



## **STAFF REPORT**

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### **Public Hearing to Adopt Amendments to Section 13 Design Review and Establish Section 13A Single Family and Duplex Residential Design Review of the Belmont Zoning Ordinance (Ord. 360) (First Reading)**

**January 13, 2004**

**Honorable Mayor and Council Members**

#### **Summary**

On December 2, 2003, by a vote of 6 to 0, the Planning Commission recommended to the City Council a set of changes to the Zoning Ordinance regarding the review of single family and duplex residential design review. The changes remove portions of Section 13 (Design Review) related to single family residential development and create a new Section 13A (Single Family and Duplex Residential Design Review). The new section provides an up-to-date set of procedures, findings and standard conditions for the review of new and remodeled homes and duplexes. A public hearing has been noticed for this item.

#### **Discussion**

The Planning Commission has been reviewing changes to the provisions for single family design review of Section 13 (Design Review) of the Belmont Zoning Ordinance since the City Council directed work on the matter on July 23, 2002. The Commission has since conducted seven study sessions and one public hearing, beginning with a review of five Zoning Ordinance and City Code sections:

- Single family design review (BZO Section 13, part)
- Floor Area Exception procedures (BZO Section 4, part)
- Grading (City Code Section 9)
- Trees (City Code Section 25), and
- Encroachment (City Code Section 22, Article 1)

In addition, the Commission discussed the possibility of including architectural review and solar access as design review issues. Ultimately, the Commission decided to eliminate Floor Area

Exceptions from the new Single Family Design Review ordinance, allowing it to remain a separate procedure. Also, architectural review and solar access were rejected from consideration in the procedures at this time. The result is a draft ordinance that corrects many of the inconsistencies of the old language as compared to the City's current practice, and introduces a set of findings and other regulations that better reflects the Commission's priorities for the development of single family dwellings.

### **Draft Ordinance**

In order to provide a clear and unambiguous set of procedures for single family design review, the Commission is recommending a separate section in the Zoning Ordinance – Section 13A (Single Family and Duplex Residential Design Review) – to follow Section 13 (Design Review). Section 13 is proposed to be amended to remove those subsections that are now in new Section 13A. A strikeout / underline version of Section 13 and a new Section 13A are attached.

At the beginning of this project, the City Council directed staff to address a number of issues which had been identified as problems with the current single family design review regulations. These problems and the proposed ordinance's response are as follows:

#### *All Approvals (Design Review, Tree Removal, Grading Permits, Encroachment Permits)*

<i>PROBLEM</i>	<i>RESPONSE</i>
<ul style="list-style-type: none"> <li>▪ <i>Many single family homes now face multiple permits for single proposal (\$6000 to \$9,000 in fees).</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ No permits have been eliminated, but some steps have been consolidated. A review of the fee structure at the fiscal year may yield lower costs to applicants</li> </ul>
<ul style="list-style-type: none"> <li>▪ <i>Excessive staff time is required to process multiple paperwork for one project.</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff will review all paperwork to identify opportunities for consolidation / simplification</li> </ul>
<ul style="list-style-type: none"> <li>▪ <i>There is significant overlap in several purpose and findings statements, especially on the subjects of neighborhood compatibility, tree protection / preservation, and minimizing grading / erosion.</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ Purpose and finding statements have been re-ordered, simplified and clarified. Purpose statements now address overall intent of Section; Findings focus on project-specific issues.</li> </ul>
<ul style="list-style-type: none"> <li>▪ <i>There are numerous, specialized thresholds for authority among the permits (that is, staff or Commission review is set differently for each permit).</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ All thresholds for authority have been consolidated and standardized.</li> </ul>

### Design Review

- *The authority for Planning Commission review of single family homes is not clearly established.*
- *The standards are mixed in with the purpose statement.*
- The authority for Planning Commission review is clearly established (Section 13A.2).
- The purpose statement (Section 13A.1) and standard conditions (Section 13A.6) are separated

### Grading

- *The authority for Planning Commission review is contained within the grading permit rules – after zoning would normally be complete.*
- *The standards combine technical (non-discretionary) with discretionary issues.*
- The Planning Commission’s authority to review grading plans is made explicitly part of design review of single family and duplex residential development.
- The standards and findings now focus on issues of concern to the Planning Commission and leave non-discretionary matters to the Plan Check process.

### Tree Removal

- *There are no findings, per se. “Factors” are used in place of findings.*
- New findings specifically address the removal / excessive pruning of trees as a part of overall project review.

### Floor Area Exception

- *The purpose statement includes provision of off-street parking, but standards and findings make no mention of parking.*
- The Floor Area Exception was removed from the Design Review revisions. It will remain a separate action.

### Variance

- *The Variance stands alone because it has an approach based on State law.*
- *The findings do not allow for balancing*
- No changes to the Variance.
- No changes.

