

CITY OF BELMONT CITY COUNCIL



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CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, October 8, 2024

6:00 PM

City Council Chambers

City Hall, One Twin Pines Lane, Belmont, California

MEETING ATTENDANCE:

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

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

PUBLIC COMMENT:

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

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

If you wish to submit written public comment, you may send an email to ccclerk@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 time of publication of the agenda and 3 hours before the start of the meeting will be distributed to the Council prior to the meeting and made part of the meeting record. Written public comments will not be read during the Council meeting.

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

The Mayor also has the authority to order any person who willfully interrupts the meeting to be removed. All persons are expected to conduct themselves with civility and courtesy at all times. All

persons giving comments shall speak directly to the Council and address issues, not individuals. Personal attacks, cursing and outbursts from the audience in support or opposition to a speaker are not tolerated in order to foster an environment where everyone feels welcome to speak.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. CLOSED SESSION (none)**
- 5. STUDY SESSION (none)**

REGULAR BUSINESS [7:00 PM]

- 6. REPORT FROM CLOSED SESSION**
- 7. SPECIAL PRESENTATIONS**
 - A. Proclamation Recognizing October as Domestic Violence Awareness Month**
 - B. Recognition of Belmont Softball League Summer Success**
 - C. Parks and Recreation Department Update**

8. 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.

9. COUNCILMEMBER ANNOUNCEMENTS

10. 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. Task Orders with NBS for Tax Roll Billing and Related Proposition 218 Services, and Library Community Facilities District Administration and Continuing Disclosure Services

Recommendation: Adopt a motion authorizing the City Manager to negotiate and execute Amendment to Task Order No. 13 and Task Order No. 14 to the Master Service Agreement with NBS for tax roll billing and Proposition 218 services, and Library Community Facility District administration and continuing disclosure services, respectively, consistent with the 5-year fee schedules included with this staff report

Attachment(s):

[Staff Report](#)

[Attachment A - NBS Proposed SOW - Tax Roll Billing and Calculation and Proposition](#)

[218 Noticing Services](#)

[Attachment B - NBS Proposed SOW - Library CFD Administration and Continuing Disclosure Services](#)

B. Amendment to the Contract with Bear Electric Solutions Inc. for Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation

Recommendation: Adopt a resolution approving an amendment to the to the contract with Bear Electric Solutions Inc. (Bear Electric) for the Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation for an amount not to exceed \$71,870.52, and authorizing the City Manager to approve contract change orders up to a total contingency amount of \$107,370.52 for a total not to exceed contract amount of \$462,370.52 for the Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation, City Contract Number 2023-623

Attachment(s):

[Staff Report](#)
[Resolution](#)

C. Updated Emergency Services Council Joint Powers Agreement

Recommendation: Approve a resolution adopting the Second Revised and Restated Emergency Services Council Joint Powers Agreement (JPA)

Attachment(s):

[Staff Report](#)
[Resolution](#)
[ESC-JPA MOU Draft \(Highlighted\)](#)
[ESC-JPA MOU Draft \(Clean\)](#)

D. Quarterly Strategic Plan Update

Recommendation: Receive an update to the City of Belmont Strategic Plan

Attachment(s):

[Staff Report](#)
[Strategic Plan Dashboard](#)

11. PUBLIC HEARINGS

A. 1041 Hill Street – New Memory Care Facility

Recommendation:

1. Conduct a Public Hearing.
2. Approve impact fee agreement resolving fee dispute.
3. Adopt an Ordinance (2nd Reading) for a Planned Development Zone Amendment and associated Conceptual Development Plan (CDP).
4. Adopt a Resolution approving a Conditional Use Permit and associated Detailed Development Plan (DDP), Grading Plan, Design Review and Tree Removal Permit.
5. Adopt Resolution finding the project is exempt from environmental review per Guidelines 15332, (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).

Attachment(s):

[1041 Hill Street - Memory Care \(2nd Reading Ordinance\) - Staff Report](#)
[Ordinance Rezoning Conceptual Development Plan - Attachment 1](#)
[Ordinance Rezoning Conceptual Development Plan - Attachment 2](#)

- [A. Ordinance Zone Amendment](#)
- [B. Memory Care - Resolution](#)
- [C. CEQA Exemption - Resolution](#)
- [D. Conditions of Approval - Exhibit A](#)
- [E. CEQA Categorical Exemption - Exhibit B](#)
- [F. 9-24-24 City Council Staff Report](#)
- [G. 8-20-24 Planning Commission Staff Report](#)
- [H. FINAL Memory Care Facility Impact Fee Agreement](#)

12. GENERAL BUSINESS (none)

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.

13. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

- A. Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**
- B. Verbal report from City Manager**

14. 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.

15. 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.

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



STAFF REPORT

Meeting Date: October 8, 2024
Agency: City of Belmont
Staff Contact: Grace Castaneda, Finance Director, (650) 595-7436, gcastaneda@belmont.gov
Nawel Voelker, Management Analyst, (650) 595-7433, nvoelker@belmont.gov
Agenda Title: Task Orders with NBS for Tax Roll Billing and Related Proposition 218 Services, and Library Community Facility District Administration and Continuing Disclosure Services
Agenda Action: Motion

Recommendation

Adopt a motion authorizing the City Manager to negotiate and execute Amendment to Task Order No. 13 and Task Order No. 14 to the Master Service Agreement with NBS for tax roll billing and Proposition 218 services, and Library Community Facility District administration and continuing disclosure services, respectively, consistent with the 5-year fee schedules included with this staff report.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

NBS has served as the City's tax rate consultant for services including tax roll billing for sewer service, storm drain, Silicon Valley Clean Water (SVCW) sewer fee charges, and their related Proposition 218 noticing services, as well as Library Community Facility District (CFD) administration and continuing disclosures.

NBS has been performing these services annually to the City's satisfaction. In the past, the City has executed task orders under a Master Service Agreement with NBS on an annual basis, which can be tedious, time consuming, and inefficient given the nature of their work.. As such, staff has requested that NBS provide proposals to perform these same services for a 3-year term with a 2-year option to extend. This reduces the administrative burden of renewing these task orders annually, with a reasonable period of time to measure and ensure performance from NBS, as well as secures current fee structures as proposed.

Analysis

Tax Roll Billing and Calculation Services

The City collects its sewer charges on the County tax roll. Belmont City Code (BCC) Sections 21-70 through 21-78 establish a protocol for the setting and collection of sewer charges, and provides for collection of the charges on the assessment roll in accordance with Health and Safety Code (HSC) Section 5473 et seq. As the City's tax rate consultant, NBS performs such services as data collection, quality control, database maintenance, levy calculation and submittal, production of an annual levy report, and



ongoing consulting support. These services are all provided individually for the City's sewer service charges, storm drain charges, and the SVCW sewer fees.

In addition, under this purview, NBS also provides Proposition 218 noticing services, which pertain to the database creation and mailing services for the City's sewer rate increases.

Library CFD Administration and Continuing Disclosures

The services of a CFD administrator are needed to serve as the City's expert resource to calculate the annual tax levy, answer questions from property owners, and advise the City on particular issues involving the ongoing administration of the Library CFD. Their services include:

- Gathering and reviewing data based on the requirements of the Rate and Method of Apportionment
- Recovering all costs of CFD administration through the levy process
- Calculating and submitting the annual Special Tax Requirement and levy to the County
- Performing cash flow analysis to determine any levy shortfall or surplus collections
- Providing special reports and notices to the Council, as required
- Providing a toll-free phone number for use by the City, property owners, and other interested parties
- Preparing and filing necessary reporting requirements to the California Debt and Investment Advisory Commission (CDIAC)

Based on favorable prior experience, along with NBS's knowledge and experience to perform all of the above-mentioned services, staff recommends continuing with NBS for these services. The contracted work would consist of two task orders, each for 3 years with a 2-year option to extend.

Alternatives

1. Take no action and continue with annual Task Orders for the described work.
2. Refer back to staff with alternative direction.

Attachments

- A. NBS Proposed Scope of Work – Tax Roll Billing and Calculation and Proposition 218 Noticing Services
- B. NBS Proposed Scope of Work – Library CFD Administration and Continuing Disclosure Services



Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed:

Tax roll billing and related Proposition 218 noticing services, and Library CFD administration and continuing disclosure services are accounted in the Sewer Enterprise Funds and the Library Bond Debt Service Fund. There are sufficient funds budgeted in the current fiscal year for these services. Funding for each subsequent year of the task orders will be incorporated as part of the annual budget development process and will be contingent on Council appropriation.

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

EXHIBIT A

CONSULTANT SCOPE OF SERVICES

Sewer Service Charge Tax Roll Billing and Calculation

KICK-OFF MEETING - MEET WITH CITY STAFF TO DISCUSS:

- Tax roll billing steps and appropriate timeline
- Method of application of the Sewer Charge and the data required to establish the proper procedure for levying
- Process for any appeals or disputes

DATA COLLECTION

Gather and review data pertinent to the calculation and billing of the Sewer Charge. Data will be obtained from various sources such as the City's utility database, Assessor's parcel maps and County Assessor information as determined to be necessary based on the requirements of the formula.

QUALITY CONTROL

Perform cross-reference tests looking at the various data sources, land use codes, and other pertinent information to improve accuracy of application of the charges.

DATABASE MAINTENANCE

Maintain and periodically update a database for all parcels and relevant parcel information within the service area.

LEVY CALCULATION

Calculate the annual levy for each parcel within the District following the guidelines established in the formula.

LEVY SUBMITTAL

Submit the levy to the County Auditor Controller in the required electronic format. Levies rejected by the County Auditor Controller will be researched and resubmitted for collection on the County Tax Roll. Any parcels that are not accepted by the County for collection will be invoiced with payment to be directed to the City.

REPORTING

Provide an annual Levy Report. The report will include a parcel listing with levy amounts. Parcel and levy data can be provided electronically if desired.

CONSULTING SUPPORT

NBS will provide a toll-free phone number for use by the City, other interested parties and all property owners. Our staff will be available to answer questions regarding the Sewer Charge. Bilingual staff is available for Spanish-speaking property owners.

Storm Drain Charge Tax Roll Billing and Calculation

KICK-OFF MEETING - MEET WITH CITY STAFF TO DISCUSS:

- Tax roll billing steps and appropriate timeline
- Method of application of the Sewer Charge and the data required to establish the proper procedure for levying
- Process for any appeals or disputes

DATA COLLECTION

Gather and review data pertinent to the calculation and billing of the Sewer Charge. Data will be obtained from various sources such as the City's utility database, Assessor's parcel maps and County Assessor information as determined to be necessary based on the requirements of the formula.

QUALITY CONTROL

Perform cross-reference tests looking at the various data sources, land use codes, and other pertinent information to improve accuracy of application of the charges.

DATABASE MAINTENANCE

Maintain and periodically update a database for all parcels and relevant parcel information within the service area.

LEVY CALCULATION

Calculate the annual levy for each parcel within the District following the guidelines established in the formula.

LEVY SUBMITTAL

Submit the levy to the County Auditor Controller in the required electronic format. Levies rejected by the County Auditor Controller will be researched and resubmitted for collection on the County Tax Roll. Any parcels that are not accepted by the County for collection will be invoiced with payment to be directed to the City.

REPORTING

Provide an annual Levy Report. The report will include a parcel listing with levy amounts. Parcel and levy data can be provided electronically if desired.

CONSULTING SUPPORT

NBS will provide a toll-free phone number for use by the City, other interested parties and all property owners. Our staff will be available to answer questions regarding the Sewer Charge. Bilingual staff is available for Spanish-speaking property owners.

Silicon Valley Clean Water Authority (“SVCWA”) Sewer Fees Tax Roll Billing and Calculation

KICK-OFF MEETING - MEET WITH CITY STAFF TO DISCUSS:

- Tax roll billing steps and appropriate timeline
- Method of application of the Sewer Fee and the data required to establish the proper procedure for levying
- Process for any appeals or disputes

DATA COLLECTION

Gather and review data pertinent to the calculation and billing of the Sewer Fee. Data will be obtained from various sources such as the City’s utility database, Assessor’s parcel maps and County Assessor information as determined to be necessary based on the requirements of the formula.

QUALITY CONTROL

Perform cross-reference tests looking at the various data sources, land use codes, and other pertinent information to improve accuracy of application of the charges.

DATABASE MAINTENANCE

Maintain and periodically update a database for all parcels and relevant parcel information within the service area.

LEVY CALCULATION

Calculate the annual levy for each parcel within the District following the guidelines established in the formula.

LEVY SUBMITTAL

Submit the levy to the County Auditor Controller in the required electronic format. Levies rejected by the County Auditor Controller will be researched and resubmitted for collection on the County Tax Roll. Any parcels that are not accepted by the County for collection will be invoiced with payment to be directed to the City.

REPORTING

Provide an annual Levy Report. The report will include a parcel listing with levy amounts. Parcel and levy data can be provided electronically if desired.

CONSULTING SUPPORT

NBS will provide a toll-free phone number for use by the City, other interested parties and all property owners. Our staff will be available to answer questions regarding the Sewer Fee. Bilingual staff is available for Spanish-speaking property owners.

Proposition 218 Noticing Services

This scope of services pertains to a database creation and mailing project (“Project”) for Proposition 218 rate increases for the City’s sewer rates.

GOALS

NBS will communicate with the City in an effort to clarify the City’s goals, identify any special circumstances, and meet Project deadlines.

PARCEL DATA

NBS will compile mailing address and ownership data for those parcels within the boundaries identified by the City. NBS will utilize tax rate areas available through the County Assessor’s data and may perform GIS analysis if appropriate.

APN ASSIGNMENT

NBS will attempt to match each account provided by the City to an assessor’s parcel number (“APN”) based on site address. Any accounts that cannot be linked to an APN will be researched. If the research does not result in conclusive evidence, NBS will work with the City to identify those accounts and the related APNs.

MAILING LIST

NBS will create a final mailing list that will include each unique record of owner/customer name and mailing address for use in mailing the Rate Notices. NBS will provide the mailing list to the City in electronic format.

MAILING

NBS will coordinate the mailing of Rate Notices to each recipient in the mailing list.

CITY RESPONSIBILITIES

The City shall furnish NBS with any pertinent information that is available to the City and applicable to the Project. The City shall designate a person to act with authority on its behalf with respect to the project. The City shall promptly respond to requests for review and approval of work prepared by NBS, and to requests for decisions related to the Project.

Specifically, the City is responsible for the following items related to the Proposition 218 rate increases:

- City will provide a list of customer accounts that will include sufficient detail to allow NBS to link each account to an APN.

- City will provide NBS with completed Rate Notices in electronic format for the sewer charges. NBS will not develop, format or review any Rate Notice.
- City will provide its own telephone number on any Rate Notice to allow property owners to call the City and obtain information regarding the rate increases.
- City will tabulate any written protests received at the Public Hearing. NBS will not attend the Public Hearing or tabulate any written protests.

The City understands and agrees that NBS is entitled to rely upon all information and documents supplied to NBS by the City or any of its agents or contractors and other government sources or proxies thereof as being accurate and correct, that NBS will have no obligation to confirm that such information and documentation is correct, and that NBS will have no liability to the City or any third party if such information is not correct.

City's Responsibilities

The City shall furnish NBS with any pertinent information that is available to City and applicable to the Services. The City shall designate a person to act with authority on its behalf in respect to the Services. The City shall promptly respond to NBS' requests for reviews and approvals of its work, and to its requests for decisions related to the Services. City understands and agrees that NBS is entitled to rely on all information, data and documents (collectively, "Information") supplied to NBS by City or any of its agents, contractors or proxies or obtained by NBS from other usual and customary sources including other government sources or proxies as being accurate and correct and NBS will have no obligation to confirm that such Information is correct and that NBS will have no liability to City or any third party if such Information is not correct.

Deliverables

- NBS Provides a draft of the sewer reports to the City by May 3.
- From May 13 to May 17, City staff and NBS finalize any discrepancies in the report.
- The City Public Works agenda staff report is due to the City Clerk on May 28.
- The City Council public hearing on sewer charges is scheduled for June 11.
- City staff provides signed resolution to NBS by July 9.
- NBS files the annual levy reports with the County of San Mateo before the due date.

EXHIBIT B

COMPENSATION FOR SERVICES

The agreement is for three years with two additional years to be approved by the City.

Tax Roll Billing Services	7/1/2024	7/1/2025	7/1/2026	7/1/2027 (Optional)	7/1/2028 (Optional)
Sewer Service Charge Tax Roll Billing & Calculation	19,141.79	19,907.46	20,703.76	21,531.91	22,393.18
Storm Drain Charge Tax Roll Billing & Calculation	4,161.30	4,327.76	4,500.87	4,680.90	4,868.14
SVCWA Sewer Fees Tax Roll Billing & Calculation	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00
Phone Support	2,341.84	2,435.52	2,532.94	2,634.26	2,739.63
Proposition 218 Noticing Services	7,500.00	N/A	8,100.00	N/A	8,750.00
Total Not to Exceed	41,144.93	34,670.73	43,837.56	36,847.06	46,750.95

ADDITIONAL SERVICES

The following table shows our current hourly rates. Additional services authorized by the City but not included in the scope of services will be billed at this rate or the then applicable hourly rate.

Title	Hourly Rate
Director	\$250
Associate Director / Engineer	\$225
Senior Consultant / Manager	\$200
Consultant	\$175
Financial Analyst	\$150
Clerical / Support	\$110

TERMS

Tax Roll Billing Services will be invoiced at the beginning of each quarter. Expenses will be itemized and included in the next regular invoice. Fees for all other services will be invoiced upon completion of the task. If the project is prematurely terminated by either party, NBS shall receive payment for work completed. Payment shall be made within 30 days of submittal of an invoice. If payment is not received within 90 days simple interest will begin to accrue at the rate of 1.5% per month. Either party may cancel this contract with 30 days' written notice.

EXHIBIT A

CONSULTANT SCOPE OF SERVICES

Bonded Community Facilities District Administration

KICK-OFF MEETING, PROJECT SCHEDULE

NBS will meet with City staff, legal counsel and other interested parties to:

- Establish lines of communication.
- Clarify the specific project goals and criteria that will meet the City's preference.
- Identify and resolve any special circumstances that may be involved in the administration of the districts.
- Develop project schedules to meet legal requirements and provide for effective interaction of all involved parties.
- Establish meeting dates consistent with schedule to achieve project milestones.

DATA COLLECTION

NBS will gather and review data pertinent to the administration of the Community Facilities District. Data will be obtained from various sources such as Assessor's parcel maps, building permits and County Assessor information as determined to be necessary based on the requirements of the Rate and Method of Apportionment. NBS will maintain and periodically update a database of all parcels within the district along with relevant parcel information.

ADMINISTRATIVE COST RECOVERY

NBS will identify all costs associated with the administration of the Community Facilities District and recover those costs through the levy process as outlined in §53317(e) and §53340 of the Government Code of the State of California. Such costs may include, but are not to be limited to: Bank fees, legal fees, county tax collection fees, and all costs and expenses of the City Council and its consultants related to district administration.

CASH FLOW ANALYSIS

NBS will determine the cash flow requirement, acquire current fund balances and make recommendations to keep the flow of funds and fund balances in compliance with the bond documents. Fund transfers might include the transfer of available surplus funds to be used as levy credits or the transfer of reserve funds to the redemption fund upon the prepayment of special taxes. Cash flow analysis will also be performed to determine any levy shortfall or surplus collections.

SPECIAL TAX REQUIREMENT

NBS will calculate the annual Special Tax Requirement that will include all necessary components as outlined in the Rate and Method of Apportionment, such as principal and interest due, administrative expenses, collection for direct financing of services or facilities, and a fund credit or replenishment as determined from analysis of the district funds.



LEVY CALCULATION

NBS will calculate the annual special tax levy for each parcel within the Community Facilities District following the guidelines established in the Rate and Method of Apportionment.

MEETING ATTENDANCE

NBS will attend up to two (2) City Council meetings related to district administration, as requested by the City. NBS will attend additional meetings as requested by the City subject to additional expenses for time and travel.

LEVY SUBMITTAL

NBS will submit the levy to the County Auditor-Controller in the required format. Special Taxes rejected by the County Auditor-Controller will be researched and resubmitted for collection on the County Tax Roll. Any parcels that are not submitted by the County for collection will be invoiced with payment to be directed to the City.

MAINTAIN DISTRICT DATA

NBS will annually track all parcel changes to ensure that all changes are documented. Historical parcel change data will be maintained by NBS.

SPECIAL TAX LEVY REPORT

NBS will provide an annual Special Tax Levy Report. This report will include a parcel listing with levy amounts and other parcel information, the details of the annual Special Tax Requirement, current delinquency information, fund analysis, administrative expenses to be recovered, and status of the project and current issues affecting the district.

DELINQUENCY MONITORING

NBS will provide a comprehensive list of delinquencies after each installment becomes due. The delinquency report will provide the district's overall delinquency percentage as well as a detailed list of each delinquent parcel, with the name and address of the delinquent parcel owner, the delinquent amount, and penalties.

PREPAYMENT CALCULATIONS

NBS will provide special tax prepayment calculations to interested parties. The party requesting the calculation shall pay the fee of any prepayment calculation.

BOND CALLS

NBS will prepare the spread of principal to be called within maturities for all bond calls and coordinate the call with the Paying Agent/Trustee.

RELEASE OF LIENS

NBS will prepare all documents required to release the liens of parcels that have prepaid the special tax.

CDIAC REPORTING

NBS will perform the necessary reporting to the California Debt and Investment Advisory Commission as required by the Government Code of the State of California.

For each of the following reporting requirements, NBS will review all pertinent documents and obtain the information needed to:

- Prepare and file the report online as required by GC §53359.5(b) and §53359.5(c) by the October 30th annual deadline.
- Prepare and file the report online as required by GC §8855(k) by the January 31st annual deadline. This report is subject to additional fees per bond issue based on the requirements.

ADDITIONAL REPORTING

NBS will be a resource to the City by staying current and identifying any new legislation and reporting requirements as they relate to the CFD.

For each of the following reporting requirements, NBS will review all pertinent documents and obtain the information needed to:

- Prepare the required reporting to the California State Controller's Office California Government Code, Section 12463.2, enacted as part of AB 2109. Provide to City staff for inclusion in the annual financial transaction report.
- Assist in the filing of the SB 165 report to the City Council each year to comply with legislation that enforces additional reporting requirements. California Government Code, Sections 50075.3 or 53411.
- Prepare other reports as required by any State and/or Federal disclosure reporting requirements pertaining to each CFD, as applicable, amended, or newly enacted and required. This may be subject to additional fee.

NOTICE OF SPECIAL TAX DISCLOSURE

NBS will provide Notice of Special Tax Disclosure notices to requesting parties as required by §53340.2 and §53341.5 of the Government Code of the State of California. The fee of any Notice of Special Tax shall be billed to the requesting party.

CONSULTING SUPPORT

NBS will provide a toll-free phone number for use by the City, other interested parties and property owners. Our staff will be available to answer questions regarding the CFD and ongoing collection of the special tax. Bilingual staff is available for Spanish-speaking property owners.

Continuing Disclosure Services

Continuing Disclosure Reports are due annually on the date specified in the Continuing Disclosure Certificate or Bond Purchase Agreement.

In accordance with the Continuing Disclosure Certificate of the Bonds, NBS will support with the annual disclosure filing requirements of the SEC Continuing Disclosure Rule 15c2-12. Specifically, NBS will perform the following:

DOCUMENT REVIEW

NBS will review pertinent documents of the Bonds, including the Official Statement, Continuing Disclosure Certificate and Bond Purchase and Rate Lock Agreement. NBS will identify material such as the Comprehensive Annual Financial Report and/or other operating data that the City of Belmont has agreed to provide in the Continuing Disclosure Certificate.

DATA COLLECTION

NBS will collect the bond issue-specific financial information and operating data that the City of Belmont has agreed to provide in the Continuing Disclosure Certificate.

REPORT PREPARATION

NBS will prepare the Annual Disclosure Report as required in the Disclosure Certificate for each bond. NBS will also review annually the source information provided by the City (typically part of the City's Comprehensive Annual Financial Report), including:

- Historic Operating Results
- Bonded Debt Coverage
- Summary Statement of Historical Revenue and Expenditures
- Ten Largest Users of the Sewer System
- Historical Incremental Assessed Valuation
- Historical Receipt of Tax Increment and Trust Fund Revenues
- Ten Largest Secured Property Tax Payors

ANNUAL DISSEMINATION

NBS will disseminate the Annual Disclosure Report including City Financials to the Electronic Municipal Market Access system, or EMMA, to other required parties, and will also post to our website to allow public access free of charge.

For Successor Agency Private Placement Bonds, NBS will annually disseminate the required documents (CAFR, RDA dissolution-related pass-through reports, etc., to be provided by the City) to the bond owner.

SIGNIFICANT EVENTS

NBS will prepare and disseminate a "Notice of Significant Events", as listed on the Continuing Disclosure Certificate, to EMMA, as required in the certificate. Action will commence upon notification by the City of Belmont of the occurrence of any of the events. NBS will no less frequently than annually, commensurate with the timing of the Annual Disclosure, inquire with the City regarding occurrence of any significant events.

For Successor Agency Private Placement Bonds, NBS will prepare and disseminate a "Notice of Significant Events" as listed on Exhibit B to the Bond Purchase Agreement Terms and Conditions. Action will commence upon notification by the Successor Agency of the Belmont Redevelopment Agency of the occurrence of any of the events. NBS will no less frequently than annually, commensurate with the

timing of the Annual Disclosure, inquire with the Successor Agency to the Belmont Redevelopment Agency occurrence of any significant events.

Marks-Roos CDIAC Reporting Services

Marks-Roos CDIAC Reports are due October 30th each year.

DATA COLLECTION

NBS will gather from the City, and/or any other source, the data pertinent to the reporting for each debt issue.

CDIAC REPORTING

NBS will perform all necessary reporting to the California Debt and Investment Advisory Commission as required by §53359.5(b) and §53359.5(c) of the Government Code of the State of California.

Senate Bill 1029 CDIAC Reporting Services

Senate Bill 1029 CDIAC Reports are due January 31st each year.

DATA COLLECTION

NBS will gather from the City, and/or any other source, the data pertinent to the reporting for each debt issue.

CDIAC REPORTING

NBS will perform necessary reporting to the California Debt and Investment Advisory Commission as required by California Government Code Section 8855 (k), including filing the report online.

City's Responsibilities

The City of Belmont shall:

- Furnish NBS with any pertinent information that is available to the City of Belmont and applicable to the services.
- Designate a person to act with authority on its behalf in respect to the services.
- Notify NBS of the occurrence of any events listed in the Continuing Disclosure Certificate or Successor Agency Bond Purchase Agreements
- Promptly respond to NBS' requests for reviews and approvals of its work, and to its requests for decisions related to the services.
- Understand and agree that NBS is entitled to rely on all information, data and documents (collectively, "Information") supplied to NBS by the City of Belmont or any of its agents, contractors or proxies, or obtained by NBS from other usual and customary sources including other government sources or proxies as being accurate and correct, and NBS will have no obligation to confirm that such Information is correct, and that NBS will have no liability to City of Belmont or any third party if such Information is not correct.

EXHIBIT B

COMPENSATION FOR SERVICES

The agreement is for three years with two additional years to be approved by the City.

Administration & Disclosure Services	7/1/2024	7/1/2025	7/1/2026	7/1/2027 (Optional)	7/1/2028 (Optional)
CFD 2000-1 Administration	22,240.81	23,130.44	24,055.66	25,017.88	26,018.60
Disclosure Report Preparation - 2009A Rev Bonds	1,579.82	1,643.01	1,708.73	1,777.08	1,848.17
Disclosure Report Preparation - 2016 Ref Rev Bonds	1,579.82	1,643.01	1,708.73	1,777.08	1,848.17
Disclosure Report Preparation - 2018 Rev Bonds	1,579.82	1,643.01	1,708.73	1,777.08	1,848.17
Disclosure Report Preparation - 2019 Rev Bonds	1,579.82	1,643.01	1,708.73	1,777.08	1,848.17
Disclosure Report Preparation - CFD 2000-1 Series 2004A	2,911.81	3,028.29	3,149.42	3,275.40	3,406.41
Disclosure Report Preparation - SVCW 2019A Notes	1,579.82	1,643.01	1,708.73	1,777.08	1,848.17
Disclosure Report Preparation - SVCW 2022 Notes	1,579.82	1,643.01	1,708.73	1,777.08	1,848.17
Disclosure Report Preparation - SVCW Wastewater Rev 2021A	1,579.82	1,643.01	1,708.73	1,777.08	1,848.17
Disclosure Report Preparation - WIFIA Loan Agreement 1&2	1,516.14	1,576.78	1,639.86	1,705.45	1,773.67
SB 1029 Data Preparation - 2018 Rev Bonds	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - 2018 Rev Bonds Local	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - 2019 Rev Bonds	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - 2019 Rev Bonds COP	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - 2021 Wastewater Series A	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - 2021 Wastewater Series B	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - 2022 Wastewater Systems	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - Regional Env Sewer Conv Upgrade	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - SVCW 2019A Notes	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - Wastewater Treatment Plant	621.72	646.59	672.45	699.35	727.32
SB 1029 Data Preparation - WIFIA Loan	621.72	646.59	672.45	699.35	727.32
CDIAC Report Preparation - 2018 Revenue Bonds Local Ob	796.63	828.49	861.63	896.10	931.94
CDIAC Report Preparation - SVCW Treatment Facilities	796.63	828.49	861.63	896.10	931.94
CDIAC Report Preparation - WIFIA Loan	796.63	828.49	861.63	896.10	931.94
Total Not to Exceed	46,956.31	48,834.56	50,787.95	52,819.47	54,932.24

CFD Annual Administration

Estimated Expenses NTE \$500 Annually

Continuing Disclosure Services

ADDITIONAL SERVICE FEES

Significant Event Notification (as needed).....Hourly or \$250 per event

Report Dissemination \$25

Significant Event Dissemination (per recipient)..... \$25

Fee for new Bond Issues: \$1,250 to \$2,500 per bond issue, depending on complexity

For new bond issues, NBS and City will agree on fee within the ranges above for inclusion in the current Task Order, eliminating the need for new Task Orders each time

Marks-Roos CDIAC Reporting and Senate Bill 1029 CDIAC Reporting Services

New bond issue fees will be priced the same as existing reports for the effective year.

For new bond issues, NBS and City agree on this fee for inclusion in the current Task Order, eliminating the need for new Task Orders each time.

EXPENSES

Customary out-of-pocket expenses will be billed to the City at actual cost to NBS. These expenses may include, but not be limited to, mailing fulfillment, postage, reproduction, telephone, travel, meals and various third-party charges for data, maps, and recording fees.

ADDITIONAL SERVICES

The following table shows our current hourly rates. Additional services authorized by the City but not included in the scope of services will be billed at this rate or the then applicable hourly rate.

Title	Hourly Rate
Director	\$250
Associate Director / Engineer	\$225
Senior Consultant / Manager	\$200
Consultant	\$175
Financial Analyst	\$150
Clerical / Support	\$110

TERMS

Administration and Continuing Disclosure services will be invoiced at the beginning of each quarter. Expenses will be itemized and included in the next regular invoice. Fees for all other services will be invoiced upon completion of the task. If the project is prematurely terminated by either party, NBS shall receive payment for work completed. Payment shall be made within 30 days of submittal of an invoice. If payment is not received within 90 days simple interest will begin to accrue at the rate of 1.5% per month. Either party may cancel this contract with 30 days' written notice.



STAFF REPORT

Meeting Date: October 8, 2024
Agency: City of Belmont
Staff Contact: Josh Sun, Public Works, (650) 595-7468, jsun@belmont.gov
Agenda Title: Amendment to the Contract with Bear Electric Solutions Inc. for Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation
Agenda Action: Resolution

Recommendation

Adopt a resolution approving an amendment to the to the contract with Bear Electric Solutions Inc. (Bear Electric) for the Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation for an amount not to exceed \$71,870.52, and authorizing the City Manager to approve contract change orders up to a total contingency amount of \$107,370.52 for a total not to exceed contract amount of \$462,370.52 for the Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation, City Contract Number 2023-623.

Strategic Focus Area

Infrastructure and Mobility

Background

In partnership with the City/County Association of Governments (C/CAG)'s Transportation Fund for Clean Air (TFCA) program, San Mateo County and Caltrans, the City of Belmont completed the Ralston Avenue Adaptive Traffic Control Technology Update. This coordinated the signalization along Ralston Avenue from Hiller Avenue to Christian Drive.

Adaptive Traffic Signal Control System allows the signals to adjust based on real time traffic conditions. Depending on which direction has the most traffic flow, signal timing is adjusted in real time to allow more green time for the heaviest volumes. Benefits include reduced congestion and pollution and a decrease in intersection wait time. Traffic signal boxes and detection were upgraded and configured.

As a part of the Ralston Ave Adaptive Traffic Control Technology Project, the traffic signal cabinets at the intersections of Ralston Ave/Belmont Canyon Road and Ralston Ave/Cipriani Blvd were designed to be relocated for the safety of those maintaining the signal cabinets and ease of access. Presently staging equipment and personnel access to these cabinets is difficult and may create potential safety concerns from vehicular traffic on the corridor.

On March 28, 2023, the City Council approved awarding a construction contract to Bear Electrical to relocate the two signal controller cabinets for \$355,000 with a ten percent construction contingency of \$35,500, for a total contract amount not to exceed \$390,500.



Analysis

The project has encountered several necessary adjustments that require contract changes with the contractor. These changes are critical to ensuring compliance with city requirements and ADA standards, as well as accommodating unanticipated utility modifications.

First, utility conflicts at a Curb Ramp necessitated the fabrication of a push-button extender to meet ADA requirements, resulting in a cost increase of \$2,983. Second, the city's specifications required a change in the traffic controller cabinet material to anodized aluminum, prompting an upgrade from the ECONOLITE to the INTELIGHT controller system, adding \$10,396 to the contract.

Additionally, new PG&E electrical plans required the installation of a new metered service pedestal at Ralston Ave & Cipriani Blvd, incurring an additional \$10,079. Similarly, PG&E's trenching plans for the cabinet relocation at Ralston Ave & Belmont Canyon Rd necessitated open trenching across Ralston Ave, adding \$51,908 to the project scope. Finally, five existing signal pull boxes will be upsized to accommodate new and existing conduits at Ralston Ave & Cipriani Blvd, at a cost of \$8,861.

The cumulative total for these five change orders amounts to \$84,227. Given the original construction contract of \$390,500, staff is requesting an additional \$71,870.52 be added to the contract, bringing the total not-to-exceed amount to \$462,370.52. This increase will cover the current change orders and provide a contingency for any future adjustments.

Alternatives

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

Attachments

- A. Resolution

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed:

The Traffic Signal Improvements at Cipriani & Belmont Canyon Road Project (Account 399-3-730-3231-9030) has a total budget of \$498,500, with \$390,500 committed with Bear Electric for the original construction contract and \$36,129 committed with PG&E for their design and inspection, leaving \$71,871 which is sufficient to fund the contract amendment with Bear Electric.

Source:

Purpose:

Public Outreach:



Staff

| Statutory/Contractual Requirement

| Posting of Agenda

RESOLUTION NO. 2024 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ALLOCATING \$71,870.52 TO THE CONTRACT WITH BEAR ELECTRIC SOLUTIONS LLC FOR THE RALSTON AVENUE ADAPTIVE SIGNAL CONTROL TECHNOLOGY SYSTEM PROJECT, CABINET RELOCATION, AND AUTHORIZING THE CITY MANAGER TO APPROVE CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$107,370.52 FOR A TOTAL CONTRACT NOT TO EXCEED \$462,370.52 FOR THE PROJECT, CITY CONTRACT NUMBER 2023-623

WHEREAS, on March 28, 2023, the City Council awarded a construction contract to relocate two traffic signal controller cabinets to Bear Electric Solutions Inc. (Bear Electric) for \$355,000.00, plus a ten percent construction contingency of \$35,500.00, for a total amount not to exceed \$390,500.00, and authorized the City Manager to execute a contract amount up to that amount to Bear Electrical; and,

WHEREAS, in June 2023, the finance department issued a purchase order in the amount of \$352,000.00 for the contract; and,

WHEREAS, on September 5, 2024, the finance department issued a purchase order amendment, increasing the total amount of the contract to \$390,500.00; and,

WHEREAS, funding for the Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation is drawn from the Street Improvement Program. Account 234-3-730-3231-9030 is budgeted at \$387,500.00 for FY 23-24 and \$111,000.00 for FY 24-25, bringing the total project budget to a not to exceed amount of \$498,500.00; and,

WHEREAS, on January 17, 2024, a payment of \$36,129.48 from Account 234-3-730-3231-9030 was made to PG&E for engineering design, administration, related construction, trench permits, land rights, and inspection associated with the cabinet relocation work; and,

WHEREAS, Change Order 1 – Push button extender at the North Midblock Curb Ramp at STA 45+34 has cost of \$2,983.00; and,

WHEREAS, Change Order 2 – Modify the order with the supplier, switching from an ECONOLITE controller to an INTELIGHT controller with D4 software and a 1C module has a cost of \$10,396.00; and,

WHEREAS, Change Order 3 – Additional Type III-AF service pedestal at the Ralston Ave & Cipriani Blvd intersection has a cost of \$10,079.00; and,

WHEREAS, Change Order 4 – Open trenching across Ralston Ave at Belmont Canyon Rd. has a cost of \$51,908.00; and,

WHEREAS, Change Order 5 – Existing Signal Pull boxes upgrading at the Ralston Ave & Cipriani Blvd intersection has a cost of \$8,861.00; and,

WHEREAS, The total cost for the five change orders is \$84,227.00; and,

WHEREAS, there is currently \$35,500.00 of contract contingency available that can be used to pay for the five change orders, and staff is requesting \$71,870.52 be added to the contract with Bear Electric, leaving \$23,143.52 remaining for future change orders.

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

SECTION 1. Allocate \$71,870.52 of Account 234-3-730-3231-9030/ Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation to Bear Electric purchase order.

SECTION 2. Authorize the City Manager to approve contract change orders up to a total contingency amount of \$107,370.52, bringing the total not to exceed contract amount of \$462,370.52 for the Ralston Avenue Adaptive Signal Control Technology System Project, Cabinet Relocation, City Contract Number 2023-623.

* * *

ADOPTED October 8, 2024 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: October 8, 2024
Agency: City of Belmont
Staff Contact: Afshin Oskoui, City Manager, city_manager@belmont.gov, 650-595-7408
Agenda Title: Updated Emergency Services Council Joint Powers Agreement
Agenda Action: Resolution

Recommendation

Approve a resolution adopting the Second Revised and Restated Emergency Services Council Joint Powers Agreement (JPA).

Strategic Focus Area

Public Safety

Background

The San Mateo Operational Area Emergency Services Council (ESC) brings together local governments, special districts, and other entities to coordinate emergency planning and response, including for hazardous materials. This council engages in planning with respect to all phases of the emergency management cycle: prevention, protection, response, recovery, and mitigation efforts, while also maintaining key public information systems like SMC Alert.

The ESC last revised and restated the Joint Exercise of the Powers Agreement (“Agreement”) on September 19, 2014. Since the Agreement is updated as needed, it has become outdated following significant changes within the County’s Department of Emergency Management (DEM), which now operates as a standalone agency separate from the Sheriff’s Office.

Analysis

To accurately reflect the current responsibilities of the DEM and the ESC, the ESC unanimously approved the changes to the JPA. The City of Belmont partners with ESC and DEM to receive services such as Hazmat Responses, Emergency Alert and Warning, and Training and Exercises for the whole Operational Area.

Key changes to the Agreement, include:

- Standardizing nomenclature;
- Updating agreement language; and
- Clarifying and defining the roles of the ESC, the ESC Finance Committee, and the DEM.

To ensure that City of Belmont continues to receive these services, the City of Belmont must adopt the updated JPA by December 13, 2024.



Alternatives

1. Return to staff for additional information

Attachments

- A. Second Revised and Restated Joint Exercise of Powers Agreement San Mateo County Operational Area Emergency Services Organization (Clean Version)
- B. Second Revised and Restated Joint Exercise of Powers Agreement San Mateo County Operational Area Emergency Services Organization (With Highlighted Changes)

Fiscal Impact

- ☒ No Fiscal Impact
☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda



September 19, 2024 7

divided into one-half of the total of the city's share of the budget equals a factor in mils. b) Assessed value of real and personal property of each member city times the factor in mils equals the share for each city.

*The cities shall pay the remaining 50% of the balance, apportioned in accordance with the following formula: i. One half of said 50% to be apportioned by people units or population. a) Total population of all member cities divided into one-half of the total of the cities' share of the budget equals a factor in cents. b) Population of each member city times the factor in cents equals the share for each city.

RESOLUTION NO. 2024 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ADOPTING THE SECOND REVISED AND RESTATED EMERGENCY SERVICES COUNCIL JOINT POWERS AGREEMENT

WHEREAS, the San Mateo Operational Area Emergency Services Council (ESC) coordinates emergency planning and response among local governments, special districts, and other entities, with services such as hazardous materials responses, emergency alerts, and public information systems like SMC Alert ; and,

WHEREAS, the ESC last revised and restated the Joint Exercise of Powers Agreement on September 19, 2014; and,

WHEREAS, following significant changes within the Department of Emergency Management (DEM), which now operates as a standalone agency separate from the Sheriff's Office, updates to the Agreement have been deemed necessary; and,

WHEREAS, key changes to the Agreement include standardizing nomenclature, updating language, and clarifying the roles of the ESC, the ESC Finance Committee, and the DEM to reflect the current operational structure.

WHEREAS, the City of Belmont partners with the ESC and DEM to ensure coordinated emergency planning and response efforts across the entire San Mateo County;

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

SECTION 1. The attached hereto as Exhibit A is approved and adopted.

SECTION 2. The City Manager is authorized is hereby authorized and directed to execute said amendments.

* * *

ADOPTED September 24, 2024 by the City of Belmont City Council by the following
vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

**Second Revised and Restated
Joint Exercise of Powers Agreement
San Mateo County Operational Area Emergency Services Organization**

THIS JOINT POWERS AGREEMENT (“Agreement”) is made as of the Effective Date by and between the public entities set forth below, creating the San Mateo County Operational Area Emergency Services Organization Authority (“Organization”), also known as the **Emergency Services Council** (“ESC”).

Each public entity executing this Agreement shall be referred to individually as a “Member Agency,” with all referred to collectively as “Member Agencies.”

RECITALS

Whereas Member Agencies have established a unified emergency services organization by forming the Organization; and

Whereas the Member Agencies agree that the purpose of this Organization will be to operate pursuant to Presidential Policy Directive 5 (PPD-5), the National Response Framework, National Incident Management System (NIMS), Presidential Policy Directive 8 (PPD-8), the National Preparedness Goal (NPG) and California’s Standardized Emergency Management System (SEMS) and local adopted Emergency Operations Plans (EOPs) and Annexes.

Whereas the Member Agencies agree that the participants within this Organization may include all local governments within the geographic area of San Mateo County (SMC), special districts, unincorporated areas, and participating non-governmental entities; and

Whereas the Member Agencies agree that the goal of the Organization is to provide coordinated plans for the protection of persons and property based on the phases of emergency management; and

Whereas the Member Agencies have the authority to enter into this Agreement under the Joint Exercise of Powers Act (“JPA Act”), California Government Code Section 6500 *et seq.*

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Member Agencies as herein contained, the Member Agencies agree as follows:

Article I - GENERAL PROVISIONS

1.01 Purpose

This Agreement creates an entity to exercise the powers shared in common by the Member Agencies to engage in San Mateo County Operational Area (SMC OA) cooperative **planning with respect to all phases of the emergency management cycle: preparedness, mitigation, response, and recovery.** Such purposes are to be accomplished and the Members Agencies’ common powers exercised as set forth in this Agreement.

1.02 Creation of Authority

Pursuant to the JPA Act, the Member Agencies hereby reaffirm the creation of an entity to be known as the Organization or ESC. The Organization will be comprised of Member Agencies. The Organization shall be a public entity separate and apart from the Member Agencies. The geographic jurisdiction of the Organization is all territory within the geographic boundaries of the Member Agencies; however, the Organization may undertake any action outside those geographic boundaries as is necessary and incidental to accomplishing its purpose.

1.03 Membership in the Organization

Membership in the Organization is limited to public entities, as defined by the JPA Act, located or operating within SMC that have approved and executed this Agreement, and contributed resources of any kind toward establishing and supporting the Organization (including, but not limited to financial, personnel, equipment, or other resources) as approved by the ESC.

1.04 Participating Members/Partners in the Organization

The DEM will establish standards for emergency management practices within the SMC OA, which Member Agencies in the Organization will follow.

Participation in the Organization is intended to ensure cooperative emergency planning and response; all participating Member Agencies and partners are expected to attend all regular and special meetings of the ESC, encourage active participation by their jurisdictions in the development of plans and training programs, drills, exercises and training opportunities, and otherwise assist in supporting the implementation of this Agreement.

1.05 Powers of the Organization

The Organization may purchase, lease, own and/or dispose of property and equipment and enter into contract(s), as required to satisfy the purposes of this Agreement. The Organization may employ agents and/or employees, operate works and improvements, sue and be sued in its own name, and invest surplus funds.

Article II – GOVERNANCE

2.01 Composition of the Organization

The Organization shall be administered by the ESC consisting of the following members:

- a) The Chair of the Organization shall be a representative from the Board of Supervisors. The Chair of the Organization shall be appointed by the President of the Board of Supervisors.
- b) The mayor of each city or town in the County, or the mayor's designated representative, with the understanding that any representative shall be member of the City Council of the city whose mayor they are representing.
- c) A Vice-Chair shall be selected by the ESC.

2.02 General Purpose of the Organization

The general purpose of the Organization is to:

- a) Provide structure for administrative and fiscal policies and procedures;
- b) Identify and pursue funding sources;

- c) Set policy;
- d) Maximize the utilization of available resources; and
- e) Oversee all committee activities.

2.03 Specific Responsibilities of the ESC

The specific responsibilities of the ESC shall be as follows:

- a) To review and recommend adoption by the Board of Supervisors and City Councils of each City, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements, in addition to the basic agreements as deemed necessary to carry out the purpose of the Organization.
- b) To approve an annual budget in an amount necessary to carry out the purposes of the Organization. Upon review and approval of the annual budget by the ESC, each Member Agency shall recommend the budget to the governing body of the Member Agency to secure from each the appropriation consistent with each Member Agency's identified allocation (via Budget Sheets.)
- c) Each Member Agency's Executive Officer shall identify and designate at the beginning of each fiscal year, a local coordinator for regular participation in the San Mateo County Emergency Managers Association (SMC EMA) and work alongside the DEM. Should the identified Coordinator change at any time during the year, the Member Agency shall advise the DEM within 30 days.
- d) If a Member Agency participates in a contract relationship for the provision of emergency services, it is still required to name a local emergency coordinator to the EMA who will assure the continuity of communication between the Member Agency, the DEM and the Organization.

2.04 Meetings of the Organization.

- a) **Regular Meetings:** The ESC shall approve a schedule for its regular meetings provided, however, the ESC shall hold at least four meetings in one calendar year. The ESC shall fix the date, hour, and location of regular meetings by resolution and the Secretary shall transmit a copy of the resolution to each Member Agency at the first meeting of the fiscal year. By the approval of the Chair, Vice Chair, or the Department of Emergency Management Director ("DEM Director"), meetings can be canceled due to extenuating circumstances, which may include, but are not limited to, a lack of agenda items.
- b) **Agenda Setting -** The agenda shall be set by the Chair, Vice Chair, and the DEM Director.
- c) **Special Meetings:** Special meetings of the ESC may be called by the Chair, a majority of the ESC or the DEM Director. Special meetings will be held in accordance with the Ralph M. Brown Act ("Brown Act"), California Government Code section 54950 et seq.
- d) **Call, Notice and Conduct of Meetings:** All meetings of the legislative body of the ESC shall be noticed and held in accordance with the provisions of the Brown Act. As soon as practicable, but no later than the time of posting, the Secretary shall provide notice and the agenda to each Member Agency. Any Member Agency may request that an item be considered for placement on the Agenda by submitting the request to the DEM Director.
- e) Meetings of the ESC shall be conducted by the Vice-Chair in the absence of the Chairperson. In the absence of both Chair and Vice-Chair, the meeting shall be chaired by a member of

the ESC selected by a majority vote of the ESC.

2.05 Minutes

The Secretary of the Organization shall cause to be kept a digital recording of each meeting, which shall be posted on the DEM Website. The Secretary will create brief summary written minutes for approval by the ESC. Once the minutes have been approved by the ESC, the minutes will be posted on the DEM website.

2.06 Voting

All power of the Organization shall reside with the ESC. Each Member Agency shall have one vote. A Member Agency's alternate representative may participate and vote in the proceedings of the ESC only in the absence of that Member Agency's regular representative. No absentee ballot is permitted.

2.07 Quorum; Required Votes; Approvals

A quorum of the ESC is a majority of the representatives of the Member Agencies of the Organization. If the number of Member Agencies is an even number, a majority is fifty percent of the Member Agencies, plus one. The ESC may not take any substantive action without a majority of the Member Agencies voting to take that action. Action on non-substantive procedural matters may be taken by a majority of a quorum.

Article III – PARTICIPATING PARTNERS, EMPLOYEES AND ADVISORY COMMITTEES

3.01 Treasurer

The Treasurer of the County of San Mateo shall be the Treasurer of the Organization. The Treasurer shall be the depository, shall have custody of the accounts, funds and money of the Organization from whatever source, and shall have the duties and obligations set forth in the JPA Act.

