

**CITY OF BELMONT
CITY COUNCIL AND BELMONT FIRE
PROTECTION DISTRICT BOARD OF
DIRECTORS**



www.belmont.gov

CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, January 23, 2024

7:00 PM

City Council Chambers

City Hall, One Twin Pines Lane, Belmont, California

The meeting will be broadcast live to Belmont residents on Comcast Cable Channel 27, streamed live via the City's website at www.Belmont.gov. The public may also attend the meeting in the Chambers and address the Council from the Chambers.

PUBLIC COMMENT:

To maximize time for live public comment, we encourage members of the public to provide comments by joining the Committee meeting via Zoom : For web, visit <https://belmont-gov.zoom.us/> select "Join" and enter **Meeting ID: 95745673035**. Use the Raise Hand feature to request to speak. You may rename your profile if you wish to remain anonymous.

For dial- in comments, call *67 1-(669) 900-6833 (your phone number will appear on the live broadcast if *67 is not dialed prior to the phone number), enter **Meeting ID: 95745673035**, and press *9 to request to speak. All public comments are subject to a 3-minute time limit unless otherwise determined by the Committee Chair.

If you wish to submit written public comment, you may send an email to cclerk@belmont.gov before the council considers the item. Please indicate the agenda item topic or agenda item number you wish to comment on in your email's subject line. Any public comment regarding agenda items that are received from the publication of the agenda through the meeting date will be made part of the meeting record but will not be read during the Council meeting.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. REPORT FROM CLOSED SESSION

4. SPECIAL PRESENTATIONS

A. Black History Month Proclamation

5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

This portion of the meeting is reserved for persons wishing to address the Body on any City matter not on the

agenda. The period for public comment at this point in the agenda is limited to 15 minutes, with a maximum of 3 minutes per speaker. Speakers who requested but did not receive an opportunity to speak during this comment period will be given an opportunity to address the Body later in the meeting. State law prohibits the Body from acting on non-agenda items.

6. COUNCILMEMBER ANNOUNCEMENTS

7. CONSENT BUSINESS

Consent business items are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion on these items unless a member or staff request specific items to be removed for separate action. The City Attorney will read the title of ordinances to be adopted.

A. Approval of Minutes

Recommendation: Consider modifications and approve meeting minutes

Attachment(s):

[City Council, January 9, 2024](#)

[BFPD, January 9, 2024](#)

B. Monthly Financial Reports - November 2023

Recommendation: Motion to approve November 2023 Monthly Financial Reports

Attachment(s):

[Monthly Financial Reports - November 2023.pdf](#)

C. Animal Control Regulations Amendment

Recommendation: Introduce an ordinance adopting by reference the animal control regulations in San Mateo County Ordinance Code Chapter 6.04 and replacing similar regulations in Belmont City Code Chapter 5, Article 1 and set a public hearing for February 13, 2024 to consider adopting the ordinance

Attachment(s):

[Staff Report](#)

[Ordinance](#)

8. PUBLIC HEARINGS

A. Cannabis Regulatory Permit

Recommendation: 1) Introduce an Ordinance to amend regulations in the Belmont City Code to allow and regulate commercial cannabis businesses and reorganize massage business regulations; and 2) adopt a Resolution making Fiscal Year 2023-24 amendments to the Master Revenue Schedule for cannabis business permitting fees

Attachment(s):

[Staff Report](#)

[Resolution](#)

[Ordinance](#)

9. GENERAL BUSINESS

General Business items are considered separately, typically in the order listed. The chair will call for public comment on each item when the body considers the item.

A. Belmont 2035 General Plan, Belmont Village Specific Plan and Zoning Ordinance Amendments – Implementation of 2023-2031 Housing Element, State law and City

Council Direction

Recommendation:

1. Introduce an ordinance amending the Belmont Zoning Ordinance (BZO) to implement State law and modify development standards in the Corridor Mixed Use (CMU) and Village Station Core (VSC) Districts; and,
2. Consider a resolution amending the 2035 General Plan Land Use Element and Belmont Village Specific Plan (BVSP) that would implement the 2023-2031 Housing Element, State law, and City Council direction; and,
3. Set a public hearing for, and adjourn the meeting to Tuesday, January 30, 2024 to consider the recommendations of the Planning Commission before adopting the general plan, BVSP and zoning amendments.

Attachment(s):

[Staff Report](#)

[Resolution](#)

[Zoning Amendments Ordinance](#)

[Planning Commission Resolutions](#)

[Map of Corridor Mixed Use and Village Station Core](#)

B. Belmont Harbor Industrial Area (HIA) Specific Plan Project Update

Recommendation: To receive an update on the Belmont Harbor Industrial Area (HIA) Specific Plan Project; no specific action required

Attachment(s):

[Staff Report](#)

[Presentation](#)

10. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

A. Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

B. Verbal report from City Manager

11. MATTERS OF INTEREST/CLARIFICATION

Items in this category are for discussion and direction to staff only. However, Council/Board may take final action on an item if there is no need for additional staff analysis.

12. ADJOURNMENT

If you need assistance to participate in this meeting, please contact the City Clerk at (650) 595-7413. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Meeting information can also be accessed via the internet at: www.belmont.gov. All staff reports will be posted to the web in advance of the meeting, and any writings or documents provided to a majority of the City Council/District Board or Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, One Twin Pines Lane, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting.

**MINUTES OF SPECIAL AND REGULAR CITY OF BELMONT CITY COUNCIL AND
BELMONT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS MEETINGS**
City Council Chambers, City Hall, One Twin Pines Lane, Belmont, California

TUESDAY, JANUARY 9, 2024
CALL TO ORDER: 7:00 PM

ROLL CALL

COUNCILMEMBERS PRESENT: Mates, Latimerlo, Hurt, McCune, Pang-Maganaris
COUNCILMEMBERS ABSENT: None

PLEDGE OF ALLEGIANCE

Led by Mayor Mates

REPORT FROM CLOSED SESSION

No closed session on the agenda.

SPECIAL PRESENTATIONS

Proclamation Honoring Judy Sheldon Owner of Judy's Flag City on Her Retirement

Mayor Mates read the proclamation. Ms. Sheldon was not able to be present.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None

COUNCILMEMBER ANNOUNCEMENTS

Vice Mayor Latimerlo stated that she and Mayor Mates attended a recent Community Center Conversation and invited to community to participate in the online survey.

Mayor Mates announced up coming community events and volunteer opportunities.

CONSENT BUSINESS

December 12, 2023 Special and Regular Meeting Minutes BFPD December 12, 2023 Meeting Minutes

Resolution 2024-01 authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the Harbor Industrial Sewer Maintenance District (HISMD) to evaluate the feasibility of the City assuming responsibility for the conveyance and treatment of sewer services in the Harbor Industrial Area.

Resolution 2024-02 approving revision to the City's Master Employee Pay Schedule in accordance with California's Public Employees Retirement System (CalPERS) regulations.

Resolution 2024-03 (1) authorizing the City Manager to negotiate and execute an amendment to the service agreement with The Lew Edwards Group to provide communications outreach and consulting services in an amount of \$78,000 plus a 10% contingency, for a total service agreement not-to-exceed amount of \$295,800 and (2) approving a supplemental budget appropriation of \$42,900 for the current fiscal year 2023-24

Resolution 2024-04 to 1) award the contract for the 2023 Pavement Reconstruction Project to Ghilotti Bros., Inc for \$3,105,207 with a 10% construction contingency of \$310,521 for unforeseen

conditions for a total amount not-to-exceed \$3,415,728, and authorize the City Manager to execute a contract for the 2023 Pavement Project, City Contract Number 2022-613; and 2) authorize a budget transfer of \$600,000 from the RMRA Pavement Rehabilitation & Slurry Projects #3115 to CIP Project #3108 to replace \$510,747 of Measure I funding currently budgeted in CIP Project #3108 and add an additional \$89,253 budget appropriation to CIP Project #3108

ACTION: On a motion made by Councilmember McCune and seconded by Vice Mayor Latimerlo the Consent Business items were unanimously approved by a roll call vote. (5-0).

PUBLIC HEARINGS (none)

GENERAL BUSINESS

2024 Council Intergovernmental Assignments (IGR)

The Council addressed a time conflict with Councilmember McCune's assignment to the Caltrain Local Policy Maker Group (LPMG), Councilmember Pang-Maganaris stated that she will fill that position.

ACTION: on a motion made by Vice Mayor Latimerlo and seconded by Councilmember Hurt the 2024 Council Intergovernmental Assignments (IGR) were unanimously approved by a roll call vote.

BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmembers reported on their assignments.

Councilmember Hurt announced her new assignment as the Bay Area Air District Chair.

Verbal report from City Manager

City Manager Oskoui welcomed all back from the Holiday break.

MATTERS OF INTEREST/CLARIFICATION

ADJOURNMENT at this time being 7:20 P.M. in memory of past Planning Commissioner Hank Rianda.

**Submitted by
Jozi Plut, City Clerk**

MEETING MINUTES OF CITY OF BELMONT CITY COUNCIL AND BELMONT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS REGULAR MEETING

City Council Chambers, City Hall, One Twin Pines Lane, Belmont, California

TUESDAY, January 9, 2024

CALL TO ORDER: 7:00 PM

ROLL CALL

DIRECTORS PRESENT: Mates, Latimerlo, Hurt, McCune, Pang-Maganaris

DIRECTORS ABSENT:

CONSENT BUSINESS

Approval of BFPD January 9, 2024, Meeting Minutes.

ACTION: On a motion made by Councilmember McCune and seconded by Vice Mayor Latimerlo the Consent Business items were unanimously approved by a roll call vote. (5-0).

ADJOURNMENT at this time being 7:20 PM,

Submitted by,
Jozi Plut, District Secretary



HIGHLIGHTS

PERFORMANCE AT A GLANCE REPORT

- General Fund balance decreased compared to prior YTD

BUDGET VARIANCE REPORT

- Management Discussion & Analysis
- Tax Trends

FUND RECAP AT A GLANCE REPORT

Notable Fund Balance Increase compared to prior YTD:

- General Fund
- Development Services
- Belmont Fire Protection District
- Street Improvement
- Liability Insurance
- Sewer Collection System
- Sewer Treatment

Notable Fund Balance Decrease compared to prior YTD:

- Planned Park

CASH DISBURSEMENTS & PURCHASE ORDER ACTIVITY REPORT

- Amounts equal to and above \$50,000

This report contains financial information which has not been reviewed or audited by an independent auditor, does not reflect the application of generally accepted accounting principles in all instances and is subject to future revision. This report has not been prepared with a view to informing an investment decision in any of the City's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in this report are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the City's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the City on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and website, maintained on the World Wide Web at <https://emma.msrb.org/>

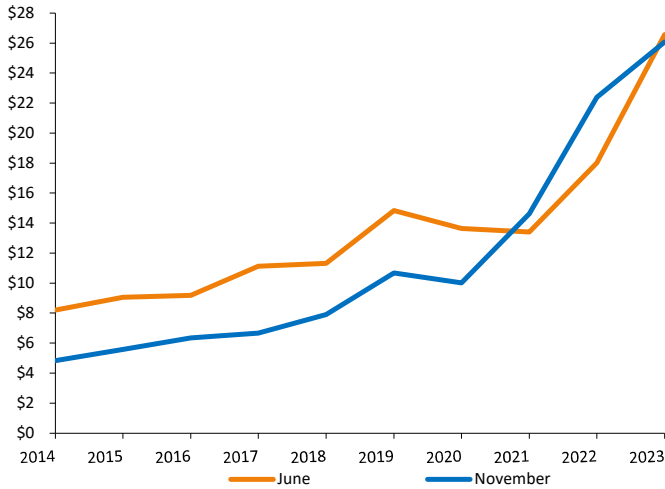
These financial reports are designed to provide a general overview of the City of Belmont's interim finances. Questions concerning any information provided in these reports should be addressed to financedept@belmont.gov or for additional information regarding the City's financial activities, including past award winning audited financial statements, transparency efforts and best practices please visit the City at www.belmont.gov.



City of Belmont
Performance at a Glance
Results for the Period Ended November 30, 2023
 (000's)



General Fund Balance Trend
 (in millions)



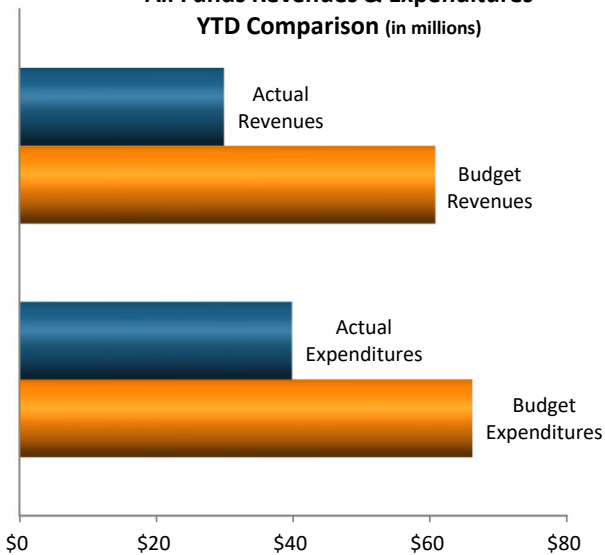
General Fund Balance Trends*

6/30/2014	\$8,204	Audited
6/30/2015	\$9,049	Audited
6/30/2016	\$9,177	Audited
6/30/2017	\$11,128	Audited
6/30/2018	\$11,325	Audited
6/30/2019	\$14,846	Audited
6/30/2020	\$13,637	Audited
6/30/2021	\$13,398	Audited
6/30/2022	\$18,013	Audited
6/30/2023	\$26,586	Audited

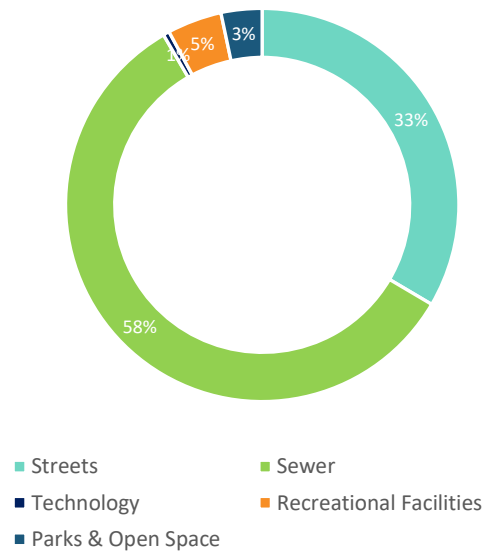
11/30/2023 **\$26,084** **Unaudited**

* excludes Measure I

All Funds Revenues & Expenditures
YTD Comparison (in millions)



Capital Improvement Plan



General Fund

The General Fund balance is \$26.1 million, a decrease of \$0.5 million compared to the amount at the prior fiscal year end.

Fund Balance - YTD Fund Deficits

As shown on the Fund Recap at a Glance (page 3) Recreation, Street Maintenance, Library Bond Debt Service and Facilities Management Fund have deficits and are expected to be eliminated in a future period.

City of Belmont
Fund Recap at a Glance
Results for the Period Ended November 30, 2023
(000's)



Fund	Fund Name	Audited Fund Balance 06/30/23 (1)	Revenues					Expenditures					Unaudited Fund Balance 11/30/23 (1)+(2)-(3)	PY YTD Fund Balance 11/30/22	
			YTD Budget	YTD Actual (2)	Variance (Under) Over	%	PY YTD Actual	YTD Budget	YTD Actual (3)	Under (Over)	%	PY YTD Actual			
GENERAL FUND															
101	General	\$26,586	\$12,322	\$8,914	(\$3,407)	72%	\$13,020	\$12,809	\$9,416	\$3,394	74%	\$8,639	\$ 26,084	22,394	
102	Measure I	3,937	962	692	(270)	72%	630	3,024	1,326	1,699	44%	374	3,303	3,194	
SPECIAL REVENUE FUNDS															
205	Recreation	583	1,404	706	(698)	50%	677	1,534	1,470	64	96%	1,319	(180)	(643)	
206	Library Maintenance & Operation	815	132	6	(126)	5%	3	435	162	273	37%	135	659	703	
207	Athletic Field Maintenance	366	51	50	(2)	97%	46	147	44	103	30%	27	371	395	
208	City Tree	284	6	17	10	257%	4	35	41	(6)	117%	14	259	288	
209	Senior Services Donation	92	2	1	(2)	32%	1	2	0	2	0%	0	93	91	
210	Development Services	1,538	2,187	3,524	1,337	161%	1,949	2,722	2,053	669	75%	1,924	3,008	1,109	
212	General Plan Maintenance	1,592	221	269	47	121%	384	468	307	162	65%	55	1,554	1,648	
223	Belmont Fire Protection District	20,198	7,179	2,522	(4,657)	35%	1,795	5,348	6,738	(1,390)	126%	4,517	15,982	13,495	
225	Police Grants and Donations	30	0	0	0	102%	0	2	0	2	16%	2	30	31	
227	Supplemental Law Enforcement	7	73	126	53	173%	90	53	50	3	95%	70	83	20	
231	Street Maintenance	0	1,625	505	(1,120)	31%	508	1,086	1,010	76	93%	937	(505)	(430)	
232	RMRA Street Project	606	292	242	(50)	83%	206	550	1	549	0%	7	847	199	
233	Measure W	1,809	160	119	(41)	74%	285	396	0	396	0%	0	1,927	1,742	
234	Street Improvements	1,903	520	511	(9)	98%	803	1,303	64	1,239	5%	684	2,351	1,025	
237	Traffic Impact	97	678	1	(677)	0%	1	0	0	0	N/A	0	97	201	
239	Public Art	404	128	3	(125)	3%	1	0	0	0	N/A	0	408	397	
275	Affordable Housing Successor	9,448	202	151	(51)	75%	2,428	1,641	117	1,524	7%	229	9,482	8,667	
277	Inclusionary Housing	2,572	251	2	(249)	1%	1	0	0	0	N/A	0	2,573	2,453	
Total Special Revenue		42,343	15,112	8,753	(6,359)	58%	9,180	15,722	12,056	3,666	77%	9,920	39,040	31,391	
CAPITAL PROJECT FUNDS															
308	General Facilities	734	6	6	0	106%	2	250	5	246	2%	5	735	723	
310	Infrastructure	2,395	18	23	4	124%	267	589	43	546	7%	666	2,375	2,411	
312	Comcast PEG Program	405	3	3	0	107%	1	50	0	50	0%	0	408	397	
341	Planned Park	1,701	17	14	(3)	84%	413	297	2	295	1%	34	1,713	2,354	
342	Park Impact	641	1,128	19	(1,109)	2%	283	273	0	273	0%	151	660	459	
343	Open Space	97	0	1	1	N/A	3	29	0	29	0%	22	98	145	
399	Capital Improvement Projects	-	15,737	6,333	(9,404)	40%	0	15,770	3,174	12,596	20%	0	3,159	0	
704	Special Assessment Districts	315	2	3	0	107%	1	0	0	0	N/A	0	318	309	
Total Capital Projects		6,288	16,912	6,402	(10,510)	38%	971	17,259	3,223	14,035	19%	879	9,467	6,798	
DEBT SERVICE & OTHER FUNDS															
406	Library Bond Debt Service	286	281	0	(281)	0%	0	284	534	(251)	188%	531	(248)	(261)	
501-505	Sewer Collection System	31,482	8,318	611	(7,708)	7%	610	9,201	5,347	3,854	58%	4,513	26,746	21,713	
507	Sewer Treatment	27,391	1,347	37	(1,310)	3%	15	1,709	2,063	(355)	121%	2,264	25,365	23,744	
525	Storm Drainage Enterprise	2,173	558	316	(242)	57%	347	1,344	797	547	59%	660	1,692	2,275	
530	Solid Waste Management	1,868	264	208	(56)	79%	188	236	213	23	90%	206	1,863	1,748	
570	Worker's Compensation	1,761	371	414	44	112%	313	305	685	(381)	225%	646	1,490	1,205	
571	Liability Insurance	3,686	354	(142)	(496)	-40%	(1,480)	468	625	(157)	133%	588	2,919	1,319	
572	Self Funded Vision	0	0	0	0	N/A	0	0	(4)	4	N/A	(5)	4	5	
573	Fleet & Equipment Management	8,394	1,944	1,962	19	101%	1,875	2,191	2,055	136	94%	1,988	8,301	7,325	
574	Facilities Management	(603)	1,443	1,207	(236)	84%	739	1,086	1,098	(12)	101%	1,036	(494)	(297)	
575	Benefit Prefunding	1,234	618	556	(62)	90%	537	566	426	140	75%	737	1,364	882	
Total Debt & Other		77,673	15,497	5,169	(10,329)	33%	3,146	17,389	13,839	3,550	80%	13,163	69,002	59,659	
Total All Funds		\$156,826	\$60,805	\$29,930	(\$30,875)	49%	\$26,946	\$66,203	\$39,860	\$26,343	60%	\$32,975	\$146,897	\$123,435	

Fund Types:

General Fund - Used to account for and report all financial resources not accounted for and reported in another fund.

Special Revenue Funds - Used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

Capital Projects Funds - Used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

Debt Service & Other Funds - Includes funds used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest; funds used to finance and account for special activities and services performed by a designated department for other departments in the City on a cost reimbursement basis; and funds to account for operations financed and operated in a manner similar to a private business enterprise with the intent that the cost of providing goods and services is primarily financed through user charges; and funds used to account for assets held by the City as an agent.

