



Staff Report

ZONING AMENDMENT TO CONSIDER AMENDING THE BELMONT ZONING MAP TO RE-DESIGNATE CERTAIN CITY-OWNED PROPERTIES FROM HRO-3 TO AGRICULTURE AND SECTION 7 OF THE BELMONT ZONING ORDINANCE REGARDING PERMITTED USES IN THE AGRICULTURE (A) DISTRICT

Honorable Mayor and Council Members:

Summary

On February 15, 2004, by a vote of 7 to 0, the Planning Commission recommended a zoning amendment, as follows:

1. Amend the Belmont Zoning Map to redesignate city-owned properties in the Western Hills Area from HRO-3 to Agriculture, and
2. Amend the Belmont Zoning Ordinance to reclassify in the Agriculture Zone district certain land uses previously permitted 'by right' to conditionally permitted.

These change are consistent with the Council's initial direction provided on May 11, 2004. Copies of the Planning Commission resolution, meeting minutes and staff report are attached to this memo. A public hearing has been noticed for this item.

Background and Discussion

Over the years, the City has continuously sought ways in which to preserve open space in its hillsides. This proposed zoning amendment began with the work of a citizens committee – the Outdoor Recreation Task Force – whose recommendations included amending the zoning of City-owned lands in the Western Hills Area to the most restrictive use. The City Council accepted that recommendation on July 8, 2003. Subsequently, the Council approved the item on the Priority Calendar of Spring 2004, adopted April 18, 2004.

On May 11, 2004, the Council reviewed a staff report and formally initiated a zoning map and zone text amendment for the purpose of providing increased open space protection. The only finding required for amending the zoning ordinance is that the amendment must achieve the objectives of the Zoning Plan and the General Plan. As described in the attached 2/15/05 Planning Commission memorandum, staff has analyzed the relevant policies and concluded that the required finding is met by the proposed amendments.

At the Planning Commission meeting, no public testimony was offered.

Environmental Review

Staff has concluded that the proposed amendments are Categorical Exempt from CEQA under Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

Fiscal Impact

None

Public Contact

Publication in newspaper of record and posting of agenda.

Recommendation

Staff recommends that the Council introduce for first reading the attached draft ordinance amending the zoning map and zoning ordinance.

Alternatives

1. Reject the amendment
2. Adopt alternative amendments related to the zoning of City-owned HRO-3 land and / or uses in the Agriculture Zone. (Please note that any substantially different proposal may require returning it to the Planning Commission for further review.)

Attachments

- A. Draft City Council Ordinance
- B. Planning Commission Resolution No. 2005-05
- C. Planning Commission Meeting Minutes (February 15, 2005; draft excerpts)
- D. Planning Commission Staff Report (February 15, 2005)

Respectfully submitted,

Craig A. Ewing, AICP
Planning and Community Development Director

Daniel Rich
Interim City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT AMENDING THE BELMONT ZONING MAP AND SECTION 7 (AGRICULTURE DISTRICT) OF THE BELMONT ZONING ORDINANCE (APPL. NO. 2004-0076)

WHEREAS, on May 11, 2004, the City Council of the City of Belmont, in accordance with Section 16.2.1 of the Belmont Zoning Ordinance initiated an amendment to the Zoning Ordinance regarding the designation of certain city-owned lands in the HRO-3 district and regarding the uses permitted in the Agriculture district (Section 7 of the Belmont Zoning Ordinance); and

WHEREAS, on February 15, 2005, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, considered public testimony and a staff report, and adopted Resolution No. 2005- recommending certain amendments to the Belmont Zoning Map and to Section 7 of the Belmont Zoning Ordinance; and

WHEREAS, on March 8, 2005, the City Council of the City of Belmont, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on proposed amendments to the Belmont Zoning Map and to Section 7 of the Belmont Zoning Ordinance, and hereby adopts the related staff report of March 8, 2005 as its own findings of fact; and

WHEREAS, The City Council has determined that the recommended amendments would provide improved protection of the environment by reducing development potential of city-owned lands, especially those located within the Western Hills Area, and therefore in accordance with the provisions of the California Environmental Quality Act (CEQA) hereby determines that the project is Categorically Exempt under Section 15308 of the State Guidelines for the Implementation of CEQA; and

WHEREAS, the City Council after consideration of all testimony and reports hereby determines that the proposed amendments to the Belmont Zoning Map and to Section 7 of the Belmont Zoning Ordinance achieve the objectives of the Zoning Plan and the General Plan – including the Western Hills Area plan – because said amendments will allow for greater protection of hillside open space and provide clearer intent with regard to the permitted uses of city-owned lands, thereby protecting and promoting the comfort, convenience and general welfare of the community, and fulfilling the General Community Goals and Policies of the Belmont General Plan and the policies of the Western Hills Area Plan.

Section 1: **NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belmont that the Belmont Zoning Map shall be amended to redesignate as Agriculture all city-owned lands currently zoned HRO-3 and that Sections 7.2 and 7.3 of the Belmont Zoning Ordinance are amended to read as follows:

7.2 *PERMITTED USES*

- (a) *Agriculture, as defined in Section 2.6.*
- (b) *One family detached dwelling including accessory buildings, as regulated in the R-1A Districts, with the exception that the minimum lot size for such use shall be one acre.*
- (c) *Accessory structures and uses located on the same site as a one family residence for which the use is clearly related to single family dwelling, including the following:*
 - 1) *Garages and carports.*
 - 2) *Garden structures.*
 - 3) *Greenhouses.*
 - 4) *Storage buildings.*
 - 5) *Recreation rooms.*
 - 6) *Hobby shops provided that no noisy or otherwise objectionable*

machinery or equipment is used and provided that no sales are made therefrom.

- 7) *Private stables for the keeping of not more than three horses on a site not less than two acres in area, provided that one additional horse may be kept for each additional acre of area of the site, and provided that no stable shall be located closer than 50 feet to any dwelling on the site or closer than 200 feet to any other dwelling.*
- 8) *Private swimming pools.*
- (d) *Public elementary schools, junior high schools, high schools and colleges.*
- (e) *Public park, forest reserve, recreation or open space area.*

(f) *Libraries and library extension services*

7.3 *CONDITIONAL USES – The following uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:*

- (a) *Broadcasting tower for radio or television.*
- (b) *Public and private philanthropic and eleemosynary institutions*
- (c) *Public utility and public service structures or installations when found by the Commission to be necessary for the public health, safety or welfare.*
- (d) *Incidental and accessory structures and uses located on the same site with and necessary to the operation of a Conditional Use.*
- (e) *Private commercial recreation uses conducted primarily outside of a building and which does not significantly alter or eliminate the land's natural character. Height limits shall be established in the Conditional Use Permit.*
- (f) *Golf course, provided that no clubhouse or accessory building shall be located nearer than 500 feet to any dwelling.*
- (g) *Churches, parish houses, monasteries, convents and other religious institutions.*
- (h) *Hospital for patients with physical and/or mental illness or mental retardation and accessory structures and uses, including professional and administrative offices located on the same site.*
- (i) *Parochial and private elementary schools, junior high schools, high schools and colleges*
- (j) *Private day or residential schools and colleges not including business, professional or trade schools.*

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: _____

ABSENT,
COUNCIL MEMBERS: _____

ABSTAIN
COUNCIL MEMBERS: _____

MAYOR, City of Belmont

ATTEST:

CITY CLERK, City of Belmont