



Staff Report

CONTINUED PUBLIC HEARING - AMENDMENT OF GENERAL PLAN & ZONING ORDINANCE TO ESTABLISH A SLOPE/DENSITY REQUIREMENT – R-1A, R-1B, & R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

Honorable Mayor and Council Members:

Summary

On September 12, 2006, by a vote of 3 to 0 (2 recused), the City Council continued their review of General Plan Amendments for Section 2008 (*Residential Land Use – Description*) and Section 2011 (*Low Density Areas*), and Zoning Code Amendments to Sections 4.2.3(a) & (c) - *Site Area, Dimension and Density Limitations* to gather additional information prior to their action on the proposed amendments.

The General Plan and Zoning Code amendments would establish a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C single family residential zoning districts. The September 12, 2006 City Council staff report has been previously provided to the Council. A public hearing has been noticed for this item. Staff recommends the Council adopt the General Plan Amendments provided under Attachment A, and introduce the Zoning Code Amendments presented in Attachment B.

Background

The Planning Commission reviewed the matter on September 5, 2006 and forwarded their recommendations for Council consideration (please refer to the September 12, 2006 City Council Staff Report which included background information on the Commission-recommended amendments to the aforementioned General Plan & Zoning Code sections).

September 12, 2006 City Council Hearing

Staff presented the Planning Commission-recommended General Plan and Zoning Code amendment language, associated slope/density table, and alternative slope/density tables for Council review at their September 12, 2006 meeting. Ten members of the public addressed the Council at the public hearing held for review of the draft amendments.

The Council discussion resulted in their continuation of the matter to allow staff to prepare the following:

- Three slope/density tables – one for each of the three zoning districts.
- Modified slope/density tables that decrease the minimum lot size for lots at a 1-10% slope to 6,000 sq. ft. for the R-1C District, and 7,500 sq. ft. for R-1B District. The minimum lot size for R-1A District lots remained at 10,000 sq. ft. for lots at a 1-10% slope.
- Modified slope/density tables that further reduce the minimum lot size differential as you go up in slope (i.e. from 10% to 11% to 12%) than previously recommended by the Planning Commission.

The resulting three slope/density tables and associated minimum lot size and slope differential modifications as directed by the Council follow as part of the zone text amendments on page 4 of this report.

Ordinance Applicability

The Council has the option of allowing current subdivision projects to be reviewed under existing zoning/subdivision codes (i.e. based primarily on minimum lot size, average lot width, and minimum frontage on a public street) rather than under the additional new rules that introduce slope as factor in determining density. The issue of how the new ordinance applies to existing applications is certainly of interest to the Council based on their discussion/direction at the September 12, 2006 meeting. At that meeting, the Council directed that the new slope/density ordinance not apply to “submitted” applications to the City. “Submitted” would be identified as a subdivision project (Tentative Subdivision or Parcel Map) that received a Planning Application number, included project plans, and payment of associated fees to the City.

There are two subdivision projects that would be affected by the proposed ordinance amendments - both have been recently submitted but not deemed complete. They are as follows:

1. **1109 Alomar Way** – this project entails subdividing an existing approximately 12,600 sq. ft. dual-street frontage lot into two parcels. The existing single family residence for the property fronting on Alomar Way (south) would comprise one 6,000 sq. ft. lot, and the proposed new 6,600 sq. ft. parcel would include a new residence that would be accessed from Maywood Drive (north). The portion of the existing lot (rear yard of the existing residence) where the subdivision is proposed includes a consistent (north to south) upslope of over 50%. This project was submitted on June 27, 2006 but has been deemed incomplete.
2. **1320 Talbryn Drive** – this project consists of the subdivision of one 1.33-acre property into four lots that would take their access via Talbryn Drive to a new cul-de-sac within the property proposed for dedication as a City street. An existing single family home currently occupies the property. The four new parcels consist of the following size/slope:

- Lot 1 – 12,658 sq. ft. and 21% slope
- Lot 2 – 10,935 sq. ft. and 34% slope
- Lot 3 – 11,942 sq. ft. and 34% slope
- Lot 4 – 13,259 sq. ft. and 16% slope

This project was submitted on September 12, 2006, but has not yet been fully reviewed by staff to assess subdivision and zoning code compliance, confirmation of resulting slope of the proposed lots, and determination of application completeness.

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 or subdivision approvals). Essentially, there are four key stages (or milestones) in the life of a project:

1. Original application or “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 (and City Council if necessary) approval date
4. Building Permit issuance date

The Council has the discretion to mandate ordinance applicability for projects at any of these four stages¹. In determining when to make the ordinance effective, Council should consider the trade off between time & money spent by applicants under the current rules vs. the desire to implement new standards, and have current projects (that do not have “vested approvals”) comply with such new standards.

Staff prepared draft language that is incorporated within the Ordinance amending Sections 4.2.3 (a) and (c) as follows (see Attachment B) should the Council continue to believe that the two “submitted” applications should fall under the old (non slope/density) rules:

“WHEREAS, the City Council hereby mandates that the aforementioned Belmont Zoning Ordinance amendments regarding slope/density requirements for the R-1A, R-1B, and R-1C single family residential zoning districts, shall be effective for any project submitted after September 12, 2006.”

