

ORDINANCE NO. _____

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.*

No new development or modifications to the approved Detailed Development Plans (June 2000) for the Province Center and High School Gymnasium projects is proposed with this application. As such, the requested Tentative Map is consistent with and conforms to the approved Detailed Development Plans for the Province Center and High School Gymnasium projects. 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 "A".

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 “A”

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 – 33,179 sq. ft., High School – 165,433 sq. ft., Entire PD – 198,612 sq. ft.
 - C. Floor Area Ratio. Province Center - .71, High School - .36, Entire PD - .40
 - 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 entire 11.67-acre Planned Development shall be maintained in accordance with approved building permit/construction plans for the Province Center (Building Permit B2000-0406, Finaled on January 17, 2003) and High School (Building Permit B2000-0108, Finaled on June 11, 2003). Any proposed change other than minor modifications to the Province Center or High School as-built building permit/construction plans approved under Building Permits B2000-0406 or B2000-0108 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