CITY OF BELMONT
MEMORANDUM

TO: Planning Commission

FROM: Carlos de Melo, Community Development Director

SUBJECT: September 2, 2008 Planning Commission Meeting – Agenda Item 5A
Discussion Regarding Belmont Zoning Code Section 12 – Planned Development

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SUMMARY

As discussed at the Planning Commission's 5/20/08 Study Session, the Commission requested an opportunity for expanded review/assessment of Belmont Zoning Ordinance (BZO) sections. An appropriate next topic for discussion is Section 12 – Planned Development (see attachment I).

Section 12 is a key component of the BZO as the City routinely reviews inquiries relating to:

- Development standards associated with existing planned development districts
- Establishment/rezoning of new properties to the PD designation
- Amendments to PD Districts (both large and small in scope, intensity, and use)

This section also provides "the roadmap" for submittal requirements to establish a Conceptual Development Plan (CDP) and Detailed Development Plan (DDP) associated with a PD District. The Planning Commission & City Council have reviewed a number of projects (both minor and significant) within the last 10 years for PD Districts. City staff also processes administrative conditional use permits for small-scale additions within residentially designated PD districts. In short, the PD regulations are routinely consulted, reviewed, and assessed in the development process for the City.

Staff welcomes Commission feedback on Section 12 components as appropriate; such feedback may result in direction towards future Zone Text Amendments.

PUBLIC CONTACT

No other public contact beyond posting of the agenda was initiated by the City in preparation of tonight's item.

ATTACHMENTS

I. Belmont Zoning Code (BZO) Section 12 – Planned Development

***SECTION 12 - PLANNED UNIT DEVELOPMENT OR "PD" DISTRICT** **ATTACHMENT I**

** 12.1 PURPOSE - This district is designed to accommodate various types of development, such as single-family residential developments, multiple housing developments, neighborhood and community shopping centers, professional and administrative areas, commercial service centers, and industrial parks and other uses or a combination of uses which can be made appropriately a part of a Planned Unit Development. The district is established to allow flexibility of design, which is in accordance with the objectives and spirit of the General Plan. This District also provides for administrative approvals by the Director of Community Development for additions to residential (not including mixed residential/commercial) structures provided the findings in Section 12.12 can be made into the affirmative.

12.2 ESTABLISHMENT OF PD DISTRICTS - PD Districts may be established or removed from the Zoning Map upon the application of a property owner or owners, or upon the initiative of the City Council or Planning Commission, in accordance with the procedures set forth in Section 16 of this Ordinance.

12.3 CONCEPTUAL DEVELOPMENT PLAN REQUIRED - An application for the establishment of a PD District shall be accompanied by a Conceptual Development Plan which, if approved by the Planning Commission and City Council, shall become a part of the Zoning Map of the City of Belmont.

A. Said Conceptual Development Plan shall show the following information presented in a schematic form and at a scale satisfactory to the Zoning Administrator with a reduced reproducible print of the approved drawing suitable to the Secretary of the Planning Commission for publication purposes:

1) Proposed land uses.

2) Location of buildings, structures and building groups.

3) A tabulation of proposed dwelling unit density in residential areas.

4) A tabulation of floor area ratios and the maximum heights of proposed buildings.

5) Proposed circulation systems, including preliminary street cross sections.

6) Proposed parks, playgrounds, school sites and other open spaces.

7) Location and type of existing and proposed landscaping. Identification of any existing trees to be removed, in accordance with Ordinance No. 424.

8) An economic feasibility analysis of proposed commercial uses.

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* Section 12 added by Ord. #473, 2/9/70; amended by Ord. #502, 1/23/73
** Amended by Ord. #895, 7/27/95

9) Delineation of the major units within the development to be constructed in progression.

10) Relation to future land use in surrounding area as proposed in the General Plan.

* 11) Proposed off-street parking.

B. The Planning Commission and City Council may require such other information which, combined with the other information submitted, shall be for the purpose of ascertaining substantial conformity with the adopted General Plan of the City of Belmont. The Planning Commission and City Council shall make the following findings in addition to those required in Section 16 of this Ordinance prior to rezoning any property to the PD District:

1) That the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.

2) That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.

3) That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.

4) That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.)

* 5) That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance; that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.

** C. The Planning Commission or City Council may require the submittal of a topographic model of the proposed district to an accurate scale. Both horizontal and vertical scales shall be the same. The scale and detail of the model shall be sufficient to accurately illustrate the appearance of the total final development. The Zoning Administrator shall approve the scale of the model in writing prior to its construction. The following proposed items shall be included on the model:

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* Amended by Ord. #458, 12/14/70
** Amended by Ord. #526, 3/25/74

1) Final topography of the district after grading

2) Street system

3) Location and bulk of buildings and structures

4) Lot design

5) Parks, playgrounds, school sites and other open spaces

6) Parking and loading areas

7) Location of existing and proposed major landscaping.

