MEETING OF AUGUST 4, 2014

AGENDA ITEM: 5A

APPLICATION NO.: PA 2014-0036

APPLICATION TYPE: Zoning Ordinance Amendments Necessary to Comply with the 2007-2014 Belmont Housing Element

LOCATION: City-wide

APPLICANT: City of Belmont

ENVIRONMENTAL: Under Title 14 of the California Code of Regulations, Section 15061(b)(3), the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment

BACKGROUND

The Belmont Housing Element for 2007-2014 was adopted in July 2010 (amended January 2011). The Planning Commission held a study session on July 17, 2014 to review the status of implementation of the 2007-2014 Housing Element, and to review the forthcoming efforts related to the Housing Element update for 2015-2023. As presented during the June 17, 2014 study session, there are several zoning ordinance amendments that Belmont must adopt in order to comply with state housing law, and in order to qualify for expedited review of the 2015-2023 Housing Element with California Department of Housing and Community Development (HCD). Additionally, the City is required to adopt a priority policy for provision of public utility services (sewer) to projects that provide affordable housing.

A General Plan Housing Element provides opportunities for housing development, through zoning or other means, to accommodate both local and regional housing needs, including opportunities for low and very-low income households. Housing Element law is the State's primary market-based strategy to increase housing supply, affordability and choice. The law recognizes that in order for the private sector to adequately address housing needs and demand, local governments must adopt land use plans and regulatory frameworks that do not unduly constrain housing development.

To comply with state housing law, staff and the City Attorney have prepared a draft ordinance amending sections of the BZO as follows (full zone text language can be found in Attachment A). The City Council introduced the draft ordinance as proposed at a meeting on July 22, 2013, and directed transmittal of this item to the Planning Commission for a public hearing and

advisory recommendation. The City Council is scheduled to conduct a public hearing and second reading of the ordinance at the August 26, 2014 meeting.

ANALYSIS

Housing Element Program 3.6: Emergency Shelters

Pursuant to state law, the City of Belmont is required to identify a zoning district where emergency shelters for the homeless are a permitted use. The identified zone must provide sufficient area to accommodate the City's identified need. To ensure compatibility with surrounding properties, the City can adopt appropriate development standards and performance standards for emergency shelters.

To comply with this requirement, staff proposes to amend Section 21 of the BZO (Special Combining Districts) to create an emergency shelter combining district that would apply to certain C-3 and C-4 parcels located along Old County Road and El Camino Real near the southern City limit. Prior to adoption of the 2007-2014 Housing Element, the City of Belmont was required to pre-approve these parcels with HCD to ensure the housing element program would comply with state requirements.

Emergency shelters for the homeless would comply with all of the underlying zoning district regulations with the exception of parking requirements. Based on best practices and information from Shelter Network, reduced parking standards are appropriate for emergency shelters located adjacent to public transit lines (Caltrain, SamTrans). A variety of performance standards, as well as a process for compliance review, are included that ensure that emergency shelter operations do not have adverse impacts on adjacent properties.

Housing Element Program 4.1: Special Needs and Extremely Low Income Housing

In order to comply with state law and to better facilitate and promote housing services for special needs populations, several BZO definitions should be amended or added as follows:

- Supportive Housing: As defined by Health and Safety Code Section 50675.14, supportive housing is linked to a support service that assists residents in retaining housing, improving health status, and maximizing the tenant's ability to live and, when possible, work in the community. Supportive housing shall be considered a residential use and is only subject to those restrictions that apply to other residential dwellings in the same zone.

- Transitional Housing: As defined by Health and Safety Code Section 50672.2, transitional housing refers to rental housing developments operated under program requirements that require recirculation of the assisted units to other eligible recipients at a predetermined future point in time that is no less than six (6) months. Similar to supportive housing, transitional housing shall be considered a residential use and is only

subject to those restrictions that apply to other residential dwellings in the same zone.

- Residential Care Facility: As provided in Health and Safety Code Section 1502(a)(1), a Residential Care Facility means any family home, group care facility, or similar facility that provides 24-hour non-medical care for persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living.

- Small Residential Care Facility: In accordance with Health and Safety Code Section 1566.3, a Small Residential Care Facility is defined as a Residential Care Facility that serves six or fewer persons. The residents and operators of such a facility are considered a "family" and the facility is considered a residential use and a family dwelling, meaning that Small Residential Care Facilities are a permitted residential use and only subject to those restrictions that apply to other residential dwellings in the same zone.

- Nursing or Convalescent Home: The definition of Nursing or Convalescent home is amended to clarify that these are a type of Residential Care Facility, in compliance with state law.

- Family: In accordance with state housing law, the definition of family is amended to mean a group of individuals living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization and stability. The requirements for persons to be related by blood, marriage or adoption, and limitations on size have been removed.

