMS OF BUSINESS

CLOSED SESSION

Conference with Legal Counsel - Anticipated Litigation
Significant exposure to litigation under Government Code Section 54956(d)(2): one case
There is disagreement between the City and Windy Hill Property Ventures, LLC as to whether the preliminary application provisions in Government Code sections 65941.1 and 65589.5(o) apply to Windy Hill's apartment project on property to be annexed to the City at 608 Harbor Boulevard and the regulations applicable to the project including the amount of impact fees to be paid to the City

Public Employee Performance Evaluation Government Code Section 54957(b)
Titles: City Manager, City Attorney

ADJOURNMENT at this time being 7:04 PM

Submitted by,
Jozi Plut, City Clerk

REGULAR MEETING

CALL TO ORDER: 7:07 PM

ROLL CALL
COUNCILMEMBERS PRESENT: Latimerlo, Pang-Maganaris, McCune, Hurt, Mates
COUNCILMEMBERS ABSENT: None

PLEDGE OF ALLEGIANCE
Led by Mayor Mates.

REPORT FROM CLOSED SESSION
City Attorney Rennie stated that Council approved a settlement agreement in the disagreement

between the City and Windy Hill Property Ventures, LLC as to whether the preliminary application provisions in Government Code sections 65941.1 and 65589.5(o) apply to Windy Hill's apartment project on property to be annexed to the City at 608 Harbor Boulevard and the regulations applicable to the project including the amount of impact fees to be paid to the City.

He noted that the settlement will resolve whether SB 330 price of the project and determine the fee amounts of the traffic impact fee, BART fee, park impact fee, general plan maintenance fee and sewer connection fee.

SPECIAL PRESENTATIONS

Domestic Violence Month Proclamation
Mayor Mates read the proclamation.

Karuna Chibber, CORA Board of Directors Member accepted the proclamation on behalf of CORA and provided an overview of CORA services to the residents of San Mateo County. She noted that Belmont along with seven other cities is partnering with CORA for domestic and partner abuse services.

San Mateo County Library Annual Report
Anna Koch, Belmont Library Manager presented the 2022-23 annual report and highlighted services the library provides to the community.

Fire Prevention Week Proclamation
Mayor Mates read the proclamation.

San Mateo Consolidated Department Chief Thrasher and Deputy Fire Marshall Martin accepted the proclamation and provided an overview of home fire safety specifically related to the household kitchen. Chief Thrasher spoke on the importance of defensible space and hardening of residential property to mitigate wildfires.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
Giuliano Carlini commented on bicycle safety.

COUNCILMEMBER ANNOUNCEMENTS
Councilmembers and Mayor Mates discussed events they attended and announced upcoming community events.

CONSENT BUSINESS
Approval of **Meeting Minutes October 10, 2023 City Council Regular Meeting and BFPD October 10, 2023** Meeting Minutes
Approve **Monthly Financial Reports - August 2023**
Resolution 2023-080 approving a Permanent Encroachment Agreement for Retaining Walls within the Public Right-of-Way at 2244 Semeria Avenue (APN 044-024-100)
Resolution 2023-081 authorizing the City Manager to negotiate and execute a services agreement with Dudek to conduct environmental review, develop fuel treatment prescriptions, and prepare

maps for the CAL FIRE grant-funded fuel reduction project in the amount of $83,926 including contingency

Resolution 2023-082 authorizing the City Manager to negotiate and execute a second amendment to the contract with Craftwater Engineering, Inc., for additional services including preparation of a focused environmental impact report (EIR) for an additional amount of $213,061, for a total contract cost to a not-to-exceed amount of $1,211,465

Approve **2023-2027 Strategic Plan**

Resolution 2023-083 authorizing a property tax exchange before annexation regarding property located at 604 through 610 Harbor Boulevard (APN's 046-032-030, 046-032-040, 046-032-080, and 046-032-090), easterly portion of Old County Road right-of-way, and northerly half of Harbor Boulevard right-of-way to the center line and approving a settlement agreement for the project

In response to Council inquiry City Manage Oskoui and Public Works Director Brown explained that funds for additional services with Craftwater Engineering, Inc including preparation of a focused environmental impact report (EIR) will require additional city funds after grant monies are expended and if additional mitigation is required.

Public Comment

Pat Cuviello, commented in opposition of the services agreement with Dudek to conduct environmental review, develop fuel treatment prescriptions, and prepare maps for the CAL FIRE grant-funded fuel reduction project in the amount of $83,926 including contingency on the Consent Business

Deniz Bobol, commented in opposition of the services agreement with Dudek to conduct environmental review, develop fuel treatment prescriptions, and prepare maps for the CAL FIRE grant-funded fuel reduction project in the amount of $83,926 including contingency

ACTION: On a motion made by Vice Mayor Hurt and seconded by Councilmember McCune the Consent Business items were unanimously approved by a roll call vote. (5-0)

PUBLIC HEARINGS

General Plan Amendment and City Services Community Facilities District Local Goals and Polices

Assistant City Manager Kleinbaum defined the term Community Facilities District (CFD) as a special financing district in which funds authorize public services or improvements via a special assessment. She further explained that a CFD provides an option for developers to mitigate their fiscal impact to the City through annual payments as opposed to an upfront exaction.

She stated that the City wishes to establish a CFD to limit fiscal impact on the City as stated in the General Plan for new development. A CFD will mitigate State take aways and establish locally controlled revenue sources to ensure Belmont's financial self-reliance.

She outlined the process of creating a CFD in the City and stated that the City completed a fiscal impact in January of 2022 resulting a net positive impact for Commercial and industrial development and a net negative impact for all housing categories. She noted that affordable

housing is exempt from special tax regardless of impact. She explained that a need to study fiscal impact of institutional development such as the NDNU project arose.

Ms. Kleinbaum provided examples of achieving fiscal neutrality, she concluded her report with a process overview and noted that he CFD would relate to new construction only. She explained the general plan amendments required and explained that the item was approved at the Planning Commission level, she outlined in the resolutions for Council consideration.

Council deliberation ensued; Ms. Kleinbaum confirmed that the CFD has no financial impact on existing property owners. She also confirmed that developers can choose to opt out and pay a lump sum rather than opting for a pay overtime model, with no impact on how much is paid. She noted that rates are subject to change as the CFD is formed and can be changed with new fiscal impact analysis on future annexations.

Mayor Mates opened the public hearing.

Mathew Beeston NorCal Carpenter's Union commented on labor standards.

Mayor Mates closed the public hearing.

Council deliberation ensued. Council concurred to discuss adding labor standards with the next Housing Element Update.

ACTION: on a motion made by Councilmember McCune and seconded by Councilmember Latimerlo **Resolution 2023-084** amending the Land Use Element of the 2035 General Plan augmenting existing fiscal neutrality policy for new development and including a Community Facilities District (CFD) as an option for new development to achieve fiscal neutrality and finding the amendment consistent with the 2035 General Plan EIR and no further environmental documentation is requirement; and
Resolution 2023-085 adopting Local Goals and Policies for the purpose of forming a CFD and finding that activity is not a project subject to CEQA under CEQA Guideline Section 15378(b)(4) were unanimously approved by a roll call vote (5-0).

GENERAL BUSINESS
Emergency Contract Authorization for Repairs at 550 Island Parkway
Parks and Recreation Director Shearer explained that water intrusion was discovered at the Belmont Sports Complex first floor area used by Parks and Facilities maintenance staff. She noted that damage was significant and further investigation was conducted to confirm restoration needs. She noted that the work is in kind with no additional work and request of emergency restoration is necessary to allow back to their area before winter months.

ACTION: On a motion made by Councilmember McCune and seconded by Vice Mayor Hurt **Resolution 2023-086** by at least four-fifths vote finding an emergency under Public Contract Code section 22050, authorizing procurement of necessary equipment, supplies and services without giving notice for bids, authorizing the City Manager to execute a contract amendment with

Emergency Restoration Company, Inc. for restoration services at 550 Island Parkway for an additional $122,461.48, plus a 10% contingency, for a total amount of $134,707.63, bringing the total contract agreement not-to- exceed to $172,084.96 and authorizing $134,707.63 appropriation from the General Fund to the Capital Improvement Projects (CIP) Fund for this project was unanimously approved by a roll call vote. (5-0)

Sanitary Sewer Master Plan Status Update

Shyamala Raveendran City Consultant, Infrastructure Engineering Corporation, provided an overview on the status of the City's Sanitary Sewer Master Plan last updated in 2017. She outlined the process, including a capital improvement plan. She noted existing and future system capacity evolution do not differ greatly. She stated that the capacity and condition related improvements result in an estimated $95 million dollars in capital improvement projects over fifteen years.

No members of the public came forward to speak.

Council concurred with the draft informational report, no other action taken.

BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

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

Councilmembers reported on their IGR assignments.

Verbal report from City Manager

City Manager Oskoui thanked Staff for their efforts with the recent Water Dog Run and reminded the Community of a Stanford informational meeting for the NDNU site.

MATTERS OF INTEREST/CLARIFICATION

None

ADJOURNMENT at this time being 8:55 p.m.

Submitted by,
Jozi Plut, City Clerk

DRAFT

MEETING MINUTES OF CITY OF BELMONT CITY COUNCIL AND BELMONT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS REGULAR MEETING
City Council Chambers, City Hall, One Twin Pines Lane, Belmont, California

TUESDAY, October 24, 2023

CALL TO ORDER: 7:07 PM

ROLL CALL
DIRECTORS PRESENT: LATIMERLO, PANG-MAGANARIS, MCCUNE, HURT, MATES
DIRECTORS ABSENT: NONE

CONSENT BUSINESS
Approval of BFPD October 10, 2023, Meeting Minutes.

ADJOURNMENT at this time being 8:55 p.m

Submitted by,
Jozi Plut, District Secretary

DRAFT

CITY OF BELMONT

FISCAL YEAR 2024

MONTHLY FINANCIAL REPORT - SEPTEMBER 30, 2023



HIGHLIGHTS

PERFORMANCE AT A GLANCE REPORT

• General Fund balance increased compared to prior YTD

BUDGET VARIANCE REPORT

• Management Discussion & Analysis
• Tax Trends

FUND RECAP AT A GLANCE REPORT

Notable Fund Balance Increase compared to prior YTD:

•General Fund
•Development Services
•Belmont Fire Protection District
•Liability Insurance
•Fleet & Equipment Management
• Sewer Collection System
• Sewer Treatment

Notable Fund Balance Decrease compared to prior YTD:

• Planned Park

CASH DISBURSEMENTS & PURCHASE ORDER ACTIVITY REPORT

•Amounts equal to and above $50,000

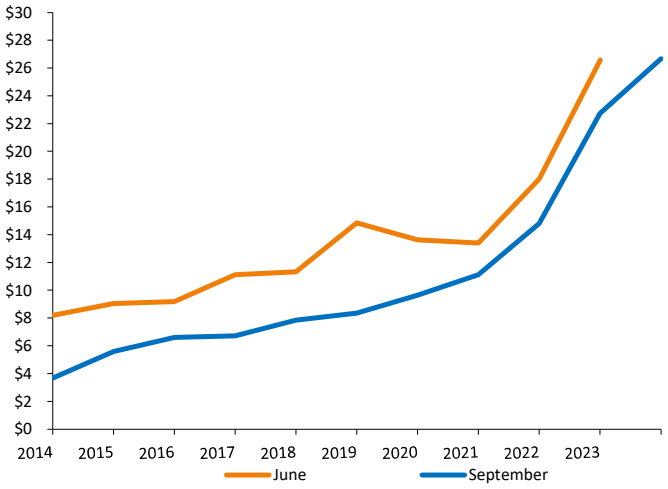
This report contains financial information which has not been reviewed or audited by an independent auditor, does not reflect the application of generally accepted accounting principles in all instances and is subject to future revision. This report has not been prepared with a view to informing an investment 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.

CALIFORNIA BELMONT

City of Belmont
Performance at a Glance
Results for the Period Ended September 30, 2023
(000's)

General Fund Balance Trend
(in millions)

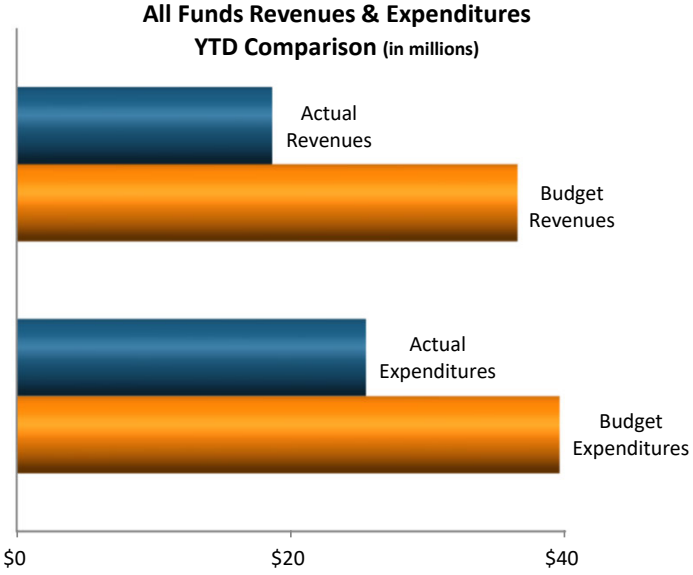


General Fund Balance Trends*

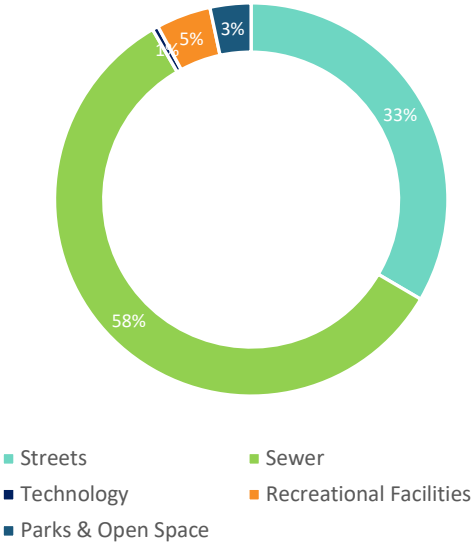
6/30/2014	$8,204	Audited
6/30/2015	$9,049	Audited
6/30/2016	$9,177	Audited
6/30/2017	$11,128	Audited
6/30/2018	$11,325	Audited
6/30/2019	$14,846	Audited
6/30/2020	$13,637	Audited
6/30/2021	$13,398	Audited
6/30/2022	$18,013	Audited
6/30/2023	$26,586	Unaudited
9/30/2023	$26,668	Unaudited

* excludes Measure I

All Funds Revenues & Expenditures
YTD Comparison (in millions)



Capital Improvement Plan



General Fund

The General Fund balance is $26.7 million, a nominal increase of $0.1 million compared to the amount at the prior fiscal year end.

Fund Balance - YTD Fund Deficits

As shown on the Fund Recap at a Glance (page 3) Recreation, Street Maintenance, Library Bond Debt Service and Facilities Management Fund have deficits and are expected to be elminated in a future period.

City of Belmont
Fund Recap at a Glance
Results for the Period Ended September 30, 2023
(000's)

Fund	Fund Name	Unaudited Fund Balance 06/30/23 (1)	Revenues YTD Budget	YTD Actual (2)	Variance (Under) Over	%	PY YTD Actual	Expenditures YTD Budget	YTD Actual (3)	Variance Under (Over)	%	PY YTD Actual	Unaudited Fund Balance 08/31/23 (1)+(2)-(3)	PY YTD Fund Balance 08/31/22
GENERAL FUND														
101	General	*$26,586*	$7,393	$5,672	($1,721)	77%	$10,040	$7,571	$5,590	$1,981	74%	$5,140	***$ 26,668***	*22,739*
102	Measure I	*4,096*	577	247	(330)	43%	207	1,815	436	1,379	24%	193	***3,907***	*2,953*
SPECIAL REVENUE FUNDS														
205	Recreation	*583*	842	385	(457)	46%	382	921	986	(65)	107%	905	***(18)***	*(523)*
206	Library Maintenance & Operation	*815*	79	6	(73)	8%	3	261	105	156	40%	81	***717***	*757*
207	Athletic Field Maintenance	*366*	31	33	3	108%	43	88	27	61	30%	15	***373***	*403*
208	City Tree	*284*	4	18	14	468%	2	21	11	10	51%	9	***292***	*291*
209	Senior Services Donation	*93*	1	1	(1)	54%	1	0	0	0	N/A	0	***93***	*91*
210	Development Services	*1,537*	1,312	2,681	1,369	204%	1,141	1,627	1,243	385	76%	1,181	***2,976***	*1,045*
212	General Plan Maintenance	*1,591*	133	222	89	167%	339	281	152	129	54%	24	***1,661***	*1,620*
223	Belmont Fire Protection District	*20,198*	4,307	1,090	(3,217)	25%	483	3,209	4,350	(1,141)	136%	2,672	***16,939***	*14,028*
225	Police Grants and Donations	*30*	0	0	0	171%	0	1	0	1	0%	2	***31***	*31*
227	Supplemental Law Enforcement	*7*	44	97	53	221%	65	32	29	3	92%	41	***74***	*25*
231	Street Maintenance	*0*	975	262	(713)	27%	268	651	634	18	97%	585	***(372)***	*(318)*
232	RMRA Street Project	*606*	175	118	(57)	67%	99	330	1	329	0%	2	***723***	*97*
233	Measure W	*2,079*	96	47	(49)	49%	51	238	0	238	0%	0	***2,126***	*1,158*
234	Street Improvements	*2,103*	312	183	(130)	59%	574	856	39	817	5%	486	***2,247***	*1,344*
237	Traffic Impact	*212*	407	1	(406)	0%	1	0	0	0	N/A	0	***212***	*201*
239	Public Art	*405*	77	3	(74)	4%	1	0	0	0	N/A	0	***408***	*397*
275	Affordable Housing Successor	*9,298*	121	201	80	166%	2,414	970	50	920	5%	162	***9,448***	*8,720*
277	Inclusionary Housing	*2,572*	151	2	(149)	1%	1	0	0	0	N/A	0	***2,573***	*2,453*
	Total Special Revenue	*42,779*	9,067	5,350	(3,717)	59%	5,868	9,486	7,625	1,861	80%	6,166	***40,504***	*31,817*
CAPITAL PROJECT FUNDS														
308	General Facilities	*734*	3	6	3	177%	2	159	2	157	1%	1	***739***	*727*
310	Infrastructure	*2,396*	11	20	9	182%	269	353	2	351	1%	510	***2,413***	*2,568*
312	Comcast PEG Program	*404*	2	3	1	178%	1	30	0	30	0%	0	***408***	*397*
341	Planned Park	*1,701*	10	14	4	140%	413	178	1	177	1%	28	***1,714***	*2,375*
342	Park Impact	*642*	677	5	(671)	1%	1	164	0	164	0%	151	***647***	*177*
343	Open Space	*97*	0	1	1	N/A	3	18	3	15	17%	19	***95***	*149*
399	Capital Improvement Projects	-	9,494	4,236	(5,258)	45%	0	9,428	2,762	6,667	29%	0	***1,474***	*0*
704	Special Assessment Districts	*315*	1	3	1	178%	1	0	0	0	N/A	0	***318***	*310*
	Total Capital Projects	*6,289*	10,199	4,289	(5,910)	42%	691	10,331	2,770	7,561	27%	708	***7,807***	*6,702*
DEBT SERVICE & OTHER FUNDS														
406	Library Bond Debt Service	*285*	169	0	(169)	0%	0	170	528	(357)	310%	530	***(242)***	*(260)*
501-505	Sewer Collection System	*32,200*	4,991	568	(4,423)	11%	558	5,519	2,804	2,715	51%	2,526	***29,964***	*23,647*
507	Sewer Treatment	*28,137*	808	37	(771)	5%	15	1,025	1,859	(834)	181%	2,194	***26,315***	*23,813*
525	Storm Drainage Enterprise	*2,173*	335	121	(214)	36%	177	807	445	361	55%	396	***1,848***	*2,369*
530	Solid Waste Management	*1,868*	158	113	(45)	71%	97	142	123	18	87%	133	***1,858***	*1,731*
570	Worker's Compensation	*1,762*	222	285	62	128%	195	183	682	(499)	373%	635	***1,365***	*1,097*
571	Liability Insurance	*3,686*	212	(284)	(496)	-134%	(1,597)	281	559	(278)	199%	548	***2,844***	*1,242*
572	Self Funded Vision	-	0	0	0	N/A	0	0	(4)	4	N/A	(6)	***4***	*6*
573	Fleet & Equipment Management	*8,393*	1,166	1,196	30	103%	1,136	1,276	980	295	77%	1,032	***8,608***	*7,543*
574	Facilities Management	*(603)*	866	719	(146)	83%	457	652	797	(146)	122%	633	***(681)***	*(176)*
575	Benefit Prefunding	*1,235*	371	340	(31)	92%	334	339	286	53	84%	597	***1,288***	*818*
	Total Debt & Other	79,138	9,298	3,095	(6,203)	33%	1,371	10,393	9,060	1,333	87%	9,218	73,173	61,829
	Total All Funds	**$158,887**	**$36,535**	**$18,654**	**($17,881)**	**51%**	**$18,178**	**$39,595**	**$25,481**	**$14,114**	**64%**	**$21,425**	**$152,060**	**$126,041**

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 assets.

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 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 September 30, 2023
(000's)

	General Fund						All Other Funds					
	Year to Date (YTD)				Annual	PY YTD	Year to Date (YTD)				Annual	PY YTD
	Budget	Actual	Variance	%	Budget	Actual	Budget	Actual	Variance	%	Budget	Actual
REVENUES												
Taxes	$5,493	$2,827	($2,666)	51% **a**	$21,971	$4,068	$5,368	$436	($4,931)	8% **a**	$21,471	$454
Licenses and permits	297	169	(128)	57% **b**	1,188	247	516	774	257	150%	2,064	712
Intergovernmental	84	175	91	208%	336	3,329	2,435	4,017	1,581	165%	9,742	863
Charge for services	1,087	1,057	(30)	97%	4,347	1,192	11,232	4,750	(6,482)	42% **c**	44,928	4,264
Fines and forfeits	40	30	(10)	76%	160	19	-	-	-	N/A	-	-
Use of money and property	303	1,408	1,105	465%	1,212	1,179	541	2,032	1,491	375%	2,165	910
Miscellaneous	89	6	(83)	7%	357	6	84	238	153	282%	337	(1,462)
Other financing sources	-	-	-	N/A	-	-	-	-	-	N/A	-	2,397
Operating transfers in	-	-	-	N/A	-	-	8,965	736	(8,229)	8% **d**	35,861	-
Total Revenues	**7,393**	**5,672**	**(1,721)**	**77%**	**29,572**	**10,040**	**29,142**	**12,982**	**(16,160)**	**45%**	**116,567**	**8,137**
EXPENDITURES												
General government	1,846	1,458	(388)	79%	7,384	1,322	1,971	2,505	533	127% **e**	7,886	2,818
Public safety	3,935	3,531	(403)	90%	15,738	3,345	3,229	4,362	1,133	135% **f**	12,917	2,715
Streets and utilities	-	-	-	N/A	-	-	12,583	5,780	(6,803)	46%	50,331	4,511
Culture and recreation	640	600	(40)	94%	2,560	472	2,396	2,005	(392)	84%	9,584	1,895
Urban redevelopment	-	-	-	N/A	-		2,377	1,073	(1,304)	45%	9,509	1,003
Debt service	-	-	-	N/A	-	-	1,654	3,431	1,777	207% **g**	6,614	3,343
Operating transfer out	1,150	-	(1,150)		4,600		7,815	736	(7,079)	9%	31,261	
Total Expenditures	**7,571**	**5,590**	**(1,981)**	**74%**	**30,283**	**5,140**	**32,026**	**19,891**	**(12,135)**	**62%**	**128,102**	**16,285**
EXCESS OF REVENUES OVER/ (UNDER) EXPENDITURES	**($178)**	**$83**			**($711)**	**$4,900**	**($2,884)**	**($6,909)**			**($11,535)**	**($8,148)**

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 Transisent Occupancy Taxes (TOT) received in July are related to June activities, which are subject to an accounting adjustment.

b) Licenses and permits - The budget variance is primarily due to the timing of receipts and an accounting adjustment.

Other Funds

Revenues

a) Taxes - The budget variance is primarily due to the timing of semi-annual property tax receipts received in December and April.

c) Charge 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 April.

d) Operating Transfers In – Budgeted operating transfers are recorded at the end of the fiscal year based on actual results.

Other Funds

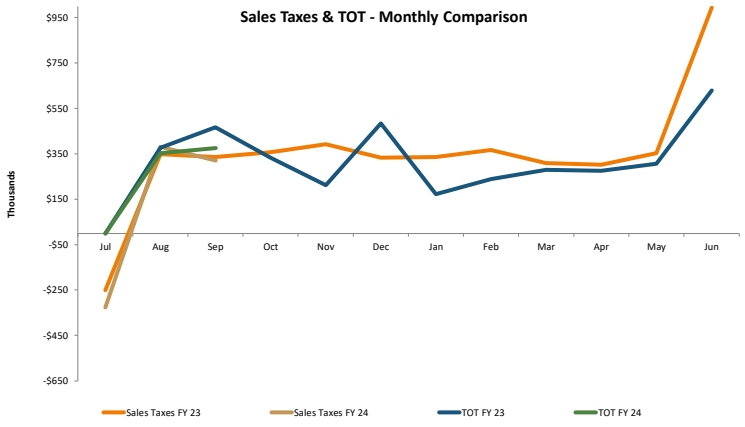
Expenditures

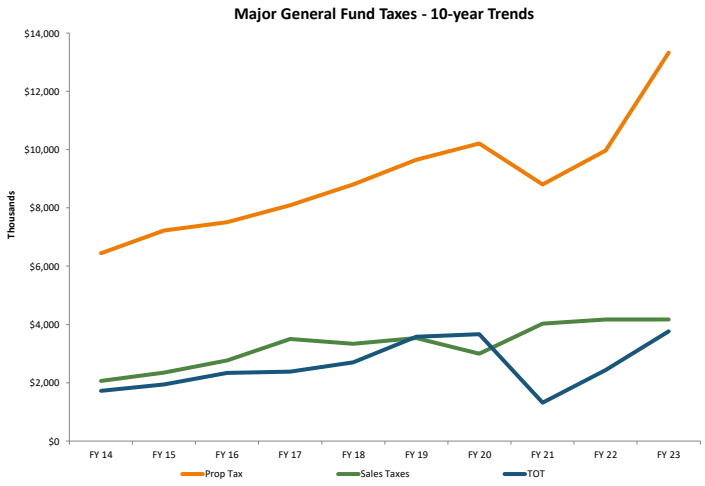
e) General Government - The annual insurance premiums and OPEB contributions were paid in July.

f) Public Safety - First quarter payments of $1.7M to BSCFD and $2.3M to San Mateo Consolidated Fire Department were made in July.

g) Debt Service - Semi-annual debt service on bonds were paid in August and January.

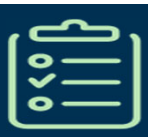
Trends





** July Sales Tax & TOT revenues received were for June activities and accrued to the previous FY. July revenues will be received in August.

City of Belmont
Disbursements & Purchase Order Activity Report
Results for the Period Ended September 30, 2023



Disbursements Amounts Equal to $50,000 and Above

Vendor	Description	Date	No.	Amount
ADP	PAYROLL 09/08/2023 TAXES	9/8/23	DAJ000008478	107,463.95
ADP	PAYROLL 09/22/2023 TAXES	9/22/23	DAJ000008481	107,623.33
BRANNON CORPORATION	SAN JUAM PUMP SLOPE REPAIR	9/8/23	EFT00033003	200,036.46
CALPERS	HEALTH PREMIUM-SEPTEMBER	9/12/23	DAJ000008490	185,356.41
CALPERS	COB CONTRIBUTION PPE 08/25/23	9/18/23	DAJ000008495	130,763.56
CALPERS	COB CONTRIBUTION PPE 09/08/23	9/28/23	DAJ000008505	131,096.45
CASEY CONSTRUCTION INC	SANITARY SEWER REHABILITATION PROJECTS	9/15/23	1204038	666,206.50
CITY OF BELMONT EMPLOYEES	PAYROLL 09/08/2023	9/8/23	DAJ000008476	459,093.30
CITY OF BELMONT EMPLOYEES	PAYROLL 09/22/2023	9/22/23	DAJ000008480	453,475.77
CRAFTWATER ENGINEERING INC	TWIN PINES STORM WATER CAPTURE PROJECT	9/1/23	EFT00032931	56,261.83
GOOD CITY COMPANY	PLANNING SERVICES - VARIOUS PROJECTS	9/1/23	EFT00032928	77,045.26
INTERSTATE GRADING AND	RALSTON PAVEMENT REHABILITATION PROJECT	9/8/23	EFT00033002	506,041.82
INTERSTATE GRADING AND	RALSTON PAVEMENT REHABILITATION PROJECT	9/22/23	EFT00033169	360,303.76
MISSIONSQUARE	DEF COMP ACCT#302442	9/11/23	DAJ000008488	50,187.56
MNS ENGINEERS INC	RALSTON PAVEMENT REHABILITATION PROJECT	9/8/23	EFT00032972	61,859.20
SILICON VALLEY CLEAN WATER	STORM WATER INSPECTIONS	9/8/23	EFT00032964	317,229.57
TOWNE FORD SALES	PURCHASE OF ONE 2023 FORD TRUCK	9/22/23	EFT00033112	57,388.45
ZION BANK	SVCW 2019A WIFIA LOAN RESERVE	9/28/23	DAJ000008506	194,248.00

Total Disbursements in Excess of $50,000 $ 4,121,681.18
Total Count 18

Purchase Order Amounts Equal to $50,000 and Above

Vendor	Description	Date	No.	Amount
CASEY CONSTRUCTION INC	SANITARY SEWER REHABILITATION PROJECTS	9/1/23	24 00023	834,480.00
ECONOMIC & PLANNING SYSTEMS	FISCAL & ECONOMIC IMPACT ANALYSIS	9/28/23	24 00036	69,905.00

Total Purchase Orders Issued in Excess of $50,000 $ 904,385.00
Total Count 2

CITY OF BELMONT
TREASURER'S REPORT
September-23

Agency Receipts and Disbursements Summary

	Beginning Balance August 31, 2023	Receipts	Disbursements	Ending Balance September 30, 2023
City of Belmont	$ 106,777,629.57	$ 6,411,756.66	$ (5,105,147.74)	$ 108,084,238.49
Belmont Fire Protection District	17,086,984.10	28,650.17	(335,639.17)	16,779,995.10
Total	**$ 123,864,613.67**	**$ 6,440,406.83**	**$ (5,440,786.91)**	**$ 124,864,233.59**
				-

Balance Summary

	Deposit	Investments	Pool Total
City of Belmont & Belmont Fire Protection District	**$ 929,817.00**	**$ 123,934,416.59**	**$ 124,864,233.59**
			-

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,

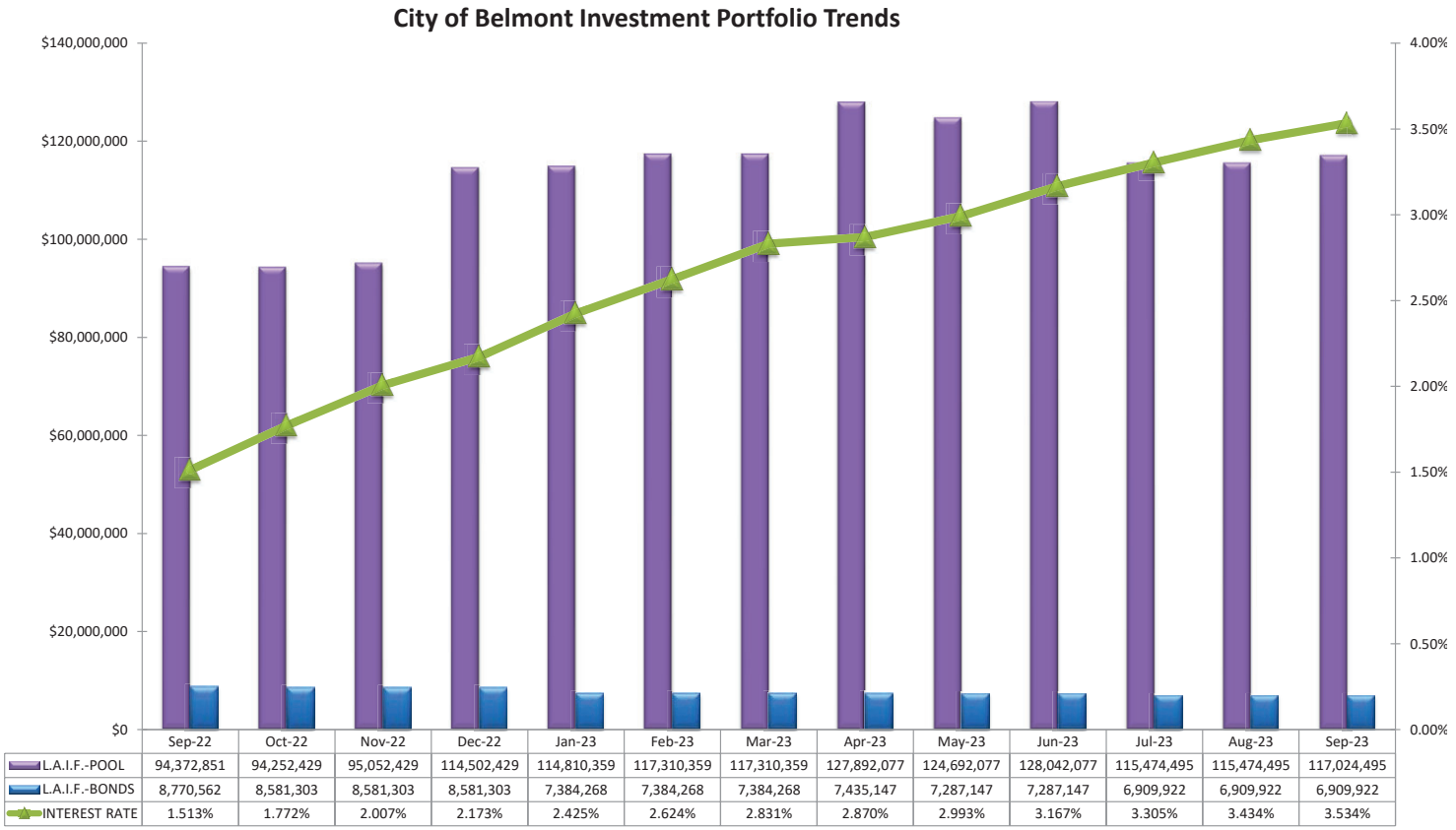
s/b Grace Castaneda

Grace Castaneda
City Treasurer

CITY OF BELMONT
TREASURER'S REPORT
September-23

Investment Detail

Investment Type	Issuer	Maturity Date	Par Amount	Current Market Value	Interest Total	Investment Period	Rate	Pricing Source	Manager
Deposit									
General Account	Wells Fargo		$ 929,817.00	$ 929,817.00				Bank	Bank
Investments:									
L.A.I.F.-POOL	State of California	Daily	117,024,494.77	115,249,057.53	344,637.14	90 days	3.534%	LAIF	LAIF
L.A.I.F.-BONDS	State of California	Daily	6,909,921.82	6,805,087.93	20,349.72	90 days	3.534%	LAIF	LAIF
Total			**$ 124,864,233.59**	**$ 122,983,962.46**	**$ 364,986.86**				



	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23
L.A.I.F.-POOL	94,372,851	94,252,429	95,052,429	114,502,429	114,810,359	117,310,359	117,310,359	127,892,077	124,692,077	128,042,077	115,474,495	115,474,495	117,024,495
L.A.I.F.-BONDS	8,770,562	8,581,303	8,581,303	8,581,303	7,384,268	7,384,268	7,384,268	7,435,147	7,287,147	7,287,147	6,909,922	6,909,922	6,909,922
INTEREST RATE	1.513%	1.772%	2.007%	2.173%	2.425%	2.624%	2.831%	2.870%	2.993%	3.167%	3.305%	3.434%	3.534%

STAFF REPORT

Meeting Date:	November 14, 2023
Agency:	City of Belmont
Staff Contact:	Elizabeth Wada, Public Works, (650) 595-7468, ewada@belmont.gov
Agenda Title:	Recommended Parking Restriction
Agenda Action:	Resolution

Recommendation
Adopt a resolution approving four (4) "No Parking on Mondays 6 AM to 10 AM" signs along Manzanita Avenue.

Strategic Focus Area
Infrastructure and Mobility

Background
The Parking and Traffic Safety Committee (PTSC) received a request from Recology San Mateo County for a "No Parking" zone from 6 a.m. to noon in the northbound direction on Mazanita Avenue for more clearance between parked vehicles and collection trucks on Monday service days. The committee reviewed and analyzed the request with Recology and determined that 6 a.m. to 10 a.m. is a more appropriate restriction. Residents within a 300-foot radius of the request and interested residents outside the area were notified of the request and invited to the PTSC meeting held on October 4, 2023. No objections were received before or at the meeting regarding the proposed changes. A few residents voiced preference for additional "No Parking" along Mazanita for more clearance for emergency vehicles and delivery trucks. That request was deferred to a future meeting upon submittal and evaluation of a formal request for review. However, staff consulted with the San Mateo Consolidated Fire Department and they stated that Mazanita Avenue is not a street with an accessibility concern by the department.

Analysis
Engineering and Operations staff performed a field review for the best locations for the four "No Parking" signs and placed temporary barricades as a test run prior to the PTSC meeting. The determined locations are shown as red "X"s in Figure 1 below.

Residents within a 300-foot radius were notified of the PTSC meeting, and the meeting was advertised on social media for two weeks prior. There were no objections to the addition of the "No Parking" signs. It was determined that the establishment of "No Parking" zones as shown below will provide safer access for Recology collection trucks. The PTSC recommends approval of the parking restriction for approximately 450 feet of the frontage area as depicted in Figure 1.



Figure 11: Location of "No Parking" signs (marked by X)

Alternatives

1. Take no action.
2. Refer to staff for more information.

Attachments

A. Resolution

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed: Expenditures have been incorporated in the Street Maintenance Fund in the current fiscal year budget for the PTSC recommended improvements.

Source:	**Purpose:**	**Public Outreach:**
Staff	Discretionary Action	Other*

*In addition to the posting of this agenda, post cards were sent out to residents within a 300' radius of the proposed changes regarding the items being on the PTSC agenda. The public PTSC meeting was also advertised on social media for two weeks prior to the meeting.

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT TO ADOPT A RESOLUTION APPROVING FOUR (4) "NO PARKING ON MONDAYS 6 AM TO 10 AM" SIGNS ALONG MANZANITA AVENUE.

WHEREAS, the Parking and Traffic Safety Committee (PTSC) received a request from Recology San Mateo County for a temporary "No Parking" zone from 6 a.m. to noon in the northbound direction on Mazanita Avenue for more clearance between parked vehicles and collection trucks on Monday service days; and,

WHEREAS, the PTSC coordinated with Recology and determined that 6 a.m. to 10 a.m. is a more reasonable restriction; and,

WHEREAS, residents within a 300-foot radius of the request and interested residents outside the area were notified of and invited to the PTSC meeting held on October 4, 2023; and,

WHEREAS, the PTSC recommends approval of the parking restriction per the Staff Report locations designated in Figure 1.

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

SECTION 1. Approves the adoption of the "No Parking" zone from 6 a.m. to 10 a.m. in the northbound direction for approximately 450 feet of the frontage on Mazanita Avenue's collection day.

* * *

ADOPTED November 14, 2023 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:	November 14, 2023
Agency:	City of Belmont
Staff Contact:	Rob D. Gill, Community Development, (650) 598-4204 rgill@belmont.gov
Agenda Title:	Extension of Vesting Tentative Map - 800 Laurel Avenue – Multi-Family Residential (Townhome) Development
Agenda Action:	Resolution

Recommendation

Adopt a Resolution approving the extension of the Vesting Tentative Map for the 800 Laurel Avenue Multi-Family Residential (Townhome) Development.

Strategic Focus Area

Economic Development and Housing

Project Description

The applicant requests a 3-year extension of the Vesting Tentative Map approval for the 800 Laurel Avenue Multi-Family Residential Development for 16 townhome units, also consisting of consolidation of nine parcels to a 1.79-acre lot.

Background/Analysis

The City Council approved the Vesting Tentative Map on November 23, 2021. The Vesting Tentative Map approval was valid for two years, resulting in an expiration date of November 23, 2023. This request for an extension was received in a timely manner on October 19, 2023, prior to the map expiration.

The following map extension code language in the Belmont Subdivision Ordinance applies to the Hill Street Townhome Development Vesting Tentative Map approval:

Belmont Subdivision Ordinance Section 9.8.2 (B) - Upon an application of the subdivider, filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the City Council for a period or periods not exceeding a total of three (3) years.

The applicant is seeking a three (3) year extension of the Vesting Tentative Map. The applicant recently submitted their construction permit application (July 2023) for the proposed townhome project; the application is currently under staff review. Extension of the Vesting Tentative Map will facilitate continued review of the project and advancement towards permit issuance and potential future project construction. Staff believes the extension request is reasonable and warranted.

Should the Council approve the requested three (3) year extension, the Hill Street Townhome Development Vesting Tentative Map will be extended to **November 23, 2026**.

Conclusion

Staff recommends that the City Council approve the request for a 3-year extension of the Vesting Tentative Map for the project.

Alternatives

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

Attachments

A. Applicant Extension Request
B. Resolution Approving the Vesting Tentative Map Extension

Fiscal Impact

☒ No Fiscal Impact	Approval of the extension has no direct fiscal impact. Building permit and other related development fees, along with expenditures to process the application, will be accounted for in the Development Services Fund

Source:	**Purpose:**	**Public Outreach:**
Staff	Discretionary Action	Posting of Agenda

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING A THREE YEAR EXTENSION OF THE VESTING TENTATIVE MAP AT 800 LAUREL AVENUE (HILL STREET TOWNHOME DEVELOPMENT) (APPL. NO. 2023-0042)

WHEREAS, the City Council held a duly noticed public hearing on November 23, 2021 to consider the Multi-Family Residential Townhome Project and the exemption from Environmental Review under CEQA Guidelines Section 15332, In-Fill Development Projects and Section 15300.2 Exceptions to Categorical Exemptions.

WHEREAS, The Belmont City Council approved the Vesting Tentative Map, Planned Development Rezoning for the property, and associated entitlements on November 23, 2021; and,

WHEREAS, The Vesting Tentative Map approval was valid for two years, resulting in an expiration date of November 23, 2023; and,

WHEREAS, Expiration of an approved or conditionally approved tentative map may be extended by the City Council for a period or periods not exceeding a total of three (3) years (*Belmont Subdivision Ordinance Section 9.8.2 (B))*; and,

WHEREAS, ECRPA, LLC, applicant and property owner, requests a three (3) year extension to the expiration date of the Vesting Tentative Map; and,

WHEREAS, the applicant/property owner has filed for construction permits for the development which is under review by the City. Extension of the Vesting Tentative Map will facilitate completion of this phase of the development process and potentially future construction of the subject townhome residential units. An extension of the Vesting Tentative Map is reasonable and warranted.

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

SECTION 1. The City Council after reviewing all the relevant evidence before the City Council, including the information provided in the staff report and enclosures to the City Council, the public meeting, public correspondence and testimony received, hereby approves a three (3) year extension of the Vesting Tentative Map subject to the following conditions:

1. The extension of the Vesting Tentative Map shall be valid for a period of three (3) years with an expiration date of November 23, 2026.
2. Final Map. Any failure to record a Final Map by the expiration date (November 23, 2026) of the extended Vesting Tentative Map shall terminate all proceedings.

* * *

ADOPTED November 14, 2023 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

Date: October 19, 2023

To: Rob Gill
Belmont Community Development Department
1 Twin Pines Lane, Suite 110
Belmont, CA 94002

From: Michael Coughlin/Simon North

Project: **800 Laurel Avenue, Belmont**

Subject: **Request for Vesting Tentative Map approval date extension**

The developer has been notified that the Tentative Map approval is set to expire on 11/23/2023. Per Belmont Subdivision Ordinance section 9.8.2 (B), the project is hereby requesting a 3-year time extension to the expiration date of the approved Tentative Map.

Construction documents for building permit were submitted on July 17, 2023 are currently pending review and response to plan check comments.

The developer has provided the following reason for requiring the extension ***"Due to the challenging financing environment, we have been unable to fully secure our project financing at this time. We anticipate being able to do so and therefore able to proceed with the project in early to mid-2024. Unfortunately, without being granted an extension to the entitlements, the prospects of moving the project forward would be in jeopardy."***

If you have any questions or need additional information please feel free to contact me at (650) 482-6344.

Sincerely,



Michael Coughlin, PE
Engineering Manager
BKF Engineers

STAFF REPORT

Meeting Date:	November 14, 2023
Agency:	City of Belmont
Staff Contact:	Rob D. Gill, Community Development, (650) 598-4204 rgill@belmont.gov
Agenda Title:	Request for Extension of Approval - 800 Laurel Avenue – Multi-Family Residential (Townhome) Development
Agenda Action:	Resolution

Recommendation

Adopt a Resolution approving the Request for Extension of Approval for a Design Review, Grading Permit, and Tree Removal Permit for the 800 Laurel Avenue Multi-Family Residential Townhome Development.

Strategic Focus Area

Economic Development and Housing

Background

On October 19, 2021, the Planning Commission held a public hearing where they reviewed the project. At the conclusion of the hearing, the Planning Commission recommended the City Council to approve the Planned Development (PD) Rezone and project entitlements by a vote of 7-0. On November 23, 2021, the City Council held a public hearing where they considered the Planning Commission's recommendation and introduced the 1st reading of the Ordinance for the PD. At the conclusion of the hearing, the City Council approved the PD Rezone and the project entitlements by a vote of 5-0. On December 14, 2021, the City Council reviewed the 2nd reading of the PD Rezone Ordinance and adopted it by a vote of 5-0.

On July 21, 2023, the applicant/owner submitted plans and a building permit application; this permit is currently under staff review and has not yet been issued.

Discussion/Analysis

The two-year deadline for taking a building permit (and vesting the approval) will expire on November 23, 2023. In general, the property owner has indicated that there were difficulties securing financing for the project. An applicant can request no more than two 1-year extensions of original entitlements. The applicable Zoning Ordinance statutes for extension approvals are as follows:

Section 10.5 APPLICATIONS - EXTENSION OF TIME

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

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

Staff believes an extension is warranted. Should the City Council grant the extension, the entitlements would be valid until November 23, 2024, unless a building permit has been issued before then and construction diligently commenced, or a second extension is requested and approved. In conclusion, staff believes the findings for granting an extension (Section 10.5.5. a-c) can be made in the affirmative.

Section 10.5 allows the reviewing body to extend planning approvals it originally granted. Such extension is not required to be requested before or granted prior to the one-year deadline.

Alternatives

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

Attachments

A. Applicant Extension Request
B. Resolution Approving Extension of Entitlements
C. Project No. 2019-0025 - Conditions of Approval
D. November 23, 2021, City Council Staff Report (no additional attachments)

Fiscal Impact

☒ No Fiscal Impact	Approval of the extension has no direct fiscal impact. Building permit and other related development fees, along with expenditures to process the application, will be accounted for in the Development Services Fund.

Source:	**Purpose:**	**Public Outreach:**
Staff	Discretionary Action	Posting of Agenda

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING AN EXTENSION OF A DESIGN REVIEW, GRADING PERMIT AND TREE REMOVAL PERMIT AT 800 LAUREL AVENUE (APPL. NO. 2019-0025)

WHEREAS, ECRPA, LLC, applicant and property owner, requests approval of an extension of entitlements for the construction of 16 townhome units, a private street, pocket park, guest surface parking area, landscaping, and ancillary improvements at 800 Laurel Avenue, Assessor's Parcel Numbers: 045-152-350, 045-152-600, 045-152-610, 045-152-620, 045-152-630, 045-152-640, 045-152-650, 045-152-660 & 045-152-120; and,

WHEREAS, the City of Belmont determined the project to be categorically exempt pursuant to the California Environmental Quality Act, provision of Section 15332, In-Fill Development Projects; and,

WHEREAS, the City Council hereby adopts the staff memorandum dated November 14, 2023 and the facts contained therein as its own findings of facts.

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

SECTION 1. Findings

The City Council after reviewing all the relevant evidence before the City Council, including the information provided in the staff report and enclosures to the City Council, the public meeting, public correspondence and testimony received, the City Council incorporates herein by reference and adopts the analysis and findings in the staff report to the City Council dated November 14, 2023; and,

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

Section 10.5 ENTITLEMENT REVIEW

10.5.5 EXTENSION OF APPROVAL - The reviewing body with original jurisdiction to grant the zoning entitlement may grant a 1-year extension of the approval upon making the following findings:

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

The City Council approved the rezoning of the project site from R-3 to Planned Development (PD) in 2021. A Conceptual Development Plan (CDP) was approved as part of the rezoning for this PD. The approved Detailed Development Plan (DDP) set final development standards for the project. The development standards for this PD have not changed.

As part of the DDP, a Design Review, Grading Permit, and Tree Removal Permit were evaluated and approved. The applicable findings for the Design Review and Grading Permit and the criteria supporting the Tree Removal Permit have not changed in a way that have established different findings or evaluation criteria. This finding is affirmed.

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

The applicant has provided a reasonable explanation for the delay (difficulties securing financing for the project). The project owner has submitted plans and a building permit application for the subject project and anticipates construction permit issuance within the next year. Should the extension be approved, the subject entitlements would expire on November 23, 2024. This finding is affirmed.

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

There have been no significant changes to the surrounding neighborhood in the past year. There have been no recent large-scale projects that have been issued a building permit for properties within the vicinity of the subject site within the last year. There have also been no changes to the characteristics of the project site. This finding is affirmed.

* * *

ADOPTED November 14, 2023 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

ECRPA, LLC
311 9th Avenue
San Mateo, CA 94401

September 14, 2023

Via E-mail

Mr. Rob Gill
Senior Planner
City of Belmont
1 Twin Pines Lane, Suite 110
Belmont, CA 94402

Re: PA-2019-0025, 800 Laurel Avenue, APNs: 045-152-350, 045-15 600, 045-152-610, 045-152-620, 045-152-630, 045-152-640, 045-152 650, 045-152-660 & 045-152-120)

Mr. Gill:

We are seeking an extension of the Planning Application referenced above, approved by the Planning Commission on November 23, 2021. We understand that a building permit must be issued by November 23, 2023 or the entitlements may expire.

We request that the building permit application and issuance deadlines are extended. Due to the challenging financing environment, we have been unable to fully secure our project financing at this time. We anticipate being able to do so and therefore able to proceed with the project in early to mid 2024. Unfortunately, without being granted an extension to the entitlements, the prospects of moving the project forward would be in jeopardy.

We are working diligently to proceed with the project, having submitted construction documents for a building permit plan check on July 17, 2023. We fully intend to proceed with the building permit process, unfortunately, we do not believe we can obtain the building permit prior to the upcoming expiration of the entitlements on November 23, 2023.

We appreciate the City's flexibility and openness to considering the entitlement extension at this time so that we can maintain the project and deliver housing.

Sincerely yours,



Victor Lo for ECRPA, LLC

ATTACHMENT 3

PROJECT CONDITIONS – CONCEPTUAL DEVELOPMENT PLAN (CDP), CONDITIONAL USE PERMIT (CUP) DETAILED DEVELOPMENT PLAN (DDP), FOR A PLANNED DEVELOPMENT (PD), GRADING PERMIT, DESIGN REVIEW, TREE REMOVAL PERMIT AND VESTING TENTATIVE MAP (VMT) AT 800 LAUREL AVENUE

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

A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions:

Planning Division

1. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file and date stamped June 15, 2021.

    a. Minimum Lot Size: As indicated on project plans – 77,938 square feet or 1.79-acre.

    b. Maximum Floor Area: 47, 860 sq. ft. as indicated on project plans date stamped June 15, 2021. The maximum floor area includes garages.

    c. Residential Density. A maximum of 16 residential units, equivalent to 8.9 – 16 units/acre.

    d. Floor Area Ratio: Entire PD – 0.61 and as indicated on project plans date stamped June 15, 2021. The FAR includes parking garages.

    e. Minimum Setbacks and Building Separations: Setbacks from the property lines and separations between buildings shall be no less than shown on the plans date stamped June 15, 2021 in the subject file.

    f. Maximum Building Height: 37.5’ as indicated on project plans date stamped June 15, 2021.

    g. Maximum Wall and Fence Heights: as indicated on project plans date stamped June 15, 2021.

h. Off-Street Parking: Two (2) garage spaces per each townhome unit and 8 open guest spaces for a total of 40 spaces. Guest parking spaces shall consist of one ADA van assessable space.

i. Open Space (Includes Private Backyards (Lots 1-4) and Common Area: No less than shown on the plans date stamped June 15, 2021.

j. Building Materials: The project shall include use of true materials, such as stucco, cement, wood, metal, and/or glass.

2. Prior to issuance of building permits, the property owners shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that they have read, understand and agree to these conditions of approval.

3. In the event that this approval is challenged by a third party, the property owners and all assignees will be responsible for defending against this challenge and agree to accept responsibility for defense at the request of the City. The property owners and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorney's fees that might result from the third-party challenge.

4. 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, date stamped June 15, 2021 and inclusive of the architectural drawings (Sheets T-1, A0-1 through A0-4, A1-1 through A1-5, A2-1 through A2-6b, A3-1 through A3-2, A4-1, & A5-1 through A5-5); Vesting Tentative Map/Civil Engineering Plans (TM-O through TM-10) and Landscape/Irrigation/Lighting Plans (Sheets L1 through L12).

5. Exterior building materials shall be consistent with Elevation Drawing and submitted materials – Sheets A2-2, A2-4 and A2-6 date stamped June 15, 2021, except for minor modifications approved by the Community Development Department, or as modified via an approved Design Review Amendment.

6. The approval or conditional approval of a Vesting Tentative Map shall be valid for a period of twenty-four (24) months from the date of approval by the City Council. Such approval or conditional approval may be extended for a period not to exceed two (2) additional years by the City Council upon written request, providing such request is made prior to the expiration of the approval or conditional approval period.

7. Final Map. Any failure to record a Final Map within two (2) years from the approval or conditional approval of the Vesting Tentative Map, or any extension thereof granted, shall terminate all proceedings.

8. Final Map. A Final Map shall be prepared in conformance with the approved Vesting Tentative Map and presented to the City Clerk after a certificate has been executed by the City Engineer, and the registered civil engineer or licensed land surveyor who prepared the map, certifying compliancewith all conditions of approval.

9. Final Map. The Final Map shall meet all requirements of a Vesting Tentative Map, as set out in the California Subdivision Map Act and the City of Belmont Subdivision Ordinance, and when improvements or dedications are required, shall be accompanied by a guaranty of title, any separate instruments of dedication or deeds and improvement agreement, all as set out in Section 10.5 of the Subdivision Ordinance.

10. Final Map. Prior to Final Map, the sub-divider shall submit three (3) copies and an electronic copy of the proposed C.C.&R.'s which would apply to the project. CC&R's are subject to City review and City Council approval (at the time of Final Map approval). At a minimum, the C.C.&R.'s shall include the items listed in Section 15.4 E. (1-7) of the Subdivision Ordinance. The final CC&R's shall be recorded by the San Mateo County Recorder at the time of recordation of the Final Subdivision Map.

11. Final Map. Prior to recordation of the Final Map, the sub-divider and subsequently the Homeowner Association shall enter into a continuing maintenance agreement with the City of Belmont, which provides for the satisfactory maintenance of the subject project.

12. Final Map. Prior to the recordation of the Final Map, the sub-divider shall submit one set of reproducible Mylar drawings and specifications of all "as built" improvements, all engineering calculations, soils report and other information required by the City Engineer and Building Official. The Management Association shall also be provided with one Mylar set of the above itemsat the time of conversion. The City shall retain the information for the life of the structures.

13. City Geologist Conditions

    a. Geotechnical Plan Review – After the project plans are developed, the geotechnical consultant should review the geotechnical aspects of the completed project civil and architectural drawings and provide a professional certification letter to the City. In addition, the consultant should review the completed structural plans and calculations for the new residential buildings for conformance to their geotechnical recommendations, provide supplemental recommendations as necessary, and provide a professional certification letter to the City to that effect.

b. Geotechnical Construction Observation and Testing - The geotechnical consultant should be retained to observe the geotechnical and foundation aspects of the construction. They should observe foundation excavations and based on their observations, confirm that adequate embedment has been achieved in supporting materials judged to be competent supporting material. The consultant should provide written documentation in a final construction report to the City for the following activities:

- Earthwork operations, including subgrade preparation, earthwork construction, and site drainage installations, as applicable;
- Recording of test locations and results of field and laboratory compaction tests where testing is determined to be appropriate by the project geotechnical engineer;
- Building foundations, including observation of foundation supporting materials, and confirmation of individual foundation embedment and/or supporting materials with respect to the geotechnical engineer's recommendations; and
- Site drainage, including finish grading around the new buildings and other site improvements, and discharge of collected surface and subsurface water to appropriate discharge facilities.

Air Quality

14. 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.

a. 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.
b. All haul trucks transporting soil, sand, or other loose material offsite will be covered.
c. All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d. All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 mph.
e. 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.
f. 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 Air District will also be visible to ensure compliance.

15. The applicant shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by implementing following measures during construction related activities:

    - Idling times shall 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 shall be provided for construction workers at all access points.
    - 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 running in proper condition prior to operation.

16. The applicant shall 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.

17. 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 implement the following measures during construction to further reduce construction-related exhaust emissions:

    a. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

    b. Where access to alternative sources of power are available, portable diesel engines shall be prohibited; and

    c. All off-road equipment shall have:

        i. Engines that meet or exceed either USEPA or CARB Tier 3 off-road emission standards, and
        ii. Engines that are retrofitted with a CARB Level 3 Verified Diesel Emission Control Strategy. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such are available.

18. 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. A minimum of 10% of the construction materials shall be acquired (sourced) within 100 miles of the planning area. Documentation shall be provided before the final building permit inspection.

    b. A minimum of 50% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final building permit inspection. Sample forms located at https://www.hcd.ca.gov/ may be used to assist in documenting compliance.

19. Biology

    a. To the extent feasible, construction activities (or at least the commencement of such activities) should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in San Mateo County extends from February 1 through September 15.

    b. Preconstruction/Pre-disturbance Surveys. If it is not possible to schedule construction activities between September 16 and January 31 then preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. We recommend that these surveys be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, grasslands, buildings) in and immediately adjacent to the impact areas for nests.

    c. Buffers. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to ensure that no nests of species protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code will be disturbed during project implementation.

    d. Inhibition of Nesting. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates.

20. Arborist Conditions

a. The applicant shall retain the services of a Certified Arborist to ensure that all tree recommendations and conditions prepared by Kielty Arborist Services. (report dated November 18, 2020) are in place prior to construction. During the course of the project, the project arborist shall review all aspects of the project to ensure that the arborist reports' recommendations have been properly incorporated.

b. *Tree Protection Zones* **-** Tree protection zones should be installed and maintained throughout the entire length of the project. Fencing for tree protection zones should be 6' tall, metal chain link material supported by metal 2" diameter poles, pounded into the ground to a depth of no less than 2'. The location for the protective fencing for the protected trees on site should be placed at a distance equal to the trees canopy spread where possible. Where not possible because of approved proposed work, the tree protection fencing shall be placed at the edge of the proposed work. No equipment or materials shall be stored or cleaned inside the protection zones. Areas where tree protection fencing needs to be reduced for access or for any other reason, should be mulched with 6" of coarse wood chips with ½ inch plywood laid on top(landscape barrier). The plywood boards should be attached together in order to minimize movement. The spreading of chips will help to reduce compaction and improve soil structure. All tree protection measures must be installed prior to any demolition or construction activity at the site.

c. *Landscape Barrier* - Where tree protection does not cover the entire root zone of the trees, or when a smaller tree protection zone is needed for access, a landscape buffer consisting of wood chips spread to a depth of six inches with plywood or steel plates placed on top will be placed where foot traffic is expected to be heavy. The landscape buffer will help to reduce compaction to the unprotected root zone.

d. *Root Cutting* – Any roots to be cut shall be monitored and documented. Large roots (over 2" diameter) or large masses of roots to be cut must be inspected by the site arborist. The site arborist, at this time, may recommend irrigation or fertilization of the root zone. All roots needing to be cut should be cut clean with a saw or lopper. Roots to be left exposed for a period of time should be covered with layers of burlap and kept moist.

e. *Grading* - The existing grade underneath the canopies of the protected trees on site is recommended to be retained as is. Grade changes of 3" may be acceptable by the Project arborist after review. Any grade changes proposed that are greater than 3" will require special mitigation measures for tree in close proximity. No grade changes are allowed within 3 feet of a tree's basal flare.

f. *Trenching and Excavation* - Trenching for irrigation, drainage, electrical or any other reason shall be done by hand when inside the dripline of a protected tree. Hand digging and the careful placement of pipes below or besides protected roots will significantly reduce root loss, thus reducing trauma to the tree. All trenches shall be backfilled with native materials and compacted to near its original level, as soon as possible. Trenches to be left open for a period of time, will require the

covering of all exposed roots with burlap and be kept moist. The trenches will also need to be covered with plywood to help protect the exposed roots.

g. *Irrigation* - Normal irrigation shall be maintained on this site at all times for the imported trees. Because the retained olive trees, one oak tree and the palm tree are very drought tolerant species, no irrigation is needed unless the tree root zones are traumatized. These trees will benefit from supplemental irrigation in the months of May and October to get them through the long dry season. No dry season irrigation shall be provided to the oak tree as this significantly raises the risk of the tree contracting an oak root fungus disease. The retained olive trees can be irrigated once a month during the dry season. The on-site arborist may make adjustments to the irrigation recommendations as needed. The foliage of the trees may need cleaning if dust levels are extreme. Removing dust from the foliage will help to reduce mite and insect infestation.

h. *Inspections* - It is the contractor's responsibility to contact the site arborist when work is to take place underneath the dripline of a protected tree on site.