3.02 Auditor and Financial Accountability

Although the Organization is a JPA the State Controller's Office (SCO) has determined that the Organization meets the criteria of a special district for financial reporting purposes under Government Code section 12463, subdivision (d)(2).

Government Code section 53891 requires the Organization to furnish to the SCO a report of all the financial transactions of the Organization during the preceding fiscal year. The report shall contain underlying data from audited financial statements prepared in accordance with generally accepted accounting principles, if this data is available. The report shall be furnished within seven months after the close of each fiscal year or within the time prescribed by the SCO, whichever is later, and shall be in the form and manner required by the SCO. The Organization shall submit to the SCO information on annual compensation, as described in subdivision (l) of Section 53892, for the previous calendar year no later than April 30th.

Pursuant to Government Code section 12464, if the reports are not completed in the time, form, and manner required or there is reason to believe that a report is false, incomplete, or incorrect, the SCO is authorized to proceed with an investigation to obtain the information required. Any costs

incurred by the SCO shall be borne by the Organization.

Government Code section 26909 also requires that an audit be completed and filed with the SCO within 12 months after the close of the fiscal year under examination. Unless the ESC votes to appoint an independent auditor, audits will be conducted in accordance with existing County policy, and by the auditor selected by the Office of the County Executive or the Controller. In the event that the ESC selects an independent auditor, the full cost of the audit will be the responsibility of the Organization. The Auditor shall perform the functions of auditor for the Organization and shall make or cause an independent annual audit of the accounts and records of the Organization by a certified public accountant, in compliance with the requirements of applicable laws and generally accepted auditing standards.

3.03 Legal Counsel

The SMC Attorney's Office shall be the legal counsel for the Organization. To the extent permitted by the JPA Act, the Organization may change, by resolution, the legal counsel to the Organization. The full cost of outside legal counsel will be the responsibility of the Organization.

3.04 Secretary to the Organization

The DEM shall provide a Secretary and administrative support to the Organization.

3.05 Contractors

The Organization shall have the power by resolution to appoint and employ such other consultants and independent contractors as may be necessary to carry out the purposes of the Organization. The Organization will be responsible for any/all incurred costs.

3.06 Committees

The Organization may form and dissolve Committees as determined by the ESC.

3.07 Department of Emergency Management

The DEM is responsible for the on-going operation of the SMC OA and is also responsible for achieving the purposes of the Organization as follows:

- a) Emergency Response Support - coordination and planning during any regional emergency in accordance with adopted emergency plans.
- b) Emergency Plans - preparation, development, coordination, and integration of compatible and complimentary unified area-wide emergency plans for approval by the State of California and adoption by the ESC.
- c) Communications - coordination, development and maintenance of an area-wide emergency communications systems, including public alert and warning systems, and other situational awareness tools. The DEM may host SMC OA communication infrastructure such as system-wide applications or platforms.
- d) Public Education and Information - coordination and support of an area-wide public education and information program.
- e) Training and Exercise - coordination and assistance in the training and exercising of all County employees identified as Disaster Service Workers, as defined by Sect. 3100 of the California Government Code and volunteers. The Member Agencies will be responsible for the training and exercise of their identified employees; however, the DEM will provide

needed support as requested.

- f) Grant Program Administration - coordination and assistance with designated emergency coordinators within the OA in the securing and distribution of grant funds for regional emergency management initiatives and program support. The DEM Director will serve as the representative of Member Agencies with various grants and their approval authorities, including the State Homeland Security Program and Bay Area Urban Areas Security Initiative.
- g) General Administration - coordination and assistance in the procurement and inventory of emergency equipment, management of, maintenance and distribution of area-wide inventories of vital supplies and equipment.
- h) Function as a liaison with Cal OES and FEMA. Assist in providing guidance in recovery efforts.
- i) Resource Management – allocation and coordination of resources during local emergencies. Local governments will request resources through the logistics section at the SMC OA EOC. The DEM will escalate resource requests to the state if unable to be fulfilled locally.
- j) Regional Hazardous Material Emergency Response Program – The DEM will oversee the contract for hazardous material response in the SMC OA.

3.08 Staffing Reimbursement

The DEM is staffed by employees of the County of San Mateo. The DEM supports the purposes of the Organization. A portion of the cost of DEM staff is reimbursed by the Organization in an amount determined by the funding allocation in this Agreement.

3.09 Property

If the Organization acquires title to property, the DEM Director will have charge of, handle, or have access to the property of the Organization, and shall file an official bond in an amount to be fixed by the contracting parties, pursuant to Section 6505.1 of the Government Code.

Article IV – BUDGET AND COST-SHARING

In consideration of the mutual promises herein contained, it is hereby agreed that the cost of maintaining the Organization will be shared as described below.

- a) From the total amount of the annual budget there shall be deducted estimated revenue from federal “matching funds,” state grants, and other revenues.
- b) The balance of the annual budget remaining after anticipated revenues have been deducted shall be paid as follows:
 - 1. The county shall pay 50% of the remaining balance.
 - 2. The cities shall pay the remaining 50% of the balance, apportioned in accordance with the following formula:
 - i. One half of said 50% to be apportioned by people units or population.
 - a) Total population of all member cities divided into one-half of the total of the cities’ share of the budget equals a factor in cents.
 - b) Population of each member city times the factor in cents equals the share for each city.
 - ii. The remaining one-half of said 50% to be apportioned on the basis of assessed valuation as follows:
 - a) Total assessed value of real and personal property in all member cities

divided into one-half of the total of the city's share of the budget equals a factor in mils.

- b) Assessed value of real and personal property of each member city times the factor in mils equals the share for each city.
- c) For the purpose of this Agreement the total assessed valuation of real and personal property in all Member Agencies shall be the most recent such total maintained by the offices of the County Assessor.
- d) The population figures will be based on the Census and will be updated at a minimum of every ten years.
- e) It is understood and agreed that the financial obligations incurred by the Member Agencies under the provisions of this Agreement will be incurred annually, subject to the limitation that the county and cities are financially able to make funds available.
- f) If the Member Agencies representing 25% or more of the county's population do not approve the budget in any fiscal year, the proposed budget will be referred back to the DEM Director and the Finance Committee for revision and recommendation. If no resolution can be reached by the committee, the Member Agencies may proceed to adopt budgets that provide those services they deem necessary for adequate emergency services protection as a whole, but any Member Agency shall be financially responsible for that portion of the budget unilaterally adopted. Any Member Agency that does not meet its financial commitment under the adopted budget will lose its voting status and/or other such privileges of membership as determined by the ESC.
- g) It is further agreed that any excess in federal or state funds, in any year, shall be reviewed by a finance committee, who will then make a recommendation to the ESC, as to the disposition of the excess funds.
- h) With respect any Member Agency that is not a City or the County, the amount to be contributed is determined by a negotiation between those Member Agencies and the DEM Director and must be approved by the ESC. A letter memorializing the agreed contribution will be an attachment to this Agreement.
- i) The Finance Committee will be a standing committee of the ESC and is responsible for administrative and financial recommendations to the ESC. The Finance Committee will consist of the following members: SMC Supervisor (Chair of the ESC), Vice Chair, and representatives chosen by the ESC to be limited to five members.
- j) The Organization shall maintain a minimum of \$500,000 in the Trust Fund with a maximum of \$1,500,000. This policy can be reviewed and updated with a majority vote from the ESC.

Article V - INSURANCE

- a) The County shall add the Organization and ESC to its existing excess liability insurance coverage and shall maintain such coverage in full force and effect during the life of the Agreement. Member Agencies understand that the County is partially self-insured. Unless the Organization decides otherwise, County shall provide for the defense of any claims or litigation within the self-insured retention. Legal representation by the County will ordinarily be provided by the County Attorney.
- b) Any out-of-pocket expense or loss, by way of judgment or settlement, arising out of the operation of this Agreement, within the limits of the County's self-insured retention shall be shared by the parties in accordance with the formula as described in Article IV (b).

Article VI - EFFECTIVENESS

This Agreement shall be effective upon its execution by all Member Agencies. It is effective as to new Member Agencies upon adoption and approval by the ESC and by the new Member Agency's governing body. This Agreement shall continue in effect until terminated as provided herein.

Article VII – TERM AND TERMINATION

7.01 Withdrawal by Members

- a) Any Member Agency may withdraw from this Agreement by written notice given by such Member Agency to all other Member Agencies, which notice shall be given at least 120 days prior to the commencement of the fiscal year in which it is to take effect. For the purpose of such notice, a fiscal year is defined as July 1 of a calendar year through June 30 of the succeeding calendar year.
- b) Any former or prospective Member Agency may enter or re-enter the organization by petition to the ESC by its governing body, and majority approval of the petition by the ESC. Upon approval, the new Member Agency must agree in writing to all terms of this Agreement.
- c) Should a Member Agency withdraw less than 120 days prior to the commencement of the fiscal year, the withdrawal will be effective, but that Member Agency will be responsible for its calculated contribution for that year pursuant to Article IV.
- d) Should a Member Agency give required notice and withdraw from the Agreement, the prior contribution of that Member Agency will be divided equally by formula among the remaining Member Agencies.

7.02 Termination of Organization and Disposition of Surplus Money and Property

This Agreement shall terminate effective upon a vote of the ESC, the County and by at least eleven (11) cities representing the majority of the population of the County. In the event that the Organization ceases to exist, surplus funds will be returned consistent with Section 6512 of the Government Code in proportion to the contributions made. The Organization does not intend to acquire title to any property. But in the event that it does, title to all property acquired by the Organization shall be transferred to the County of San Mateo and be used for "County Wide" purposes.

7.03 Amendments

Any proposed Amendments to this Agreement may be recommended by the ESC but must be ratified by each Member Agency's governing body.

7.04 Bylaws

The ESC may, from time to time, adopt and/or amend Bylaws for the conduct of its affairs; provided the purpose is consistent with this Agreement and/or are necessary and appropriate.

Article VIII - MISCELLANEOUS PROVISIONS

8.01 Notices

It shall be the responsibility of the County Manager or designee to ensure all notices are provided to

Member Agencies and posted in compliance with the legal requirements of the Agreement.

8.02 Severability

If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement were, to any extent, adjudged invalid, unenforceable, void, or voidable for any reason whatsoever by court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

8.03 Supersession

It is mutually understood and agreed by the Member Agencies that this Agreement supersedes the 2014 San Mateo County Operational Area Joint Powers Agreement, any previous agreements on this subject matter and any amendments thereto.

8.04 Assignment

No Member Agency shall assign any rights or obligations under this Agreement without the prior written consent of the ESC.

8.05 Governing Law

This Agreement is made and to be performed in the State of California, and as such, California substantive and procedural law shall apply. Venue for any litigation under this Agreement shall be in the County of San Mateo.

8.06 Headings

The section headings herein are for convenience only and are not to be construed as modifying or governing the language of this Agreement.

8.07 Counterparts

This Agreement may be executed in counterparts, each of which will be deemed an original and all of which shall constitute this Agreement.

8.08 No Third Party Beneficiaries

This Agreement and the obligations hereunder are not intended to benefit any party other than the Authority and its Member Agencies, except as expressly provided otherwise herein. No entity that is not a signatory to this Agreement shall have any rights or causes of action against any party to this Agreement as a result of that party's performance or non-performance under this Agreement, except as expressly provided otherwise herein.

8.09 Filing of Notice of Agreement

Within 30 days after the Effective Date, the Secretary shall cause to be filed with the Secretary of State the notice of Agreement required by the Act. Within 30 days after any amendment to this Agreement, the Secretary shall file the amendment with the Secretary of State.

8.10 Conflict of Interest Code

The Organization has adopted a conflict of interest code as required by law. Member Agencies understand that representatives and alternate representatives are listed on the Organization's Conflict of Interest Code and will be responsible for filing a Form 700 with the Organization.

8.11 Indemnification

The Organization shall defend, indemnify and hold harmless each Member Agency (and each Member Agency's officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees,) arising from or as a result of any acts, errors or omissions of the Organization or its officers, agents or employees.

Each Member Agency shall defend, indemnify and hold harmless the Organization and the other Member Agencies (and their officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees,) arising from or as a result of any acts, errors or omissions of that party or its officers, agents or employees.

8.12 Dispute Resolution/Legal Proceedings

Disputes regarding the interpretation or application of any provision of this Agreement shall, to the extent reasonably feasible, be resolved through good faith negotiations between the Member Agencies and/or the Organization.

8.13 Authorization to Enter Into Agreement

Each party warrants that the person signing this Agreement on its behalf is authorized to bind that party to this Agreement.

8.14 Confirmation of Jurisdictional Authority

By signing this Agreement, the Member Agencies retain all authority granted to them by the State and/or their respective Charters. The powers and/or authority granted pursuant to this Agreement shall in no way serve to limit or restrict an individual Member Agency's jurisdictional authority.

(SIGNATURES ARE ON FOLLOWING PAGE)

IN WITNESS WHEREOF, each Member Agency has caused this Agreement to be executed and attested by its proper officers thereunto duly authorized, as follows:

Signatories	Resolution/Action Number	Date of Adoption
Atherton		
Belmont		
Brisbane		
Burlingame		
Colma		
Daly City		
East Palo Alto		
Foster City		
Half Moon Bay		
Hillsborough		
Menlo Park		
Millbrae		
Pacifica		
Portola Valley		
Redwood City		
San Bruno		
San Carlos		
San Mateo		
South San Francisco		
Woodside		
County of San Mateo		

ANNEX A – COMMON TERMINOLOGY

A.01 Terminology Defined

Not all vocabulary of technical terms listed in the Agreement is used in the Agreement. In part, the terms are included as a resource to further clarify terminology utilized in documentation, field operations and/or applicable subject matter.

A.02 All-Hazards: The consideration of the full spectrum of emergencies (natural, technological, or human-caused incidents) that calls for action to protect life, property, and environment. The advantages of adopting an all-hazards approach to prepare for and respond to disasters include comprehensive planning, resource flexibility, coordination among agencies, training, and community engagement to effectively control different types of disasters to reduce or eliminate duplication of effort and cost.

A.03 California Governor’s Office of Emergency Services (Cal OES): State-level organization that functions as the central command center during major emergencies and disasters in California. Cal OES oversees the response, direction, and coordination of state and federal resources, as well as mutual aid assets, to support diverse communities in the state.

A.04 Catastrophe: Any incident, natural or human-caused, with consequences of high rates of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions. A catastrophic event could result in sustained impacts over a prolonged period, exceed resources normally available in the impacted area, and significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened.

A.05 Community Emergency Response Team (CERT): Community-level organizations of volunteer emergency workers who can provide immediate assistance to supplement the efforts of professional responders in the event of a major disaster. CERT programs train volunteers in disaster preparedness and basic disaster response skills during disaster situations so professional responders can prioritize and allocate resources to more complex tasks. Local CERT programs are supported by the Federal Emergency Management Agency (FEMA), as well as the California Governor’s Office of Emergency Services (Cal OES).

A.06 Command: The act or directing and or controlling by virtue of explicit legal, agency or delegated authority. The term “Command” may also refer to the Incident Commander.

A.07 Emergency: Any incident, natural, technological, or human-caused, that requires responsive action to protect life, property, and environment. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), an emergency means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States.

A.08 Emergency Management: A subset of incident management, the coordination and integration of all activities necessary to build, sustain and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism or other human-caused disasters.

A.09 Emergency Operations Center (EOC): The physical location at which the coordination of information and resources to support incident management activities normally takes place. An EOC may be a temporary facility or maybe in a more central or permanently established facility, such as at a higher level of organization within a jurisdiction.

A.10 Federal Emergency Management Agency (FEMA): Federal-level organization that coordinates the federal government's response to major disasters and emergencies, providing support and resources to state and local authorities. Its role includes managing disaster relief efforts, facilitating recovery operations, and helping communities prepare for future incidents.

A.11 Incident: An occurrence or event, natural or human-caused, which requires a response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

A.12 Incident Command System (ICS): A standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. It is used for all kinds of emergencies and can be applied to small as well as large and complex incidents.

A.13 Local Emergency: The duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and/or property within territorial limits of a county, city and county, or city caused by such conditions as fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, tsunami or other conditions which are likely to be beyond the control of the services, personnel, equipment and facilities of that local political subdivision to combat.

A.14 Local Government: A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law;) regional or interstate government entity or agency or instrumentality of a local government; an Indian tribe or authorized tribal entity, or in Alaska a Native Village or Alaska Regional Native Corporation; a rural community, unincorporated town or village or other public entity. See Section 2 (10), Homeland Security Act of 2002, P.L. 107–296, 116 Stat. 2135 (2002).

A.15 Mitigation: Activities providing a critical foundation in the effort to reduce the loss of life

and/or property from natural and/or human-caused disasters by avoiding or lessening the impact of a disaster and providing value to the public by creating safer communities. Mitigation seeks to fix the cycle of disaster damage, reconstruction, and repeated damage. These activities or actions, in most cases, will have a long-term sustained effect.

A.16 National Incident Management System (NIMS): A system that provides a proactive approach guiding government agencies at all levels, the private sector and nongovernmental organizations to work seamlessly to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location or complexity, to reduce the loss of life or property and harm to the environment.

A.17 National Response Framework: Document that establishes a comprehensive, national, all-hazards approach to domestic incident response. It serves as a guide to enable responders at all levels of government and beyond to provide a unified national response to a disaster. It defines the key principles, roles, and structures that organize the way U.S. jurisdictions plan and respond.

A.18 Operational Area (OA): An intermediate level of the state emergency services organization, consisting of SMC and all political subdivisions within the county area. In a state of emergency, the OA shall serve as a link in the system of communications and coordination between the political subdivisions comprising the OA and the Regional Emergency Operations Center (REOC) or State Operations Center (SOC). **The SMC OA mirrors the County's geographic boundaries.**

A.19 Preparedness: Actions that involve a combination of planning, resources, training, as well as exercising and organizing to build, sustain, and improve operational capabilities. Preparedness is the process of identifying the personnel, training, and equipment needed for a wide range of potential incidents, and developing jurisdiction-specific plans for delivering capabilities when needed for an incident.

A.20 Recovery: The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental and economic restoration; evaluation of the incident to identify lessons learned; and post-incident reporting and development of initiatives to mitigate the effects of future incident.

A.21 Resources: Personnel and major items of equipment, supplies, and facilities available or potentially available for assignment to incident operations and for which status is maintained. Under the NIMS, resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or an EOC.

A.22 Response: Immediate actions to save and sustain lives, protect property and the environment, and meet basic human needs. Response also includes the execution of plans and actions to support short-term recovery.

A.23 Standardized Emergency Management System (SEMS): The cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management. SEMS is required by the California Emergency Services Act (ESA) for managing multiagency and multijurisdictional responses to emergencies in California. The system unifies all elements of California's emergency management community into a single integrated system and standardizes key elements. SEMS incorporates the use of the ICS, California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA), the OA concept, and multiagency or inter-agency coordination. State agencies and local governments are required to use SEMS to be eligible for any reimbursement of response-related costs under the state's disaster assistance program.

**Second Revised and Restated
Joint Exercise of Powers Agreement
San Mateo County Operational Area Emergency Services Organization**

THIS JOINT POWERS AGREEMENT (“Agreement”) is made as of the Effective Date by and between the public entities set forth below, creating the San Mateo County Operational Area Emergency Services Organization Authority (“Organization”), also known as the Emergency Services Council (“ESC”).

Each public entity executing this Agreement shall be referred to individually as a “Member Agency,” with all referred to collectively as “Member Agencies.”

RECITALS

Whereas Member Agencies have established a unified emergency services organization by forming the Organization; and

Whereas the Member Agencies agree that the purpose of this Organization will be to operate pursuant to Presidential Policy Directive 5 (PPD-5), the National Response Framework, National Incident Management System (NIMS), Presidential Policy Directive 8 (PPD-8), the National Preparedness Goal (NPG) and California’s Standardized Emergency Management System (SEMS) and local adopted Emergency Operations Plans (EOPs) and Annexes.

Whereas the Member Agencies agree that the participants within this Organization may include all local governments within the geographic area of San Mateo County (SMC), special districts, unincorporated areas, and participating non-governmental entities; and

Whereas the Member Agencies agree that the goal of the Organization is to provide coordinated plans for the protection of persons and property based on the phases of emergency management; and

Whereas the Member Agencies have the authority to enter into this Agreement under the Joint Exercise of Powers Act (“JPA Act”), California Government Code Section 6500 *et seq.*

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Member Agencies as herein contained, the Member Agencies agree as follows:

Article I - GENERAL PROVISIONS

1.01 Purpose

This Agreement creates an entity to exercise the powers shared in common by the Member Agencies to engage in San Mateo County Operational Area (SMC OA) cooperative planning with respect to all phases of the emergency management cycle: preparedness, mitigation, response, and recovery. Such purposes are to be accomplished and the Members Agencies’ common powers exercised as set forth in this Agreement.

1.02 Creation of Authority

Pursuant to the JPA Act, the Member Agencies hereby reaffirm the creation of an entity to be known as the Organization or ESC. The Organization will be comprised of Member Agencies. The Organization shall be a public entity separate and apart from the Member Agencies. The geographic jurisdiction of the Organization is all territory within the geographic boundaries of the Member Agencies; however, the Organization may undertake any action outside those geographic boundaries as is necessary and incidental to accomplishing its purpose.

1.03 Membership in the Organization

Membership in the Organization is limited to public entities, as defined by the JPA Act, located or operating within SMC that have approved and executed this Agreement, and contributed resources of any kind toward establishing and supporting the Organization (including, but not limited to financial, personnel, equipment, or other resources) as approved by the ESC.

1.04 Participating Members/Partners in the Organization

The DEM will establish standards for emergency management practices within the SMC OA, which Member Agencies in the Organization will follow.

Participation in the Organization is intended to ensure cooperative emergency planning and response; all participating Member Agencies and partners are expected to attend all regular and special meetings of the ESC, encourage active participation by their jurisdictions in the development of plans and training programs, drills, exercises and training opportunities, and otherwise assist in supporting the implementation of this Agreement.

1.05 Powers of the Organization

The Organization may purchase, lease, own and/or dispose of property and equipment and enter into contract(s), as required to satisfy the purposes of this Agreement. The Organization may employ agents and/or employees, operate works and improvements, sue and be sued in its own name, and invest surplus funds.

Article II – GOVERNANCE

2.01 Composition of the Organization

The Organization shall be administered by the ESC consisting of the following members:

- a) The Chair of the Organization shall be a representative from the Board of Supervisors. The Chair of the Organization shall be appointed by the President of the Board of Supervisors.
- b) The mayor of each city or town in the County, or the mayor's designated representative, with the understanding that any representative shall be member of the City Council of the city whose mayor they are representing.
- c) A Vice-Chair shall be selected by the ESC.

2.02 General Purpose of the Organization

The general purpose of the Organization is to:

- a) Provide structure for administrative and fiscal policies and procedures;
- b) Identify and pursue funding sources;

- c) Set policy;
- d) Maximize the utilization of available resources; and
- e) Oversee all committee activities.

2.03 Specific Responsibilities of the ESC

The specific responsibilities of the ESC shall be as follows:

- a) To review and recommend adoption by the Board of Supervisors and City Councils of each City, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements, in addition to the basic agreements as deemed necessary to carry out the purpose of the Organization.
- b) To approve an annual budget in an amount necessary to carry out the purposes of the Organization. Upon review and approval of the annual budget by the ESC, each Member Agency shall recommend the budget to the governing body of the Member Agency to secure from each the appropriation consistent with each Member Agency's identified allocation (via Budget Sheets.)
- c) Each Member Agency's Executive Officer shall identify and designate at the beginning of each fiscal year, a local coordinator for regular participation in the San Mateo County Emergency Managers Association (SMC EMA) and work alongside the DEM. Should the identified Coordinator change at any time during the year, the Member Agency shall advise the DEM within 30 days.
- d) If a Member Agency participates in a contract relationship for the provision of emergency services, it is still required to name a local emergency coordinator to the EMA who will assure the continuity of communication between the Member Agency, the DEM and the Organization.

2.04 Meetings of the Organization.

- a) **Regular Meetings:** The ESC shall approve a schedule for its regular meetings provided, however, the ESC shall hold at least four meetings in one calendar year. The ESC shall fix the date, hour, and location of regular meetings by resolution and the Secretary shall transmit a copy of the resolution to each Member Agency at the first meeting of the fiscal year. By the approval of the Chair, Vice Chair, or the Department of Emergency Management Director ("DEM Director"), meetings can be canceled due to extenuating circumstances, which may include, but are not limited to, a lack of agenda items.
- b) **Agenda Setting** - The agenda shall be set by the Chair, Vice Chair, and the DEM Director.
- c) **Special Meetings:** Special meetings of the ESC may be called by the Chair, a majority of the ESC or the DEM Director. Special meetings will be held in accordance with the Ralph M. Brown Act ("Brown Act"), California Government Code section 54950 et seq.
- d) **Call, Notice and Conduct of Meetings:** All meetings of the legislative body of the ESC shall be noticed and held in accordance with the provisions of the Brown Act. As soon as practicable, but no later than the time of posting, the Secretary shall provide notice and the agenda to each Member Agency. Any Member Agency may request that an item be considered for placement on the Agenda by submitting the request to the DEM Director.
- e) Meetings of the ESC shall be conducted by the Vice-Chair in the absence of the Chairperson. In the absence of both Chair and Vice-Chair, the meeting shall be chaired by a member of

the ESC selected by a majority vote of the ESC.

2.05 Minutes

The Secretary of the Organization shall cause to be kept a digital recording of each meeting, which shall be posted on the DEM Website. The Secretary will create brief summary written minutes for approval by the ESC. Once the minutes have been approved by the ESC, the minutes will be posted on the DEM website.

2.06 Voting

All power of the Organization shall reside with the ESC. Each Member Agency shall have one vote. A Member Agency's alternate representative may participate and vote in the proceedings of the ESC only in the absence of that Member Agency's regular representative. No absentee ballot is permitted.

2.07 Quorum; Required Votes; Approvals

A quorum of the ESC is a majority of the representatives of the Member Agencies of the Organization. If the number of Member Agencies is an even number, a majority is fifty percent of the Member Agencies, plus one. The ESC may not take any substantive action without a majority of the Member Agencies voting to take that action. Action on non-substantive procedural matters may be taken by a majority of a quorum.

Article III – PARTICIPATING PARTNERS, EMPLOYEES AND ADVISORY COMMITTEES

3.01 Treasurer

The Treasurer of the County of San Mateo shall be the Treasurer of the Organization. The Treasurer shall be the depository, shall have custody of the accounts, funds and money of the Organization from whatever source, and shall have the duties and obligations set forth in the JPA Act.

3.02 Auditor and Financial Accountability

Although the Organization is a JPA the State Controller's Office (SCO) has determined that the Organization meets the criteria of a special district for financial reporting purposes under Government Code section 12463, subdivision (d)(2).

Government Code section 53891 requires the Organization to furnish to the SCO a report of all the financial transactions of the Organization during the preceding fiscal year. The report shall contain underlying data from audited financial statements prepared in accordance with generally accepted accounting principles, if this data is available. The report shall be furnished within seven months after the close of each fiscal year or within the time prescribed by the SCO, whichever is later, and shall be in the form and manner required by the SCO. The Organization shall submit to the SCO information on annual compensation, as described in subdivision (l) of Section 53892, for the previous calendar year no later than April 30th.

Pursuant to Government Code section 12464, if the reports are not completed in the time, form, and manner required or there is reason to believe that a report is false, incomplete, or incorrect, the SCO is authorized to proceed with an investigation to obtain the information required. Any costs

incurred by the SCO shall be borne by the Organization.

Government Code section 26909 also requires that an audit be completed and filed with the SCO within 12 months after the close of the fiscal year under examination. Unless the ESC votes to appoint an independent auditor, audits will be conducted in accordance with existing County policy, and by the auditor selected by the Office of the County Executive or the Controller. In the event that the ESC selects an independent auditor, the full cost of the audit will be the responsibility of the Organization. The Auditor shall perform the functions of auditor for the Organization and shall make or cause an independent annual audit of the accounts and records of the Organization by a certified public accountant, in compliance with the requirements of applicable laws and generally accepted auditing standards.

3.03 Legal Counsel

The SMC Attorney's Office shall be the legal counsel for the Organization. To the extent permitted by the JPA Act, the Organization may change, by resolution, the legal counsel to the Organization. The full cost of outside legal counsel will be the responsibility of the Organization.

3.04 Secretary to the Organization

The DEM shall provide a Secretary and administrative support to the Organization.

3.05 Contractors

The Organization shall have the power by resolution to appoint and employ such other consultants and independent contractors as may be necessary to carry out the purposes of the Organization. The Organization will be responsible for any/all incurred costs.

3.06 Committees

The Organization may form and dissolve Committees as determined by the ESC.

3.07 Department of Emergency Management

The DEM is responsible for the on-going operation of the SMC OA and is also responsible for achieving the purposes of the Organization as follows:

- a) Emergency Response Support - coordination and planning during any regional emergency in accordance with adopted emergency plans.
- b) Emergency Plans - preparation, development, coordination, and integration of compatible and complimentary unified area-wide emergency plans for approval by the State of California and adoption by the ESC.
- c) Communications - coordination, development and maintenance of an area-wide emergency communications systems, including public alert and warning systems, and other situational awareness tools. The DEM may host SMC OA communication infrastructure such as system-wide applications or platforms.
- d) Public Education and Information - coordination and support of an area-wide public education and information program.
- e) Training and Exercise - coordination and assistance in the training and exercising of all County employees identified as Disaster Service Workers, as defined by Sect. 3100 of the California Government Code and volunteers. The Member Agencies will be responsible for the training and exercise of their identified employees; however, the DEM will provide

needed support as requested.

- f) Grant Program Administration - coordination and assistance with designated emergency coordinators within the OA in the securing and distribution of grant funds for regional emergency management initiatives and program support. The DEM Director will serve as the representative of Member Agencies with various grants and their approval authorities, including the State Homeland Security Program and Bay Area Urban Areas Security Initiative.
- g) General Administration - coordination and assistance in the procurement and inventory of emergency equipment, management of, maintenance and distribution of area-wide inventories of vital supplies and equipment.
- h) Function as a liaison with Cal OES and FEMA. Assist in providing guidance in recovery efforts.
- i) Resource Management – allocation and coordination of resources during local emergencies. Local governments will request resources through the logistics section at the SMC OA EOC. The DEM will escalate resource requests to the state if unable to be fulfilled locally.
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Article IV – BUDGET AND COST-SHARING

In consideration of the mutual promises herein contained, it is hereby agreed that the cost of maintaining the Organization will be shared as described below.

- a) From the total amount of the annual budget there shall be deducted estimated revenue from federal “matching funds,” state grants, and other revenues.
- b) The balance of the annual budget remaining after anticipated revenues have been deducted shall be paid as follows:
 - 1. The county shall pay 50% of the remaining balance.
 - 2. The cities shall pay the remaining 50% of the balance, apportioned in accordance with the following formula:
 - i. One half of said 50% to be apportioned by people units or population.
 - a) Total population of all member cities divided into one-half of the total of the cities’ share of the budget equals a factor in cents.
 - b) Population of each member city times the factor in cents equals the share for each city.
 - ii. The remaining one-half of said 50% to be apportioned on the basis of assessed valuation as follows:
 - a) Total assessed value of real and personal property in all member cities

divided into one-half of the total of the city's share of the budget equals a factor in mills.

- b) Assessed value of real and personal property of each member city times the factor in mills equals the share for each city.
- c) For the purpose of this Agreement the total assessed valuation of real and personal property in all Member Agencies shall be the most recent such total maintained by the offices of the County Assessor.
- d) The population figures will be based on the Census and will be updated at a minimum of every ten years.
- e) It is understood and agreed that the financial obligations incurred by the Member Agencies under the provisions of this Agreement will be incurred annually, subject to the limitation that the county and cities are financially able to make funds available.
- f) If the Member Agencies representing 25% or more of the county's population do not approve the budget in any fiscal year, the proposed budget will be referred back to the DEM Director and the Finance Committee for revision and recommendation. If no resolution can be reached by the committee, the Member Agencies may proceed to adopt budgets that provide those services they deem necessary for adequate emergency services protection as a whole, but any Member Agency shall be financially responsible for that portion of the budget unilaterally adopted. Any Member Agency that does not meet its financial commitment under the adopted budget will lose its voting status and/or other such privileges of membership as determined by the ESC.
- g) It is further agreed that any excess in federal or state funds, in any year, shall be reviewed by a finance committee, who will then make a recommendation to the ESC, as to the disposition of the excess funds.
- h) With respect any Member Agency that is not a City or the County, the amount to be contributed is determined by a negotiation between those Member Agencies and the DEM Director and must be approved by the ESC. A letter memorializing the agreed contribution will be an attachment to this Agreement.
- i) The Finance Committee will be a standing committee of the ESC and is responsible for administrative and financial recommendations to the ESC. The Finance Committee will consist of the following members: SMC Supervisor (Chair of the ESC), Vice Chair, and representatives chosen by the ESC to be limited to five members.
- j) The Organization shall maintain a minimum of \$500,000 in the Trust Fund with a maximum of \$1,500,000. This policy can be reviewed and updated with a majority vote from the ESC.

Article V - INSURANCE

- a) The County shall add the Organization and ESC to its existing excess liability insurance coverage and shall maintain such coverage in full force and effect during the life of the Agreement. Member Agencies understand that the County is partially self-insured. Unless the Organization decides otherwise, County shall provide for the defense of any claims or litigation within the self-insured retention. Legal representation by the County will ordinarily be provided by the County Attorney.
- b) Any out-of-pocket expense or loss, by way of judgment or settlement, arising out of the operation of this Agreement, within the limits of the County's self-insured retention shall be shared by the parties in accordance with the formula as described in Article IV (b).

Article VI - EFFECTIVENESS

This Agreement shall be effective upon its execution by all Member Agencies. It is effective as to new Member Agencies upon adoption and approval by the ESC and by the new Member Agency's governing body. This Agreement shall continue in effect until terminated as provided herein.

Article VII – TERM AND TERMINATION

7.01 Withdrawal by Members

- a) Any Member Agency may withdraw from this Agreement by written notice given by such Member Agency to all other Member Agencies, which notice shall be given at least 120 days prior to the commencement of the fiscal year in which it is to take effect. For the purpose of such notice, a fiscal year is defined as July 1 of a calendar year through June 30 of the succeeding calendar year.
- b) Any former or prospective Member Agency may enter or re-enter the organization by petition to the ESC by its governing body, and majority approval of the petition by the ESC. Upon approval, the new Member Agency must agree in writing to all terms of this Agreement.
- c) Should a Member Agency withdraw less than 120 days prior to the commencement of the fiscal year, the withdrawal will be effective, but that Member Agency will be responsible for its calculated contribution for that year pursuant to Article IV.
- d) Should a Member Agency give required notice and withdraw from the Agreement, the prior contribution of that Member Agency will be divided equally by formula among the remaining Member Agencies.

7.02 Termination of Organization and Disposition of Surplus Money and Property

This Agreement shall terminate effective upon a vote of the ESC, the County and by at least eleven (11) cities representing the majority of the population of the County. In the event that the Organization ceases to exist, surplus funds will be returned consistent with Section 6512 of the Government Code in proportion to the contributions made. The Organization does not intend to acquire title to any property. But in the event that it does, title to all property acquired by the Organization shall be transferred to the County of San Mateo and be used for "County Wide" purposes.

7.03 Amendments

Any proposed Amendments to this Agreement may be recommended by the ESC but must be ratified by each Member Agency's governing body.

7.04 Bylaws

The ESC may, from time to time, adopt and/or amend Bylaws for the conduct of its affairs; provided the purpose is consistent with this Agreement and/or are necessary and appropriate.

Article VIII - MISCELLANEOUS PROVISIONS

8.01 Notices

It shall be the responsibility of the County Manager or designee to ensure all notices are provided to

Member Agencies and posted in compliance with the legal requirements of the Agreement.

8.02 Severability

If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement were, to any extent, adjudged invalid, unenforceable, void, or voidable for any reason whatsoever by court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

8.03 Supersession

It is mutually understood and agreed by the Member Agencies that this Agreement supersedes the 2014 San Mateo County Operational Area Joint Powers Agreement, any previous agreements on this subject matter and any amendments thereto.

8.04 Assignment

No Member Agency shall assign any rights or obligations under this Agreement without the prior written consent of the ESC.

8.05 Governing Law

This Agreement is made and to be performed in the State of California, and as such, California substantive and procedural law shall apply. Venue for any litigation under this Agreement shall be in the County of San Mateo.

8.06 Headings

The section headings herein are for convenience only and are not to be construed as modifying or governing the language of this Agreement.

8.07 Counterparts

This Agreement may be executed in counterparts, each of which will be deemed an original and all of which shall constitute this Agreement.

8.08 No Third Party Beneficiaries

This Agreement and the obligations hereunder are not intended to benefit any party other than the Authority and its Member Agencies, except as expressly provided otherwise herein. No entity that is not a signatory to this Agreement shall have any rights or causes of action against any party to this Agreement as a result of that party's performance or non-performance under this Agreement, except as expressly provided otherwise herein.

8.09 Filing of Notice of Agreement

Within 30 days after the Effective Date, the Secretary shall cause to be filed with the Secretary of State the notice of Agreement required by the Act. Within 30 days after any amendment to this Agreement, the Secretary shall file the amendment with the Secretary of State.

8.10 Conflict of Interest Code

The Organization has adopted a conflict of interest code as required by law. Member Agencies understand that representatives and alternate representatives are listed on the Organization's Conflict of Interest Code and will be responsible for filing a Form 700 with the Organization.

8.11 Indemnification

The Organization shall defend, indemnify and hold harmless each Member Agency (and each Member Agency's officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees,) arising from or as a result of any acts, errors or omissions of the Organization or its officers, agents or employees.

Each Member Agency shall defend, indemnify and hold harmless the Organization and the other Member Agencies (and their officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees,) arising from or as a result of any acts, errors or omissions of that party or its officers, agents or employees.

8.12 Dispute Resolution/Legal Proceedings

Disputes regarding the interpretation or application of any provision of this Agreement shall, to the extent reasonably feasible, be resolved through good faith negotiations between the Member Agencies and/or the Organization.

8.13 Authorization to Enter Into Agreement

Each party warrants that the person signing this Agreement on its behalf is authorized to bind that party to this Agreement.

8.14 Confirmation of Jurisdictional Authority

By signing this Agreement, the Member Agencies retain all authority granted to them by the State and/or their respective Charters. The powers and/or authority granted pursuant to this Agreement shall in no way serve to limit or restrict an individual Member Agency's jurisdictional authority.

(SIGNATURES ARE ON FOLLOWING PAGE)

IN WITNESS WHEREOF, each Member Agency has caused this Agreement to be executed and attested by its proper officers thereunto duly authorized, as follows:

Signatories	Resolution/Action Number	Date of Adoption
Atherton		
Belmont		
Brisbane		
Burlingame		
Colma		
Daly City		
East Palo Alto		
Foster City		
Half Moon Bay		
Hillsborough		
Menlo Park		
Millbrae		
Pacifica		
Portola Valley		
Redwood City		
San Bruno		
San Carlos		
San Mateo		
South San Francisco		
Woodside		
County of San Mateo		

ANNEX A – COMMON TERMINOLOGY

A.01 Terminology Defined

Not all vocabulary of technical terms listed in the Agreement is used in the Agreement. In part, the terms are included as a resource to further clarify terminology utilized in documentation, field operations and/or applicable subject matter.

A.02 All-Hazards: The consideration of the full spectrum of emergencies (natural, technological, or human-caused incidents) that calls for action to protect life, property, and environment. The advantages of adopting an all-hazards approach to prepare for and respond to disasters include comprehensive planning, resource flexibility, coordination among agencies, training, and community engagement to effectively control different types of disasters to reduce or eliminate duplication of effort and cost.

A.03 California Governor’s Office of Emergency Services (Cal OES): State-level organization that functions as the central command center during major emergencies and disasters in California. Cal OES oversees the response, direction, and coordination of state and federal resources, as well as mutual aid assets, to support diverse communities in the state.

A.04 Catastrophe: Any incident, natural or human-caused, with consequences of high rates of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions. A catastrophic event could result in sustained impacts over a prolonged period, exceed resources normally available in the impacted area, and significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened.

A.05 Community Emergency Response Team (CERT): Community-level organizations of volunteer emergency workers who can provide immediate assistance to supplement the efforts of professional responders in the event of a major disaster. CERT programs train volunteers in disaster preparedness and basic disaster response skills during disaster situations so professional responders can prioritize and allocate resources to more complex tasks. Local CERT programs are supported by the Federal Emergency Management Agency (FEMA), as well as the California Governor’s Office of Emergency Services (Cal OES).

A.06 Command: The act or directing and or controlling by virtue of explicit legal, agency or delegated authority. The term “Command” may also refer to the Incident Commander.

A.07 Emergency: Any incident, natural, technological, or human-caused, that requires responsive action to protect life, property, and environment. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), an emergency means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States.

A.08 Emergency Management: A subset of incident management, the coordination and integration of all activities necessary to build, sustain and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism or other human-caused disasters.

A.09 Emergency Operations Center (EOC): The physical location at which the coordination of information and resources to support incident management activities normally takes place. An EOC may be a temporary facility or maybe in a more central or permanently established facility, such as at a higher level of organization within a jurisdiction.

A.10 Federal Emergency Management Agency (FEMA): Federal-level organization that coordinates the federal government's response to major disasters and emergencies, providing support and resources to state and local authorities. Its role includes managing disaster relief efforts, facilitating recovery operations, and helping communities prepare for future incidents.

A.11 Incident: An occurrence or event, natural or human-caused, which requires a response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

A.12 Incident Command System (ICS): A standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. It is used for all kinds of emergencies and can be applied to small as well as large and complex incidents.

A.13 Local Emergency: The duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and/or property within territorial limits of a county, city and county, or city caused by such conditions as fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, tsunami or other conditions which are likely to be beyond the control of the services, personnel, equipment and facilities of that local political subdivision to combat.

A.14 Local Government: A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law;) regional or interstate government entity or agency or instrumentality of a local government; an Indian tribe or authorized tribal entity, or in Alaska a Native Village or Alaska Regional Native Corporation; a rural community, unincorporated town or village or other public entity. See Section 2 (10), Homeland Security Act of 2002, P.L. 107–296, 116 Stat. 2135 (2002).

A.15 Mitigation: Activities providing a critical foundation in the effort to reduce the loss of life

and/or property from natural and/or human-caused disasters by avoiding or lessening the impact of a disaster and providing value to the public by creating safer communities. Mitigation seeks to fix the cycle of disaster damage, reconstruction, and repeated damage. These activities or actions, in most cases, will have a long-term sustained effect.

A.16 National Incident Management System (NIMS): A system that provides a proactive approach guiding government agencies at all levels, the private sector and nongovernmental organizations to work seamlessly to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location or complexity, to reduce the loss of life or property and harm to the environment.

A.17 National Response Framework: Document that establishes a comprehensive, national, all-hazards approach to domestic incident response. It serves as a guide to enable responders at all levels of government and beyond to provide a unified national response to a disaster. It defines the key principles, roles, and structures that organize the way U.S. jurisdictions plan and respond.

A.18 Operational Area (OA): An intermediate level of the state emergency services organization, consisting of SMC and all political subdivisions within the county area. In a state of emergency, the OA shall serve as a link in the system of communications and coordination between the political subdivisions comprising the OA and the Regional Emergency Operations Center (REOC) or State Operations Center (SOC). The **SMC OA** mirrors the County's geographic boundaries.

A.19 Preparedness: Actions that involve a combination of planning, resources, training, as well as exercising and organizing to build, sustain, and improve operational capabilities. Preparedness is the process of identifying the personnel, training, and equipment needed for a wide range of potential incidents, and developing jurisdiction-specific plans for delivering capabilities when needed for an incident.

A.20 Recovery: The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental and economic restoration; evaluation of the incident to identify lessons learned; and post-incident reporting and development of initiatives to mitigate the effects of future incident.

A.21 Resources: Personnel and major items of equipment, supplies, and facilities available or potentially available for assignment to incident operations and for which status is maintained. Under the NIMS, resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or an EOC.

A.22 Response: Immediate actions to save and sustain lives, protect property and the environment, and meet basic human needs. Response also includes the execution of plans and actions to support short-term recovery.

A.23 Standardized Emergency Management System (SEMS): The cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management. SEMS is required by the California Emergency Services Act (ESA) for managing multiagency and multijurisdictional responses to emergencies in California. The system unifies all elements of California's emergency management community into a single integrated system and standardizes key elements. SEMS incorporates the use of the ICS, California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA), the OA concept, and multiagency or inter-agency coordination. State agencies and local governments are required to use SEMS to be eligible for any reimbursement of response-related costs under the state's disaster assistance program.



STAFF REPORT

Meeting Date: October 8, 2024
Agency: City of Belmont
Staff Contact: Afshin Oskoui, City Manager, city_manager@belmont.gov, 650-595-7408
Agenda Title: Quarterly Strategic Plan Update
Agenda Action: For Information Only

Recommendation

Receive an update to the City of Belmont Strategic Plan.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

On March 27, 2024, the City Council and staff participated in Belmont's Annual Strategic Planning Workshop. This working session is the fourth follow up on the City Council's March 11, 2020, community visioning and strategic planning workshop, facilitated by a consulting firm specializing in leadership and organizational performance. At the March meeting the City Council reviewed the updated five-year plan and progress made to date on the various focus areas, and reaffirmed and updated those priorities that will move the organization and community forward through 2027. There are key themes across a wide range of topics including City's organizational readiness structure; priorities for near and long-term; communication and collaboration; DEI; City finances; climate adaptation and resiliency; housing and economic development; and public safety.

The implementation of the Strategic Plan had been included in the Fiscal Year (FY) 2024/25 Budget. City departments, that support the focus areas, incorporated the Strategic Plan objectives into their annual workplans to ensure the highest priority outcomes are proposed. Staff intends that the updates to the Strategic Plan coincide with the City's annual budget to ensure that the action items accurately reflect those that are funded through the budget process. These goals help staff work to realize the Belmont Community Vision, and to reaffirm core community values important to City's future. The current strategic plan includes the following five City Council focus areas with supportive goals as its roadmap for action over the next several years:





Analysis

The attached Strategic Plan Performance Update provides the city's formal performance management report of the initiatives in the 2023-2027 Strategic Plan Mid-Cycle Update, as approved by the City Council in October 2023. The report is set up as a Dashboard of Key Strategic Objectives & Supporting Initiatives identifying short term (1-2 year) objectives and supporting initiatives for each of the strategic focus area. Additionally, it identifies timeframe for completion of each action step.

In the past three years, we have moved the needle of our housing element with the development of transit-oriented housing and the approval of more in the next few years. We have increased mobility on our roads by improving our Pavement Condition Index, pedestrian and bicycle safety, installing real-time signal technology to unclog our regular commutes, and built important partnerships with our neighboring cities on shared multi-modal corridor projects that affect neighbors in and outside our city boundaries.

We have been focused on pursuing climate change adaptation and resilient infrastructure programs and services. We've prioritized our community's enjoyment of Belmont's outdoors and invested in the maintenance of our parks, open spaces, and community facilities. We've earned recognition for our award-winning budget and shown decisive caretaking of our assets and earned the citizenry's approval of tax ballot measures. We've designed roles and added staff to our team who are dedicated to community engagement and external communication, and we've continued to build community goodwill with our efforts toward public safety, neighborhood connections and outdoor activities open to all.

We have continued to provide regular updates to the Council and community on each focus area and initiatives through each fiscal year. We look ahead now to the continued advancement of the plans set in 2020 and updated in 2023, but with an eye toward the years that follow and the renewed goals we will set. Our City Council, our Executive Leadership, and every member of staff take great pride in their stewardship of Belmont, and it is my pleasure to witness these achievements come to life every day.

Alternatives

1. Take no action

Attachments

- A. 2023 -2027 Strategic Plan Dashboard
- B. Dashboard on the City's Website [Strategic Plan | City of Belmont](#)

Fiscal Impact

- ☐ No Fiscal Impact
- ☒ Funding Source Confirmed: Priorities resulting from the Strategic Plan has and will be incorporated as part of the annual budget development process.