City of Belmont
Budget Variance Report
General Fund / All Other Funds
Results for the Period Ended November 30, 2023
(000's)



	General Fund					All Other Funds					
	Budget	Year to Date (YTD) Actual	Variance	%	Annual Budget	PY YTD Actual	Budget	Year to Date (YTD) Actual	Variance	%	
REVENUES											
Taxes	\$9,155	\$5,118	(\$4,037)	56% a	\$21,971	\$6,129	\$8,946	\$2,534	(\$6,412)	28% a	\$21,471
Licenses and permits	495	339	(156)	68% b	1,188	417	860	1,238	378	144%	2,064
Intergovernmental	140	217	77	155%	336	3,380	4,168	4,452	284	107%	10,003
Charge for services	1,811	1,666	(145)	92% c	4,347	1,731	18,720	7,546	(11,174)	40% e	44,928
Fines and forfeits	67	48	(19)	71%	160	47	-	-	-	N/A	-
Use of money and property	505	1,519	1,014	301%	1,212	1,309	902	2,103	1,201	233%	2,165
Miscellaneous	149	8	(141)	5% d	357	7	141	338	198	241%	337
Other financing sources	-	-	-	N/A	-	-	-	-	-	N/A	2,397
Operating transfers in	-	-	-	N/A	-	-	14,747	2,804	(11,943)	19% f	35,393
Total Revenues	12,322	8,914	(3,407)	72%	29,572	13,020	48,484	21,016	(27,467)	43%	116,361
EXPENDITURES											
General government	3,212	2,468	(744)	77%	7,709	2,262	3,350	3,796	445	113% g	8,041
Public safety	6,558	5,983	(574)	91%	15,738	5,553	5,382	6,764	1,383	126% h	12,917
Streets and utilities	-	-	-	N/A	-	-	20,974	8,854	(12,120)	42%	50,337
Culture and recreation	1,067	964	(102)	90%	2,560	824	4,050	2,944	(1,106)	73%	9,719
Urban redevelopment	-	-	-	N/A	-	-	3,996	1,851	(2,145)	46%	9,591
Debt service	-	-	-	N/A	-	-	2,756	3,431	675	124% i	6,614
Operating transfer out	1,973	-	(1,973)		4,735	-	12,886	2,804	(10,082)	22%	30,927
Total Expenditures	12,809	9,416	(3,394)	74%	30,743	8,639	53,394	30,444	(22,950)	57%	128,145
EXCESS OF REVENUES OVER/ (UNDER) EXPENDITURES	(\$488)	(\$502)			(\$1,171)	\$4,381	(\$4,910)	(\$9,428)			(\$11,785)
											(\$10,410)

Management Discussion and Analysis

(Items with unfavorable budget variance more than \$0.1 million)

General Fund

Revenues

- a) **Taxes** - The budget variance is primarily due to the timing of semi-annual property tax receipts received in December and April. In addition, the majority of Sales Tax and Transient Occupancy Taxes (TOT) received in July are related to June activities, which are subject to an accounting adjustment.
- b) **Licenses and permits** - The budget variance is primarily due to the timing of receipts and an accounting adjustment.
- c) **Charge for Services** - The budget variance is primarily due to the quarterly fire prevention and protection fee, which will be received in a future reporting period.
- d) **Miscellaneous** - The budget variance is primarily due to the timing of the annual Crystal Springs Uplands School (CSUS) Public Service Fee, which will be received in a future reporting period.

Other Funds

Revenues

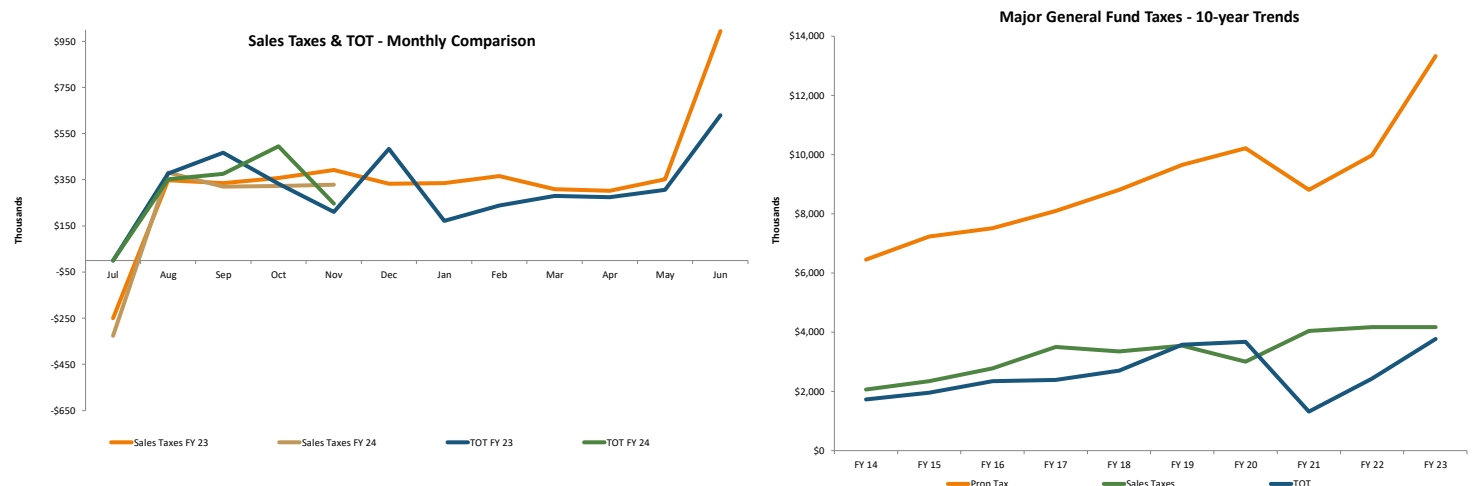
- a) **Taxes** - The budget variance is primarily due to the timing of semi-annual property tax receipts received in December and April.
- e) **Charge for Services** - The Sewer User Fee (Collection & Treatment) is included as part of the City's Property Tax bill to be received semi-annually, typically in December and April.
- f) **Operating Transfers In** - Budgeted operating transfers are recorded at the end of the fiscal year based on actual results.

Other Funds

Expenditures

- g) **General Government** - The annual insurance premiums and OPEB contributions were paid in July.
- h) **Public Safety** - First quarter payments of \$1.7M to BSCFD and \$2.3M to San Mateo Consolidated Fire Department were made in July.
- i) **Debt Service** - Semi-annual debt service on bonds were paid in August and January.

Trends



** July Sales Tax & TOT revenues received were for June activities and accrued to the previous FY. July revenues will be received in August.

City of Belmont
Disbursements & Purchase Order Activity Report
Results for the Period Ended November 30, 2023



Disbursements Amounts Equal to \$50,000 and Above

Vendor	Description	Date	No.	Amount
ADP	PAYROLL 10/28/2023 TAXES	11/3/23	DAJ000008619	104,582.71
ADP	PAYROLL 11/11/2023 TAXES	11/17/23	DAJ000008622	115,399.97
CALPERS	HEALTH PREMIUM-DECEMBER	11/10/23	DAJ000008587	184,100.24
CALPERS	COB CONTRIBUTION PPE 11/03/23	11/22/23	DAJ000008598	132,557.39
CITY OF BELMONT EMPLOYEES	PAYROLL 10/28/2023	11/3/23	DAJ000008618	451,683.99
CITY OF BELMONT EMPLOYEES	PAYROLL 11/11/2023	11/17/23	DAJ000008623	480,902.46
CITY OF BELMONT EMPLOYEES	PAYROLL 11/25/2023	11/30/23	DAJ000008626	487,135.48
GOOD CITY COMPANY	PROFESSIONAL SERVICES ON VARIOUS DEVELOPMENT PROJECTS	11/9/23	EFT00033578	84,315.13
METRO MOBILE COMMUNICATIONS	RADIOS FOR POLICE DEPT.	11/17/23	EFT00033653	165,115.57
MISSIONSQUARE	DEF COMP ACCT#302442	11/20/23	DAJ000008595	50,565.49
SILICON VALLEY CLEAN WATER	DECEMBER CONTRIBUTION	11/9/23	EFT00033553	303,637.00
Total Disbursements in Excess of \$50,000				\$ 2,559,995.43
Total Count				11

Purchase Order Amounts Equal to \$50,000 and Above

Vendor	Description	Date	No.	Amount
EMERGENCY RESTORATION COMPANY	BELMONT SPORTS COMPLEX MOISTURE MITIGATION	11/17/23	24 00046	134,707.63
DUDEK	FORESTER SERVICES	11/21/23	24 00048	83,926.00
Total Purchase Orders Issued in Excess of \$50,000				\$ 218,633.63
Total Count				2

CITY OF BELMONT TREASURER'S REPORT November-23



Agency Receipts and Disbursements Summary

	Beginning Balance October 31, 2023		Receipts		Disbursements		Ending Balance November 30, 2023
City of Belmont	\$ 108,350,291.38	\$	2,674,549.21	\$	(3,911,391.77)	\$	107,113,448.82
Belmont Fire Protection District	14,430,827.67		1,590,522.69		(38,969.57)		15,982,380.79
Total	\$ 122,781,119.05	\$	4,265,071.90	\$	(3,950,361.34)	\$	123,095,829.61

Balance Summary

		Deposit		Investments		Pool Total
City of Belmont & Belmont Fire Protection District	\$	435,334.25	\$	122,660,495.36	\$	123,095,829.61

I certify that this report accurately reflects all investments of City of Belmont and Belmont Fire Protection District, and is in conformance with the adopted Investment Policy mandated by Government Code 53646. Furthermore, I certify to the best of my knowledge, sufficient investment liquidity and anticipated revenues are available to meet the Agency's budgeted expenditure requirement for the next six months.

Respectfully Submitted,

s/b Grace Castaneda
Grace Castaneda
City Treasurer

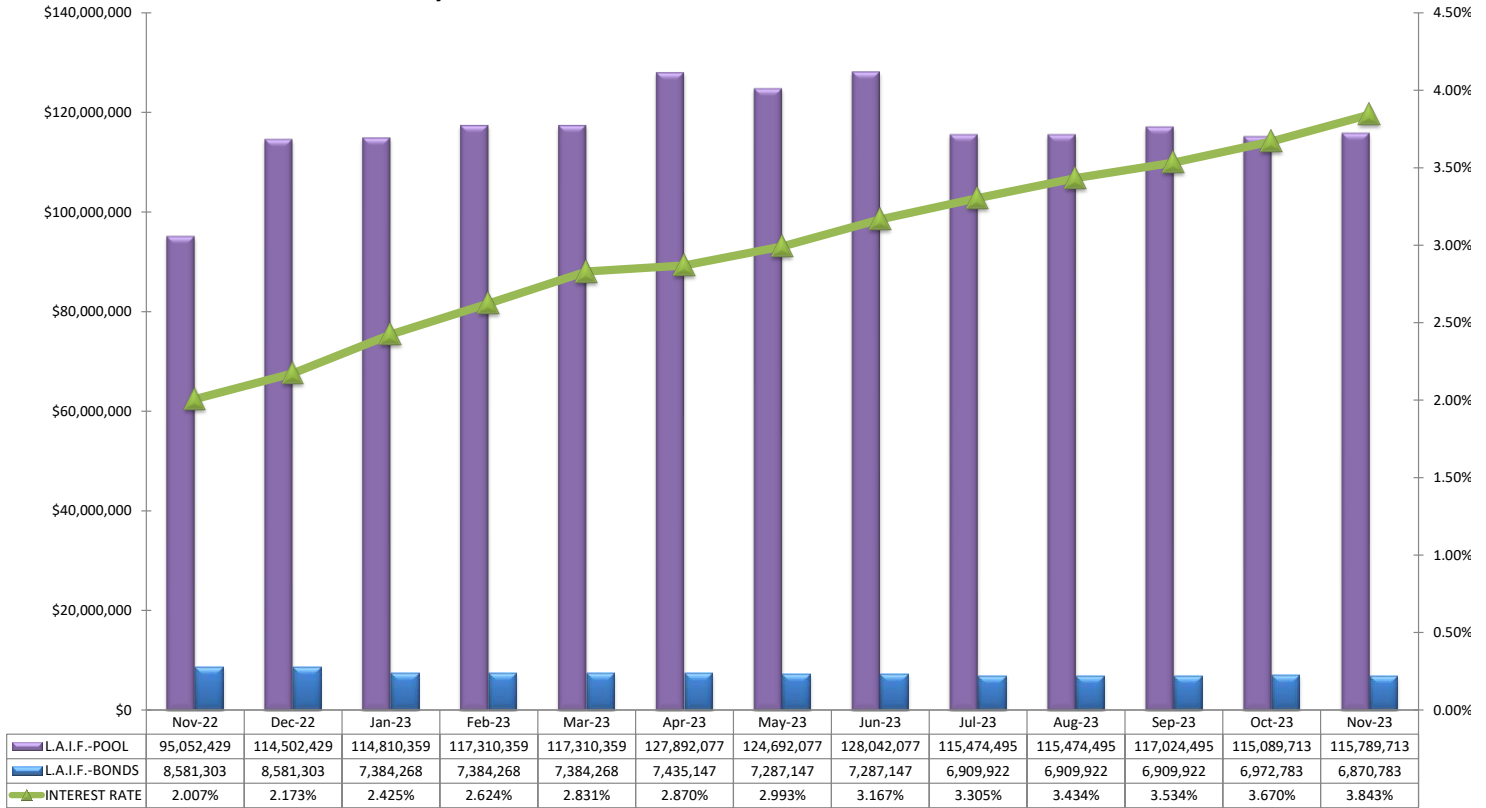
**CITY OF BELMONT
TREASURER'S REPORT
November-23**



Investment Detail

Investment Type	Issuer	Maturity Date	Par Amount	Current Market Value	Interest	Total	Investment Period	Rate	Pricing Source	Manager
Deposit										
General Account	Wells Fargo		\$ 435,334.25	\$ 435,334.25					Bank	Bank
Investments:										
L.A.I.F.-POOL	State of California	Daily	115,789,712.77	114,204,289.80	370,816.56		90 days	3.843%	LAIF	LAIF
L.A.I.F.-BONDS	State of California	Daily	6,870,782.59	6,776,706.04	22,003.68		90 days	3.843%	LAIF	LAIF
Total			\$ 123,095,829.61	\$ 121,416,330.09	\$ 392,820.24					

City of Belmont Investment Portfolio Trends





STAFF REPORT

Meeting Date: January 23, 2024
Agency: City of Belmont
Staff Contact: Andrew Armando, Police Captain, aarmando@cityofbelmont.gov
Agenda Title: Animal Control Regulations Amendment
Agenda Action: Ordinance

Recommendation

Introduce an ordinance adopting by reference the animal control regulations in San Mateo County Ordinance Code Chapter 6.04 and replacing similar regulations in Belmont City Code Chapter 5, Article 1 and set a public hearing for February 13, 2024 to consider adopting the ordinance.

Strategic Focus Area

Public Safety

Background

Chapter 6.04 of the San Mateo County Ordinance Code contains regulations regarding animal control in unincorporated San Mateo County. The animal control regulations are in place to protect the health and safety of County residents.

The County's animal control ordinance was originally adopted on October 23, 1951, and last updated on October 17, 2006, with several prior updates throughout the years. Twenty cities within the County have adopted animal control ordinances that are the same or substantially the same as the County's ordinances, as required by the animal control services agreement between the cities and the County which provides for services through a contract with the Peninsula Humane Society.

The proposed ordinance that if passed will adopt by reference San Mateo County Ordinance Code Chapter 6.04 regarding Animal Control as adopted by San Mateo County Ordinance 4886. San Mateo County Ordinance Code Chapter 6.04 is on file with the City Clerk and open to public inspection.

Analysis

Adopting the animal control regulations in Chapter 6.04 of the San Mateo County Ordinance Code will conform the City's existing regulations to the newly updated county regulations and promote consolidated and uniform enforcement as contemplated under the animal control services agreement with the County. The regulations will provide an updated and comprehensive set of animal control regulations that will be enforced within the City of Belmont, including regulations for the management of rabies, dog and cat licensing, protection of the public from dangerous dogs and other dangerous animals, and animal related permit fees..

The following are the key provisions of the proposed ordinance update:



- Updates existing definitions to improve enforcement capabilities and remove potential areas of confusion, particularly as relates to “Dangerous” and “Vicious” animal designations within the County.
- Lowers the rabies vaccination age requirement as consistent with current state law.
- Updates language and enforcement regarding “Vicious” animals. An animal designated as “Vicious” is, in many circumstances, to be humanely euthanized. The proposed code raises the threshold for when an animal may be declared “Vicious” (and thus is to be euthanized) as is consistent with current standards and practical enforcement. For offending animals deemed a significant danger to the public, a “Vicious” animal designation is still applicable.
- Updates language and enforcement regarding “Dangerous” animals. An animal designated as “Dangerous” is one which has exhibited behavior which indicates that heightened safety requirements for the keeping of such animal are required to ensure public protection. The proposed revised Chapter 6.04 revises and clarifies the threshold for when an animal may be designated as “Dangerous.” Currently, a Dangerous animal designation remains for the life of the animal; under the proposed revisions, an owner may apply for the designation to be lifted after a period of three (3) years if it has been safely maintained under the permit, removing the need for County oversight and enforcement. The Program Manager has found that most animals deemed “Dangerous” (about 90%) do not re-offend, and that the lifting of designations for animals deemed no longer a danger to the public is consistent with other jurisdictions, as well as state recommendations under the California Food and Agriculture Code.
- Removes language indicating that an animal owner may not maintain a “Dangerous” animal in a home with a juvenile person under the age of eighteen (18). The committee could not find any other jurisdiction that had this restriction in an ordinance and is not aware of any instance in which it had actually improved public safety or in which it was enforceable.
- Revises and updates the fee schedule and further clarifies the offenses for which administrative citations may be issued for violations of the Chapter.

To adopt the ordinance by reference, California Government Code Section 50022.3 requires that the City Council hold a public hearing after introducing the ordinance. Staff recommends that the Council set the hearing for February 13, 2024.

Alternatives

1. Adopt San Mateo County Ordinance Code Chapter 6.04(Animal Control)
2. Take No Action

Attachments

- A. San Mateo County Ordinance Code Chapter 6.04.



Fiscal Impact

- ☒ No Fiscal Impact
☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT ADOPTING BY REFERENCE SAN MATEO COUNTY ORDINANCE CODE CHAPTER 6.04 RELATED TO ANIMAL CONTROL AND AMENDING BELMONT CITY CODE CHAPTER 5, ARTICLE 1 REGARDING THE REGULATION OF ANIMALS

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

SECTION 1. BCC CHP 5, ART 1, § 5-1 REPEALED AND REPLACED

Belmont City Code Article 5, Article I, section 5-1 is repealed and replaced to read:

Sec. 5-1 Adoption and Enforcement of San Mateo County Ordinance Code Chapter 6.04 (Animal Control)

(a)(1) Except as provided in subsection (2), San Mateo County Ordinance Code Title 6, Chapter 6.04, entitled "Animal Control" as adopted by the San Mateo County Board of Supervisors Ordinance No. 4486 on January 9, 2024, is adopted by reference under Government Code Section 50022.9.

(2) San Mateo County Ordinance Code Title 6, Chapter 6.04, sections 6.04.230 and 6.04.240 are not adopted.

(b) Amendments to Chapter 6.04 as may be adopted by the board of supervisors are not effective unless subsequently adopted by the city council in accordance with Government Code Section 50022.7.

(c) The city clerk is directed to maintain at least one copy of Chapter 6.04 on file in the city clerk's office for public inspection.

(d) The regulations in Chapter 6.04 as adopted by subsection (a) are effective and will be enforced in the City of Belmont on the effective date of this ordinance.

(e) Subject to such terms and conditions as may be required by the city manager, the County of San Mateo is authorized to administer and enforce Chapter 6.04, as adopted herein within the City of Belmont, including issuing of administrative fines and holding hearings. The city manager is authorized to execute agreements with the county necessary to implement the authority provided by this section. The County may charge the fees set forth in Chapter 6.04 in administering and enforcing Chapter 6.04 within the City of Belmont.

(f) The authority provided in subsection (f) supplements all other authority of the city and does not limit the authority of the city to enforce the regulations adopted by reference in this section.

(g) For purposes of administration and enforcement by the City of Belmont, all references in San Mateo County Ordinance Code Chapter 6.04, to county officers means the city manager or designee.

(h) It is unlawful for any person to violate the regulations in Chapter 6.04 as adopted by this section. Violation is an offense that may be charged as set forth in section 1-8. Violation

may be remedied by any means available to remedy a violation of this Code. The remedies for violation are cumulative.

(i) Administrative fines issued under chapter 30 for violation of the regulations adopted by this section are be as follows:

One hundred dollars for a first violation;

Two hundred dollars for a second violation; and

Five hundred dollars for a third and subsequent violations.

SECTION 2. BCC CHP 5, ART 1, §§ 5-3 THROUGH 5-27 REPEALED

Belmont City Code Article 5, Article I, sections 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 5-12, 5-13, 5-14, 5-15, 5-16, 5-16.1, 5-17, 5-18, 5-19, 5-20, 5-21, 5-22, 5-23, 5-23.1, 5-24, 5-26, 5-27 are repealed.

SECTION 3. 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 4. 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 [insert date], 2024 and adopted the ordinance at a regular meeting held on [insert date], 2024 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: January 23, 2024
Agency: City of Belmont
Staff Contact: Kathy Kleinbaum, Assistant City Manager
Agenda Title: Cannabis Regulatory Permit
Agenda Action: Ordinance

Recommendation

1) Introduce an Ordinance to amend regulations in the Belmont City Code to allow and regulate commercial cannabis businesses and reorganize massage business regulations; and 2) adopt a Resolution making Fiscal Year 2023-24 amendments to the Master Revenue Schedule for cannabis business permitting fees.

Strategic Focus Area

Economic Development and Housing

Background

The Belmont City Council has been evaluating allowing cannabis-related businesses to operate in the City since January 2021. On November 28, 2023, the City Council adopted a resolution amending the Land Use Element to the 2035 General Plan that would potentially allow for Commercial Cannabis Land Uses and an ordinance establishing potential cannabis retail and distribution zoning regulations for properties should they rezone within the area along south El Camino Real from O'Neill Avenue to the San Carlos border.

