



Staff Report

PUBLIC HEARING TO CONSIDER A CONCEPTUAL DEVELOPMENT PLAN AMENDMENT AND TENTATIVE PARCEL MAP (LOT SPLIT) FOR THE NOTRE DAME HIGH SCHOOL & SISTERS PROVINCE CENTER AT 1540 RALSTON AVENUE

Honorable Mayor and Council Members:

Summary

Notre Dame High School has submitted an application for a Conceptual Development Plan Amendment and Tentative Parcel Map to allow the creation of separate lots for the High School and the Province Center for the Sisters of Notre Dame de Namur. The request before the Council is the final legislative act following Planning Commission review and recommendation for approval (see 1/17/06 Commission Resolution & staff report/meeting minutes – Attachments C & D). Following receipt of the staff report, the Council may take one of the following actions:

1. Conduct a public hearing and vote on the application. A draft ordinance approving the requested entitlements has been provided as part of this staff report; Or,
2. Take public testimony and continue the hearing, directing any questions to staff for research and response. A memorandum would be prepared for consideration at a future hearing; Or,
3. Refer the project back to the Planning Commission for consideration of any alternatives, amendments or Council directives. No public hearing would be required, but anyone wishing to offer comment would be allowed to speak.

Based on the above options, staff recommends the Council open the public hearing, receive testimony, and upon conclusion of discussion on the matter, adopt the ordinance approving the Conceptual Development Plan Amendment and Tentative Parcel Map for the project.

Project Description

The CDP Amendment and Tentative Parcel Map would split the existing 11.67-acre parcel into two smaller parcels divided by the creek that runs through the property. Parcel 1, located on the north side of the creek, would be 1.07 acres in size and would contain the Province Center. Parcel 2, located on the south side of the creek, would be 10.6 acres in size and would contain the High School. There would be no new development and no change in the existing buildings, vehicular access, parking facilities, hardscape or landscaping.

Discussion

January 17, 2006 Planning Commission Meeting

At the conclusion of their discussion on January 17, 2006, the Planning Commission agreed to forward the project to the City Council with a recommendation for approval. At this meeting, however, the Commission expressed its main concern regarding vehicular access to the property. As indicated in the attached minutes, the Commission was concerned that the newly created parcel for the Sisters' Province Center might be landlocked if additional access was not provided.

At present, vehicular access to the Sisters' Province Center is provided from Notre Dame Avenue across the Elementary School parking lot, and from Ralston Avenue up along College Way (now called Laxague Drive). Although there is an access easement over the Elementary School property, the gates to that entrance are locked at night. At the time of Commission review of the project, there was no easement ensuring access via College Way, and the Planning Commission requested an easement be obtained to ensure that the Province Center would not be landlocked if access from Notre Dame Avenue was blocked.

Background information for the project is presented in the January 17, 2006 Planning Commission staff report and meeting minutes, which are included as Attachment D.

Project Scope/Easement Agreement with Notre Dame de Namur University

Since the Planning Commission meeting on January 17, 2006, the High School has provided a letter to the City describing the scope of their project and their intention to grant an access easement for the Sisters' Province Center via College Way (or Laxague Drive); staff received confirmation from NDHS that such easement was recorded with the County of San Mateo on April 7, 2006. The above-described letter is provided as Attachment E.

Required Findings for Approval

Approval of the CDP Amendment requires a determination that “. . . *the change in the district boundaries or of the district regulations is required to achieve the objectives of the Zoning Plan and the General Plan for the City.*” (BZO Section 16.7) The central issue is consistency with the General Plan.

The Commission found the project to be consistent with the General Plan and recommended City Council approval based on the findings in the resolution in Attachment C. The Tentative Parcel Map was conditionally approved by the Commission, subject to City Council approval of the CDP Amendment.

To avoid uncertainty on the appropriateness of the recommended Council action to be taken for the project, staff has incorporated both the CDP Amendment and Tentative Parcel Map required findings to be affirmed as part of the draft Ordinance for the requested entitlements.

General Plan/Vision Statement

Approval of the Conceptual Development Plan Amendment and Tentative Parcel Map for the project provides consistency with a number of General Plan Goals/Policies as described in attached Ordinance (Attachment A), most notably as outlined below:

Goal 1015.1 - To assure that Belmont will be a balanced community with residences, schools, business, industry, and space and facilities for social, recreational and cultural activities in keeping with the present character of the City.