21. The applicant/developer shall be responsible for obtaining written consent (prior to tree removal) from the property owner / Homeowner Association for trees proposed to be removed located on the northwest property line (including root structure), or trees located on the Antique Forest property. Such written consent shall identify each tree to be removed as identified in the arborist report (dated 11/18/20) and tree plan – sheet L1. Such written consent shall also be included with the tree removal permit for the project.

22. <u>Cultural Resources</u>

    a. All earthmoving activities for the project shall be monitored by a qualified professional archaeologist who meets the Secretary of the Interior's Standards for Archaeology. A report on the results of the monitoring shall be submitted to the Community Development Department, prior to the construction of the building foundation.

    b. In the event that paleontological, archaeological, and/or cultural resources are encountered during construction activities, all construction activity in the area of the find shall be halted, and the Community Development Director shall be notified; an archaeologist shall examine the find and make appropriate recommendations. A plan for the mitigation of impacts to the resources will be prepared and submitted to the City of Belmont for approval. Additional CEQA review may be required depending upon the evaluation of the find.

23. Human Remains

If any human remains are discovered or recognized in any location on a project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

a. The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and

b. If the remains are of Native American origin:

1. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or

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

24. Noise

a. 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. The Project Noise Consultant shall also test the HVAC systems to verify that the system does not exceed 45 (Leq) dBA. The results of the tests shall be summarized by the Consultant in a letter and submitted to the City prior to a Final Building inspection.

b. Prior to construction activities, the project applicant or contactor shall designate a "Construction Noise Coordinator" who would be responsible for responding to any local complaints about construction noise. The Construction Noise Coordinator shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented (potentially including temporary noise barriers). The telephone number for the Construction Noise Coordinator shall be posted at the construction site. Prior to construction activities, the project applicant or contactor shall notify adjacent residents of the construction schedule in writing and provide them with the contact information of the Construction Noise Coordinator.

c. To reduce noise impacts due to construction at nearby sensitive receptors to the maximum extent feasible, the applicant/contractor shall ensure all construction equipment will be properly maintained in good working order.

d. Prior to issuance of a building or grading permit, the applicant or its contractor shall prepare a construction management plan for review and approval by the Public Works Department in consultation with the Building Division. The plan shall include at least the following items:

i. Development of a construction truck route that appears on all construction plans to limit truck and auto traffic on nearby streets.
ii. Comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hour traffic hours, detour signs if required, lane closure procedures if required, sidewalk closure procedures if required, cones for drivers, and designated construction access routes.
iii. Evaluate the need to provide flaggers or temporary traffic control at key intersections along the haul route.
iv. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
v. Location of construction staging areas for materials, equipment, and vehicles if there is insufficient staging area within the project work zone.
vi. Identification of haul routes and times for movement of construction vehicles that will minimize impacts on vehicular and pedestrian traffic, circulation and safety, and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the City and its contractor.
vii. A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager.
viii. Documentation of road pavement conditions for all routes that would 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.

<u>Design</u>

25. Roof-Top Equipment. All roof-top equipment shall be screened from visibility from the surrounding public vantage points (right-of-way, public trails, open space and parks). The point of view for determining visibility shall be 5 feet above grade at the ground floor level of the building, as seen with normal vision. If the roof structure does not provide this screening, an equipment screen shall be included in the building design. Said screen shall incorporate the same architectural design, colors, and materials as the building it occupies.

26. Ground Equipment Screening. All exterior trash, recycling, and storage utility boxes, wood service poles, and electric and gas meters shall be screened from visibility from the surrounding public vantage points (right-of-way, public trails, open space and parks). Said screening shall incorporate the same architectural design, colors, and materials as the building, perimeter fencing, or landscaping.

Fees

27. The applicant/developer agrees to pay all applicable regulatory, connection, and impact fees including plan check, building permit, tree removal permit, General Plan Maintenance, Park Impact, Transportation Impact, Park-In Lieu, Housing Mitigation, Sewer Impact and Sewer Connection Fees, as specified by each respective City Ordinance or the City's Master Fee Schedule[1]. In order to adhere to development standards, the applicant shall also pay an in-lieu art fee in accordance with the Public Art Ordinance and the City Code.

28. Tree Planting In-Lieu Fee. The applicant/developer agrees to pay an in- lieu fees of $2,148 (in-lieu fees for required mitigation plantings (4 trees X $537) which will not be installed).

29. Prior to issuance of building permits, the applicant/developer shall install rear yard tree plantings for the properties located at 830, 840, 850 and 860 Laurel Avenue. A minimum of one and maximum of three tree plantings are required per property. Size, species, and location of the tree plantings shall be mutually agreeable with the applicant/developer and subject Laurel Avenue property owners.

Mid-Peninsula Water District Conditions

30. A landscape post completion inspection shall be required upon completion of the project. The applicant shall contact Mid-Peninsula Water District's Management Analyst at (650) 591-8941 or jeanettek@midpeninsulawater.org for more information.

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[1] Affordable Housing Impact Fee - The current fee is $22.45 per gross square feet

Parks and Open Space - *Quimby Act* - The Park In-Lieu fee for attached single-family housing is $27,089 per unit. This fee is based on the fee schedule or the Park In-Lieu fee effective at the time the Vesting Tentative Map was submitted (March 2019).

City Park Improvement Impact Fee - The current fee is $13,117 per unit.

Traffic Impact Fee -The current fee is $7,035 per unit

Public Art - The City has a development standard that requires new residential development that include five units or more to devote an amount not less than 1% of building development costs for acquisition and installation of public art on the development site. For projects that do not include public art, developers can meet this obligation by either: 1) providing an in-lieu contribution (payment) to the City for acquisition and placement of public art in the city; or 2) by acquiring and installing freely accessible art on city property or in the public right of way.

Sanitary Sewer - Fair Share Calculation - Based on the development's flow share calculation, the project would be responsible for the payment of approximately $31,257.48 in the fair share cost (see also PW COA VI.B.39).

Building Division Conditions

1. Prior to any construction, the applicant or a designated representative shall obtain all of the required building permits for the project. The applicant will be required to provide a construction and demolition-recycling plan as a condition of the building permit. The Building Department will inspect for compliance with this plan. The conditions of approval for this permit also require the applicant to perform all work in conformance with the NPDES requirements.
2. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
3. Specify that the 2019 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. This project is subject to the School Facilities Fee. Proof of payment must be presented to the City of Belmont before the permit will be issued. Contact the Sequoia Union School District directly for further information (Sequoia Union School District 480 James, Ave., Redwood City, CA 94062. 650.369.1411 ext. 2290 or 2203. www.seq.org).

5. Pursuant to the Belmont Fire Department Ordinance #2016-001, CFC Section 903, the building will receive a fire sprinkler system and the plan will be a deferred submittal.

6. The City of Belmont is located in a region once inhabited by Native Americans. A significant archaeological site has been formally identified at the Northeast quadrant of the City. Human remains and artifacts have been discovered elsewhere within the city limits. Consequently, amend the cover sheet of the plans to state in the event human remains are discovered, work will be stopped and the County Coroner will be contacted immediately. In addition, it is a violation of Public Resources Code 5097.99 to retain any Native American Artifacts. Health and Safety Code 7050.5.

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. Plans to be submitted for a building permit shall show the location of all transformers, fire standpipes, and back flow preventer.

9. All retaining walls shall be engineered and subject to the California Building Code Standards.

10. The contractor/property owner shall be responsible to post hours of operation and phone numbers for noise complaints.

11. 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 https://www.hcd.ca.gov/ may be used to assist in documenting compliance. CALGreen Section 4.408.

12. All activities shall be subject to the requirements of the Belmont Noise Ordinance (maximum 65 dBA for daytime hours, Maximum 55 dBA for nighttime hours).

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

1. A separate application and permit are required for the installation or alteration of any Automatic Fire Extinguishing System. Application shall be made by either a Registered Engineer or by the Licensed Fire Sprinkler Contractor who will be performing the work. This shall include any Fixed Fire Protection System. A valid Permit and Approved Plans shall be at the jobsite at all times.

2. 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.

3. 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.

4. Every building, or structure, shall be provided with an address. Numerals shall be located where clearly visible from the street or roadway upon which it fronts. Residential Structures shall have numerals a minimum of 4 inches in height and of ½ stroke. Commercial Structures shall have numerals a minimum of 6 inches in height and ¾ inch stroke. Numerals shall be of contrasting color to their background and illuminated at night. Numerals shall be white in color where located upon glazing.

5. 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.

6. Plans to be submitted for building permits shall show the location of all required Smoke Alarms and Carbon Monoxide Alarms, in accordance with CRC Sections 314 & 315.

7. 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. Show the location of the Fire Sprinkler System drain on plans submitted for a building permit.

8. Plans to be submitted for building permits for the project shall identify the size of bedroom windows, demonstrating that they meet egress requirements of CRC 310

9. This project shall require a fire inspection. All fire inspections are performed on Wednesdays between 9AM - 2PM, unless special arrangements are made with the Fire Inspector. Please call 650-522-7940 a minimum of 48 hours in advance to place your inspection request.

III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.

2. No debris boxes or building materials shall be stored on the street.

3. A flag person shall be required for street closures and positioned at both ends of any closure.

4. 24-hour written notice to and approval from the Belmont Police Department (BPD) is required before any lane closure. (Contact BPD Traffic Unit or Watch Commander for approvals.)

5. No construction vehicles or equipment shall be parked, placed or stored in the roadway.

6. A signage plan shall be required for any road closures/detours. Such plan shall be approved by the BPD Traffic Unit.

7. The applicant shall provide the Police Department a security plan for the construction period, prior to issuance of a building permit. Said plan shall, at minimum, include: lighting, 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. Deliver information by Belmont PD – Attn: Sgt. Hussey or via email to chussey@belmont.gov.

8. Any burglar alarm shall be registered with the BPD per BCC 18-50 et. Seq.

9. A minimum roadway width of 12’ shall be maintained at all times for emergency access.

10. The property address shall be clearly posted at all times during and after construction, visible and legible from the entire roadway frontage(s).

11. A final lighting plan shall be submitted for review and approval by the Police Department in consultation with the Public Works Department.

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

A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.

1. The final map shall be recorded prior to issuance of any building permit.

2. The proposed street or drive aisle, storm drain and sanitary sewer system within the development shall be privately owned and maintained by the HOA. This shall be noted on the plans submitted for a building permit.

3. At the time of final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to any building occupancy permit issuance.

4. Prior to or concurrent with Final Map recordation, the applicant shall successfully vacate all easements and abandon utilities not needed as part of project development to City Engineer satisfaction.

5. Prior to Final Map recordation, the applicant shall pay project related fees and submit required bonds for the improvements.

6. 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. Remove and replace any damaged curb, gutter, ramp, and sidewalk along project frontages on both Laurel Avenue and Hill Street to the Laurel/Hill intersection.
    b. Remove and replace existing curb & gutter, sidewalk, and driveways along the project's frontage on Hill Street and Laurel Avenue.
    c. Remove and replace curb, gutter and sidewalk along Hill Street to the Hill Street Laurel Avenue intersection.
    d. Install a new ADA curb ramp at the southwest corner of Hill Street and Laurel intersection.
    e. Grind and overlay and restripe curb to curb width of all existing public street frontages of both Laurel Avenue and Hill Street to the Laurel/Hill intersection, as directed by City Engineer. Laurel Ave and Hill Street are required to be repaved

with a full depth grind/overlay as proposed by a qualified civil or geotechnical engineer, and subject to approval by the City Engineer, based on current roadway condition in order to achieve a PCI of 95-100.

f. Install minimum of two City streetlights along its frontages on Hill Street and Laurel Avenue.
g. Remove the existing pole and underground overhead wires along Laurel Avenue frontage.
h. Extension of the existing utilities and installation of new utilities, including but not limited to, water, sewer and storm drain main lines, services and related facilities.
i. Install a guardrail at the top of slope along South Road alnong entire frontage to the satisfaction of City Engineer.

7. 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.

8. 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.

9. Prior to final map approval, the developer shall execute an encroachment permit agreement with the City to landscape and maintain the unimproved portion of the Hill Street right of way by the property owner or homeowner association.

10. Prior to building permit issuance, the developer shall dedicate adequate right of way for pedestrian purposes crossing the driveways.

11. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the sewer and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer.

12. The owner/applicant shall submit a sanitary sewage plan. Flows from the proposed development shall be estimated and their impact on the existing City collection system analyzed. Mitigation measures may be required to upgrade the City system. Using City's Sanitary Master Plan and following City's recently adopted guidelines, submit analysis of the existing sanitary sewer main as to its current capacity whether it is functioning below, at or above capacity and at what percent full, with & without the project:

a. The developer / applicant shall provide an updated sewer analysis for the project using the City's current sewer model. The analysis shall include existing and projected flow estimations (this data will be provided by the City's Public Works Department), and peaking factors for the appropriate sewer basin with an estimation of future flows.

b. For the existing and proposed flows the following characteristics should apply:

i. For existing sewer mains 12 inches in diameter and smaller, peak flow d/D shall not exceed 70%.
ii. For existing sewer mains larger than 12-inch, peak flow d/D shall not exceed 85%.
iii. For sewer mains 12 inches in diameter and smaller, peak flow d/D shall not exceed 50%.
iv. For sewer mains larger than 12 inches in diameter, peak flow d/D shall not exceed 75%.

13. 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.

14. New sidewalk, curb and gutter and driveways shall be installed in accordance with the Department of Public Works approved standards.

15. Remove the existing power pole at northwest corner of property on Laurel Avenue and underground all related overhead wires along the Laurel Avenue frontage.

16. The applicant/developer shall obtain all necessary permits or approval from all affected agencies or private entities. Copies of these approvals shall be submitted to the City prior to permit issuance.

17. No wall, fence, shrub, or hedge shall exceed three-and one-half feet in height within 40-feet of a street intersection.

18. Tree canopies shall maintain a minimum six (6) foot vertical clearance at all proposed driveway locations.

19. Public sidewalks 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. Project shall provide ADA ramp at the Hill Street and project entry.

20. Recommendations of the Geotechnical report shall be implemented in the design of the proposed development, including the addition of freeboard on the proposed retaining wall.

21. Prior to building permit issuance, the Geotechnical report shall be amended to address the condition of the existing Corrugated Metal Retaining Wall and any recommendations as to its removal and replacement.

22. Install new curb along the southerly edge of Hill Street and project entry connecting to the existing retaining wall on southwest corner.

23. Prior to issuance of a Grading Permit, the owner/applicant shall obtain a Hauling Permit through the Department of Public Works and pay all requisite fees.

24. A no parking area (red curb) shall be established along Laurel Avenue and Hills Street for the project entire frontage to maintain line-of-sight distance for vehicles leaving the project site driveways. A no parking area (red curb) shall be established along the proposed private street.

25. 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]).

26. To control the concentrated flow of stormwater drainage from paved surfaces, including streets, parking lots, driveways, and roofs, such stormwater drainage shall be routed through swales (also known as vegetated channels), buffer strips, or sand filters prior to discharge into the storm drain system. Sand filters shall be inspected and cleaned on a biannual basis. The property owner or association shall be responsible for inspection and maintenance.

27. 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. For walking and light traffic areas, permeable pavements shall be used where feasible. Typical pervious pavements include pervious concrete, porous asphalt, turf block, brick pavers, natural stone pavers, concrete unit pavers, crushed aggregate (gravel), cobbles and wood mulch.
    b. Parking lots shall include hybrid surfaces (pervious material for stalls only), concave medians with biofilters (grassy swales), and landscaped infiltration/detention basins as feasible.
    c. The landscape design shall incorporate biofilters, infiltration and retention/detention basins into the site plan as feasible.
    d. For outdoor work areas including garbage, recycling, maintenance, storage, and loading, applicable stormwater controls include siting or set back from drainage paths and water ways, and provision of roofing and curbs or berms to prevent run on and run

off. If the area has the potential to generate contaminated run off, structural treatment controls for contaminant removal (such as debris screens or filters) shall be incorporated into the design.

28. Submit subdivision plans in conformance with the Subdivision Map Act and City Subdivision Ordinance No. 530. Final plans shall be drafted in AutoCAD and submitted on CD-ROM.
29. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.

30. 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.

31. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Belmont Public Works Department.

32. Roof leaders and site drainage shall be directed to the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.

33. The developer shall obtain information from the US Postal Services regarding required services and mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review.

34. Storm Water Control Plan - Project is required to treat the entire site and comply with the C3 requirements. Final SWCP shall be submitted prior to final map approval. Submitted SWCP shall include the following:

    a. C.3 and C.6 data collection form.
    b. Hydromodification Management Worksheet.
    c. Infiltration/Harvesting infeasibility worksheet.
    d. Special Project worksheet (only if Special Project status is desired).
    e. Project Applicant Checklist of Stormwater Requirements for Development Projects.
    f. Numeric Sizing Criteria used for stormwater treatment (Calculations).
    g. Operations and Maintenance (O&M) plan containing:
        i. Map identifying the location of all BMPs (8½” x 11”)
        ii. Details of each BMP
        iii. Maintenance Plan and Inspection Checklist for each BMP
        iv. O&M Inspection Report Template
        v. Details for treatment measures
        vi. Show and label drainage and associated treatment areas.
        vii. All worksheets must be complete including signatures

35. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acre or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements.

36. 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.

37. Building permit plans to be submitted shall include detail sections of the proposed stich pier wall (including the associated v-ditch and freeboard) proposed along the South Road frontage.

38. The project Signage and Striping plan to be submitted with the building permit plans shall include additional "Do Not Enter" signs as shown in the AMG traffic peer letter dated 5/4/21.

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

1. Prior to issuance of any grading permit, the applicant/developer shall 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, including the addition of freeboard on the proposed retaining wall.

2. 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.

3. 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.

4. The owner/applicant shall apply for obtain an encroachment permit from the Department of Public Works for the landscaping and associated irrigation within public right-of-way at the southwest corner of Hill Street and the project entry. The applicant/developer shall obtain an encroachment permit agreement from the Department of Public Works to ensure the property owner/HOA maintains all landscaping and associated irrigation within the public right-of-way.

5. The property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.

6. 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.scrcb.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). The 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.

7. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each device in relationship to proposed site improvements, such as retaining walls.

8. 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.

9. The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the City Code, a Planning Commission review will be required. Caution: If the total grading quantity changes after Planning Commission approval, a new grading approval may be required. The applicant may choose to complete the grading plan and calculations early in the planning process to limit delays in scheduling this review. (See Section 9-28 of City Code for review process). The plan shall incorporate the following restrictions:

a. All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.
b. During construction, erosion and sedimentation control plans shall be implemented to retain sediments on-site.
c. Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
d. Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.

10. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled. The measures shall also include:

a) Water all active construction sites at least twice daily.
b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
d) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
g) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiled materials.
h) Install sandbags or other erosion-control measures to prevent silt runoff to public roadways.
i) Replant vegetation in disturbed areas as quickly as possible.
j) Watering should be used to control dust generation during the break-up of pavement.
k) Cover all trucks hauling demolition debris from the site.
l) Use dust-proof chutes to load debris into trucks whenever feasible.
m) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
n) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be in proper running order prior to operation.

o) Diesel powered equipment shall not be left inactive and idling for more than five minutes, and shall comply with applicable BAAQMD rules.
p) Use alternative fueled construction equipment, if possible.
q) All vehicle speeds on unpaved roads shall be limited to 15 mph.
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.

11. The applicant shall provide calculations showing the total impervious area of the completed project with the building permit application. Calculations shall be submitted to the Department of Public Works for review and approval.

12. 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.

13. The owner/applicant shall perform a video inspection of the sewer lateral from the house/building to the sewer main, submit the inspection to the Department of Public Works for review and make any necessary repairs to the lateral.

14. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.

15. 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.

16. 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).

17. Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.

18. All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.

19. 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.

20. 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.

21. 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.

22. 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.

23. The phrase "No Dumping-Drains to Bay" or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting.

24. 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.

25. Streets and parking lots must be swept immediately prior to and once during the storm season. Records of street cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year.

26. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. Drains within the trash enclosure will be connected to the sanitary sewer system.

27. 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.

28. The subdivision agreement shall provide for payment of all grading permit fees and inspection charges including the reviews by the City's Consultant Geologist in accordance with the City's Grading Ordinance.

29. The subdivision agreement 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.

30. All utilities to each lot/unit including, but not limited to, electric power, telephone, cable television, and streetlights, shall be provided underground.

31. The owner/applicant shall provide a streetlight plan for subdivision. The streetlight plan shall also include an evaluation for additional street lighting on adjacent streets.

32. Storm drainage, sanitary sewer, and emergency vehicle access easements shall be provided to the City as necessary.

33. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, Comcast, Pacific Bell, and AT&T Broadband cable TV that these utility companies will provide service to the subdivision.

34. Prior to final map approval, the developer shall post maintenance bonds for all improvements to be dedicated to the City for a period of one year after the date of acceptance by the City.

35. 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. A copy of the final subdivision map including property lines, final contours, street improvements, parking, sewer and storm drains shall be provided using AutoCAD drawing (dwg file format).

36. The owner/applicant shall provide a traffic control plan for all construction staging and storage areas.

37. The owner/applicant shall analyze the existing storm drain system from the property boundary to the outfall. On-site and off-site drainage facilities such as catch basins and storm drainpipes shall be designed to collect runoff from a storm of 10-year return frequency. Should any deficiency in this system be found that would be affected by increased runoff from the project site, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.

38. The owner/applicant shall analyze the existing sewer system from the property boundary to the nearest pump station or main trunk line to determine its capacity to handle increased sewer flows from this development. Should any deficiency in this system be found, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.

39. Prior to the building occupancy, the developer / applicant shall be responsible for upsizing the existing 6-inch sanitary sewer line segment P-1986, and payment of a fair share contribution in the amount of $31,257.48 for upsizing of sanitary sewer line segments P-1987 and P-2227 that will be impacted by the proposed development.

40. 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.

41. 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.

42. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.

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

1. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPPP) are followed

to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.

2. Grading shall be performed in accordance with the City Grading Ordinance, Chapter 9 of the City Code. 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. 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. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.

3. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These includes, but are not limited to, the following:

   a. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
   b. Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
   c. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
   d. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
   e. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
   f. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
   g. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
   h. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
   i. Limit construction access routes and stabilize designated access points.
   j. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.

4. Fire sprinkler test water shall discharge to onsite vegetated areas, or, alternatively shall be discharged to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.

5. Air conditioning condensate shall drain to landscaping, or alternatively may be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.

Certification of Approved Final Conditions:



_____ November 23, 2021

Rob D. Gill, Senior Planner Date

STAFF REPORT

Meeting Date: November 23, 2021

Agency: City of Belmont

Staff Contact: Rob D. Gill, Community Development, (650) 598-4204 rgill@belmont.gov

Agenda Title: 800 Laurel Avenue – Multi-Family Residential (Townhome) Development

Agenda Action: Ordinance

Recommendation

1) Conduct Public Hearing and consider Planning Commission recommendations.
2) Introduce an Ordinance Rezoning the property from Multi-Family Residential (R-3) to Planned Unit Development (PD) and adopting a Conceptual Development Plan (CDP).
3) Adopt a Resolution approving a Conceptual Development Plan (CDP) for the Planned Development (PD), and a Conditional Use Permit (CUP) and Detailed Development Plan (DDP) for a Design Review (DR), Grading Permit (GP), Tree Removal Permit (TR), and Vesting Tentative Map (VTM).
4) Adopt A Resolution finding the project is exempt from environmental review per Guidelines 15332, (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).

Strategic Focus Area

Economic Development and Housing

Background

At their October 19, 2021 meeting, the Planning Commission held a public hearing where they reviewed the proposed project. At the conclusion of the hearing, the Commission recommended the City Council approve the project entitlements (PD Rezone, CDP, CUP, DDP, DR, GP, TR, and VTM). The Commission also recommended the applicant conduct additional outreach with the neighbors who live adjacent to the project site.

On November 1, 2021, the project applicant and the project Planner met with neighbors during an online teleconference to address several concerns related to wall and fence heights, grading, privacy/views, traffic/circulation/parking, tree removal, lighting, and the existing road conditions of Laurel Avenue. The project applicant also reported meeting individually with neighbors whose properties back-up to the development site to address their concerns. Based on outreach materials submitted by the applicant, it appears that the neighbors and the applicant have mutually agreed that the applicant would install tree plantings within the backyards of the neighboring properties to assist in screening the proposed townhome development and to mitigate privacy impacts (see outreach materials for details).

Discussion

The applicant requests the existing R-3 – Multifamily Residential designation be rezoned to a Planned Unit Development (PD) designation. Section 12.1 of the Belmont Zoning Ordinance states the purpose of Planned Unit Development (PD) "is designed to accommodate various types of development such as

single-family residential developments, multiple housing developments, neighborhood and community shopping centers, mixed-use developments, professional and administrative areas, commercial services centers, and other uses or a combination of uses which can be made appropriately as part of a Planned Unit Development". The project proposes to develop the site by constructing multi-family housing (townhomes).

Unlike properties in other zoning districts, properties seeking a PD designation are governed by a two-step review process: First, general issues of land use, site plans and circulation plans are reviewed by way of an application for a Conceptual Development Plan (CDP). After approval, more detailed issues – such as building architecture, landscaping, parking layout, grading/drainage, and lighting – are evaluated as part of a Detailed Development Plan (DDP). However, this application request includes both a CDP and DDP for concurrent consideration. As part of the DDP, a Conditional Use Permit (CUP), Design Review, Grading Permit, and Tree Removal Permit are also required to be evaluated. As discussed earlier, Planning Commission took action recommending approval of the entailments.

General Plan Conformance

The General Plan designates the project site as Medium Density Residential, and the requested development does not change that current designation. The General Plan goals and policies analysis in "Exhibit "B" demonstrate consistency with the proposed rezoning of R-3 Multi Family Residential designated property to Planned Development (PD). Performance standards such as maximum density, building height, setbacks, FAR, open space and landscaped areas are contained in the attached Ordinance.

The project site is currently zoned as R-3 – Multifamily Residential. The project proposes to amend the zoning district to Planned Unit Development (PD), as shown in Exhibit "C", Zoning Basemap (Section) Amendment. The PD zoning district allows flexibility of design in accordance with the goals, policies, and objectives of the General Plan. This zoning also allows for flexibility in meeting the strict interpretation of the Zoning Ordinance, provided the project is well designed, includes a favorable balance of open space to developed area, is sensitive to existing terrain, and is compatible with surrounding uses. The proposed project is considered an infill development and will be located within an area that is already fully developed. The townhome buildings have been designed to follow the natural site terrain, and the site improvements would be constructed at the base of hillside. The project would match the scale and character of surrounding uses and would also be compatible with the character of the surrounding neighborhood. The project is well designed and includes a favorable balance of open space and landscaped areas to developed area.

In summary, the proposed Rezone of the subject site (via a Conceptual Development Plan) for the Planned Development achieves the goals and objectives of the Zoning Ordinance and General Plan for the City.

Project Data (CDP/DDP Standards)

Criteria	R-3 Multi Family Residential	Proposed PD Standards
Use(s)	Residential Uses	Residential Uses
Density	8 to 20 units/acre	9 to 16 units/acre
Height	35’	37’ 6”
FAR	0.85	0.61
Landscaping	10% of property	14%
Open Space	300 sq. ft. per unit	As per approved DDP plans
Walls & Fences	6’	As per approved DDP plans
Parking:	2/unit = 32	2/unit = 32 plus 8 open guest spaces
Setbacks:		
Front (Hill Street)	15’	9’ 2”
Corner Street Side	15’	176’
Rear	15’ feet for habitable; 10’ feet for non- habitable	12’ 4”
Side	6’ (+ 2’ per story above 2nd floor; min. 25’).	14’

Project Description

The proposed project consists of a subdivision (consolidation) and development of a 1.79-acre lot consisting of nine parcels located at the end of Hill Street, and adjacent to existing single-family and multi-family residences. The project site is largely undeveloped, except for a parcel (800 Laurel Avenue), which currently contains a vacant single-family residence. The proposed project includes the demolition of the existing vacant residence and associated structures, and construction of 16 for-sale, 3-story townhomes within walkable proximity to public transportation and downtown amenities. The development would result in 47,860 square feet of floor area, including garages, and 40,173 square feet of residential area. The unit mix consists of 12 three-bedroom units and 4 four-bedroom units, which range in size from approximately 2,888 to 3,252 square feet. The proposed project would provide private balconies for each townhome, a pocket park, vehicular ingress and egress from Hill Street and Laurel Avenue, and new fencing and landscaping. The project would include off-street parking consisting of 32 garage spaces and eight guest surface spaces.

Site Conditions

The 1.79 project site is largely undeveloped and bounded by residential development and Laurel Avenue to the northeast, Antique Forest Lane and residential development to the northwest, Hill Street, and residential development (assisted living facility and a single-family residential property) to the southeast, and South Road to the southwest.

Site Layout/Building Design

The project proposes to develop the site by constructing 16 townhomes, a private road, sidewalk, landscaping, guest parking area, pocket park and ancillary improvements. The private road will connect

at the end of Hill Street through the project site to Laurel Avenue. Internal sidewalk, walkways and the stairs will connect to the residential units and provide a pedestrian route to common spaces and the park amenity.

Building Design/Architecture

The proposed development would consist of four three-story, detached residential townhome buildings incorporating a contemporary style architecture. Each residential building would utilize neutral colors (brown, tan, and gray tones), and materials (stucco, cement lap siding and panel trim) that would blend with the site and surrounding area. Building – 1 would be sited in a downslope configuration, and Buildings 2 – 4 would be` sited in an upslope configuration. The townhome buildings would incorporate a flat roof design with elevation plane breaks that incorporate off-set and cantilevered building walls, and inset balconies and entries.

Site Access/Circulation

The project would provide for vehicular, cyclist, and pedestrian ingress and egress to and from Laurel Avenue and Hill Street. Two unsignalized driveways along Hill Street and Laurel Avenue would provide access to the project's proposed 26-foot-wide, onsite private street. The intersection of the new private street and Laurel Avenue would be achieved through the demolition of the existing residence at 800 Laurel Avenue. The Laurel Avenue driveway would be restricted to exiting-right-turn only traffic, preventing vehicles exiting the site at the Laurel Avenue driveway turning left toward Antique Lane and Cypress Avenue. The new 26-foot-wide private street would provide for adequate turning radii for emergency service vehicles. The new private street would allow service vehicles to enter and exit the site via both Hill Street and Laurel Avenue, precluding the need for onsite emergency turnarounds.

The project proposes 5-foot Americans with Disabilities (ADA)-accessible sidewalks throughout the project site, an ADA-compliant ramp to connect segments of the new sidewalks, and striped crosswalks. New onsite sidewalks would provide access to and from sidewalks on Hill Street and Laurel Avenue. The project would replace a sidewalk on Hill Street west of the intersection of Laurel Avenue and Hill Street and would replace corner ramps at the intersection of Hill Street and Laurel Avenue and at the intersection of Laurel Avenue and Antique Lane.

Parking

Each of the 16 proposed townhomes would contain a ground-level parking garage that provides two parking spaces (32 total). Guest vehicle parking would also be provided via eight surface spaces, including one ADA-compliant space. The project would provide a total of 40 parking spaces. All project parking will consist of off-street spaces.

Grading/Geotechnical/Drainage

The main geotechnical constraints for the construction of the proposed project is the excavation. The total volumes of cut would be approximately 24,700 cubic yards. Soil will be disposed off-site at a location determined by the contractor during construction. No site fill would be required for the project. The project's geotechnical report was peer-reviewed by the City's Geotechnical Consultant. Geotechnical recommendations for the project (at this development review stage) have been included as Project Conditions of Approval.

Tree Removal

The project includes removal of 15 non-protected and 20 protected size trees due to direct conflicts with the site plan. Eighteen trees are also identified to be preserved onsite, inclusive of 12 trees, that qualify as protected trees. The City's Arborist recommendations are included as Project Conditions of Approval.

Landscaping/Open Space/Lighting

A variety of trees, shrubs, and ground cover would be planted along the perimeter of the proposed development site and within the park amenity area. Landscape plantings have been selected for compliance with water efficiency and landscape requirements identified by the Mid-Peninsula Water District. Tree plantings would be substantially consistent with the City's preferred tree species list.

The project would provide both private and common open spaces areas for the proposed development. Private open spaces include one backyard for each of the four townhomes of Building 1, totaling four private backyards. The proposed common areas consist of a 1,366-square foot landscaped pocket park (accessible only to townhome residents and guests; no public use is proposed). Each of the townhomes would also include private balconies. Overall, the project would provide 2,618 square feet of open space for the proposed development (balcony space is not considered project open space and is not included in the total proposed open space). A portion of the site's existing hillside would remain undisturbed and would continue to support existing vegetation.

Exterior site lighting would be installed on the four buildings, surface parking area, pocket park and along the sidewalk. The project would employ full cut-off and downlit fixtures to restrict the direction of the light in accordance with City standards. A condition of approval has also been included that would require City approval of the project's final lighting plan prior to project construction.

Solid Waste and Recycling

The project proposes to conform to the City's requirements for solid waste and recycling for residential projects. The project applicant has received a will-serve letter from Recology San Mateo County, which has capacity to provide recycling, composting, and garbage services to the project.

Applicability of CEQA Categorical Exemption

The project is subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). An Initial Study was prepared to determine if the project would have a significant effect on the environment, and documentation in support of a CEQA Categorical Exemption for the proposed project (see attachment J.).

Per Section 21084 of the Public Resources Code, the CEQA Guidelines includes a list of classes of projects which have been determined not to have a significant effect on the environment and are exempt from the provisions of CEQA. CEQA Guidelines Section 15332 In-Fill Development Projects, or Class 32, consists of projects characterized as in-fill development meeting the conditions described below:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.

The project qualifies as Categorically Exempt under the California Environmental Quality Act (CEQA), Section 15332 ("In-Fill Development Projects") because it is characterized as an in-fill development which is consistent with the applicable General Plan and zoning designation; is on a project site that is less than five acres; contains no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can adequately be served by all required utilities and public services.

Based on the information provided in the Initial Study and CEQA documentation, the proposed project qualifies for a categorical exemption under CEQA Section 15332, In-Fill Development Projects.

Alternatives

1. Direct staff to prepare resolutions based on findings provided by the City Council to deny the entitlement applications.
2. Continue the matter and direct staff to prepare an alternative course of action.
3. Refer back to staff for additional information

Attachments

A. Ordinance rezoning the property from Multi-Family Residential (R-3) to Planned Unit Development (PD) and adopting Exhibit - C (Amended Map) and a Conceptual Development Plan (CDP).
B. Resolution approving a Conditional Use Permit (CUP), Detailed Development Plan (DDP), Design Review, Grading Permit, Tree Removal Permit, and Vesting Tentative Map (VTM).
C. City Council Resolution - CEQA Clearance
D. Conditions of Project Approval - Exhibit A
E. General Plan Consistency Analysis - Exhibit B
F. Additional Neighborhood Outreach
G. Planning Commission Staff Report, Resolution and Meeting Minutes – October 19, 2021 Agenda 7.B Public Hearings
H. Neighborhood Outreach and Correspondence – October 19, 2021 Agenda 7.B Public Hearings
I. Arborist Report and Geotechnical Investigation and Peer Review – October 19, 2021 Agenda 7.B Public Hearings
J. September 2021 Initial Study/Categorical Exemption (IS/CE) - Commission Only - This attachment is accessed via the Major Projects link on the City of Belmont Website - www.belmont.gov
K. Vesting Tentative Map and Project Plans - This attachment is accessed via the Major Projects link on the City of Belmont Website - www.belmont.gov

Fiscal Impact

☒ No Fiscal Impact

☐ Funding Source Confirmed:

Source:	**Purpose:**	**Public Outreach:**
Staff	Council Vision/Priority	Posting of Agenda
	*Newspaper Notice	

RESOLUTION NO. 2021 – 101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING A REZONE FOR A CONCEPTUAL DEVELOPMENT PLAN (CDP), CONDITIONAL USE PERMIT (CUP), DETAILED DEVELOPMENT PLAN (DDP), DESIGN REVIEW, GRADING PERMIT, TREE REMOVAL PERMIT AND VESTING TENTATIVE MAP (VTM) AT 800 LAUREL AVENUE (APPL. NO. 2019-0025)

WHEREAS, ECRPA, LLC, applicant and property owner, requests approval of entitlements for the construction of 16 townhome units, a private street, pocket park, guest surface parking area, landscaping, and ancillary improvements at 800 Laurel Avenue, Assessor's Parcel Numbers: 045-152-350, 045-152-600, 045-152-610, 045-152-620, 045-152-630, 045-152-640, 045-152-650, 045-152-660 & 045-152-120; and,

WHEREAS, the project site is identified in the Belmont Housing Element (2015-2023) as a Housing Opportunity Site; and,

WHEREAS, on October 19, 2021, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and at which hearing the Commission considered the Project, received public testimony and evidence, and adopted a resolution recommending the City Council rezone the property to Panned Development and adopted the Conceptional Development Plan (CDP); and,

WHEREAS, on October 19, 2021, the Planning Commission, following notification in the prescribed manner recommended that the City Council also approve the Conditional Use Permit (CUP), Detailed Development Plan (DDP), Design Review, Grading Permit, Tree Removal Permit, and Vesting Tentative Map (VTM);

WHEREAS, the City Council considered the potential environmental impacts of the project and finds the project is exempt from environmental review under provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15332, In-Fill Development Projects and Section 15300.2 Exceptions to Categorical Exemptions; and,

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

SECTION 1. Findings

The City Council after reviewing all the relevant evidence before the City Council, including the information provided in the staff report and enclosures to the City Council, the public meeting, public correspondence and testimony received, the City Council incorporates herein by reference and adopts the analysis and findings in the staff report to the City Council dated November 23, 2021; and,

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

Conceptual Development Plan (CDP) Analysis & Zoning and General Plan Consistency

The objectives of the City's zoning regulations are stated in Section 1.1 of the Zoning Code:

Section 1.1 Purpose—The following regulations for the zoning of the land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare,and to provide a precise guide for the physical development of the City.

In determining the appropriateness of the requested Rezoning (and whether it is required), the central issue is consistency with the General Plan. To determine that consistency, applicable goals, and policies of the Belmont General Plan must be considered in light of this proposal. The City Council must determine that such goals and objectives are achieved by the proposed Conceptual Development Plan (CDP) and Rezoning of the subject property for the Planned Development (PD).

The project site is currently zoned as R-3 – Multifamily Residential. The project proposes to amend the zoning district to Planned Unit Development (PD), as shown on Exhibit "C", Zoning Basemap (Section) Amendment.

The General Plan designates the project site as Medium Density Residential, and the requested development does not change that current designation. The General Plan goals and policies analysis in "Exhibit "B" demonstrate consistency with the proposed rezoning of R-3 Multi Family Residential designated property to Planned Development (PD).

The PD zoning district allows flexibility of design in accordance with the goals, policies, and objectives of the General Plan. This zoning also allows for flexibility in meeting the strict interpretation of the Zoning Ordinance, provided the project is well designed, includes a favorable balance of open space to developed area, is sensitive to existing terrain, and is compatible with surrounding uses. The proposed project is considered an infill development and will be located within an area that is already fully developed. The townhome buildings have been designed to follow the natural site terrain, and the site improvements would be constructed at the base of hillside. The project would match the scale and character of surrounding uses and would also be compatible with the character of the surrounding neighborhood. The project is well designed and includes a favorable balance of open space and landscaped areas to developed area.

Therefore, the City Council finds that the proposed zoning designation amendment for the subject properties is consistent with the objectives of the City's Zoning Plan and General Plan.

Conceptual Development Plan Findings

Based on the above discussion, a specific finding can be made that the proposed Rezone of the subject site (via a Conceptual Development Plan) for the Planned Development achieves the goals and objectives of the Zoning Ordinance and General Plan for the City. In order to approve the proposed Conceptual Development Plan (CDP) for the PD, the following findings must be made:

Planned Development

1. *That the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.*

The proposed project is considered an infill development and located within an area that is already fully developed. The proposed development will be compatible with existing residential uses in the neighborhood and will provide needed residential housing to the City. The project conditions of approval for the project as recommended by the various City departments demonstrate that the development can remain an independent project and is capable of sustainability. This finding is affirmed.

2. *That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.*

The project location is in close proximity to El Camino Real and Ralston Avenue, and less than one-mile from U.S. 101. The project site is within easy walking distance to mass transit (SamTrans and Caltrain) and to the neighboring downtown area. On-site parking is adequate for the residents and guests. The proposed use is served by two public streets, Hill Street and Laurel Avenue that are of capacity to carry the traffic generated by the proposed residential use. The proposed use will not place an undue burden on existing transportation, utilities, or services in the vicinity. A complete traffic study was prepared for the project, and peer reviewed by the City's traffic consultant. The traffic study concluded that the residential development will not result in any significant traffic impacts or contribute to significant traffic impacts in the area. This finding is affirmed.

3. *That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.*

No commercial development is proposed as part of this PD. This finding is affirmed.

4. *That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.)*

The proposed residential development will not significantly increase the City's costs in providing services to the project site, and the City will be able to absorb the economic impact created by the project. The project has been reviewed by all appropriate departments to ensure that all service levels can be maintained to protect the public health, safety, and welfare. This finding is affirmed.

5. *That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance, that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.*

The proposed residential development will provide 48 on-site spaces (2 garage spaces per each unit and 8 guest spaces) to serve the needs of both residents and guests of the townhome units. The proposed parking meets Section 8 of the Parking Ordinance and appears to be adequate for development. This finding is affirmed.

Conditional Use Permit

The following two additional findings as per Section 12.4.C (1 & 2) of the Zoning Code are required to adopt a DDP as part of the Conditional Use Permit.

1. *Such use or uses substantially conform to the adopted General Plan of the City of Belmont.*

The General Plan designates the project site as Medium Density Residential, and the requested development does not change that current designation. Based on the General Plan consistency analysis of all relevant objective goals and policies in "Exhibit "B", a specific finding can be made that the proposed use of the subject property for the Planned Development achieves the goals and objectives of the General Plan for the City. This finding is affirmed.

2. *Such use or uses are as shown on the approved Conceptual Development Plan for the particular PD District.*

The proposed use (Residential) will be shown on the approved (2021) Conceptual Development Plan (CDP) for the site. This finding is affirmed.

Vesting Tentative Map

In order to approve of the proposed Vesting Tentative (Subdivision) Map to establish the Townhome Development for the project, the City Council must make the following findings:

A. *The proposed map is not consistent with the applicable general and specific plans.*

The project is in compliance with the Medium Residential General Plan designation, and the proposed Conceptual Development Plan for the site. The project would be consistent with General Plan Goals and Policies that promote the consolidation of lots, and the construction of housing near existing transportation networks and commercial services. The proposed project is consistent with the recommended rezoning for the site to Planned Unit Development (PD). A complete General Plan consistency analysis of all relevant objective goals and policies is included in Exhibit B. Thus, the project is not inconsistent with the General Plan.

B. The proposed design or improvement of the subdivision is not consistent with the applicable general and specific plans.

The project would be consistent with all applicable General Plan infrastructure goals and policies (see Exhibit B). The subdivision (consolidation) is consistent with the of R-3 Multi Family Residential designation for the site and has been designed to meet all development standards of the proposed Detailed Development Plan (DDP) and Conditional Use Permit (CUP) for the PD zone. The project would be located in an already-developed area, where it can be served by existing public services and infrastructure. All new service lines and utilities serving the project would be provided underground. The project would be required to connect to the City's sewer system and pay all applicable sewer connection/impact fees. As conditioned, the developer will complete all public and privately owned improvements within the development to the City's satisfaction prior to the issuance of occupancy. Therefore, the design or improvement of the proposed subdivision is not inconsistent with applicable infrastructure goals and policies of the General Plan.

C. The site is not physically suitable for the type of development.

The project site consists of merging nine contiguous parcels, in which eight parcels are identified as vacant land housing opportunity sites in the Housing Element. Total grading required to construct the proposed residential project and other associated improvements is generally not excessive in consideration of the site conditions. The project site has received conditional geotechnical clearance. The project includes removal of 15 non-protected and 20 protected size trees to make the site suitable for residential development. Thus, the site is physically suitable for the type of development.

D. The site is not physically suitable for the proposed density of development.

The Belmont General Plan designates the project site as Medium Density Residential. The Residential Medium Density designation allows for a density of 8 to 20 gross dwelling units/acre. The project site is 1.79 acres in size, and the project proposes a total of 16 dwelling units (townhomes). As such, the project would have a density of 8.9 dwelling units per acre and would meet the density requirements of the Residential Medium Density designation. Thus, the site is physically suitable for the type of development.

E. The design of the subdivision or the proposed improvement is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project's potential impacts on the environment were evaluated in the project's Initial Study (IS). The IS identifies potentially significant project impacts; however, these impacts would be less than significant through the incorporation of environmental protection measures for the project proposal and project conditions of approval (COAs). The project is required to comply with all project COA's. Thus, no substantial adverse environmental impacts would result from the project.

F. The design of the subdivision or the type of improvements is likely to cause serious public health problems.

The project is an in-fill development project surrounded by existing residential uses in all directions. The project has received will-serve letters from utilities providers and can be served by existing public services and infrastructure. The project will be required to comply with the project conditions of approval and all appropriate Building and Fire Codes. Thus, the design of the subdivision will not cause serious public health problems.

G. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.

Title reports have been submitted and reviewed for all of the lots that are part of the VTM (consolidation). The exterior of residential buildings, access road and common and parking areas are to be maintained by the Homeowner's Association (HOA) through Covenants, Conditions, and Restrictions (CC&Rs). The Public Works, Building and Fire Departments have reviewed and approved the subdivision, circulation, access, and improvements by conditions of approval for this project. Therefore, the project would not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision.

Grading Permit

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

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

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

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

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

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

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

The Department of Public Works has also reviewed the proposed drainage plans and facilities and has provided conditions of approval. In addition, the City requires the implementation of Best Management Practices (BMP's) for new development and construction as part of its storm water management program, as levied through standard City conditions of project approval. For new development and construction projects, the City requires the implementation BMP's to ensure the protection of water quality in storm runoff from the project site. In brief, the measures address pollution control and management mechanisms for contractor activities, e.g., structure construction, material delivery and storage, solid waste management, employee and subcontractor training, etc. They also provide direction for the control of erosion and sedimentation as well as the establishment of monitoring programs to ensure the effectiveness of the BMP's. The City also requires an agreement with the applicant that ensures the permanent and on-going maintenance of water quality control improvements by the applicant and/or project site owner(s).

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

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

A grading and drainage plan has been prepared by the project civil engineer, and grading estimates have been provided by the applicant for the project. Approximately 24,700 cubic yards of cut would be necessary for the construction of the project. The amount of grading proposed would allow for demolition of structures, installation of required landscaping, storm water treatment measures, and construction the proposed site improvements.

Lastly, the project grading and drainage plans have been reviewed by the Department of Public Works to ensure site stability, and a standard condition of project approval would require submittal of a construction management plan for review and approval by the Community Development Department in consultation with the Fire Department, Police Department, and

Department of Public Works. Said plan would, at a minimum, establish a dust control and noise control coordinator, identification of a staging area on site, and approval of a haul route. Therefore, the amount of grading proposed is necessary to allow reasonable use of the site. This finding is affirmed.

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

The proposed grading does not appear to be excessive in consideration of the site conditions, and it does not appear that the project would be visually incompatible with the surrounding area, which is similarly developed with residential uses. The grading would provide for the construction of site improvements, and off-street parking consistent with the parking requirements in the Parking Ordinance and for this Planned Development project. This finding is affirmed.

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

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

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

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

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

A Hauling Permit is required as a condition of approval for this project. This finding is affirmed.

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

The project includes the removal of twenty protected trees. These tree removals are necessary for the proposed development of the site (i.e., to accommodate the site improvements, grading of the site, drainage improvements, road and fire access, and utilities, etc.). Several trees are also identified to be preserved onsite, including twelve trees which qualify as protected trees. A site specific arborist report was prepared for the project which includes protection measures for trees to be retained. The applicant has proposed to replant sixteen *Preferred Species* trees on site

and pay in-lieu fees in accordance with the City Code *Chapter 25 -Trees*. Other groundcover, shrubs and low plantings are also proposed for the project site. This finding is affirmed.

The City Council has considered the applicant's request for a Grading Permit and finds that the project meets the findings as specified in Section 9-27(a)-(h) of the City of Belmont Municipal Code.

Tree Removal Permit

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

(b) "The reviewing authority shall issue a permit to remove the following trees without consideration of the criteria in subsection (c):
(1) Blue Gum Eucalyptus (Eucalyptus globulus);
(2) Dwarf Blue Gum Eucalyptus (Eucalyptus globulus 'Compacta');
(3) Monterey Pine;
(4) Palm (all species);
(5) Acacia (all species);
(6) a dead tree (any species); and
(7) Any tree that a public utility is required to remove under California Public Utility Commission regulations."

(1) Criteria Supporting Removal	*(2) Criteria Supporting Retention*
(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. *(B) The particular tree species is undesirable due to characteristics such as invasiveness, tendency toward limb failure, and fire hazard.* *(C) The tree is damaging or interfering with existing structures, site improvements, or utility services.* *(D) Removal of the tree is needed in order to construct improvements or otherwise allow conforming use of the property.* *(E) Proximity of the tree to existing or proposed structures.*	*(A) The tree is located outside 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 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.*

Criteria Supporting Removals & Retention

The project includes the removal of 20 protected trees. The arborist report and the landscape plans submitted as part of the project indicate that the trees proposed for removal are either directly impacted by project construction or have low suitability for preservation. As such, the

trees proposed for removal are in line with criteria *A* and *D* supporting removal. The criteria supporting retention (*A – C*) does not apply. One protected size Monterey Pine tree is proposed to be removed due to direct conflicts with the site plan. However, based on subsection (b) described above, the Monterey Pine tree shall be issued a tree removal permit without consideration of the criteria in subsection (c). Based upon review of the arborist report, and the site and grading plans, the City Council finds that the proposed tree removal is necessary for the construction of the project. In addition, the Commission finds that adequate arrangements would be made for the protection of trees to be retained as conditioned.

Preferred Tree Species & Conditions of Permit

The Tree Ordinance indicates that for each protected tree removed, the applicant shall plant a *Preferred Species* tree, minimum 15-gallon size, or pay an in-lieu planting fee. The applicant has proposed to replant sixteen *Preferred Species* trees (*Tristania Laurina* – Water Gum, *Pittosporum undulatum* - Victorian Box & *Pistacia chinensis* - Chinese Pistache) on site and pay in-lieu fees in accordance with City Code *Chapter 25 -Trees*. Conditions of the project approval require the applicant to implement all tree protection measures, payment of tree removal fees, and payment of in-lieu fees.

Design Review

The City Council has considered the request for a Design Review Permit for the proposed project and finds that it meets required findings as set forth in Section 13.5.2 (a-d) of the Zoning Ordinance as follows:

(a) 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.

All appropriate City departments and consultants have reviewed the proposal and have provided conditions of approval that should ensure that the proposed project will not adversely affect public health, safety, or welfare. This findings is affirmed.

(b) The project is consistent with the landscape standards under Sections 13.3.1 as applicable.

The project is consistent with the landscape standards as applicable. The landscape plans submitted contain 10,866 sq. ft. of landscape design features totaling 14% of the total site area. The proposed planting material or mitigation plantings conforms to the City's preferred tree species list. The project will contain a fully automated underground irrigation system. The guest surface parking area will be screened by shrubs, trees, and a retaining wall. The project has been reviewed and found consistent with the water efficiency in landscaping ordinance (WELO) by the Mid-Peninsula Water District. This findings is affirmed.

(c) The project is consistent with the development standards in the underlying zoning district.

The proposed project is consistent with the development standards for the proposed PD district. This findings is affirmed.

(d) The project is consistent with the objective design standards in Section 13.6 as applicable.

The project is in substantial compliance with the objective design standards (*General Design Standards Section* 13.6.1). The proposed development would consist of four three-story, detached residential townhome buildings incorporating a contemporary style architecture. Each residential building would utilize neutral colors (brown, tan, and gray tones), and materials (stucco, cement lap siding and panel trim) that would blend with the site and surrounding area. The proposed buildings would incorporate offsets and recessed building walls. Each building provides ground floor elevations that are distinctive from the upper stories by providing a material change between the first and upper floors along the building façade. This findings is affirmed.

* * *

ADOPTED November 23, 2021 by the City of Belmont City Council by the following vote:

Ayes: Lieberman, McCune, Hurts, Mates, Stone

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2021 – 102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT DETERMINING THAT THE 800 LAUREL AVENUE MULTI-FAMILY RESIDENTIAL PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT) (APPL. NO. 2019-0025)

WHEREAS, the City Council considered the Project Rezoning and associated Conceptual Development Plan (CDP), Conditional Use Permit (CUP) for a Detailed Development Plan (DDP), Design Review, Grading Permit and Tree Removal Permit for a Planned Development (PD), and Vesting Tentative Map (VTM) for the subject project; and,

WHEREAS, the proposed project is located on real property in the incorporated portions of the City of Belmont, more accurately described as Assessor's Parcel Numbers: 045-152-350, 045-152-600, 045-152-610, 045-152-620, 045-152-630, 045-152-640, 045-152-650, 045-152-660 & 045-152-120; and,

WHEREAS, the project qualifies as a Class 32 project, and meets the specified conditions under CEQA Guidelines Section 15332 (a-e) ("In-Fill Development Projects"); and,

WHEREAS, the project is Categorically Exempt under the California Environmental Quality Act (CEQA), Section 15332 (a-e) ("In-Fill Development Projects") because it is characterized as an in-fill development which is consistent with the applicable General Plan and zoning designation; is on a project site that is less than five acres; contains no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can adequately be served by all required utilities and public services; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on October 19, 2021 to consider the Project and the exemption from Environmental Review under CEQA 15332, In-Fill Development Projects; and,

WHEREAS, the City Council held a duly noticed public hearing on November 23, 2021 to consider the Project and the exemption from Environmental Review under CEQA Guidelines Section 15332, In-Fill Development Projects; and.

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

SECTION 1. The foregoing Recitals are true and correct and are incorporated herein.

SECTION 2. The Council has independently considered the Project, and finds that the project would not have a significant effect on the environment, and that the Project is exempt from CEQA under Section 15332, In-Fill Development Projects.

SECTION 3. The Council directs the Planning Division to file a Notice of Exemption with the San Mateo County Clerk, in accordance with the CEQA guidelines.

* * *

ADOPTED November 23, 2021 by the City of Belmont City Council by the following vote:

Ayes: Lieberman, McCune, Hurts, Mates, Stone

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2021-27

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT RECOMMENDING CITY COUNCIL APPROVAL OF A REZONE FOR A CONCEPTUAL DEVELOPMENT PLAN (CDP), CONDITIONAL USE PERMIT (CUP), DETAILED DEVELOPMENT PLAN (DDP), DESIGN REVIEW, GRADING PERMIT, TREE REMOVAL PERMIT AND VESTING TENTATIVE MAP (VTM) AT 800 LAUREL AVENUE (APPL. NO. 2019-0025)

WHEREAS, ECRPA, LLC, applicant and property owner, requests approval of entitlements for the construction of 16 townhome units, a private street, pocket park, guest surface parking area, landscaping, and ancillary improvements at 800 Laurel Avenue, Assessor's Parcel Numbers: 045-152-350, 045-152-600, 045-152-610, 045-152-620, 045-152-630, 045-152-640, 045-152-650, 045-152-660 & 045-152-120; and,

WHEREAS, on October 19, 2021, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on the aforementioned requested entitlements; and,

WHEREAS, the project site is identified in the Belmont Housing Element (2015-2023) as a Housing Opportunity Site; and,

WHEREAS, a complete General Plan consistency analysis of all relevant objective goals and policies are included in Exhibit "B"; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated October 19, 2021 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, BE IT RESOLVED that the Planning Commission recommends City Council approval of the Rezoning and associated Conceptual Development Plan (CDP), Conditional Use Permit (CUP) for a Detailed Development Plan (DDP), Design Review, Grading Permit and Tree Removal Permit for a Planned Development (PD), and Vesting Tentative Map (VTM) for the subject project subject to the attached conditions in Exhibit "A", and based upon the following findings:

Environmental Review

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines, In-Fill Development Projects, as the project is consistent with the General Plan and zoning as modified by the PUD, is less than five acres in size, has no value as habitat for endangered, rare or threatened species, can be served by existing utilities and public services, and will have no significant traffic, noise, air or water quality effects.

Conceptual Development Plan, Zoning and General Plan Consistency

The objectives of the City's zoning regulations are stated in Section 1.1 of the Zoning Code:

Section 1.1 Purpose—The following regulations for the zoning of the land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City.

In determining the appropriateness of the requested Rezoning (and whether it is required), the central issue is consistency with the General Plan. To determine that consistency, applicable goals, and policies of the Belmont General Plan must be considered in light of this proposal. The Planning Commission must determine that such goals and objectives are achieved by the proposed Conceptual Development Plan (CDP) and Rezoning of the subject property for the Planned Development (PD).

The project site is currently zoned as R-3 – Multifamily Residential. The project proposes to amend the zoning district to Planned Unit Development (PD), as shown on Exhibit "C", Zoning Basemap (Section) Amendment.

The General Plan designates the project site as Medium Density Residential, and the requested development does not change that current designation. The General Plan goals and policies analysis in "Exhibit "B" demonstrate consistency with the proposed rezoning of R-3 Multi Family Residential designated property to Planned Development (PD).

The PD zoning district allows flexibility of design in accordance with the goals, policies, and objectives of the General Plan. This zoning also allows for flexibility in meeting the strict interpretation of the Zoning Ordinance, provided the project is well designed, includes a favorable balance of open space to developed area, is sensitive to existing terrain, and is compatible with surrounding uses. The proposed project is considered an infill development and will be located within an area that is already fully developed. The townhome buildings have been designed to follow the natural site terrain, and the site improvements would be constructed at the base of hillside. The project would match the scale and character of surrounding uses and would also be compatible with the character of the surrounding neighborhood. The project is well designed and includes a favorable balance of open space and landscaped areas to developed area.

Therefore, the Planning Commission finds that the proposed zoning designation amendment for the subject properties is consistent with the objectives of the City's Zoning Plan and General Plan.

Planned Development

The Planning Commission shall make the following findings prior to rezoning any property to the PD District:

1. *That the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will*

not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.

The proposed project is considered an infill development and located within an area that is already fully developed. The proposed development will be compatible with existing residential uses in the neighborhood and will provide needed residential housing to the City. The project conditions of approval for the project as recommended by the various City departments demonstrate that the development can remain an independent project and is capable of sustainability. This finding is affirmed.

2. *That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.*

The project location is in close proximity to El Camino Real and Ralston Avenue, and less than one-mile from U.S. 101. The project site is within easy walking distance to mass transit (SamTrans and Caltrain) and to the neighboring downtown area. On-site parking is adequate for the residents and guests. The proposed use is served by two public streets, Hill Street and Laurel Avenue that are of capacity to carry the traffic generated by the proposed residential use. The proposed use will not place an undue burden on existing transportation, utilities, or services in the vicinity. A complete traffic study was prepared for the project, and peer reviewed by the City's traffic consultant. The traffic study concluded that the residential development will not result in any significant traffic impacts or contribute to significant traffic impacts in the area. This finding is affirmed.

3. *That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.*

No commercial development is proposed as part of this PD. This finding is affirmed.

4. *That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.)*

The proposed residential development will not significantly increase the City's costs in providing services to the project site, and the City will be able to absorb the economic impact created by the project. The project has been reviewed by all appropriate departments to ensure that all service levels can be maintained to protect the public health, safety, and welfare. This finding is affirmed.