The adoption of the General Plan amendment and establishment of the overlay zone create a framework to allow for future consideration of up to two cannabis retail and one distribution businesses but do not authorize the uses until specific properties apply and are approved to be rezoned to the overlay district. To establish a cannabis land use, a proposed business would need to apply to have their location rezoned to the S-3 Overlay District, obtain a Conditional Use Permit (CUP), and apply for a Cannabis Permit which would require Police Department (PD) review and approval of operational/safety plans and state licensing to ensure that these uses operate in accordance with all applicable laws.

At the January 23, 2024 meeting the City Council will be introducing the Ordinance establishing the regulatory requirements for a Cannabis Permit and holding a Public Hearing for the amendment to the Master Revenue Schedule to adopt related fees for cannabis business permit processing, background checks, and annual inspections.

Parallel to this process to establish the Cannabis Permit regulations, staff issued a solicitation for proposals from cannabis retail and distribution businesses that are interested in operating in Belmont. The submittal deadline is January 25, 2024. Staff will review the proposals and invite up to 2 cannabis



retail business and one distribution business to apply to be rezoned, and to obtain a CUP and Cannabis Permit. To date, staff has received an indication of interest from multiple retail cannabis operators. There has been no interest expressed from distribution facility operators.

Analysis

Cannabis businesses are categorized as regulated businesses, similar to massage parlors. The permits for regulated businesses are issued by the Police Department. The proposed Ordinance reorganizes the Municipal Code to rename Chapter 13 from “Massage Parlors” to “Regulated Businesses” in order to streamline the code. The revised Chapter 13 includes general provisions that apply to both massage and cannabis businesses and then includes subsections with specific regulations pertaining to each business type.

Key regulations relating to cannabis businesses include requirements for:

- Submittal of valid State licenses for cannabis business operations;
- Background checks for all owners, operators, and employees and identification of disqualifying criminal history;
- Submittal of security plans detailing personnel and on-site security systems;
- Operating standards for security cameras, alarms, and other protective building security measures;
- Record keeping;
- Restricting persons on premises to those 18 and over for medical cannabis dispensaries and those 21 or older for non-medical cannabis businesses;
- Provisions for the suspension of operating permits.

In addition to requiring the permit application, cannabis businesses must also submit to periodic inspections by the Police Department to ensure that the regulations are being followed in a manner consistent with the approved permit.

New Fees

Staff is proposing to add 3 fees to the City’s Fiscal Year 2023-2024 Master Revenue Schedule related to the Cannabis Permit. The fees include a permit processing fee, an annual fee to cover periodic inspections of cannabis businesses by the Police Department, and a fee to cover the cost of background checks which will be required for all business operators, owners, and employees. The fees were determined based on calculations of the cost to the City for staff time to review and administer the above processes.

SUMMARY OF NEW FEES	
New Fees	
Cannabis Business Permit Processing Fee	\$2,500.00
Cannabis Business Annual Inspection Fee	\$1,500.00
Background Check Processing Fee	\$500.00



Alternatives

1. Take No Action
2. Amend the language in the Ordinance or the proposed fee amounts in the Resolution.

Attachments

- A. Resolution
- B. Ordinance

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed:

The City is adopting permit fees to cover the cost of staff time to review cannabis business applications and complete inspections of operating businesses. The new permit fees will be accounted for in the General Fund.

Source:

Council

Purpose:

Council Vision/Priority

Public Outreach:

Other* Public Hearing notice published in a newspaper of general circulation twice starting 10 days prior to the public hearing.

RESOLUTION NO. 2024 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT MAKING FISCAL YEAR 2023-2024 AMENDMENTS TO THE MASTER REVENUE SCHEDULE FOR CANNABIS BUSINESS PERMITTING FEES

WHEREAS, the City Council has determined the need to charge fees for government services; and,

WHEREAS, it is the City’s policy and practice to establish fees sufficient to recover its costs for providing services; and,

WHEREAS, the City Council approved a regulatory process for evaluating and permitting cannabis retail and distribution uses; and,

WHEREAS, the established permitting process for cannabis retail and distribution uses includes obtaining a permit from the Police Department, background checks for each business owner, and commitment to annual inspections of the business operations; and

WHEREAS, staff analyzed the cost of staff time and other expenses necessary for these tasks and recommends the adoption of new fees to the Master Revenue Schedule as shown in Exhibit A to this resolution; and,

WHEREAS, the City Council held a public hearing on January 23, 2024 and heard all objections or protests on the proposed fees; and,

WHEREAS, the City Clerk caused notice of the hearing to be published twice in a newspaper of general circulation in the City of Belmont, and the hearing was held at least 10 days after the first publication.

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

SECTION 1. The proposed Fiscal Year 2023-24 additions to the existing City of Belmont Master Revenue Schedule shown on Exhibit A are adopted.

* * *

ADOPTED [Click to enter a date.] 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 A

SUMMARY OF NEW FEES	
New Fees	
Cannabis Business Permit Processing Fee	\$2,500.00
Cannabis Business Annual Inspection Fee	\$1,500.00
Background Check Processing Fee	\$500.00

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT AMENDING REGULATIONS IN THE BELMONT CITY CODE TO ALLOW AND REGULATE CERTAIN COMMERCIAL CANNABIS ACTIVITIES AND REORGANIZE MASSAGE BUSINESS REGULATIONS

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

SECTION 1. CHP 13 RENAMED, REORGANIZED, AND AMENDED

Belmont City Code Chapter 13 is renamed “Regulated Businesses” and reorganized by adding Article I entitled “Business Operation Permits” before Section 13-1 to read:

Chapter 13 – Regulated Businesses

Article I –General Provisions

Sec 13-1 Purpose

This chapter sets minimum qualification and operational performance standards upon regulated business owners and operators to promote legitimate business activities, discourage illegitimate activity, and to mitigate the potential for avoidable negative effects related to the business’s presence and operation. Compliance with this chapter does not relieve or lessen regulated business owners and operators of responsibility for negative health, safety or welfare impacts or nuisances caused by or related to the presence or operation of the business, whether occurring on or off the premises.

Sec. 13-2 Definitions

The definitions in this section apply to the words and phrases use in this chapter unless the context clearly indicates otherwise.

Applicant means all business owners and operators of a regulated business.

Applicant representative means the person designated in an application as the primary operator of the regulated business.

Business entity means any organization or enterprise whether or not operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

Business Owner means any of the following persons:

- (1) Any person who has a direct or indirect investment in a business entity that owns, manages, or operates a regulated business unless the person demonstrates to the satisfaction of the registration authority that the person who has no control over or right to influence directly or indirectly the management or operation of the business.
- (2) Any person who is a member of a limited liability company that owns, manages, or operates a regulated business.

(3) Any person who is a general partner of a general or limited partnership that owns, manages or operates a regulated business.

(4) A sole proprietor of a regulated business.

Convicted and *conviction* means a plea or finding of guilty or plea of no contest.

Investment means any financial interest in or security issued by a business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially.

Premises includes any structure or portion of structure or exterior or outdoor area in close proximity to a regulated business which is subject to lawful possession or control by a responsible person.

Operator includes any person who has the right to direct and control some or all business operations, whether independently or in concert with others.

Registration Certificate means a certificate issued by the registration authority to a regulated business upon registration.

Registration Authority means the chief of police, his or her authorized representatives, or the person designated by the city manager.

Regulated business means a business regulated by this chapter.

Responsible person means

- (1) a person in possession of real property comprising the premises;
- (2) a registration certificate holder under this chapter;
- (3) each person upon whom a duty, requirement or obligation is imposed by this chapter;
- (4) each person who is otherwise responsible for the operation, management, or policy of a regulated business; and
- (5) an employee who is in apparent charge of the premises.

Sec. 13-3 Regulated Businesses

This chapter regulates the following businesses:

- (a) Massage businesses as defined in article two.
- (b) Cannabis businesses as defined in article three.

Sec. 13-4 Registration Certificate Required

It is unlawful for any person to establish or operate a regulated business within the City unless the business is registered and holds a valid City registration certificate in good

standing under this chapter.

Sec. 13-5 Application for Registration

(a) An application to register a regulated business, together with the required application fee, must be filed with the City Clerk who will forward the application to the registration authority. A new or renewal application may not be processed without the required application fee.

(b) A registration application must be filed:

(1) for new registration at least 45 days before the proposed operation of the regulated business;

(2) for registration renewal at least 45 days before the expiration of the current registration.

(c)(1) If the registration authority determines the application is incomplete or that additional information is necessary to determine whether registration of the business complies with this chapter, the registration authority must promptly inform the applicant in writing to cure the incompleteness or provide additional information required within 30 days or such time as the registration authority determines to be reasonable under the circumstances.

(2) If the applicant does not cure all incompleteness or provide all additional information requested within the time specified by the registration authority, the registration authority may deny the application.

(d) An applicant whose application is denied for incompleteness is not eligible to reapply for 90 days.

Sec. 13-6 Application requirements

(a) *Form.* An application to register or renew registration must be on a form approved by the registration authority. The registration authority may develop a form for mandatory use. The application must include the information and documents in subsection (b) and any additional information or documents that the registration authority determines appropriate to carry out the intent and purpose of this chapter.

(b) *Applicant contents.* A registration application must include the following.

(1) *Applicant information.* The legal name and address of the applicant and the applicant's representative if applicable.

(2) *Business information.*

(A) Legal name of the regulated business and if a business entity proof of registration in good standing with the California Secretary of State and Franchise Tax Board;

(B) The form of business under which the regulated business will be operating (i.e.,

corporation, general or limited partnership, limited liability company, or other form) and state of organization;

(C) If the regulated business is an entity, corporate formation and organization documentation (i.e., articles of incorporation, management agreement, partnership agreement, etc.)

(D) Address and telephone number of the regulated business;

(E) A complete list of all of the regulated business's current and anticipated employees and any independent contractors anticipated to periodically supply or participate in the operation of the regulated business;

(F) A complete list of all person who currently hold a financial interest or held a financial interest in the regulated business in the previous 24 months;

(3) *Real Property*. For the physical location from which the regulated business will operate in the City, provide the following.

(A) The address of the location and assessor's parcel number for the unit of real property comprising the location.

(B) Documentary evidence of the applicant's legal right to occupy and use the location which may include a deed granting a fee simple interest or lease agreement.

(C) A current preliminary title report for the unit of real property comprising the location.

(D) A chain of title report showing all conveyances for the previous five years and all instruments reflected in the chain of title for the previous five years for the unit of real property comprising the location.

(4) *Business Owners*.

(A) Legal names, and if a business entity, the principal place of business and state of corporate organization, of all owners of the regulated business; for a general partnership, the names of the individual partners; for a limited partnership, limited liability company, or a corporation, the name of the entity.

(B) Residential address and telephone number of all business owners who are natural persons.

(C) Business address and telephone number of all business owners;

(5) *Background application*. For each owner of a regulated business, a background check application with the following information. The registration authority may accept:

(A) the owner's business, occupation, and employment history if a natural person for the seven years preceding the date of the application,

(B) the inclusive dates of any employment history,

(C) the name and address of any regulated business or similar business owned or operated by the owner wherever located,

(D) Applicant must complete a California Department of Justice Live Scan BCIA 8016 form and submit to a live scan fingerprinting process through the Belmont Police Department or an authorized law enforcement agency unless the applicant currently holds a valid CAMTC license and the registration authority in its sole discretion approves processing the application without a separate Live Scan submission;

(E) If the business owner is a natural person, a current driver's license or identification issued by a state or federal governmental agency or other authenticable photographic identification bearing a bona fide seal by a foreign government;

(F) Any arrest or conviction within the previous seven years for violation of local, state or federal law;

(G) Any administrative or civil proceeding in which a license, permit, or other permission to operate a business was suspended or revoked or in which a civil penalty or fine was imposed or stipulated to in the previous seven years.

(6) *Real Property Owners.* Provide the following for each real property owner:

(A) If a natural person, their residential address and telephone number.

(B) Business address and telephone number.

(C) A statement that the real property owner acknowledges their responsibilities under this chapter and consents to the applicant operating the regulated business on the property.

(D) A complete and accurate description of the nature and extent of any financial interest in the regulated business.

(7) *Attestations.* From each business owner and real property owner, a signed statement:

(A) attesting under penalty of perjury that all of the information contained in the application is complete, true and accurate to the best of their knowledge;

(B) acknowledging that all business and property owners are jointly and severally responsible for the lawful operation of the business and conduct of the business's employees, agents, and independent contractors engaged in business activity on the premises; and,

(C) acknowledging that failure to comply with any local, state, or federal law, or the provisions of this chapter may result in revocation of the business's registration certificate.

(b) *Signature.* The application must be signed by all business owners and the signatures notarized. Signatures for business entities must conform to the following requirements unless alternative requirements are approved by the city attorney.

(1) For a general partnership, the application must be signed by each of the partners.

(2) For a limited partnership, the application for any registration must be signed by each of the general partners.

(3) For a limited liability company that has elected to be managed by its members, the application must be signed by each member or by an officer authorized by the articles of organization or the operating agreement to bind the company. In the case of a limited liability company that has elected to be managed by a manager or managers, the application must be signed by the manager or managers or by an officer authorized by the articles of organization or the operating agreement to bind the company.

(4) For a corporation, the application must be signed by two officers of the corporation, one from each of the following categories.

(A) the chairperson of the board, the president, or a vice president, and

(B) the secretary, assistant secretary, chief financial officer, or assistant treasurer.

(c) *Addresses.* Address information required by this section must be a physical address and may not be a USPS Post Office box or private mail box.

Sec. 13-7 Registration

(a) *Registration certificate.* Registration is specific to the ownership and the location of the business. The registration authority effectuates registration by issuing a registration certificate to the applicant representative.

(b) *Term.* Registration is valid for a period ending on June 30th that is greater than one year and up to two years from the date the registration authority issues a registration certificate unless revoked, surrendered, or expires by change of ownership or location. Suspension of a registration certificate does not extend the term of registration.

(c) *Change of ownership.* Registration expires upon the addition of any new owner of the regulated business. The new ownership must apply for registration, pay a new application fee, and secure a new registration certificate from the registration authority.

(d) *Change of location.* Registration expires upon a business changing its location.

(e) *Not transferable.* Registration and a registration certificate are not transferable to another person or location.

(f) *Renewal.* Registration may be renewed subject to the same requirements as registration, except as expressly otherwise provided in this chapter. A registration holder is solely responsible to timely submit a complete renewal application. Failure to timely submit a renewal application may result in the expiration of the registration before the renewal application is granted or denied.

(g) *Other approvals.* Registration required by this chapter is in addition to any other license or permit required under any other provisions of the Belmont City Code or Belmont ordinances, including but not limited to a business license, zoning administrator permit, conditional use permit, building permit, occupancy certification or permit, or any other

(h) A regulated business whose registration has expired under subsections (b), (c) or (d) must immediately cease all business operation.

(a) *Determination.* Within 45 days of receiving a complete application, the registration authority must register the regulated business and issue a registration certificate to the owner unless he or she finds one or more grounds for denial under this section.

- (1) The application fee has not been fully paid;
- (2) The application, once complete, does not conform to the requirements of this chapter;
- (3) The regulated business is disqualified from registration under Section 13-9;
- (4) Registration or operation of the regulated business at the proposed location, as conditioned, is not consistent with state and local laws, rules, and regulations, or any final administrative decision or court order; or
- (5) Another ownership group is or was operating a regulated business at that location and any one of the following conditions exist:
 - (A) the City has initiated administrative, civil, or criminal proceedings against one or more members of that ownership group for violation of this chapter and the proceedings, including any appeal, are not final;
 - (B) the regulated business registration is currently suspended;
 - (C) the regulated business registration was revoked within seven years from the date of the pending application, or;
 - (D) the ownership surrendered its registration certificate or any land use permit or other approval necessary to operate a regulated business on the premises within seven years from the date of the pending application while an enforcement proceeding was pending against one or more owners for conduct arising out of operation of the business.

(1) There are outstanding health, safety, zoning or nuisance violations associated with a condition or use of the property or the operation of an existing regulated business;

(2) An owner held an approval to operate a business located in another jurisdiction that if presently located in the City would be a regulated business and within the last seven years the owner either surrendered the approval while an enforcement proceeding was pending or had the approval revoked;

(3) An owner holds an approval to operate a business located in another jurisdiction that if presently located in the City would be a regulated business and enforcement proceedings are pending in that jurisdiction based on conduct that if committed in relation to a regulated business located in the City of Belmont would be grounds to deny or revoke registration. The registration authority must make an independent determination based on substantial evidence as to whether the conduct occurred; or,

(4) Another ownership group is or was operating a regulated business at that location and conduct occurred on the premises that would be grounds to deny or revoke a registration certificate or any land use permit or other approval necessary to operate a regulated business on the premises within seven years from the date of the pending application. The registration authority must make an independent determination based on substantial evidence as to whether the conduct occurred. If the registration authority finds the conduct occurred, the authority may deny the application unless the authority determines that the conduct likely will not reoccur.

(d) *Written decision.* If the registration authority denies the application, he or she must notify the applicant of the reasons for the denial in writing, the right of appeal under this chapter, and that the failure to request a timely appeal will waive the applicant's right to contest the decision.

(e) *Location.* For purposes of subsection (b), location of a regulated business includes:

(1) the parcel which the business is located, or a contiguous parcel owned in whole or part by an owner of the parcel on which the business is located, and

(2) any unit within the same condominium subdivision.

Sec. 13-9 Registration disqualification

(a) A massage business is disqualified from registration as provided in section 13-35.

(b) A cannabis business is disqualified from registration as provided in section 13-54.

Sec. 13-10 Registration revocation or suspension

(a) The registration authority must revoke the registration of a Massage Business found to be disqualified under 13-35(a) and a Cannabis Business found to be disqualified under 13-54(a).

(b) The registration authority must either revoke or suspend the registration for a Massage Business found to be disqualified under 13-35(b) or a Cannabis Business found to be disqualified under 13-54(b).

(c) The registration authority must revoke a registration under subsection (b) unless he or

she finds based on substantial evidence that the circumstance or conduct giving rise to the disqualification is not likely to be repeated.

(d) The registration authority may either revoke or suspend the registration for a regulated business determined to have violated the reporting or operating requirements in this chapter for the particular type of regulated business. When imposing a suspension, the registration authority may also impose operating conditions to discourage or prevent similar violations in the future.

(e) The remedies in this section are in addition to and cumulative of other remedies at law.

(f) Before suspending or revoking the registration of a regulated business under this section, the registration authority must provide the ownership notice and an opportunity to be heard in accordance with procedures in this chapter.

Sec. 13-11 Notice of proposed registration decision

(a) This section applies to existing registrations only.

(b) The registration authority must serve a notice of intent to suspend or revoke a registration or condition or deny a registration renewal at least 14 calendar days before the effective date of the proposed decision. The notice must contain:

(1) A summary of the facts and evidence establishing the grounds for the condition, suspension, or revocation.

(2) A statement that the owner may request a meeting on the proposed registration decision by submitting a request in writing to the registration authority within seven calendar days of the date of service of the notice or appeal the registration decision as provided in Section 13-12 and that the failure to either request a meeting or timely appeal waives the right to contest the decision.

(c) The owner may request a meeting with the registration authority to present information as to why the proposed licensing decision should be modified or set aside by submitting a written request to the registration authority within seven calendar days of the date of service of the notice. The owner may appear at the meeting with or by a representative.

(d) Upon receipt of a timely request, the registration authority must schedule a meeting within five calendar days, or as soon as reasonably possible thereafter.

(e) The registration authority must render a written decision before the effective date of the proposed registration decision, or as soon as reasonably possible thereafter, confirming, modifying or setting aside the proposed registration decision unless the registration authority and the owner mutually agree in writing to extend the time to render a decision. The final decision must inform the owner of the right to appeal the decision to the city manager.

Sec. 13-12 Appeal to city manager

(a) An owner wishing to contest a registration decision denying a new registration or renewal, imposing modifications or conditions on a registration, or suspending or revoking a

registration must timely appeal the matter to the city manager as set forth in this section. An owner who fails to submit a complete and timely notice of appeal waives the right to contest the registration decision.

(b) A written notice of appeal contesting the decision (“notice of appeal”) must be submitted to the city clerk within 14 calendar days after service of the registration authority’s decision. The notice of appeal must specify and contain:

(1) The name, address, and phone number of the appellant and the principal applicant or owner, and the name and location of the regulated business.

(2) A detailed factual basis for the appeal. Grounds for the appeal not reflected in the notice of appeal

(3) A complete copy of the most recent application.

(4) A complete copy of the registration authority’s written decision.

(c) Upon receipt of a complete and timely filed notice of appeal, the city manager must:

(1) hire or appoint a hearing officer and schedule a hearing not less than five business days, nor more than 14 calendar days from the date of the filing of the notice of appeal with the city clerk or as soon thereafter as reasonably possible, and

(2) serve a notice of the hearing on the principal applicant or owner providing the date, time and place of the hearing.

(d) Notwithstanding subsection (c), appeals of the denial of a new registration may be heard by the city manager and may be decided based on written submissions without a hearing.

(e) A hearing under this section is informal. All relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Relevant admissible evidence includes, but is not limited to, incident reports and witness affidavits. A formal oath is not required for witnesses to provide testimony.

(f) The city bears the burden of proof at the hearing to establish facts sufficient to support the findings necessary for the registration decision.

(g) All parties may be represented by counsel, and may present oral and written evidence.

(h) Oral hearings are to be open to the public to observe unless the hearing officer determines that closure of the hearing is necessary to protect a witness, receive sensitive or confidential information, or maintain order. The hearing officer may exclude any person who disrupts the hearing.

(i) The hearing officer’s duties include audio recording the proceedings and regulating the course of the proceeding. The hearing officer may limit the use of witnesses, testimony, evidence, rebuttal, and argument. The hearing official may allow the cross-examination of witnesses to the extent necessary to ensure a fair hearing and may limit cross-examination of

witnesses as necessary to maintain proper decorum.