Goal 2051.1 - To accommodate private institutions which provide educational, religious, cultural, health and charitable services to members of the community.

Fiscal Impact

None as there will be not be any change in the existing development of the property.

Public Contact

1. For Conceptual Development Plan Amendments within a Planned Development Zoning District, the City Council is required to hold a public meeting as per Sections 16.7 (Amendments) of the BZO. The City placed a public notice display ad in the local newspaper of general circulation (San Mateo Times) for a minimum 10-day period beginning on April 15, 2006 for the scheduled public hearing by the City Council on April 25, 2006.
2. Notice to the public was mailed in accordance with State law and local ordinance and the agenda was posted as required by the California Government Code. The applicant has received a copy of this report.

Recommendation

Conduct a public hearing and vote on the application. An ordinance embodying the action to approve the subject entitlements is provided as part of this staff report.

Alternatives

1. Take public testimony and continue the hearing, directing any questions to staff for research and response. A staff memorandum would be prepared for consideration at a future hearing.
2. Take no action.

Attachments

- A. Ordinance approving Conceptual Development Plan Amendment & Tentative Parcel Map
- B. Performance Standards for Approval of Entitlements
- C. Planning Commission Resolution Recommending Council Approval of CDP Amendment & Conditional Approval of Tentative Parcel Map
- D. Planning Commission staff report and meeting minutes - January 17, 2006 (Council Only)
- E. Letter from Notre Dame de Namur High School received April 7, 2006 (Council Only)
- F. Project Plans & Materials (Council Only)

Respectfully submitted,

Carlos de Melo
Community Development Director

Maureen L. Cassingham
Interim City Manager

Staff Contact:

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(650) 595-7440
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PLEASE NOTE:

Attachments C, D, E, and F are not included as part of this document – please contact the City Clerk at (650) 595-7413 for further information on these attachments.

ORDINANCE NO. _____ **ATTACHMENT A**

ORDINANCE OF THE CITY OF BELMONT APPROVING A CONCEPTUAL
DEVELOPMENT PLAN AMENDMENT AND TENTATIVE PARCEL MAP FOR
NOTRE DAME HIGH SCHOOL AND THE PROVINCE CENTER (SISTERS' RESIDENCE)
AT 1540 RALSTON AVENUE (APPL.# 2005-0028)

WHEREAS, Notre Dame High School, project applicant, requests Conceptual Development Plan Amendment and Tentative Parcel Map approval to allow the creation of two separate parcels for the High School and the Province Center (Sisters' Residence) located at 1540 Ralston Avenue; and,

WHEREAS, on January 17, 2006, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony, a staff report, and conditionally approved the Tentative Parcel Map, and recommended Council approval of the Conceptual Development Plan Amendment for the project; and,

WHEREAS, on April 25, 2006, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned amendments; and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony here in above set forth; and,

WHEREAS, the City Council hereby adopts the staff report (dated April 25, 2006) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed project to be Categorically Exempt pursuant to CEQA Section 15315 – Minor Land Divisions; and,

WHEREAS, the City Council, after consideration of all testimony and reports, hereby determines that the proposed Conceptual Development Plan Amendment for the partition of the Notre Dame High School and Province Center lands achieves the objectives of the Zoning Plan and General Plan for the City for the following reasons:

1. The City Council finds that the proposed project represents a reasonable request to separate the existing sites of the Province Center and the High School campus. The proposal does not include any new development. There will be no change in the existing use of the property or in the present character of the City consistent with *Goal 1015.1 - To assure that Belmont will be a balanced community with residences, schools, business, industry, and space and facilities for social, recreational and cultural activities in keeping with the present character of the City.*

