

ORDINANCE NO. 2024-1175

AN ORDINANCE OF THE CITY OF BELMONT AMENDING REGULATIONS IN BELMONT ZONING ORDINANCE (ORDINANCE NO. 360) SECTIONS 5A AND 31 TO CONFORM TO CERTAIN PROVISIONS OF THE CITY'S 2023-2031 HOUSING ELEMENT AND GOVERNMENT CODE SECTION 65583.2

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

SECTION 1. BZO §5A.1.1 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 5A.1.1 to read:

- 5A.1.1 PURPOSE – The Corridor Mixed Use District applies to parcels along El Camino Real outside of the Belmont Village Specific Plan area and is intended to accommodate community- and visitor-serving retail and services, lodging, office, and high density residential in a mixed use setting. A mix of uses on individual development sites is desired, but not required. A community benefits program allows additional height, and intensity to be granted in exchange for the provision of specified community benefits.

SECTION 2. BZO §5A.1.2 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 5A.1.2 to read:

- 5A.1.2 PERMITTED USES. Subject to Section 9.5.6, the following are permitted uses:
- (a) Animal sales and services, including animal clinics and grooming, and animal retail sales (pet shops).
 - (b) Banks and retail financial institutions without drive-through service.
 - (c) Business and professional offices when located above the ground floor; and such uses on the ground floor when not replacing a use permitted by Section 5A.1.2 (d), (k), and (l) in a space not to exceed 3,000 square feet unless determined by the Director to be an office use serving walk-in clientele.
 - (d) Business services.
 - (e) Government buildings.
 - (f) Instructional services.
 - (g) Maintenance and repair services.
 - (h) Multi-family dwellings when located above the ground floor. A project will be processed by right as defined in Government Code Section 65583.2(i), and only design review based on objective standards shall be required, if at least 20 percent of the units are designated as affordable to lower income households as defined in Government Code Section 65584, no subdivision is required, and the project is proposed wholly on a parcel

that is identified in the 2023-2031 Housing Element as subject to by right processing. In such projects, multiple-unit dwellings are permitted on the ground floor, and such projects are exempt from CEQA.

- (i) Nursery and garden center.
- (j) Personal services, General.
- (k) Restaurants with indoor or outdoor seating.
- (l) Retail stores engaged in the selling of retail products and services, including but not limited to art, appliance, auto accessories, hardware and variety stores, bakeries, dry cleaning for the retail trade only, food and drug stores, and tailor shops, but excluding building materials and services.
- (m) Utilities, that are minor in nature and an accessory use intended to serve an existing or planned land use and meet all of the standards of the City Code.
- (n) Restaurants with outdoor seating permissible within the public right-of-way sidewalk area, or an adjacent private parking lot, subject to temporary outdoor dining requirements established by the City. This use shall expire on August 31, 2022, or when the COVID-19 Pandemic has ceased, whichever occurs first.

SECTION 3. BZO §5A.1.6 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 5A.1.6 to read:

- 5A.1.6 FLOOR AREA RATIO - The maximum floor area ratio in the CMU District shall be 2.0 -, which may be increased up to 2.5 with provision of community benefits approved by the City Council under Section 5A.2. This FAR limit applies to the entire development on a site, inclusive of any residential component.

SECTION 4. BZO §5A.1.7 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 5A.1.7 to read:

- 5A.1.7 RESIDENTIAL DENSITY – There is no maximum residential density.

SECTION 5. BZO §31.3.1 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 31.3.1 to read:

31.3.1 Land Use Table.

- (a) **Allowed Uses.** Table 31-1 prescribes the land use regulations for the Village districts. The regulations for each district are established by letter designations, which are defined in the “Key” at the end of the table. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review, including design review. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar

in character. The Director's decision is appealable to the Planning Commission as provided in section 31.1.6(c). Use classifications not listed in the table are prohibited. The "Additional Regulations" column notes additional regulations in the Zoning Ordinance that apply to particular land uses.

- (b) ***Airport Land Use Compatibility***. Allowable uses shown in Table 31-1 may be restricted on particular parcels located in San Carlos Airport Safety Zones 4 or 6 under Section 9.5.6.