(j) In the event the applicant or owner or his or her counsel fails to appear or present any evidence at the hearing, the hearing officer must render a determination based on the evidence in the record and offered at the hearing by the registration authority.

(k) The hearing officer must issue a written determination to the city manager within 10 calendar days following completion of the hearing. The determination must make written findings of fact and recommend a decision based upon the findings. The findings of fact must be supported by the weight of the evidence. The determination must explain the reasons for the recommendation. The failure of the hearing officer to issue a timely decision does not prejudice the city's right to act in the matter.

(l) Within five business days or as soon as reasonably practical thereafter of receiving the hearing officer's determination, the city manager must render a final registration decision based on the findings of fact contained in the hearing officer's determination, or remand the matter to the hearing officer to clarify the findings, make additional findings, or take additional evidence. The city manager's final licensing decision is conclusive as to the city and must inform the principal applicant or owner that the time limit to seek judicial review is governed by Code of Civil Procedure Section 1094.6.

(m) The city manager may establish rules or regulations governing the selection and duties of hearing officers.

Sec. 13-13 Operating Requirements

(a) Massage businesses must comply with the operating requirements in Section 13-36.

(b) Cannabis businesses must comply with the operating requirements in Section 13-55.

Sec. 13-14 Inspection

The investigating and enforcing officials of the City, including but not limited to the police chief, health officer, building official and zoning administrator, or their designees, are authorized to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with the regulations, laws, and statutes and with the provisions of this chapter applicable to the regulated business, and to charge inspection fees established therefore.

Sec. 13-15 Reporting

(a) A registrant must report to the registration authority any of the following within 96 hours of the occurrence:

(1) arrests of any employees or owners of the regulated business for an offense other than a misdemeanor traffic offense;

(2) resignations, terminations, or transfers of an employee of the regulated business;

(3) any event involving the regulated business or individuals employed or contracted by

the business that may constitute a non-compliance with this chapter or state law governing the regulated business or person engaged in activities related to the regulated business;

(4) any change in the ownership of the regulated business.

(b) This section requires reporting to the registration authority even if the regulated business believes that the registration authority has or will receive the required information from another source. Reporting does not relieve the registrant of any other requirements of this chapter including a requirement to cease operating.

Sec. 13-16 Duties of real property owners

(a) The owner of real property on which a regulated business operates must manage their property in a manner to avoid violation of this chapter.

(b) The owner of real property on which a regulated business operates must not create or allow others to create any nuisance condition on the property and must promptly abate any nuisance condition.

(c) A real property owner is liable for a nuisance condition or a violation of this chapter occurring on the real property where a regulated business operates regardless of any contract with any third party regarding the property or business. When there are multiple property owners, the property owners are jointly and severally liable.

Sec. 13-17 Violation

(a) It is unlawful for a responsible person to establish or operate, or to allow the establishment or operation of a regulated business in violation of this chapter.

(b) Every building or place in which a regulated business is established or operated in violation of this chapter is a public nuisance that may be enjoined, abated, and prevented and for which damages may be recovered. Knowledge of a violation by a responsible person is not required for a violation to be a public nuisance, for civil damages to be imposed, or for the remedy of abatement.

Sec. 13-18 Enforcement

(a) A violation of this chapter is a misdemeanor offense that may be charged as an infraction at the discretion of the initiating enforcement official.

(b) Violation of this chapter may be remedied by any means available to remedy a violation of this Code. The remedies are cumulative and non-exclusive.

(c) Notwithstanding Section 30-12, administrative fines issued under chapter 30 for violation of this chapter may be issued in amount between \$100 and \$1,000 as determined by the registration authority for each offense.

(d) Every person violating this chapter is subject to a civil penalty of \$1,000 for each day of each violation which may be recovered in a civil action.

(e) An offense charged as a misdemeanor violation of this chapter is punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding \$1,000, or by both.

Sec. 13-19 Mandatory duty

This chapter is not intended to create a mandatory duty on the part of the city to protect any person from any injury or damage arising out of the establishment or operation of a regulated business or the enforcement or non-enforcement of this chapter.

Article II – Massage Businesses

Sec. 13-30 Purpose

(a) The City Council recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City Council further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, the City Council's objective in enacting this article is to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses. The City Council intends that this article reduce and prevent neighborhood blight, protect and preserve the quality of City neighborhoods and commercial districts, and enhance enforcement of criminal statutes relating to the conduct of operators and employees of massage businesses.

(b) In enacting this article, the City Council is relying upon the uniform statewide regulations applicable to massage practitioners and establishments enacted by the State Legislature to restrict the commercial practice of massage in the City to those persons duly certified to practice by the California Massage Therapy Council.

Sec. 13-31 Massage Business Definitions

The definitions in this section apply to the words and phrases use in this article unless the context clearly indicates otherwise.

California Massage Therapy Council or *CAMTC* means the Massage Therapy Organization formed under Business and Professions Code section 4600.5.

Certified Massage Practitioner means any individual certified by the California Massage Therapy Council as a Certified Massage Therapist or as a Certified Massage Practitioner under Business and Professions Code sections 4600 et seq.

Health Officer means the person appointed by the City under the Health and Safety Code or his or her authorized representatives or designees.

Massage or *massage therapy* means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding,

or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

Massage business means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the client through outcall massage services, and includes businesses that offer massage therapy as well as other goods or services. “Massage business” includes a Certified Massage Practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship.

Massage business operator means any and all operators and owners of a massage business.

Outcall massage means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth in the massage business’s City Registration Certificate.

Practitioner or massage practitioner mean any person who administers massage to another person, for any form of consideration whether for the massage, as part of other services or a product, or otherwise.

Reception and waiting area means an area immediately inside the front door of the massage business dedicated to the reception and waiting of massage business clients and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

School of massage means any school or institution of learning that is recognized as an approved school under Business and Professions Code Division 2, Chapter 10.5.

Sec. 13-32 Scope and exemptions

(a) The provisions of this article apply to all massage businesses and individuals performing massage within the City of Belmont, except those businesses and individuals in subsection (b).

(b) The provisions of this article do not apply to the following classes of businesses or individuals:

(1) Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists or other practitioners who are duly licensed to practice their respective professions in the State of California while engaged in activities within the scope of their state license, and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person acting within the scope of their state license.

(2) Barbers and beauticians who are duly licensed under the laws of the State of California

while engaging in practices within the scope of their licenses, except that this provision applies solely to the massaging of the neck, face and/or scalp, hands or feet of the clients.

(3) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these licensed institutions while acting within the scope of their employment.

(4) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

(5) Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.

(6) Individuals administering massages or health treatment involving massage to persons participating in single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events; provided, that all of the following conditions are satisfied:

(A) The massage services are made equally available to all participants in the event;

(B) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;

(C) The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;

(D) The sponsors of the event have been advised of and have approved the provisions of massage services;

(E) The persons providing the massage services are not the primary sponsors of the event.

Sec. 13-33

CAMTC certification and local registration required

(a) *Individuals.* It is unlawful for any individual to practice massage therapy for compensation within the City unless that individual is a certified massage practitioner.

(b) *Businesses.* It is unlawful for any person to operate a massage business within the City unless all individuals employed or contracted by the massage business to perform massage including a sole proprietor are certified massage practitioners and the business is registered and holds a valid regulated business registration certificate in good standing under this chapter.

Sec. 13-34

Application for massage business registration

(a) A person desiring to register a massage business must submit a complete registration application to the registration authority and pay an application fee as provided in Section 13-5.

(iii) while an administrative, civil or criminal proceeding was pending against the owner or the massage business for conduct arising out of the operation of the business, surrendered a registration certification, a land use permit, or other approval issued by the City and necessary to operate a business, or

(E) who is or was, or owned a business or property that is or was, subject to injunction under Penal Code sections 11225-11235;

(3) Registration or operation of the business at the proposed location, as conditioned, is not consistent with federal, state or local laws or regulations or this chapter.

(b) The registration authority may disqualify a massage business from registration if authority finds that:

(1) An owner or any massage business personnel committed an act that violates Business and Professions Code Section 4609, subdivision (a);

(2) An owner or any massage business personnel have a history of committing, permitting or failing to prevent significant violations of City of Belmont Ordinances in relationship to the operation of the business; or

(3) An owner had an approval from another jurisdiction to operate a business in that jurisdiction that if presently located in the City would be a massage business and within the last seven years either -

(A) the jurisdiction revoked the approval, or

(B) while an administrative, civil or criminal proceeding was pending against the business, an owner, or personnel of the business for conduct arising out of the operation of the business, surrendered the approval.

Sec. 13-36 Massage business operating requirements

(a) No person may perform or permit any Massage within the City unless all requirements of this section are met.

(b) CAMTC-certification must be worn by and clearly visible on the Massage Practitioner's person during working hours and at all times when the Massage Practitioner is inside a massage business or providing outcall massage.

(c) A massage business may be open and provide massage only between the hours of 7:00 a.m. and 9:00 p.m. All massage services must cease and the business must ensure that all clients exit the premises by 9:00 p.m.

(d) A list of the services available, described in readily understandable language, and the cost must be posted in the reception area. Outcall service providers must provide such a list to clients in advance of performing any service. No owner, manager, operator, or responsible managing employee may permit, and no massage practitioner may offer or perform, any service other than those posted as required herein, nor may an operator or a massage practitioner request or charge a fee for any service other than those on the list posted or

provided to the client in advance of any outcall services.

(e) A copy of the CAMTC certificate for each Massage Practitioner employed in the business must be displayed in the reception area. CAMTC certificates of former employees or contractors must be removed as soon as those practitioners are no longer employed by or offering services through the massage business.

(f) For each Massage service provided, every massage business must keep a complete and legible written record of the following information: the date and hour that service was provided; the service provided; the name or initials of the employee entering the information; and the name of the Massage Practitioner administering the service. Such records must be open to inspection and copying by police officers, or other City officials charged with enforcement of this chapter. These records may not be used by any Massage Practitioner or operator for any purpose other than as records of service provided and may not be provided to other parties by the Massage Practitioner or operator unless otherwise required by law. Such records must be retained on the premises of the massage business for a period of two years and be immediately available for inspection during business hours.

(g) Massage businesses must at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens must be stored in enclosed cabinets. Towels and linens must not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and coverings must not be used on more than one client. Soiled linens and paper towels must be deposited in separate, approved receptacles.

(h) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools must be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the Health Officer. Bathtubs must be thoroughly cleaned after each use with a disinfectant approved by the Health Officer. All walls, ceilings, floors, and other physical facilities for the business must be in good repair, and maintained in a clean and sanitary condition.

(i) Instruments utilized in performing massage must not be used on more than one client unless they have been sterilized, using approved sterilization methods.

(j) All massage business operators and their employees, including Massage Practitioners, must wear clean, non-transparent outer garments. The garments must not expose their genitals, pubic areas, buttocks, or chest, and must not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest. For the purposes of this section, outer-garments means a garment worn over other garments and does not include garments like underwear, bras, lingerie or swimsuits.

(k) No person may, and the owner, operator, responsible managing employee, or manager must not permit a person to possess an open container of alcohol, consume an alcoholic beverage, unlawfully ingest controlled substances, or ingest cannabis on the premises of a massage business.

(l) A massage business may not operate as a school of massage, or use the same facilities

as that of a school of massage.

(m) A massage business may not place, publish or distribute, or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any service is available other than those services listed in accordance with subsection (d), and a massage business may not employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.

(n) Massage may not be given unless the client's genitals are, at all times, fully covered. A massage practitioner may not, in the course of administering any massage, make physical contact with the genitals or private parts of any other person regardless whether the contact is over or under the person's clothing.

(o) Where the business has staff available to assure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business must remain unlocked when the business is open for business or when clients are present.

(p) When a massage business is located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area, clear visibility of the interior reception and waiting area through those windows may not be obstructed during business hours by any means including curtains, blinds, tints, or placement of materials in the line of sight. For the purpose of this subsection, there is an irrefutable presumption that the visibility is impermissibly blocked if more than 10 percent of the interior reception and waiting area is not visible from the exterior window.

(q) All signs must conform with City regulations.

(r) Minimum lighting consisting of at least one artificial light rated at not less than 450 lumens must be provided and must be operating undimmed in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

(s) Ventilation must be provided in accordance with applicable building codes and regulations.

(t) Hot and cold running water must be provided at all times.

(u) Adequate dressing, locker and toilet facilities must be provided for clients.

(v) A minimum of one wash basin for employees must be provided at all times. The basin must be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels must be provided at each basin.

(w) Pads used on massage tables must be covered with material acceptable to the Health Officer.

(x) All massage businesses must comply with all state and federal laws and regulations for handicapped clients.

(y) A Massage Practitioner must operate only under the name specified in his or her CAMTC certificate.

(z) A massage business must operate only under the name specified in its Registration Certificate.

(aa) A massage business must not allow any person to reside within the massage business or in attached structures owned, leased or controlled by the massage business.

(bb) Other than custodial or maintenance staff, no persons are permitted within the premises of a massage business between the hours of 11:00 p.m. and 6:00 a.m.

Article III – Cannabis Businesses

Sec. 13-50 Purpose

This chapter establishes standards for operation of cannabis businesses related to cannabis cultivation, use, and commercial activities that are permitted, but which have the potential to create significant effects on the community and surrounding properties

Sec. 13-51 Cannabis business definitions

The definitions in this section apply to the words and phrases use in this article unless the context clearly indicates otherwise.

“Cannabis” means all the following:

- (1) Cannabis as defined by Business and Professions Code Section 26001(f).
- (2) Any other strain or varietal of the genus Cannabis not included in Business and Professions Code Section 26001(f) that may exist, be discovered or developed, whether growing or not.

“Cannabis products” is defined in Business & Professions Code Section 26001.

“Cannabis retail” means a use involving the retail sale of cannabis or cannabis products to customers at fixed located location or by delivery.

“Cannabis distribution” means a use involving the procurement, sale, and transport of Cannabis or Cannabis Products between businesses for resale.

“Cannabis Business” means any business operating a cannabis retail or a cannabis distribution use, either as the sole use or in combinations with other uses, on or from property located within the City of Belmont and includes not-for-profit retail and distribution uses.

Sec. 13-51 Scope and exemptions

(a) This article applies to all cannabis businesses operating within the City of Belmont except as provided in subsection (b).

(b) This article does not apply to a cannabis business operating from a fixed location outside the City of Belmont whose only business contact with the City is the mobile delivery of cannabis to a consumer within the City.

Sec. 13-52 **Registration required**

It is unlawful for any person to operate a cannabis business within the City unless the business is registered and holds a valid regulated business registration certificate in good standing under this chapter.

Sec. 13-53 Cannabis Business Application Requirements

(a) A person desiring to register a cannabis business must submit a complete registration application to the registration authority and pay an application fee as provided in Section 13-5.

(b) In addition to the application requirements in Section 13-6, the application must include the following.

(1) A site plan depicting:

(A) The building footprint;

(B) Boundary and property lines;

(C) On-site parking spaces and loading areas;

(D) Any changes to the site plan that have occurred since the original city building, fire, and planning division approval(s) and include a notation identifying the date the modification was approved by the city if such approval was required.

(2) A detailed security plan including:

(A) Narrative and annotated drawings of security camera and alarm system layout incorporating the operating standards in Section 13-55;

(B) Minimum number and training of security guards on duty;

(C) Patron screening procedure and queuing, if any, for admission to the establishment;

(D) Patron access points into the establishment and entry control protocol;

(E) Procedure for removal of disorderly or intoxicated patrons from the premises; and

(F) Procedure for ensuring dispersal of patrons from the establishment, on-site parking area, and public rights-of-way (e.g., sidewalk or street) within 50 feet of any entrance to the establishment.

Sec. 13-54 Cannabis business registration disqualification

(a) A cannabis business is disqualified from registration and possessing a City registration

certificate to operate at a particular location if:

(1) An owner of the business does not currently possess a valid state cannabis business license in good standing to operate the business at the location;

(2) The application contains a material misrepresentation including false or misleading information, the application fails to include all required information, or a material fact is omitted;

(3) An owner of the business has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made which include, but not be limited to, the following:

(A) A violent felony, as specified in subdivision (c) of Section 667.5 of the Penal Code,

(B) A serious felony, as specified in subdivision (c) of Section 1192.7 of the Penal Code,

(C) Any crime involving dishonesty, fraud, deceit, violence, or moral turpitude,

(D) A felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor,

(E) A felony for drug trafficking with enhancements under Health and Safety Code Section 11370.4 or 11379.8, or

(F) Any crime involving the possession sale, manufacture, distribution or transportation of a controlled substance;

(4) An owner of the business has within the last 10 years from the date of the pending application:

(A) made a material misrepresentation in an application for license, permit or other permission to operate a cannabis business in the City,

(B) had a cannabis business registration, a land use permit, or other approval revoked by the City, or

(C) while an administrative, civil or criminal proceeding was pending against the owner or the business for conduct arising out of the operation of a business, surrendered the business permit, a land use permit, or other approval issued by the City and necessary to operate the business;

(5) An owner of the business is or was, or owned a business or property that is or was, subject to court-issued injunction, abatement order, or other decree or adverse judgment under Civil Code Sections 3490 through 3496, Penal Code sections 11225 through 11235, Health and Safety Code sections 11570 through 11587, or Business and Professions Code Section 17200 through 17210;

(6) Subsection (3)(F) does not apply to a conviction for which the sentence, including any term of probation, incarceration, or supervised release, was completed more than ten years before the date of application; or

(7) The City receives credible information that the federal government will commence enforcement against the type of cannabis business or the local governments that regulate them.

(b) The registration authority may disqualify a cannabis business from registration if the authority finds based on a preponderance of evidence that:

(1) A responsible person committed any act that violates any requirement of Division 10 of the Business and Professions Code.

(2) An owner of the business has engaged in conduct comprising all of the elements of any crime identified in subsection (a).

(3) A responsible person has a history of committing, permitting or failing to prevent significant violations of City of Belmont Ordinances in relationship to the operation of the business.

(4) A responsible person had an approval from another jurisdiction to operate a cannabis business in that jurisdiction within the last 5 years and either:

(A) the jurisdiction revoked the approval, or

(B) while an administrative, civil or criminal proceeding was pending against the business, an owner, or personnel of the business for conduct arising out of the operation of the business, surrendered the approval.

(5) A responsible party has a history of committing, permitting or failing to prevent significant violations of federal, state or local employee wage and hours laws.

(c) As used in this section the term conviction includes convictions that are dismissed under Penal Code Section 1203.4, 1203.4a, or 1203.41 or any other provision allowing for dismissal of a conviction.

Sec. 13-55 Cannabis business operating standards

(a) **Operating requirements.** Cannabis businesses must operate in accordance with approved the operating plan, security plan, the standards in this section and in strict compliance with state law licensing and operational standards. To the extent that one or more standards conflict, the most prescriptive standard applies.

(b) **Surveillance system.** Cannabis businesses must be protected by a surveillance system that meets the standards of this section and any additional standards determined by the chief of police.

(1) The premises must be equipped with, and at all times be monitored by, a secure web-based security system that includes a security camera system and a security alarm system.

Off-site monitoring and video recording storage of the premises by the operator or an independent third-party is authorized as long as standards exercised at the remote location meet or exceed all standards for on-site monitoring.

(2) Security camera video must be kept for a minimum of sixty days in a format that can be easily accessed for viewing.

(3) All surveillance video must be either recorded and stored off-site via a secure web-based security system or, for on-premise based security systems, backed up in real time to a secure, web-based storage provider.

(3) Operators must cooperate with all law enforcement investigations and provide video footage related to any such investigation upon request in a manner that is readily viewable by law enforcement at their offices.

(4) Alarm and camera systems must be equipped with a failure notification system that provides prompt notification to the operator of any prolonged surveillance interruption or failure of the system.

(5) All surveillance control and monitoring equipment, and records must be stored in a secured area that is only accessible to management staff. Operators must keep a current list of all authorized employees who have access to the surveillance system or alarm system.

(6) All security measures installed on the premises shall have the capability to remain fully operational during a power outage.

(c) Security Camera System.

(1) The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on the premises and the ability to capture license plates entering and exiting the premises.

(2) Security cameras must record continuously twenty-four hours per day, seven days per week.

(3) The recording system must continuously save footage to a web-based repository from which live feed may be monitored in real time and recordings reviewed.

(d) Security Camera Coverage.

(1) Security cameras must capture activity at all entry points to the property, and within all buildings and structures on the premises, including all entrances, exits, perimeter windows and all areas where customers and employees may have access, with the exception of any restroom area.

(2) Areas where cannabis is handled or kept must have camera placement in the room facing the primary entry door at a height which will provide a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.

(3) Cameras must be placed at each location where cannabis is handled and positioned to

record all weighing, packaging, transport preparation, processing, or labeling activities.

(4) At least one camera must be dedicated to record the access points to the secured surveillance control and monitoring area.

(5) At each point-of-sale location, camera coverage must enable recording of the customer(s) and employee(s) facial features with sufficient clarity to determine identity.

(e) Security Alarm System.

(1) The premises must be protected by a professionally designed, installed and monitored security system that includes motion-sensor lighting, and burglar and panic alarms.

(2) An operator must maintain up-to-date and current records and existing contracts on the premises that describe the location and operation of security alarm systems, a schematic of security zones, the name of any alarm installation company, and the name of any monitoring company.

(3) All monitoring companies must be licensed by the Bureau of Security and Investigative Services to monitor motion-sensor lighting and alarms.

(4) Panic buttons must be installed in all commercial cannabis use premises with easy access by employees and all employees shall be properly trained on its use.

(5) Installation and operation of alarm systems must comply Belmont City Code Sections 18-50 through 18-63

(6) The operator must immediately notify police dispatch of an activated alarm and must promptly verify if actual emergency exists that requires an emergency police response.

(f) Firearms.

