



Staff Report

DISCUSSION AND DIRECTION REGARDING SAN JUAN HILLS & WESTERN HILLS AREA FLOOR AREA/DENSITY TRANSFER POLICIES

Honorable Mayor and Council Members:

Summary

One of the Community Development projects on the Council's Priority Calendar for FY08-09 is the review of potential policy amendments to allow floor area/density transfers from the San Juan & Western Hills areas to others areas of the City. The Planning Commission ranked this issue favorably as part of their Spring 2008 Priority Calendar review and the Council subsequently added the item to the Community Development Department list of "current" projects for commencement during the current fiscal year.

This memo seeks to educate and clarify with the Council any potential text amendments (scope, content, applicability) relating to this issue. From the Council's direction at tonight's meeting, staff will move forward with an action plan for staff work efforts, and preparation of such text amendments for consideration and adoption by the Planning Commission & the City Council.

Background/Ordinance & Policy History

Three key actions established the current policies governing floor area/density transfers for the City via adoption of the:

- San Juan Hills Area Plan – 1988
- Western Hills Area Plan – 1990
- Rezoning & Establishment of the Hillside Residential & Open Space Districts (HRO-1, HRO-2, and HRO-3) within the San Juan & Western Hills areas of the City – 1989

The San Juan Hills & Western Hills plans are considered Specific Plans for the area that augment the City's General Plan while the HRO districts regulations were intended to formalize and implement the connecting development standards for these areas within the City.

The San Juan Hills plan provides guidance and goals & objectives that encourage floor area transfers from properties within the plan area that are problematic (steep slopes, geotechnical instability, frontage on "paper" roads, environmental issues) to other less constrained areas. A sampling of the policy language is as follows:

San Juan Hills Area Policies

Hillside Residential and Open Space Areas (Pages 47-48)

Policy 9 - Density Transfer in Vacant, Subdivided Area.

- a. Allow property owners to voluntarily transfer the development potential they are permitted by the regulations proposed in Policy 8 along the roadway on which they are located. This transfer is permitted in order to permit the construction of houses on lots close to existing roads and eliminate development potential on lots in areas with the most critical geologic hazards and farthest from existing roads.*
- b. The City shall establish regulations permitting land owners to sell the development potential permitted them by the regulations implementing Policy 8 to owners along the same roadway. Land owners who elect to sell all of their development potential shall be restricted to permanent open space. Adequate and permanent arrangements for the long term ownership, management and maintenance of these sending parcels shall be required.*
- c. Regulations shall be developed to provide incentive to land owners who purchase the development potential. These incentives may include reduced minimum lot sizes, increases in the sizes of houses, or density bonuses.*

Geologic Hazards (Page 39)

Policy 6 – Restrict Development in Critical Geologic Hazard Areas.

- c. Encourage the redesign, recombination and transfer of building rights to areas outside...critical geologic hazard areas (Md & Pdf).*

The Belmont Zoning Code HRO-2 District provides the specific regulations where floor area/density transfers are allowed to occur & the “checklist” of an application submittal. Floor area/density transfers for the San Juan Hills areas are limited in that they can only occur from one HRO-2 property to another that are located in the same “statistical subarea¹” and on the same street. The regulations have proven to be somewhat problematic over the past 20 years as available properties meeting the specific criteria are scarce to allow for transfers to other “better developable” land within the area.

Discussion

The key issue as part of this policy review is to evaluate whether floor area/density rights should be extended outside of the (San Juan & Western Hills) areas. Specific process/policy questions that staff seeks direction/confirmation from the Council are as follows:

Consideration of the appropriateness of transfers to:

¹ Statistical Subareas show the various subparts (14) of the San Juan Hills Plan area where floor area transfers can only occur within each specific subpart – see Attachment II

- **Commercial areas of the City (i.e. specifically the El Camino Real/Ralston Corridor) where higher density development is expected to be encouraged.**
- **Other Residential Areas of the City –Single & Multiple Family Residential Districts.**
- **Within any area of the San Juan & Western Hills (i.e. removal of the statistical subarea & same street limitation).**

Is the current floor area transfer amount appropriate? Currently the regulations permit 900 square feet of floor area to be transferred from a “sending” lot to a “receiving” lot that is directly adjacent, and 1,200 square feet (from sending to receiving) lots that are not connected.

Is the density transfer number (i.e. maximum number of units) appropriate? Currently the Ordinance dictates allowable density based upon the average slope & size of the lot.

