

ORDINANCE NO. _____

ORDINANCE AMENDING THE R-4 ZONING ON 1000 SOUTH ROAD AND THE R-1A ZONING ON 950 HOLLY ROAD TO ESTABLISH A PLANNED DEVELOPMENT ZONE AND A CONCEPTUAL DEVELOPMENT PLAN AT 1000 SOUTH ROAD/950 HOLLY ROAD (APPL. NO. 2006-0088)

WHEREAS, Carol Jansen, applicant on behalf of Prospect Point Development, LLC requests a Rezone to Planned Development and Conceptual Development Plan approval for a condominium conversion development at 1000 South Road/950 Holly Road; and,

WHEREAS, on June 5, 2007, the Planning Commission, following notification in the prescribed manner (including a notice in the *San Mateo Times* and mailing to property owners within 300 feet of the site), conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on the aforementioned requested entitlements and legislative actions and continued the request off calendar; and,

WHEREAS, on January 15, 2008, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on the aforementioned requested entitlements and legislative actions; and,

WHEREAS, on February 26, 2008 & March 25, 2008, the City Council, following notification in the prescribed manner, conducted public hearings, at which hearings the Council considered public testimony and staff reports/memorandums on the aforementioned requested entitlements; and,

WHEREAS, the City Council of the City of Belmont finds the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). An Initial Study (draft May 2007 IS/MND) and Addendum to said document (2008 Addendum) was prepared for the project and determined that the project would have a less than significant impact with implementation of the identified mitigation measures; and,

WHEREAS, a Mitigated Negative Declaration and Addendum was prepared and the City Council adopted the document (interchangeably referred to as the IS/MND; IS and Addendum; draft May 2007 IS/MND); and,

WHEREAS, the City Council hereby adopts the staff reports dated June 5, 2007, January 15, 2008, February 26, 2008 & March 25, 2008 and the facts contained therein as its own findings of facts; and,

WHEREAS, the City Council, after consideration of all testimony and reports, hereby determines that the proposed Rezoning of the subject property to Planned Development (PD) and associated Conceptual Development Plan (CDP) for the proposed demolition of the single-family structure and apartment building achieves the objectives of the Zoning Plan and General Plan for the City for the following reasons:

1. The Project Site is on the edge of the Central Neighborhood District. The Project Site is somewhat of a transitional site and considerably more transitional in nature than the other multi-family designated and developed sites in the project area. Other Rh and R-4 designated and

developed property south east of the Project Site fronts entirely on Ralston Avenue and is separated from the adjacent R1 and R-1 land uses by South Road. The Project Site is bordered by three roads; Holly and South Roads and Ralston Avenue, and is adjacent to the R1 and R-1A designated and developed property to the north; thereby void of any transitional space.

The proposed north west expansion of the project, the portion of the building closest to the 940 Holly Road single-family residence, would consist of approximately 9,085 square feet. The addition in this area would subordinate to the 54,439 square feet of the main building and the 12,465 square foot south east expansion. This subordination in size and height which would range from 16 feet to 37'-11" would provide a "single-family feel" to the transition from the project to the smaller lot single-family development adjacent to and north of the project; a transition that currently does not exist. The proposed Craftsman-style architecture with the use of wood and stone, varying heights and recessing and projecting plains would further add to a "single-family feel" in this area; a transition from the Project Site which currently does not exist with the three story rectangular building.

The project proposes to develop the Project Site within the Rm Land Use Designation (8-20 dwelling units per acre) and the density would be 19.20 dwelling units per acre. Re-designating and redeveloping the Project Site as Medium Density Residential would provide a transition from the Project Site to the adjacent single-family development that currently does not exist.

2. The City Council finds that the project is consistent with the following General Community Goals and Policies of the General Plan.

1015.1. *Assure that Belmont will be a balanced community with residences, schools, businesses, industry and space and facilities for social, recreational and cultural activities in keeping with the present character of the City.* The project consists of redevelopment of an apartment building in significant disrepair. The project would provide for a newly emerging housing need, not envisioned in the 1980's when the General Plan was drafted, which is higher-end condominium housing. This type of housing product addresses the needs of "empty nesters" those whose families have grown and left home leaving households whom desire to downsize their homes surrounded by many amenities as well as style. The high end condominium product also responds to the needs of dual-earning and high-earning single person households.

1015.2. *Preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.* The project would provide a medium density transition to the immediately adjacent single-family development. The project would improve the safety and visual character of the site by eliminating buildings in dis-repair and reconstructing to the latest Uniform Building and Fire Codes. The project would also retain and enhance buffer landscaping along South and Holly Roads and the single-family uses to the west and north of the site.