(1) Weapons and firearms are prohibited on the premises, unless authorized by the police chief. This provision does not apply to peace officers engaged in official duty.

(2) The premises must be posted with a sign prohibiting firearms on the premises.

(g) Building security.

(1) All structures used for commercial cannabis use must have locking doors, with commercial-grade nonresidential locks, to prevent free access.

(2) Any security bars installed on the windows or the doors of the cannabis business must be installed only on the interior of the building in compliance with all applicable codes.

(3) Windows and roof hatches of the premises must be secured from the inside with effective means so as to prevent unauthorized entry, and must be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable provisions in this Code.

(4) Minimum lighting level of one foot-candle shall be provided at building entrances and in parking lot areas. All lighting must be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. Exterior lighting on the premises must be balanced to complement surveillance systems to ensure all areas of the premises are visible, and provide increased lighting at all entrances to the premises. The lighting required must be turned on from dusk to dawn.

(5) The site security plan must include a photometric plan meeting these requirements and fixture details if new or upgraded lighting is required.

(h) Personnel.

(1) Owner-operators, employees and all persons working on the premises must be at least twenty-one years of age.

(2) Security guards must be state-licensed and provided by a reputable private security guard firm. All other persons working on the premises must be employees of the business subject to the operator's direction and control and not independent contractors except that the business may use an independent contractor to monitor the surveillance systems.

(3) All employees and persons working on the premises must submit to a background investigation and approval by the police chief before performing any work on the premises.

(4) The registration authority may deny authorization to a person to work on the premises if the person:

(A) Has been convicted of a crime of moral turpitude;

(B) Has been convicted of any misdemeanor or felony within the last ten years involving the following: the use of violence, force, fear, fraud or deception; or the unlawful possession, sale, manufacture, use, distribution or transportation of a controlled substance; or the use of money to engage in criminal activity; or the unlawful possession or use of a firearm; or

(C) Has been convicted of a crime that substantially relates to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement, a criminal conviction for the sale or provision of illegal controlled substances to a minor, or any criminal conviction for a crime moral turpitude as determined by the registration authority.

(4) An operator may not employ an individual or permit a person to work on the premises that has not received authorization from the registration authority.

(5) The registration authority is authorized to take all actions necessary in order to implement an employee authorization system, which may include requiring any employee of an operator to obtain a work permit from the City or requiring an employee of an operator to undergo future background investigations and pay a fee.

(6) The registration authority may revoke authorization to an employee based on any of the grounds for denial of authorization.

(7) The operator may appeal a registration authority decision to deny or revoke work authorization, and an affected employee may appeal a registration authority decision to revoke work authorization, the same manner and subject to the same requirements as an appeal of a registration decision under Section 13-12.

(i) Operational security

(1) The operator must establish and promptly execute procedures to prevent individuals from remaining on the premises of the commercial cannabis use if they are not engaging in activities expressly related to the operations of the commercial cannabis use.

(2) The operator must establish a transportation plan that details the procedures for the safe and secure transport of cannabis, cannabis products, and currency to and from the premises, including the transfer of currency for remitting City tax payments.

(3) Except for products on display for sale at dispensaries during hours which the business is open to the public, all cannabis and cannabis products must be stored in a secured and locked room, safe, or vault that meets approval of the registration authority.

(4) To the fullest extent possible, all cannabis and cannabis products must be kept in a manner that prevents theft and loss, except for limited amounts used for the purposes of display or immediate sales.

(5) The operator must provide contact information for a liaison who will be available at all times to meet with the police chief regarding security measures and operational issues.

(j) Tracking.

(1) Operators must comply with any track and trace program established by the state or local agencies.

(2) Operators must maintain records tracking all cannabis production and products, and must make all records related to commercial cannabis use available to the City upon request.

(k) Police Notification. Operators must notify the police department immediately upon discovering any of the following:

(1) Significant discrepancies identified during inventory. Discrepancy exceeding two percent of inventory or State regulations must be reported.

(2) Diversion, theft, or loss, or any criminal activity involving the commercial cannabis use or any agent or employee of the commercial cannabis use.

(3) Any other breach of security.

(l) Alcohol Sales and consumption

Alcoholic beverages may not be sold, dispensed, or consumed on or about the premises of a cannabis business.

(m) Record Keeping and Auditing

(1) An operator must maintain accurate records detailing all revenues and expenses of the cannabis business and all assets and liabilities, follow accepted cash handling practices and maintain a general ledger of cash transactions.

(2) At or before the time of the renewal of a permit, or at any time upon reasonable request of the City, each operator must file a sworn statement detailing on a per-month basis the number of sales, gross receipts, and applicable taxes paid or due to be paid during the permit period.

(3) On an annual basis, each operator must submit to the City a financial audit of the business conducted by an independent certified public accountant. Each operator is subject to a regulatory compliance review and financial audit as determined by the registration authority. The business must allow the City to access the books, records, accounts and all data relevant to its operations for purposes of conducting an audit or examination to determine compliance with this Code, conditions of approval, and applicable laws. Books, records, accounts and all relevant data must be produced no later than twenty-four hours after receipt of the City's request.

(4) An operator must maintain and provide to the registration authority upon request a current register of the names and the contact information (including the name, address, and telephone number) of

(A) anyone owning or holding an interest in the commercial cannabis use, and

(B) all the officers, managers, employees, and agents currently employed or otherwise engaged by the business.

(5) The operator must maintain a log of customer and neighborhood complaints and must make the log available to the City upon request. The log must contain at a minimum: the date of the complaint, the complainant, the nature of the complaint, and the action taken by the business to address the complaint.

(n) Persons allowed on premises

(1) The operator must not allow anyone to remain on the premises who is not an on-duty employee, customer, vendor, supplier or contractor of the business or a public employee engaged in the course and scope of their employment.

(2) No person under the age of eighteen may be allowed on a cannabis business site at any time.

(3) No person between the age of eighteen and twenty-one may be allowed on a cannabis business premises unless the business holds a state-issued M-license and strictly complies with California Business and Professions Code Section 26140(c).

(4) All persons entering the premises must present a government issued photo identification except a public employee engaged in the course and scope of their employment.

(5) The operating plan must specify how the operator will comply with and enforce this section.

(o) **Sales regulated.** A cannabis business must not conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the permit.

(p) **Required Signage.** The following signs, in measurements of not less than eight by ten inches, must be clearly and legibly posted in a conspicuous location inside the cannabis dispensaries where they will be visible to customers in the normal course of a transaction, stating:

"The sale of cannabis without a State license is illegal."

"Smoking cannabis on this property, within twenty feet of the dispensary, or in any public place is illegal under California law."

For M-licensees: "No one under the age of eighteen is allowed on the premises, unless they are a qualified patient or a primary caregiver."

For A-licensees: "No one under the age of twenty-one is be allowed on the premises."

Sec. 13-56 Liability and Indemnification

To the maximum extent permitted by law, cannabis business operators must defend (with counsel acceptable to the City), indemnify and hold harmless the City and its respective officials, officers, employees, representatives, agents and volunteers from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, city attorney or staff time, expenses or costs) against the City to attack, set aside, void or annul, any cannabis-related approvals and actions or for the failure of the operator to strictly comply with the conditions under which such permit is granted. The City may elect, in its sole discretion, to participate in the defense of an action and the operator must reimburse the City for its reasonable legal costs and attorneys' fees.

Sec. 13-57 Operating Plan

(a) The application must include an operating plan that specifies the manner in which operations will be handled and security provided, and which details the number of employees, hours and days of operation allowed and approved.

(b) The operating plan must provide that the cannabis dispensary require, at a minimum, a doctor's written recommendation in compliance with State law for medical cannabis sales, as well as a photo identification for any person entering the site.

(c) Any commercial cannabis use issued a permit must be operated in conformance with the approved operating plan and must meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the business is consistent with protection of the health, safety and welfare of the community and customers and will not adversely affect surrounding uses.

SECTION 2. BCC § 15-110 AMENDED

Belmont City Code Chapter 15, Article IX, Section 15-110 is amended to read:

Sec. 15-110 Purpose.

- (a) The purpose of this article is to promote the public health, safety and welfare by:
- (1) Protecting citizens from the secondary impacts associated with medical cannabis dispensaries and commercial cannabis activity, including, but not limited to, loitering, fraud in obtaining or use of medical cannabis identification cards, robbery, assaults, and other crimes.
 - (2) Protecting citizens from secondary impacts associated with cannabis cultivation and distribution, including, but not limited to, electrical fires and ignition of volatile chemical substances utilized in the cultivation process, crimes occurring at grow sites, odors perceptible in neighborhoods, and related nuisances.
 - (3) Preventing increased demands for police response resulting from activities at cannabis cultivation sites, storage facilities, dispensaries, and retail outlets, and thereby avoiding reduction in the ability of the city's public safety officers to respond to other calls for service.
- (b) The city adopts this article under its authority granted by California Constitution Article XI, Section 7, Proposition 215 (the Compassionate Use Act), Proposition 64 (the "Control, Regulate and Tax Adult Use of Marijuana Act" or the "AUMA") and Health and Safety Code Section 11362.2.

SECTION 3. BCC § 15-111 AMENDED

Belmont City Code Chapter 15, Article IX, Section 15-111 is amended to read:

Sec. 15-111 Cannabis businesses

- (a) Except as provided in subsections (b) and (c), to the extent permitted by law, the City of Belmont prohibits the establishment or operation of a cannabis business or activity licensed under Business and Professions Code Division 10 within the city's jurisdiction, including the establishment or operation of medical cannabis collectives, cooperatives, or dispensaries.
- (b) Only those cannabis businesses authorized, properly registered, in good standing and conducting business in accordance with Chapter 13 may be established and operate in the city.
- (c) This section does not prohibit mobile delivery of cannabis or cannabis products to a residence within the city from a business located outside the city.

SECTION 4. 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 does not affect the validity of the remaining portions of this ordinance. The City Council 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 5. 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 [insert date], 2012 and adopted the ordinance at a regular meeting held on [insert date], 2012 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: January 23, 2024
Agency: City of Belmont
Staff Contact: Laura Russell, Deputy Community Development Director, lrussell@belmont.gov
Agenda Title: Belmont 2035 General Plan, Belmont Village Specific Plan and Zoning Ordinance Amendments – Implementation of 2023-2031 Housing Element, State law and City Council Direction
Agenda Action: Ordinance

Recommendation

- 1) Introduce an ordinance amending the Belmont Zoning Ordinance (BZO) to implement State law and modify development standards in the Corridor Mixed Use (CMU) and Village Station Core (VSC) Districts; and,
- 2) Consider a resolution amending the 2035 General Plan Land Use Element and Belmont Village Specific Plan (BVSP) that would implement the 2023-2031 Housing Element, State law, and City Council direction; and,
- 3) Set a public hearing for, and adjourn the meeting to Tuesday, January 30, 2024 to consider the recommendations of the Planning Commission before adopting the general plan, BVSP and zoning amendments.

Strategic Focus Area

Economic Development and Housing

Background

State law requires California's local governments to adopt a housing element as part of their general plan that demonstrates how the local government will meet state mandated housing planning requirements. The City's Housing Element must be updated on a regular schedule and is subject to specific regulatory requirements and process established by the state Housing Element Law (Government Code Sections 65580-65589.11). The current housing element planning cycle covers the period from 2023 through 2031. The State Department of Housing and Community Development (HCD) must review and certify that each jurisdiction's housing element meets all the requirements of the law.

The City began work in the Housing Element Update in 2021, resulting in City Council certification of the Final Programmatic Environmental Impact Report (EIR) and adoption of the Housing Element on January 30, 2023, prior to the statutory deadline of January 31, 2023. Since that time, the City has been making amendments and has received two letters from HCD requiring additional changes to the Housing Element; the most recent letter was received on December 18, 2023.

Staff met with HCD on January 11, 2024 to review the comment letter and discuss the next steps moving forward. The meeting was productive and positive in tone. The HCD supervisor elaborated on the letter and provided feedback on how to best collaborate with HCD towards certification. Staff anticipates a



series of meetings with HCD over the next two months to actively review the outstanding items with them and receive incremental feedback. Staff will then update the Housing Element, incorporating HCD feedback, and produce a new draft for public review.

Although the Housing Element has not been certified by HCD, there are certain implementation actions that staff recommends completing while work continues on achieving certification. The Housing Element, as adopted by City Council in January 2023, includes programs that require amendments to the Belmont Zoning Ordinance (BZO). Under State law, some of those zoning amendments have a statutory deadline of one year after the original Housing Element deadline, which is January 31, 2024. Therefore, staff has prepared the amendments for Planning Commission and City Council consideration to meet that deadline.

Through the process of developing the Housing Element, the City considered changes to the development standards in certain zoning districts to further facilitate housing development and reduce barriers to affordable housing. The City Council-adopted January 2023 version of the Housing Element and the more recent October 2023 version both include Policy H.1.5, which specifies the changes to the Corridor Mixed Use (CMU) District located along El Camino Real, and Village Station Core (VSC) District within the BVSP area. Additionally, Policy H.1.7 describes a state law requirement that is also required to be implemented. The table below is an excerpt from the Housing Element:

October 2023 HE Program Number	Program Measure	Targets
Policy H.1.5	Modify the Zoning ordinance to allow for increased floor area ratios and density.	a. Modify the Corridor Mixed Use (CMU) zoning district to increase the maximum allowed Floor Area Ratio (FAR) from 1.75 (2.2 with community benefits) to 2.0 (2.5 with community benefits), and to eliminate the maximum density metric. b. Modify the VSC Village Station Core zoning district to increase the maximum allowed FAR from 1.5 (2.0 with community benefits) to 2.0 (2.5 with community benefits).
Policy H.1.7	Designate housing sites that have carried over from the prior Housing Element to allow housing development by-right.	Amend the Zoning Code to establish a "by-right" designation for housing sites reused from prior Housing Elements for housing projects that propose a minimum of 20% affordable units.

The City’s land use policy documents are required to be consistent under State law, so a change to one document may necessitate changes to other documents. In this case, the General Plan Land Use Element and Belmont Village Specific Plan (BVSP) are proposed to be amended so that they will be consistent with the Zoning Ordinance changes outlined in the Housing Element.

Analysis/Discussion

There are three proposed actions to implement Housing Element Policies H.1.5 and H.1.7. as follows:



1. Corridor Mixed Use District – Amend Land Use Element and Zoning Ordinance

The CMU District is generally located along El Camino Real outside of the BVSP area and is intended to accommodate community- and visitor- serving retail and services, lodging, office and high density residential in a mixed-use setting. (See Attachment 4 for location.)

Proposed changes to the development standards include:

- Increase the maximum Floor Area Ratio (FAR) base from 1.75 to 2.0 (and from 2.2 to 2.5 for projects with community benefits).
- Eliminate the current residential density maximum of 45 units per acre (60 units per acre for projects with community benefits) so there would be no maximum density metric. Intensity of residential projects would be limited by other development standards, similar to the majority of the BVSP area.

2. Village Station Core District– Amend Belmont Village Specific Plan and Zoning Ordinance

The VSC District is generally located in the northeastern portion of the BVSP area. It is intended to create an activity center to serve the neighborhoods in and surrounding the eastern portion of the Village. Uses include small- and medium-scale retail, dining, and entertainment, as well as multi-family housing. (See Attachment 4 for location.)

The proposed change to the VSC development standards will increase the base FAR from 1.5 to 2.0 (and from 2.0 to 2.5 for projects with community benefits). The proposed FAR range is consistent with other BVSP Districts already in effect since 2017. The height in this district is not proposed to change.

3. State Law Compliance – Amend Section 5A and Section 31 of Zoning Ordinance

Housing Element law has become stricter in recent years when a city reuses housing inventory sites from one housing element cycle to the next. HCD typically requires each jurisdiction to include a housing element program to address this aspect of the law, which is captured in Policy H.1.7 of the City’s Housing Element. If sites are carried forward from one housing element cycle to the next, the individual sites must be analyzed to see if this provision applies. If this provision applies, when those sites are developed for housing, then they must be processed “by right” if the project has 20% of the units available to “lower income” households. In the context of this law, “by right” means the City’s review must not include a conditional use permit or other discretionary permit and these projects are not subject to the California Environmental Quality Act (CEQA). Design review may be conducted based only on objective standards. If a project includes a subdivision, then all laws apply, including CEQA and the City’s code for processing subdivisions apply. In Housing Element law, “lower income” means households that make up to 80% of the Area Median Income.

To implement Policy H.1.7, the next version of the City’s Housing Element will clearly note which housing sites have been reused from previous Housing Element(s) and meet the legal criteria and are therefore subject to by right processing under State law.



Currently in the CMU District and Village Districts, residential uses located on the ground floor require a conditional use permit to encourage active uses on the ground floor that create a lively streetscape. To be consistent with State law, a conditional use permit cannot be required for ground floor residential on identified sites because “by right” processing is required. The proposed Zoning Ordinance amendments add language to implement these requirements to Section 5A, which regulates the CMU District, and Section 31 which regulates the Village Districts.

Proposed Labor Policy

Through the process of considering the Housing Element and anticipated residential development, City Council Members expressed an interest in considering labor policies. City staff reviewed similar policies in other nearby jurisdictions that have been recommended by representatives of Labor and proposed language for the City Council’s consideration. Proposed amendments to the Land Use Element add language encouraging hiring local labor, hiring from or contributing to apprenticeship programs, increasing resources for labor compliance, and providing living wages.

Increase in Height in CMU District

The draft ordinance included as Attachment 2 includes a proposed increase in height in the CMU District. These proposed amendments are not necessary to meet HCD expectations for Housing Element implementation. The proposal is to increase the maximum base height from 45’ to 50’ and from 55’ to 65’ for projects with community benefits approved by City Council. As discussed in the Planning Commission Review section below, this proposal generated noteworthy public comment in opposition. The Planning Commission discussed the height increase and ultimately recommended against including this provision with the other code amendments. Staff recognizes that the proposed increase in height requires careful consideration and balancing of priorities. Additional information is presented here to assist the City Council in its consideration of the item.

The General Plan and Belmont Village Specific Plan were adopted in 2017. Since that time, there has been an increase in development activity in the City. Since there has been significant new development for the first time in many years, there is an opportunity to evaluate land use policies to see how they are working and assess if any changes are necessary.

The CMU District is located on El Camino Real, a major regional commercial and transit corridor, to the north and south of the BVSP area. The CMU District is intended to include more intensive non-residential uses, such as visitor serving retail and lodging, as well as housing in a mixed-use setting. The proposed increase in height would align the CMU District with the height in the BVSP Village Core (VC) and Village Corridor Mixed Use (VCMU) Districts.

The current base height of 45 feet presents challenges for developing residential uses with active ground floor uses. The method of construction impacts the height of each story, but a common estimate is 10 to 12 feet per story. The 45 foot height limit could be a limiting factor to building a four-story building with an active ground floor use. The additional 5 feet of base height would provide flexibility for projects to include needed residential units as well as ground floor retail uses. Additionally, for non-residential projects, the existing height is a constraint on redevelopment of under-performing sites. For example, the



City has received interest from a property owner seeking to redevelop their property for a new hotel. The proposed 65 foot height limit with community benefits may facilitate projects the City wishes to see for economic development.

It is important to note that State Density Bonus Law, which is a common tool for residential projects with affordable units, would not be combined with the City's community benefits program. Therefore, it would not be possible for an applicant to utilize the community benefits height of 65 feet plus additional height under State Density Bonus Law.

Planning Commission Review

At their January 16, 2024 meeting, the Planning Commission conducted a public hearing and considered the proposed amendments to the General Plan Land Use Element, Belmont Village Specific Plan and Belmont Zoning Ordinance. There was consensus Commissioner support related to the majority of the proposed amendments (other than height in the Corridor Mixed Use District) and the Commission adopted a resolution recommending adoption of the General Plan and Belmont Village Specific Plan amendments by a vote of 5-0.

There was considerable discussion about the proposed increase in height in the Corridor Mixed Use zone. Some Commissioners expressed concerns about the number of floors that may be achieved under the increased height and community expectations based on previous discussions about height. Others favored policies that would maximize affordable housing. Several Commissioners expressed an interest in additional study of the CMU District height, including consideration of sufficient height for active ground floor uses and detailed design standards. At the conclusion of Commission discussion, the Commission adopted a resolution by a vote of 4-1 recommending all of the proposed amendments to the Zoning Ordinance except the change to the height in the CMU District. (BZO Sections 5A.1.11(a)(1) and (2) would remain unchanged.)

The Planning Commission also entertained a motion to adopt the resolution as drafted, including the increase in height in the CMU District. That motion failed with two Commissioners voting for and three Commissioners voting against.

Considering the Planning Commission's discussion, the Council could consider adopting the proposed ordinance as presented, or adopt the ordinance omitting the increase in height in the CMU District, and provide feedback to staff to study the CMU height and bring back options for consideration at a later date, including design standards and ground floor height, to ensure the development standards align with the City's vision for the ECR corridor.

Environmental Assessment

The City of Belmont prepared a Final Programmatic Environmental Impact Report (EIR) for the Belmont Housing Element 2023-2031 update that analyzed the reasonably foreseeable and potentially significant adverse effects of the proposed project pursuant to the California Environmental Quality Act (CEQA). A Program EIR can include a series of actions that can be characterized as one large project and are logical parts in a chain of contemplated actions. The City Council adopted Resolution No. 2023-0008 on January 30, 2023, certifying the Final Programmatic EIR. The proposed amendments to the General Plan, Belmont



Village Specific Plan and Belmont Zoning Ordinance are within the scope of the Program EIR certified on January 30, 2023, and the Program EIR adequately describes the proposed activities for the purposes of CEQA and no additional analysis is required.

Alternatives

1. Do not adopt proposed Ordinance and Resolution.
2. Adopt the Ordinance omitting the increase in height in the CMU District.
3. Adopt the Ordinance and only allowing the increase in height in the CMU District to commercial developments only.
4. Direct staff to study the CMU height and bring back options for consideration at a later date, including design standards and ground floor height, to ensure the development standards align with the City's vision for the ECR corridor.

Attachments

1. Resolution Adopting General Plan and Belmont Village Specific Plan Amendments
2. Zoning Amendments Ordinance – First Reading
3. Planning Commission Resolutions
4. Map of Corridor Mixed Use and Village Station Core Districts

Fiscal Impact

- ☒ No Fiscal Impact
- ☐ Funding Source Confirmed:
- Adoption of the proposed amendments to the General Plan, Belmont Village Specific Plan and Belmont Zoning Ordinance do not have direct financial implications for the City. Implementation of policies will require minimal additional staff time.

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

*Notice of the Planning Commission public hearing was mailed to all property owners in the Corridor Mixed Use and Village Station Core Districts, as well as property owners within 300' of these districts. Notice of City Council public hearing was posted in three public locations.

RESOLUTION NO. 2024 – _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AMENDING THE LAND USE ELEMENT OF THE 2035 GENERAL PLAN AND THE BELMONT VILLAGE SPECIFIC PLAN TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and,

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City of Belmont adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Belmont's ("City") regional housing need allocation ("RHNA") of 1,785 units, comprised of 488 very low income units, 281 low income units, 283 moderate income units, and 733 above moderate income units; and,

WHEREAS, to comply with State Housing Element Law, the City has prepared Housing Element 2023-2031 (the "Housing Element") that identifies sites that can accommodate housing units meeting the City’s RHNA allocation, as well as programs to further facilitate housing development; and,

WHEREAS, the City Council adopted the Housing Element on January 30, 2023 and has continued to respond to comments from the Department of Housing and Community Development (HCD) to achieve State certification; and,

WHEREAS, the proposed amendments to the 2035 General Plan and Belmont Village Specific Plan, attached hereto as *Exhibit A*, would implement two programs in the Housing Element to modify development standards and implement State law; and,

WHEREAS, the City Council adopted Resolution No. 2023-008 on January 30, 2023 certifying a programmatic Environmental Impact Report (EIR) for the Housing Element 2023-2031 that analyzed the reasonably foreseeable and potentially significant adverse effects of the proposed project pursuant to the California Environmental Quality Act (CEQA); and,

WHEREAS, the proposed amendments to the 2035 General Plan and Belmont Village Specific Plan are within the scope of the Program EIR certified on January 30, 2023 and the Program EIR adequately describes the proposed activities for the purposes of CEQA; and,

WHEREAS, the Planning Commission held a public hearing on January 16, 2024 in accordance with Belmont Zoning Ordinance Section 16.2.2; and,

WHEREAS, the Planning Commission adopted Resolution 2024-02 recommending that the City Council adopt the proposed amendments; and

WHEREAS, after reviewing all relevant evidence before the City Council, including the information provided in the staff report and enclosures, the public meeting, and public

correspondence and testimony received, the City Council incorporates herein by reference and adopts the analysis and findings in the staff report to the City Council dated January 23, 2024 as its own findings of fact under Belmont Zoning Ordinance Section 16.1.2 related to General Plan Amendments.

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

SECTION 1. The City Council finds that the proposed amendments to the Land Use Element of the 2035 General Plan and Belmont Village Specific Plan are consistent with and augment the goals and policies of the General Plan, and is in the public interest.

SECTION 2. The City Council amends the Land Use Element of the 2035 General Plan and amends the Belmont Village Specific Plan as shown in *Exhibit A*.

* * *

(Passage requires the affirmative vote of not less than a majority of the
total membership of the Council)

ADOPTED January 30, 2024 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

Amendments to the Land Use Element of the 2035 General Plan

Text additions are indicated in red underline, deleted text in ~~red-strikeout~~

1. Amend text on page 2-17 in Section 2.3 “General Plan Land Use Designations and Density/Intensity Standards” under subheading “Land Use Designations - Mixed Use and Commercial” as follows:

- Corridor Mixed Use (FAR 2.0 ~~1.75; 45 DU/A~~). The Corridor Mixed Use land use designation applies to parcels along El Camino Real outside of the Belmont Village PDA and is intended to provide community and visitor-serving retail and services, lodging, office, and high density residential in a horizontal and/or vertical mixed use setting. A mix of uses in individual developments is encouraged but not required. The maximum FAR is 2.0 for all uses ~~1.75 and the maximum residential density is 45 DU/A~~. If a public benefits zoning ordinance is adopted ~~that requires greater proportional public benefits than would be required for projects up to 45 du/ae~~, then projects may build to a maximum FAR of 2.5 ~~2.2 and a maximum residential density of 60 du/ae~~. FAR applies to the entire development on a site, inclusive of any residential component.

2. Amend text on page 2-25 in Section 2.4 “Economic Opportunity” under subheading “Economic Development and the City’s Role” as follows:

With vacant land increasingly in short supply and a resurgence in the regional and national economies, Belmont must prioritize the type and the location of developments that provide the greatest economic benefit. While a significant level of economic development activity occurs in the private sector, the City can work to: ensure city policies do not impede the needs of businesses to move or expand; facilitate and act as a catalyst for development in strategic market segments; and be a liaison to connect businesses with resources and problem-solvers to address barriers to entry/growth/expansion. The City can also continue to promote development that results in fiscal benefits to the city, and maintain and enhance community character and the public realm by coordinating and providing for infrastructure improvements. Additionally, the City can support local workers and the local economy by encouraging local hires, living wages, and training for workers, such apprenticeship programs.

3. Add new policy on page 2-40 under Goal 2.6 as follows:

Goal 2.6 Promote opportunities for continued economic growth and vitality, resulting in wider shopping and dining opportunities for residents, increased local employment opportunities, enhanced attractions for visitors, increased sales tax revenues, and a stronger community image.

Policy 2.6-7 Encourage developers and contractors to evaluate hiring local labor, hiring from or contributing to apprenticeship programs, increasing resources for labor compliance, and providing living wages.

Amendments to the Belmont Village Specific Plan

Text additions are indicated in red underline, deleted text in ~~red strikeout~~

1. Amend Table 2-4 on page 2-16 in Section 2.4 “Land Use Designations” as follows:

Table 2-4: Density and Intensity of Land Use Framework

Land Use Designation	Density Range (dwelling units/acre)	Minimum and Maximum Intensity (FAR)	
Village Core ¹	n/a	0.5 - 2.0	
Village Corridor Mixed Use ²	n/a	0.5 - 2.0	
Station Core ³	n/a	<u>0.2 - 2.0</u>	~~0.2 - 1.5~~
Village High Density Residential ⁴	21 – 45	n/a	
Public Facility	n/a	n/a	
Park/Plaza	n/a	n/a	

Notes:

1. With the provision of substantial community benefits, development may achieve up to 2.5 FAR.
2. While Village Corridor Mixed Use allows for residential development, it only regulates the intensity of development with FAR; no residential density is assigned to allow greater flexibility in housing type. This applies to VCMU, VC, and VSC.
3. With the provision of substantial community benefits, development may achieve up to 2.5 ~~2.0~~ FAR.
4. With the provision of substantial community benefits, development may achieve up to 60du/ac.

2. Amend text on page 2-18 in Section 2.4 “Land Use Designations” under subheading “Mixed Use” as follows:

Station Core

The Station Core designation is limited to the northeastern quadrant and is intended to create an activity center to serve the neighborhoods in and surrounding the eastern portion of the Village. Uses may include small- and medium-scale retail, dining, and entertainment uses. Publicly accessible community gathering spaces are required, as detailed in Chapter 4, and specialty shops, community-oriented spaces and amenities, and entertainment destinations are encouraged. Station Core supports residential uses in a horizontal or vertical mixed-use setting. The minimum FAR is 0.2 and the maximum FAR is 2.0 ~~1.5~~ (for residential and non-residential uses combined). With the provision of substantial community benefits, developments may achieve a maximum FAR of 2.5 ~~2.0~~.

ORDINANCE NO. _____

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, ~~density~~ 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 ~~1.75~~, which may be increased up to 2.5 ~~2.2~~ 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. The maximum residential density in the CMU District shall be 45 units per net acre, which may be increased up to 60 units per net acre with provision of community benefits approved by the City Council under Section 5A.2.~~

SECTION 5. BZO §5A.1.11 AMENDED

Belmont Zoning Ordinance (Ordinance 360) is amended by modifying Section 5A.1.11 to read:

5A.1.11 BUILDING HEIGHT

- (a) No building may exceed:
 - (1) 50 ~~45~~ feet in height, or

(2) ~~65~~ 55 feet with community benefits as prescribed in Section 5A.2.

- (b) Non-habitable building features such as chimneys (up to six feet in width), cupolas, flagpoles, monuments, steeples, roof screens, equipment, and similar structures, covering no more than 20% of the top floor roof area to which they are accessory, may exceed maximum permitted height standards by eight feet.

SECTION 6. 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							
Village District Use Table	VC (AUFO)	VSC (AUFO)	VCMU	VHDR	PF	PP	Additional Regulations
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:	<u>1.</u> 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 Alternation 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.

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.

SECTION 7. 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)

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>
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
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 8. 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 9. 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 10. 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 [insert date], 2024 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2024 – 02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT RECOMMENDING THAT THE BELMONT CITY COUNCIL AMEND THE LAND USE ELEMENT OF THE 2035 GENERAL PLAN AND THE BELMONT VILLAGE SPECIFIC PLAN TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and,

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City of Belmont adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Belmont's ("City") regional housing need allocation ("RHNA") of 1,785 units, comprised of 488 very low income units, 281 low income units, 283 moderate income units, and 733 above moderate income units; and,

WHEREAS, to comply with State Housing Element Law, the City has prepared Housing Element 2023-2031 (the "Housing Element") that identifies sites that can accommodate housing units meeting the City’s RHNA allocation, as well as programs to further facilitate housing development; and,

WHEREAS, the City Council adopted the Housing Element on January 30, 2023 and has continued to respond to comments from the Department of Housing and Community Development (HCD) to achieve State certification; and,

WHEREAS, the proposed amendments to the 2035 General Plan and Belmont Village Specific Plan, attached hereto as *Exhibit A*, would implement two programs in the Housing Element to modify development standards and implement State law; and,

WHEREAS, the City Council adopted Resolution No. 2023-008 on January 30, 2023 certifying a programmatic Environmental Impact Report (EIR) for the Housing Element 2023-2031 that analyzed the reasonably foreseeable and potentially significant adverse effects of the proposed project pursuant to the California Environmental Quality Act (CEQA); and,

WHEREAS, the proposed amendments to the 2035 General Plan and Belmont Village Specific Plan are within the scope of the Program EIR certified on January 30, 2023 and the Program EIR adequately describes the proposed activities for the purposes of CEQA; and,

WHEREAS, the Planning Commission held a public hearing on January 16, 2024 in accordance with Belmont Zoning Ordinance Section 16.2.2; and,

WHEREAS, after reviewing all relevant evidence before the Planning Commission, including the information provided in the staff report and enclosures, the public meeting, and public correspondence and testimony received, the Planning Commission incorporates herein by reference and adopts the analysis and findings in the staff report to the Planning Commission

dated January 16, 2024 as its own findings of fact under Belmont Zoning Ordinance Section 16.1.2 related to General Plan Amendments.

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

SECTION 1. The Planning Commission finds that the proposed amendments to the Land Use Element of the 2035 General Plan and Belmont Village Specific Plan are consistent with and augment the goals and policies of the General Plan, and is in the public interest.

SECTION 2. The Planning Commission recommends that the City Council amend the Land Use Element of the 2035 General Plan and amend the Belmont Village Specific Plan as proposed in *Exhibit A*.

* * *

(Passage requires the affirmative vote of not less than a majority of the total membership of the Commission)

Passed and adopted at the regular meeting of the Planning Commission of the City of Belmont held on January 16, 2024 by the following vote:

AYES,

COMMISSIONERS: Gurevich, Kramer, Kulich, Majeski, Meier

NOES,

COMMISSIONERS: None

ABSENT,

COMMISSIONERS: None

ABSTAIN,

COMMISSIONERS: None

RECUSED,

COMMISSIONERS: None



Carlos de Melo

Planning Commission Secretary

Amendments to the Land Use Element of the 2035 General Plan

Text additions are indicated in red underline, deleted text in ~~red-strikeout~~

1. Amend text on page 2-17 in Section 2.3 “General Plan Land Use Designations and Density/Intensity Standards” under subheading “Land Use Designations - Mixed Use and Commercial” as follows:

- Corridor Mixed Use (FAR 2.0 ~~1.75; 45 DU/A~~). The Corridor Mixed Use land use designation applies to parcels along El Camino Real outside of the Belmont Village PDA and is intended to provide community and visitor-serving retail and services, lodging, office, and high density residential in a horizontal and/or vertical mixed use setting. A mix of uses in individual developments is encouraged but not required. The maximum FAR is 2.0 for all uses ~~1.75 and the maximum residential density is 45 DU/A~~. If a public benefits zoning ordinance is adopted ~~that requires greater proportional public benefits than would be required for projects up to 45 du/ae;~~ then projects may build to a maximum FAR of 2.5 ~~2.2 and a maximum residential density of 60 du/ae~~. FAR applies to the entire development on a site, inclusive of any residential component.

2. Amend text on page 2-25 in Section 2.4 “Economic Opportunity” under subheading “Economic Development and the City’s Role” as follows:

With vacant land increasingly in short supply and a resurgence in the regional and national economies, Belmont must prioritize the type and the location of developments that provide the greatest economic benefit. While a significant level of economic development activity occurs in the private sector, the City can work to: ensure city policies do not impede the needs of businesses to move or expand; facilitate and act as a catalyst for development in strategic market segments; and be a liaison to connect businesses with resources and problem-solvers to address barriers to entry/growth/expansion. The City can also continue to promote development that results in fiscal benefits to the city, and maintain and enhance community character and the public realm by coordinating and providing for infrastructure improvements. Additionally, the City can support local workers and the local economy by encouraging local hires, living wages, and training for workers, such apprenticeship programs.

3. Add new policy on page 2-40 under Goal 2.6 as follows:

Goal 2.6 Promote opportunities for continued economic growth and vitality, resulting in wider shopping and dining opportunities for residents, increased local employment opportunities, enhanced attractions for visitors, increased sales tax revenues, and a stronger community image.

Policy 2.6-7 Encourage developers and contractors to evaluate hiring local labor, hiring from or contributing to apprenticeship programs, increasing resources for labor compliance, and providing living wages.

Amendments to the Belmont Village Specific Plan

Text additions are indicated in red underline, deleted text in ~~red-strikeout~~

1. Amend Table 2-4 on page 2-16 in Section 2.4 “Land Use Designations” as follows:

Table 2-4: Density and Intensity of Land Use Framework

Land Use Designation	Density Range (dwelling units/acre)	Minimum and Maximum Intensity (FAR)	
Village Core ¹	n/a	0.5 - 2.0	
Village Corridor Mixed Use ²	n/a	0.5 - 2.0	
Station Core ³	n/a	<u>0.2 - 2.0</u>	~~0.2 - 1.5~~
Village High Density Residential ⁴	21 – 45	n/a	
Public Facility	n/a	n/a	
Park/Plaza	n/a	n/a	

Notes:

1. With the provision of substantial community benefits, development may achieve up to 2.5 FAR.
2. While Village Corridor Mixed Use allows for residential development, it only regulates the intensity of development with FAR; no residential density is assigned to allow greater flexibility in housing type. This applies to VCMU, VC, and VSC.
3. With the provision of substantial community benefits, development may achieve up to 2.5 ~~2.0~~ FAR.
4. With the provision of substantial community benefits, development may achieve up to 60du/ac.

2. Amend text on page 2-18 in Section 2.4 “Land Use Designations” under subheading “Mixed Use” as follows:

Station Core

The Station Core designation is limited to the northeastern quadrant and is intended to create an activity center to serve the neighborhoods in and surrounding the eastern portion of the Village. Uses may include small- and medium-scale retail, dining, and entertainment uses. Publicly accessible community gathering spaces are required, as detailed in Chapter 4, and specialty shops, community-oriented spaces and amenities, and entertainment destinations are encouraged. Station Core supports residential uses in a horizontal or vertical mixed-use setting. The minimum FAR is 0.2 and the maximum FAR is 2.0 ~~1.5~~ (for residential and non-residential uses combined). With the provision of substantial community benefits, developments may achieve a maximum FAR of 2.5 ~~2.0~~.

RESOLUTION NO. 2024-03

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTIONS 5A AND 31 OF THE BELMONT ZONING ORDINANCE (ORDINANCE NO. 360) TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and,

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City of Belmont adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Belmont's ("City") regional housing need allocation ("RHNA") of 1,785 units, comprised of 488 very low income units, 281 low income units, 283 moderate income units, and 733 above moderate income units; and,

WHEREAS, to comply with State Housing Element Law, the City has prepared Housing Element 2023-2031 (the "Housing Element") that identifies sites that can accommodate housing units meeting the City’s RHNA allocation, as well as programs to further facilitate housing development; and,

WHEREAS, the City Council adopted the Housing Element on January 30, 2023 and has continued to respond to comments from the Department of Housing and Community Development (HCD) to achieve State certification; and,

WHEREAS, the proposed amendments to the Belmont Zoning Ordinance would implement two programs in the Housing Element to modify development standards and implement State law; and,

WHEREAS, the City Council adopted Resolution No. 2023-008 on January 30, 2023 certifying a programmatic Environmental Impact Report (EIR) for the Housing Element 2023-2031 that analyzed the reasonably foreseeable and potentially significant adverse effects of the proposed project pursuant to the California Environmental Quality Act (CEQA); and,

WHEREAS, the proposed amendments to the Belmont Zoning Ordinance are within the scope of the Program EIR certified on January 30, 2023 and the Program EIR adequately describes the proposed activities for the purposes of CEQA; and,

WHEREAS, on January 16, 2024, the Planning Commission, following notification in the prescribed manner, conducted a public meeting, at which meeting the Commission considered public testimony and a staff report on the subject zoning text amendments; and,

WHEREAS, after reviewing all the relevant evidence before the Planning Commission, including the information provided in the staff report and enclosures to the Planning Commission, the public meeting, public correspondence and testimony received, the Planning Commission

incorporates herein by reference and adopts the analysis and findings in the staff report to the Planning Commission dated January 16, 2024 as its own findings of fact under Section 16 of the Belmont Zoning Ordinance related to Zone Text Amendments; and,

WHEREAS, the Planning Commission, after consideration of all testimony and reports, determined that the proposed amendments identified in the staff report, together with any recommended modifications to the project provided by the Commission, are consistent with the objectives of the Zoning Plan, Belmont Village Specific Plan, and the General Plan for the City.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt an Ordinance amending Sections 5A and 31 of the Belmont Zoning Ordinance (Ordinance No. 360) as described in the Planning Commission staff report and attachments, dated January 16, 2024, except that the Planning Commission does not recommend changes to height in Section 5A.1.11.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on January 16, 2024 by the following vote:

AYES,

COMMISSIONERS: Gurevich, Kramer, Kulich, Majeski

NOES,

COMMISSIONERS: Meier

ABSENT,

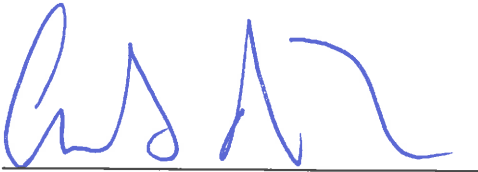
COMMISSIONERS: None

ABSTAIN,

COMMISSIONERS: None

RECUSED,

COMMISSIONERS: None

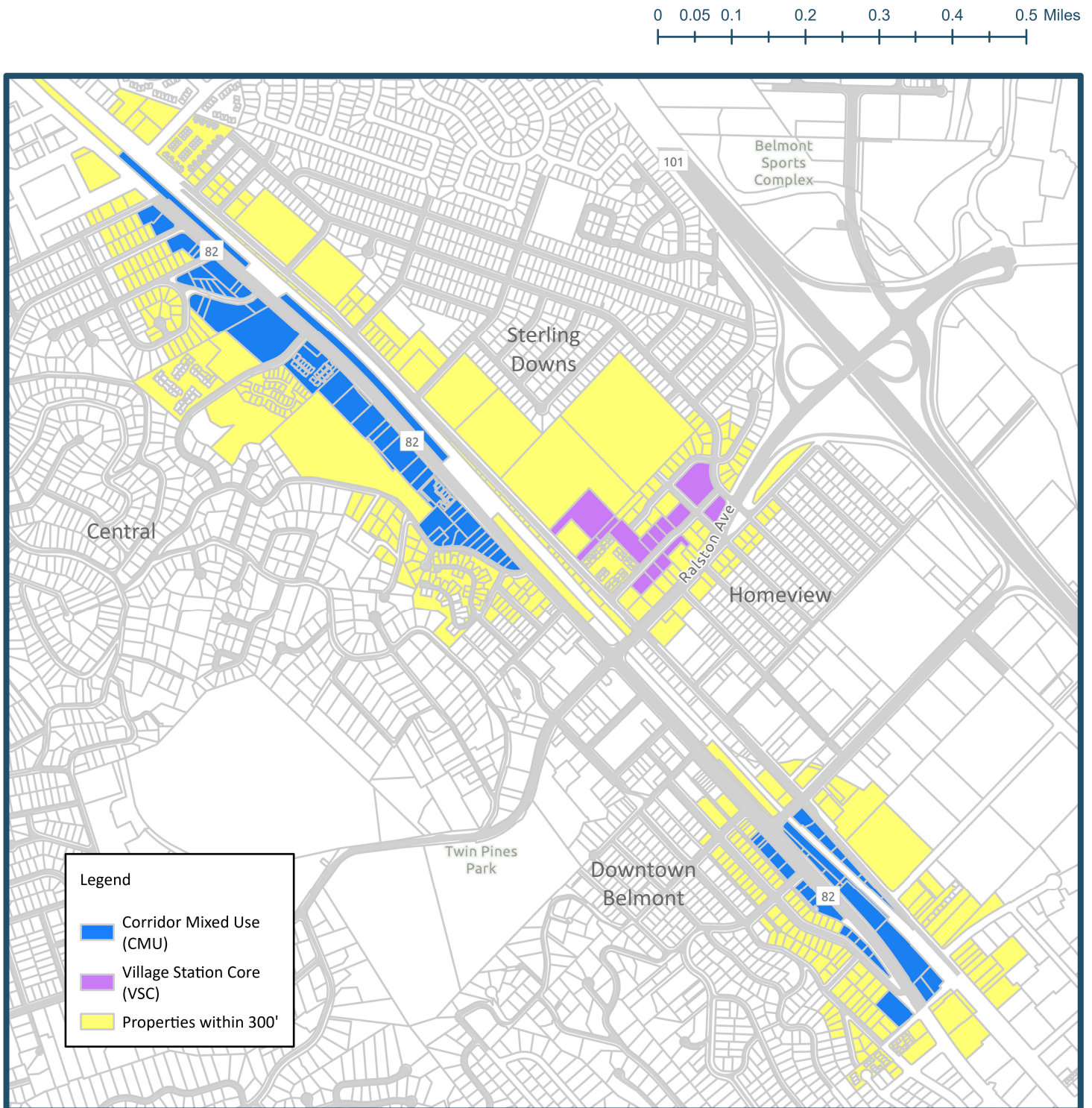
A handwritten signature in blue ink, appearing to read 'Carlos de Melo', written over a horizontal line.

Carlos de Melo

Planning Commission Secretary

LAND USE DISTRICTS PROPOSED FOR AMENDMENT

300-FOOT RADIUS MAP



NOTE: This is neither a plat nor a survey. It is furnished merely as a convenience to aid in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon.



STAFF REPORT

Meeting Date: January 23, 2024
Agency: City of Belmont/City Council
Staff Contact: Carlos de Melo, Community Development Director, (650) 595-7440
cdemelo@belmont.gov
Agenda Title: Belmont Harbor Industrial Area (HIA) Specific Plan Project Update
Agenda Action: Discussion & Direction

Recommendation

Receive an update on the Belmont Harbor Industrial Area (HIA) Specific Plan Project; no specific action required.

Strategic Focus Areas

Economic Development and Housing
Infrastructure and Mobility
Quality of Life

Background

The City is currently engaged in the preparation of a specific plan for the Belmont Harbor Industrial Area (HIA). This area is within the Belmont Sphere of Influence (SOI); however, it has not yet been annexed. The area is bounded by O'Neill Avenue and the existing city limits on the north, US 101 to the east, Belmont Creek, and the City of San Carlos to the South, and Old County Road and the existing city limits to the west, as shown in Attachment A (on Page 7 of this report).

Existing Conditions

The HIA is approximately 62.9 acres in area comprised of 10 acres of right-of-way, 15 acres of Mixed Use (Industrial and Commercial), 13 acres of General Industrial and Warehouse, 7 acres of Light Manufacturing, 6 acres of Automotive Repair, 4 acres of General Retail, 3.4 acres of Mobile Home Park, and 2 acres of Multi-Family. The remaining 2.5 acres are comprised of service stations, office, open storage, unclassified right-of-way, and vacant land.

The majority of the parcels (72%) within the project area are less than one acre in size, and only four parcels (7%) are greater than two acres. However, there are eight entities who own multiple adjacent parcels. When the adjacent parcels under the same ownership are consolidated and added to the number of individual parcels greater than two acres, the result is eight potential development opportunity sites greater than two acres in size.

Completed Activities

The HIA Specific Plan commenced on February 27, 2023, with a site visit that helped inform the collection of existing conditions information. Background information has been collected regarding land uses, structures, infrastructure, biological resources, motorized and non-motorized transportation, and the public realm (the space between buildings that includes the street, sidewalks, and landscaping).



Concurrent with data collection, a community engagement plan was developed, including project branding and creation of a project [website](http://www.belmonthiaplan.com) (www.belmonthiaplan.com). Between May and November 2023, community engagement activities have consisted of six stakeholder meetings focused on property owners, businesses, and the Belmont Mobile Home Park; one virtual workshop; two online surveys; five pop-up events; one presentation to the Planning Commission; and one presentation to the City Council. In addition, the project was introduced at meetings of the Homeview and Sterling Downs Neighborhood Associations, Belmont Business Committee of the Chamber San Mateo County, and Harbor Industrial Area Business/Property Owner Group.

Analysis

Feedback from all of the community engagement activities has been synthesized into three plan goals and nine guiding principles.

Plan Goals

It was clear from comments received that the Belmont HIA is viewed as a special place with unique businesses that serve the Belmont community, as well as the greater Peninsula. There was a desire to create a place that reflects this strong sense of identity. It was acknowledged that the plan must be sensitive to existing area occupants, both residents and businesses, as well as those in adjacent neighborhoods, that would be affected by any proposed changes. Lastly, people in the HIA and those outside stressed the importance of integrating the area by creating strong connections.

- Make Places
- Be Sensitive
- Create Connections

Guiding Principles

The three plan goals are further articulated through a series of Guiding Principles, as shown below:

PLAN GOAL	GUIDING PRINCIPLE
Make Places	<i>Local Serving, Complete Neighborhood</i> – Create a complete neighborhood with vibrant and welcoming destinations, amenities, and services for people to work, shop, gather and live.
	<i>Ensure Safety for All Modes</i> – Create complete streets to ensure safe pedestrian and bike access throughout the district and between the district and adjacent residential and commercial neighborhoods.
	<i>Green Space</i> – Integrate publicly accessible usable green space to support the wellbeing of residents, employees, and visitors alike.
Be Sensitive	<i>History of Entrepreneurship</i> – Leverage the HIA’s history of industry and innovation by supporting existing small businesses that serve residents from all parts of the Peninsula, while encouraging new businesses and commercial opportunities to form.
	<i>Affordable Housing</i> – Encourage affordability for any new housing development.
	<i>Context Sensitive Standards</i> – Generate design and development standards that are both sensitive to the existing neighborhood fabric and flexible to accommodate future growth.



Create Connections	<i>Revitalize Belmont Creek</i> – Revitalize Belmont Creek and integrate ecological principles of regeneration and resilience into design and development standards to manage flooding and create a resilient district.
	<i>Meaningful Engagement</i> – Engage the community and stakeholders in a continuous conversation that grows awareness at each stage of the project and helps inform long-term implementation of the plan.
	<i>District Connections</i> – Coordinate development, including environmental and infrastructure improvements, with San Carlos and San Mateo County to create a cohesive and integrated district.

Policy Framework

The Guiding Principles create the framework for policy approaches to address issues identified during analysis of existing conditions and the ongoing conversation with the community. The approach associated with each issue is the starting point for further policy development. Confirmation of the proposed direction is being requested before additional research and refinement is initiated.

Local Serving, Complete Neighborhood	
ISSUE	APPROACH
Mobile Home Park	Maintain County Mobile Home Park zoning. Revise General Plan Map for consistency, create equivalent Mobile Home Park zoning district, amend zoning map with new Mobile Home Park designation.
Legacy Industries	Identify categories of businesses that have historically served the Belmont community, including, but not limited to, commercial recreation, auto repair, animal services, breweries/ wineries, and determine specialized building design and other operational requirements to accommodate them on the ground floor of new buildings.
Non-conforming uses	Avoid creating non-conforming uses when developing new zoning regulations, except as needed to address health and safety.
Community Benefits	Implement citywide measures tailored to the Belmont HIA.

Ensure Safety for All Modes of Transportation	
ISSUE	APPROACH
Connections	Facilitate connections through the development review process by requiring pathways at the time of new development/redevelopment, including reconstruction of on-site circulation and parking areas.
On-street Bike/Pedestrian Design	Review and update standard designs for streets within the Belmont HIA. Utilize adopted BVSP Streetscape Design Guidelines for context.

Green Space	
ISSUE	APPROACH
Privately Owned Public Open Space	Develop design, access and use standards for private owned public open space to make sure the public is aware of them and understands how and when to use them.
Green Streets	Identify applicable Green Infrastructure Measures from the San Mateo



	Countywide Pollution Prevention Program <i>Green Infrastructure Design Guide (2020)</i> and incorporate into site design and right-of-way improvement standards.
--	--

History of Entrepreneurship	
ISSUE	APPROACH
Incubator Space	Explore mechanisms for creating and sustaining incubator space for small businesses across multiple industries, such as custom carpentry, breweries, and artists to support entrepreneurship and continued innovation.
Flexible design	Evaluate higher first floor ceiling heights and other building design elements to provide for the most flexible space that can adapt to a wide range of uses over time with a focus on uses that have served the Belmont community for decades that may not be available in other neighborhoods.

Affordable Housing	
ISSUE	APPROACH
Inclusionary requirements	Support revisions to the Inclusionary/Below Market Rate Program consistent with the Housing Element.
Mobile Home Park	Retain Mobile Home Park zoning to assist with the retention of naturally occurring affordable housing.

Context Sensitive Standards	
ISSUE	APPROACH
Perimeter transitions	Develop height and setback standards to create more sensitive transitions to lower scale uses at the perimeter of the Belmont HIA to its northern boundary.
Performance standards	Develop performance standards to address potential light, odor, noise, air quality, and vibration impacts.
Activate ground floor	Locate publicly accessible uses on the ground floor, such as convenience store, food service, day care, commercial recreation, and other legacy industries.
	Incorporate design features to enhance views into ground floors and locate doors to generate activity along the street frontage.

Revitalize Belmont Creek	
ISSUE	APPROACH
Publicly Accessible Creek Trail	Establish public access easement dedication requirements to allow for publicly accessible creek trail.
	Establish public access hours consistent with city of Belmont Park System (30 minutes before sunrise to 30 minutes after sunset).
Design	Develop design standards for Belmont Creek improvements, including pathway width, surface materials, planting requirements, and bank stabilization.
Maintenance	Research options for coordinated maintenance, ranging from an informal property owner association to a property-based improvement district.



Meaningful Engagement	
ISSUE	APPROACH
Easy access to project information	Provide written project information in English and Spanish, including website and handouts.
	Provide an implementation overview that describes key milestones and outcomes over different time frames, such as 0-5 years, 5-10 years, and more than 10 years.
Clear and easily understood information	Follow <i>Plain Language</i> guidelines when writing project updates, zoning regulations, design guidelines, and process descriptions to improve understanding and remove barriers to participation.
Broad and inclusive engagement	Continue to explore new opportunities to engage the broader Belmont community in the creation and implementation of the Belmont HIA Specific Plan.

District Connections	
ISSUE	APPROACH
Bike/pedestrian connections	Extend street designs from Belmont Village Specific Plan and pursue funding for Caltrain bicycle/pedestrian underpass at O'Neill Avenue.
Transit connections	Coordinate with Caltrain, Samtrans, and Commute.Org to optimize the timing of various transit service providers.
Transportation Demand Management	Review existing Transportation Demand Management (TDM) policies and regulations and identify opportunities to strengthen and support regional Transportation Management Associations.

Land Use Considerations

The financial markets have seen significant change since the Specific Plan project was initiated. The associated volatility has underscored the need for flexibility in land use regulations. As a result, the proposed approach to land use is to keep much of the current zoning apart from creating a new mobile home park zone to preserve the Belmont Mobile Home Park. More significant changes are proposed for design standards that would activate ground floors and improve the pedestrian and cycling experience and create more sensitive transitions between the HIA and adjacent neighborhoods. Performance measures to address potential light, odor, noise, air quality and vibration impacts are also proposed.

Connections

The current street pattern of the HIA results in a superblock between O'Neill Avenue and Harbor Boulevard, and Elmer Street and Karen Road. The lack of bicycle and pedestrian routes through this area makes it challenging for employees and residents to access CalTrain and other transit options. An approach to this issue that balances the need for connectivity with future flexibility is to require continuous paths that connect to key points at the perimeter of this superblock, but without prescribing an exact route or alignment. Paths could be integrated into spaces created by existing development requirements, such as setbacks, landscaped areas, or on-site circulation. These new routes would be accessible by the public, and create greater connections to and through the HIA.

Height

Potential maximum height within the HIA is limited by the Airport Land Use Compatibility Plan



(ALUCP) for the San Carlos Airport (<https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>) which is administered by the City/County Association of Governments of San Mateo County (C/CAG). In order to maintain safety for the airport, there are restrictions on height, as well as notification requirements for any development greater than 65 feet in height. The current approach to height is to retain the current height limit of 65 feet as set forth in the current HIA-1 and HIA-2 zoning districts, but to allow a discretionary process for seeking approval of additional height up to the maximum allowed by C/CAG and the Federal Aviation Administration.

Next Steps

Upon receiving confirmation of the approach set forth in this staff report, a project description will be developed for the purpose of initiating the project environmental review. Detailed studies and analysis will then commence for traffic and utilities, and the policy framework will be expanded as detailed policies are developed.

It is anticipated that the draft specific plan document and environmental impact report will be available for public review in late summer 2024 with public hearings for the adoption process in late 2024/early 2025. A more detailed schedule will be shared once the environmental review timeline has been confirmed.

Tonight’s meeting does not serve as the public hearing for the listed project, but merely provides a status update for the Belmont HIA Specific Plan Project. Full public hearings (to be conducted by the requisite authority – Planning Commission and/or City Council) with all project components/evaluation, reports, and environmental determination will occur at a later date.

Alternatives

- 1. Recommend alternative guiding principles and approaches to the policy framework.

Attachments

- A. Belmont HIA Specific Plan Study Area – See Page 7 of this report
- B. HIA Specific Plan Update Presentation

Fiscal Impact

- ☒ No Fiscal Impact
- ☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Council Vision/Priority

Public Outreach:

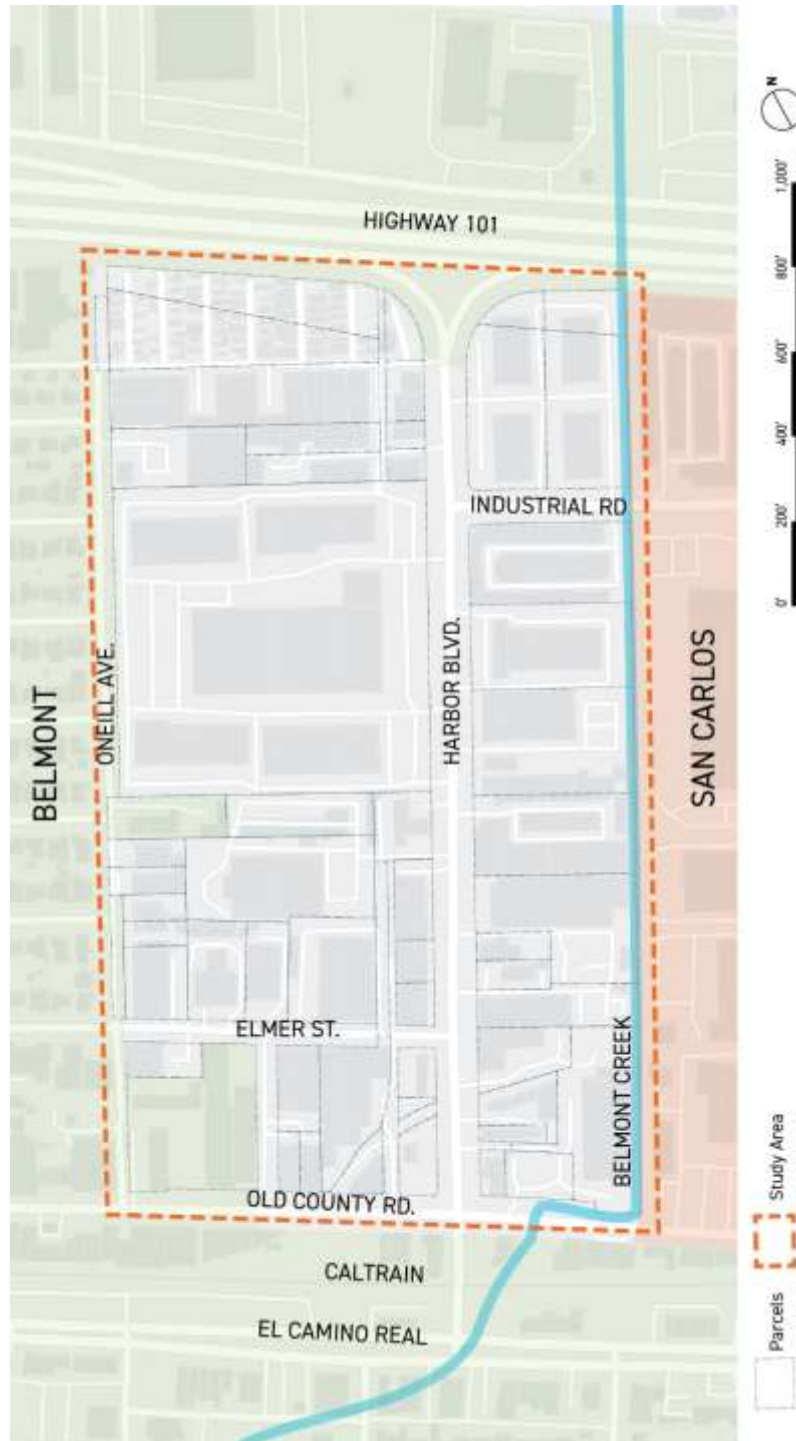
Posting of Agenda

* E-Notification of agendas; e-blast notification to HIA Specific Plan interest list; public notice as required for the January 23, 2024 City Council Public Meeting for this item.



ATTACHMENT A

Belmont Harbor Industrial Area Specific Plan
Study Area

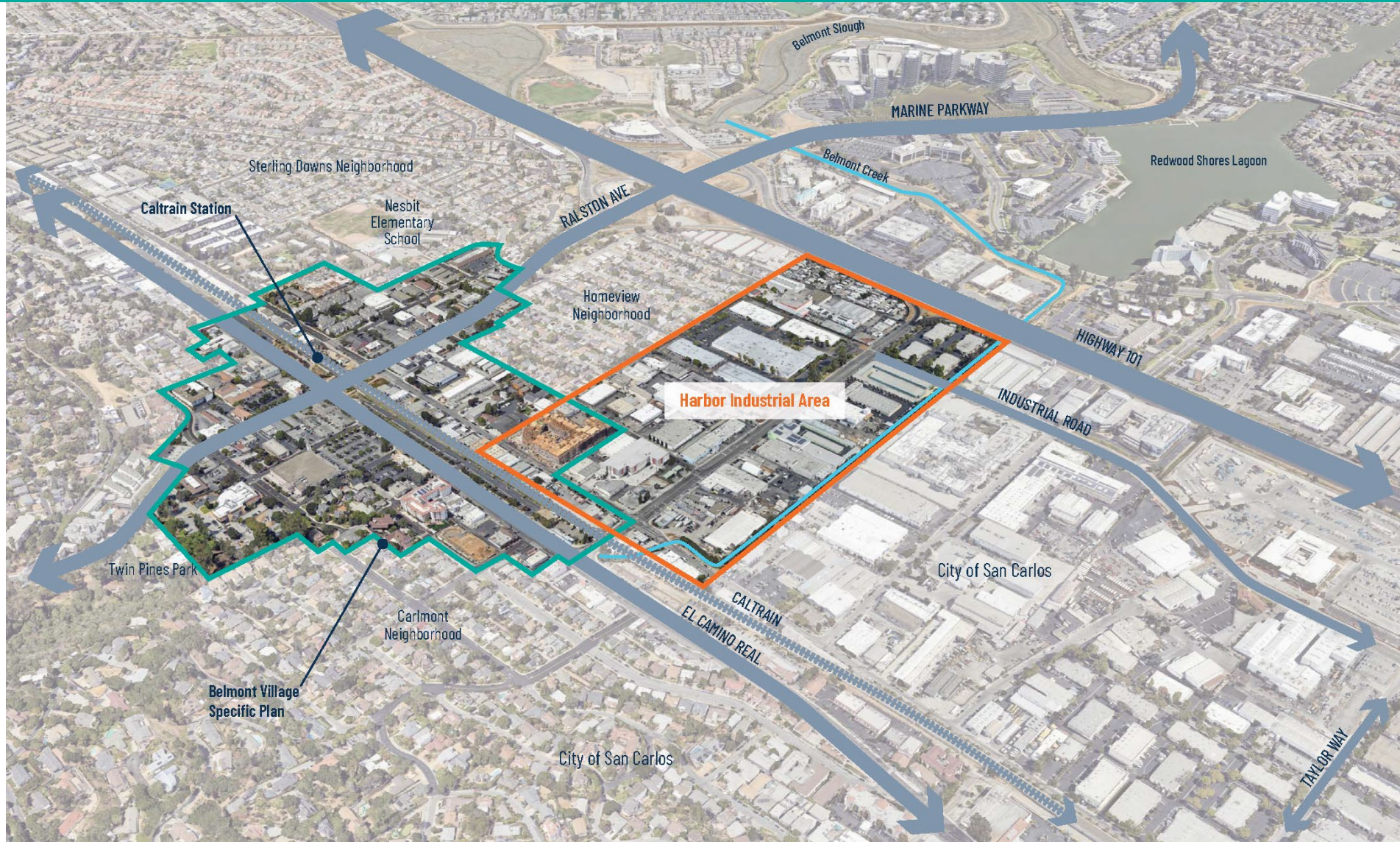


BELMONT HARBOR INDUSTRIAL AREA SPECIFIC PLAN



PROJECT UPDATE

PROJECT AREA & CONTEXT



PROPOSED PURPOSE & OUTCOMES

1

Provide update on project activities

2

Present draft plan goals, guiding principles and policy framework

3

Confirm and comment on proposed guiding principles, approach and land use considerations

PROJECT ENGAGEMENT



Stakeholder Interviews – 5/17-18/2023



**Harbor Industrial Association –
5/4/2023 and 12/7/2023**



Virtual Workshop – 6/8/2023



**City Council – 7/11/2023
Planning Commission – 10/3/2023**



Online Surveys
- General Feedback (6/23-8/25/2023)
- Guiding Principles (9/19-11/27/2023)



**Belmont Mobile Home Community –
10/03 and 11/28/2023**

VISIONING



Pop Up – 7/14/2023
Alpha Acid Brewing Company



Pop Up – 8/1/2023
National Night Out
Homeview, Downtown, Belmont Library



Pop Up – 9/22/2023
Movies in the Park at Alexander Park



Pop Up – 10/1 and 10/8/2023
Belmont Farmers Market

PRINCIPLES

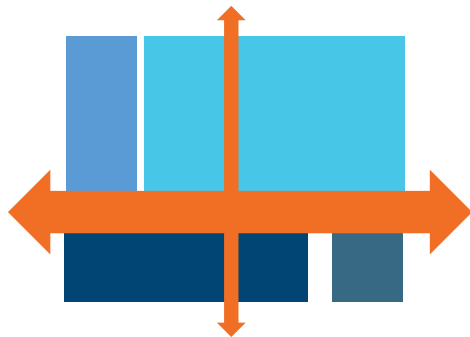
PLAN GOALS



- MAKE PLACES



- BE SENSITIVE



- CREATE CONNECTIONS



- MAKE PLACES



LOCAL SERVING, COMPLETE NEIGHBORHOOD

Create a complete neighborhood with vibrant and welcoming destinations, amenities, and services for people to work, shop, gather, and live.