As discussed earlier, however, the Council may reconsider its position in regards to these two applications (which are currently in stage 1) and set ordinance applicability at any of the four stages as described above.

¹. After the issuance of building permits, and after other progress has occurred, the project is usually considered “vested” and new rules would not apply.

Discussion

Zone Text Amendments

The recommended Zoning Code (Sections 4.2.3 (a) & (c)) Amendments to the City Council for introduction and adoption are as follows (new text is denoted in bold *italics*, and text to be deleted is denoted in ~~strikeout~~):

Section 4.2.3 (Site Area, Dimension, and Density Limitations)

*(a) 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.~~ **each R-1A, R-1B, and R-1C district lot proposed for new land division shall comply with the maximum allowed residential dwelling unit density and minimum lot sizes computed in accordance with the applicable provisions of the Slope/Density Tables in this Section. The maximum allowable densities and the minimum allowable lot sizes shall be based upon net land area (after subtracting public street rights of way and vehicular access easements). Lot slope shall be calculated using the formula from the definitions section of Ordinance 360 and lot slopes ending in ½% or more shall be rounded to the next highest whole number. Each lot created by subdivision, or any remainder parcel associated with a subdivision, shall individually meet the minimum lot size standard based upon that lot's particular slope. The allowable density indicated, however, does not preclude the hearing body from determining that a lower density, or larger lots, from that indicated is required to meet the purpose of this ordinance and the goals and policies of the General Plan.***

*(c) SITE FRONTAGE. All R-1A, R-1B, and R-1C district lots created by new land division shall maintain a minimum street frontage of not less than ~~30~~ **50** feet. R-1A, R-1B, and R-1C district cul-de-sac lots created by new land division shall comply with minimum street frontage standards established in the City's Subdivision Ordinance (Ordinance 530).*

TABLE 1 – SLOPE/DENSITY

R-1A DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
10%	4.356	10000
11%	4.250	10250
12%	4.149	10500
13%	4.052	10750

14%	3.960	11000
15%	3.788	11500
16%	3.630	12000
17%	3.485	12500
18%	3.351	13000
19%	3.227	13500
20%	2.904	15000
21%	2.723	16000
22%	2.562	17000
23%	2.420	18000
24%	2.293	19000
25%	2.178	20000
26%	1.980	22000
27%	1.815	24000
28%	1.675	26000
29%	1.556	28000
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% - 44%	0.968	45000
45% AND ABOVE	0.726	60000

TABLE 2 – SLOPE/DENSITY

R-1B DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
10%	5.808	7500
11%	5.585	7800
12%	5.378	8100
13%	5.186	8400
14%	5.007	8700
15%	4.735	9200
16%	4.445	9800
17%	4.149	10500
18%	3.855	11300
19%	3.570	12200
20%	3.300	13200
21%	3.046	14300
22%	2.810	15500

<i>23%</i>	<i>2.593</i>	<i>16800</i>
<i>24%</i>	<i>2.393</i>	<i>18200</i>
<i>25%</i>	<i>2.211</i>	<i>19700</i>
<i>26%</i>	<i>2.045</i>	<i>21300</i>
<i>27%</i>	<i>1.894</i>	<i>23000</i>
<i>28%</i>	<i>1.742</i>	<i>25000</i>
<i>29%</i>	<i>1.613</i>	<i>27000</i>
<i>30%</i>	<i>1.452</i>	<i>30000</i>
<i>31%</i>	<i>1.320</i>	<i>33000</i>
<i>32%</i>	<i>1.210</i>	<i>36000</i>
<i>33%</i>	<i>1.117</i>	<i>39000</i>
<i>34%</i>	<i>1.037</i>	<i>42000</i>
<i>35% - 44%</i>	<i>0.968</i>	<i>45000</i>
<i>45% AND ABOVE</i>	<i>0.726</i>	<i>60000</i>

TABLE 3 – SLOPE/DENSITY

R-1C DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

<i>AVERAGE LOT SLOPE</i>	<i>DWELLINGS PER NEW ACRE</i>	<i>MINIMUM LOT SIZE</i>
<i>10%</i>	<i>7.260</i>	<i>6000</i>
<i>11%</i>	<i>7.026</i>	<i>6200</i>
<i>12%</i>	<i>6.806</i>	<i>6400</i>
<i>13%</i>	<i>6.600</i>	<i>6600</i>
<i>14%</i>	<i>6.406</i>	<i>6800</i>
<i>15%</i>	<i>5.808</i>	<i>7500</i>
<i>16%</i>	<i>5.445</i>	<i>8000</i>
<i>17%</i>	<i>5.125</i>	<i>8500</i>
<i>18%</i>	<i>4.840</i>	<i>9000</i>
<i>19%</i>	<i>4.585</i>	<i>9500</i>
<i>20%</i>	<i>4.356</i>	<i>10000</i>
<i>21%</i>	<i>3.960</i>	<i>11000</i>
<i>22%</i>	<i>3.485</i>	<i>12500</i>
<i>23%</i>	<i>3.111</i>	<i>14000</i>
<i>24%</i>	<i>2.723</i>	<i>16000</i>
<i>25%</i>	<i>2.420</i>	<i>18000</i>
<i>26%</i>	<i>2.178</i>	<i>20000</i>
<i>27%</i>	<i>1.980</i>	<i>22000</i>
<i>28%</i>	<i>1.815</i>	<i>24000</i>
<i>29%</i>	<i>1.613</i>	<i>27000</i>
<i>30%</i>	<i>1.452</i>	<i>30000</i>
<i>31%</i>	<i>1.320</i>	<i>33000</i>