Source:

Staff

Purpose:

Council Vision/Priority

Public Outreach:

Posting of Agenda

Citywide Strategic Plan (2020-2027)



Infrastructure & Mobility

- ENHANCE MULTI-MODAL TRANSPORTATION
- ADVANCE PAVEMENT & STREET IMPROVEMENTS
- ADVANCE SEWER & STORM SYSTEM IMPROVEMENTS
- ADVANCE IMPROVEMENTS AT PARKS, ATHLETIC FIELDS, AND BUILDINGS
- ADVANCE CLIMATE ACTION AND ADAPTATION GOALS



Economic Development & Housing

- SUPPORT LOCAL ECONOMIC DEVELOPMENT STRATEGIES
- IMPLEMENT A BALANCED LAND USE VISION INCORPORATING ECONOMIC OPPORTUNITIES, HOUSING GOALS, AND PROGRAMS



Fiscal & Organizational Stability

- ENSURE FISCAL AND REVENUE SUSTAINABILITY
- STRENGTHEN ORGANIZATIONAL DEVELOPMENT

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Public Safety

- ENSURE SEAMLESS PUBLIC SAFETY SERVICES - POLICE AND FIRE
- STRENGTHEN EMERGENCY PREPAREDNESS



Quality of Life

- IMPROVE PARKS & RECREATION FACILITIES AND PROGRAMS
- CREATE DIVERSE AND UNIQUE COMMUNITY SPACES
- FOSTER MEANINGFUL COMMUNITY DIALOGUE

Initiative Projects Status Overview			
Completed	On Target	Delayed	Future Project
33%	33%	33%	
14%	71%	14%	
17%	33%	50%	
	100%		
	75%	25%	
	67%	33%	
	50%	50%	
	86%		
	100%		
	100%		
	100%		
	100%		
25%	50%	25%	
20%	80%		

Last Update 8/30/2024
Report Generated 8/30/2024

Q1 = Jul 1 - Sep 30
Q2 = Oct 1 - Dec 31
Q3 = Jan 1 - Mar 31
Q4 = Apr 1 - Jun 30

Citywide Strategic Plan (2020-2027)



STRATEGIC FOCUS AREAS	GOALS	OBJECTIVES	Initiative Projects	Project Start	Project End	Status	Date Last Updated	Lead Department	Notes
 Infrastructure & Mobility	A transportation, facilities, and infrastructure system that maintains and improves our community to meet current and future demand and climate action goals.	ENHANCE MULTI-MODAL TRANSPORTATION	Construct Ralston Corridor Plan Phase 3	7/1/2020	9/29/2023	Completed	2/26/2024	Public Works	Ralston Phase 3 pedestrian improvements were completed in the 2022 and pavement/stripping improvements in 2023.
			Complete Design Ralston Corridor Plan Phase 4	4/1/2024	12/31/2025	Delayed	2/26/2024	Public Works	Grant funds being sought to fully fund Phase 4 design (ADLP to Hwy 92), \$80k budgeted, \$300k needed
			Implement Alameda de las Pulgas Corridor Plan	7/1/2020	10/31/2026	On Target	8/26/2024	Public Works	ADLP from Ralston to Cranfield Avenue is at the 65% design phase, and construction is less than 50% funded. Grant funds being sought for phase II of construction and phase I planned for construction summer 2025
			Continue to identify and address trends to inform traffic management approach and solutions through PTSC process (3Es) and Mobility/Capital Plans.	7/1/2020	6/30/2027	On Target	2/26/2024	Public Works	This initiative involves a coordinated effort between Public Works and PD to address community related requests, mobility and safety related operational improvements, enforcement, and educational efforts. Staff will provide annual mobility updates to the City Council.
			Develop a Transportation Master Plan that addresses how significant new development, mobility, traffic congestion, and infrastructure can be managed for all modes of transportation.	7/1/2023	6/30/2026	Delayed	8/26/2024	Public Works	Masterplan RFP released and qualified respondents have been evaluated. First and second grant application was not funded by Caltrans. PW will submit a new grant application to the same Caltrans program this fall. Masterplan to start in 2025 and be completed in 2026 or 2027 pending grant results.
			Develop a residential Traffic Calming Policy, update Speed Cushion Policy, and update the Sidewalk Installation Policy	7/1/2023	7/9/2024	Completed	8/26/2024	Public Works	Includes developing a draft policy for residential traffic calming for City Council approval. Staff presented to the BPAC in summer 2023 and received input from PTSC. It has been revised based on input. Speed Cushion Policy to was reviewed by PTSC fall of 2023. Traffic Calming Policy adopted by City Council on 7/9/2024.
		ADVANCE PAVEMENT & STREET IMPROVEMENTS	Continue maintaining and repairing the City's 140 lane miles of roads through the rolling 5-year community-wide street pavement maintenance program through the judicious use of funds while seeking additional funding opportunities.	7/1/2020	6/30/2028	On Target	2/26/2024	Public Works	The 2023 Reconstruction & 2024 Slurry projects will be constructed in 2024. The 2025 & 2026 list of streets to be rehabbed are in the design phase. New 5-year pavement plan is completed, based on latest PCI report. The next biannual PCI update will occur in 2024/2025.
			Update the 2024 Citywide Pavement Condition Assessment (PCI report)	2/1/2024	11/30/2024	On Target	2/26/2024	Public Works	The PCI report update will be completed in 2024./2025.
			Five-year Pavement Preservation Plan	7/1/2023	2/27/2024	Completed	8/26/2024	Public Works	Pavement Engineering Incorporated (PEI) have updated the 5-year Plan. A comprehensive list of streets to be improved between 2024-2028 was included. It was presented to the City Council on 2/27/24.
			Complete construction on the 2023 Pavement Reconstruction Project	7/1/2022	10/1/2024	Delayed	8/26/2024	Public Works	The City conducted a bid opening in December with bids coming in over engineer's estimate. In January 2024 staff requested additional budget to award the project to the low bidder, Ghilotti Bros., Inc. The project started on 3/1/24 and be completed by 10/1/24.
			Complete construction of the 2024 Slurry Seal Project	7/1/2023	9/30/2024	On Target	8/26/2024	Public Works	Project construction started on 8/6/24 and involves dig outs and light rehabilitation (slurry sealing) of street pavement. The project is complete with the exception of striping. Total project completion is expected by mid to late September.
			Complete construction of the 2025 Pavement Rehabilitation Project	7/1/2023	9/1/2025	On Target	8/26/2024	Public Works	The City is in contract with PEI, Pavement Engineering Incorporated, to design the firm. The project is expected to bid in early winter, start construction in the spring, and complete construction in late summer 2025.
			Complete construction of the 2026 Pavement Rehabilitation Project	7/1/2024	9/1/2026	On Target	8/26/2024	Public Works	
		ADVANCE SEWER & STORM SYSTEM IMPROVEMENTS	Complete updates to Sewer and Stormwater Master Plans	6/30/2021	12/31/2024	Delayed	45530	Public Works	The Storm Drain Master Plan is 95% complete. The Sewer Master Plan is 95% complete. Public outreach for Storm Property related fee is scheduled for late 2024. Sewer and storm master plans are to be finalized in fall 2024. Storm MP involves a financial feasibility and outreach components.
			North Road Pump Station & Force Main Rehabilitation Project, Reconstruct Hiller Pump Station	7/1/2020	12/30/2026	Delayed	8/26/2024	Public Works	North Rd PS and Force Main completed in March 2021. Hiller PS upgrades partially funded by development activities and is expected to be complete in 2026. The Hiller Pump Station project was delayed to due to time to secure materials and equipment.
			El Camino Capacity Improvement Project	10/1/2020	3/31/2021	Completed	8/26/2024	Public Works	Project included design and construction. The project is completed.
			Develop point of sale sewer lateral inspection ordinance and other related sewer system policy updates	7/1/2023	7/1/2025	Delayed	8/26/2024	Public Works	Development of the draft point of sale ordinance is planned to start in a couple months.
			Advance priority stormwater repair and climate resiliency priority projects and repairs (Partially Measure I funded).	7/1/2024	12/31/2026	On Target	5/15/2023	Public Works	Stormwater Master Plan CIP is nearly complete and a potential funding mechanism may be considered to move CIP and maintenance repairs forward for the storm drain system.
			Belmont Creek Restoration & Detention Basin Projects	1/1/2020	6/1/2026	On Target	8/26/2024	Public Works	MOU with San Carlos, County Public Works; total of three grants now secured Creek Restoration (\$1m), Detention Basin Design (\$914k), Detention Basin CON (\$6m). Both projects are at 60% design and 50% CEQA. Creek Restoration will have an MND and Detention Basin will have an EIR.

Q1 = Jul 1 - Sep 30 Q2 = Oct 1 - Dec 31 Q3 = Jan 1 - Mar 31 Q4 = Apr 1 - Jun 30 Citywide Strategic Plan (2020-2027) 									
STRATEGIC FOCUS AREAS	GOALS	OBJECTIVES	Initiative Projects	Project Start	Project End	Status	Date Last Updated	Lead Department	Notes
 Infrastructure & Mobility	A transportation, facilities, and infrastructure system that maintains and improves our community to meet current and future demand and climate action goals.	ADVANCE IMPROVEMENTS AT PARKS, ATHLETIC FIELDS, AND BUILDINGS	Continue progress with the Belmont Community Center facility replacement project	7/1/2020	11/1/2026	On Target	8/6/2024	Parks & Recreation	Conducting with community outreach regarding the facility condition, age, and needs via Community Conversation events, tabling at City events, and presentations to stakeholder and interest groups.
			Examine the City's long-term facilities and infrastructure condition and needs	3/1/2023	7/1/2025	On Target	8/30/2024	Parks & Recreation	Estimating 2024 to begin the broader facilities assessments.
			Continue progress in addressing Fire Station #15 funding and replacement needs.	7/1/2022	6/30/2027	On Target	5/15/2023	Com Dev/Fire/Finance	Capital funding is being put aside and site selection is dependent on a proposed development project or potentially evaluating the existing site for reconstruction.
		ADVANCE CLIMATE ACTION AND ADAPTATION GOALS	Complete evaluation of the progress with 2017 Climate Action Plan and prepare an update to the plan	8/1/2024	12/31/2025	Delayed	8/6/2024	City Manager	Initiation of Climate Action Plan Update delayed to summer 2024. 2021 GHG Inventory completed, working on RFP to hire consultant team to prepare a joint Climate Action and Adaptation Plan, researching opportunities to fund EV charging at City Hall.
			Continue with urban forestry, fire, and hazard mitigation projects	7/1/2022	6/30/2025	On Target	8/30/2024	Parks & Recreation	Environmental review and treatment plan completed; Will be securing contractors for chipping fuel reduction work, developing educational materials, and conducting outreach.
			Complete the City's Safety Element Update	8/1/2023	6/30/2025	On Target	8/26/2024	ComDev	The General Plan was comprehensively updated by City Council in Nov 2017. The Safety Element is being refreshed to address City's strong sustainability focus and provide local policies to address public safety, hazard assessments, and climate resiliency objectives. First project phase has been completed - initial
			Continue to address the City's fleet renewal plan to meet climate action goals	7/1/2020	6/30/2027	On Target	9/1/2023	Public Works	Continue with evaluation of alternatives to City's fleet needs and Conversion as part of routine equipment replacement program. Ensure the at light duty vehicles are converted by required state deadlines.
 Economic Development & Housing	Local business and land use policies that promote economic development, vibrant mixed-use centers, and diversity of housing choices.	SUPPORT LOCAL ECONOMIC DEVELOPMENT STRATEGIES	Reevaluate the City's economic development plan which includes strategies and policies that increase the quality of life for residents	2/1/2024	6/1/2025	Delayed	8/6/2024	City Manager	New Housing and Economic Development Manager hired in May 2024. Work to begin in January 2025
			Collaborate with community partners, including Chamber San Mateo County, SAMCEDA, government and educational institutions, and business community leaders to support economic development	8/1/2023	6/30/2027	On Target	8/6/2024	City Manager	Work is ongoing as led by the Assistant City Manager and Housing and Economic Development Manager.
			Revisit the scope and approach to commercial cannabis implementation	7/1/2023	12/1/2024	On Target	8/6/2024	ComDev/City Manager	Adopted General Plan Amendments in Land Use Element and Zoning Text Amendments to establish Cannabis Use Development Standards and Overlay Zone Process; evaluated cannabis proposals and recommended two operators to apply for entitlements, entitlement applications currently under review.
		IMPLEMENT A BALANCED LAND USE VISION INCORPORATING ECONOMIC OPPORTUNITIES, HOUSING GOALS, AND PROGRAMS	Ensure land use policies and practices support a diversity of housing choices, leverage existing affordable housing assets, and increase options for affordable housing	1/1/2024	1/1/2025	On Target	8/26/2024	ComDev	Adoption of 2023-2031 Housing Element (HE) scheduled to occur in September 2024, Zoning Text Amendments adopted in January 2024. Additional Zoning Code amendments will be brought forward to Planning Commission and City Council in Late Fall 2024.
			Review the General Plan and zoning and ensure alignment with our housing & economic development plans/vision and evaluate Economic Activity Hubs	3/1/2023	1/1/2025	On Target	8/6/2024	ComDev	Work is ongoing and is connected to HE Implementation and HIA Specific Plan formulation/adoption.
			Engage in long range/advanced planning projects to facilitate TOD related housing, economic development, and establish a specific Plan Area for the Unincorporated Harbor Industrial Association (HIA)	10/1/2022	10/1/2025	Delayed	8/15/2024	ComDev	HIA Specific Plan commenced Feb 2023; first wave of community outreach/research completed Oct 2023. Land Use Alternatives prepared, reviewed, and concurred by CC in Jan 2024; Draft Plan Review Jan 2025; Final Plan Adoption Q3 2025
			Study and recommend changes related to Island Park Development and Regional Commercial Zoning Amendments	1/1/2023	6/30/2024	Delayed	8/26/2024	ComDev	CC conferred Project scope in June 2023. Draft framework of ZTA prepared; under review for potential scope modifications (inclusive of Biosafety Level Standards). CEQA Path TBD. Public Hearings/Adoption slated for Q1/2025.
			Prepare and implement the 2023-2031 Housing Element in compliance with new housing laws.	1/1/2021	11/1/2024	Delayed	8/15/2024	ComDev/City Manager	HCD deemed Housing Element substantially compliant on July 26, 2024. Housing Element readoption scheduled for September 10, 2024. HCD certification to occur by November 2024.
			Coordinate multi-department/stakeholder team to address timely major development applications (e.g. CD, PW, CA, ED&H)	6/1/2023	6/1/2025	On Target	8/26/2024	ComDev/Public Works/City Manager	Continual enhancements underway to improve Development Review process. Currently, revising the Design Review Team (DRT) meetings to increase efficiency for all attendees.

Q1 = Jul 1 - Sep 30
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Q4 = Apr 1 - Jun 30

Citywide Strategic Plan (2020-2027)



STRATEGIC FOCUS AREAS	GOALS	OBJECTIVES	Initiative Projects	Project Start	Project End	Status	Date Last Updated	Lead Department	Notes
 Fiscal & Organizational Stability	Ensure financial stability, quality city services delivered through our employees, and investment in our organizational development.	ENSURE FISCAL AND REVENUE SUSTAINABILITY	Maximize and update existing sources of revenue and efficiencies, identify new revenue sources to maintain financial stability, conduct routine evaluation of city fees, and update as needed	7/1/2023	6/30/2027	On Target	8/6/2024	Finance	Placed BLT update in the Nov 2024 ballot. Continue to advance efforts on developing a Community Facilities District to support Citywide services to ensure developers pay their fair share.
			Prioritize implementation of economic opportunities initiatives such as new development related community benefits	2/1/2022	1/1/2025	On Target	8/6/2024	ComDev/Finance	Working on goals and guiding principles strategies relating to community benefits as part of the new development. Overarching strategy to be included in HIA Specific Plan & Regional Commercial Text Amendment projects.
			Invest in systems and process to promote innovation, effectiveness, and financial stewardship	7/1/2024	6/30/2027	On Target	2/27/2024	Admin Services/Finance	Information Business System Analysts are working with each department to assess, improve and enhance the use of software and effectively utilize organization-wide systems as outlined in the IT Strategic Plan.
			Secure ongoing funding for sewer, storm, streets, facilities, and parks to address deferred maintenance and future capital needs along with a plan to support critical public services	7/1/2023	6/30/2027	On Target	8/6/2024	All departments as needed	Efforts are underway in the Sewer Master Plan to ensure sufficient funding for sewer and stormwater improvements.
			Use Measure I/SB1 and leverage outside funding opportunities to advance infrastructure projects	7/1/2023	6/30/2027	On Target	8/6/2024	Finance/Public Works	Enhanced funding included in the adopted budget for streets and storm water infrastructure improvements.
			Study the benefits and opportunity to update the City's business license tax for voter consideration	7/1/2023	7/1/2024	On Target	8/6/2024	Finance/City Manager	Updated tax structure for the business license tax is placed on the Nov 2024 ballot.
			Secure funding to address future annexation of the Harbor Industrial Area (HIA)	7/1/2023	12/31/2025	On Target	8/6/2024	Finance/ComDev	Continue discussions and collaborate with the County to explore future annexation of the HIA. Identify infrastructure needs and evaluate potential financing mechanisms.
			Evaluate General Fund reserve policy	2/1/2024	7/1/2024	Completed	8/6/2024	Finance	Council adopted updated policy to eliminate the static \$5 million target in the General Fund and keep the 33% reserve target, as a percentage policy will keep pace and grow as the City's General Fund grows, while the \$5 million minimum does not.
		STRENGTHEN ORGANIZATIONAL DEVELOPMENT	Develop recommendations and implementation work plan to address talent management, succession planning, workforce planning, and employee/career development	9/1/2023	4/30/2024	On Target	2/27/2024	HR	HR offers career support and training. Internal trainings sessions are offered on core competencies in technology, project management and leadership. A "Talent Initiative" program supports career development and succession planning. HR hosted a high school summer youth internship program.
			Review and update as needed the City's personnel policies to ensure they reflect best practices in diversity and inclusion	9/20/2023	7/1/2025	On Target	2/27/2024	HR	The HR staff are reviewing personnel policies to encompass changes that support a vibrant and diverse workforce. Recommendations will be reviewed for legal compliance prior to adoption in 2024. The City's Personnel Rules and Regulations will be reviewed in 2024.
			Lead on DEI efforts within City government and in the community	7/1/2021	Ongoing	On Target	8/30/2024	HR/Parks & Recreation	Working Committee continues to operationalize DEI. Department specific programs and community engaged through cultural events and DEI discussions. DEI Working Committee 3.0 and city staff training activities will occur during FY25 and a quarterly newsletter provides employee education/support.
			Provide equipment, technology, and resources to employees to ensure high level of service delivery to our community through IT Strategic Plan	7/1/2021	6/30/2026	On Target	2/27/2024	IT	The ITSP was presented to CC in Apr'22 and the initiatives and projects have been incorporated into the 2024 IT work plan. The IT staff are now focused on the 5-year ITSP and effectively managing the day to day IT functions.
			Create a culture that assures employees are valued, that leadership promotes innovation, creative problem solving, outstanding customer service, and encourages employee engagement	6/1/2023	7/1/2025	On Target	2/27/2024	HR	Programs and events are being offered that focus on training, team building, communication, and employee recognition. Human Resources will continue to support a culture of excellence, belonging and commitment to public service.
			Develop and capture institutional knowledge documenting processes and procedures in anticipation of retirements and turnover to ensure continuity of services to the community, and opportunity to improve those processes and procedures	6/1/2023	7/1/2025	On Target	2/27/2024	HR	Retired employees are assisting with new employee training and developing system to retain institutional knowledge. Departments are utilizing cross training and restructuring as a tool for succession planning.
 Public Safety	Forward-thinking public safety services aligned with community needs through civic engagement, partnerships, and public education.	ENSURE SEAMLESS PUBLIC SAFETY SERVICES - POLICE AND FIRE	Maintain strong community outreach and align public safety services that are reflective of community culture and priorities	7/1/2023	6/30/2027	On Target	3/5/2024	PD	Implemented C.A.R.E program related to mental health response calls for service. Developed a Community Academy. Staff City Council's Public Safety Committee for provide a direct community engagement opportunity. Initiated and continue to provide an annual mental health symposium.
			Focus on improved Public Safety by delivering quality programs and services	7/1/2023	6/30/2027	On Target	3/5/2024	PD/SMC Fire	Coordinate with SMC Fire on disaster-related exercises to evaluate the City's response capabilities to a disaster including emergency preparedness.
			Strengthen and align problem-oriented policing services to focus on youth, mental health, and unhoused with focus on compassionate care	7/1/2020	6/30/2027	On Target	3/5/2024	PD	Implemented C.A.R.E program related to mental health response calls for service. Developed a Community Academy. Staff City Council's Public Safety Committee for provide a direct community engagement opportunity. Initiated and continue to provide an annual mental health symposium.
		STRENGTHEN EMERGENCY PREPAREDNESS	Strengthen emergency response through continued coordination with the San Mateo Consolidated Fire Department	7/1/2020	7/1/2027	On Target	3/5/2024	PD/SMC Fire	Deployment of Zonehaven completed, Departments remain active, and forward thinking on emergency messaging tools that would benefit the community.
			Fully implement community risk reduction software platforms. Leverage technology to enhance communication through web based software and communication devices	7/1/2020	7/1/2027	On Target	3/5/2024	PD/SMC Fire	Implemented Zonehaven, rolled out the new SMC Alert platforms, and continue with the community education and outreach. PD communication infrastructure aligned with DOJ set for 2024 compliance, with upgrades to radios and internal PD communication tools near completion.
			Collaborate with the San Mateo Consolidated Fire Department to reduce risk in areas susceptible to wildland fires, establish abatement standards, and implement enforcement tools along with educational outreach	7/1/2020	7/1/2027	On Target	3/21/2024	PD/SMC Fire	Wildland Mitigation Plan underway. Pilot wood chipping completed. Executed a Mutual Threat Zone (MTZ) Agreement with Cal Fire in 5/23. MTZ augments dispatch by Cal Fire to any fires SMC Fire responds in the zone (all areas west of the Alameda).

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Citywide Strategic Plan (2020-2027)



STRATEGIC FOCUS AREAS	GOALS	OBJECTIVES	Initiative Projects	Project Start	Project End	Status	Date Last Updated	Lead Department	Notes
 Quality of Life	Engage the community in maintaining and enhancing Belmont's character and quality of life.	IMPROVE PARKS & RECREATION FACILITIES AND PROGRAMS	Refresh Belmont Community Center Master Plan	1/1/2024	6/30/2026	On Target	8/30/2024	Parks & Recreation	Conducting with community outreach regarding the facility condition, age, and needs via Community Conversation events, tabling at City events, and presentations to stakeholder and interest groups.
			Complete Parks, Recreation, and Open Space Master Plan	1/1/2021	6/30/2024	On Target	8/30/2024	Parks & Recreation	Final PROS plan, including Open Space Management Plan and General Plan EIR Addendum were adopted on 3/12/24; implementation workplan is being developed.
			Deliver accessible, inclusive, services, programs, and facilities for all ages in our community	5/1/2020	5/1/2027	On Target	8/30/2024	Parks & Recreation	Providing community centric services and programs. Perpetually evolving to meet community's needs. Implemented scholarship programs, adaptive special events, and expanded cultural celebrations. Beginning planning for 2026 centennial celebration and events.
		CREATE DIVERSE AND UNIQUE COMMUNITY SPACES	Promote an environment that encourages arts; consider art in public places and within new development	7/1/2021	6/30/2027	On Target	8/26/2024	Parks & Recreation/CD	Completed the City's Art Masterplan, in lieu art fee program, new development art requirement; completed an art project as part of Firehouse Square and Artisan Crossing developments. Other opportunities will be explored as part of new development and in-lieu fees.
			Explore funding and creative solutions for place-making within public spaces for all ages	7/1/2021	6/30/2027	On Target	8/26/2024	Parks & Recreation	Completed art projects as part of Firehouse Square & Artisan Crossing projects. Other connected placemaking opportunities will be explored as funding is secured.
			Design and implement a city branding effort, inclusive of community signage/wayfinding, and gateway features in line with GP/BVSP objectives	7/1/2023	12/1/2024	Delayed	8/26/2024	ComDev	Signage/Wayfinding completion to focus on new Belmont logo/colors, historic/places/activity imagery on backside of signs, refinement of signage locations, and targeted PC/PR 9/17/24 public review for recommendation & adoption by CC (targeted for late-Q4 2024).
			Develop public streetscape design standards to enhance place-making in Belmont Village Specific Plan	7/1/2020	7/1/2023	Completed	8/26/2024	ComDev	BVSP Streetscape Design Standards adopted Nov 2022; under implementation.
		FOSTER MEANINGFUL COMMUNITY DIALOGUE	Continue progress with the City's comprehensive public information and engagement strategy	7/1/2020	7/1/2022	Completed	8/15/2024	CMO/OCS	Communication Work Plan approved by City Council on Jan 26, 2021. 2023 new logo/branding launched. Hired new Communications Officer to support public information. Created new branding templates that have increased social media following and community engaging
			Provide timely, accurate information that is easy to access and understand, and facilitate public participation in open meetings	5/1/2022	7/1/2024	On Target	8/15/2024	CMO/OCS	Continue comms meeting monthly; audit website to improve content; unite social media messaging by archiving PW pages and creating new branding that is cohesive across all divisions and increased public outreach to engage the public in initiatives
			Provide opportunity for resident leadership and participation, such as through commissions and advisory/ad hoc groups	7/1/2020	6/30/2027	On Target	5/31/2023	CMO/OCS	Completed multiple Police Community Academies, and using Commission and Youth Advisory as community leadership opportunities.
			Maximize use of available tools to reach our community and foster goodwill on digital platforms, through printed messaging and meeting our community where it is receiving its news	5/1/2022	6/30/2027	On Target	8/15/2024	CMO/OCS	Revamped City communication tools by use of social media to tell our story, using our Hwy 101 Digital billboard, City Hall Lobby slideshow screen, Channel 27 slideshow, parks and recreation billboards, mailed flyers, etc. Implemented translation services and social media management platform
			Conduct outreach and community education about city services, areas of cost, and financial resources	7/1/2020	7/1/2027	On Target	2/26/2024	CMO/OCS	DEI committee is identifying underrepresented communities that would benefit from additional outreach about City services



STAFF REPORT

Meeting Date: October 8, 2024
Agency: City of Belmont
Staff Contact: Rob D. Gill, Senior Planner, (650) 598-4204, rgill@belmont.gov
Agenda Title: 1041 Hill Street – New Memory Care Facility – Appl No.: PA2023-0006
Agenda Action: Ordinance

Recommendation

- 1) Conduct a Public Hearing.
- 2) Approve impact fee agreement resolving fee dispute.
- 3) Adopt an Ordinance (2nd Reading) for a Planned Development Zone Amendment and associated Conceptual Development Plan (CDP).
- 4) Adopt a Resolution approving a Conditional Use Permit and associated Detailed Development Plan (DDP), Grading Plan, Design Review and Tree Removal Permit.
- 5) Adopt 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

The City of Belmont (City) has received an application from Erdman Company (Project Applicant/Architect) to demolish an existing skilled nursing facility constructed in approximately 1960 and construct a new memory care facility at 1041 Hill Street in eastern Belmont. The proposed project, referred to as the Vista Terrace of Belmont Memory Facility Project, involves demolishing the existing approximately 8,528 square-foot (SF), two-story, wood-framed skilled nursing facility building and replacing it with a 24,086 SF, three-story, 36-unit, non-combustible memory care facility building in the same location.

The project site consists of two parcels (APN 045-152-540 and APN 045-152-570) and is located northwest of the intersection of El Camino Real and Ralston Avenue. The project site is bounded by Hill Street to the northwest and 6th Avenue to the northeast and east. The project is in the Planned Unit Development (PD) zoning district and has a General Plan land use designation of Institution.

The project includes amending the existing PD zoning district to incorporate the memory care use; approval is subject to the review of Section 12 of the Belmont Zoning Ordinance. Unlike properties in other zoning districts, properties seeking an amendment to a PD designation are typically governed by a two-step review process: First, general issues of land use, site plans and circulation plans are reviewed by way of a Conceptual Development Plan (CDP). More detailed issues, such as building architecture, landscaping, parking layout, grading/drainage, tree removal, and lighting are evaluated by way 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 and approved. The proposed amendment to the existing PD will require a recommendation by the Planning Commission and approval of the City Council.

The Planning Commission conducted a public hearing on August 20, 2024, considered the Project (Planning Application PA 2023-006), received public testimony and evidence, and voted five in favor (one abstain) to adopt a resolution recommending the City Council approve the project entitlements.

The City Council conducted a Public Hearing on September 24, 2024, to introduce the Planned Development Amendment Ordinance (1st Reading) and consider the resolutions for the project entitlements (Conditional Use Permit and associated Detailed Development Plan, Grading Plan, Design Review, and Tree Removal Permit). The project is exempt from environmental review per California Environmental Quality Act (CEQA) Guidelines – Section 15332 (In-Fill Development Projects). No public comments were received in conjunction with Council review of the item at this meeting.

Additionally, the City’s development impact fee categories generally are based on whether the proposed use is commercial or residential. The proposed memory care facility, however, is a use that was not specifically examined in the City’s impact fee studies. The staff and the applicant concur that the proposed memory care facility may have impacts different from those of typical residential and commercial projects. Consequently, staff proposes, and the applicant has concurred that the Project Impact Fees be calculated based on common space area square footage only, rather than the square footage of the entire facility. The applicant has executed an agreement agreeing to the revised impact fees and waiving any further protest which staff believes is reasonable and recommends the Council approve. As conditioned, the applicant/property owner must pay all required Impact Fees as required via the Fee Agreement prior to issuance of Building Permits.

Alternatives

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

Attachments

- A. Ordinance for a Planned Development Zone Amendment and adopting a Conceptual Development Plan (CDP).
- B. Resolution approving a Detailed Development Plan, Conditional Use Permit, Design Review, Grading Permit and Tree Removal Permit.
- C. Resolution finding the project is exempt from environmental review per Guidelines 15332, (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).
- D. Conditions of Project Approval - Exhibit A.
- E. CEQA Categorical Exemption (Section 15332 In-Fill Development Projects) - Exhibit B



- F. City Council Staff Report dated September 24, 2024. This attachment is also accessed via the City of [Belmont Streaming Media Archive](http://www.belmont.gov) on the City of Belmont Website - www.belmont.gov
- G. Planning Commission Staff Report dated August 20, 2024. This attachment is also accessed via the City [Belmont Streaming Media Archive](http://www.belmont.gov) on the City of Belmont Website - www.belmont.gov
- H. Impact Fee Agreement

Fiscal Impact

- ☒ No Fiscal Impact
- ☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

**Attachment “1”
Ordinance No. 2024 –**

**Conceptual Development Plan (CDP)
Memory Care Development - 1041 Hill Street
(Appl. No.PA2023-0006)**

PROJECT CONDITIONS – PLANNED DEVELOPMENT ZONE AMENDMENT, CONCEPTUAL DEVELOPMENT PLAN, DETAILED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, GRADING PERMIT, DESIGN REVIEW, TREE REMOVAL PERMIT AND ENCROACHMENT PERMIT AT 1041 HILL STREET APN: APN 045-152-540 & 045-152-570 (APPL. NO. PA2023-0006)

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

Planning Division

1. Developers are hereby notified, as required by Government Code §66020, that the approved plans, the conditions of approval, and the adopted City fee schedule found at www.belmont.gov constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90-day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City which the City has informed the Developers of as of the date of project approval of the adopted City fee schedule found at www.belmont.gov. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.
2. Indemnification. Land Owner hereby agrees to and shall indemnify, defend, and hold harmless City, any City agencies and their respective elected and appointed councils, boards, commissions, officers, agents, employees, volunteers, and representatives (collectively, for the purposes of this condition, "City") from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and property damage) and from any and all third party claims, demands, and actions in law or equity (including attorneys' fees and litigation expenses) directly or indirectly arising or alleged to have arisen out of or in any way related to: (a) the approval of the City Approvals; (b) any development or use of the Property under the City Approvals; and (c) any actions or inactions by the Land Owner or its contractors, subcontractors, agents, or employees in connection with the construction or improvement of the Property and the Project as defined in the development agreement; excepting to the extent arising from the intentional acts or willful misconduct of City, its elected and appointed representatives, officers, agents, employees, contractors or subcontractors.

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

3. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file and dated 5/21/24.
 - a. Maximum Floor Area: 73,469 sq. ft. (for all buildings) as indicated on project plans dated 5/21/2024.
 - b. Floor Area Ratio: Entire PD – 1.26 and as indicated on project plans dated 5/21/24.
 - c. 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 dated May 21, 2024 in the subject file.
 - d. Maximum Building Height: 55’ as indicated on project plans dated 5/21/24.
 - e. Off-Street Parking: 34 (12 Compact 22 Standard). Parking spaces shall consist of one ADA accessible space and one ADA van accessible space.
4. Aesthetics
 - a. 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, dated 5/21/24 and inclusive of the architectural drawings (Sheets G001 through G006, Sheets AD100 through AD200, Sheets AS100 through AS102, Sheets A100 through A342 & Sheets P101 through P202); Civil Engineering Plans (Sheets C1.0 through C9.0); Landscape Plans (Sheets L-0.0 through L-6.0); and Electric Photometric Lighting Plan (Sheet EP100).
 - b. Installation of roof mounted mechanical equipment shall be consistent with the Roof Plan (Sheet A1014) and Mechanical Screen Diagrams (Sheet G112) as shown on the project plans dated 5/21/24. Roof mounted equipment shall be placed behind the parapet of the building’s roofline as not to be visible from surrounding vantage points at or below the highest point of the equipment.
 - c. Ground Equipment Screening. All exterior trash, recycling, and storage utility boxes, wood service poles, and electric and gas meters must be screened from visibility from the surrounding public vantage points (right-of-way, public trails, open space, and parks). Said screening must incorporate the same architectural design, colors, and materials as the main building on site.

- d. Exterior building materials shall be consistent with Elevation Drawing and submitted materials sheets A200 through A202, dated 5/21/24, except for minor modifications approved by the Community Development Department, or as modified via an approved Design Review Amendment.
- e. The plans submitted for a Building Permit shall include: a) a plan sheet that includes all project conditions of approval; b) boxed-out floor plans demonstrating that the proposed Memory Care facility building would not exceed the maximum floor area permitted for the project.
- f. The plans submitted for a Building Permit shall include a final lighting plan and a photometric study. All exterior lighting shall employ the use of cut-off fixtures to restrict the direction of the light in accordance with City standards. Lighting should be the minimum required for safety, but not result in undue glare off site. There shall be no floodlighting of landscape plantings, the memory care building, courtyards, or patios/decks. To ensure consistency with city standards for lighting and compliance with the submitted photometric plan, a final lighting review shall occur after installation of project lighting and before final Building Permit inspection.

5. Air Quality

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

- d. 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:
 - i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - v. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - vi. Post a publicly visible sign with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the District will also be visible to ensure compliance.
- e. Pursuant to GP EIR Mitigation Measure AQ-5, the developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy, the project sponsors shall work with the City of Belmont to develop electronic correspondence to be distributed by email to new residential 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.
- f. The applicant must require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by implementing following measures during construction related activities:
 - i. Idling times must be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage must be provided for construction workers at all access points.

- ii. All construction equipment must be maintained and properly tuned in accordance with manufacturer's specifications. All equipment must be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. The applicant must require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that paints and solvents have a VOC content of 100 grams per liter or less for interior surfaces and 150 grams per liter or less for exterior surfaces.

6. Green House Gases

- 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 65% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final building permit inspection. Sample forms located <https://www.hcd.ca.gov/> may be used to assist in documenting compliance.
- c. Prior to the start of construction for the 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).

7. Cultural Resources

- a. Prior to the start of construction for the Building Permit, the applicant shall demonstrate that construction crews have proper training for the discovery, handling and retention methods for paleontological, archeological and/or cultural resources found at the project site. Project personnel should not collect cultural resources. Prehistoric resources include: chert, or obsidian flakes, projectile points, mortars and pestles, dark, friable soil containing shell and bone dietary debris, heat- affected rock, or human burials. Historic resources include: stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps.
- b. In the event that paleontological, archaeological, and/or cultural resources are encountered during construction activities, all construction activity 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.

8. Human Remains

- a. If any human remains are discovered or recognized in any location on a project site, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until:
 - o The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and,
 - o If the remains are of Native American origin:
 - a. 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
 - b. 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.

9. Noise Standard Conditions

- a. Noise Control Plan. The applicant must prepare and implement a noise control plan. Said plan must incorporate the noise reduction measures identified in the Noise and Vibration assessment prepared for the project by Illingworth & Rodkin, Inc, and the City standard construction noise COAs required for all projects, identified below.
- b. Noise Coordinator. 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. The telephone number for the Construction Noise Coordinator must be conspicuously 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. Notice. 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, contact phone number for the Noise Coordinator, and a copy of the noise control plan shall be included with this notice.
- d. Grading & Building Noise. The applicant must ensure that the following preventative and monitoring measures are enforced during grading and building operations:

- i. 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). Exceptions to these hours may be approved by the Building Official through the standard City process.
 - ii. Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses.
 - iii. Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition.
 - iv. Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.
 - v. Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses.
 - vi. Utilize “quiet” air compressors and other stationary equipment where feasible and available.
- e. Noise Barrier Standards. When noise barriers are required or proposed, their design and placement must be reviewed and approved by the project noise consultant, prior to issuance of grading or building permits. These barriers must be installed prior to grading and excavation activities and must be inspected by the project noise consultant to ensure that it has been properly constructed/installed. The barrier must remain in place for the duration of grading and excavation activities, unless approved for removal by the noise consultant to allow work at that location.
- f. Engine Noise. Prior to issuance of grading or building permits, the applicant must 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.
- g. Equipment Noise. Prior to issuance of grading or building permits, the applicant must 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 must be used for noise mitigation.
- h. Operation. 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 to ensure 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.

- i. Noise Impacted Locations. All new development that would be exposed to noise greater than the "normally acceptable" noise level range, and residential and other noise-sensitive land uses within the 65 dB contours, as shown in [BVSP] Figure 6-6d are required to reduce interior noise through design, sound insulation, or other measures to achieve an interior noise level of not more than 45 dBA. At minimum, the following is required:
 - i. A detailed acoustical analysis of the project must be completed by a qualified acoustical consultant to define the measures required such that the interior noise level requirements are satisfied.
 - ii. Prior to issuance of a Building Permit, the project noise consultant must certify in writing that the submitted Building Plans include all required noise reduction recommendations specified in the detailed acoustical analysis (i.e., construction methods, increased insulation, noise baffling, etc.) to reduce interior noise levels below the City and State level of 45 dB.
 - iii. The final project design must include a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

10. Construction Vibration Standard Conditions

- a. After obtaining permission from the subject property owners, the applicant must conduct preconstruction photo surveys of foundation/building wall cracks in adjacent structures and install vibration monitors at any sensitive receptor sites identified in the project Vibration Assessment (structures located within 20 feet of construction). The applicant must submit a copy of the 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.
- b. The applicant must 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.
- c. Neighboring property owners within 300 feet of the project site must 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.

- d. The applicant must ensure that the preventative and monitoring measures identified in the Vibration Assessment are enforced during grading and building operations. The applicant must demonstrate that all project construction personnel have been made aware of these measures, prior to issuance of a grading or building permits. On-site identification of any buffer distances between construction (i.e., vibratory rollers, excavators, backhoes, etc.) and adjacent structures (structures located within 20 feet of construction) that are specified in the Vibration Assessment must occur prior to grading operations.
- e. Vibration monitors shall be placed at the sensitive receptors (structures located within 20 feet of construction) 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.
- f. Building structures near the project (structures located within 20 feet of construction) must be periodically checked for cracks, and any cracks must be monitored. If minor cracks are reported or existing cracks propagate, vibration project action levels must be restricted.
- g. Whenever possible, construction or equipment activity generating relatively high levels of vibration must 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 must 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.
- h. All deliveries of material and equipment must occur during daytime hours, including queueing of construction vehicles outside the site. Vehicles delivering materials and equipment must 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 must be stored on-site and within the confines of the construction barricades.
- i. Stationary and portable construction equipment must 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.
- j. After construction activities are complete, the applicant must conduct a post-construction photo survey of previously surveyed buildings (structures located within 20 feet of construction) for foundation /building wall cracks. The post construction survey, and a summary letter of any resulting actions taken (repairs or

restitutions) must be provided to the Community Development Department, prior to final building permit inspection.

11. Construction Vibration Reduction and Monitoring

- a. A construction noise logistics plan shall be prepared that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
 - i. Pursuant to the Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and Holidays.
 - ii. Construct solid plywood fences around ground level construction sites adjacent to residences, or other noise-sensitive land uses. A temporary 10- to 12-foot noise barrier would provide 5 to 6 dBA attenuation for adjacent sensitive land uses when construction activities occur at the ground level.
 - iii. Erect a temporary noise control blanket barrier, where feasible, at the property line or on scaffolding just outside the proposed buildings facing the adjoining residences to the west during construction to control construction noise when activities do not occur at the ground level. The temporary noise control blanket barriers shall be installed at residences nearest to the active construction activities only.
 - iv. A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - v. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - vi. Prohibit unnecessary idling of internal combustion engines.
 - vii. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Any enclosure openings or venting shall face away from sensitive receptors.

- viii. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
 - ix. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - x. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - xi. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
 - xii. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
 - xiii. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- b. Wherever feasible, operation of vibration inducing equipment shall be avoided within the distance to existing buildings specified below:
- Clam shovel drop – 18 ft.
 - Hydromill (slurry wall) in soil – 1 ft.
 - Hydromill (slurry wall) in rock – 2 ft.
 - Vibratory Roller – 19 ft.
 - Hoe Ram – 9 ft.
 - Large bulldozer – 9 ft.
 - Caisson drilling – 9 ft.
 - Loaded trucks – 8 ft.
 - Jackhammer – 4 ft.
 - Small bulldozer - <1 ft.
- c. If the above equipment must operate closer to existing buildings than specified above, a vibration monitoring plan shall be prepared, submitted to the City, and implemented to monitor construction vibration at the nearest structures, including at a minimum the following:

- i. A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.).
- ii. An indication of what efforts will be implemented for reducing vibration levels below the thresholds, such as location of equipment away from adjacent building as possible and use of alternative methods or equipment that would produce less vibration.
- iii. A designated contact responsible for registering and investigating claims of excessive vibration. The contact information of such person shall also be clearly posted on the construction site. Any damage to adjacent buildings shall be addressed by the applicant team.
- iv. Document conditions at all structures located within 20 feet of construction prior to, during, and after vibration-generating construction activities. Perform a photo survey, elevation survey, and crack monitoring survey prior to any construction activity, at the end of each phase of construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. If vibration generated by project construction results in damage to adjoining structures, repairs shall be completed to restore structures to pre-construction conditions.

12. Nesting Birds & Roosting Bats – Preconstruction Surveys

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

- c. A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist will look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains, or urine stains around openings in trees or structures, or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully.
- d. If signs of bats are detected, CDFW should be contacted about how to proceed. Echo-location surveys may be needed to verify the presence of bats, or an exclusion zone around the occupied tree may be recommended until bats leave the roost. Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.

13. Tree Protection

- a. The applicant shall implement the Tree Protection Guidelines identified on the project Landscape Plans (Demolition Notes Sheet L-0.1).

Clearing & Grubbing: Clear and grub two the limits of work per specifications taking care to not disturb the root system of existing trees to remain.

- i. Existing Trees to Remain: Existing trees to remain shall be pruned under the direction of a certified arborist in accordance with International Society of Arboricultural (ISA) guidelines prior to beginning of construction. During construction, fencing shall be installed at the drip line of all existing trees to remain per arborist and tree protection plan. All excavation within the drip lines of existing trees to remain shall be done by hand with care taken not to damage the root system of these trees. The contractor shall be responsible for watering and ensuring the health of the trees to remain. Do not water California native oak trees to remain during the dry season (April – October).
- b. Prior to issuance of a grading or building permit, the applicant must submit written confirmation that all tree protection measures, and pre-construction treatments have been installed and inspected, and that they meet the specifications shown tree protection plan (Sheet L-0.1).
- c. Tree protection devices are to remain until all site work has been completed within the work area.
- d. 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.

- e. After completion of exterior construction work and before final building permit inspection, the applicant shall submit a final written report/letter from the Project Landscape Architect or Arborist. Said report/letter must provide an evaluation of the construction impacts to the subject tree's health or structural stability and must identify any additional provisions that may be required to these address impacts. The applicant is responsible to implement these recommendations. A final report may be required on the effectiveness of the measures.

14. Tree Removal Fees

- a. The applicant shall pay a removal fee in accordance with the fee schedule for all regulated trees being removed due to direct/indirect conflicts with proposed work/site plan.

15. Electric Vehicle Charging Stations

- a. Signage. Any required electrical vehicle charging station must be clearly marked with a sign reading "Electrical Vehicle Charging Station" and the associated California Vehicle Code restrictions, and only a vehicle that is connected.
- b. Equipment. Any required electrical vehicle charging stations must be wired for a minimum of 240 volts and 32 amps, designed to allow for future provision of higher amperage conduit, equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment, as necessary for public use.

16. Geotechnical Conditions

- a. Geotechnical Plan Review - The GEOR 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 GEOR should review the completed structural plans and calculations for the new construction for conformance to his geotechnical recommendations, provide supplemental recommendations as necessary, and also provide a professional certification letter to the City to that effect.
- b. In addition to responding to the above items, following geotechnical approval for development, the GEOR should perform the following during and at the completion of construction:
 - i. Geotechnical Construction Observation and Testing - The GEOR should be retained to observe the geotechnical and foundation aspects of the construction. The GEOR 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. In addition, the GEOR should prepare and submit at the completion of project construction a final report that addresses the following items.

- ii. Summary of earthwork operations, including temporary shoring and dewatering, subgrade preparation, earthwork construction, and site drainage and subdrainage installations, as applicable.
 - iii. Recording of test locations and results of field and laboratory compaction tests where testing is determined to be appropriate by the project geotechnical engineer.
 - iv. Building foundations, including observation of foundation supporting materials, and confirmation of supporting materials with respect to the geotechnical engineer's recommendations.
 - v. Site and subsurface drainage, including finish grading around the building, and discharge of collected surface and subsurface water to appropriate discharge facilities.
- c. The applicant must adequately submit to the City prior to the issuing of the building permit the supporting data, analysis, and documentation including fill material specifications for the sustenance of the conclusions and the recommendations stated in the geotechnical engineering report and for satisfying the criteria for approval of a project within a seismic hazard zone. As a guide, Special Publication 117 (SP 117) by the California Department of Conservation, Division of Mines and Geology in 1997, provides general considerations for the earthquake hazard evaluation and mitigation, including seismic slope stability (SCEC, 2002).

17. Airport Hazards

- a. The project is subject to the requirements of the Federal Aviation Administration outlined in a letter dated March 11, 2024, including but not limited to the following:
 - i. The manager of San Carlos Airport (SQL) be notified at (650) 573-3700 at least three business days prior to the temporary structure being erected and again when the structure is removed from the site. It is required that the manager of SQL Air Traffic Control Tower be notified at 650-591-8051 at least three business days prior to the temporary structure being erected and again when the structure is removed from the site.
 - ii. The applicant or a designated representative must provide contact information for the onsite operator in the event that Air Traffic Control requires the temporary structure to be lowered immediately.
 - iii. Federal Aviation Administration determination letter for temporary structures expires on 09/11/2025 unless extended, revised, or terminated by the issuing office.

18. Mid-Peninsula Water District

- a. The applicant shall demonstrate that the final landscape plan has been reviewed and approved by the Mid-Peninsula Water District (MPWD) prior to the issuance of a Building Permit and is consistent with MPWD's Water Efficient Landscape Ordinance (WELO), prior to installation of landscaping. A post installation certification from MPWD is also required prior to final Certificate of Occupancy. Contact the MPWD Water Resource Coordinator (650) 591-8941 or drewb@midpeninsulawater.org for more information.

19. Impact Fees

- a. The applicant/developer agrees to pay all applicable regulatory, connection, and including plan check, building permit, tree removal permit, Maintenance, Sewer Impact and Sewer Connection Fees, as specified by each respective City Ordinance or the City's Master Fee Schedule.
- b. Prior to issuance of Building Permits, the applicant/property owner must pay all required Park Improvement Impact Fees. The calculated fee for the project is \$9,856.80 as required via the Settlement Agreement for this project.
- c. Prior to issuance of Building Permits, the applicant/property owner must pay all required Transportation Impact Fees (TIF). The calculated fee for the project is \$153,519.66 as required via the Settlement Agreement for this project.
- d. Prior to issuance of Building Permits, the applicant/property must pay all required Housing Mitigation/Inclusionary In-Lieu Fees. The calculated fee for the project is \$180,502.65 as required via the Settlement Agreement for this project.
- a. Public Art Requirement ([Belmont City Code Sec. 17-128](#)) - The City has a development standard that requires non-residential and mixed-use development involving 10,000 square feet or more of new floor area 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 on the development site, developers can meet this obligation by either: 1) by acquiring and installing freely accessible art on city property or in the public right of way; or 2) providing an in-lieu contribution (payment) to the City for acquisition and placement of public art in the city not less than 1%.

20. Building Division

- a. 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.

- b. 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, Dr. Martin Luther King, Jr. 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.
- c. Specify that the 2022 California Code of Regulations as amended by the State of California and all applicable City of Belmont ordinances will be employed during this project.
- d. 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).
- e. 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.
- f. Pursuant to Regulation 6, Rule 3 per the Bay Area Air Quality Management District, effective January 1, 2009, no person or builder shall commence construction of a new building or structure permitted to contain or containing a wood-burning device or install a new wood-burning device resulting from a remodel unless the device meets the requirements of Section 6-3-303. Any gas fueled heating device or electric-powered heating device is allowed under this standard.
- g. The City of Belmont Municipal Code requires a soils and engineering geology report for all new or substantially altered foundations. Prior to issuance of a Building Permit, 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.
- h. This project is subject to the requirements of the Green Building Standards Code ([Belmont City Code Division 10 Sec. 7-96](#)), the photovoltaic system requirements in the California Energy Code, and the EV charging in the California Green Code.

- i. Plans to be submitted for a building permit shall show the location of all transformers, fire standpipes, back flow preventer, main electrical service, all subpanels, gas meter, furnace, and water heater.
 - j. All retaining walls shall be engineered and subject to the California Building Code Standards.
 - k. All utilities shall be shown on the plans. The relationship between proposed improvements such as retaining walls or utility meters, valves, backflow preventors, and other facilities, shall be shown on the plans. Plans shall show all existing easements on the property.
 - l. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company.
 - m. The contractor/property owner shall be responsible to post hours of operation and phone numbers for noise complaints.
 - n. 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.
 - o. 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).
 - p. 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.
- 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 or alteration of any Fire Alarm, or Water-flow Monitoring System. This application shall include the interconnection of any Fixed Fire Protection System to an Alarm System where provided. A valid Permit and Approved Plans shall be at the jobsite at all times.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. The following additional conditions shall apply to the project or site development permit:
 - a. Egress. The project shall maintain required egress for all building properties.
 - b. Standpipes. For projects that require standpipes by California Fire Code Section 905.3.1, the applicant must provide not less than one standpipe for use during construction or demolition.
 - c. Barricades Across Emergency Access Roads. Prior to the installation or use of barricades, fences, or gates across emergency vehicle access roads during construction,

the applicant must submit plans to the Fire Plan Checker subject to the review and approval of the Fire Marshal or his/her designee.

