

Staff Report

APPEAL OF THE PLANNING COMMISSION DECISION TO DENY A CONDITIONAL USE PERMIT TO MODIFY A CONDITION OF APPROVAL FOR PLANNING COMMISSION RESOLUTION 1988-2 (DETAILED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, DESIGN REVIEW) FOR PROPERTY LOCATED AT 1301 RALSTON AVENUE

Honorable Mayor and Council Members:

Summary

On April 7, 2009, by a 6-0 vote, the Planning Commission adopted Resolution 2009-12 denying a Conditional Use Permit request to modify a condition of approval for Planning Commission Resolution 1988-2. 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 the 04/07/09 Planning Commission Staff Report (Attachment D), this Condition of Approval has not yet been satisfied via recordation of the lot consolidation certificate with the County Recorder's Office. Simply stated, the City recognizes that there is one legal parcel required to exist as a result of satisfaction of the above condition. The appellants have refused to re-execute a lot consolidation certificate despite the fact that they and their predecessors have enjoyed the benefits of the 1988 approval.

Based on a review of the appeal and the Commission's action, staff recommends that the City Council deny the appeal and uphold the Planning Commission's decision to deny the Conditional Use Permit application.

Background/Planning Commission Action

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 proposed Conditional Use Permit amendment application as submitted is in conflict with 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) via splitting the one recognized lot (via the 1988 condition) into two lots.

A modification such as 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 furnishing such an application to request an amendment to the Planned Development, the application submittal resulted in an incorrect request of an amendment to the existing Conditional Use Permit, which is a discretionary approval.

Appeal Analysis

Staff has reviewed the letter from the appellant's representative, Christine Griffith of Ellman Burke Hoffman & Johnson, dated April 17, 2009 and has provided the following responses:

Appeal Argument #1

From the Appellant's Representative: *"The Planning Commission's action passing and adopting this Resolution constitutes an abuse of discretion contrary to law."*

Staff Response: Neither the appellant nor their representative has explained how the Planning Commission, in exercising their authority as a decision making body for review of land use entitlements, demonstrated an abuse of discretion contrary to law in denying the requested Conditional Use Permit. In reviewing all available project information, the Planning Commission made the determination that a Conditional Use Permit amendment is not the correct entitlement required for this project (and associated request).

Appeal Argument #2

From the Appellant's Representative: *"With this appeal, we are submitting a check in the amount of \$950.00 as required under Section 15 of the Belmont Zoning Ordinance and the City of Belmont Master Fee Schedule. However, we submit this check under protest. This fee is unreasonably high and appears to be an improper and unlawful attempt to deter interested parties from appealing decisions of the Planning Commission. In addition, it does not appear that the fee is reasonably related to the cost of processing the appeal."*

Staff Response: Appeal fees are set by Council resolution, and are based on an analysis of the staff time involved in processing the appeal. Both in general and in this specific case, the appeal fee is significantly less than the fee collected to process the original application, even though processing and analyzing appeals consumes significant staff time. In any event, the applicant here was not deterred from filing the appeal by the amount of the fee. Moreover, the fact that the fee, reasonable or otherwise, was charged, is not a reason to grant the appeal and overturn the Planning Commission's decision.

Appeal Argument #3

The appellants have made verbal claims (see Draft Minutes from the 04/07/09 Planning Commission Meeting) that they were previously misled by City staff to file a Conditional Use Permit application to amend the Conditions of Approval from Planning Commission Resolution 1988-2.

Staff Response: The appellant submitted the subject application on September 17, 2007. The information available to staff at that time indicated that a Conditional Use Permit request to modify an existing condition of approval was the appropriate mechanism to modify the lot lines on the subject property.

Subsequent to the application submittal, staff located and reviewed all previous project files, and discovered the original, unrecorded lot consolidation certificate signed by the current owner's predecessor in interest. Accordingly, the City determined that the subject property does not consist of three legal parcels and that a Conditional Use Permit was not the appropriate mechanism to modify the Planned Development as requested by the applicant. The appellant was notified of this determination in April 2008, approximately 14 months ago.