- Apartment Hotel, Efficiency Units, or Single Room Occupancy (SRO) Units: These types of units shall mean a dwelling unit containing only one habitable room for occupancy by no more than two (2) persons, and containing a minimum of 220 square feet. This type of housing is considered a residential use and subject only to those restrictions that apply to other residential uses in the same zone. This type of housing is intended to meet the needs of extremely low-income residents.

Housing Program 4.3: Density Bonus

The City's current density bonus provisions in the BZO allow for a 25 percent density bonus and at least one additional financial or in-lieu incentive when certain conditions are met. Pursuant to state law, the City is required to increase the minimum density bonus to 35 percent. In order to comply with this requirement and to simplify the density bonus process, staff proposes to amend Section 26 of the BZO (Density Bonus) in its entirety.

The revised density bonus program applies to a project containing five (5) or more dwelling units, and is intended to encourage the production of low and very-low income housing units that may not otherwise be feasible to build in the current economic climate. The revised language refers to state law where applicable, ensuring long term compliance with state regulations. Requests for a density bonus shall be reviewed and approved by the body with approval authority over the underlying development entitlement. A request for density bonus can only be denied if certain findings are made, in accordance with state law.

Housing Element Program 5.2: Housing for the Disabled

The purpose of this ordinance amendment is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests. The proposed Section 27 of the BZO outlines application requirements, review authority, and findings that must be made in order to grant an exception from a zoning provision, regulation, or policy. The verbiage would accommodate persons with disabilities seeking access to housing, while providing protections for the City of Belmont to ensure compatibility with surrounding properties.

Housing Element Program 6.4: Adequate Water and Sewer Services

Sewer Service Priority: To ensure provision of affordable housing, communities across California have adopted policies granting priority for the provision of public utility services to proposed developments that include housing for lower income households. The City of Belmont provides sewer services to all residents within the City limits and has developed a Sewer Priority Policy that applies to new applications for sewer services, or to requests for upgrades to sewer services. Upon adoption of the Sewer Priority Policy, it would be a City directive to prioritize sewer service to proposed developments that include units available to lower income households, as defined by state law. The policy does provide protections for the City to deny sewer services when the City does not have sufficient treatment or collection capacity.

Environmental Clearance (CEQA)

As noted earlier, under Title 14 of the California Code of Regulations, Section 15061(b)(3), the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment. A Notice of Exemption will be filed with the San Mateo County Clerk in accordance with the CEQA guidelines.

REQUIRED FINDINGS – ZONING TEXT 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.*

The adopted 2007-2014 Housing Element of the Belmont General Plan contains a series of goals and policies to be implemented by the housing element programs. Each of the proposed amendments complies with an adopted Housing Element program or stated action.

Conclusion

Based on the analysis in this report, staff has concluded that the proposed amendments to the BZO and the proposed sewer priority policy achieve the objectives of the Zoning Plan and General Plan for the City. A resolution recommending this position to the City Council is attached for Commission review and adoption.

Alternative

The Planning Commission may recommend revisions to the proposed draft ordinance.

Attachments

A. Planning Commission Resolution recommending City Council approval of amendments to Belmont Zoning Ordinance 360 to Comply with the 2007-2014 Housing Element
B. Draft Ordinance Amending Sections of the BZO
C. Draft Council Resolution Adopting Sewer Priority Policy

Attachment A

RESOLUTION NO. 2014-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO BELMONT ZONING ORDINANCE NUMBER 360 NCECESSARY TO COMPLY WITH THE 2007-2014 GENERAL PLAN HOUSING ELEMENT, AND RECOMMENDING ADOPTION OF A SEWER SERVICE PRIORITY POLICY

WHEREAS, on August 4, 2014, 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 the Belmont Zoning Ordinance related to implementation of the 2007-2014 Belmont Housing Element; and,

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

WHEREAS, the Planning Commission hereby adopts the staff report dated August 4, 2014 and the facts contained therein as its own findings of fact; and,

WHEREAS, the Planning Commission finds that under Title 14 of the California Code of Regulations, Section 15061(b)(3), the proposed ordinance amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) in that they do not constitute a project which has the potential for causing a significant effect on the environment. A Notice of Exemption shall be filed with the San Mateo County Clerk in accordance with the CEQA guidelines; and,

WHEREAS, the City of Belmont 2007-2014 Housing Element contains goals, policies and programs which support the proposed zoning ordinance amendments and policies; and,

WHEREAS, the Planning Commission, after consideration of all testimony and reports, determines that the proposed amendments to the Belmont Zoning Ordinance achieve the objectives of the Zoning Plan and the General Plan for the City.

NOW, THEREFORE, the Planning Commission of the City of Belmont resolves as follows:

SECTION 1. It is recommended that the Belmont City Council adopt the proposed amendments to the Belmont Zoning Ordinance 360 as proposed in the Draft Ordinance, attached hereto as Exhibit A.

SECTION 2. It is recommended that the Belmont City Council adopt the proposed Sewer Service Priority Policy, attached hereto as Exhibit B.