- d. Address Numbers. The applicant shall post temporary address numbers on each building at the project site that must be easily visible from the street or fire access road.
- e. Demolition. The applicant shall comply with the California Fire Code Chapter 33 during all phases of the construction of the project.
- f. Fire Flow. The applicant shall provide fire flow information to the Fire Plan Checker, which is subject to the review and approval of the Fire Marshal or his/her designee.
- g. Code Conformance. The applicant shall indicate on all building permit plans that all construction shall meet current code standards at the time of building permit submittal. The building permit plans are subject to review and approval by the Fire Marshal or his/her designee.
- h. Remote Power Disconnect. The plans shall show a key switch/shunt trip to disconnect the building electrical power and/or solar photovoltaic system by Fire Department personnel. The key switch/shunt trip location(s) shall be subject to the review and approval of the Fire Marshal or his/her designee.
- i. Fire Control Room. The plans shall show a fire control room with direct access from the exterior of the building subject to the requirements listed in the Fire Department's local Ordinance and subject to the review and approval of the Fire Marshal or his/her designee.
- j. Fire Apparatus Access Road. The plans shall show a Fire Apparatus Access Road serving each structure on the property. Each access road shall have a minimum (Fire Plan Checker to Enter: 20 to 26 feet)-foot unobstructed linear width and provide an unobstructed height of no less than 13 feet, 6 inches subject to the review and approval of the Fire Marshal or his/her designee.
- k. Fire Department Submittals. The applicant shall submit all plans involving fire systems (including but not limited to fire sprinklers, fire hydrants, and fire alarms) in conjunction with the superstructure building permit plans to the Fire Department. The plans are subject to review and approval by the Fire Marshal or his/her designee.
- l. Roadway Load Capacity & Design. The applicant shall submit a letter from a certified soils or geotechnical engineer stating the final roadway is able to support a load of 68,000 pounds. A "Click to Enter" system shall be installed on all Fire Emergency Access Roads. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection.
- m. Fire Hydrants. The applicant shall install the approved number of public/private fire hydrant(s) spaced as per the Fire Department's local Ordinance. All fire hydrants used

for fire flow for the project site shall be upgraded to a Clow model 980 or equivalent consisting of (2) 2-½ inch and (1) 4-½ inch outlets. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with water purveyor's specifications. The water supply shall be tested, flushed and approved operable prior to any combustible construction materials being placed on the site. Staged construction shall insure that the necessary water supply is maintained from stage to stage in the construction planning. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection.

- n. Emergency Responder Radio Coverage. An Emergency Responder Radio Coverage system may be required for this project. Testing shall occur during construction due to circuit protection requirements that will affect building design. The applicant shall provide a third-party testing grid report to the Fire Department subject to the review and approval by the Fire Marshal or his/her designee prior to the Fire Final Inspection.

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

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street, unless approved as part of the Construction Management Plan.
3. Any lane/road closures must only be conducted during non-commute hours (9am-3pm).
4. A flag person shall be required for street closures and positioned at both ends of any closure.
5. 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.)
6. No construction vehicles or equipment shall be parked, placed or stored in the roadway unless approved as part of the Construction Management Plan.
7. A signage plan shall be required for any road closures/detours. Such plan shall be approved by the BPD Traffic Unit.
8. Any lane/road closures must only be conducted during non-commute hours (9am-3pm).
9. 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. The security plan and emergency contact information shall be provided to Sgt. Adam via email tadams@belmont.gov.

10. Ensure the Police Department has access to any secured emergency access easements/gates/pathways.
11. No Trespassing signs, per 602 PC, shall be required to be posted around property to discourage unauthorized entry and aid in criminal prosecutions for trespassing/theft.
12. Any burglar alarm shall be registered with the BPD per BCC 18-50 et. Seq.
13. A minimum roadway width of 12' shall be maintained at all times for emergency access.
14. The property address shall be clearly posted at all times during and after construction, visible and legible from the entire roadway frontage(s).
15. The developer and their contractors shall ensure that Belmont PD has access to any secured emergency access easements, gates, or pathways.

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

Project Specific Conditions

1. Temporary shoring may be required for excavation and construction of the proposed building, foundation and site improvements. The Applicant shall prepare and submit a structural shoring design, plans, and calculations to the Building Department for review and approval prior to issuance of a Grading or Building Permit.
2. The Applicant shall prepare and submit design, details, structural plans and calculations to the Building Department and the Public Works Department for review and approval for the proposed retaining walls within the Hill Street public street right of way prior to issuance of a Building Permit. The Applicant shall also obtain an Encroachment Permit from the Public Works Department prior to starting any work within the public street right of way or easements. In addition, the Applicant shall be responsible for coordinating with the Public Works Department to execute a Permanent Encroachment Agreement for the proposed retaining walls within the Hill Street public street right of way prior to final acceptance of the required improvements on Hill Street.
3. The Applicant shall prepare and submit a Grading and Drainage Plan for review and approval prior to issuance of a Grading or Building Permit. the Grading and Drainage Plan shall show detailed finished on-site grading and drainage design, including pad and finished floor elevations, top of curb, pavement elevations, finished grades on hardscape and/or landscape areas, storm water inlets, area drains, sizes of storm drains and connection points. All on-site storm drainage shall be captured onsite. No on-site private drainage shall be allowed to sheet flow directly onto Hill Street right of way.

- 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.

Public Improvements

1. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
2. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.

Grading and Drainage

1. Roof leaders and site drainage shall be directed to a vegetated area onsite or the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.
2. The owner/applicant shall submit C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist prior to design review approval.

MRP Regulated Project

1. The Project shall comply with all requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. Please refer to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) C.3 Stormwater Technical Guidance Manual for assistance in implementing LID measures at the site.
2. Treatment controls shall be designed and sized to treat run-off from new and/or replaced impervious areas.

Source Control Conditions

1. Trash storage areas (including recycling or food compactor areas or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Covered areas shall be sloped so that spills and washwater flow to area drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.

2. Interior level parking garage floor drains, and any other interior floor drains, shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
3. Efficient irrigation systems shall be used throughout all landscaped areas in accordance with the Model Water Efficient Landscape Ordinance.
4. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
5. Boiler drain lines, roof top equipment with drain lines, and/or equipment for washing and/or steam cleaning activities shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
 - a. Discharge the rinse water to landscaping. Ensure that the rinse water does not flow to the street or storm drain. Block off storm drain inlet if needed.
 - b. Collect rinse water in a tank and pump to the sanitary sewer. Contact your local sanitary sewer agency before discharging to the sanitary sewer.
 - c. Collect the rinse water in a tank and haul off-site for proper disposal.

Biotreatment Measures

1. Biotreatment measures (including bioretention areas, flow-through planters shall be sized to treat run-off from 100% of the applicable drainage area (all impervious areas and applicable landscaped areas) using flow or volume based sizing criteria as described in the Provision C.3.d of the MRP or using the simplified sizing method (4% rule of thumb), described in the C.3 Technical Guidance and based on the flow-based sizing criteria in Provision C.3.d.i.(2)(c).

Operation & Maintenance (O&M) Conditions

1. 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 measures according to the approved Maintenance Plan(s). The Maintenance Agreement shall be recorded for the property and/or made part of the CC&Rs.

Dust Control

1. The owner/applicant must 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 must 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 must be controlled. The measures must 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.

Construction Management Plan

1. The Applicant shall prepare a construction management plan (CMP) for review and approval by the Public Works Department in consultation with the Community Development Department and Police Department. For properties located at or in close proximity to the City borders, the plan shall be routed to adjacent jurisdictions. The CMP shall include a response to construction-related conditions and requirements identified by reviewing City departments, and outside agencies for inclusion in the Plan. The plan shall include at least the following items:

- a. Schedule

A project construction schedule shall be provided that includes the approximate date and expected time frame for each stage of construction. At minimum, the schedule shall include:

- Excavation & Shoring (as applicable)
- Below Grade & Foundation Construction
- Above Grade Construction & Framing
- Exterior & Interior Finish Work
- Public Frontage Improvements
- Offsite & Utility Improvements

- b. Site & Logistics Plan

Site and logistics plan(s) shall be provided for each phase of project construction. Said plan(s) shall include:

- Location of Construction Fencing & Access Control for The Site
- Proposed Circulation Pattern, including Access & Egress, for Each Phase of Construction
- Location of Dewatering Tanks, Construction Trailer, Temporary Power Pole, & Restrooms
- Erosion & Dust Control Plans
- Security & Lighting Plans
- Location of Construction Staging Areas for Materials, Equipment, & Vehicles
- Crane Plane (Location, Height, & Radius), as applicable

- Construction Worker Parking

c. Traffic Control Plan

Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment /trucks, during construction, expected temporary street closure and the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour Written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time.

d. Noticing

The CMP shall include notice to property owners within 300 feet of the project site two weeks prior to grading, and identification of haul route(s) and staging area for the project. The notice shall also include a process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. 24-hour advance written notice shall also be provided to adjacent property owners, adjacent businesses, and Public Works and Police Department personnel prior to all major deliveries, detours, and lane closures.

e. Road Conditions

Documentation of road pavement conditions shall be provided to the Public Works Department for all routes that will be used by construction vehicles, both before and after project construction. Roads found to have been damaged by construction vehicles shall be repaired to the level at which they existed prior to project construction.

- 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.

Public Works Permits

1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.

2. 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.
3. 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.
3. The Developer shall apply for and obtain a hauling permit from Public Works before issuance of any site development permit including tree removal, demolition, foundation, or building permit.

Other Agency Permits

1. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board ([Home Page](#) | [California State Water Resources Control Board](#) or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.

Grading and Drainage

1. 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 prior to any grading or clearing being performed on-site.
 - a. 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).

- a. The plan shall incorporate the following restrictions:
 - i. All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.

- ii. During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
- iii. Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
- iv. Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.

Utilities

1. Applicant must possess a valid sewer lateral certificate issued under City Ordinance Section 21-213 before receiving a final building permit for:
 - a. Improvements valued by the building official at \$200,000 or more, or
 - b. Work associated with a change in water service (e.g. change in meter size or adding a second meter).
 - c. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
 - d. Sanitary sewer to include a back flow prevention device.
 - e. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department of Public Works.

NPDES Stormwater Controls

1. 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.
2. 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.
3. 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.
4. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
5. 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.
6. 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.

7. Outdoor storage areas for oils, fuels, solvents, coolant, and other chemicals shall be designed to provide secondary containment such as berms and roof covers. Process equipment sited outdoors shall be placed on an impermeable surface and covered. Property owners/associations shall implement a regular program of sweeping and litter control at these sites.
8. Loading docks shall be covered, surrounded by berms or curbs or otherwise constructed to prevent drainage onto or from the area. Water used for washing and accumulated waste shall be diverted to the sanitary sewer.
9. For stream erosion control, the stormwater discharge must pass through an erosion control structure such as an energy dissipater or other form of outlet protection prior to entering the stream. Bioengineered controls shall be used for stream bank protection as feasible.
10. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.

MRP Regulated Project

1. Applicant shall prepare a Stormwater Management Plan (SWMP) that includes, at a minimum, exhibit(s) showing drainage areas and location of Low Impact Development (LID) treatment measures; project watershed; total project site area and total area of land disturbed; total new and/or replaced impervious area; treatment measures and hydraulic sizing calculations; a listing of source control and site design measures to be implemented at the site; hydromodification management measures and calculations, if applicable; NRCS soil type; saturated hydraulic conductivity rate(s) at relevant locations or hydrologic soil type (A, B, C or D) and source of information; elevation of high seasonal groundwater table; a brief summary of how the project is complying with Provision C.3 of the MRP; and detailed Maintenance Plans for each site design, source control and treatment measure requiring maintenance.
2. LID treatment measures to be shown on final improvement or grading plans shall not differ materially from the LID treatment measures presented on the project's approved entitlement drawings without written approval from the Planning Department.

Site Design Conditions

1. Self-treating areas must be designed to store and infiltrate the rainfall that lands on the self-treating area. Refer to Section 4.2 of the C.3 Technical Guidance.
2. Self-retaining areas must be designed to store and infiltrate the rainfall run-off volume described in the MRP Provision C.3.d (80% capture volume), for rainfall that lands on the self-retaining area and the impervious surface that drains to the self-retaining area. Refer to Section 4.3 of the C.3 Technical Guidance.

Treatment Control Conditions

1. No treatment measures (other than properly sealed and screened cisterns or rain barrels) shall have standing water more than 5 days, for vector control.

Infiltration Measures

1. All infiltration devices shall be located and designed to ensure no damage will occur to surrounding improvements from underground water.
2. Soil media within the bioinfiltration measure shall consist of 18 inches of biotreatment soil consistent with the Attachment L of the MRP.
3. Other parameters of final design shall be consistent with the design guidelines presented in the latest version of the C.3 Technical Guidance.

Biotreatment Measures

1. Plant species used within the biotreatment measure area shall be consistent with Appendix A of the C.3 Technical Guidance.
2. Biotreatment soil mix for biotreatment measures shall have a minimum percolation rate of 5 inches per hour and a maximum percolation rate of 10 inches per hour and shall be in conformance with Attachment L of the MRP, which is included in Appendix K of the C.3 Technical Guidance.
3. Design of biotreatment measures shall be consistent with technical guidance for the applicable type of biotreatment measure provided in Chapter 6 of the C.3 Technical Guidance.

Operation & Maintenance (O&M) Conditions

1. A Maintenance Plan for every stormwater treatment control, and/or Hydro Modification measure or applicable site design measure, inclusive of maintenance and inspection checklists and Maintenance Inspection Report Forms, shall be submitted to the City for review and approval prior to issuance of a grading permit. A copy of the final, approved Maintenance Plan(s) shall be made a part of the Maintenance Agreement. A copy of the final, approved Maintenance Plan(s) shall also be on file with the Public Works Department.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.

Public Works Permits

1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials within the public right-of-way.
2. 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.
3. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.
4. All construction and related activities which require a City permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m., Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 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.

Other Agency Permits

1. The project includes construction or installation of stationary equipment that may cause air pollution. The applicant should contact the Bay Area Air Quality Management District (415-771-6000) to determine if an air quality permit is required.

Public Improvements

1. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.

Grading and Drainage

1. 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.

2. 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, storm drain system or creek.

NPDES Stormwater Controls

1. 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.
2. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to,

during, and immediately after each storm event; stabilizing physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

Source Control Conditions

1. 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.
2. 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.

Operation & Maintenance (O&M) Conditions

1. Property Owner shall be responsible for conducting all servicing and maintenance as described and required by the treatment measure(s) Maintenance Plan(s). Maintenance of all site design and treatment control measures shall be the owner's responsibility.
2. Approved Maintenance Plans shall be kept on-site and made readily available to maintenance crews. Maintenance plans shall be strictly adhered to.
3. By April 1 each year, Maintenance Inspection and Servicing Reports for the stormwater treatment systems shall be submitted to the municipality for the previous calendar year (January 1 through December 31).
4. Site access shall be granted to representatives of the City, the San Mateo County Mosquito and Vector Control District, and the Water Board, at any time, for the sole purpose of performing operation and maintenance inspections of the installed stormwater treatment systems. A statement to that effect shall be made a part of the Maintenance Agreement and/or CC&Rs recorded for the property.
5. Property Owner shall be required to pay for all municipal inspections of installed stormwater treatment systems as required by the Regional Water Quality Control Board or the municipality.

Installation Conditions

1. Applicant shall coordinate installation of stormwater treatment measures with the municipality and shall arrange to have a municipal Special Inspector or designated third party inspector present at the time of installation. Applicant shall be responsible for all fees associated with special stormwater inspections during construction.

Certification of Approved Final Conditions:



Rob D. Gill, Senior Planner

October 2, 2024

Date

**Attachment “2”
Ordinance No. 2024 –**

Conceptual Development Plan (CDP)
Memory Care Development - 1041 Hill Street
(Appl. No.PA2023-0006)

The following standards comprise the Conceptual Development Plan (CDP) for the Assisted Living and Memory Care Land Uses (“Project”) at 1041 Hill Street:

1. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file date stamped May 21, 2024.

Criteria	Existing PD Standards	Proposed PD Standards
Use(s)	Assisted Living & Convalescent Hospital	Assisted Living & Memory Care
Lot Size	58,142 SF.	No Change
Square Footage	57,191 SF. (for all buildings)	73, 469 SF. (for all buildings)
FAR	0.984 FAR. (for all buildings)	1.26 FAR. (for all buildings)
Height	40’	55’
Landscaping %	Approx.18.8%	Approx. 19.6%
Walls & Fences	As per approved 1998 DDP plans	As per approved DDP plans
Parking Spaces:	41	34 (12 Compact 22 Standard)
Loading Space	1 space located on 6 th Ave.	No Change
Bicycle Parking	None	9
Setbacks		
Front (6th Avenue)	0’ to 3’	0’ to 3’
Rear (South)	11’ 6’	15’
Side (East)	5’ 11’	7’
Corner Street Side (Hill Street)	19’ 6	24’ 4”

2. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file and date stamped May 21, 2024

- a. Lot Size: As indicated on project plans – 58,142 square feet or 1.33-acre.
- b. Maximum Floor Area: 73, 469 sq. ft. (for all buildings) as indicated on project plans date stamped May 21, 2024.

- c. 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 May 21, 2024, in the subject file.
- d. Maximum Building Height: 55' as indicated on project plans date stamped May 21, 2024.
- e. Maximum Wall Heights: as indicated on project plans date stamped May 21, 2024.
- f. Off-Street Parking: 34 (12 Compact 22 Standard)
- g. Building Materials: as indicated on project plans and material palette sheet date stamped May 21, 2024.

ORDINANCE NO. 2024 –

AN ORDINANCE OF THE CITY OF BELMONT AMENDING AN EXISTING PLANNED DEVELOPMENT ZONED PROPERTY AND ADOPTING A CONCEPTUAL DEVELOPMENT PLAN TO CONSTRUCT A NEW MEMORY CARE FACILITY AT 1041 HILL STREET (APPL. NO. 2023-0006)

WHEREAS, ERDMAN, applicant, on behalf of GAHC4 BELMONT CA ALF LLC, property owner, filed an application for a Planned Development Zone Amendment, and to adopt a Conceptual Development Plan to construct a 24,806 square foot Memory Care facility building, landscaping, and ancillary improvements (the “Project”) on the property, application number 2023-0006; and,

WHEREAS, in conjunction with the Project, the Application also requests approval of a Conditional Use Permit, Detailed Development Plan for a Design Review, Grading Permit and Tree Removal Permit for a Planned Development (PD); and,

WHEREAS, on August 20, 2024, the Planning Commission held a duly noticed public hearing to consider public testimony and a staff report for the project, and recommended that the City Council approve the Planned Development Zone Amendment and requested entitlements; and,

WHEREAS, on September 24, 2024, at the conclusion of the public hearing, the City Council introduced the 1st reading of the Planned Development Amendment & Conceptual Development Plan (CDP) Ordinance; and,

WHEREAS, on October 8, 2024, the City Council held a duly noticed public hearing to consider the Planning Commission’s recommendation, public testimony, and a staff report on the requested entitlements, and approved Resolution No.2024-____; and,

WHEREAS, the City Council did hear and use its independent judgment in considering all reports, recommendations and testimony associated with the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. CONCEPTUAL DEVELOPMENT PLAN, ZONING AND GENERAL PLAN CONSISTENCY FINDING:

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 zoning amendment (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 determines that such goals and objectives are achieved by the proposed Conceptual Development Plan (CDP) and the proposed Planned Development Zone Amendment.

The General Plan designates the project site as *Institution*, and the requested development does not change that current designation. The General Plan policies analysis in the CEQA Categorical Exemption document” set forth in Attachment E, Exhibit “B to the October 8, 2024 staff report to the City Council provides the consistency analysis with the proposed PD Zone 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 memory care facility building would be constructed within the footprint of the former skilled nursing facility that is proposed to be demolished and partially constructed into the hillside. The project would generally match the scale and character of the existing on-site assisted living facility building. The project is well designed, and all proposed support features are integrated well into the overall project design.

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

SECTION 2. LEGISLATIVE FINDINGS:

The City Council finds that the proposed Planned Development Zone Amendment for the subject property is consistent with the objectives of the Zoning Plan and the General Plan.

- a) The recitals above are true and correct.
- b) After reviewing all the relevant evidence before the City Council, including the information provided in the staff reports and enclosures to the Planning Commission and City Council, the public hearings and testimony received, the City Council incorporates herein by reference and adopts the analysis and findings in the staff reports to the City Council dated September 24, 2024 and October 8, 2024, as its own findings of fact under Belmont Zoning Ordinance Sections 12.3.B and 16.1.2(d)(1-2) related to the Planned Development Zone Amendment and the Conceptual Development Plan.
- c) Based on the evidence before the City Council, the City Council finds the proposed Planned Development Zone Amendment of the property located at 1041 Hill Street (APN: 045-152-540 & 045-152-570) and adoption of the proposed Conceptual Development Plan are consistent with the General Plan, and is required to achieve the objectives of the Zoning Ordinance and General Plan for the City.

SECTION 3. PLANNED UNIT DEVELOPMENT:

- a) The Planned Development Zone Amendment and Conceptual Development Plan for assisted living and memory care land uses is approved based on the findings set forth herein and subject to the Conditions of Approval set forth in Exhibit “A” (Attachment D) to the October 8, 2024 staff report to the City Council, which are also made a part of Attachment “1” to this Ordinance and attached hereto, and adopting Attachment “2” to this ordinance as the Conceptual Development Plan for the district.

SECTION 4. EFFECTIVE DATE:

- a) This Ordinance takes effect 30 days after its adoption.

* * *

ADOPTED October 8, 2024 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

**Attachment “1”
Ordinance No. 2024 –**

**Conceptual Development Plan (CDP)
Memory Care Development - 1041 Hill Street
(Appl. No.PA2023-0006)**

PROJECT CONDITIONS – PLANNED DEVELOPMENT ZONE AMENDMENT, CONCEPTUAL DEVELOPMENT PLAN, DETAILED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, GRADING PERMIT, DESIGN REVIEW, TREE REMOVAL PERMIT AND ENCROACHMENT PERMIT AT 1041 HILL STREET APN: APN 045-152-540 & 045-152-570 (APPL. NO. PA2023-0006)

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

Planning Division

1. Developers are hereby notified, as required by Government Code §66020, that the approved plans, the conditions of approval, and the adopted City fee schedule found at www.belmont.gov constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90-day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City which the City has informed the Developers of as of the date of project approval of the adopted City fee schedule found at www.belmont.gov. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.
2. Indemnification. Land Owner hereby agrees to and shall indemnify, defend, and hold harmless City, any City agencies and their respective elected and appointed councils, boards, commissions, officers, agents, employees, volunteers, and representatives (collectively, for the purposes of this condition, "City") from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and property damage) and from any and all third party claims, demands, and actions in law or equity (including attorneys' fees and litigation expenses) directly or indirectly arising or alleged to have arisen out of or in any way related to: (a) the approval of the City Approvals; (b) any development or use of the Property under the City Approvals; and (c) any actions or inactions by the Land Owner or its contractors, subcontractors, agents, or employees in connection with the construction or improvement of the Property and the Project as defined in the development agreement; excepting to the extent arising from the intentional acts or willful misconduct of City, its elected and appointed representatives, officers, agents, employees, contractors or subcontractors.

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

3. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file and dated 5/21/24.

- a. Maximum Floor Area: 73,469 sq. ft. (for all buildings) as indicated on project plans dated 5/21/2024.
- b. Floor Area Ratio: Entire PD – 1.26 and as indicated on project plans dated 5/21/24.
- c. 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 dated May 21, 2024 in the subject file.
- d. Maximum Building Height: 55’ as indicated on project plans dated 5/21/24.
- e. Off-Street Parking: 34 (12 Compact 22 Standard). Parking spaces shall consist of one ADA accessible space and one ADA van accessible space.

4. Aesthetics

- a. 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, dated 5/21/24 and inclusive of the architectural drawings (Sheets G001 through G006, Sheets AD100 through AD200, Sheets AS100 through AS102, Sheets A100 through A342 & Sheets P101 through P202); Civil Engineering Plans (Sheets C1.0 through C9.0); Landscape Plans (Sheets L-0.0 through L-6.0); and Electric Photometric Lighting Plan (Sheet EP100).
- b. Installation of roof mounted mechanical equipment shall be consistent with the Roof Plan (Sheet A1014) and Mechanical Screen Diagrams (Sheet G112) as shown on the project plans dated 5/21/24. Roof mounted equipment shall be placed behind the parapet of the building’s roofline as not to be visible from surrounding vantage points at or below the highest point of the equipment.
- c. Ground Equipment Screening. All exterior trash, recycling, and storage utility boxes, wood service poles, and electric and gas meters must be screened from visibility from the surrounding public vantage points (right-of-way, public trails, open space, and parks). Said screening must incorporate the same architectural design, colors, and materials as the main building on site.

- d. Exterior building materials shall be consistent with Elevation Drawing and submitted materials sheets A200 through A202, dated 5/21/24, except for minor modifications approved by the Community Development Department, or as modified via an approved Design Review Amendment.
- e. The plans submitted for a Building Permit shall include: a) a plan sheet that includes all project conditions of approval; b) boxed-out floor plans demonstrating that the proposed Memory Care facility building would not exceed the maximum floor area permitted for the project.
- f. The plans submitted for a Building Permit shall include a final lighting plan and a photometric study. All exterior lighting shall employ the use of cut-off fixtures to restrict the direction of the light in accordance with City standards. Lighting should be the minimum required for safety, but not result in undue glare off site. There shall be no floodlighting of landscape plantings, the memory care building, courtyards, or patios/decks. To ensure consistency with city standards for lighting and compliance with the submitted photometric plan, a final lighting review shall occur after installation of project lighting and before final Building Permit inspection.

5. Air Quality

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

- d. 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:
 - i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - v. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - vi. Post a publicly visible sign with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the District will also be visible to ensure compliance.
- e. Pursuant to GP EIR Mitigation Measure AQ-5, the developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy, the project sponsors shall work with the City of Belmont to develop electronic correspondence to be distributed by email to new residential 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.
- f. The applicant must require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by implementing following measures during construction related activities:
 - i. Idling times must be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage must be provided for construction workers at all access points.

- ii. All construction equipment must be maintained and properly tuned in accordance with manufacturer's specifications. All equipment must be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. The applicant must require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that paints and solvents have a VOC content of 100 grams per liter or less for interior surfaces and 150 grams per liter or less for exterior surfaces.

6. Green House Gases

- 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 65% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final building permit inspection. Sample forms located <https://www.hcd.ca.gov/> may be used to assist in documenting compliance.
- c. Prior to the start of construction for the 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).

7. Cultural Resources

- a. Prior to the start of construction for the Building Permit, the applicant shall demonstrate that construction crews have proper training for the discovery, handling and retention methods for paleontological, archeological and/or cultural resources found at the project site. Project personnel should not collect cultural resources. Prehistoric resources include: chert, or obsidian flakes, projectile points, mortars and pestles, dark, friable soil containing shell and bone dietary debris, heat- affected rock, or human burials. Historic resources include: stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps.
- b. In the event that paleontological, archaeological, and/or cultural resources are encountered during construction activities, all construction activity 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.

8. Human Remains

- a. If any human remains are discovered or recognized in any location on a project site, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until:
 - o The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and,
 - o If the remains are of Native American origin:
 - a. 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
 - b. 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.

9. Noise Standard Conditions

- a. Noise Control Plan. The applicant must prepare and implement a noise control plan. Said plan must incorporate the noise reduction measures identified in the Noise and Vibration assessment prepared for the project by Illingworth & Rodkin, Inc, and the City standard construction noise COAs required for all projects, identified below.
- b. Noise Coordinator. 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. The telephone number for the Construction Noise Coordinator must be conspicuously 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. Notice. 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, contact phone number for the Noise Coordinator, and a copy of the noise control plan shall be included with this notice.
- d. Grading & Building Noise. The applicant must ensure that the following preventative and monitoring measures are enforced during grading and building operations:

- i. 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). Exceptions to these hours may be approved by the Building Official through the standard City process.
 - ii. Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses.
 - iii. Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition.
 - iv. Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.
 - v. Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses.
 - vi. Utilize “quiet” air compressors and other stationary equipment where feasible and available.
- e. Noise Barrier Standards. When noise barriers are required or proposed, their design and placement must be reviewed and approved by the project noise consultant, prior to issuance of grading or building permits. These barriers must be installed prior to grading and excavation activities and must be inspected by the project noise consultant to ensure that it has been properly constructed/installed. The barrier must remain in place for the duration of grading and excavation activities, unless approved for removal by the noise consultant to allow work at that location.
- f. Engine Noise. Prior to issuance of grading or building permits, the applicant must 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.
- g. Equipment Noise. Prior to issuance of grading or building permits, the applicant must 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 must be used for noise mitigation.
- h. Operation. 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 to ensure 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.

- i. Noise Impacted Locations. All new development that would be exposed to noise greater than the "normally acceptable" noise level range, and residential and other noise-sensitive land uses within the 65 dB contours, as shown in [BVSP] Figure 6-6d are required to reduce interior noise through design, sound insulation, or other measures to achieve an interior noise level of not more than 45 dBA. At minimum, the following is required:
 - i. A detailed acoustical analysis of the project must be completed by a qualified acoustical consultant to define the measures required such that the interior noise level requirements are satisfied.
 - ii. Prior to issuance of a Building Permit, the project noise consultant must certify in writing that the submitted Building Plans include all required noise reduction recommendations specified in the detailed acoustical analysis (i.e., construction methods, increased insulation, noise baffling, etc.) to reduce interior noise levels below the City and State level of 45 dB.
 - iii. The final project design must include a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

10. Construction Vibration Standard Conditions

- a. After obtaining permission from the subject property owners, the applicant must conduct preconstruction photo surveys of foundation/building wall cracks in adjacent structures and install vibration monitors at any sensitive receptor sites identified in the project Vibration Assessment (structures located within 20 feet of construction). The applicant must submit a copy of the 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.
- b. The applicant must 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.
- c. Neighboring property owners within 300 feet of the project site must 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.

- d. The applicant must ensure that the preventative and monitoring measures identified in the Vibration Assessment are enforced during grading and building operations. The applicant must demonstrate that all project construction personnel have been made aware of these measures, prior to issuance of a grading or building permits. On-site identification of any buffer distances between construction (i.e., vibratory rollers, excavators, backhoes, etc.) and adjacent structures (structures located within 20 feet of construction) that are specified in the Vibration Assessment must occur prior to grading operations.
- e. Vibration monitors shall be placed at the sensitive receptors (structures located within 20 feet of construction) 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.
- f. Building structures near the project (structures located within 20 feet of construction) must be periodically checked for cracks, and any cracks must be monitored. If minor cracks are reported or existing cracks propagate, vibration project action levels must be restricted.
- g. Whenever possible, construction or equipment activity generating relatively high levels of vibration must 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 must 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.
- h. All deliveries of material and equipment must occur during daytime hours, including queueing of construction vehicles outside the site. Vehicles delivering materials and equipment must 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 must be stored on-site and within the confines of the construction barricades.
- i. Stationary and portable construction equipment must 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.
- j. After construction activities are complete, the applicant must conduct a post-construction photo survey of previously surveyed buildings (structures located within 20 feet of construction) for foundation /building wall cracks. The post construction survey, and a summary letter of any resulting actions taken (repairs or

restitutions) must be provided to the Community Development Department, prior to final building permit inspection.

11. Construction Vibration Reduction and Monitoring

- a. A construction noise logistics plan shall be prepared that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
 - i. Pursuant to the Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and Holidays.
 - ii. Construct solid plywood fences around ground level construction sites adjacent to residences, or other noise-sensitive land uses. A temporary 10- to 12-foot noise barrier would provide 5 to 6 dBA attenuation for adjacent sensitive land uses when construction activities occur at the ground level.
 - iii. Erect a temporary noise control blanket barrier, where feasible, at the property line or on scaffolding just outside the proposed buildings facing the adjoining residences to the west during construction to control construction noise when activities do not occur at the ground level. The temporary noise control blanket barriers shall be installed at residences nearest to the active construction activities only.
 - iv. A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - v. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - vi. Prohibit unnecessary idling of internal combustion engines.
 - vii. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Any enclosure openings or venting shall face away from sensitive receptors.

- viii. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
 - ix. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - x. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - xi. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
 - xii. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
 - xiii. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- b. Wherever feasible, operation of vibration inducing equipment shall be avoided within the distance to existing buildings specified below:
- Clam shovel drop – 18 ft.
 - Hydromill (slurry wall) in soil – 1 ft.
 - Hydromill (slurry wall) in rock – 2 ft.
 - Vibratory Roller – 19 ft.
 - Hoe Ram – 9 ft.
 - Large bulldozer – 9 ft.
 - Caisson drilling – 9 ft.
 - Loaded trucks – 8 ft.
 - Jackhammer – 4 ft
 - Small bulldozer - <1 ft.
- c. If the above equipment must operate closer to existing buildings than specified above, a vibration monitoring plan shall be prepared, submitted to the City, and implemented to monitor construction vibration at the nearest structures, including at a minimum the following:

- i. A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.).
- ii. An indication of what efforts will be implemented for reducing vibration levels below the thresholds, such as location of equipment away from adjacent building as possible and use of alternative methods or equipment that would produce less vibration.
- iii. A designated contact responsible for registering and investigating claims of excessive vibration. The contact information of such person shall also be clearly posted on the construction site. Any damage to adjacent buildings shall be addressed by the applicant team.
- iv. Document conditions at all structures located within 20 feet of construction prior to, during, and after vibration-generating construction activities. Perform a photo survey, elevation survey, and crack monitoring survey prior to any construction activity, at the end of each phase of construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. If vibration generated by project construction results in damage to adjoining structures, repairs shall be completed to restore structures to pre-construction conditions.

12. Nesting Birds & Roosting Bats – Preconstruction Surveys

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

- c. A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist will look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains, or urine stains around openings in trees or structures, or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully.
- d. If signs of bats are detected, CDFW should be contacted about how to proceed. Echo-location surveys may be needed to verify the presence of bats, or an exclusion zone around the occupied tree may be recommended until bats leave the roost. Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.

13. Tree Protection

- a. The applicant shall implement the Tree Protection Guidelines identified on the project Landscape Plans (Demolition Notes Sheet L-0.1).

Clearing & Grubbing: Clear and grub two the limits of work per specifications taking care to not disturb the root system of existing trees to remain.

- i. Existing Trees to Remain: Existing trees to remain shall be pruned under the direction of a certified arborist in accordance with International Society of Arboricultural (ISA) guidelines prior to beginning of construction. During construction, fencing shall be installed at the drip line of all existing trees to remain per arborist and tree protection plan. All excavation within the drip lines of existing trees to remain shall be done by hand with care taken not to damage the root system of these trees. The contractor shall be responsible for watering and ensuring the health of the trees to remain. Do not water California native oak trees to remain during the dry season (April – October).
- b. Prior to issuance of a grading or building permit, the applicant must submit written confirmation that all tree protection measures, and pre-construction treatments have been installed and inspected, and that they meet the specifications shown tree protection plan (Sheet L-0.1).
- c. Tree protection devices are to remain until all site work has been completed within the work area.
- d. 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.

- e. After completion of exterior construction work and before final building permit inspection, the applicant shall submit a final written report/letter from the Project Landscape Architect or Arborist. Said report/letter must provide an evaluation of the construction impacts to the subject tree's health or structural stability and must identify any additional provisions that may be required to these address impacts. The applicant is responsible to implement these recommendations. A final report may be required on the effectiveness of the measures.

14. Tree Removal Fees

- a. The applicant shall pay a removal fee in accordance with the fee schedule for all regulated trees being removed due to direct/indirect conflicts with proposed work/site plan.

15. Electric Vehicle Charging Stations

- a. Signage. Any required electrical vehicle charging station must be clearly marked with a sign reading "Electrical Vehicle Charging Station" and the associated California Vehicle Code restrictions, and only a vehicle that is connected.
- b. Equipment. Any required electrical vehicle charging stations must be wired for a minimum of 240 volts and 32 amps, designed to allow for future provision of higher amperage conduit, equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment, as necessary for public use.

16. Geotechnical Conditions

- a. Geotechnical Plan Review - The GEOR 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 GEOR should review the completed structural plans and calculations for the new construction for conformance to his geotechnical recommendations, provide supplemental recommendations as necessary, and also provide a professional certification letter to the City to that effect.
- b. In addition to responding to the above items, following geotechnical approval for development, the GEOR should perform the following during and at the completion of construction:
 - i. Geotechnical Construction Observation and Testing - The GEOR should be retained to observe the geotechnical and foundation aspects of the construction. The GEOR 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. In addition, the GEOR should prepare and submit at the completion of project construction a final report that addresses the following items.

- ii. Summary of earthwork operations, including temporary shoring and dewatering, subgrade preparation, earthwork construction, and site drainage and subdrainage installations, as applicable.
 - iii. Recording of test locations and results of field and laboratory compaction tests where testing is determined to be appropriate by the project geotechnical engineer.
 - iv. Building foundations, including observation of foundation supporting materials, and confirmation of supporting materials with respect to the geotechnical engineer's recommendations.
 - v. Site and subsurface drainage, including finish grading around the building, and discharge of collected surface and subsurface water to appropriate discharge facilities.
- c. The applicant must adequately submit to the City prior to the issuing of the building permit the supporting data, analysis, and documentation including fill material specifications for the sustenance of the conclusions and the recommendations stated in the geotechnical engineering report and for satisfying the criteria for approval of a project within a seismic hazard zone. As a guide, Special Publication 117 (SP 117) by the California Department of Conservation, Division of Mines and Geology in 1997, provides general considerations for the earthquake hazard evaluation and mitigation, including seismic slope stability (SCEC, 2002).

17. Airport Hazards

- a. The project is subject to the requirements of the Federal Aviation Administration outlined in a letter dated March 11, 2024, including but not limited to the following:
 - i. The manager of San Carlos Airport (SQL) be notified at (650) 573-3700 at least three business days prior to the temporary structure being erected and again when the structure is removed from the site. It is required that the manager of SQL Air Traffic Control Tower be notified at 650-591-8051 at least three business days prior to the temporary structure being erected and again when the structure is removed from the site.
 - ii. The applicant or a designated representative must provide contact information for the onsite operator in the event that Air Traffic Control requires the temporary structure to be lowered immediately.
 - iii. Federal Aviation Administration determination letter for temporary structures expires on 09/11/2025 unless extended, revised, or terminated by the issuing office.

18. Mid-Peninsula Water District

- a. The applicant shall demonstrate that the final landscape plan has been reviewed and approved by the Mid-Peninsula Water District (MPWD) prior to the issuance of a Building Permit and is consistent with MPWD's Water Efficient Landscape Ordinance (WELO), prior to installation of landscaping. A post installation certification from MPWD is also required prior to final Certificate of Occupancy. Contact the MPWD Water Resource Coordinator (650) 591-8941 or drewb@midpeninsulawater.org for more information.

19. Impact Fees

- a. The applicant/developer agrees to pay all applicable regulatory, connection, and including plan check, building permit, tree removal permit, Maintenance, Sewer Impact and Sewer Connection Fees, as specified by each respective City Ordinance or the City's Master Fee Schedule.
- b. Prior to issuance of Building Permits, the applicant/property owner must pay all required Park Improvement Impact Fees. The calculated fee for the project is \$9,856.80 as required via the Settlement Agreement for this project.
- c. Prior to issuance of Building Permits, the applicant/property owner must pay all required Transportation Impact Fees (TIF). The calculated fee for the project is \$153,519.66 as required via the Settlement Agreement for this project.
- d. Prior to issuance of Building Permits, the applicant/property must pay all required Housing Mitigation/Inclusionary In-Lieu Fees. The calculated fee for the project is \$180,502.65 as required via the Settlement Agreement for this project.
- a. Public Art Requirement ([Belmont City Code Sec. 17-128](#)) - The City has a development standard that requires non-residential and mixed-use development involving 10,000 square feet or more of new floor area 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 on the development site, developers can meet this obligation by either: 1) by acquiring and installing freely accessible art on city property or in the public right of way; or 2) providing an in-lieu contribution (payment) to the City for acquisition and placement of public art in the city not less than 1%.

20. Building Division

- a. 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.

- b. 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, Dr. Martin Luther King, Jr. 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.
- c. Specify that the 2022 California Code of Regulations as amended by the State of California and all applicable City of Belmont ordinances will be employed during this project.
- d. 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).
- e. 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.
- f. Pursuant to Regulation 6, Rule 3 per the Bay Area Air Quality Management District, effective January 1, 2009, no person or builder shall commence construction of a new building or structure permitted to contain or containing a wood-burning device or install a new wood-burning device resulting from a remodel unless the device meets the requirements of Section 6-3-303. Any gas fueled heating device or electric-powered heating device is allowed under this standard.
- g. The City of Belmont Municipal Code requires a soils and engineering geology report for all new or substantially altered foundations. Prior to issuance of a Building Permit, 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.
- h. This project is subject to the requirements of the Green Building Standards Code ([Belmont City Code Division 10 Sec. 7-96](#)), the photovoltaic system requirements in the California Energy Code, and the EV charging in the California Green Code.

- i. Plans to be submitted for a building permit shall show the location of all transformers, fire standpipes, back flow preventer, main electrical service, all subpanels, gas meter, furnace, and water heater.
- j. All retaining walls shall be engineered and subject to the California Building Code Standards.
- k. All utilities shall be shown on the plans. The relationship between proposed improvements such as retaining walls or utility meters, valves, backflow preventors, and other facilities, shall be shown on the plans. Plans shall show all existing easements on the property.
- l. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company.
- m. The contractor/property owner shall be responsible to post hours of operation and phone numbers for noise complaints.
- n. 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.
- o. 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).
- p. 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.

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 or alteration of any Fire Alarm, or Water-flow Monitoring System. This application shall include the interconnection of any Fixed Fire Protection System to an Alarm System where provided. A valid Permit and Approved Plans shall be at the jobsite at all times.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. The following additional conditions shall apply to the project or site development permit:
 - a. Egress. The project shall maintain required egress for all building properties.
 - b. Standpipes. For projects that require standpipes by California Fire Code Section 905.3.1, the applicant must provide not less than one standpipe for use during construction or demolition.
 - c. Barricades Across Emergency Access Roads. Prior to the installation or use of barricades, fences, or gates across emergency vehicle access roads during construction,

- the applicant must submit plans to the Fire Plan Checker subject to the review and approval of the Fire Marshal or his/her designee.
- d. Address Numbers. The applicant shall post temporary address numbers on each building at the project site that must be easily visible from the street or fire access road.
 - e. Demolition. The applicant shall comply with the California Fire Code Chapter 33 during all phases of the construction of the project.
 - f. Fire Flow. The applicant shall provide fire flow information to the Fire Plan Checker, which is subject to the review and approval of the Fire Marshal or his/her designee.
 - g. Code Conformance. The applicant shall indicate on all building permit plans that all construction shall meet current code standards at the time of building permit submittal. The building permit plans are subject to review and approval by the Fire Marshal or his/her designee.
 - h. Remote Power Disconnect. The plans shall show a key switch/shunt trip to disconnect the building electrical power and/or solar photovoltaic system by Fire Department personnel. The key switch/shunt trip location(s) shall be subject to the review and approval of the Fire Marshal or his/her designee.
 - i. Fire Control Room. The plans shall show a fire control room with direct access from the exterior of the building subject to the requirements listed in the Fire Department's local Ordinance and subject to the review and approval of the Fire Marshal or his/her designee.
 - j. Fire Apparatus Access Road. The plans shall show a Fire Apparatus Access Road serving each structure on the property. Each access road shall have a minimum (Fire Plan Checker to Enter: 20 to 26 feet)-foot unobstructed linear width and provide an unobstructed height of no less than 13 feet, 6 inches subject to the review and approval of the Fire Marshal or his/her designee.
 - k. Fire Department Submittals. The applicant shall submit all plans involving fire systems (including but not limited to fire sprinklers, fire hydrants, and fire alarms) in conjunction with the superstructure building permit plans to the Fire Department. The plans are subject to review and approval by the Fire Marshal or his/her designee.
 - l. Roadway Load Capacity & Design. The applicant shall submit a letter from a certified soils or geotechnical engineer stating the final roadway is able to support a load of 68,000 pounds. A "Click to Enter" system shall be installed on all Fire Emergency Access Roads. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection.
 - m. Fire Hydrants. The applicant shall install the approved number of public/private fire hydrant(s) spaced as per the Fire Department's local Ordinance. All fire hydrants used

for fire flow for the project site shall be upgraded to a Clow model 980 or equivalent consisting of (2) 2-½ inch and (1) 4-½ inch outlets. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with water purveyor's specifications. The water supply shall be tested, flushed and approved operable prior to any combustible construction materials being placed on the site. Staged construction shall insure that the necessary water supply is maintained from stage to stage in the construction planning. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection.

- n. Emergency Responder Radio Coverage. An Emergency Responder Radio Coverage system may be required for this project. Testing shall occur during construction due to circuit protection requirements that will affect building design. The applicant shall provide a third-party testing grid report to the Fire Department subject to the review and approval by the Fire Marshal or his/her designee prior to the Fire Final Inspection.

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

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street, unless approved as part of the Construction Management Plan.
3. Any lane/road closures must only be conducted during non-commute hours (9am-3pm).
4. A flag person shall be required for street closures and positioned at both ends of any closure.
5. 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.)
6. No construction vehicles or equipment shall be parked, placed or stored in the roadway unless approved as part of the Construction Management Plan.
7. A signage plan shall be required for any road closures/detours. Such plan shall be approved by the BPD Traffic Unit.
8. Any lane/road closures must only be conducted during non-commute hours (9am-3pm).
9. 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. The security plan and emergency contact information shall be provided to Sgt. Adam via email tadams@belmont.gov.

10. Ensure the Police Department has access to any secured emergency access easements/gates/pathways.
 11. No Trespassing signs, per 602 PC, shall be required to be posted around property to discourage unauthorized entry and aid in criminal prosecutions for trespassing/theft.
 12. Any burglar alarm shall be registered with the BPD per BCC 18-50 et. Seq.
 13. A minimum roadway width of 12' shall be maintained at all times for emergency access.
 14. The property address shall be clearly posted at all times during and after construction, visible and legible from the entire roadway frontage(s).
 15. The developer and their contractors shall ensure that Belmont PD has access to any secured emergency access easements, gates, or pathways.
- IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:

Project Specific Conditions

1. Temporary shoring may be required for excavation and construction of the proposed building, foundation and site improvements. The Applicant shall prepare and submit a structural shoring design, plans, and calculations to the Building Department for review and approval prior to issuance of a Grading or Building Permit.
2. The Applicant shall prepare and submit design, details, structural plans and calculations to the Building Department and the Public Works Department for review and approval for the proposed retaining walls within the Hill Street public street right of way prior to issuance of a Building Permit. The Applicant shall also obtain an Encroachment Permit from the Public Works Department prior to starting any work within the public street right of way or easements. In addition, the Applicant shall be responsible for coordinating with the Public Works Department to execute a Permanent Encroachment Agreement for the proposed retaining walls within the Hill Street public street right of way prior to final acceptance of the required improvements on Hill Street.
3. The Applicant shall prepare and submit a Grading and Drainage Plan for review and approval prior to issuance of a Grading or Building Permit. the Grading and Drainage Plan shall show detailed finished on-site grading and drainage design, including pad and finished floor elevations, top of curb, pavement elevations, finished grades on hardscape and/or landscape areas, storm water inlets, area drains, sizes of storm drains and connection points. All on-site storm drainage shall be captured onsite. No on-site private drainage shall be allowed to sheet flow directly onto Hill Street right of way.

- 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.

Public Improvements

1. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
2. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.

Grading and Drainage

1. Roof leaders and site drainage shall be directed to a vegetated area onsite or the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.
2. The owner/applicant shall submit C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist prior to design review approval.

MRP Regulated Project

1. The Project shall comply with all requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. Please refer to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) C.3 Stormwater Technical Guidance Manual for assistance in implementing LID measures at the site.
2. Treatment controls shall be designed and sized to treat run-off from new and/or replaced impervious areas.

Source Control Conditions

1. Trash storage areas (including recycling or food compactor areas or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Covered areas shall be sloped so that spills and washwater flow to area drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.

2. Interior level parking garage floor drains, and any other interior floor drains, shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
3. Efficient irrigation systems shall be used throughout all landscaped areas in accordance with the Model Water Efficient Landscape Ordinance.
4. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
5. Boiler drain lines, roof top equipment with drain lines, and/or equipment for washing and/or steam cleaning activities shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
 - a. Discharge the rinse water to landscaping. Ensure that the rinse water does not flow to the street or storm drain. Block off storm drain inlet if needed.
 - b. Collect rinse water in a tank and pump to the sanitary sewer. Contact your local sanitary sewer agency before discharging to the sanitary sewer.
 - c. Collect the rinse water in a tank and haul off-site for proper disposal.

Biotreatment Measures

1. Biotreatment measures (including bioretention areas, flow-through planters shall be sized to treat run-off from 100% of the applicable drainage area (all impervious areas and applicable landscaped areas) using flow or volume based sizing criteria as described in the Provision C.3.d of the MRP or using the simplified sizing method (4% rule of thumb), described in the C.3 Technical Guidance and based on the flow-based sizing criteria in Provision C.3.d.i.(2)(c).

