

PRIOR ACTIONS

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.

SITE CONDITIONS

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.

PROJECT ANALYSIS

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, 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.

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. 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. A condition of approval would require that the applicant record a Lot Line Adjustment to merge the portion of abandoned right-of-way with Lot 15.

DISCUSSION

Zoning Conformance - Conceptual and Detailed Development Plans

The project entails an Amendment to an established Planned Development District for the subject site; approval is subject to the review provisions of Section 12 (Planned Unit Development or “PD” District) of the Belmont Zoning Ordinance. Unlike properties in other zoning districts, properties seeking a PD designation are governed by a two-step review process: First, general issues of land use, site plans and circulation plans are reviewed by way of an application for a Conceptual Development Plan (CDP). After approval, more detailed issues – such as building architecture, landscaping, parking layout, and lighting – are evaluated by way of an application for a Detailed Development Plan (DDP).

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.

PROJECT DATA (CDP and DDP STANDARDS)

Criteria	Existing PD standards	Required or Max Permitted Under Current Zoning Regulations	Proposed PD Standards
CDP Standards			
Use	Commercial	NA	No Change
Lot Area	4.97 acres	NA	5.44 acres
Floor Area	52,700	NA	No Change
FAR ¹	0.24	NA	0.22
DDP Standards			
Parking ²	None 333 existing	Auto sales: 1 space per 400 sq. ft. at max FAR (132) Auto repair: 2 spaces per service bay (56) plus one space per service employee on largest shift (110) Total: 298	No change 333 spaces
Setbacks ²	As built	NA	No Change
Height ²	As built	NA	No Change
Landscape ²	As built	NA	No Change
¹ FAR decreases because the total property area increases with no proposed corresponding increase in building area. DDP standards pursuant to 1995 CDP/DDP approval, FEIR Amendment, and BCDC Permit approval; "As-built" conditions to be verified and documented through DDP process.			

NEIGHBORHOOD OUTREACH

The applicant performed neighborhood outreach as detailed in the Neighborhood Outreach submittal provided for this report. The applicant reported sending a letter to all property owners within 300 feet of the site informing them of the project and requesting that they comment via telephone or email. The applicant reports that no persons submitted comments for the project. Staff has not received any public comments regarding this project as of the writing of this report. The applicant appears to have achieved the outreach strategy tasks.

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 VI). 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/MND 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 closes on March 16, 2009. No comments have been received as of the writing of this report.

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 Commission must determine 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 project site exceeds the off-street parking required by the City's Zoning Ordinance.

Based on the above discussion, staff believes 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.

CONCLUSION

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

1. Adopt a Resolution recommending City Council approval of the Mitigated Negative Declaration.
2. Adopt a Resolution recommending City Council approval of the Conceptual Development Plan (CDP) and Rezoning of the subject site to Planned Development (PD).

The Commission would subsequently review a Conditional Use Permit to amend the site's Detailed Development Plan (DDP), for the project, predicated upon Council approval of Items #1 and #2 listed above.

ACTION ALTERNATIVES

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

ATTACHMENTS

- I. 300/500 Foot Radius Map incorporated into page two of this report
- II. Resolution recommending City Council adoption of the Mitigated Negative Declaration
- III. Resolution recommending City Council approval of the Conceptual Development Plan (CDP) and Rezoning of the subject site to Planned Development (PD)
- IV. Performance Standards – Conceptual Development Plan
- V. Belmont Zoning Ordinance Section 12 – Planned Development District
- VI. Negative Declaration & Initial Study - (Commission Only)
- VII. Full-size plans and aerial photograph- (Commission Only)

Respectfully submitted,

Damon DiDonato
Senior Planner

Carlos de Melo
Community Development Director

CC: Applicant/Property Owner

RESOLUTION NO. 2009-08

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
RECOMMENDING CITY COUNCIL ADOPTION OF 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 and a Negative Declaration of Environmental Significance have been prepared for the proposed 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 and Remnant Parcel; and,

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 March 3, 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 Planning Commission 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 March 3, 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 Planning Commission hereby recommends the City Council adopt 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.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on March 3, 2009 by the following vote:

AYES,
COMMISSIONERS: Parsons, Frautschi, Horton, McKenzie, Mayer & Reed

NOES,
COMMISSIONERS: None

ABSENT,
COMMISSIONERS: None

ABSTAIN,
COMMISSIONERS: None

RECUSED,
COMMISSIONERS: None

Carlos de Melo
Planning Commission Secretary