ENSURE SAFETY FOR ALL MODES

Create complete streets to ensure safe pedestrian and bike access throughout the district and between the district and adjacent residential and commercial neighborhoods.



GREEN SPACE

Integrate publicly accessible usable green space to support the wellbeing of residents, employees, and visitors alike.

- BE SENSITIVE



EMBRACE THE AREA'S HISTORY OF ENTREPRENEURSHIP

Leverage the HIA's history of industry and innovation by supporting existing small businesses that serve residents from all parts of the Peninsula, while encouraging new businesses to form.



AFFORDABLE HOUSING

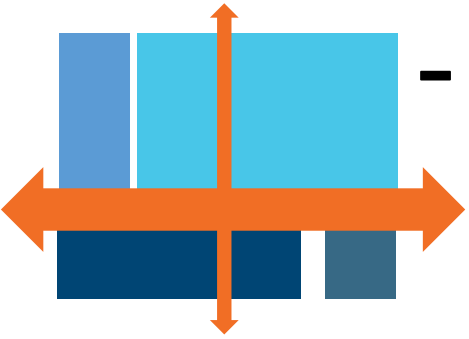
Encourage affordability for any new housing development.



CONTEXT SENSITIVE STANDARDS

Generate design and development standards that are both sensitive to the existing neighborhood fabric and flexible to accommodate future growth.

- CREATE CONNECTIONS



REVITALIZE BELMONT CREEK

Revitalize Belmont Creek and integrate ecological principles of regeneration and resilience into design and development standards to manage flooding and create a resilient district.



MEANINGFUL ENGAGEMENT

Engage the community and stakeholders in a continuous conversation that grows awareness at each stage of the project and helps inform long-term implementation of the plan.



DISTRICT CONNECTIONS

Coordinate development, including environmental and infrastructure improvements, with San Carlos and San Mateo County to create a cohesive and integrated district.





LOCAL SERVING, COMPLETE NEIGHBORHOOD

Create a complete neighborhood with vibrant and welcoming destinations, amenities, and services for people to work, shop, gather, and live.

ISSUE	APPROACH
Mobile Home Park	Maintain County Mobile Home Park zoning. Revise General Plan for consistency, create equivalent Mobile Home Park zoning district, amend zoning map with new Mobile Home Park designation.
Legacy Industries	Identify categories of businesses that have historically served the Belmont community, including, but not limited to, commercial recreation, auto repair, animal services, breweries/ wineries, and determine specialized building design and other operational requirements to accommodate them on the ground floor of new buildings.
Non-conforming uses	Avoid creating non-conforming uses when developing new zoning regulations, except as needed to address health and safety.
Community Benefits	Implement citywide measures tailored to the Belmont HIA.



ENSURE SAFETY FOR ALL MODES

Create complete streets to ensure safe pedestrian and bike access throughout the district and between the district and adjacent residential and commercial neighborhoods.

ISSUE	APPROACH
Connections	Facilitate connections through the development review process by requiring connections at the time of new development/redevelopment, including reconstruction of on-site circulation and parking areas.
On-street Bike/Pedestrian Access Design	Review and possibly update designs for streets within the Belmont HIA. Utilize the adopted BVSP Streetscape Design Guidelines for context.



GREEN SPACE

Integrate publicly accessible usable green space to support the wellbeing of residents, employees, and visitors alike.

ISSUE	APPROACH
Privately Owned Public Open Space	Develop design, access and use standards for private owned public open space to make sure the public is aware of them and understands how and when to use them.
Green Streets	Identify applicable Green Infrastructure Measures from the San Mateo Countywide Pollution Prevention Program <i>Green Infrastructure Design Guide (2020)</i> and incorporate into site design and right-of-way improvement standards.



EMBRACE THE AREA'S HISTORY OF ENTREPRENEURSHIP

Leverage the HIA's history of industry and innovation by supporting existing small businesses that serve residents from all parts of the Peninsula, while encouraging new businesses to form.

ISSUE	APPROACH
Incubator Space	Explore mechanisms for creating and sustaining incubator space for small businesses across multiple industries, such as custom carpentry, breweries, and artists to support entrepreneurship and continued innovation.
Adaptive design	Evaluate higher first floor ceiling heights and other building design elements to provide for the most flexible space that can adapt to a wide range of uses over time with a focus on uses that have served the Belmont community for decades that may not be available in other neighborhoods.



AFFORDABLE HOUSING

Encourage affordability for any new housing development.

ISSUE	APPROACH
Inclusionary requirements	Support revisions to the Inclusionary/Below Market Rate Program consistent with the Housing Element.
Mobile Home Park	Retain Mobile Home Park zoning to assist with the retention of naturally occurring affordable housing.



CONTEXT SENSITIVE STANDARDS

Generate design and development standards that are both sensitive to the existing neighborhood fabric and flexible to accommodate future growth.

ISSUE	APPROACH
Perimeter transitions	Develop height and setback standards to create more sensitive transitions to lower scale uses at the perimeter of the Belmont HIA.
Performance standards	Develop performance standards to address potential light, odor, noise, air quality, and vibration impacts.
Activate ground floor	Locate publicly accessible uses on the ground floor, such as convenience store, food service, day care, commercial recreation, and other legacy industries.
	Incorporate design features to enhance views into ground floors and locate doors to generate activity along the street frontage.



REVITALIZE BELMONT CREEK

Revitalize Belmont Creek and integrate ecological principles of regeneration and resilience into design and development standards to manage flooding and create a resilient district.

ISSUE	APPROACH
Public Access	Establish public access easement dedication requirements to allow for publicly assessable creek trail.
	Establish public access hours consistent with city of Belmont Park System (30 minutes before sunrise to 30 minutes after sunset).
Design	Develop design standards for Belmont Creek improvements, including pathway width, surface materials, planting requirement, and bank stabilization.
Maintenance	Research options for coordinated maintenance, ranging from an informal property owner association to a property-based improvement district.



MEANINGFUL ENGAGEMENT

Engage the community and stakeholders in a continuous conversation that grows awareness at each stage of the project and helps inform long-term implementation of the plan.

ISSUE	APPROACH
Easy access to project information	Provide written project information in English and Spanish, including website and handouts.
	Provide an implementation overview that describes key milestones and outcomes over different time frames, such as 0-5 years, 5-10 years, and more than 10 years.
Clear and easily understood information	Follow Plain Language guidelines when writing project updates, zoning regulations, design guidelines, and process descriptions to improve understanding and remove barriers to participation.
Broad and inclusive engagement	Continue to explore new opportunities to engage the broader Belmont community in the creation and implementation of the Belmont HIA Specific Plan.



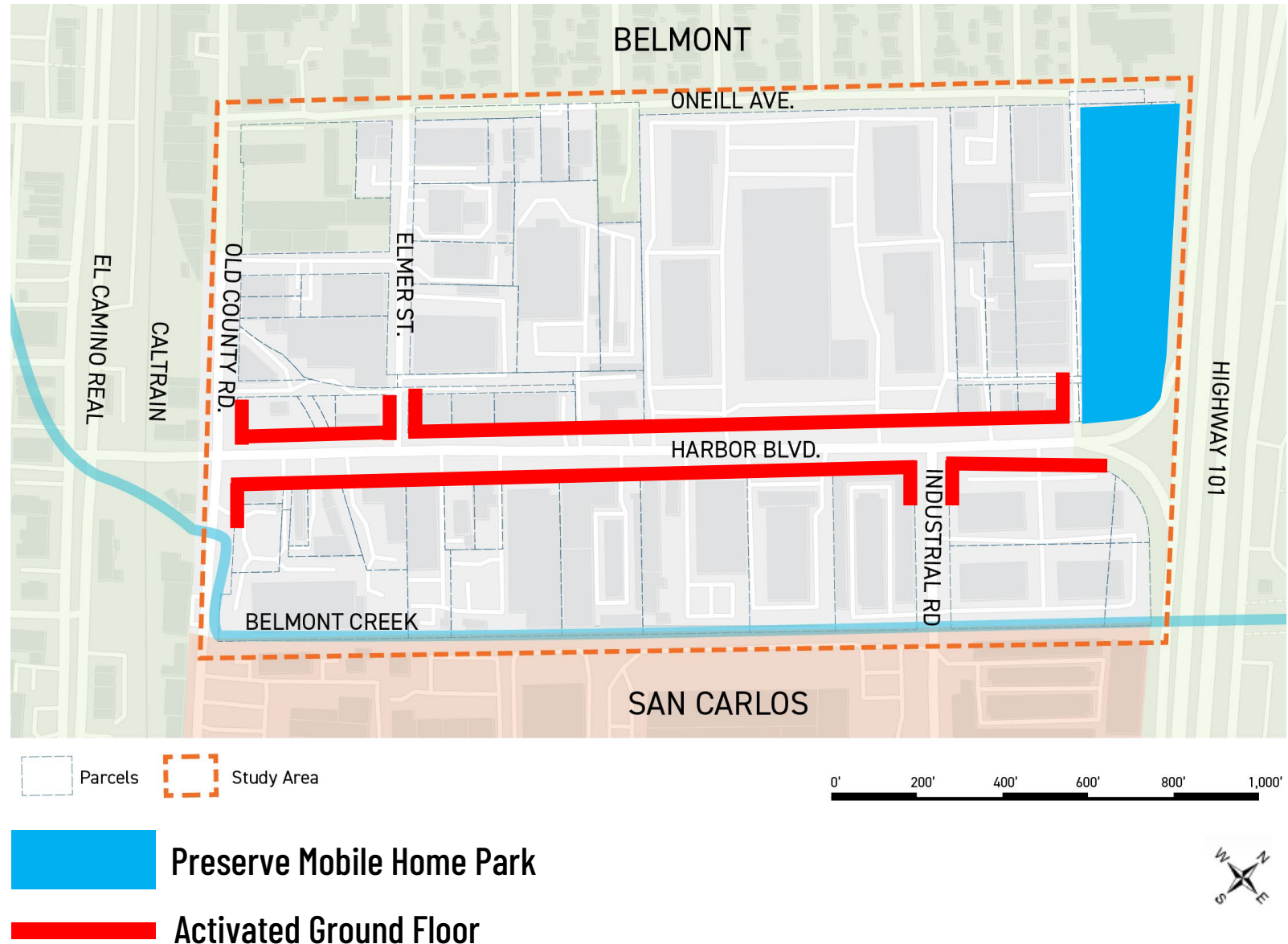
DISTRICT CONNECTIONS

Coordinate development, including environmental and infrastructure improvements, with San Carlos and San Mateo County to create a cohesive and integrated district.

ISSUE	APPROACH
Bike/pedestrian connections	Extend street designs from Belmont Village Specific Plan and pursue funding for Caltrain bicycle/pedestrian underpass at O’Neill Avenue.
Transit connections	Coordinate with Caltrain, Samtrans, and Commute.Org to optimize the timing of various transit service providers.
Transportation Demand Management	Review existing Transportation Demand Management (TDM) policies and regulations and identify opportunities to strengthen and support regional Transportation Management Associations.

LAND USE CONSIDERATIONS

- Preserve Mobile Home Community.
- Consider existing land uses and development standards when revising zoning regulations.
- Facilitate the diversification of employment opportunities.
- Activate ground floors along Harbor Boulevard with design standards and uses that generate activity along the building frontages.



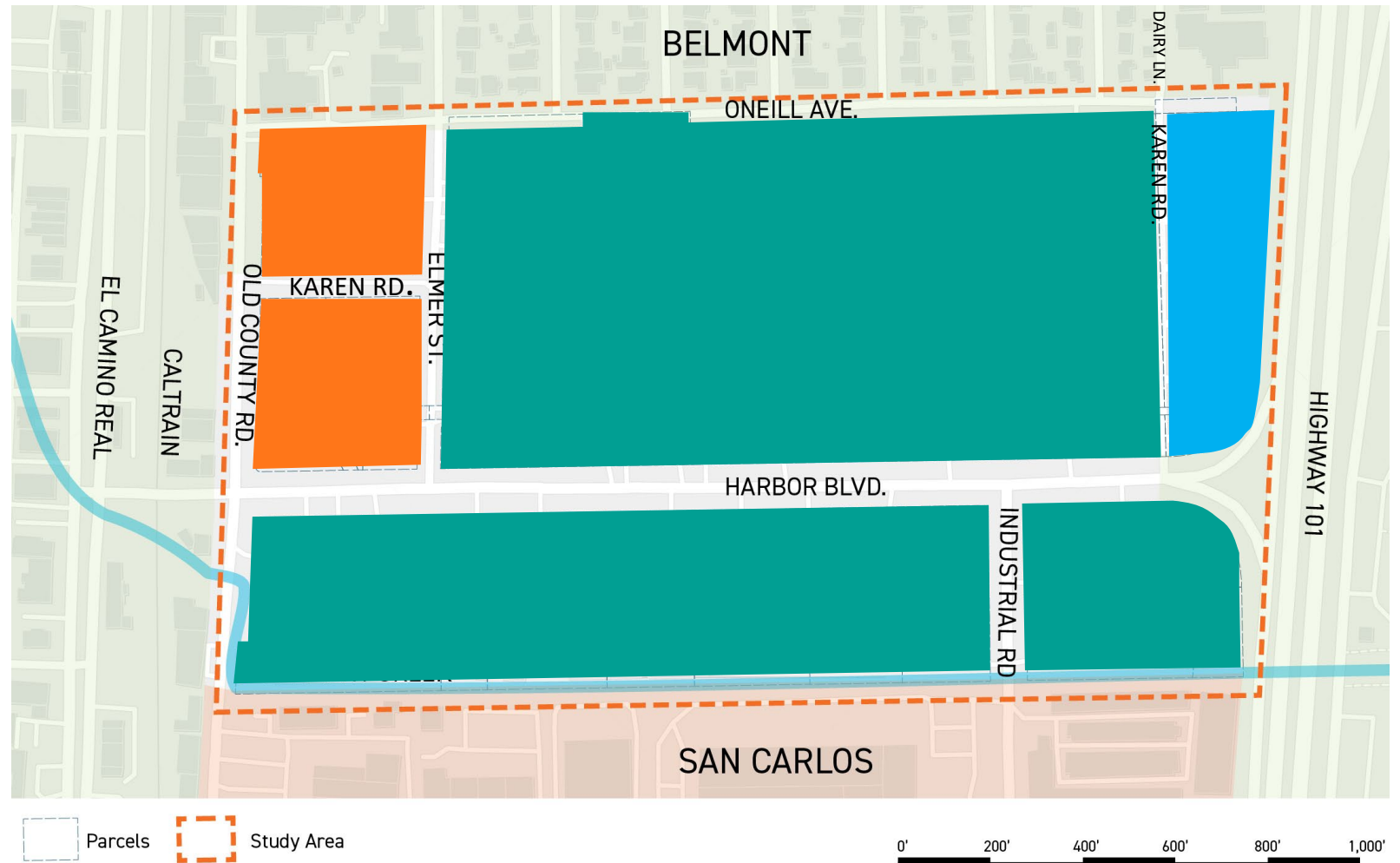
CURRENT ZONING



LAND USE ALTERNATIVE

Reflects existing land uses and development standards and preservation of Mobile Home Park

-  - Industrial/Commercial
-  - Mobile Home Park
-  - Mixed Use/Residential



CONNECTIONS

Create new bike/pedestrian connections:

- at least **two** north-south connections from O'Neill Avenue to Harbor Blvd. between Elmer St. and Karen Rd.
- at least **one** east-west connection roughly midway between O'Neill Avenue and Harbor Blvd.

**No prescribed routes or new streets are required, but a continuous connection must be achieved.*



HEIGHT

Height limits would remain at 65 feet with additional height possible up to the limits imposed by the San Carlos Airport (maximum of approximately 135 feet) and as authorized by CCAG/FAA, and subject to a discretionary review process under development.



ESTIMATED PROJECT IMPLEMENTATION TIMEFRAMES

0 TO 5 YEARS

- Specific Plan and Rezoning Approved
- Annexation Approved
- Pending Development Applications Reviewed
- Infrastructure improvements Designed while funding is explored
- Residents Eligible to Vote in City Elections
- Residents Eligible for Parks/Rec programs and other City services

5 TO 10 YEARS

- Construction Begins on Approved Development Projects
- Construction Begins on Funded Infrastructure
- Caltrain adds more stops for Belmont
- HIA attracts innovation businesses, restaurants, and new employees
- Privately Owned Public Spaces are open to the public

MORE THAN 10 YEARS

- O'Neill Ave bike/ped underpass opens
- Belmont Creek Trail is complete between Old County Road and Hwy 101
- New Stormwater Infrastructure reduces impacts of severe storms
- HIA is connected to the rest of Belmont with active streets and thriving businesses

PROJECT SCHEDULE

Status:  Complete  In progress  Not started

SPRING-SUMMER 2023

 Project Initiation & Existing Conditions



FALL 2023-SPRING 2024



Policies, Strategies & Plan Development
- Alternatives Development
- Policy Framework



SPRING-SUMMER 2024



Draft & Review Preferred Plan



FALL-WINTER 2024



Environmental Review & Adoption



Engagement Opportunities



Stakeholder Meetings



Virtual Workshops



In Person Open House



Pop-Ups

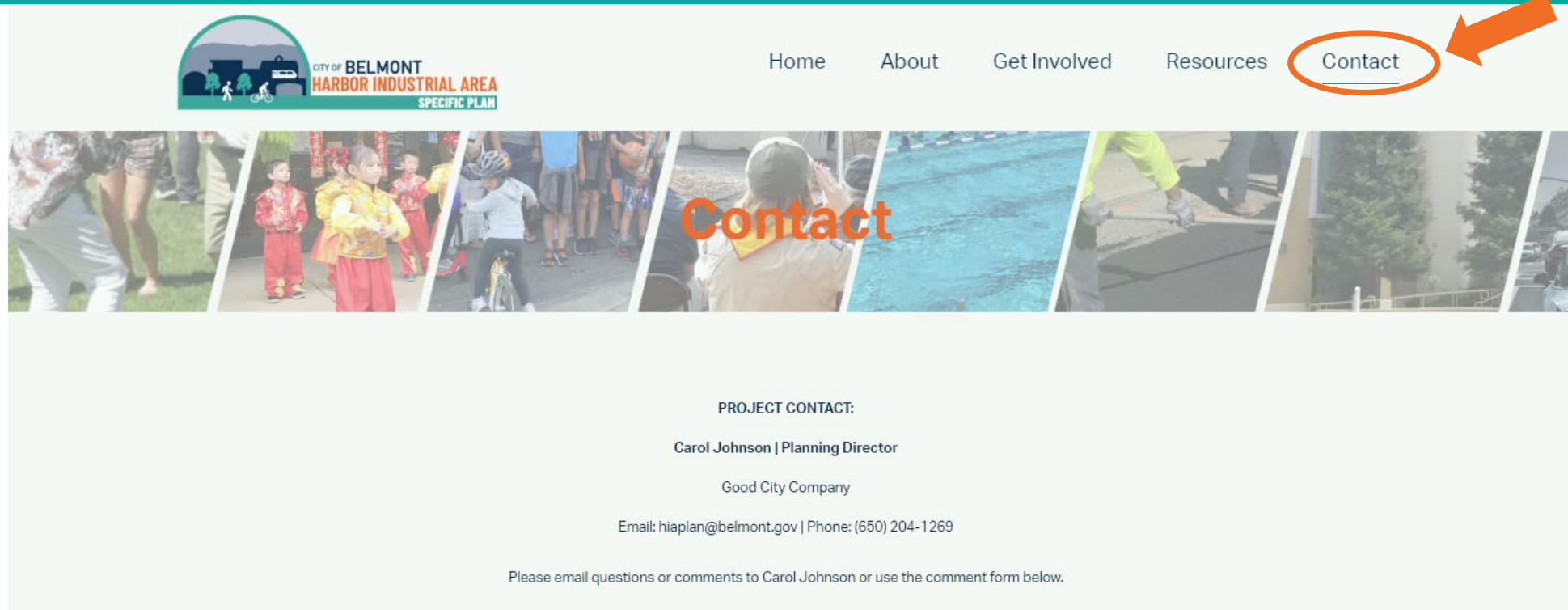


Planning Commission Hearing



City Council Hearing

PROJECT QUESTIONS



<https://www.belmonthiaplan.com/>

Carol Johnson
Good City Company
(650) 204-1269
hiaplan@belmont.gov