

RESOLUTION NO. 2009-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
RECOMMENDING CITY COUNCIL APPROVAL OF A REZONING OF A REMNANT
PIECE OF THE PROPERTY TO A PLANNED DEVELOPMENT DISTRICT (PD) VIA
AMENDMENT OF A CONCEPTUAL DEVELOPMENT PLAN AT 700 ISLAND PARKWAY
(APPL. NO. 08-0041)

WHEREAS, Sonic Development (applicant), on behalf of Lucas Trust Properties, LLC and the City of Belmont (owners), requests Rezoning of a remnant piece of the property to a Planned Development District (PD) via amendment of a Conceptual Development Plan at 700 Island Parkway and Remnant Parcel; and,

WHEREAS, on March 3, 2009, 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,

WHEREAS, the Planning Commission of the City of Belmont finds the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). An environmental impact assessment was prepared for the project and it was determined that the project would have no significant impacts on the environment; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated March 3, 2009, and the facts contained therein as its own findings of facts; and,

WHEREAS, the Planning Commission, after consideration of all testimony and reports, thereby determines that the proposed Rezoning of a remnant piece of the property to a Planned Development District (PD) via amendment of a Conceptual Development Plan at 700 Island Parkway achieves the objectives of the Zoning Plan and General Plan for the City for the following reasons:

1. The Planning Commission believes the project is 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.*

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.*

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, the Planning Commission 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.

WHEREAS, the Planning Commission, 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 amend a Planned Development (PD) Zone for the subject property to include the remnant parcel 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 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, the Planning Commission 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 is affirmed.

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 is affirmed.

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 is affirmed.

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 is affirmed.

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 is affirmed.

Based on the above discussion, the Planning Commission 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.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends the City Council approve the Rezoning of a remnant piece of the property to a Planned Development District (PD) via amendment of a Conceptual Development Plan at 700 Island Parkway, subject to the Performance Standards attached as Exhibit "A".

* * * * *

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

EXHIBIT "A"

PERFORMANCE STANDARDS REZONING OF A REMNANT PIECE OF PROPERTY TO A PLANNED DEVELOPMENT DISTRICT (PD) VIA AMENDMENT OF A CONCEPTUAL DEVELOPMENT PLAN AT 700 ISLAND PARKWAY (APPL. NO.PA2008-0041)

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

Planning Division

1. The property owners shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that they have read, understand and agree to these Performance Standards.
2. In the event that this approval is challenged by a third party, the property owners and all assignees will be responsible for defending against this challenge, and agree to accept responsibility for defense at the request of the City. The property owners and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorneys fees that might result from the third party challenge.
3. The applicant shall submit "as-built" drawings for an application for a Detailed Development Plan (DDP) consistent with the requirements set forth in Section 12.5.A of the Zoning Ordinance. The DDP shall be consistent with the following design standards, which are derived from plans and reports on file with the City of Belmont:
 - A. Minimum Lot Size. 5.44 Acres
 - B. Permitted Uses. Automobile Dealership - sales/service facility
 - C. Maximum Floor Area of buildings. 52,700 sq. ft.
 - D. Maximum Floor Area Ratio. 0.22
 - E. Minimum Setbacks and Building Separations: Pursuant to as-built drawings.
 - F. Maximum Building Height: Pursuant to as-built drawings.
 - G. Off-Street Parking: Pursuant to Section 8 (parking) of the Zoning Ordinance.
 - H. Landscaping/Lighting: Pursuant to as-built drawings. Landscaping adjacent to the Belmont Slough shall be native, draught-tolerant species and consistent with all applicable BCDC Landscape Guidelines. All lighting shall be downcast on the project site, and shall not create glare off-site.

- I. Building Materials: Pursuant to as-built drawings and Section 13 (Design Review) of the Zoning Ordinance

Building Division

1. The applicant shall submit a record of survey for the project site.
- II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:
1. Should the applicant purchase the property from the City of Belmont, the applicant shall submit a Lot Line Adjustment (LLA) application for review and approval by the City of Belmont. Said LLA shall merge the remnant property with Lot 15. The applicant shall record the LLA after purchase of the remnant property.
 2. All public utilities including water, sewer, storm-water, electrical, gas, etc. within the property shall have dedicated easements and shall be accepted by the respective utility companies.
- III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT:
1. The applicant shall maintain lighting and fencing of the parking areas for security purposes. Cameras and/or security guards are recommended for watching parked vehicles.

Certification of Approved Final Conditions:

Damon DiDonato, Senior Planner

Date

DATE: March 3, 2009

**DRAFT
NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE**

PROJECT DESCRIPTION

PROJECT NAME: Autobahn Motors Rezone

APPLICANT: Sonic Development

LOCATION: 700 Island Parkway (APN: 040-360-480 & 040-360-530)

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 Summersfield 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 applicant proposes to rezone 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.

ENVIRONMENTAL EFFECTS: As no impacts would occur from the project, no mitigation measures are required.

FINDINGS

1. As documented in the Initial Study, the proposed project will not have a significant adverse affect on the environment, either in the alteration of the site or by creating short- or long-term adverse impacts.

2. This Negative Declaration was prepared in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and applicable guidelines. A copy of the Initial Study, Environmental Checklist and related materials may be obtained at the City of Belmont Planning Department, One Twin Pines Lane, Suite 110, Belmont, CA 94004.
3. Approval of the project will not cause a significant individual or cumulative impact on the environment.
 - a. The proposed project meets minimum General Plan, and Zoning Code standards.
 - b. With mitigation, development of the property will not degrade the quality of the environment.
 - c. Fish and wildlife habitat will not be substantially reduced. There is no viable fish on the project site, and implementation of mitigation measures are required to reduce any potential impacts on biological resources to a less-than-significant level.
4. Approval of the project does not conflict with the adopted environmental goals of the community
5. Approval of the project is permitted by State law and local ordinance.

DETERMINATION

A Draft **NEGATIVE DECLARATION** has been prepared and will be submitted for consideration by the Planning Commission prior to any City decisions on the project. Mitigation measures were not required as conditions of the project, as no significant impacts would occur.

Signature:



Damon DiDonato, Senior Planner
City of Belmont (650) 637-2908

Date: 2-18-9

Attachments:

Initial Study



CITY OF BELMONT
NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION

A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE HAS BEEN PREPARED FOR:

700 Island Parkway (APN: 040-360-480 and 040-360-530) Autobahn Motors

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 currently used as parking lot for sales/serviced vehicles for the Autobahn Motors Sales/Service facility

The project is scheduled for review by the Belmont Planning Commission on **March 3, 2009** and tentatively scheduled for review by the City Council in **April 2009**.

(Appl. No. 2008-0041)

APN: 040-360-480 and 040-360-530; Zoned: PD (Planned Development)

APPLICANT: Sonic Development

OWNER(s): Lucas Trust Properties, LLC and City of Belmont

PROJECT PLANNER: Damon DiDonato, (650) 637-2908

The public review period begins on February 23, 2009 and ends on March 16, 2009. The Negative Declaration and information on this application may be obtained from the City of Belmont Planning Division, One Twin Pines Lane, Suite 110, Belmont, CA 94002, (650) 595-7416. Comments on the Negative Declaration may be submitted during the 20-day review period beginning on February 23, 2009.

February 18, 2009

Damon DiDonato
Senior Planner