1015.3. *Preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment.* The project would preserve views by reducing the proposed density, and height toward the adjacent single-family uses. Rock outcroppings and trees are proposed to be retained on the site, thereby retaining potential habitat for birds and mammals. Tree removal on the Project Site would be required to occur during the non nesting season for migratory birds (February to September) or a Migratory Bird Study shall be conducted and if nests are found they shall be avoided. Holman & Associates,

Archaeological Consultants have determined that no archaeological or paleontological resources are present on the site. The project would relocate and retain the stone grotto on the site. The project proposes to retain many heritage trees and plant new trees in conformance with the City's Tree Ordinance.

- 1015.4. *Maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.* The project is the renovation of an older residential structure. The project proposes to replace a non-descript architectural style in substantial disrepair with a Craftsman-style structure. The project proposes to remove dead and diseased trees and replace them with natives in compliance with the City's Tree Ordinance and as reviewed and supervised by the City's consulting arborist, the tree removal plan is in compliance with the City's ordinance.
- 1015.7. *Guide the timing and location of growth and development to ensure the availability of services and protection of sensitive natural environments.* The Project Site is currently supplied with water, sanitary sewer, storm drain, and telephone and cable services. The site is within the Central Neighborhood; a built-out residential neighborhood in Belmont. The project proposes to avoid development on the steeper north eastern slopes of the site and to preserve native woodland vegetation.
- 1015.8. *Protect persons and property from unreasonable exposure to natural hazards such as floods, fire, unstable ground, erosion and earthquakes.* The project would be required to conform to the latest Uniform Building Code construction requirements. Therefore, the construction on the site would be an upgrade from existing conditions which conform to the 1960 Uniform Building Code, and the 1940's building standards of the Holly Road structure. The project would also comply with the latest geotechnical construction standards as required by the Uniform Building Code and the geotechnical studies prepared for the project and peer reviewed by the City geologist for the project.
- 1015.9. *Protect and conserve significant community resources such as energy, clean air and water and historic or architecturally interesting buildings.* None of the structures on the project site are identified on the *City's Historic Building Survey* as amended in 1993. The single-family residence, indicated by building permit records to be constructed in the 1940's, was modified in the 1970's to include brick veneer and vinyl siding thereby degrading any historic significance it may have possessed. The apartment building was built in the 1960's and is essentially a rectangular structure void of architectural detail or interest. The stone grotto, date of construction unknown, is proposed to be relocated on the site.
- 1015.10. *Provide for safe and efficient movement of people and goods within the community and between the community and other areas of the region with a minimum of disruption and adverse environmental effects.*

The proposed project would reduce the curb cuts along the Holly and South Road boundaries from three to two. The project would not add a curb cut on Ralston Avenue. The project would reduce traffic to the site and in the area by approximately six daily trips. The project would add street lighting along its frontage where none currently exists. The project as such would improve movement of people and goods and not result in additional environmental effects.

- 1016.1. *New development should be of a scale and character compatible with surrounding land uses*

and Belmont's small city environment. Although the project does not represent new development, but redevelopment of the site, it does conform to this policy. The proposed medium density development would provide a softer transition to the adjacent single family development.

1016.2. *Intensity of use of land as measured by such factors as parcel size, population density, building coverage, extent of impervious surfaces, public service requirements, parking requirements, and traffic movements should be based upon the following general principles:*

- a) Intensity of land use should decrease as steepness of terrain and distance from major thoroughfares increase.*
- b) The lowest intensities of use should occur on the steep hillsides to limit storm runoff, prevent increased erosion, avoid unstable slopes, protect vegetation and watersheds and maintain scenic qualities.*
- c) Intensity of use of individual parcels and buildings should be governed by considerations of existing development patterns, water and air quality, accessibility, traffic generation, parking, noise, fire safety, drainage, natural hazards, resource conservation and aesthetics.*
- d) Intensity of land use should be regulated according to the availability of community facilities and services.*

The intensity of use proposed on the site decreases as it approaches the single family development. The north west area is proposed to decrease in size, height and density as it approaches the single-family residences on Holly Road. This area of the project site is also the steepest as the site increases in elevation to the north west. The majority of the project is proposed where it currently exists. The south east area steps toward Ralston Avenue. The majority of the density of the project, 21 units, is in the main and south main and south east area is the portion of the project that is closest to Ralston Avenue, a major thoroughfare and furthest from the small lot single-family development to the north east.

