



Staff Report

DISCUSSION AND DIRECTION REGARDING ADMINISTRATIVE FLOOR AREA EXCEPTIONS

Honorable Mayor and Council Members:

Summary

One of the Community Development projects on the Council's Priority Calendar for FY06-07 is the consideration of amendments to Belmont Zoning Ordinance (BZO) Section 4.2.10(E) – Administrative Review/Approval of Floor Area Exceptions. This was a new item from Council added as part of the Spring 2006 Priority Calendar review. This memo seeks to clarify with the Council the specific issues to be addressed in the amendment. From the Council's direction at tonight's meeting, staff will prepare more detailed amendment language for consideration by the Planning Commission and adoption by the Council.

Background/Prior Amendment History

In September 1989, BZO Section 4.2.10 was added to allow for review of Floor Area Exceptions in the R-1 (Single Family Residential) Zoning Districts. Adoption of these provisions created the opportunity for such review by the Planning Commission, and in certain cases (to be discussed further in the memo) on an administrative level. Minor BZO language amendments for the Floor Area Exception (FAE) section were added in 1991, 1992, and 1996, with the most recent amendments adopted in February 2005 requiring notice to the Planning Commission and City Council of such Administrative FAE approvals.

Within the last nine months to a year, there has been a some questions raised at the Council level relating to the appropriateness, practicality, and findings of the types of Administrative Floor Area Exceptions that can be sought. These concerns thus created the connection for a work/study effort through the Priority Calendar process to examine the ordinance and potential amendments thereto.

Discussion

Current Ordinance – Administrative Floor Area Exceptions

As discussed earlier, at issue are the specific types of Administrative Floor Area Exceptions, their associated findings, and appropriateness. The specific ordinance language for review and potential amendment is as follows:

Section 4.2.10

- E. ADMINISTRATIVE EXCEPTIONS: The Director of Community Development may administratively approve exceptions to floor area standards for single family homes provided the Director finds that the findings listed below are met for the respective application type. Applications which are found not to meet these criteria and findings shall not be administratively approved and shall be subject to the same procedures requiring Planning Commission review.*
- 1. Findings for additions of 100 sq. ft. or less:*
 - a. No exception to floor area for a home addition of 100 sq. ft. or less has previously been approved and built on the subject property.*
 - b. Any administrative exception previously approved for a home addition of 100 sq. ft. or less, which has not yet been built, will be null and void upon approval of the current request.*
 - c. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable zoning district.*
 - 2. Findings for a garage addition of 450 sq. ft. or less:*
 - a. The addition will not adversely affect the views or privacy of adjacent property.*
 - b. The addition is compatible with the existing residence and neighboring properties.*
 - c. The exception would not result in excessive grading or tree removal.*
 - d. The amount of exception requested is not more than 450 sq. ft. and would be used entirely for the construction of garage parking spaces for an existing residence which currently does not have a full two car garage.*
 - e. The exception requested will not be used for constructing or enlarging a garage to have more than two parking spaces and will not be used to construct storage or work areas within the garage.*
 - 3. Findings for interior additions of 350 sq. ft. or less:*
 - a. All added floor area will be located entirely within the confines of the exterior walls of the main structure, below existing floor area, and will not result in the moving, extending, or addition of any exterior walls.*
 - b. The addition will not be used for construction of a secondary dwelling unit.*
 - c. The addition will not adversely affect the privacy of adjacent property.*
 - d. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable zoning district.*
 - e. The granting of the exception will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.*

Specific issues with the current Administrative Floor Area Exceptions Ordinance create the following policy questions squarely before the Council:

- **Are the three types of administrative applications appropriate? – if so – are the findings appropriate? Does the City ever receive Administrative FAE applications for the 100 sq. ft. exterior addition or “up to 450 sq. ft. garage addition” scenario?**

In assessing this issue, staff questions the necessity of an application for a 100 square foot exception to expand the footprint of the dwelling. A high number of single family expansion applications involve floor area additions that well exceed 100 square feet. There are associated economies of scale in construction projects (i.e. necessary infrastructure improvements, grading, permit fees, etc.) that are typical whether the project is 100, 300 or 500 square feet. Thus, it appears that this application type is impractical and certainly not commonplace.

Staff sees the merit in a FAE request (when appropriate for the site) for a garage expansion to create complying two-car covered parking. The Planning Commission and City Council have carried forward the importance of off-street covered/uncovered parking via adoption of the Single Family Residential Parking Upgrade Ordinance (Adopted in March 2005) that created additional thresholds for mandated complying parking in association with residential addition projects. Maintaining the opportunity for potential FAE application review/approval for residents that want to voluntarily upgrade their substandard garages is appropriate and furthers the off-street parking objective.

In the last seven years, there has not been a single FAE application for either the 100 sq. ft. exterior exception or the garage expansion exception. In any case, staff recommends maintaining the garage expansion exception application (with modifications to the associated findings and maximum garage size limits to create consistency). However, staff does not see a significant issue in removing the 100 square foot exception type in its entirety.

