



Staff Report

ZONE TEXT AMENDMENTS TO BELMONT ZONING ORDINANCE 360 REGARDING SINGLE FAMILY RESIDENTIAL PARKING STANDARDS - SECTION 2.16 (DEFINITIONS - BEDROOM), SECTION 8.1.4 (PARKING - SCOPE OF REGULATIONS), AND SECTION 8.3.1(E) (DESIGN STANDARDS – PARKING AREAS)

Honorable Mayor and Council Members:

Summary

On February 1, 2005, by a vote of 4 to 2 (1 abstained), the Planning Commission adopted a resolution recommending zoning amendments to Section 2.16 (Definitions - Bedroom), Section 8.1.4 (Parking - Scope of Regulations), and Section 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Code. The zone text amendments would revise Belmont’s regulations relating to parking upgrades for single family residential projects, and the definition of a “bedroom”. Staff has also included a discussion of how the proposed ordinance might affect existing project applications (See Page 6 of this report). A copy of the Planning Commission resolution, February 1, 2005 staff report, and meeting minutes are attached to this staff report. A public hearing has been noticed for this item. Staff recommends Council introduce the Zone Text Amendment (ZTA) presented in Attachment A.

Background

The City Council provided preliminary direction on this issue at their October 12, 2004 meeting and initiated the amendments to the Zoning Ordinance regarding the residential parking upgrades and “bedroom” definition. Presently, the current “trigger” for bringing an under-parked dwelling into conformance is the addition of two or more bedrooms¹. It should be noted that all new single family dwellings require four off-street spaces (2 garage spaces & 2 uncovered). Furthermore, there has

¹ BZO Section 8.1.4 (Scope of Regulations)

At the time of erection or enlargement of any building containing one or more dwelling units, or of the addition of one or more dwelling units to or within an existing building, unless otherwise prohibited in this Ordinance, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each new or added dwelling unit in any one or two family structures, and not less than one (1) automobile garage space plus one (1) additional on-site parking space for each new or added unit in any multi-family structure. Furthermore, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each dwelling unit in any one or two family structure when more than one bedroom is being added to such dwelling unit. For purposes of this section, a bedroom shall be defined as any room which is at least 70 square feet in area and includes both a built in closet framed within the walls of the room and a door which separates the room from adjoining floor area within the dwelling unit. Notwithstanding this section, all secondary dwelling units shall comply with the parking standards set forth in Sections 8.4.1(f) and 24.3(i) of the Belmont Zoning Code.

been a growing concern from the Planning Commission (especially within the last year) relating to substantial expansions of existing single-family residences with no parking upgrades to the site. This issue is apparent as the current ordinance (based solely on bedroom additions) seems to encourage the creative labeling of new living space – added rooms are labeled as dens, offices, gyms, and the like. The result is sometimes substantially larger homes with the potential for additional residents, but no additional parking required. This exacerbates an already difficult parking situation in many of our neighborhoods.

The Planning Commission has since conducted three public hearings (December 7, 2004, January 4, 2005, and February 1, 2005) to discuss possible amendments. A summary of the discussions at each of these meetings is provided below:

December 7, 2004 Commission Hearing

Staff presented draft amendments to the Commission for their review; the amendments included two new “triggers”:

- Additions of 400 square feet or greater (regardless of use).
- Any project that resulted in a total bedroom count of four or more.

In addition, staff recommended one stand-alone “bedroom” definition (as it is currently defined in two different sections of the BZO) to remove any ambiguity over what constitutes a bedroom. After discussion of the proposed amendments the Commission continued the item, requesting staff modify the draft language to include:

- A change in the proposed square footage “trigger” from the 400 sq ft. proposed by staff to a higher number.
- Clarifying the “trigger” when a dwelling addition results in four bedrooms in total.
- Minor modifications to the “bedroom” definition.
- An exception from the required parking upgrade to a conforming (20’ x 20’ interior clear garage) where the existing dwelling garage dimensions are “close” to the current standard.

See attachment B – 12/7/04 PC staff report/minutes for additional background and discussion from this meeting.

