

MEETING OF APRIL 7, 2009

AGENDA ITEM NO. 5A



Application I.D.: PA2007-0062

Application Type: Conditional Use Permit

Location: 1301 Ralston Avenue

Applicant: Joel Roos and PAMI PCC, Inc.

Owners: RV California, LP.

APN(s): 045-190-040, 045-190-030 & 045-170-010

Zoning: PD – Planned Development

General Plan Designation: In - Institutions

Environmental Determination: Recommended Statutory Exemption per Section 15270 – Projects that are not approved

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit to modify a Condition of Approval for Planning Commission Resolution 1988-2 (Detailed Development Plan, Conditional Use Permit, Design Review) which required the property owner to merge three parcels into one single parcel. This current request is to allow the current property owner to merge three existing lots into two lots instead of one single lot, located at 1301 Ralston Avenue. This project does not include any modifications to the operation of the existing dementia care facility.

RECOMMENDATION

Staff recommends the Planning Commission Deny the Conditional Use Permit application subject to the attached resolution¹.

PRIOR ACTIONS

The project site was originally developed in the early 1900's with a residence. A significant expansion occurred in 1924, when the Alexander Sanitarium for the treatment of mental disorders was established for the site. By 1948, the sanitarium could house seventy-five patients, and contained a swimming pool, bowling green, as well as tennis, croquet, and

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.

badminton courts. The Sanitarium was demolished in 1973. Soon after the building's demolition, five single-level structures were constructed on the eastern half of the site for use by the Belmont Hills Psychiatric Center.

November 27, 1984: The City Council adopted Ordinance No. 724 to rezone the property from A (Agriculture) to PD/A (Planned Development/Agriculture).

April 28, 1987: The City Council adopted Ordinance No. 765 to eliminate the Agricultural Development Standards from the PD/A zoning designation, thereby rezoning the site to PD and establishing a Conceptual Development Plan for expansion of the Belmont Hills Hospital.

January 5, 1988: The Planning Commission adopted Resolution No. 1988-2 approving a Detailed Development Plan, Conditional Use Permit, Design Review Permit, Master Grading Plan, and Excavation Permit for Community Psychiatric Centers (applicant) for the (CDP-approved) 20,000 sq. ft. expansion of the 25,000 square foot Belmont Hills Hospital.

The existing Dementia Care facility (and use of the entire 17.1 acre project site) is operating under these controlling conditions of Planning Commission Resolution 1988-2.

May 5, 1988: Planning Application #1988-1131 is submitted by Community Psychiatric Centers Inc, (former property owner) requesting that three parcels be combined into one single property as required by Condition #20 of Planning Resolution 1988-2.

December 1, 1988: A lot consolidation certificate combining three parcels into one single parcel was executed and notarized by the former property owner Gregory Sassman (Vice President of Community Psychiatric Centers Inc). On January 11, 1989 this document was executed and notarized by Elaine S. Costello (Community Development Director).

January 5, 1989: Building Permit A18722 was issued for construction of a hospital and medical office building. A letter from the Community Development Director to the property owner dated 11/22/88 states that "the lot line adjustment and scenic easement documents must be recorded prior to approval of the pouring of the foundation slabs for the hospital expansion."

January 20, 1989: The fully executed lot line consolidation certificate, a conservation easement grant deed, and related fees were sent to the County of San Mateo Recorder's Office to be recorded. City Records indicate that these documents were returned to the City of Belmont with a request that a resolution approving the conservation easement deed be included in the next submittal.

March 14, 1989: The City Council adopted Resolution No. 6666 to accept an offer of a Conservation Easement over the southern portion of the Belmont Hills Hospital property.

April 4, 1989: The County of San Mateo recorded the conservation easement grant deed and related City Council Resolution No. 6666. For reasons that are not known, the executed and notarized lot line consolidation certificate was not recorded at this time.

May 8, 1989: Foundation and flooring inspections were approved under the misconception that the lot consolidation certificate had been fully recorded.

Mid-1998: Campus Health Care Group took over the property, renames it Ralston Village, and makes minor design changes to the buildings (new paint & signage), and landscaping improvements to the site.