*of project qualities.*

*Other Issues*

- *Encroachment Permits*
- *Balancing various issues*
- *Solar “domain”*
- *Improved Architecture*
- Encroachments associated with new development will be reviewed by the Planning Commission for a recommendation to City Council (Section 13A.2.e)
- A finding now allows the Commission to balance building bulk, grading, hardscape and tree removal (Section 13A.5.b)
- Considered, but not included
- Considered, but not included

The following additional features are highlighted in the new Section 13A:

- Section 13A.2 – The new regulations would apply to single family and duplex residential development. The City has three small R-2 (Duplex Residential District) neighborhoods – Kedith Way, from Ralston Ave. to O’Neill Ave.; Essex Way, east and west of Hillar Avenue; and Belmont Avenue, above El Camino Real – about seventy-six properties in all. These are similar to many of the City’s single family neighborhoods in scale and appearance. It was determined that they would be properly controlled with the same rules and findings.
- Section 13A.5.f – Landscape findings have been consolidated to provide more direct control over landscape plans. Reference is also made to Section 25 (Trees) of the Belmont City Code for standards related to tree replacement. The City Council is currently revising those standards to assure more substantial replacement requirements and in-lieu fee payments.
- Section 13A.5.h – This finding provides reference to Section 22, Article 1 (Encroachments) of the Belmont City Code. Again, the City Council is currently revising that section to establish clearer rules for encroachment review by the Commission.
- Section 13A.6 – The Standard Conditions have been updated, including suggestions by the City Attorney for language improvements, and for reference to the Tree Ordinance of the City Code.

**Required Findings**

The only required finding for a Zoning Ordinance amendment is that it must “...achieve the objectives of the Zoning Plan and the General Plan” (Section 16.5). Staff notes that there is no Zoning Plan, per se; however, the Zoning Ordinance contains a purpose statement (Section 1.1)

that represents the objectives of the City’s zoning regulations:

*1.1 PURPOSE – The following regulations for the zoning of 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.*

The objectives of the Belmont General Plan are contained in its “General Community Goals and Policies”, several of which (listed below) are affected by this proposal. As noted above, the Commission must determine that they are achieved by the proposed amendment language.

### **GENERAL COMMUNITY GOALS AND POLICIES**

#### *Goals -*

- 2. To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont’s residential neighborhoods.*
- 4. To maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.*

#### *Policies –*

- 1. New development should be of a scale and character compatible with surrounding land uses and Belmont’s small city environment.*
- 2. Intensity of use of land as measured by such factors as parcel size, population density, building coverage, extent of impervious surfaces, public service requirement parking requirements, and traffic movements should be based on the following general principles:*
  - a. Intensity of land use should decrease as steepness of terrain and distance from major thoroughfares increase.*
  - b. The lowest intensities of use should occur on the steep hillsides to limit storm runoff, prevent increased erosion, avoid unstable slopes, protect vegetation and watersheds and maintain scenic qualities.*
  - c. Intensity of use of individual parcels and buildings should be governed by considerations of existing development patterns, water and air quality, accessibility, traffic generation, parking noise, fire safety drainage, natural hazards, resource conservation and aesthetics.*
  - d. Intensity of land use should be regulated according to the availability of community facilities and services.*

The proposed revision to create a separate Single Family and Duplex Residential Design Review ordinance section helps achieve these goals and policies, especially as it affects residential neighborhoods. With the ability to more effectively balancing sometimes competing concerns (grading, tree protection, etc.) and with new authority to review development-related encroachments, the City will assure more attractive and environmentally sensitive residential development.

**Environmental Review**

Staff has prepared and the Planning Commission recommends the adoption of a Negative Declaration for this project. After consideration of the Initial Study, as prepared under the rules of CEQA, the Commission has concluded that no adverse environmental effects are expected from this project. A separate resolution for adoption of the proposed Negative Declaration is attached.

**Fiscal Impact**

None

**Recommendation**

Staff recommends that the Council:

1. Approve the attached resolution adopting a Negative Declaration for the proposed zone text amendment
2. Introduce for first reading the attached draft ordinance revising the procedures for reviewing single family and duplex residential development.

**Alternatives**

1. Reject the amendment
2. Adopt an alternative amendment. (Please note that a substantially different proposal may require returning it to the Planning Commission for further review.)

**Public Contact**

None

**Attachments**

- A. Draft Resolution for Adoption of Negative Declaration
- B. Initial Study and Environmental Questionnaire
- C. Draft Ordinance to Amend Section 13A (Single Family Design Review) and Establish Section 13A (Single Family and Duplex Residential Design Review)
- D. Resolution of Planning Commission (12/2/2003)

Respectfully submitted,

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