5. *That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance, that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.*

The proposed residential development will provide 48 on-site spaces (2 garage spaces per each unit and 8 guest spaces) to serve the needs of both residents and guests of the townhome units. The

proposed parking meets Section 8 of the Parking Ordinance and appears to be adequate for development. This finding is affirmed.

Conditional Use Permit

The following two additional findings as per Section 12.4.C (1 & 2) of the Zoning Code are required to adopt a DDP as part of the Conditional Use Permit.

1. Such use or uses substantially conform to the adopted General Plan of the City of Belmont.

The General Plan designates the project site as Medium Density Residential, and the requested development does not change that current designation. Based on the General Plan consistency analysis of all relevant objective goals and policies in "Exhibit "B", a specific finding can be made that the proposed use of the subject property for the Planned Development achieves the goals and objectives of the General Plan for the City. This finding is affirmed.

2. Such use or uses are as shown on the approved Conceptual Development Plan for the particular PD District.

The proposed use (Residential) will be shown the approved (2021) Conceptual Development Plan (CDP) for the site. This finding is affirmed.

Vesting Tentative Map

As per Section 11.4 (A-G) of the Subdivision Ordinance, the Planning Commission must recommend denial of the proposed Tentative Map (VTM), if any of the following findings can be made in the affirmative:

A. The proposed map is not consistent with the applicable general and specific plans.

The project is in compliance with the Medium Residential General Plan designation, and the proposed Conceptual Development Plan for the site. The project would be consistent with General Plan Goals and Policies that promote the consolidation of lots, and the construction of housing near existing transportation networks and commercial services. The proposed project is consistent with the recommended rezoning for the site to Planned Unit Development (PD). A complete General Plan consistency analysis of all relevant objective goals and policies is included in Exhibit B. Thus, the project is not inconsistent with the General Plan.

B. The proposed design or improvement of the subdivision is not consistent with the applicable general and specific plans.

The project would be consistent with all applicable General Plan infrastructure goals and policies (see Exhibit B). The subdivision (consolidation) is consistent with the of R-3 Multi Family Residential designation for the site and has been designed to meet all development standards of the proposed Detailed Development Plan (DDP) and Conditional Use Permit (CUP) for the PD zone. The project

would be located in an already-developed area, where it can be served by existing public services and infrastructure. All new service lines and utilities serving the project would be provided underground. The project would be required to connect to the City's sewer system and pay all applicable sewer connection/impact fees. As conditioned, the developer will complete all public and privately owned improvements within the development to the City's satisfaction prior to the issuance of occupancy. Therefore, the design or improvement of the proposed subdivision is not inconsistent with applicable infrastructure goals and policies of the General Plan.

C. The site is not physically suitable for the type of development.

The project site consists of merging nine contiguous parcels, in which eight parcels are identified as vacant land housing opportunity sites in the Housing Element. Total grading required to construct the proposed residential project and other associated improvements is generally not excessive in consideration of the site conditions. The project site has received conditional geotechnical clearance. The project includes removal of 15 non-protected and 20 protected size trees to make the site suitable for residential development. Thus, the site is physically suitable for the type of development.

D. The site is not physically suitable for the proposed density of development.

The Belmont General Plan designates the project site as Medium Density Residential. The Residential Medium Density designation allows for a density of 8 to 20 gross dwelling units/acre. The project site is 1.79 acres in size, and the project proposes a total of 16 dwelling units (townhomes). As such, the project would have a density of 8.9 dwelling units per acre and would meet the density requirements of the Residential Medium Density designation. Thus, the site is physically suitable for the type of development.

E. The design of the subdivision or the proposed improvement is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project's potential impacts on the environment were evaluated in the project's Initial Study (IS). The IS identifies potentially significant project impacts; however, these impacts would be less than significant through the incorporation of environmental protection measures for the project proposal and project conditions of approval (COAs). The project is required to comply with all project COA's. Thus, no substantial adverse environmental impacts would result from the project.

F. The design of the subdivision or the type of improvements is likely to cause serious public health problems.

The project is an in-fill development project surrounded by existing residential uses in all directions. The project has received will-serve letters from utilities providers and can be served by existing public services and infrastructure. The project will be required to comply with the project conditions of approval and all appropriate Building and Fire Codes. Thus, the design of the subdivision will not cause serious public health problems.

G. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.

Title reports have been submitted and reviewed for all of the lots that are part of the VTM (consolidation). The exterior of residential buildings, access road and common and parking areas are to be maintained by the Homeowner's Association (HOA) through Covenants, Conditions, and Restrictions (CC&Rs). The Public Works, Building and Fire Departments have reviewed and approved the subdivision, circulation, access, and improvements by conditions of approval for this project. Therefore, the project would not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision.

Grading Permit

The required Grading Permit findings, as required by Section 9-27 (a)-(h) of the City of Belmont Municipal Code, are made in the affirmative 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 consulting geologist prepared an independent peer review of the geotechnical investigations proposed as part of the project and concurs with the characterization of the project site, findings, and design specifications. The City's consulting geologist adds that the project geotechnical consultant shall review all plans, field work and conditions to assure that the project is built to specifications. The project geotechnical reports and the City's independent peer review requirements will, as a matter of grading and building permit procedures, be required of the project as conditions of project approval.

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

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

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

The Department of Public Works has also reviewed the proposed drainage plans and facilities and has provided conditions of approval. In addition, the City requires the implementation of Best Management Practices (BMP's) for new development and construction as part of its storm water management program, as levied through standard City conditions of project approval. For new development and construction projects, the City requires the implementation BMP's to ensure the protection of water quality in storm runoff from the project site. In brief, the measures address pollution control and management mechanisms for contractor activities, e.g., structure construction, material delivery and storage, solid waste management, employee and subcontractor training, etc. They also provide direction for the control of erosion and sedimentation as well as the establishment of monitoring programs to ensure the effectiveness of the BMP's. The City also requires an agreement with the applicant that ensures the permanent and on-going maintenance of water quality control improvements by the applicant and/or project site owner(s).

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

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

A grading and drainage plan has been prepared by the project civil engineer, and grading estimates have been provided by the applicant for the project. Approximately 24,700 cubic yards of cut would be necessary for the construction of the project. The amount of grading proposed would allow for demolition of structures, installation of required landscaping, storm water treatment measures, and construction the proposed site improvements.

Lastly, the project grading and drainage plans have been reviewed by the Department of Public Works to ensure site stability, and a standard condition of project approval would require submittal of a construction management plan for review and approval by the Community Development Department in consultation with the Fire Department, Police Department, and Department of Public Works. Said plan would, at a minimum, establish a dust control and noise control coordinator, identification of a staging area on site, and approval of a haul route. Therefore, the amount of grading proposed is necessary to allow reasonable use of the site. This finding is affirmed.

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

The proposed grading does not appear to be excessive in consideration of the site conditions, and it does not appear that the project would be visually incompatible with the surrounding area, which is similarly developed with residential uses. The grading would provide for the construction of site improvements, and off-street parking consistent with the parking requirements in the Parking Ordinance and for this Planned Development project. This finding is affirmed.

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

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

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

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

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

A Hauling Permit is required as a condition of approval for this project. This finding is affirmed.

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

The project includes the removal of twenty protected trees. These tree removals are necessary for the proposed development of the site (i.e., to accommodate the site improvements, grading of the site, drainage improvements, road and fire access, and utilities, etc.). Several trees are also identified to be preserved onsite, including twelve trees which qualify as protected trees. A site specific arborist report was prepared for the project which includes protection measures for trees to be retained. The applicant has proposed to replant sixteen *Preferred Species* trees on site and pay in-lieu fees in accordance with the City Code *Chapter 25 -Trees*. Other groundcover, shrubs and low plantings are also proposed for the project site. This finding is affirmed.

The Planning Commission has considered the applicant's request for a Grading Permit and finds that the project meets the findings as specified in Section 9-27(a)-(h) of the City of Belmont Municipal Code.

Tree Removal Permit

The Planning Commission evaluated a Tree Removal Permit proposal for the project, and recommends conditionally approving the Permit based on the balancing of the Criteria for Permit Determination set forth in Section 25-7 (b)-(c)

(b) "The reviewing authority shall issue a permit to remove the following trees without consideration of the criteria in subsection (c):
(1) Blue Gum Eucalyptus (Eucalyptus globulus);
(2) Dwarf Blue Gum Eucalyptus (Eucalyptus globulus 'Compacta');
(3) Monterey Pine;
(4) Palm (all species);
(5) Acacia (all species);
(6) a dead tree (any species); and
(7) Any tree that a public utility is required to remove under California Public Utility Commission regulations."

(1) Criteria Supporting Removal	*(2) Criteria Supporting Retention*
(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. *(B) The particular tree species is undesirable due to characteristics such as invasiveness, tendency toward limb failure, and fire hazard.* *(C) The tree is damaging or interfering with existing structures, site improvements, or utility services.* *(D) Removal of the tree is needed in order to construct improvements or otherwise allow conforming use of the property.* *(E) Proximity of the tree to existing or proposed structures.*	*(A) The tree is located outside 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 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.*

Criteria Supporting Removals & Retention

The project includes the removal of 20 protected trees. The arborist report and the landscape plans submitted as part of the project indicate that the trees proposed for removal are either directly impacted by project construction or have low suitability for preservation. As such, the trees proposed for removal are in line with criteria *A* and *D* supporting removal. The criteria supporting retention (*A – C*) does not apply. One protected size Monterey Pine tree is proposed to be removed due to direct conflicts with the site plan. However, based on subsection (b) described above, the Monterey Pine

tree shall be issued a tree removal permit without consideration of the criteria in subsection (c). Based upon review of the arborist report, and the site and grading plans, the Planning Commission finds that the proposed tree removal is necessary for the construction of the project. In addition, the Commission finds that adequate arrangements would be made for the protection of trees to be retained as conditioned.

Preferred Tree Species & Conditions of Permit

The Tree Ordinance indicates that for each protected tree removed, the applicant shall plant a *Preferred Species* tree, minimum 15-gallon size, or pay an in-lieu planting fee. The applicant has proposed to replant sixteen *Preferred Species* trees (*Tristania Laurina* – Water Gum, *Pittosporum undulatum* - Victorian Box & *Pistacia chinensis* - Chinese Pistache) on site and pay in-lieu fees in accordance with City Code *Chapter 25 -Trees*. Conditions of the project approval require the applicant to implement all tree protection measures, payment of tree removal fees, and payment of in-lieu fees.

Design Review

The project is consistent with Design Review Section 13.5.2 (a-d) of the Belmont Zoning Ordinance as follows:

(a) 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.

All appropriate City departments and consultants have reviewed the proposal and have provided conditions of approval that should ensure that the proposed project will not adversely affect public health, safety, or welfare. This finding is affirmed.

(b) The project is consistent with the landscape standards under Sections 13.3.1 as applicable.

The project is consistent with the landscape standards as applicable. The landscape plans submitted contain 10,866 sq. ft. of landscape design features totaling 14% of the total site area. The proposed planting material or mitigation plantings conforms to the City's preferred tree species list. The project will contain a fully automated underground irrigation system. The guest surface parking area will be screened by shrubs, trees, and a retaining wall. The project has been reviewed and found consistent with the water efficiency in landscaping ordinance (WELO) by the Mid-Peninsula Water District. This finding is affirmed.

(c) The project is consistent with the development standards in the underlying zoning district.

The proposed project is consistent with the development standards for the proposed PD district. This finding is affirmed.

(d) The project is consistent with the objective design standards in Section 13.6 as applicable.

The project is in substantial compliance with the objective design standards (*General Design Standards Section* 13.6.1). The proposed development would consist of four three-story, detached residential townhome buildings incorporating a contemporary style architecture. Each residential building would utilize neutral colors (brown, tan, and gray tones), and materials (stucco, cement lap siding and panel trim) that would blend with the site and surrounding area. The proposed buildings would incorporate offsets and recessed building walls. Each building provides ground floor elevations that are distinctive from the upper stories by providing a material change between the first and upper floors along the building façade. This finding is affirmed.

* * * * * * * * * * * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on October 19, 2021 by the following vote:

AYES,
COMMISSIONERS: Kramer, Kulich, Latimerlo, Meier, Pyrz
NOES,
COMMISSIONERS: None
ABSENT,
COMMISSIONERS: Majeski
ABSTAIN,
COMMISSIONERS: None
RECUSED,
COMMISSIONERS: Kelley

Carlos de Melo, Planning Commission Secretary

STAFF REPORT

Meeting Date: November 14, 2023

Agency: City of Belmont

Staff Contact: Carlos de Melo, Community Development Director, cdemelo@belmont.gov

Agenda Title: Belmont General Plan and Zoning Ordinance (BZO) Amendments - Commercial Cannabis Overlay Zoning – South El Camino Real

Agenda Action: Ordinance

Recommendation

1) Conduct Public Hearing.
2) Adopt a resolution amending the Land Use Element to the 2035 General Plan that would potentially allow for Commercial Cannabis Land Uses in the south El Camino Real area of the City; and,
3) Introduce an ordinance establishing potential cannabis retail & distribution zoning regulations for properties should they rezone within the area along south El Camino Real from O'Neill Avenue to the San Carlos border.

Strategic Focus Area

Economic Development and Housing

Background

A statewide initiative entitled the "Control, Regulate and Tax Adult Use of Marijuana Act" ("AUMA") was approved by California voters on the November 2016 ballot. AUMA decriminalizes (under California law), controls and regulates the cultivation, processing, manufacture, distribution, testing and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years of age or older. AUMA also taxes the commercial growth and retail sale of marijuana. It does not, and cannot, affect federal regulations as to marijuana or its derivatives. AUMA expressly preserves local control over the regulation of marijuana-related businesses and marijuana-related land uses (Business & Professions Code § 26200, et seq.)

At the City Council's strategic planning workshop held in January 2021, the Council considered several different options for diversifying City revenues and quality of life services as part of a strategy aimed at promoting fiscal sustainability and diversifying revenues. One of the potential new revenue sources identified during that discussion was the legalization and local regulation of commercial cannabis activities. The Council subsequently authorized staff to conduct preliminary assessment of policy options available to the City for consideration at future study sessions.

At its April 13, 2021, November 3, 2021, and March 22, 2022 Study Sessions, the City Council provided feedback to staff regarding establishing cannabis businesses (commercial retail & distribution) within certain areas of Belmont. At their April 12, 2022 meeting, the City Council introduced a draft ordinance which embodied a number of necessary Belmont Zoning Ordinance (BZO) amendments to implement the development standards applicable within the proposed cannabis overlay districts, and corresponding

Zoning Basemap designation amendments to establish the overlay location areas where Cannabis Retail & Distribution – S-3; and Distribution Only – S-4 would be permitted.

At their June 7, 2022 meeting, the Planning Commission conducted a public hearing and considered the draft ordinance regarding the BZO amendments to implement the development standards applicable within the proposed cannabis overlay districts and corresponding Zoning Basemap amendments for the proposed S-3 & S-4 overlay districts. Significant public testimony was heard during the June 7, 2022 Commission meeting (both in-person or through virtual participation). At the conclusion of Commission discussion, the Commission forwarded recommendations to reconsider the scope/location of the potential overlay districts.

At their July 12, 2022 meeting, the City Council conducted a public hearing and considered the Draft Ordinance regarding the BZO amendments, including the Planning Commission recommendations to scale back the areas for potential overlay district zoning. Significant public testimony was also heard during the July 12, 2022 Council meeting; the public comments indicated a strong majority to abandon the zoning amendments proposal, or at a minimum, reconsider the boundaries of the proposed overlay districts. At the conclusion of Council discussion on the matter, the Council did not take action on the proposed amendments and continued the project, pending further analysis and public outreach.

At the City Council's Strategic Priorities Workshop in March 2023, the Council indicated interest in continued exploration of potential Cannabis use regulations within reason, and in appropriate locations in the City. At their July 25, 2023, meeting, the City Council considered and provided staff direction to explore a significantly scaled back overlay zoning approach for cannabis retail and distribution uses within the City limiting the area of eligibility for potential cannabis uses to retail/commercial properties along south El Camino Real between O'Neill Avenue and the San Carlos border.

By doing so, the City Council recognized that while the City has taken a deliberate and careful approach to the evolving cannabis program statewide and locally, retaining and maximizing opportunities for local businesses as the backbone of our community will benefit the City in terms of retail and medicinal services provided to the community and revenues generated, and can increase safety and reduce crimes from illegal cannabis operations and delivery services. In the meanwhile, several peninsula cities are either providing or expanding retail opportunities in this area, and they have proven to be generally safe. With these proposed changes it will provide Belmont an opportunity to evaluate potential business proposals and to reduce retail and sales tax leakage to neighboring jurisdictions, with a proven cannabis track record, and allow to meet the community's needs to evolve with the industry.

At their October 17, 2023 meeting, the Planning Commission conducted a public hearing, and considered the proposed:

- Land Use Element Amendments to the 2035 General Plan that would potentially allow for commercial cannabis land uses in the south El Camino Real area of the City, and,
- Draft Ordinance establishing potential cannabis retail and distribution zoning regulations for properties should they rezone within the area along south El Camino Real from O'Neill Avenue to the San Carlos border.

At the conclusion of Commission discussion, the Commission approved two resolutions (by a vote of three for and two against) recommending City Council approval of the proposed General Plan Land Use Element amendments, and Zoning Ordinance amendments regarding cannabis retail and distribution zoning regulations. The Planning Commissioners that voted against the recommendation were opposed to allowing any cannabis use within Belmont and did not cite specific concerns with the language proposed in the General Plan amendment and the Zoning Ordinance.

Analysis

The proposed Belmont 2035 General Plan and Zoning Ordinance (BZO) amendments center on the following:

1. Modifications to the narrative section of the 2035 General Plan Land Use Element related to El Camino Real; and adding policies to Goal 2.6 and Goal 2.17. These amendments call for the City to explore allowing commercial cannabis in the south El Camino Real corridor area. See Attachment 1 – Proposed General Plan Amendments Resolution and Attachment 3 which describes the south El Camino Real corridor area.

2. Modifications to Belmont Zoning Ordinance (BZO) Section 3 to list the new combining district; BZO Section 9 to define cannabis retail and distribution as a permitted use in the subject overlay combining district; and BZO Section 10 (Planning Procedures) regarding Zoning Administrator (ZA) review authority of a use permit for the proposed uses.

3. Establishing the S-3 Cannabis Retail and Distribution Overlay District in Section 21 (Combining Districts) to provide regulations for cannabis uses should properties be rezoned to the S-3 Overlay District. The regulations include:
    - Cannabis Retail & Distribution Definitions
    - Zoning Administrator Review Authority
    - Use Permit Requirements
    - Development Regulations
    - Performance Standards

A maximum of up to two commercial retail cannabis use permits and a maximum of one cannabis distribution use permit could be allowed within the potential S-3 District, as lawfully permitted via the anticipated cannabis business regulatory ordinance. The development regulations included in the zoning text set specific distances that the cannabis businesses are allowed to operate from schools, youth-oriented businesses, and other cannabis businesses which may further limit the number of businesses allowed.

Cannabis Use Regulatory Framework

Establishing the S-3 Overlay District in the Zoning Ordinance does not authorize cannabis retail or distribution land uses anywhere in the City until specific property in the south El Camino Real area is rezoned into the S-3 District consistent with the Goals and Policies in the Land Use Element. In order to establish a cannabis land use, a proposed business would first need to apply to have the proposed location rezoned to the S-3 Overlay District. In addition, the business would need to obtain a Conditional Use Permit (CUP) to address potential light, glare, noise, traffic, and parking issues, and to ensure that these projects conform to specific development standards related to total number of permitted

dispensaries, distance between dispensaries from schools, parks, and daycare facilities, hours of operation, customer management, and odor.

The CUP regulatory process would also include Police Department (PD) review and approval of operational/safety plans and state licensing to ensure that these uses operate in accordance with all applicable laws (i.e., use of products on site or in public places would be prohibited, security personnel would be required to prevent sales to minors and loitering, cannabis products and graphics representing cannabis products may not be visible from the exterior of the facility, and products must be stored and sold from inside a completely enclosed building). Design Review would also be required for any new building or exterior building alteration to ensure projects are consistent with established requirements for building design, signage, and landscaping.

The review process for the rezoning and use permits will require the applicant to host a community meeting and to hold a public hearing at both the Planning Commission and City Council. The estimated timeline to complete this process is anticipated to be 6 months.

Cannabis Impacts

Since 1996, thirty-nine states and the District of Columbia have legalized the use, home cultivation, and, in some cases, the retail dispensing of medical and/or adult use marijuana. In a study published March 26, 2014 in the journal PLOS One, researchers analyzed FBI crime statistics from eleven of these states between 1990 and 2006. (Morris RG, TenEyck M, Barnes JC, Kovandzic TV (2014) The Effect of Medical Marijuana Laws on Crime: Evidence from State Panel Data, 1990-2006. PLoS ONE 9(3): e92816. doi: 10.1371/journal.pone.0092816.) The states included Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Rhode Island, Vermont and Washington. The research revealed that laws authorizing the use and dispensing of medical marijuana are not predictive of higher crimes rates and, in fact, may be related to reductions in rates of homicide and assault. Robbery and burglary rates were found to be unaffected by medical marijuana legislation, despite widely-held belief to the contrary.

The results of the study were consistent with other prior research suggesting that medical marijuana dispensaries may actually reduce crime in the immediate vicinity. Indeed, a U.S. National Institutes of Health study found that the psychopharmacologic effect of marijuana has "been attributed to 'mellowing out' or causing individuals to 'nod out,' conditions that are likely to ameliorate violent tendencies." (U.S. Department of Health and Human Services, Public Health Service & National Institute on Drug Abuse, "Drugs and Violence: Causes, Correlates and Consequences," NIDA Research Monograph 103, at 187 (1990)). The same study noted that marijuana use had no correlation to violent crime. (Id. at 8, 25, Table 6 and 232).

Further, the secondary impacts associated with marijuana dispensaries in the City, such as the possibility of increased crime at the facility, an increase in people loitering about the facility, and odors, will be ameliorated through the provisions of the cannabis use regulatory framework and permit requirements. Accordingly, there is substantial evidence to support the conclusion that implementing potential cannabis businesses will not be detrimental to any area of the City or have an adverse effect on property values. To the contrary, it is anticipated that the limited authorization of marijuana-related businesses and uses contemplated by the ordinance, together with the strict regulatory controls set forth therein, will have the effect of reducing crime in the City and promoting public health, safety and the general welfare.

Proposed Proposal Process

Since May 2023, the City has received two proposals for establishment of cannabis retail dispensaries for certain properties along south El Camino Real and has met with other interested parties. Since the interest level currently exceeds the anticipated allowable number of potential permits, staff is developing a process to collect and evaluate proposals for rezoning to the S-3 Overlay District. This process is expected to include evaluation of appropriateness of the use at the location, attributes of the location, business operations, security plan, and potential benefits to the community. A preliminary screening for disqualifying background history will also be performed.

Community benefits include tangible benefits that the business commits to provide in excess of existing requirements on the business or in excess of public benefits or revenues normally associated with commercial activity. Examples of public benefits may include, but are not limited to:

- Payment of tax in-lieu until the time that a cannabis business tax is established
- Commitment of contributions to City programs or services
- Other economic benefits to the City
- Labor practices, such as a commitment to paying living wages to employees and/or employing local residents

The commitment for community benefits for the cannabis business will likely be formalized in a development agreement. City Council feedback is requested on possible community benefits from the potential business' operators.

Staff will identify up to two proposals that they could recommend submitting a formal application. Staff anticipates processing the recommended proposal(s) before any other applications that may be received.

Environmental Assessment – The proposed general plan and zoning text amendments are subject to the California Environmental Quality Act ("CEQA"). In conjunction with potential review/recommendation of the subject amendments, staff has prepared an Addendum to the City's 2017 General Plan/Belmont Village Specific Plan Programmatic Environmental Impact Report (EIR) to serve as the environmental assessment for the General Plan/Zoning Ordinance amendments.

Proposed uses (Cannabis Retail & Distribution) would not be dissimilar to other commercial retail/operational uses currently permitted within the potential overlay zone. The proposed amendments would occur in an area where all public services and facilities are available to the properties eligible for inclusion in the S-3 District. The eligible properties are not located in environmentally sensitive areas and are generally already developed with existing commercial uses/structures.

No development would be proposed in conjunction with General Plan/Zoning Ordinance Amendments. As noted earlier, an individual Cannabis Retail or Distribution operator would be required to rezone property to the S-3 District and be subject to CEQA clearance for the subject property intended for operation.

Next Steps

1. Second Reading of Ordinance Regarding Commercial Cannabis Combining District Zoning.
2. Council consideration of Commercial Cannabis Regulatory Ordinance:
    a. General Administration
    b. Legal Authority
    c. Operating Requirements and,
    d. Enforcement
3. Staff develops applications materials and opens up an application period.
4. Applications for property to be rezoned to the S-3 District are considered.

Attachments

1. Resolution Adopting General Plan Amendments
2. Zoning Amendments Ordinance – First Reading
3. Figure showing south El Camino Real Study area
4. Planning Commission Resolutions
5. EIR Addendum & Exhibits

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed: Consultant funding and staff resources to explore local regulation of commercial cannabis activities have been incorporated in the current fiscal year's budget in the General Fund. Local regulation of commercial cannabis activities can provide an important source of locally controlled General Fund revenue.

Source:	**Purpose:**	**Public Outreach:**
Staff	Council Vision/Priority	Posting of Agenda

RESOLUTION NO. 2023 – _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AMENDING THE LAND USE ELEMENT OF THE 2035 GENERAL PLAN TO ALLOW FOR COMMERCIAL CANNABIS LAND USES IN THE SOUTH EL CAMINO REAL AREA OF THE CITY

WHEREAS, on July 25, 2023, the Belmont City Council provided direction to staff to explore consideration of Land Use Element Amendments to the 2035 General Plan that would potentially allow for commercial cannabis uses in the South El Camino Real area of the City; and,

WHEREAS, Goal 2.6 of the Land Use Element of the 2035 Belmont General Plan encourages the City to "[p]romote opportunities for continued economic growth and vitality, resulting in wider shopping and dining opportunities for residents, increased local employment opportunities, enhanced attractions for visitors, increased sales tax revenues, and a stronger community image"; and,

WHEREAS, Goal 2.17 of the Land Use Element of the 2035 Belmont General Plan encourages the City to "[s]upport a wide range of economic activity in Belmont that capitalizes on the city's location, strengthens the City's tax base, and ensures that Belmont has adequate fiscal resources to fund high quality public services for its residents and businesses"; and,

WHEREAS, the proposed General Plan amendments, attached hereto as Exhibit A, augment the current language, adding policies to explore allowing commercial cannabis uses in the South El Camino Real area of the City; and,

WHEREAS, the City Council certified a programmatic Environmental Impact Report (EIR) for the Belmont 2035 General Plan, Phase 1 Zoning, Belmont Village Specific Plan & Zoning, and Climate Action Plan projects under Section 15168 of the CEQA Guidelines, and staff have prepared an addendum to the EIR for this project; and,

WHEREAS, the Planning Commission held a public hearing on October 17, 2023 in accordance with Belmont Zoning Ordinance Section 16.2.2. After reviewing all relevant evidence before the Planning Commission, including the information provided in the staff report and enclosures, the public meeting, and public correspondence and testimony received, the Planning Commission adopted the analysis and findings in the staff report to the Planning Commission dated October 17, 2023 as its own findings of fact under Belmont Zoning Ordinance Section 16.1.2 related to General Plan Amendments, and recommended that the City Council adopt the proposed General Plan Amendments; and,

WHEREAS, the City Council held a public hearing on November 14, 2023 in accordance with Belmont Zoning Ordinance Section 16.2.2; and,

WHEREAS, after reviewing all relevant evidence before the City Council, including the information provided in the staff report and enclosures, the public meeting, and public correspondence and testimony received, and the Planning Commission recommendation, the City

Council incorporates herein by reference and adopts the analysis and findings in the staff report to the City Council dated November 14, 2023 as its own findings of fact under Belmont Zoning Ordinance Section 16.1.2 related to General Plan Amendments.

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

SECTION 1. The City Council finds that the proposed amendment to the Land Use Element of the 2035 General Plan is consistent with and augments the goals and policies of the General Plan and is in the public interest.

SECTION 2. The City Council amends the Land Use Element of the 2035 General Plan as proposed in Exhibit A.

* * *

(Passage requires the affirmative vote of not less than a majority of the total membership of the City Council)

ADOPTED November 14, 2023 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

Amendments to the Land Use Element of the 2035 Belmont General Plan

Text amendments are indicated in red, deleted text noted in ~~strikeout~~

1. **Amend text in Section 2.4 "Economic Opportunity" under subheading "El Camino Real" as follows:**

El Camino Real

Outside of Belmont Village PDA, the El Camino Real corridor is another focus area of economic activity in the city with strong opportunities for growth and development in the coming years. Many of the city's vacant and underutilized parcels are located along the El Camino Real corridor. On the western side of the street, parcels are often small or unusually shaped, with older, one to two story buildings. The eastern side of the street has long, narrow parcels predominantly occupied by surface parking lots for Caltrain. This area is already beginning to be a focus area for growth, as a number of sites along north El Camino Real have development projects that have been completed, approved for construction, or in ~~the~~ the review pipeline.

Allowing commercial cannabis uses in appropriate commercial areas of the City has the potential to contribute to economic growth, job creation, and tax revenue generation. Belmont should consider allowing commercial cannabis uses in the south El Camino Real corridor (from O'Neill Avenue to the City's southern border with San Carlos). Considerations should include potential impacts, public health and safety, enhancing economic development, compatibility with other uses, and evolving public opinion and community norms.

The General Plan supports the vision of a "grand boulevard" along the corridor, which is promoted by the regional Grand Boulevard Initiative for El Camino Real. The corridor is envisioned as a place for residents and visitors to work, live, shop, and play in Belmont, with improved walking, bicycling, and transit facilities. On the Land Use Diagram, the parcels along the corridor have been designated Corridor Mixed Use, and a vertical or horizontal mix of uses is encouraged, including residential, commercial, office, and entertainment uses. Increased density and intensity standards are included in the land use strategy to promote development of vacant parcels and redevelopment of underutilized parcels along the corridor. Policies also support incentives to encourage parcel assembly and facilitate development.

2. **Add Policy 2.6-7 and Actions 2.6-7.1 and 2.6-7.2 to Goal 2.6 as follows:**

Policy 2.6-7 Explore allowing commercial cannabis businesses as a conditional use within the south El Camino Real corridor (from O'Neill Avenue to the southern border of San Carlos).

Action 2.6-7.1: Create a Commercial Cannabis Retail & Distribution Overlay District to which property may be rezoned in order to regulate commercial cannabis land uses. Include separation requirements from sensitive uses like schools and parks in the District regulations.

Action 2.6-7.2: Create licensing regulations that protect public health and safety for owners and operators of commercial cannabis businesses that do not run with the land and regulate owner and operator qualifications, business operating requirements, security standards, compliance, and renewal.

3. Add Policy 2.17-7 and Action 2.17-7.1 to Goal 2.17 as follows:

Policy 2.17-7 Ensure that commercial cannabis uses, if allowed, contribute appropriately to economic growth, job creation, and revenue generation.

Action 2.17-7.1: Establish a taxation system for cannabis businesses.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT AMENDING THE BELMONT ZONING ORDINANCE (ORDINANCE NO. 360) TO ESTABLISH REGULATIONS FOR A COMMERCIAL CANNABIS OVERLAY DISTRICT AND ESTABLISH ZONING REGULATIONS TO POTENTIALLY ALLOW COMMERCIAL CANNABIS USES

THE CITY COUNCIL OF THE CITY OF BELMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS

The Council finds that allowing a limited number of cannabis businesses within certain prescribed areas of the city where commercial uses are currently allowed is consistent with the General Plan and the Belmont Village Specific Plan and with the best interests of the city.

SECTION 2. BZO § 3.1 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 3.1 as follows:

3.1 CLASSES OF DISTRICTS - For the purpose of this Ordinance, the City is divided into the following classes of districts as shown on the maps hereinafter included by reference:

Single Family Residential, or R-1E, R-1H, R-1A, R-1B and R-1C Districts
Duplex Residential, or R-2 Districts Multi-family Residential, or R-3, R-4 and R-5 Districts
Hillside Residential and Open Space, or HRO-1, HRO-2, and HRO-3 Districts
Neighborhood Commercial, or C-1 Districts
General Commercial, or C-2 Districts
Regional Commercial, or RC District
Service Commercial, or C-4 Districts
Mixed Use District, Corridor Mixed Use, or CMU District
Executive Administrative, or E-1, E-2.1 and E-2.2 Districts
Harbor Industrial Area, or HIA-1 and HIA-2 Districts
Limited Industrial, or M Districts
Exclusive Manufacturing, or M.E. Districts
Special Combining Districts:
Special Building Site Combining District S-1
Emergency Shelter Combining District S-2
Cannabis Retail and Distribution Overlay District S-3
Schools and Compatible Multiple Uses, or SC Districts
Open Space Public, or OS-P Districts
Public and Semi-Public, or PS District
Village Core, or VC District
Village Station Core, or VSC District
Village Corridor Mixed Use, or VCMU District
Village High Density Residential, or VHDR District
Public Facility, or PF District
Park/Plaza, or PP District
Active Use Frontage Overlay, or AUFO Overlay

SECTION 3. BZO § 9.10 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 9.10 as follows:

9.10. CANNABIS BUSINESSES. The use of land for cannabis business activity, including any commercial cannabis activity requiring a license under Business and Professions Code Division 10, is prohibited in all zoning districts and specific plan areas except as provided in Section 9.10.1.

9.10.1 Retail sale and distribution of cannabis may be allowed in the S-3 District as provided in Section 21.4.2.

SECTION 4. BZO § 10.7.4 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 10.7.4 as follows:

10.7.4 Zoning Administrator Review. The Zoning Administrator is the Reviewing Authority for a Use Permit:

(a) In any commercial or manufacturing district provided the following criteria are met:

(1) The proposed use is similar in nature to the prior use of the property.

(2) The proposed use does not substantially increase impacts of traffic, noise, odor, vibration, parking or other objectionable elements to a residential neighborhood.

(3) The proposed use will not be detrimental to the public health, safety or welfare.

(4) No other Planning Commission entitlements are required.

(b) As provided in elsewhere in this Ordinance.

SECTION 5. BZO § 21.1 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 21.1 as follows:

21.1 SPECIAL COMBINING DISTRICTS – This section establishes certain classes of districts designated respectively by the symbols S, S1, S-2, or S-3 referred to herein as Special Combining Districts or S Districts. When a zoning district is combined with an S District, the regulations specified for the respective S District shall apply in that portion of the district combined with the S District. Zoning regulations contained in the underlying district that are not superseded or incompatible with the S District regulations shall continue to apply.

SECTION 6. BZO § 21.4 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by adding Section 21.4 as follows:

21.4 CANNABIS COMBINING DISTRICTS. Cannabis Combining Districts establish locations where a limited number of Cannabis Retail and Distribution uses are allowable and establish regulations for those uses. Cannabis combining districts include cannabis overlay districts.

21.4.1 **Cannabis Uses**

(a) **Definitions**. As used in Section 21.4:

"Cannabis" and "Cannabis Products" have the meanings defined in Business & Professions Code Section 26001.

"Cannabis Retail" means a use involving the retail sale of cannabis or cannabis products to customers.

"Cannabis Distribution" means a use involving the procurement, sale, and transport of Cannabis or Cannabis Products between businesses for resale.

"Child day care center" means a "day care center" for children as defined Health & Safety Code Section 1596.76.

"School" means an institution providing instruction for any grades pre-school through 12 whether public, private, or charter, including pre-school, transitional kindergarten, and K-12.

"Youth-oriented business" means any public or private facility that primarily provides services or hosts activities for minors, including, but not limited to: private youth membership organizations or clubs; tutoring; sports training; music, art, or dance lessons; and martial arts.

(b) **Use Permit**.

(1) When allowable, Cannabis Retail and Cannabis Distribution uses require a Use Permit. It is unlawful to establish or operate either a Cannabis Retail or a Cannabis Distribution use without a current and valid Use Permit that specifically authorizes the particular use.

(2) The Zoning Administrator is the Reviewing Authority for both Cannabis Retail and Cannabis Distribution Use Permit applications and, notwithstanding any other provision to the contrary, any required Design Review entitlements under Section 13.

(3) The Reviewing Authority may grant a Cannabis Use Permit only if it finds the proposed use is in accordance with the provisions of the General Plan, applicable specific plans, this ordinance, and the Reviewing Authority determines it can make the findings in Section 10.7.3 and all of the following supplemental findings based on the application and information before the Reviewing Authority. The Reviewing Authority must deny the application if it determines one or more findings cannot be made. Sections 10.7.2 and 10.7.4 do not apply.

(A) The establishment of the proposed use complies with the applicable development regulations.

(B) For a Cannabis Retail Use Permit, there are no more than two lawfully approved Cannabis Retail uses and approval of the use permit will not result in more than two Cannabis Retail uses in the S-3 District.

(C) For a Cannabis Distribution Use Permit, there is no more than one lawfully approved Cannabis Distribution use and approval of the use permit will not result in more than one Cannabis Distribution use in the S-3 District.

(D) The use permit conditions require the use to comply with the performance standards in subsection (d) unless a modification is expressly approved by the permit.

(E) The Police Department has reviewed and approved security and operations plans for the use at the proposed facility.

(c) **Development Regulations**. Cannabis Retail and Cannabis Distribution uses must conform to all development regulations of the zoning district in which they are located unless a modification is expressly approved in the use permit and the following standards.

(1) The use may only be established and operate inside a completely enclosed building.

(2) The location of a Cannabis Retail or Cannabis Distribution use when initially established must comply with the following:

(A) The use must be at least 600 feet from a school or other Cannabis Retail or Cannabis Distribution use and at least 100 feet from parks and actively operated child day care centers.

(B) The distances in subparagraph (A) are measured from the building containing the Cannabis Retail or Cannabis Distribution use by the length of the shortest path of travel over which the general public has a right to travel to the boundary of a property containing the incompatible use.

(C) The public entrance to the Cannabis Retail or Cannabis Distribution use may not be located immediately adjacent to a youth-oriented business on the same frontage as the entrance.

(3) The site and building must be suitably designed to be secure.

(d) **Performance Standards**. A Cannabis use must conform to the following performance standards unless a modification is expressly approved in the use permit.

(1) State Licensing. The use must fully comply with all applicable operational rules and regulations governing commercial cannabis activity in Business & Professions Code Division 10.

(2) Hours of Operation. A use may be open and operate only between the hours of 9:00 a.m. and 9:00 p.m.

(3) Consumption. Consumption of cannabis on the premise must not be allowed.

(4) Smoking. Smoking or vaping of any kind on premises must not be allowed.

(5) Odor. Cannabis odor must not be detectible outside the building from any place accessible to the public or from adjoining private property

(6) Public services. Operation of the business must not place a burden on the provision of public services disproportionate to other retail uses.

(7) Exterior Security Lighting. Adequate external lighting must be provided for security purposes. The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal spillover on adjacent properties. The lighting must be stationary, directed away from adjacent properties and public rights-of-way, and compatible with the neighborhood.

(8) Security. On-site security must be provided for Cannabis Retail or Cannabis Distribution uses during the hours of operation when clients are present.

(9) Commercial Cannabis Permit. The use must fully comply with all applicable local permit rules and regulations governing commercial cannabis activity, including operational permit requirements and conditions and approved operational plans under any other city ordinance or code.

(10) In the event of a conflict between the requirements of the use permit and the requirements of a local operations permit issued by the police department, the more restrict performance requirements apply.

21.4.2 **S-3 Cannabis Retail and Distribution Overlay District**

(a) **S-3 District Established**. The S-3 Cannabis Retail and Distribution Overlay District comprises those certain areas situated within the City of Belmont that may be included by ordinance in the S-3 District from time to time. Only property located in the El Camino Real corridor between O'Neill Avenue and the San Carlos border are eligible to be rezoned to the S-3 District.

(b) **Allowable Cannabis Uses and Limitations**

(1) Both Cannabis Retail and Cannabis Distribution are allowable uses in the S-3 District with a use permit issued in accordance with section 21.4.1.

(2) Only two Cannabis Retail uses are allowed within the S-3 District.

(3) Only one Cannabis Distribution use is allowed within the S-3 District.

SECTION 7. 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 shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby 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 8. EFFECTIVE DATE.

This Ordinance takes effect 30 days after its adoption.

SECTION 9. OPERATIVE DATE.

Sections 2, 3, 4, 5 and 6 of this Ordinance are not operative, and the use of land for cannabis business activity remains prohibited, until the operative date of a commercial cannabis permit ordinance adopted by the city council establishing regulations for the operation of cannabis businesses and requiring a police permit for operation of cannabis businesses, or until such date as the council may hereafter prescribe by ordinance.

* * *

The City Council of the City of Belmont, California introduced the foregoing ordinance, on November 14, 2023 and adopted the ordinance at a regular meeting held on [insert date], 2023 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

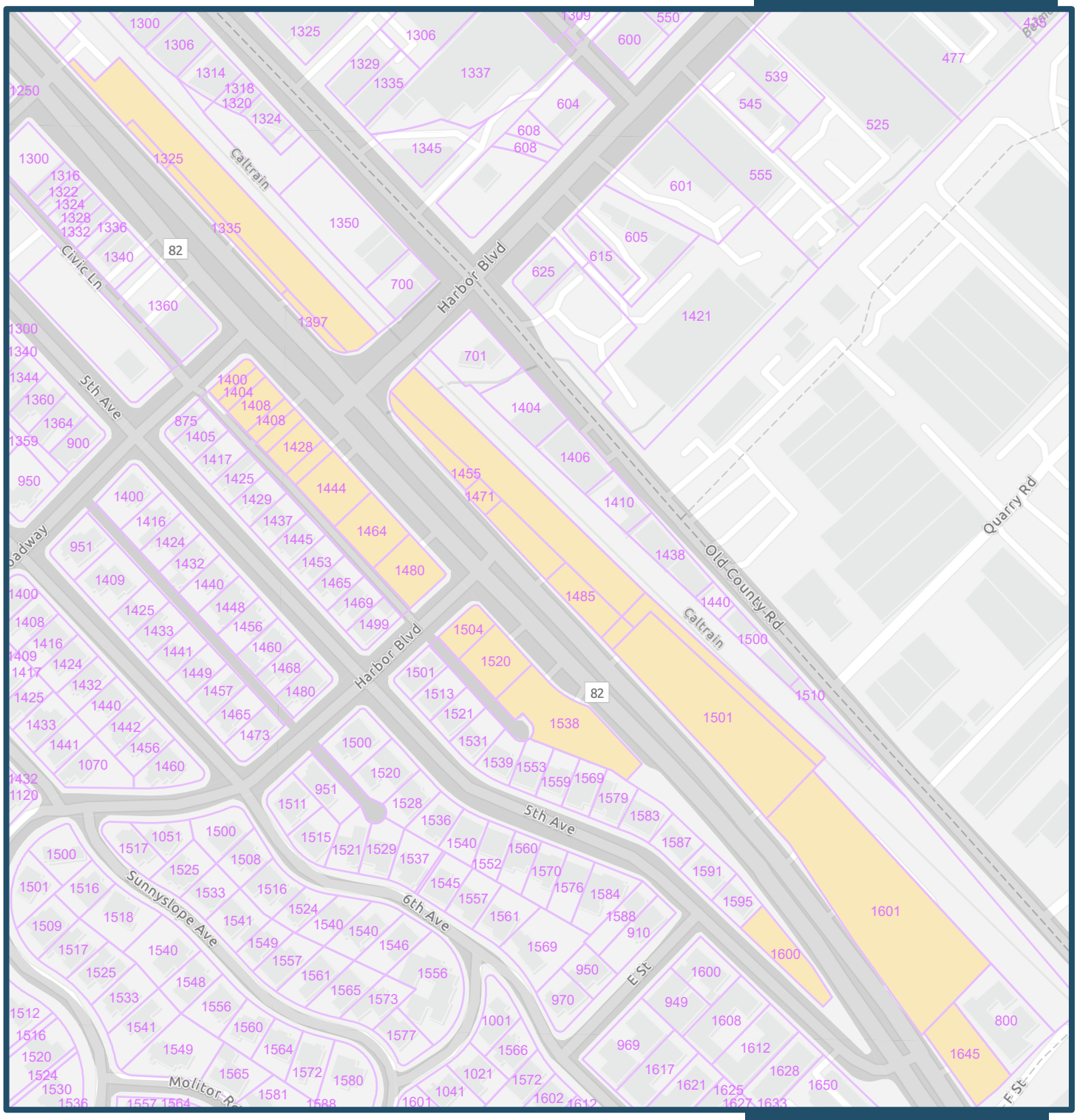
Mayor

APPROVED AS TO FORM:

City Attorney

Attachment 3 - South El Camino Real Study Area

South El Camino Real Subject Parcels



0 125 250 500 750 1,000 Feet

CITY OF BELMONT CALIFORNIA

RESOLUTION NO. 2023 – 23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT RECOMMENDING THAT THE BELMONT CITY COUNCIL AMEND THE LAND USE ELEMENT OF THE 2035 GENERAL PLAN TO ALLOW FOR COMMERCIAL CANNABIS LAND USES IN THE SOUTH EL CAMINO REAL AREA OF THE CITY

WHEREAS, on July 25, 2023, the Belmont City Council provided direction to staff to explore consideration of Land Use Element Amendments to the 2035 General Plan that would potentially allow for commercial cannabis uses in the South El Camino Real area of the City; and,

WHEREAS, Goal 2.6 of the Land Use Element of the 2035 Belmont General Plan encourages the City to "[p]romote opportunities for continued economic growth and vitality, resulting in wider shopping and dining opportunities for residents, increased local employment opportunities, enhanced attractions for visitors, increased sales tax revenues, and a stronger community image"; and,

WHEREAS, Goal 2.17 of the Land Use Element of the 2035 Belmont General Plan encourages the City to "[s]upport a wide range of economic activity in Belmont that capitalizes on the city's location, strengthens the City's tax base, and ensures that Belmont has adequate fiscal resources to fund high quality public services for its residents and businesses"; and,

WHEREAS, the proposed General Plan amendments, attached hereto as *Exhibit A*, augment the current language, adding policies to explore allowing commercial cannabis uses in the South El Camino Real area of the City; and,

WHEREAS, the City Council certified a programmatic Environmental Impact Report (EIR) for the Belmont 2035 General Plan, Phase 1 Zoning, Belmont Village Specific Plan & Zoning, and Climate Action Plan projects under Section 15168 of the CEQA Guidelines, and staff have prepared an addendum to the EIR for this project; and,

WHEREAS, the Planning Commission held a public hearing on October 17, 2023 in accordance with Belmont Zoning Ordinance Section 16.2.2; and,

WHEREAS, after reviewing all relevant evidence before the Planning Commission, including the information provided in the staff report and enclosures, the public meeting, and public correspondence and testimony received, the Planning Commission incorporates herein by reference and adopts the analysis and findings in the staff report to the Planning Commission dated October 17, 2023 as its own findings of fact under Belmont Zoning Ordinance Section 16.1.2 related to General Plan Amendments.

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

SECTION 1. The Planning Commission finds that the proposed amendment to the Land Use Element of the 2035 General Plan is consistent with and augments the goals and policies of the General Plan and is in the public interest.

SECTION 2. The Planning Commission recommends that the City Council amend the Land Use Element of the 2035 General Plan as proposed in *Exhibit A*.

* * *

(Passage requires the affirmative vote of not less than a majority of the total membership of the Commission)

Passed and adopted at the regular meeting of the Planning Commission of the City of Belmont held on October 17, 2023 by the following vote:

AYES,
COMMISSIONERS: Gurevich, Kulich, Majeski
NOES,
COMMISSIONERS: Meier, Kramer
ABSENT,
COMMISSIONERS: None
ABSTAIN,
COMMISSIONERS: None
RECUSED,
COMMISSIONERS: None

Carlos de Melo
Planning Commission Secretary

EXHIBIT A

Amendments to the Land Use Element of the 2035 Belmont General Plan

Text amendments are indicated in red, deleted text noted in ~~strikeout~~

1. **Amend text in Section 2.4 "Economic Opportunity" under subheading "El Camino Real" as follows:**

El Camino Real

Outside of Belmont Village PDA, the El Camino Real corridor is another focus area of economic activity in the city with strong opportunities for growth and development in the coming years. Many of the city's vacant and underutilized parcels are located along the El Camino Real corridor. On the western side of the street, parcels are often small or unusually shaped, with older, one to two story buildings. The eastern side of the street has long, narrow parcels predominantly occupied by surface parking lots for Caltrain. This area is already beginning to be a focus area for growth, as a number of sites along North El Camino Real have development projects that have been completed, approved for construction, or in ~~the~~ the review pipeline.

Allowing commercial cannabis uses in appropriate commercial areas of the City has the potential to contribute to economic growth, job creation, and tax revenue generation. Belmont should consider allowing commercial cannabis uses in the South El Camino Real corridor (from O'Neill Avenue to the City's southern border with San Carlos). Considerations should include potential impacts, public health and safety, enhancing economic development, compatibility with other uses, and evolving public opinion and community norms.

The General Plan supports the vision of a "grand boulevard" along the corridor, which is promoted by the regional Grand Boulevard Initiative for El Camino Real. The corridor is envisioned as a place for residents and visitors to work, live, shop, and play in Belmont, with improved walking, bicycling, and transit facilities. On the Land Use Diagram, the parcels along the corridor have been designated Corridor Mixed Use, and a vertical or horizontal mix of uses is encouraged, including residential, commercial, office, and entertainment uses. Increased density and intensity standards are included in the land use strategy to promote development of vacant parcels and redevelopment of underutilized parcels along the corridor. Policies also support incentives to encourage parcel assembly and facilitate development.

2. **Add Policy 2.6-7 and Actions 2.6-7.1 and 2.6-7.2 to Goal 2.6 as follows:**

Policy 2.6-7 Explore allowing commercial cannabis businesses as a conditional use within the South El Camino Real corridor (from O'Neill Avenue to the southern border of San Carlos).

Action 2.6-7.1: Create a Commercial Cannabis Retail & Distribution Overlay District to which property may be rezoned in order to regulate commercial cannabis land uses.

Include separation requirements from sensitive uses like schools and parks in the District regulations.

Action 2.6-7.2: Create licensing regulations that protect public health and safety for owners and operators of commercial cannabis businesses that do not run with the land and regulate owner and operator qualifications, business operating requirements, security standards, compliance, and renewal.

3. Add Policy 2.17-7 and Action 2.17-7.1 to Goal 2.17 as follows:

Policy 2.17-7 Ensure that commercial cannabis uses, if allowed, contribute appropriately to economic growth, job creation, and revenue generation.

Action 2.17-7.1: Establish a taxation system for cannabis businesses.

RESOLUTION NO. 2023-24

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CANNABIS REGULATIONS IN THE BELMONT ZONING ORDINANCE (ORDINANCE NO. 360) AND FACILITATING COMMERCIAL CANNABIS OVERLAY ZONING REGULATIONS IN THE SOUTH EL CAMINO REAL AREA OF THE CITY

WHEREAS, on July 25, 2023, the Belmont City Council provided direction to staff to explore consideration of: 1) Land Use Element Amendments to the 2035 General Plan that would potentially allow for Commercial Cannabis Land Uses in the South El Camino Real area of the City; and 2) Zoning Ordinance ("BZO") Amendments to establish potential Cannabis Retail & Distribution Zoning Regulations for properties should they rezone within the area along South El Camino Real from O'Neill Avenue to the San Carlos Border; and,

WHEREAS, the City Council certified a programmatic Environmental Impact Report (EIR) for the Belmont 2035 General Plan, Phase 1 Zoning, Belmont Village Specific Plan & Zoning, and Climate Action Plan projects under Section 15168 of the CEQA Guidelines, and staff have prepared an addendum to the EIR for this project; and,

WHEREAS, on October 17, 2023, the Planning Commission, following notification in the prescribed manner, conducted a public meeting, at which meeting the Commission considered public testimony and a staff report on the subject zoning text amendments regarding potential Cannabis Retail & Distribution Zoning Regulations for properties should they rezone within the subject area along South El Camino Real; and,

WHEREAS, after reviewing all the relevant evidence before the Planning Commission, including the information provided in the staff report and enclosures to the Planning Commission, the public meeting, public correspondence and testimony received, the Planning Commission incorporates herein by reference and adopts the analysis and findings in the staff report to the Planning Commission dated October 17, 2023 as its own findings of fact under Section 16 of the Belmont Zoning Ordinance related to Zone Text Amendments; and,

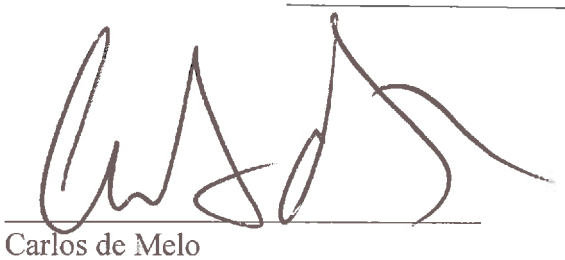
WHEREAS, the Planning Commission, after consideration of all testimony and reports, determined that the proposed amendments identified in the staff report, together with any recommended modifications to the project provided by the Commission, are consistent with the objectives of the Zoning Plan, Belmont Village Specific Plan, and the General Plan for the City.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt an Ordinance amending cannabis regulations in the Belmont Zoning Ordinance (Ordinance No. 360) and to establish potential Cannabis Retail & Distribution Zoning Regulations for properties should they rezone within the area along South El Camino Real from O'Neill Avenue to the San Carlos Border, as described in the Planning Commission staff report and attachments, dated October 17, 2023 and inclusive of any modifications recommended by the Commission and provided as part of the public record.

* * * * * * * * * * * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on October 17, 2023 by the following vote:

AYES,
COMMISSIONERS: Gurevich, Kulich, Majeski
NOES,
COMMISSIONERS: Meier, Kramer
ABSENT,
COMMISSIONERS: None
ABSTAIN,
COMMISSIONERS: None
RECUSED,
COMMISSIONERS: None



Carlos de Melo
Planning Commission Secretary

Attachment 5
CEQA ADDENDUM
Cannabis Regulations Ordinance

Background

Environmental Review

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

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

Development Project

Commercial Cannabis Overlay Zone Amendments: The project considers Land Use Element Amendments to the 2035 General Plan that would potentially allow for Commercial Cannabis Land Uses in the South El Camino Real area of the City; and Zoning Ordinance ("BZO") Amendments to establish potential Cannabis Retail & Distribution (S-3) Zoning Regulations should a property rezone to the S-3 District along South El Camino Real. The specific regulations for sale and distribution of cannabis products are described in greater detail below. The draft General Plan and Ordinance Amendments are included as attachments to the November 14, 2023 City Council Staff Report. These Amendments include the following modifications:

1. Modifications to the narrative section of the 2035 General Plan Land Use Element related to El Camino Real; and adding policies to Goal 2.6 and Goal 2.17. See Attachment 1 – Proposed General Plan Amendments Resolution and Exhibit (Attachment 3) which describes the South El Camino Real boundary area.
2. Modifications to Belmont Zoning Ordinance (BZO) Section 3 to list the new combining district; BZO Section 9 to define Cannabis Retail & Distribution as a permitted use in the subject overlay combining district; and BZO Section 10 (Planning Procedures) regarding Zoning Administrator (ZA) review authority of a Use Permit for the proposed uses.
3. Establishing S-3 Cannabis Retail & Distribution Overlay District in Section 21 (Combining Districts) to provide regulations for cannabis uses should properties be rezoned to the S-3 Overlay District. This potential overlay zoning area is located along both east & west side fronting properties on South El Camino Real (ECR) from O'Neill Avenue to the southern border (of San Carlos) – see Attachment 2 (Zoning Amendments Ordinance) and Exhibit (Attachment 3) which describes the South El Camino Real boundary area. The regulations include:

    - Cannabis Retail & Distribution Definitions
    - Zoning Administrator Review Authority
    - Use Permit Requirements
    - Development Regulations
    - Performance Standards

4. The proposed Cannabis Use ***Development Regulations*** include the following:

(1) The use may only be established and operate inside a completely enclosed building.

(2) The location of a Cannabis Retail or Cannabis Distribution use when initially established must comply with the following:

(A) The use must be at least 600 feet from a school or other Cannabis Retail or Cannabis Distribution use and at least 100 feet from parks and actively operated child day care centers.

(B) The distances in subparagraph (A) are measured from the building containing the Cannabis Retail or Cannabis Distribution use by the length of the shortest path of travel over which the general public has a right to travel to the boundary of a property containing the incompatible use.

(C) The public entrance to the Cannabis Retail or Cannabis Distribution use may not be located immediately adjacent to a youth-oriented business on the same frontage as the entrance.

(3) The site and building must be suitably designed to be secure.

6. The proposed Cannabis Use ***Performance Standards*** include the following:

(1) State Licensing. The use must fully comply with all applicable operational rules and regulations governing commercial cannabis activity in Business & Professions Code Division 10.

(2) Hours of Operation. A use may be open and operate only between the hours of 9:00 a.m. and 9:00 p.m.

(3) Consumption. Consumption of cannabis on the premise must not be allowed.

(4) Smoking. Smoking or vaping of any kind on premises must not be allowed.

(5) Odor. Cannabis odor must not be detectible outside the building from any place accessible to the public or from adjoining private property.

(6) Public services. Operation of the business must not place a burden on the provision of public services disproportionate to other retail uses.

(7) Exterior Security Lighting. Adequate external lighting must be provided for security purposes. The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal spillover on adjacent properties. The lighting must be stationary, directed away from adjacent properties and public rights-of-way, and compatible with the neighborhood.

(8) Security. On-site security must be provided for Cannabis Retail or Cannabis Distribution uses during the hours of operation when clients are present.

(9) Commercial Cannabis Permit. The use must fully comply with all applicable local permit rules and regulations governing commercial cannabis activity, including operational permit requirements and conditions and approved operational plans under any other city ordinance or code.

(10) In the event of a conflict between the requirements of the use permit and the requirements of a local operations permit issued by the police department, the more restrictive performance requirements apply.

A maximum of up to two (2) commercial retail cannabis use permits are allowed, and a maximum of one (1) cannabis distribution use permits are allowed, as lawfully permitted via the Cannabis Regulatory Ordinance, and Zoning Administrator Use Permit review process.

Purpose of the Addendum

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

This Addendum has been prepared with consideration of the previously certified FEIR, which is incorporated by reference under CEQA Guidelines, Section 15150. The FEIR is available for review at the Community Development Department, Belmont City Hall, One Twin Pines Lane, Suite #310, Belmont, CA 94002. The Executive Summary Table of the General Plan EIR and the MMRP adopted for the project are included as exhibits to this addendum.

CEQA Authority for the Addendum

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

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

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

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

A. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

B. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

C. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

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

Project Evaluation

General Plan / BVSP Buildout

The General Plan EIR considered all potential environmental impacts under an assumed maximum buildout for the City and the BVSP Area in 2035. Since the adoption of the General Plan EIR, there have been no major commercial development projects approved within the BVSP Area, or within the City at large. The table below provides the maximum BVSP buildout identified in the GP EIR, and the approved commercial development to date.

Table 1- BVSP Buildout & Commercial Development Projects

	2013 Year	2035 Year	Growth	Remaining
Jobs	1,440	2,450	30	975
Non-Residential sq. ft.	679,000	1,044,000	5,102	359,698

As provided in Table 1 above, there are still numerous jobs, and non-residential floor area within the remaining development limits of the BVSP project area. It should be noted that the potential subject overlay district area (South El Camino Real) is generally already developed with existing commercial uses/structures. No development is proposed in conjunction with the proposed General Plan/Zoning Amendments Project. Individual Cannabis Retail or Distribution operators would be subject to CEQA clearance for the subject properties intended for operation.

Development Project Impacts

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

The proposed development project is evaluated for consistency with the adopted General Plan EIR and the MMRP, in the tables and discussion that follow on pages 5 through 38 of this document. The tables and discussion reference Table ES-3 of the General Plan EIR (see Exhibits), which provides an outline of the significant impacts of the General Plan, and the policies and mitigation

measures designed to reduce these impacts to the extent possible. The MMRP adopted for the General Plan EIR is also referenced (see Exhibits).

Table 2-Aesthtics

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

Aesthetics: There are no scenic vistas or scenic corridors in the overlay areas where the project would occur (Impacts 4.1-1 & 4.1-2). Individual development projects would be required to be consistent with all other objective development and design standards, street frontage standards, lighting standards (i.e., full cutoff lighting) and design standards identified in the DEIR and the BVSP to reduce aesthetic impacts to less than significant ((Impacts 4.1-3 & 4.1-4).