2. The City Council finds that the existing High School campus is a generally attractive, aesthetic asset for the community. The park-like setting includes many mature trees and a creek runs between the Province Center and the High School properties. When the Province Center and High School gym projects were approved, a creek restoration plan was developed with the assistance of a consulting biologist. Implementation of the creek restoration plan was required as a mitigation measure for both projects. Similarly, a tree removal plan for the site was required and replacement of the trees was required at a ratio of 3:1. Additional landscape screening was also required. The proposed lot split to create two parcels will have no impact on the creek or the existing trees and landscaping. The project will not affect the existing setting currently enjoyed by the community. The project is consistent with *Goal 1015.3 - To preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment.*
3. The City Council finds that there are currently 13 parking spaces on the grounds of the Province Center, and 256 parking spaces on the High School property. The number of parking spaces is reasonable for the property because the High School, Province Center, University and Elementary School operate under a shared parking agreement whereby parking facilities are shared when necessary to accommodate overflow parking needs. The project is consistent with *Policy 1016.11 - On-street parking should be controlled by requiring provision of off-street parking in new development, construction of additional off-street parking spaces, especially in the Central Business District and near Old County Road, preventing the conversion of space or uses to higher intensities unless adequate off-street parking is provided.*
4. The City Council finds that Notre Dame High School and the Province Center are private religious and educational institutions. The proposed lot split, separating the two existing uses on the property, would strengthen these institutions by helping them improve their operations and financial status as well as their services to the community. The project is consistent with *Goal 2051.1 - To accommodate private institutions which provide educational, religious, cultural, health and charitable services to members of the community.*
5. The City Council finds that the proposed lot split will separate the existing sites of the Province Center and the Notre Dame High School. The lot split will facilitate the continued success of the Province Center, which provided 24 living units for the Sisters of Notre Dame de Namur that increased the range of housing opportunities for the City. The project is consistent with *Goal 2.0 - Provide residential sites through land use, zoning, and specific plan designations to encourage a broad range of housing opportunities.*
6. The City Council finds that the Tentative Map includes proposed easements to ensure that both the Province Center and the High School will have access to water, sewer, gas, electrical power, and telephone service. Both parcels will maintain adequate traffic circulation, parking, and ingress/egress via access easements to be recorded for the property. The project

is consistent with *Policy 2.2 - Ensure that residential sites have appropriate public services, facilities, circulation, and other needed infrastructure to support development.*

WHEREAS, the City Council, after consideration of all testimony and reports, hereby approves the proposed Tentative Parcel Map for the partition of the Notre Dame High School and Province Center property based on the following findings required by Section 9.8 of the Belmont Subdivision Ordinance and Section 5.1 of the Belmont Zoning Ordinance:

a. The proposed subdivision map is consistent with applicable general and specific plans.

The proposed subdivision map, which will not change the existing institutional uses of the property, is consistent with the General Plan designation IN (Institutions). The proposed subdivision map is consistent with applicable General Plan goals and policies as discussed for the Conceptual Development Plan Amendment. This finding is affirmed.

b. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The same logic applies to this finding. The design of the proposed Tentative Map is consistent with the General Plan designation of IN (Institutions) and applicable goals and policies. Other than granting the proposed utility easements, there will be no improvement of the proposed subdivision because the Province Center and High School are already in place. This finding is affirmed.

c. The site is physically suitable for the proposed type of development.

The proposed Tentative Parcel Map will not entail any new development but is only a separation of existing uses on the site. The size and topography of the site is generally suitable for the existing development, which will not be changed by approval of the Tentative Map. This finding is affirmed.

d. The site is physically suitable for the proposed density of the development.

By separating the lots, the residential density for the Province Center parcel will increase from 2 units per acre to 24 units per acre. Residential density for the High School parcel will decrease from 2 units per acre to no units per acre. However, there will be no real change in the existing development on the site, which has proven to be physically suitable for the existing development. This finding is affirmed.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The subdivision will not affect the creek or the existing trees and landscaping, or cause any damage to the natural environment or fish and wildlife habitat. The subdivision will not result in any new development but will only separate the parcels of the existing Province Center and High School. As a minor division of land, the project is exempt from environmental review under the California Environmental Quality Act (CEQA). This finding is affirmed.

- f. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

The property is served by all public utilities. The proposed easements shown on the Tentative Parcel Map will ensure that both parcels will continue to receive all necessary services such as water, sewer, electrical power, gas and telephone service. No new development will be associated with the subdivision, which only involves the creation of separate lots for the existing Province Center and High School. This finding is affirmed.