* * *

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 August 4, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Carlos de Melo
Planning Commission Secretary

Attachment B

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT AMENDING HOUSING REGULATIONS IN THE BELMONT ZONING ORDINANCE (ORDINANCE NO. 360) TO CONFORM WITH AND IMPLEMENT THE CITY'S HOUSING ELEMENT

THE CITY COUNCIL OF THE CITY OF BELMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. BZO SECTION 2.10a ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 2.10a to read:

2.10a APARTMENT HOTEL, EFFICIENCY UNITS OR SINGLE ROOM OCCUPANCY (SRO) UNITS - "Apartment hotel", "efficiency units" or "single room occupancy (SRO) unit" mean a dwelling unit containing only one habitable room for occupancy by no more than two (2) persons, and containing a minimum of 220 square feet of living space. These units are considered a residential use and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

SECTION 2. BZO SECTION 2.59 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.59 is amended to read:

2.59 FAMILY ~~- Individuals that may reside in a dwelling unit consisting of persons related by blood, marriage or adoption plus not more than two additional unrelated persons; or unrelated persons not to exceed a total of three.~~ "Family" means a group of individuals living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization and stability.

SECTION 3. BZO SECTION 2.92 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.92 is amended to read:

2.92 NURSING OR CONVALESCENT HOME - ~~A building and premises for the care of the sick, injured, aged or infirm persons; or a place of rest for those who are bedfast or in need of considerable nursing care, but not including facilities for the treatment of sickness, or injuries, or surgical care.~~ "Nursing Home" or "Convalescent Home" means a ~~Residential Care Facility or any~~ structure occupied or intended to be occupied, for compensation, by persons recovering from injury or illness, or suffering from the infirmities of old age, and any comparable licensed facility. "Nursing Home" or "Convalescent Home" is a type of Residential Care Facility.

SECTION 4. BZO SECTION 2.100a AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.100a is amended to read:

2.100a RESIDENTIAL CARE FACILITY - As provided in Health and Safety Code Section

1502(a)(1), "Residential Care Facility" means any family home, group care facility, or similar facility, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

SECTION 5. BZO SECTION 2.100b ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 2.100b to read:

2.100b RESIDENTIAL CARE FACILITY, SMALL - "Small Residential Care Facility" is a Residential Care Facility that serves six or fewer persons. In accordance with Health and Safety Code Section 1566.3, the residents and operators of such a facility are considered a family for purposes of , and a Small Residential Care Facility is considered a residential use and a family dwelling.

SECTION 6. BZO SECTION 2.100c ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding 2.100c (formerly section 2.100a) to read:

2.100c RESIDENTIAL DESIGN GUIDELINES (RDG) – a companion document to the Zoning Ordinance, which provides basic design concepts and elements of good design required for all new residential structures and additions of 400 sq. ft. or more. The RDG includes relevant examples of designs that are in general agreement with the findings required for Single Family Design Review application approval. The RDG may be modified from time to time by Resolution of the City Council, after a review and recommendation by the Planning Commission.

SECTION 7. BZO SECTION 2.119a ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 2.119a to read:

2.199a SUPPORTIVE HOUSING – "Supportive housing" is defined by California Health & Safety Code Section 50675.14 and means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is permitted as a residential use and is only subject to those restrictions that apply to other residential dwellings in the same zone. This paragraph is advisory only and not intended to deviate from state law as it may be amended from time to time.

SECTION 8. BZO SECTION 2.122a AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.122a is amended to read:

2.122a TRANSITIONAL HOUSING – "Transitional housing" is defined by California Health & Safety Code Section 50675.2 and means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a

predetermined future point in time that shall be no less than six (6) months from the beginning of assistance. Transitional housing is permitted as a residential use and is only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. This paragraph is advisory only and not intended to deviate from state law as it may be amended from time to time.

SECTION 9. BZO SECTION 2.122b ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 2.122(b) (formerly section 2.122a) to read:

2.122b TRUCK STORAGE YARD OR TERMINAL - Any area, tract, plot or site of land whereupon two or more trucks or other pieces of heavy equipment are stored, parked or maintained, or, the origin or terminal point of two or more trucks or other pieces of heavy equipment, usually where loading, storage or maintenance facilities are located.

SECTION 10. BZO SECTION 3.1 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 3.1 (Zoning District Established) is amended to read:

3.1 CLASSES OF DISTRICTS - For the purpose of this Ordinance, the City is divided into the following classes of districts as shown on the maps hereinafter included by reference:

Single Family Residential, or R-1E, R-1H, R-1A, R-1B and R-1C Districts
Duplex Residential, or R-2 Districts
Multi-family Residential, or R-3, R-4 and R-5 Districts
Hillside Residential and Open Space, or HRO-1 and HRO-2 Districts
Neighborhood Commercial, or C-1 Districts
General Commercial, or C-2 Districts
Highway Commercial, or C-3 Districts
Service Commercial, or C-4 Districts
Executive Administrative, or E-1, E-2.1 and E-2.2 Districts
Limited Industrial, or M Districts
Agricultural, or A Districts
Exclusive Manufacturing, or M.E. Districts
Special Building Site District No. 1, ~~or~~ S-1 or S-2 Combining Districts
Downtown Design Control District, or D-1 Combining Districts
Schools and Compatible Multiple Uses, or SC Districts
Open Space Public, or OS-P Districts

SECTION 11. BZO SECTION 4.2.2 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 4.2.2 (Single Family Residential Districts) is amended to read:

4.2.2 CONDITIONAL USES - The following uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

(a) – (g) [text unchanged]

(h) ~~Nursing homes, convalescent homes or rest homes accommodating not~~

~~more than five patients, not including nursing homes for mental or drug addiction or liquor addiction cases.~~ Residential Care Facilities serving more than six persons.

(i) – (o) [text unchanged]

SECTION 12. BZO SECTION 4.5.2 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 4.5.2 (Medium Density Multi-Family Residential Districts) is amended to read:

4.5.2 CONDITIONAL USES - The following uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

(a) [text unchanged]

(b) ~~Convalescent homes, rest homes or nursing homes, accommodating more than five persons, in addition to the owner or manager and his family~~ Residential Care Facilities serving more than six persons.

(c) – (f) [text unchanged]

SECTION 13. BZO SECTION 4.7.3 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 4.7.3 (HRO-1, HRO-2, and HRO-3 Districts) is amended to read:

4.7.3 CONDITIONAL USES - The following uses shall be permitted in the HRO-1, HRO-2, and HRO-3 Districts, except as otherwise specified, only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

(a) – (e) [text unchanged]

(f) ~~Nursing homes, convalescent homes or rest homes accommodating not more than 6 patients.~~Reserved.

(g) – (o) [text unchanged]

SECTION 14. BZO SECTION 21 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 21 is amended to read:

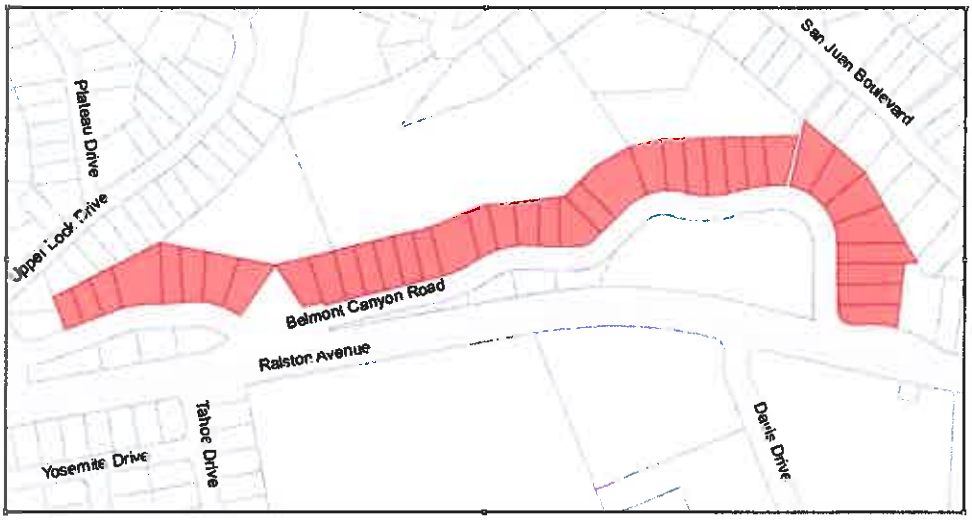
SECTION 21 - SPECIAL COMBINING DISTRICTS

21.1 SPECIAL COMBINING DISTRICTS ~~—~~ This section establishes ~~C~~certain classes of districts designated respectively by the symbols S, ~~or~~ S-1 or S-2 referred to herein as Special Combining Districts or S Districts~~, are established for the purposes hereinafter set forth.~~ ~~In any district with which~~ When a zoning district is combined ~~any~~ with an S ~~district~~District, the ~~following~~ regulations ~~as~~ specified for the respective S ~~district~~ District shall apply in that portion of the district combined with the S District. Zoning regulations

contained in the underlying district that are not superseded or incompatible with the S District regulations shall continue to apply. ~~in lieu of the respective regulations as to building site areas, depths of front yards, and widths of side yards or other regulations which are herein before specified for such district with which is combined such S district.~~

21.2 S-1 SPECIAL BUILDING SITE COMBINING DISTRICT

(a) S-1 District Established. The S-1 Special Building Site District comprises t~~T~~hat certain area situated within the City of Belmont and described on the following map ~~attached hereto marked Exhibit A~~ section as an S-1 District. The City of Belmont Zoning Map is hereby amended to include the S-1 District as shown.