Table 3-Air Quality

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

Air Quality:

Air Quality Plans & Standards

The General Plan and BVSP would be consistent with the Bay Area Air Quality Management District (BAAQMD) regional air quality strategy (Impact 4.2-1). The General Plan EIR indicates that individual development projects have the potential for construction and operational emissions in excess of BAAQMD's project level thresholds; however, Mitigation Measures AQ-1 through AQ-4 would reduce construction related emissions, and Mitigation Measure AQ-5 would address operational-related emissions (see Exhibits). Thus, Individual Cannabis Retail or Distribution projects would be required to implement the following mitigation measures as conditions of project approval (Impacts 4.2-2 through 4.2-4).

Air Quality Mitigation Measures

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

Air Quality Mitigation Measures

Number	*Mitigation Measure*
AQ-4	**Require Fugitive Dust Best Management Practices.** All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related fugitive dust by implementing BAAQMD's basic control measures at all construction and staging areas. The following measures are based on BAAQMD's current CEQA guidelines. • 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. • All haul trucks transporting soil, sand, or other loose material offsite will be covered. • All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 mph. • 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. 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.
AQ-5	**Promote Green Consumer Products.** For all projects developed within the Planning Area, developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy, the project sponsors shall work with the City of Belmont to develop electronic correspondence to be distributed by email to new residential and commercial tenants that encourages the purchase of consumer products that generate lower than typical VOC emissions. Examples of green products may include low-VOC architectural coatings, cleaning supplies, and consumer products, as well as alternatively fueled landscaping equipment

Sensitive Receptors

The General Plan EIR indicates that the construction of individual development projects has the potential to expose sensitive receptors (residential uses, hospitals, schools, daycare centers, etc.) to toxic air contaminants (TACs). Thus, Mitigation Measure AQ-6, below, requires that all projects proposing development within 1,000 feet of existing sensitive receptors prepare a site-specific health risk assessment (HRA). If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for adjacent receptors will be less than BAAQMD project-level thresholds, then additional mitigation would be unnecessary.

Air Quality Mitigation Measures

AQ-6	**Require Future Projects Located within 1,000 Feet of Receptors Perform a Construction Health Risk Assessment.** All applicants proposing development of projects within 1,000 feet of existing sensitive receptors, as defined by the Bay Area Air Quality Management District (BAAQMD), shall prepare a site-specific construction health risk assessment (HRA). If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for adjacent receptors will be less than BAAQMD project-level thresholds, then additional mitigation would be un- necessary. However, if the HRA demonstrates that health risks would exceed BAAQMD project- level thresholds, additional feasible on- and offsite mitigation shall be analyzed by the applicant to help reduce risks to the greatest extent practicable.

Individual Cannabis Retail or Distribution projects would be required to submit an HRA for the project that demonstrates compliance with BAAQMD project level thresholds. Thus, no new significant impacts would occur (Impact 4.2-5).

Carbon Monoxide

Traffic volumes under the General Plan and BVSP would not result in carbon monoxide (CO) concentrations in excess of the state or federal 1- or 8-hour CO standards. Consequently. CO concentrations in 2035 would be lower than under existing (2013) conditions, despite an increase in traffic volumes. This decrease is due to expected improvements in vehicle engine technology,

fuel efficiency, and turnover in older, more heavily polluting vehicles, which reduces exhaust emissions. Since predicted CO concentrations would not violate the NAAQS, the impact of traffic conditions on ambient CO levels in the Planning Area would be less than significant (Impact 4.2-6).

Objectionable Odors

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

Table 4 – Biological Resources

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

Biological Resources:

Habitat Modification & Protected Species

The potential overlay district zoned properties generally include previously developed properties; these properties are not located in any known sensitive habitat areas. No development is proposed in conjunction with the recommended General Plan/Zoning Amendments. Applications in sensitive habitat areas require submittal of a biological assessment, which identifies potential impacts to sensitive species, riparian habitats or wetlands on or near the project site, and appropriate mitigation measures (Impact 4.3-1 through 4.3-3 & 4.3-6).

Migratory Birds

Nesting migratory birds are protected under the Migratory Bird Treaty Act, and Section 3503 of the California Fish and Game Code. Should proposed project construction occur in close proximity to trees on adjacent sites, which may disturb nesting migratory birds, significant impacts to migratory birds would not occur with adherence to the following measure:

"If tree removal or ground disturbance activities are scheduled to commence during the breeding season (February 1 through August 31), preconstruction nesting bird surveys should be conducted by a qualified biologist in order to identify possible nesting activity. A construction-free buffer of suitable dimensions must be established around active nests (typically up to 50 feet for passerines and up to 250 feet for raptors, depending on the location and species) for the duration of the project or until it has been determined that the chicks have fledged and are independent of their parents."

The City utilizes a standard condition of project approval (COA) to protect nesting migratory birds. The COA requires that the applicant either avoid construction activities (i.e., tree removal, demolition, grading, and construction) during the active nesting season, or conduct surveys for nesting birds and provide appropriate buffer zones, as follows:

COA – Nesting Birds

- *To minimize potential impacts on nesting raptors, the applicant shall either: 1) Avoid construction activities (i.e., tree pruning, tree removal, tree protection work, 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.*

  Note: Pre-construction surveys shall be conducted by a qualified biologist or ornithologist in order to ensure that no raptor nests will be disturbed during project implementation. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the biologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with the California Department of Fish and Wildlife Service, will determine the extent of a construction-free buffer zone to be established around the nest.

Subject to this standard condition of project approval for nesting birds identified above, no significant impacts would occur with respect to nesting migratory birds (Impact 4.3-4).

Tree Protection

General Plan policies require compliance with the City's adopted tree preservation ordinance (Chapter 25 of the City Code). The Tree Ordinance provides a process and standards for review of projects that may impact or remove protected trees. Environmental impacts are considered mitigated for projects that adhere to this policy. Thus, if tree removal is associated with individual development projects, adherence to the requirements of the Tree Ordinance (i.e., submittal of an Arborist Report with recommendations for tree protections) and the following standard conditions of approval:

COAs – Tree Protection

- *The applicant shall implement the Tree Protection Guidelines identified in the Arborist Report, prepared for the project; the project arborist shall review the final building and grading plans, and confirm in writing any changes to the design recommendations. The guidelines shall be included on a plan sheet submitted with the building permit application.*

- *Prior to issuance of a grading or building permit, the applicant shall submit written confirmation from the Project Arborist that all tree protection measures, and pre-construction treatments have been installed and inspected, and that they meet the arborist's specifications.*

- *Any approved grading, construction, demolition or other work within the tree protection zone shall be monitored by the project arborist.*

- *Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Project Arborist.*

- *If unplanned or unapproved tree injuries or tree removals occur during project construction, the applicant shall contact City Planning Staff. Additional permits may be required.*

- *After completion of exterior construction work and before final building permit inspection, the applicant shall submit a final written report/letter from the Project Arborist. Said report/letter shall provide an evaluation of the construction impacts to the subject tree's health or structural stability, and shall identify any additional provisions that may be required to these address impacts. The applicant shall be responsible to implement these recommendations. A final report may be required on the effectiveness of the measures.*

Subject to these standard conditions of project approval for tree protection, the project would not have a significant impact on trees, and would not conflict with City policies or ordinances protecting biological resources, such as the Tree Ordinance (Impact 4.3-5).

Table 5 – Cultural Resources

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

Cultural Resources:

Historic Structures

The City's standard process for review of development projects requires submittal of a Historic Resource Evaluation (HRE) prepared by an architectural historian for national, state or locally listed historical structures, structures eligible for listing, and structures greater than forty-five years' old that would be altered or demolished as part of a project. The HRE identifies the potential impacts of a project to the historical resource, and recommends mitigation measures. Projects with potentially significant impacts to historical structures require environmental review under the California Environmental Quality Act (CEQA).

No project sites are listed, but numerous buildings would meet the forty-five-year threshold for review of potential historical impacts. As previously discussed, no development is proposed in conjunction with the recommended General Plan/Zoning Amendments. An individual Cannabis Retail or Distribution operator would be subject to CEQA clearance for the subject property intended for operation, including an evaluation for impacts to historical structures (consistent with the policies of the General Plan EIR). As such, no new potential impacts not identified in the General Plan EIR would occur from the development project (Impact 4.4-1).

Archaeological & Paleontological

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

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

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

The recommendations in a Cultural Resources Evaluation are required to be noted on the project plans. The City's standard project conditions of approval (COAs) conditions of approval are as follows:

COAs – Cultural Resource

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

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

Human Remains

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

COA- Human Remains

- *If any human remains are discovered or recognized in any location on a project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:*

    A. *The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and,*

    B. *If the remains are of Native American origin:*

        1. *The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or*

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

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

Table 6 – Geology, Soils & Seismicity

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

Geology, Soils & Seismicity:

Fault Rupture & Soil Erosion

According to the California Department of Conservation website the potential (South El Camino Real) overlay district is not located within a state-designated Alquist-Priolo Earthquake Fault Zone, so no fault rupture would be expected for any future development projects. The overlay district includes relatively flat project sites and do not include exposed slopes. In addition, the following standard erosion control COA would be required for construction of individual development projects to prevent significant soil erosion impacts (Impact 14.5-1):

COA - Erosion Control

- *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 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).

g) Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.

Seismic Ground Shaking, Liquefaction, & Lateral Spreading

The potential subject overlay zone area is in a seismically active region dominated by the San Andreas Fault, which is located approximately 4 miles west of the overlay zones, the Hayward Fault, which is located approximately 15 miles northeast of the overlay zones, and the northern portion of the Calaveras Fault, which is located approximately 22 miles northeast of the overlay zone. As such, the project sites would be subject to strong seismic ground shaking, liquefaction and lateral spreading; however, any future proposed projects would be required to conform to the current seismic design provisions of the most current version of the California Building Code (CBC), to provide for the latest in earthquake safety and minimize losses from an earthquake.

The CBC contains the latest seismic safety requirements to resist ground shaking through modern construction techniques, which are periodically updated to reflect the most recent seismic research. In addition, proposed General Plan Policy 6.1-2 requires the regulation of development on sites that have a history or threat of seismic dangers; Policy 6.1-4 requires geotechnical site analysis for proposed development on certain sites; and Policy 6.1-5 requires geotechnical studies that address the potential for ground shaking. With implementation of these policies, which supplement the existing building code requirements, the potential impacts from ground shaking would be minimized to the greatest extent feasible and are less than significant.

Consistent with the policies in the General Plan EIR and the requirements of the City Code, applicants would be required to submit a detailed geotechnical investigation for individual projects, which would be peer reviewed by the City's consulting geologist. The standard City procedure requires geotechnical clearance (i.e., a concurrence from the City's consulting geologist that the proposed project development is suitable for the site from a geotechnical perspective).

This recommendation includes standard conditions requiring geotechnical review of final building and grading plans and field inspections during construction, as follows:

COA – Geotechnical

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

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

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

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

Septic Systems
Individual development projects would be connected to the City's sewer system, per General Plan Policy 6.5-5 and the City Code. Therefore, no septic system impacts would occur (Impact 4.5-4).

Table 7 – Energy, Greenhouse Gases & Climate Change

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

Energy, Greenhouse Gases & Climate Change:

Energy Efficiency & Energy Supplies

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

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

Potential individual development projects would be located in the South El Camino Real area of the City, and would be consistent with all applicable General Plan, BVSP and CAP policies designed to reduce energy waste and inefficiency. Further, these projects would be required to comply with the most current state energy code requirements of CalGREEN (green building code), and state and local water efficiency requirements. Thus, no new impacts would occur, and impacts would be less than significant (Impact 4.6-1 and 4.6-2).

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

CEQA Guidelines §15183.5 provides that: 1) quantified plans may be used in the cumulative impacts analysis of later projects; and 2) subsequent project-specific environmental documents may tier from and/or incorporate by reference the programmatic review conducted for the GHG reduction plan (CAP). The General Plan, CAP, and BVSP were adopted simultaneously, and all were studied in the General Plan EIR. The significance of GHG emissions generated by the buildout of the BVSP were evaluated and found consistent with all applicable measures outlined in the CAP and General Plan. Thus, projects that are consistent with the BVSP, and the policies of the CAP and General Plan would not conflict with the City's ability to achieve future emission reduction goals.

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

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

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

Mitigation Measure AQ-2: Require Construction Fleet to Use Renewable Diesel. All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as Diesel high performance renewable). Renewable diesel is currently commercially available in San Francisco Bay Area.

Individual development projects would be located in the South El Camino Real area, and would be consistent with all applicable General Plan, and CAP policies designed to reduce GHGs. Adherence to Action 5.10-3 and Mitigation Measure AQ-2 will be required of the project as conditions of project approval, as follows:

COAs - GHG

- *A minimum of 10% of the construction materials shall be acquired (sourced) within 100 miles of the planning area. Documentation shall be provided before the final building permit inspection.*

- *A minimum of 50% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final building permit inspection. Sample forms located at www.hcd.ca.gov/CALGreen.html may be used to assist in documenting compliance.*

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

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

Table 8 – Hazards & Hazardous Materials

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

Hazards & Hazardous Materials:

Routine Transportation & Accidental Release

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

General Plan EIR
The methodology and assumptions identified in the General Plan EIR indicate that the hazardous materials analysis considered the range and nature of foreseeable hazardous materials use, storage, and disposal resulting from implementation of the General Plan EIR, and identified the primary ways that these hazardous materials could expose individuals or the environment to health and safety risks. In determining the level of significance, the analysis assumed that residents and businesses in the Planning Area act in compliance with applicable federal, State, regional, and local health and safety laws and regulations and that new development under the Project (General Plan, BVSP & CAP) would comply with relevant federal, State, regional, and local ordinances and regulations.

The General Plan EIR concluded that implementation of the policies of the General Plan, and existing state and local regulations would reduce the impact of hazardous materials use, storage,

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

Key considerations for the preparation of environmental assessments are whether the project site contains recognized environmental conditions (RECs), and if those conditions exceed established regulatory Screening Levels (SLs) based on the future uses of the site. Screening levels are generic (not site specific) levels that can be applied to any site and are considered to be protective of typical Bay Area sites. RECs and the SLs are further defined below.

- The American Society for Testing and Materials for Phase I Environmental Site Assessments (ASTM E1527-13) defines a REC as "*the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.*"

- DTSC has developed modified screening levels (DTSC-SLs) for use in the human health risk assessment process at hazardous waste sites and permitted facilities. The DTSC-SLs should be used in preference to United States Environmental Protection Agency (EPA) Regional Screening Levels (RSLs) to evaluate chemical concentrations in environmental media at California sites and facilities. USEPA RSLs should be used for hazardous substances for which a DTSC-SL value is not available. The most current DTSC-SLs were published by DTSC in June 2020 (DTSC, 2020)

- The San Francisco Bay Area Regional Water Quality Board (Water Board) has developed Environmental Screening Levels (ESLs) to provide conservative screening levels for over 100 chemicals found at sites with contaminated soil and groundwater. The ESLs are intended to help expedite the identification and evaluation of potential environmental concerns at contaminated sites. ESLs address a range of media (soil, groundwater, soil gas, and indoor air) and a range of concerns (e.g., impacts to drinking water, vapor intrusion into indoor air, and impacts to aquatic habitat). The most current ESLs were published by the Water Board in November 2019 (Water Board, 2019).

- RSLs are SLs developed by the EPA for each of the 10 regions governed by the EPA. The City of Belmont is located in EPA Pacific Southwest Region 9. The most current RSLs for Region 9 were published by EPA in May 2020).

Types of Potential Impacts
Individual development projects with soil or water contamination are subject to both construction and operational impacts.

Construction Impacts
Project-related grading and excavation/removal of soils has the potential to adversely impact construction workers, and surrounding sensitive receptors. The CUPA (San Mateo County Environmental Health) requires applicants to submit a Soil Management Plan (SMP) to mitigate the potential impacts from the detections of soil vapor and potential unanticipated conditions that may be encountered during grading and planned for excavation during development activities (e.g., abandoned USTs, abandoned sumps or pits containing unknown liquids, etc.), and to provide for compliance with environmental regulations pertaining to conditions at the Site.

The SMP for a development project addresses two types of activities that may occur at contaminated sites: i) construction operations that will be required to minimize exposure of construction workers (i.e., VOCs in the soil vapor that may be encountered during site development); and ii) construction activities that will be necessary to comply with environmental permit conditions, if any. Activities that are addressed in an SMP typically include the following:

- Construction worker health and safety protocol;
- Site access and control;
- Soil management including soil import and off-site disposal of soil;
- Dust and vapor control;
- Stormwater management; and,
- Unexpected conditions response.

SMPs that are consistent with the requirements of the CUPA, and standard conditions of project approval address the potential environmental impacts related to hazardous materials use, storage, disposal, and accidental release. Subject to these measures, impacts from individual development projects would be less than significant (Impact 4.7-1 & 4.7-2).

No portions of the potential S-3 (Cannabis Retail & Distribution) overlay zone are within a ¼ mile of Central and Nesbit Elementary Schools. The DTSC website does not include the potential development project sites on a list of hazardous material sites compiled pursuant to Government Code 65962.5. As such, individual development projects would not involve the handling of acutely hazardous materials within a ¼ mile of a public school. In addition, the potential project sites are not located in the vicinity of a private airstrip, or adjacent to a wildfire urban interface (WUI). Lastly, individual development projects (cannabis retail and distribution uses) would not close roadways or impair implementation of an emergency response/evacuation plan (i.e., they would not block ingress or egress of emergency responders or evacuees). Thus, there would be no project-related impacts in these areas (Impacts 4.7-3, 4.7-4, 4.7-6, 4.7-7, & 4.7-8).

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

An Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport was prepared according to Federal Aviation Administration (FAA) requirements (see Attachment 9a). Each ALUCP prevents exposure to excessive noise and safety hazards within an airport influence

area over a 20-year horizon and are intended to encourage land uses in the vicinity surrounding an airport that are compatible with the airport land uses. California law requires that local government agencies affected by an ALUCP update their General and Specific Plans to be consistent with the ALUCP (California Government Code, Section 65302.3).

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

The potential overlay district would involve retail/distribution uses, which are compatible with the San Carlos ALUCP for noise. Safety, air space protection/building height, and notification is evaluated when construction occurs (i.e., when the location and height of new buildings are known). Typical conditions for new projects are as follows:

<u>COAs – FAA Notification</u>

- *A Notice of Actual Construction or Alteration must be e-filed any time the project is abandoned or within 5 days after the construction reaches its greatest height.*
- *If lighting or marking is installed (which, based on the FAA's evaluation, are not necessary for aviation safety), it is recommended to be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2. Adherence to these FAA policies will ensure that development of the site will not be a hazard to air navigation.*

Table 9 – Hydrology, Flooding & Water Quality

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

Hydrology, Flooding & Water Quality:

Water Quality & Drainage

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

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

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

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

The Department of Public Works reviews individual development projects for compliance with all state and federal water quality requirements. In addition, the project is required to comply with General Plan and BVSP policies related to: 1) the incorporation of best management practices (BMPs) to reduce construction and operational water pollutant loads; 2) implementation of Urban

Design guidelines for Low Impact Development (as applicable for Special projects); 3) streetscape and landscape designs that manage stormwater, to ensure that runoff potential does not exceed the storm drain system's capacity; 4) documentation of the site investigation and cleanup of impacted soils or groundwater provided to City staff during development project review; and 5) remediation and cleanup of impacted waters in compliance with federal and State standards (if applicable).

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

Groundwater Supplies

The potential project site is located in the Santa Clara Valley Groundwater Basin, San Mateo Sub-basin. The groundwater in this basin is not considered a good source of irrigation or municipal water use due to the high content of chloride, sulfate, and total dissolved solids. The proposed project could increase demands for water; however, this increase in water demand would not impact local groundwater supplies, as the primary purveyor of water for the city is the MPWD, which currently does not utilize any local groundwater or surface water supplies to serve the city.

Flooding

According to the FEMA's National Flood Hazard Layer map, portions of the potential Overlay District on El Camino Real is in, or adjacent to, flood zones; however, any potential development proposals that are located in, or adjacent to, flood zones would be required to comply with the City's standards for new construction to reduce flood risk (Impacts 4.8-6 through 4.8-8).

Seiche, Tsunami, or Mudflow

The City of Belmont is not subject to a Tsunami (ocean wave), and the project site is relatively flat (less than 10% slope), with no steep or precipitous slopes, which eliminates the likelihood of a mudflow. A Seiche is a wave from an enclosed or semi-enclosed body of water, such as the San Francisco Bay. The General Plan EIR indicates that the impacts of a Seiche would be mitigated (buffered) by wetlands, Foster City land, and Redwood City land. This buffer leads to a less than significant impact in regards to Seiche inundation. Thus, impacts from Seiches, Tsunamis, or Mudflows is either non-applicable to the project or less than significant (Impact 4.8-9).

Table 10 – Land Use, Population & Housing

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

Land Use, Population & Housing:

Community Division & Conflicts with Land Use Plans
Individual development projects would redevelop or reoccupy existing commercial /retail or warehouse distribution sites for the retail sale or distribution of cannabis products. The project would not include barriers that have the potential to physically divide an established community. As discussed in this addendum, the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Impacts 4.9-1 & 4.9-2).

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

Substantial Population Growth or Displacement
The proposed project would not exceed the expected buildout of the BVSP Area (jobs and non-residential floor area) that was studied in the General Plan EIR. The potential project sites are zoned commercial or mixed use, and individual development projects would not involve the relocation of any housing units. Thus, impacts in these areas would be either less than significant or not applicable to the project (Impact 4.9-4 & 4.9-5).

Table 11 – Noise

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

Noise:

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

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

Construction Noise & Vibration

The City requires the submittal of Noise and Vibration Assessments for construction projects, which evaluate project/location specific impacts and provide mitigation measures to reduce those impacts. The mitigation measures are included as project conditions of approval. In addition, conditions of approval are required by the City to ensure effective implementation of the Assessment's noise measures, and consistency with the BVSP Policy 6.5-3, below. Subject to these measures and conditions of project approval, construction noise impacts would be less than significant (Impacts 4.10-1, 4.10-2, & 4-10-4).

- *BVSP Policy 6.5-3 - Require developers to mitigate noise exposure to sensitive receptors from construction activities. Mitigation may include a combination of techniques that reduce noise generated at the source, increase the noise insulation at the receptor, or increase the noise attenuation as noise travels from the source to the receptor (e.g., through the incorporation of barriers).*

<u>Construction Noise – COAs</u>

- *The applicant shall ensure that the following preventative and monitoring measures are enforced during grading and building operations:*
  - *Limit construction activity to the hours listed in the City Noise Ordinance. (8:00 am to 5:00 pm on weekdays, 10:00 am to 5:00 pm on Saturdays, no construction activity on Sundays and holidays).*
  - *Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses.*
  - *Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition.*
  - *Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.*
  - *Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses.*
  - *Utilize "quiet" air compressors and other stationary equipment where feasible and available.*
  - *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.*

- *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.*

- *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.*

- *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.*

Construction Vibration COAs

- *After obtaining permission from the subject property owners, the applicant shall conduct preconstruction crack photo surveys, and install vibration monitors at the sensitive receptor sites shown in the Vibration Assessment. The applicant shall submit a copy of the crack photo survey and written confirmation from the Project Acoustic Consultant that all required monitors have been installed and inspected, and that they meet the consultant's specifications, prior to issuance of grading or building permits.*

- *The applicant shall designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.*

- *Neighboring property owners within 300 feet of the project site shall be noticed of the construction activities and construction schedule (including estimated dates of various construction phases) at least two weeks prior to the start of construction.*

- *Vibration monitors shall be placed at the sensitive receptors to monitor construction activities and make sure the project thresholds are met. Real-time alerts must be sent to the Contractor in case of near threshold vibration levels or in case of threshold exceedances. In case of exceedances, work must stop, and the source of the exceedance must be identified, and the required mitigation measure should be incorporated.*

- *Building structures near the project shall be checked for cracks and any cracks shall be monitored. Preconstruction crack photo surveys shall be conducted. If minor cracks are reported or existing cracks propagate, vibration project action levels must be restricted.*

- *Whenever possible, construction or equipment activity generating relatively high levels of vibration shall not occur at the same time and shall be spaced as far apart in time as possible from one another. In general, the most severe activities shall be reserved for the middle of the day (noon). If activities must occur simultaneously, they shall be performed as far away from one-another as possible within the construction zone.*

- *All deliveries of material and equipment shall occur during daytime hours, including queueing of construction vehicles outside the site. Vehicles delivering materials and equipment shall be operated in strict conformance with regulations established by the United States Department of Transportation and all State and Local requirements. All materials and equipment shall be stored on-site and within the confines of the construction barricades.*

- *Stationary and portable construction equipment shall be located at positions where the noise/vibration impact to nearby noise/vibration-sensitive receptors is minimal. At times where the equipment cannot be positioned at a minimal noise/vibration impacting location, mitigation devices shall be implemented, as determined by the Project Acoustic Consultant or designated Vibration Monitor.*

- *After construction activities are complete, the applicant shall conduct a post-construction crack photo survey of previously surveyed buildings. The post construction survey, and a summary letter of any resulting actions taken (repairs or restitutions) shall be provided to the Community Development Department, prior to final building permit inspection.*

Operational Noise – (project on environment)

The proposed cannabis retail and distribution regulations require that these uses be operated in a fully enclosed building, between the hours of 9:00AM and 9:00PM. Establishment of these new uses would also require approval of a CUP to address potential noise, and to ensure that these projects conform to operation plans that would require customer management (i.e., that security personnel are present to prevent loitering around the project sites, so as to avoid loud conversations that may disturb neighbors). New development projects would also need to conform to all applicable goals and policies and the City's adopted Noise Ordinance.

Private Airstrips & Airport Noise

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

Table 12 – Public Services & Recreation

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

Public Services & Recreation:

Fire & Police

The General Plan EIR indicates that the buildout of the General Plan/BVSP is not expected to result in significant impacts to Fire and Police service levels, as new development would primarily be concentrated in infill areas already adequately served by both departments; however, the General Plan EIR identifies General Plan and BVSP policies that are intended to reduce the potential Fire and Police service level impacts of individual development projects. These policies generally encourage focusing development in already developed areas where it can be served by existing public services, and allowing sufficient density/intensity to enable development to support all required infrastructure/community facilities. The policies also require Fire and Police Department review of individual development projects to ensure consideration of potential impacts to public safety.

The potential overlay district would be located in urbanized parts of the city, which are easily accessible by major streets. Individual development projects would be required to contribute to infrastructure upgrades and street improvements impacted by or in the immediate vicinity of their sites. The Fire and Police Departments will review individual development projects, and have provide appropriate conditions of approval addressing fire mitigation measures, fire flow capacity, evacuation and access provisions for first responders, and design considerations to increase public safety (i.e., project lighting, parking garage security, etc.).

A development proposal submitted under the new regulations would be reviewed by the Fire Department to ensure appropriate fire mitigation measures are incorporated. The Police Department would review development proposals for compliance with a City Commercial Cannabis Permit, and state licensing requirements. The Police Department would also review and approve the applicant's security and operations plans, prior to approval of a CUP to establish the use. The security and operations plans would identify lighting, alarm/surveillance, patron management, and security personnel requirements to ensure safe operation of the business. The Police Department would collect appropriate permit fees to cover the cost of time reviewing Cannabis Use Permits, and for any subsequent inspections, or monitoring of operations. Thus,

impacts to fire and police services from individual development projects would be less than significant (Impact 4.11-1).

Table 13 – Transportation

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

Transportation:

Intersections & Road Segments

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

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

The adoption of a Statement of Overriding Considerations does not mean that future development projects need not comply with General Plan/BVSP policies designed to reduce intersection impacts, or that applicants for development projects would not be responsible to address their project-related impacts. General Plan, BVSP and CAP Policies encourage improving multimodal infrastructure, and coordinating land use and circulation in a way that would reduce vehicle trips. In addition, implementation of the General Plan, BVSP and CAP policies would result in denser and/or more complimentary land uses and the development of complete streets that would either shorten or reduce the number of vehicle trips. The MMRP adopted with the General Plan EIR also contains mitigation measures that would reduce project impacts by requiring that project applicants contribute proportionate share of payments towards intersection/segment improvements, and/or pay a traffic impact fee.

State Law & Traffic Metrics

Senate Bill 743 (Steinberg, 2013), which was codified in Public Resources Code section 21099, required changes to the guidelines implementing CEQA (CEQA Guidelines) (Cal. Code Regs., Title 14, Div. 6, Ch. 3, § 15000 et seq.) regarding the analysis of transportation impacts. Pursuant to Section 21099, the criteria for determining the significance of transportation impacts must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses."

To that end, the State of California Governor's Office of Planning and Research (OPR) adopted changes to the CEQA guidelines in December 2018 specifying vehicle miles traveled (VMT)[1] as the most appropriate metric to evaluate a project's transportation impacts. The California Natural Resources Agency subsequently certified adoption of the changes to the CEQA Guidelines, as automobile delay, as measured by "level of service" (LOS) [2] and other similar metrics, generally no longer constitute a significant environmental effect under CEQA. (Pub. Resources Code, § 21099 (b)(3)).

While local agencies are required to adopt and utilize a VMT threshold for CEQA transportation analysis by July 1, 2020, they may still require LOS for local planning and/or general plan compliance purposes. The current General Plan EIR Transportation Section uses LOS as a metric

[1] VMT is a measurement of the amount of travel for all vehicles in a defined area, such as within the City boundaries, within San Mateo County or within the Bay Area region. It represents the total number of vehicle trips multiplied by the total distance each vehicle travels. VMT can also be used as an efficiency metric, "VMT per capita" or "VMT per employee," to encourage development in travel-efficient locations (e.g., locations in proximity to key destinations, services, and transit service). Mitigation measures for VMT impacts typically would include implementing transportation demand management (TDM) measures and strategies to encourage low-emission, multimodal transportation.

[2] The LOS metric assigns a letter grade (A to F) related to the delay per vehicle for an intersection or roadway segment. LOS A represents free flowing conditions and little to no delay to vehicles while LOS F represents congested conditions with higher delays and long queues for vehicles. LOS analysis and mitigation measures are different from VMT in that they would typically support strategies that encourage faster automobile travel times, reduce peak commute time congestion, implement roadway widening and other infrastructure or strategies that could encourage travel by single-occupant vehicles; however, LOS is a useful metric for determining a project's potential circulation impacts, as it can be used to identify when an intersection with stop signs should be replaced with a traffic signal, when a new turn lane is needed, and when queuing may exceed a turn pocket length.

for evaluating potential impacts. In addition, a project that is not expected to create significant VMT impacts could still have LOS operational impacts. Thus, it is possible that a CEQA analysis evaluating VMT may not be required, but an operational analysis to identify intersection impacts will be needed.

On February 23, 2021, the City Council adopted new VMT Policies; however, there is still the potential for individual development project to have significant project-level transportation impacts to adjacent roadways and intersections (per the Cities TIA guidelines, General Plan Circulation Element Policies). As such, the Public Works Department has determined that it is necessary to use both VMT and LOS metrics for review of project transportation impacts for development projects.

Depending on the scope and location, individual development projects would be required to submit Traffic Impact Analyses (TIAs) as part of development review. These reports would be peer reviewed by consultants and the Public Works Department to ensure potential transportation impacts are appropriately mitigated; however, it should be noted that the potential S-3 Overlay for retail and distribution cannabis uses would be located in an area along South El Camino Real, which is in walking distance from the Belmont Caltrain Station, and SamTrans Bus stops.

Depending on the scope of the projects, new development applications would also be required to provide public improvements along all street frontages (i.e., wide sidewalks, and street trees) that are consistent with adopted Complete Streets policies to promote the development of public transit, bicycle, or pedestrian facilities, and increase use of these facilities. In addition, project applicants would need to contribute fair-share portion fees for the construction of road improvements, based on project impacts to roadway intersections and segments, and include TDM plans to discourage the use of single-occupancy vehicles. Thus, the overall transportation impacts of future development projects for the Cannabis Regulations would be expected to be less than significant (Impacts 4.12-1 through 4.12-5).

Conflict with Plans

The General Plan, BVSP, and CAP contain numerous policies that promote higher density, transit-oriented, mixed-use development, and the implementation of adopted Complete Streets standards. Individual development projects would be located in the BVSP and PDA, and retail or distribution cannabis uses would be located in close proximity to public transit (the Belmont Caltrain Station and SamTrans Bus routes). In addition, depending on the scope of the project, individual development projects would include street improvements consistent with adopted Complete Streets Standards. Therefore, the proposed project would be consistent with programs that promote the development of public transit, bicycle, or pedestrian facilities, and increase use of these facilities. No impacts related to conflict with adopted plans would result from the project (Impact 4.12-4, Impact 4.12-5 & Impact 4.12-7).

Operations Impacts to Airports

The General Plan EIR indicates that policies of the General Plan/BVSP would not modify planning or operations at airports, or introduce land use patterns that would cause substantial risks to or from airports. The project would be consistent with General Plan/BVSP policies related to airports

and would not conflict with an adopted Airport Land Use Compatibility Plan (ALUC). Therefore, no impacts to airport operations would result from the development project (Impact 4.12-6).

Hazardous Design Features

The General Plan EIR indicates that future improvements to the transportation and circulation system related to buildout of the General Plan/BVSP would be constructed to all local, regional and federal standards, and thus would not result in any hazardous design features. Depending on project scope, a Traffic Impact Analysis (TIA) would be required for individual development projects and peer reviewed by a consultant working for the City, in consultation with the Department of Public Works. Issues related to site traffic circulation, pedestrian and bicycle safety, safety evaluation of the street improvements (line of Sight), and the internal circulation of any proposed parking garage and driveway areas would be conducted as part of this review. The report and peer review would need to conclude that the proposed improvements would not result in hazardous design features for the Department of Public Works to recommend approval of the project (Impact 4.12-8).

Emergency Access

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

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

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

Table 14 – Utilities

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

Utilities:

Wastewater Treatment Plant Capacity

Wastewater from Belmont is predominantly treated at the Silicon Valley Clean Water (SVCW) treatment plant, which is located in Redwood Shores near the eastern side of Belmont. Treated wastewater from SVCW is released into the San Francisco Bay. The SVCW plant currently complies with all Clean Water Act (CWA), State Water Resource Control Board (SWRCB), and National Pollution Discharge and Elimination System (NPDES) regulations and standards. The buildout of the General Plan/BVSP would result in increased wastewater for treatment; however, the General Plan EIR indicates that impacts would be less than significant as current regulations require compliance with federal and state water quality standards, and these measures would preclude development lacking adequate utility (wastewater treatment plant) capacity.

In addition, the EIR references General Plan/BVSP policies that require: 1) making improvements and upgrades to the wastewater system, consistent with the City's Sanitary Sewer System Capacity Analysis and the Silicon Valley Clean Water Conveyance System Master Plan; 2) updating impact fees, connection fees, and service charges to ensure adequate funds are collected to operate/maintain existing treatment facilities and construct new facilities; and 3) collecting impact fees from new development projects to ensure that new waste water facilities are constructed to meet performance standards, and to allow for future maintenance.

Unlike residential projects and large scale commercial buildings, retail sales and distribution uses are not significant generators of wastewater. The City has adequate wastewater treatment capacity available for these projects, and conditions of project approval would require the applicant to pay sewer impact fees. As a result of compliance with existing regulations, implementation of General Plan /BVSP policies, and the payment of impact fees by the applicant, the potential impacts to wastewater treatment would be less than significant (Impact 4.13-1).

New Facilities/Supply – Water

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

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

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

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

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

There would be no large-scale farming or growing operations as part of the new regulations for cannabis. Retail cannabis sales and distribution would not be expected to use large quantities of water. Individual development projects would be required to include a drought-tolerant landscape plan in accordance with the current MPWD water efficiency in landscape ordinance (WELO). Project applicants would also need to secure an Intent to Serve letter from MPWD, and projects would be required to be meet all applicable CALGreen standards at the time of building permit

issuance. Subject to these measures and implementation of MM UTIL-1, project-specific impacts would be less than significant (Impacts 4.13-2 & 4.13-4).

New Facilities & Capacity - Wastewater

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

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

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

Unlike residential projects and large scale commercial buildings, retail sales and distribution uses are not significant generators of wastewater. The City's standard process include the submittal of sanitary sewer evaluations for individual development projects. The evaluations determine the potential impacts of the project, and provide mitigation measures to ensure that significant impacts (i.e., system deficiencies that result in release of untreated waters) would not occur. Fair share contributions would be required of individual development projects to address the future needs of the system. Subject to the implementation of this standard City process, project specific impacts would be less than significant (Impact 4.13-2 & 4.13-5).

Stormwater Facilities

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

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

The sale and distribution of cannabis products from existing facilities would not alter existing drainage patterns or impact stormwater facilities. New construction for individual development projects would require that the applicant submit drainage studies and C-3/C-6 checklists for review by the Public Works Department. These studies and checklists would need to demonstrate that the applicant has implemented LID features to reduce stormwater pollutant loads and increase onsite infiltration to avoid and minimize impacts. Final review of stormwater treatment occurs during the building permit process, and stormwater facilities are required to be maintained per the standard stormwater condition of approval below.

*Stormwater Volume – COA*s

- *The 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 Hydro Modification] measures according to the approved Maintenance Plan(s). The Maintenance Agreement shall be recorded for the property.*

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

Solid Waste

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

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

The City requires that applicants for new development projects submit plans and materials that provide details for collecting trash, compost, and recycling. The City's trash and recycling hauler review the plans and determined the appropriate levels service for the project. The hauler also verifies compliance with the plan and state law requirements for recycling and composting. Thus, with implementation of the policies and zoning regulations of the BVSP, as well as the General Plan, CAP, and other existing regulations (state law), the impacts of individual development projects would be less than significant (Impact 4.13-6 & Impact 4.13-7).

Determination

None of the conditions requiring preparation of a subsequent Environmental Impact Report (EIR) or negative declaration have occurred: 1) the potential development associated with establishing potential Cannabis Overlay District zoning for retail sales and distribution of cannabis products along South El Camino Real is within the buildout of the EIR, and thus no substantial changes are required to the EIR analysis; 2) the environmental setting of the Project Area and the relevant land use regulations adopted remain generally unchanged since the Original Project was approved in November 2017. In addition, there has been no large-scale commercial development approved in the BVSP Area or the City at large, and the circumstances under which the General Plan EIR was adopted have not changed; and 3) there is no new information that was not known at the time the impacts were analyzed in the General Plan EIR, and individual development projects undertaken within the potential overlay district would not result in any significant impacts not considered under the original EIR. Therefore, as provided by the California Environmental Quality Act (CEQA), this Addendum is the appropriate documentation to address the changes, if any, made by the Project.

1 Executive Summary

EXHIBIT 1 TO ATTACHMENT 5

This Draft Environmental Impact Report (EIR) evaluates the potential impacts of the proposed City of Belmont General Plan (General Plan), Phase I/Interim Zoning (Phase I Zoning), Belmont Village Specific Plan and associated zoning regulations (BVSP), and Climate Action Plan (CAP), which together constitute the Proposed Project.[1] The Proposed Project was developed in response to policy direction provided by the City Council and the Planning Commission as well as community concerns identified through an extensive public participation and outreach program, including newsletters, community workshops and public meetings in 2014-2017. The City of Belmont is the lead agency for this EIR, as defined by the California Environmental Quality Act (CEQA). As the lead agency, the City is required to evaluate the potential effects of the Proposed Project in an EIR.

An EIR is intended to inform decision-makers and the general public of the potential significant environmental impacts of a proposed project. The EIR also identifies mitigation measures to minimize significant impacts and evaluates reasonable alternatives to the proposed project that may reduce or avoid one or more significant environmental effects. These alternatives must include a "No Project" alternative that represents the result of not implementing the project and a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant effects of the project.[2] Based on the alternatives analysis, an environmentally superior alternative is identified.

This EIR is a program EIR that examines the potential effects resulting from implementing designated land uses and policies in the Proposed Project. The impact assessment evaluates the Proposed Project as a whole and identifies the broad, regional effects that may occur with its implementation. As a programmatic document, this EIR does not assess site-specific impacts. Any future development project made possible by the Proposed Project will be subject to individual, site-specific environmental review, as required by State law.

PROPOSED PROJECT

The Proposed Project consists of the proposed General Plan, Phase I Zoning, BVSP, and CAP. The proposed General Plan is intended to replace the existing Belmont General Plan, which was last updated in 1982. The General Plan is composed of goals, policies, a land use diagram, and other graphic figures and maps (e.g. open space systems, a transportation network, and public facilities) to guide future development within the City's boundaries, through the year 2035. The General Plan

[1] Throughout this document, the term "proposed City of Belmont General Plan" is used interchangeably with "proposed General Plan," and all four of the proposed City of Belmont General Plan, Phase I/Interim Zoning, Belmont Village Specific Plan, and Climate Action Plan are referred to as the "Proposed Project."

[2] CEQA Guidelines 15126.6(a)

update is comprehensive, and includes all State-required elements other than the Housing Element, which was last updated in 2015 and is not part of the Proposed Project.

Following adoption of the General Plan, the City intends to undertake a comprehensive zoning update to implement the proposed General Plan's policies and actions. The first step in that process is the Phase I Zoning, which provides a zoning framework and review process that will ensure that new development conforms to proposed General Plan policies and land use designations immediately following General Plan adoption. The Phase I Zoning provides a legal basis to require conformity and, conversely, enable the City to modify or deny nonconforming projects.

Along with the preparation of its General Plan Update, the City of Belmont undertook a parallel planning process for the area known as Belmont Village. Belmont Village is currently the primary development focus of the City. It has been designated a "Priority Development Area" by the Metropolitan Transportation Commission and the Association of Bay Area Governments due to its potential to support new housing and employment near transit. This designation qualifies the City to receive funding to develop a Specific Plan for the area, as well as potential future additional grants for specific projects and public improvements consistent with the Specific Plan. Currently, Belmont has an analogous Plan: the Downtown Specific Plan. Adopted in 1990 and amended in 1995, the Downtown Specific Plan will be replaced by the Belmont Village Specific Plan.

Additionally, Belmont has prepared its first Climate Action Plan (CAP), a comprehensive plan for addressing a community's greenhouse gas (GHG) emissions. A CAP, or similar qualified greenhouse gas reduction strategy, can serve as a mitigation strategy under CEQA for GHG/climate change impacts associated with a proposed project. Belmont's CAP aligns with the Belmont General Plan Update and the Belmont Village Specific Plan. Specifically, the CAP quantifies existing and projected GHG emissions in the General Plan Update Planning Area[3] through horizon year 2035 resulting from activities within the Planning Area and the region, and it includes 2035 reduction targets. The CAP also contains a suite of quantified reduction strategies, performance standards, and a framework for implementation to achieve the required reduction. Once the CAP is adopted, projects consistent with the proposed General Plan (and the BVSP, if applicable) and CAP will undergo a streamlined process for mitigation of GHG emissions under CEQA, pursuant to CEQA Guidelines §15183.5.

The City of Belmont is situated in San Mateo County, halfway between San Francisco and San Jose. Belmont is bisected by El Camino Real, Alameda de las Pulgas, and Caltrain tracks (the peninsula commuter rail line and transportation corridor running in a north-south direction). Ralston Avenue connects the city and the region in an east-west direction from Highway 92/Interstate 280 to Highway 101. The city is within easy driving distance of the Pacific coast, three major airports, and major employment centers including San Francisco, Silicon Valley, and the East Bay. Belmont Village is located inside the Planning Area within city limits, and it encompasses approximately 80 acres centered around the intersection of El Camino Real and Ralston Avenue.

[3] Throughout this document, the term "Planning Area" is used to refer to the General Plan Update Planning Area. The Belmont Village Specific Plan Planning Area is referred to as the "BVSP Area."

Key Features of the Proposed Project

General Plan

The maps and policies in the General Plan are structured around the following key vision statements. An ongoing public participation process has provided opportunities for community input to the Belmont General Plan Update. Early in the planning process, the community was engaged through a citywide survey, workshops, community conversations and stakeholder interviews to establish priorities for future planning, resulting in the following vision statements that have been affirmed through subsequent input from the public and decision-makers.

Distinctive Community Development

- Belmont prides itself on being unique.
- Its small-town ambiance sets itself apart as a tranquil, inclusive, safe and desirable place to live, work and play.
- We get involved in town matters because we care about living here.
- We connect with each other in all kinds of gathering places.
- We value and celebrate a strong commitment to diversity, inclusion, safety, equality and dignity for all individuals in Belmont.
- Our strong sense of community and enjoyment of the town's assets and activities deepen as we become better informed and connected.

Easy *Mobility*

- We put a priority on getting out of, into, and through town efficiently.
- Bicyclists, walkers, and other non-drivers get where they are going easily and safely.
- We require safe residential streets and smooth flowing thoroughfares.

Natural Beauty

- We choose to make our home among these beautiful hills, trees, parks, views, and open spaces.
- Our natural surroundings inspire us to play, create, and contemplate.
- Our actions today preserve and enhance Belmont's beauty to make it even lovelier for our grandchildren.
- Our wooded residential areas are diverse, peaceful, and well maintained.

Thriving Culture

- Belmont is a wonderfully safe, culturally diverse and supportive place to raise a family.
- We facilitate lifelong learning in our academic, artistic, athletic, and social dimensions and we thrive on interconnection with the rest of the world.
- Our schools and library are the pride of the community.
- Our university is intrinsic to Belmont's social, artistic, and economic life.
- The arts thrive in this creative, appreciative town - the arts hub of the peninsula.
- Our history makes Belmont what it is, and we preserve that heritage for our children.

Thriving Economy

- A charming, vibrant town center is at the heart of our civic and economic life.
- Our economy prospers with a mix of attractive, successful businesses that fit with our community character.
- We look first in our town shops and restaurants for what we need.
- Education, arts, and the economy flourish in concert.

The General Plan Update comprises the following chapters, meeting the requirements for general plans under California Government Code §65302 for elements that a general plan must contain.

Each element of the Plan includes goals, policies, and actions, which together articulate a vision for Belmont. Goals define an ideal future related to the public health, safety, or general welfare of the community; they set directions for policies. Policies are specified ends or conditions that are an intermediate step towards attaining a goal; they are specific statements to guide decision-making. Actions are implementation measures that the City will undertake to accomplish the objective of the policy.

1. Introduction
2. Land Use Element
3. Circulation Element
4. Parks, Recreation, and Open Space Element
5. Conservation Element
6. Safety Element
7. Noise Element

Phase I Zoning

As stated above, the Phase I Zoning is the first step in implementing the General Plan land use regulations and policy direction. The Phase I Zoning provides a legal basis to require conformity and, conversely, enable the City to modify or deny nonconforming projects.

The Phase I Zoning includes the following elements:

1. **Amend Section 2, Definitions.** Provides additional definitions and adds rules for height measurement.
2. **Amend Section 3, Zoning Districts Established.** Adds Regional Commercial (RC), Corridor Mixed Use (CMU), Harbor Industrial Area (HIA-1 and HIA-2), Open Space Privately-Owned (OS-PO), and Public and Semi-Public (PS) zoning districts.
3. **Amend Section 5, Commercial Districts.** Replaces Section 5.4, "Highway Commercial District or C-3 District," with a new Section 5.4, "Regional Commercial or RC District."
4. **Add Section SA, Corridor Mixed Use District.** Provides regulations for the new CMU District.
5. **Add Section SB, Harbor Industrial Area.** Provides regulations for the new HIA-1 and HIA-2 Districts.

6. **Add Section SC, Public/Semi-Public District.** Provides regulations for the new PS District.
7. **Repeal Section 7, Agricultural.** Removes the Agricultural and Open Space District.
8. **Add Section 6C, Open Space Privately-Owned District.** Provides regulations for the new OS-PO District.
9. **Add Section 7A, Off-street Parking and Loading in Commercial Mixed Use and Regional Commercial Districts.** Provides off-street parking and loading regulations that apply to the CMU and RC Districts.
10. **Amend Section 9.5, Uses - Exceptions and Provisions.** Add Section 9.5.2 on Recycling Collection Facilities.
11. **Amend Section 10, Planning Procedures.** Add 10.6 on General Plan Conformity, Procedures.
12. **Appendix A: Guidelines for Establishing Peak Hour Trip Credits for TDM Measures.** Specifies how many peak hour trips will be credited for each of a series of Transportation Demand Management (TDM) measures.

Belmont Village Specific Plan

The BVSP meets requirements of California Government Code §65451 governing the contents of specific plans. It includes the following chapters:

1. **Introduction and Background.** Provides project background and purpose, vision statement and guiding principles, a summary of community outreach, legal context, and plan organization.
2. **Land Use.** Presents key features of the Village Planning Area, the Land Use Diagram and classifications, density and intensity standards, potential new development at BVSP buildout, affordable housing strategies, and historic resources.
13. **Mobility.** Addresses pedestrian and bicycle connectivity, automobile circulation, transit and transportation demand management measures, and parking strategies.
14. **Urban Design.** Provides guidance for the development of the built environment in the Planning Area, from streetscape improvements and wayfinding, to detailed development standards and building design guidelines. In addition, the chapter presents illustrative concepts for three areas in the Village.
15. **Infrastructure and Public Services.** Includes direction for public utilities and services to ensure all development in the Planning Area is accommodated by adequate city infrastructure and services. Describes the park, school, and community facilities in the Planning Area to serve current and future residents.
16. **Environmental Sustainability, Health, and Safety.** Addresses key environmental issues that will potentially have an impact on the design and location of new development, including hydrology and flooding, geology and seismicity, hazardous materials and air contaminants, biological resources, and noise.
17. **Implementation.** Outlines measures for consistency with the General Plan and Municipal Code, phasing, implementation mechanisms, and financing strategies for infrastructure and public improvements identified in the Plan.

Appendix - Village Zoning. Provides zoning regulations that will implement the Belmont Village Specific Plan.

The Belmont Village Specific Plan's Vision Statement is as follows: "Realize Belmont Village's potential as the City's center of civic life with a unique sense of place. Create an attractive, vibrant, mixed use town center for Belmont, offering shopping, restaurants, entertainment, employment, and residential uses in a compact, pedestrian-oriented setting. Enhance pedestrian and bicycle connections so that residents, visitors, and workers can walk, bike, and take transit. Design streets and public spaces to create a lively and attractive public realm with a distinctive identity."

Climate Action Plan

The CAP includes the following chapters:

1. **Introduction and Background.** Provides project background and purpose, overview of climate science, projected San Francisco Bay Area climate impacts, and State policy and regulatory context. It also provides an overview of regional efforts, local efforts, and the process of creating the CAP.
2. **Greenhouse Gas Inventory and Forecast.** Describes inventory sources and data collection process. Provides baseline emissions inventory for 2005, followed by emissions forecasts for 2020 and 2035. It concludes with emission reduction targets.
3. **Climate Action Strategies.** Provides climate action strategies to reduce greenhouse gas emissions, including goals and measures related to energy, transportation, land use, and solid waste. Also describes climate adaptation strategies.
4. **Implementation.** Prioritizes measures for emission reduction strategies, describes the results of the measure prioritization, summary of the measures, and how the emission targets will be met. Also describes the management strategy for GHG reductions, how to involve the public, and the timeline.
5. **Monitoring and Improvement.** Describes the efforts the City will take to monitor progress towards emissions targets.
6. **Conclusion.** Summarizes the purpose of the CAP and its key strategies.

Estimated Buildout of the Proposed General Plan and Specific Plan

General Plan

Full development under the General Plan is referred to as "buildout." Although the General Plan envisions policies and land use intentions in the Plan to be realized by 2035, the year is not intended to be certain; nor does the designation of a site for a certain use necessarily mean the site will be built or redeveloped with that use in the next 20 years. The Land Use Element of the proposed General Plan provides a more detailed analysis of General Plan buildout.

In 2013, the Planning Area's population was approximately 26,400. Table ES-I shows that the population in the Planning Area is expected to grow by about 4,100 people by 2035, which is an increase of 15.5 percent from the population 2013 and an annual growth rate of 0.7 percent. By 2035, total households are expected to increase by 1,500 households, or 13.8 percent, with an annual

growth rate of 0.6 percent. About 3,300 new jobs are expected in the Planning Area in 2035, a 32.7 percent increase from the total jobs in 2013, with an annual growth rate of 1.3 percent.

Table ES- I: Projected Growth in Planning Area, Belmont General Plan, 2013-2035

	2013	*2035*
Population	26,400	30,500
Households	10,900	12,400
jobs	10,100	13,400

Sources: 2013 figures: C/CAG-VTA 2040 Model; Dyett & Bhatia; Kittelson & Associates, Inc. 2016. 2035 figures: C/CAG-VTA 2040 Model; Dyett & Bhatia; Kittelson & Associates, Inc. 2016.

Specific Plan

Like the Belmont General Plan Update, the BVSP uses a horizon year of 2035, and the growth projected to occur within the BVSP Area is included in the Belmont General Plan Update growth projections; i.e., the following growth projections do not increase the total growth planned for or permitted under the Belmont General Plan Update.

In 2013, Belmont Village had approximately 670 people in 340 housing units, and 1,440 jobs in 679,000 square feet. Table ES-2 summarizes the net total buildout within Belmont Village (the sum of existing development, current development projects, and net new development). About 560 new residential units are expected, increasing the total housing units to just under 900; with a population increase of about 1,100 residents, the total population is expected to be about 1,800. Nearly 365,000 square feet of new non-residential development is expected by 2035, bringing the total amount of non-residential development in the Village to about 1,044,000 square feet. Growth of about 1,000 new jobs is expected, increasing the total to about 2,450 employees in the area.

Table ES-2: Projected Growth in Belmont Village Specific Plan Area, 2013-2035

	2013	*2035*	*2013-2035 Growth*
Total Population	670	1,780	**1,110**
Total Housing Units	340	890	560
Total jobs	1,440	2,450	910
Total Non-Residential Square Feet	679,000	1,044,000	364,800

Source: Dyett and Bhatia, 2016.

Alternatives to the Proposed General Plan

The following alternatives are described and evaluated in this EIR:

Alternative I: Balanced Mixed Use

This alternative was designed to provide a more balanced jobs/housing ratio, representing a more even balance between commercial and residential development, in the Planning Area both in total and by neighborhood (where possible), which in turn has the potential to reduce total vehicle miles traveled by allowing more residents of the Planning Area to have the opportunity to live closer to retail and commercial destinations. A better match between commercial and residential land uses is achieved relative to the Proposed Project in part through two additional mixed-use nodes (outside of the BVSP Area) along Ralston Avenue, and more housing within close proximity to Notre Dame de Namur University (NDNU). Within the BVSP Area, more intense mixed use housing opportunities are created throughout the district, and a "live/work" land use designation is also introduced and applied to a cluster of parcels east of the Caltrain tracks and south of Ralston Avenue. These changes in total result in potential for a more even balance of residential to commercial development in the BVSP Area than the Proposed Project.

No *Project Alternative*

The purpose of evaluating the No Project Alternative is to allow decision-makers to compare the potential impacts of approving the project with the potential impacts of not approving the project. The No Project analysis discusses both the existing conditions at the time the NOP is published as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved. The No Project scenario represents the continuation of the current General Plan (last updated in 1982) and Downtown Specific Plan (adopted in 1990 and amended in 1995) land use designations, with no Climate Action Plan in effect. It assumes that the existing General Plan, Zoning Ordinance, and Downtown Specific Plan would continue to guide development in the Planning Area until buildout in 2035. In relationship to the Proposed Project, the No Project Alternative:

- Has different land uses;
- Densities/intensities are lower, and mixed-use development and development of centers and walkable communities is not promoted to the level in the Proposed Project;
- Is based on a different set of core values/goals and objectives;
- Has lower residential capacity; and
- Has reduced alternate modes of transportation, connectivity, and street capacity.

Areas of Controversy

Although there are no clear-cut areas of controversy, environmental impacts classified as significant and unavoidable have been identified in the resource topics of air quality and transportation, and inasmuch as they may be controversial to the general public, agencies, or stakeholders, they are described briefly here.

AIR QUALITY

The Proposed Project would not conflict with the BAAQMD's *2010 Clean Air Plan.* Each plan includes numerous polices that would support the primary goals of the *2010 Clean Air Plan,* including attainment of ambient air quality standards. The proposed General Plan and BVSP policies also incorporate all applicable control measures outlined under the *2010 Clean Air Plan,* and would not hinder their implementation. Further, with implementation of the proposed General Plan and proposed Climate Action Plan (another element of the Proposed Project), per capita emissions will be lower than forecasted for the Planning Area under the *2010 Clean Air Plan,* which will further help the region attain the ambient air quality standards.

While the proposed General Plan and the BVSP would be consistent with BAAQMD's regional air quality strategy, individual development projects may still generate construction and operational emissions in excess of BAAQMD's project-level thresholds. Mitigation Measures AQ-1 through AQ-4 would reduce construction-related emissions, and Mitigation Measure AQ-5 would address operational-related emissions. Implementation of the comprehensive suite of proposed General Plan and BVSP policies would also reduce the severity of growth-oriented criteria pollutants by reducing VMT, encouraging transit, fostering bicycle and pedestrian infrastructure, and supporting sustainable land use patterns, including mixed-use design and increased density. However, as described below, even with implementation of the proposed General Plan and BVSP policies and the recommended mitigation measures, impacts from short-term construction and long-term operation would remain significant and unavoidable. These emissions would also result in a cumulatively considerable air quality impact within the SFBAAB.

The proposed General Plan and BVSP may expose sensitive receptors to substantial TAC concentrations. Based on an inventory of existing stationary, roadway, and railway sources, several locations within the planning areas include sources currently in excess of BAAQMD's project-level and cumulative health risk thresholds. The proposed General Plan and BVSP both include policies to minimize risks to future residents. Operation of new stationary sources developed under the plans would be subject to the permit authority of the BAAQMD, which prohibits sources with health risks in excess of air district thresholds. Construction activities of future development may expose existing and future receptors to significant health risks. Mitigation Measures AQ-1 and AQ- 2 would reduce construction-related emissions, and Mitigation Measure AQ-6 would provide a project-level evaluation of construction-related health risks from future projects within 1,000 feet of sensitive receptors. Despite these measures, there may be instances where project-specific conditions preclude the reduction of health risks below adopted thresholds, resulting in a significant and unavoidable impact.

Neither demolition activities nor increased traffic associated with the proposed General Plan and BVSP would expose receptors to significant pollutant concentrations. Specifically, demolition

activities would be required to comply with BAAQMD Regulation XI, Rule 11-2 for the control of asbestos containing material (ACM). CO screening and modeling indicate that traffic volumes under the proposed General Plan and BVSP would not result in CO concentrations in excess of the state or federal 1- or 8-hour CO standards.

Development under the proposed General Plan and BVSP would not create objectionable odors affecting a substantial number of people. Impacts associated with odors during construction and operation would be less than significant.

NOISE

The Proposed Project would result in both short-term and long-term changes to the existing noise environment in the Planning Area. Construction noise associated with future development that would be supported by the Proposed Project could expose sensitive receptors to noise levels that exceed the noise standards set forth in both the existing and proposed General Plan. Compliance with the time-of-day restrictions and noise muffling requirements for new construction in the City's Noise Ordinance, as well as the noise-reducing policies included in the proposed General Plan and BVSP, would reduce impacts on sensitive receptors to the extent feasible. However, even with these measures, it may not be feasible in all cases to mitigate construction noise of individual projects to a less-than-significant level. Thus, impacts from construction noise would be significant and unavoidable.

Similarly, long term operational noise from traffic, trains, and stationary sources could also increase compared to existing conditions, but would be limited in area through implementation of the policies of the proposed General Plan and BVSP. Changes in traffic noise as a result of the Proposed Project would be above the General Plan noise exposure standards for single-family residential uses in some locations as compared to existing conditions. This impact would be significant and unavoidable.

Construction activity could expose people to excessive groundborne vibration. Proposed General Plan policies would require that developers mitigate any vibration impacts on sensitive land uses to the extent feasible. However, even with these measures, it may not be feasible in all cases to mitigate vibration from individual construction projects to a less-than-significant level at all sensitive receptors. Thus, impacts from construction vibration would be significant and unavoidable.

Similarly, the development of sensitive land uses in areas with substantial vibration from trains could be significant. Proposed General Plan and BVSP policies would require future development along the Caltrain tracks to incorporate mitigation to reduce vibration, which would reduce impacts. However, even with these measures, it may not be feasible in all cases to mitigate perceived vibration at all sensitive receptors. However, CEQA does not require analysis of impacts of the existing environment on a project pursuant to the California Supreme Court decision in *California Building Industry Association vs. Bay Area Air Quality Management District (CBIA v. BAAQMD).* Therefore, this impact would not be significant for CEQA purposes.

The Proposed Project area is not located within areas of excessive noise from either the San Carlos Airport or the San Francisco International Airport and no significant impacts are expected with respect to aircraft noise.