TABLE 31-1: VILLAGE DISTRICT USE REGULATIONS							
<i>Village District Use Table</i>	<i>VC (AUFO)</i>	<i>VSC (AUFO)</i>	<i>VCMU</i>	<i>VHDR</i>	<i>PF</i>	<i>PP</i>	<i>Additional Regulations</i>
RESIDENTIAL USE CLASSIFICATIONS							
Family Day Care Home							
<i>Small Family</i>	X	X	X	P	X	X	
<i>Large Family</i>	X	X	X	P	X	X	
Elderly and Long Term Care	X	X	Pu, Cg	P	X	X	
Group Residential	Pu	Pu	Pu, Cg	P	X	X	
Multiple-Unit Dwelling	Pu, Cg (X)	P (Cg)	Pu, Cg	P	X	X	Multifamily entrance lobbies may be located on the ground floor in the AUFO.
Residential Facility	X	X	Pu, Cg	P	X	X	
Senior Citizen Housing ¹	Pu, Cg	X	Pu, Cg	P	X	X	
Transitional Housing	X	X	Pu, Cg	p	X	X	
Two Unit Dwelling (duplex)	X	X	X	C	X	X	Section 13A
COMMERCIAL USE CLASSIFICATIONS							
Animal Sales and Services							
<i>Animal Clinic/Grooming</i>	X	C	C	X	X	X	
<i>Animal Hospitals</i>	X	X	C	X	X	X	
<i>Retail Sales (Pet Shops)</i>	X	C	C	X	X	X	
Artist's Studio							
<i>Studio-Light</i>	C	C	C	X	X	X	Minimum 30% retail area
<i>Studio-Heavy</i>	X	X	X	X	X	X	
Banks and Retail Financial Institutions	CL*	CL*	CL*	X	X	X	*Only where existing; no drive-through services
<i>Automated Teller Machines</i>	P	P	P	X	X	X	
Business Services	Pu, Cg	Pu, Cg	P	X	X	X	
Commercial Entertainment and Recreation							
<i>Cinema</i>	C	C	C	X	X	X	
<i>Theater</i>	C	C	C	X	X	X	
<i>Small-scale Facility</i>	C	C	C	X	X	X	
<i>Large-scale Facility</i>	C	C	C	X	X	X	
Eating and Drinking Establishments							
<i>Bars/Night Clubs/Lounges</i>	C	C	C	X	X	X	Live entertainment requires a conditional use permit
<i>Restaurant, Full Service</i>	P	P	P	X	X	X	
<i>Restaurant, Limited Service</i>	P	P	P	X	X	X	No drive-through services

Finance, Insurance and Real Estate Services	C(Cu)	C (Cu)	P	X	X	X	
Food and Beverage Sales							
<i>General Market or Convenience Market</i>	P	P	P	Lg	X	X	
<i>Alcoholic Beverage Sale</i>	C	C	C	X	X	X	
<i>Food Preparation and Catering</i>	Pg (X)	P(X)	P	X	X	X	Minimum 30% retail floor area
Instructional Services	Pu	P	P	Lg	X	X	
Live-Work	X	P	P	P	X	X	
Maintenance and Repair Service	X	X	P	X	X	X	
Media Production	Pu	P	P	X	X	X	
Offices	Pu	Pu	P	X	X	X	
<i>Medical and Laboratories</i>	Pu	Pu, Cg	P	X	X	X	
<i>Walk-In Clientele</i>	Pg	Pg	Pg	Lg	X	X	
Parking Facilities, Commercial							
<i>Surface</i>	X	C (X)	C	X	X	X	Structured parking facilities may be conditionally permitted in the AUFO only if wrapped with active uses; see section 31.4.K.11
<i>Structure</i>	C (X)	C (X)	C	X	X	X	
Personal Services							
<i>General Personal Services</i>	Pu, Cg	Pu, Cg	Pu, Cg	Lg	X	X	
<i>Health/Fitness Facility</i>	Pu	C	C	Lg	X	X	
Retail Sales							
<i>Building Materials and Services</i>	X	X	X	X	X	X	
<i>General Retail Sales, Small-Scale</i>	P	P	P	X	X	X	no drive-through services
<i>General Retail Sales, Large-Scale</i>	C	C	C	X	X	X	no drive-through services
Transient Lodging							
<i>Bed and Breakfast</i>	P	P	P	C	X	X	
<i>Hotel and Motel</i>	C	C	P	C	X	X	
Vehicle Sales and Services							
<i>Alternative Fuels and Recharging Facility</i>	X	C	C	X	X	X	
<i>Automobile Rental</i>	X	C	C	X	X	X	
<i>Service Station</i>	X	C	C	X	X	X	See Section 19
<i>Vehicle Sales and Leasing, New & Used</i>	X	X	C	X	X	X	
INSTITUTIONAL AND COMMUNITY FACILITIES USE TYPES							
Community Assembly	X	C	P	C	P	X	
Cultural Facility	C	P	P	Lg	P	X	
Day Care Center	C	C	P	C	X	X	
Emergency Shelter	Only allowed in the S-2 Emergency Shelter Combining District						See Section 21
Government Buildings	P	X	P	X	P	X	