General Plan/Vision Statement

Potential amendments to the Floor Area/Density Transfer Policies language 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 1015.4

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.

Fiscal Impact

No impact at this time. Significant fiscal impacts are not expected in crafting future ordinance amendments unless wholesale modifications are directed by Council. Staff would then most likely solicit consultant services to assist with the project work plan. In that case, the extent of funds allocated for amendment completion has not been determined at this time.

Public Contact

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

Recommendation

Staff recommends that the Council review the issues in this staff report and provide direction as detailed above.

Alternatives

I. Suspend the *Floor Area/Density Transfer* Priority Calendar Project at this time.

II. Refer back to staff for additional information.

Attachments

- I. Belmont Zoning Code Sections 4.7.11(d, e, f, & g) – Floor Area Transfers, Density Transfers, Lot Line Adjustments, and Zoning Administrator Decision/Notification
- II. Statistical Subareas – San Juan Hills Area Plan

Respectfully submitted,

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ATTACHMENT I

Belmont Zoning Code Sections 4.7.11(d, e, f, & g) – Floor Area Transfers, Density Transfers, Lot Line Adjustments, and Zoning Administrator Decision/Notification

- (d) FLOOR AREA TRANSFER - The permanent transfer of floor area development potential in the HRO-2 Zoning District from one discontinuous site to another site along the same roadway and within the same statistical subarea as shown on the San Juan Hills Area Plan shall be permitted upon approval of an Administrative Conditional Use Permit by the Zoning Administrator. Any project resulting in a floor area ratio exceeding 0.5 shall be subject to public hearing by the Planning Commission. Floor area transfer use permits are subject to the following:
1. Application requirements - A conditional use permit application for floor area transfer shall be accompanied by the following:
 - a. Map showing the location and boundaries of the proposed sending and receiving parcels.
 - b. Calculations showing the maximum allowable floor area on the receiving parcel according to the requirements of this ordinance.
 - c. Site plan of the receiving parcel showing the proposed locations of all buildings, driveways, and grading.
 - d. A signed contractual agreement with the owner of the sending property to transfer floor area to the owner of the receiving parcel, and agreeing to record an open space or conservation easement restricting all development potential attributable to the sending parcel, and evidence of title insurance on the sending parcel indicating that the parties to the contractual agreement have the right to enter into such a contract.
 - e. Program for ownership and management of the sending property. Such a program may include merger with contiguous property, fee ownership by a private conservation organization; fee ownership by the owner of the receiving parcel, or other means approved by the Planning Commission.
 - f. An approved hillside road improvement plan.
 2. Standards for Floor Area Transfer

- a. Floor area and development rights transfer shall be by recordation of a deed of development rights transfer on each lot describing the transfer between the owners of the sending and receiving parcels.
- b. An open space or conservation easement and an ownership and open space management plan for the sending parcel shall be approved and recorded prior to issuance of a building permit for construction of any transferred floor area.
- c. The total floor area allowed on the receiving property shall be that which would be allowed on the receiving lot plus 1,200 sq. ft. If the applicant can demonstrate through survey that the sending property would yield more than 1,200 sq. ft. then the floor area allowed on the receiving site shall be the summation of the floor area allowed on the sending and receiving sites. Total allowed floor area shall not exceed 3,500 sq. ft. on any one lot.

3. Conditional Use Permit Findings Required for Approval

- a. The proposed transfer of density is consistent with the policies of the San Juan Hills Area Plan and the Geologic Hazards Ordinance.
- b. Adequate infrastructure exists or its construction is assured, and for sites requiring road improvement plans, such plans have been approved.
- c. The pattern of development which would result from the transfer of floor area is better than could be achieved through the application of this ordinance without floor area transfer, due to less grading, less street and utility extension, and better building site locations.
- d. The sending property will be protected from development by the establishment of a conservation easement over its entirety, or be merged with an adjacent lot and a conservation easement established over land equal in area to the sending site, and the ownership and management of such property will be adequately provided for.
- e. The proposed building sites will not be in an area designated Md or Pdf on the current geologic hazards map.
- f. All floor area transfer standards will be met.

- (e) DENSITY TRANSFER - The permanent transfer of residential units in the HRO-2 Zoning District from one group of lots to another discontinuous site along the same roadway and within the same statistical subarea as shown on the San Juan Hills Area Plan shall be permitted upon approval of a conditional use permit by the Planning Commission. Density transfer use permits are subject to the following:
- 1) Application requirements - A conditional use permit application for density transfer shall be accompanied by the following:
 - a. Map showing the location and boundaries of the proposed sending and receiving parcels.
 - b. Calculations showing the maximum allowable density and minimum lot size on the sending and receiving parcels according to the requirements of this ordinance.
 - c. Site plan of the receiving parcels showing the proposed locations of all homes, driveways, and grading.
 - d. A signed contractual agreement with the owner of the sending property to transfer density to the owner of the receiving parcel, and agreeing to record an open space or conservation easement restricting all development potential attributable to the sending parcel and evidence of title insurance for the sending parcel indicating that the parties to the contractual agreement have the right to enter into such a contract.
 - e. Program for ownership and management of the sending property. Such a program may include merger with contiguous property, fee ownership by a qualified private conservation organization, fee ownership by the owners of the receiving parcel, or other means approved by the Planning Commission.
 - f. An application for a tentative subdivision map.
 - g. An approved hillside road improvement plan.
 - 2) Standards for Density Transfer
 - a. The receiving site shall be at least 20,000 sq. ft. and each lot created as part of the density transfer procedure shall be a minimum of 10,000 sq. ft. and shall not be required to meet the minimum lot size standards Section 4.7.9. b. One transferred

residential unit shall be allowed for each 3 lots, which have density transferred from them.

- b. Density transfer shall be by recordation of a deed of development rights transfer on each lot describing the transfer between the owners of the sending and receiving parcels.
- c. An open space or conservation easement and an ownership and open space management plan shall be approved and in place prior to issuance of a building permit for construction of any transferred density.
- d. The floor area allowed on each lot created as part of the density transfer procedure shall be 3,500 sq. ft.

3) Conditional Use Permit Findings Required for Approval

- a. The proposed transfer of density is consistent with the policies of the San Juan Hills Area Plan and the Geologic Hazards Ordinance.
 - b. Adequate infrastructure exists or its construction is assured.
 - c. The pattern of development which would result from the transfer of density is better than could be achieved through the application of this ordinance without density transfer, by reducing the need for roadway extensions, reducing grading, and relocating development potential to less steep areas.
 - d. The sending property will be protected from development by the establishment of a conservation easement over its entirety, or be merged with an adjacent lot and a conservation easement established over land equal in area to the sending site, and the ownership and management of such property will be adequately provided for.
 - e. The proposed building sites will not be in an area designated Md or Pdf on the current geologic hazards map.
 - f. All density transfer standards will be met.
- f) LOT LINE ADJUSTMENTS: Lot line adjustments are permitted in the HRO-2 Zoning District upon approval by the Zoning Administrator. Any lot line adjustment resulting in four (4) or more reconfigured lots shall be subject to a public hearing by the Planning Commission. Lot line adjustment applications are subject to the following:

1. Application Requirements:

- a. Site plan of the proposed parcels showing existing property lines, the proposed sizes of the newly configured parcels, and the locations of all homes, driveways, and grading.
- b. An approved road improvement plan.

2. Standards for Lot Line Adjustments:

- a. The lot size standards of section 4.7.11a must be met. They may be waived if the following standards are met:
 1. The proposed lot line adjustment is consistent with the policies of the San Juan Hills Area Plan and the Geologic Hazards Ordinance.
 2. The pattern of development which would result is better than could be achieved through the application of this ordinance without lot line adjustment, due to less grading, less street and utility extension, and better building site locations.
 3. The total number of lots is reduced.
 4. No reconfigured lot shall be less than 10,000 sq. ft. and no lot shall be reduced from its present size.
 5. Adequate infrastructure exists or its construction is assured.
- b. For each lot eliminated 900 sq. ft. shall be allowed on the reconfigured site in addition to that which would be allowed on the newly configured lot by the floor area standards of Sec.4.7.11 (b), up to a maximum of 3,500 sq. ft.

- g) ZONING ADMINISTRATOR DECISION NOTIFICATION AND APPEAL PROCEDURE: The following procedures shall apply when the Zoning Administrator takes action on Floor Area Transfer and Lot Line Adjustment applications.

- (1) Notice of the action shall be sent to the Planning Commission, the City Council and the applicant via U. S. mail stating the opportunity to file a written appeal. Notice to the Council and Commission may be provided by e-mail.
- (2) Notice of approval of an application shall be made to the general public by publication in a newspaper of general circulation with the next regular publication of Planning Commission hearing items.
- (3) A ten-day appeal period shall commence from the date of publication of the notice of action for an approved application, and ten days from the date of action for denied applications.

