



Staff Report

CONTINUED 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

At the April 25, 2006 City Council meeting, the Council conducted a public hearing to review a Conceptual Development Plan Amendment and Tentative Parcel Map to allow the creation of separate lots for Notre Dame High School and the Province Center for the Sisters of Notre Dame de Namur. At the conclusion of Council discussion on the matter, the Council continued the item to the June 27, 2006 meeting to essentially allow staff and the applicant to prepare additional information regarding:

- The organizational structure of the Sisters of Notre Dame De Namur as related to Notre Dame Elementary School, Notre Dame High School, and Notre Dame De Namur University.
- The compilation of Conceptual Development Plan and Detailed Development Plan Approvals (and associated staff reports, conditions, and meeting minutes) for the Sisters Province Center and High School Gymnasium projects (These approvals governing the above actions in total occurred between 1999 and 2000).

The applicant has prepared a letter (Received June 19, 2006), which clarifies the organizational structure of the four entities – see Attachment C. This letter also provides a general acknowledgement and acceptance of the value of the Province Center Housing in close proximity to the three institutions (and associated educational mission) that the Sisters serve and support (See Page 4 of Letter). This addresses clarification & operational concerns issues raised at the April 25, 2006 Council meeting. As such, staff has incorporated language from the letter into the revised Ordinance Amending the Conceptual Development Plan & Approving the Tentative Parcel Map for the project (See Attachment A).

In response to the second informational request, staff has gathered the applicable staff reports, resolutions, conditions of approval, and meeting minutes for the following:

Conceptual Development Plan Review & Approval – Sisters Province Center

- Planning Commission Review & Recommendation – July 20 & September 21, 1999
- City Council Review & Ordinance Adoption – October 26 & November 9, 1999

Detailed Development Plan Review & Approval – Sisters Province Center

- Planning Commission Review & Approval – June 20, 2000

Conceptual Development Plan Review & Approval – High School Gymnasium Project

- Planning Commission Review & Recommendation – November 4, 1999
- City Council Review & Ordinance Adoption – December 14, 1999, and January 11 & 25, 2000

Detailed Development Plan Review & Approval – High School Gymnasium Project

- Planning Commission Review & Approval – June 20, 2000

All of the above documents are compiled under Attachment F. Staff and the applicant will be prepared to address questions as related to the above approvals in providing context to the current CDP Amendment and Tentative Parcel Map request.

As discussed in the April 25, 2006 Council Staff Report, the current request before the Council is the final legislative act following Planning Commission review and recommendation for Council approval (see January 17, 2006 Commission Resolution & staff report/meeting minutes – Attachment E). In their review of the request, the Council may take one of the following actions:

1. Take public testimony, conduct the 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. Continue the hearing, directing any further 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.

Based on the above options, staff recommends the Council conduct 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

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.

At their January 17, 2006 meeting, the Commission reviewed the request and found the project to be consistent with the General Plan and recommended City Council approval based on the findings in the resolution in Attachment E. 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 no 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 the April 25, 2006 City Council public hearing. The item was continued at that meeting to the date certain of June 27, 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.

3. The applicant was notified of the continued hearing to June 27, 2006, and 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. 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. Applicant Letter – Received June 19, 2006 & Notre Dame de Namur High School Letter - Received April 7, 2006 (Council Only)
- D. April 25, 2006 City Council Staff Report & Meeting Minutes (Council Only)
- E. Planning Commission Staff Report, Meeting Minutes, and Resolution Recommending Council Approval of CDP Amendment & Conditional Approval of Tentative Parcel Map - January 17, 2006 (Council Only)
- F. Conceptual Development Plan & Detailed Development Plan Approvals (Staff Reports, Resolutions, Conditions of Approval & Meeting Minutes) – Sisters Province Center & High School Gymnasium projects – 1999-2000 (Council Only)
- G. 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 F and G 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 and June 27, 2006, the City Council, following notification in the prescribed manner, conducted public hearings, at which hearings the Council considered public testimony and staff reports 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 June 27, 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 of Belmont and the Sisters of Notre Dame De Namur have previously acknowledged in Ordinance No's 947 and 948, and continue to acknowledge the value to the community of providing senior housing for the Sisters in close proximity to the educational institutions (including Notre Dame Elementary, Notre Dame High School, and Notre Dame De Namur University) whose educational mission they serve and support, and whose facilities and operations are all under the ultimate legal control of the order; and,

WHEREAS, the City Council's request for further information on the legal and organizational structures of the various Notre Dame entities have been reasonably met; 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 financial 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 June 21, 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.