Operation & Maintenance (O&M) Conditions

1. 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 measures according to the approved Maintenance Plan(s). The Maintenance Agreement shall be recorded for the property and/or made part of the CC&Rs.

Dust Control

1. The owner/applicant must 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 must 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 must be controlled. The measures must 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.

Construction Management Plan

1. The Applicant shall prepare a construction management plan (CMP) for review and approval by the Public Works Department in consultation with the Community Development Department and Police Department. For properties located at or in close proximity to the City borders, the plan shall be routed to adjacent jurisdictions. The CMP shall include a response to construction-related conditions and requirements identified by reviewing City departments, and outside agencies for inclusion in the Plan. The plan shall include at least the following items:

- a. Schedule

A project construction schedule shall be provided that includes the approximate date and expected time frame for each stage of construction. At minimum, the schedule shall include:

- Excavation & Shoring (as applicable)
- Below Grade & Foundation Construction
- Above Grade Construction & Framing
- Exterior & Interior Finish Work
- Public Frontage Improvements
- Offsite & Utility Improvements

- b. Site & Logistics Plan

Site and logistics plan(s) shall be provided for each phase of project construction. Said plan(s) shall include:

- Location of Construction Fencing & Access Control for The Site
- Proposed Circulation Pattern, including Access & Egress, for Each Phase of Construction
- Location of Dewatering Tanks, Construction Trailer, Temporary Power Pole, & Restrooms
- Erosion & Dust Control Plans
- Security & Lighting Plans
- Location of Construction Staging Areas for Materials, Equipment, & Vehicles
- Crane Plane (Location, Height, & Radius), as applicable

- Construction Worker Parking

c. Traffic Control Plan

Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment /trucks, during construction, expected temporary street closure and the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour Written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time.

d. Noticing

The CMP shall include notice to property owners within 300 feet of the project site two weeks prior to grading, and identification of haul route(s) and staging area for the project. The notice shall also include a process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. 24-hour advance written notice shall also be provided to adjacent property owners, adjacent businesses, and Public Works and Police Department personnel prior to all major deliveries, detours, and lane closures.

e. Road Conditions

Documentation of road pavement conditions shall be provided to the Public Works Department for all routes that will be used by construction vehicles, both before and after project construction. Roads found to have been damaged by construction vehicles shall be repaired to the level at which they existed prior to project construction.

- 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.

Public Works Permits

1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.

2. 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.
3. 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.
3. The Developer shall apply for and obtain a hauling permit from Public Works before issuance of any site development permit including tree removal, demolition, foundation, or building permit.

Other Agency Permits

1. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board ([Home Page](#) | [California State Water Resources Control Board](#) or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.

Grading and Drainage

1. 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 prior to any grading or clearing being performed on-site.
 - a. 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).

- a. The plan shall incorporate the following restrictions:
 - i. All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.

- ii. During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
- iii. Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
- iv. Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.

Utilities

1. Applicant must possess a valid sewer lateral certificate issued under City Ordinance Section 21-213 before receiving a final building permit for:
 - a. Improvements valued by the building official at \$200,000 or more, or
 - b. Work associated with a change in water service (e.g. change in meter size or adding a second meter).
 - c. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
 - d. Sanitary sewer to include a back flow prevention device.
 - e. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department of Public Works.

NPDES Stormwater Controls

1. 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.
2. 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.
3. 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.
4. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
5. 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.
6. 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.

7. Outdoor storage areas for oils, fuels, solvents, coolant, and other chemicals shall be designed to provide secondary containment such as berms and roof covers. Process equipment sited outdoors shall be placed on an impermeable surface and covered. Property owners/associations shall implement a regular program of sweeping and litter control at these sites.
8. Loading docks shall be covered, surrounded by berms or curbs or otherwise constructed to prevent drainage onto or from the area. Water used for washing and accumulated waste shall be diverted to the sanitary sewer.
9. For stream erosion control, the stormwater discharge must pass through an erosion control structure such as an energy dissipater or other form of outlet protection prior to entering the stream. Bioengineered controls shall be used for stream bank protection as feasible.
10. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.

MRP Regulated Project

1. Applicant shall prepare a Stormwater Management Plan (SWMP) that includes, at a minimum, exhibit(s) showing drainage areas and location of Low Impact Development (LID) treatment measures; project watershed; total project site area and total area of land disturbed; total new and/or replaced impervious area; treatment measures and hydraulic sizing calculations; a listing of source control and site design measures to be implemented at the site; hydromodification management measures and calculations, if applicable; NRCS soil type; saturated hydraulic conductivity rate(s) at relevant locations or hydrologic soil type (A, B, C or D) and source of information; elevation of high seasonal groundwater table; a brief summary of how the project is complying with Provision C.3 of the MRP; and detailed Maintenance Plans for each site design, source control and treatment measure requiring maintenance.
2. LID treatment measures to be shown on final improvement or grading plans shall not differ materially from the LID treatment measures presented on the project's approved entitlement drawings without written approval from the Planning Department.

Site Design Conditions

1. Self-treating areas must be designed to store and infiltrate the rainfall that lands on the self-treating area. Refer to Section 4.2 of the C.3 Technical Guidance.
2. Self-retaining areas must be designed to store and infiltrate the rainfall run-off volume described in the MRP Provision C.3.d (80% capture volume), for rainfall that lands on the self-retaining area and the impervious surface that drains to the self-retaining area. Refer to Section 4.3 of the C.3 Technical Guidance.

Treatment Control Conditions

1. No treatment measures (other than properly sealed and screened cisterns or rain barrels) shall have standing water more than 5 days, for vector control.

Infiltration Measures

1. All infiltration devices shall be located and designed to ensure no damage will occur to surrounding improvements from underground water.
2. Soil media within the bioinfiltration measure shall consist of 18 inches of biotreatment soil consistent with the Attachment L of the MRP.
3. Other parameters of final design shall be consistent with the design guidelines presented in the latest version of the C.3 Technical Guidance.

Biotreatment Measures

1. Plant species used within the biotreatment measure area shall be consistent with Appendix A of the C.3 Technical Guidance.
2. Biotreatment soil mix for biotreatment measures shall have a minimum percolation rate of 5 inches per hour and a maximum percolation rate of 10 inches per hour and shall be in conformance with Attachment L of the MRP, which is included in Appendix K of the C.3 Technical Guidance.
3. Design of biotreatment measures shall be consistent with technical guidance for the applicable type of biotreatment measure provided in Chapter 6 of the C.3 Technical Guidance.

Operation & Maintenance (O&M) Conditions

1. A Maintenance Plan for every stormwater treatment control, and/or Hydro Modification measure or applicable site design measure, inclusive of maintenance and inspection checklists and Maintenance Inspection Report Forms, shall be submitted to the City for review and approval prior to issuance of a grading permit. A copy of the final, approved Maintenance Plan(s) shall be made a part of the Maintenance Agreement. A copy of the final, approved Maintenance Plan(s) shall also be on file with the Public Works Department.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.

Public Works Permits

1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials within the public right-of-way.
2. 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.
3. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.
4. All construction and related activities which require a City permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m., Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 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.

Other Agency Permits

1. The project includes construction or installation of stationary equipment that may cause air pollution. The applicant should contact the Bay Area Air Quality Management District (415-771-6000) to determine if an air quality permit is required.

Public Improvements

1. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.

Grading and Drainage

1. 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.

2. 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, storm drain system or creek.

NPDES Stormwater Controls

1. 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.
2. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to,

during, and immediately after each storm event; stabilizing physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

Source Control Conditions

1. 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.
2. 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.

Operation & Maintenance (O&M) Conditions

1. Property Owner shall be responsible for conducting all servicing and maintenance as described and required by the treatment measure(s) Maintenance Plan(s). Maintenance of all site design and treatment control measures shall be the owner's responsibility.
2. Approved Maintenance Plans shall be kept on-site and made readily available to maintenance crews. Maintenance plans shall be strictly adhered to.
3. By April 1 each year, Maintenance Inspection and Servicing Reports for the stormwater treatment systems shall be submitted to the municipality for the previous calendar year (January 1 through December 31).
4. Site access shall be granted to representatives of the City, the San Mateo County Mosquito and Vector Control District, and the Water Board, at any time, for the sole purpose of performing operation and maintenance inspections of the installed stormwater treatment systems. A statement to that effect shall be made a part of the Maintenance Agreement and/or CC&Rs recorded for the property.
5. Property Owner shall be required to pay for all municipal inspections of installed stormwater treatment systems as required by the Regional Water Quality Control Board or the municipality.

Installation Conditions

1. Applicant shall coordinate installation of stormwater treatment measures with the municipality and shall arrange to have a municipal Special Inspector or designated third party inspector present at the time of installation. Applicant shall be responsible for all fees associated with special stormwater inspections during construction.

Certification of Approved Final Conditions:



Rob D. Gill, Senior Planner

October 2, 2024

Date

**Attachment “2”
Ordinance No. 2024 –**

Conceptual Development Plan (CDP)
Memory Care Development - 1041 Hill Street
(Appl. No.PA2023-0006)

The following standards comprise the Conceptual Development Plan (CDP) for the Assisted Living and Memory Care Land Uses (“Project”) at 1041 Hill Street:

1. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file date stamped May 21, 2024.

Criteria	Existing PD Standards	Proposed PD Standards
Use(s)	Assisted Living & Convalescent Hospital	Assisted Living & Memory Care
Lot Size	58,142 SF.	No Change
Square Footage	57,191 SF. (for all buildings)	73, 469 SF. (for all buildings)
FAR	0.984 FAR. (for all buildings)	1.26 FAR. (for all buildings)
Height	40’	55’
Landscaping %	Approx.18.8%	Approx. 19.6%
Walls & Fences	As per approved 1998 DDP plans	As per approved DDP plans
Parking Spaces:	41	34 (12 Compact 22 Standard)
Loading Space	1 space located on 6 th Ave.	No Change
Bicycle Parking	None	9
Setbacks		
Front (6th Avenue)	0’ to 3’	0’ to 3’
Rear (South)	11’ 6’	15’
Side (East)	5’ 11’	7’
Corner Street Side (Hill Street)	19’ 6	24’ 4”

2. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file and date stamped May 21, 2024

- a. Lot Size: As indicated on project plans – 58,142 square feet or 1.33-acre.
- b. Maximum Floor Area: 73, 469 sq. ft. (for all buildings) as indicated on project plans date stamped May 21, 2024.

- c. 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 May 21, 2024, in the subject file.
- d. Maximum Building Height: 55' as indicated on project plans date stamped May 21, 2024.
- e. Maximum Wall Heights: as indicated on project plans date stamped May 21, 2024.
- f. Off-Street Parking: 34 (12 Compact 22 Standard)
- g. Building Materials: as indicated on project plans and material palette sheet date stamped May 21, 2024.

RESOLUTION NO. 2024 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING AN IMPACT FEE AGREEMENT, CONDITIONAL USE PERMIT, DETAILED DEVELOPMENT PLAN, DESIGN REVIEW, GRADING PERMIT, AND TREE REMOVAL PERMIT AT 1041 HILL STREET (APPL. NO. 2023-0006)

WHEREAS, ERDMAN, applicant, on behalf of GAHC4 BELMONT CA ALF LLC, property owner, requests approval of entitlements for the construction of a 24,806 square foot Memory Care facility building, landscaping, and ancillary improvements at 1041 Hill Street, Assessor's Parcel Numbers: 045-152-540 & 045-152-570; and,

WHEREAS, on August 20, 2024, 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 City Council approval of the Planned Development Zone Amendment and associated Conceptional Development Plan; and,

WHEREAS, on August 20, 2024, the Planning Commission, following notification in the prescribed manner recommended that the City Council also approve the Conditional Use Permit, Detailed Development Plan, Design Review, Grading Permit, Tree Removal Permit and Permanent Encroachment Permit; and,

WHEREAS, on September 24, 2024, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and at which hearing the Council introduced the Planned Development Amendment Ordinance, and considered the resolution for the project Conditional Use Permit, Detailed Development Plan, Design Review, Grading Permit, Tree Removal Permit and Permanent Encroachment Permit; and,

WHEREAS, all project entitlements shall take effect thirty (30) days after adoption of the Planned Development Amendment Ordinance; and,

WHEREAS, the applicant has expressed concern that the City's development impact fee categories are generally based on whether the proposed use is commercial or residential and the proposed memory care facility is a use that was not specifically examined in the City's impact fee studies; and,

WHEREAS, the proposed memory care facility may have impacts different from those of typical residential and commercial projects, and consequently, calculating the Project Impact Fees based on common space area square footage only, rather than the square footage of the entire facility is reasonable and will resolve the applicant's concern; and,

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.

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

SECTION 1. Fee Agreement

The Council approves the impact fee settlement agreement and authorizes the City Manager to make minor amendments and execute the agreement.

SECTION 2. 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 reports dated September 24, 2024 and October 8, 2024. The City Council determined that the requisite findings for approval of the project entitlements can be made in the affirmative, as follows:

Planned Development

The City Council shall make the following findings prior to amending the existing Planned Development (PD) Zoning of the property to PD:

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 developed. The proposed Memory Care facility will be replacing the former skilled nursing facility and would be an adapted use to better serve the adjacent assisted living community.

The project conditions of approval 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 proposed use is served by two public streets, 6th Avenue and Hill Street that are of capacity to carry the traffic generated by the proposed and existing land uses (assisted living and memory care uses). The proposed use will not place an undue burden on existing transportation, utilities, or services in the vicinity. A complete traffic analysis was prepared for the project, and peer reviewed by the City's traffic consultant. The traffic analysis concluded that the development of the proposed Memory Care facility 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 project site is currently zoned Planned Development (PD). The proposed zoning amendment would amend the existing PD District to incorporate the proposed memory care use with the existing assisted living facility use. 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. In addition, 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.

Therefore, the proposed development will not 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. 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.*

Per Section 8 of the Parking Ordinance, a total of 50 spaces is required between the existing assisted living community and proposed memory care land uses. The proposed project will provide a total of 34 on-site parking spaces between the two land uses, resulting in a deficiency of 16 spaces.

The existing PD currently operates with 41 spaces, where two spaces are used for dedicated shuttle bus parking. The site improvements for the proposed memory care facility will result in the loss of seven parking spaces (from 41 to 34 parking spaces). The loss of parking spaces is due to reconfiguration of the site to construct the required fire control room, generator room, roof access stairs, solid waste, and recycling alcoves, and provide a van assessable parking space, and dedicated shuttle bus parking.

The project site is a hillside property with moderately steep slopes. The property is developed with an assisted living community, unoccupied skilled nursing building, parking structure and associated site and landscaping improvements. The project would demolish the existing skilled nursing building occupying the site and, in its place, construct a new memory care facility. Due

to the hillside constraints (moderately steep slopes), and layout of the existing structures and site improvements, additional parking spaces could not reasonably be located on site.

Although the project provides fewer parking spaces than the existing PD parking standard and Section 8 of the Parking Ordinance, the loss of parking would not result in significant impacts as future Memory Care residents will not be driving due to their medical needs; the project, however, does expand visitor and staff parking on-site. In addition, nine parking spaces and one loading space in the 6th Avenue right-of-way would also be available to employees and visitors. The operator of the assisted living community and Memory Care facility will provide shuttle bus transportation for residents for appointments, errands, and outings organized by the facility which would place less of a demand for parking on site. 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 Institutional, and the requested development does not change that current designation. Based on the General Plan consistency analysis in “Exhibit “B”, a specific finding can be made that the proposed use of the subject property for the amended 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 (memory care) will be shown on the approved (2024) Conceptual Development Plan for the site. This finding is affirmed.

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 site is currently landscaped throughout the site and along the roadway frontages. New landscaping will be planted along the perimeter of the proposed memory care development. Landscape plantings have been selected for compliance with water efficiency and landscape requirements identified by the Mid-Peninsula Water District. The project will contain a fully automated underground irrigation system. The project has been reviewed and found consistent with the water efficiency in landscaping ordinance (WELO) by the Mid-Peninsula Water District. The project is consistent with the landscape standards as applicable. This finding is affirmed.

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

The proposed project will be consistent with the development standards for the amended 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 consistent with the applicable objective design standards (*General Design Standards Section 13.6.1*). Belmont Zoning Ordinance Section 13.6.1 includes design standards for buildings that are two and three stories or greater that are located on primary street frontages and corner street side frontages, and for buildings adjacent to a public park or public open space. The proposed memory care facility building will be constructed at the rear of the site and will not be located along a primary frontage or corner street side frontage, or adjacent to a park or public open space. However, the memory care facility building will incorporate articulating features, and colors and materials that moderate the building bulk and are appropriate for this structure.

The proposed memory care facility will include two levels of residences over two stories of parking and resident amenity space. The proposed building would incorporate offsets and recessed building walls. The building will provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first and upper floors along the building façade. The building would utilize neutral colors (off-white, and green, tan, and brown tones), and materials (fiber cement lap and panel siding) that would blend with the site and surrounding area. This finding is affirmed.

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 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, 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 1,570 cubic yards (CY) of cut and 280 CY of fill (1,290 CY of off haul) 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 of 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 Department of Public Works in consultation with the Community Development Department, Fire Department, and Police Department. 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 building site would be visually compatible with the existing on-site assisted living facility building and site improvements. There would not be large quantities of fill and clearcutting of trees on the project site. The proposed grading would accommodate construction of the building, drainage, utilities, and the landscaping of the subject property. This finding is affirmed.

(e) The proposed grading will meet the standards and specifications of Article IV of Chapter 9 in the 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 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 one right-of-way tree. The submitted project site plans indicate that the tree proposed for removal will be directly impacted by the construction for the project. Conditions of the project approval will require the applicant to implement all tree protection measures for existing trees to remain. 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 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."*

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

Criteria Supporting Removals & Retention

The project includes the removal of one right-of-way tree. The submitted project site plans indicate that the tree proposed for removal will be directly impacted by the construction for the project. As such, the tree proposed for removal is in line with criteria *D* supporting removal. Based upon review of 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 a *Preferred Species* tree on site in accordance with City Code *Chapter 25 - Trees*. Conditions of the project approval require the applicant to implement all tree protection measures and payment of tree removal fees.

SECTION 3. Approval

The City Council approves the impact fee agreement, conditional use permit, detailed development plan, design review, grading permit, and tree removal permit for the project subject to conditions of approval in Exhibit "A".

* * *

ADOPTED October 8, 2024 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2024 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT DETERMINING THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINE SECTION 15332 (IN-FILL DEVELOPMENT) TO CONSTRUCT A NEW MEMORY CARE FACILITY AT 1041 HILL STREET (APPL. NO. 2023-0006)

WHEREAS, the City Council considered the Project Planned Development Zone Amendment and associated Conceptual Development Plan, Conditional Use Permit for a Detailed Development Plan, Design Review, Grading Permit, and Tree Removal Permit for the subject project; 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 August 20, 2024 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 September 24, 2024 to introduce the Project and resolutions for the project entitlements and the exemption from Environmental Review under California Environmental Quality Act (CEQA) Guidelines Section 15332, In-Fill Development Projects; and,

WHEREAS, the City Council held a duly noticed public hearing on October 8, 2024 to consider the Project the exemption from Environmental Review under CEQA Guidelines Section 15332, In-Fill Development Projects.

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 October 8, 2024 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"

PROJECT CONDITIONS – PLANNED DEVELOPMENT ZONE AMENDMENT, CONCEPTUAL DEVELOPMENT PLAN, DETAILED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, GRADING PERMIT, DESIGN REVIEW, TREE REMOVAL PERMIT AND ENCROACHMENT PERMIT AT 1041 HILL STREET APN: APN 045-152-540 & 045-152-570 (APPL. NO. PA2023-0006)

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

Planning Division

1. Developers are hereby notified, as required by Government Code §66020, that the approved plans, the conditions of approval, and the adopted City fee schedule found at www.belmont.gov constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90-day period has begun in which Developer may protest any dedications, reservations, fees or other exactions imposed by the City which the City has informed the Developers of as of the date of project approval of the adopted City fee schedule found at www.belmont.gov. Failure to file a protest in compliance with all of the requirements of Government Code §66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.
2. Indemnification. Land Owner hereby agrees to and shall indemnify, defend, and hold harmless City, any City agencies and their respective elected and appointed councils, boards, commissions, officers, agents, employees, volunteers, and representatives (collectively, for the purposes of this condition, "City") from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and property damage) and from any and all third party claims, demands, and actions in law or equity (including attorneys' fees and litigation expenses) directly or indirectly arising or alleged to have arisen out of or in any way related to: (a) the approval of the City Approvals; (b) any development or use of the Property under the City Approvals; and (c) any actions or inactions by the Land Owner or its contractors, subcontractors, agents, or employees in connection with the construction or improvement of the Property and the Project as defined in the development agreement; excepting to the extent arising from the intentional acts or willful misconduct of City, its elected and appointed representatives, officers, agents, employees, contractors or subcontractors.

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

3. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file and dated 5/21/24.
 - a. Maximum Floor Area: 73,469 sq. ft. (for all buildings) as indicated on project plans dated 5/21/2024.
 - b. Floor Area Ratio: Entire PD – 1.26 and as indicated on project plans dated 5/21/24.
 - c. 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 dated May 21, 2024 in the subject file.
 - d. Maximum Building Height: 55' as indicated on project plans dated 5/21/24.
 - e. Off-Street Parking: 34 (12 Compact 22 Standard). Parking spaces shall consist of one ADA accessible space and one ADA van accessible space.
4. Aesthetics
 - a. 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, dated 5/21/24 and inclusive of the architectural drawings (Sheets G001 through G006, Sheets AD100 through AD200, Sheets AS100 through AS102, Sheets A100 through A342 & Sheets P101 through P202); Civil Engineering Plans (Sheets C1.0 through C9.0); Landscape Plans (Sheets L-0.0 through L-6.0); and Electric Photometric Lighting Plan (Sheet EP100).
 - b. Installation of roof mounted mechanical equipment shall be consistent with the Roof Plan (Sheet A1014) and Mechanical Screen Diagrams (Sheet G112) as shown on the project plans dated 5/21/24. Roof mounted equipment shall be placed behind the parapet of the building's roofline as not to be visible from surrounding vantage points at or below the highest point of the equipment.
 - c. Ground Equipment Screening. All exterior trash, recycling, and storage utility boxes, wood service poles, and electric and gas meters must be screened from visibility from the surrounding public vantage points (right-of-way, public trails, open space, and parks). Said screening must incorporate the same architectural design, colors, and materials as the main building on site.
 - d. Exterior building materials shall be consistent with Elevation Drawing and submitted materials sheets A200 through A202, dated 5/21/24, except for minor modifications approved by the Community Development Department, or as modified via an approved Design Review Amendment.

- e. The plans submitted for a Building Permit shall include: a) a plan sheet that includes all project conditions of approval; b) boxed-out floor plans demonstrating that the proposed Memory Care facility building would not exceed the maximum floor area permitted for the project.
- f. The plans submitted for a Building Permit shall include a final lighting plan and a photometric study. All exterior lighting shall employ the use of cut-off fixtures to restrict the direction of the light in accordance with City standards. Lighting should be the minimum required for safety, but not result in undue glare off site. There shall be no floodlighting of landscape plantings, the memory care building, courtyards, or patios/decks. To ensure consistency with city standards for lighting and compliance with the submitted photometric plan, a final lighting review shall occur after installation of project lighting and before final Building Permit inspection.

5. Air Quality

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

- i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - v. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - vi. Post a publicly visible sign with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the District will also be visible to ensure compliance.
- e. Pursuant to GP EIR Mitigation Measure AQ-5, the developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy, the project sponsors shall work with the City of Belmont to develop electronic correspondence to be distributed by email to new residential 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.
- f. The applicant must require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by implementing following measures during construction related activities:
- i. Idling times must be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage must be provided for construction workers at all access points.
 - ii. All construction equipment must be maintained and properly tuned in accordance with manufacturer's specifications. All equipment must be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- g. The applicant must require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that paints and solvents have a VOC content of 100 grams per liter or less for interior surfaces and 150 grams per liter or less for exterior surfaces.

6. Green House Gases

- 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 65% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final building permit inspection. Sample forms located <https://www.hcd.ca.gov/> may be used to assist in documenting compliance.
- c. Prior to the start of construction for the 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).

7. Cultural Resources

- a. Prior to the start of construction for the Building Permit, the applicant shall demonstrate that construction crews have proper training for the discovery, handling and retention methods for paleontological, archeological and/or cultural resources found at the project site. Project personnel should not collect cultural resources. Prehistoric resources include: chert, or obsidian flakes, projectile points, mortars and pestles, dark, friable soil containing shell and bone dietary debris, heat- affected rock, or human burials. Historic resources include: stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps.
- b. In the event that paleontological, archaeological, and/or cultural resources are encountered during construction activities, all construction activity 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.

8. Human Remains

- a. If any human remains are discovered or recognized in any location on a project site, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until:
 - o The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and,
 - o If the remains are of Native American origin:
 - a. 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
 - b. 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.

9. Noise Standard Conditions

- a. Noise Control Plan. The applicant must prepare and implement a noise control plan. Said plan must incorporate the noise reduction measures identified in the Noise and Vibration assessment prepared for the project by Illingworth & Rodkin, Inc, and the City standard construction noise COAs required for all projects, identified below.
- b. Noise Coordinator. 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. The telephone number for the Construction Noise Coordinator must be conspicuously 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. Notice. 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, contact phone number for the Noise Coordinator, and a copy of the noise control plan shall be included with this notice.
- d. Grading & Building Noise. The applicant must ensure that the following preventative and monitoring measures are enforced during grading and building operations:

- i. 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). Exceptions to these hours may be approved by the Building Official through the standard City process.
 - ii. Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses.
 - iii. Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition.
 - iv. Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.
 - v. Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses.
 - vi. Utilize “quiet” air compressors and other stationary equipment where feasible and available.
- e. Noise Barrier Standards. When noise barriers are required or proposed, their design and placement must be reviewed and approved by the project noise consultant, prior to issuance of grading or building permits. These barriers must be installed prior to grading and excavation activities and must be inspected by the project noise consultant to ensure that it has been properly constructed/installed. The barrier must remain in place for the duration of grading and excavation activities, unless approved for removal by the noise consultant to allow work at that location.
- f. Engine Noise. Prior to issuance of grading or building permits, the applicant must 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.
- g. Equipment Noise. Prior to issuance of grading or building permits, the applicant must 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 must be used for noise mitigation.
- h. Operation. 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 to ensure 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.

- i. Noise Impacted Locations. All new development that would be exposed to noise greater than the "normally acceptable" noise level range, and residential and other noise-sensitive land uses within the 65 dB contours, as shown in [BVSP] Figure 6-6d are required to reduce interior noise through design, sound insulation, or other measures to achieve an interior noise level of not more than 45 dBA. At minimum, the following is required:
 - i. A detailed acoustical analysis of the project must be completed by a qualified acoustical consultant to define the measures required such that the interior noise level requirements are satisfied.
 - ii. Prior to issuance of a Building Permit, the project noise consultant must certify in writing that the submitted Building Plans include all required noise reduction recommendations specified in the detailed acoustical analysis (i.e., construction methods, increased insulation, noise baffling, etc.) to reduce interior noise levels below the City and State level of 45 dB.
 - iii. The final project design must include a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

10. Construction Vibration Standard Conditions

- a. After obtaining permission from the subject property owners, the applicant must conduct preconstruction photo surveys of foundation/building wall cracks in adjacent structures and install vibration monitors at any sensitive receptor sites identified in the project Vibration Assessment (structures located within 20 feet of construction). The applicant must submit a copy of the 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.
- b. The applicant must 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.
- c. Neighboring property owners within 300 feet of the project site must 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.

- d. The applicant must ensure that the preventative and monitoring measures identified in the Vibration Assessment are enforced during grading and building operations. The applicant must demonstrate that all project construction personnel have been made aware of these measures, prior to issuance of a grading or building permits. On-site identification of any buffer distances between construction (i.e., vibratory rollers, excavators, backhoes, etc.) and adjacent structures (structures located within 20 feet of construction) that are specified in the Vibration Assessment must occur prior to grading operations.
- e. Vibration monitors shall be placed at the sensitive receptors (structures located within 20 feet of construction) 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.
- f. Building structures near the project (structures located within 20 feet of construction) must be periodically checked for cracks, and any cracks must be monitored. If minor cracks are reported or existing cracks propagate, vibration project action levels must be restricted.
- g. Whenever possible, construction or equipment activity generating relatively high levels of vibration must 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 must 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.
- h. All deliveries of material and equipment must occur during daytime hours, including queueing of construction vehicles outside the site. Vehicles delivering materials and equipment must 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 must be stored on-site and within the confines of the construction barricades.
- i. Stationary and portable construction equipment must 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.
- j. After construction activities are complete, the applicant must conduct a post-construction photo survey of previously surveyed buildings (structures located within 20 feet of construction) for foundation /building wall cracks. The post construction survey, and a summary letter of any resulting actions taken (repairs or

restitutions) must be provided to the Community Development Department, prior to final building permit inspection.

11. Construction Vibration Reduction and Monitoring

- a. A construction noise logistics plan shall be prepared that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
 - i. Pursuant to the Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and Holidays.
 - ii. Construct solid plywood fences around ground level construction sites adjacent to residences, or other noise-sensitive land uses. A temporary 10- to 12-foot noise barrier would provide 5 to 6 dBA attenuation for adjacent sensitive land uses when construction activities occur at the ground level.
 - iii. Erect a temporary noise control blanket barrier, where feasible, at the property line or on scaffolding just outside the proposed buildings facing the adjoining residences to the west during construction to control construction noise when activities do not occur at the ground level. The temporary noise control blanket barriers shall be installed at residences nearest to the active construction activities only.
 - iv. A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - v. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - vi. Prohibit unnecessary idling of internal combustion engines.
 - vii. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Any enclosure openings or venting shall face away from sensitive receptors.

- viii. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
 - ix. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - x. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - xi. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
 - xii. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
 - xiii. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- b. Wherever feasible, operation of vibration inducing equipment shall be avoided within the distance to existing buildings specified below:
- Clam shovel drop – 18 ft.
 - Hydromill (slurry wall) in soil – 1 ft.
 - Hydromill (slurry wall) in rock – 2 ft.
 - Vibratory Roller – 19 ft.
 - Hoe Ram – 9 ft.
 - Large bulldozer – 9 ft.
 - Caisson drilling – 9 ft.
 - Loaded trucks – 8 ft.
 - Jackhammer – 4 ft
 - Small bulldozer - <1 ft.
- c. If the above equipment must operate closer to existing buildings than specified above, a vibration monitoring plan shall be prepared, submitted to the City, and implemented to monitor construction vibration at the nearest structures, including at a minimum the following:

- i. A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.).
- ii. An indication of what efforts will be implemented for reducing vibration levels below the thresholds, such as location of equipment away from adjacent building as possible and use of alternative methods or equipment that would produce less vibration.
- iii. A designated contact responsible for registering and investigating claims of excessive vibration. The contact information of such person shall also be clearly posted on the construction site. Any damage to adjacent buildings shall be addressed by the applicant team.
- iv. Document conditions at all structures located within 20 feet of construction prior to, during, and after vibration-generating construction activities. Perform a photo survey, elevation survey, and crack monitoring survey prior to any construction activity, at the end of each phase of construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. If vibration generated by project construction results in damage to adjoining structures, repairs shall be completed to restore structures to pre-construction conditions.

12. Nesting Birds & Roosting Bats – Preconstruction Surveys

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

- c. A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist will look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains, or urine stains around openings in trees or structures, or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully.
- d. If signs of bats are detected, CDFW should be contacted about how to proceed. Echo-location surveys may be needed to verify the presence of bats, or an exclusion zone around the occupied tree may be recommended until bats leave the roost. Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.

13. Tree Protection

- a. The applicant shall implement the Tree Protection Guidelines identified on the project Landscape Plans (Demolition Notes Sheet L-0.1).

Clearing & Grubbing: Clear and grub two the limits of work per specifications taking care to not disturb the root system of existing trees to remain.

- i. Existing Trees to Remain: Existing trees to remain shall be pruned under the direction of a certified arborist in accordance with International Society of Arboricultural (ISA) guidelines prior to beginning of construction. During construction, fencing shall be installed at the drip line of all existing trees to remain per arborist and tree protection plan. All excavation within the drip lines of existing trees to remain shall be done by hand with care taken not to damage the root system of these trees. The contractor shall be responsible for watering and ensuring the health of the trees to remain. Do not water California native oak trees to remain during the dry season (April – October).
- b. Prior to issuance of a grading or building permit, the applicant must submit written confirmation that all tree protection measures, and pre-construction treatments have been installed and inspected, and that they meet the specifications shown tree protection plan (Sheet L-0.1).
- c. Tree protection devices are to remain until all site work has been completed within the work area.
- d. 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.

- e. After completion of exterior construction work and before final building permit inspection, the applicant shall submit a final written report/letter from the Project Landscape Architect or Arborist. Said report/letter must provide an evaluation of the construction impacts to the subject tree's health or structural stability and must identify any additional provisions that may be required to these address impacts. The applicant is responsible to implement these recommendations. A final report may be required on the effectiveness of the measures.

14. Tree Removal Fees

- a. The applicant shall pay a removal fee in accordance with the fee schedule for all regulated trees being removed due to direct/indirect conflicts with proposed work/site plan.

15. Electric Vehicle Charging Stations

- a. Signage. Any required electrical vehicle charging station must be clearly marked with a sign reading "Electrical Vehicle Charging Station" and the associated California Vehicle Code restrictions, and only a vehicle that is connected.
- b. Equipment. Any required electrical vehicle charging stations must be wired for a minimum of 240 volts and 32 amps, designed to allow for future provision of higher amperage conduit, equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment, as necessary for public use.

16. Geotechnical Conditions

- a. Geotechnical Plan Review - The GEOR 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 GEOR should review the completed structural plans and calculations for the new construction for conformance to his geotechnical recommendations, provide supplemental recommendations as necessary, and also provide a professional certification letter to the City to that effect.
- b. In addition to responding to the above items, following geotechnical approval for development, the GEOR should perform the following during and at the completion of construction:
 - i. Geotechnical Construction Observation and Testing - The GEOR should be retained to observe the geotechnical and foundation aspects of the construction. The GEOR 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. In addition, the GEOR should prepare and submit at the completion of project construction a final report that addresses the following items.

- ii. Summary of earthwork operations, including temporary shoring and dewatering, subgrade preparation, earthwork construction, and site drainage and subdrainage installations, as applicable.
 - iii. Recording of test locations and results of field and laboratory compaction tests where testing is determined to be appropriate by the project geotechnical engineer.
 - iv. Building foundations, including observation of foundation supporting materials, and confirmation of supporting materials with respect to the geotechnical engineer's recommendations.
 - v. Site and subsurface drainage, including finish grading around the building, and discharge of collected surface and subsurface water to appropriate discharge facilities.
- c. The applicant must adequately submit to the City prior to the issuing of the building permit the supporting data, analysis, and documentation including fill material specifications for the sustenance of the conclusions and the recommendations stated in the geotechnical engineering report and for satisfying the criteria for approval of a project within a seismic hazard zone. As a guide, Special Publication 117 (SP 117) by the California Department of Conservation, Division of Mines and Geology in 1997, provides general considerations for the earthquake hazard evaluation and mitigation, including seismic slope stability (SCEC, 2002).

17. Airport Hazards

- a. The project is subject to the requirements of the Federal Aviation Administration outlined in a letter dated March 11, 2024, including but not limited to the following:
 - i. The manager of San Carlos Airport (SQL) be notified at (650) 573-3700 at least three business days prior to the temporary structure being erected and again when the structure is removed from the site. It is required that the manager of SQL Air Traffic Control Tower be notified at 650-591-8051 at least three business days prior to the temporary structure being erected and again when the structure is removed from the site.
 - ii. The applicant or a designated representative must provide contact information for the onsite operator in the event that Air Traffic Control requires the temporary structure to be lowered immediately.
 - iii. Federal Aviation Administration determination letter for temporary structures expires on 09/11/2025 unless extended, revised, or terminated by the issuing office.

18. Mid-Peninsula Water District

- a. The applicant shall demonstrate that the final landscape plan has been reviewed and approved by the Mid-Peninsula Water District (MPWD) prior to the issuance of a Building Permit and is consistent with MPWD's Water Efficient Landscape Ordinance (WELO), prior to installation of landscaping. A post installation certification from MPWD is also required prior to final Certificate of Occupancy. Contact the MPWD Water Resource Coordinator (650) 591-8941 or drewb@midpeninsulawater.org for more information.

19. Impact Fees

- a. The applicant/developer agrees to pay all applicable regulatory, connection, and including plan check, building permit, tree removal permit, Maintenance, Sewer Impact and Sewer Connection Fees, as specified by each respective City Ordinance or the City's Master Fee Schedule.
- b. Prior to issuance of Building Permits, the applicant/property owner must pay all required Park Improvement Impact Fees. The calculated fee for the project is \$9,856.80 as required via the Settlement Agreement for this project.
- c. Prior to issuance of Building Permits, the applicant/property owner must pay all required Transportation Impact Fees (TIF). The calculated fee for the project is \$153,519.66 as required via the Settlement Agreement for this project.
- d. Prior to issuance of Building Permits, the applicant/property must pay all required Housing Mitigation/Inclusionary In-Lieu Fees. The calculated fee for the project is \$180,502.65 as required via the Settlement Agreement for this project.
- a. Public Art Requirement ([Belmont City Code Sec. 17-128](#)) - The City has a development standard that requires non-residential and mixed-use development involving 10,000 square feet or more of new floor area 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 on the development site, developers can meet this obligation by either: 1) by acquiring and installing freely accessible art on city property or in the public right of way; or 2) providing an in-lieu contribution (payment) to the City for acquisition and placement of public art in the city not less than 1%.

20. Building Division

- a. 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.

- b. 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, Dr. Martin Luther King, Jr. 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.
- c. Specify that the 2022 California Code of Regulations as amended by the State of California and all applicable City of Belmont ordinances will be employed during this project.
- d. 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).
- e. 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.
- f. Pursuant to Regulation 6, Rule 3 per the Bay Area Air Quality Management District, effective January 1, 2009, no person or builder shall commence construction of a new building or structure permitted to contain or containing a wood-burning device or install a new wood-burning device resulting from a remodel unless the device meets the requirements of Section 6-3-303. Any gas fueled heating device or electric-powered heating device is allowed under this standard.
- g. The City of Belmont Municipal Code requires a soils and engineering geology report for all new or substantially altered foundations. Prior to issuance of a Building Permit, 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.
- h. This project is subject to the requirements of the Green Building Standards Code ([Belmont City Code Division 10 Sec. 7-96](#)), the photovoltaic system requirements in the California Energy Code, and the EV charging in the California Green Code.

- i. Plans to be submitted for a building permit shall show the location of all transformers, fire standpipes, back flow preventer, main electrical service, all subpanels, gas meter, furnace, and water heater.
- j. All retaining walls shall be engineered and subject to the California Building Code Standards.
- k. All utilities shall be shown on the plans. The relationship between proposed improvements such as retaining walls or utility meters, valves, backflow preventors, and other facilities, shall be shown on the plans. Plans shall show all existing easements on the property.
- l. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company.
- m. The contractor/property owner shall be responsible to post hours of operation and phone numbers for noise complaints.
- n. 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.
- o. 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).
- p. 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.

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 or alteration of any Fire Alarm, or Water-flow Monitoring System. This application shall include the interconnection of any Fixed Fire Protection System to an Alarm System where provided. A valid Permit and Approved Plans shall be at the jobsite at all times.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. The following additional conditions shall apply to the project or site development permit:
 - a. Egress. The project shall maintain required egress for all building properties.
 - b. Standpipes. For projects that require standpipes by California Fire Code Section 905.3.1, the applicant must provide not less than one standpipe for use during construction or demolition.
 - c. Barricades Across Emergency Access Roads. Prior to the installation or use of barricades, fences, or gates across emergency vehicle access roads during construction,

- the applicant must submit plans to the Fire Plan Checker subject to the review and approval of the Fire Marshal or his/her designee.
- d. Address Numbers. The applicant shall post temporary address numbers on each building at the project site that must be easily visible from the street or fire access road.
 - e. Demolition. The applicant shall comply with the California Fire Code Chapter 33 during all phases of the construction of the project.
 - f. Fire Flow. The applicant shall provide fire flow information to the Fire Plan Checker, which is subject to the review and approval of the Fire Marshal or his/her designee.
 - g. Code Conformance. The applicant shall indicate on all building permit plans that all construction shall meet current code standards at the time of building permit submittal. The building permit plans are subject to review and approval by the Fire Marshal or his/her designee.
 - h. Remote Power Disconnect. The plans shall show a key switch/shunt trip to disconnect the building electrical power and/or solar photovoltaic system by Fire Department personnel. The key switch/shunt trip location(s) shall be subject to the review and approval of the Fire Marshal or his/her designee.
 - i. Fire Control Room. The plans shall show a fire control room with direct access from the exterior of the building subject to the requirements listed in the Fire Department's local Ordinance and subject to the review and approval of the Fire Marshal or his/her designee.
 - j. Fire Apparatus Access Road. The plans shall show a Fire Apparatus Access Road serving each structure on the property. Each access road shall have a minimum (Fire Plan Checker to Enter: 20 to 26 feet)-foot unobstructed linear width and provide an unobstructed height of no less than 13 feet, 6 inches subject to the review and approval of the Fire Marshal or his/her designee.
 - k. Fire Department Submittals. The applicant shall submit all plans involving fire systems (including but not limited to fire sprinklers, fire hydrants, and fire alarms) in conjunction with the superstructure building permit plans to the Fire Department. The plans are subject to review and approval by the Fire Marshal or his/her designee.
 - l. Roadway Load Capacity & Design. The applicant shall submit a letter from a certified soils or geotechnical engineer stating the final roadway is able to support a load of 68,000 pounds. A "Click to Enter" system shall be installed on all Fire Emergency Access Roads. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection.
 - m. Fire Hydrants. The applicant shall install the approved number of public/private fire hydrant(s) spaced as per the Fire Department's local Ordinance. All fire hydrants used

for fire flow for the project site shall be upgraded to a Clow model 980 or equivalent consisting of (2) 2-½ inch and (1) 4-½ inch outlets. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with water purveyor's specifications. The water supply shall be tested, flushed and approved operable prior to any combustible construction materials being placed on the site. Staged construction shall insure that the necessary water supply is maintained from stage to stage in the construction planning. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection.

- n. Emergency Responder Radio Coverage. An Emergency Responder Radio Coverage system may be required for this project. Testing shall occur during construction due to circuit protection requirements that will affect building design. The applicant shall provide a third-party testing grid report to the Fire Department subject to the review and approval by the Fire Marshal or his/her designee prior to the Fire Final Inspection.

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

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street, unless approved as part of the Construction Management Plan.
3. Any lane/road closures must only be conducted during non-commute hours (9am-3pm).
4. A flag person shall be required for street closures and positioned at both ends of any closure.
5. 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.)
6. No construction vehicles or equipment shall be parked, placed or stored in the roadway unless approved as part of the Construction Management Plan.
7. A signage plan shall be required for any road closures/detours. Such plan shall be approved by the BPD Traffic Unit.
8. Any lane/road closures must only be conducted during non-commute hours (9am-3pm).
9. 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. The security plan and emergency contact information shall be provided to Sgt. Adam via email tadams@belmont.gov.

10. Ensure the Police Department has access to any secured emergency access easements/gates/pathways.
 11. No Trespassing signs, per 602 PC, shall be required to be posted around property to discourage unauthorized entry and aid in criminal prosecutions for trespassing/theft.
 12. Any burglar alarm shall be registered with the BPD per BCC 18-50 et. Seq.
 13. A minimum roadway width of 12' shall be maintained at all times for emergency access.
 14. The property address shall be clearly posted at all times during and after construction, visible and legible from the entire roadway frontage(s).
 15. The developer and their contractors shall ensure that Belmont PD has access to any secured emergency access easements, gates, or pathways.
- IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:

Project Specific Conditions

1. Temporary shoring may be required for excavation and construction of the proposed building, foundation and site improvements. The Applicant shall prepare and submit a structural shoring design, plans, and calculations to the Building Department for review and approval prior to issuance of a Grading or Building Permit.
2. The Applicant shall prepare and submit design, details, structural plans and calculations to the Building Department and the Public Works Department for review and approval for the proposed retaining walls within the Hill Street public street right of way prior to issuance of a Building Permit. The Applicant shall also obtain an Encroachment Permit from the Public Works Department prior to starting any work within the public street right of way or easements. In addition, the Applicant shall be responsible for coordinating with the Public Works Department to execute a Permanent Encroachment Agreement for the proposed retaining walls within the Hill Street public street right of way prior to final acceptance of the required improvements on Hill Street.
3. The Applicant shall prepare and submit a Grading and Drainage Plan for review and approval prior to issuance of a Grading or Building Permit. the Grading and Drainage Plan shall show detailed finished on-site grading and drainage design, including pad and finished floor elevations, top of curb, pavement elevations, finished grades on hardscape and/or landscape areas, storm water inlets, area drains, sizes of storm drains and connection points. All on-site storm drainage shall be captured onsite. No on-site private drainage shall be allowed to sheet flow directly onto Hill Street right of way.

- 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.

Public Improvements

1. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
2. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.

Grading and Drainage

1. Roof leaders and site drainage shall be directed to a vegetated area onsite or the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.
2. The owner/applicant shall submit C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist prior to design review approval.

MRP Regulated Project

1. The Project shall comply with all requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. Please refer to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) C.3 Stormwater Technical Guidance Manual for assistance in implementing LID measures at the site.
2. Treatment controls shall be designed and sized to treat run-off from new and/or replaced impervious areas.

Source Control Conditions

1. Trash storage areas (including recycling or food compactor areas or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Covered areas shall be sloped so that spills and washwater flow to area drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.

2. Interior level parking garage floor drains, and any other interior floor drains, shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
3. Efficient irrigation systems shall be used throughout all landscaped areas in accordance with the Model Water Efficient Landscape Ordinance.
4. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
5. Boiler drain lines, roof top equipment with drain lines, and/or equipment for washing and/or steam cleaning activities shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
 - a. Discharge the rinse water to landscaping. Ensure that the rinse water does not flow to the street or storm drain. Block off storm drain inlet if needed.
 - b. Collect rinse water in a tank and pump to the sanitary sewer. Contact your local sanitary sewer agency before discharging to the sanitary sewer.
 - c. Collect the rinse water in a tank and haul off-site for proper disposal.

Biotreatment Measures

1. Biotreatment measures (including bioretention areas, flow-through planters shall be sized to treat run-off from 100% of the applicable drainage area (all impervious areas and applicable landscaped areas) using flow or volume based sizing criteria as described in the Provision C.3.d of the MRP or using the simplified sizing method (4% rule of thumb), described in the C.3 Technical Guidance and based on the flow-based sizing criteria in Provision C.3.d.i.(2)(c).

Operation & Maintenance (O&M) Conditions

1. 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 measures according to the approved Maintenance Plan(s). The Maintenance Agreement shall be recorded for the property and/or made part of the CC&Rs.

Dust Control

1. The owner/applicant must 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 must 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 must be controlled. The measures must 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.

Construction Management Plan

1. The Applicant shall prepare a construction management plan (CMP) for review and approval by the Public Works Department in consultation with the Community Development Department and Police Department. For properties located at or in close proximity to the City borders, the plan shall be routed to adjacent jurisdictions. The CMP shall include a response to construction-related conditions and requirements identified by reviewing City departments, and outside agencies for inclusion in the Plan. The plan shall include at least the following items:

- a. Schedule

A project construction schedule shall be provided that includes the approximate date and expected time frame for each stage of construction. At minimum, the schedule shall include:

- Excavation & Shoring (as applicable)
- Below Grade & Foundation Construction
- Above Grade Construction & Framing
- Exterior & Interior Finish Work
- Public Frontage Improvements
- Offsite & Utility Improvements

- b. Site & Logistics Plan

Site and logistics plan(s) shall be provided for each phase of project construction. Said plan(s) shall include:

- Location of Construction Fencing & Access Control for The Site
- Proposed Circulation Pattern, including Access & Egress, for Each Phase of Construction
- Location of Dewatering Tanks, Construction Trailer, Temporary Power Pole, & Restrooms
- Erosion & Dust Control Plans
- Security & Lighting Plans
- Location of Construction Staging Areas for Materials, Equipment, & Vehicles
- Crane Plane (Location, Height, & Radius), as applicable
- Construction Worker Parking

c. Traffic Control Plan

Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment /trucks, during construction, expected temporary street closure and the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour Written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time.

d. Noticing

The CMP shall include notice to property owners within 300 feet of the project site two weeks prior to grading, and identification of haul route(s) and staging area for the project. The notice shall also include a process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. 24-hour advance written notice shall also be provided to adjacent property owners, adjacent businesses, and Public Works and Police Department personnel prior to all major deliveries, detours, and lane closures.

e. Road Conditions

Documentation of road pavement conditions shall be provided to the Public Works Department for all routes that will be used by construction vehicles, both before and after project construction. Roads found to have been damaged by construction vehicles shall be repaired to the level at which they existed prior to project construction.

- 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.

Public Works Permits

1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.

2. 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.
3. 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.
3. The Developer shall apply for and obtain a hauling permit from Public Works before issuance of any site development permit including tree removal, demolition, foundation, or building permit.

Other Agency Permits

1. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board ([Home Page](#) | [California State Water Resources Control Board](#) or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.

Grading and Drainage

1. 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 prior to any grading or clearing being performed on-site.
 - a. 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).