The lowest intensity of the project would occur on the steeper portion of the site while leaving steeper portions of the site (further to the north west) in open space. Existing vegetation would be largely preserved throughout the entire site and would be completely preserved in the north west open space areas, save for trimming and scrub removal recommended by the City's Arborist. The City's Arborist recommends removing dead, unstable and trees that are in poor condition throughout the site. Storm drain and erosion control measures are proposed by the project and required as standard City conditions of approval. The aesthetics of the site would be improved by the project; the poorly maintained and architecturally vague building would be removed and replaced with a Craftsman-style structure. Views from adjacent sites would largely be preserved due to the reduction of development intensity as the slopes of the site increases to the north west.

The project would be required to meet regional water and air quality requirements as noted in the Air Quality and Hydrology sections of the IS and Addendum. The project would be required to meet current Uniform Building Code and Fire codes which regulate new construction to address protection from natural hazards. The project would generally improve the aesthetics of existing buildings and would not diminish resource conservation, as noted in the above paragraphs. The project, a slight reduction from the existing density on the site, would not impact community facilities and all utility providers have been and

can continue to adequately serve the site. Although the project would generate (temporary) construction noise impacts to adjacent west and north western residences, the Mitigation and Monitoring Program provides measures to reduce this temporary impact to a less than significant level

1016.3. *All land uses should conform with the environmental quality and safety policies in Part 3 of this plan.* The adopted Initial Study for the project analyzes air quality, noise, geologic and seismic safety and hydrology issues. As identified in Section IV Summary of Initial Study /Mitigated Negative Declaration Findings, of the IS and Addendum the project would not result in an impact and as such complies with this policy.

1016.4. *The following standards shall apply to all new development:*

- a) Sewage disposal shall be by sanitary sewers.*
- b) Storm drainage facilities shall be provided.*
- c) Erosion shall be minimized through such measures as runoff retention and revegetation.*
- d) Grading and new impervious surfaces shall be kept to the minimum necessary to permit development of land in a manner compatible with its characteristics and designated use.*
- e) Land, water and energy shall be used efficiently.*
- f) Structures shall be clustered, where possible, to maximize open space and minimize costs of providing public services.*
- g) Safe access to the public road system of the community shall be provided.*
- h) Fire and police protection shall be adequately provided.*
- i) Slopes exceeding 30 percent shall be avoided whenever possible.*

The project has been designed to meet the above the development standards and the above development standards are also addressed as standard conditions of project approval. All utility services have been and are serving the site. The Belmont Police Department and the San Carlos-Belmont Fire Department have reviewed the project and with their identified conditions of approval there are adequate emergency services for the project. The project does not entail significant grading (relative to the proposed building size and scope), and would be located predominately in the central portions of the site where the apartment building is located. Development is proposed on slopes less than 30 percent. Impervious surfaces would be 38.7 (39) percent of the site area. A geotechnical report is proposed as part of the project. The City's geotechnical consultant has peer reviewed the report and found that it adequately addresses the conditions on the site. Adherence to erosion control and air quality measures would be required and incorporated for the project as standard conditions of approval as identified in the IS for the project. Site access would result in eliminating one curb cut along Holly and South Roads, and that coupled with an estimated six less vehicle trips per day to serve the site, would result continuing the safe circulation pattern on the site and in the vicinity of the project.

1016.6. *Natural features, such as ridgelines, canyons, steep hillsides, meadows, streamsides and significant stands of trees, should be preserved and protected through planning, conservation practices and, where appropriate, the dedication of open space or scenic easements.* The project proposes to retain rock outcrops, Heritage and Protected Trees and reduce development scale as it moves up the site. These features are discussed in the IS and Addendum for the project.