- H. Maintenance of Allowed Uses: The Province Center and Notre Dame High School shall be maintained in accordance with Detailed Development Plan (DDP) project plans approved by the Planning Commission on June 20, 2000. Any proposed change, other than minor modifications to the associated Province Center or High School as-built building permit plans (B2000-0406 – Province Center – Finald 1/17/03 & B2000-0108 – High School Gymnasium/Athletic Field – Finald 6/11/03) shall require Conceptual Development Plan amendment approval as per Section 12.3.2 of the Belmont Zoning Ordinance.
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

1. 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

Council Agenda #5A
Meeting of April 25, 2006

ATTACHMENT D – REFER TO CITY WEBSITE FOR MEETING MINUTES



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:

4. 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,
5. 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,
6. 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.

Respectfully submitted,

Carlos de Melo
Community Development Director

Maureen L. Cassingham
Interim City Manager

Staff Contact:

Carlos de Melo, Community Development Director
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cdemelo@belmont.gov

ATTACHMENT E – REFER TO CITY WEBSITE FOR MEETING MINUTES

MEETING OF JANUARY 17, 2006
AGENDA ITEM NO. 5D

Application I.D.: PA2005-0028

Application Type: Conceptual Development Plan Amendment,
Tentative Parcel Map

Location: 1540 Ralston Avenue

Applicant: Notre Dame High School, John Clardy

Owner: Notre Dame High School

APN: 044-360-060

Zoning: PD (Planned Unit Development)

General Plan Designation: IN (Institutions)

Environmental Determination: Categorically Exempt under CEQA Section 15315,
Minor Land Divisions

PROJECT SUMMARY

The applicant requests an amendment to the Notre Dame High School Conceptual Development Plan (CDP) and approval of a 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 CDP Amendment and Tentative Parcel Map will split the existing 11.67-acre parcel into two smaller parcels. Parcel 1 will be 1.07 acres in size and will contain the Province Center. Parcel 2 will be 10.6 acres in size and will contain the High School. There will be no new development and no change in the existing buildings, vehicular access, parking facilities, hardscape or landscaping.

RECOMMENDATION

Staff recommends the Planning Commission open the public hearing, take testimony, and adopt a resolution with findings conditionally approving a Tentative Parcel Map, and recommending approval to the City Council of the requested CDP Amendment¹.

¹ Please note: This recommendation is made in advance of public testimony or Commission discussion of the project. At the public hearing, these two factors, in conjunction with the staff analysis, will be considered by the Commission in rendering a decision on the project.

PROCEDURE FOR PROJECT REVIEW

Amending a PD (Planned Unit Development) District

The project is a request to amend an existing PD District and is subject to the review provisions of Section 12 of the Belmont Zoning Ordinance (see Attachment 1). Unlike other zoning districts, PD's are established through a two-step review process:

1. **Conceptual Development Plan (CDP)**

The CDP sets the general standards for the development of the site. These standards include proposed land uses; density; building locations; floor area ratios; height; proposed circulation and parking; open space and landscaping. The CDP also provides guidance for the preparation of the DDP.

2. **Detailed Development Plan (DDP)**

The DDP describes the plan in more detail, including all architectural, color, material, and landscape details. The DDP and must be consistent with the CDP. The DDP is established via a Conditional Use Permit and Design Review.

Amendments to a site zoned PD are treated in the same two-stage manner as establishing an original PD designation. First, the property owner applies for an amendment to the CDP, which is reviewed by both the Planning Commission and the City Council. If the CDP amendment is approved, the applicant returns to the Planning Commission for review of a DDP.