January 4, 2005 Commission Hearing

Staff presented the Commission requested changes into draft ZTA language for Commission review. The Commission discussion resulted in their endorsement of the parking upgrade “trigger” for any floor area addition of 600 square feet or greater. Following Commission discussion of the draft amendments at this meeting (see Attachment C – 1/4/05 staff report and meeting minutes), the Commission continued the matter requesting staff modify the draft language to include:

- A “trigger” for the parking upgrade based on resulting dwelling size.
- A mandate that a portion of maximum allowable dwelling floor area be “withheld” if a garage is not upgraded to the two-car 20’ X 20’ (interior clear space) standard.
- Modifications to the “bedroom” definition.

February 1, 2005 Commission Hearing

Staff presented the revised ZTA language for Commission review. The Commission discussion resulted in their endorsement of the parking upgrade “trigger” for any floor area modification that results in a dwelling becoming 3,000 square feet or larger (from some lower number). At the conclusion of discussion on the item, the Commission adopted a resolution recommending City Council approval of the amendments as presented in this staff report (See Attachment D – 2/1/05 staff report/resolution/meeting minutes). No members of the public addressed the Commission at the three public meetings held for review of the draft amendments.

BZO Section	Section Title	Summary of Proposed Amendments
2	Definitions	<ul style="list-style-type: none"> • Amendments will modify the existing “bedroom” definition (Section 2.16) to clarify the size, and type of rooms that are considered bedrooms. Changes to this section coupled with the proposed amendments for Section 8.1.4 (see below) will create one stand-alone definition for a bedroom.
8	Off-Street Parking & Loading	<ul style="list-style-type: none"> • Amendments for Section 8.1.4 create the following additional “triggers” (in addition to the current “more than one bedroom added” provision) to require a parking upgrade: <ol style="list-style-type: none"> 1. 600 sq. ft. or greater addition 2. Addition resulting in a 3,000 sq. ft. or greater dwelling 3. Addition increasing dwelling bedroom count from three or fewer to four or more Amendments to this section also include deletion of language referencing bedrooms to create a stand-alone definition in Section 2.16 (see above) • Amendments for Section 8.3.1(e) would permit garages constructed prior to the effective date this ordinance with a 17ft. (width) X 18 ft. (length) to be considered a legal-nonconforming two-car garage. Other changes to this section would mandate that an existing dwelling with a 17’X18’ garage may continue this nonconformity as long as the square footage necessary to establish a 20’ x 20’ garage be reserved from the maximum permitted dwelling floor area for a future garage upgrade.

Discussion

Zone Text Amendment

The 2/1/05 Commission recommended amendments to the City Council for adoption are as follows (new text is denoted in bold *italics*, and text to be deleted is denoted in ~~strikeout~~):

1. Section 2.16 (Definitions - Bedroom):

*2.16 BEDROOM - Any room at least seventy square feet or more in area ~~other than a bathroom, kitchen or the principal living room~~ in a residential structure **which is not a kitchen, dining room, living room, or bathroom. which is suitable for or capable of being used for sleeping accommodations. Dens, studies, or other rooms which are capable of being used for sleeping quarters that contain a closet, or to which a closet could be added, shall also be considered bedrooms.***

2. Section 8.1.4 (Parking - Scope of Regulations):

*8.1.4 At the time of erection or enlargement of any building containing one or more dwelling units, or of the addition of one or more dwelling units to or within an existing building, unless otherwise prohibited in this Ordinance, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each new or added dwelling unit in any one or two family structures, and not less than one (1) automobile garage space plus one (1) additional on-site parking space for each new or added unit in any multi-family structure. Furthermore, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each dwelling unit in any one or two family structure when **any of the following occurs:***

- ***600 or more square feet of gross floor area is added to the dwelling²***
- ***Any floor area modification that results in a dwelling becoming 3,000 square feet or larger***
- ***Any floor area modification that results in an increase in the number of bedrooms from three or fewer to four or more***
- ***More than one bedroom is being added to such dwelling unit***

~~more than one bedroom is being added to such dwelling unit. For purposes of this section, a bedroom shall be defined as any room which is at least 70 square feet in area and includes both a built in closet framed within the walls of the room and a door which separates the room from adjoining floor area within the dwelling unit. Notwithstanding this section, all secondary dwelling units shall comply with the parking standards set forth in Sections 8.4.1(f) and 24.3(i) of the Belmont Zoning Code.~~

3. Section 8.3.1(e) (Design Standards – Parking Areas):

² If the Council adopts a significantly higher number, staff recommends a modification to the “More than one bedroom added” threshold, as follows: Any four bedroom or larger home will be required to meet the parking standard if just one more bedroom is added.