- 1016.8. *In any development within the Planning Area, geologic conditions should be thoroughly evaluated to avoid or mitigate problems of unstable land.* A geotechnical report (including the assessment of the geological site conditions) has been prepared for the project. The findings of this report have been peer reviewed and included as part of the adopted Initial Study and Addendum for the project. The environmental study concluded that should the design and recommendations of the applicant's geotechnical study and City's third party consultant (Cotton Shires, Associates) be included for the project, issues related to site stability would be mitigated to less than significant levels. These measures are required as a matter of law.
- 1016.9. *In all new development, significant historical and archaeological features should be identified and, as determined appropriate, protected or conserved.* The adopted Initial Study and Addendum states there are no archaeological sites recorded on the project site; no evidence of prehistoric archaeological materials was found by the City's consulting archaeologist (Holman and Associates). The two residential structures are not identified as containing any historic value as disclosed in the Initial Study for the project. Additionally, the project proposes to retain the stone grotto on the site; the date of its construction is not known.
- 1016.10. *Through traffic should be channeled onto major streets and collectors and diverted, to the extent possible, from residential neighborhoods.* No significant public capital improvements are anticipated to modify the street pattern for surrounding areas of the site. As such, all major traffic enters and exits the project area from Ralston Avenue, a major arterial. South and Holly Roads are minor residential streets and the volume of traffic traveling on them would be reduced by six trips as noted in the Addendum to the draft May 2007 IS/MND for the for the Project.
- 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 project proposes 73 parking spaces; 69 in garage spaces and four uncovered. The Belmont Zoning Ordinance requires two off street parking spaces per multi-family unit of which one is required to be garaged. No visitor parking is required. Therefore the project proposes 25 more parking spaces than required by code of which all but four are located in the garage. Currently the site provides 37 parking spaces which do not meet the minimum parking requirement required by Code.
- 1016.12. *Incompatible land uses should be separated by landscaped open spaces, streets or other forms of buffers.* The project would not result in an incompatible land use. The project is the continuation of residential land use in a residential area. Additionally, the reduction in density, from high to medium, would provide a smoother transition between the project and the adjacent single-family land uses. Mature edge and central landscaping is proposed to be retained on the site.
3. The City Council finds that the project is consistent with the following goals and policies of the Elements of the Land Use Pattern Element of the General Plan.
- 2006.1. *To encourage location of new multiple family housing in relatively flat areas which have good access, service availability and compatible adjacent uses.* The proposed project is not

new multiple family housing but redevelopment of existing housing. The Project Site is under 30% slope and in an area that is planned for, zoned and developed residentially. Site access is off Ralston Avenue via South Road. Goods and services are located within 0.25 miles of the site within the Downtown Plan Area and across the street in Twin Pines Park.

2006.2. *To address the housing needs of traditional families, senior citizens and young adults by encouraging a mix in housing type, design, and cost.* The project proposes high-end condominium housing: a newly emerging and desired housing product.

2007.2. *A variety of types and densities of residential uses should be provided to meet the needs of the different lifestyles and incomes of the people who live in the community.* The project proposes high-end condominium housing: a newly emerging and desired housing product. This type of housing product will provide a “gateway” into the Central Neighborhood and provide a presence along Ralston Avenue that is currently missing.

4. The City Council finds that the project is consistent with the following Circulation Element Goals and Policies of the General Plan.

2080.1. *To provide a transportation system consistent with the residential, small city character and physical setting of Belmont.* No changes are proposed to the existing transportation system or surrounding streets of the Project Site. No off-site mitigation measures are required as part of the traffic analysis/circulation assessment for the project as disclosed in the project IS and Addendum.

2080.4. *To route through vehicular traffic around, rather than through, residential neighborhoods. Traffic patterns would not be altered as a result of the project.* Project traffic to and from the site would be from Ralston Avenue via South Road.

2081.2. *Through traffic should be routed to streets on the periphery of residential areas to the maximum extent possible.* The subject site is located on a main arterial; all vehicular ingress/egress from the project site will be routed back to Ralston Avenue.

2081.3. *When it is determined that through traffic is adversely affecting a residential area, reasonable actions should be taken to re-route the traffic or otherwise reduce the traffic or mitigate its effects.* The IS and Addendum for the project indicates that the project would result in less traffic on the site, in the neighborhood and in the area. No off-site traffic circulation mitigation measures are required for the project.

2081.5. Streets and roads should be designed for safe travel at moderate speeds and for low maintenance costs. No adverse safety conditions (on adjacent streets) have been identified as disclosed in the Initial Study for the project.

5. The City Council finds that the project is consistent with the following Safety Element Goals and Policies of the General Plan.

3040.2. *To continue to obtain and incorporate into City decision-making information delineating geologic, hydrologic and seismic hazards.* The adopted IS and Addendum for the project includes an assessment of geologic, hydrologic, and seismic hazards for the proposed

development. As a matter of law, the project complies with this goal. A geotechnical study was prepared for the project and peer reviewed by the City's consulting geologists. Ted Sayre of Cotton Shires Associates, the City's consulting geologist, determined that the project as revised would not result in an additional impact on the environment. Bedrock is found three to 12 feet below the surface on the Project Site and either deeper footings or a different amount of cushion fill would be required to construct the subterranean garage. The borings that will be prepared by the Applicant shall still be peer reviewed by the City's consultant, and the revision to the project does not add to or require new mitigation measures. The recommendations of both studies are required to be incorporated into the project as stipulated by the Belmont Subdivision and Grading Ordinance's and as implemented through the grading, hauling and building permit processes.