May 2001 through September 2005: A Preliminary Design Review application, as well as formal General Plan Amendment, PD Amendment, and Tentative Parcel Map applications for development of a 55-unit Senior Congregate Care Facility were reviewed by both the City Council and the Planning Commission. This project was ultimately disapproved by the City Council in November 2005.

January 15, 2008: The Planning Commission approved a Conditional Use Permit to amend the Detailed Development Plan permitting installation of new perimeter fencing, property signage, a children's play structure, and a new gazebo structure.

April 1, 2008: Prior to a scheduled public hearing (04/01/08) for the subject application, staff was able to locate a file documenting the previous lot consolidation efforts. The matter was continued to allow staff to review the updated information.

April – June 2008: Planning Staff, the City Attorney, the applicant, and the applicant's representative had two meetings and several telephone conversations to discuss the project.

July 10, 2008: Letter from the Belmont City Attorney to the applicant's attorney detailing staffs justification for continuing the project from the previously scheduled April 1, 2008 hearing date and summarizing the new information and its impacts on the project. This letter included a request that the applicant execute a new lot consolidation document that fulfills the original condition of approval (See Attachment 4)

August 12, 2008: Letter from the applicant's attorney to the Belmont City Attorney explaining the applicants desire to proceed with the current application for an amendment to the existing CUP conditions and requesting that a hearing with the Belmont Planning Commission be scheduled (See Attachment 5).

August 14, 2008: Letter from the Belmont City Attorney to the applicant's attorney clarifying that the applicant was rejecting the City request that they execute a new lot consolidation certificate that fulfills the original conditions of approval, and indicating that a hearing date would be set (See Attachment 6).

December 16, 2008 – The item was scheduled for a Public hearing; however, at the applicant's request the matter was continued to a date uncertain.

March 17, 2009 – The item was scheduled for a Public hearing; however the matter was continued to April 7, 2009 due to scheduling conflicts.

SITE CONDITIONS

The project site is located on the south side of Ralston Avenue, east of Chula Vista Drive. The property is bound by single family residential properties on the west and south sides, open space area (Twin Pines Park) on the east side, and multi family residential uses and Notre Dame de Namur University on the north side across Ralston Avenue.

The project site consists of land totaling 17.1 acres with over 800 linear feet of frontage on Ralston Avenue. The land is comprised of two distinct geographic elements; a densely wooded, eight-acre steep southern hillside area known as the *Conservation Easement*, and a second, nearly flat nine-acre portion of land defined by the northern toe of the hillside. The entire flat portion of the property is surrounded by a thick canopy of existing trees and shrubs.

The eastern half of the flat land area is currently occupied by the former Ralston Village, 100 bed assisted living facility that specializes in the treatment of individuals afflicted with Alzheimer's disease; this facility is located on the lower, northern 40 percent of the proposed 8.6-acre Phase I parcel. Silverado Senior Living has assumed operational management of this facility.

DISCUSSION

The existing Dementia Care facility (now managed by Silverado Senior Living, Inc.) is operating under the controlling conditions of Planning Commission Resolution 1988-2, which includes the following condition:

20. Merge all three lots into one parcel prior to issuance of a building permit.

As detailed in the Prior Actions section of this report, this Condition of Approval has not yet been satisfied via recordation of the lot consolidation certificate with the County Recorder's Office. The applicants have since refused to re-execute a lot consolidation certificate despite the fact that they and their predecessors have enjoyed the benefits of the 1988 approval.

The property is zoned PD (Planned Development) and development standards were established in 1988 for the specific improvements (primarily the building and associated parking) that currently exist on the project site. The application as submitted violates several of the original Planned Development standards because it would result in reduced setbacks, increased Floor Area Ratios, and decreased on-site parking (a portion of the existing parking would be located on a separate parcel).

Modifications such as the ones described above would require approval of an amendment to the Planned Development (Conceptual Development Plan), which is a legislative action requiring both Planning Commission and City Council approval. Instead of requesting an amendment to the Planned Development, the applicant has incorrectly requested an amendment to the existing Conditional Use Permit, which is a discretionary approval. Nevertheless, the applicant has elected to move forward with the requested CUP amendment.