32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% - 44%	0.968	45000
45% AND ABOVE	0.726	60000

General Plan Amendments

The recommended General Plan (Sections 2008 and 2011) Amendments to the City Council for adoption are as follows (new text is denoted in bold *italics*):

2008 *The Land Use-Open Space Element provides for three basic categories of residential use varying in housing type and density of development expressed as the number of housing units per gross residential acre. These categories and their associated zoning districts are:*

<u>Residential Land Use Categories</u>	<u>Density* (Units Per Gross Acre)</u>	<u>Applicable** Zoning Districts</u>
Low Density	1 – 7	R-1E, R-1H, R-1A, R-1B, R-1C
Medium Density	8 – 20	R-2, R-3
High Density	21 – 30	R-4

****Each R-1A, R-1B, and R-1C district lot proposed for new land division shall comply with the maximum allowed residential dwelling unit density and minimum lot sizes computed in accordance with the applicable provisions of the Slope/Density Tables in Section 4.2.3 of the Belmont Zoning Ordinance.***

2011 Low Density Residential. *The low-density residential designation applies to the use of land primarily for single-family detached residences. The designation also includes clustered townhouse developments where the overall housing density does not exceed seven units per gross acre. Several subcategories of low-density residential land use have been created to reflect variations in existing development patterns and natural characteristics in the Planning Area. The subcategories and their relationship to zoning designations are listed below:*

<u>Land Use Designation Maximum Density (Units per Gross Acre)</u>	<u>Zoning** District Reference</u>	<u>Minimum Net*** Lot Area</u>
1	R-1E	1 acre
up to 2	R-1H	20,000 sq. ft.
up to 3	R-1A	9,600 sq. ft.
up to 5	R-1B	6,000 sq. ft.
up to 7	R-1C	5,000 sq. ft.

***These zoning designations, and all other zoning designations included in this plan, are provided for reference and may change as actions are taken to implement specific proposals in this plan.*

****Each R-1A, R-1B, and R-1C district lot proposed for new land division shall comply with the maximum allowed residential dwelling unit density and minimum lot sizes computed in accordance with the applicable provisions of the Slope/Density Tables in Section 4.2.3 of the Belmont Zoning Ordinance. Net area means the area of a parcel exclusive of lands for public or private roads.*

General Plan Statement/Consistency

Potential General Plan and Zoning Code amendments to the establish a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts are consistent with and 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 1015.3

“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.”

Goal 1015.7

“To guide the timing and location of growth and development to ensure the availability of services and protection of sensitive natural environments.”

Policy 1016.1

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

Policy 1016.2

“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.”*

Policy 1016.6

“Natural features, such as ridgelines, canyons, steep hillsides, meadows, streamsides and significant stands of trees, should be preserved and protected through planning, conservation practices and, where appropriate, the dedication of open space or scenic easements.”

Residential Land Use Goal 2006.4

“To systematically control the timing and location of new housing development to coincide with the availability of public services and to protect existing residential neighborhoods and the natural environment.”

Residential Land Use Goal 2006.5

“To enhance the appearance of new housing development through site planning, design, and landscaping.”

Residential Land Use Goal 2006.6

“To ensure that residential development occurs in areas of low risk from geologic and hydrologic hazards.”

Residential Land Use Policy 2007.3

“Residential densities should decrease as steepness of terrain increases as follows:

- a. The highest densities should be located on the flatter portions of the community in or near the Central Business District, close to local shopping, services, employment, transportation and other local facilities. Densities should decrease as the distance from these facilities increases.*
- b. The lowest densities should be located on hillsides where it is necessary to limit storm runoff, prevent erosion, preserve existing vegetation, protect watersheds, avoid potentially unstable ground, avoid high fire hazard areas, and maintain the scenic qualities of the area. In addition to residences, residential areas may contain normal accessory uses, recreation facilities and, under appropriate controls, institutions and facilities such as churches, schools, youth and senior centers and nursing homes”*

Open Space Policy 2071

“Areas hazardous to the public safety and welfare should be retained as open space. Areas that fall into this category include:

- a. Hillsides generally over 30 percent slope.*

- b. *Fault zones – bands on either side of known fault traces sufficient to include lands of probable ground rupture.*
- c. *Areas of geologic instability*
- d. *Flood hazard areas”*

Required Findings – General Plan and Zoning Ordinance Amendments

The only required finding for an amendment to the General Plan is the determination that it “...*is required to achieve the goals and objectives of the City*” (Excerpt - BZO Section 20.7). The only required finding for a Zoning Ordinance amendment is that it must “...*achieve the objectives of the Zoning Plan and the General Plan for the City*” (Section 16.5).