* Amended by Ord. #1005, 2/24/05

ATTACHMENT II

Statistical Subareas – San Juan Hills Area Plan

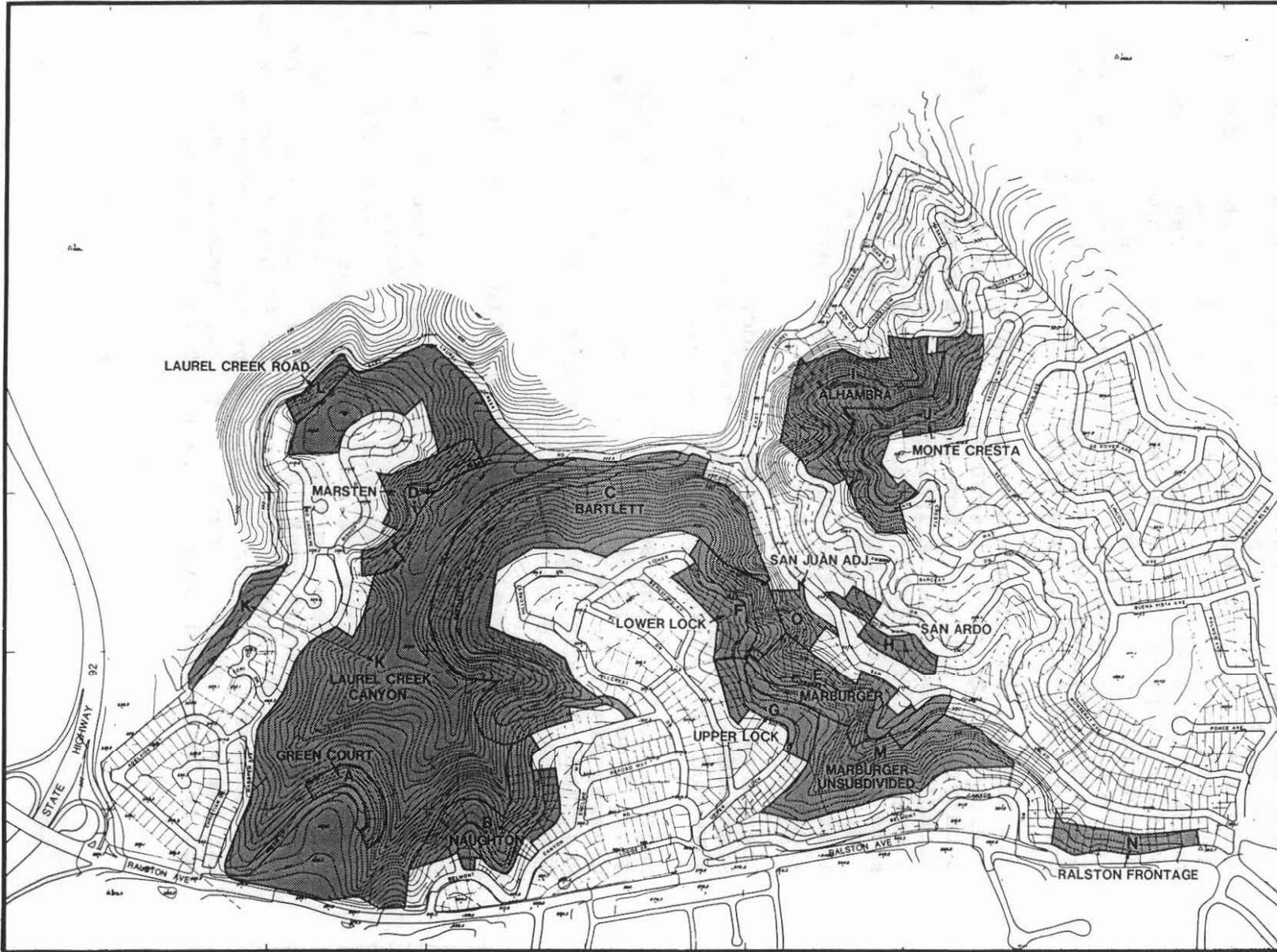


Figure 3

E STATISTICAL SUBAREAS
 (NAMES AND LETTER IDENTIFICATIONS SHOWN ON MAP)

Statistical Subareas

CITY OF BELMONT
San Juan Hills Area Plan
 City of Belmont, PLANNING DEPARTMENT • M/JG INC.
 March, 1986

Scale: 0 100 200 300 400 FEET

North