- 3041.1. *The City shall require investigations by both registered soils engineers and engineering geologists prior to issuing building permits for any new construction unless waived due to current existing information and location.* All such reports shall be independently evaluated, on behalf of the City, for completeness and accuracy. As disclosed in adopted IS and Addendum for the project, this resolution, the staff reports and the administrative record, this has been done, documented and is required by law.
- 3041.4. *All environmental reports submitted to the City in support of development proposals shall include sections evaluating seismic, geologic, fire and flood hazards.* This analysis is included in the geologic studies, documented in the adopted IS and Addendum, and required by law through the Belmont Subdivision Ordinance and building and grading permit process.
- 3041.13. *No new construction shall be permitted in areas where emergency access cannot be adequately ensured.* As the adopted IS and Addendum for the project discloses, the Police Department and Belmont-San Carlos Fire Department have confirmed that adequate emergency services can be provided for the site. All service levels can be maintained to protect the public health, safety and welfare.
- 3041.14. *Sprinkler systems and/or smoke detectors should be required according to ordinance provisions administered by the South County Fire District.* As disclosed in the adopted IS and Addendum for the project, a new fire hydrant, smoke detectors, a Class 1 fire standpipe and sprinkler system is required as a condition of project approval for the project.
- 3041.15. *Fire retardant roofing and exterior siding materials should be required for any major remodeling of structures in presently developed areas which are adjacent to wooded open space areas or without adequate emergency access or water flow, assuming that 80 percent of the siding or roofing is being remodeled.* Should the project be approved, appropriate fire retardant materials for the building would be required as per the Uniform Fire Code as administered by the Belmont-San Carlos Fire Department.
- 3041.16. *All geologic reports required by the City in support of a development application shall include an evaluation of seismic conditions on and near the site and how they could affect the proposed development.* This analysis is included in the geologic studies, documented in the adopted IS and Addendum for the project and required by law through the building and grading permit process.

3041.19. *The City supports strict control of the use, storage and transport of toxic, explosive or other hazardous materials.* As disclosed in the adopted IS and Addendum for the project no storage, or transport of toxic, explosive or other hazardous materials is proposed for the project. The Initial Study included a records search of federal, state, and local databases pertaining to the transport, storage or disposal of hazardous materials or wastes. Regulatory records indicate no potential on or off-site sources of hazardous substances that could affect soil and groundwater quality at the site.

6. The City Council finds that the project is consistent with the following Housing Element Goals and Policies of the General Plan.

2.0. *Provide residential sites through land use, zoning, and specific plan designations to encourage a broad range of housing opportunities.* The site is currently planned, zoned and used residentially. The site and structures are in disrepair and the housing stock is dated. The PD-zoning will facilitate the upgrade of the existing housing by allowing versatility in the development standards; thereby continuing, in a rehabilitated form, the housing opportunities that currently exist on the site. The PD-zoning will allow development standards (setbacks, heights, floor area ratio) to be set that recognize the uniqueness of the site (discussed in more detail under the Zoning Map Amendment Section), preserve the uniqueness of the site such as Heritage Trees and rock out crops and provide a stronger and more prominent architectural presence on Ralston Avenue.

2.2. *Ensure that residential sites have appropriate public services, facilities, circulation, and other needed infrastructure to support development.* As noted in the adopted IS and Addendum for the project, public services, facilities, circulation, and other needed infrastructure are in place to support the development.

7. The City Council finds that the project is consistent with the following Conservation Element Goals and Policies of the General Plan.

3051.3. *To minimize the erosion of soil.* As disclosed in the adopted IS and Addendum for the project, should the project be approved, compliance with stormwater runoff/erosion control measures as required by the Belmont Public Works Department as mandated by the Regional Water Quality Control Board will be required as a matter of law which minimizes soil erosion.

3051.5. *As appropriate, to comply and encourage compliance with regulations designed to achieve state and federal air quality standards.* As described in the adopted IS and Addendum for the project, the project will be required to meet Bay Area Air Quality Management District (BAAQMD) requirements in its design and operation. These standards are enacted to preserve clean air for the Bay Area region. These measures are required as a matter of law.

3051.6. *To provide for the efficient use of energy resources in activities carried out or regulated by the City.* The project will be required to meet the Uniform Building Code which includes provisions for compliance with Title 24 – Energy Conservation for new construction. This would be an improvement over existing conditions given that the structures on the project site were built 40 to 60 years ago when energy and conservation standards were not in place. The project also includes energy star appliances, prohibition on gas powered landscaping equipment and six electric car charging stations.

