



Staff Report

PUBLIC HEARING TO CONSIDER REZONING OF A REMNANT PIECE OF PROPERTY TO A PLANNED DEVELOPMENT DISTRICT (PD) VIA AMENDMENT OF A CONCEPTUAL DEVELOPMENT PLAN (CDP), AND A NEGATIVE DECLARATION AT 700 ISLAND PARKWAY – APPLICATION NO. 2008-0041

Honorable Mayor and Council Members:

Summary

The applicant proposes Rezoning of a remnant piece of property to a Planned Development District (PD) via amendment of a Conceptual Development Plan (CDP). The property to be rezoned is an undesignated piece of land that is currently leased from the City of Belmont for use as a parking lot for sales/serviced vehicles for the Autobahn Motors Sales/Service facility. The subject parking area was fully developed with paving, fencing, landscaping, lighting, striping, and drainage improvements as part of the original development of the site. Thus, no grading is proposed as part of the project. No new landscaping is proposed, and no existing trees would be removed for the project.

The project necessitates City Council consideration and adoption of a Rezoning of the property to a Planned Development District (PD) via amendment of a Conceptual Development Plan (CDP). The Council has been provided a draft Negative Declaration which has been prepared and circulated for public review in compliance with the California Environmental Quality Act (CEQA). The Council must adopt the Negative Declaration prior to adopting an Ordinance approving the Rezoning to Planned Development (PD) via amendment of a Conceptual Development Plan (CDP).

The request before the Council serves as the final legislative act, following the Planning Commission's review of the proposal (see attached March 3, 2009 staff report). At that 3/3/9 Planning Commission meeting, the Commission adopted two Resolutions by a 7-0 vote; the first recommending the Council adopt the environmental assessment, and the second recommending the Council adopt an Ordinance approving the Rezone and associated Conceptual Development Plan (CDP) Amendment for the PD District. Based on the analysis of the required entitlements for the project, staff recommends the Council take the following actions:

1. Approve a resolution adopting the Negative Declaration
2. Adopt an Ordinance approving the Rezoning of the subject site to Planned Development (PD) via amendment of a Conceptual Development Plan (CDP).

The Planning Commission will be required to subsequently review a Conditional Use Permit to amend a Detailed Development Plan (DDP), predicated upon the Council's approval of Items 1 and 2 listed above.

Prior Actions

Pertinent actions related to the development of this site are as follows:

September 1982 – City Council certifies a Final Environmental Impact Report (FEIR) and approves the Island Park Project, Rezoning the approximately 68-acre area from A (Agriculture) to PD (Planned Development), which allows the construction of a mixed-use/commercial/park/residential complex, including a 350-room hotel with convention facilities on Lot 14.

January-April 1994 – An Addendum to an FEIR is certified and a Conceptual Development Plan (CDP) Amendment reviewed and approved for the site by the Planning Commission & City Council. The CDP Amendment approvals allow for commercial development rather than a hotel for Lot 14 (site of current building) and Lot 15 (associated parking lot across the street from existing building). Total floor area permitted as part of the approvals is 52,700 square feet.

April 1995 - the Planning Commission approves a Conditional Use Permit, Design Review Permit, Detailed Development Plan (DDP), and Grading Plan to allow the construction of the facility.

August 1995 – San Francisco Bay Conservation and Development Commission (BCDC) approve Permit M94-38 (*Belmont Lot 15 and Bike Trail*) for the construction of the parking lot improvements (paving, fencing, drainage, lighting, landscaping) and the design of the bike trail. Approved landscaping includes use of native plantings consistent with BCDC landscaping guidelines. Approved fencing includes the use of chain link with green vinyl slats. BCDC accepts the City of Belmont's (lead agency) determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA).

1997/1998 – Autobahn Motors Sales/Service facility is constructed on Lot 14, and the parking area (paving, fencing, drainage, lighting, landscaping) is constructed on Lot 15 and remnant piece of property (portion of the public right-of-way).

May 2000 – the Planning Commission approves a Conditional Use Permit amending the sites Detailed Development Plan (DDP) to construct a 391 sq. ft. office addition for the facility.

February 2002 – the Planning Commission approves a Conditional Use Permit to allow two additional building mounted signs at the facility.