~~21.3~~(b) ~~SPECIAL BUILDING SITE DISTRICT NO. 1, S-1 DISTRICTS.~~ S-1 District Purpose. The S-1 District~~s~~ ~~are~~is established to provide special regulations pertaining to front yard setbacks~~, Board of Design Review,~~ and retention of trees and vegetation in steep hillside areas.

(c) S-1 District Regulations. The following development regulations shall be applied to properties located within the S-1 District in lieu of the respective underlying zoning regulations.

~~21.4~~(1) Front Yard. The minimum depth of the front yard in S-1 District shall be zero feet; provided however, that the minimum distance from the front of the structure to the back-of-curb, the location of which shall be established by the City Engineer, shall not be less than 23 feet.

~~21.5~~(2) Driveway Length. The minimum length of driveway on private property in S-1 Districts shall be zero feet, provided however, that all other regulations pertaining to driveways and vehicle ramps~~, as established in City Code Section 6.41,~~ shall remain in force, and further provided that an Encroachment Permit shall be secured from the Belmont City Council and recorded with the San Mateo County Recorder prior to issuance of a building permit to construct said driveway on City right-of-way.

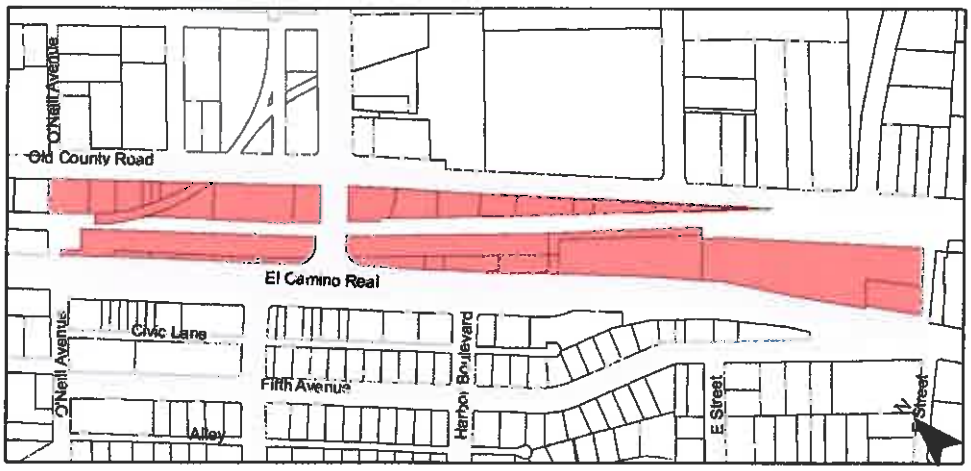
~~21.6~~(3) Garage Doors. Garage doors constructed or erected in the S-1 Districts when

located within four feet of the front setback line, shall be of such type which do not project beyond the front of the building when open, closed or during opening and closing.

~~21.7~~(4) Design Review. All uses in the S-1 Districts shall be subject to Design Review as prescribed in Section 13 of this Ordinance. It is the policy of the City of Belmont to preserve the rural character, natural vegetation and trees in this area. ~~The Board of Design shall review~~ Each proposed building in S-1 Districts shall be reviewed with this objective.

21.3 S-2 EMERGENCY SHELTER COMBINING DISTRICT

(a) S-2 District Established. The S-2 Emergency Shelter Combining District comprises that certain area situated within the City of Belmont and described on the following map as an S-2 District. The City of Belmont Zoning Map is hereby amended to include the S-2 District as shown.



(b) S-2 District Purpose. The purpose of the S-2 Emergency Shelter Combining District is to establish a District with sufficient capacity to accommodate the need for emergency shelters where emergency shelters are permitted without a conditional use permit or other discretionary action as required by Government Code Section 65583.

(c) Emergency Shelter Defined. "Emergency Shelter" is defined by Health and Safety Code section 50801(e) and does not include: (i) transitional housing1; or (ii) temporary shelter provided by general relief in the wake of a disaster.

(d) Permitted and Conditionally Permitted Emergency Shelter Uses.

(1) Permitted Use. Emergency shelters are permitted within the S-2 District without a conditional use permit or other discretionary review when:

(A) The shelter has sixteen (16) or fewer beds serving no more than sixteen (16) homeless persons at one time, and

(B) The cumulative number of either emergency shelter beds or persons served at one time in the S-2 District does not exceed sixteen (16).

(2) Conditionally Permitted Use. An emergency shelter within the S-2 District with more beds or serving more people than the cumulative number of beds or persons served at one time in subsection (d)(1)(B) requires a conditional use permit.

(e) Development Regulations. An emergency shelter shall conform to all development regulations of the zoning district in which it is located, except off-street parking shall be provided as set forth in the table below. The Community Development Director may reduce the parking requirement if the shelter can demonstrate a lower need. All required parking spaces and access thereto shall conform to the city parking design standards. Modifications to the development regulations of the underlying zoning district may be permitted subject to approval of a conditional use permit by the planning commission.