* 12.3.1 A PD District initiated by the City Council or Planning Commission shall state the following:

(a) Proposed land uses.

(b) Specified standards of development, including but not limited to circulation of traffic, landscaping and architecture.

(c) Specific density of said proposal for PD zoning may include any of the items contained in the requirements for a Conceptual Development Plan but shall not require a Conceptual Development as provided in 12.3A above; nor shall the findings in 12.B 1-5 be required to be made.

** 12.3.2 Changes in Conceptual Development Plan shall be considered as changes in the Zoning Ordinance and shall be made in accordance with Section 16 of this Ordinance.

** 12.3.3 Any owner of real property zoned to a PD District by initiative of the City Council or Planning Commission shall, as a prerequisite to development of said property, apply with his Conceptual Development Plan and application for PD District in accordance with the PD District land uses and standards established, therefore by the Planning Commission and City Council in accordance with the provisions of Section 16.

*** 12.4 APPROVAL OF USES AND DEVELOPMENT – A Conditional Use Permit shall be required for any and all uses in a PD District, and Design Review shall be required for any and all improvements, as determined below:

A. For all commercial, institutional, multiple family residential, institutional and similar developments, the principles of Section 13.5.3 shall be followed.

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* Amended by Ord. #596, 1/28/77
** Amended by Ord. #526, 3/25/74
*** Amended by Ord. #1001, 10/14/04

B. For single family and duplex residential developments, the findings of Section 13A.5 shall be required.

C. In addition, the Planning Commission shall not grant a Use Permit for any use or uses in a PD District, unless it finds:

1. Such use or uses substantially conform to the adopted General Plan of the City of Belmont.
2. Such use or uses are as shown on the approved Conceptual Development Plan for the particular PD District.

A Detailed Development Plan, as described in Section 12.5 shall be submitted as part of any application for a Use Permit/Design Review.

12.5 DETAILED DEVELOPMENT PLAN REQUIRED - An application for a Use Permit in a PD District shall include and be accompanied by a Detailed Development Plan, which, if approved by the Planning Commission, shall become a part of the Use Permit. The Detailed Development Plan shall contain certifications that a Design-Professional or group of Design-Professionals have participated in its preparation. Design-Professional includes a Civil Engineer, Landscape Architect, Architect, Registered Building Designer, or City Planner who is a member of the AICP. Compliance with the requirements of this Section shall not be construed as relieving the applicant from compliance with the Subdivision Ordinance or other applicable ordinances of the City of Belmont.

A. The Detailed Development Plan shall include:

1) A map showing any street system and lot design proposed within the District. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and other such uses.

2) A map showing the existing topography and the proposed finished grading of the district at one-foot contour intervals on areas of a cross slope of less than 5 percent; at two-foot contour intervals on areas of a 5 to 10 percent cross slope; at five-foot contour intervals on areas exceeding 10% cross slope. For the purpose of this Section, the cross slope of an area is defined to be the ration expressed as a percentage of the vertical difference in elevation to the horizontal distance between any two points, with the line connecting the two points being essentially perpendicular to the contours between the two points. The Planning Commission shall have the authority to determine the cross slope of an area and shall also have the authority to designate different portions of the District as having different cross slopes.

3) A plot plan for each building site or sites in the proposed PD District. The required plot plan shall show the location of all proposed buildings indicating maximum and minimum distances between buildings and the property or building site lines.

* 4) Deleted.

5) A detailed tabulation of the resultant densities of persons, dwelling units, floor area ratios and height of structures.

6) The following plans, diagrams and information shall also be required to be included on the plot plan or appended thereto, unless the Zoning Administrator has indicated in writing that certain requirements are not applicable:

(a) Off-street parking and loading plan.

(b) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the PD District, and to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern shall be shown.

(c) Landscaping and tree planting plan; such a plan shall show the approximate location and type of plant materials to be installed.

(d) Detailed engineering site plans, including proposed finished grades and all public improvements.

(e) Detailed engineering plans for the provision of public utilities for the site, including provisions for off-site connections and facilities necessary to serve the site.

(f) Elevations and perspective drawings of all proposed structures, except single-family residences. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of the proposed buildings and the general appearance of the proposed structures, to the end that the entire development will have architectural unity and be in harmony with surrounding developments.

(g) Written statement describing the disposition of recreation and open space areas. Such statement shall include proposals for ownership, development and maintenance.