Park and Recreation Facility	P	P	P	P	P	P	
Public Safety Facility ²	P	X	X	X	P	X	
Social Service Center	X	C	C	X	P	X	
INDUSTRIAL USE TYPES							
Artisan/Custom Manufacturing	X	X	P	X	X	X	
Industrial Limited	X	X	C	X	X	X	
Recycling Collection Facilities	X	X	C	X	X	X	
Research and Development Laboratory	X	X	C	X	X	X	
TRANSPORTATION, COMMUNICATIONS AND UTILITIES							
Communications Facilities					X	X	
<i>Antennas & Towers</i>	C	C	C	X	X	X	See Section 25
<i>Equipment within Buildings</i>	C	C	C	X	X	X	
Transportation Passenger Terminals	X	X	X	X	P	X	
Utilities, Minor	P	P	P	P	P	P	
KEY							
P	Permitted by right						
Pg, Pu	Permitted on ground floor or upper floors only, respectively						
C	Conditional permit required						
Cg, Cu	Cg - Conditional permit required for ground uses for properties within sixty (60) feet of a public street. Cu – Conditional permit required for uses on upper floors.						
X	Prohibited new (existing may remain). Where used in reference to the AUFO, refers to the ground floor use only.						
CL	Conditional Limited - allowed where existing; new uses allowed within existing retail or office only as ancillary use; no exterior access/facade allowed; maximum 500 square feet of gross floor area. * means allowed when not replacing a commercial use.						
Lg	Only allowed on the ground floor of a mixed use building in a space that does not exceed 1,500 square feet.						
Notes:	<p>1. For properties located within the San Carlos Airport Safety Zones 4 and 6, uses must comply with the Airport Land Use Compatibility criteria listed in Table 4-4 of the San Carlos ALUCP. Some uses may be incompatible in safety zones. Project sponsors in airport environs must determine whether they are required to file Form 7460-1 Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA), in accordance with Airspace Protection Policy 2. Project Applicants who are required to submit Form 7460-1 to the FAA must provide the local government permitting agency with a copy of the FAA's study findings with their applications for development approval.</p> <p>2. A project will be processed by right as defined in Government Code Section 65583.2(i), and only design review based on objective standards shall be required, if at least 20 percent of the units are designated as affordable to lower income households as defined in Government Code Section 65584, no subdivision is required, and the project is proposed wholly on a parcel that is identified in the 2023-2031 Housing Element as subject to by right processing. In such projects, multiple-unit dwellings are permitted on the ground floor, and such projects are exempt from CEQA.</p>						

SECTION 6. BZO §31.4.1 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 31.4.1 to read:

- 31.4.1 **Development Standards Table.** Table 31-2, “Village Zoning District Development Standards”, prescribes the development regulations for Village districts, including lot dimensions, building form and location, pedestrian orientation, vehicle accommodation and other standards. The “Additional Regulations” column indicates more detailed explanations

or regulations that follow the table (by letter designation) or are located elsewhere in this Zoning Ordinance.