Tentative Parcel Map

Like the establishment or amendment of a PD zoning district, the subdivision of property involves a two-step process. After approval of a Tentative Parcel Map by the Planning Commission, the applicant must return to the City Council for approval of a Final Map.

This staff report is prepared for Step 1 of the review process: Planning Commission review and recommendation on the proposed CDP Amendment, and conditional approval of the Tentative Parcel Map.

PRIOR ACTIONS

Major projects recently approved and constructed on the property include the following:

1. **Notre Dame Sisters' Residence (Province Center).**

CDP—City Council approved October 26, 1999

DDP—Planning Commission approved June 20, 2000

2. **Notre Dame High School gymnasium, two-story addition and swimming pool.**

CDP—City Council approved December 14, 1999

DDP—Planning Commission approved June 20, 2000

Both projects were approved with Mitigated Negative Declarations. Major issues included parking, tree removal, and protection of the creek. In addition, a 380-s.f. greenhouse was approved by the Planning Commission on January 21, 2003, and a building permit was issued February 20, 2003.

SITE CONDITIONS

The site is located at the intersection of Ralston Avenue and Notre Dame Avenue. The existing 11.67-acre parcel has a slope of approximately 2% with a creek running through the upper portion of the parcel, between the Province Center and the High School. Numerous mature trees shade the grounds, and established landscaping screens the perimeter of the parcel along Ralston and Notre Dame Avenues.

Province Center. The existing Province Center is located on the north side of the creek, and includes 24 residential units for the Sisters of Notre Dame de Namur. At approximately 29,626 square feet, the Province Center also includes offices, a kitchen, chapel, and other facilities for the Sisters. There are 13 parking spaces immediately adjacent to the Province Center. Access is provided off Notre Dame Avenue.

Notre Dame High School. The existing High School campus is located on the south side of the creek and includes classrooms, offices, a gymnasium, swimming pool, and athletic field. Total square footage of the existing buildings is approximately 165,433 square feet. There are 256 parking spaces on the High School site. Access is provided on Ralston Avenue as well as Notre Dame Avenue.

Adjacent Uses. Notre Dame Elementary School is immediately adjacent along the northwest boundary of the parcel, and Notre Dame de Namur University is adjacent on the northeast and east sides. Single-family residences surround the campus on the south side of Ralston Ave. and the west side of Notre Dame Avenue.

DEVELOPMENT STANDARDS FOR THE PD DISTRICT

The existing site conditions described above are the basis for the following development standards that will be established by the amended PD zoning:

	Province Center	High School	Total PD District
Net area	1.07 acres	10.6 acres	11.67 acres
Floor area of main buildings	29,626 s.f.	165,433 s.f.	195,059 s.f.
Floor area ratio (FAR)	.64	.36	.38
Setbacks for main buildings	Front (E) 32' Rear (W) 13.5' Side (N) 26' Side (S) 23.5'	Front (S) 240' Rear (N) 72' Side (E) 74' Side (W) 200'	Front (S) 240' Rear (N) 26' Side (E) 32' Side (W) 13.5'
Building height	35'	37'7"	37'7"
Parking	13 spaces	256 spaces	269 spaces

The amended PD zoning will be maintained for the entire 11.67-acre site.

NEIGHBORHOOD OUTREACH

The applicant reported sending project information letters to neighbors within 500 feet of project site and holding a meeting at the High School on October 24, 2005 to inform them of the proposed lot split. Several neighbors attended the meeting and no comments or objections to the proposed lot split were voiced. The information letter, attendance sheet and meeting notes are provided as Attachment 3. It appears that the applicant has met the outreach strategy objectives.

CEQA STATUS

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15315, Minor Land Divisions, Class 15, as follows:

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

The proposed division of land into 2 parcels is consistent with the General Plan as discussed below and does not require any variances or exceptions. All services and access to the proposed parcels are available. The parcel has not been divided within the previous 2 years. The parcel has an average slope of approximately 2 percent. Thus the project meets the criteria for exemption under Section 15315.