For these reasons, staff is recommending denial of the CUP amendment application.

NEIGHBORHOOD OUTREACH STRATEGY

From October 2000 through January 2008, the property owner and project applicant have contacted surrounding property owners via mail and held numerous on-site community meetings to keep the neighbors apprised of all proposed changes to the site. The applicant reported that no concerns have been raised by neighbors related to their current request.

ENVIRONMENTAL CLEARANCE (CEQA)

The requested Conditional Use Permit and associated lot line modification may be subject to the provisions of the California Environmental Quality Act. However, in light of the fact that staff is recommending denial of the CUP amendment request, the project would qualify for a statutory exemption per Section 15270:

15270 - Projects Which Are Disapproved:

(a) CEQA does not apply to projects which a public agency rejects or disapproves.

(b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved.

CONCLUSION AND RECOMMENDATION

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

1. Adopt a resolution with findings recommending **DENYING** the requested Conditional Use Permit to amend the Conditions of Approval for Planning Commission Resolution 1988-2.

ACTION ALTERNATIVES

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

ATTACHMENTS

1. 300/500-foot Radius Map
2. Resolution Denying the Conditional Use Permit
3. Planning Commission Resolution 1988-2
4. Letter from Belmont City Attorney dated 07/10/08
5. Letter from applicant's attorney dated 08/12/08
6. Letter from Belmont City Attorney dated 08/12/08
7. Project plans

Respectfully submitted,

Jennifer Walker
Associate Planner

Carlos de Melo
Community Development Director

RESOLUTION NO. 2009-_____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT DENYING
A CONDITIONAL USE PERMIT
TO AMEND THE CONDITIONS OF APPROVAL FOR RESOLUTION 1988-2
FOR 1301 RALSTON AVENUE (APPL. NO. 2007-0062)

WHEREAS, Joel Roos, on behalf of the property owner PAMI PCC Inc. and RV California, LP, requests approval of a Conditional Use Permit to amend the Conditions of Approval for Planning Commission Resolution 1988-2 (Detailed Development Plan, Conditional Use Permit, Design Review) to allow the property owner to merge three lots into two lots instead of one single lot, located at 1301 Ralston Avenue; and,

WHEREAS, a public hearing was duly noticed, held, and closed on April 7, 2009; and,

WHEREAS, the Planning Commission of the City of Belmont finds that the project qualifies for a statutory exemption pursuant to the California Environmental Quality Act, Section 15270; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated April 7, 2009 and the facts contained therein as its own findings of facts; and,

WHEREAS, prior to issuance of building permits and vesting of the Conditional Use Permit for the expanded medical facility, the former property owners fully executed and notarized a lot consolidation certificate to merge the three lots into one single lot per condition #20 of Resolution 1988-2 but that for reasons unknown this document was never recorded with the County Recorder's Office; and,

WHEREAS, the applicants have refused to re-execute a lot consolidation certificate to bring the property into compliance with Resolution 1988-2 despite the fact that they and their predecessors have enjoyed the benefits of the 1988 approval; and,

WHEREAS, the property is zoned PD (Planned Development) and the application for a Conditional Use Permit as submitted violates several of the development standards that were established in 1988 because it would result in reduced setbacks, increased Floor Area Ratios, and decreased on-site parking; and,

WHEREAS, the applicant's request would require approval of an amendment to the Planned Development (Conceptual Development Plan), which is a legislative action requiring both Planning Commission and City Council approval; and,

WHEREAS, the Planning Commission did hear and use their independent judgment and considered all said reports, recommendations and testimony hereinabove set forth.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission denies the Conditional Use Conditional to amend the Conditions of Approval for Planning Commission Resolution 1988-2 at 1301 Ralston Avenue.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on April 7, 2009 by the following vote:

AYES,
COMMISSIONERS: _____
NOES,
COMMISSIONERS: _____
ABSENT,
COMMISSIONERS: _____
ABSTAIN,
COMMISSIONERS: _____
RECUSED,
COMMISSIONERS: _____

Carlos de Melo
Planning Commission Secretary