- g. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.*

No public easements will be affected by the proposed subdivision. No construction or other improvements are proposed. Access to and through the property will continue to be provided by way of privately owned and maintained driveways and access easements to be recorded for the property. This finding is affirmed.

Section 5.1 – Planned Unit Development Subdivisions – Finding

1. *The Tentative Map conforms to the approved Detailed Development Plan and shall constitute approval of any and all deviations from standards contained in this Ordinance.*

As the CDP Amendment is to be approved by the City Council, it is expected that the DDP would be consistent with the amended CDP, and no new development is proposed as part of this application. This finding is affirmed.

SECTION 1: NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Belmont approves the Conceptual Development Plan Amendment and Tentative Parcel Map to allow the creation of two separate parcels for the High School and the Province Center (Sisters' Residence) located at 1540 Ralston Avenue subject to the Performance Standards provided as Exhibit/Attachment "B".

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such 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 adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2006.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2006.

AYES,COUNCIL MEMBERS: _____

NOES,COUNCIL MEMBERS: _____

ABSTAIN,COUNCIL MEMBERS: _____

ABSENT,COUNCIL MEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

EXHIBIT/ATTACHMENT “B”

PERFORMANCE STANDARDS FOR
CONCEPTUAL DEVELOPMENT PLAN AND TENTATIVE PARCEL MAP
APPROVAL FOR NOTRE DAME HIGH SCHOOL AND PROVINCE CENTER
1540 RALSTON AVENUE (APPL. NO.2005-0028)

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions:

Planning Division

1. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file in the subject file and date stamped April 13, 2006:
 - A. Minimum Lot Size. Province Center - 1.07 acres. High School – 10.6 acres.
 - B. Maximum Floor Area of Main Buildings. Province Center – 29,626 s.f., High School – 165,433 s.f., Entire PD – 195,059 s.f.
 - C. Floor Area Ratio. Province Center - .64, High School - .36, Entire PD - .38
 - D. Residential Density. A maximum of 24 residential units on Parcel 1, equivalent to 24 dwelling units per acre; no residential units on Parcel 2, equivalent to 0 dwelling units per acre.
 - E. Minimum Setbacks and Building Separations: Setbacks from the public right-of-way and separations between buildings shall be no less than shown on the plans date stamped April 13, 2006 in the subject file.
 - F. Maximum Building Height: Province Center - 35 feet. High School – 37 feet, 7 inches.
 - G. Off-Street Parking: At least 13 parking spaces for the Province Center and 256 parking spaces for the High School, for a total of 269 parking spaces for the entire PD.

2. The applicant shall meet all plan submittal requirements stated under the Detailed Development Plan Requirements in the Zoning Ordinance.
3. The Province Center must meet all of the applicable conditions of approval for the Detailed Development Plan approved by the Planning Commission on June 20, 2000 and all of the mitigation measures in the Mitigated Negative Declaration adopted September 7, 1999.
4. The High School must meet all of the applicable conditions of approval for the Detailed Development Plan approved by the Planning Commission on June 20, 2000 and all of the mitigation measures in the Mitigated Negative Declaration adopted on November 4, 1999.
5. In the event that this approval is challenged by a third party, the property owner and all assignees will be responsible for defending against this challenge, and agrees to accept responsibility for defense at the request of the City. The property owner and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorneys fees that might result from the third party challenge.

Building Division

- I. Prior to any construction, the applicant or a designated representative shall obtain all of the required building permits for the project.
- II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:
 1. A Final Map shall be submitted in conformance with the Subdivision Map Act and City Subdivision Ordinance No. 530. Final Map shall be drafted in AutoCAD and submitted on CD-ROM.
 2. The Final Map shall clearly show all easements for utilities and access. If necessary for readability, different colors shall be used to clearly delineate each easement.
 3. The property owner shall provide documentation from Mid-Peninsula Water District, PG&E, Pacific Bell, and AT&T Broadband cable TV that these utilities will provide service to both parcels.
 4. The property owner shall provide a preliminary title report to the Public Works Department for review.

III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street.
3. Flag persons shall be positioned at both ends of blocked traffic lanes.
4. 24-hour written notice to the Police Department is required before any lane closure.

Certification of Approved Final Conditions:

Carlos de Melo, Community Development Director

Date