CDP AMENDMENT ANALYSIS & GENERAL PLAN CONSISTENCY

The only required finding for a CDP Amendment is the 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 objectives of the City's zoning regulations are stated in Section 1.1 of the Zoning Code:

Sec. 1.1 PURPOSE – The following regulations for the zoning of land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City.

In determining the appropriateness of the requested amendment (and whether it is *required*), the central issue is consistency with the General Plan. To determine that consistency, several goals and policies of the Belmont General Plan must be considered in light of this proposal. The

Commission must determine that such goals and objectives are achieved by the proposed amendment.

General Community Goals and Policies

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.

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.

Goal 1015.2 - To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.

The proposed lot split does not include any new development and will not affect the generally quiet nature of the surrounding residential neighborhoods. There will be no change in the existing use of the property.

Goal 1015.3 - To preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment.

Prominently located on Ralston Avenue, 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 separation of the 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.

Policy 1016.5 - In the more intensely developed and accessible portions of the City, land use should be varied with creative mixing of businesses, professional offices, institutions, and residences.

The existing mix of residential and institutional uses is generally compatible and will not be affected by the proposed project, which does not include any new development or change in use.

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.

The approved DDP's for the site specified 13 parking spaces for the Province Center and 224 parking spaces for the High School, for a total of 237 spaces. This is less than the 328 spaces that would have been required under Section 8 of the Zoning Ordinance. However, PD zoning allows flexibility in parking standards based on the specific circumstances for the project. As documented in the findings for the DDP, the proposed number of parking spaces was acceptable primarily because the High School, College and Elementary School agreed to share parking facilities when necessary to accommodate overflow parking needs. It was also recognized that the Province Center would be able to use 10 additional parking spaces located on the Elementary School property. With the shared parking and additional restrictions on the scheduling of athletic events, the proposed 237 spaces were considered to be adequate for the proposed projects.

Based on a field survey conducted by planning staff, there are currently 13 parking spaces on the grounds of the Province Center, which is the same number for the approved DDP. There are 256 parking spaces on the High School property, which is 32 more than the approved DDP. If the amended CDP is approved to allow the proposed lot split, the CDP should be updated to reflect the actual number of parking spaces existing on the site.

Land Use - Open Space Element

Institutional Facilities

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

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.

Goal 2051.2 - To ensure that institutional uses are designed and operated in a manner that preserves and enhances the character of Belmont's residential neighborhoods.

The construction of the High School gymnasium and the Province Center were thoroughly reviewed prior to their approval in June 2000. Environmental review for both projects included a Mitigated Negative Declaration, in which any potential noise, traffic, parking or environmental impacts were reduced to less than significant levels. The projects were designed to minimize impacts and to preserve and enhance the character of the surrounding neighborhoods. The currently proposed project, which entails only a lot split, does not involve any new development or change in the existing uses and will not have any impact on the surrounding residential areas.

Policy 2052.1 - All institutional uses should be served directly by major collector or arterial roads.

Ralston Avenue, a main arterial, directly serves the Notre Dame High School project site. The Province Center is accessed by Notre Dame Avenue, which is adequate for the Province Center because it is a smaller residential use that does not generate a significant level of traffic.

Policy 2052.2 - All institutional uses should be located and designed to be compatible with the residential character of the surrounding neighborhood. In particular, compatibility of uses in terms of traffic generation, parking, and noise shall be ensured prior to the establishment of any new institutional use or expansion of an existing use.

When the proposed High School gymnasium and Province Center were being reviewed, a traffic study was completed by Wilbur Smith Associates, an outside consulting firm. The traffic study reviewed traffic, parking and circulation and made recommendations for reducing traffic and parking impacts. The recommendations were incorporated in the mitigation measures and conditions of approval for the projects. Similarly, noise impacts were addressed in the Mitigated Negative Declaration and mitigated through various measures designed to minimize noise impacts on the surrounding neighborhood. The proposed project currently under review does not include any new development and will not entail any construction or increase in traffic or parking needs. The proposed project will not affect the compatibility of the existing uses with the surrounding neighborhood.

Policy 2052.3 - Residential institutional uses (e.g. nursing homes and other care facilities) should be limited to a density of population compatible with adjoining residential areas.