TRANSPORTATION

Buildout of the Proposed Project in 2035 would result in added traffic demand within the Planning Area as well as regional roadways. Although the proposed Plans include roadway infrastructure improvements, increases in traffic demand would be expected to cause 35 of the 45 study intersections to exceed the thresholds of significance defined by the City and/or the City/County Association of Governments of San Mateo County (C/CAG):

- Ralston Avenue/SR 92 Westbound Ramps
- Ralston Avenue/SR 92 Eastbound Ramps
- Ralston Avenue/Hallmark Drive
- Ralston Avenue/Belmont Canyon Road
- Ralston Avenue/Tahoe Drive
- Ralston Avenue/Davis Drive
- Ralston Avenue/Cipriani Drive
- Ralston Avenue/Alameda de las Pulgas
- Ralston Avenue/Notre Dame Avenue
- Ralston Avenue/Chula Vista Drive
- Ralston Avenue/Notre Dame University Road
- Ralston Avenue/South Road
- Ralston Avenue/Sixth Avenue
- Ralston Avenue/El Camino Real
- Ralston Avenue/Old County Road
- Ralston Avenue/Elmer Street
- Ralston Avenue/Hiller Street
- Ralston Avenue/US 101 Southbound Ramps
- Ralston Avenue/US 101 Northbound Ramps - Island Parkway
- Marine Parkway/Shoreway Road - Oracle Parkway
- Alameda de las Pulgas/Carlmont Drive
- Alameda de las Pulgas/Chula Vista Drive
- El Camino/Davey Glen Road
- El Camino Real/Middle Road
- El Camino Real/Flashner Lane
- El Camino Real/Emmett Avenue
- El Camino Real/Waltermire Street
- El Camino Real/O'Neill Avenue
- El Camino Real/Harbor Boulevard (North)
- El Camino Real/Harbor Boulevard (South)
- Old County Road/Masonic Way
- Old County Road/O'Neill Avenue
- Old County Road/Harbor Boulevard
- Fifth Avenue/O'Neill Avenue
- Sixth Avenue/O'Neill Avenue

The improvements necessary to mitigate the impacts at the study intersections would require the acquisition of significant right-of-way to construct additional turn or travel lanes and extensive traffic signal modification. However, the addition of through or turn lanes and traffic signal modification would result in secondary impacts, including increasing vehicle miles traveled; non-compliance with policies contained within adopted plans, and active mode accessibility; and fiscal

constraints due to the need to acquire right-of-way along built out corridors, resulting in significant and unavoidable impacts.

The Proposed Project is also anticipated to result in significant impacts to the C/CAG Congestion Management Program (CMP) Arterial Roadway Network. El Camino Real is expected to operate at LOS E north of Ralston Avenue and LOS F south of Ralston Avenue during the p.m. peak hour. As part of the proposed Project there would not be a reduction in travel lanes or other changes to the roadway configuration that would affect arterial segment performance. The Project would be expected to cause the intersection of El Camino Real/Ralston Avenue to operate at LOS F during both a.m. and p.m. peak hours, and the Project would add trips to the CMP roadway and exceed the LOS criteria established by C/CAG. In order to reduce the Proposed Project's impact on the El Camino Real roadway segments, additional travel lanes along the corridor would need to be constructed to provide sufficient capacity to serve traffic demand. The addition of through lanes would result in secondary impacts, including increasing VMT; non-compliance with policy contained within the Grand Boulevard Initiative, Complete Streets initiatives, and active mode accessibility; and fiscal constraints due to the need to acquire right-of-way along built out corridors, resulting in significant and unavoidable impacts.

The Proposed Project would be expected to result in significant impacts to the C/CAG CMP Freeway Network. The Proposed Project is expected to result in more than a one percent increase in volume on all freeway segments operating deficiently under Existing Conditions. On the freeway segments operating acceptably under Existing Conditions, the projected traffic volumes would be expected increase the volume-to-capacity ratio above 1.00, resulting in LOS F operations. The following segments would be expected to operate deficiently:

- US 101 from East Hillsdale Boulevard to Ralston Avenue (Northbound and Southbound)
- US 101 from Ralston Avenue to Harbor Boulevard (Southbound Only)
- US 101 from Harbor Boulevard to Holly Street (Southbound Only)
- US 101 from Holly Street to Ralston Avenue (Northbound Only)
- SR 92 from Mariners Island Boulevard to US 101
- SR 92 from US 101 to El Camino Real
- SR 29 from El Camino Real to Alameda de las Pulgas
- SR 92 from Alameda de las Pulgas to West Hillsdale Boulevard
- SR 92 from De Anza Boulevard to Ralston Avenue
- SR 92 from Ralston Avenue to 1-280
- 1-280 from Bunker Hill Drive/SR 35 to SR 92
- 1-280 from SR 92 to Edgewood Road

In order to reduce the Project's impacts on the study freeway segments, additional travel lanes on the freeway segment would need to be constructed to provide sufficient capacity to serve traffic demand. However, the addition of through lanes would result in secondary impacts, including increasing VMT and fiscal constraints due to the need to acquire right-of-way along built out corridors, resulting in significant and unavoidable impacts.

Increased congestion along El Camino Real and other roadways in the study area could affect emergency vehicle response times, especially during AM and PM Peak-Hour commute times. To the same extent that the Project would affect average vehicle delay, there could be a corresponding change to the response times for emergency vehicles traveling through these locations; therefore,

the impact of the Proposed Project on emergency access would be considered potentially significant. Signal priority preemption equipment and strict adherence to emergency vehicle passing priority under state law could reduce the Project's impact on emergency access; however, these mitigation measures cannot be accurately quantified, resulting in significant and unavoidable impacts.

Impacts Summary and Environmentally Superior Alternative

IMPACTS SUMMARY

Table ES-3 presents the summary of the significant impacts of the Proposed Project identified in the EIR and the Proposed Project policies and mitigation measures that reduce these impacts to the extent possible. Detailed discussions of the impacts and proposed policies that would reduce impacts are in Chapter 4.

IDENTIFICATION OF ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As discussed in the comparative analysis in Chapter 5 of this Draft EIR, once the No Project Alternative is set aside (as provided by CEQA), Alternative 1 is the sole remaining alternative, and is therefore identified as the environmentally superior alternative.

In comparison to the Proposed Project, Alternative 1 would support more housing and fewer jobs, which would result in a more balanced jobs/housing ratio. Because the analysis of the Proposed Project showed notable VMT reductions at the TAZ level in areas of high density mixed use, the original intention of the design of Alternative 1 was to create additional nodes of mixed use development in order to further reduce VMT, and, subsequently, air quality and greenhouse gas-related impacts. Housing is more evenly distributed throughout the Planning Area in Alternative 1, creating more of these mixed-use nodes and opportunities for shorter vehicle trips. While this balance does decrease VMT per service population relative to both the Proposed Project and the No Project Alternative by reducing trip lengths and the number of daily trips per service population, and would result in increased pedestrian/bicycle activity and transit ridership, the increased residential development in Alternative 1 would still result in higher total VMT in the Planning Area and thus greater localized impacts to air quality and traffic congestion in the Planning Area, as well as greater impacts to energy, GHGs, and climate change. Overall, the Proposed Project would have less of an impact than Alternative 1.

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
Aesthetics		
4.1-1 Implementation of the Proposed Project will not have a substantial adverse effect on a scenic vista.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.13-1, 2.13-3, 2.13-7, 2.14-3, 2.14-4, 3.4-6, 4.4-1, 4.4-3, 4.5-4, 5.3-7 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** *Urban Design Chapter* ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TLl ***Mitigation Measures*** None required.	Less than significant
4.1-2 Implementation of the Proposed Project would not damage scenic resources visible from state- or county-designated or eligible scenic highways.	***Mitigation Measures*** None required.	No Impact
4.1-3 Implementation of the Proposed Project could substantially degrade the existing visual character or quality of the Planning Area and its surroundings.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.4-1, 2.4-3, 2.5-4, 2.5-7, 2.6-6, 2.13-2, 2.13-3, 2.13-7, 3.4-5 ***Proposed Phase I Zoning Regulations that Would Reduce the Impact*** *Corridor Mixed* Use *District design standards* *Regional Commercial District design standards* *Harbor Industrial Area District design standards*	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact *Urban Design Chapter development standards and design guidelines* ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TL2 ***Mitigation Measures*** None required.	
4.1-4 Implementation of the Proposed Project could create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.13-4, 5.3-6 ***Proposed Phase I Zoning Provisions that Would Reduce the Impact*** The proposed Phase I Zoning amendments introduce a definition for "full cutoff lighting." ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this topic. General Plan policies also apply to the BVSP Area. ***Proposed Climate Action Plan Policies that Would Reduce the Impact*** EMI	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
	Mitigation Measures None required.	
Air Quality		
4.2-1 Implementation of the Proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.1-2, 2.3-2, 2.5-6, 2.7-2, 2.13-6, 2.15-1, 3.1-2, 3.1-3, 3.1-4, 3.1-5, 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5, 3.4-3, 3.4-10, 3.5-5, 3.5-8, 3.5-9, 3.5-13, 3.5-14, 3.5-15, 3.5-16, 3.6-1, 3.6-2, 3.6-3, 3.7-1, 3.7-2, 3.7-3, 3.7-4, 3.7-6, 3.7-7, 3.8-1, 5.3-8, 5.10-1, 5.10-2, 5.10-4, 5.10-6, 5.11-1 ***Proposed Phase I Zoning Regulations that Would Reduce the Impact*** *Section BA.*7 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.1-1, 2.1-3, 2.1-5, 3.1-2, 3.2-1, 3.2-2, 3.2-8, 3.2-10, 3.2-18, 3.2-19, 3.2-20, 3.2-27, 3.2-29, 3.2-31, 3.2-32, 3.2-33, 3.2-35, 3.2-36, 3.3-1, 3.3-3, 3.4-1, 3.5-1, 5.4-1, 5.4-2, 6.4-2, 6.4-3, 6.4-4, 6.4-5, 6.4-6, 6.4-7, 6.4-8, 6.4-9, 6.4-10 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** ECl, EC2, EC4, ECS, EM3, EMS, Al, TLl, TL2, TL3, TMl, TM2, TM4 ***Mitigation Measures*** None required.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
4.2-2 Implementation of the Proposed Project would violate an air quality standard and contribute substantially to an existing or projected air quality violation during construction.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.10-3 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this topic. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** AQ-1, AQ-2, AQ-3, AQ-4	Significant and Unavoidable
4.2-3 Implementation of the Proposed Project would violate an air quality standard and contribute substantially to an existing or projected air quality violation during operation.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.1-2, 2.3-2, 2.5-6, 2.7-2, 2.13-6, 2.15-1, 3.1-2, 3.1-3, 3.1-4, 3.1-5, 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5, 3.4-3, 3.4-10, 3.5-5, 3.5-8, 3.5-9, 3.5-13, 3.5-14, 3.5-15, 3.5-16, 3.6-1, 3.6-2, 3.6-3, 3.7-1, 3.7-2, 3.7-3, 3.7-4, 3.7-6, 3.7-7, 3.8-1, 5.3-8, 5.10-1, 5.10-2, 5.10-4, 5.10-6, 5.11-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.1-1, 2.1-3, 2.1-5, 3.1-2, 3.2-1, 3.2-2, 3.2-8, 3.2-10, 3.2-18, 3.2-19, 3.2-20, 3.2-27, 3.2-29, 3.2-31, 3.2-32, 3.2-33, 3.2-35, 3.2-36, 3.3-1, 3.3-3, 3.4-1, 3.5-1, 5.4-1, 5.4-2, 6.4-2, 6.4-3, 6.4-4, 6.4-5, 6.4-6, 6.4-7, 6.4-8, 6.4-9, 6.4-10	Significant and unavoidable

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact 2.1-1, 2.1-3, 2.1-5, 3.1-2, 3.2-1, 3.2-2, 3.2-8, 3.2-10, 3.2-18, 3.2-19, 3.2-20, 3.2-27, 3.2-29, 3.2-31, 3.2-32, 3.2-33, 3.2-35, 3.2-36, 3.3-1, 3.3-3, 3.4-1, 3.5-1, 5.4-1, 5.4-2, 6.4-2, 6.4-3, 6.4-4, 6.4-5, 6.4-6, 6.4-7, 6.4-8, 6.4-9, 6.4-10 ***Mitigation Measures*** AQ-5	
4.2-4 Implementation of the Proposed Project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	***Proposed General Plan Policies that Would Reduce the Impact*** 2.1-2, 2.3-2, 2.5-6, 2.7-2, 2.13-6, 2.15-1, 3.1-2, 3.1-3, 3.1-4, 3.1-5, 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5, 3.4-3, 3.4-10, 3.5-5, 3.5-8, 3.5-9, 3.5-13, 3.5-14, 3.5-15, 3.5-16, 3.6-1, 3.6-2, 3.6-3, 3.7-1, 3.7-2, 3.7-3, 3.7-4, 3.7-6, 3.7-7, 3.8-1, 5.3-8, 5.10-1, 5.10-2, 5.10-4, 5.10-6, 5.11-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.1-1, 2.1-3, 2.1-5, 3.1-2, 3.2-1, 3.2-2, 3.2-8, 3.2-10, 3.2-18, 3.2-19, 3.2-20, 3.2-27, 3.2-29, 3.2-31, 3.2-32, 3.2-33, 3.2-35, 3.2-36, 3.3-1, 3.3-3, 3.4-1, 3.5-1, 5.4-1, 5.4-2, 6.4-2, 6.4-3, 6.4-4, 6.4-5, 6.4-6, 6.4-7, 6.4-8, 6.4-9, 6.4-10 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** 2.1-1, 2.1-3, 2.1-5, 3.1-2, 3.2-1, 3.2-2, 3.2-8, 3.2-10, 3.2-18, 3.2-19, 3.2-20, 3.2-27, 3.2-29, 3.2-31, 3.2-32, 3.2-33, 3.2-35, 3.2-36, 3.3-1, 3.3-3, 3.4-1, 3.5-1, 5.4-1, 5.4-2, 6.4-2, 6.4-3, 6.4-4, 6.4-5, 6.4-6, 6.4-7, 6.4-8, 6.4-9, 6.4-10	Significant and unavoidable

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Mitigation Measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5	
4.2-5 Implementation of the Proposed Project would expose sensitive receptors to substantial pollutant concentrations from new sources of toxic air containments.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.10-5, 5.10-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.4-2, 6.4-3, 6.4-4, 6.4-5, 6.4-6, 6.4-9 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** AQ-6	Significant and unavoidable
4.2-6 Implementation of the Proposed Project would not expose sensitive receptors to substantial carbon monoxide pollutant concentrations from increased traffic.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.15-1, 3.4-3, 3.4-10 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 3.2-10, 3.2-24, 3.2-26	Less than significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact TL2, TL3 ***Mitigation Measures*** None required.	
4.2-7 Implementation of the Proposed Project would not create objectionable odors affecting a substantial number of people.	***Proposed General Plan Policies that Would Reduce the Impact*** There are no strategies in the proposed General Plan that relate to this topic. ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no strategies in the Specific Plan that relate to this topic. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than significant
***Biological* Resources**		
4.3-1 Implementation of the Proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a	***Proposed General Plan Policies that Would Reduce the Impact*** 2.14-3, 4.4-1, 4.4-6, 4.5-2, 4.5-3, 4.5-4, 5.1-1, 5.1-2, 5.1-3, 5.1-4, 5.3-1, 5.3-2, 5.3-3, 5.3-4, 5.4-3	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
candidate, sensitive, or special-status species in local or regional plans, policies, or regulations; by the California Department of Fish and Wildlife; or by the U.S. Fish and Wildlife Service.	***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.1-1, 6.2-2, 6.3-1 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TLl ***Mitigation Measures*** None required.	
4.3-2 Implementation of the Proposed Project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	***Proposed General Plan Policies that Would Reduce the Impact*** 4.5-2, 5.4-3, 5.3-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.1-1, 6.2-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TLl ***Mitigation Measures*** None required.	Less than Significant
4.3-3 Implementation of the Proposed Project would not have a substantial adverse effect on federally protected	***Proposed General Plan that Would Reduce the Impact*** 5.3-2, 5.4-3	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.1-1, 6.2-2, 6.3-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	
4.3-4 Implementation of the proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.3-4, 5.4-3 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.3-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
4.3-5 Implementation of proposed General Plan would not conflict with local policies or	***Proposed General Plan Policies that Would Reduce the Impact*** 2.4-2, 4.5-4	No Impact

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
ordinances protecting biological resources, such as a tree preservation policy or ordinance.	***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this topic. General Plan policies also apply to the BVSP Area. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	
4.3-6 Implementation of the Proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	***Mitigation Measures*** None required.	No Impact
***Cultural* Resources**		
4.4-1 Implementation of the Proposed Project would not cause a substantial change to the significance of a historical resource, defined as physical demolition, destruction, relocation, or alteration	***Proposed General Plan Policies that Would Reduce the Impact*** 2.23-1, 2.23-2, 2.23-3, 2.23-4, 2.2-1, 2.2-3 ***Proposed Climate Action Plan Measures that would Reduce the Impact*** 2.2-1, 2.2-3	Less than Significant with Mitigation

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired (Guidelines Section 15064.5).	***Mitigation Measures*** CULT-I, CULT-2	
4.4-2 Implementation of the Proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.	***Proposed General Plan Policies that Reduce the Impact*** 5.12-1, 5.12-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.2-2 ***Proposed Climate Action Plan Measures that would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measure*** None required.	Less than Significant
4.4-3 Implementation of the Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	***Proposed General Plan Policies that Reduce the Impact*** 5.12-1, 5.12-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.2-2	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that would Reduce the Impact There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measure*** None required.	
4.4-4 Implementation of the Proposed Project would not disturb any human remains, including those interred outside of formal cemeteries.	***Proposed General Plan Policies that Reduce the Impact*** 5.12-1, 5.12-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.2-2 ***Proposed Climate Action Plan Measures that would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measure*** None required.	Less than Significant
4.4-5 Implementation of the Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section	***Proposed General Plan Policies that Reduce the Impact*** 5.12-1, 5.12-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.2-2	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that meets the criteria set forth in subdivision (a) of Public Resources Code section 21074.	***Proposed Climate Action Plan Measures that would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measure*** None required.	
Geology, Soils and Seismicity		
4.5-1 Implementation of the Proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure,	***Proposed General Plan Policies that Would Reduce the Impact*** 3.4-6, 4.4-3, 5.2-1, 6.1-1, 6.1-2, 6.1-3, 6.1-4, 6.1-5, 6.1-6, 6.1-8, 6.1-9, 6.1-10, 6.1-11 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this topic. General Plan policies also apply to the BVSP Area. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
including liquefaction; and landslides.	***Mitigation Measures*** None required.	
4.5-2 Implementation of the Proposed Project would not result in substantial soil erosion or topsoil loss.	***Proposed General Plan that Would Reduce the Impact*** 3.4-6, 6.1-2, 6.1-5, 6.1-6 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.1-1 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
4.5-3 Implementation of the Proposed Project would not locate structures on expansive soils or on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse and create	***Proposed General Plan Policies that Would Reduce the Impact*** 6.1-1, 6.1-2, 6.1-3, 6.1-4, 6.1-5, 6.1-6 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
substantial risks to life or property.		
4.5-4 Implementation of the Proposed Project would not result in soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.7-4 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this topic. General Plan policies also apply to the BVSP area. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	No Impact
Energy, Greenhouse Gases, and Climate Change		
4.6-1 Implementation of the Proposed Project would not lead to wasteful, inefficient, or unnecessary consumption of energy.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.3-2, 2.5-6, 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5, 3.5-9, 3.6-1, 3.6-2, 3.6-3, 3.7-1, 3.7-4, 3.7-6, 5.11-1 ***Proposed Phase I Zoning Regulations that Would Reduce the Impact*** Section 7A.7	Less than significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact 2.1-1, 2.1-3, 2.1-5, 3.1-2, 3.2-2, 3.2-8, 3.2-18, 3.3-1, 3.3-3, 3.4-1, 5.4-1, 5.4-2, 6.4-10 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** ECl, EC2, EC3, EC4, ECS, EC6, EMl, EM3, EM4, EMS ***Mitigation Measures*** None required.	
4.6-2 Implementation of the Proposed Project would not result in a substantial adverse effect on local or regional energy supplies, peak or base period energy demand, or resource capacity.	***Proposed General Plan Policies that Would Reduce the Impact*** 3.2-1, 5.11-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.4-1, 5.4-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** ECl, EC2, EC3, EC4, ECS, EC6, EMl, EM3, EM4, EMS ***Mitigation Measures*** None required.	Less than significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
4.6-3 Implementation of the Proposed Project would generate GHG emissions, either directly or indirectly, during construction that may have a significant impact on the environment.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.10-3 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this topic. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** AQ-2	Less than significant with mitigation
4.6-4 Implementation of the Proposed Project would not generate GHG emissions, either directly or indirectly, during operation that may have a significant impact on the environment.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.1-2, 2.13-6, 2.15-1, 2.3-2, 2.5-6, 3.1-3, 3.1-4, 3.1-5, 3.4-3, 3.4-10, 3.5-5, 3.5-8, 3.5-13, 3.5-14, 3.5-15, 3.5-16, 3.7-2, 3.7-3, 3.7-7, 3.8-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5, 3.5-9, 3.6-1, 3.6-2, 3.6-3, 3.7-1 3.7-4, 3.7-6, 5.10-1, 5.10-6, 5.11-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.1-1, 2.1-3, 2.1-5, 3.2-1, 3.2-10, 3.2-19, 3.2-20, 3.2-27, 3.2-29, 3.2-31, 3.2-32, 3.2-33, 3.2-35, 3.2-36, 3.5-1, 3.2-2, 3.2-8, 3.2-18, 3.3-1, 3.3-3, 3.4-1, 5.1-4, 5.4-3, 5.4-4, 5.4-5, 5.4-6, 5.4-7, 5.4-8, 5.2-5, 5.4-1, 5.4-2, 6.4-10, 6.4-6, 6.4-7, 6.4-8, 6.4-9	Less than significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact See measures described in Table 4.6-9. ***Mitigation Measures*** None required	
4.6-5 Implementation of the Proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.1-2, 2.13-6, 2.15-1, 2.3-2, 2.5-6, 3.1-3, 3.1-4, 3.1-5, 3.4-3, 3.4-10, 3.5-5, 3.5-8, 3.5-13, 3.5-14, 3.5-15, 3.5-16, 3.7-2, 3.7-3, 3.7-7, 3.8-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5, 3.5-9, 3.6-1, 3.6-2, 3.6-3, 3.7-1 3.7-4, 3.7-6, 5.10-1, 5.10-6, 5.11-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 2.1-1, 2.1-3, 2.1-5, 3.2-1, 3.2-10, 3.2-19, 3.2-20, 3.2-27, 3.2-29, 3.2-31, 3.2-32, 3.2-33, 3.2-35, 3.2-36, 3.5-1, 3.2-2, 3.2-8, 3.2-18, 3.3-1, 3.3-3, 3.4-1, 5.1-4, 5.4-3, 5.4-4, 5.4-5, 5.4-6, 5.4-7, 5.4-8, 5.2-5, 5.4-1, 5.4-2, 6.4-10, 6.4-6, 6.4-7, 6.4-8, 6.4-9 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** See measures described in Table 4.6-9. ***Mitigation Measures*** None required	Less than significant
Hazards and Hazardous Materials		
4.7-1 Implementation of the Proposed Project would create a significant	***Proposed General Plan Policies that Would Reduce the Impact*** 6.4-1, 6.4-2	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.4-6, 6.4-7, 6.4-9 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** EC3,EM4 ***Mitigation Measures*** None required.	
4.7-2 Implementation of the Proposed Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	***Proposed General Plan Policies that Would Reduce the Impact*** 6.4-1, 6.4-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the BVSP that relate to this impact. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
4.7-3 Implementation of the Proposed Project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	***Proposed General Plan Policies that Would Reduce the Impact*** There are no policies in the proposed General Plan that relate to this impact. ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this impact. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** EC3,EM4 ***Mitigation Measures*** None required.	Less than Significant
4.7-4 Implementation of the Proposed Project could result in development located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and thus create a significant hazard to the public or the environment.	***Proposed General Plan Policies that Would Reduce the Impact*** 6.3-1, 6.3-2, 6.3-3 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.4-1, 6.4-3	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	
4.7-5 Implementation of the Proposed Project would not result in a safety hazard for people residing or working within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or public use airport.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.16-1, 2.16-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.6-1, 6.6-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
4.7-6 Implementation of the Proposed Project would result in a safety hazard for people residing or working within the	***Proposed General Plan Policies that Would Reduce the Impact*** 2.16-1, 2.16-2	No Impact

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
vicinity of a private airstrip.	***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no strategies in the Belmont Village Specific Plan that relate to this topic. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	
4.7-7 Implementation of the Proposed Project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	***Proposed General Plan Policies that Would Reduce the Impact*** 6.7-1, 6.7-2, 6.7-3, 6.7-4, 6.7-5, 6.7-6, 6.7-7, 6.7-8, 6.7-9, 6.0-1, 6.9-2, 6.9-3, 6,10-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.6-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
	Mitigation Measures None required.	
4.7-8 Implementation of the Proposed Project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.14-3, 4.4-7, 5.1-3, 6.6-1, 6.6-2, 6.6-3, 6.6-4, 6.6-5, 6.6-7, 6.6-8, 6.6-9, 6.6-20, 6.6-11 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no strategies in the Belmont Village Specific Plan that relate to this topic. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
Hydrology, Flooding, and Water Quality		
4.8-1 Development under the Proposed Project would not violate any federal, State, or local water quality standards or waste discharge requirements.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.5-3, 6.2-9, 6.2-10 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.1-3	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	
4.8-2 Development under the Proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of local groundwater tables.	***Proposed General Plan Policies that Would Reduce the Impact*** 4.4-1, 4.4-3, 5.3-5, 5.9-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.1-7 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
4.8-3 Development under the Proposed Project would not substantially alter the existing drainage pattern of the site or area,	***Proposed General Plan Policies that Would Reduce the Impact*** 3.4-6, 4.5-2, 4.4-1, 4.4-3, 5.3-2, 5.4-1, 5.4-2, 5.4-3, 5.4-4, 5.5-4, 5.9-1, 5.9-2, 6.1-11	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
including through the alteration of the course of a stream or river or by increasing the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.	***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** *Urban Design Chapter* 5.1-5, 5.1-3, 5.1-7, 6.1-1, 6.2-2, 6.3-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	
4.8-4 Development under the Proposed Project would not create or contribute runoff that would exceed the capacity of existing or planned storm drain systems, or that would provide substantial additional sources of polluted runoff.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.9-1, 6.2-3 ***Proposed Phase I Zoning Regulations that Would Reduce the Impact*** *Design Standards for* Off-street *Parking and Loading in Commercial Mixed* Use *and Regional Commercial Districts* ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** *Urban Design Chapter: design guidelines for Low Impact Development* 5.1-6, 5.1-5 *Village Zoning: design standards for permeable* surface *parking* ***Proposed Climate Action Plan Measures that Would Reduce the Impact***	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	
4.8-5 Development under the Proposed Project would not otherwise substantially degrade water quality.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.5-1, 5.5-2, 5.5-4, 5.5-5, 5.5-3 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.4-1 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
4.8-6 Development under the Proposed Project would not place housing within a I00-year flood hazard area on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.	***Proposed General Plan Policies that Would Reduce the Impact*** 6.2-5, 6.2-7, 6.2-8 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.2-1	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact Appendix D of the Climate Action Plan offers a selection of several possible adaptation measures to address sea level rise and increased flooding events. ***Mitigation Measures*** None required.	
4.8-7 Development under the Proposed Project would not place within a 100-year flood hazard area structures which would impede or redirect flood waters.	***Proposed General Plan Policies that Would Reduce the Impact*** 6.2-11, 6.2-13, 6.2-5 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.2-1 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** Appendix D of the Climate Action Plan offers a selection of several possible adaptation measures to address sea level rise and increased flooding events. ***Mitigation Measures*** None required.	
4.8-8 Development under the Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding,	***Proposed General Plan Policies that Would Reduce the Impact*** 2.21-3, 5.11-3, 6.1-1, 6.2-1, 6.2-2, 6.2-4, 6.2-6, 6.2-12	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
including flooding as a result of the failure of a levee or dam.	***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.1-8, 6.2-1 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** Appendix D of the Climate Action Plan offers a selection of several possible adaptation measures to address sea level rise and increased flooding events. As discussed above, GHG emissions reductions due to all CAP measures reduce sea level rise. ***Mitigation Measures*** None required.	
4.8-9 Development under the Proposed Project would not expose people or structures to inundation by seiche, tsunami, or mudflow.	***Proposed General Plan Policies that Would Reduce the Impact*** *Safety Element* 6.1-2, 6.1-3,6.1-5, 6.1-9 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this topic. General Plan policies also apply to the BVSP Area. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Mitigation Measures None required.	
Land Use, Housing and Population		
4.9-1 Implementation of the Proposed Project would not physically divide an established community.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.1-2, 2.3-4, 2.5-5, 2.8-1, 3.1-3, 3.1-4, 3.5-13 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 3.1-3, 3.2-26 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TLl ***Mitigation Measures*** None required.	Less than Significant
4.9-2 Implementation of the Proposed Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.1-1, 2.10-1, 2.12-1, 2.12-2, 2.14-1, 2.14-2, 2.21-1, 2.21-2, 2.21-3, 4.1-4, 4.2-1, 4.4-3, 4.4-5, 4.5-4, 5.5-3, 5.10-6, 6.1-1, 6.1-4, 6.2-7, 6.2-8, 6.3-3, 6.10-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** There are no policies in the Belmont Village Specific Plan that relate to this topic. General Plan policies also apply to the BVSP Area.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact TL2, TLI ***Mitigation Measures*** None required.	
4.9-3 Implementation of the Proposed Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.	***Mitigation Measures*** None required.	No Impact
4.9-4 Implementation of the Proposed Project would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	***Proposed General Plan Policies that Would Reduce the Impact*** 2.8-1, 2.9-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 3.1-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TL2 ***Mitigation Measures*** None required.	Less than Significant
4.9-5 Implementation of the Proposed Project would not displace substantial	***Proposed General Plan Policies that Would Reduce the Impact*** 2.3-1, 2.17-3, 2.18-1, 2.18-2	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
numbers of existing housing units or people, necessitating the construction of replacement housing elsewhere.	***Proposed Phase I Zoning Regulations that Would Reduce the Impact*** *Unbundled Parking* ***Proposed Belmont Village Specific Plan Policies and Regulations that Would Reduce the Impact*** 2.3-1, 2.3-3, 2.3-4, 2.3-6, 2.3-7, 2.3-8, 5.8-5 *Village Zoning: Increased FAR, Height, and Density Incentives for Community Benefits* ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	
Noise		
4.10-1 Implementation of the Proposed Project would generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies during construction.	***Proposed General Plan Policies that Would Reduce the Impact*** 7.1-1, 7.1-2, 7.1-3, 7.1-4, 7.1-5, 7.1-6, 7.1-7, 7.1-8, 7.1-9, 7.2-1, 7.3-1 ***Proposed Belmont Village Specific Plan Policies and Regulations that Would Reduce the Impact*** 6.5-1, 6.5-2, 6.5-3 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TL2	Significant and Unavoidable

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Mitigation Measures No mitigation measures have been identified that would be able to reduce, with a reasonable degree of certainty, construction-related noise impacts on existing sensitive receptors.	
4.10-2 Implementation of the Proposed Project would generate excessive groundborne vibration or groundborne noise levels during construction.	***Proposed General Plan Policies that Would Reduce the Impact*** 7.1-10, 7.1-11 ***Proposed Belmont Village Specific Plan Policies and Regulations that Would Reduce the Impact*** 6.5-4 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** No mitigation measures have been identified that would be able to reduce, with a reasonable degree of certainty, vibration impacts on existing sensitive receptors from construction activities.	Significant and Unavoidable
4.10-3 Implementation of the Proposed Project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	***Proposed General Plan Policies that Would Reduce the Impact*** 7.1-1, 7.1-2, 7.1-3, 7.1-4, 7.1-5, 7.1-6, 7.1-7, 7.1-8, 7.1-9, 7.2-1, 7.3-1 ***Proposed Belmont Village Specific Plan Policies and Regulations that Would Reduce the Impact*** 6.5-1, 6.5-2, 6.5-3	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact TL2 ***Mitigation Measures*** None required.	
4.10-4 Implementation of the Proposed Project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	***Proposed General Plan Policies that Would Reduce the Impact*** 7.1-1, 7.1-2, 7.1-3, 7.1-4, 7.1-5, 7.1-6, 7.1-7, 7.1-8, 7.1-9, 7.2-1, 7.3-1 ***Proposed Belmont Village Specific Plan Policies and Regulations that Would Reduce the Impact*** 6.5-1, 6.5-2, 6.5-3 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** No mitigation measures have been identified that would be able to reduce, with a reasonable degree of certainty, noise impacts on existing sensitive receptors from construction activities.	Significant and Unavoidable
4.10-5 Implementation of the Proposed Project would not expose people residing or working in the Planning Area to excessive noise levels associated with airports.	***Proposed General Plan Policies that Would Reduce the Impact*** 7.3-2	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Belmont Village Specific Plan Policies and Regulations that Would Reduce the Impact There are no policies in the Belmont Village Specific Plan that would reduce this impact. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no policies in the Climate Action Plan that would reduce this impact. ***Mitigation Measures*** None required.	
4.10-6 Implementation of the Proposed Project would not expose people residing or working in the Planning Area to excessive noise levels associated with private airstrips.	***Proposed General Plan Policies that Would Reduce the Impact*** No impact would occur. ***Proposed Belmont Village Specific Plan Policies and Regulations that Would Reduce the Impact*** No impact would occur. ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** No impact would occur. ***Mitigation Measures*** None required.	No Impact.
Public Services and Recreation		

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
4.11-1 Implementation of the Proposed Project would not result in the need for provision of increased staffing, facilities, and equipment necessary to maintain acceptable levels of fire and police service in such a way that could cause adverse environmental effects. *(Less than Significant)*	***Proposed General Plan Policies that Would Reduce the Impact*** 2.3-4, 2.9-1, 2.14-3, 4.4-7, 5.1-3, 6.6-2, 6.6-3, 6.6-4, 6.6-5, 6.6-6, 6.6-7, 6.6-8, 6.8-3, 6.8-4, 6.9-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.6-1, 5.6-2, 5.6-3 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
4.11-2 Implementation of the Proposed Project would not result in the need for provision of appropriate increases in school staffing of facilities in such a way that could cause adverse environmental effects.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.10-3, 2.9-1 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.7-1 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
4.11-3 Buildout of the Proposed Project would not result in an increase in the use of existing parks and recreational facilities such that substantial physical deterioration would occur or be accelerated.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.10-1, 2.9-1, 4.1-1. 4.1-2, 4.1-3, 4.2-1, 4.2-3, 4.3-1, 4.3-2, 4.4-5, 4.6-1, 4.6-2, 4.7-1, 4.7-2, 4.7-3 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.9-1, 5.9-2, 5.9-3, 5.9-4, 5.9-5, 5.9-6, 5.9-7, 5.9-9, 6.3-3 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TL2 ***Mitigation Measures*** None required.	Less than Significant
4.11-4 Buildout of the Proposed Project would result in the need for development of new parks and recreational facilities, but not in a manner which might have an adverse physical effect on the environment.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.3-4, 2.14-3, 2.10-1, 4.4-1, 4.1-1, 4.1-2, 4.2-1, 4.2-3, 4.3-2, 4.4-5 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 6.3-3 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TL2	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Mitigation Measures None required.	
4.1 1-5 Buildout of the Proposed Project would result in the need for provision of appropriate increases in other public facilities or staffing of those facilities, which could cause adverse environmental effects.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.10-2, 2.3-4, 2.9-1, 4.2-2 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.9-8, 5.9-2, 5.9-3, 5.9-4, 5.9-5, 5.9-7 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
Transportation		
4.12-1 Buildout of the Proposed Project would cause intersections to fall below the established significance criteria for the City of Belmont and C/CAG for intersection operation.	***Proposed General Plan Policies that Would Reduce the Impact*** 3.1-1, 3.2-4, 3.3-5, 3.1-2, 3.1-3, 3.1-5, 3.2-5, 3.3-2, 3.4-3, 3.4-7, 3.1-4, 3.3-1, 3.3-3, 3.6-2, 3.6-3, 3.10-1 ***Proposed Specific Plan Policies that Would Reduce the Impact*** 3.1-2, 3.4-1	Significant and Unavoidable

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact TLI, TL2, TM2 ***Mitigation Measures*** 4.12-la, 4.12-lb, 4.12-lc, 4.12-ld, 4.12-le, 4.12-lf, 4.12-lg, 4.12-lh, 4.12-li, 4.12-lj, 4.12-lk, 4.12-11, 4.12-lm, 4.12-ln, 4.12-lo, 4.12-lp, 4.12-lq	
4.12-2 Buildout of the proposed Project would cause roadway segment operations to fall below C/CAG's established level of service standards.	***Proposed General Plan Policies that Would Reduce the Impact*** 3.4-5, 3.7-4, 3.7-7 ***Proposed Specific Plan Policies that Would Reduce the Impact*** 3.2-2, 3.2-10, 3.2-26 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TLI, TL2, TM2 ***Mitigation Measures*** 4.12-2	Significant and Unavoidable
4.12-3 The proposed Project would not cause freeway segment operations to fall below C/CAG's established levels.	***Mitigation Measures*** 4–12–3	Significant and Unavoidable

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
4.12-4 Adoption and implementation of the Proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	***Proposed General Plan Policies that Would Reduce the Impact*** 3.5-1 - 3.5-17, 3.1-2-3.1-3, 3.1-5, 3.1-7, 3.4-1, 3.4-3-3.4-5, 3.4-9, 3.4-10, 3.9-1-3.9-2, 3.6-3, 3.7-1-3.7-8 ***Proposed Specific Plan Policies that Would Reduce the Impact*** 3.1-2, 3.1-3, 3.2-1-3.2-4, 3.2-7-3.2-12, 3.2-14, and 3.2-16-3.2-23, 3.2-25-3.2-36, 3.3-1-3.3-3	Less than Significant
4.12-5 The proposed Project will increase pedestrian and bicycle activity.	***Proposed General Plan Policies that Would Reduce the Impact*** 3.5-1-3.5-17, 3.1-1 ***Proposed Specific Plan Policies that Would Reduce the Impact*** 3.2-1-3.2-36 ***Mitigation Measures*** None Required.	Beneficial
4.12-6 Adoption and implementation of the Proposed Project would not modify the planning or operations of San Francisco International Airport, or San Carlos Airport, or introduce land use pat-terns that may cause substantial	***Mitigation Measures*** None Required.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
safety risks to or from air operations.		
4.12-7 Implementation of the proposed Project may increase transit ridership.	***Proposed General Plan Policies that Would Reduce the Impact*** 3.2-1, 3.2-2, 3.2-3, 3.7-1 3.7-2, 3.7-3, 3.7-4, 3.7-5, 3.7-6, 3.7-8 ***Proposed Specific Plan Policies that Would Reduce the Impact*** 3.3-1, 3.3-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TLI, TL2 ***Mitigation Measures*** None Required.	Less than Significant
4.12-8 Implementation of the Proposed Project would not result in any hazardous design features.	***Proposed General Plan Policies that Would Reduce the Impact*** 3.9-1 ***Mitigation Measures*** None Required.	Less than Significant
4.12-9 Adoption and implementation of the policies in the proposed Project would not result in inadequate emergency access.	***Mitigation Measures*** 4.12-9	Significant and Unavoidable

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
Utilities		
4.13-1 Implementation of the Proposed Project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board.	***Proposed General Plan Policies that Reduce the Impact*** 5.7-1, 5.7-2, 5.7-3 ***Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact*** 5.1-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic. ***Mitigation Measures*** None required.	Less than Significant
4.13-2 Development under the Proposed Project would not require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.3-4, 5.6-1, 5.6-3, 5.6-5 ***Proposed Specific Plan Policies that Would Reduce the Impact*** *Urban Design Chapter: design guidelines for drip irrigation systems* 5.1-4 *Village Zoning: landscaping standards*	Less than Significant with Mitigation

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact TL1,EW1,EW2 ***Mitigation Measures*** UTIL-1, UTIL-2, UTIL-3	
4.13-3 Development under the Proposed Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	***Proposed General Plan Policies that Would Reduce the Impact*** 2.3-4, 5.9-2, 6.2-9 ***Proposed Phase I Zoning Regulations that Would Reduce the Impact*** *Design Standards for Off-street Parking and Loading in Commercial Mixed Use and Regional Commercial Districts* ***Proposed Specific Plan Policies that Would Reduce the Impact*** *Urban Design Chapter: design guidelines for stormwater runoff* 5.1-3, 5.1-5, 5.1-7 *Village Zoning: design standards for parking lots and structures* ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** TLl ***Mitigation Measures*** None required.	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that* Reduce *the Impact*	*Significance Level*
4.13-4 Development under the Proposed Project would not have insufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.6-1, 5.6-3, 5.6-5, 5.7-3 ***Proposed Specific Plan Policies that Would Reduce the Impact*** *Urban Design Chapter: design guidelines for drip irrigation systems* 5.1-4 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** EW1,EW2 ***Mitigation Measures*** None required.	Less than Significant
4.13-5 Development under the Proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve Belmont that it has inadequate capacity to serve the Proposed Project's projected demand in addition to the provider's existing commitments.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.7-1, 5.7-2 ***Proposed Specific Plan Policies that Would Reduce the Impact*** 5.1-2 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** There are no strategies in the Climate Action Plan that relate to this topic.	Less than Significant with Mitigation

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Mitigation Measures UTIL-2, UTIL-3	
4.13-6 Development under the Proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.8-1 ***Proposed Specific Plan Policies that Would Reduce the Impact*** 5.2-1, 5.2-2, 5.2-3, 5.2-4 ***Proposed Climate Action Plan Measures that Would Reduce the Impact*** WCI, WC2, WC4 ***Mitigation Measures*** None required.	Less than Significant
4.13-7 Development under the Proposed Project would comply with federal, state, and local statutes and regulations related to solid waste.	***Proposed General Plan Policies that Would Reduce the Impact*** 5.8-1 ***Proposed Specific Plan Policies that Would Reduce the Impact*** 5.2-1, 5.2-2, 5.2-3, 5.2-4	Less than Significant

Table ES-3: Summary of Significant Impacts and Proposed Project Policies and Mitigation Measures that Reduce the Impact		
Impact	*Proposed Project Policies that Reduce the Impact*	*Significance Level*
	Proposed Climate Action Plan Measures that Would Reduce the Impact WCI, WC2, WC3 ***Mitigation Measures*** None required.	

RESOLUTION NO. 2017

RESOLUTION OF THE CITY COUNCIL MAKING ALL FINDINGS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, FOR THE BELMONT 2035 GENERAL PLAN (GP) UPDATE, PHASE 1/INTERIM ZONING, BELMONT VILLAGE SPECIFIC PLAN (BVSP) & BELMONT VILLAGE ZONING (BVZ), AND CLIMATE ACTION PLAN IN ACCORDANCE WITH CEQA

WHEREAS, in July 2014, the City Council of the City of Belmont approved a program and process, and secured Consulting Services with Dyett & Bhatia, Urban & Regional Planners, for the 2035 General Plan (GP) Update Project and its subsequent policy documents including the Phase 1/Interim Zoning, and Climate Action Plan (CAP); and,

WHEREAS, in April 2015, the City Council of the City of Belmont, through a competitive process, secured Consulting Services with Dyett & Bhatia, Urban & Regional Planners, for preparation of the Belmont Village Specific Plan (BVSP) and the Belmont Village Zoning (BVZ); and,

WHEREAS, the City of Belmont ("City") determined that the Project requires review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code section 21000 et seq.); and,

WHEREAS, under CEQA Section 15168, the City prepared a Program Environmental Impact Report ("EIR") to evaluate the potential environmental effects of the Project, potential alternatives to the Project and recommended mitigation measures for potentially significant impacts of the Project; and,

WHEREAS, during the preparation of the 2035 General Plan, associated policy documents, and EIR, comments and participation was sought from the public and interested and affected groups and agencies including City/County Association of Governments (C/CAG), the Bay Area Air Quality Management District (BAAQMD), the California Air Resources Board, the County of San Mateo, City of San Carlos, City of San Mateo, City of Redwood City, all school districts, the Local Agency Formation Commission (LAFCo), the Association of Bay Area Governments (ABAG), the Office of the Attorney General of the State of California and a number of other agencies, individuals and experts; and,

WHEREAS, the City issued a Notice of Preparation regarding the EIR and seeking public agency review and comment on September 1, 2016 for the period September 1, 2016 through October 3, 2016, and held a scoping meeting on September 6, 2016 before the Planning Commission to receive comments on topics and issues that should be evaluated in the Draft EIR; and,

WHEREAS, the Draft EIR was prepared in June 2017 and included an assessment of potential environmental effects, a description of possible mitigation measures to reduce potentially significant environmental effects, and consideration of whether any alternatives could avoid or substantially lessen any potentially significant environmental effects of the Project; and,

WHEREAS, the City published a Notice of Availability and Public Hearing for the Draft EIR for the Project in the Redwood City Examiner/Tribune, a newspaper of general circulation in the County of San Mateo, for the Draft EIR review period commencing on June 30, 2017; and,

WHEREAS, the City distributed a Notice of Availability for the Draft EIR (State Clearinghouse #2016082075) on June 30, 2017 to begin a 50 day review and comment period ending August 18, 2017; and,

WHEREAS, the City also distributed the Notice of Availability for the Draft EIR to the State Clearinghouse for State Agency review; and,

WHEREAS, the Planning Commission held a public hearing on the Draft EIR on August 15, 2017 to receive public comments on the Draft EIR; and,

WHEREAS, a letter dated August 21, 2017 was received from the State Clearinghouse on the Draft EIR and indicating distribution to the following Reviewing Agencies: Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Division of Aeronautics; Office of Historic Preservation; Office of Emergency Services, California; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 4; Public Utilities Commission; Regional Water Quality Control Board, Region 2; Native American Heritage Commission and including written comments from the following agencies: Caltrans, District 4, and California Highway Patrol; and,

WHEREAS, following the conclusion of the public review period of the Draft EIR, a Final EIR ("FEIR") was prepared which includes responses to comments on the Draft EIR and revisions to the Draft EIR in response to comments resulting from the public process and as a result of editorial review; and,

WHEREAS, CEQA requires analysis and a determination regarding the Project's environmental impacts and mitigation measures that, in the City's view, justify approval of the Project; and,

WHEREAS, all required public notices and public hearings were duly given and held according to law; and,

WHEREAS, duly and properly noticed public hearings were held before the City Planning Commission on October 2, 2017 and October 17, 2017; and,

WHEREAS, the City Planning Commission, having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to recommend to the City Council to make all findings required under CEQA, including a Statement of Overriding Considerations, adopt a Mitigation Monitoring and Reporting Program, and certify the FEIR, in accordance with CEQA; and,

WHEREAS, a duly and properly noticed public hearing was held before the City Council on October 24, 2017; and,

WHEREAS, on October 24, 2017, the City Council having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to certify the FEIR in accordance with CEQA under Resolution 2017-076; and,

WHEREAS, no events that would require subsequent environmental review as described in Section 15162 of the CEQA Guidelines have occurred since the City of Belmont City Council certified the FEIR, in that no substantial changes have been made in the Project, no substantial changes have occurred with respect to the circumstances under which the Project is being approved, and no new information of substantial importance has become known; and,

WHEREAS, a duly and properly noticed public hearing was held before the City Council on November 14, 2017; and,

WHEREAS, the City Council having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to make all findings required under CEQA, including a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program as more fully set forth in this Resolution as follows:

NOW, THEREFORE BE IT FOUND, DETERMINED AND RESOLVED by the City Council as follows:

1. It has independently reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein, including, without limitation, all written comments received on the Project and its environmental review, whether during or outside of the public comment periods, and all oral comments received at the public meetings and public hearings on the Project and its various environmental documents, and certifies that the FEIR has been completed in conformance with CEQA, that it reviewed and considered the information contained in the FEIR, and that the FEIR represents the independent judgment and analysis of the City as lead agency; and,

2. It makes all findings required under CEQA with respect to the Project's environmental effects as set forth in Exhibit A to this Resolution; and,

3. For impacts that cannot be reduced to a level that is less than significant, it adopts a Statement of Overriding Considerations as set forth in Exhibit A to this Resolution finding that specific social, economic, or other factors justify the Project's unavoidable adverse environmental effects; and,

4. It adopts a Mitigation Monitoring and Reporting Program as set forth in Exhibit B to this Resolution to ensure that the identified mitigation measures or Project changes are implemented; and,

5. As more particularly set forth in Exhibit A, it finds that no subsequent environmental review is required, because substantial evidence shows that none of the conditions requiring subsequent environmental review listed in Section 15162 of the CEQA Guidelines have occurred since the City Council certified the FEIR on October 24, 2017, and,

6. It directs staff to file a Notice of Determination under CEQA Guidelines 15094 within five working days of the adoption of this Resolution; and,

7. By this reference, Exhibit A and Exhibit B to this Resolution are incorporated as though fully set forth in the body of this Resolution.

* * * * * * * * * * * * * *

ADOPTED November 14, 2017, by the City Council of the City of Belmont by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

_____
City Clerk

_____
Mayor

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT A
TO RESOLUTION 2017-_____

CITY OF BELMONT

FINDINGS OF FACT
AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE:

2035 GENERAL PLAN UPDATE,
PHASE I ZONING,
BELMONT VILLAGE SPECIFIC PLAN,
BELMONT VILLAGE ZONING, AND
CLIMATE ACTION PLAN

PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

I. Introduction

The City of Belmont (the "City"), as lead agency under the California Environmental Quality Act Public Resources Code Section 21000, *et seq*. ("CEQA"), prepared an Environmental Impact Report (State Clearinghouse No. 2016082075, the "EIR") for the 2035 General Plan Update, Phase I Zoning, Belmont Village Specific Plan, and Climate Action Plan (together, the "Project"). The EIR is a program-level EIR prepared pursuant to CEQA Guidelines[1] Section 15168 and consists of the Draft Environmental Impact Report released on June 30, 2017 (the "Draft EIR"), Appendices A through E of the Draft EIR, and the Final Environmental Impact Report released on September 28, 2017 (the "Final EIR"). The EIR addresses the potential environmental effects associated with the Project.

a. *Project Description*

As fully described in Chapter 3 of the Draft EIR, the Project includes: (1) the 2035 General Plan Update, which provides the framework for land use and development in the City, prioritizing the preservation of open space and directing most new development to infill sites and identified opportunity sites; (2) the Phase 1 Zoning, which provides a regulatory framework that ensures that any new development, occurring prior to a comprehensive Zoning Ordinance update, is consistent with proposed General Plan policies and land use designations; (3) the Belmont Village Specific Plan, which introduces new mixed-use districts in the downtown area that support a variety of land uses, including residential, employment, service, and entertainment uses and includes detailed zoning, permitted uses, form-based codes, and development standards for the downtown area; and (4) the Climate Action Plan, which addresses the community's greenhouse gas (GHG) emissions through quantified reduction strategies, performance standards, and a framework for implementation to achieve the required reduction.

[1] The "CEQA Guidelines" are found at California Code of Regulations, Title 14, Section 15000 *et seq*.

b. *Purpose of the Findings*

The purpose of the Findings of Fact and Statement of Overriding Considerations (the "Findings") that follow is to satisfy CEQA's requirements as set forth Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines associated with approval of the Project. These Findings provide the written analysis and conclusions of the City Council (the "City Council") of the City regarding the Project's environmental impacts, mitigation measures, alternatives, and the overriding considerations, which, in the City Council's judgment, justify approval of the Project despite its environmental effects. The Findings are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law.

II. Project Objectives

Broadly, the Project is proposed to update the City's General Plan to meet the City's needs through 2035 and the requirements of California Government Code Section 65302, adopt a specific plan that meets the requirements of California Government Code Section 65451, adopt a Climate Action Plan to allow streamlined CEQA review of GHG emissions for future projects pursuant to CEQA Guidelines Section 15183.5, and adopt zoning designations to implement the 2035 General Plan Update and the Belmont Village Specific Plan. As discussed in Section 3.5 of the Draft EIR, the Project's specific objectives are as follows.

a. *General Plan Objectives*

i. Land Use Planning

- Promote a diversity of compatible land uses throughout the city, to enable people to live close to job locations, adequate and convenient commercial services, and public services and facilities such as transit, parks, and schools.
- Support the creation and enhancement of "complete neighborhoods" in Belmont, with well-integrated single-family and multi-family residential development, pedestrian- and bicycle-friendly environments, and activity nodes featuring schools, parks, and neighborhood commercial areas.
- 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.
- Preserve the character and enhance the quality of Belmont's residential neighborhoods.
- Enhance the Belmont Village PDA 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.
- Promote opportunities for continued economic growth and vitality, resulting in wider shopping and dining opportunities for residents, increased local employment opportunities, enhanced attractions for visitors, increased sales tax revenues, and a stronger community image.
- Provide areas for diverse employment and business opportunities to promote diversity in Belmont's economic base.

- Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses.
- Foster new development that contributes positively to Belmont's built environment, provides benefits to the local community, and addresses potential impacts.
- Ensure adequate provision of community-serving facilities such as recreation facilities, child daycare facilities, places of worship, schools and other educational institutions, and schools to serve current and future residents.
- Continue to collaborate and partner with Notre Dame de Namur University.
- Support a balanced and integrated parks and open space system that links neighborhoods, provides outdoor recreation opportunities, promotes natural resource conservation, and serves multiple needs.
- Enhance Belmont's character and image as a desirable community with distinct visual qualities, small-town character, and connections to nature and open space.
- Protect and enhance Belmont's hillside areas.
- Grow and develop in such a way that allows Belmont's unique character to flourish while recognizing the city's role in the broader region.

ii. Economic Opportunity

- Support a wide range of economic activity in Belmont that capitalizes on the city's location, strengthens the City's tax base, and ensures that Belmont has adequate fiscal resources to fund high quality public services for its residents and businesses.
- Facilitate retention, expansion, attraction, and incubation of businesses in Belmont that will employ and serve Belmont residents and meet the city's economic development objectives.
- Realize the community's vision for Belmont Village PDA as a vibrant, successful, engaging town center, with opportunities for residents to live, shop, work, and play.
- Transform El Camino Real into a "grand boulevard" with a vibrant mix of land uses, a pedestrian-friendly streetscape, and enhanced transit and bicycle facilities.
- Pursue annexation of the Harbor Industrial Area (HIA) and bring it into the Belmont city limits.
- Promote the continued development and revitalization of the Belmont's focus areas for economic growth as integral parts of the community and nodes of commercial, employment, or residential activity.

iii. Historic Preservation

- Conserve designated historic and cultural sites and structures that help define Belmont's identity and character.

iv. Circulation

- Provide for the safe and efficient movement of people and vehicles within and through the community that fosters accessibility and connectivity; accommodates a mixture of automobiles, transit, bicyclists, and pedestrians; and encourages higher transit ridership.
- Reduce dependence on the automobile for travel and achieve a reduction in vehicle-miles traveled (VMT) per capita of 15 percent by year 2035.

- Work cooperatively with other agencies and jurisdictions in the region to enhance connectivity between Belmont and the region and provide an efficient system for regional travel.
- Accommodate modes of transportation on routes that are designed within the context of the surrounding area to provide for the enjoyment and safety of the individual and to cause minimum interference and appropriate compatibility with adjacent uses of land.
- Promote, provide, and maintain a safe and convenient pedestrian and bicycle system of hiking and riding trails, pedestrian paths, bicycle paths and lanes to: promote active transportation; reduce dependence on automobiles; provide recreation; furnish easy access to trails; permit safe, pleasant travel among parts of the community; connect local areas and destinations within the city through trails and paths and regional trail and path systems; and create opportunities for nature and conservation education.
- Promote Transportation Demand Management Programs and encourage increased transit use through convenient, safe, efficient, and cost-effective services.
- Maintain and improve existing bus service in Belmont to provide transportation to commuter trains, local schools, and recreational facilities.
- Provide a balanced and well-managed parking supply that accommodates demand while maximizing efficiency.
- Limit truck and other heavy traffic to the level necessary to reasonably serve local business and industry while minimizing disruptive effects on residents, businesses, and the functional organization of the community.
- Fund transportation improvement projects through the use of City funds, development fees, and grants.

v. Parks, Recreation, and Open Space

- Provide an expanded, high quality, and diversified park system that serves the entire Belmont community, enhances community identity, and is conveniently located for community use.
- Ensure that a wide variety of public community and recreation facilities are available to the entire Belmont community for recreational, social, and cultural activities.
- Improve the quantity and quality of recreational programming and services to provide varied recreational opportunities for the entire Belmont community.
- Continue to develop and support a balanced and integrated open space system reflecting a variety of considerations, including natural resource conservation, outdoor recreation, and public health and safety, to ensure synergies between various open space components and compatibility with land use planning.
- Preserve and protect open space resources using various methods available to the City.
- Improve and increase public access into open space areas where feasible and safe.
- Pursue sufficient and dedicated funding for acquisition, operations, protection, maintenance, and management of parks, recreation facilities, and natural open spaces and to meet the recreational programming and service needs of the Belmont Community.

vi. Open Space for Natural Resource Conservation

- Protect and maintain open space for the preservation of natural resources.

- Protect and preserve open space for public health, safety and recreation in areas that require special management for regulation.

vii. Biological Resources

- Protect and restore biological and ecological resources in Belmont, including sensitive wildlife species and their habitats.

viii. Hydrology, Water Quality, and Water Supply and Demand

- Preserve and restore Belmont's waterways and adjacent corridors as valuable community resources that serve as plant and wildlife habitats, groundwater recharge facilities, flood control and irrigation components, and connections between open space areas.
- Preserve water quality by promoting the protection of Belmont's creeks and other natural water bodies from pollution.
- Preserve water resources and provide for long-range community water needs by adopting best management practices for water use and conservation.

ix. Wastewater, Solid Waste, and Stormwater

- Provide adequate wastewater collection, treatment, recycling and disposal facilities in a timely fashion to serve existing and future needs.
- Provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse.
- Maintain and improve the reliability of the City's storm drainage system, and promote best management practices to protect this system from flooding, enhance water quality, and prevent infrastructure deterioration.

x. Air Quality and Greenhouse Gases

- Reduce emissions of ozone-producing pollutants and particulate matter to improve regional air quality and protect the health of Belmont and Bay Area residents.
- Reduce emissions of greenhouse gases to 15 percent below the 2005 baseline levels by 2020 and to 50 percent below the 2005 baseline levels by 2035.

xi. Archaeological and Paleontological Resources

- Preserve and protect areas and sites of prehistoric, cultural, and archaeological significance.

xii. Safety

- Minimize risks of property damage and personal injury posed by geologic and seismic hazards.
- Protect the community from risks to life and property posed by flooding.
- Protect soils, surface water, and groundwater from contamination from hazardous materials.

- Continue to promote the reduction, recycling, and safe disposal of household and business hazardous wastes through public education and awareness.
- Ensure that utilities that are essential to contemporary life are available and adequate to meet the demands of the Belmont community while also ensuring the utilities maintain and enhance Belmont's physical diversity, visual qualities, and small-town characteristics.
- Protect Belmont residents and businesses from potential fire hazards.
- Foster an efficient and coordinated response to emergencies and natural disasters.
- Provide a comprehensive program of safety services including police, fire, and medical response in Belmont.
- Support continuing public awareness of hazards, including avoidance, disaster preparedness, and emergency response procedures.
- Make infrastructure investments, enforce regulations, and disseminate information that will improve disaster response and recovery, with the goal of minimizing damage to people and property.

xiii. Noise

- Strive to achieve an acceptable noise environment for the environmental, health, and safety needs of present and future residents of Belmont.
- Protect noise-sensitive land uses, such as schools, hospitals, and senior care facilities, from encroachment of and exposure to excessive levels of noise.
- Continue to work with other agencies, airports, and jurisdictions to reduce noise levels in Belmont created by their operations.

b. *BVSP Objectives*

i. Land Use

- Create a vibrant downtown that serves as the City's shopping, employment, activity, and community center, with a compact, walkable, pedestrian-scaled development that is connected to transit.
- Preserve and enhance the Village's cultural and historic context.
- Provide a variety of housing types to accommodate different types of households, different income levels, different age groups, and different lifestyles.

ii. Mobility

- Provide a vibrant, safe, and connected street network that facilitates multimodal movement of people within and to the Village Planning Area and ensures the citywide goal of reducing vehicle-miles travelled per capita by 15 percent.
- Provide safe and convenient access to transit.
- Meet citywide goals of reducing automobile trips through the implementation of Transportation Demand Management strategies.
- Provide parking that meets the needs of Belmont Village to ensure its vibrancy and economic vitality, while encouraging walking, cycling, and transit ridership as the primary modes of access to and within the Village Planning Area.

iii. Infrastructure and Public Services

- Continue the successful provision, maintenance, and operation of water, sewer, and stormwater infrastructure utilities in Belmont to maintain the quality of life and accommodate future growth in the Village.
- Continue to provide adequate solid waste services for the collection, transfer, recycling, and disposal of refuse.
- Continue the successful provision, maintenance, and operation of infrastructure and public utilities to maintain the quality of life and serve the Village Planning Area.
- Maintain Belmont as a safe and livable community.
- Ensure that new development adequately addresses public safety considerations in building design and site planning.
- Promote adequate and accessible public school facilities for the Village Planning Area.
- Foster positive relationships between the Belmont Village and Notre Dame de Namur University communities.
- Provide a diverse range of parks, recreation, and community facilities and programming inside and within a ten-minute walk of the Village Planning Area.

iv. Environmental Sustainability, Health, and Safety

- Preserve natural environmental processes that protect health and safety, such as water filtration through soil that protects water quality and riparian vegetation that minimizes erosion and flooding.
- Minimize the potential for loss of life, injury, property damage, and economic and social disruption resulting from natural and man-made hazards, including floods.
- Protect and improve the quality of biological resources and habitat areas in the Village Planning Area.
- Ensure that infill development projects minimize exposure to hazardous materials and toxic air contaminants.
- Maintain a healthy noise environment in the Village Planning Area while accommodating the increased intensities and mix of uses intended to characterize Belmont Village in the future.

c. *CAP Objectives*

- Increase municipal, residential, and commercial energy efficiency, renewable energy, efficient water use, and green building.
- Reduce emissions from transportation through efficient land use, alternate modes of transportation, and operational innovations.
- Reduce solid waste generated and sent to landfills.