Minimum Garage Dimension - A garage containing two parking spaces shall have an inside dimension of not less than 20 feet by 20 feet; however, any garage constructed prior to (effective date of this ordinance) having a minimum interior dimension of 17 feet in width by 18 feet in depth shall be considered a legal nonconforming two-car garage for purposes of this Ordinance. Any such dwelling with a 17' X 18' legal nonconforming garage may continue its nonconformity provided the square footage necessary to establish a 20' x 20' garage be reserved from the maximum permitted dwelling floor area for a future garage upgrade.

Required Findings – Zoning Ordinance Amendments

The only required finding for Zoning Code amendments is that it must “...achieve the objectives of the Zoning Plan and the General Plan for the City” (Section 16.5). Staff notes that there is no Zoning Plan; however, the Zoning Code 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. The Commission was required to determine that they are achieved by the proposed amendments.

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.*
10. *To provide for safe and efficient movement of people and goods within the community and between the community and other areas of the region with a minimum of disruption and adverse environmental effects.*

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.*
11. *On-street parking should be controlled by requiring provision of off-street parking in new development, construction of additional off-street parking spaces, especially in the Central Business District and near Old County Road, preventing the conversion of space or uses to higher intensities unless adequate off-street parking is provided.*

In taking action on the proposed zone text changes, staff and the Commission believe the aforementioned modifications to Sections 8.1.4 and 8.3.1(e) clarify the parking requirement for residential additions by:

1. Providing clear direction to the applicant at the project design stage.
2. Promoting the two-car garage requirement along with the overall home design during the design review process.
3. Strengthening the requirement for, and allocating a portion of permitted floor area to be used toward, upgrading garages.

Staff believes that a revision of the single family residential parking standards will lead to more on-site parking being provided with expansion of single family homes. Any of the additional thresholds would force more applicants to face parking upgrades, by complying with the (two-car garage & two off-street space) parking requirement, reducing the size of the project, or seeking a Variance from the Commission. Approval of a variance would require satisfaction of all findings as outlined in Section 14.5.1 (Variances) of the Belmont Zoning Ordinance.

As discussed earlier, the result of the zone text modifications would serve to strengthen the requirement for upgrading garages. Staff further believes the recommended zone text modifications for the “bedroom” definition remove uncertainty in determining what constitutes a bedroom for purposes of residential additions.

Because of overriding concerns for a lack of on-street parking and for the narrow street system in Belmont, requiring additional parking for new single family residential projects would reduce adverse impacts to existing on-street parking. Specifically, creating additional “triggers” for required parking upgrades for single family residential projects provides for site- and case-specific

review of issues raised in the General Community Goals and Policies cited above related to:

- safe and efficient movement of goods and people
- location, timing, and design of new development
- compatibility, scale, and character of development
- intensity of use

By establishing more current and comprehensive development standards for single family residential development, the proposed amendments would generally be more responsive to the physical environment, existing development, and needs of the community. Staff further believes the draft amendment language would assist in maintaining local control over the size, scope, and character of residential addition projects. Finally, staff believes the proposed amendments support protecting and promoting the comfort, convenience, and general welfare of those who live and work in Belmont, and advance the goal of providing a precise guide for physical development of the city. In summary, staff has concluded that the proposed amendments meet the required finding and achieve the objectives of the Zoning Plan and Belmont General Plan.