The City formally requested that the appellant withdraw the current application and comply with the applicable Condition of Approval by executing a new lot consolidation certificate. The applicant was also informed that 100% of the fees submitted would either be refunded to the appellant or could be applied to a new correct application. The applicant declined to withdraw the application or satisfy the prior condition of approval by executing a new lot consolidation certificate, and instead elected to proceed with their original application. That application was rescheduled for Planning Commission review on 12/16/08, but that hearing was continued at the applicant's request to the 4/7/09 meeting. At that hearing, the Planning Commission denied the applicant's request.

Conclusion

Staff recommends that the City Council deny the appeal and uphold the decision of the Planning Commission. The Appellant has not demonstrated that the Planning Commission abused its discretion in denying the Conditional Use Permit. The record contains substantial evidence to support the Planning Commission's determination that a Conditional Use Permit is not the appropriate entitlement required to modify the project lot lines as requested by the appellant. Absent this showing, there is not sufficient basis upon which the City Council should overturn the Planning Commission's decision.

Fiscal Impact

None.

Public Contact

1. The City Council is required to hold a public hearing for review of the subject appeal request. The City placed a public notice display ad in the local newspaper of general circulation (San Mateo Times) for a minimum 10-day period prior to this meeting. The City also mailed the appeal hearing public notice on May 15, 2009 to all property owners within 300 feet of the subject site and other interested parties to inform such persons of the appeal hearing.
2. The appellant and their representatives were also informed of the public hearing.

Recommendation

Staff does not find sufficient basis in the Appellant submittal to overturn the Planning Commission's decision and recommends the City Council adopt the attached resolution upholding the Planning Commission's decision to deny the Conditional Use Permit request for the property located at 1301 Ralston Avenue.

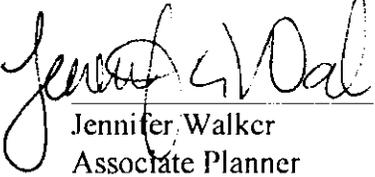
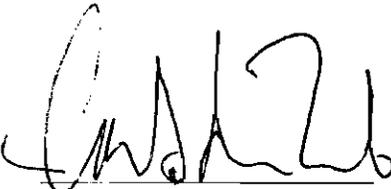
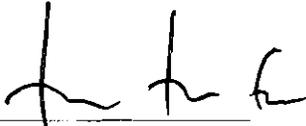
Alternatives

1. Direct staff to prepare a resolution based on findings provided by the City Council to grant the appeal, overturn or modify the decision of the Planning Commission, and approve the requested entitlement for property located at 1301 Ralston Avenue.
2. Continue the matter and direct staff to prepare an alternative course of action.

Attachments

- A. City Council Resolution Denying the Requested Entitlements and Upholding the Planning Commission Decision
- B. Appellant Submittal/Project Plans & Materials (City Council only)
- C. Planning Commission Resolution 1988-2
- D. April 7, 2009 Planning Commission Staff Report, Adopted Resolution 2009-12 Denying the requested entitlements, and Draft Meeting Minutes
- E. Letter from project neighbor dated 03/17/09

Respectfully submitted,


Jennifer Walker
Associate Planner
Carlos de Melo
Community Development Director
Jack R. Crist
City Manager

Staff Contact:

Jennifer Walker, Associate Planner

(650) 595-7453

jwalker@belmont.gov

Attachment - A

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
UPHOLDING THE PLANNING COMMISSION'S DECISION
TO DENY A CONDITIONAL USE PERMIT REQUEST FOR 1301 RALSTON AVENUE
(APPL. NO. 2007-0062)**

WHEREAS, Christine W. Griffith, appellant, on behalf of PAMI PCC, Inc., property owner, requests Conditional use Permit approval to modify a Condition of Approval for Planning Commission Resolution 1988-2 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 May 26, 2009; and,

WHEREAS, the City Council 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 City Council hereby adopts the staff report dated May 26, 2009 and the facts contained therein as its own findings of fact; 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 appellants 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 City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony hereinabove set forth; and,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont hereby upholds the Planning Commission's decision denying the Conditional Use Permit request to modify Condition of Approval #20 from Planning Commission Resolution 1988-2 for the property at 1301 Ralston Avenue.