III. Record of Proceedings and Custodian of Record

Pursuant to CEQA Guidelines Section 15367, the City is the Lead Agency for the Project. Accordingly, the City has taken the following actions in relation to the EIR to satisfy CEQA:

- The City sent the Notice of Preparation ("NOP") of the EIR to the State Clearinghouse and to state, local, and regional agencies on September 1, 2016. A public scoping meeting was held on September 6, 2016 to solicit additional input on the scope of the EIR. The City accepted written comments on the scope of the EIR until October 3, 2016, and concerns raised in response to the NOP and the September 6, 2016 hearing were considered during preparation of the Draft EIR. The written comments that the City received in response to the NOP are included as Appendix A of the Draft EIR.

- On June 30, 2017, the City published a Notice of Availability ("NOA") for the Draft EIR, and the Draft EIR was concurrently submitted to the Office of Planning and Research State Clearinghouse (the "State Clearinghouse") and circulated for public review and comment as well as to solicit comments from agencies and individuals on the adequacy and accuracy of the Draft EIR. The City distributed copies of the Draft EIR to state agencies, local governments, elected officials, groups, and interested parties on the City's mailing list (the "Noticed Parties"). The Draft EIR, along with the proposed 2035 General Plan Update, Phase I Zoning, Belmont Village Specific Plan, Belmont Village Zoning, and Climate Action Plan were made available through three (3) websites maintained by the City:

  www.belmont-2035generalplan.com
  www.planbelmontvillage.com
  www.belmont.gov/ClimateActionPlan

- The Draft EIR was also made available for public review in printed form at the public counter of the Community Development Department-Permit Center at Belmont City Hall and at the Belmont Public Library throughout the public comment period.

- The Draft EIR's public review period encompassed 50 days between June 30, 2017 and August 18, 2017. The City's Planning Commission (the "Planning Commission") conducted a duly and properly noticed public hearing on the Draft EIR on August 15, 2017, during the public review period. The City encouraged the public to provide oral comments at the hearings and submit written comments. The City transcribed all oral comments on the Draft EIR. Copies of all written comments and transcriptions of oral comments received during the public comment period are included in Chapter 2 of the Final EIR.

- On September 28, 2017, the City released the Final EIR. All comments received on the Draft EIR during the public comment period were responded to and included in the Final EIR. Collectively the Final EIR and the Draft EIR as amended by the Final EIR constitute the EIR for the Project.

- On October 2, 2017, the Planning Commission conducted a duly and properly noticed public hearing on certain components of the Project (the proposed 2035 General Plan Update, Phase I Zoning, and Climate Action Plan), and the Final EIR. The Planning Commission recommended that the City Council certify the EIR and approve the proposed 2035 General Plan Update, Phase I Zoning, and Climate Action Plan.

- On October 17, 2017, the Planning Commission conducted a duly and properly noticed public hearing on certain components of the Project (the Belmont Village Specific Plan and the BVSP Zoning). The Planning Commission recommended that the City Council approve the proposed the Belmont Village Specific Plan and the BVSP Zoning.

- On October 24, 2017, the City Council certified the EIR following a duly and properly noticed public hearing.

- The 2035 General Plan Update, Phase I Zoning, and Climate Action Plan and the EIR came before the City Council on November 14, 2017 at a duly and properly noticed public hearing, and the City Council approved the Project and adopted the Mitigation Monitoring and Reporting Program (MMRP) and the Findings.

For purposes of CEQA and the analysis set forth in these Findings, the record of proceedings (the "Administrative Record") consists of the following documents and testimony, and at a minimum:

- The NOP, comments received on the NOP, the NOA, and all other public notices issued by the City in relation to the Project or the EIR;

- The EIR, including the Final EIR issued on September 28, 2017 and the Draft EIR as amended by the Final EIR, including all technical materials cited in the document;

- The MMRP and all appendices to the Draft and Final EIR;

- All non-draft and non-confidential reports and memoranda prepared by the City and its consultants in relation to the Project and the EIR;

- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the City Council;

- Staff reports associated with Planning Commission and City Council hearings on the Project or the EIR;

- All of the comments and staff responses entered into the record orally and in writing between, as well as accompanying technical memoranda or evidence entered into the record;

- Matters of common knowledge to the City Council which they consider, such as the City's existing General Plan, any other applicable specific plans or other similar plans, and the City's Municipal Code; and,

- Any other category of material identified in Public Resources Code Section 21167.6 prepared in connection with Project or the EIR.

The Community Development Department is designated as the custodian of the documents and record of proceedings on which this decision is based. The Community Development Department office is located at Belmont City Hall, One Twin Pines Lane, Suite 310, Belmont, California, 94002, and the telephone number is (650) 595-7417.

IV. Findings are Determinative

The City Council certifies that the EIR has been completed in compliance with CEQA and that it was presented to, and reviewed and considered by, the City Council prior to acting on the Project. In so certifying, the City Council recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the Administrative Record; that experts disagree; and that the City Council must base its decision and these Findings on the substantial evidence in the record that it finds most compelling. Therefore, by these Findings, the City Council ratifies, clarifies, and/or makes insignificant modifications to the EIR and resolves that these Findings shall control and are determinative of the significant impacts of the Project.

The mitigation measures proposed in the EIR and further described in Section V of these Findings are adopted in these Findings, substantially in the form proposed in the EIR, with such clarifications and non-substantive modifications as the City Council has deemed appropriate to implement the mitigation measures, if any. Further, the mitigation measures adopted in these Findings are expressly incorporated into the Project.

The analysis and determinations in these Findings are to be considered as an integrated whole and, whether or not any subdivision of these Findings fails to cross-reference or incorporate by reference any other subdivision of these Findings, that any finding or determination required or permitted to be made shall be deemed made if it appears in any portion of this document. All of the text included in this document constitutes findings and determinations, whether or not any particular caption sentence or clause includes a statement to that effect.

Each finding in these Findings is based on the entire record. The omission of any relevant fact from the summary discussions below is not an indication that a particular finding is not based in part on the omitted fact.

Many of the mitigation measures imposed or adopted pursuant to these Findings to mitigate the environmental impacts identified in the Administrative Record may have the effect of mitigating multiple impacts (e.g., conditions imposed primarily to mitigate traffic impacts may also secondarily mitigate air quality impacts, etc.). The City Council has not attempted to exhaustively cross-reference all potential impacts mitigated by the imposition of a particular mitigation measure; however, such failure to cross-reference shall not be construed as a limitation on the potential scope or effect of any such mitigation measure.

V. Impacts, Mitigation Measures, and Findings

In conformance with CEQA Guidelines Section 15091, this section of the Findings lists each significant environmental effect of the Project identified in the EIR; describes those mitigation measures recommended in the EIR; and, as required by Section 15091(a), finds that either: (i) the adopted mitigation measures have substantially lessened the significant effect; (ii) the adopted

mitigation measures, though implemented, do not substantially lessen the significant effect; (iii) the mitigation measures cannot be adopted and implemented because they are the responsibility of another public agency; or (iv) that specific considerations make mitigation measures infeasible.

All feasible mitigation measures listed below have been incorporated into the MMRP, further described in Section IX of these Findings. Any future projects approved or constructed pursuant to the Project will incorporate all conditions contained in the MMRP.

Unless otherwise noted, all page numbers shown below refer to the Draft EIR as modified by the Final EIR.

a. *Air Quality.*

i. Impact 4.2-2. Implementation of the Proposed Project would violate an air quality standard and contribute substantially to an existing or projected air quality violation during construction.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.2-35 of the Draft EIR. Construction permitted pursuant to the Project during a typical year may exceed BAAQMD's ROG and NOx thresholds as well as fugitive dust emissions.

(2) Mitigation Measures. The following mitigation measures as discussed in the Draft EIR at page 4.2-39 are hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure AQ-1: Require Tier 4 engines on Construction Equipment.
- Mitigation Measure AQ-2: Require Construction Fleet to Use Renewable Diesel.
- Mitigation Measure AQ-3: Require Low-VOC Coatings during Construction.
- Mitigation Measure AQ-4: Require Fugitive Dust Best Management Practices.

(3) Finding. Mitigation Measures AQ-1 and AQ-2 will reduce NOx and other criteria pollutants from off-road equipment, whereas Mitigation Measures AQ-3 and AQ-4 will reduce fugitive ROG and dust emissions, respectively. Each of these mitigation measures have been required of the Project to reduce the potential air quality effects to the extent currently technically feasible. Although implementation of Mitigation Measures AQ-1, AQ-2, AQ-3, and AQ-4 would reduce the maximum daily emissions of ROG, PM10 and PM2.5 each to a less-than-significant level, buildout of the General Plan and the BVSP would still exceed BAAQMD's NOx threshold. Therefore, air quality impacts related to construction permitted under the Project would remain ***significant and unavoidable***.

ii. Impact 4.2-3. Implementation of the Proposed Project would violate an air quality standard and contribute substantially to an existing or projected air quality violation during operation.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.2-40 of the Draft EIR. Buildout of the Project has the potential to result in air quality impacts from mobile, area, and energy sources from long-term operations of the uses permitted pursuant to the Project.

(2) Mitigation Measures. The following mitigation measure as discussed in the Draft EIR at page 4.2-44 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure AQ-5: Promote Green Consumer Products.

(3) Finding. Mitigation Measure AQ-5 requires developers to provide education regarding consumer products that generate lower than typical VOC emissions, however, the effect of this Mitigation Measure cannot be quantified because consumers cannot be required to use such products. In addition, the Project include numerous policies to promote a reduction in daily mobile, area, and energy source emissions generated by Project operations; however, even with all feasible reductions, the Project will still result in a net increase in criteria pollutant emissions that exceeds BAAQMD's project-level thresholds. Therefore, air quality impacts related to the operation of development permitted under the Project would remain ***significant and unavoidable***.

iii. Impact 4.2-4. Implementation of the Proposed Project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).

(1) Significant Environmental Effect. This impact is further described beginning at page 4.2-44 of the Draft EIR. ROG, NOx, PM10, and PM2.5 emissions associated with development under the General Plan and BVSP would exceed BAAQMD's project level thresholds. The Project's cumulatively considerable contribution to this impact is further described beginning at page 6-7 of the Draft EIR.

(2) Mitigation Measures. The following mitigation measures as discussed in the Draft EIR at page 4.2-46 are hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure AQ-1: Require Tier 4 engines on Construction Equipment.
- Mitigation Measure AQ-2: Require Construction Fleet to Use Renewable Diesel.
- Mitigation Measure AQ-3: Require Low-VOC Coatings during Construction.
- Mitigation Measure AQ-4: Require Fugitive Dust Best Management Practices.

- Mitigation Measure AQ-5: Promote Green Consumer Products.

(3) Finding. The comprehensive suite of proposed General Plan and BVSP policies would ultimately reduce the severity of growth-oriented criteria pollutants, relative to conditions without the plans, for individual development projects; however, individual projects may still generate construction and operational emissions in excess of BAAQMD's project-level thresholds, even with implementation of Mitigation Measures AQ-1 through AQ-5. Therefore, air quality impacts related to criteria pollutant emissions under the Project would remain ***significant and unavoidable*** and would have a ***cumulatively considerable contribution*** to a significant cumulative impact.

iv. Impact 4.2-5. Implementation of the Proposed Project would expose sensitive receptors to substantial pollutant concentrations from new sources of toxic air containments.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.2-47 of the Draft EIR. Individual projects developed pursuant to the General Plan or the BVSP may prevent the reduction of health risks from TAC exposure below adopted thresholds. The Project's cumulatively considerable contribution to this impact is further described beginning at page 6-8 of the Draft EIR.

(2) Mitigation Measures. The following mitigation measure as discussed in the Draft EIR at page 4.2-50 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure AQ-6: Require Future Projects Located within 1,000 Feet of Receptors Perform a Construction Health Risk Assessment.

(3) Finding. Mitigation Measures AQ-1 and AQ-2 would reduce DPM exhaust from construction equipment and associated health risks. Mitigation Measure AQ-6 is also identified to provide a project-level evaluation of construction-related health risks from future projects within 1,000 feet of sensitive receptors. Although this would reduce operational health risks to current and future receptors, without specific details on the locations of building footprints or their construction schedules, a quantitative evaluation of potential health risk impacts is not possible, and it cannot conclusively be determined that health impacts from TAC exposure can be reduced below adopted thresholds. Therefore, this impact would remain ***significant and unavoidable*** and would have a ***cumulatively considerable contribution*** to a significant cumulative impact.

b. *Cultural Resources.*

i. Impact 4.4-1. Implementation of the Proposed Project would not cause a substantial change to the significance of a historical resource, defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.4-19 of the Draft EIR. The City includes multiple historical resources. Of the resources identified, the Project anticipates the redevelopment of the historic Firehouse Square building, which may result in the impairment of the resource's historical significance.

(2) Mitigation Measures. The following mitigation measures as discussed in the Draft EIR at page 4.4-21 are hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure CULT-1: Require façade maintenance of the Firehouse Building.

- Mitigation Measure CULT-2: Require historical signage at Firehouse Square.

(3) Finding. Mitigation Measure CULT-1 requires any project applicant proposing physical changes to the Firehouse Building to maintain the existing structure's historic Spanish façade, while Mitigation Measure CULT-2 requires such a project to include detailed signage with historical information about the site, consistent with the recommendations of the historical evaluation prepared for the resource. In addition, the BVSP requires any development proposal at Firehouse Square to be reviewed and evaluated by a qualified architectural historian, and any site reuse must be done in accordance with the Municipal Code's standards for buildings on the Historical Resources Inventory. By maintaining the physical characteristics of the historical resource that convey the building's historical significance and documenting the factors that give the resource cultural significance, Mitigation Measures CULT- 1 and CULT-2 reduce the impact to a ***less than significant*** level.

c. *Energy, Greenhouse Gases, and Climate Change.*

i. Impact 4.6-3. Implementation of the Proposed Project would generate GHG emissions, either directly or indirectly, during construction that may have a significant impact on the environment.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.6-27 of the Draft EIR. Development in Belmont permitted under the Project has the potential to produce GHG emissions that conflict with statewide emission goals.

(2) Mitigation Measures. The following mitigation measure as discussed in the Draft EIR at page 4.6-29 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

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

(3) Finding. Development projects within Belmont under the Project would be required to use renewable diesel for all off-road diesel-powered equipment, pursuant to Mitigation Measure AQ-2. Implementation of this measure would reduce lifecycle GHG emissions (i.e., those produced by the extraction, refining, processing, and combustion of diesel) by 67 percent, relative to traditional diesel. This requirement is consistent with BAAQMD's recommended Best Management Practices for GHG emissions related to construction and would reduce emissions consistent with statewide goals. Therefore, Mitigation Measure AQ-2 reduces the impact to a ***less than significant*** level.

d. *Noise.*

i. Impact 4.10-1. Implementation of the Proposed Project would generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies during construction.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.10-22 of the Draft EIR. The Project would permit higher-intensity development and redevelopment in Belmont, which would require construction activities using heavy-duty machinery and equipment. Temporary increases in noise levels have the potential to exceed the noise standards defined in both the existing and the proposed General Plan. In addition, traffic increases associated with Project implementation have the potential to increase noise levels above the normally acceptable range for some uses. The Project's cumulatively considerable contribution to this impact is further described beginning at page 6-19 of the Draft EIR.

(2) Mitigation Measures. No feasible mitigation measures have been identified that would be able to reduce, with a reasonable degree of certainty, construction-related noise impacts on existing sensitive receptors. As discussed below, all feasible mitigation measures that would reduce traffic have been incorporated into the Project.

(3) Finding. The Project includes comprehensive policies to limit the exposure of sensitive land uses to noise generating uses, and individual projects developed in accordance with the General Plan and the BVSP would be required to incorporate noise-reducing components. However, because of the uncertainty involved in evaluating the impact on all potential future users of new development, it is assumed that the Project's impact regarding noise-generating uses would remain ***significant and unavoidable*** and that the Project would have a ***cumulatively considerable contribution*** to a significant cumulative impact.

ii. Impact 4.10-2. Implementation of the Proposed Project would generate excessive groundborne vibration or groundborne noise levels during construction.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.10-39 of the Draft EIR. The Project would permit higher-intensity development and redevelopment in Belmont, which would require construction activities using heavy-duty machinery and equipment. As a result, groundborne vibration levels could temporarily exceed the threshold of significance for future and existing sensitive land uses. The Project's cumulatively considerable contribution to this impact is further described beginning at page 6-19 of the Draft EIR.

(2) Mitigation Measures. No mitigation measures have been identified that would be able to reduce, with a reasonable degree of certainty, vibration impacts on existing sensitive receptors from construction activities.

(3) Finding. The Project includes comprehensive policies to limit the exposure of sensitive land uses to groundborne vibration caused by construction activities, and individual projects developed in accordance with the General Plan would be required to incorporate vibration-reducing components. However, because of the uncertainty involved in evaluating the impact on all potential future users of new development, it is assumed that the Project's impact regarding temporary impacts from construction activities causing groundborne vibrations would remain ***significant and unavoidable*** and that the Project would have a ***cumulatively considerable contribution*** to a significant cumulative impact.

iii. Impact 4.10-4. Implementation of the Proposed Project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.10-43 of the Draft EIR. The Project would permit higher-intensity development and redevelopment in Belmont, which would require construction activities using heavy-duty machinery and equipment. As a result, ambient noise levels could temporarily increase by above the City's thresholds.

(2) Mitigation Measures. No mitigation measures have been identified that would be able to reduce, with a reasonable degree of certainty, reductions in ambient noise caused by construction for all future development in the City.

(3) Finding. The Project would impose time-of-day restrictions on construction activities along with noise reducing requirements for new construction, however, it is not possible to conclude that all future development will be able to reduce its temporary contribution to ambient noise levels to necessary levels, therefore it is assumed that the Project's impact regarding temporary impacts from construction activities increasing ambient noise levels would remain ***significant and unavoidable***.

e. *Transportation.*

i. Impact 4.12-1. Buildout of the Proposed Project would cause intersections to fall below the established significance criteria for the City of Belmont and C/CAG for intersection operation.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.12-126 of the Draft EIR. With projected traffic volumes associated with development permitted under the Project, the delay at the intersection of El Camino Real and Ralston Avenue would exceed the threshold for significance for CMP intersections. Twenty-one intersections identified on page 4.12-145 of the Draft EIR would warrant turn lane additions, and 27 intersections identified on page 4.12-157 of the Draft EIR would exceed the City's threshold for turn lane queue lengths. In addition, the following twelve intersections would potentially have significant impacts during operations in 2035:

- Ralston Ave/SR-92 WB Ramps (Signalized), expected to operate at LOS D during the a.m. peak hour;
- Ralston Ave/ Alameda de las Pulgas (Signalized), expected to operate at LOSE during the a.m. and p.m. peak hours;
- Ralston Avenue/Chula Vista Drive (TWSC), northbound approach expected to operate at LOS F during the a.m. peak hour and at LOS D during the p.m. peak hour;
- Ralston Avenue/Notre Dame University Road (Roundabout), expected to operate at LOS E during the a.m. peak hour;
- Ralston Avenue/Sixth Avenue (Signalized, expected to operate at LOS C during the a.m. peak hour;
- Ralston Avenue/El Camino Real (Signalized), expected to operate at LOS F during the a.m. and p.m. peak hours;
- Ralston Avenue/Old County Road (Signalized), expected to operate at LOS D during the a.m. peak hour and at LOSE during the p.m. peak hour;
- Alameda de las Pulgas/Chula Vista Drive (Roundabout), expected to operate at LOS F during the a.m. peak hour and at LOS F during the p.m. peak hour;
- El Camino Real/Flashner Lane (TWSC), northbound approach expected to operate at LOS D during the p.m. peak hour;
- El Camino Real/O'Neill Avenue (Signalized), expected to operate at LOS C during the p.m. peak hour;
- El Camino Real/Harbor Boulevard (North) (Signalized), expected to operate at LOS D during the p.m. peak hour;

- El Camino Real/Waltermire Street would cause the Peak Hour traffic signal warrant to be met;

- Old County Road/O'Neill Avenue (TWSC), westbound approach expected to operate at LOS C during the a.m. peak hour and at LOS D during the a.m. peak hour; and

- Old County Road/Harbor Boulevard (Signalized), expected to operate at LOS D during the a.m. peak hour and at LOS E during the p.m. peak hour.

(2) Mitigation Measures. The following mitigation measures as discussed in the Draft EIR at page 4.12-132 are hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure 4.12-1c, 4.12-1n, 4.12-1o

(3) Finding. Mitigation is not feasible at the intersections of Ralston Ave/SR-92 WB Ramps, Ralston Ave/ Alameda de las Pulgas, Ralston Avenue/Notre Dame University Road, Ralston Avenue/Sixth Avenue, Ralston Avenue/El Camino Real, Ralston Avenue/Old County Road, Alameda de las Pulgas/Chula Vista Drive, El Camino Real/O'Neill Avenue, El Camino Real/Harbor Boulevard, or Old County Road/Harbor Boulevard due to right-of-way constraints and would conflict with policies within the Ralston Avenue Corridor Study and Improvement Plan, the City's Complete Streets initiatives, the General Plan vision and policy directives for safe and efficient active transportation. In addition, mitigation is not feasible at the intersection of El Camino Real/Flashner Lane because the installation of a traffic signal would require removal of a medial island along El Camino Real and approval from Caltrans. Mitigation is not feasible at Old County Road/O'Neill Avenue because the additional of new turn lanes would increase the pedestrian crossing distance adjacent to the planned Caltrain undercrossing at O'Neill Avenue. In addition, the installation of turn lanes or additional through lanes is not feasible because it would require the acquisition of substantial new rights-of-way and widen streets in conflict with other Project policies.

The installation of a traffic signal and conversion of the existing left-most lane west of the intersection to a pedestrian island would cause the intersection of Ralston Avenue/Chula Vista Drive to operate at acceptable levels. The installation of a traffic signal would cause the intersection of El Camino Real/Waltermire Street to operate at acceptable levels. The incorporation of all feasible mitigation would reduce impacts at some intersections to a less than significant level, however, it is not possible to mitigate impacts at all the identified intersections. Therefore, the Project's impact would remain ***significant and unavoidable.***

ii. Impact 4.12-2. Buildout of the proposed Project would cause roadway segment operations to fall below C/CAG's established level of service standards.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.12-164 of the Draft EIR. With projected traffic volumes associated with development permitted under the Project, traffic volumes along El Camino Real's roadway segments north and south of Ralston Avenue exceed the threshold for significance for CMP arterial roadway segments.

(2) Mitigation Measure. Mitigation Measure 4.12-2 would require the addition of additional travel lanes along the El Camino Real corridor.

(3) Finding. Mitigation Measure 4.12-2 is not feasible because it would require the acquisition of substantial new rights-of-way and widen streets in conflict with policies within the Ralston Avenue Corridor Study and Improvement Plan, the City's Complete Streets initiatives, the General Plan vision and policy directives for safe and efficient active transportation. Therefore, the impact would remain ***significant and unavoidable.***

iii. Impact 4.12-3. The proposed Project would cause freeway segment operations to fall below C/CAG's established levels.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.12-167 of the Draft EIR. With projected traffic volumes associated with development permitted under the Project, traffic volumes on freeway segments in the Project area would exceed C/CAG's threshold for significance for freeway operations.

(2) Mitigation Measure. Mitigation Measure 4.12-3 would require the addition of additional travel lanes on freeways in the Project area.

(3) Finding. Mitigation Measure 4.12-3 is not feasible because it would require the acquisition of substantial new rights-of-way and widen freeways in conflict with policies within the Ralston Avenue Corridor Study and Improvement Plan, the City's Complete Streets initiatives, the General Plan vision and policy directives for safe and efficient active transportation. Therefore, the impact would remain ***significant and unavoidable.***

iv. Impact 4.12-9. Adoption and implementation of the policies in the proposed Project would not result in inadequate emergency access.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.12-175 of the Draft EIR. With projected traffic volumes associated with development permitted under the Project, increased congestion on roadways in the Project area could affect emergency vehicle response times, particularly during AM and PM peak hours.

(2) Mitigation Measure. The following mitigation measure as discussed in the Draft EIR at page 4.12-175 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure 12-9: Signal Priority and Passing Priority.

(3) Finding.

Under Mitigation Measure 12-9 and state law, the use of the emergency vehicles' sirens to give such vehicles passing priority and the use of the emergency vehicles' signal priority preemption equipment to turn traffic signals red to stop traffic to allow the emergency vehicles to pass through the intersection would reduce the severity of this impact; however, the precise effect of Mitigation Measure 12-9 cannot be accurately quantified due to the unknown frequency of emergency calls and the varying nature of drivers' compliance with siren priority laws. Therefore, the impact is assumed to remain ***significant and unavoidable.***

f. *Utilities.*

i. Impact 4.13-2. Development under the Proposed Project would not require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.13-32 of the Draft EIR. Implementation of the Project would result in future residential, commercial, and industrial land uses in the City, resulting in additional population that would generate additional demand for water and wastewater services, and therefore, an increased demand for water provision and wastewater collection, conveyance, and treatment services over currently established levels.

(2) Mitigation Measures. The following mitigation measures as discussed in the Draft EIR at page 4.13-35 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure UTIL-1: Require water line upsizing
- Mitigation Measure UTIL-2: Require sewer line upsizing
- Mitigation Measure UTIL-3: Require upsizing of Shoreway Pump Station

(3) Finding. As development intensification occurs throughout the BVSP area, upgrades from 6-inch to 8-inch water lines will be required along Old County Road between Masonic Way and Harbor Boulevard, along Ralston Avenue between Old County Road and Elmer Street, along Sixth Avenue between Hill Street and O'Neill Avenue, and along O'Neill Avenue between Sixth Avenue and El Camino Real. In addition, approximately 1,675 feet of sewer lines downstream of the BVSP area and the Shoreway Pump Station will be required to be upsized to accommodate projected growth in the BVSP permitted under the Project. With the incorporation of Mitigation Measures UTIL-1, UTIL-2, and UTIL-3, the Project's impact would be ***less than significant***.

ii. Impact 4.13-5. Development under the Proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve Belmont that it has inadequate capacity to serve the Proposed Project's projected demand in addition to the provider's existing commitments.

(1) Significant Environmental Effect. This impact is further described beginning at page 4.13-41 of the Draft EIR. Implementation of the Project would result in future residential, commercial, and industrial land uses in the City, resulting in additional population that would generate additional demand for wastewater collection, conveyance, and treatment services over currently established levels.

(2) Mitigation Measures. The following mitigation measures as discussed in the Draft EIR at page 4.13-43 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

- Mitigation Measure UTIL-2: Require sewer line upsizing

- Mitigation Measure UTIL-3: Require upsizing of Shoreway Pump Station

(3) Finding. Approximately 1,675 feet of sewer lines downstream of the BVSP area and the Shoreway Pump Station will be required to be upsized to accommodate projected growth in the BVSP permitted under the Project. With the incorporation of Mitigation Measures UTIL-2 and UTIL-3, the Project's impact would be ***less than significant***.

VI. Summary of Unavoidable Significant Adverse Effects

The following significant adverse effects of the Project with respect to Air Quality, Noise, and Transportation are found to be unavoidable despite the adoption by the City Council of all feasible mitigation measures identified in the Final EIR:

- Implementation of the Proposed Project would violate an air quality standard and contribute substantially to an existing or projected air quality violation during construction.

- Implementation of the Proposed Project would violate an air quality standard and contribute substantially to an existing or projected air quality violation during operation.

- Implementation of the Proposed Project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).

- Implementation of the Proposed Project would expose sensitive receptors to substantial pollutant concentrations from new sources of toxic air containments.

- Implementation of the Proposed Project would generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies during construction.

- Implementation of the Proposed Project would generate excessive groundborne vibration or groundborne noise levels during construction.

- Implementation of the Proposed Project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

- Buildout of the Proposed Project would cause intersections to fall below the established significance criteria for the City of Belmont and C/CAG for intersection operation.

- Buildout of the proposed Project would cause roadway segment operations to fall below C/CAG's established level of service standards.

- The proposed Project would cause freeway segment operations to fall below C/CAG's established levels.

- Adoption and implementation of the policies in the proposed Project would not result in inadequate emergency access.

VII. Project Alternatives

Section 15126.6(f) of the CEQA Guidelines requires that an EIR include a "reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project." Based on the analysis in the EIR, the Project would be expected to result in significant and unavoidable impacts to Air Quality, Noise, and Transportation. The EIR alternatives were designed to avoid or reduce these significant unavoidable impacts, and to further reduce impacts that were found to be less than significant.

Two alternatives were analyzed in the EIR, each of which are summarized below and described in more detail in Chapter 5 of the Draft EIR. Specifically, the EIR analyzed Alternative 1: Jobs/Housing Balance and Alternative 2: the No Project Alternative.

The City Council has reviewed the significant impacts associated with the reasonable range of alternatives as compared to the Project, and in evaluating the alternatives has also considered each alternative's feasibility, taking into account a range of economic, environmental, social, legal, and other factors. In evaluating the alternatives, the City Council has also considered the important factors listed in the Statement of Overriding Considerations listed in Section VIII of these Findings, below.

a. *Alternative 1: Jobs/Housing Balance.*

This alternative was designed to provide a more balanced jobs/housing ratio, representing a more even balance between commercial and residential development, in Belmont both in total and by neighborhood (where possible), which in turn has the potential to reduce total vehicle miles traveled by allowing more residents to have the opportunity to live closer to retail and commercial destinations. A better match between commercial and residential land uses is achieved relative to the Proposed Project in part through two additional mixed-use nodes (outside of the BVSP Area) along Ralston Avenue, and more housing within close proximity to Notre Dame de Namur

University (NDNU). Within the BVSP Area, more intense mixed use housing opportunities are created throughout the district, and a "live/work" land use designation is also introduced and applied to a cluster of parcels east of the Caltrain tracks and south of Ralston Avenue. These changes in total result in potential for a more even balance of residential to commercial development in the BVSP Area than the Proposed Project.

i. Finding: Specific economic, legal, social, technological, and other considerations make infeasible this alternative, and the Jobs/Housing Balance Alternative is less desirable than the Project and is rejected for the following reasons:

- The Jobs/Housing Balance Alternative would fail to meet some of the City's key Project objectives listed in Section II of these Findings.

- The Jobs/Housing Balance Alternative would not preserve the character and enhance the quality of Belmont's residential neighborhoods to the same extent as the Project, because it would allow new development styles in more locations than under the proposed Project.

- By promoting less centralized growth than under the Project, the Jobs/Housing Balance Alternative may interfere with efforts to enhance the Belmont Village because projects in Belmont Village would have to compete with projects in other areas of the City.

- Although this alternative would result in a General Plan Update that achieves compliance with all applicable state laws and regulations, it would not result in a General Plan that reflects the goals and aspirations of the community through the year 2035 to the same extent as the Project.

- The Jobs/Housing Balance Alternative would result in similar impacts to those in the Proposed Project for aesthetics; biological resources; cultural resources; geology, soils, and seismicity; hazards and hazardous materials; hydrology, flooding, and water quality; and public services and recreation.

- However, the higher population supported by the Jobs/Housing Balance Alternative in comparison to the Proposed Project would produce greater impacts in relation to population-related externalities such as police and fire services, schools, and demand for water supply and wastewater services.

- The longer construction duration of the Jobs/Housing Balance Alternative required to accommodate the additional development it permits would produce greater impacts related to noise as compared to the Project.

- The Jobs/Housing Balance Alternative would not reduce any of the Project's significant and unavoidable impacts to a less than significant level. All impacts that are significant and unavoidable under the Project would remain significant and unavoidable under this alternative.

b. *Alternative 2: the No Project Alternative.*

The No Project scenario represents the continuation of the current General Plan (last updated in 1982) and Downtown Specific Plan (adopted in 1990 and amended in 1995) land use designations, with no Climate Action Plan in effect. It assumes that the existing General Plan, Zoning Ordinance, and Downtown Specific Plan would continue to guide development in the Planning Area until buildout in 2035. In relationship to the Proposed Project, the No Project Alternative: has different land uses; densities/intensities are lower, and mixed-use development and development of centers and walkable communities is not promoted to the level in the Proposed Project; is based on a different set of core values/goals and objectives; has lower residential capacity; and has reduced alternate modes of transportation, connectivity, and street capacity.

i. Finding: Specific economic, legal, social, technological, and other considerations make infeasible this alternative, and the No Project Alternative is less desirable than the Project and is rejected for the following reasons:

- The No Project Alternative would fail to meet most of the City's key Project objectives listed in Section II of these Findings.

- The No Project Alternative would not enhance the Belmont Village or 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.

- The No Project Alternative would not promote opportunities for continued economic growth and vitality in Belmont or result in wider shopping and dining opportunities for residents.

- The No Project Alternative would not provide areas for diverse employment and business opportunities to promote diversity in Belmont's economic base.

- The No Project Alternative would not include the transportation and infrastructure improvements that would occur under the proposed Project and it would not ensure adequate provision of community-serving facilities such as recreation facilities, child daycare facilities, places of worship, schools and other educational institutions, and schools to serve current and future residents.

- The No Project Alternative would not pursue annexation of the Harbor Industrial Area (HIA) and bring it into the Belmont city limits.

- The No Project Alternative would not yield an updated General Plan that reflects the community's goals or that complies with current state laws and regulations.

- The No Project Alternative would not yield a specific plan for the Belmont Village to promote and facilitate development of a vibrant downtown that serves as the City's shopping, employment, activity, and community center.

- The No Project Alternative would not yield a Climate Action Plan to increase municipal, residential, and commercial energy efficiency, renewable energy, efficient water use, and green building or reduce emissions from transportation through efficient land use, alternate modes of transportation, and operational innovations.

c. *Environmentally Superior Alternative.* As discussed above and in Section 5.4 of the Draft EIR, Alternative 2: the No Project Alternative was identified as the environmentally superior alternative to the Project that would avoid or substantially lessen, to the greatest extent, the environmental impacts associated with the Project.

The No Project Alternative is environmentally superior to the Project and the Jobs/Housing Balance Alternative because it permits less development overall. Specifically, the No Project Alternative would reduce the Project's significant and avoidable impacts regarding air quality and noise. Despite these benefits, the No Project Alternative would result in greater impacts than the Project with respect to aesthetics; energy, GHGs, and climate change; hazards and hazardous materials; and land use, housing, and population. Most notable is the topical area of land use, housing, and population, which has a less than significant impact in the Proposed Project, but would have a significant impact under the No Project Alternative due to its conflicts with Plan Bay Area 2040. However, reduced development intensity under the No Project Alternative would fail to achieve most of the City's key Project objectives, as discussed in more detail above.

Under CEQA Guidelines Section 15126.6(e)(2), when the "no project" alternative is environmentally superior, another alternative must also be considered. Alternative 1 would support more housing and fewer jobs than the Project, which would contribute to additional VMT reductions at the TAZ level in areas of high density mixed use, which are proposed in greater numbers under Alternative 1 than under the Project. Accordingly, Alternative 1 decreases VMT per service population relative to both the Proposed Project and the No Project Alternative by reducing trip lengths and the number of daily trips per service population, and would result in increased pedestrian/bicycle activity and transit ridership. However, increased development intensity in more dispersed locations under Alternative 1 would fail to achieve some of the City's key Project objectives, as discussed in more detail above.

i. Finding. After consideration of this reasonable range of identified alternatives to the Project, the City Council finds that none can achieve the goals and objectives set forth in the Project, and that because of each alternative's inability to achieve one or more of such goals and objectives, each identified alternative is rejected as being infeasible, as described above. The alternatives to the Project fundamentally fail to achieve the comprehensive goals and objectives for the Project and related City plans and policies, and as such are deemed infeasible.

VIII. Statement of Overriding Considerations

In approving the Project, the City Council makes the following Statement of Overriding Considerations in support of its findings on the EIR. The City Council has considered the information contained in the EIR and all other public comments, responses to comments, and accompanying technical memoranda and staff reports included in the public record.

The City Council has carefully balanced the benefits of the Project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a less than significant level. Notwithstanding the identification and analysis of impacts that are identified in the EIR as being significant and which have not been eliminated, lessened or mitigated to a level of insignificance, the City Council, acting pursuant to CEQA Guidelines Section 15092 and 15093, hereby determines that remaining significant effects on the environment found to be unavoidable in Section VI above, are acceptable due to overriding concerns described below. Specifically, the benefits of the Project outweigh the unmitigated adverse impacts and the Project should be approved.

Based on the objectives identified in the proposed Project, and through extensive public participation, the City Council has determined that the Project should be approved, and any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific environmental, economic, fiscal, social, housing and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the City would derive the following benefits from adoption and implementation of the Project:

The Project is the product of an extensive outreach effort conduct by the City throughout the planning process. The engagement process for the Project was developed to involve as diverse a group of residents and stakeholders as possible, and stakeholders from throughout the community worked together to make recommendations on how to best balance the City's needs, and the Project reflects this community effort.

The Project includes a General Plan and Phase I Zoning scheme that focuses new development in downtown Belmont, leaving the majority of the City unchanged. This plan for the City's future growth will help preserve Belmont's small-town ambiance in the City's built-out and established residential neighborhoods and prevent significant new development from occurring in the hills or other preservation areas within the City.

The Project includes policies and programs to promote mobility for bicyclists, walkers, and other non-drivers that will improve safety. In addition, the street designs promoted in the BVSP will help create a lively and attractive public realm in Belmont Village.

The Project permits development that will contribute to fiscal security for Belmont, which will permit the community to maintain its investment in school, library, arts, and other programs that facilitate lifelong learning.

Both the General Plan and the BVSP promote the development of Belmont's town center as the heart of the community's civic and economic life, with land use designations to promote a mix of business and residential opportunities that fit with the community's character.

Critically, the BVSP identifies public capital improvements and public services that will encourage private reinvestment in the area to support and promote infill development that serves Belmont's residential and employment populations.

The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. No feasible mitigation measures or alternatives have been identified to mitigate the remaining significant and unavoidable adverse effects of the Project.

Based on the detailed findings made above, the City Council hereby finds that economic and social considerations outweigh the remaining environmental effects of approval and implementation of the Project, and the City Council hereby concludes that the Project should be approved.

IX. Mitigation Monitoring and Reporting Program

The MMRP sets forth specific monitoring actions, timing requirements and monitoring/verification entities for each mitigation measure adopted in these Findings, in compliance with Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097. The City Council hereby adopts the MMRP and determines that compliance with the MMRP is a condition of approval of the Project.

X. Modifications to Project and EIR

a. *Modifications within the Final EIR*

In the course of responding to comments received during the public review and comment period on the Draft EIR, some modifications have been made and some new information amplifying and clarifying information has been added to the Final EIR. The City has analyzed the modifications in the Final EIR and has assessed whether those modifications trigger the thresholds for recirculation as identified in Public Resources Code Section 21092.1 and in Section 15088.5 of the CEQA Guidelines.

The Project as reviewed in the Final EIR will not result in any significant environmental impacts not identified in the Draft EIR or result in a substantial increase in the severity of a significant environmental impact identified in the Draft EIR, nor will any modifications to the mitigation measures result in new significant impacts. No additional feasible Project alternative or mitigation measure considerably different from others analyzed in the Draft EIR has been identified that would clearly lessen the environmental impacts of the Project. The City Council hereby determines, based on the standards provided in Public Resources Code Section 21092.1 and Section 15088.5 of the CEQA Guidelines, that recirculation of the EIR is not required prior to approval of the Project.

b. *Modifications to the Project Subsequent to Certification of the EIR*

In addition to the changes noted in the Final EIR, the City has incorporated a number of changes into the Project since it certified the EIR on October 24, 2017. The majority of these changes are minor corrections, clarifying edits, or additional background information that amplifies analysis already incorporated into the EIR. None of these minor changes to the Project have the potential to affect the Project's environmental impacts; accordingly, subsequent environmental review is not required under CEQA Guidelines Section 15162 as a result of these minor modifications.

A limited number of Project modifications require minor revisions to the EIR, and the following modifications are made by this reference:

i. Draft EIR page 3-16:

Belmont Village Mixed Use (Floor Area Ratio, or Base FAR, 2.0; Maximum FAR 2.5 with additional community benefits~~45 du/ac~~). The Belmont Village Mixed Use land use designation applies to all parcels in the Belmont Village Priority Development Area (PDA) and is intended to promote a pedestrian-oriented, mixed-use core in Downtown Belmont. The details for the Belmont Village PDA, including the precise mix of uses, are provided in the Belmont Village PDA Specific Plan. The Belmont Village Mixed Use designation allows for residential uses, as well as retail, service, office, and entertainment uses, where appropriate, in a vertical and/or horizontal mixed-use setting. Small- and medium-sized retail uses are encouraged in the Village, focusing on meeting neighborhood and community needs; as well as unique specialty shops that attract locals and visitors alike. The maximum base FAR in the Belmont Village Mixed Use designation is 2.0 ~~and the maximum residential density is 45 du/ac~~. If a public benefits zoning ordinance is adopted that requires greater proportional public benefits than would be required for projects up to a FAR of 2.0 ~~45 du/ac~~, then projects may build to a maximum FAR of 2.5 ~~and a maximum residential density of 60 du/ac~~.

ii. Draft EIR Page 4.12-172

Policy 3.2-2. Look for ways to partner with ride-sharing services as a means to ~~reduce single-occupancy vehicle trips,~~ reduce the need for car ownership and cover service gaps in the public transportation system.

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Policy 3.7-1. Ensure that adequate transit service facilities are provided in Belmont, including ~~bus turn-outs along arterials~~ roadway geometry or traffic operations improvements when needed, and bus stop amenities including, but not limited to, lighted shelters, benches, and route information signs.

iii. Draft EIR Page 4.12-173

Policy 3.7-6. Support improvement and frequency of north-south mass transit service, while minimizing community impacts, by advocating for increased service at the Belmont Caltrain station as systemwide improvements are made, and working with SamTrans to implement service improvements (such as transit signal priority and rapid bus service) on El Camino Real.

Policy 3.7-8. Support the California High Speed Rail Authority in the goal to bring high speed rail to the San Francisco Peninsula, while minimizing the community impacts of any potential railway infrastructure improvements.

c. *Findings*

The City Council finds, based on substantial evidence in the record, that that none of the events described in Section 15162 requiring the preparation of a subsequent EIR or negative declaration have occurred:

- As analyzed above, the Project modifications do not consist of substantial changes and do not require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This is supported by the fact that the Project modifications consist only of minor changes or amendments; because the Project does not include material changes, there are no changes that would require substantial revisions to the EIR.

- No substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken that will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This is supported by the fact that the EIR was certified on October 24, 2017, only three weeks before the Project is being considered, and the circumstances surrounding the implementation of the Project are substantially similar to when the EIR was certified.

- No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows that:

    - The Project will have one or more significant effects not discussed in the EIR, or

    - Significant effects previously examined will be substantially more severe than shown in the EIR, or

    - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the EIR, but the project proponents decline to adopt the mitigation measures or alternative, or

    - Mitigation measures or alternatives that are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. This is supported by the fact that no new information, let alone new information of substantial importance, has been added to the record regarding the Project or the EIR.

Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the City Council, exercising its independent judgment and analysis, finds that the Project falls within the environmental parameters analyzed in the EIR, and that the Project would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the EIR certified by City Council nor would new mitigation be required for the Project.

XI. Filing Notice of Determination

The City Council hereby directs the Planning Division to file a Notice of Determination regarding the approval of the Project within five (5) business days of adoption of this resolution.

XII. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the project, shall continue in full force and effect unless amended or modified by the City.

XIII. Incorporation by Reference

These findings incorporate the text of the EIR for the project, including the MMRP, City staff reports relating to the project and other documents relating to public hearings on the project, by reference, in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, project and cumulative impacts, the basis for determining the significance of impacts, the comparison of the alternatives to the project, the determination of the environmentally superior alternative, and the reasons for approving the project.

EXHIBIT B

Mitigation Monitoring and Reporting Program

for the

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2016082075

Belmont 2035 General Plan

Phase I Zoning

Belmont Village Specific Plan

Belmont Village Zoning

Climate Action Plan

November 2017

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1 Purpose

Section 21081.6 to the State of California Public Resources Code requires a lead or responsible agency that approves or carries out a project where an Environmental Impact Report (EIR) has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of Belmont (the "City") is the lead agency for the EIR for the Belmont General Plan, Phase I Zoning Regulations, and Belmont Village Specific Plan, Belmont Village Zoning, and Climate Action Plan (collectively referred to as the Proposed Project), SCH No. 2016082075, and therefore is responsible for implementation of the mitigation monitoring and reporting program. An EIR has been prepared for the Proposed Project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts.

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with CEQA Guidelines Section 21081.6. It is the intent of this program to:

1. Verify satisfaction of the required mitigation measures of the EIR;
2. Provide a methodology to document implementation of the required mitigation;
3. Provide a record of the monitoring program;
4. Identify monitoring responsibility;
5. Establish administrative procedures for the clearance of mitigation measures;
6. Establish the frequency and duration of monitoring; and
7. Utilize existing review processes wherever feasible.

The MMRP describes the procedures that will be used to implement the mitigation measures adopted in connection with the approval of the Proposed Project and the methods of monitoring such actions. A monitoring program is necessary only for impacts which would be significant if not mitigated.

If, during the course of project implementation, any of the mitigation measures identified cannot be successfully implemented, the City shall immediately inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required, and/or whether alternative mitigation is appropriate.

The following consists of a monitoring program table noting the responsible entity for mitigation monitoring, the timing, and a list of all project-related mitigation measures.

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2 Mitigation Monitoring and Reporting Plan

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
Air Quality					
AQ-1	**Require Tier 4 engines on Construction Equipment.** All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to further reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on an EPA-approved Tier 4 or newer engine. Exemptions can be made for specialized equipment where Tier 4 engines are not commercially available within 200 miles of the project site. The construction contract must identify these pieces of equipment, document their unavailability, and ensure that they operate on no less than an EPA- approved Tier 3 engine. ARB regulations will result in the percentage of Tier 4 engines increasing over the next several years.	Project applicant shall submit data from contractor	Prior to issuance of grading and construction permits	Construction contractor and City of Belmont Community Development Department	

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
AQ-2	**Require Construction Fleet to Use Renewable Diesel.** All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as Diesel high performance renewable). Renewable diesel is currently commercially available in San Francisco Bay Area.	Project applicant shall submit data from contractor	Prior to issuance of grading and construction permits	Construction contractor and City of Belmont Community Development Department	
AQ-3	**Require Low-VOC Coatings during Construction.** All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that low-VOC coatings that have a VOC content of 10 grams/liter (g/L) or less are used during construction. The project applicant will submit evidence of the use of low-VOC coatings to BAAQMD prior to the start of construction.	Project applicant shall submit data to City of Belmont and BAAQMD	Prior to discretionary project approval	City of Belmont Community Development Department	
AQ-4	**Require Fugitive Dust Best Management Practices.** All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related fugitive dust by implementing BAAQMD's basic control	Project applicant shall submit data from contractor	Prior to issuance of grading permit	Construction contractor and City of Belmont Community Development Department	

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
	measures at all construction and staging areas. The following measures are based on BAAQMD's current CEQA guidelines. • 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. • All haul trucks transporting soil, sand, or other loose material offsite will be covered. • All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 mph. • 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. • 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.				
AQ-5	**Promote Green Consumer Products.** For all projects developed within the Planning Area, developer(s) shall provide education for residential and commercial tenants	Project applicant shall submit planned electronic correspondence	Prior to receipt of certificate of final occupancy	City of Belmont Community Development Department	

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
	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.				
AQ-6	**Require Future Projects Located within 1,000 Feet of Receptors Perform a Construction Health Risk Assessment.** All applicants proposing development of projects within 1,000 feet of existing sensitive receptors, as defined by the Bay Area Air Quality Management District (BAAQMD), shall prepare a site-specific construction health risk assessment (HRA). If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for adjacent receptors will be less than BAAQMD project-level thresholds, then additional mitigation would be un-necessary. However, if the HRA demonstrates that health risks would exceed BAAQMD project- level thresholds, additional feasible on- and offsite mitigation shall be analyzed by the applicant to help reduce risks to the greatest extent practicable.	Project applicant shall prepare site-specific construction health risk assessment	Prior to discretionary project approval	City of Belmont Community Development Department	

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
Cultural Resources					
CULT-1	**Require façade maintenance of the Firehouse Building.** Any approved project development that involves physical changes to the Firehouse Building will be required to maintain the recognizable portion of the existing structure's Spanish façade and integrate it into the new structure with complementary architecture.	Project applicant shall submit architectural plans and renderings	Prior to discretionary project approval	City of Belmont Community Development Department	
CULT-2	**Require historical signage at Firehouse Square.** Any approved project development that involves physical changes to the Firehouse Building will be required to include detailed signage with historical information for residents, employees, and passers-by about the old Firehouse.	Project applicant shall submit architectural plans and renderings	Prior to discretionary project approval	City of Belmont Community Development Department	
Transportation					
4.12-1c	**Ralston Avenue/Chula Vista Drive**. • Install a traffic signal • Convert the existing westbound merge (left-most) lane west of the intersection to a pedestrian refuge island, as described in the Ralston Avenue Corridor Study and Improvement Plan.	Project applicants shall contribute proportionate share payments towards this improvement, or pay the required traffic impact fee should an impact fee program be established that includes this intersection	Prior to discretionary project approval	City of Belmont Public Works Department	

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
4.12-1d	**Ralston Avenue/Notre Dame University Road**. • Install a traffic signal instead of a roundabout • Convert the existing eastbound merge (left-most) lane west of the intersection to a pedestrian refuge island, as described in the Ralston Avenue Corridor Study and Improvement Plan	Project applicants shall contribute proportionate share payments towards this improvement, or pay the required traffic impact fee should an impact fee program be established that includes this intersection	Prior to discretionary project approval	City of Belmont Public Works Department	
4.12-1f	**Ralston Avenue/El Camino Real.** • Modify the traffic signal to include a westbound right-turn overlap phase.	Project applicants shall contribute proportionate share payments towards this improvement, or pay the required traffic impact fee should an impact fee program be established that includes this intersection	Prior to discretionary project approval	City of Belmont Public Works Department	
4.12-1j	**El Camino Real/O'Neill Avenue**. • Modify the traffic signal to include a northbound right-turn overlap phase.	Project applicants shall contribute proportionate share payments towards this improvement, or pay the required traffic impact fee should an impact fee program be established that	Prior to discretionary project approval	City of Belmont Public Works Department.	

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
		includes this intersection			
4.12-1k	**El Camino Real/Harbor Boulevard (North).** • Modify the traffic signal to include a westbound right-turn overlap phase.	Project applicants shall contribute proportionate share payments towards this improvement, or pay the required traffic impact fee should an impact fee program be established that includes this intersection	Prior to discretionary project approval	City of Belmont Public Works Department.	
4.12-1n	Same as 4.12-1c				
4.12-1o	**Old County Road and Harbor Boulevard.** • Install a traffic signal.	Project applicants shall contribute proportionate share payments towards this improvement, or pay the required traffic impact fee should an impact fee program be established that includes this intersection	Prior to discretionary project approval	City of Belmont Public Works Department.	
Utilities					
UTIL-1	**Require water line upsizing.** As development intensification occurs throughout the BVSP Area, upgrades from 6-inch to 8-inch water lines will be required as necessary. The existing water lines in the	Project applicants shall secure verification that water service can be provided. As	Water system capacity shall be verified prior to issuance of grading permits for	City of Belmont Public Works Department and Community Development	

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
	BVSP Area are displayed in Figure 4.13-2, and planned improvements are displayed in Figure 4.13-3. Lines that are anticipated to need upgrades include the 6-inch lines along Old County Road between Masonic Way and Harbor Boulevard, along Ralston Avenue between Old County Road and Elmer Street, along Sixth Avenue between Hill Street and O'Neill Avenue, and along O'Neill Avenue between Sixth Avenue and El Camino Real. The physical improvements will be subject to project-level environmental review as needed.	projects are built in accordance with the Specific Plan, City of Belmont Public Works in conjunction with Mid-Peninsula Water District shall monitor system capacity and construct necessary upgrades over time.	individual projects. Ongoing study and monitoring of the BVSP Area water infrastructure shall be performed by the Public Works Department and Mid-Peninsula Water District.	Department; Mid-Peninsula Water District	
UTIL-2	**Require sewer line upsizing.** As development intensification occurs throughout the BVSP Area, approximately 1,675 feet of sewer lines downstream of the BVSP Area will be required to be upsized as a direct result of growth in the BVSP Area. The existing sewer lines in the BVSP Area are displayed in Figure 4.13-5, and planned improvements are displayed in Figure 4.13-6. Lines that are anticipated to need upgrades lie along Masonic Way and Hiller Street.	Project applicants shall secure verification that sewer service can be provided. As projects are built in accordance with the Specific Plan, City of Belmont Public Works in conjunction with Silicon Valley Clean Water shall monitor system capacity and construct necessary upgrades over time consistent with the City's Sanitary Sewer System Capacity Analysis	Sewer system capacity shall be verified prior to issuance of grading permits for individual projects. Ongoing study and monitoring of the BVSP Area sewer infrastructure shall be performed by the Public Works Department and Silicon Valley Clean Water	City of Belmont Public Works Department and Community Development Department; Silicon Valley Clean Water	

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
		and the Silicon Valley Clean Water Conveyance System Master Plan.			
UTIL-3	**Require upsizing of Shoreway Pump Station.** As development intensification occurs throughout the BVSP Area, the Shoreway Pump Station will be required to be upsized as a direct result of growth in the BVSP Area.	Project applicants shall secure verification that sewer service can be provided. As projects are built in accordance with the Specific Plan, City of Belmont Public Works in conjunction with Silicon Valley Clean Water shall monitor system capacity and construct necessary upgrades to the Shoreway Pump Station over time consistent with the City's Sanitary Sewer System Capacity Analysis and the Silicon Valley Clean Water Conveyance System Master Plan.	Sewer system capacity shall be verified prior to issuance of grading permits for individual projects. Ongoing study and monitoring of the BVSP Area sewer infrastructure shall be performed by the Public Works Department and Silicon Valley Clean Water	City of Belmont Public Works Department and Community Development Department; Silicon Valley Clean Water	
Policies Incorporated into the Project that Reduce Environmental Impacts					

Number	*Mitigation Measure*	*Responsibility for Implementation*	*Timing of Verification*	*Responsibility for Monitoring*	*Verification Record*
The EIR lists numerous policies contained in the General Plan, Belmont Village Specific Plan, and Climate Action Plan that reduce the environmental impacts of the project, in some cases to a level of insignificance. As permitted by CEQA Guidelines Section 15097(b), the monitoring plan for these policies consists of City implementation and enforcement of those policies.		City of Belmont	1. Annually through the annual report on general plan status. 2. As part of the review of each development project and proposed public work.	City of Belmont Community Development Department	1. Annual report on general plan status. 2. As part of findings of approval for individual projects.

STAFF REPORT

Meeting Date:	November 14, 2023
Agency:	City of Belmont
Staff Contact:	Peter Brown, Public Works Dept., (650) 595-7459, pbrown@belmont.gov Alberto Espinoza, Public Works Dept., (650) 595-7465, aespinoza@belmont.gov
Agenda Title:	Revise Maximum Rates for Solid Waste Collection Services for Calendar Year 2024
Agenda Action:	Resolution

Recommendation

Adopt a resolution revising the maximum rates that may be charged by Recology of San Mateo County for solid waste, recyclable materials, and organic materials collection services effective January 1, 2024.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

Recology of San Mateo County (Recology) provides solid waste, recyclable materials, and organic materials collection services in the City of Belmont under a 15-year franchise agreement between Recology and the City ending in 2035. Recology sets its own rates for collection services under the franchise agreement, but Recology may not charge Belmont residential and commercial customers more than the maximum rates approved by the City Council. This rate setting process is particular to Belmont.

Belmont is a member of the South Bayside Waste Management Authority (Rethinkwaste). The Authority assists member agencies with various matters related to the collection and disposal of wastes and recyclables, including the selection of a collection services provider (Recology) serving all members and the development of a model franchise agreement. Unlike the compensation provisions in the other members' franchise agreements with Recology, Belmont's agreement is based on a maximum rate formula that limits what Recology may charge and is not subject to a revenue reconciliation process at the end of each rate year.

Public Participation

In order to promote public participation in setting the maximum rates, Section 11.09 of the franchise agreement contemplates that the City will follow the notice and protest hearing procedures of Proposition 218 as set forth in California Constitution Article XIIID, Section 6(a), and Government Code Section 53755. Those procedures require mailing a notice of a public hearing on the setting of maximum rates to solid waste customers (Attachment D) at least forty-five days before the hearing. Belmont customers and property owners may submit written protests against the proposed rates and may do so by mail or in person to the City Clerk no later than the conclusion of the public hearing. If written protests against the rate changes are presented by owners of a majority of the affected parcels, the City Council will not impose the new maximum rates.

On September 12, 2023, the City Council adopted Resolution No. 2023-068 stating its intent to revise the maximum rates for 2024 and set the public hearing for November 14, 2023. Notices of the hearing were mailed to solid waste customers as provided for in the resolution.

Analysis

The maximum rates that Recology may charge for scheduled and additional services are determined by a formula described in Article 11 of the franchise agreement. In simple terms, the formula takes the existing maximum rates and multiplies each rate by an 'adjustment multiplier'. The adjustment multiplier is essentially a cost index with three principal adjustment components: changes in the consumer price index or "CPI" for certain cost elements that make up the Base Contractor Compensation, changes in passthrough disposal costs and agency payments, and performance incentive/disincentive adjustments. The sum of all the adjustments is the Total Target Revenue for that year. Each year, Recology submits information and calculations for the adjustments and proposes changes to the maximum rates based on the information and calculations. City staff and the City's solid waste consultant, HDR Engineering Inc. (HDR), then analyze Recology's submissions for accuracy and consistency with the franchise agreement.

Recology is proposing total contractor compensation of $9,740,247 for 2024. The percentage change between the 2024 total target revenue of $9,740,247 and the 2023 target revenue of $8,773,496 results in the adjustment multiplier rate of 11.02%, which is consistent with the methodology of the Agreement. The adjustment multiplier rate of 11.02% is the proposed 2024 rate increase to the residential and commercial carts and bins and it accounts for CPI cost increases such as labor costs, fuel, general expenses, SB 1383 program implementation, depreciation, interests, incentives and disincentives, direct costs components, and agency payments from April 2020 to April 2023. The proposed 11.02% rate increase is considerably higher than last year and is mostly attributed to a new contract being in place to operate the Shoreway Environmental Center (handling the disposal of solid waste, organics, and recyclables), and an increase in the tipping fees of 25%, which makes up most of the disposal cost component charged as a pass-through cost by RethinkWaste.

HDR has prepared the attached report (Attachment C), which provides the bases of City's review of the rate adjustment application and the accompanying maximum rate schedules submitted by Recology conforming to the requirements of the franchise agreement.

Residential Rates

Recology charges a flat monthly rate per cart size. Residential service is comprised of four different cart sizes which range from 20 gallons to 96 gallons. Table 1 is a summary of the present and calculated residential solid waste rates for the for the different cart sizes. The price per cart size is expected to increase by 11.02% for all cart sizes.