- **Should there be a “one-time only” provision for all three Administrative FAE types or any future types crafted via the ordinance amendments?**

One of the findings for the current 100 sq. ft. exception for exterior expansions is that this type of can only be approved/built once for the life of the dwelling. This provision prevents successive approvals whereby a piecemeal approach is taken to create a substantial amount of floor area added to a home over time. As discussed above, staff believes the 100 sq. ft. exterior exception type should be removed. However, staff believes a “one-time” provision should be added for the 350 sq. ft. interior addition (i.e. crawlspace conversion) application types. This change, in association with potential findings language modifications would create a more appropriate and streamlined approach in administrative assessment of floor area exception applications.

- **Should there be a maximum FAR that no property should exceed?**

For the R-1 Single Family Residential Zoning Districts, a .533 FAR multiplier is the maximum allowed for lower sloped properties (1-10%) in these areas. The maximum allowed floor area in all of these districts is a function of lot slope and lot size with 3,500 square feet as the cap in the R-1A, R-1B, and R-1C Districts, and 4,500 square feet as the cap in R-1E and R-1H Districts.

This FAR “multiplier”¹ as described in BZO Section 4.2.3(d) becomes incrementally smaller as the slope of the property increases. A looming policy question is that besides the maximum floor area cap as described above, is there an associated FAR cap that should be in place in association with other single family residential development standards (like setbacks, height, etc.).

- **Should there be a minimum lot size that a property must have in order to have the opportunity for Administrative FAE application submittal?**

Having a minimum lot size would prevent applications for substandard lots (below 5,000 sq. ft. or some other number), where the intensity of development (i.e. additional floor area) may be inappropriate given other potential property shortcomings like nonconforming setbacks (sides or rear). Larger lots, in most cases, create a better opportunity for floor area additions to not have adverse effects on adjacent properties (like privacy impacts or overtaxing the use of the site without appropriate provisions for off-street covered/uncovered parking).

- **Should Administrative Floor Area Exception review also involve assessment of corresponding FAR’s and lot/dwelling sizes of neighboring properties to determine compatibility?**

Currently this practice is typically only in place for Floor Area Exception applications that require Planning Commission review/approval as the associated findings for that application type require assessment of “neighborhood compatibility” from an FAR and dwelling size perspective. This review is not performed for the 100 sq. ft. exterior or 350 sq. ft. interior administrative exceptions as the current findings do not create the nexus (or requirement) to evaluate neighborhood FAR/dwelling size in determining FAE appropriateness.

¹ (d) *FLOOR AREA: The permitted Floor Area (FA) of buildings shall be determined by multiplying net lot area by the Floor Area Ratio corresponding to the slope of the lot as shown in the following chart:*

<i>% SLOPE</i>	<i>FAR</i>	<i>% SLOPE</i>	<i>FAR</i>	<i>% SLOPE</i>	<i>FAR</i>
0	0.533	16	0.506	31	0.385
1	0.533	17	0.499	32	0.374
2	0.533	18	0.493	33	0.364
3	0.533	19	0.486	34	0.354
4	0.533	20	0.480	35	0.344
5	0.533	21	0.471	36	0.334
6	0.533	22	0.463	37	0.324
7	0.533	23	0.454	38	0.314
8	0.533	24	0.446	39	0.303
9	0.533	25	0.437	40	0.293
10	0.533	26	0.429	41	0.288
11	0.529	27	0.420	42	0.283
12	0.525	28	0.412	43	0.277
13	0.521	29	0.403	44	0.272
14	0.516	30	0.395	45 & UP	
0.267					
15	0.512				

If the Council believes the Administrative FAE regulations needs to include neighborhood (FAR/dwelling size) compatibility assessment, an associated finding for the 350 sq. ft. interior application type must be added as part of the proposed amendments.

General Plan/Vision Statement

Potential amendments to the Administrative Floor Area Exception language further the City's General Plan Goals as follows:

Goal 1015.2

“To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont’s residential neighborhoods”.

Goal 1015.4

“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.”

Fiscal Impact

None at this time.

Public Contact

This matter was placed on the agenda and posted as required by the California Government Code.

Recommendation

Staff recommends that the Council review the issues in this staff report and provide direction as detailed above.

Alternatives

1. Suspend the Administrative Floor Area Exception Ordinance Amendments at this time.
2. Refer back to staff for additional information.

Attachments

- A. Belmont Zoning Ordinance Section 4.2.10 – Exceptions to Single Family Residential Floor Area Standards

Respectfully submitted,

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Please Note:

Attachment A is not provided as part of this posting – Belmont Zoning Ordinance Section 4.2.10 can be accessed at the Belmont Website via the Community Development Department – Planning & Zoning – Zoning Ordinances links.