- a. The plan shall incorporate the following restrictions:
 - i. All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.

- ii. During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
- iii. Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
- iv. Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.

Utilities

1. Applicant must possess a valid sewer lateral certificate issued under City Ordinance Section 21-213 before receiving a final building permit for:
 - a. Improvements valued by the building official at \$200,000 or more, or
 - b. Work associated with a change in water service (e.g. change in meter size or adding a second meter).
 - c. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
 - d. Sanitary sewer to include a back flow prevention device.
 - e. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department of Public Works.

NPDES Stormwater Controls

1. 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.
2. 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.
3. 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.
4. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
5. 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.
6. 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.

7. Outdoor storage areas for oils, fuels, solvents, coolant, and other chemicals shall be designed to provide secondary containment such as berms and roof covers. Process equipment sited outdoors shall be placed on an impermeable surface and covered. Property owners/associations shall implement a regular program of sweeping and litter control at these sites.
8. Loading docks shall be covered, surrounded by berms or curbs or otherwise constructed to prevent drainage onto or from the area. Water used for washing and accumulated waste shall be diverted to the sanitary sewer.
9. For stream erosion control, the stormwater discharge must pass through an erosion control structure such as an energy dissipater or other form of outlet protection prior to entering the stream. Bioengineered controls shall be used for stream bank protection as feasible.
10. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.

MRP Regulated Project

1. Applicant shall prepare a Stormwater Management Plan (SWMP) that includes, at a minimum, exhibit(s) showing drainage areas and location of Low Impact Development (LID) treatment measures; project watershed; total project site area and total area of land disturbed; total new and/or replaced impervious area; treatment measures and hydraulic sizing calculations; a listing of source control and site design measures to be implemented at the site; hydromodification management measures and calculations, if applicable; NRCS soil type; saturated hydraulic conductivity rate(s) at relevant locations or hydrologic soil type (A, B, C or D) and source of information; elevation of high seasonal groundwater table; a brief summary of how the project is complying with Provision C.3 of the MRP; and detailed Maintenance Plans for each site design, source control and treatment measure requiring maintenance.
2. LID treatment measures to be shown on final improvement or grading plans shall not differ materially from the LID treatment measures presented on the project's approved entitlement drawings without written approval from the Planning Department.

Site Design Conditions

1. Self-treating areas must be designed to store and infiltrate the rainfall that lands on the self-treating area. Refer to Section 4.2 of the C.3 Technical Guidance.
2. Self-retaining areas must be designed to store and infiltrate the rainfall run-off volume described in the MRP Provision C.3.d (80% capture volume), for rainfall that lands on the self-retaining area and the impervious surface that drains to the self-retaining area. Refer to Section 4.3 of the C.3 Technical Guidance.

Treatment Control Conditions

1. No treatment measures (other than properly sealed and screened cisterns or rain barrels) shall have standing water more than 5 days, for vector control.

Infiltration Measures

1. All infiltration devices shall be located and designed to ensure no damage will occur to surrounding improvements from underground water.
2. Soil media within the bioinfiltration measure shall consist of 18 inches of biotreatment soil consistent with the Attachment L of the MRP.
3. Other parameters of final design shall be consistent with the design guidelines presented in the latest version of the C.3 Technical Guidance.

Biotreatment Measures

1. Plant species used within the biotreatment measure area shall be consistent with Appendix A of the C.3 Technical Guidance.
2. Biotreatment soil mix for biotreatment measures shall have a minimum percolation rate of 5 inches per hour and a maximum percolation rate of 10 inches per hour and shall be in conformance with Attachment L of the MRP, which is included in Appendix K of the C.3 Technical Guidance.
3. Design of biotreatment measures shall be consistent with technical guidance for the applicable type of biotreatment measure provided in Chapter 6 of the C.3 Technical Guidance.

Operation & Maintenance (O&M) Conditions

1. A Maintenance Plan for every stormwater treatment control, and/or Hydro Modification measure or applicable site design measure, inclusive of maintenance and inspection checklists and Maintenance Inspection Report Forms, shall be submitted to the City for review and approval prior to issuance of a grading permit. A copy of the final, approved Maintenance Plan(s) shall be made a part of the Maintenance Agreement. A copy of the final, approved Maintenance Plan(s) shall also be on file with the Public Works Department.

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

Public Works Permits

1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials within the public right-of-way.
2. 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.
3. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.
4. All construction and related activities which require a City permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m., Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 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.

Other Agency Permits

1. The project includes construction or installation of stationary equipment that may cause air pollution. The applicant should contact the Bay Area Air Quality Management District (415-771-6000) to determine if an air quality permit is required.

Public Improvements

1. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.

Grading and Drainage

1. 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.

2. 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, storm drain system or creek.

NPDES Stormwater Controls

1. 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.
2. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and

status of construction, disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

Source Control Conditions

1. 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.
2. 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.

Operation & Maintenance (O&M) Conditions

1. Property Owner shall be responsible for conducting all servicing and maintenance as described and required by the treatment measure(s) Maintenance Plan(s). Maintenance of all site design and treatment control measures shall be the owner's responsibility.
2. Approved Maintenance Plans shall be kept on-site and made readily available to maintenance crews. Maintenance plans shall be strictly adhered to.
3. By April 1 each year, Maintenance Inspection and Servicing Reports for the stormwater treatment systems shall be submitted to the municipality for the previous calendar year (January 1 through December 31).
4. Site access shall be granted to representatives of the City, the San Mateo County Mosquito and Vector Control District, and the Water Board, at any time, for the sole purpose of performing operation and maintenance inspections of the installed stormwater treatment systems. A statement to that effect shall be made a part of the Maintenance Agreement and/or CC&Rs recorded for the property.
5. Property Owner shall be required to pay for all municipal inspections of installed stormwater treatment systems as required by the Regional Water Quality Control Board or the municipality.

Installation Conditions

1. Applicant shall coordinate installation of stormwater treatment measures with the municipality and shall arrange to have a municipal Special Inspector or designated third party inspector present at the time of installation. Applicant shall be responsible for all fees associated with special stormwater inspections during construction.

Certification of Approved Final Conditions:



Rob D. Gill, Senior Planner

October 8, 2024

Date

Vista Terrace of Belmont Memory Care Facility Project

Categorical Exemption Evaluation



City of Belmont
1 Twin Pines Lane
Belmont, CA 94002

July 2024

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**Evaluation for Applicability of a Categorical Exemption
Under CEQA Section 15332 (In-Fill Development Projects)**

**Vista Terrace of Belmont Memory Care Facility Project
City of Belmont**

Introduction

The City of Belmont (City) has received an application from Erdman Company (Project Applicant/Architect) to demolish an existing skilled nursing facility and construct a new memory care facility at 1041 Hill Street in eastern Belmont. The proposed project, referred to as the Vista Terrace of Belmont Memory Facility Project, involves demolishing the existing approximately 8,528 square-foot (SF), two-story, wood-framed skilled nursing facility building and replacing it with a 24,086 SF, three-story, 36-unit, non-combustible memory care facility building in the same location.

The project site consists of two parcels (APN 045-152-540 and APN 045-152-570) and is located northwest of the intersection of El Camino Real and Ralston Avenue. The project site is bounded by Hill Street to the northwest and 6th Avenue to the northeast and east. The project is located in the Planned Unit Development (PD) zoning district and has a General Plan land use designation of Institution.

The project includes amending the existing PD zoning district to incorporate the memory care use; approval is subject to the review of Section 12 of the Belmont Zoning Ordinance. Unlike properties in other zoning districts, properties seeking an amendment to a PD designation are typically governed by a two-step review process: First, general issues of land use, site plans and circulation plans are reviewed by way of a Conceptual Development Plan (CDP). More detailed issues, such as building architecture, landscaping, parking layout, grading/drainage, tree removal, and lighting are evaluated by way 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 and approved. The proposed amendment to the existing PD will require a recommendation by the Planning Commission and approval of the City Council. The project will also require the following:

- Water Efficient Landscape Ordinance (WELO) approval
- Alternative Means and Methods Request (AMMR) approval for noncompliant aerial apparatus access and perimeter building access
- Permits for fire sprinkler system installation Type (NFPA 13); two-way communication system; elevator; and emergency voice/alarm communication system

The existing skilled nursing facility was constructed in approximately 1960 and, therefore, under CEQA Guidelines Section 15064.5 may qualify as a significant historical resource due to its age (i.e., over 50 years old). This Categorical Exemption documentation contains the findings of the applicant's peer reviewed Historic Resource Evaluation for the Vista Terrace Skilled Nursing Facility (4/25/2023, revised 6/4/2024).

The City of Belmont has reviewed the application materials submitted for the project, this Categorical Exemption Project Description, the Environmental Protection Measures (EPMs) incorporated into the project, and the project's potential environmental impacts as described below. Based on this information, the project qualifies as exempt from further CEQA analysis under Section 15332: In-Fill Development Projects. No exceptions to a Categorical Exemption

have been identified as documented in this Categorical Exemption. A Notice of Exemption for the project will be filed with the San Mateo County Clerk's Office and with the State Office of Planning and Research (OPR).

Required Entitlements

The project will be required to secure the following entitlements:

- Planned Development Zone Amendment
- Conceptual Development Plan
- Detailed Development Plan
- Conditional Use Permit
- Design Review
- Grading Permit
- Tree Removal Permit
- Encroachment Permit for retaining walls within the public right-of-way

Project Description

The information within the Project Description was obtained from the following plan sets and technical reports provided by the project applicant:

- Vista Terrace of Belmont Memory Care American Healthcare REIT Entitlement Set (3/21/2024)
- Geotechnical Investigation 1041 Hill Street Belmont, California (1/25/2023)
- Traffic & Parking Analysis: Proposed Nursing Home Expansion Project at 1041 Hill Street, Belmont, CA Rev 2 (2/15/2024)
- Belmont Memory Care Noise and Vibration Assessment (10/27/2023)
- Vista Terrace Memory Care Health Risk & Greenhouse Gas Assessment (7/16/2023, revised 2/14/2024)
- Mid-Peninsula Water District Water Efficient Landscape Ordinance (WELO) Pre-Approval (9/19/2023)
- Historic Resource Evaluation Vista Terrace Skilled Nursing Facility (4/25/2023, revised 6/4/2024)
- Will Serve Letters from PG&E (2/3/2023), Mid-Peninsula Water District (MPWD) (8/10/2023), Recology (11/28/2023), AT&T (6/1/2023), and Comcast (5/31/2023)
- Alternative Means (AMMR) Application for 1041 Hill St, Belmont, CA 94002

Project Location and Site Description

The project site is in eastern Belmont at the intersection of Hill Street and 6th Avenue (Figure 1 Project Location). The site consists of two parcels (APN 045-152-540 and APN 045-152-570) bounded by Hill Street to the northwest and Laurel Avenue to the northeast. The project site is surrounded by multi-family housing to the north across Hill Street and 6th Avenue, vacant land and a single-family residence to the west, commercial buildings to the south, and commercial buildings to the east across 6th Avenue. (Figure 2 Project Vicinity) (Figure 3 Site Photos).

Figure 1 – Project Location



Figure 1 Project Location

Vista Terrace of Belmont Memory Care Facility Project CE



Figure 2 – Project Vicinity



Source: Google Earth 2024

 Project Boundary


N
Not to Scale



Figure 2 Project Vicinity

Vista Terrace of Belmont Memory Care Facility Project CE

Figure 3 Site Photos



Existing skilled nursing facility looking southeast from Hill St (Erdman 2022).



Existing facility with 1998 elevator addition (photo left), looking southwest from 900 6th Avenue parking lot (Erdman 2022).



Existing facility looking south from 900 6th Avenue parking lot (Erdman 2023).



Existing facility and covered parking looking south from lower driveway off Hill St (Erdman 2022).

Figure 3 Site Photos (continued)

*Vista Terrace of Belmont Memory Care Facility Project
Evaluation for Categorical Exemption*



Existing upper level parking looking southeast from upper driveway off Hill St
(Traffic Patterns 2024).

The project site is currently developed with the Vista Terrace of Belmont Assisted Living & Skilled Nursing facility, which is comprised of an assisted living community building located on the parcel with APN 045-152-570 and a skilled nursing community building located primarily on the parcel with APN 045-152-540. The existing assisted living community building was constructed in 1998 and consists of a three-story building constructed into the hillside with access to 6th Avenue from the lowest level. A skilled nursing community facility that was constructed in approximately 1960 is located adjacent to the occupied assisted living community building.

The skilled nursing facility is currently unoccupied. A small section of the skilled nursing building, including a covered corridor that connects the skilled nursing building and assisted living building, extends onto the eastern parcel with APN 045-152-570. The project site is fully landscaped with trees, shrubs, vines, and groundcover plants, and contains no natural vegetation. The two parcels comprise a hillside property and have relatively steep slopes. The parcel on which the skilled nursing building is located has grades sloping down from approximately 114 feet above mean sea level (msl) at the western parcel boundary to approximately 86.3 feet above msl at the eastern parcel boundary. Between the western parcel boundary and the skilled nursing building, the site grades are terraced with two retaining walls. The project site also extends into a portion of the Hill Street right-of-way (ROW). Ingress and egress for the skilled nursing facility is currently provided off Hill Street via two driveways.

Zoning and Land Use

The project site is zoned Planned Unit Development (PD) with a General Plan Designation of Institution. The project site is located in a downtown urban setting and is not located in or near a CAL FIRE-designated Fire Hazard Severity Zone (CAL FIRE 2024).

The project site is surrounded by parcels with the following zoning district designations: Single Family Residential, 6,000 sq. ft./D.U. (R1B) to the southwest; Multi-Family Residential, 1,950 sq. ft./D.U. (R3) to the northwest and south; Village Core (VC) to the east; and Corridor Mixed Use (CMU) to the southeast.

The project site is surrounded by parcels with the following General Plan land use designations: Single Family Residential to the northwest, west, and south; Multi-family Residential to the northeast; and General/Retail Commercial/Mixed Use to the east.

Project Proposal

The project applicant proposes to demolish the existing approximately 8,528 square-foot (SF), two-story, wood-framed skilled nursing home building and replace it with a 24,806 SF, three-story, 36-unit, non-combustible memory care building. The proposed building would include two levels of residences over two stories of parking and resident amenity space. The memory care facility would continue to be connected to the assisted living facility by a covered corridor that would be demolished and reconstructed. Parking would continue to be shared between the two buildings. The number of parking stalls provided for the memory care facility is proposed to be reduced by several stalls from 41 stalls to 34 stalls to accommodate the new building configuration. Bike parking stalls are proposed in lieu of the vehicular spaces lost. While there are no plans to change the existing assisted living building, the demolition of the existing skilled nursing building and associated site features, such as pavements, would include work on the parcel containing the assisted living facility. Access to and from the new memory care facility would continue to be provided via two driveways off Hill Street. Table 1 shows the project's proposed building improvements. Figure 4 – Site Plan shows the proposed site layout.

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Figure 4 – Site Plan

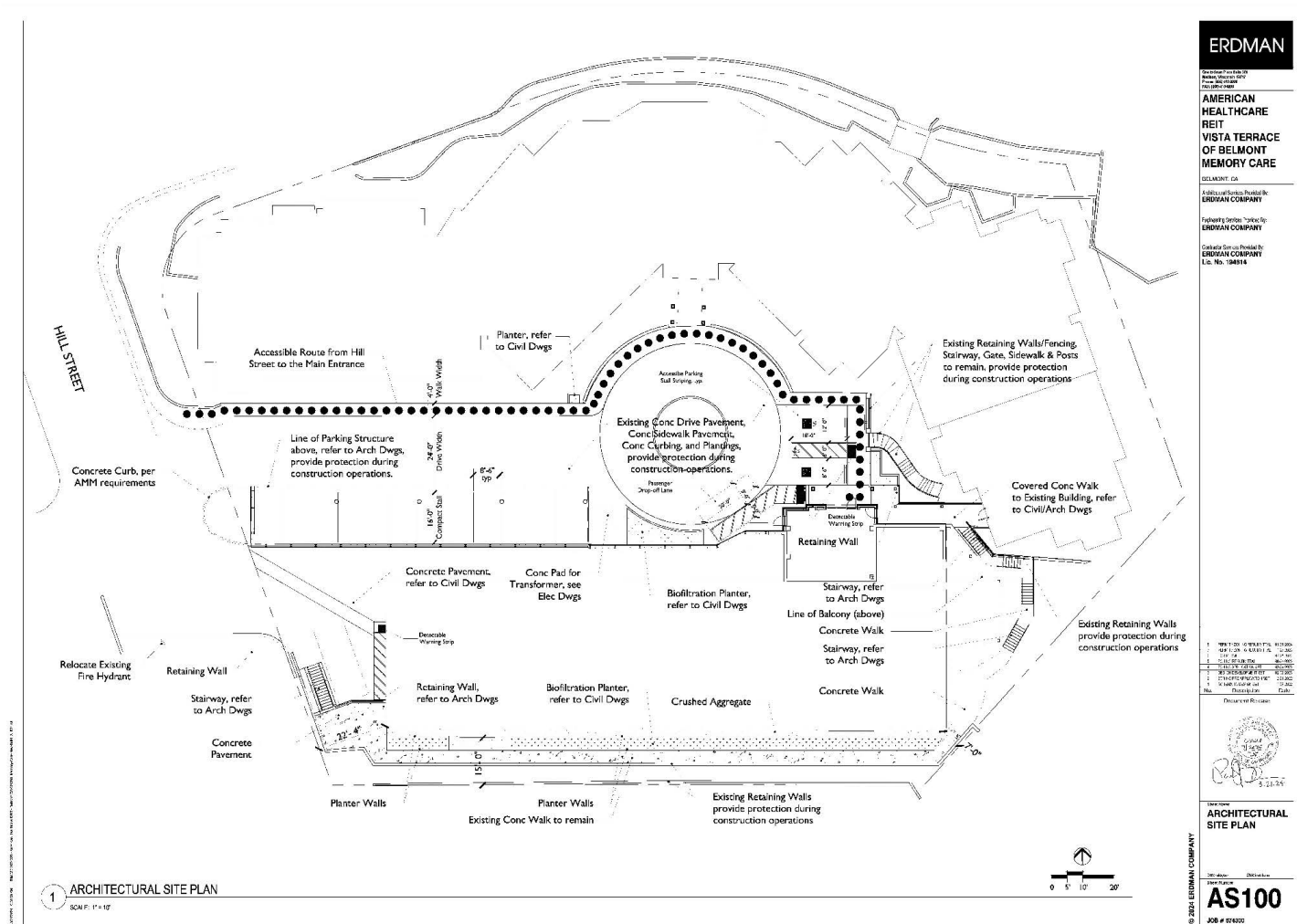


Figure 4 Site Plan

Vista Terrace of Belmont Memory Care Facility Project CE

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Table 1 Summary of Proposed Building Improvements

Feature	Existing	Proposed
Building Lot Coverage	47.9%	52.6%
Building Height	40'-0" ¹	55'-0"
Front Setback (North)	3'-0"	3'-0"
Rear Setback (South)	11'-6"	15'-0"
Side Setback (East)	5'-11"	7'-0"
Side Setback (West)	19'-6"	22'-4"
Floor Area Ratio (F.A.R.)	0.984 ²	1.26 ²
Gross Building Area (sq. ft.)	8,528	24,806
Notes ¹ The height of the existing skill nursing facility is unknown. The maximum allowed building height for the existing PD District is 40 feet. ² The FAR shown here is the combined FAR of all on-site buildings.		

Access and Roadway Improvements

The project applicant has submitted and received approval from San Mateo Consolidated Fire for an Alternative Means and Methods Request (AMMR) Application for aerial apparatus access. Existing site constraints would make it infeasible to provide aerial apparatus access and perimeter building access that would meet California Fire Code (CFC) requirements. San Mateo Consolidated Fire has granted the applicant's AMMR, which includes mitigation in the form of two sets of staircases with roof access, a firefighter footpath around the building perimeter with exterior standpipes, and increased sprinkler hydraulic requirements.

The project includes paving beyond the existing paved end of Hill Street up to the proposed retaining walls at the end of the Hill Street right-of-way (ROW). A new retaining wall would be constructed in the Hill Street ROW along the edge of the newly installed pavement. Within the Hill Street ROW, the project also proposes to demolish and reconfigure the existing curb between the lower and upper drive aisles to create a revised turning radius to facilitate emergency vehicle access.

A new Americans with Disabilities Act (ADA)-accessible pedestrian pathway would be installed from Hill Street to the main entrance of the new building. This pathway would roughly follow the configuration of the existing pathway immediately west of the assisted living building that extends from the sidewalk in the Hill Street ROW and leads to existing ADA-accessible parking spaces at the skilled nursing building entrance. The two existing accessible parking stalls at the skilled nursing facility entrance would be retained but restriped in the same location.

Architectural Design

The proposed memory care facility would consist of a three-story building with two levels of residential units over two stories of parking and resident amenity space. The Lower Level of the new memory care building would contain open structure parking, a passenger drop-off and loading area, and the main building entrance (including ADA-compliant elevator and stairway). Level 1 of the building would contain a parking garage, lobby, storage, utility, and auxiliary rooms. Levels 2 and 3 of the building would contain residential units, balconies, and auxiliary rooms. The building façade would consist of a combination of horizontal lap siding in green and taupe coloring, horizontal brown panel siding, white trim, stone veneer, asphalt shingles, and vinyl windows.

As with the existing skilled nursing facility building to be demolished, the new memory care facility building would be constructed into the hillside with access to Hill Street from the two existing drive aisles. The existing lower-level parking structure, guardrail bollards, and columns would remain in place to retain the existing lower-level, open parking structure. Existing parking stalls on the upper level of the parking structure would be restriped. The upper-level drive aisle off Hill Street would provide access to the parking garage on Level 1 of the new building.

The project would reconstruct in the same location the covered corridor that currently links the existing skilled nursing facility with the assisted living facility. The new covered corridor would extend from the Lower Level of the new building and continue to provide access to the assisted living facility.

Landscaping

Site landscaping improvements would include a new accessible pathway from Hill Street to the main building entrance, new and existing concrete drive and sidewalk pavements, new and existing stairways, new and existing retaining walls, an existing gate at the existing sidewalk between the existing assisted living facility and new memory care facility, new biofiltration planters, and various plantings (see Figure 4 – Site Plan).

The project proposes the removal of one of the six on-site trees. The tree to be removed is located in the Hill Street ROW and is proposed for removal to facilitate the reconfiguration of the existing curb between the lower and upper drive aisles. ROW trees are considered protected trees in the Belmont Tree Ordinance (Belmont Municipal Code Chapter 25); therefore, the proposed removal of this tree would require a tree removal permit from the City. The remaining five on-site trees would be protected during project construction through implementation of a tree protection plan (see Table 2). The project would install 3,235 square feet of new landscaping, a portion of which would extend off-property into the Hill Street ROW. New plantings would consist of a mix of low and medium water use trees, shrubs, herbaceous plants, grasses, and vines. Two bioretention planters would be installed immediately adjacent to the southwestern façade of the new building.

All existing on-site retaining walls would be retained, though portions of several of the retaining walls would be sawcut and removed to accommodate the new building footprint and site improvements. The project proposal includes at least one new retaining wall to support the new building.

Utilities

The project site contains existing water supply, sanitary sewer, electricity, gas, storm drain, and communications utilities infrastructure. New utility laterals would be needed to serve the new memory care facility. Per the project Utility Plan (Sheet C4.0) dated March 21, 2024, new utilities infrastructure would include but not be limited to:

- New storm drain system, including piping, outfalls, catch basins, and bio-infiltration planters
- Relocated catch basin
- New sanitary sewer lateral to connect to replacement sanitary sewer cleanout in driveway
- New water lateral to connect to existing water meter in driveway
- New Fire Department Connection (FDC) for fire suppression system
- Relocated fire hydrant
- New transformer

Other utilities, including gas, telephone, and electric, are not currently depicted on the project Utility Plan, but new infrastructure locations will be determined by utility purveyors prior to project approval. The project would continue to be served by the utility providers that currently serve the site (i.e., PG&E, MPWD, City of Belmont, Recology, AT&T, and Comcast).

Construction

The anticipated construction start date and schedule are not currently known. Project construction would not occur until after the project has received Planning and Building Department approval. Project construction activities, which would include excavation, grading, application of coatings, paints, and solvents, and building construction, would follow the erosion and sedimentation control best management practices (BMPs) contained within the project entitlement plan set, specifically on Sheets C6.0, C6.1, C7.0, C8.0, and C9.0. According to the project Civil Site Improvements Cover Sheet (C1.0) prepared by Coffman Engineers and dated March 21, 2024, project grading would amount to 1,570 cubic yards (CY) of cut and 280 CY of fill, for a net export of 1,290 CY.

All construction would be carried out in accordance with the final version of the project site plans approved by the City, including all construction notes, and notes regarding construction site management and environmental controls.

Environmental Protection Measures

The Environmental Protection Measures (EPMs) listed in Table 2 below are incorporated into the planning, design, construction, operation, and maintenance of the project to minimize the potential adverse effects of the project on the surrounding community and the environment. EPMs include impact Avoidance and Minimization Measures (AMMs), including best management practices (BMPs), identified by the applicant on the proposed project plans and the City's standard Conditions of Approval (COAs) that apply to the project. For the purposes of this Categorical Exception, these EPMs were considered part of the project and not mitigation measures. The City's conclusion that the project would not have any significant adverse effects on the environment assumes the implementation of these measures.

In addition to the EMPs presented in Table 2 below that are the City's standard COAs, Attachment A contains the Public Works Department's draft conditions of approval which

contain measures for the protection of environment, including grading and drainage, stormwater runoff, utility infrastructure improvements, dust control, and a construction traffic control plan.

Table 2: Environmental Protection Measures Incorporated into the Project

Environmental Topic Area	EPM Type	EPM
Aesthetics	COA	EPM-1: All exterior lighting shall employ the use of cut-off fixtures to restrict the direction of the light in accordance with City standards. Lighting should be the minimum required for safety, but not result in undue glare off site. There shall be no floodlighting of landscape plantings, the memory care building, courtyards, or patios/decks. To ensure consistency with city standards for lighting and compliance with the submitted photometric plan, a final lighting review shall occur after installation of project lighting and before final Building Permit inspection.
	COA	EPM-2: Installation of roof mounted mechanical equipment shall be consistent with Elevation Drawings (Sheet A1014) and Mechanical Screen Diagrams (Sheet G112) as shown on the project plans dated May 21, 2024. Roof mounted equipment shall be placed behind the parapet of the building's roofline so as not to be visible from surrounding vantage points at or below the highest point of the equipment.
	COA	EPM-3: 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, dated May 21, 2024 and inclusive of the architectural drawings (Sheets G001 through G006, Sheets AD100 through AD200, Sheets AS100 through AS102, Sheets A100 through A342 & Sheets P101 through P202); Civil Engineering Plans (Sheets C1.0 through C9.0); Landscape Plans (Sheets L-0.0 through L-6.0); and Electric Photometric Lighting Plan (Sheet EP100).
	COA	EPM-4: The applicant shall demonstrate that the memory care building is consistent with the maximum floor area and height approved for the project, prior to final building permit inspection. As built, floor plans and a roof height elevation from an engineer or surveyor that includes any roof top equipment and screens shall be provided.

	COA	EPM-5: Ground Equipment Screening. All exterior trash, recycling, and storage utility boxes, wood service poles, and electric and gas meters must be screened from visibility from the surrounding public vantage points (right-of-way, public trails, open space and parks). Said screening must incorporate the same architectural design, colors, and materials as the main building on site.
Air Quality	COA	EPM-6: Construction and Operational Emissions The General Plan EIR (GP 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. Thus, all large projects are required to implement the following mitigation measures as standard conditions of project approval: 1. Pursuant to GP EIR Mitigation Measure AQ-1, the applicant shall require their contractors, as a condition of contract, to further reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on an EPA-approved Tier 4 or newer engine. Exemptions can be made for specialized equipment where Tier 4 engines are not commercially available within 200 miles of the project site. The construction contract must identify these pieces of equipment, document their unavailability, and ensure that they operate on no less than an EPA- approved Tier 3 engine. ARB regulations will result in the percentage of Tier 4 engines increasing over the next several years. 2. Pursuant to GP EIR Mitigation Measure AQ-2, the applicant shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as Diesel high performance renewable). Renewable diesel is currently commercially available in San Francisco Bay Area. 3. Pursuant to GP EIR Mitigation Measure AQ-3, the applicant shall require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that low-VOC coatings that have a VOC content of 10 grams/liter (g/L) or less are used during construction. The project applicant will submit evidence of the use of low-VOC coatings to BAAQMD prior to the start of construction. 4. Pursuant to GP EIR Mitigation Measure AQ-4, the applicant shall require their contractors, as a condition of contract, to reduce construction-related fugitive dust by

		implementing BAAQMD's basic control measures at all construction and staging areas. The following measures are based on BAAQMD's current [2017] 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 District will also be visible to ensure compliance. 5. Pursuant to GP EIR Mitigation Measure AQ-5, the developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy, the project sponsors shall work with the City of Belmont to develop electronic correspondence to be distributed by email to new residential and commercial tenants that encourages the purchase of consumer products that generate lower than typical VOC emissions. Examples of green products may include low-VOC architectural coatings, cleaning supplies, and consumer products, as well as alternatively fueled landscaping equipment. 6. The applicant must require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by implementing following measures during construction related activities: a. Idling times must be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage must be provided for construction workers at all access points. b. All construction equipment must be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment must be checked by a certified mechanic and determined to be running in proper condition prior to operation.
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		7. The applicant must require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that paints and solvents have a VOC content of 100 grams per liter or less for interior surfaces and 150 grams per liter or less for exterior surfaces.
	COA	EPM-7: Dust Control 1. The owner/applicant must 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 must 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 must be controlled. The measures must 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.
	COA	EPM-8: Greenhouse Gases 1. A minimum of 10% of the construction materials must be acquired (sourced) within 100 miles of the planning area. Documentation must be provided before the final building permit inspection. 2. A minimum of 50% of the construction waste generated by this project must be recycled or salvaged for use. Documentation must 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 must 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).
Biological Resources	COA	Nesting migratory birds are protected under the Migratory Bird Treaty Act, and Section 3503 of the California Fish and Game Code. Several species of bats that inhabit the Bay Area are listed as a California Species of Special Concern (CSSC). Tree removal has the potential to disturb nesting migratory birds and bats. Thus, all applications that include tree removal are required to implement the following measures as standard conditions of project approval: EPM-9: Nesting Birds 1. To minimize potential impacts on nesting birds, the applicant shall 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). If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds should be conducted by a qualified biologist to ensure that no nests will be disturbed

		during project implementation. These surveys shall be conducted no more than 7 days prior to the initiation of construction activities. During this survey, a qualified biologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, and structures) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the biologist 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, typically recommended by the California Department of Fish and Wildlife), to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Game Code will be disturbed during project implementation. 2. 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 should be removed prior to the start of the nesting season (e.g., prior to February 1). This will reduce the initiation of nests in the vegetation and reduce potential delays of the Project due to the presence of active nests within these substrates. EPM-10: Bats 1. A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist will look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains, or urine stains around openings in trees or structures, or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully. 2. If signs of bats are detected, CDFW should be contacted about how to proceed. Echo-location surveys may be needed to verify the presence of bats, or an exclusion zone around the occupied tree may be recommended until bats leave the roost. Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.
	COA	EPM-11: Tree Protection The applicant shall implement the Tree Protection Guidelines identified on the project Landscape Plans (Demolition Notes Sheet L-0.1). Clearing & Grubbing: Clear and grub two the limits of work per specifications taking care to not disturb the root system of existing trees to remain.

		Existing Trees to Remain: Existing trees to remain shall be pruned under the direction of a certified arborist in accordance with International Society of Arboricultural (ISA) guidelines prior to beginning of construction. During construction, fencing shall be installed at the drip line of all existing trees to remain per arborist and tree protection plan. All excavation within the drip lines of existing trees to remain shall be done by hand with care taken not to damage the root system of these trees. The contractor shall be responsible for watering and ensuring the health of the trees to remain. Do not water California native oak trees to remain during the dry season (April – October) Prior to issuance of a grading or building permit, the applicant must submit written confirmation that all tree protection measures, and pre-construction treatments have been installed and inspected, and that they meet the specifications shown tree protection plan (Sheet L-0.1). Tree protection devices are to remain until all site work has been completed within the work area. 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 Landscape Architect or Arborist. Said report/letter must provide an evaluation of the construction impacts to the subject tree's health or structural stability and must identify any additional provisions that may be required to these address impacts. The applicant is responsible to implement these recommendations. A final report may be required on the effectiveness of the measures.
Cultural Resources	COA	EPM-12: Archaeological Resources 1. 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. 2. 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.
	COA	EPM-13: Human Remains 1. 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: - o The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and - o If the remains are of Native American origin: a) 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 b) 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.
Geology and Soils	COA	EPM-14: Geotechnical The project applicant shall be required to implement the recommendations, including those pertaining to site preparation and grading, spread footings, drilled piers, retaining wall design, floor slab design, 2019 California Building Code Site Class and Seismic Design Criteria, excavation and shoring, asphalt pavements, concrete pavements and exterior slabs, utilities, site drainage, and construction monitoring, of the current, approved version of the project-specific geotechnical report, and any subsequent detailed geotechnical plans, available upon issuance of building permit(s).
	COA	EPM-15: Grading and Erosion Control 1. 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. The plan must incorporate the following restrictions: a. All soils stockpiled on the site during construction must be covered or otherwise protected from wind and water erosion.

		b. During construction, erosion and sedimentation control plans must be implemented to retain sediments on-site. c. Site grading and finished construction must 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.
Hydrology and Water Quality	COA	EPM-16: Construction BMPs 1. 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. 2. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These includes, but are not limited to, the following: a) Store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater. b) Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment, and non- stormwater discharges to storm drains and watercourses. c) Use sediment controls, filtration, or settling to remove sediment from dewatering effluent. d) Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated. e) Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing. f) Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate. g) Perform clearing and earth moving activities only during dry weather (April 15 through November 14). h) Limit and time applications of pesticides and fertilizers to prevent polluted runoff. i) Limit construction access routes and stabilize designated access points.

		j) Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods. 3. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of- way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.
	COA	EPM-17: Operational BMPs 1. 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 the applicant incorporating the conditions of this section. 2. A Maintenance Plan for every stormwater treatment control, and/or Hydro Modification measure or applicable site design measure, inclusive of maintenance and inspection checklists and Maintenance Inspection Report Forms, shall be submitted to the City for review and approval prior to issuance of a grading permit. A copy of the final, approved Maintenance Plan(s) shall be made a part of the Maintenance Agreement. A copy of the final, approved Maintenance Plan(s) shall also be on file with the Public Works Department. 3. 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.

		4. Efficient irrigation systems shall be used throughout all landscaped areas in accordance with the Model Water Efficient Landscape Ordinance. 5. 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. 6. 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. 7. 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. 8. 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. 9. Interior level parking garage floor drains, and any other interior floor drains, shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards. 10. Swimming pools, hot tubs, spas, and fountains shall have a connection to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards. This connection could be a drain in the pool to the sanitary sewer or a cleanout located close enough to the pool so that a hose can readily direct the pool discharge into the sanitary sewer cleanout. 11. Boiler drain lines, roof top equipment with drain lines, and/or equipment for washing and/or steam cleaning activities shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards. 12. 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. 13. 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. 14. Outdoor storage areas for oils, fuels, solvents, coolants, and other chemicals shall be designed to provide secondary containment such as berms and roof covers. Process equipment sited outdoors shall be placed on an
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		impermeable surface and covered. Property owners/associations shall implement a regular program of sweeping and litter control at these sites. 15. 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. 16. 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.
Noise	COA	EPM-18: Construction Noise 1. Noise Control Plan. The applicant must prepare and implement a noise control plan. Said plan must incorporate the noise reduction measures identified in the Noise and Vibration study prepared for the project, and the City standard construction noise COAs required for all projects. 2. Noise Coordinator. 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. The telephone number for the Construction Noise Coordinator must be conspicuously 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. 3. Notice. 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, contact phone number for the Noise Coordinator, and a copy of the noise control plan shall be included with this notice. 4. Grading & Building Noise. The applicant must 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). Exceptions to these hours may be approved by the Building Official through the standard City process. - Schedule highest noise-generating activity and construction activity away from noise- sensitive land uses.

		c. Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition. d. Prohibit and post signs prohibiting unnecessary idling of internal combustion engines. e. Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses. f. Utilize “quiet” air compressors and other stationary equipment where feasible and available. 5. Noise Barrier Standards. When noise barriers are required or proposed, their design and placement must be reviewed and approved by the project noise consultant, prior to issuance of grading or building permits. These barriers must be installed prior to grading and excavation activities, and must be inspected by the project noise consultant to ensure that it has been properly constructed/installed. The barrier must remain in place for the duration of grading and excavation activities, unless approved for removal by the noise consultant to allow work at that location. 6. Engine Noise. Prior to issuance of grading or building permits, the applicant must 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. 7. Equipment Noise. Prior to issuance of grading or building permits, the applicant must 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 must be used for noise mitigation.
	COA	EPM-19: Operational BMPs 1. 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 to ensure 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.
	COA	EPM-20: Construction Vibration 1. After obtaining permission from the subject property owners, the applicant must conduct preconstruction photo surveys of foundation/building wall cracks in adjacent structures, and install vibration monitors at

		any sensitive receptor sites identified in the project Vibration Assessment. The applicant must submit a copy of the 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. 2. The applicant must 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. 3. Neighboring property owners within 300 feet of the project site must 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. 4. The applicant must ensure that the preventative and monitoring measures identified in the Vibration Assessment are enforced during grading and building operations. These preventative and monitoring measures are presented in the report titled <i>Belmont Memory Care Noise and Vibration Assessment</i>, prepared by Illingworth & Rodkin, October 27, 2023. The applicant must demonstrate that all project construction personnel have been made aware of these measures, prior to issuance of a grading or building permits. On-site identification of any buffer distances between construction (i.e., vibratory rollers, excavators, backhoes, etc.) and adjacent structures that are specified in the Vibration Assessment must occur prior to grading operations. 5. 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. 6. Building structures near the project must be periodically checked for cracks, and any cracks must be monitored. If minor cracks are reported or existing cracks propagate, vibration project action levels must be restricted. 7. Whenever possible, construction or equipment activity generating relatively high levels of vibration must 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 must be reserved for the middle of the day (noon). If activities must occur simultaneously, they shall be performed as far away from
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		one-another as possible within the construction zone. 8. All deliveries of material and equipment must occur during daytime hours, including queueing of construction vehicles outside the site. Vehicles delivering materials and equipment must 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 must be stored on-site and within the confines of the construction barricades. 9. Stationary and portable construction equipment must 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. 10. After construction activities are complete, the applicant must conduct a post-construction photo survey of previously surveyed buildings for foundation /building wall cracks. The post construction survey, and a summary letter of any resulting actions taken (repairs or restitutions) must be provided to the Community Development Department, prior to final building permit inspection.
Transportation	COA	EPM-21: Construction Traffic 1. Prior to issuance of a building or grading permit, the Applicant shall prepare a construction management plan (CMP) for review and approval by the Public Works Department in consultation with the Community Development Department and Police Department. For properties located at or in close proximity to the City borders, the plan shall be routed to adjacent jurisdictions. The CMP shall include a response to construction-related conditions and requirements identified by reviewing City departments, and outside agencies for inclusion in the Plan. The plan shall include at least the following items: a) Schedule A project construction schedule shall be provided that includes the approximate date and expected time frame for each stage of construction. At minimum, the schedule shall include: • Excavation & Shoring (as applicable) • Below Grade & Foundation Construction • Above Grade Construction & Framing • Exterior & Interior Finish Work • Public Frontage Improvements • Offsite & Utility Improvements

		b) Site & Logistics Plan Site and logistics plan(s) shall be provided for each phase of project construction. Said plan(s) shall include: • Location of Construction Fencing & Access Control for The Site • Proposed Circulation Pattern, including Access & Egress, for Each Phase of Construction • Location of Dewatering Tanks, Construction Trailer, Temporary Power Pole, & Restrooms • Erosion & Dust Control Plans • Security & Lighting Plans • Location of Construction Staging Areas for Materials, Equipment, & Vehicles • Crane Plane (Location, Height, & Radius), as applicable • Construction Worker Parking c) Traffic Control Plan Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment/trucks during construction, expected temporary street closure, the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time. d) Noticing The CMP shall include notice to property owners within 300 feet of the project site two weeks prior to grading, and identification of haul route(s) and staging area for the project. The notice shall also include a process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. 24-hour advance written notice shall also be provided to adjacent property owners, adjacent businesses, and Public Works and Police Department personnel prior to all major deliveries, detours, and lane closures.
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		e) Road Conditions Documentation of road pavement conditions shall be provided to the Public Works Department for all routes that will be used by construction vehicles, both before and after project construction. Roads found to have been damaged by construction vehicles shall be repaired as required by current City pavement restoration standards, or as otherwise directed by the City Engineer. f) Response to CMP Conditions A response shall be provided to CMP conditions from other City departments, and outside agencies.
	COA	EPM-22: Emergency Access 1. Street widening, improvements, and dedications shall be in accordance with City Standards and specifications as required by the Department of Public Works. 2. 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.
	COA	EPM-23: Transportation, Park Impact & Housing Fees Park Impact Fee - Prior to issuance of Building Permit, the applicant shall pay all required Park Improvement Fees. TIF Fees - Prior to issuance of Building Permit, the applicant shall pay all required Transportation Impact Fees (TIF)
Utilities and Service Systems	COA	EPM-24: Landscape Plan Approval 1. The applicant shall demonstrate that the final landscape plan has been reviewed and approved by the Mid-Peninsula Water District (MPWD), and is consistent with MPWD's Water Efficient Landscape Ordinance (WELO), prior to installation of landscaping. A post installation certification from MPWD is also required prior to final building permit inspection. Contact the MPWD Water Resource Coordinator at (650) 591-8941 or drewb@midpeninsulawater.org for more information.
Wildfire	COA	EPM-25: Standard Fire Hazards

		1. A separate application and permit are required for the installation or alteration of any Automatic Fire Extinguishing System. The application shall be made by either a Registered Engineer or by the Licensed Fire Sprinkler Contractor who will be performing the work. This application 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 or alteration of any Fire Alarm, or Water-flow Monitoring System. This application shall include the interconnection of any Fixed Fire Protection System to an Alarm System where provided. A valid Permit and Approved Plans shall be at the jobsite at all times. 4. 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. 5. 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 stroke. Commercial Structures shall have numerals a minimum of 6 inches in height and inch stroke. Numerals shall be of contrasting color to their background and illuminated at night. Numerals shall be white in color when located upon glazing. 6. 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. 7. Fire inspections are available Monday through Friday, 8:00 am to 4:00 pm. Call 650-522-7940 a minimum of 48 hours in advance to place your inspection request. 8. On plans submitted for a Building Permit, show the location of all required Smoke Alarms and Carbon Monoxide Alarms, in accordance with CRC Sections 314 & 315. 9. In accordance with the Municipal/Regional Storm water Permit, no fire sprinkler system drain shall discharge into any Storm Drain System. The system shall discharge to either a landscape area large enough to contain the outflow, or to the Sanitary Sewer by means of an indirect connection. Indicate the location of the Fire Sprinkler System drain on plans submitted for a building permit.
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		10. Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction and in all alterations greater than 50% of the original structure. Numbers shall be as follows: Minimum of one-half inch (1/2") stroke by six inches (6") high. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2") stroke by nine inches (9") high is required. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one-inch (1") stroke by twelve inches (12") high is required.
	COA	EPM-26: The following additional conditions shall apply to the project or site development permit: a. Egress. The project shall maintain required egress for all building properties. b. Standpipes. For projects that require standpipes by California Fire Code Section 905.3.1, the applicant must provide not less than one standpipe for use during construction or demolition. c. Barricades Across Emergency Access Roads. Prior to the installation or use of barricades, fences, or gates across emergency vehicle access roads during construction, the applicant must submit plans to the Fire Plan Checker subject to the review and approval of the Fire Marshal or his/her designee. d. Address Numbers. The applicant shall post temporary address numbers on each building at the project site that must be easily visible from the street or fire access road. e. Demolition. The applicant shall comply with the California Fire Code Chapter 33 during all phases of the construction of the project. f. Fire Flow. The applicant shall provide fire flow information to the Fire Plan Checker, which is subject to the review and approval of the Fire Marshal or his/her designee. g. Code Conformance. The applicant shall indicate on all building permit plans that all construction shall meet current code standards at the time of building permit submittal. The building permit plans are subject to review and approval by the Fire Marshal or his/her designee. h. Remote Power Disconnect. The plans shall show a key switch/shunt trip to disconnect the building electrical power and/or solar photovoltaic system by Fire

		Department personnel. The key switch/shunt trip location(s) shall be subject to the review and approval of the Fire Marshal or his/her designee. i. Fire Control Room. The plans shall show a fire control room with direct access from the exterior of the building subject to the requirements listed in the Fire Department's local Ordinance and subject to the review and approval of the Fire Marshal or his/her designee. j. Fire Apparatus Access Road. The plans shall show a Fire Apparatus Access Road serving each structure on the property. Each access road shall have a minimum (Fire Plan Checker to Enter: 20 to 26 feet)-foot unobstructed linear width and provide an unobstructed height of no less than 13 feet, 6 inches subject to the review and approval Fire Marshal or his/her designee. k. Fire Department Submittals. The applicant shall submit all plans involving fire systems (including but not limited to fire sprinklers, fire hydrants, and fire alarms) in conjunction with the superstructure building permit plans to the Fire Department. The plans are subject to review and approval by the Fire Marshal or his/her designee. l. Roadway Load Capacity & Design. The applicant shall submit a letter from a certified soils or geotechnical engineer stating the final roadway is able to support a load of 68,000 pounds. A "Click to Enter" system shall be installed on all Fire Emergency Access Roads. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection. m. Fire Hydrants. The applicant shall install the approved number of public/private fire hydrant(s) spaced as per the Fire Department's local Ordinance. All fire hydrants used for fire flow for the project site shall be upgraded to a Clow model 980 or equivalent consisting of (2) 2-½ inch and (1) 4-½ inch outlets. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with water purveyor's specifications. The water supply shall be tested, flushed and approved operable prior to any combustible construction materials being placed on the site. Staged construction shall insure that the necessary water supply is maintained from stage to stage in the construction planning. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection. n. Emergency Responder Radio Coverage. An Emergency Responder Radio Coverage system may be required for this project. Testing shall occur during construction due to circuit protection requirements that will affect building design. The applicant shall provide a third-party testing grid report to the Fire Department
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		subject to the review and approval by the Fire Marshal or his/her designee prior to the Fire Final Inspection.
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Findings for a CEQA Exemption

Based on the site plans, information provided by the project applicant, and documentation of potential environmental impacts resulting from the proposed project, the project is eligible for a categorical exemption under CEQA Guidelines Section 15332, In-Fill Development Projects.

Class 32 Exemption – In-Fill Development Projects

Projects falling under the Section 15332 exemption are considered Class 32 projects. Class 32 projects are characterized as in-fill development meeting the conditions listed 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 would not qualify for a Class 32 exemption if it does not meet all the conditions listed above. The project's consistency with the Class 32 exemption requirements listed above have been assessed as described below and the project has been found eligible for a Class 32 exemption.

General Plan and Zoning Designation Policies and Regulations

(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.

General Plan Designation and Policies

The project site has a General Plan Designation of Office/Medical Office/Nursing Home. The project site is located in a downtown urban setting and is not located in or near a CAL FIRE-designated Fire Hazard Severity Zone (CAL FIRE 2023).

The project site is surrounded by parcels with the following General Plan land use designations: Single Family Residential to the northwest, west, and south; Multi-family Residential to the northeast; and General/Retail Commercial/Mixed Use to the east.

The purpose of the memory care facility is to provide care for elderly individuals living with dementia. The PD zoning land use designation allows for the construction of this type of facility.

The project's consistency with applicable General Plan policies is demonstrated in Table 3 below.