Table 1
Summary of the Present and Calculated Maximum Residential Solid Waste Rates
(Regularly Scheduled - $/Month)

RESIDENTIAL CARTS				
Schedule	Schedule Description	Present Monthly 2023 Rate	Proposed Maximum 2024 Rate	$/Month Change
R20G	Residential Waste - 20 Gallons	$36.22	$40.21	$3.99
R32G	Residential Waste - 32 Gallons	$43.21	$47.97	$4.76
R64G	Residential Waste - 64 Gallons	$85.06	$94.43	$9.37
R96G	Residential Waste - 96 Gallons	$127.59	$141.65	$14.06

Commercial Rates

Commercial customers have similar service to residential customers, but they have the option to adjust the number of pickups per week. In 2024, commercial rate schedules are expected to increase by 11.02%. To see a complete listing of all commercial rates please see the attached Resolution. Table 2 below is a summary of the calculated maximum commercial solid waste rates for 2024 by cart size. Some minor rounding of the rates may occur for purposes of ease of administration.

Table 2
Summary of Calculated Maximum Commercial Solid Waste Rates
(By Gallon Cart Size; Regularly Scheduled - $/Month)

COMMERCIAL CARTS					
		Cart Size (in Gallons)			
		20	32	64	96
# of Pickups Per Week	1	$51.30	$56.96	$110.15	$159.21
	2	105.54	117.27	222.27	326.13
	3	157.13	174.56	337.25	494.92
	4	215.72	239.68	453.46	669.47
	5	272.93	303.23	576.40	846.39
	6	341.50	379.43	702.41	1,065.43
	7	416.00	462.21	822.28	1,242.98

COMMERCIAL CARTS ORGANICS				
		Cart Size (in Gallons)		
		32	64	96
# of Pickups Per Week	1	$39.90	$77.13	$111.45
	2	82.09	155.59	228.28
	3	122.19	236.06	346.44
	4	167.80	317.44	468.62
	5	212.27	403.49	592.47
	6	265.63	491.65	745.79
	7	323.57	575.59	870.09

Some commercial customers have larger bins which range in size from 1 yard to 6 yards. Commercial waste customers also have the option of different levels of service and can select the number of pick-ups per week. Table 3 is a summary of the calculated maximum commercial solid waste rates for 2024 for the larger bin sizes. It is estimated that the rates (Schedule L) will increase by 11.02% for all bin sizes.

Table 3
Summary of Calculated Maximum Commercial Solid Waste
Rates (By Bin Size in Yards; Regularly Scheduled - $/Month)

COMMERCIAL BINS						
		Bin Size (in Cubic Yards)				
		1	2	3	4	6
# of Pickups Per Week	1	$267.16	$537.40	$810.49	$1,106.39	$1,701.55
	2	543.92	1,083.62	1,630.75	2,231.90	3,451.00
	3	825.42	1,635.00	2,455.83	3,357.44	5,187.44
	4	1,110.21	2,190.39	3,283.37	4,495.78	6,909.10
	5	1,397.29	2,753.63	4,113.77	5,638.92	8,655.30
	6	1,743.88	3,250.82	4,993.93	6,829.48	10,463.49
	7	2,057.57	3,850.04	5,880.24	8,044.96	12,255.20

COMMERCIAL BINS ORGANICS

# of Pickups Per Week	Bin Size (in Cubic Yards) 1	2	3	4	6
1	$187.02	$376.19	$567.33	$774.48	$1,191.09
2	380.73	758.52	1,141.56	1,562.33	2,415.71
3	577.78	1,144.51	1,719.09	2,350.20	3,631.19
4	777.15	1,533.26	2,298.36	3,147.05	4,836.38
5	978.11	1,927.51	2,879.63	3,947.23	6,058.72
6	1,220.73	2,275.57	3,495.76	4,780.68	7,324.43
7	1,440.31	2,695.03	4,116.17	5,631.48	8,578.64

GARBAGE COMPACTORS

Commercial Waste 3 Yard Compactor	$1,946.19
Solid Waste Compactor Rate Per Yard	$149.73

The monthly fee above includes the following:
Recycling container at customer's requested size

Additional Services

Recology also provides several "additional services" that are not considered regularly scheduled services. Those miscellaneous charges are itemized in Exhibit A, Attachment Q of the attached Resolution. In summary, an overall CPI rate increase of 4.19% is indicated. However, this rate increase does not apply to the vast majority of Belmont residents.

Alternatives

1. Take no action.
2. Direct staff to adjust rates differently while meeting the revenue requirements in accordance with the franchise agreement.

Attachments

A. Resolution
B. Recology 2024 Rate Application
C. HDR Final Report
D. Proposition 218 Public Notice

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed: If approved, the maximum rate schedules listed under Exhibit A of the Resolution will become effective January 1, 2024 and will cover the solid waste program's revenue requirements.

Source:	**Purpose:**	**Public Outreach:**
Staff	Statutory/Contractual Requirement	Posting of Agenda Other*

* 45-day notice mailed to customers as required under Proposition 218

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT REVISING THE MAXIMUM RATES FOR SOLID WASTE, RECYCLABLE MATERIALS, AND ORGANIC MATERIALS COLLECTION SERVICES EFFECTIVE JANUARY 1, 2024

WHEREAS, Recology San Mateo County (Recology) provides solid waste, recyclable materials, and organic materials collection services in the City of Belmont under a franchise agreement with the City; and,

WHEREAS, the franchise agreement provides for an annual review of the maximum rates that Recology may charge Belmont residential and commercial customers; and,

WHEREAS, Recology provided the City a letter and detailed worksheet outlining their calculation of the maximum rates for 2024; and,

WHEREAS, on September 12, 2023, the City Council adopted a resolution stating the City's intention to adjust the maximum rates that may be charged for solid waste, recyclable materials, and organic materials collection services effective January 1, 2024, and setting the date of a public hearing for November 14, 2023.

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

SECTION 1. The City Council approves the maximum rates proposed by Recology as set forth in Exhibit A to this resolution.

SECTION 2. The City Council finds that:

(a) The City followed the procedures in California Constitution Article XIIID, Section 6 in approving the maximum rates.

(b) The rates approved by this Resolution do not exceed the amounts permissible under Article XIIID if that article applied, and the solid waste charge is not a tax.

(c) A majority protest, as defined Article XIIID, Section 6(b) does not exist with respect to the revision of the schedule of solid waste maximum rates.

(d) Although the City Council, in the interest of public participation, has chosen as a matter of policy to follow the procedures set forth in Article XIIID, nothing in this Resolution is interpreted as an admission by the City that the provisions of Article XIIID apply to the actions taken herein.

(e) The City Council would take the action set forth in Section 1 of this Resolution regardless of whether Article XIIID applies to the action.

* * *

ADOPTED November 14, 2023 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

Recology
San Mateo County
WASTE ZERO

July 31, 2023

Mr. Peter Brown
Director of Public Works
City of Belmont
One Twin Pines Lane, Suite 320
Belmont, CA 94002

Re: Rate Year 2024 Rate Application

Dear Mr. Brown:

Enclosed is our Rate Year 2024 Rate Application, Calculation of Actual Disposal Expense (April 2022 through March 2023), Calculation of Projected Disposal Costs (April 2023 – March 2024), Performance Incentive/Disincentive schedule, Attachment L for 2024, CPI index data from the Bureau of Labor Statistics, support schedules for the SB 1383 costs and Attachment Q schedules for 2024.

In accordance with Article 11 of the Franchise Agreement for Recyclable Materials, Organic Materials and Solid Waste Collection Services, we applied the following methodology to our calculations:

- **Wages for CBAs Component** – Multiplied the Wage Component of $1,310,584 by the CPI-W-Wages Index for April 2023 (333.478) and divided that by the CPI-W-Wages Index for April 2020 (290.304). The calculated Wages for CBAs Component for Rate Year 2024 is $1,505,494.

- **Benefits for CBAs Component** – Multiplied the Benefits Component of $608,287 by the CPI-W-Medical Index for April 2023 (583.268) and divided that by the CPI-W-Medical Index for April 2020 (548.136). The calculated Benefits for CBAs Component for Rate Year 2024 is $647,274.

- **Payroll Taxes Component** – Multiplied the Wages for CBAs Component of $1,505,494 by the effective payroll tax rate of 8.1%. The calculated Payroll Taxes Component for Rate Year 2024 is $121,945.

- **Workers Compensation Insurance Component** – Multiplied the Workers Compensation Insurance Component of $93,961 by the CPI-W-Wages Index for April 2023 (333.478) and divided that by the CPI-W-Wages Index for April 2020 (290.304). The calculated Workers Compensation Insurance Component for Rate Year 2024 is $107,935.

- **Direct Fuel Component** - Multiplied the Direct Fuel Component of $169,992 by CPI-U-Motor Fuel Index for April 2023 (354.844) and divided that by the CPI-U-Motor Fuel Index for April 2020 (209.994). The calculated Direct Fuel Component for Rate Year 2024 is $287,249.

- **General Expenses Direct Component** – Multiplied the General Expenses Direct Component of $191,163 by the CPI-U-General Index for April 2023 (338.496) and divided that by the CPI-U-General Index for April 2020 (298.074). The calculated General Expenses Direct Component for Rate Year 2024 is $217,087.

- **General Expenses Indirect Component** – Multiplied the General Expenses Indirect Component of $1,020,220 by the CPI-U-General Index for April 2023 (338.496) and divided that by the CPI-U-General Index for April 2020 (298.074). The calculated General Expenses Indirect Component for Rate Year 2024 is $1,158,573.

  Additionally, the SBWMA approved personnel cost to provide necessary services under SB 1383 are included as a separate line, without application of the CPI-U-General Index. Belmont's proportionate share of the approved total cost is $18,124.

- **Disposal Costs Component** – The Disposal Costs Component equals (i) Contractor's reasonable good faith projection of Disposal Costs for the period from April 1 of the Current Year through March 31 of the Adjustment Year ($2,241,715), *plus* (ii) Contractor's actual Disposal Costs for the period from April 1 of the Prior Year through March 31 of the Current Year ($1,843,054), *minus* (iii) Contractor's previous projection of Disposal Costs for the period described in clause (ii) ($1,745,620). The calculation of projected disposal costs used in (i) assumed volumes delievered to the Designated Disposal Site using actual volumes delivered during the quarter April 1, 2023 through June 30, 2023, then duplicating those volumes for the next three quarters. The disposal rates are the anticipated rates for 2023 and 2024 at the Designated Disposal Site. The total Disposal Component equals $2,339,148 ($2,241,715 + $1,843,054 - $1,745,620).

- **Performance-Based Component** – Incentives and disincentives were reviewed by RRS consultants and are included in the rate year 2024 compensation application. Incentives total $0 and disincentives total $ 6,147 for a combined disincentive amount of $6,147.

Based on the calculations described above, the Total Target Revenue increase for Rate Year 2024 is 11.02%. The Rate Year 2024 Rate Application includes a calculation of the Potential Cap Carry Forward of $ zero. The Attachment L for 2024 is calculated at 11.02%.

If you have any questions, or need any additional information, please call me at (650) 595-3900.

Sincerely,

John Zirelli
General Manager
Recology San Mateo County

Recology San Mateo County
City of Belmont
Refuse Rate Index Calculation

Cost Description	Basis for Adjustment	SBWMA-Adjusted 2021 Values	SBWMA Approved SB 1383 Costs	SBWMA-Adjusted 2021 Plus SB 1383	April 2020 CPI Index	April 2023 CPI Index	Adjusted 2024 Rate Year Compensation
Direct Labor Related							
Wages for CBA's	CPI-W: CWURS49BSA0	1,310,584		1,310,584	290.304	333.478	1,505,494
Benefits for CBA's	CPI-W-Medical: CUURS49BSAM	608,287		608,287	548.136	583.268	647,274
Payroll Taxes	Effective Rate: 8.1%	109,005		109,005	na	na	121,945
Workers Compensation	CPI-W: CWURS49BSA0	93,961		93,961	290.304	333.478	107,935
Direct Fuel Costs	CPI-U-Motor Fuel: CUURS49BSE	169,992		169,992	209.994	354.844	287,249
General Expenses Direct	CPI-U: CUURS49BSA0	191,163		191,163	298.074	338.496	217,087
General Expenses Indirect	CPI-U: CUURS49BSA0	1,020,220		1,020,220	298.074	338.496	1,158,573
SBWMA Approved SB 1383 Costs	CPI-U: CUURS49BSA0	-	18,124	18,124	na	na	18,124
General Expenses Depreciation	Fixed	281,317		281,317	na	na	281,317
Profit Calculation	Operating Ratio of 90.5%	397,271		397,271	na	na	456,105
Interest	Fixed	73,679		73,679	na	na	73,679
Performance Incentives	Based on Annual Report	-		-	na	na	-
Performance Disincentives	Based on Annual Report	-		-	na	na	(6,147)
Base Contractor's Compensation		**4,255,478**	**18,124**	**4,273,602**			**4,868,635**
Disposal Cost Component (i)	Projected Next Rate Year	1,732,663					2,241,715
Disposal Cost Component (ii)	Actual Prior Year						1,843,054
Disposal Cost Component (iii)	Less Projected Prior Year						(1,745,620)
Agency Payments		2,051,120					2,532,464
Total Contractor Compensation		**8,039,261**		**8,057,385**			**9,740,247**

Note: The SB 1383 cost of $18,124 is added to base costs starting in year 2024 and will be subject to CPI-U adjustment beginning in year rate 2025.

	2024
Total Contractor Compensation	9,740,247
Cap Carry Forward 11.11	-
Total Target Revenue	**9,740,247**
2023 Target Revenue	8,773,496
Adjustment Multiplier	11.02%

5% Cap Calculation 11.11	
Adjusted Contractor's Compensation 2024	4,874,782
Adjusted Contractor's Compensation 2023	4,768,384
difference	106,398
5 % of Adjusted Contractor's Compensation 2023	238,419
Potential Cap Carry Forward	0

Recology San Mateo County
City of Belmont
Actual Disposal Calculation (Apr 2022 - Mar 2023)
Rate Year 2024

					BELMONT CITY VEHICLES					
	Solid Waste	Green/Org	Food	Bulky Items	Solid Waste	Green/Org	Dirt	C&D	Concrete	Water Heater Appliances
APR	581.16	383.67	43.48	1.39	33.82	4.15	0.00	0.00	0.00	0.00
MAY	602.14	350.61	46.82	3.18	49.58	3.56	5.10	0.00	8.89	0.00
JUN	626.36	377.36	45.81	2.70	24.57	6.57	0.00	0.00	0.00	0.00
JUL	559.58	362.18	44.35	2.06	49.06	4.88	0.00	0.00	11.70	0.00
AUG	629.29	393.05	49.62	2.38	54.53	15.49	34.48	0.00	10.24	0.00
SEP	592.42	357.31	49.56	1.65	47.69	5.09	28.06	0.00	6.31	0.00
OCT	574.86	335.25	47.27	1.86	45.21	0.00	8.92	0.00	24.71	0.00
NOV	605.37	380.73	46.22	2.73	47.41	2.06	72.76	0.00	9.96	0.00
DEC	638.20	424.66	47.12	4.08	43.58	5.31	0.00	0.00	0.00	1.00
subtotal Apr - Dec 2022	5409.38	3364.82	420.25	22.03	395.45	47.11	149.32	0.00	71.81	1.00
JAN	640.04	480.08	55.63	0.00	59.43	2.04	44.15	0.00	0.00	0.00
FEB	564.60	304.69	48.75	2.93	51.65	6.51	20.85	0.00	0.00	0.00
MAR	660.11	460.01	52.82	2.18	55.53	28.35	39.83	0.00	0.00	0.00
subtotal Jan - Mar 2023	1864.75	1244.78	157.20	5.11	166.61	36.90	104.83	0.00	0.00	0.00
SBWMA Total	7274.13	4609.60	577.45	27.14	562.06	84.01	254.15	0.00	71.81	1.00
Rate Apr 2022 - Dec 2022	$130.00	$143.00	$144.00	$130.00	$130.00	$143.00	$115.00	$130.00	$115.00	$18.00
Rate Jan 2023 - Mar 2023	$139.00	$150.00	$150.00	$139.00	$139.00	$150.00	$121.00	$130.00	$121.00	$18.00
Per Item Cost	$962,419.65	$667,886.26	$84,096.00	$3,574.19	$74,567.29	$12,271.73	$29,856.23	$0.00	$8,258.15	$18.00
Total Disposal	$1,843,053.50									

Recology San Mateo County
City of Belmont
Projected Disposal Calculation (Apr 2023 - Mar 2024)
Rate Year 2024

					BELMONT CITY VEHICLES					
	Solid Waste	Green/Org	Food	Bulky Items	Solid Waste	Green/Org	Dirt	C&D	Concrete	Each Refrigerator
APR (Actual)	573.85	410.71	43.55	3.22	39.37	16.81	8.44	0.00	0.00	1.00
MAY (Actual)	662.89	473.47	48.71	2.55	36.58	2.00	15.84	0.00	42.36	0.00
JUN (Actual)	640.01	424.99	57.36	2.16	30.99	2.67	146.21	0.00	21.85	0.00
JUL	573.85	410.71	43.55	3.22	39.37	16.81	8.44	0.00	0.00	1.00
AUG	662.89	473.47	48.71	2.55	36.58	2.00	15.84	0.00	42.36	0.00
SEP	640.01	424.99	57.36	2.16	30.99	2.67	146.21	0.00	21.85	0.00
OCT	573.85	410.71	43.55	3.22	39.37	16.81	8.44	0.00	0.00	1.00
NOV	662.89	473.47	48.71	2.55	36.58	2.00	15.84	0.00	42.36	0.00
DEC	640.01	424.99	57.36	2.16	30.99	2.67	146.21	0.00	21.85	0.00
subtotal Apr - Dec	5,630.25	3,927.51	448.86	23.79	320.82	64.44	511.47	0.00	192.63	3.00
JAN	573.85	410.71	43.55	3.22	39.37	16.81	8.44	0.00	0.00	1.00
FEB	662.89	473.47	48.71	2.55	36.58	2.00	15.84	0.00	42.36	0.00
MAR	640.01	424.99	57.36	2.16	30.99	2.67	146.21	0.00	21.85	0.00
subtotal Jan - Mar	1,876.75	1,309.17	149.62	7.93	106.94	21.48	170.49	0.00	64.21	1.00
SBWMA Total	7,507.00	5,236.68	598.48	31.72	427.76	85.92	681.96	0.00	256.84	4.00
Rates Apr 2023 - Dec 2023	$139.00	$150.00	$150.00	$139.00	$139.00	$150.00	$121.00	$130.00	$121.00	$53.00
Rates Jan 2024 - Mar 2024	$173.75	$187.50	$187.50	$173.75	$173.75	$187.50	$153.75	$177.50	$153.75	$53.00
Per Item Cost	$ 1,108,690.06	$ 834,595.88	$ 95,382.75	$ 4,684.65	$ 63,174.81	$ 13,693.50	$ 88,100.71	$ -	$ 33,180.52	$ 212.00
Total Disposal	$ 2,241,714.87									

Recology San Mateo County
Incentives and Disincentives
Year 2022

Performance Incentive/Disincentive Payments 2022

	Performance Incentives and Disincentives				
Member Agency	SFD and Commercial Missed P/U Events	Average Speed of Answer	90 Second Max Hold Time	Diversion	Maximum Incentives and Disincentives[1]
Belmont	$1,580	$7,005	$4,125	($4,030)	$6,147
Burlingame	$2,039	$15,421	$9,080	($8,872)	$12,093
East Palo Alto	$714	$11,516	$6,781	($6,625)	$8,221
Foster City	$1,121	$9,845	$5,797	($5,664)	$7,540
Hillsborough	$408	$2,647	$1,559	($1,523)	$2,134
Menlo Park	$867	$14,332	$8,439	($8,245)	$10,210
North Fair Oaks	$153	$5,535	$3,259	($3,184)	$3,762
Redwood City	$1,835	$32,737	$19,276	($18,834)	$23,179
San Carlos	$1,988	$11,787	$6,940	($6,781)	$9,673
San Mateo	$5,760	$37,120	$21,857	($21,356)	$29,961
County Franchised Area	$510	$3,785	$2,229	($2,177)	$2,977
WBSD	$51	$1,652	$972	($950)	$1,128
Total	$17,025	$153,379	$90,314	($88,242)	$117,025

Negative number in parenthesis denotes Incentive payment due to Recology.

[1]In accordance with Attachment I, the maximum annual incentive or disincentive, except for Single-Family and Commercial Missed Pick-up Events is $100,000 or ($100,000).

Recology San Mateo County

City of Belmont
Attachment L
Rate Year 2024

Adjustment Multiplier 11.02%

RESIDENTIAL RATES

R20G	RES WASTE 20G	40.21
R32G	RES WASTE 32 GAL	47.97
R64G	RES WASTE 64 GAL	94.43
R96G	RES WASTE 96 GAL	141.65

COMMERCIAL/MULTI FAMILY RATES

		Times Per Week						
		1	2	3	4	5	6	7
C1YG	COMML WASTE 1 YD	267.16	543.92	825.42	1,110.21	1,397.29	1,743.88	2,057.57
C1YO	COMML ORGANICS 1 YD	187.02	380.73	577.78	777.15	978.11	1,220.73	1,440.31
C15CG	COMML WASTE 1.5 YD COMPACTOR	973.28	1,946.58	2,919.86	3,893.11	4,866.40	5,839.66	6,812.94
C15CO	COMML ORGANICS 1.5 YD COMPACTOR	681.30	1,362.58	2,043.88	2,725.17	3,406.47	4,087.76	4,769.05
C20G	COMML WASTE 20 GALLON	51.30	105.54	157.13	215.72	272.93	341.50	416.00
C2YG1	COMML WASTE 2 YD	537.40	1,083.62	1,635.00	2,190.39	2,753.63	3,250.82	3,850.04
C2YO	COMML ORGANICS 2 YD	376.19	758.52	1,144.51	1,533.26	1,927.51	2,275.57	2,695.03
C32G	COMML WASTE 32 GALLON	56.96	117.27	174.56	239.68	303.23	379.43	462.21
C32O	COMML ORGANICS 32 GAL	39.90	82.09	122.19	167.80	212.27	265.63	323.57
C3CG	COMML WASTE 3 YD COMPACTOR	1,946.19	0.00	0.00	0.00	0.00	0.00	0.00
C3YG	COMML WASTE 3 YD	810.49	1,630.75	2,455.83	3,283.37	4,113.77	4,993.93	5,880.24
C3YO	COMML ORGANICS 3 YD	567.33	1,141.56	1,719.09	2,298.36	2,879.63	3,495.76	4,116.17
C4YG1	COMML WASTE 4 YD	1,106.39	2,231.90	3,357.44	4,495.78	5,638.92	6,829.48	8,044.96
C4YO	COMML ORGANICS 4 YD	774.48	1,562.33	2,350.20	3,147.05	3,947.23	4,780.68	5,631.48
C64G	COMML WASTE 64 GALLON	110.15	222.27	337.25	453.46	576.40	702.41	822.28
C64O	COMML ORGANICS 64 GAL	77.13	155.59	236.06	317.44	403.49	491.65	575.59
C6YG1	COMML WASTE 6 YD	1,701.55	3,451.00	5,187.44	6,909.10	8,655.30	10,463.49	12,255.20
C6YO	COMML ORGANICS 6 YD	1,191.09	2,415.71	3,631.19	4,836.38	6,058.72	7,324.43	8,578.64
C96G	COMML WASTE 96 GALLON	159.21	326.13	494.92	669.47	846.39	1,065.43	1,242.98
C96O	COMML ORGANICS 96 GAL	111.45	228.28	346.44	468.62	592.47	745.79	870.09

SOLID WASTE COMPACTOR RATE PER YARD	149.73

CPI for Urban Wage Earners and Clerical Workers (CPI-W)
Original Data Value

Series Id: CWURS49BSA0
Not Seasonally Adjusted
Series Title: All items in San Francisco-Oakland-Hayward, CA, urban wage earners and clerical workers, not seasonally adjusted
Area: San Francisco-Oakland-Hayward, CA
Item: All items
Base Period: 1982-84=100
Years: 2013 to 2023

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013		240.262		241.764		243.052		242.903		243.711		242.602	242.125	241.141	243.109
2014		245.148		247.932		250.085		249.877		250.508		247.680	248.326	247.097	249.555
2015		249.809		252.875		254.736		256.060		256.107		255.492	253.910	252.041	255.780
2016		257.141		259.386		261.017		262.326		264.026		263.222	260.830	258.715	262.946
2017		265.569		268.896		269.508		269.827		271.272		271.342	268.990	267.426	270.555
2018		275.699		278.039		280.219		281.536		283.183		283.278	279.572	277.035	282.110
2019		284.758		288.266		288.581		288.514		291.707		289.456	288.192	286.615	289.770
2020		292.010		290.304		292.420		293.062		294.442		295.687	292.601	291.297	293.906
2021		297.170		302.294		304.971		307.423		309.656		312.019	304.602	300.275	308.928
2022		316.463		322.021		328.137		325.932		329.331		326.465	323.900	320.408	327.391
2023		331.875		333.478		335.725								332.718	

CPI for All Urban Consumers (CPI-U)
Original Data Value

Series Id: CUURS49BSAM
Not Seasonally Adjusted
Series Title: Medical care in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted
Area: San Francisco-Oakland-Hayward, CA
Item: Medical care
Base Period: 1982-84=100
Years: 2013 to 2023

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013		416.539		412.620		425.278		425.098		426.542		431.700	421.983	416.722	427.243
2014		440.573		448.951											
2016								486.042		486.894		488.508			486.068
2017		485.741		491.228		493.123		489.826		493.957		493.055	490.720	489.198	492.241
2018		500.434		504.092		511.465		508.677		510.198		539.595	508.623	502.138	515.108
2019		519.339		537.178		538.854				551.902		554.645	541.173	532.698	549.647
2020		545.970		548.136		549.438		548.733		549.432		545.016	548.802	549.120	548.484
2021		555.065		555.675		551.518		550.215		556.119		561.352	553.445	552.681	554.209
2022		567.774		573.254		583.038		591.731		587.405			580.306	571.613	588.998
2023				583.268		586.550								586.600	

CPI for All Urban Consumers (CPI-U)
Original Data Value

Series Id: CUURS49BSETB
Not Seasonally Adjusted
Series Title: Motor fuel in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted
Area: San Francisco-Oakland-Hayward, CA
Item: Motor fuel
Base Period: 1982-84=100
Years: 2013 to 2023

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013	274.605	306.602	309.846	300.682	306.012	303.270	301.401	291.569	299.931	284.084	273.022	270.990	293.501	300.170	286.833
2014	273.919	279.844	297.341	313.061	315.401	312.578	308.499	297.489	287.115	268.189	242.194	216.165	284.316	298.691	269.942
2015	193.209	209.050	250.324	240.323	269.479	253.019	257.434	247.551	223.945	208.973	202.552	196.642	229.375	235.901	222.850
2016	195.010	178.296	191.074	202.420	208.843	213.139	209.663	197.818	204.532	207.138	200.994	200.151	200.757	198.130	203.383
2017	208.379	212.552	223.591	224.219	229.642	227.099	218.805	221.035	233.253	227.464	236.297	232.445	224.565	220.914	228.217
2018	239.938	248.958	254.538	264.816	276.100	277.231	275.852	273.651	274.578	284.833	278.051	264.929	267.790	260.264	275.316
2019	255.355	251.375	259.552	290.028	297.662	280.364	272.104	263.865	268.181	300.258	286.954	261.728	273.952	272.389	275.515
2020	254.945	251.171	235.263	209.994	208.040	220.382	229.239	236.785	239.082	236.633	236.201	237.489	232.935	229.966	235.905
2021	246.145	253.600	277.844	289.079	301.702	310.278	315.657	322.785	321.903	330.112	343.726	342.260	304.591	279.775	329.407
2022	340.187	343.538	408.338	414.030	435.497	464.377	428.878	391.441	401.663	435.974	383.334	325.704	397.747	400.995	394.499
2023	323.764	340.659	354.292	354.844	349.579	350.034								345.529	

CPI for All Urban Consumers (CPI-U)
Original Data Value

Series Id: CUURS49BSA0
Not Seasonally Adjusted
Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted
Area: San Francisco-Oakland-Hayward, CA
Item: All items
Base Period: 1982-84=100
Years: 2013 to 2023

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013		242.677		244.675		245.935		246.072		246.617		245.711	245.023	243.894	246.152
2014		248.615		251.495		253.317		253.354		254.503		252.273	251.985	250.507	253.463
2015		254.910		257.622		259.117		259.917		261.019		260.289	258.572	256.723	260.421
2016		262.600		264.565		266.041		267.853		270.306		269.483	266.344	263.911	268.777
2017		271.626		274.589		275.304		275.893		277.570		277.414	274.924	273.306	276.542
2018		281.308		283.422		286.062		287.664		289.673		289.896	285.550	282.666	288.435
2019		291.227		294.801		295.259		295.490		298.443		297.007	295.004	293.150	296.859
2020		299.690		298.074		300.032		300.182		301.736		302.948	300.084	299.109	301.059
2021		304.387		309.419		309.497		311.167		313.265		315.805	309.721	306.724	312.718
2022		320.195		324.878		330.539		328.871		332.062		331.222	327.060	323.408	330.711
2023		337.173		338.496		340.056								337.689	

Recology San Mateo County
Rate Year 2024 Compensation
Summary

397,553

	RY 2023 Total General & Administrative Costs for MFD & Commercial	Allocation %	RY 2024 SB 1383 Costs
Belmont	179,802	4.56%	18,124
Burlingame	478,026	12.12%	48,183
East Palo Alto	236,610	6.00%	23,849
Foster City	216,130	5.48%	21,786
Hillsborough	5,771	0.15%	580
Menlo Park	477,191	12.10%	48,096
Redwood City	764,515	19.38%	77,058
San Carlos	394,702	10.01%	39,783
San Mateo	973,054	24.67%	98,076
N. Fair Oaks	140,001	3.55%	14,113
West Bay Sanitary District	19,361	0.49%	1,952
County Franchised Area	59,061	1.50%	5,951
Totals	3,944,224	100.00%	397,553

Note: RY 2024 cost are added to base costs.

CONTRACTOR'S TOTAL COST PROJECTIONS

Annual Cost of Operations	2023	2024	2025
Direct Labor-Related Costs			
Wages for CBAs	-	-	-
Benefits for CBAs	-	-	-
Payroll Taxes	-	-	-
Workers Compensation Insurance	-	-	-
Total Direct Labor Related-Costs	-	-	-
Direct Fuel Costs	-	-	-
Other Direct Costs	-	-	-
Depreciation			
- Collection Vehicles	-	-	-
- Containers	-	-	-
Total Depreciation	-	-	-
Allocated Indirect Costs			
General and Administrative	95,797	397,553	411,988
Operations	-	-	-
Vehicle Maintenance	-	-	-
Container Maintenance	-	-	-
Total Allocated Indirect Costs	95,797	397,553	411,988
Total Allocated Indirect Depreciation Costs	-	-	-
Annual Implementation Cost Amortization	-	-	-
Total Annual Cost of Operations	**95,797**	**397,553**	**411,988**
Profit	**10,056**	**41,732**	**43,247**
Operating Ratio	90.5%	90.5%	90.5%
Total Operating Costs	**105,853**	**439,285**	**455,236**
Contractor Pass-Through Costs			
Interest Expense	-	-	-
Interest Expense on Implementation Cost	-	-	-
Contract Changes to Specific Agencies	-	-	-
Total Contractor Pass-Through Costs	**-**	**-**	**-**
BASE CONTRACTOR'S COMPENSATION	**105,853**	**439,285**	**455,236**
Other Adjustments			
Incentive / Disincentives	-	-	-
Total Other Adjustments	**-**	**-**	**-**
TOTAL CONTRACTOR'S COMPENSATION	**105,853**	**439,285**	**455,236**
Prior Year's Surplus/Shortfall to/from Recology			
Revenue Reconciliation (Surplus)/Shortfall	-	-	-
Interest on (Surplus)/Shortfall	-	-	-
Sub-Total	**-**	**-**	**-**
TOTAL BALANCE TO CONTRACTOR	**105,853**	**439,285**	**455,236**

Recology San Mateo County
SB1383 Cost Projections
Payroll Calculations

Description	Units/Yr	BU#	Acct#	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
M-F Workdays /Mo.				22	20	23	20	23	22	21	23	21	22	22	21
Holidays Worked (Union)				1.17	1.17	0.17	0.17	1.17	0.17	1.17	0.17	1.17	1.17	1.17	0.17
Holidays Taken (Union)				1.00	-	-	-	-	-	-	-	-	-	1.00	1.00
Holidays Taken (Non Union)				2.00	1.00	-	-	1.00	-	1.00	-	1.00	-	2.00	1.00
Union H&W $/Mo				$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90	$ 2,349.90
Union RSP $/Mo				$ 831.91	$ 831.91	$ 831.91	$ 831.91	$ 831.91	$ 831.91	$ 831.91	$ 831.91	$ 831.91	$ 831.91	$ 831.91	$ 831.91
Non-Union H&W $/Mo				$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16	$ 1,561.16
Union Pension $/Hr (Admin)				$ 4.60	$ 4.60	$ 4.60	$ 4.60	$ 4.60	$ 4.60	$ 4.60	$ 4.60	$ 4.60	$ 4.65	$ 4.80	$ 4.80
G&A Union Admin Labor (Waste Zero Reporting):															
Additional Headcount				-	-	-	-	-	-	-	-	-	1.00	1.00	1.00
Hours Per Employee Per Day				-	-	-	-	-	-	-	-	-	8.00	8.00	8.00
Hourly Rate				$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 34.66	$ 34.66	$ 34.66
Regular	2,080	7300810	6030	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,100.16	$ 6,100.16	$ 5,822.88
Overtime	-	7300810	6040	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Holiday Worked	72	7300810	6060	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 485.24	$ 485.24	$ 69.32
Holiday Taken	24	7300810	6061	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 415.92	$ 415.92
Sick Cashout	-	7300810	6050	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Vacation Cashout	-	7300810	6070	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Other	-	7300810	6080	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Payroll Expense:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 6,585.40**	**$ 7,001.32**	**$ 6,308.12**
Payroll Taxes @	8.0%	7300810	6130	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 526.83	$ 560.11	$ 504.65
Union Pension /Mo.		7300810	6150	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 818.68	$ 844.80	$ 806.40
Non Union 401K @		7300810	6170	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Health & Welfare /Mo.		7300810	6181	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,181.81	$ 3,181.81	$ 3,181.81
Workers Comp @	7.5%	7300810	6270	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 493.91	$ 525.10	$ 473.11
Fringe Benefits:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 5,021.23**	**$ 5,111.82**	**$ 4,965.97**
Total G&A Union Admin Payroll & Related:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 11,606.63**	**$ 12,113.14**	**$ 11,274.09**
G&A Non-Union Admin Labor (Waste Zero Reps):															
Additional Headcount				-	-	-	-	-	-	-	-	-	2.00	2.00	2.00
Hours Per Employee Per Day				-	-	-	-	-	-	-	-	-	8.00	8.00	8.00
Hourly Rate				$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 36.06	$ 36.06	$ 36.06
Regular	2,080	7300810	6030	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 12,692.31	$12,692.31	$12,115.38
Overtime	-	7300810	6040	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Holiday Worked	-	7300810	6060	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Holiday Taken	-	7300810	6061	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Sick Cashout	-	7300810	6050	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Vacation Cashout	-	7300810	6070	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Other- Bonus	-	7300810	6080	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,269.23	$ 1,269.23	$ 1,211.54
Payroll Expense:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 13,961.54**	**$ 13,961.54**	**$ 13,326.92**
Payroll Taxes @	8.0%	7300810	6130	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,116.92	$ 1,116.92	$ 1,066.15
Union Pension /Mo.		7300810	6150	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Non Union 401K @	3.0%	7300810	6170	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 418.85	$ 418.85	$ 399.81
Health & Welfare /Mo.		7300810	6181	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,122.33	$ 3,122.33	$ 3,122.33
Mileage 30/Day/$0.655		7300810	7870	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 864.60	$ 864.60	$ 825.30
Workers Comp @	7.5%	7300810	6270	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,047.12	$ 1,047.12	$ 999.52
Fringe Benefits:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 6,569.82**	**$ 6,569.82**	**$ 6,413.11**
Total G&A Non-Union Admin Payroll & Related:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 20,531.36**	**$ 20,531.36**	**$ 19,740.03**
Grand-Total Payroll Expense:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 20,546.94**	**$ 20,962.86**	**$ 19,635.04**
Grand-Total Fringe Benefits:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 11,591.05**	**$ 11,681.64**	**$ 11,379.08**
Grand-Total Payroll & Related:				**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 32,137.99**	**$ 32,644.50**	**$ 31,014.12**

Recology San Mateo County
SB1383 Cost Projections
Payroll Calculations

Description	Units/Yr	BU#	Acct#	2023 Totals	2024 Totals	2025 Totals
M-F Workdays /Mo.				260	262	261
Holidays Worked (Union)				9.00	9.00	9.00
Holidays Taken (Union)				3.00	3.00	3.00
Holidays Taken (Non Union)				9.00	9.00	9.48
Union H&W $/Mo						
Union RSP $/Mo						
Non-Union H&W $/Mo						
Union Pension $/Hr (Admin)						
G&A Union Admin Labor (Waste Zero Reporting):						
Additional Headcount						
Hours Per Employee Per Day						
Hourly Rate						
Regular	2,080	7300810	6030	$ 18,023.20	$ 75,903.52	$ 78,731.99
Overtime	-	7300810	6040	$ -	$ -	$ -
Holiday Worked	72	7300810	6060	$ 1,039.80	$ 3,910.58	$ 4,072.35
Holiday Taken	24	7300810	6061	$ 831.84	$ 1,305.96	$ 1,357.44
Sick Cashout	-	7300810	6050	$ -	$ -	$ -
Vacation Cashout	-	7300810	6070	$ -	$ -	$ -
Other	-	7300810	6080	$ -	$ -	$ -
Payroll Expense:				**$ 19,894.84**	**$ 81,120.06**	**$ 84,161.78**
Payroll Taxes @	8.0%	7300810	6130	$ 1,591.59	$ 6,489.59	$ 6,732.94
Union Pension /Mo.		7300810	6150	$ 2,469.88	$ 10,158.67	$ 10,642.27
Non Union 401K @		7300810	6170	$ -	$ -	$ -
Health & Welfare /Mo.		7300810	6181	$ 9,545.43	$ 39,010.08	$ 39,985.32
Workers Comp @	7.5%	7300810	6270	$ 1,492.12	$ 6,084.00	$ 6,312.13
Fringe Benefits:				**$ 15,099.02**	**$ 61,742.34**	**$ 63,672.66**
Total G&A Union Admin Payroll & Related:				**$ 34,993.86**	**$ 142,862.40**	**$ 147,834.44**
G&A Non-Union Admin Labor (Waste Zero Reps):						
Additional Headcount						
Hours Per Employee Per Day						
Hourly Rate						
Regular	2,080	7300810	6030	$ 37,500.00	$157,955.79	$ 164,433.76
Overtime	-	7300810	6040	$ -	$ -	$ -
Holiday Worked	-	7300810	6060	$ -	$ -	$ -
Holiday Taken	-	7300810	6061	$ -	$ -	$ -
Sick Cashout	-	7300810	6050	$ -	$ -	$ -
Vacation Cashout	-	7300810	6070	$ -	$ -	$ -
Other- Bonus	-	7300810	6080	$ 3,750.00	$ 15,795.58	$ 16,443.38
Payroll Expense:				**$ 41,250.00**	**$ 173,751.37**	**$ 180,877.14**
Payroll Taxes @	8.0%	7300810	6130	$ 3,299.99	$ 13,900.10	$ 14,470.20
Union Pension /Mo.		7300810	6150	$ -	$ -	$ -
Non Union 401K @	3.0%	7300810	6170	$ 1,237.51	$ 5,212.53	$ 5,426.31
Health & Welfare /Mo.		7300810	6181	$ 9,366.99	$ 38,498.28	$ 39,557.04
Mileage 30/Day/$0.655		7300810	7870	$ 2,554.50	$ 10,296.60	$ 10,257.30
Workers Comp @	7.5%	7300810	6270	$ 3,093.76	$ 13,031.36	$ 13,565.78
Fringe Benefits:				**$ 19,552.75**	**$ 80,938.87**	**$ 83,276.63**
Total G&A Non-Union Admin Payroll & Related:				**$ 60,802.75**	**$ 254,690.24**	**$ 264,153.77**
Grand-Total Payroll Expense:				**$ 61,144.84**	**$ 254,871.43**	**$ 265,038.92**
Grand-Total Fringe Benefits:				**$ 34,651.77**	**$ 142,681.21**	**$ 146,949.29**
Grand-Total Payroll & Related:				**$ 95,796.61**	**$ 397,552.64**	**$ 411,988.21**

ATTACHMENT Q
SCHEDULE OF CONTRACTOR'S MAXIMUM RATES FOR ADDITIONAL SERVICES

For Rate Years Eleven (2021) through the remaining Rate Years in the Term, the Maximum Rate for additional services specified in Attachment Q shall be adjusted annually in accordance with Section 11.05. For Rate Year 2024, the current effective Maximum Rates are multiplied by the April 2023 CPI-U-General value of 338.496 and divided by the April 2022 CPI-U-General value of 324.878.

The Maximum Rate for additional services for Rate Year Ten (2020) shall be the Maximum Rates for Rate Year Ten (2020) as determined under the 2009 Franchise Agreement. These amounts will be adjusted as provided in Section 11.05 of this Agreement to determine the Maximum Rates for Rate Year Eleven (2021).

Two additional services are included in this Attachment Q there were not in Attachment Q of the 2009 Franchise Agreement. The two new services are Container Relocation Service and Agency-Specific Reporting for Abandoned Waste Collections. Maximum Rates for these services are presented in the table below.

Charges for Additional Services may not exceed the Maximum Rates approved by the City for the respective Rate Year.

	Service	Reference	Agency-Approved Maximum Rate	Description
	Additional Services for Customers			
1	Single-Family Dwelling Backyard Collection Service	Section 5.02.A	See Maximum Rate in the table at the end of this Attachment	See Maximum Rate in the table at the end of this Attachment
2	Long Distance Service for MFD, Mixed Use, and Commercial Accounts (Note: only applicable to Containers with wheels)	Sections 5.02.B, 5.02.C; and 8.02.B	A – No more than 10% of base monthly Maximum Rate of the Collection Rate for each Container requiring Long Distance Service B – 25% of base monthly Rate of the Collection Rate for each Container requiring Long Distance Service	A – Distance greater than 50 feet and less than or equal to 100 feet B – Distance greater than 100 feet Distance shall be measured from the face of the curb, or from the edge of the roadway nearest the closest edge of the Container, if there is no curb.

ATTACHMENT Q
SCHEDULE OF CONTRACTOR'S MAXIMUM RATES FOR ADDITIONAL SERVICES

	Service	Reference	Agency-Approved Maximum Rate	Description
3	Container Relocation Service	Sections 5.02B and 8.02B	A – 12% of base monthly rate of the Collection Rate for each Container requiring Container Relocation Service B – 27% of base monthly Rate of the Collection Rate for each Container requiring Container Relocation Service	A – Distance greater than 50 feet and less than or equal to 100 feet B – Distance greater than 100 feet Distance shall be measured from the face of the curb, or from the edge of the roadway nearest the closest edge of the Container, if there is no curb.
4	On-Call Pick-up for SFD, MFD, Mixed Use, and Commercial Customers	Sections 5.02.A, 5.02.B, and 5.02.C	25% of the base monthly Rate for the size of Container Collected once per week	Per Collection event per Container for Collection requested by Customer
5	Return Trip (SFD, MFD, Mixed Use, or Commercial)	Sections 5.02.A, B, C; 5.03.A, B, C; 5.04.A, B, C	$20.16 for SFD $20.16 for Commercial, Mixed Use, and MFD	Per Collection event (i.e., request to return and provide Collection service after the Customer failed to properly set out their Container(s) for regularly scheduled Collection)
6	Additional Targeted Recyclable Materials or Organic Materials Cart Service for SFD	Sections 5.03.A and 5.04.A	$1.32 per Recycling Cart $4.01 per Organic Materials Cart	Per Cart per month (any Cart size). Six month minimum charge required. Includes one-time Cart delivery upon start of service and removal of Cart when service is discontinued by Customer.
7	Additional On-Call Bulky Item Collection	Sections 5.05, 5.06	$109.61	Per Bulky Item Collection event (in addition to the events provided at no charge to Customer pursuant to Section 5.12)

ATTACHMENT Q
SCHEDULE OF CONTRACTOR'S MAXIMUM RATES FOR ADDITIONAL SERVICES

	Service	Reference	Agency-Approved Maximum Rate	Description
8	Collect Contaminated Targeted Recyclable Materials or Organic Materials Container	Section 6.03.A and 8.02.F	25% of the base monthly Solid Waste Rate for the size of Container Collected once per week plus Return Trip Fee if applicable	Per Collection event for Container with Contamination Level greater than the maximum level pursuant to Table 1 in Section 6.02.B
9	Lock Service (Key Service)	Section 8.02.B	A – $11.42 per usage B – $12.76 per usage	Monthly cost: A – Residential Customers B – Commercial Customers
10	Lock Purchase	Section 8.02.B	$22.85 per lock	Per lock
11	Overage Service	Section 8.02.G	100% of the base monthly Solid Waste Collection Rate	Per Collection event (after the first two events)
12	Overage Bags Cost	Section 8.02.G	50% of the base monthly Solid Waste Collection Rate or $10.74 minimum	Per bag
13	Container Cleaning Service	Section 8.05.D	A – $67.20 B – $114.24	A – per Cart B – per Bin or Drop-Box Charge only applies to cleaning or Container exchange in addition to the service to be provided at no charge to the Customer pursuant to Section 8.05.D

ATTACHMENT Q
SCHEDULE OF CONTRACTOR'S MAXIMUM RATES FOR ADDITIONAL SERVICES

	Service	Reference	Agency-Approved Maximum Rate	Description
14	Dirty Cart Replacement (Exchange) Service	Section 8.05.D	A – $87.36 B – $100.80 C – $114.24	A – per 32 gallon Cart B – per 64 gallon Cart C – per 96 gallon Cart Charge only applies to cleaning or Container exchange in addition to the service to be provided at no charge to the Customer pursuant to Section 8.05.D
	Additional Services for Agency			
15	Additional Confidential Document Destruction Service Event	Section 5.07	$1,612.72	Per event
16	Additional Compost Material Delivery	Section 5.11	A – $167.98 per delivery B – $335.99 per delivery	A – "one-way" only delivery by Contractor where Contractor delivers to and unloads compost at an Agency-approved location B – "Round-trip" delivery by Contractor where Contractor delivers compost in a Drop Box to an Agency-approved location and returns at a later time or date to pick up the Drop Box and any remaining compost (charge includes the delivery of and later pick-up of the Drop Box)
17	Community Drop-Off Events	Section 5.13	$27,416.46 per event or day	Per event or day targeting 5,000 households. Does not include disposal or public education expenses.
18	Collection for Agency-Sponsored and Non-Agency sponsored Community Events	Section 5.08	A – $4,031.82 B – $6,719.71 C – $10,079.58	A – One day event with a projected 2,500 or fewer attendees B – One (1) or two (2) day events with a projected 2,501 to 7,500 attendees per day C – One (1) or two (2) day events with a projected 7,501 to 10,000 attendees per day

ATTACHMENT Q
SCHEDULE OF CONTRACTOR'S MAXIMUM RATES FOR ADDITIONAL SERVICES

Backyard Collection Service Charge for Single-Family Dwellings* (Section 5.02.A)				
Distance from Curb**	**Backyard Charge for Customers with One (1) Solid Waste Cart**	**Backyard Charge for Customers with Two (2) Solid Waste Carts**	**Backyard Charge for Customers with Three (3) Solid Waste Carts**	**Backyard Charge for Customers with Four (4) Solid Waste Carts**
Distance <= 50 feet	$24.17	$38.58	$77.21	$115.79
50 < Distance <= 100 feet	$28.23	$42.64	$81.23	$119.84
100 < Distance <= 150 feet	$32.24	$46.66	$85.24	$123.86
150 < Distance <= 200 feet	$36.29	$50.70	$89.28	$127.91
200 < Distance <= 250 feet	$40.31	$54.72	$93.33	$131.94
250 < Distance <= 300 feet	$44.35	$58.75	$97.36	$135.95
300 < Distance <= 350 feet	$48.39	$62.78	$101.40	$139.98
Each additional 50 foot increment over 350 feet	Amount equals the difference between the Charge for 250 to 300 feet and 300 to 350 feet			

* Backyard Collection Service Charges are charges added to the base monthly Rate for Single-Family Collection service, and cover the provision of Backyard Collection Service for all of Customer's Solid Waste, Recyclable Materials, and Organic Materials Carts.

** Distance shall be measured from the face of the curb, or from the edge of the roadway nearest the closest edge of the Cart, if there is no curb.

Fiscal & Organizational Sustainability

CALIFORNIA BELMONT

Draft Report





Review of the 2024 Solid Waste Rates

City of Belmont

September 2023

September 8, 2023

Mr. Peter Brown
Public Works Director
City of Belmont
One Twin Pines Lane Suite 385
Belmont, California 94002

Subject: Review of the 2024 Solid Waste Rates Final Report

Dear Mr. Brown:

HDR Engineering, Inc. (HDR) was retained by the City of Belmont (City) to provide professional and technical rate services as they relate to the City's solid waste utility. The City is a member of the South Bayside Waste Management Authority (SBWMA) and has a franchise agreement with Recology of San Mateo County (Recology) for solid waste collection services, including the collection of recycling and organic materials. Through the franchise agreement, the annual compensation for Recology's services is contractually determined. Recology has provided to the City their calculation of the maximum rates for both regularly scheduled services, and additional services, for Rate Year 2024, based on their July 31st rate year 2024 application letter. The franchise agreement calls for the City to adopt solid waste retail rates, but not at a level which exceeds the Contractor's "Maximum Rates for Regularly Scheduled Services".

HDR and the City have reviewed Recology's calculations and this report summarizes our findings, conclusions, and recommendations. This report and HDR's technical review were developed utilizing the City's and Recology's accounting, operating, and management records. HDR has relied upon this information to conduct our limited review, which provides the basis for our findings, conclusions, and recommendations contained in this report.

We appreciate the assistance provided by City staff, management, and City Council. More importantly, we appreciate the opportunity to work with City on this project.

Sincerely yours,
HDR Engineering, Inc.

Shawn Koorn
Associate Vice President

929 108th Ave NE, Suite 1300
Bellevue, WA 98004

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Executive Summary

Introduction

The City of Belmont (City) is a member of the South Bayside Waste Management Authority (SBWMA). On August 28, 2018, the City finalized an Amended and Restated Franchise Agreement (Agreement) with Recology of San Mateo County (Recology) for solid waste collection services, including the collection of recycling and organic materials. The Agreement is for the 15-year period of 2021 to 2035. Through the Agreement (i.e., 7.01.A.5, 11.01.A, 11.06), the annual compensation for Recology's collection and recycling services is contractually determined. At the same time, the Agreement calls for the City to adopt solid waste rates, but not at a level which exceeds the Contractor's "Maximum Rates for Regularly Scheduled and Additional Services". Ultimately, Recology bills the City's customers for the solid waste services at the rates established and formally adopted by the Belmont City Council.

As a part of the overall rate setting process, Recology's data and information is reviewed by an outside party prior to its use within the calculation of the City's maximum rates. Once that data and information is confirmed, Recology calculates the "maximum rates for regularly scheduled and additional services" and provides a copy of those calculations to the City for their review and acceptance. This review and rate setting process is similar to the reviews that HDR has provided to the City annually since 2013. The City has requested that HDR conduct a formal review of Recology's solid waste rate calculations for rate year 2024.

The Agreement contains specific language and exhibits related to the development of the maximum rates for a given year for both regularly scheduled services (Schedule L) and additional services (Schedule Q). Rate year 2021, the first year of the current Agreement, serves as the base year for adjusting rates in future years. HDR has reviewed the applicable portions of the Agreement as they pertain to the 2023 rate year[1]. From our understanding of the current Agreement and the rate setting requirements, HDR reviewed Recology's submittal for the 2024 rate year. This study discusses the review undertaken by HDR for the 2024 rate year.

Limitations of HDR's Review

HDR has provided a limited review of Recology's maximum rate calculations for the 2023 rate year. As noted above, the data and information used by Recology to calculate the City's maximum rates were independently reviewed by another outside firm. Given the outside review of Recology's data and information, HDR and the City have assumed that the data and information input into Recology's rate calculations are reasonable and appropriate. As part of the review, HDR did cross-check and verify the inputs into Recology's model from the database of previously reviewed basic input data and information.

[1] HDR assisted the City in negotiating a current franchise agreement with Recology and is very familiar with the requirements of the current agreement as it relates to rate setting (Article 11).

Within HDR's review, four key items have been reviewed and verified. These included:

- A review of Recology's methodology for compliance with our understanding of the required methodology specific for the 2024 rate year based on the current Agreement
- A review of the data inputs and information used within the methodology to confirm that the costs and any other adjustments comply with the methodology for regularly scheduled services (Schedule L) for rate year 2024 as required in the current Agreement
- A review of the data inputs and methodology used to adjust additional services (Schedule Q) for the 2024 rate year to confirm the use of the appropriate cost index, as specified in the current Agreement
- Confirmation/verification of the calculations (formulas) within the methodology as they apply to the 2024 rate year based on the current Agreement

Overview of the Agreement

The Agreement with Recology is intended to continue to provide the Belmont community with high-quality waste collection, waste reduction, recycling, and composting programs. In order to maximize the quality of services and waste-diversion potential, the City granted to Recology an exclusive right to provide these services within the City. In order to balance that exclusive right to provide these solid waste services against the costs/rates associated with that program, the parties needed to develop an approach or methodology that fairly compensated (and limited) the charges that Recology could charge the City's customers. To address this requirement, Article 11 of the Agreement contains specific language, and a methodology, for annually establishing the maximum rates for the up-coming calendar year for both regularly scheduled (Schedule L) and additional services (Schedule Q).

The Agreement provides for an orderly process and approach to establish rates for the City and compensation for Recology. The review being undertaken by the City and HDR is a part of that orderly process, and the City is performing its due diligence to verify and confirm that the maximum rates calculated by Recology are in accordance with the Agreement. The agreement stipulates this as follows:

The review being undertaken by the City and HDR is a part of that orderly process, and the City is performing its due diligence to verify and confirm that the maximum rates calculated by Recology are in accordance with the Agreement.

Article 11, "The Contractor's Compensation, Pass-Through Costs and Rates" determines the annual compensation for Recology's collection and recycling services. This calculation of annual compensation sets the Contractor's "Maximum Rates for Regularly Scheduled Services" (Attachment L) and "Additional Services" (Attachment Q). Within the franchise agreement, Attachment L is established in 11.04 of Article 11, Annual Adjustment of Maximum Rates for Schedule Services. Attachment Q is established in 11.05 of Article 11, Annual Adjustment of Maximum Rates for Additional Services.

Regularly Scheduled Service (Attachment L) – Review of Recology's Calculated Maximum

On July 31, 2023, Recology provided to the City a letter outlining their calculation of the rates for rate year 2024. The City retained HDR Engineering, Inc. (HDR) to provide the rate review of the proposed 2024 rates as has been performed annually since 2013, which was to confirm that the overall methodology is in conformance with the current Agreement. In addition, HDR also verified or confirmed that the proper cost data appeared to be used within the analysis, and that the mathematical calculations are correct. In providing this review, HDR also attempted to independently calculate the rate index used for Schedule Q rates (e.g., consumer price index (CPI-U General)). This report details the City's process to revise the maximum rates that may be charged for solid waste, recyclable materials, and organic materials collection services for rate year 2024.

The rates that Recology charges its customers include Recology (contractor) compensation, SBWMA costs to operate the Shoreway transfer facility, waste disposal costs, franchise fees, and other related charges. Article 11 of the Agreement provides the framework or methodology for the determination of the maximum rate for the upcoming year. In very simple terms, the Agreement calls for Recology to annually take the existing maximum rate that is in effect and multiply each rate by an "adjustment multiplier". The adjustment multiplier is essentially a cost index to develop Total Target Revenue for the rate year.

The rate adjustment multiplier is composed of three elements; the 2024 Base Contractor's Compensation based on CPI cost adjustments, the 2023 Performance Incentive/Disincentive adjustment, and the 2024 pass through costs which comprise both disposal and agency payments. In addition is a fourth element this year which is the reversal of the prior year disincentive for 2021. For 2024, these elements are a total rate index adjustment of 11.02% as shown in Table ES – 1.

Table ES – 1
Summary of 2024 Rate Adjustment to 2023 Rates

Cost Component	2023 Target Revenue	2024 Target Revenue	$ Difference	% Adjustment to 2023 Rates
Total Base Compensation	$4,768,384	$4,874,782	$106,398	2.23%
Performance (Inc.) / Dis.	(5,459)	($6,147)	(688)	12.60%
Pass Thru Costs	4,010,571	4,871,613	861,041	21.47%
Plus Disincentive Payable 2022	0	0	0	0.00%
Total Target Revenue	**$8,773,496**	**$9,740,247**	**$966,751**	**11.02%**

In the review of Recology's Total Target Revenue for the 2024 rate year, HDR concluded that the total target revenue used the appropriate data and information for the time period and the calculations within the methodology were correct. As a result of our review, HDR concluded that based upon the current Agreement, the City's maximum solid waste rates for 2023 should be

increased by 11.02% for rate year 2024 proposed rates. Provided in this report is a more detailed discussion of each of the elements of the calculation of the 2024 maximum rate calculation and the basis for HDR's summary conclusion.

Presented below in Table ES – 2 are the present monthly residential rate and the proposed residential rates for 2024.

Table ES – 2
Summary of the Present and Proposed Residential Solid Waste Rates
(Regularly Scheduled - $/Month)

Schedule	Schedule Description	Present Monthly Rate	Proposed 2024 Rates	$/Month Change
R20G	Residential Waste - 20 Gallons	$36.22	$40.21	$3.99
R32G	Residential Waste - 32 Gallons	43.21	47.97	4.76
R64G	Residential Waste - 64 Gallons	85.06	94.43	9.37
R96G	Residential Waste - 96 Gallons	127.59	141.65	14.06

In addition to the above residential rates for regularly scheduled service, the City and Recology have a number of other rate schedules for regularly scheduled solid waste services. These include the following:

- Commercial Waste Carts (20 gallons to 96 gallons)
- Commercial Waste Bins (1 yard to 6 yards; 1 day to 7 days per week pickup)
- Commercial Organics (1 yard to 6 yards; 1 day to 7 days per week pickup)
- Commercial Organics Carts (20 gallons to 96 gallons; 1 day to 7 days per week pickup)
- Commercial Waste 3 Yard Compactor
- Solid Waste Compactor (per yard)

Each of these commercial rate schedules were increased by the overall 11.02% rate increase. A more detailed discussion of these other regularly scheduled services can be found in Section 4 of the report and also within the Technical Appendices as Attachment L rate schedules.

Additional Services (Attachment Q) – Review of Recology's Calculated Maximum

In addition to the regularly scheduled rates, there are also rates for "additional services". The rates for additional services are contained in Attachment Q of the Agreement and are annually updated in accordance with the Agreement. Attachment Q is established in 11.05 of Article 11, Annual Adjustment of Maximum Rates for Additional Services.

The Maximum Rate set forth in Attachment Q is adjusted annually by multiplying the then effective April CPI-U General for the year in which rates are set and divided by the April CPI-U from the year prior to the year in which rates are set. For example, the April CPI-U-General is 338.496 for 2023 and the April CPI-U-General for 2022 is 324.878. Therefore, each Maximum

Rate is multiplied by the April CPI-U-General for 2023 and divided by the April CPI-U-General for 2022. This resulted in an overall rate increase of 4.19% (338.496 / 324.878) for Attachment Q rates effective in 2024 for the additional services.

A more detailed discussion of these additional services can be found in Section 4 of the report and also within the Technical Appendices as Attachment Q rate schedules.

Summary Conclusions and Recommendations

Based on the limited review undertaken, it was the conclusion of HDR that the maximum rates, as calculated by Recology, were in conformance with the City's current Agreement. In reaching this conclusion, HDR has relied upon the data and information as supplied by the City and Recology. Given that conclusion, HDR would recommend that the City revise the residential and commercial rates based on the proposed rates provided in Table ES – 1. Finally, the additional services (Attachment Q), as calculated by Recology and as reviewed within this report, should also be adopted for 2024 based on the CPI increase of 4.19%.

City Council Review

The results of the study will be presented to the City of Belmont City Council on September 12, 2023. This reflected the proposed 11.02% rate adjustment for 2024 rates for the scheduled services, Schedule L, and a 4.19% rate adjustment for additional services, Schedule Q. If accepted by the City Council, the proposed rates will be presented at a public hearing on November 14, 2023.