* * * * *

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting held thereof held on May 26, 2009 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

CLERK of the City of Belmont

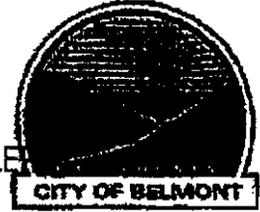
APPROVED:

MAYOR of the City of Belmont

ATTACHMENT - B

RECEIVED

APR 17 2009



CITY OF BELMONT
APPEAL APPLICATION
ZONING ORDINANCE #360 - SECTION 15

I, PAMI PCC Inc. + RV California LP, appeal the action of the PLANNING COMMISSION
at the Regular Meeting held on April 7, 2009
on the application for Conditional Use Permit ^{to amend conditions of approval for} Resolution 1988-2 (Appl. No. 2007-0062)
granted/not granted to PAMI PCC Inc. + RV California LP
concerning the property located at the following address 1301 Ralston Avenue
Being Lot _____ Block _____ Subdivision _____
Assessor's Parcel No. 045-195-030, 045-195-040, + 045-170-010

This APPEAL, in accordance with Ordinance #360, gives the following reason(s) to make claim that there was an error or abuse of discretion by the Commission, or wherein its decision was not supported by the evidence in the record:

The Planning Commission's action denying the application for lot line adjustment and Conditional Use Permit Amendment constitutes an abuse of discretion and action contrary to law.

I, the undersigned appellant, do hereby certify that this Appeal, in accordance with Ordinance #360, has been filed within the ten (10) day filing period and the fee of \$950.00 has been paid to the City of Belmont.

FOR OFFICE USE ONLY:
Applic. No. _____
Date Received _____
Receipt No. _____
Probable Hearing Date _____

[Signature]
Appellant Signature Pacific Coast Capital Partners
150 California St, 22ND Floor
Address San Francisco CA 94111
City, Zip Code
Email address kuemmeler@pccplc.com
pccoastcapital.com
Office Phone (415) 732-7545
Home Phone _____

- The applicant must submit 8 paper sets of complete plans (stapled and folded to fit in an 8 1/2 x 14" folder) with the completed appeal form. Appeals cannot be processed without the required sets of plans.
- The appellant must provide 8 paper sets of any materials they want considered with their appeal application.
- The City of Belmont cannot accept electronic submittals at this time.

ELLMAN BURKE HOFFMAN & JOHNSON
A PROFESSIONAL LAW CORPORATION

601 CALIFORNIA STREET
NINETEENTH FLOOR
SAN FRANCISCO, CA 94108
415-777-2727
WWW.ELLMAN-BURKE.COM

CHRISTINE W. GRIFFITH
415-296-1750 DIRECT FAX
CGRIFFITH@ELLMAN-BURKE.COM

April 17, 2009

RECEIVED

APR 17 2009

BELMONT CITY CLERK

VIA HAND DELIVERY

City Council
City of Belmont
One Twin Pines Lane
Suite 375
Belmont, CA 94002

Re: Appeal of Denial of Conditional Use Permit Application for Property Located at
1301 Ralston Avenue, Planning Commission Resolution 2009-12

Dear Honorable City Council Members:

On behalf of the property owners PAMI PCC, Inc. and RV California, LP, we hereby appeal the Resolution of the Planning Commission denying a Conditional Use Permit to amend the conditions of approval for Resolution 1988-2 for 1301 Ralston Avenue (appl. no. 2007-0062) to the City Council. This Resolution was passed and adopted at a regular meeting of the Planning Commission held on April 7, 2009. The Planning Commission's action passing and adopting this Resolution constitutes an abuse of discretion contrary to law.

In accordance with Section 15 of the Belmont Zoning Ordinance, we are submitting this appeal within 10 days following the date of the Planning Commission decision. With this appeal, we are submitting a check in the amount of \$950.00 as required under Section 15 of the Belmont Zoning Ordinance and the City of Belmont Master Fee Schedule. However, we submit this check under protest. This fee is unreasonably high and appears to be an improper and unlawful attempt to deter interested parties from appealing decisions of the Planning Commission. In addition, it does not appear that the fee is reasonably related to the cost of processing the appeal.

Please provide copies of all correspondence on this matter to me and Joel Roos, whose contact information you have on file.

Sincerely,



Christine W. Griffith

Enclosures

cc: Joel Roos, Pacific Union Development Company



**ENGINEERS
SURVEYORS
PLANNERS**

July 6, 2006
BKF Job No. 20010157-10

RECEIVED

APR 17 2009

BELMONT CITY CLERK

DESCRIPTION OF ADJUSTED PARCEL 1

All that real property situate in the City of Belmont, San Mateo County, State of California being all of Parcel 1, a portion of Parcel 2 and a portion of Parcel 3, as said parcels are described in that certain Grant Deed, recorded on November 11, 2005 as Document No. 2005-200396, Official Records of San Mateo County and being more particularly described as follows:

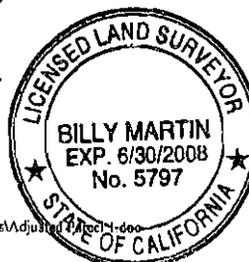
BEGINNING at the northwesterly corner of said Parcel 1; thence along the northerly line of said Parcel 1, North 82°29'00" East, 150.00 feet to the northeasterly corner of said Parcel 1; thence along the easterly line of said Parcel 1, South 16°11'00" East, 1086.00 feet to the southeasterly corner of said Parcel 1; thence along the southerly line of said Parcel 1, South 42°00'19" West, 110.00 feet to the most southerly corner of said Parcel 1, also being the southeasterly corner of said Parcel 2; thence along the southerly line of said Parcel 2, South 40°39'42" West, 80.76 feet; thence leaving said southerly line, North 32°45'19" West, 729.74 feet; thence North 10°08'30" West, 99.39 feet; thence South 79°51'30" West, 33.54 feet; thence North 9°49'58" West, 14.69 feet; thence South 79°26'10" West, 28.90 feet; thence North 10°27'48" West, 28.73 feet to a point which bears South 79°32'12" West, 10.5 feet from the southeasterly corner of an existing building; thence continuing along said line, North 10°27'48" West, 183.41 feet; thence South 79°28'33" West, 31.00 feet; thence North 64°09'15" West, 27.93 feet to the beginning of a tangent curve to the right; thence along said curve having a radius of 49.00 feet, through a central angle of 95°08'17", an arc length of 81.36 feet; thence North 11°03'00" West, 71.68 feet; thence North 80°27'00" East, 293.08 feet to a point on the common line of said Parcel 1 and said Parcel 2; thence along said common line, North 11°03'00" West, 49.02 feet to the POINT OF BEGINNING and containing an area of 8.67 acres, more or less.

A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit "B"

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

255 Shoreline Drive
Suite 200
Redwood City
California 94065
phone 650.482.6300
fax 650.482.6399
www.bkf.com


Billy Martin, P.L.S. 5797
License Expires: 06/30/2008



7.06.06
Dated

ADJUSTED PARCEL 1.txt

Parcel name: ADJUSTED PARCEL 1

North: 2015491.4736 East : 6045106.1606
Line Course: N 82-29-00 E Length: 150.00
North: 2015511.0958 East : 6045254.8716
Line Course: S 16-11-00 E Length: 1086.00
North: 2014468.1288 East : 6045557.5526
Line Course: S 42-00-19 W Length: 110.00
North: 2014386.3896 East : 6045483.9407
Line Course: S 40-39-42 W Length: 80.76
North: 2014325.1275 East : 6045431.3182
Line Course: N 32-45-19 W Length: 729.74
North: 2014938.8309 East : 6045036.4910
Line Course: N 10-08-30 W Length: 99.39
North: 2015036.6680 East : 6045018.9901
Line Course: S 79-51-30 W Length: 33.54
North: 2015030.7622 East : 6044985.9741
Line Course: N 09-49-58 W Length: 14.69
North: 2015045.2364 East : 6044983.4655
Line Course: S 79-26-10 W Length: 28.90
North: 2015039.9381 East : 6044955.0553
Line Course: N 10-27-48 W Length: 28.73
North: 2015068.1904 East : 6044949.8378
Line Course: N 10-27-48 W Length: 183.41
North: 2015248.5505 East : 6044916.5294
Line Course: S 79-28-33 W Length: 31.00
North: 2015242.8883 East : 6044886.0508
Line Course: N 64-09-15 W Length: 27.93
North: 2015255.0644 East : 6044860.9147
Curve Length: 81.36 Radius: 49.00
Delta: 95-08-17 Tangent: 53.60
Chord: 72.33 Course: N 16-35-07 W
Course In: N 25-50-45 E Course Out: N 59-00-58 W
RP North: 2015299.1630 East : 6044882.2763
End North: 2015324.3880 East : 6044840.2680
Line Course: N 11-03-00 W Length: 71.68
North: 2015394.7391 East : 6044826.5294
Line Course: N 80-27-00 E Length: 293.08
North: 2015443.3635 East : 6045115.5477
Line Course: N 11-03-00 W Length: 49.02
North: 2015491.4747 East : 6045106.1522

Perimeter: 3099.21 Area: 377,855 sq. ft. 8.67 acres

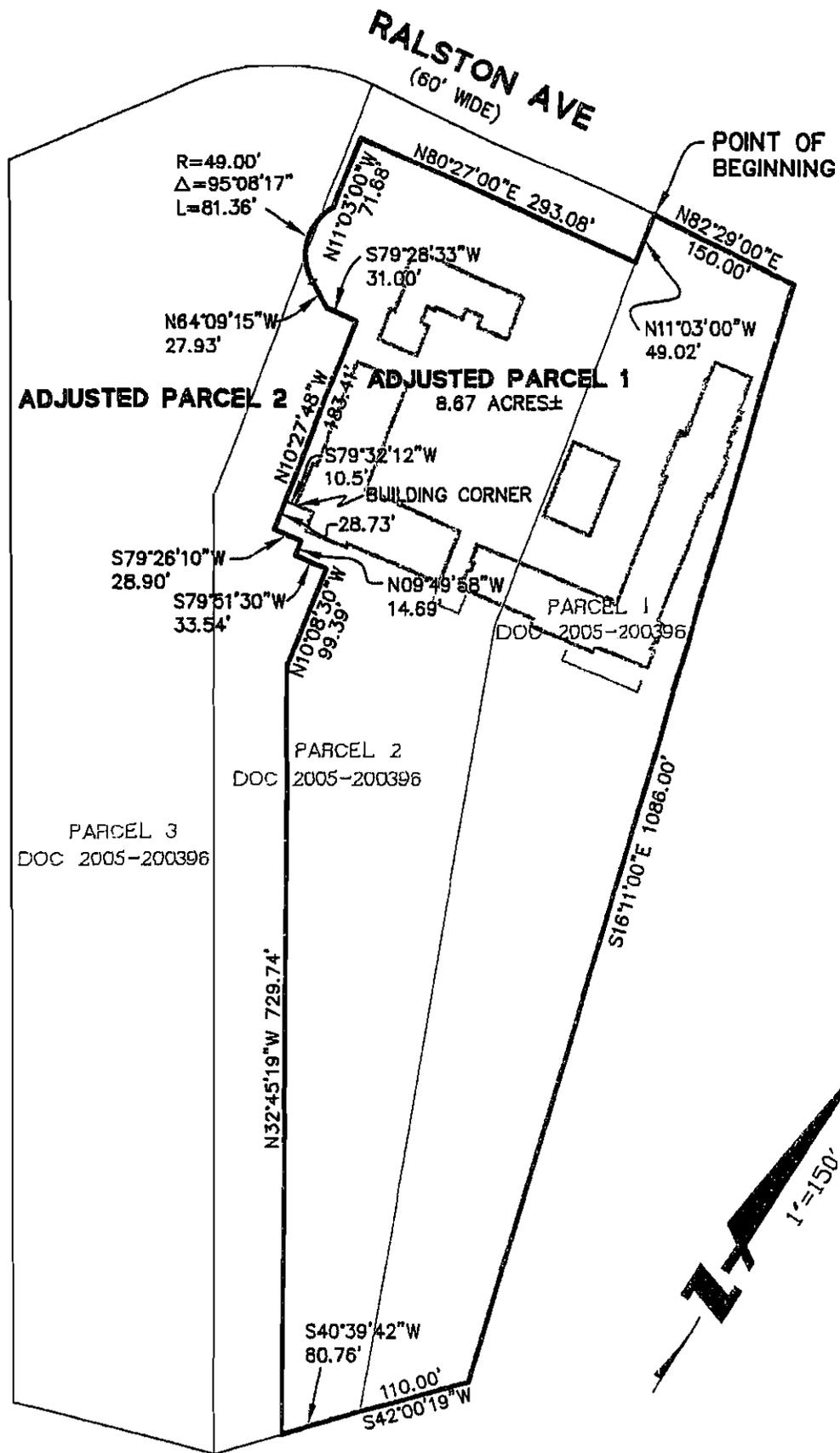
Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0084 Course: N 82-41-33 W

Error North: 0.00107 East : -0.00837

Precision 1: 368,955.95





255 SHORELINE DR
 SUITE 200
 REDWOOD CITY, CA 94065
 650-482-6300
 650-482-6399 (FAX)

Subject **ADJUSTED PARCEL 1**
EXHIBIT "B"

Job No. 20010157-10

By MK Date 04/14/06 Chkd. BM

SHEET 1 OF 1



ENGINEERS
SURVEYORS
PLANNERS

July 6, 2006
BKF Job No. 20010157-10

DESCRIPTION OF ADJUSTED PARCEL 2

All that real property situate in the City of Belmont, San Mateo County, State of California being a portion of Parcel 2 and a portion of Parcel 3, as said parcels are described in that certain Grant Deed, recorded on November 11, 2005 as Document No. 2005-200396, Official Records of San Mateo County and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Parcel 2; thence along the easterly line of said Parcel 2, South 11°03'00" East, 49.02 feet; thence leaving said easterly line, South 80°27'00" West, 293.08 feet; thence South 11°03'00" East, 71.68 feet to the beginning of a non-tangent curve to the left from which point a radial line bears South 59°00'58" East; thence along said curve having a radius of 49.00 feet, through a central angle 95°08'17", an arc length of 81.36 feet; thence South 64°09'15" East, 27.93 feet; thence North 79°28'33" East, 31.00 feet; thence South 10°27'48" East, 183.41 feet to a point which bears South 79°32'12" West, 10.5 feet from the southwesterly corner of an existing building; thence continuing along said line, South 10°27'48" East, 28.73 feet; thence North 79°26'10" East, 28.90 feet; thence South 9°49'58" East, 14.69 feet; thence North 79°51'30" East, 33.54 feet; thence South 10°08'30" East, 99.39 feet; thence South 32°45'19" East, 729.74 feet to a point on the southerly line of said Parcel 2; thence along said southerly line, South 40°39'42" West, 69.24 feet to the most southerly corner of said Parcel 2, also being the southeasterly corner of said Parcel 3; thence along the southerly line of said Parcel 3, South 71°09'42" West, 200.00 feet to the southwesterly corner of said Parcel 3; thence along the westerly line of said Parcel 3, North 33°20'25" West, 1175.97 feet to the northwesterly corner of said Parcel 3; thence along the northerly line of said Parcel 3, North 34°38'25" East, 188.27 feet to the beginning of a non-tangent curve to the right from which point a radial line bears South 55°21'35" East; thence continuing along said northerly line and along said curve having a radius of 230.00 feet, through a central angle of 45°48'35", an arc length of 183.89 feet to the northeasterly corner of said Parcel 3 also being the northwesterly corner of said Parcel 2; thence along the northerly line of said Parcel 2, North 80°27'00" East,

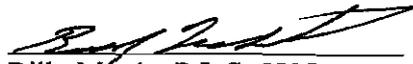
255 Shoreline Drive
Suite 200
Redwood City
California 94065
phone 650.482.6300
fax 650.482.6399
www.bkf.com

Exhibit A
Page 1 of 2

301.66 feet to the POINT OF BEGINNING and containing an area of 8.46 acres, more or less.

A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit "B"

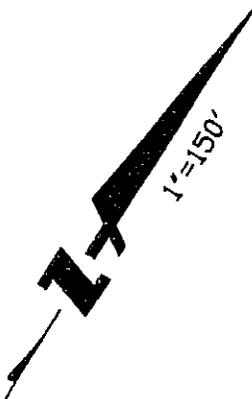
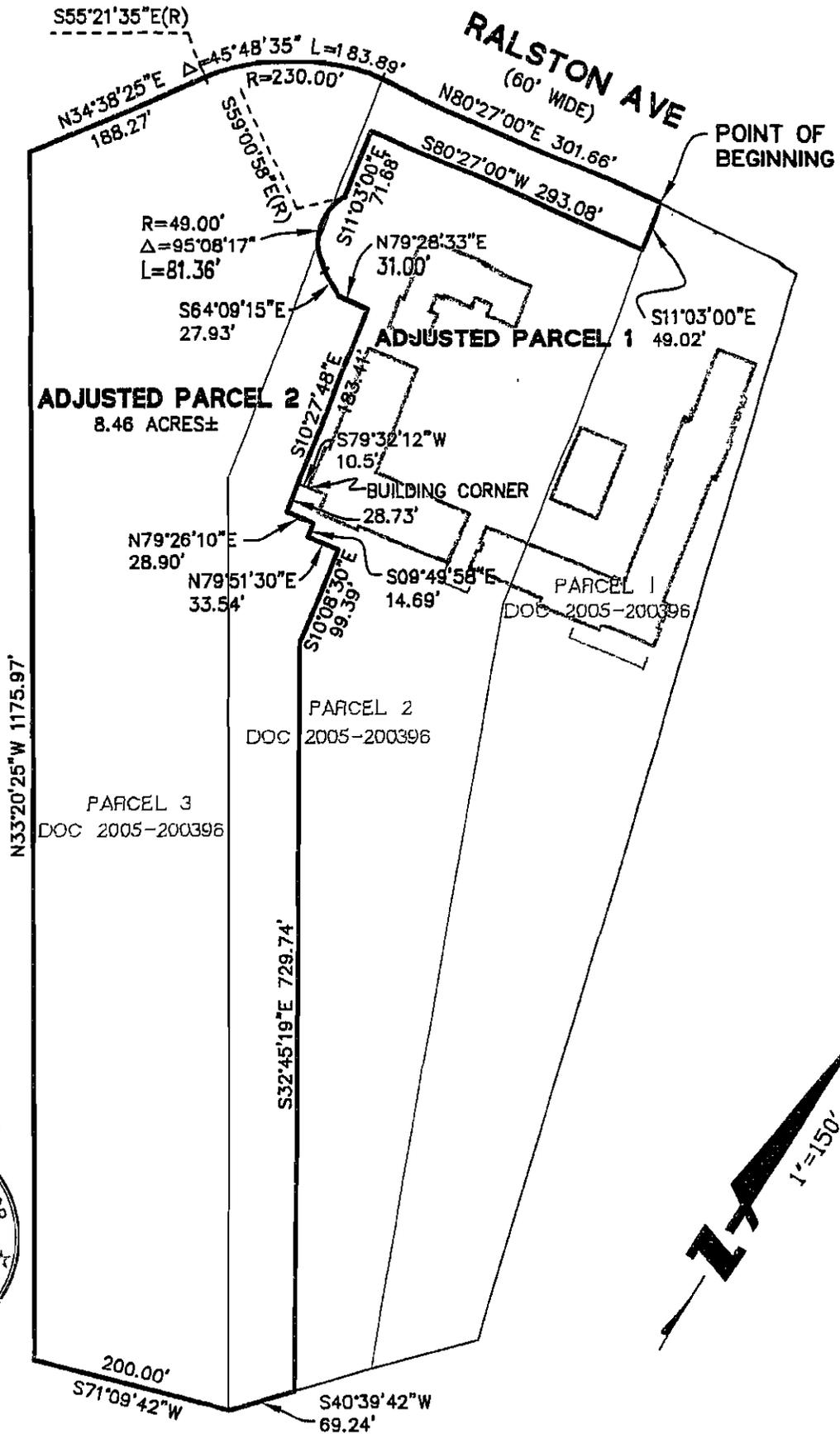
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Billy Martin, P.L.S. 5797
License Expires: 06/30/06 *08*



07.06.06
Dated

K:\MAIN\2001\01015708 Survey\K Plats & Legal Descriptions\Legal\Adjusted Parcel 2.doc



255 SHORELINE DR
 SUITE 200
 REDWOOD CITY, CA 94065
 650-482-6300
 650-482-6399 (FAX)

Subject ADJUSTED PARCEL 2
 EXHIBIT "B"
 Job No. 20010157-10
 By MK Date 04/14/06 Chkd. BM
 SHEET 1 OF 1