3051.8. *To protect scenic views to and from the hillsides.* The project is proposed within the relatively flatter portions of an existing developed site. The proposed height and intensity of development of the project is reduced in scale as it moves up the site. The fourth floor is proposed in the central portion of the site, and not at the higher elevations. The project proposes to maintain many Heritage Trees on the site as discussed in the Biology section of the IS. All trees to be removed will be replaced at a 3:1 ratio, not only Protected and Heritage Trees. Additionally, the Aesthetic section of the IS and Addendum notes that views will not be diminished as a result of the project.

3052.1. *New development shall be located and designed to preserve specimen trees and significant stands of trees to the extent possible.* As noted in the adopted IS and Addendum for the project Heritage and Protected Trees, as defined by Ordinance, will be preserved on the site.

3052.4. *The City shall control both the amount and timing of grading to prevent accelerated erosion of the soil. Erosion and runoff control facilities shall be regularly maintained and preventative measures taken whenever possible.* Compliance with stormwater runoff/erosion control measures as required by the Belmont Public Works Department and mandated by the Regional Water Quality Control Board will be required for the project. These measures will include adherence to Best Management Practices (BMP's) in the design/construction of new buildings to address grading, erosion control, and storm water quality control for the proposed development.

3052.6. *In carrying out its functions, the City will comply and encourage compliance with all applicable federal and state air quality regulations.* The City not only encourages, but it requires through its permitting process, compliance with state and federal air quality regulations. These regulations, identified in the IS and Addendum for the project, are required as a matter of law.

3052.12. *Structures should be located and designed and landscaping designed and maintained to protect, to the extent possible, views to and from the hillsides.* The project is sited within a relatively flat area of the site and as such, will not affect views to and from hillsides. As noted above and in the IS and Addendum for the project, Heritage and Protected Trees would be retained on site. The steeper portion of the site, the northwestern area, would not be developed. The fourth floor on the main portion of the building is located on the flatter portion of the site and would not significantly obstruct views to hillsides as development on Holly Road is at a higher elevation than the project site. Some views are currently framed by existing landscaping on residential lots.

3052.13. *A right to plant trees on a property should be balanced with the right of a view from adjacent property.* Mature perimeter landscaping is proposed to be retained. Landscaping required to fill in where dead, diseased, or exotic trees are proposed to be removed would be replaced native trees and smaller plantings. These plantings are not expected to diminish existing views.

8. The City Council finds that the project is consistent with the following Parks and Recreation Element Goals and Policies of the General Plan.

2062.1. *To provide recreation areas for community and neighborhood use, conveniently located and properly designed to serve the needs of the residents of the community.* Twin Pines Park is located across the street from the project which serves the residents of the community as well as the project. The recreational uses at Twin Pines Park along with the passive and active recreational uses proposed on the site would provide recreational opportunities to the project occupants.

2062.3. *To preserve and enhance existing parks, recreational areas and facilities to serve neighborhood and community needs to the maximum extent possible.* The City is in the process of updating its Park Master Plan (Master Plan). The City is in the process of updating its Park Master Plan (Master Plan). The Master Plan which is still in effect was adopted in 1992 with a 15 year horizon. The Master Plan is currently being amended and should be complete by the end of 2008. The Master Plan contains goals and programs aimed at providing and maintaining recreational facilities in the City of Belmont. Approximately 80 percent of the goals identified in 1992 Master Plan have been touched upon these past 15 years. Goals germane to Twin Pines Park, across the street from the project that have been achieved include the construction of a playground, upgrading pathways to meet accessibility requirements, construction of a stage in the meadow for the music series and landscaping. Some accessibility upgrades are still needed in Twin Pines Park. Additional restroom upgrades are still needed as well as additional landscaping, pathway lighting, and benches.

The Applicant has agreed to an in lieu fee of which will be used to improve existing park lands including Twin Pines Park.

2062.4. *To expand opportunities for active recreation in existing community parks.* The project does propose to expand the recreational opportunities for Twin Pines Park.

2063.11. *To the extent possible, volunteer activity and private financial resources should be used in combination with public funds for acquisition, maintenance and operation of recreation facilities. In addition, the provision of private recreational facilities to serve the community should be encouraged.* The applicant proposes an in lieu fee of which could be used for improvements to Twin Pines Park or other suitable locations in Belmont.

9. The City Council finds that the project is consistent with the following Open Space Goals and Policies of the General Plan.