The nexus for reducing the density and intensity of new subdivisions in the R-1A, R-1B & R-1C zoning districts via adoption of the proposed amendments centers on Belmont General Plan goals/policies regarding geotechnical constraints and hazards, and protection of natural resources, open space and public views. The proposed amendments are consistent with General Plan policies regarding the protection of the health, safety, and welfare of the City by:

- preserving open space
- reducing development potential in areas of geologic instability
- managing hillside development on sites with significant (20-30 percent and above) slope

Creating a slope/density requirement for subdivisions in the aforementioned zoning districts provides for site- and case-specific review of issues raised in the General Community Goals and Policies cited above related to:

- location, timing, and design of new development
- compatibility, scale, and character of development
- intensity of property use

By establishing more current and comprehensive development standards for single family residential subdivisions, the proposed amendments would generally be more responsive to the physical environment, existing development, and needs of the community. The amendments would assist in maintaining local control over the size, scope, and character of single family residential subdivision projects. Finally, 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.

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 subdivisions, the Planning Commission has concluded that the proposed project would be Exempt under CEQA Section 15183 – Residential Projects Consistent with a Community Plan, General Plan, or Zoning, and

Categorically Exempt under CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

Fiscal Impact

None at this time.

Public Contact

1. The City placed an additional public notice display ad in the San Mateo Times (local newspaper of general circulation) on September 16, 2006, for the continued public hearing by the City Council on September 20, 2006.
2. Each of the property owners/occupants of the 86 “potentially subdividable” lots were mailed a public notice advertising the September 20, 2006 City Council hearing.
3. This matter was placed on the agenda and posted as required by the California Government Code.

Conclusion/Recommendation

The aforementioned amendments to Belmont General Plan Section 2008 (*Residential Land Use – Description*) and Section 2011 (*Low Density Areas*) and Zoning Ordinance Sections 4.2.3(a) & (c) - *Site Area, Dimension and Density Limitations* as discussed in this staff report, achieves the objectives of the City, and the Zoning Plan and General Plan for the City. Resolutions recommending this position to the City Council are attached for Council review and adoption.

Alternatives

1. Table the Slope/Density General Plan and Zoning Code Amendments at this time.
2. Disapprove the Slope/Density General Plan and Zoning Code Amendments.
3. Refer back to staff for additional information.

Attachments

- A. Draft City Council resolution adopting General Plan Amendments
- B. Draft City Council Ordinance introducing Zone Text Amendments (First Reading)
- C. 1. Recommended Slope/Density Tables – R-1A, R-1B, and R-1C Districts
2. Original Planning Commission-Recommended Slope/Density Table
3. Original Staff-Recommended Slope/Density Table
- D. GIS Data – Potentially Subdividable Lots – R-1 Districts & Effect of Proposed Amendments
- E. City Council Staff Report – September 12, 2006 (Previously Distributed to City Council)
- F. GIS Map – Potentially Subdividable Lots – R-1 Districts (Previously Distributed to City Council)

Respectfully submitted,

Carlos de Melo
Community Development Director

Terry Belanger
Interim City Manager

Staff Contact:

Carlos de Melo, Community Development Director

(650) 595-7440

cdemelo@belmont.gov

PLEASE NOTE: Attachments E and F are not included as part of this document.

ATTACHMENT A

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AMENDING SECTIONS 2008 (RESIDENTIAL LAND USE - DESCRIPTION) & 2011 (LOW DENSITY RESIDENTIAL) OF THE BELMONT GENERAL PLAN TO ESTABLISH A SLOPE/DENSITY REQUIREMENT FOR NEW SUBDIVISIONS IN THE R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

WHEREAS, on August 16, 2006, the City Council directed staff to evaluate establishment of a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts for Commission consideration of possible amendments to Sections 2008 (Residential Land Use) and 2011 (Low Density Residential) of the Belmont General Plan; and,

WHEREAS, on September 5, 2006, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report for the General Plan amendments, and recommended amendments to Sections 2008 (Residential Land Use) and 2011 (Low Density Residential) of the Belmont General Plan; and,

WHEREAS, on September 12, 2006 and September 20, 2006, the City Council, following notification in the prescribed manner, conducted public hearings, at which hearings the Council considered public testimony and staff reports on the aforementioned General Plan 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; and,

WHEREAS, the City Council hereby adopts the staff reports (dated September 12, 2006 and September 20, 2006) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed amendments to be Exempt pursuant to CEQA Section 15183 – *Residential Projects Consistent with a Community Plan, General Plan, or Zoning*, and 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 staff reports hereby determines that the proposed amendments to Sections 2008 (Residential Land Use - Description) and 2011 (Low Density Residential) of the Belmont General Plan to establish a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts are required to achieve the goals and objectives of the City. These amendments would provide for more current and comprehensive development standards for single family subdivision projects in the aforementioned zoning districts, and support protecting and promoting the comfort, convenience, and general welfare of the community, advancing the goal of providing a precise guide for physical development of the city, and fulfilling the Goals and Policies of the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council amends Sections 2008 (Residential Land Use - Description) and 2011 (Low Density Residential) of the Belmont General Plan:

1. Belmont General Plan Section 2008 shall be revised to read as follows:

2008 The Land Use-Open Space Element provides for three basic categories of residential use varying in housing type and density of development expressed as the number of housing units per gross residential acre. These categories and their associated zoning districts are:

<u>Residential Land Use Categories</u>	<u>Density* (Units Per Gross Acre)</u>	<u>Applicable** Zoning Districts</u>
Low Density	1 - 7	R-1E, R-1H, R-1A R-1B, R-1C
Medium Density	8 - 20	R-2, R-3
High Density	21 - 30	R-4

*Each R-1A, R-1B, and R-1C district lot proposed for new land division shall comply with the maximum allowed residential dwelling unit density and minimum lot sizes computed in accordance with the applicable provisions of the Slope/Density Tables in Section 4.2.3 of the Belmont Zoning Ordinance.