Summary of the Review of Solid Waste Rates

This completes the summary review and analysis for the City's solid waste rates. A full and complete discussion of the review of Recology's solid waste rates can be found in the following sections of this report.

1 Introduction and Overview of the Report

1.1 Introduction

The City of Belmont (City) is a member of the South Bayside Waste Management Authority (SBWMA). In 2018, the signed an Agreement with Recology of San Mateo County (Recology) for solid waste collection services, including the collection of recycling and organic materials. Through the Agreement (i.e., 7.01.A.5, 11.01.A, 11.06), the annual compensation for Recology's collection and recycling services is contractually determined. At the same time, the Agreement calls for the City to adopt solid waste rates, but not at a level which exceeds the Contractor's "Maximum Rates for Regularly Scheduled or Unscheduled Services". Ultimately, Recology bills the City's customers for the solid waste services at the rates established by the City of Belmont City Council.

The 2018 Agreement is for a 15-year term, for rate years 2021 through 2035. This solid waste rate review represents the third year under the current Agreement. While the current Agreement is similar to the 2010 agreement, there are certain differences. Both franchise agreements contain specific language and exhibits related to the development of the maximum rates for a given year.

The general approach for rate adjustments (2022 – 2035) is based on changes in specific cost indices for the primary cost categories outlined by Recology for the base contractor's compensation. For example, in 2024 the costs, will be adjusted by the change in the specific cost indices from 2021 to 2023. These cost indices include CPI-U, CPI-U-Motor Fuel, CPI-W, etc. The agreement has outlined each of the specific cost indices that will be used in escalating the base costs for future year rate adjustments. The total target revenues for rate year 2024 will be compared to the total target revenues in the prior year rate year 2023. This comparison will result in the rate multiplier to be applied to the 2023 rates to establish the proposed 2024 rates.

1.2 Limitations of HDR's Review

It is important to understand that HDR has provided a limited review of Recology's maximum rate calculations for the 2024 rate year. The data and information used by Recology to calculate the City's maximum rates were reviewed by another outside firm. HDR did not provide a review of this basic input data as a part of this review. Therefore, HDR and the City have assumed that the data and information input into Recology's rate calculations are reasonable and appropriate. Having said that, HDR did a limited cross-check to verify the inputs into Recology's model, from the database of previously reviewed basic input data and information.

Within HDR's review, the three key items reviewed were the overall methodology, compliance to the agreed upon methodology, and verification of the data inputs. First, the overall methodology is generally well-laid out within Article 11 of the current Agreement. Given that, HDR reviewed Recology's methodology for compliance with our understanding of the required methodology for the 2024 rate year. At the same time, HDR also reviewed the data inputs and information used within the methodology as applied to the 2023 rate year. While the data and information were previously reviewed, the selection and use of the appropriate costs and

adjustment factors must comply with the methodology. Finally, HDR confirmed/verified the calculations (formulas) used within the methodology as applied to the 2024 rate year were accurate. As a part of HDR's review, these three aspects of Recology's rate filing were reviewed and verified.

1.3 Organization of the Report

This report is organized in a manner that reflects the general approach used by HDR to review Recology's maximum rates for "Regularly Scheduled" and "Additional Services". The next section of this report provides a brief overview of the relevant portions of the Agreement. Section 3 then provides a discussion and overview of the technical review undertaken by HDR of the Recology rate calculations. From that review, HDR was then able to review and verify the proposed maximum rates for Regularly Scheduled and Additional Services. The proposed maximum rates are discussed and shown in Section 4. Finally, Section 5 provides a summary of HDR's findings, conclusions, and recommendations from this study.

2 Overview of the Agreement

2.1 Introduction

An important starting point for reviewing the City's solid waste rates is to gain an understanding of the current Agreement which is an extension of the original 2010 franchise agreement. This section of the report is intended to provide a brief overview of the relevant portions of the City's current Agreement with Recology to help the reader better understand the basis for this review of the rates.

The review and discussion contained herein is not intended to be comprehensive in nature, nor provide any legal interpretation or opinion regarding the relevant portions of this Agreement as it relates to this study.

2.2 Overview of the Agreement

As noted, the agreement was extended in 2018 for an additional 15-year term for rate years 2021 through 2035. The Agreement is very similar to the 2010 franchise agreement but does contain some relevant changes to Article 11 which determines Recology's compensation and the City's solid waste rates. Similar to the 2010 agreement, for 2021 and beyond, Recology's annual compensation for collection and recycling services is outlined in the Agreement and contractually determined. The Agreement calls for the City to establish and adopt their own solid waste rates, but not at a level which exceeds the Contractor's "Maximum Rates for Regularly Scheduled Services" referred to as Attachment L and "Maximum Rates for Additional Services", referred to as Attachment Q[2]. The Agreement between the parties contains specific language and exhibits related to the development of the maximum rates for a given year for both Attachments L and Q.

...and the City is performing its due diligence to verify and confirm that the maximum rates calculated by Recology are in accordance with the Agreement for the 2024 rate year.

The Agreement provides for an orderly process and approach to establish rates for the City and compensation for Recology. The review being undertaken by the City and HDR is a part of that orderly process, and the City is performing its due diligence to verify and confirm that the maximum rates calculated by Recology are in accordance with the Agreement for the 2024 rate year.

More specific to the Agreement, Article 11 – "The Contractor's Compensation, Pass-Through Costs and Rates" provides the analytical framework for determining the annual compensation for Recology's collection and recycling services. This calculation of annual compensation sets the Contractor's "Maximum Rates for Regularly Scheduled Services" known as Attachment L and "Additional Services" known as Attachment Q. Attachment L is established in 11.04 of Article 11, Annual Adjustment of Maximum Rates for Schedule Services. Attachment Q is established in 11.05 of Article 11, Annual Adjustment of Maximum Rates for Additional Services.

[2] Under the 2010 franchise agreement, Regularly Scheduled services were referred to as Attachment R and Additional Services was referred to as Schedule Q.

2.3 Regularly Scheduled Services (Attachment L)

As noted above, Article 11 of the Agreement provides the analytical framework or methodology for the determination of the maximum rates for the upcoming year. In very simple terms, the Agreement calls for Recology to annually take the existing maximum rate that is in effect and multiply each rate by an "adjustment multiplier". The adjustment multiplier is essentially a "cost index" based on CPI value adjustments to arrive at the Total Target Revenue for the rate year. The Total Target Revenue for the current year is divided by the prior year Total Target Revenue per 11.04.A. as follows:

> *"...Beginning with the adjustment for Rate Year 2022, each Maximum Rate set forth in Attachment L shall be adjusted annually by multiplying the then-effective Maximum Rate by the Adjustment Multiplier. The Adjustment Multiplier used to calculate the Maximum Rates that will be effective in a given Rate Year (the "Adjustment Year") shall be calculated by dividing Total Target Revenue for the Adjustment Year (calculated pursuant to Table 2 below) by Total Target Revenue for the Rate Year prior to the Adjustment Year (the "Current Year")."*[3]

However, for only Rate Year 2022 the "prior" year will be the 2021 adjusted Total Target Revenue of $7,888,920 as follows in 11.04A.

> *"...For purposes of determining Maximum Rates for Rate Year 2022, Total Target Revenue for Rate Year 2021 shall be the same as Total Contractor's Compensation for that year (i.e. $7,888,920)."*[4]

Going forward in rate year 2023 to 2035 the adjustment multiplier will be the current year Total Target Revenue divided by the prior year Total Target Revenue. In rate year 2024 the Total Target Revenue for 2024 rate year will be divided by the prior 2023 Total Target Revenue.

The franchise agreement provides the cost index for the various components to calculate Total Target Revenue. The Total Target Revenue is stated in total dollars. For example, the Total Target Revenue for 2023 is $8,773,496. Going forward, for each year the cost index is calculated by adding together the various component costs which are composed of the following cost elements:

- Direct Labor (Wages for CBA's, Benefits for CBA's, Payroll Taxes, Worker's Compensation)
- Direct Fuel Costs
- General Expenses Direct and Indirect
- General Expenses Depreciation
- Profit Calculation
- Interest
- Performance Incentives/Performance Disincentives
- Pass Through Costs
  - Disposal Costs (i) Projected Next Year, (ii) Actual Prior Year, (iii) less Prior Projected Year)

[3] Franchise Agreement, Section 11.04(A), Adjustment Multiplier for Regularly Scheduled Services, p. 99.

[4] Franchise Agreement, Section 11.04(A), Adjustment Multiplier for Regularly Scheduled Services, p. 99.

- Agency Payments

The general approach for future year rate adjustments is based on changes in specific cost indices for the primary cost categories outlined by Recology for the base contractor's compensation. For example, in 2024 the costs will be adjusted by the change in the specific cost indices from 2023 to 2024. These cost indices include CPI-U, CPI-U-Motor Fuel, CPI-W, etc. The current Agreement outlines each of the specific cost indices that will be used in escalating the base costs (adjusted 2021 Total Target Revenue) for future year rate adjustments. For rate year 2024, the 2024 Total Target Revenue of $9,740,248 is compared to the 2023 Total Target Revenue of $8,773,496.

Finally, the disposal costs are calculated separately from base contractor's compensation. The current franchise agreement uses a similar approach to establishing the annual adjustments to the disposal costs. Essentially, all increases or changes in disposal costs are passed through as direct rate adjustments to the customer.

2.4 Additional Services (Attachment Q)

The rates for additional services are addressed in the current franchise agreement and are annually updated in accordance with the Agreement. Rates for Additional Services are discussed and established in 11.05 of Article 11, Annual Adjustment of Maximum Rates for Additional Services.

> **11.05 – Annual Adjustment of Maximum Rates for Additional Services**
> *A. The Maximum Rates for Rate Year 2021 for the additional services described in Attachment Q shall be the charges for those services determined under the SBWMA-wide methodology, adjusted as necessary to pass through the Franchise Fee and any other Agency fees under this Agreement. Beginning with the adjustment for Rate Year 2022, each Maximum Rate set forth in Attachment Q shall be adjusted annually by multiplying the then-effective Maximum Rate by April CPI-U-General for the year in which the calculation is made and dividing the result by April CPI-U-General for the year prior to the year in which the calculation is made. For example, to calculate the Maximum Rates set forth in Attachment Q effective in 2025, each such Maximum Rate effective in 2024 shall be multiplied by CPI-U-General for April 2024 and divided by CPI-U-General for April 2023.*

The adjustment to Schedule Q is based upon a cost-indexing approach and a CPI for general inflation is used. For example, assume the April 2025 CPI-U-General is 300.000 and the April 2024 CPI-U-General is 295.000. This would result in an adjustment to the Additional Services rates of 1.7%. (300.000 / 295.000 = 1.017 or 1.7%).

2.5 Summary

This section of the report has provided a brief overview of the relevant portions of the current Agreement with Recology. While this overview of the Agreement has been necessarily abbreviated, it does provide a good understanding of the basic framework or methodology used to calculate the maximum rates for Regularly Scheduled Services and Additional Services.

3 Review of Recology's Calculated Maximum Rates for Regularly Scheduled Services

3.1 Introduction

As a part of the Agreement, Recology calculates the maximum rates for the up-coming calendar year. The calculated maximum rates are formula driven, and as noted in the prior section of the report, there is relatively clear language and numeric examples of the rate process. The purpose of this section of the report is to provide an overview of Recology's rate filing to the City for the 2024 rate year, along with HDR's technical review of that filing. Article 11.04 specifically outlines the establishment of maximum rates for 2024 and after for regularly scheduled services.

3.2 Overview of Recology's 2023 Rate Application

On July 31, 2023, Recology provided to the City a letter and the detailed worksheets outlining their calculation of the maximum rates for rate year 2024. The rate application letter indicated a maximum increase adjustment of 11.02%. HDR reviewed that calculation and determined based upon the information provided that it appears to agree with the current Agreement.

For 2024, the adjustment multiplier is based on CPI cost adjustment by component. HDR conducted a review of Recology's calculations and determined, based on the information provided, that it appears to be in compliance with the Agreement. Provided below in Table 3 – 1 is an overview of Recology's Total Target Revenue calculation for rate year 2024.

Table 3 – 1
Overview of Recology's Total Target Revenue Calculation Rate Year 2024

Cost Component	Adj. 2021 Target Revenue	April 2020 CPI Index	April 2023 CPI Index	Change 2020 to 2023	2024 Target Revenue
Direct Labor Related					
Wages for CBA'a	$1,310,584	290.304	333.478	1.149	$1,505,494
Benefits for CBA's	608,287	548.136	583.268	1.064	647,274
Payroll Taxes	109,005	N/A	N/A		121,945
Workers Compensation	93,961	290.304	333.478	1.149	107,935
Direct Fuel Costs	169,992	209.994	354.844	1.690	287,249
General Expense Direct & Indirect	1,211,383	298.074	338.496	1.136	1,375,659
SB 1383 (2024)					18,124
Depreciation	281,317	N/A	N/A		281,317
Profit	397,271	N/A	N/A		456,105
Interest	73,679	N/A	N/A		73,679
Performance Inc./Disincentives	0	N/A	N/A		(6,147)
Base Contractor's Compensation	**$4,255,479**				**$4,868,635**
Agency Components					$2,532,464
Disposal Projected Cost (i)					2,241,715
Disposal Actual Prior Year Cost (ii)					1,843,054
Disposal Prior Projected Cost (iii)					(1,745,620)
Disposal Cost Component					**$4,871,613**
Total Target Revenue					**$9,740,247**

(i) The Contractor's projected costs for April 1 of that calendar year through March 31 of the following year plus
(ii) The Contractors' actual costs April 1 of the year prior through March 31 of the calendar year minus
(iii) The contractor's previous projection.

As noted above, the City retained HDR to review the Recology calculations (Table 3 - 1) to confirm that the proper data appeared to be used within the analysis, and that the mathematical calculations were correct for the 2024 rate year. While Table 3 - 1 appears rather simple and straight-forward, the calculations are, in some cases, much more complex with other detailed worksheets behind them.

Provided below is a more detailed discussion of the analytical steps taken to review the Recology calculations and the results of our review.

3.3 Overview of General Approach Used to Review Costs

As noted in Section 2, an important starting point for reviewing Recology's compensation is understanding the Agreement. HDR reviewed the documents, then independently reviewed the rate year 2024 maximum rate calculations. HDR developed spreadsheets to review and attempt to duplicate the Recology calculations for 2024. In this way, HDR could review the data sources

used and verify their appropriateness, while at the same time, verifying the formulas used within the calculations.

3.4 Summary Conclusions of HDR's Review of the Maximum Rate Calculations

Based on HDR's review of Recology's 2024 rate application, HDR concluded that the costs contained in Table 3 - 1 used appropriate cost data and information for the time period and the calculations within the methodology were correct. As a result of our independent review HDR concluded that based upon the existing Agreement, the maximum rates should be calculated based on the increase in rates of 11.02%.

3.5 HDR's Detailed Review of the Total Target Revenue Calculations

As previously discussed, the focus of HDR's review was on the calculations used to establish the Total Target Revenue for rate year 2024 or the "Maximum Rates for Regularly Scheduled Services". Article 11 of the Agreement form the basis for the calculations. As shown in Table 3 - 1, there is one primary calculation component to the maximum rate calculation, the CPI value adjustment.

3.5.1 CPI Value Adjustment

The general approach for future year rate adjustments (2023 – 2035) is based on changes in specific cost indices for the primary cost categories outlined by Recology for the base contractor's compensation. For example, in 2024, the 2021 adjusted base target revenue will be adjusted by the change in the specific cost indices from 2020 to 2023. These cost indices include CPI-U, CPI-U-Motor Fuel, CPI-W, etc. The current Agreement outlines each of the specific cost indices that will be used in escalating the base adjusted target revenue for future year rate adjustments. For Rate Year 2024, and thereafter, the specific cost indices will compare for the current year index to the 2020 index and the 2021 adjusted Total Target Revenue. In simplified terms, general operating costs are adjusted annually by the use of a CPI value. The CPI value index is segregated into nine main components. They are as follows:

- **Direct Labor -** The direct labor includes wages for CBA's, benefits for CBA's, payroll taxes, and worker's compensation. Wages for CBA's, benefits for CBA's, and worker's compensation for base year 2021 is multiplied by the difference between the 2020 base year CPI for that component and the current year (2023) CPI for that component. In very simplified terms, the agreement uses the wages for CBAs at the start of the agreement of 2021 and then simply adjusts wages for CBAs by a CPI amount based on 2020 CPI and the current year CPI. Payroll tax is a formula based on the wage's times 14.9%.
- **Direct Fuel –** The fuel for base year 2021 is multiplied by the difference between the 2020 average price per gallon and the average price per gallon of fuel for the twelve month period ending March 31 of the Calendar Year.
- **General Expense Direct and Indirect –** The general expense base for 2021 is multiplied by the difference between the 2020 base year Consumer Price Index and the current year Consumer Price Index.
- **Depreciation Vehicles, Containers, Indirect –** The vehicle deprecation remains fixed at $196,818 for rate year 2022-2026. Values for rate years 2027-2035 shall be determined

as part of the SBWMA-wide rate application for rate year 2027. The container depreciation remains fixed at $77,090 for rate years 2022-2035 unless additional containers are purchased. The indirect remains fixed at $7,409 for rate years 2022-2035.

- **Profit Calculation** – The profit is calculated by taking the sum of direct labor, direct fuel, general expenses direct and indirect, and the depreciation vehicles, containers and indirect for the current rate year, divide by 0.905, and subtract from the result the sum of direct labor, direct fuel, general expenses direct and indirect, and the depreciation vehicles, containers and indirect for the current rate year components for the rate year. This calculation represents application of the 90.5% operating ratio to Contractor's calculated total annual cost of operations.
- **Disposal Costs** – (i) The Contractor's projected costs for April 1 of that calendar year through March 31 of the following year plus (ii) the Contractors' actual costs April 1 of the year prior through March 31 of the calendar year minus (iii) the contractor's previous projection.
- **Interest** – The value remains fixed at $73,679 for rate years 2022-2035 unless additional vehicles or containers are purchased.
- **Performance-Based** – Is the sum of incentives and disincentives the year immediately preceding the Calendar Year of the Cost Index. The determination of incentives and disincentives is independently determined by another outside party.
- **Agency Payment** – The anticipated amount of total Agency payments as detailed in Article 11 (direct labor, direct fuel, general expenses direct and indirect, depreciation, profit, interest, performance incentives & disincentives, and disposal costs, divided by (1 – 0.26) then multiplying the result by 0.26.

For each of the above components, HDR reviewed the source data and information used within Recology's calculations. As a part of Recology's packet of information, the source data used by Recology was attached to the application letter. While much of the cost data and information had previously been audited by another outside independent consultant, in those cases where other key assumptions to the analysis were needed (e.g., CPI index), HDR attempted to independently review them.

Based on the changes from the 2023 Total Target Revenue to the 2024 Total Target Revenue the costs increased by $966,752 or 11.02% overall ($9,740,247 - $8,773,496 = $966,751 or $966,751 / $8,773,496 = 11.02%). The majority of the components are based on specific cost indexes and/or formulas as explained previously. Disposal costs are based on projections and actuals and are made of three components the (i) Contractor's projected costs, (ii) the Contractors' actual costs of the year prior, and the (iii) Contractor's previous projection. Provided below in Table 3 – 2 is a summary of the changes in target revenue compared from 2023 to 2024.

Table 3 – 2
Summary of Changes in Total Target Revenue from 2023 to 2024

Cost Component	2023 Target Revenue	2024 Target Revenue	$ Difference	% Difference
Base Contractor Compensation				
Direct Labor Related	$2,311,915	$2,382,648	$70,734	3.06%
Direct Fuel Costs	335,161	287,249	(47,912)	-14.30%
General Expense Direct & Indirect	1,320,315	1,393,783	73,468	5.56%
Depreciation	281,317	281,317	0	0.00%
Profit	445,997	456,105	10,108	2.27%
Interest	73,679	73,679	0	0.00%
Total Base Compensation	**$4,768,384**	**$4,874,782**	**$106,398**	**2.23%**
Performance (Inc.) / Dis.	(5,459)	(6,147)	(688)	12.60%
Total Pass Thru Costs				
Disposal Projected Cost (i)	$1,745,620	$2,241,715	$496,095	28.42%
Disposal Actual Prior Year Cost (ii)	1,772,859	1,843,054	70,195	3.96%
Disposal Prior Projected Cost (iii)	(1,789,017)	(1,745,620)	43,397	-2.43%
Agency Payments	2,281,109	2,535,464	251,355	11.02%
Total Pass Thru Costs	**$4,010,571**	**$4,871,613**	**$861,042**	**21.47%**
Plus Disincentive Payable 2021	0	0	0	0.00%
Total Target Revenue	**$8,773,496**	**$9,740,247**	**$966,751**	**11.02%**

In a more simplified or summarized manner, The rate adjustment multiplier is composed of three elements; the 2024 CPI cost adjustments, the 2023 Incentive/Disincentive adjustment, and the 2024 pass through costs which comprise both disposal and agency payment. Table 3 - 3 summarizes this adjustment by component.

Table 3 – 3
Summary of 2024 Rate Adjustment to 2023 Rates

Cost Component	2023 Target Revenue	2024 Target Revenue	$ Difference	% Adjustment to 2023 Rates
Total Base Compensation	$4,768,384	$4,874,782	$106,398	2.23%
Performance (Inc.)./Dis.	(5,459)	($6,147)	(688)	12.60%
Pass Thru Costs	4,010,571	4,871,613	861,041	21.47%
Plus Disincentive Payable 2022	0	0	0	0.00%
Total Target Revenue	**$8,773,496**	**$9,740,247**	**$966,751**	**11.02%**

3.6 Conclusions Regarding the Calculation of the Maximum Rate

Based on the review of the Recology rate calculation, HDR concluded that the calculation as provided by Recology appears appropriate and in keeping with the current Agreement. In reaching this conclusion, HDR reviewed and verified the data inputs into the calculation, while also confirming the overall methodology and calculations. Based upon our conclusions, the calculated Maximum Rate Index for 2024 is an increase of 11.02% in overall rates for regularly scheduled services.

4 Review of the Proposed 2024 Solid Waste Rates

4.1 Introduction

In the previous section of this report, the cost basis for the City's 2024 solid waste rates was reviewed and provides the basis for determining the City's maximum rates for rate year 2024. This section of the report will review the maximum solid waste rates for Regularly Scheduled Services (Attachment L) and Additional Services (Attachment Q).

4.2 Residential Regularly Scheduled Service (Attachment L)

From the review of the rate index multiplier, it was concluded that the analysis developed by Recology appears to comply with the City's Agreement. The overall adjustment to revenues derived from rates for 2024 is a 11.02% increase in the existing rates. In developing the calculated maximum rates, Recology provided a schedule of the rates. HDR reviewed the calculated maximum rates to confirm that they use the appropriate multiplier. Presented below is a discussion of the present solid waste rates and the proposed 2024 rates for residential and commercial customers. Provided below in Table 4 – 1 are the proposed 2024 Residential rates for Schedule L (regularly scheduled services).

Table 4 – 1
Summary of the Present and Proposed Residential Solid Waste Rates
(Regularly Scheduled - $/Month)

Schedule	Schedule Description	Present Monthly Rate	Proposed 2024 Rates	$/Month Change
R20G	Residential Waste - 20 Gallons	$36.22	$40.21	$3.99
R32G	Residential Waste - 32 Gallons	43.21	47.97	4.76
R64G	Residential Waste - 64 Gallons	85.06	94.43	9.37
R96G	Residential Waste - 96 Gallons	127.59	141.65	14.06

4.3 Commercial Carts Regularly Scheduled Service (Attachment L)

Some commercial waste customers have similar service to the residential customers in that they have cart sizes that range from 20 gallons to 96 gallons. However, a difference between the residential and commercial service is the number of pick-ups per week. A commercial customer may choose their level of service (number of pick-ups per week). Presented in Table 4 – 2 is a summary of the current commercial rates and the calculated maximum rate for 2024. The maximum calculated rate assumes a 11.02% increase from the present rates. Some minor rounding of the rates may occur for purposes of ease of administration.

Table 4 – 2
Summary of the Present and Calculated Max. Commercial Solid Waste Rates
(By Gallon Cart Size; Regularly Scheduled - $/Month)

Schedule		Collection – Times Per Week 1	2	3	4	5	6	7
C20G	**Commercial Waste – 20 Gallon**							
	Present 2023 Monthly Rate	$46.21	$95.06	$141.53	$194.31	$245.84	$307.60	$374.71
	Calculated Maximum 2024 Rate	$51.30	$105.54	$157.13	$215.72	$272.93	$341.50	$416.00
	$/Month Change	$5.09	$10.48	$15.60	$21.41	$27.09	$33.90	$41.29
C32G	**Commercial Waste – 32 Gallon**							
	Present 2023 Monthly Rate	$51.31	$105.63	$157.23	$215.89	$273.13	$341.77	$416.33
	Calculated Maximum 2024 Rate	$56.96	$117.27	$174.56	$239.68	$303.23	$379.43	$462.21
	$/Month Change	$5.65	$11.64	$17.33	$23.79	$30.10	$37.66	$45.88
C64G	**Commercial Waste – 64 Gallon**							
	Present 2023 Monthly Rate	$99.22	$200.21	$303.77	$408.45	$519.19	$632.69	$740.66
	Calculated Maximum 2024 Rate	$110.15	$222.27	$337.25	$453.46	$576.40	$702.41	$822.28
	$/Month Change	$10.93	$22.06	$33.48	$45.01	$57.21	$69.72	$81.62
C96G	**Commercial Waste – 96 Gallon**							
	Present 2023 Monthly Rate	$143.41	$293.76	$445.79	$603.02	$762.38	$959.67	$1,119.60
	Calculated Maximum 2024 Rate	$159.21	$326.13	$494.92	$669.47	$846.39	$1,065.43	$1,242.98
	$/Month Change	$15.80	$32.37	$49.13	$66.45	$84.01	$105.76	$123.38

As can be seen, the rates have maintained the existing structure for commercial waste customers with carts.

4.4 Commercial Waste Bins Regularly Scheduled Service

Other commercial customers have larger bins which range in size from 1 yard to 6 yards. These commercial waste customers also have the option of different levels of service and can select the number of pick-ups per week. Presented in Table 4 – 3 is a summary of the current commercial waste bin rates and the calculated maximum rate for 2024. The maximum calculated rate assumes a 11.02% increase from the present rates. Some minor rounding of the rates may occur for purposes of ease of administration.

Table 4 – 3
Summary of the Present and Calculated Max. Commercial Solid Waste Rates
(By Yard Cart Size; Regularly Scheduled - $/Month)

Schedule		Collection – Times Per Week 1	2	3	4	5	6	7
C1YG	**Commercial Waste - 1 Yard**							
	Present 2023 Monthly Rate	$240.64	$489.93	$743.49	$1,000.01	$1,258.59	$1,570.78	$1,853.33
	Calculated Maximum 2024 Rate	$267.16	$543.92	$825.42	$1,110.21	$1,397.29	$1,743.88	$2,057.57
	$/Month Change	$26.52	$53.99	$81.93	$110.20	$138.70	$173.10	$204.24
C2YG	**Commercial Waste - 2 Yard**							
	Present 2023 Monthly Rate	$484.06	$976.06	$1,472.71	$1,972.97	$2,480.30	$2,928.14	$3,467.88
	Calculated Maximum 2024 Rate	$537.40	$1,083.62	$1,635.00	$2,190.39	$2,753.63	$3,250.82	$3,850.04
	$/Month Change	$53.34	$107.56	$162.29	$217.42	$273.33	$322.68	$382.16
C2YG1	**Commercial Waste - 2 Yard**							
	Present 2023 Monthly Rate	$484.06	$976.06	$1,472.71	$1,972.97	$2,480.30	$2,928.14	$3,467.88
	Calculated Maximum 2024 Rate	$537.40	$1,083.62	$1,635.00	$2,190.39	$2,753.63	$3,250.82	$3,850.04
	$/Month Change	$53.34	$107.56	$162.29	$217.42	$273.33	$322.68	$382.16
C3YG	**Commercial Waste - 3 Yard**							
	Present 2023 Monthly Rate	$730.04	$1,468.88	$2,212.06	$2,957.46	$3,705.43	$4,498.23	$5,296.56
	Calculated Maximum 2024 Rate	$810.49	$1,630.75	$2,455.83	$3,283.37	$4,113.77	$4,993.93	$5,880.24
	$/Month Change	$80.45	$161.87	$243.77	$325.91	$408.34	$495.70	$583.68
C4YG	**Commercial Waste - 4 Yard**							
	Present 2023 Monthly Rate	$996.57	$2,010.36	$3,024.18	$4,049.52	$5,079.19	$6,151.58	$7,246.41
	Calculated Maximum 2024 Rate	$1,106.39	$2,231.90	$3,357.44	$4,495.78	$5,638.92	$6,829.48	$8,044.96
	$/Month Change	$109.82	$221.54	$333.26	$446.26	$559.73	$677.90	$798.55
C6YG	**Commercial Waste - 6 Yard**							
	Present 2023 Monthly Rate	$1,532.65	$3,108.45	$4,672.53	$6,223.29	$7,796.16	$9,424.87	$11,038.73
	Calculated Maximum 2024 Rate	$1,701.55	$3,451.00	$5,187.44	$6,909.10	$8,655.30	$10,463.49	$12,255.20
	$/Month Change	$168.90	$342.55	$514.91	$685.81	$859.14	$1,038.62	$1,216.47

The commercial waste rates for customers with bins have maintained the existing rate structure and rate relationships.

4.5 Commercial Organics Bins Regularly Scheduled Service

The rate charged for commercial organics is tied to the commercial waste rate. Commercial organics rates are charged at 70% of the commercial waste rate, for a comparable size bin. Similar to the commercial waste bin customers, commercial organics customers have bins which range in size from 1 yard to 6 yards. Similar to the commercial waste customer, the commercial organics customers also have the option of different levels of service and can select the number of pick-ups per week. Presented in Table 4 – 4 is a summary of the current commercial organics bin rates and the calculated maximum rate for 2024. The maximum calculated rate assumes a 11.02% increase from the present rates. Some rounding of the rates may occur for purposes of ease of administration.

Table 4 – 4
Summary of the Present and Calculated Maximum Commercial Organics
(By Bin Size in Yards; Regularly Scheduled - $/Month)

Schedule		Collection – Times Per Week 1	2	3	4	5	6	7
C1YO	**Commercial Waste - 1 Yard**							
	Present 2023 Monthly Rate	$168.46	$342.94	$520.43	$700.01	$881.02	$1,099.56	$1,297.34
	Calculated Maximum 2024 Rate	$187.02	$380.73	$577.78	$777.15	$978.11	$1,220.73	$1,440.31
	$/Month Change	$18.56	$37.79	$57.35	$77.14	$97.09	$121.17	$142.97
C2YO	**Commercial Waste - 2 Yard**							
	Present 2023 Monthly Rate	$338.85	$683.23	$1,030.90	$1,381.07	$1,736.18	$2,049.69	$2,427.52
	Calculated Maximum 2024 Rate	$376.19	$758.52	$1,144.51	$1,533.26	$1,927.51	$2,275.57	$2,695.03
	$/Month Change	$37.34	$75.29	$113.61	$152.19	$191.33	$225.88	$267.51
C3YO	**Commercial Waste - 3 Yard**							
	Present 2023 Monthly Rate	$511.02	$1,028.25	$1,548.45	$2,070.22	$2,593.79	$3,148.77	$3,707.59
	Calculated Maximum 2024 Rate	$567.33	$1,141.56	$1,719.09	$2,298.36	$2,879.63	$3,495.76	$4,116.17
	$/Month Change	$56.31	$113.31	$170.64	$228.14	$285.84	$346.99	$408.58
C4YO	**Commercial Waste - 4 Yard**							
	Present 2023 Monthly Rate	$697.60	$1,407.25	$2,116.92	$2,834.67	$3,555.42	$4,306.14	$5,072.49
	Calculated Maximum 2024 Rate	$774.48	$1,562.33	$2,350.20	$3,147.05	$3,947.23	$4,780.68	$5,631.48
	$/Month Change	$76.88	$155.08	$233.28	$312.38	$391.81	$474.54	$558.99
C6YO	**Commercial Waste - 6 Yard**							
	Present 2023 Monthly Rate	$1,072.86	$2,175.92	$3,270.75	$4,356.31	$5,457.32	$6,597.40	$7,727.11
	Calculated Maximum 2024 Rate	$1,191.09	$2,415.71	$3,631.19	$4,836.38	$6,058.72	$7,324.43	$8,578.64
	$/Month Change	$118.23	$239.79	$360.44	$480.07	$601.40	$727.03	$851.53

4.6 Commercial Organics Carts Regularly Scheduled Service

Commercial customers can also have the smaller gallon-sized carts for organic waste. Presented in Table 4 – 5 is a summary of the current commercial organics cart rates and the calculated maximum rate for 2024. The maximum calculated rate assumes a 11.02% increase from the present rates. Some minor rounding of the rates may occur for purposes of ease of administration.

Table 4 – 5
Summary of the Present and Calculated Maximum Commercial Organics
(By Gallon Cart Size; Regularly Scheduled - $/Month)

Schedule		Collection – Times Per Week 1	2	3	4	5	6	7
C32O	**Commercial Organics – 32 Gallon**							
	Present 2023 Monthly Rate	$35.94	$73.94	$110.06	$151.14	$191.20	$239.26	$291.45
	Calculated Maximum 2024 Rate	$39.90	$82.09	$122.19	$167.80	$212.27	$265.63	$323.57
	$/Month Change	$3.96	$8.15	$12.13	$16.66	$21.07	$26.37	$32.12
C64O	**Commercial Organics – 64 Gallon**							
	Present 2023 Monthly Rate	$69.47	$140.15	$212.63	$285.93	$363.44	$442.85	$518.46
	Calculated Maximum 2024 Rate	$77.13	$155.59	$236.06	$317.44	$403.49	$491.65	$575.59
	$/Month Change	$7.66	$15.44	$23.43	$31.51	$40.05	$48.80	$57.13
C96O	**Commercial Organics – 96 Gallon**							
	Present 2023 Monthly Rate	$100.39	$205.62	$312.05	$422.10	$533.66	$671.76	$783.72
	Calculated Maximum 2024 Rate	$111.45	$228.28	$346.44	$468.62	$592.47	$745.79	$870.09
	$/Month Change	$11.06	$22.66	$34.39	$46.52	$58.81	$74.03	$86.37

The commercial organics cart rates have maintained the existing rate structure and rate relationships.

4.7 Other Miscellaneous Solid Waste Rates

The solid waste rates also include other solid waste rates for multi-family customers. The maximum calculated rate assumes a 11.02% increase from the present rates. Some minor rounding of the rates may occur for purposes of ease of administration. These rates are shown below in Table 4 – 6.

Table 4 – 6
Summary of the Present and Calculated Maximum Other Miscellaneous Solid Waste Rates (Regularly Scheduled - $/Month)

Schedule		Rate
C3CG	**Commercial Waste 3 Yard Compactor**	
	Present 2023 Monthly Rate	$1,753.01
	Calculated Maximum 2024 Rate	$1,946.19
	$/Month Change	$193.18
	Solid Waste Compactor Rate Per Yard	
	Present 2023 Monthly Rate	$134.87
	Calculated Maximum 2024 Rate	$149.73
	$/Month Change	$14.86

4.8 Rates for Additional Services (Attachment Q)

Recology also provides a number of services that are not considered "regularly scheduled" services and these particular services are not included as a part of the Attachment L rates discussed above. These services are considered "Additional Services" (i.e., Schedule Q) and as discussed in Section 2, they are adjusted using a cost index for general inflation.

The Maximum Rate set forth in Attachment Q is adjusted annually by multiplying the then effective April CPI-U General for the year in which rates are set and divided by the April CPI-U from the year prior to the year in which rates are set. For example, the April CPI-U-General is 338.496 for 2023 and the April CPI-U-General for 2022 is 324.878. Therefore, each Maximum Rate is multiplied by the April CPI-U-General for 2023 and divided by the April CPI-U-General for 2022. This resulted in an overall rate increase of 4.19% (338.496 / 324.878) for Attachment Q rates effective in 2024 for the additional services. Details of the Additional Service rates (Schedule Q) can be found in Technical Appendix B.

4.9 City Council Review

The results of the study will be presented to the City of Belmont City Council on September 12, 2023. This reflects the proposed 11.02% rate adjustment for 2024 rates for the scheduled services, Schedule L, and a 4.19% rate adjustment for additional services, Schedule Q. If accepted by the City Council, the proposed rates will be presented at a public hearing on November 14, 2023.

4.10 Summary

HDR reviewed the Recology rate calculation and concluded that the resulting maximum solid waste rates for both regularly scheduled services (Attachment L) and additional services (Attachment Q) for rate year 2024 were calculated in a manner which reflected the intent of the Agreement.

5 Summary of Solid Waste Rate Findings, Conclusions and Recommendations

5.1 Introduction

This report has reviewed the calculated Maximum Rate as developed by Recology. HDR used a systematic process to review the base-year costs, along with the resulting maximum rates for regularly scheduled service.

5.2 Summary Findings, Conclusions and Recommendations

HDR has confirmed that the rate adjustment application and the accompanying maximum rate schedules submitted by Recology meet the requirements of the Agreement. On September 12, 2023, HDR will present the proposed 2024 rates for Schedule L of 11.02% and unscheduled services, Schedule Q, of 4.19% to the City Council. If accepted by the City Council, the proposed rates will be presented at a public hearing on November 14, 2023.

5.3 Looking Ahead – Future Rate Adjustment to 2025

The 2025 rate adjustment will include CPI value adjustment components for the current year (2024 for rate year 2025) compared to the 2020 CPI value components and the adjusted 2021 target revenue. The multiplier will be based on the 2025 Total Target Revenue compared to the 2024 Total Target Revenue of $9,740,248.

5.4 Summary

This completes the review conducted by HDR for the City of Belmont on the proposed 2024 Solid Waste rates. This report has met the City's requirement to conduct a due diligence on the proposed compensation to Recology and the resulting regularly scheduled and additional services solid waste rates.

Technical Appendix A – Attachment L
Regularly Scheduled Service

The following table specifies Maximum Allowable Rates for Regularly Scheduled Services. These Maximum Rates shall be adjusted annually in accordance with Article 11. The following Attachment L rates are the proposed 2024 rates.

Attachment L
Maximum Rate Schedule
Effective January 1, 2024 to December 31, 2024
Monthly Rate

RESIDENTIAL CARTS

	Cart Size (in Gallons)			
	20	**32**	**64**	**96**
1 Pickup Per Week	$40.21	$47.97	$94.43	$141.65

Residential customers are billed based on their Garbage Cart size.
The monthly rate above includes the following:

- One (1) Garbage Cart provided to customer
- Curbside Household Hazardous Waste Collection
- One (1) 64-Gallon Recycling Cart and (1) 96-Gallon Yard Waste Cart

Attachment L
Maximum Rate Schedule
Effective January 1, 2024 to December 31, 2024
Monthly Rate

COMMERCIAL CARTS

		Cart Size (in Gallons)			
		20	32	64	96
# of Pickups Per Week	1	$51.30	$56.96	$110.15	$159.21
	2	105.54	117.27	222.27	326.13
	3	157.13	174.56	337.25	494.92
	4	215.72	239.68	453.46	669.47
	5	272.93	303.23	576.40	846.39
	6	341.50	379.43	702.41	1,065.43
	7	416.00	462.21	822.28	1,242.98

The monthly rate above includes the following:

One (1) Garbage Cart

Recycling Cart

COMMERCIAL CARTS ORGANICS

		Cart Size (in Gallons)		
		32	64	96
# of Pickups Per Week	1	$39.90	$77.13	$111.45
	2	82.09	155.59	228.28
	3	122.19	236.06	346.44
	4	167.80	317.44	468.62
	5	212.27	403.49	592.47
	6	265.63	491.65	745.79
	7	323.57	575.59	870.09

Not Organics containers are charged at seventy percent (70%) of the similar Garbage commercial cart rate above container size and service levels for Garbage, representing a thirty percent (30%) discount

Attachment L
Maximum Rate Schedule
Effective January 1, 2024 to December 31, 2024
Monthly Rate

COMMERCIAL BINS

# of Pickups Per Week	Bin Size (in Cubic Yards) 1	2	3	4	6
1	$267.16	$537.40	$810.49	$1,106.39	$1,701.55
2	543.92	1,083.62	1,630.75	2,231.90	3,451.00
3	825.42	1,635.00	2,455.83	3,357.44	5,187.44
4	1,110.21	2,190.39	3,283.37	4,495.78	6,909.10
5	1,397.29	2,753.63	4,113.77	5,638.92	8,655.30
6	1,743.88	3,250.82	4,993.93	6,829.48	10,463.49
7	2,057.57	3,850.04	5,880.24	8,044.96	12,255.20

The monthly rate above includes the following:

One (1) Garbage Bin

Recycling container at customer's requested size

COMMERCIAL BINS ORGANICS

# of Pickups Per Week	Bin Size (in Cubic Yards) 1	2	3	4	6
1	$187.02	$376.19	$567.33	$774.48	$1,191.09
2	380.73	758.52	1,141.56	1,562.33	2,415.71
3	577.78	1,144.51	1,719.09	2,350.20	3,631.19
4	777.15	1,533.26	2,298.36	3,147.05	4,836.38
5	978.11	1,927.51	2,879.63	3,947.23	6,058.72
6	1,220.73	2,275.57	3,495.76	4,780.68	7,324.43
7	1,440.31	2,695.03	4,116.17	5,631.48	8,578.64

Not Organics containers are charged at seventy percent (70%) of the similar garbage container size above and service level for garbage, representing a thirty percent (30%) discount

Attachment L
Maximum Rate Schedule
Effective January 1, 2024 to December 31, 2024
Monthly Rate

GARBAGE COMPACTORS	
Commercial Waste 3 Yard Compactor	$1,946.19
Solid Waste Compactor Rate Per Yard	$149.73

The monthly fee above includes the following:

Recycling container at customer's requested size

Technical Appendix B – Attachment Q
Additional Services

The following table specifies Maximum Allowable Rates for Additional Services. These Maximum Rates shall be adjusted annually in accordance with Article 11. The following Attachment Q rates are the proposed 2024 rates.

Schedule Q
Additional Services (Continued)

No.	Additional Service Category	Reference	Agency-Approved Maximum Rate	Description
1	Single-Family Dwelling Backyard Collection Service	Section 5.02.A	See Maximum Rate in the table at the end of this Attachment	See Maximum Rate in the table at the end of this Attachment
2	Long Distance Service for MFD, Mixed Use, and Commercial Accounts (Note: only applicable to Containers with wheels)	Section 5.02.B, 5.02.C; 8.02 B	A - No more than 10% of base monthly Maximum Rate of the Collection Rate for each Container requiring Long Distance Service B - 25% of base monthly Rate of the Collection Rate for each Container requiring Long Distance Service	A - Distance greater than 50 feet and less than or equal to 100 feet B - Distance greater than 100 feet Distance shall be measured from the face of the curb, or from the edge of the roadway nearest the closest edge of the Container, if there is no curb.

No.	Additional Service Category	Reference	Agency-Approved Maximum Rate	Description
3	Container Relocation Service	Section 5.02.B and 8.02.B	A - 12% of base monthly Rate of the Collection Rate for each Container requiring Container Relocation Service B - 27% of base monthly Rate of the Collection Rate for each Container requiring Container Relocation Service	A - Distance greater than 50 feet and less than or equal to 100 feet B - Distance greater than 100 feet Distance shall be measured from the face of the curb, or from the edge of the roadway nearest the closest edge of the Container, if there is no curb.
4	On-Call, Pick-up for SFD, MFD, Mixed Use, and Commercial Customers	Section 5.02.A, 5.02.B, and 5.02.C	25% of the base monthly Rate for the size of Container Collected once per week.	Per Collection event per Container for Collection requested by Customer

Schedule Q
Additional Services (Continued)

No.	Additional Service Category	Reference	Agency-Approved Maximum Rate	Description
5	Return Trip (SFD, MFD, Mixed Use, or Commercial)	Sections 5.02.A, B, C; 5.03.A, B, C; 5.04.A, B, C	$20.16 for SFD $20.16 for Commercial, Mixed Use, and MFD	Per Collection event (i.e. request to return and provide Collection service after the Customer failed to properly set out their Container(s) for regularly scheduled Collection)
6	Additional Targeted Recyclable Materials or Organic Materials Cart Service for SFD	Sections 5.03.A and 5.04.A	$1.32 per Recycling Cart $4.01 per Organic Materials Cart	Per Cart month (any Cart size). Six month minimum charge required. Includes one-time Cart delivery upon start of service and removal of Cart when service is discontinued by Customer.
7	Additional On-Call Bulky Item Collection	Sections 5.05, 5.06	$109.61	Per Bulky Item Collection event (in addition to the events provided at no charge to Customer pursuant to Section 5.12)
8	Collect Contaminated Targeted Recyclable Materials or Organic Materials Container	Section 6.03.A and 8.02.F	25% of base monthly Solid Waste Rate for the size of Container Collected once per week plus Return Trip Fee if applicable	Per Collection event for Container with Contamination Level greater than the maximum level pursuant to Table 1 in Section 6.02.B
9	Lock Service (Key Service)	Section 8.02.B	A - $11.42 per usage B - $12.76 per usage	Monthly cost: A-Residential Customers B-Commercial Customers
10	Lock Purchase	Section 8.02.B	$22.85 per lock	Per lock

No.	Additional Service Category	Reference	Agency-Approved Maximum Rate	Description
11	Overage Service	Section 8.02.G	100% of the base monthly Solid Waste Collection Rate	Per Collection event (after the first two events)
12	Overage Bags Cost	Section 8.02.G	50% of the base monthly Solid Waste Collection Rate or $10.74 minimum	Per bag
13	Container Cleaning Service	Section 8.05.D	A - $67.20 B - $114.24	A - per Cart B - per Bin or Drop-Box Charge only applies to cleaning or Container exchange in addition to the service to be provided at no charge to the Customer pursuant to Section 8.05.D.
14	Dirty Cart Replacement (Exchange) Service	Section 8.05.D	A - $87.36 B - $100.80 C - $114.24	A - per 32 gallon Cart B - per 64 gallon Cart C - per 96 gallon Cart Charge only applies to cleaning or Container exchange in addition to the service to be provided at no charge to the Customer pursuant to Section 8.05.D.
15	Additional Confidential Document Destruction Service Event	Section 5.07	$1,612.72	Per event

Schedule Q
Additional Services (Continued)

No.	Additional Service Category	Reference	Agency-Approved Maximum Rate	Description
16	Additional Compost Material Delivery	Section 5.11	A - $167.98 per delivery B - $335.99 per delivery	A - "one-way" only delivery by Contractor where Contractor delivers to and unloads compost at an Agency-approved location B- "Round-trip" delivery by Contractor where Contractor delivers compost in a Drop Box to an Agency-approved location and returns at a later time or date to pick up the Drop Box and any remaining compost (charge includes the delivery of and later pick-up of the Drop Box)
17	Community Drop-Off Events	Section 5.13	$27,416.46 per event or day	Per event or day targeting 5,000 households. Does not include disposal or public education expenses.

No.	Additional Service Category	Reference	Agency-Approved Maximum Rate	Description
18	Collection for Agency-Sponsored and Non-Agency sponsored Community Events	Section 5.08	A - $4,031.82 B - $6,719.71 C - $10,079.58	A - One day event with a projected 2,500 or fewer attendees B - One (1) or two (2) day events with a projected 2,501 to 7,500 attendees per day C - One (1) or two (2) day events with a projected 7,501 to 10,000 attendees per day

Schedule Q
Additional Services (Continued)

Backyard Collection Service Charge for Single Family Dwellings (Section 5.02.A)				
ı Curb**	One (1) Solid Waste Cart	Two (2) Solid Waste Carts	Three (3) Solid Waste Carts	Four (4) Solid Waste Carts
Distance <= 50 feet	$24.17	$38.58	$77.21	$115.79
50 < Distance <= 100 feet	28.23	42.64	81.23	119.84
100 < Distance <= 150 feet	32.24	46.66	85.24	123.86
150 < Distance <= 200 feet	36.29	50.70	89.28	127.91
200 < Distance <= 250 feet	40.31	54.72	93.33	131.94
250 < Distance <= 300 feet	44.35	58.75	97.36	135.95
300 < Distance <= 350 feet	48.39	62.78	101.40	139.98
Each additional 50 foot increment over 350 feet	Amount equal the difference between the Charge for 250 to 300 feet and 300 to 350 feet			

* Backyard Collection Service Charges are charges added to the base monthly Rate for Single-Family Collection service, and cover the provision of Backyard Collection Service for all Customer's Solid Waste, Recyclable Materials, and Organic Materials Carts.

** Distance shall be measured from the face of the curb, or from the edge of the roadway nearest the closest edge of the Cart, if there is no curb.

CITY OF BELMONT
1 Twin Pines Lane
Belmont, CA 94002

Presorted
First-Class Mail
U.S. Postage
PAID
San Bruno, CA
Permit No. 655

This notice is to advise Belmont property owners and solid waste customers of the City Council proceedings to consider maximum allowable rates for garbage and recyclables collection services in the City of Belmont.

Adoption of new rates will result in the maximum rates related charges in 2024. Belmont follows the protest procedures of Proposition 218 and Article XIIID of the California Constitution.

WHAT DO RATES PAY FOR?

- **Operation of the Shoreway Environmental Center for waste and recycling**
- **Residential weekly curbside collection for garbage, recycling, and organics**
- Commercial collection for garbage, recycling, and organics
- Two free pre-scheduled bulky item pick-ups per year.
- Curbside cell phone & battery collection -- *place on top of black cart in a clear plastic bag*
- Holiday tree recycling
- Free mattress recycling at Shoreway
- Once-a-year free, confidential document shredding event
- Energy-efficient, cleaner emission garbage and recycling collection trucks
- Street Sweeping

For additional information and to see a complete listing of all proposed rates, including commercial rates, visit www.belmont.gov/departments/public-works/garbage-recycling.

Proposed Rates effective Jan. 1, 2024 through Dec. 31, 2024 - 11.02% *increase over 2023 rates.*

COMMERICAL CARTS

Monthly rates based on cart size in gallons. Organics rates on webpage.

# of pickups per **week**	20	32	64	96
1	$51.30	$56.96	$110.15	$159.21
2	105.54	117.27	222.27	326.13
3	157.13	174.56	337.25	494.92
4	215.72	239.68	453.46	669.47
5	272.93	303.23	576.40	846.39
6	341.50	379.43	702.41	1,065.43
7	416.00	462.21	822.28	1,242.98

COMMERICAL BINS

Monthly rates based on bin size in cubic yards. Organics rates on webpage.

# of pickups per **week**	1	2	3	4	6
1	$267.16	$537.40	$810.49	$1,106.39	$1,701.55
2	543.92	1,083.62	1,630.75	2,231.90	3,451.00
3	825.42	1,635.00	2,455.83	3,357.44	5,187.44
4	1,110.21	2,190.39	3,283.37	4,495.78	6,909.10
5	1,397.29	2,753.63	4,113.77	5,638.92	8,655.30
6	1,743.88	3,250.82	4,993.93	6,829.48	10,463.49
7	2,057.57	3,850.04	5,880.24	8,044.96	12,255.20

See reverse for residential rate proposals.

HOW CAN I OPPOSE THE PROPOSED RATES?

To oppose the proposed rate changes, submit a formal written protest at the hearing or, via postal mail or hand delivery, to the City Clerk's office.

A formal written protest must be submitted in writing, contain a description of the property (street address) and include the original signature of the property owner or solid waste customer (per state law, fax or e-mail is not acceptable). Protests will be tabulated pursuant to procedures that have been adopted by the City Council.

If written protests are submitted with respect to a majority (50% plus 1) of the affected parcels within the City, then the proposed changes will not be approved.

Protests may be mailed to: **City Clerk, City of Belmont, 1 Twin Pines Lane, Suite 340, Belmont, CA 94002**

Notice of Public Hearing

TUESDAY, NOV. 14, 2023
7 P.M.

CITY COUNCIL CHAMBERS
1 Twin Pines Lane
Belmont, CA 94002

ZOOM: **BELMONT-GOV.ZOOM.US**
MEETING ID: 95745673035

Or scan this QR code

In 2018, Belmont entered into an amended and restated Franchise Agreement with Recology of San Mateo County (Recology) for recyclable materials, organic materials, and solid waste collection services from Jan. 1, 2021 to December 31, 2035. The Franchise Agreement provides for an annual review of the maximum rates that Recology may charge Belmont residential and commercial customers for regular and unscheduled services. Each year, Recology proposes, City staff analyzes, and the City Council adopts the maximum allowable rates per the Franchise Agreement. For calendar year 2024, Recology is proposing an adjustment multiplier rate of 11.02%, which is the proposed 2024 rate increase to all the residential and commercial carts and bins over rates charged in 2023.

Residential customers are offered different cart sizes ranging from 20-gallon to 96-gallon. For calendar year 2024, the proposed maximum rates are as follows: 20-galloncart at $40.21; 32- gallon cart at $47.97; 64-gallon cart at $94.43; and the 96-gallon cart at $141.65. The proposed 2024 commercial adjustment multiplier rate is an increase of 11.02% over the 2023 rates for all carts and bins. See residential carts chart below.

Did you know? Recology also provides several "Additional Services" that are not considered "regularly scheduled" services, such as return trip, additional on-call bulky item collection, lock service, container cleaning service, and others. An overall rate increase of 4.19% for calendar year 2024 is being proposed for Additional Services. For a detailed listing of all proposed rates, including commercial rates, please visit **www.belmont.gov/departments/public-works/garbage-recycling.**

RESIDENTIAL CARTS

Cart Size in Gallons	Waste Description	2023 CURRENT RATES	PROPOSED RATES 2024	$/Month Change
20	Residential Waste 20 Gallons	$36.22	$40.21	$3.99
32	Residential Waste 32 Gallons	$43.21	$47.97	$4.76
64	Residential Waste 64 Gallons	$85.06	$94.43	$9.37
96	Residential Waste 96 Gallons	$127.59	$141.65	$14.06

Rate based on one (1) pickup per week.

Residential customers are billed based on their garbage cart size. The monthly rate noted here includes the following:

- One (1) garbage cart provided to customer.
- Two (2) bulky items collections annually.
- One (1) 64-gallon recycling cart & One (1) 96-gallon yard waste cart.

WHAT GOES WHERE?

Need help sorting your waste?
Visit: **www.recology.com/recology-san-mateo-county/what-goes-where-residential/**



Happy planet says 'Thank you, for recycling!'

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY

South Bayside Waste Management Authority (SBWMA), also known as **Rethinkwaste.org**, is comprised of 11 member agencies, including: Belmont, Burlingame, East Palo Alto, Foster City, Hillsborough, Menlo Park, Redwood City, San Carlos, City of San Mateo, County of San Mateo, and the West Bay Sanitary District.

Each member agency has its own Franchise Agreement with Recology for garbage and recycling collection services within its own jurisdictions.

SBWMA provides coordinated waste management related staff services to member agencies and manages the operations of the Shoreway Environmental Center in San Carlos. The Shoreway Center is open to all.

See reverse for commercial rate proposals and rate protest instructions.

Meeting Date: November 14, 2023

Agency: City of Belmont

Staff Contact: Ann Ritzma, Interim Administrative Services Director, aritzma@belmont.gov

Agenda Title: City Council Compensation Review

Agenda Action: Discussion & Direction

Recommendation

Review the options for City Council compensation and provide direction to staff.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

On September 12, 2023, Councilmember Latimerlo and Mayor Mates brought forward a matter of Council discussion on the topic of Councilmember compensation. In July, in an effort to increase equitable representation at city government levels, the State of California passed legislation (SB 329: city council members: compensation. (ca.gov)) which increases the salary that may be paid by ordinance to City Council members in cities of 35,000 or fewer in population. SB 329 addresses the issue of stagnant compensation for city council members in general law cities.

The analysis of the SB 329 states, "Lengthy time commitments and limited pay discourage many, especially low-income residents, single parents, people of color, and young people, from running for public office. For many, being a council member is a full-time commitment with part-time pay. This important legislation lessens barriers for those interested in governing at the local level. This overdue reform is another tool communities can choose to use that can help ensure our city councils are reflective of the residents who live, work, and play in their communities."

Existing law authorizes a city council to enact an ordinance to provide each member of the city council with a salary based on the population of the city. The City of Belmont has not had an increase in council compensation since 1995 when it increased by $90 to $390 (present amount) monthly. Increasing council compensation makes serving on a city council viable for individuals from across different incomes levels.

Many of the cities in San Mateo County have increased their council salary within the past ten years. For cities that provide a salary, Belmont is one of the lowest.

City	Monthly Compensation	Effective Date	Population
Daly City*	$2,390	2022	101,243
South San Francisco	$1,000	2018	64,251
Palo Alto	$1,000	2017	63,210
Colma	$961	2018	1,600
Half Moon Bay	$955	2021	11,363
Redwood City*	$750	2022	80,076
Pacifica	$700	2022	37,099
Menlo Park	$600	2018	28,847
East Palo Alto	$600	2018	28,847
San Mateo*	$600	2002	100,106
Burlingame	$590	2023	29,685
San Carlos	$560	2018	29,387
Foster City	$546	2022	35,517
San Bruno	$486	2001	42,275
Brisbane	$400	2015	5,400
Belmont	$390	1995	26,773
Millbrae	$345	1999	22,277
Woodside	$0		
Atherton	$0		
Portola Valley	$0		
Hillsborough	$0		

* The new legislation does not apply to charter cities

Analysis

Council salary can be changed by ordinance or ballot measure. The legislation authorizes an increase in salary by ordinance based on the population of the city. In cities up to and including 35,000 in population, in an amount that would be up to and including $950/month.

The ordinance must be presented in two regular meetings of the City Council. At the first meeting, the proposed ordinance would be presented with findings demonstrating the need for the increased compensation and at the second meeting the ordinance could be considered for adoption. Pursuant to Government Code section 36516.5, any council salary increase may take effect only when at least one member of the council commences for the term of office following the 2024 Municipal Election.

If the city council would like to consider an amount greater than $950, the question of salary can be submitted to the voters in any municipal election.

Alternatives

1. Take no action
2. Direct staff to draft an ordinance for council consideration that increases council salary up to and including $950/month and would be operative on the first payroll following the certification of the next municipal election in November 2024.

Attachments

A. SB 329

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed: Any change to compensation would be incorporated into the into next FY 2024-25 budget during the annual budget development process.

Source:	**Purpose:**	**Public Outreach:**
Council	Discretionary Action	Posting of Agenda

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Senate Bill No. 329

CHAPTER 27

An act to amend Section 36516 of the Government Code, relating to local government.

[Approved by Governor June 29, 2023. Filed with Secretary of State June 29, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 329, Dodd. Cities: city council members: compensation.

Existing law authorizes a city council to enact an ordinance to provide each member of the city council a salary based upon the population of the city, as specified. Existing law authorizes that amount to be increased by the city council by an amount that does not exceed 5% for each calendar year from the operative date of the last adjustment of the salary that is in effect when the increase is enacted. Existing law provides for the procedures by which a city may enact ordinances.

This bill would increase the maximum amount of salary, based upon the population of the city, that may be approved by an ordinance passed by the city council, as specified. The bill would authorize the salary of council members to be increased beyond the specified maximums to an amount not exceeding the greater of either 5% for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted, or an amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10% for each calendar year. The bill would require the city council to consider the adoption of an ordinance to increase council member compensation in open session during at least 2 regular meetings of the city council.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The compensation schedule for general law cities has not been adjusted since 1984, meaning that city council compensation has not kept pace with inflation.

(b) Allowing cities to adjust their compensation for inflation since 1984 may help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families.

SEC. 2. Section 36516 of the Government Code is amended to read:

36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including nine hundred fifty dollars ($950) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including one thousand two hundred seventy-five dollars ($1,275) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including one thousand six hundred dollars ($1,600) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including one thousand nine hundred dollars ($1,900) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including two thousand five hundred fifty dollars ($2,550) per month.

(F) In cities over 250,000 population, up to and including three thousand two hundred dollars ($3,200) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed the greater of either of the following:

(A) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.

(B) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year.

(5) No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount

of compensation, the maximum amount shall be one hundred fifty dollars ($150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

(g) (1) For the purposes of this section, a city council shall consider the adoption of an ordinance to increase compensation in open session during at least two regular meetings of the city council.

(2) At the first meeting, the city council shall present the proposed ordinance, which shall include findings demonstrating the need for the increased compensation. The ordinance shall not be adopted at the first meeting.

(3) At least seven days after the first meeting, the city council shall hold a second meeting to consider whether to adopt the ordinance.

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