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 project does not propose a formal dedication of open space. However, the project proposes that 31,000 square feet of the site would be used for active and passive open space and recreation. The proposed PD-zoning would lock this open space in as a matter of law; the PD-zoning cannot be amended in absence of a legislative action. Therefore, the project would continue to maintain this amount of open space on the site providing a green belt buffer and recreational areas for the occupants as a matter of law; unless amended by action of the City Council.

Additionally, the Applicant proposes an in-lieu fee or in-kind services. The fees would be used by the City for park and open space improvements and transportation improvements such as future Holly Road reconstruction.

- 2070.2. *To provide opportunities for the enjoyment of natural beauty, solitude and relief from the pressures of urban life.* As noted in Goal 2070.1, the open space and green belt buffer will be maintained on the property as a matter of law
- 2070.6. *To provide open space areas as separations between incompatible uses.* The proposed medium density residential land use is not incompatible to the adjacent single-family or the other multi-family residential uses in the immediate area. The project is not incompatible because it proposes to reduce intensity as it moves up the site toward the single family uses while still maintaining a multi-family intensity towards Ralston Avenue. The reduction in intensity and density coupled with increased setbacks in some areas and the retention of mature perimeter landscaping provides a smooth transition from the project site to adjacent residential uses.
- 2071.1. *In any land development project, the basic visual character of the Planning Area should be conserved through project design.* The project improves the visual character of the site and provides a “gateway” entrance into the Central Neighborhood. Refinements to the design may be identified through the Design Review, Conditional Use Permit and Detailed Development Plan process; however, the basic improvement as proposed is noted.
- 2071.2. *All major visual features, such as ridgelines and steep valley sides, should be preserved through regulation or public acquisition of fee title or lesser interest.* The project does not include steep hillsides or ridgelines.
- 2071.3. *Areas hazardous to the public safety and welfare should be retained as open space. Areas that fall into this category include: ... (a) Hillsides generally over 30% slope.* The project does not entail construction in any hillside areas of over 25% slope. As identified in the adopted Initial Study, the project does not hazardous to the public safety and welfare.
- 2071.5. *A variety of vistas should be provided and preserved ranging from the small enclosed private views to the more distant views shared by many people.* As discussed in the adopted IS and Addendum for the project, the project would not block scenic views. Private view sheds within the property would be provided. Views of the project from Ralston Avenue would experience a stronger architectural and landscaping statement. Views from the portions of Holly Road north of the site would not be blocked to the hillsides in the southern and western portions of the City.
- 2071.7. *Landscaped open spaces should be included in new developments, especially in commercial areas and along streets and pathways.* Landscaped areas are included along and around all four elevations of the proposed building. Wooded pathways with directional path lighting are proposed along the Holly and South Road frontages and a portion of the Ralston Avenue frontage.

2071.8. *Measures should be taken to improve the visual quality and safety of pedestrian ways along roads.* A significant visual and safety improvement is proposed along the Holly and South Road frontages. Curb, gutter and sidewalk are proposed and street lighting is proposed along the project frontage as shown on the plans. The public sidewalk will abut a landscaped area of the project which will provide a visual amenity (including wood walkways, landscaping and pathway landscaping) to the pedestrian experience along Holly and South Roads. Additionally a portion of the in lieu fee or in-kind services is earmarked for Holly Road resurfacing.

2071.12. *The City shall explore opportunities to obtain easements to establish a trail system linking residential areas to open space lands, schools, parks and commercial areas.* The project does not propose a trail system linking to other trails. The project includes construction of curb, gutter and sidewalk leading to Ralston Avenue. There is a crosswalk at the Ralston Avenue and South Road intersection connecting to Twin Pines Park.

WHEREAS the City Council, after consideration of all testimony and reports, determines that a change in the Ordinance is required *“to achieve the objectives of the Zoning Plan and the General Plan for the City”* in that the proposed PD Zoning Designation would conform to the proposed development of the site. The zoning designation would not be a departure from the development pattern in the area, but would be more consistent with the development pattern. The proposed development of the site would remain residential which is consistent with the historic use of the site and the planning and zoning designations for the site.

WHEREAS, the City Council, after consideration of all testimony and reports, thereby determines that Belmont Zoning Ordinance Section 12.3.B (1-5) - Conceptual Development Plan (CDP) Findings - to establish a Planned Development (PD) Zone for the subject property and allow the proposed condominium conversion and redevelopment of the site are made in the affirmative for the following reasons:

1. *That the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.*

The adopted IS and Addendum for the project and the conditions of project approval recommended by the various City departments demonstrates that the project is capable of sustainability. The site has been used residentially since the 1940' (Holly Road) and the 1960's (South Road). Goods and services are in place to serve the site. Infrastructure is in place to serve the site. The condominium would be constructed as “whole” as there are no separate individual buildings that are typically envisioned in larger planned developments or mixed use planned developments.