October 2005 - Remnant piece of property (portion of the public right-of-way) is vacated pursuant to Government Code 65402, but remains in fee title to the City of Belmont.

May 2006 - the Planning Commission approves a Conditional Use Permit to construct a 960 sq. ft. office addition for the facility.

March 3, 2009 – The Planning Commission adopts two Resolutions by a 7-0 vote; the first recommending the Council adopt the environmental assessment, and the second recommending the Council adopt an Ordinance approving the Rezone and associated Conceptual Development Plan (CDP) Amendment for the PD District.

Project Description

The 5.44-acre site is comprised of two parcels and an abandoned portion of public-right-of-way as follows:

- The 3.32-acre (lot 14) western parcel, which houses the existing facility, parking areas, and landscaping.
- The 1.65-acre (lot 15) eastern parcel (across the street), which serves as a parking lot for sales/serviced vehicles.
- The 0.47-acre (20,451 sq. ft.) portion of abandoned right-of-way, which serves as a parking lot for sales/serviced vehicles.

The site is located north of Ralston Avenue/Marine Parkway. Surrounding uses include the Belmont Sports Complex, and Summerfield Suites uses to the north, Oracle & other commercial buildings to the east, mixed-commercial uses to the south, and State Highway 101 to the west.

The existing 51,006 sq. ft. facility (52,700 sq. ft. maximum permitted via the CDP) includes the dealership sales showroom, ancillary office space, service/parts facility, eight partitioned office areas, and an outdoor new car sales area.

The project site includes spaces for approximately 333 vehicles - 184 spaces for the sales/service building and 149 spaces for the parking lot across the street. Under Belmont Zoning Ordinance regulations for the existing type of use (automobile sales/service facility), 298 spaces would be required. The existing facility complies with the Planned Development & Zoning Code regulations for required parking.

As discussed earlier, the project includes a rezoning of a remnant piece of the property to a Planned Development District (PD) via amendment of a Conceptual Development Plan (CDP). The property to be rezoned is an undesignated piece of land that is currently leased from the City of Belmont for use as a parking lot for sales/serviced vehicles for the Autobahn Motors Sales/Service facility. As previously noted, the subject parking area was fully developed with paving, fencing, landscaping, lighting, striping, and drainage improvements as part of the original development of the site.

Environmental Clearance (CEQA)

The project is subject to environmental review under the provisions of the CEQA. An Initial Study was prepared for the project (see Attachment IV). As there are no physical improvements associated with the project, the Initial Study did not identify any potentially significant environmental impacts and a Negative Declaration was prepared. The City noticed the availability of the IS/ND along with the *Notice of Intent to Adopt a Negative Declaration* in the San Mateo Times on February 21, 2009. The same noticing was also mailed to property owners within a 300 foot radius of the site. A 20-day public review period commenced on February 23, 2009 and closed on March 16, 2009. No comments have been received as of the writing of this report.

Discussion

Rezone & Conceptual Development Plan (CDP) Analysis & General Plan Consistency

The single finding required for Rezoning a property (via Amendment of a CDP) 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 Rezoning (and whether it is *required*), the central issue is consistency with the General Plan. To determine that consistency, applicable goals and policies of the Belmont General Plan must be considered in light of this proposal. The Planning Commission determined that such goals and objectives are achieved by the proposed Rezoning of the subject property to Planned Development.

General Plan Conformance

The General Plan designates the project site as Mixed Use Area – East Belmont. The proposed project does not change the intended land use for the established Planned Development (automobile sales/service and associated parking). The existing and proposed uses are identical and in conformance with the general plan designation.

The project site has been fully developed in accordance with the City's General Plan, consistent with the following General Plan Goals and Policies.

Mixed Use Development

2056 Goals

1. *To permit integrated and creative development of the land in East Belmont north of Marine World Parkway in a combination of public and private uses.*
2. *To protect the sensitive ecological environment of the Baylands*
3. *To enhance opportunities for water related recreation*
4. *To increase the City's tax base and enhance housing opportunities*
5. *To adapt the type, location and intensity of development of the area to the natural and manmade features and constraints and opportunities of the site and surrounding lands.*

2057 Policies

1. *The City shall seek the coordinated development of the land in East Belmont in a mix, of uses including water related recreation, sports facilities, housing, offices and other commercial activities.*

Analysis. The land in East Belmont has been developed with a combination of public and private uses including the Belmont Sports Complex, Summerfield Suites, Oracle and other commercial buildings, mixed-commercial uses, and the subject auto sales/service use. At the time of development approvals, an Environmental Impact Report was prepared for the project and appropriate mitigation measures were implemented to ensure protection of the sensitive ecological environment of the Baylands. Lastly, the original mixed-use development approval included housing, as well as revenue generating uses such as hotel uses and automobile sales/service.

Commercial Areas

2025 Goals

1. *To provide space for commercial activities in locations with good vehicular, bicycle and pedestrian access available public services, adequate parking and compatible adjacent uses.*
2. *To promote commercial development, which meets the needs of local residents for convenience goods and services and which is fiscally beneficial to the city.*

3. *To improve the attractiveness and functioning of existing commercial areas through such means as landscaping and design controls, and provision of adequate parking, sidewalks, bike paths and bike racks.*
4. *To provide opportunities for commercial employment in attractive, landscaped environments.*

2026 Policies

1. *Commercial and office uses should be located on or near major thoroughfares to discourage traffic in residential neighborhoods and should include sufficient off-street parking to prevent disruption of traffic flow on major streets.*

Analysis. The subject property is in close proximity to Highway 101, and can be accessed from Island Parkway. The existing automobile sales/service use generates significant revenue for the city in sales tax. The existing commercial building is well-designed, and landscaped, and the project site exceeds the off-street parking required by the City's Zoning Ordinance.

Based on the above discussion, the Planning Commission recommended that a specific finding can be made that the proposed Rezone of the subject site to Planned Development achieves the goals and objectives of the Zoning Ordinance and General Plan for the City.

Conceptual Development Plan Findings

As discussed above, the PD zoning district allows flexibility of design in accordance with the goals, policies, and objectives of the General Plan. This rezoning also allows for flexibility in meeting the strict interpretation of the Zoning Ordinance, provided the project is well designed, includes a favorable balance of open space to developed area, is sensitive to existing terrain, and is compatible with surrounding uses.

In order to approve the proposed zone change to PD with the accompanying conceptual development plan, the following findings must be made:

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 project site is fully developed with all necessary utilities, and is accessible from Island Parkway (a public street). The property to be rezoned is an undesignated piece of land that is currently leased from the City of Belmont for use as a parking lot for sales/serviced vehicles for

the Autobahn Motors Sales/Service facility. The project site is well maintained and landscaped, and review of City files indicates that it has generally operated in harmony with surrounding uses since its initial construction. While the City's commercial districts conditionally permit automobile sales/service facilities, there are no large commercial properties available that have freeway visibility, an excess of parking, and streets with sufficient capacity to support the use. Therefore, staff believes that the total development can exist as an independent unit capable of creating an environment of sustained desirability, and 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. This finding can be made in the affirmative.

- 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 subject property is located in close proximity to State Highway 101, Ralston Avenue and Island Parkway. A complete traffic study was conducted as part of an Environmental Impact Report Addendum in 1994, which concluded there would be no significant traffic impacts from the proposed use, and no traffic impacts have been reported since that time. The project includes a rezoning of a remnant piece of the property to a Planned Development District (PD) via amendment of a Conceptual Development Plan (CDP). The property to be rezoned is an undesignated piece of land that is currently leased from the City of Belmont for use as a parking lot for sales/serviced vehicles for the Autobahn Motors Sales/Service facility. Thus, the project in and of itself would generate no additional traffic. This finding can be made in the affirmative.

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

This is the only large automobile sales/service facility within the City of Belmont. Automobile sales/service facilities generate significant revenues for the City, which far exceed the cost of city services for such a use. This finding can be made in the affirmative.

- 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 existing parking area would be incorporated into the project site as part of the project. No additional development is proposed, and no extensions of utilities or additional fire or police services are needed. The project has been reviewed by all appropriate departments to ensure that all service levels can be maintained to protect the public health, safety and welfare. This finding can be made in the affirmative.

