



## **Staff Report**

---

DISCUSSION AND DIRECTION TO CONSIDER ZONE TEXT AND GENERAL PLAN AMENDMENTS CREATING A SLOPE/DENSITY REQUIREMENT FOR FUTURE SUBDIVISIONS IN THE R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

Honorable Mayor and Council Members:

### **Summary**

At the July 25, 2006 City Council meeting, Vice Mayor Feierbach introduced a staff report (see Attachment A) regarding the consideration of application of a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts. Adoption of this enabling legislation would serve to create similar requirements for subdivision review as found in the HRO (Hillside Residential & Open Space) Zoning Districts of the City.

Based upon City Council discussion at the July 25, 2006 meeting, the Council directed staff to prepare a report which evaluated the following issues:

- Assessment of approximately how many parcels in the R-1A, R-1B, and R-1C Districts that are potential subdivision candidates (outside of the San Juan Canyon or the Western Hills).
- Initial reconnaissance of the legal ramifications of applying the slope density formula to the R-1A, R-1B, and R-1C Districts via consultation with Land Use Attorney Michael Colantuono and the City Attorney's Office.
- Preparation of a draft time schedule to coordinate review and adoption of applicable zone text and general plan amendments (if possible) before the state-wide November election (11/7/06) to address Proposition 90 (Anderson Initiative) concerns.
- Resulting effects of a "Re-Prioritization" of Work/Study tasks associated with Community Development Departments' Spring 2006 Priority Calendar Schedule.

Responses to these issues follow below.

### **Discussion**

#### **Potential Subdividable Lots – R-1A, R-1B & R-1C Districts**

Staff engaged the services of the Information Technology Division to assist in the assessment of the number of approximate candidate lots for subdivision in the R-1A, R-1B, and R-1C Single

Residential Zoning Districts. Current Zoning and Subdivision Ordinances mandate a minimum lot size, and minimum street frontage that must be maintained in the creation of new subdivisions for the above-described Zoning Districts. There are no slope assessment provisions in such zones.

In addition, new R-1 subdivisions are subject to each lot maintaining an average lot width<sup>1</sup> which is calculated from the resulting area and depth of a lot. Given the time constraints in preparation of this report, staff was unable to determine the potential average lot width considerations for candidate subdivision lots.

For the R-1A Zoning District, the minimum lot size requirement is 9,600 square feet. Thus only those lots that are at 19,200 square feet are “candidate lots” for subdivision from one to two lots. For R-1B Districts, the minimum lot size is 6,000 square feet – thus 12,000 square foot lots (and above) are potentially subdividable. The same exercise applies in the R-1C District where only lots at 10,000 square feet and above qualify for subdivision given the minimum lot size in this District is 5,000 square feet. These provisions are noted in Belmont Zoning Ordinance (BZO) Section 4.2.3<sup>2</sup>.

In addition, as per Subdivision Ordinance section 4.17 (Lot Frontage), “*All lots shall have a minimum fifty (50) foot frontage on a dedicated and improved street.*” Thus defining “the universe” of Belmont candidate lots in concert with the current subdivision and zoning ordinance requirements as described above, the GIS data revealed the following:

In all three districts combined, there are a total of 417 lots which meet the size requirements (i.e. 19,200, 12,000, or 10,000 sq. ft.) for subdivision into at least two lots. It should be noted that of these lots, 20 are currently completely vacant (i.e. there are no existing structures on-site with an assessed value). Of these lots, the list is pared down to 11 that also have a minimum 100 feet (or greater) street frontage to be able to meet the provisions of Subdivision Section 4.17 for splitting one lot into two. The results of the GIS lot survey are provided under Attachment D. It should be further noted that not all other provisions of the Subdivision & Zoning Ordinance were evaluated in concert with this effort to determine subdivision lot candidacy and consistency.

#### Land Use Attorney Consulting/Draft Time Schedule

Within the last week, staff consulted with Land Use Attorney Michael Colantuono and Redevelopment Agency Attorney Lee Rosenthal regarding the timeline for enacting slope/density amendments for the associated R-1 Districts. The discussion was positive, but

---

<sup>1</sup> BZO Section 2.85 - LOT WIDTH (AVERAGE) - *The area of a lot divided by the lot depth.*

BZO Section 2.78 - LOT DEPTH - *The maximum distance measured perpendicular from the front property to the rear property line.*

<sup>2</sup> BZO Section 4.2.3(a) - SITE AREA, DIMENSION AND DENSITY LIMITATIONS.

SITE AREA. *The minimum site area shall be as follows: R-1E - one acre; R-1H - 20,000 square feet; R-1A - 9,600 square feet; R-1B - 6,000 square feet; R-1C - 5,000 square feet; provided, however, that in a subdivision in any R-1A District containing not less than 10 acres, the minimum lot area may be reduced to not less than 7,200 square feet in not more than 20 percent of the sites, and further provided that the average of the area of all lots within said subdivision shall not be less than 9,600 square feet.*

cautionary given the milestones that must be achieved in order to adopt such amendments prior to the potential passing of Proposition 90 (The Anderson Initiative) on November 7, 2006.

Essentially, the City Council must complete its “final adjudication” (i.e. second reading) of such amendments prior to the November 7<sup>th</sup> election in order for the amendments to reasonably withstand legal challenges in the event Proposition 90 passes. In other words, the City Council must complete its second reading of such Zoning & General Plan Amendments at its October 24, 2006 meeting; the first reading of such Amendments would be completed no later than the October 10, 2006 City Council meeting.

It appears that the 30-day “ordinance effective” date can occur after the election concludes as long as the City Council completes its 2<sup>nd</sup> reading within the time limits described above. Backing up from those dates (and in order to meet this anticipated time schedule), the Planning Commission must issue its recommendation on the Amendments no later than their September 19 or October 3, 2006 meeting.

A position paper on the Anderson Initiative has been submitted from the City’s Redevelopment Attorney, Goldfarb Lipman, and is provided under Attachment B. A similar letter is forthcoming from Mr. Colantuono and will be provided to the Council in advance of the August 8, 2006 meeting. Staff has also attached a Project Description Form (PDF) which identifies the draft initial time schedule and milestones for completion of the Slope/Density Amendment Project (See Attachment C).

#### Re-Prioritization of Priority Calendar Items

As discussed at the July 25, 2006 City Council meeting, a request was made to initially assess required modifications to the Community Development Departments’ “Current Work Programs” schedule for FY06-07 in light of the Slope/Density Amendment project. It is reasonable to assume that certain projects will experience delay in reaching their associated “milestones” that are targeted for August, September, and October 2006.

In other words, it is expected that all Priority Calendar items will be “backed up” about three months given the quick turnaround time necessary for completion of the Slope/Density project before the November 7, 2006 state-wide election. Thus projects with milestones in the next three months (General Plan Update, Grand Blvd. Hearing, and Administrative Floor Area Exceptions) will most likely be delayed.

Other projects with milestones in November 2006 through February 2007 may also experience delays. A variable will be the availability of resources (i.e. contract planning staff) to assist in the completion of the Slope/Density project, as well as commencement of work on other Community Development “Current Work Program” projects.

#### General Plan/Vision Statement

Establishment of a work/study effort regarding Slope/Density amendments for the R-1A, R-1B, and R-1C Zoning Districts further the City’s General Plan Goals as follows:

Goal 1015.3

*“To preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment.”*

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.”*

Policy 1016.1

*“New development should be of a scale and character compatible with surrounding land uses and Belmont's small city environment.”*

**Fiscal Impact**

Should consultant assistance (via the use of Land Use Attorney & Contract Planning resources) be necessary to complete the Slope/Density Amendment project, a fiscal impact would be realized. The costs associated with such consulting services have not yet been determined 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 necessary on the inclusion of the R-1A, R-1B, & R-1C District Slope/Density Amendment Project as part of the Community Development Department (FY06-07) Priority Calendar Schedule.

**Alternatives**

1. Suspend/Discontinue the pursuit of Zone Text & General Plan Amendments Regarding Slope/Density Requirements for R-1A, R-1B, and R-1C Single Family Residential Zoning Districts.
2. Refer back to staff for additional information.

**Attachments**

- A. City Council Staff Report – Vice Mayor Feierbach – July 25, 2006
- B. The Anderson Initiative – Position Memorandum – Goldfarb & Lipman LLP – July 27, 2006
- C. Project Description Form (PDF) – Slope/Density Priority Calendar Item
- D. GIS Data – Potential Subdividable Lots – R-1 Districts (Councilmembers Only)

Respectfully submitted,

---

Carlos de Melo  
Community Development Director

---

Valerie Harnish  
Acting City Manager

Staff Contact:

Carlos de Melo, Community Development Director

(650) 595-7440

[cdemelo@belmont.gov](mailto:cdemelo@belmont.gov)

**PLEASE NOTE:**

- **Attachment A can be accessed via the City's homepage under the July 25, 2006 City Council Meeting – Agenda's, Staff Reports and Minutes – Item 9A.**
- **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.**