Type	Parking Spaces	
Vehicular	Per Employee or volunteer on duty when the shelter is open to clients	1 space
	Per Family	0.50 space
	Per non-family bed	0.25 space
Bicycle	Per Bed	0.25 space

(f) Performance Standards. Emergency shelters shall conform to the following performance standards. A modification to a performance standard may be permitted subject to approval of a conditional use permit.

(1) Waiting and Client Intake Areas. Shelters shall provide ten (10) square feet of on-site, interior waiting and client intake space per bed. In addition, one (1) office or cubicle shall be provided per ten (10) beds, with at least one (1) office or up to twenty-five percent (25%) of the offices designed for client privacy. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

(2) Facility Requirements. Each facility shall have a written management plan that uses best practices to address homeless needs (e.g., quality assurance standards developed by the San Mateo County HOPE Quality Improvement Project) which shall include, at a minimum, the following:

(A) On-Site Management. On-site personnel are required during hours of operation when clients are present.

(B) Hours of Operation. Facilities shall establish and maintain set hours for client intake and discharge. The hours of operation shall be consistent with the services provided and be clearly posted.

(C) Services. Facilities shall provide overnight accommodation and meals for clients. Staffing and services or transportation to such services shall be provided to assist clients to obtain permanent shelter and income.

(D) Kitchen. Each facility shall provide a common kitchen and dining area.

(E) Sanitation. Each facility shall provide restrooms and shower facilities for client use.

(F) Storage. Each facility shall provide a secure area for storage of client personal property.

(G) Coordination. The shelter operator shall establish a liaison staff to coordinate with city, police, school district officials, local businesses, and residents on issues related to the operation of the facility.

(H) Exterior Security Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and compatible with the neighborhood.

(I) Security. On-site security shall be provided during the hours of operation when clients are present.

(g) Compliance Review Procedures. An emergency shelter facility shall be reviewed for compliance with all development regulations and performance standards prior to occupancy of the facility, where a use permit is not required.

(1) Request for Compliance Review. Requests for compliance review shall be made in writing by the owner of the property, lessee, purchaser in escrow, or optionee with the consent of the owners. The request shall be accompanied by a project description explaining the details of the proposal, and both site and building floor plans.

(2) Compliance Determination. The Community Development Director or designee shall make a determination of compliance in writing after reviewing the request materials and considering any comments received. The determination of the community development director is final and not subject to appeal.

SECTION 15. BZO SECTION 26 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 26 (Density Bonus) is amended to read:

SECTION 26 – DENSITY BONUSES

26.1 PURPOSE. The purpose of this Section is to adopt regulations that specifies how compliance with Government Code Section 65915 ("State Density Bonus Law") will be implemented in an effort to encourage the production of low and very-low income housing units in developments proposed within the city.

26.2 DEFINITIONS. Unless otherwise specified in this Section, the definitions found in State Density Bonus Law apply to the terms contained herein.

26.3 APPLICABILITY.

(a) This Section applies to all zoning districts, including mixed use zoning districts, where:

(1) residential developments of five (5) or more dwelling units are proposed; and,

(2) the applicant seeks and agrees to provide low, very low, senior or moderate income housing units in the threshold amounts specified in State Density Bonus Law such that the resulting density is beyond that which is permitted by the applicable zoning.

(b) This Section and State Density Bonus Law apply only to the residential component of a mixed use project and do not increase the allowable density of the nonresidential component of any proposed project.

26.4 APPLICATION REQUIREMENTS.

(a) Any applicant requesting a density bonus, incentive(s) or waiver(s) under the State Density Bonus Law must provide a written proposal to the city. The proposal shall be submitted prior to or concurrently with filing the planning application for the housing development and shall be processed in conjunction with the underlying application.

(b) The proposal for a density bonus, incentive(s) or waiver(s) under the State Density Bonus Law must include the following information.

(1) Requested Density Bonus. The proposal must demonstrate that the project meets the State Density Bonus Law threshold(s) for the requested density bonus. The proposal must include the following calculations. The density bonus units may not be included in determining the percentage of base units that qualify a project for a density bonus under State Density Bonus Law.

(A) The maximum base density,

(B) the number/percentage of affordable units and identification of the income level at which such units will be restricted, and

(C) additional market rate units resulting from the density bonus allowable under State Density Bonus Law and the resulting unit per acre density.

(2) Requested Incentive(s). The request for particular incentive(s) must include a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the city to verify its conclusions. If the city requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be liable for all costs incurred in reviewing the documentation.

(3) Requested Waiver(s). The written proposal shall include an explanation of the waiver(s) of development standards requested and why they are necessary to make the construction of the project physically possible. Any requested waiver(s) shall not exceed the limitations provided by Section 26.8 and to the extent such limitations are exceeded will be considered as a request for an incentive.

(4) Fee. Payment of the fee in an amount set by resolution of the city council to reimburse the city for staff time spent reviewing and processing the State Density Bonus Law application submitted under this Section.