12.6 DESIGN STANDARDS - The following design standards shall be established as shown on the Detailed Development Plan for the particular PD District as approved by the Planning Commission. Said design standards shall become a part of the Use Permit:

A. Minimum building site.

* Amended by Ord. #458, 12/14/70

B. Minimum lot dimensions.

C. Maximum building site coverage by buildings and structures.

D. Minimum yards.

E. Maximum building or structure heights.

F. Maximum height of fences and walls.

G. Signs.

H. Off-street parking.

* 12.7 Deleted.

12.8 OPEN SPACE AND DENSITY - Open space and density shall be as shown on the Detailed Development Plan for the particular PD District as approved by the Planning Commission, providing that the total open area and average density shall substantially conform to the adopted General Plan of the City of Belmont.

** 12.9 AMENDMENT OF DETAILED DEVELOPMENT PLAN – Changes in any Detailed Development Plan shall be treated as amendments to the CUP and Design Review and considered per Section 12.4.

12.10 DEVELOPMENT SCHEDULE - An application for a Use Permit in a PD District shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date on which construction of all facets of the entire project can be expected to begin, the anticipated rate of development, and completion date. The development schedule, if approved by the Planning Commission, shall become a part of the Detailed Development Plan and shall be adhered to by the owner of the property in the PD District, and his successors in interest.

12.11 REVOCATION OF USE PERMIT - If, in the opinion of the Planning Commission, the owner or owners of property in a PD District are failing or have failed to meet an approved development schedule, the Planning Commission may initiate proceedings under Section 11 of this Ordinance to revoke the applicant's Use Permit until such time as the applicant conforms to the conditions thereof. For good cause shown by the property owner, in writing, prior to the expiration of the original development schedule, the Planning Commission may extend the limits imposed by the development schedule in accordance with Section 11 of this Ordinance.

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* Amended by Ord. #458, 12/14/70

** Amended by Ord. #596, 2/28/77; Ord. #895, 7/27/95; and by Ord. #1001, 10/14/04

* 12.12 ADMINISTRATIVE APPROVALS OF AMENDMENTS TO DETAILED DEVELOPMENT PLANS

A. PURPOSE – The purpose of this section is to provide for streamlined review and approval of administrative conditional use permits for minor building additions to residential structures in the PD District as determined by the Director of Community Development.

B. APPLICATION AND FEE – Plans, a completed application, and a fee are required for an administrative conditional use permit. Other data may be requested by the Director of Community Development as determined necessary in order to fully evaluate the proposed project.

C. DIRECTOR OF COMMUNITY DEVELOPMENT REVIEW AND FINDINGS REQUIRED – The Director of Community Development may administratively review and approve building additions to residential structures in the PD District provided that the following criteria are met:

1. The proposed addition is compatible with the structure and structures in the general neighborhood, and will not block any neighbor views of the surrounding area.

2. The proposed addition does not bring the total floor area on the site in excess of 3,500 square feet.

3. The site is of sufficient size to accommodate the proposed addition together with all yards, open spaces, walls and fences, parking and loading facility, landscaping and such other provisions required by this Ordinance.

4. The proposed use will not be detrimental to the public health, safety, or welfare.

5. No other Planning Commission entitlements are required.

6. The addition contains no more than 200 square feet at the first floor level only.

D. NOTICE OF ADMINISTRATIVE DECISION AND REQUEST FOR PUBLIC HEARING PROCEDURE – The following procedures shall apply when the Director of Community Development takes action on an administrative use permit:

** 1. Notice of the intent to approve the conditional use permit and stating the opportunity to file a written appeal shall be sent to the City Council, Planning Commission and the applicant and property owners with the distance of 300 feet from the exterior boundaries of the subject property

* Added by Ord. #895, 7/27/95
** Added by Ord. #1005, 2/24/05

via U.S. mail at least 10 days prior to such action. Notice to the Council and Commission may be provided by e-mail.

2. The notice shall provide for an opportunity to file a written request for a public hearing. Upon receipt of a request for a public hearing, the application shall be set for hearing by the Planning Commission.

3. The Director of Community Development may refer an application for administrative conditional use permit to the Planning Commission upon determination that the request does not meet the administrative standards.

E. EFFECT – The use permit shall become effective following the 10 day notification period pursuant to 12.12B unless a public hearing is requested. Decisions of the Director of Community Development may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the City Council. Should the item be referred to the Commission by the Director of Community Development, the applicant shall apply for and comply with the conditional use permit process for Commission review which includes paying the application fee.

F. RENOVATION – A conditional use permit shall be deemed null and void upon a finding by the Planning Commission that the property for which such exception has been granted is in violation of any application provisions of this Ordinance, or that there has been failure to comply with any condition or conditions imposed in the granting of a conditional use permit.