Ordinance Applicability/Effective Date

The Council has the option of allowing existing projects to be reviewed under the existing parking ordinance (i.e. based solely on number of bedrooms added) rather than under the new rules. Staff believes that the issue of how the new ordinance applies to existing applications may be of interest to the Council and therefore we offer the following comments. Typically a change to the Zoning Ordinance will apply to all projects which have not received building permits (even if they have already received zoning approvals such as SFDR). However, there may be a significant number of applicants who will find their projects impacted by these new rules, after they have been in the process for many weeks or months. Essentially, there are four key stages (or milestones) in the life of a project:

1. Original application submittal date
2. Date application deemed complete for filing (this is the date staff determines that it has received all necessary information to be able to fully analyze the project for zoning conformance)
3. Planning Commission approval date
4. Building Permit issuance date

The Council could mandate ordinance applicability for projects at any of these four stages³. In determining when to make the ordinance effective, Council should consider the trade off between time & money spent by applicants under the current rule vs. the desire to implement a new standard.

Staff estimates there are 14 projects in one of the above-described stages and may be affected by the proposed ordinance amendments. Of these projects, five have received Commission approval but have not been issued building permits, five have been deemed complete but have not yet been reviewed/approved by the Commission, and four have been recently submitted but not deemed complete for filing. While some of these projects are providing the required parking, staff has

³. After the issuance of building permits, and after other progress has occurred, the project is usually considered “vested” and new rules would not apply.

determined that at least seven would require substantial modifications to the existing dwelling layout to accommodate a parking upgrade. Applicants submitting plans since December 2004 have been informed that a change in the parking standard was under consideration.

Stage	Status of Current Projects Submitted to the City	Would Require Parking Upgrade
1	Recently Submitted (Not Yet Deemed “Complete”)	4
2	Complete, but Not Reviewed/Approved by Commission	3
3	Received Commission Approval (Not Yet Issued Building Permits)	4
		14
		7

Staff believes the number of potentially affected projects justifies considering at which stage the ordinance should apply. Staff recommends the Council consider allowing residential additions which have been submitted to the City to be reviewed under the current ordinance. “Submitted” would be identified as receiving a Planning Application number and paying associated fees (Stage 1). As discussed earlier, however, the Council may set ordinance applicability at any of the four stages.

Environmental Clearance (CEQA)

The proposed Zone Text Amendments are subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). Based on the increasing control this proposed amendment would place over single family residential development, the Commission has concluded that the proposed project would be Categorical Exempt under CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

Fiscal Impact

No Fiscal Impact.

Public Contact

1. For Zone Text Amendment proposals with City-wide impacts, the City Council is required to hold a public meeting as per Section 16.7 (Amendments) of the BZO. The City placed a public notice display ad in the local newspaper of general circulation (San Mateo Times) for a minimum 10-day period beginning on February 26, 2005, for the scheduled public hearing by the City Council on March 8, 2005. Staff has received no public contact as of the date this report was prepared.
2. This matter was placed on the agenda and posted as required by the California Government Code.
3. All applicants “in process” (not yet issued a building permit) were notified of this agenda item.

4. This issue was discussed at the February 17, 2005 Neighborhood Association meeting and presidents were informed of this agenda item.

Recommendation

Staff recommends that the Council introduce for first reading the attached draft ordinance amending Section 2.16 (Definitions - Bedroom), Section 8.1.4 (Parking - Scope of Regulations), and Section 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Ordinance regarding single family residential parking standards and make it effective for any project submitted after March 8, 2005.

Alternatives

1. Reject the amendments.
2. Adopt alternative language (Please note that a substantially different proposal may require returning it to the Planning Commission for further review).
3. Set a different effective date for the new parking standard.
4. Take no action.

Attachments

- A. Draft Ordinance amending Belmont Zoning Ordinance 360 regarding Single Family Residential Parking Standards - Section 2.16 (Definitions - Bedroom), Section 8.1.4 (Parking - Scope of Regulations), and Section 8.3.1(e) (Design Standards – Parking Areas)
- B. December 7, 2004 Planning Commission Staff Report and Meeting Minutes
- C. January 4, 2005 Planning Commission Staff Report and Meeting Minutes
- D. February 1, 2005 Planning Commission Staff Report, Resolution, and Meeting Minutes