TABLE 31-2: VILLAGE ZONING DISTRICT DEVELOPMENT STANDARDS					
<i>Village District</i>	<i>VC Village Core</i>	<i>VSC Village Station Core</i>	<i>VCMU Village Corridor Mixed Use</i>	<i>VHDR Village High Density Residential</i>	<i>Additional Regulations</i>
LOT SIZE, SETBACKS, DENSITY, AND LOT COVERAGE					
Minimum Lot Area (sq ft)	5,000	7,200	7,200	7,200	
Minimum Lot Width (ft)	50	60	60	60	
Minimum Setbacks	None except when a lot abuts a lot in a residential zoning district				(A) (B)
Minimum; Maximum Residential Density (du/acre)	N/A	N/A	N/A	21; 45 (up to 60 with community benefits)	(C) (D) (E) (F)
Maximum Site Coverage (% of Lot)	90	80	80	80	
BUILDING FORM AND STREET FRONTAGE STANDARDS					
Minimum; Maximum Floor Area Ratio (FAR)	0.5; 2.0 (up to 2.5 with community benefits)	0.2; 2.0 1.5 (up to 2.5 2.0 with community benefits)	0.5; 2.0 (up to 2.5 with community benefits)	N/A	(C) (F)
Minimum; Maximum Building Height (ft)	20; 50 (up to 65 with community benefits)	20; 45 (up to 60 with community benefits)	None; 50 (up to 65 with community benefits)	None; 55	(G)
Minimum Ground Floor Height (ft)					
- Active Use Frontage Overlay Zone	16	16	N/A	N/A	
- Non-Residential	16	12	12	12	
- Residential	10	10	10	10	
Building Bulk (maximum floorplate as percent of first floor footplate)	1-story: 100% 2-story: 100% 3-story: 85% 4+ story: 70%	1-story: 100% 2-story: 100% 3-story: 85% 4+ story: 70%	1-story: 100% 2-story: 100% 3-story: 85% 4+ story: 60%	1-story: 100% 2-story: 100% 3-story: 85% 4+ story: 60%	(H)
Limitations on Blank Walls	Yes	Yes	Yes	Yes	(I)
Build-to Lines	Yes	Yes	Yes	No	(J)
Ground Floor Transparency	Yes	Yes	Yes	No	(K) and 31.5.2
Building Entrances	Yes	Yes	Yes	Yes	(L)
Street Frontage Standards	Yes	Yes	Yes	Yes	Section 31.5

TABLE 31-2: VILLAGE ZONING DISTRICT DEVELOPMENT STANDARDS

<i>Village District</i>	<i>VC Village Core</i>	<i>VSC Village Station Core</i>	<i>VCMU Village Corridor Mixed Use</i>	<i>VHDR Village High Density Residential</i>	<i>Additional Regulations</i>
OPEN SPACE AND OUTDOOR LIVING AREA FOR RESIDENTIAL UNITS					
Minimum Publicly Accessible Open Space Area (sq. ft.)					
<i>Lots <12,000 sq ft</i>	N/A	N/A	N/A	N/A	(M)
<i>Lots ≥12,000 sq ft</i>	300	300	200	N/A	
<i>Minimum Dimensions (feet)</i>	15	15	10	N/A	
Minimum Outdoor Living Area per Unit (Sq. Ft.)	36	36	36	80	
Minimum Landscaping (% of Lot)	10	10	10	10	(N)

SECTION 7. LEGISLATIVE FINDINGS

The City Council finds that the proposed amendments to the Belmont Zoning Ordinance are consistent with and augment the goals, policies, and objectives of the General Plan and the Belmont Village Specific Plan, and is in the public interest.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a 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 passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 9. EFFECTIVE DATE.

This Ordinance takes effect and will be enforced 30 days after its adoption.

* * *

The City Council of the City of Belmont, California introduced the foregoing ordinance, on January 23, 2024 and adopted the ordinance at an adjourned regular meeting held on January 30, 2024 by the following vote:

Ayes: Pang-Maganaris, McCune, Hurt, Mates

Absent: Latimerlo

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney