

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELMONT
REZONING A REMNANT PIECE OF PROPERTY TO A PLANNED DEVELOPMENT
DISTRICT (PD) VIA AMENDMENT OF A CONCEPTUAL DEVELOPMENT PLAN
(CDP) AT 700 ISLAND PARKWAY (APPL. NO. 2008-0041)**

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 a Remnant Parcel; and,

WHEREAS, on April 14, 2009, the City Council, following notification in the prescribed manner, conducted public hearing(s), at which hearing the City Council considered public testimony and a staff report on the aforementioned requested entitlements; and,

WHEREAS, on April 14, 2009, 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 environmental impact assessment was prepared for the project and determined that the project would have a less than significant impact; and,

WHEREAS, the City Council hereby adopts the staff report dated April 14, 2009, and the facts contained therein as its own findings of facts; and,

SECTION 1: NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Belmont, 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 City Council 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, the City Council 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 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 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 City Council 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.

WHEREAS, the City Council 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 City Council approves 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”.

SECTION 2: 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 14th day of April, 2009.

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PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2009.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont