



STAFF REPORT

STATUS ON PERFORMANCE OF RESIDENTIAL PARKING UPGRADE ORDINANCE

Honorable Mayor and Council Members:

Summary

This report provides an update, as requested by the City Council, on the performance of an Ordinance adopted by Council (March 2005) regarding off-street required parking upgrades in conjunction with single family residential projects, and the definition of a “bedroom”.

Background

The following provides a chronology of actions leading to the Council adoption of the Ordinance regarding single family residential parking upgrades and the “bedroom” definition:

- October 14, 2005 - pursuant to City Council direction at this meeting, staff is directed to prepare ordinance amendments to address parking upgrades for single family residential addition projects.
- The Planning Commission conducts three public hearings (December 7, 2004, January 4, and February 1, 2005) to discuss possible amendments. At the 2/1/05 meeting, the Commission adopts a resolution recommending zoning amendments to Section 2.16 (Definitions - Bedroom), Section 8.1.4 (Parking - Scope of Regulations), and Section 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Code to the City Council.
- March 8, 2005 – the City Council reviews and adopts the draft ordinance amendments (first reading), adding a provision that the aforementioned amendments shall be effective only for projects submitted after March 8, 2005. Furthermore, the Council also directs a status report be returned to the Council on the performance of the ordinance in March 2007.
- March 22, 2005 – the City Council adopts the Zoning Code Amendments (2nd Reading).
- April 22, 2005 – the ordinance is effective.

Discussion

In summary, the ordinance included the resulting text modifications for the definition of a “bedroom”:

2.16 BEDROOM - Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. Dens, studies, or other rooms which are capable of being used for sleeping quarters that contain a closet, or to which a closet could be added, shall also be considered bedrooms.

The ordinance text amendments also created “triggers” when a single family or duplex structure was required to upgrade their on-site parking to a two covered and two uncovered condition when any of the following occurred:

- *600 or more square feet of gross floor area is added to the dwelling*
- *Any floor area modification that results in a dwelling becoming 3,000 square feet or larger*
- *Any floor area modification that results in an increase in the number of bedrooms from three or fewer to four or more*
- *More than one bedroom is being added to such dwelling unit*

Finally, the ordinance amendments recognized that a two car garage constructed prior to April 22, 2005 (having a minimum interior dimension of 17 feet in width by 18 feet in depth), would be considered a legal nonconforming two-car garage for purposes of the Ordinance. Any such dwelling with this size garage, however, was allowed maintain this non-conformity as long as the square footage necessary to establish a 20’ x 20’ garage for the dwelling was “reserved” from the maximum permitted floor area for the dwelling.

Ordinance Performance/Single Family Design Review Applications

Since the adoption of the Ordinance (March 2005), the Planning Commission has reviewed approximately 57 single family design review projects. Some of these applications were for new single family dwellings where four off-street spaces (two covered/two uncovered) are required. A great percentage of these applications (approximately 49 - equating to 85% of the total) centered on additions to existing single family residences.

Of these 49 applications, 43 met the current single family parking requirement (two covered/two uncovered). This was achieved with their existing floor plan or by improvements to the dwelling to create a two car garage and driveway. The other six applications clearly appeared to be designed to not exceed the four “thresholds” described above. Of these six cases, the proposed square footage addition ranged from 530 to 599 square feet; typically, conditions of approval for these six projects required the recordation of a deed restriction for the property to address potential unlawful conversion of existing floor area or covered patio areas to bedrooms or

habitable space without the required upgrade of parking conditions for the dwelling.

Potential Ordinance Language Modifications

Staff has recently reviewed (in concert with Planning Commission input) the current zone text language in relation to the four “triggers” and bedroom definition, and believes that minor text amendments may be appropriate to address the intent of the thresholds and the associated required parking upgrade. In brief, staff believes subsequent language modifications would be beneficial to clarify how the City treats existing homes that already have four bedrooms, or exceed 3,000 square feet, and the necessity to assure complying parking in association with any residential addition project for such homes.

Staff further believes specific language changes are necessary relating to the “bedroom” definition to safeguard against the potential creative labeling of proposed new floor area to avoid a required parking upgrade (i.e. designing an addition that would result in the dwelling having two living or dining rooms, which by current definition do not count as a bedroom). Staff believes these potential language changes can be reasonably carried forward for future Commission and Council review without severely taxing other policy work efforts (i.e. Priority Calendar) currently being undertaken by the Community Development Department.

Staff seeks confirmation from the Council to move forward with future review of the text amendments described above.

General Plan/Vision Statement

Review of this matter is consistent with the General Plan and Vision Statement.

Fiscal Impact

None.