26.5 DENSITY BONUS.

(a) A density bonus for a housing development means a density increase over the otherwise maximum allowable residential density under the applicable zoning and land use designation on the date the application is deemed complete. The amount of the allowable density bonus shall be calculated as provided in State Density Bonus Law. The applicant may select from only one of the income categories identified in State Density Bonus Law and may not combine density bonuses from different income categories to achieve a larger density bonus.

(b) The body with approval authority for the planning approval sought will approve, deny or modify requests for density bonus and incentive(s) in accordance with State Density Bonus Law.Nothing herein prevents the city from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing a lesser density bonus and fewer incentives and waivers than that provided for herein, when the housing development does not meet the minimum thresholds.

26.6 INCENTIVES.

(a) The number of incentives granted shall be based upon the number the applicant is entitled under the State Density Bonus Law.

(b) An incentive includes a reduction in site development standards or a modification of zoning code requirements or architectural requirements that result in identifiable, financially sufficient and actual cost reductions. An incentive may be the approval of mixed use zoning (e.g., commercial) in conjunction with a housing project if the mixed use will reduce the cost of the housing development and is compatible with the housing project. An incentive may, but need not be, the provision of a direct financial incentive, such as the waiver of fees.

(c) A requested incentive may be denied only for those reasons provided in State Density Bonus Law. Denial of an incentive is a separate and distinct act from a decision to deny or approve the entirety of the project.

26.7 DISCRETIONARY APPROVAL AUTHORITY RETAINED. The granting of a density bonus or incentive(s) shall not be interpreted in and of itself to require a general plan amendment, zoning change or other discretionary approval. If an incentive would otherwise trigger one of these approvals, when it is granted as an incentive, no general plan amendment, zoning change or other discretionary approval is required. However, if the base project without the incentive requires a general plan amendment, zoning change or other discretionary approval, the city retains discretion to make or not make the required findings for approval of the base project.

26.8 WAIVERS. A waiver is a modification to a development standard such that construction at the increased density would be physically possible. Modifications to floor area ratio in an amount equivalent to the percentage density bonus utilized shall be allowable as a waiver. Requests for an increase in floor area ratio above that equivalent percentage shall be considered a request for an incentive. Other development standards include, but are not limited to, a height limitation, a setback requirement, an on-site open space requirement, or a parking ratio that applies to a residential development. An applicant may request a waiver of any development standard to make the project physically possible to construct at the increased density. To be entitled to the requested waiver, the

applicant must show that without the waiver, the project would be physically impossible to construct. There is no limit on the number of waivers.

26.9 AFFORDABLE HOUSING AGREEMENT. Before project approval, the applicant must enter into an affordable housing agreement with the city, to be executed by the city manager, to the satisfaction of the city attorney guaranteeing the affordability of the rental or ownership units for a minimum of thirty (30) years and identifying the type, size and location of each affordable unit, and containing requirements for administration, reporting and monitoring. The agreement must be recorded in the San Mateo County recorder's office.

26.10 DESIGN AND QUALITY.

(a) Affordable units must be constructed concurrently with market rate units and must be integrated into the project.

(b) Affordable units must be of equal design and quality as the market rate units.

(c) Exteriors and interiors, including architecture, elevations, floor plans, interior finishes and amenities of the affordable units must be similar to the market rate units.

(d) The number of bedrooms in the affordable units must be consistent with the mix of market rate units.

(e) The requirements of subsections (a) through (d) may be waived or modified on a case by case basis for affordable housing units developed for special groups, including housing for special needs or seniors.

(f) Parking standards shall be modified as allowable under State Density Bonus Law and anything beyond those standards shall be considered a request for an incentive.

SECTION 16. BZO SECTION 27 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 27 (Reasonable Accommodation) to read:

SECTION 27 – REASONABLE ACCOMMODATION

27.1 PURPOSE. The purpose of this Section is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

27.2 APPLICABILITY. In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Section applies only to those persons who are defined as disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act.

27.3 APPLICATION REQUIREMENTS.

(a) A request for reasonable accommodation must be filed on the application form provided by the Community Development Department. If necessary to ensure accessibility, the applicant may request an alternative format. The applicant may be the person with the disability or his or her representative. The application must be accompanied by a fee, set by the city council, and be signed by the owner of the property and must provide the following information:

(1) Applicant's name and contact information;

(2) Property address;

(3) Current use of the property;

(4) Basis for the claim that the individual is considered disabled under fair housing laws;

(5) The zoning provision, regulation or policy from which reasonable accommodation is being requested;

(6) Explanation why the reasonable accommodation is necessary to make the specific property accessible to the individual;

(7) Plans showing the details of the proposal.

(b) If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval under this title (including but not limited to a conditional use permit, architectural control, variance, or zoning amendment), the application for reasonable accommodation shall be submitted and reviewed at the same time as the related applications.

27.4 REVIEW AUTHORITY.

(a) If an application under this Section is filed without any accompanying application for another approval, permit or entitlement under this title, the community development director shall make a written determination within forty-five (45) days and either grant, grant with modifications or deny a request for reasonable accommodation.