The existing 24-unit Province Center replaced a previously existing 33-unit residential facility. When the Province Center was approved, the Planning Commission found that the new sisters' residence, or Province Center, would not be detrimental to the surrounding institutional or residential uses in that the use had already been established at this location for some time. The Province Center continues to coexist well with adjoining residential areas. The proposed lot split will not affect the density of the existing Province Center or its compatibility with adjoining residential areas.

Parks and Recreation

Goal 2062.3 – To preserve and enhance existing parks, recreational areas and facilities to serve neighborhood and community needs to the maximum extent possible.

The Notre Dame High School campus includes a gymnasium, swimming pool, athletic field and other recreational facilities. The proposed lot split will not impact the existing facilities and the site setting, which will continue to serve the neighborhood and community needs. No new development or uses are proposed.

Open Space

Goal 2070.1 – To designate and protect open space lands for the preservation of scenic areas, views, trees, natural drainage channels and plant and wildlife habitats; for the managed production of natural resources; for outdoor recreation; for protection of historical and cultural resources; for public health and safety and for structuring urban development.

The Notre Dame High School campus includes an athletic field and swimming pool that provide opportunities for outdoor recreation in the community. The creek running through the property is protected under a creek restoration and management plan developed with the assistance of a consulting biologist when the High School gymnasium and Sisters' Residence projects were under review. Implementation of the creek restoration plan was required as a mitigation measure for both projects. To protect the numerous trees on the site, 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 separation of the two parcels will have no impact on the recreation facilities, the creek, or the existing trees and landscaping. The project will not affect the existing setting currently enjoyed by the community.

Housing Element

Goal 1.0 - Assure the quality, safety, and livability of existing housing and the continued high quality of residential neighborhoods.

The proposed lot split will not affect the existing Province Center or the surrounding residential neighborhoods. No new development or change in use is proposed. The high quality, safety, and livability of the Province Center and the surrounding residential neighborhood will continue uninterrupted and unaffected by the project.

Goal 2.0 - Provide residential sites through land use, zoning, and specific plan designations to encourage a broad range of housing opportunities.

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.

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

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 currently have adequate ingress/egress, traffic circulation and parking.

Goal 3- Expand and protect housing opportunities for all economic segments and special needs groups within the community.

The proposed lot split will ensure the continued success and operation of the Province Center, which meets the special needs of the Sisters of Notre Dame de Namur.

SUBDIVISION ANALYSIS

In order to approve the proposed Tentative Parcel Map, the Planning Commission must make the following findings as per Section 9.8(a-g) and 5.1.1 of the Belmont Subdivision Ordinance (No. 530):

Section 9.8

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). In addition, the proposed subdivision map is consistent with applicable General Plan goals and policies as discussed above.

With regard to consistency with the CDP, satisfaction of this finding will depend on the Planning Commission recommendation and City Council adoption of the requested CDP Amendment, as discussed herein. If the amended CDP is approved, General Plan consistency would be achieved for the project, and this finding could be made in the affirmative.

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. With regard to consistency with the CDP, satisfaction of this finding depends upon approval/denial of the requested CDP Amendment. If the amended CDP is approved, General Plan consistency would be achieved for the project, and this finding could be made in the affirmative.

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 can be made in the affirmative.

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 can be made in the affirmative.

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 can be made in the affirmative.

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 can be made in the affirmative.

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. This finding can be made in the affirmative.

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.

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

CONCLUSION AND RECOMMENDATION

Based on the foregoing analysis, staff recommends the Planning Commission take the following actions:

1. Adopt a resolution with findings recommending approval to the City Council of the requested CDP Amendment.
2. Conditionally approve the Tentative Parcel Map, subject to City Council approval of the CDP Amendment for the project.

ACTION ALTERNATIVES

1. Continue the matter to another date in order to address any issues that have not been resolved.
2. Recommend denial of the requested entitlements.

Respectfully submitted,

Leslie Hopper, AICP
Contract Planner

Carlos de Melo
Community Development Director

CC: Applicant and Project Engineer

PLEASE NOTE:

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