2. Belmont General Plan Section 2011 shall be revised to read as follows:

2011 Low Density Residential. The low-density residential designation applies to the use of land primarily for single-family detached residences. The designation also includes clustered townhouse developments where the overall housing density does not exceed seven units per gross acre. Several subcategories of low-density residential land use have been created to reflect variations in existing development patterns and natural characteristics in the Planning Area. The subcategories and their relationship to zoning designations are listed below:

<u>Land Use Designation Maximum Density (Units per Gross Acre)</u>	<u>Zoning** District Reference</u>	<u>Minimum Net*** Lot Area</u>
1	R-1E	1 acre
up to 2	R-1H	20,000 sq. ft.
up to 3	R-1A	9,600 sq. ft.
up to 5	R-1B	6,000 sq. ft.
up to 7	R-1C	5,000 sq. ft.

**These zoning designations, and all other zoning designations included in this plan, are provided for reference and may change as actions are taken to implement specific proposals in this plan.

***Each R-1A, R-1B, and R-1C district lot proposed for new land division shall comply with the maximum allowed residential dwelling unit density and minimum lot sizes computed in accordance with the applicable provisions of the Slope/Density Tables in Section 4.2.3 of the Belmont Zoning Ordinance. Net area means the area of a parcel exclusive of lands for public or private roads.

* * * * *

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting held thereof on September 20, 2006 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont

ATTACHMENT B

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 4.2.3 (a) & (c) (SITE AREA, DIMENSION, AND DENSITY LIMITATIONS) OF BELMONT ZONING ORDINANCE NUMBER 360 TO ESTABLISH A SLOPE/DENSITY REQUIREMENT FOR NEW SUBDIVISIONS IN THE R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

WHEREAS, on August 16, 2006, the City Council directed staff to evaluate establishment of a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts for Commission consideration of possible amendments to Sections 4.2.3 (a) and (c) (Site Area, Dimension, and Density Limitations) of the Belmont Zoning Ordinance; and,

WHEREAS, on September 5, 2006, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report for the Zoning Code amendments, and recommended amendments to Sections 4.2.3 (a) and (c) (Site Area, Dimension, and Density Limitations) of the Zoning Ordinance; and,

WHEREAS, on September 12, 2006 and September 20, 2006, the City Council, following notification in the prescribed manner, conducted public hearings, at which hearings the Council considered public testimony and staff reports on the aforementioned Zoning Code 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; and,.

WHEREAS, the City Council hereby adopts the staff reports (dated September 12, 2006 and September 20, 2006) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed amendments to be Exempt pursuant to CEQA Section 15183 – *Residential Projects Consistent with a Community Plan, General Plan, or Zoning*, and 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 staff reports hereby determines that the proposed amendments to Sections 4.2.3 (a) and (c) (Site Area, Dimension, and Density Limitations) of the Belmont Zoning Ordinance to establish a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts 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 subdivision projects in the aforementioned zoning districts, and support protecting and promoting the comfort, convenience, and general welfare of the community, advancing the goal of providing a precise guide for physical development of the city, and fulfilling the Goals and Policies of the General Plan.

WHEREAS, the City Council hereby mandates that the aforementioned Belmont Zoning Ordinance amendments regarding slope/density requirements for the R-1A, R-1B,

and R-1C single family residential zoning districts, shall be effective for any project submitted after September 12, 2006.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 4.2.3 (a) & (c) of the Belmont Zoning Code be hereby amended to read as follows:

Section 4.2.3 (Site Area, Dimension and Density Limitations)

(a) **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 each R-1A, R-1B, and R-1C district lot proposed for new land division shall comply with the maximum allowed residential dwelling unit density and minimum lot sizes computed in accordance with the applicable provisions of the Slope/Density Tables in this Section. The maximum allowable densities and the minimum allowable lot sizes shall be based upon net land area (after subtracting public street rights of way and vehicular access easements). Lot slope shall be calculated using the formula from the definitions section of Ordinance 360 and lot slopes ending in 1/2% or more shall be rounded to the next highest whole number. Each lot created by subdivision, or any remainder parcel associated with a subdivision, shall individually meet the minimum lot size standard based upon that lot's particular slope. The allowable density indicated, however, does not preclude the hearing body from determining that a lower density, or larger lots, from that indicated is required to meet the purpose of this ordinance and the goals and policies of the General Plan.

(c) **SITE FRONTAGE.** All R-1A, R-1B, and R-1C district lots created by new land division shall maintain a minimum street frontage of not less than 50 feet. R-1A, R-1B, and R-1C district cul-de-sac lots created by new land division shall comply with minimum street frontage standards established in the City's Subdivision Ordinance (Ordinance 530).

TABLE 1 – SLOPE/DENSITY

R-1A DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
10%	4.356	10000
11%	4.250	10250
12%	4.149	10500
13%	4.052	10750
14%	3.960	11000
15%	3.788	11500
16%	3.630	12000
17%	3.485	12500
18%	3.351	13000
19%	3.227	13500
20%	2.904	15000
21%	2.723	16000

22%	2.562	17000
23%	2.420	18000
24%	2.293	19000
25%	2.178	20000
26%	1.980	22000
27%	1.815	24000
28%	1.675	26000
29%	1.556	28000
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% - 44%	0.968	45000
45% AND ABOVE	0.726	60000

TABLE 2 – SLOPE/DENSITY

R-1B DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
10%	5.808	7500
11%	5.585	7800
12%	5.378	8100
13%	5.186	8400
14%	5.007	8700
15%	4.735	9200
16%	4.445	9800
17%	4.149	10500
18%	3.855	11300
19%	3.570	12200
20%	3.300	13200
21%	3.046	14300
22%	2.810	15500
23%	2.593	16800
24%	2.393	18200
25%	2.211	19700
26%	2.045	21300
27%	1.894	23000
28%	1.742	25000
29%	1.613	27000

30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% - 44%	0.968	45000
45% AND ABOVE	0.726	60000

TABLE 3 – SLOPE/DENSITY

R-1C DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
10%	7.260	6000
11%	7.026	6200
12%	6.806	6400
13%	6.600	6600
14%	6.406	6800
15%	5.808	7500
16%	5.445	8000
17%	5.125	8500
18%	4.840	9000
19%	4.585	9500
20%	4.356	10000
21%	3.960	11000
22%	3.485	12500
23%	3.111	14000
24%	2.723	16000
25%	2.420	18000
26%	2.178	20000
27%	1.980	22000
28%	1.815	24000
29%	1.613	27000
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% - 44%	0.968	45000
45% AND ABOVE	0.726	60000

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 _____, 2006.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2006.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

ATTACHMENT C.1

RECOMMENDED SLOPE/DENSITY TABLE

R-1A DENSITY AND MINIMUM LOT SIZE STANDARDS NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
10%	4.356	10000
11%	4.250	10250
12%	4.149	10500
13%	4.052	10750
14%	3.960	11000
15%	3.788	11500
16%	3.630	12000
17%	3.485	12500
18%	3.351	13000
19%	3.227	13500
20%	2.904	15000
21%	2.723	16000
22%	2.562	17000
23%	2.420	18000
24%	2.293	19000
25%	2.178	20000
26%	1.980	22000
27%	1.815	24000
28%	1.675	26000
29%	1.556	28000
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% - 44%	0.968	45000
45% AND ABOVE	0.726	60000

ATTACHMENT C.1

RECOMMENDED SLOPE/DENSITY TABLE

R-1B DENSITY AND MINIMUM LOT SIZE STANDARDS NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
10%	5.808	7500
11%	5.585	7800
12%	5.378	8100
13%	5.186	8400
14%	5.007	8700
15%	4.735	9200
16%	4.445	9800
17%	4.149	10500
18%	3.855	11300
19%	3.570	12200
20%	3.300	13200
21%	3.046	14300
22%	2.810	15500
23%	2.593	16800
24%	2.393	18200
25%	2.211	19700
26%	2.045	21300
27%	1.894	23000
28%	1.742	25000
29%	1.613	27000
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% - 44%	0.968	45000
45% AND ABOVE	0.726	60000

ATTACHMENT C.1

RECOMMENDED SLOPE/DENSITY TABLE

R-1C DENSITY AND MINIMUM LOT SIZE STANDARDS NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
10%	7.260	6000
11%	7.026	6200
12%	6.806	6400
13%	6.600	6600
14%	6.406	6800
15%	5.808	7500
16%	5.445	8000
17%	5.125	8500
18%	4.840	9000
19%	4.585	9500
20%	4.356	10000
21%	3.960	11000
22%	3.485	12500
23%	3.111	14000
24%	2.723	16000
25%	2.420	18000
26%	2.178	20000
27%	1.980	22000
28%	1.815	24000
29%	1.613	27000
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% - 44%	0.968	45000
45% AND ABOVE	0.726	60000

ATTACHMENT C.2

PLANNING COMMISSION-RECOMMENDED SLOPE/DENSITY TABLE

R-1A, R-1B, & R-1C DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
1 - 15%	4.356	10000
16%	4.148	10500
17%	3.960	11000
18%	3.788	11500
19%	3.630	12000
20%	3.351	13000
21%	3.111	14000
22%	2.904	15000
23%	2.722	16000
24%	2.562	17000
25%	2.354	18500
26%	2.178	20000
27%	2.026	21500
28%	1.894	23000
29%	1.778	24500
30%	1.613	27000
31%	1.477	29500
32%	1.361	32000
33%	1.263	34500
34%	1.177	37000
35%	1.089	40000
36%	1.013	43000
37%	0.947	46000
38%	0.889	49000
39%	0.838	52000
40%	0.764	57000
41%	0.702	62000
42%	0.650	67000
43%	0.605	72000
44%	0.566	77000
45% AND ABOVE	0.531	82000