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 project amends the Planned Development District to incorporate an existing parking area, and would not result in an increased parking demand. The existing automobile sales/service facility includes parking spaces for approximately 333 vehicles – 184 spaces for the sales/service building and 149 spaces for the parking lot across the street. Under Belmont Zoning Ordinance regulations for the existing type of use (automobile sales/service facility), 298 spaces would be required. Thus, the existing facility exceeds the required parking identified within the Zoning Ordinance. This finding can be made in the affirmative.

Fiscal Impact

None at this time. The site is currently leased to the applicant by the City. A rezoning of the project site would permit the applicant to purchase the site; however the City is under no obligation to sell the property. A fiscal impact analysis would be performed to provide information to guide the Council in their decision-making process, prior to making any determination whether to sell or continue leasing the property.

Public Contact

1. For Rezoning and Conceptual Development Plan (CDP) actions to establish a Planned Development Zoning District, the City Council is required to hold a public meeting as per Section 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 4, 2009, for the scheduled public hearing City Council on April 14, 2009.
2. Notice to the public was mailed in accordance with State law and local ordinance (300 feet of the subject site) and the agenda was posted as required by the California Government Code.

Recommendation

Staff recommends the City Council take the following action:

1. Approve a resolution adopting the Negative Declaration.
2. Adopt an Ordinance approving the Rezoning of the subject site to Planned Development (PD) via Amendment of a Conceptual Development Plan (CDP).

Alternatives

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

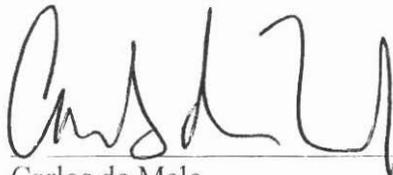
Attachments

- I. Resolution adopting the Negative Declaration
- II. City Council Draft Ordinance Rezoning the property to Planned Development District via Amendment to a Conceptual Development Plan
- III. March 3, 2009 Planning Commission staff report, adopted Resolutions, and attachments (Council only)
- IV. Negative Declaration & Initial Study dated March 3, 2009 (Council only)
- V. Project Plans and Materials (Council only)

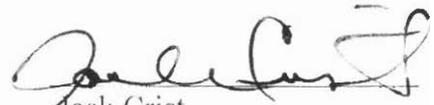
Respectfully submitted,



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CITY COUNCIL RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE
FOR THE REZONING OF A REMNANT PIECE OF THE PROPERTY TO A PLANNED
DEVELOPMENT DISTRICT (PD) VIA AMENDMENT OF A CONCEPTUAL
DEVELOPMENT PLAN (CDP) AT 700 ISLAND PARKWAY
(APN: 040-360-480 & 040-360-530) (APPL. NO. 2008-0041)**

WHEREAS, an Initial Study was prepared for the project and based upon the findings of the Initial Study a draft Negative Declaration was prepared; and,

WHEREAS, the draft Initial Study/ Negative Declaration was prepared and posted at the County of San Mateo Recorder's office for a 20-day public review period commencing on February 23, 2009, and ending on March 16, 2009; and,

WHEREAS, the City noticed the availability of the Initial Study/ Negative Declaration along with the *Notice of Intent to Adopt a Negative Declaration* in the San Mateo Times on February 21, 2009 and the same noticing was also mailed to property owners within a 500 foot radius of the site; and,

WHEREAS, a public hearing was duly noticed, held on April 14, 2009, and closed; and,

WHEREAS, there are no potential impacts associated with environmental categories for Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use and Planning Mineral Resources, Noise, Population and Housing Public Services, Recreation, Transportation/Traffic, Utilities/Service Systems, and Mandatory Findings of Significance, as identified in the Initial Study; and

WHEREAS, the City Council has considered the potential impacts of the proposed project as set forth in the Initial Study/Negative Declaration of environmental significance attached as part of the April 14, 2009 Staff Report, and finds that there would be no significant effects on the environment from the project.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby adopts a Negative Declaration of Environmental Significance as the appropriate CEQA documentation for the project pursuant to the provisions of the Public Resources Code known as the California Environmental Quality Act, and City-adopted implementation guidelines.