Respectfully submitted,

Carlos de Melo
Principal Planner

Craig A. Ewing, AICP
Community Development
Director

Daniel Rich
Interim City Manager

ORDINANCE NO. _____

ATTACHMENT A

ORDINANCE AMENDING SECTIONS 2.16 (DEFINITIONS – BEDROOM), 8.1.4 (PARKING - SCOPE OF REGULATIONS), AND 8.3.1(E) (DESIGN STANDARDS – PARKING AREAS) OF BELMONT ZONING ORDINANCE NUMBER 360

FOR SINGLE FAMILY RESIDENTIAL PARKING STANDARDS

WHEREAS, on April 13, 2004 and October 12, 2004, the City Council directed staff to evaluate the thresholds for requiring conforming parking for single family residential projects, and the definition of a “bedroom” for Commission consideration of possible amendments to Sections 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Zoning Ordinance; and,

WHEREAS, on December 7, 2004, January 4, 2005, and February 1, 2005, the Planning Commission, following notification in the prescribed manner, conducted public hearings, at which hearings the Commission considered public testimony and staff reports for the zone text amendments, and recommended amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Zoning Ordinance; and,

WHEREAS, on March 8, 2005, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned amendments; and,

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

WHEREAS, the City Council hereby adopts the staff report (dated March 8, 2005) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment; and,

WHEREAS, the City Council after consideration of all testimony and reports hereby determines that the proposed amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Ordinance for single family residential parking standards, and the definition of “bedroom” achieves the objectives of the Zoning Plan and the General Plan for the City. These amendments would provide for more current and comprehensive development standards for single family residential projects. These amendments support protecting and promoting the comfort, convenience, and general welfare of the community, advance the goal of providing a precise guide for physical development of the city, and fulfill the General Community Goals and Policies of the General Plan.

Section 1: NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belmont that Section 2.16 (Definitions - Bedroom) of the Belmont Zoning Ordinance be hereby amended to read as follows:

2.16 BEDROOM - Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. Dens, studies, or other rooms which are capable of being used for sleeping quarters that contain a closet, or to which a closet could be added, shall also be considered bedrooms.

NOW THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of

Belmont that Section 8.1.4 (Parking - Scope of Regulations) of the Belmont Zoning Ordinance be hereby amended to read as follows:

At the time of erection or enlargement of any building containing one or more dwelling units, or of the addition of one or more dwelling units to or within an existing building, unless otherwise prohibited in this Ordinance, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each new or added dwelling unit in any one or two family structures, and not less than one (1) automobile garage space plus one (1) additional on-site parking space for each new or added unit in any multi-family structure.

Furthermore, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each dwelling unit in any one or two family structure when any of the following occurs:

- 600 or more square feet of gross floor area is added to the dwelling
- Any floor area modification that results in a dwelling becoming 3,000 square feet or larger
- Any floor area modification that results in an increase in the number of bedrooms from three or fewer to four or more
- More than one bedroom is being added to such dwelling unit

Notwithstanding this section, all secondary dwelling units shall comply with the parking standards set forth in Sections 8.4.1(f) and 24.3(i) of the Belmont Zoning Code.

NOW THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Ordinance be hereby amended to read as follows:

- 8.3.1(e) Minimum Garage Dimension - A garage containing two parking spaces shall have an inside dimension of not less than 20 feet by 20 feet; however, any garage constructed prior to (effective date of this ordinance) having a minimum interior dimension of 17 feet in width by 18 feet in depth shall be considered a legal nonconforming two-car garage for purposes of this Ordinance. Any such dwelling with a 17' X 18' legal nonconforming garage may continue its nonconformity provided the square footage necessary to establish a 20' x 20' garage be reserved from the maximum permitted dwelling floor area for a future garage upgrade.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more

section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2005.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2005.

AYES,
COUNCIL MEMBERS: _____
NOES,
COUNCIL MEMBERS: _____
ABSTAIN,
COUNCIL MEMBERS: _____
ABSENT,
COUNCIL MEMBERS: _____
RECUSED,
COUNCIL MEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

PLEASE NOTE:

Attachments B, C, and D are not included as part of this document – please contact the City Clerk’s Office at (650) 595-7413 for further information on these attachments