Table 3 - Project Consistency with Applicable General Plan Policies

Applicable General Plan Policy	Project Consistency
Land Use Element	
Policy 2.3-4: Focus new development in or directly adjacent to already-developed areas, where it can be served by existing public services and infrastructure.	The project would construct a memory care facility that will house dementia patients directly adjacent to an already-developed neighborhood. The project is consistent with this policy.
Goal 2.8: Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses.	The project would redevelop an already developed parcel. The proposed memory care facility is essentially the same use as the previous use and would be compatible with existing surrounding land uses.
Policy 2.4-2: Maintain adequate and reasonable tree protection and removal standards and best management practices, implemented by the City's Tree Ordinance	The project proposes tree removal activities. The project would comply with the City's Tree Ordinance and implement the recommended tree protection best management practices included in Table 2. The project is consistent with this policy.
Policy 2.8-1: Enable infill properties to develop with uses and development intensities supporting a cohesive development pattern.	The project consists of in-fill development of a memory care facility adjacent to an assisted living facility. The project is consistent with this policy.
Policy 2.9-2: Require that new development "pays its way" so as to limit fiscal impacts on the City.	The project would be required to pay applicable development impact fees as required by the City's development review process. The project is consistent with this policy.
Policy 2.13-4: Minimize light and glare from new development. See also Policy 5.3-6 in the Conservation Element.	Project lighting is required to comply with the City's lighting standards. The City's development review process would ensure light and glare from the new memory care facility are minimized. The project is consistent with this policy.
Circulation Element	
Policy 3.8-5: Ensure that parking is consistent with guidelines established by the Americans with Disabilities Act (ADA).	The project would comply with ADA parking requirements.
Policy 3.8-6: Ensure parking supply associated with the demand from future development is adequate, balanced, and does not adversely impact adjacent residential areas.	Parking would continue to be shared between the two buildings (i.e., the existing assisted living facility and the new memory care facility). The number of parking stalls provided for the memory care facility is proposed to be reduced by several stalls from 41 stalls to 34 stalls to accommodate the new building configuration. Off-street parking, including nine parking spaces and one loading space in the 6 th Avenue ROW, would also be available to project employees, visitors, and occupants. Although the project provides seven (7) fewer parking spaces, the loss of parking

Applicable General Plan Policy	Project Consistency
	would not result in any impacts to the community as the future memory care facility residents will not be driving due to their medical needs. This in turn expands visitor and staff parking on-site. (<i>Traffic Patterns, Traffic and Parking Analysis, February 15, 2024</i>). The project is consistent with this policy.
Parks, Recreation, and Open Space Element	
Policy 4.7-1: Ensure that residential and nonresidential development projects contribute to the City's park, recreation, and open space resources commensurate with their impacts, through the Quimby Act and establishment and collection of park impact fees.	The project is not required to dedicate land or otherwise provide for mini parks, planned trails, and other recreational space per the City's parkland dedication requirements. The project is required to pay a park in-lieu fee. The project is consistent with this policy.
Conservation Element	
Policy 5.3-3: To the greatest extent feasible, ensure that development does not disturb sensitive habitat and special status species by requiring appropriate and feasible mitigation measures.	The project would not disturb sensitive habitats as the project site does not contain any sensitive habitat. The project would implement EPMs during project construction (see Table 2) to ensure potential impacts to special-status wildlife species are less than significant. The project is consistent with this policy.
Policy 5.3-5: In design and construction, require use of best practices that preserve natural resources, such as soil, trees, native plants, and permeable surfaces.	The project has been designed according to the project geotechnical investigation, which considered site soils. The project would implement best management practices during construction to protect trees. The project is consistent with this policy.
Policy 5.3-6: Avoid light pollution and unnecessary glare by requiring development projects to use design features and shielding methods that cast outdoor light downward and minimize glare and to install the minimum amount of outdoor lighting necessary for safety and security.	Project lighting is required to comply with the City's lighting standards. The City's development review process would ensure light and glare from the new Memory Care Facility are minimized. The project is consistent with this policy.
Policy 5.3-7: Encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation, and ensure the maximum number and variety of well-adapted plants are maintained.	The project would remove one tree and install 3,235 square feet of new landscaping. New plantings would consist of a mix of low and medium water use trees, shrubs, herbaceous plants, grasses, and vines. Two bioretention planters would be installed. The project is consistent with this policy.
Policy 5.3-8: Use native or drought-resistant vegetation in landscaping on City-owned property, and encourage private property owners to use native or drought-resistant vegetation in landscaping on private property.	The project would remove one tree and install 3,235 square feet of new landscaping. New plantings would consist of a mix of low and medium water use trees, shrubs, herbaceous plants, grasses, and vines. Two bioretention

Applicable General Plan Policy	Project Consistency
	planters would be installed. The project is consistent with this policy.
Policy 5.5-3 Require development projects to incorporate structural and non-structural best management practices (BMPs) to mitigate or reduce the projected increases in pollutant loads, in accordance with the NPDES permit guidelines.	The project includes BMPs to reduce project increases in pollutant loads in accordance with City requirements and NPDES permit guidelines (see Table 2). The project proposal includes a stormwater capture system that would help control stormwater runoff onsite. The project is consistent with this policy.
Policy 5.6-4 Set appropriate conditions of approval for each new development proposal to ensure that the necessary water supply facilities and water resources are in place prior to occupancy.	The project is required to comply with the conditions of approval included in Table 2. These conditions of approval include water supply and water resources conditions. The project is consistent with this policy.
Policy 5.9-2 Encourage development projects of all sizes to incorporate site design measures that facilitate groundwater recharge and natural hydrological processes, allowing stormwater to infiltrate the ground on-site and/or be collected for reuse in landscaping and designated to on-site stormwater detention facilities. Such measures may include: • Canopy trees or shrubs to absorb rainwater; • Grading that lengthens flow paths over permeable surfaces and increases runoff travel time to reduce the peak hour flow rate; • Partially removing curbs and gutters from parking areas where appropriate to allow stormwater sheet flow into vegetated areas; • Installation of green roofs on buildings; • Use of permeable paving in parking lots and other areas characterized by significant impervious surfaces; • On-site stormwater detention, use of bioswales and bioretention basins to facilitate infiltration; and • Integrated or subsurface water retention facilities to capture rainwater for use in landscape irrigation and other non-potable uses.	The project incorporates site design measures including the preservation of some existing onsite permeable space, which would facilitate groundwater recharge, and an on-site stormwater capture and detention system. Specific proposed design measures include landscaped areas with canopy trees, shrubs, and groundcover and flow-through planters to treat and convey onsite stormwater to the City's stormwater drainage system. The project would create 1,677 square feet of new pervious area on site, which would facilitate groundwater recharge. The project is consistent with this policy.
Policy 5.10-3 Ensure that construction and grading activities minimize short-term impacts to air quality by employing appropriate mitigation measures and best practices.	The project would implement the construction phase air quality protection measures included in Table 2. The project is consistent with this policy.
Policy 5.12-1 Ensure that development avoids potential impacts to sites suspected of being archeologically, paleontologically, or culturally	The project would implement the cultural resources conditions of approval included in Table 2, which are intended to protect archaeological

Applicable General Plan Policy	Project Consistency
significant, tribal or otherwise, or of concern by requiring appropriate and feasible mitigation.	resources and human remains in the event of accidental discovery. Project compliance with cultural resources conditions of approval would result in less than significant cultural resources impacts. The project is consistent with this policy.
Policy 5.12-2 If cultural, archaeological, paleontological, or cultural resources, tribal or otherwise, are discovered during construction, grading activity in the immediate area shall cease and materials and their surroundings shall not be altered or collected until evaluation by a qualified professional is completed.	The project would implement the cultural resources conditions of approval included in Table 2, which are intended to protect archaeological resources and human remains in the event of accidental discovery and include construction phase resource impact avoidance and minimization measures. Project compliance with cultural resources conditions of approval would result in less than significant cultural resources impacts. The project is consistent with this policy.
Safety Element	
Policy 6.1-1 Continue to maintain and enforce appropriate standards to ensure new development is designed to meet current safety codes and requirements associated with seismic activity. Require public and private development to be located, designed, and constructed to minimize the risk of loss of life and injury in the event of a major earthquake or other natural disaster.	The proposed memory care facility would meet current safety codes, including the California Building Code (2022), and requirements associated with seismic activity per the City's development review process. The proposed project was sited and designed according to the geotechnical investigation that was prepared for the project. The project's implementation of the recommendations contained within the geotechnical investigation, including those related to foundation design, floor slab design, seismic design, site preparation, and fill placement, would minimize the risk of loss of life and injury in the event of a major earthquake or other natural disaster. The project is consistent with this policy.
Policy 6.1-4 Continue to require geotechnical site analysis for proposed development on sites as specified in the Municipal Code, prior to allowing site development.	A geotechnical investigation was prepared for the proposed development. The project is consistent with this policy.
Policy 6.1-5 Geotechnical studies shall identify any geologic hazards affecting the proposed project site, any necessary mitigation measures, and a statement of the site's suitability for the proposed development and whether or not it will be safe from geologic hazard for its expected life. The study shall identify net developable areas, if any, based on landslide or ground shaking potential or erosion risk. Impacts from the development, such as those resulting from increased water runoff, shall also be determined. Such studies must be signed by a licensed Certified Engineering Geologist or Geotechnical	The project geotechnical investigation identifies the geologic hazards that affect the project site, recommendations to be incorporated into the project design, and a statement of the site's suitability for the proposed development. The project geotechnical investigation determined the proposed development is feasible from a geotechnical standpoint and the site can be developed as planned provided the recommendations for foundation design, floor slab design, seismic design, site preparation, and fill placement contained within the geotechnical investigation are incorporated into the project plans and implemented during construction. The

Applicable General Plan Policy	Project Consistency
Engineer and are subject to review and approval by City staff and/or contracted employees.	geotechnical investigation was prepared by a licensed Registered Geologist and Registered Professional Geotechnical Engineer. The project is consistent with this policy.
Policy 6.1-6 Require any geotechnical studies to include the study of expansive and creeping soils, as well as analysis of erosion, seismic, and other geotechnical hazards, and make recommendations, as warranted.	The project geotechnical investigation studied the site's soils for expansive properties and erosion, seismic, and other geotechnical hazards. The geotechnical investigation provided recommendations to be followed during project design and construction. The project must implement the geotechnical investigation's recommendations per the City's standard COAs. The project is consistent with this policy.
Policy 6.1-7 Prohibit mitigation measures for potential geotechnical hazards if those measures could adversely affect surrounding property, including the use of public rights-of-way, or adversely affect public health, safety, and welfare.	The geotechnical investigation's recommendations for project design and construction would not adversely affect surrounding property, or public health, safety, and welfare. The project is consistent with this policy.
Policy 6.1-8 Ensure consideration of seismic and geologic hazards at the earliest possible point in the development process, preferably before comprehensive engineering work has commenced.	The project's geotechnical investigation was prepared prior to the preparation of the project civil and design plans. The project is consistent with this policy.
Policy 6.2-10 Continue to comply with the Municipal Regional Stormwater Permit requirements for municipal authorities to address water quality and flow-related impacts of stormwater runoff; continue to enforce NPDES permits in Belmont; and continue to participate in the San Mateo Countywide Water Pollution Prevention Program.	The project is required to comply with the requirements of the City's NPDES permit and the San Mateo Countywide Water Pollution Prevention Program per the City's standard COAs for water quality protection. These standard COAs are included as project EPMS in Table 2. The project is consistent with this policy.
Policy 6.5-5 Require all new development to be connected to the City's sewer system.	The project would connect to the City's sewer system. The project is consistent with this policy.
Policy 6.6-3 Continue to review development proposals to ensure that they incorporate appropriate fire-mitigation measures, including adequate provisions for evacuation and access by emergency responders.	The project applicant has submitted and received approval from San Mateo Consolidated Fire for an Alternative Means and Methods Request (AMMR) Application for aerial apparatus access. Existing site constraints would make it infeasible to provide aerial apparatus access and perimeter building access that would meet California Fire Code (CFC) requirements. San Mateo Consolidated Fire has granted the applicant's AMMR, which includes mitigation in the form of two sets of staircases with roof access, a firefighter footpath around the building perimeter with exterior standpipes, and increased sprinkler hydraulic requirements. The project is consistent with this policy.

Applicable General Plan Policy	Project Consistency
Policy 6.6-4 Continue the Belmont Fire Protection District's participation in plan review of new buildings in potentially fire-prone areas.	The project design and application materials were reviewed by the San Mateo Consolidated Fire Department. The project is consistent with this policy.
Noise Element	
Policy 7.1-10 Require developers of new development anticipated to generate a substantial amount of vibration during construction to implement mitigation practices to reduce vibration, which can include: operating heavy equipment as far as practical from residential uses; using smaller bulldozers (operating weight less than 20,000 pounds) when grading must occur within approximately 50 feet of residential uses or other vibration sensitive uses; and using quiet pile driving technology when feasible.	According to the project noise and vibration assessment, the project is not expected to include impact or vibratory pile driving activities, which can cause excessive vibration. Project construction may still generate substantial vibration in the immediate vicinity that may potentially result in cosmetic damage to adjacent buildings. The noise and vibration assessment recommends construction vibration reduction and monitoring to reduce potential impacts. The noise and vibration assessment recommendations are incorporated into the project as conditions of approval intended to reduce potential groundborne vibrations that may be generated by project construction activities. These conditions of approval are included in Table 2. The project is consistent with this policy.

The project is consistent with all applicable General Plan policies as demonstrated in Table 3.

Zoning District and Regulations

The project site is zoned Planned Unit Development (PD). The project site is located in a downtown urban setting and its proposed use is permitted in the PD zone. The project site is surrounded by parcels with the following zoning district designations: Single Family Residential, 6,000 sq. ft./D.U. (R1B) to the southwest; Multi-Family Residential, 1,950 sq. ft./D.U. (R3) to the northwest and south; Village Core (VC) to the east; and Corridor Mixed Use (CMU) to the southeast.

The proposed project would amend the project site's existing PD zoning district standards. The proposed amendments would modify the PD zoning district's existing objective standards, including but not limited to setbacks, building height, FAR, and parking requirements) through the approval of a Conceptual Development Plan as established in Section 12 – Planned Unit Development or "PD" District of the Belmont Zoning Ordinance. Because the project would establish its own objective zoning standards, the project would be consistent with all applicable zoning regulations. For the reasons listed above, the project would comply with Section 15332, item (a).

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site would be located within the city limits of the City of Belmont, in the central portion of the City. The project site is 1.3 acres total, which does not exceed five acres in size. The project site is immediately surrounded by urban uses (i.e., single- and multi-family homes, paved roadways, local businesses, public utility infrastructure) to the north, east, south and west

(See Figure 1). As such, the project site is substantially surrounded by urban uses. For these reasons, the project would comply with Section 15332, item (b).

(c) The project site has no value as habitat for endangered, rare, or threatened species. CEQA Guidelines Section 15380 defines - Endangered, Rare or Threatened Species:

(a) "Species" as used in this section means a species or subspecies of animal or plant or a variety of plant.

(b) A species of animal or plant is:

(1) "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or

(2) "Rare" when either:

(A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

(B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act.

(c) A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

(1) Sections 670.2 or 670.5, Title 14, California Code of Regulations; or

(2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.

(d) A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b).

(e) This definition shall not include any species of the Class Insects which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by:

(1) The Director of Food and Agriculture with regard to economic pests; or

(2) The Director of Health Services with regard to health risks.

The project site is developed with a skilled nursing facility and is surrounded by urban uses. Project implementation would not result in significant adverse effects on special-status natural communities or landscape features because the project site is fully built-out with a building, pavements, and landscaping, and no special-status communities or landscape features are located on the project site. Additionally, project implementation would not result in significant adverse effects to any state or federally listed plant species, and therefore, no mitigation is required.

The project proposes the removal of one of the six on-site trees. As discussed in the Project Description, the tree proposed for removal is considered a protected tree by the City's Tree Ordinance because it is located in the Hill Street ROW. The tree proposed for removal is an ornamental, landscaped tree. The remaining five on-site trees would be protected during project construction through implementation of a tree protection plan (see Table 2). The project would

comply with the City's Tree Ordinance, which includes obtaining a tree removal permit, and implement the recommended tree protection best management practices included in Table 2.

The project site does not provide habitat value to any endangered, rare, or threatened species as defined in the CEQA Guidelines (15380), and the project complies with Section 15332, item (c).

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic

In February 2021, the Belmont City Council adopted policies to comply with SB 743 and CEQA requirements to establish vehicle miles traveled (VMT) as the metric used to determine the CEQA-related transportation impacts of new development and transportation projects. Under the City's VMT policies, projects that generate less than 110 daily trips are exempt from CEQA VMT analysis. The project would generate trips during the construction phase (truck trips, construction vehicle trips) and once the project is operational

The project's construction phase trip generation would be temporary and cease following the end of construction. Construction VMT is not required for consideration under CEQA. The duration of the construction period is anticipated to be approximately 273 days.

Traffic Patterns Consulting conducted a traffic analysis to determine the number of daily trips the new memory care facility would generate. Trip generation is a measure of how many vehicle-trips a site generates over a typical weekday during the AM and PM commute periods of the day. The traffic analysis determined that operation of the project is expected to generate approximately 95 daily trips, which is less than 110 daily trips used for screening projects for VMT impacts. As such, the project is not required to prepare a CEQA VMT analysis and the project's potential VMT impacts are considered less than significant.

The project consists of the construction of a memory care facility adjacent to an assisted living facility at the terminus of Hill Street. Due to the nature and scale of the project, the project is not expected to conflict with any applicable plan, ordinance, or policy pertaining to the circulation system.

The project is not expected to create hazards due to a design feature or incompatible uses. The project's proposed use (i.e., memory care facility) is compatible with the existing adjacent assisted living facility residential land uses in the site's vicinity. The project does not propose new roads or intersections or changes to the land use of the project site or area.

Existing site constraints would make it infeasible to provide aerial apparatus access and perimeter building access that would meet California Fire Code (CFC) requirements. However, the project applicant has received approval from San Mateo Consolidated Fire for an Alternative Means and Methods Request (AMMR) Application for aerial apparatus access. The applicant's AMMR includes mitigation in the form of two sets of staircases with roof access, a firefighter footpath around the building perimeter with exterior standpipes, and increased sprinkler hydraulic requirements.

For the reasons described above, the project would not increase hazards due to a geometric design feature or incompatible uses.

Noise

The noise environment at the site and in the surrounding areas results primarily from traffic along nearby Ralston Avenue and El Camino Real and train activity along the Union Pacific

Railroad/Caltrain corridor. Aircraft associated with San Carlos Airport and San Francisco International Airport intermittently contributes to the noise environment. Illingworth & Rodkin, Inc. performed a noise monitoring survey at the site beginning Wednesday June 7, 2023, and concluding on Friday June 9, 2023. The survey included two long-term (LT-1 and LT-2) and two short-term (ST-1 and ST-2) noise measurements.

Long-term noise measurement LT-1 was installed on a telephone pole at the end of Hill Street. Hourly average noise levels at LT-1 typically ranged from 50 to 56 dBA Leq during daytime hours (between 7:00 a.m. and 10:00 p.m.) and from 39 to 54 dBA Leq during nighttime hours (between 10:00 p.m. and 7:00 a.m.). The day-night average noise level (Ldn) measured on Thursday, June 8, 2023, was 57 dBA Ldn.

LT-2 was made in the southwestern corner of the project site, along the boundary shared with the adjoining residences. Hourly average noise levels at LT-2 typically ranged from 45 to 54 dBA Leq during daytime hours and 35 to 51 dBA Leq during nighttime hours. The day-night average noise level was 53 dBA Ldn on Thursday, June 8, 2023.

Each short-term noise measurement was made on Wednesday, June 7, 2023, in 10-minute intervals between 12:20 p.m. and 12:50 p.m.

ST-1 was made in the southeastern corner of the project site, along the boundary shared with the existing senior living facility. During this 10-minute measurement, local traffic noise from Ralston Avenue generated noise levels ranging from 45 to 53 dBA. Additionally, noise sources contributing to the short-term measurement include a jet flyover (55 dBA), general aviation aircraft (50 to 64 dBA), a passing train (58 dBA), distant construction noise from a saw (50 to 51 dBA), and birds (48 to 52 dBA). The 10-minute average noise level at ST-1 was 51 dBA.

ST-2 was made in front of 860 Laurel Avenue, approximately 15 feet from the centerline of the roadway. Local traffic along Laurel Avenue (10 passenger vehicles), Hill Street (six passenger vehicles), and 6th Avenue (eight passenger cars) generated noise levels of 46 to 71 dBA at ST-2. Background traffic noise at ST-2 ranged from 46 to 52 dBA. Other contributing noise sources included a jet flyover (65 dBA), general aviation aircraft (52 dBA), a passing train (60 dBA), a train horn (64 dBA), and birds (46 to 55 dBA). The 10-minute average noise level at ST-2 was 56 dBA.

Based on the data collected from the LT-1, LT-2, ST-1, and ST-2 analysis, the project site is anticipated to experience noise levels between 55 dBA Ldn and 59 dBA Ldn. This falls within the City's "normally acceptable" (i.e. 55 dBA -65 dBA) range for multi-family residential land uses.

Noise Reducing Protocol 1a

Existing noise-sensitive land uses would be exposed to a temporary increase in ambient noise levels due to project construction activities. Construction activities would include demolition, site preparation, grading, trenching/foundation, building construction, architectural coating, and paving. Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

To reduce noise impacts to sensitive receptors, the contractor shall prepare a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures,

and posting or notification of construction schedules. A designated noise disturbance coordinator, who would respond to neighborhood noise complaints, will be required to be in place, prior to the start of construction and during construction, to reduce noise impacts on neighboring residents and other uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

- Pursuant to the Belmont Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and Holidays.
- Construct solid plywood fences around ground level construction sites adjacent to residences, or other noise-sensitive land uses. A temporary 10- to 12-foot noise barrier would provide 5 to 6 dBA attenuation for adjacent sensitive land uses when construction activities occur at the ground level.
- Erect a temporary noise control blanket barrier, where feasible, at the property line or on scaffolding just outside the proposed buildings facing the adjoining residences to the west during construction to control construction noise when activities do not occur at the ground level. The temporary noise control blanket barriers shall be installed at residences nearest to the active construction activities only.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.

The implementation of the above protocols, in addition to the COAs imposed on the project (see Table 2) would reduce the temporary construction impact to less-than-significant levels at the noise-sensitive receptors in the vicinity.

Air Quality

The project is located in San Mateo County, which is in the San Francisco Bay Area Air Basin. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}).

Illingworth and Rodkin Inc. conducted a Health Risk Assessment (HRA) and greenhouse gas (GHG) emissions analysis for the emissions associated with the construction and operation of the proposed memory care facility. Emissions data was assessed against the thresholds of significance outlined in the updated 2023 BAAQMD *CEQA Air Quality Guidelines*. Thresholds of significance are:

- Projects must include, at a minimum, the following project design elements:
 - Buildings:
 - The project will not include natural gas appliances or natural gas plumbing (in both residential and non-residential development).
 - The project will not include natural gas appliances or natural gas plumbing (in both residential and non-residential development).

- Transportation:
 - Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in The Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA.

For residential projects, CEQA requires a VMT rate of 15 percent below the existing VMT per capita.
 - Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.S(b).

New land use projects are required to meet either section A or B from the above list, not both, to be considered less than significant.

Construction Emissions

On- and off-site construction period emissions were estimated using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1. Average daily construction emissions for the anticipated construction duration of 273 days are summarized in Table 3.

Table 3. Construction Period Emissions				
Year	ROG	NOX	PM₁₀ Exhaust	PM_{2.5} Exhaust
2024-2025 (273 days)	1.95	10.77	0.23	0.21
<i>BAAQMD Threshold (pounds per day)</i>	54	54	82	54
<i>Threshold Exceeded?</i>	No	No	No	No
<i>Source: Illingworth & Rodkin, Inc. 2024</i>				

As indicated in Table 3, predicted daily project construction emissions would not exceed the BAAQMD significance thresholds during the year of construction.

The CalEEMod provided total uncontrolled annual PM₁₀ exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles. Total DPM emissions were estimated to be 0.03 tons (62 pounds) and fugitive dust emissions (PM_{2.5}) to be 0.01 tons (10 pounds) from all construction stages. The on-road emissions as a result of haul truck travel during grading activities, worker travel, and vendor deliveries during construction. A trip length of half a mile was used to represent vehicle travel while at or near the construction site. It was assumed that the emissions from on-road vehicles traveling at or near the site would occur at the construction site.

Operation Emissions

Operation of the project would have long-term emissions from stationary sources (i.e., generators). While these emissions would not be as intensive as or near the site of construction activity, they would contribute to long-term effects to sensitive receptors.

Health Risk Assessment

The project is expected to generate air pollutants during project construction through the use of construction equipment and dust emissions. The primary health risk impact associated with construction projects are cancer risks associated with diesel exhaust (i.e., DPM), which is a known toxic air contaminant (TAC), and exposure to high ambient concentrations of dust (i.e., PM_{2.5}). A health risk assessment was prepared to address project construction and operational impacts on the surrounding off-site sensitive receptors. Health risk impacts were assessed by predicting increased cancer risk, the increase in annual PM_{2.5} concentrations and computing the Hazard Index for non-cancer health risks. The risk impacts from the project are the combination of risks from construction and operation sources. These sources include on-site construction activity, construction truck hauling, and emergency generator powered by a diesel engine. To evaluate the increased cancer risks from the project, a 30-year exposure period was used, per BAAQMD guidance.

The maximum increased cancer risks were calculated using the modeled TAC concentrations combined with the BAAQMD CEQA guidance for age sensitivity factors and exposure parameters. Age-sensitivity factors reflect the greater sensitivity of infants and children to cancer causing TACs. Third-trimester, infant, child, and adult exposures were assumed to occur at all residences during the entire construction period, while adult exposures were assumed at the assisted livings facility.

The maximum modeled annual DPM and PM_{2.5} concentrations were identified at nearby sensitive receptors to find the maximally exposed individuals (MEI). Results of this assessment indicated that the cancer risk MEI and annual PM_{2.5} concentration MEI occurred at two different locations. The construction cancer risk MEI was located on the second floor (15 feet) of a residence located west of the construction site. The annual PM_{2.5} concentration was located on the third floor (25 feet) of an assisted living facility unit southeast of the construction site. Table 4 summarizes the health risks from construction activities at the locations of the construction MEIs.

Table 4. Construction Risk Impacts at Off-Site MEIs.				
Source	Mitigation Status	Cancer Risk (Per Million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Project Construction (years 0-1)	Unmitigated	15.30 (infant)	0.22	0.02
	Mitigated	5.13 (infant)	0.11	0.01
Project Generator Operation (years 0-30)		1.16 (infant)	<0.01	<0.01
Total/Maximum Project Impact (years 0-30)	Unmitigated	16.64	0.22	0.02
	Mitigated	6.29	0.11	0.01
BAAQMD Single-Source Threshold		10	0.3	1.0
<i>Exceeds Threshold?</i>	Unmitigated	Yes	No	No
	Mitigated	No	No	No
<i>Source: Source: Illingworth & Rodkin, Inc. 2024</i>				

Project risk impacts shown in Table 4 indicate that the unmitigated maximum cancer risks from construction activities at the MEI locations would exceed the significance threshold. However, with the incorporation of Best Management Practices, the reduced risk would no longer exceed the significance threshold. The unmitigated annual PM_{2.5} concentration and Hazard Index from

project construction and operation activities at the MEI locations would not exceed the single-source significance thresholds.

The BAAQMD recommends all projects include a set of best management practices (BMPs) to manage fugitive dust and consider impacts from dust (i.e., fugitive PM₁₀ and PM_{2.5}) to be less than significant if BMPs are implemented. The project is required to implement the City of Belmont's standard dust control measures, which are listed in Table 2 and will be incorporated into the project as conditions of approval (COAs).

Greenhouse Gas Emissions

GHG emissions associated with development of the proposed project would occur over the short term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal.

GHG emissions associated with construction were computed using CalEEMod for the total construction period. This includes emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. The CalEEMod model was also used to estimate daily emissions associated with operation of the proposed project. These sources included full buildout of the project, operation of the project as an assisted living facility, daily trips, energy, solid waste generation, and stationary sources (e.g., woodburning devices, generator).

According to the project health risk & greenhouse gas assessment, the project would not result in significant impacts related to GHG emissions. The BAAQMD encourages the incorporation of BMPs to reduce GHG emissions during construction activities. The project is required to incorporate the construction-period GHG emissions-related EPMs included in Table 2 as project COAs. The project would be required to comply with the City's Building Codes and CAP, which would ensure the project does not conflict with local plans, policies or regulations applicable to GHG emissions. The project is required to incorporate the operational GHG emissions-related EPMs included in Table 2 as project COAs.

Water Quality

Project construction would include excavation, grading, application of coatings, paints, and solvents, and building construction activities that have the potential to result in the release of pollutants and sediments from onsite to offsite locations. The project would implement the erosion and sedimentation control best management practices (BMPs) contained within the project design review plan set, specifically on Sheets C6.0, C6.1, and C7.0, which would avoid and/or minimize the release of pollutants and sediments into the surrounding environment. In addition, project construction activities must comply with the City's standard water quality protection COAs for all projects, which include BMPs for and restrictions on grading activities, required implementation of the San Mateo County Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction activities, and the preparation and approval of a project 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 project would comply with the City's standard construction-period water quality protection COAs, which are included as EPMs in Table 2 and Attachment A.

The project may also result in the release of sediments post-construction. The City's standard water quality protection COAs include operational BMPs including but not limited to the preparation and implementation of project plans that conform to the requirements of the City

NPDES Stormwater Discharge Permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP) and the installation, operation, and maintenance of permanent onsite stormwater quality protection measures. The project proposal includes an onsite stormwater drainage system that would capture runoff and divert it to the City of Belmont's stormwater drainage system. The project would comply with the City's standard operational water quality protection COAs, which are included in Table 2 as EPMs, and presented in Attachment as draft COAs from the Public Works Department.

For these reasons, the project would comply with Section 15332, item (d).

(e) The site can be adequately served by all required utilities and public services.

The project site currently contains existing water supply, sanitary sewer, electricity, gas, storm drain, and communications utilities infrastructure. New utility laterals would be needed to serve the new memory care facility. Per the project Utility Plan (Sheet C4.0) dated March 21, 2024, new utilities infrastructure would include but not be limited to:

- New storm drain system, including piping, outfalls, catch basins, and bio-infiltration planters
- Relocated catch basin
- New sanitary sewer lateral to connect to replacement sanitary sewer cleanout in driveway
- New water lateral to connect to existing water meter in driveway
- New Fire Department Connection (FDC) for fire suppression system
- Relocated fire hydrant
- New transformer

Other utilities, including gas, telephone, and electric, are not currently depicted on the project Utility Plan, but new infrastructure locations will be determined by utility purveyors prior to project approval. The project would continue to be served by the utility providers that currently serve the site (i.e., PG&E, MPWD, City of Belmont, Recology, AT&T, and Comcast).

The project would provide 42 beds in a total of 36 units. As such, the project would have the capacity to serve a maximum of 42 memory care patients at any time. Considering the project is a memory care facility rather than a typical new housing project, it is likely the project would serve existing residents from Belmont rather than generate new residents in the city, though the project may also attract residents from surrounding jurisdictions. Any increase in Belmont's population that may result from the project would be minor and would not interfere with the ability of public service providers to continue to serve the population within their respective service areas. Public service providers are anticipated to be able to adequately serve the project.

For these reasons, the project would comply with Section 15332, item (e).

Exceptions to CEQA Exemptions

There is no substantial evidence that any exceptions to a CEQA Exemption apply, pursuant to Section 15300.02 of the CEQA Guidelines and discussed in more detail below.

- a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are

considered to apply all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project is a Class 32 project. The Location exception does not apply to the proposed project.

- b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant.

The proposed project would demolish an existing skilled nursing facility and construct a new memory care facility in the same location on a developed parcel in a built-out area in the City of Belmont. Although there may be additional private development projects underway in the project vicinity and other in-fill redevelopment may be proposed in the project vicinity in the future remaining undeveloped land in the project vicinity and City of Belmont is limited and development of remaining undeveloped lands may be infeasible due to zoning or general plan land use designation and other constraints. Further, similar redevelopment projects that may be proposed in the future would be subject to City conditions of approval and mitigation measures, if needed, to reduce potentially significant impacts.

According to the project health risk & greenhouse gas assessment, the project's potential cancer risk, annual PM_{2.5} concentration, and hazard index, unmitigated or mitigated, would not exceed BAAQMD cumulative-source thresholds. The project would not result in a cumulatively considerable air quality impact.

According to the project noise and vibration assessment, potential project cumulative noise and vibration construction impacts would be less than significant.

Therefore, the project would not have a significant cumulative impact.

- c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility the activity will have a significant effect on the environment due to unusual circumstances.

In published CEQA cases, Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego (2006) (139 Cal. App. 4th 249) (Banker's Hill case) and Azusa Land Reclamation Company, Inc. v. Main San Gabriel Basin Watermaster et al. (1997) (52 Cal. App. 4th 1165), an unusual circumstances test is satisfied "where the circumstances of a particular project (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects."

The proposed project is considered an In-Fill Development project and is typical of Class 32 CEQA Exemptions.

As described above, project implementation may have potentially significant impacts related to air quality, hydrology and water quality, noise, and transportation; however, with the incorporation of the EPMs included in Table 2 into the project, potentially significant environmental impacts would be reduced to a less-than-significant level of impact.

The project entails the demolition of an existing skilled nursing facility and the construction of a new memory care building in its place on a developed parcel. Project

implementation, including construction activities, would be typical of those involved in the demolition of an existing multi-story building and construction of a multi-story building of substantially the same land use in its place. There is no reasonable possibility the project will have a significant effect on the environment due to unusual circumstances. As such, the proposed project would not have significant effects on the environment.

- d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

According to the California Department of Transportation (Caltrans) scenic highway mapping system, the project site is not located on or near a state scenic highway (Caltrans 2019). The nearest scenic highway is Highway 280, located approximately 2.2 miles southwest of the project site. The project would not remove any historic buildings, trees, or other scenic resources within a state scenic highway. All work, except improvements proposed in the Hill Street ROW (not a state scenic highway), would occur within the parcel boundary.

- e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The provisions in this code are commonly referred to as the "Cortese List". The list itself is a planning document used by the State of California and its various local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. The Code requires the California Environmental Protection Agency to develop at least an annually updated Cortese List. The California Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List.

According to the Department of Toxic Substance Control's (DTSC) Envirostor database and the State Water Resources Control Board's (State Water Board) Geotracker database, there are eight hazardous materials sites located within 1,000 feet of the project site (DTSC 2024, State Water Board 2024). The eight hazardous materials sites within 1,000 feet of the project site include a combination of seven leaking underground storage tank (LUST) sites and one Cleanup Program site. The seven LUST sites have a status of "Completed – Case Closed," meaning these sites have received a closure letter or other formal closure decision document. The former LUST sites do not pose a risk to future project occupants due to the physical distance from the project site and the intervening terrain. The Cleanup Program site is the Richard's Dry Cleaners site (#T10000011472), which has a status of "Open – Site Assessment" as of 3/22/2018. The status of "Open – Site Assessment" means site characterization, investigation, risk evaluation, and/or site conceptual development are occurring at the site. The Richard's Dry Cleaners site is currently under assessment for potential tetrachloroethylene (PCE) vapor contamination. According to the GeoTracker case summary for the Richard's Dry Cleaners site, potential PCE-affected soil gas contamination, if any, is localized and does not appear to have spread beyond the boundaries of the site. The Richard's Dry Cleaners site does not currently pose a risk to future project occupants due to the physical distance from the project site and the intervening terrain.

No sensitive receptors such as schools or churches are located within 1,000 ft of the project site. The nearest off-site sensitive receptor is Central Elementary School, located approximately 1,775 feet northwest of the project site. Project construction activities would not impact Central Elementary School due to its physical distance from the school and intervening terrain and structures.

- f) Historical Resources (Historic Architecture, Archaeological Resources, and Tribal Cultural Resources). A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project site is developed with a multi-story skilled nursing facility, a building constructed in 1960 that may potentially be included in or eligible for listing in the California Historic Resource Information System (CHRIS) or the California Register of Historic Resources (CRHR). According to the Historic Resource Evaluation (HRE) report prepared for the project, the skilled nursing building at 1041 Hill Street is not a locally, state or nationally registered historic place. The property at 1041 Hill Street is not noted as "National Register Eligible" or located in a historic district, as documented in the City's General Plan. In conclusion, the building does not appear to meet the criteria for listing in the National Register of Historic Places (NRHP) or the CRHR, nor is it a historic resource for the purposes of CEQA. The project would not affect historic resources, including buildings, structures, or districts.

The project site has not been evaluated for the potential occurrence of archaeological or tribal cultural resources. Project construction activities may potentially uncover previously unknown archaeological or tribal cultural resources. However, the project is required to adhere to the City's standard Conditions of Approval (COAs) for the accidental discovery of archaeological resources. Implementation of the City's COAs pertaining to the accidental discovery of previously unknown archaeological resources and human remains as included in Table 2 would ensure the project does not result in a substantial adverse change in the significance of an archaeological resource.

For these reasons, the proposed project would not affect built environment historic resources, nor would it affect buried archaeological or tribal resources. In the event of an unanticipated discovery, the aforementioned EPMs would safeguard unknown buried resources.

Findings

Based on the information provided above, the proposed Vista Terrace of Belmont Memory Care Facility Project qualifies for a Categorical Exemption under CEQA Section 15332.

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- San Mateo Consolidated Fire. Alternative Means (AMMR) Application for 1041 Hill St, Belmont, CA 94002.
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- Will Serve Letters from PG&E (2/3/2023), Mid-Peninsula Water District (MPWD)(8/10/2023), Recology (11/28/2023), AT&T (6/1/2023), and Comcast (5/31/2023).

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Attachment A: Public Works Department Draft Conditions of Approval

Vista Terrace of Belmont Memory Care Facility Project

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DRAFT
Conditions of Approval
for
1041 Hill Street
Rev: July 2, 2024
Prepared by RJA under the direction of Sean Rose, PE (SREI)

Public Works Project Specific Conditions of Approval:

1. It appears temporary shoring may be required for excavation and construction of the proposed building, foundation and site improvements. The Applicant shall prepare and submit structural shoring design, plans, and calculations to the Building Department for review and approval prior to issuance of a Grading or Building Permit.
2. The Applicant shall provide the necessary offsite improvements by removing, replacing, constructing the existing curbs, gutter, sidewalk, driveways, asphalt pavement, retaining walls from the terminus point of the existing sidewalk, curb and gutter on the west side of Hill Street around the cul-de-sac to the upper driveway entrance as required by the Engineer prior to building occupancy. The Applicant shall install necessary signage on Hill Street to clearly direct pedestrians on Hill Street to the walkway onsite, the parking garage and building entrances. The Applicant shall be responsible for coordinating with the adjacent developer to match the proposed adjacent frontage improvements for the 800 Laurel Avenue project to ensure the proposed improvements constructed by this project is compatible with the required improvements for the 800 Laurel Avenue Project.
3. The Applicant shall prepare and submit design, details, structural plans and calculations to the Building Department and the Public Works Department for review and approval for the proposed retaining walls within the Hill Street public street right of way prior to issuance of a Building Permit. The Applicant shall also obtain an Encroachment Permit from the Public Works Department prior to starting any work within the public street right of way or easements. In addition, the Applicant shall be responsible for coordinating with the Public Works Department to execute a Permanent Encroachment Agreement for the proposed retaining walls within the Hill Street public street right of way prior to final acceptance of the required improvements on Hill Street.

5. The Applicant shall prepare and submit a Grading and Drainage Plan for review and approval prior to issuance of a Grading or Building Permit. the Grading and Drainage Plan shall show detailed finished on-site grading and drainage design, including pad and finished floor elevations, top of curb, pavement elevations, finished grades on hardscape and/or landscape areas, storm water inlets, area drains, sizes of storm drains and connection points. All on-site storm drainage shall be captured onsite. No on-site private drainage shall be allowed to sheet flow directly onto Hill Street right of way.

Public Works Standard Conditions of Approval:

- 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.**

Public Improvements:

1. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
2. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.

Grading and Drainage:

1. Roof leaders and site drainage shall be directed to a vegetated area onsite or the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.
2. The owner/applicant shall submit C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist prior to design review approval.

MRP Regulated Project:

1. Project shall comply with all requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. Please refer to the San Mateo Countywide Water Pollution

Prevention Program's (SMCWPPP) C.3 Stormwater Technical Guidance Manual for assistance in implementing LID measures at the site. [Optional: http://www.flowstobay.org/bs_new_development.php]

2. Treatment controls shall be designed and sized to treat run-off from new and/or replaced impervious areas.

Source Control Conditions:

1. Trash storage areas (including recycling or food compactor areas or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Covered areas shall be sloped so that spills and washwater flow to area drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
2. Interior level parking garage floor drains, and any other interior floor drains, shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
3. Efficient irrigation systems shall be used throughout all landscaped areas in accordance with the Model Water Efficient Landscape Ordinance.
4. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
5. Boiler drain lines, roof top equipment with drain lines, and/or equipment for washing and/or steam cleaning activities shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
6. Projects with architectural copper should, if possible, purchase copper materials that have been pre-patinated at the factory. Whether patination is done offsite or onsite, applicant should consider coating the copper materials with an impervious coating that prevents further corrosion and runoff. If patination is done on-site, implement one or more of the following:
 - a. Discharge the rinse water to landscaping. Ensure that the rinse water does not flow to the street or storm drain. Block off storm drain inlet if needed.
 - b. Collect rinse water in a tank and pump to the sanitary sewer. Contact your local sanitary sewer agency before discharging to the sanitary sewer.

- c. Collect the rinse water in a tank and haul off-site for proper disposal.

Biotreatment Measures:

1. Biotreatment measures (including bioretention areas, flow-through planters shall be sized to treat run-off from 100% of the applicable drainage area (all impervious areas and applicable landscaped areas) using flow or volume based sizing criteria as described in the Provision C.3.d of the MRP or using the simplified sizing method (4% rule of thumb), described in the C.3 Technical Guidance and based on the flow-based sizing criteria in Provision C.3.d.i.(2)(c).

Operation & Maintenance (O&M) Conditions:

1. 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 measures according to the approved Maintenance Plan(s). The Maintenance Agreement shall be recorded for the property and/or made part of the CC&Rs.

Dust Control:

1. The owner/applicant must 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 must 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 must be controlled. The measures must 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.

Construction Management Plan:

1. The Applicant shall prepare a construction management plan (CMP) for review and approval by the Public Works Department in consultation with the Community Development Department and Police Department. For properties located at or in close proximity to the City borders, the plan shall be routed to adjacent jurisdictions. The CMP shall include a response to construction-related conditions and requirements identified by reviewing City departments, and outside agencies for inclusion in the Plan. The plan shall include at least the following items:

a. Schedule

A project construction schedule shall be provided that includes the approximate date and expected time frame for each stage of construction. At minimum, the schedule shall include:

- Excavation & Shoring (as applicable)
- Below Grade & Foundation Construction
- Above Grade Construction & Framing
- Exterior & Interior Finish Work
- Public Frontage Improvements
- Offsite & Utility Improvements

b. Site & Logistics Plan

Site and logistics plan(s) shall be provided for each phase of project construction. Said plan(s) shall include:

- Location of Construction Fencing & Access Control for The Site
- Proposed Circulation Pattern, including Access & Egress, for Each Phase of Construction
- Location of Dewatering Tanks, Construction Trailer, Temporary Power Pole, & Restrooms
- Erosion & Dust Control Plans
- Security & Lighting Plans
- Location of Construction Staging Areas for Materials, Equipment, & Vehicles
- Crane Plane (Location, Height, & Radius), as applicable
- Construction Worker Parking

c. Traffic Control Plan

Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment /trucks, during construction, expected temporary street closure and the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour Written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time.

d. Noticing

The CMP shall include notice to property owners within 300 feet of the project site two weeks prior to grading, and identification of haul route(s) and staging area for the project. The notice shall also include a process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. 24-hour advance written notice shall also be provided to adjacent property owners, adjacent businesses, and Public Works and Police Department personnel prior to all major deliveries, detours, and lane closures.

e. Road Conditions

Documentation of road pavement conditions shall be provided to the Public Works Department for all routes that will be used by construction vehicles, both before and after project construction. Roads found to have been damaged by construction vehicles shall be repaired to the level at which they existed prior to project construction.

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.

Public Works Permits:

1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
2. 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.
3. 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.

Other Agency Permits:

1. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board (<http://www.scrwb.ca.gov/stormwtr/construction.html> or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it

receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.

Grading and Drainage:

2. 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 prior to any grading or clearing being performed on-site.
 - a. 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).

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

Utilities:

1. Applicant must possess a valid sewer lateral certificate issued under City Ordinance Section 21-213 before receiving a final building permit for:
 - a. Improvements valued by the building official at \$200,000 or more, or
 - b. Work associated with a change in water service (e.g. change in meter size or adding a second meter).
 - c. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
 - d. Sanitary sewer to include a back flow prevention device.

- e. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department of Public Works.

NPDES Stormwater Controls:

1. 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.
2. 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.

3. 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.
4. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
5. 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.
6. 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.
7. Outdoor storage areas for oils, fuels, solvents, coolant, and other chemicals shall be designed to provide secondary containment such as berms and roof covers. Process equipment sited outdoors shall be placed on an impermeable surface and covered. Property owners/associations shall implement a regular program of sweeping and litter control at these sites.
8. Loading docks shall be covered, surrounded by berms or curbs or otherwise constructed to prevent drainage onto or from the area. Water used for washing and accumulated waste shall be diverted to the sanitary sewer.
9. For stream erosion control, the stormwater discharge must pass through an erosion control structure such as an energy dissipater or other form of outlet protection prior to entering the stream. Bioengineered controls shall be used for stream bank protection as feasible.
10. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.

MRP Regulated Project:

1. Applicant shall prepare a Stormwater Management Plan (SWMP) that includes, at a minimum, exhibit(s) showing drainage areas and location of Low Impact Development (LID) treatment measures; project watershed; total project site area and total area of land disturbed; total new and/or replaced impervious area; treatment measures and hydraulic sizing calculations; a listing of source control and site design measures to be implemented at the site; hydromodification management measures and calculations, if applicable; NRCS soil type; saturated hydraulic conductivity rate(s) at relevant locations or hydrologic soil type (A, B, C or D) and source of information; elevation of high seasonal groundwater

table; a brief summary of how the project is complying with Provision C.3 of the MRP; and detailed Maintenance Plans for each site design, source control and treatment measure requiring maintenance.

2. LID treatment measures to be shown on final improvement or grading plans shall not differ materially from the LID treatment measures presented on the project's approved entitlement drawings without written approval from the Planning Department.

Site Design Conditions:

1. Self-treating areas must be designed to store and infiltrate the rainfall that lands on the self-treating area. Refer to Section 4.2 of the C.3 Technical Guidance.
2. Self-retaining areas must be designed to store and infiltrate the rainfall run-off volume described in the MRP Provision C.3.d (80% capture volume), for rainfall that lands on the self-retaining area and the impervious surface that drains to the self-retaining area. Refer to Section 4.3 of the C.3 Technical Guidance.

Treatment Control Conditions

1. No treatment measures (other than properly sealed and screened cisterns or rain barrels) shall have standing water more than 5 days, for vector control.

Infiltration Measures

1. All infiltration devices shall be located and designed to ensure no damage will occur to surrounding improvements from underground water.
2. Soil media within the bioinfiltration measure shall consist of 18 inches of biotreatment soil consistent with the Attachment L of the MRP.
3. Other parameters of final design shall be consistent with the design guidelines presented in the latest version of the C.3 Technical Guidance.

Biotreatment Measures:

1. Plant species used within the biotreatment measure area shall be consistent with Appendix A of the C.3 Technical Guidance.
2. Biotreatment soil mix for biotreatment measures shall have a minimum percolation rate of 5 inches per hour and a maximum percolation rate of 10 inches per hour and shall be in conformance with Attachment L of the MRP, which is included in Appendix K of the C.3 Technical Guidance.
3. Design of biotreatment measures shall be consistent with technical guidance for the applicable type of biotreatment measure provided in Chapter 6 of the C.3 Technical Guidance.

Operation & Maintenance (O&M) Conditions:

1. A Maintenance Plan for every stormwater treatment control *[and/or HM]* measure or applicable site design measure, inclusive of maintenance and inspection checklists and Maintenance Inspection Report Forms, shall be submitted to the City for review and approval prior to issuance of a grading permit. A copy of the final, approved Maintenance Plan(s) shall be made a part of the Maintenance Agreement [and the Conditions, Covenants and Restrictions (CC&Rs)] recorded for the property. A copy of the final, approved Maintenance Plan(s) shall also be on file at the municipality's Public Services Department.

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

Public Works Permits:

1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials within the public right-of-way.
2. 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.
3. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.
4. All construction and related activities which require a City permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m., Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 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.

Other Agency Permits:

1. The project includes construction or installation of stationary equipment that may cause air pollution. The applicant should contact the Bay Area Air Quality Management District (415-771-6000) to determine if an air quality permit is required.

Public Improvements:

1. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.

Grading and Drainage:

1. 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.
2. 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, storm drain system or creek.

NPDES Stormwater Controls:

1. 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.
1. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

Source Control Conditions:

1. 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.
2. 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.

Operation & Maintenance (O&M) Conditions:

1. Property Owner shall be responsible for conducting all servicing and maintenance as described and required by the treatment measure(s) Maintenance Plan(s). Maintenance of all site design and treatment control measures shall be the owner's responsibility.
2. Approved Maintenance Plans shall be kept on-site and made readily available to maintenance crews. Maintenance plans shall be strictly adhered to.
3. By April 1 each year, Maintenance Inspection and Servicing Reports for the stormwater treatment systems shall be submitted to the municipality for the previous calendar year (January 1 through December 31).
4. Site access shall be granted to representatives of the City, the San Mateo County Mosquito and Vector Control District, and the Water Board, at any time, for the sole purpose of performing operation and maintenance inspections of the installed stormwater treatment systems. A statement to that effect shall be made a part of the Maintenance Agreement and/or CC&Rs recorded for the property.
5. Property Owner shall be required to pay for all municipal inspections of installed stormwater treatment systems as required by the Regional Water Quality Control Board or the municipality.

Installation Conditions:

1. Applicant shall coordinate installation of stormwater treatment measures with the municipality and shall arrange to have a municipal Special Inspector or designated third party inspector present at the time of installation. Applicant shall be responsible for all fees associated with special stormwater inspections during construction.

End.



STAFF REPORT

Meeting Date: September 24, 2024
Agency: City of Belmont
Staff Contact: Rob D. Gill, Senior Planner, (650) 598-4204, rgill@belmont.gov
Agenda Title: 1041 Hill Street – New Memory Care Facility
Agenda Action: Ordinance

Recommendation

- 1) Conduct Public Hearing and consider Planning Commission recommendations.
- 2) Introduce an Ordinance for a Planned Development Zone Amendment and associated Conceptual Development Plan (CDP).
- 3) Consider a Resolution approving a Conditional Use Permit and associated Detailed Development Plan, Grading Plan, Design Review and Tree Removal Permit.
- 4) Consider 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 August 20, 2024, meeting, the Planning Commission held a public hearing where they reviewed the proposed project. At the conclusion of the hearing, the Commission adopted a Resolution (five in favor, and one abstain) recommending the City Council approve the project entitlements.