(b) If an application under this Section is filed with an application for another approval, permit or entitlement under this title, it shall be heard and acted upon at the same time and in the same manner as such other application, and shall be subject to all of the same procedures.

27.5 FINDINGS AND DECISION.

(a) Any decision on an application under this Section shall be supported by written findings addressing the criteria set forth in this subsection. An application under this Section for a reasonable accommodation shall be granted if all of the following findings are made:

(1) The housing, which is the subject of the request, will be used by an individual disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act.

(2) The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Federal Fair Housing Act and the California Fair Employment and Housing Act.

(3) The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.

(4) The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.

(5) The requested reasonable accommodation would not adversely impact surrounding properties or uses.

(6) There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

(b) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection (a).

27.6 APPEAL DETERMINATION. Any decision of the community development director or designee may be appealed by the applicant to the planning commission. The appeal shall be made in writing and filed with the Community Development Director within fifteen (15) days following the final decision. The appeal shall be accompanied by a fee, as set by the city council, and shall clearly state the reasons for the appeal. Where the request for accommodation is in conjunction with an application for another approval, permit or entitlement under this title, the appeal procedures for such other approval, permit or entitlement shall control.

27.7 RESCISSION OF GRANTS OF REASONABLE ACCOMMODATION. Any approval or conditional approval of an application under this Section may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances.

SECTION 17. CEQA EXEMPTION

The City Council finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the San Mateo County Clerk in accordance with the CEQA guidelines.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall take effect and will be enforced thirty (30) days after its adoption.

SECTION 19. PUBLICATION AND POSTING

The City Clerk has caused to be published a summary of this ordinance, prepared by the City Attorney under Government Code Section 36933, subdivision (c) of the, once, in a newspaper of general circulation printed and published in San Mateo County and circulated in the City of Belmont, at least five days before the date of adoption. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause the summary of this ordinance to be published again with the names of those City Council members voting for and against the ordinance; and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

* * *

The City Council of the City of Belmont, California introduced the foregoing ordinance, on July 22, 2014 and adopted the ordinance at a regular meeting held on August 26, 2014 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Attachment C

RESOLUTION NO. 2014-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ADOPTING A SEWER SERVICE PRIORITY POLICY FOR THE CITY OF BELMONT

WHEREAS, California Health and Safety Code Section 65589.7 requires each public agency or private entity providing water or sewer services to adopt written policies and procedures for granting a priority in the provision of water and sewer services to proposed developments that include housing units affordable to lower income households; and,

WHEREAS, the City of Belmont Housing Element 2007-2014 contains program 6.4 which states the City's intent to adopt a sewer priority policy in compliance with state law; and,

WHEREAS, the City of Belmont provides sewer service in the City of Belmont and desires to adopt a written policy that grants priority for service allocations to proposed housing developments that include housing units affordable to lower income households.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. That the City of Belmont adopts the Belmont Sewer Service Priority Policy attached hereto as Exhibit A.

* * *

ADOPTED August 26, 2014, by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

_____
City Clerk

_____
Mayor

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT 1

CITY OF BELMONT
SEWER SERVICE PRIORITY POLICY

1. Purpose

The purpose of this Sewer Service Priority Policy ("Policy") is to provide the written policy for the City of Belmont ("City") in accordance with Government Code Section 65589.7 granting priority for the provision of sewer service to proposed developments that include units for lower income households.

2. Application

This Policy applies only to new applications for sewer service or applications for upgrades to sewer service submitted to the City for proposed projects located in the City of Belmont for which the City must issue a building or other development permit.

Nothing in this Policy is intended or shall be construed as creating a right or entitlement to sewer service or any level of sewer service, nor shall this Policy be construed to either impose, expand or limit any duty concerning the City's obligation to provide service to its existing customers or to any potential future customers.

3. Priority Policy

It is the policy of the City to prioritize sewer service to proposed developments that include units for lower-income households.

For purposes of this Policy, a "proposed developments that include units for lower income households" shall be developments that include dwelling units to be sold or rented to low and very-low income households, as defined in Health & Safety Code Section 50079.5, at an affordable housing cost, as defined in Health & Safety Code Section 50052.2, or an affordable rent, as described in Health & Safety Code Section 5003.

4. Findings for Denial.

The City shall not deny or condition the approval of an application for sewer services to, or reduce the amount of such services applied for by, a proposed development that includes units affordable to lower income households, unless the City makes specific written findings that the denial, condition or reduction is necessary due to the existence of one or more of the following:

A. The City does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works, to serve the needs of the proposed development.

B. The City is under an order issued by a regional water quality control board that prohibits new sewer connections.

C. The applicant fails to agree to reasonable terms and conditions for sewer service from the City which is generally applicable to other development projects seeking sewer service from the City, including, but not limited to, payment of any fee or charge authorized by Government Code Section 66013.