Public Contact

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

Recommendations

1. Provide guidance to staff on any issues related to the enforcement of the provisions of the residential parking upgrade ordinance.
2. Direct staff to assess future minor language changes to the ordinance provisions.

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Alternative

1. Take no action.

Attachments

- I. Adopted Ordinance – March 22, 2005

Respectfully submitted,

Carlos de Melo
Community Development Director

Jack Crist
City Manager

Staff Contact:

Carlos de Melo, Community Development Director
(650) 595-7440
cdemelo@belmont.gov

ATTACHMENT I

ORDINANCE NO. 1006

ORDINANCE AMENDING SECTIONS 2.16 (DEFINITIONS – BEDROOM), 8.1.4 (PARKING - SCOPE OF REGULATIONS), AND 8.3.1(E) (DESIGN STANDARDS – PARKING AREAS) OF BELMONT ZONING ORDINANCE NUMBER 360 FOR SINGLE FAMILY RESIDENTIAL PARKING STANDARDS

WHEREAS, on April 13, 2004 and October 12, 2004, the City Council directed staff to evaluate the thresholds for requiring conforming parking for single family residential projects, and the definition of a “bedroom” for Commission consideration of possible amendments to Sections 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Zoning Ordinance; and,

WHEREAS, on December 7, 2004, January 4, 2005, and February 1, 2005, the Planning Commission, following notification in the prescribed manner, conducted public hearings, at which hearings the Commission considered public testimony and staff reports for the zone text amendments, and recommended amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Zoning Ordinance; and,

WHEREAS, on March 8, 2005, 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 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.

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 reports hereby determines that the proposed amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Ordinance for single family residential parking standards, and the definition of “bedroom” 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 residential projects. These amendments support protecting and promoting the comfort, convenience, and general welfare of the community, advance the goal of providing a precise guide for physical development of the city, and fulfill the General Community Goals and Policies of the General Plan.

WHEREAS, the City Council hereby mandates that the aforementioned Belmont Zoning Ordinance amendments regarding single family residential parking standards, and the definition of “bedroom”, shall be effective for any project submitted after March 8, 2005; and,

WHEREAS, the City Council hereby directs staff to prepare a two-year status report (March 2007) documenting the performance and effectiveness of the aforementioned Belmont Zoning Ordinance amendments; and,

Section 1: NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belmont that Section 2.16 (Definitions - Bedroom) of the Belmont Zoning Ordinance be hereby amended to read as follows:

2.16 BEDROOM - Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. Dens, studies, or other rooms which are capable of being used for sleeping quarters that contain a closet, or to which a closet could be added, shall also be considered bedrooms.

NOW THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 8.1.4 (Parking - Scope of Regulations) of the Belmont Zoning Ordinance be hereby amended to read as follows:

8.1.4 At the time of erection or enlargement of any building containing one or more dwelling units, or of the addition of one or more dwelling units to or within an existing building, unless otherwise prohibited in this Ordinance, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each new or added dwelling unit in any one or two family structures, and not less than one (1) automobile garage space plus one (1) additional on-site parking space for each new or added unit in any multi-family structure. Furthermore, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each dwelling unit in any one or two family structure when any of the following occurs:

- 600 or more square feet of gross floor area is added to the dwelling
- Any floor area modification that results in a dwelling becoming 3,000 square feet or larger
- Any floor area modification that results in an increase in the number of bedrooms from three or fewer to four or more

- More than one bedroom is being added to such dwelling unit

Notwithstanding this section, all secondary dwelling units shall comply with the parking standards set forth in Sections 8.4.1(f) and 24.3(i) of the Belmont Zoning Code.

NOW THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Ordinance be hereby amended to read as follows:

8.3.1(e) Minimum Garage Dimension - A garage containing two parking spaces shall have an inside dimension of not less than 20 feet by 20 feet; however, any garage constructed prior to (effective date of this ordinance) having a minimum interior dimension of 17 feet in width by 18 feet in depth shall be considered a legal nonconforming two-car garage for purposes of this Ordinance. Any such dwelling with a 17' X 18' legal nonconforming garage may continue its nonconformity provided the square footage necessary to establish a 20' x 20' garage be reserved from the maximum permitted dwelling floor area for a future garage upgrade.

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 8th day of March, 2005.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the 22nd day of March, 2005.

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AYES,
COUNCIL MEMBERS: Mathewson, Feierbach, Metropulos, Warden

NOES,
COUNCIL MEMBERS: Bauer

ABSTAIN,
COUNCIL MEMBERS: _____

ABSENT,
COUNCIL MEMBERS: _____

RECUSED,
COUNCIL MEMBERS: _____

/s/ David Warden
MAYOR of the City of Belmont

ATTEST:

/s/ Terri Cook
CLERK of the City of Belmont