Prior to the Planning Commission meeting, staff received written comments (e-mails dated 8/20/24 & 9/3/24) that raised concerns about geotechnical review for the project. More specifically, how the project incorporates the State's Seismic Hazards Mapping Act (SHMA) and maps. The necessary (and responsive) geotechnical information addressing the SHMA was provided by the City's geotechnical consultant for the project on September 18, 2024.

Based on the City's geotechnical consultant's peer review letter, the most recent published hazard maps from California Geological Survey (CGS) currently delineate the site as an earthquake-induced landslide hazard zone of required investigation. The SHMA requires the geologic and soil conditions to be evaluated to assess the hazard at the project site. It was determined that there are no known active landslides mapped at the site. However, it is recommended that an additional condition of approval be levied for the project regarding provision of data/documentation (including fill material specifications) to support geotechnical engineering recommendations and satisfying SHMA criteria; this condition is required to be fulfilled prior to issuance of building permits for the project. A copy of the geotechnical peer review letter is included in Attachment G.



Discussion

The project proposes to amend the existing Planned Development (PD). The PD zoning district is designed to accommodate various types of development, such as single-family residential developments, multi-family developments, neighborhood and community shopping centers, mixed-use developments, professional and administrative areas, commercial service centers, industrial parks, and other uses or a combination of uses which can be made appropriately a part of a PD. The district is established to allow flexibility of design that may differ from the strict application of the development standards contained within the Belmont Zoning Ordinance, in accordance with the objectives and spirit of the General Plan.

Unlike properties in other zoning districts, properties seeking an amendment to a PD designation are typically governed by a two-step review process: First, general issues of land use, site plans and circulation plans are reviewed by way of a Conceptual Development Plan (CDP). More detailed issues, such as building architecture, landscaping, parking layout, grading/drainage, tree removal, and lighting are evaluated by way 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 and approved.

General Plan Conformance

The General Plan designates the project site as *Institution*, and the requested development does not change that current designation. The General Plan policies analysis in the CEQA Categorical Exemption document (Attachment F) provides the consistency analysis with the proposed PD Zone Amendment. Performance standards such as maximum density, building height, setbacks, FAR, and landscaped areas are contained in the attached Ordinance.

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 memory care facility building would be constructed within the footprint of the former skilled nursing facility that is proposed to be demolished and partially constructed into the hillside. The project would generally match the scale and character of the existing on-site assisted living facility building. The project is well designed, and all proposed support features are integrated well into the overall project design. In summary, the proposed PD Zone Amendment of the subject site (via a Conceptual Development Plan) achieves the goals and objectives of the Zoning Ordinance and General Plan for the City.

Site Conditions

The project site is currently occupied by the Vista Terrace of Belmont senior living community and an unoccupied skilled nursing facility building. The existing Assisted Living facility building was constructed in 1998 and consists of a 3-story building constructed into the hillside with access to 6th Avenue from the lowest level. The existing skilled nursing facility was constructed in approximately 1960 and is located adjacent to the occupied Assisted Living facility. Parking spaces are shared between the two buildings.



Project Description

The applicant is proposing to demolish the existing skilled nursing facility and construct a new 24,806 SF, three-story, 36-unit Memory Care facility. The proposed building would include two levels of residences over two stories of parking and resident amenity space. The Memory Care facility would be connected to the existing Assisted Living facility by a covered corridor. There are no plans to change the existing Assisted Living facility. Parking would continue to be shared between the two buildings.

Project Data (CDP/DDP Standards)

Criteria	Existing PD Standards	Proposed PD Standards
Use(s)	Assisted Living & Convalescent Hospital	Assisted Living & Memory Care
Lot Size	58,142 SF.	No Change
Square Footage	57,191 SF. (for all buildings)	73, 469 SF. (for all buildings)
FAR	0.984 FAR. (for all buildings)	1.26 FAR. (for all buildings)
Height	40'	55'
Landscaping %	Approx.18.8%	Approx. 19.6%
Walls & Fences	As per approved 1998 DDP plans	As per approved DDP plans
Parking Spaces:	41	34 (12 Compact 22 Standard)
Loading Space	1 space located on 6 th Ave.	No Change
Bicycle Parking	None	9
Setbacks		
Front (6th Avenue)	0' to 3'	0' to 3'
Rear (South)	11' 6'	15'
Side (East)	5' 11'	7'
Corner Street Side (Hill Street)	19' 6	24' 4"

Building Design

The proposed design of the Memory Care facility building will be contemporary in design and would be similar in architecture and style as the onsite Assisted Living facility building. The proposed design of the building includes a complimentary palette of materials, colors, and recessed building walls that break up the various building planes. The proposed building would include design elements (roof gable ends and clad windows with simulated divided light) to break up the building mass.

Floor Plan Summary

The interior floor plan will include 42 Memory Care beds distributed through a mix of 30 single and six companion units. The 36-unit community will be divided into two households, with 21 residents on each level. Resident levels will have individual bathrooms in each unit with large roll-in showers, shared living and dining rooms, and hospitality style serving kitchens. The first floor of the building will provide lobby



space for visitors, salon space for residents, and a therapy suite for a 3rd party health service provider. Kitchen service will be provided from the existing Assisted Living facility kitchen with access through the elevator and covered walkway.

Site Access & Circulation

Primary access to the site is provided via two site driveways on Hill Street. One driveway serves the lower-level parking and the main entrance to both buildings on site with a roundabout and drop-off area. The other driveway serves the upper-level parking and would be a secondary entrance to the Memory Care facility. The primary site entrance on the lower level currently operates as a shared-used vehicle and pedestrian driveway. The existing onsite drive aisle currently does not meet the minimum aisle width for two-way traffic. To accommodate a standard size 24-ft aisle width, the project is converting the lower-level standard parking spaces to compact parking spaces and reducing the width of the existing pedestrian pathway along the driveway aisle. The compact parking spaces and modification to the pedestrian pathway will accommodate a wider drive aisle that is consistent with City standards and allow additional space for vehicles to safely back out onto the drive aisle. The proposed site improvements will also provide a raised pedestrian sidewalk to separate vehicle traffic from pedestrians.

Landscaping

As mentioned previously, the project site is currently occupied by the existing senior living community and an unoccupied skilled nursing facility building. The site is currently landscaped throughout the site and along roadway frontages. New landscaping will be planted along the perimeter of the proposed memory care development. Landscape plantings have been selected for compliance with water efficiency and landscape requirements identified by the Mid-Peninsula Water District. The project landscape plans include a complete irrigation system layout with additional details for irrigation components and installation. (See Sheets L.0.0 – L.6.0 for Landscaping & Irrigation Plan details).

Tree Removal

According to the project plans, the project includes removal of a right-of-way tree¹ due to direct conflicts with the site plan. A right-of-way tree is considered a protected tree in the Tree Ordinance. 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 landscape plan for this project includes a (24" box size Eastern Redbud tree) *Preferred Species* trees meeting the *Replacement tree* requirement. Thus, staff is recommending that the Tree Removal Permit be granted for the project.

Lighting

Exterior site lighting would be installed at the parking areas and along the perimeter of the proposed building site. A condition of approval has been included requiring a final lighting plan and a photometric

¹ Belmont City Code Sec. 25-2. – Definitions:

- *Right-of-Way Tree* means a tree located in a public street right-of-way.
- *Protected Tree* means a Principal Native Tree, a City Tree, a Replacement Tree, a Right-of-Way Tree, or a Large Diameter Tree.



study at the time of Building Permit submittal; a final lighting review shall occur after installation of project lighting and before final Building Permit inspection.

Emergency Access & Offsite Improvements

The project applicant has submitted and received approval from San Mateo Consolidated Fire for an Alternative Means and Methods Request (AMMR) Application for aerial apparatus access. Existing site constraints would make it infeasible to provide aerial apparatus access and perimeter building access that would meet California Fire Code requirements. San Mateo Consolidated Fire has granted the applicant's AMMR, which includes mitigation in the form of two sets of staircases with roof access, a firefighter footpath around the building perimeter with exterior standpipes, and increased sprinkler hydraulic requirements. The project would require extending the paving, constructing retaining walls, and demolishing and reconfiguring the entry drive aisle curbs at the end of Hill Street. These improvements are necessary to allow adequate firetruck turnaround space as specified by the San Mateo Consolidated Fire Department and the guidelines provided in the 2022 California Fire Code.

Parking Analysis

The parking standards in the Belmont Zoning Code for the Memory Care use is regulated under *Miscellaneous Uses* that provides a parking ratio for the care of the aged or the convalescent². Although the proposed Memory Care use is not an exact fit in this category it is similar in nature. Parking Ordinance Section 8.4.8 (c) includes a parking ratio that requires one (1) parking space for each four beds/residents, one (1) parking for every two (2) staff employees, and one (1) space per doctor. Based on the parking analysis provided on the project plans, a total of 50 spaces would be required between the existing assisted living community and proposed memory care land uses. The project will provide a total of 34 on-site parking spaces between the two land uses, a deficiency of 16 spaces. Planned Development *Finding 5* in part states, "...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. This finding is evaluated in the attached Resolution (Attachment B).

PD Parking Standards

The existing PD zoning for the site established a parking standard that requires 41 parking spaces between the two existing land uses. The site improvements from the proposed memory care facility will result in the loss of seven parking spaces (from 41 to 34 parking spaces). The loss of parking spaces is due to the reconfiguration of the site to construct the proposed fire control room, generator room, roof access stairs, solid waste, and recycling alcoves, and to provide van accessible parking, and dedicated shuttle bus parking.

Although the project provides fewer parking spaces than the existing PD parking standard and the Parking Ordinance, the loss of parking is not expected to result in any impacts to the community as future Memory Care residents will not be driving due to their medical needs; the project does expand visitor and staff parking on-site. While some tenants of the assisted living community can drive, currently only three of

² BZO Sec. 8.4.8 (c) uses: Rest Homes, Nursing Homes, Sanitariums, Convalescent Homes or Institutions for the Aged or for Children.



the 68 tenants have vehicles that are parked on-site, and the remainder of the assisted living tenants rely on an on-site shuttle bus for transportation to appointments, errands, and outings organized by the facility. The existing shuttle bus will also support the proposed memory care facility tenants. (*Traffic Patterns, Traffic and Parking Analysis, February 15, 2024*). In addition, nine parking spaces and one loading space in the 6th Avenue right-of-way would also be available to employees and visitors.

Bicycle Parking

No bicycle parking is currently provided on-site. The proposed site improvements include the addition of nine new bicycle parking spaces on the upper level that will serve staff and local visitors.

Traffic

A Traffic and Parking Analysis was prepared by Traffic Patterns, and peer reviewed by the City's traffic consultant Advanced Mobility Group for the project. A copy of the traffic and parking analysis and peer reviews is included as Attachment J. The analysis includes an evaluation of the potential traffic impacts. It was determined that the proposed project with its low trip generation³ land uses will result in six (6) less vehicle trips per day. The traffic analysis concluded that the proposed Memory Care facility will not have any significant impacts to the surrounding community (*Traffic Patterns, Traffic and Parking Analysis, February 15, 2024*).

Solid Waste and Recycling

Solid waste and recycling are separate from the existing Assisted Living facility and the new Memory Care facility. The Assisted Living facility has a trash collection on 6th Avenue, while the Memory Care facility will have a new dumpster area at the Hill Street access point to serve the building independently.

The project will conform to the City's and Recology San Mateo County requirements for solid waste and recycling. 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.

Grading Plan

Grading estimates have been provided on Sheet C1.0 of the project plans (*Title Sheet*). Estimated earthwork quantities for the project include 1,570 cubic yards (CY) of cut and 280 CY of fill (1,290 CY of off haul).

Geotechnical

The applicant submitted a Geotechnical Investigation prepared by Langan Engineering dated January 5, 2023. A copy of the geotechnical investigation is included as Attachment G. The report was peer-reviewed by the City's Consulting Geologist in a letter dated March 15, 2023. The City Geologist's recommendations for plan review and construction inspections are included in the conditions of project approval. As mentioned earlier, supplemental geotechnical information addressing Seismic Hazards Mapping Act (SHMA) map criteria were provided by the City Consulting Geologist for the project. A copy of the letters is also included in Attachment G.

³ Trip Generation is a measure of how many vehicle-trips a site generates over a typical weekday during the AM and PM commute periods of the day.



Permanent Encroachment Permit

As part of the project, retaining walls and other offsite improvements are proposed within the Hill Street right-of-way and require a Permanent Encroachment Permit. The project would include constructing retaining walls and demolishing and reconfiguring the entry drive aisle curbs within the Hill Street right-of-way. The improvements are necessary to allow adequate firetruck turnaround space as specified by the San Mateo Consolidated Fire Department and the guidelines provided in the 2022 California Fire Code. At their August 20, 2024, meeting, the Planning Commission adopted a resolution recommending City Council approval of the Permanent Encroachment Permit. As conditioned, the applicant must obtain a Permanent Encroachment Permit from the Public Works Department prior to starting any work within the public street right-of-way. In addition, the applicant will be responsible for coordinating with the Public Works Department to execute a Permanent Encroachment Agreement for the proposed retaining walls / improvements within the Hill Street right-of-way prior to final acceptance of the required improvements.

Applicability of CEQA Categorical Exemption

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 and analysis provided in the Categorical Exemption CEQA documentation in Attachment IV, the proposed project qualifies for an exemption under CEQA Section 15332, In-Fill Development Projects.



Conclusion and Next Steps

The action before the City Council includes conducting a public hearing and introduction of the 1st reading of the Planned Development Amendment and Conceptual Development Plan Ordinance. Staff recommends that the City Council consider the project entitlements and CEQA exemption and, adopt the resolutions approving the entitlements at the time of the 2nd reading of the Ordinance, currently scheduled for October 8, 2024, City Council meeting.

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 of a Planned Development Zone Amendment and adopting a Conceptual Development Plan (CDP).
- B. Resolution approving a Detailed Development Plan, Conditional Use Permit, Design Review, Grading Permit and Tree Removal Permit.
- C. Resolution finding the project is exempt from environmental review per Guidelines 15332, (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) - Exhibit B
- D. Conditions of Project Approval - Exhibit A
- E. CEQA Categorical Exemption (Section 15332 In-Fill Development Projects) - Exhibit B
- F. Planning Commission Staff Report and Resolution (No.2024-0019) – October 19, 2021 [Agenda 7.C Public Hearings](#)
- G. Geotechnical Investigation/Peer Review and Seismic Hazards Map Act (SHMA) Response Letters
- H. Technical Reports and Will Serve Letters
- I. Technical Reports and Will Serve Letters
- J. Project Plans
- K. Neighborhood Outreach & Public Comments
- L. 300/500 Foot Radius Map

Fiscal Impact

- ☒ No Fiscal Impact
- There is no direct fiscal impact in the consideration of this item.
Fees collected from the project are accounted for in the Development Services Fund.

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda



MEETING OF AUGUST 20, 2024

AGENDA ITEM NO. 7C

APPLICATION I.D.:	PA2023-0006
APPLICATION TYPE:	Planned Development, Conceptual Development Plan, Detailed Development Plan, Design Review, Grading Permit, Tree Removal Permit, Conditional Use Permit, and Encroachment Permit for a Memory Care Facility.
LOCATION:	1041 Hill Street
APPLICANT:	ERDMAN
OWNER:	GAHC4 BELMONT CA ALF LLC
APN:	APN 045-152-540 & 045-152-570
ZONING:	Planned Development (PD)
GENERAL PLAN DESIGNATION:	Institution (IN)
CEQA DETERMINATION:	Categorically Exempt, CEQA Guidelines 15332, (In-Fill Development Projects)

PROJECT SUMMARY

The applicant is requesting a Planned Development Zone Amendment, Conceptual Development Plan, Conditional Use Permit and associated Detailed Development Plan, Grading Plan, Design Review, Tree Removal Permit, and an Encroachment Permit to demolish the existing approximately 8,528 square-foot (SF), two-story, skilled nursing home building and replace it with a 24,806 SF, three-story, 36-unit, memory care building.

RECOMMENDATION

Staff recommends that the Planning Commission **adopt** the attached resolutions recommending the City Council approve the Planned Development Zone Amendment, Conceptual Development Plan, Detailed Development Plan, Conditional Use Permit, Design Review, Grading Permit, Tree Removal Permit, and Encroachment Permit for the site.¹

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

PROJECT LOCATION

The project site is located west of the Ralston Avenue & 6th Avenue intersection (See Figure 1). The site is bounded by 6th Avenue to the north and Hill Street to the west. The site is surrounded by single-family residences to the west and commercial/retail to the east. The project site has a steep upslope from Sixth Avenue to the rear of the site.

Figure 1 – Vicinity Map



Image provided by Traffic Patterns, 1041 Hill Street Traffic & Parking Analysis., February 2024.

GENERAL PLAN DESIGNATION

The site has a General Plan Land Use designation of *Institution*. The *Institution* land use designation applies to educational, cultural, faith-based and health-related services, and it may include a residential component. No set density/intensity standards are defined for this designation; rather, the Planned Development process defines these development standards on a project-by-project basis.

ZONING

The project site is currently zoned as *Planned Development (PD)* permitted for assisted living and convalescent hospital land uses. Districts within the City of Belmont are established to provide space in suitable locations for the various types of uses to accommodate the needs in the City, and to provide a means of regulating the density and distribution of the population in conformance with the purposes of the comprehensive General Plan.

BACKGROUND

The project site (1041 Hill Street and 900 6th Avenue) is part of a Planned Development. The overall site area was developed in phases over the past four decades, as noted via the approved entitlements below:

- 1960 – Conditional Use Permit for the use and construction of a Sanitarium.
- 1973 – Minor Subdivision (1021 & 1041 Hill Street).
- 1973 – A Rezone from Multi Family Residential (R-4) to Planned Development Residential.
- 1998 – A Planned Development rezone, Conceptual Development Plan, General Plan and Specific Plan Amendments, and Addendum to the Downtown Specific Plan EIR for an Assisted Living facility and a Convalescent Hospital Facility (formally the Sanitarium building).
- 1999 – Lot Line Adjustment to consolidate two parcel (APN 045-152-540 & 045-152-570).

SITE DESCRIPTION

The project site is currently occupied by the Vista Terrace of Belmont senior living community and an unoccupied skilled nursing facility building. The existing Assisted Living facility building was constructed in 1998 and consists of a 3-story building constructed into the hillside with access to 6th Avenue from the lowest level. There are no plans to change the existing Assisted Living facility. The existing skilled nursing facility was constructed in approximately 1960 and is located adjacent to the occupied Assisted Living facility. Parking spaces are shared between the two buildings.

PROJECT DESCRIPTION

As previously mentioned, the applicant is proposing to demolish the existing skilled nursing facility and construct a new 24,806 SF, three-story, 36-unit Memory Care facility. The proposed building would include two levels of residences over two stories of parking and resident amenity space. The Memory Care facility would be connected to the Assisted Living facility by a covered corridor. Parking would continue to be shared between the two buildings.

Building Design

The proposed design of the Memory Care facility building will be contemporary in design and would be similar in architecture and style as the onsite Assisted Living facility building. The proposed design of the building includes a complimentary palette of materials, colors, and recessed building walls that break up the various building planes. The proposed building would include two levels of residences over two stories of parking and resident amenity space and includes design elements that would mitigate for project bulk and create visual interest at the pedestrian level (See Figure 3).

Figure 3 – Building Design, Colors & Materials



Floor Plan Summary

The interior floor plan will include 42 Memory Care beds distributed through a mix of 30 single and six companion units. The 36-unit community will be divided into two households, with 21 residents on each level. Resident levels will have individual bathrooms in each unit with large roll-in showers, shared living and dining rooms, and hospitality style serving kitchens. The first floor of the building will provide lobby space for visitors, salon space for residents, and a therapy suite for a 3rd party health service provider. Kitchen service will be provided from the existing Assisted Living facility kitchen with access through the elevator and covered walkway.

Landscaping

The project site is currently occupied by the existing senior living community and an unoccupied skilled nursing facility building. The site is currently landscaped throughout the site and along roadway frontages. New landscaping will be planted along the perimeter of the proposed memory care development. Landscape plantings have been selected for compliance with water efficiency and landscape requirements identified by the Mid-Peninsula Water District. The project landscape plans include a complete irrigation system layout with additional details for irrigation components and installation. (See Sheets L.0.0 – L.6.0 for Landscaping & Irrigation Plan details).

Lighting

Exterior site lighting would be installed at the parking areas and along the perimeter of the proposed building site. A condition of approval has been included requiring a final lighting plan and a photometric study at the time of Building Permit submittal; a final lighting review shall occur after installation of project lighting and before final Building Permit inspection.

Parking Analysis

The parking standards in the Belmont Zoning Code for the Memory Care use is regulated under *Miscellaneous Uses* that provides a parking ratio for the care of the aged or the convalescent². Although the proposed Memory Care use is not an exact fit in this category it is similar in nature. Parking Ordinance Section 8.4.8 (c) includes a parking ratio that requires one (1) parking space for each four beds/residents, one (1) parking for every two (2) staff employees, and one (1) space per doctor. Based on the parking analysis provided on the project plans, a total of 50 spaces would be required between the existing assisted living community and proposed memory care land uses. The project will provide a total of 34 on-site parking spaces between the two land uses, a deficiency of 16 spaces. Planned Development *Finding 5* in part states, “...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. This finding is evaluated in the attached Resolution (Attachment II).

PD Parking Standards

The existing PD zoning for the site established a parking standard that requires 41 parking spaces between the two existing land uses. The site improvements from the proposed memory care facility will result in the loss of seven parking spaces (from 41 to 34 parking spaces). The loss of parking spaces is due to the reconfiguration of the site to construct the proposed fire control room, generator room, roof access stairs, solid waste and recycling alcoves, and to provide van accessible parking, and dedicated shuttle bus parking.

Although the project provides fewer parking spaces than the existing PD parking standard and the Parking Ordinance, the loss of parking is not expected to result in any impacts to the community as future Memory Care residents will not be driving due to their medical needs; the project does expand visitor and staff parking on-site. While some tenants of the assisted living community can drive, currently only three of the 68 tenants have vehicles that are parked on-site, and the remainder of the assisted living tenants rely on an on-site shuttle bus for transportation to appointments, errands, and outings organized by the facility. The existing shuttle bus will also support the proposed memory care facility tenants. (*Traffic Patterns, Traffic and Parking Analysis, February 15, 2024*). In addition, nine parking spaces and one loading space in the 6th Avenue right-of-way would also be available to employees and visitors.

² BZO Sec. 8.4.8 (c) uses: Rest Homes, Nursing Homes, Sanitariums, Convalescent Homes or Institutions for the Aged or for Children.

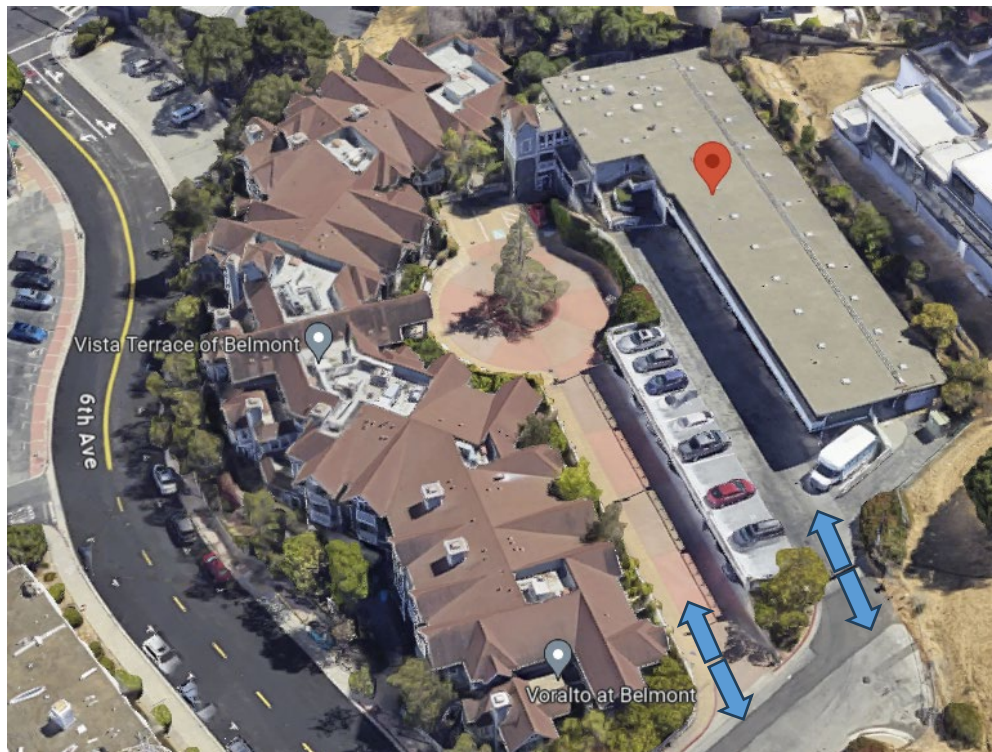
Bicycle Parking

No bicycle parking is currently provided on-site. The proposed site improvements include the addition of nine new bicycle parking spaces on the upper level that will serve staff and local visitors.

Site Access & Circulation

Primary access to the site is provided via two site driveways on Hill Street (See Figure 2). One driveway serves the lower-level parking and the main entrance to both buildings on site with a roundabout and drop-off area. The other driveway serves the upper-level parking and would be a secondary entrance to the Memory Care facility.

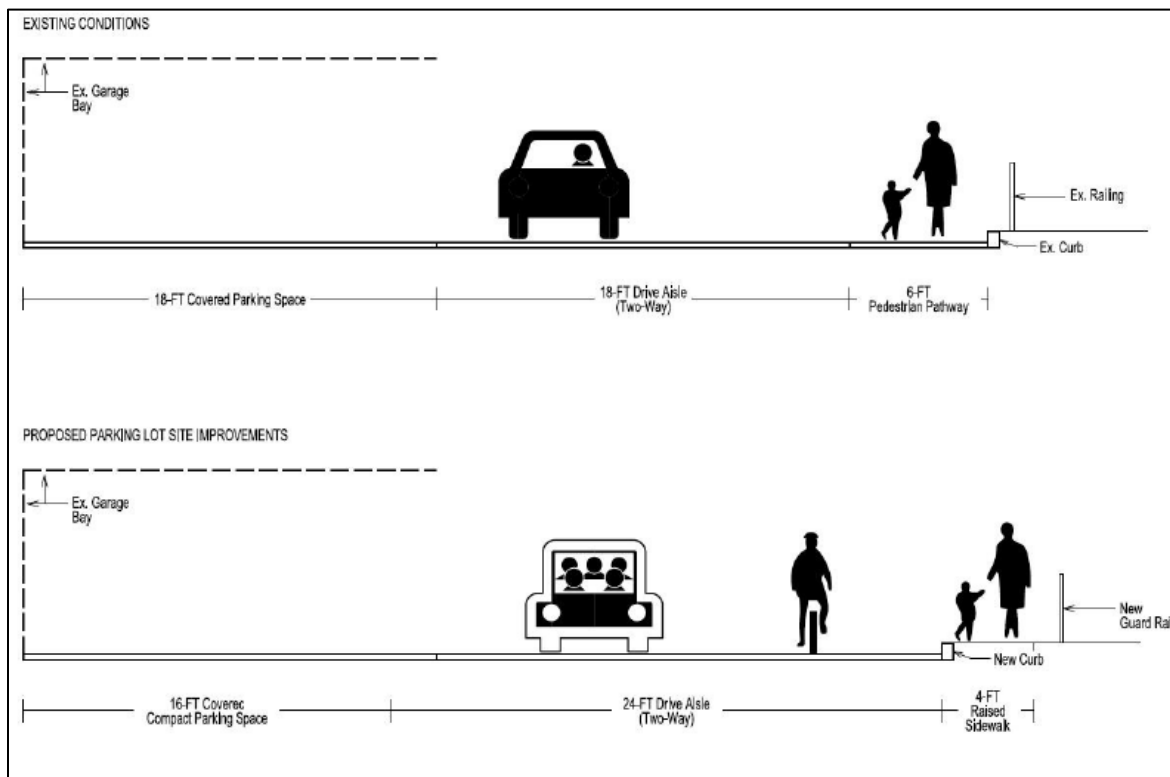
Figure 2 – Driveway Access



Source: Google 2D Image, 2024

The primary site entrance on the lower level currently operates as a shared-used vehicle and pedestrian driveway. The existing onsite drive aisle currently does not meet the minimum aisle width for two-way traffic. To accommodate a standard size 24-ft aisle width, the project is converting the lower-level standard parking spaces to compact parking spaces and reducing the width of the existing pedestrian pathway along the driveway aisle. The compact parking spaces and modification to the pedestrian pathway will accommodate a wider drive aisle that is consistent with City standards and allow additional space for vehicles to safely back out onto the drive aisle (See Figure 3 on next page).

Figure 3 – Proposed Lower Level Drive Aisle Site Improvements



Graphic provided by Traffic Patterns, 1041 Hill Street Traffic & Parking Analysis., February 2024.

The proposed site improvements will also provide a raised pedestrian sidewalk to separate vehicle traffic from pedestrians.

Emergency Access & Offsite Improvements

The project applicant has submitted and received approval from San Mateo Consolidated Fire for an Alternative Means and Methods Request (AMMR) Application for aerial apparatus access. Existing site constraints would make it infeasible to provide aerial apparatus access and perimeter building access that would meet California Fire Code requirements. San Mateo Consolidated Fire has granted the applicant's AMMR, which includes mitigation in the form of two sets of staircases with roof access, a firefighter footpath around the building perimeter with exterior standpipes, and increased sprinkler hydraulic requirements.

The project would require extending the paving, constructing retaining walls, and demolishing and reconfiguring the entry drive aisle curbs at the end of Hill Street. These improvements are necessary to allow adequate firetruck turnaround space as specified by the San Mateo Consolidated Fire Department and the guidelines provided in the 2022 California Fire Code.

Traffic

A Traffic and Parking Analysis was prepared by Traffic Patterns, and peer reviewed by the City's traffic consultant Advanced Mobility Group for the project. A copy of the traffic and parking analysis and peer reviews is included as Attachment VI. The analysis includes an evaluation of the potential traffic impacts. It was determined that the proposed project with its low trip generation³ land uses will result in six (6) less vehicle trips per day. The traffic analysis concluded that the proposed Memory Care facility will not have any significant impacts to the surrounding community (*Traffic Patterns, Traffic and Parking Analysis, February 15, 2024*).

Solid Waste and Recycling

Solid waste and recycling are separate from the existing Assisted Living facility and the new Memory Care facility. The Assisted Living facility has a trash collection on 6th Avenue, while the Memory Care facility will have a new dumpster area at the Hill Street access point to serve the building independently.

The project will conform to the City's and Recology San Mateo County requirements for solid waste and recycling. 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.

Grading Plan

Grading estimates have been provided on Sheet C1.0 of the project plans (*Title Sheet*). Estimated earthwork quantities for the project include 1,570 cubic yards (CY) of cut and 280 CY of fill (1,290 CY of off haul).

As part of the project, retaining walls are proposed within the Hill Street right-of-way. The exact wall location is delineated on Sheet C3.0 of the Grading and Drainage Plan. The project entitlements include an Encroachment Permit for the retaining wall within the public right-of-way. The Encroachment Permit is discussed further in this report.

Geotechnical

The applicant has submitted a Geotechnical Investigation prepared by Langan Engineering and Environmental Services dated January 5, 2023. A copy of the geotechnical investigation is included as Attachment V. The report and letter were peer-reviewed by the City's Consulting Geologist in a letter dated March 15, 2023. A copy of the letter is also included in Attachment V. The City Geologist's recommendations for plan review and construction inspections are included in the conditions of project approval.

³ Trip Generation is a measure of how many vehicle-trips a site generates over a typical weekday during the AM and PM commute periods of the day.

PROJECT ANALYSIS

As discussed previously, the project would amend the existing PD District. The PD zoning district allows flexibility of design in accordance with the goals, policies, and objectives of the General Plan. In accordance with the City's submittal requirements, the applicant's Conceptual Development Plan (CDP) and Detailed Development Plan (DDP) submittal illustrates the location of existing and proposed buildings, including their maximum height, floor area ratio (FAR), preliminary landscaping, circulation, parking areas, and relationships to the surrounding uses.

Planned Unit Development (PD District)

The project proposes to amend the existing PD zoning district of the site. The PD zoning district is designed to accommodate various types of development, such as single-family residential developments, multi-family developments, neighborhood and community shopping centers, mixed-use developments, professional and administrative areas, commercial service centers, industrial parks, and other uses or a combination of uses which can be made appropriately a part of a PD. The district is established to allow flexibility of design that may differ from the strict application of the development standards contained within the Belmont Zoning Ordinance, in accordance with the objectives and spirit of the General Plan.

Zoning Conformance – Conceptual and Detailed Development Plans

As noted above, the project includes amending the existing PD zoning district; approval is subject to the review of Section 12 of the Belmont Zoning Ordinance. Unlike properties in other zoning districts, properties seeking an amendment to a PD designation are typically governed by a two-step review process: First, general issues of land use, site plans and circulation plans are reviewed by way of a Conceptual Development Plan (CDP). More detailed issues, such as building architecture, landscaping, parking layout, grading/drainage, tree removal, and lighting are evaluated by way 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 and approved.

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**Table 1:
 Project Data (CDP/DDP Standards)**

Criteria	Existing PD Standards	Proposed PD Standards
Use(s)	Assisted Living & Convalescent Hospital	Assisted Living & Memory Care
Lot Size	58,142 SF.	No Change
Square Footage	57,191 SF. (for all buildings)	73, 469 SF. (for all buildings)
FAR	0.984 FAR. (for all buildings)	1.26 FAR. (for all buildings)
Height	40'	55'
Landscaping %	Approx. 18.8%	Approx. 19.6%
Walls & Fences	As per approved 1998 DDP plans	As per approved DDP plans
Parking Spaces:	41	34 (12 Compact 22 Standard)
Loading Space	1 space located on 6 th Ave.	No Change
Bicycle Parking	None	9
Setbacks		
Front (6th Avenue)	0' to 3'	0' to 3'
Rear (South)	11' 6'	15'
Side (East)	5' 11'	7'
Corner Street Side (Hill Street)	19' 6"	24' 4"

Design Review

As noted earlier, the project proposes to amend the PD zoning district development standards of the site. The amended PD designation seeks to modify the objective standards (setbacks, building height, FAR and parking ratio) in the zoning code to allow flexibility of the building design. The Planning Commission is required to assess Design Review pursuant to the findings in BZO Section 13.5.2 in Attachment II.

Grading Permit

In accordance with the Belmont City Code (Chapter 9 Grading, Section 9-22), a Grading Permit is required for a project in the following cases:

- The combined volume of material excavated and filled will exceed fifty (50) cubic yards.
- The depth of any cut or fill will exceed two (2) feet at its deepest point measured from the natural ground.
- Grading and/or vegetation removal will disturb an area of more than two thousand (2,000) square feet. Trenching, boring, or other excavation as part of a geologic or geotechnical investigation required by the city.

Section 9-23 establishes the threshold when review is required by the Planning Commission, if one or more of the following exists with the proposed project:

- The combined volume of material excavated and filled will exceed five hundred (500) cubic yards.
- Grading and/or vegetation removal will disturb an area greater than six thousand (6,000) square feet.
- Grading will endanger an existing protected tree, as defined herein, which could otherwise be saved by redesigning the project.

Based upon the thresholds identified above the project is subject to Planning Commission review for a Grading Permit. The findings for the Grading Permit are included in Attachment II. 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. The project is required to implement the geotechnical investigation's design and construction recommendations per the project Conditions of Approval. Therefore, as proposed, and conditioned, the project will not endanger the stability of the site or adjacent properties.

Tree Removal

According to the project plans, the project includes removal of a right-of-way tree⁴ due to direct conflicts with the site plan. A right-of-way tree is considered a protected tree in the Tree Ordinance. 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 landscape plan for this project includes a (24" box size Eastern Redbud tree) *Preferred Species* trees meeting the *Replacement tree* requirement. Thus, staff is recommending that the Tree Removal Permit be granted for the project.

PERMANENT ENCROACHMENT PERMIT

As part of the project, retaining walls and other offsite improvements are proposed within the Hill Street right-of-way and require a Permanent Encroachment Permit. The improvements are necessary to allow adequate firetruck turnaround space as specified by the San Mateo Consolidated Fire Department and the guidelines provided in the 2022 California Fire Code. Section 22-6 of the City Code requires a determination by the Director of Public Works and a recommendation by the Planning Commission, prior to review of Permanent Encroachment Permits by the City Council. The requisite findings for the Permanent Encroachment Permit are provided in the attached Resolution (Attachment II).

⁴ Belmont City Code Sec. 25-2. – Definitions:

- *Right-of-Way Tree* means a tree located in a public street right-of-way.
- *Protected Tree* means a Principal Native Tree, a City Tree, a Replacement Tree, a Right-of-Way Tree, or a Large Diameter Tree.

ENVIRONMENTAL CLEARANCE (CEQA)

Applicability of CEQA Categorical Exemption

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 and analysis provided in the Categorical Exemption CEQA documentation in Attachment IV, the proposed project qualifies for an exemption under CEQA Section 15332, In-Fill Development Projects.

NEIGHBORHOOD OUTREACH

The applicant performed neighborhood outreach as detailed in the Neighborhood Outreach submittal provided for this report (Attachment IX). The applicant reported mailing notices to property owners (within 300 feet of the site) informing them of the project and inviting the neighbors to an on-site meeting. Several residents of the existing Vista Terrace Assisted Living facility, family members, and staff attended the meeting, where the applicant and their team addressed questions. It appears the applicant has achieved the neighborhood outreach strategy tasks required by the City.

FINDINGS FOR APPROVAL

The various requests require the Planning Commission to make certain findings in order to recommend approval or denial of the project. Attachment II includes the required findings for the Planned Development Zone Amendment, Conceptual Development Plan, Detailed Development Plan, Conditional Use, Design Review, Grading Permit, Tree Removal Permit, and Encroachment Permit.

CONCLUSION

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

1. Adopt a Resolution recommending City Council approval of the Planned Development Zone Amendment and associated Conceptual Development Plan, Detailed Development Plan, Conditional Use Permit, Design Review, Grading Permit, Tree Removal Permit, and Encroachment Permit.

ACTION ALTERNATIVES

1. Continue the matter to another date in order to address any issues that have not been resolved.
2. Recommend denial of the requested entitlements.

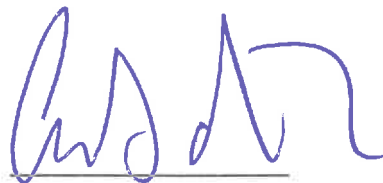
ATTACHMENTS

- I. 300/500 Foot Radius Map
- II. Resolution recommending City Council approval of the Conceptual Development Plan (CDP), Planned Development (PD), Detailed Development Plan (DDP), Conditional Use Permit (CUP) Design Review, Grading Permit, Tree Removal Permit and Encroachment Permit
- III. Conditions of Project Approval - Exhibit A
- IV. CEQA Categorical Exemption (Section 15332 In-Fill Development Projects) - Exhibit B
- V. Geotechnical Investigation and Peer Review
- VI. Technical Reports and Will Serve Letters
- VII. Project Plans
- VIII. Public Works Encroachment Permit Memo
- IX. Neighborhood Outreach

Respectively submitted,



Rob D. Gill
Senior Planner



Carlos de Melo
Community Development Director

CC: Applicant/Property Owner

SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF ALL CLAIMS

1. PARTIES

This Settlement Agreement (“Agreement”) is entered into between GAHC4 BELMONT CA ALF LLC, a Delaware limited liability company (“Developer”) and the City of Belmont (“City”), effective as of October __, 2024 (“Effective Date”) in settlement of a dispute regarding applicable development impact fees for the Project (“Development Impact Fee Protest”). Developer and City are, from time to time, individually referred to herein as a “Party” and collectively referred to herein as the “Parties.”

2. RECITALS

- 2.1. Developer proposes to demolish an existing approximately 8,528 square-foot, two-story, skilled nursing home building and replace it with a 24,806 square foot, three-story, 36-unit memory care building, and install associated infrastructure (the “Project”).
- 2.2. The City is processing certain approvals required to develop the Project including the Planned Development Zone Amendment, Conceptual Development Plan, and Detailed Development Plan for a Conditional Use Permit, Grading Permit, Design Review, Tree Removal Permit and Encroachment Permit for 1014 HILL STREET APN: APN 045-152-540 & 045-152-570 (APPL. NO. PA2023-0006) (the “Project Approvals”).
- 2.3. The Mitigation Fee Act (Government Code section 66000 *et seq.*) and City’s Impact Fee Ordinance (Belmont City Code (“B.C.C.”) section 17-50 *et seq.*) authorize City to impose impact fees “upon development projects for the purpose of mitigating the detrimental impacts” of such projects. (B.C.C., § 17-51.) The Project is subject to several impact fees (the “Impact Fees”) to mitigate the Project’s impacts associated with the Project Approvals.
- 2.4. Among other requirements, the Mitigation Fee Act requires (1) that a fee have a reasonable relationship to the fee’s use and the project at issue, and (2) that a fee have a reasonable relationship between the need for the facility and the type of project that the fee is imposed upon. (Gov. Code, § 66001(a).)
- 2.5. The City’s development impact fee categories generally are based on whether the proposed use is commercial or residential. The proposed memory care facility, however, is a use that was not specifically examined in the City’s impact fee studies.
- 2.6. The Parties have agreed that the proposed memory care facility may have impacts different from those of typical residential and commercial projects. Consequently, the Parties have agreed to calculate the Project Impact Fees based on common space area square footage only, rather than the square footage of the entire facility.
- 2.7. With this Agreement, the Parties now desire to fully resolve all claims related to or arising out of the Development Impact Fee Protest under the terms and conditions set forth herein.

2.8. The Recitals above are true and correct and incorporated into this Agreement by this reference.

NOW, THEREFORE, in consideration of the mutual terms, covenants, conditions, promises and benefits set forth below, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the following:

3. IMPACT FEE OBLIGATIONS

The Parties agree that Developer shall pay to City the following Impact Fees:

- 3.1. A Affordable Housing Fee in the amount of One Hundred Eighty Thousand Five Hundred Two Dollars and Sixty-Five Cents (\$180,502.65) (the “Affordable Housing Fee Obligation”) in satisfaction of the Affordable Housing Fee required of the Project;
- 3.2. A Transportation Impact Fee in the amount of One Hundred Eighty Thousand Five Hundred Nineteen Dollars and Sixty-Six Cents(\$180,519.66) (the “Transportation Impact Fee Obligation”) in satisfaction of the Transportation Impact Fee required of the Project;
- 3.3. A Park Impact Fee in the amount of Nine Thousand Eight Hundred Fifty Six Dollars and Eighty Cents (\$9,856.80) (the “Park Impact Fee Obligation”) in satisfaction of the Park Impact Fee required of the Project;

(collectively, the “Impact Fee Obligations”). Following payment of the Impact Fee Obligations, City shall deem Developer has satisfied the City’s requirements for payment of Impact Fees and the applicable Project Approval conditions of approval.

4. TIMING OF PAYMENT

The Developer agrees to pay the Impact Fee Obligations in accordance with B.C.C. Section 17-61, which requires that Impact Fees be paid in full before the issuance of a building permit.

5. APPLICABILITY OF NEW IMPACT FEES

City shall not impose any condition requiring payment of new Impact Fees upon any future Project improvements proposed by Developer that: (1) do not result in a change in use of the Project or any portion of the Project; or (2) do not result in a net increase in the square footage of any existing or proposed building within the Project. Any change in use, or any increase in square footage of an existing or proposed building, or construction of any new buildings shall be subject to the Impact Fees in effect at the time of application for such change in use or increase in existing square footage or new buildings .

6. PAYMENT AND MUTUAL RELEASE OF ALL CLAIMS

For and in consideration of the payment of the Impact Fees as required under this Agreement, Developer unconditionally waives any rights to seek administrative or judicial relief and agrees not to file a notice of protest or file a lawsuit regarding, or relating to, the City’s Impact Fees or the Impact Fee Obligations of the Project based on any grounds whatsoever, including but not limited to state or federal law or the state or federal constitution, and releases, acquits, and

forever discharges City, and all of its past, present and future officers, directors, and employees from any and all claims, demands, rights, causes of action and damages of any nature whatsoever, whether based in tort, contract, indemnity, or violation of any statute, and whether for actual, compensatory, or punitive damages, or attorney's fees or costs, arising out or in any way connected with, the same operative facts which form the basis of this Settlement Agreement.

7. WAIVER OF KNOWN AND UNKNOWN CLAIMS

City and Developer, each having been fully advised by its attorneys, shall assume the risk of any and all unknown claims which exist at the time of execution of this Agreement, and this Agreement shall apply to any and all such unknown claims, as well as those known and suspected, and with full knowledge of all facts relevant to any allegations, actions, claims, grievances, charges, complaints and/or causes of action by the Parties related to or arising out of the City's imposition of Impact Fees. The Parties hereby voluntarily waive their rights under California Civil Code section 1542, which provides as follows:

“A general Release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.”

8. EXTINGUISHMENT OF ALL OBLIGATIONS

This Agreement is a full accord, satisfaction and discharge of doubtful and disputed claims by the Parties, and this Agreement has been executed with the express intention of effectuating the legal consequences provided in California Civil Code, Section 1541, namely, the extinguishment of all obligations as described herein.

9. ACKNOWLEDGMENT OF NON-ADMISSION OF LIABILITY

By executing this Agreement, the Parties acknowledge and agree that neither City nor Developer is not in any way whatsoever admitting liability or wrongdoing of any sort, and further acknowledges and agrees that the Parties continue to firmly deny any and all allegations of liability or wrongdoing of any sort.

10. AUTHORITY TO ENTER INTO AGREEMENT

City and Developer each represents and warrants that it has not assigned any claim, or authorized any other person or legal entity to assert any such claim on its behalf, and that it is authorized to enter into this Agreement.

11. BINDING EFFECT OF AGREEMENT

It is understood and agreed that this Agreement, as to the acts and other things done or to be done by the Parties, shall run in favor of and be binding upon the heirs, predecessors, successors, executors, administrators, subrogees and assigns of each and every Party hereto.

12. CONSTRUCTION OF AGREEMENT

This Agreement shall be construed and governed by the laws of the State of California. The language of all parts of this Agreement shall be construed as a whole, according to its fair meaning, and not strictly for or against any party hereto.

13. UNDERSTANDING OF AGREEMENT

Each Party represents and agrees that it has reviewed all aspects of this Agreement, has had an opportunity to consult with an attorney if they chose to do so, has carefully read and fully understands all of the provisions of this Agreement, and voluntarily enters into this Agreement.

14. RELIANCE

City and Developer each represent and acknowledge that, in executing this Agreement, they do not rely and have not relied upon any representation or statement made by any of the Parties hereto, or by any of the Parties' agents or representatives with regard to the subject matter, basis or effect of this Agreement or otherwise, other than those specifically stated in this written Agreement.

15. INTEGRATION CLAUSE

This Agreement represents and contains the entire agreement and understanding among the Parties hereto with respect to the subject matter of this Agreement, and supersedes any and all prior oral and written agreements and understandings, and no representation, warranty, condition, understanding or agreement of any kind with respect to the subject matter hereof shall be relied upon by the parties unless incorporated herein. This Agreement may not be amended or modified except by an agreement in writing signed by the Party against whom the enforcement of any modification or amendment is sought.

16. FEES AND EXPENSES

In the event that any litigation or other proceeding is brought to enforce this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and litigation expenses.

17. SUCCESSORS AND ASSIGNS; THIRD-PARTY BENEFICIARIES

No Party shall assign this Agreement, or any rights, duties or obligations hereunder, without the express prior written consent of the Parties, which consent may be granted or denied in each of such other Party's sole and absolute discretion. Nothing in this Agreement, whether express or implied, is intended (a) to confer any rights, benefits or remedies under or by reason of this Agreement on any person or entity other than the Parties and their respective successors and permitted assigns, or (b) to give any third person or entity any right of subrogation or action against any Party.

18. CONSTRUCTION OF AGREEMENT; INTERPRETATION

Each Party has cooperated in drafting and preparation of this Agreement, and accordingly the rule of construction that ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement. The descriptive headings used in this Agreement are for convenience only and shall not affect the meaning of any provision of this Agreement. When required by the context, whenever the singular number is used in this Agreement, the same shall include the plural, and the plural shall include the singular; the masculine gender shall include the feminine and neuter genders and vice versa.

19. SEVERABILITY

Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be

prohibited by, or be invalid under, applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement, which shall remain binding and enforceable.

20. NO WAIVER

No provision of this Agreement may be waived unless the waiver is in writing and signed by the Party or Parties whose rights would thereby be waived and/or affected. Waiver of any one provision of this Agreement shall not be deemed to be a waiver of any other provision of this Agreement nor shall such waiver be deemed a continuing waiver of any such provision. This Agreement may be modified or amended only by written agreement executed by all of the Parties.

21. COUNTERPARTS

This Agreement may be executed in counterparts, each of which may be deemed an original and all of which together shall constitute a single instrument.

IN WITNESS WHEREOF, the Parties do hereby agree to the full performance of the terms set forth in this Agreement.

Dated: _____

GAHC4 BELMONT CA ALF LLC,
a Delaware limited liability company

Name: Ray Oborn
Its: Authorized Signatory

Dated: _____

CITY OF BELMONT

Name: