



Staff Report

ZONING ORDINANCE AMENDMENT – ADMINISTRATIVE FLOOR AREA EXCEPTIONS – R-1 SINGLE FAMILY RESIDENTIAL DISTRICTS

Honorable Mayor and Council Members:

Summary/Background

On December 5, 2006, by a vote of 7 to 0, the Planning Commission adopted a resolution recommending amendments to Section 4.2.10.E – *Administrative Review of Floor Area Exceptions* of the Belmont Zoning Code to the City Council. The Commission previously reviewed the draft amendments at their November 21, 2006 meeting, provided text modifications, and directed staff to prepare a final Resolution reflecting the modified zoning ordinance language. There were no members of the public that addressed the Commission at either the November 21, 2006 or December 5, 2006 public hearings held for review of the draft amendments.

The Zoning Code amendments would modify the specific types of Administrative Floor Area Exceptions, and their associated findings for residential addition projects in the R-1A, R-1B, R-1C, R-1E, and R-1H single family residential zoning districts. Staff recommends the Council introduce the Zoning Code Amendments as presented in Attachment A.

A copy of the adopted December 5, 2006 Planning Commission resolution (See Attachment B) and November 21, 2006 staff report is attached to this report (See Attachment C). A public hearing has been noticed for this item.

Discussion

Zone Text Amendments

The December 5, 2006 Planning Commission recommended Zoning Code (Section 4.2.10.E) 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 4.2.10.E (Administrative Floor Area Exceptions – R-1 Districts)

- 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. *All Floor Area Exception applications for lots*

below 5,000 sq. ft. in area shall be subject to Planning Commission review and approval in accordance with the provisions of Section 4.2.10.D (1-4).

*Any qualifying property for an Administrative Floor Area Exception Applications which ~~is~~ **are not** found ~~not~~ to meet ~~the~~ these criteria and findings **listed below** 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.~~

~~1. 2.~~ Findings for a garage addition of ~~400~~ 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~~ **addition** would not result in ~~excessive grading or tree removal~~ **the removal of any protected trees or require excessive grading as described below:**

- 300 or more cubic yards of combined cut/fill, or
- 2,000 or more square feet of disturbed site area

d. *The addition complies with required front, rear, and side yard setbacks for the applicable R-1 zoning district. Any garage addition that continues a non-conforming yard setback for the dwelling or the property shall be subject to variance review and approval by the Planning Commission pursuant Section 14 (Variances), as set forth herein.*

- ~~e. 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 *(20 ft. x 20 ft.)* two car garage.
- ~~f. e.~~ The exception requested will not be used for constructing or enlarging a garage *(beyond a 20 ft. x 20 ft. interior clear dimension)* to have more than two parking spaces, ~~nor and will not~~ *the exception* be used to construct storage or work areas within the garage.
- g. 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.*
- h. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable R-1 zoning district.*
- i. No floor area exception for the dwelling for a garage addition/expansion has previously been approved and built on the subject property.*
- j. Any administrative exception previously approved for a garage addition/expansion which has not yet been built, will be null and void upon approval of the current request.*

~~2.3.~~ 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, *or modifications to any roofline of the dwelling.*
- 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 *R-1* 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.
- f. *The addition is compatible with the existing residence and neighboring properties.*
- g. *No floor area exception for the dwelling for an interior addition has previously been approved and built on the subject property.*
- h. *Any administrative exception previously approved for an interior addition which has not yet been built, will be null and void upon approval of the current request.*
- i. *The addition would not result in the removal of any protected trees or require excessive grading as described below:*
 - *300 or more cubic yards of combined cut/fill, or*
 - *2,000 or more square feet of disturbed site area*

Required Finding – Zoning Code Amendments

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). Staff notes that there is no Zoning Plan, per se; however, the Zoning Ordinance 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.

Certain 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. As noted above, the Council must determine that they are achieved by the proposed amendment language.

GENERAL PLAN COMMUNITY GOALS AND POLICIES

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.”

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.”*

The Planning Commission believes the proposed revision to the single family residential administrative floor area exception standards helps achieve these goals and policies. The Planning Commission believes the aforementioned modifications to Section 4.2.10.E provides clear direction to the applicant regarding floor area requirements at the project design stage. The Single Family Design Review and/or Floor Area Exception process (as reviewed by the Commission) will also continue to allow the City to evaluate residential expansion projects which exceed administrative review thresholds relative to the floor area, access, site plan, parking, size/shape of property, design, and appropriateness within the surrounding area.

Specifically, strengthening the required findings for Administrative Floor Area Exception review for single family residential projects provides for site- and case-specific assessment 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 development, the proposed amendments would generally be more responsive to the physical environment, existing development, and needs of the community. The Planning Commission further believes the draft amendment language would assist in maintaining local control over the size, scope, and character of residential addition projects. 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 addition projects, the Planning Commission has concluded that the proposed project would be 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 a public notice display ad in the San Mateo Times (local newspaper of general circulation) as per Section 16.4.1 (Amendments) of the BZO on December 2, 2006, for the scheduled public hearing by the City Council on December 12, 2006.
2. This matter was placed on the agenda and posted as required by the California Government Code.

Conclusion/Recommendation

Based on the action taken at their December 5, 2006 meeting, the Planning Commission has concluded that the aforementioned amendments to Zoning Ordinance Sections 4.2.10.E – *Administrative Floor Area Exceptions – R-1 Single Family Residential Districts* as discussed in this staff report, achieves the objectives of the Zoning Plan and General Plan for the City. A Resolution recommending this position to the City Council is attached for Council review and adoption.

Alternatives

1. Table the Zoning Code Amendments at this time.
2. Disapprove the Zoning Code Amendments.
3. Refer back to staff for additional information.

Attachments

- A. Draft City Council Ordinance introducing Zone Text Amendments (First Reading)
- B. Adopted Planning Commission Resolution recommending Council Adoption of Zoning Code Amendments – December 5, 2006
- C. December 5, 2006 Planning Commission Memorandum which includes the following:
 - November 21, 2006 Commission Staff Report & Draft Amendments
 - August 8, 2006 City Council Staff Report & Meeting Minutes – Discussion & Direction item regarding the proposed Zone Text Amendments

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: Attachment C is not included as part of this document but is available on the City of Belmont Web site under the *City Council* and *Planning Commission Staff Reports* for the respective dates. Please contact the Community Development Department at (650) 595-7417 for more information on viewing these attachments.

ORDINANCE AMENDING SECTION 4.2.10.E OF BELMONT ZONING ORDINANCE
NUMBER 360 REGARDING ADMINISTRATIVE FLOOR AREA EXCEPTIONS
IN THE R-1A, R-1B, R-1C, R-1E, AND R-1H
SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

WHEREAS, on August 8, 2006, the City Council provided direction to staff to evaluate zone text amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Ordinance for Planning Commission consideration; and,

WHEREAS, on November 21, 2006 and December 5, 2006, the Planning Commission, following notification in the prescribed manner, conducted public hearings, at which hearings the Commission considered public testimony and staff reports on amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Zoning Ordinance; and,

WHEREAS, on December 12, 2006, 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 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 report (dated December 12, 2006) 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 staff reports hereby determines that the proposed amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Ordinance achieves the objectives of the Zoning Plan and the General Plan for the City. The amendments would assist in maintaining local control over the size, scope, and character of residential addition projects. These amendments would also provide for more current and comprehensive development standards for single family residential 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.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 4.2.10.E (Administrative Floor Area Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Code be hereby amended to read as follows:

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. All Floor Area Exception applications for lots below 5,000 sq. ft. in area shall be subject to Planning Commission review and approval in accordance with the provisions of Section 4.2.10.D (1-4).

Any qualifying property for an Administrative Floor Area Exception Application which is not found to meet the criteria and findings listed below shall not be administratively approved and shall be subject to the same procedures requiring Planning Commission review.

1. Findings for a garage addition of 400 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 addition would not result in the removal of any protected trees or require excessive grading as described below:
 - 300 or more cubic yards of combined cut/fill, or
 - 2,000 or more square feet of disturbed site area
 - d. The addition complies with required front, rear, and side yard setbacks for the applicable R-1 zoning district. Any garage addition that continues a non-conforming yard setback for the dwelling or the property shall be subject to variance review and approval by the Planning Commission pursuant Section 14 (Variances), as set forth herein.
 - e. The amount of exception requested would be used entirely for the construction of garage parking spaces for an existing residence which currently does not have a full (20 ft. x 20 ft.) two car garage.
 - f. The exception requested will not be used for constructing or enlarging a garage (beyond a 20 ft. x 20 ft. interior clear dimension) to have more than two parking spaces, nor will the exception be used to construct storage or work areas within the garage.
 - g. 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.
 - h. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable R-1 zoning district.

- i. No floor area exception for the dwelling for a garage addition/expansion has previously been approved and built on the subject property.
 - j. Any administrative exception previously approved for a garage addition/expansion which has not yet been built, will be null and void upon approval of the current request.
2. 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, and will not result in the moving, extending, or addition of any exterior walls, or modifications to any roofline of the dwelling.
 - 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 R-1 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.
 - f. The addition is compatible with the existing residence and neighboring properties.
 - g. No floor area exception for the dwelling for an interior addition has previously been approved and built on the subject property.
 - h. Any administrative exception previously approved for an interior addition which has not yet been built, will be null and void upon approval of the current request.
 - i. The addition would not result in the removal of any protected trees or require excessive grading as described below:
 - 300 or more cubic yards of combined cut/fill, or
 - 2,000 or more square feet of disturbed site area

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 _____, 2007.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

ATTACHMENT B - RESOLUTION NO. 2006-61

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT

RECOMMENDING AMENDMENTS TO THE CITY COUNCIL FOR
SECTION 4.2.10.E OF BELMONT ZONING ORDINANCE NUMBER 360 REGARDING
ADMINISTRATIVE FLOOR AREA EXCEPTIONS IN THE R-1A, R-1B, R-1C, R-1E, AND
R-1H SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

WHEREAS, on August 8, 2006, the City Council provided direction to staff to evaluate zone text amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Ordinance for Planning Commission consideration; and,

WHEREAS, on November 21, 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 on amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Zoning Ordinance; and,

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

WHEREAS, the Planning Commission hereby adopts the staff report (dated November 21, 2006), and staff memorandum (dated December 5, 2006) and the facts contained therein as its own findings of fact; and,

WHEREAS, the Planning Commission 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 Planning Commission after consideration of all testimony and staff reports hereby determines that the proposed amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Ordinance achieves the objectives of the Zoning Plan and the General Plan for the City. The amendments would assist in maintaining local control over the size, scope, and character of residential addition projects. These amendments would also provide for more current and comprehensive development standards for single family residential 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 Planning Commission recommends the City Council amend Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Code:

1. Zoning Code Section 4.2.10.E shall be revised to read as follows:

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. All Floor Area Exception applications for lots below 5,000 sq. ft. in

area shall be subject to Planning Commission review and approval in accordance with the provisions of Section 4.2.10.D (1-4).

Any qualifying property for an Administrative Floor Area Exception Application which is not found to meet the criteria and findings listed below shall not be administratively approved and shall be subject to the same procedures requiring Planning Commission review.

1. Findings for a garage addition of 400 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 addition would not result in the removal of any protected trees or require excessive grading as described below:
 - 300 or more cubic yards of combined cut/fill, or
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 - d. The addition complies with required front, rear, and side yard setbacks for the applicable R-1 zoning district. Any garage addition that continues a non-conforming yard setback for the dwelling or the property shall be subject to variance review and approval by the Planning Commission pursuant Section 14 (Variances), as set forth herein.
 - e. The amount of exception requested would be used entirely for the construction of garage parking spaces for an existing residence which currently does not have a full (20 ft. x 20 ft.) two car garage.
 - f. The exception requested will not be used for constructing or enlarging a garage (beyond a 20 ft. x 20 ft. interior clear dimension) to have more than two parking spaces, nor will the exception be used to construct storage or work areas within the garage.
 - g. 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.
 - h. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable R-1 zoning district.
 - i. No floor area exception for the dwelling for a garage addition/expansion has previously been approved and built on the subject property.

- j. Any administrative exception previously approved for a garage addition/expansion which has not yet been built, will be null and void upon approval of the current request.
- 2. 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, and will not result in the moving, extending, or addition of any exterior walls, or modifications to any roofline of the dwelling.
 - 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 R-1 zoning district.
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 - h. Any administrative exception previously approved for an interior addition which has not yet been built, will be null and void upon approval of the current request.
 - i. The addition would not result in the removal of any protected trees or require excessive grading as described below:
 - 300 or more cubic yards of combined cut/fill, or
 - 2,000 or more square feet of disturbed site area

* * * * *

I hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Belmont at a regular meeting held on December 5, 2006 by the following vote:

AYES,
COMMISSIONERS: Frautschi, McKenzie, Wozniak, Horton, Mayer, Mercer, Parsons
NOES,

COMMISSIONERS: None

ABSENT,

COMMISSIONERS: None

ABSTAIN,

COMMISSIONERS: None

RECUSED,

COMMISSIONERS: None

Carlos de Melo
Planning Commission Secretary

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