ATTACHMENT C.3

STAFF-RECOMMENDED SLOPE/DENSITY TABLE

R-1A, R-1B, & R-1C DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
1 – 10%	2.904	15,146
11%	2.714	16,050
12%	2.548	17,096
13%	2.400	18,150
14%	2.268	19,207
15%	2.152	20,242
16%	2.046	21,291
17%	1.816	23,987
18%	1.632	26,691
19%	1.482	29,393
20%	1.358	32,077
21%	1.252	34,793
22%	1.162	37,487
23%	1.084	40,185
24%	1.016	42,874
25%	.956	45,565
26%	.896	48,616
27%	.844	51,612
28%	.798	54,587
29%	.756	57,619
30%	.718	60,669
31%	.684	63,684
32%	.630	69,143
33%	.584	74,589
34%	.542	80,369
35%	.486	89,630
36%	.440	99,000
37%	.402	108,358
38%	.368	118,370
39%	.342	127,369
40%	.318	136,981
41%	.290	150,207
42%	.266	163,760
43%	.246	177,073
44%	.230	189,392
45% AND ABOVE	.216	201,667

ATTACHMENT D:

RESULT OF PROPOSED AMENDMENTS ON CURRENT "POTENTIALLY SUBDIVIDABLE" LOTS*

APN	ZON E	SITE #	STREET	LAND USE	SLOPE	AREA	POTENTIALLY SUBDIVIDABLE BASED ON RESPECTIVE ZONING DISTRICT, SLOPE RANGE, AND:		
							CC Recommendation R-1A: 10,000 s.f. min. R-1B: 7,500 s.f. min. R-1C: 6,000 s.f. min.	PC Recommended 10k s.f. min.	Staff Recommended 15k s.f. min.
044 290 010	R1B	727	Alameda	SFR	0-10%	12600			
044 290 450	R1B	751	Alameda	CHURCH	0-10%	87556	Yes	Yes	Yes
045 113 210	R1B	1315	Alameda	CHURCH	0-10%	48337	Yes	Yes	Yes
043 161 920	R1B	2834	Alhambra Dr	SFR	20-30%	17892	Yes		
043 161 930	R1B	2848	Alhambra Dr	SFR	20-30%	19575			
043 222 060	R1B	2931	Alhambra Dr	SFR	20-30%	22000			
043 222 050	R1B	2933	Alhambra Dr	SFR	10-20%	14900			
045 083 040	R1B	1109	Alomar Way	SFR	20-30%	12800	Yes - "grandfathered under current rules"		
045 083 050	R1B	1115	Alomar Way	SFR	20-30%	15440			
044 093 040	R1B	2015	Arbor Ave	SFR	10-20%	13500			
044 093 130	R1B	2035	Arbor Ave	SFR	10-20%	14336			
045 204 040	R1A	NA	Arden Ln	VACANT	40-50%	24792			
044 242 060	R1B	2119	Arthur Ave	MFR	10-20%	13208			
043 301 170	R1B	NA	Barclay Way	VACANT	10-20%	13000			
044 051 140	R1B	NA	Bayview Ave	VACANT	20-30%	30883	Yes		
043 121 310	R1B	2706	Belmont Cnyn	SFR	0-10%	12800			
043 106 110	R1B	2741	Belmont Cnyn	SFR	0-10%	13350			
043 082 020	R1B	2900	Belmont Cnyn	SFR	10-20%	26000	Yes	Yes	
043 093 230	R1B	3401	Beresford Ave	SFR	0-10%	12300			
043 021 530	R1B	1900	Bishop Rd	SFR	20-30%	15400			
045 204 220	R1A	775	Buckland Ave	SFR	20-30%	34465	Yes	Yes	
044 042 080	R1B	2300	Casa Bona	SFR	10-20%	13250			
044 031 020	R1B	2423	Casa Bona	SFR	0-10%	13025			
044 023 010	R1B	2219	Cipriani Blvd	SFR	0-10%	20200	Yes	Yes	
044 014 090	R1B	2111	Coronet Blvd	SFR	0-10%	12000			
044 043 450	R1B	2211	Coronet Blvd	SFR	20-30%	23625			
044 281 120	R1B	818	Covington Rd	SFR	0-10%	25000	Yes	Yes	
044 351 040	R1B	1515	Folger Dr	MID PEN	0-10%	12197			
044 351 020	R1B	1517	Folger Dr	SFR	10-20%	14400			
043 241 060	R1B	2102	Forest Ave	SFR	20-30%	22800			