The PD zoning would realize a beneficial effect as the zoning designation would not be a departure from the development pattern in the area, but would be more consistent with the development pattern. The proposed development of the site would remain residential which is consistent with the historic use of the site and the planning and zoning designations for the site.

2. *That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.*

The project would result in approximately six less ADT's on the site, in the neighborhood and in the project area.

3. *That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.*

No commercial uses are proposed; therefore this finding does not apply to the PD proposal at hand.

4. *That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.).*

The PD District zoning, in this case, would not intensify the land use on the site but would result in a reduction of two dwelling units. Reconstruction and redevelopment of the site would improve conditions with respect to police and fire as the site would be brought up to the current Uniform Building and Fire Codes which also address safety. Lighting would be improved on the site and street lights would be placed on Holly Road. Water, sewer and garbage currently serve the site.

5. *That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance, that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.*

The proposed parking exceeds Section 8 Zoning Ordinance requirements by 25 spaces. Additionally, the existing development accommodates 36 parking spaces; four short of the requirements of Section 8.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that the City is rezoning the property to allow a conceptual development plan. The location of the property is shown in Exhibit 1, attached to this Ordinance.

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 25th day of March, 2008.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2008.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

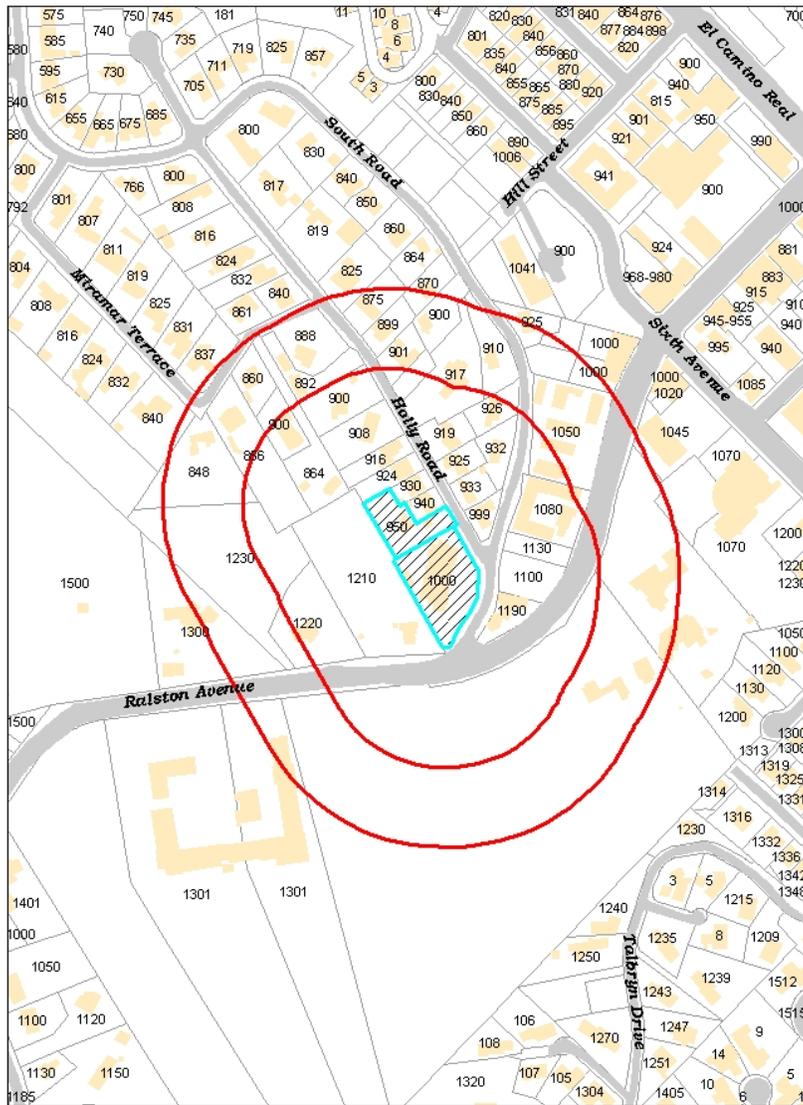
RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

1000 SOUTH ROAD/950 HOLLY ROAD REZONING



1 inch equals 300 feet