045 422 300	R1A	2601	Hallmark Dr	SFR	20-30%	23000			
043 363 040	R1A	2900	Hallmark Dr	SFR	10-20%	20150	Yes	Yes	
043 131 040	R1A	2960	Hallmark Dr	SCHL/OFFICE	10-20%	25265	Yes	Yes	
043 131 050	R1A	2996	Hallmark Dr	SFR	0-10%	23900	Yes	Yes	
043 221 020	R1B	3303	Haskins Dr	SFR	20-30%	16000			
043 221 330	R1B	NA	Haskins Dr	VACANT	20-30%	14100			
043 233 300	R1B	2801	Highgate Ave	SFR	20-30%	13000			
043 121 230	R1B	3416	Hillcrest Dr	SFR	0-10%	12166			
045 151 320	R1A	817	Holly Rd	SFR	0-10%	20850	Yes	Yes	
045 151 190	R1A	819	Holly Rd	SFR	10-20%	27800	Yes	Yes	
045 140 430	R1A	888	Holly Rd	SFR	0-10%	22494	Yes	Yes	
043 151 200	R1B	1117	Lassen Dr	SFR	0-10%	13500			
043 301 010	R1B	2533	Lincoln Ave	SFR	0-10%	13860			
043 115 240	R1B	3401	Lodge Dr	SFR	10-20%	12275			
043 114 350	R1B	3428	Lodge Dr	SFR	0-10%	17526			
043 221 090	R1B	3209	Longfellow Dr	CHURCH	10-20%	12423			
043 350 040	R1B	3266	Lori Dr	SFR	0-10%	15665	Yes		
044 042 010	R1B	2140	Lyon Ave	SFR	20-30%	19700			
044 054 250	R1C	NA	Lyon Ave	VACANT	10-20%	10446			
044 191 030	R1B	406	Middle Rd	SFR	10-20%	21000	Yes	Yes	
044 101 270	R1B	1709	Mills Ave	SFR	0-10%	14866			
044 211 030	R1A	796	Miramar Ter	SFR	0-10%	21700	Yes	Yes	
043 311 710	R1B	2636	Monte Cresta	SFR	20-30%	17900			
043 061 510	R1B	3700	Naughton Ave	SFR	10-20%	12500			
043 274 010	R1B	2713	Newlands Ave	SFR	10-20%	21350	Yes	Yes	
044 353 110	R1B	1546	Notre Dame	SFR	20-30%	12770			
044 062 390	R1B	1803	Notre Dame	SFR	0-10%	13880			
044 342 510	R1B	1511	Pine Knoll Dr	SFR	10-20%	12500			
043 122 170	R1B	3300	Plateau Dr	SFR	10-20%	12600			
044 251 010	R1B	NA	Prindle Rd	VACANT	0-10%	12142			
044 271 050	R1B	2134	Pullman Ave	SFR	20-30%	16000			
045 081 460	R1B	1815	Ralston Ave	SFR	0-10%	23980	Yes	Yes	
043 182 060	R1B	2600	Ralston Ave	CHURCH	0-10%	96703	Yes	Yes	Yes
043 115 160	R1B	2710	Ralston Ave	CHURCH	0-10%	37026	Yes	Yes	Yes
043 102 110	R1B	2980	Ralston Ave	SFR	10-20%	18700	Yes		
043 322 310	R1B	2827	San Juan Blvd	SFR	20-30%	13104			
043 173 370	R1B	2904	San Juan Blvd	SFR	10-20%	18490	Yes		
043 173 170	R1B	2942	San Juan Blvd	SFR	10-20%	14400			

043 162 910	R1B	NA	San Juan Blvd	VACANT	30-40%	13080			
045 212 010	R1A	495	Shelford Ave	SFR	30-40%	41800			
043 253 030	R1B	2112	Shirley Rd	SFR	10-20%	12820			
043 053 010	R1B	4101	Skymont Dr	SFR	20-30%	12600			
045 222 180	R1B	1531	Solana Dr	SFR	10-20%	16300	Yes		
044 181 700	R1B	510	South Rd	SFR	0-10%	34945	Yes	Yes	Yes
044 183 120	R1A	530	South Rd	SFR	10-20%	21560	Yes	Yes	
045 151 010	R1A	800	South Rd	SFR	10-20%	28750	Yes	Yes	
045 201 190	R1A	1320	Talbryn Dr	SFR	30-40%	58806	Yes - "grandfathered under current rules"	Yes	
044 062 210	R1B	1790	Terrace Dr	SFR	10-20%	13000			
043 261 010	R1B	2200	Thurm Ave	SFR	0-10%	15000	Yes		
043 122 110	R1B	3225	Upper Lock	SFR	20-30%	12102			
043 203 060	R1B	3234	Upper Lock	SFR	20-30%	36000	Yes	Yes	
045 211 160	R1A	1525	Vine St	SFR	20-30%	32490	Yes	Yes	
045 202 120	R1A	1528	Vine St	SFR	20-30%	24300			
044 221 110	R1B	141	Virginia Ave	SFR	10-20%	14048			
044 112 250	R1B	1506	Williams Ave	SFR	0-10%	13500			
044 112 150	R1B	1525	Winding Way	SFR	10-20%	15100			

**Total: 32 Lots - including
 two "grandfathered
 applications" 24 Lots 5 Lots**

Summary:

Slope	# of Parcels
0-10%	29
10-20%	29
20-30%	24
30-40%	3
40-50%	1
Total	86

- * 1. The table is for illustration purposes only, is based on information readily available to the city, and may not be entirely accurate with respect to lot characteristics such as slope and lot size.
2. The Attachment may include lots which are not potentially subdividable, or omit lots which are potentially subdividable.
3. Lots listed as potentially subdividable have no entitlement to subdivision of a particular number, or any, lots; all subdivisions must comply with applicable state law and city ordinances.