ADJUSTED PARCEL 2.txt

Parcel name: ADJUSTED PARCEL 2

North: 2015491.4736 East : 6045106.1606
 Line Course: S 11-03-00 E Length: 49.02
 North: 2015443.3624 East : 6045115.5560
 Line Course: S 80-27-00 W Length: 293.08
 North: 2015394.7380 East : 6044826.5378
 Line Course: S 11-03-00 E Length: 71.68
 North: 2015324.3870 East : 6044840.2764
 Curve Length: 81.36 Radius: 49.00
 Delta: 95-08-17 Tangent: 53.60
 Chord: 72.33 Course: S 16-35-07 E
 Course In: S 59-00-58 E Course Out: S 25-50-45 W
 RP North: 2015299.1619 East : 6044882.2847
 End North: 2015255.0634 East : 6044860.9230
 Line Course: S 64-09-15 E Length: 27.93
 North: 2015242.8873 East : 6044886.0592
 Line Course: N 79-28-33 E Length: 31.00
 North: 2015248.5494 East : 6044916.5377
 Line Course: S 10-27-48 E Length: 183.41
 North: 2015068.1893 East : 6044949.8461
 Line Course: S 10-27-48 E Length: 28.73
 North: 2015039.9370 East : 6044955.0637
 Line Course: N 79-26-10 E Length: 28.90
 North: 2015045.2353 East : 6044983.4739
 Line Course: S 09-49-58 E Length: 14.69
 North: 2015030.7611 East : 6044985.9825
 Line Course: N 79-51-30 E Length: 33.54
 North: 2015036.6669 East : 6045018.9985
 Line Course: S 10-08-30 E Length: 99.39
 North: 2014938.8298 East : 6045036.4993
 Line Course: S 32-45-19 E Length: 729.74
 North: 2014325.1264 East : 6045431.3266
 Line Course: S 40-39-42 W Length: 69.24
 North: 2014272.6030 East : 6045386.2104
 Line Course: S 71-09-42 W Length: 200.00
 North: 2014208.0232 East : 6045196.9237
 Line Course: N 33-20-25 W Length: 1175.97
 North: 2015190.4535 East : 6044550.5986
 Line Course: N 34-38-25 E Length: 188.27
 North: 2015345.3502 East : 6044657.6154
 Curve Length: 183.89 Radius: 230.00
 Delta: 45-48-35 Tangent: 97.18
 Chord: 179.03 Course: N 57-32-42 E
 Course In: S 55-21-35 E Course Out: N 09-33-00 W
 RP North: 2015214.6130 East : 6044846.8449
 End North: 2015441.4255 East : 6044808.6860
 Line Course: N 80-27-00 E Length: 301.66
 North: 2015491.4734 East : 6045106.1654

Perimeter: 3791.50 Area: 368,473 sq. ft. 8.46 acres

Mapcheck closure - (Uses listed courses, radii, and deltas)
 Error closure: 0.0048 Course: S 87-14-45 E
 Error North: -0.00023 East : 0.00479
 precision 1: 789,895.83





Belmont Permit Center PERMIT APPLICATION

Application No.: _____

Case Type:

Zoning of Property: _____

- | | | |
|---|---|--|
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Tentative Tract Map | <input type="checkbox"/> Certificate of Appropriateness |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Façade Improvement Rebate | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> Conditional Use Permit | <input checked="" type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Rezoning / Zoning Ordinance |
| <input type="checkbox"/> Floor Area Exception | <input type="checkbox"/> Grading Permit Approval | <input type="checkbox"/> Geologic Review |
| <input type="checkbox"/> City Code Exception | <input type="checkbox"/> Conceptual Development Plan | <input type="checkbox"/> Geo-Hazards Map Amendment |
| <input type="checkbox"/> Tentative Parcel Map | <input type="checkbox"/> Detailed Development Plan | <input type="checkbox"/> Subdivision Ordinance Exception |

Zoning Case Numbers: _____
(Staff Use Only)

Project Description: _____

Property Description:		045-170-10.8, 045-190-070-2
Street Address: 301 PALSTON AVENUE, Belmont, CA 94002		045-190-040-1 Assessors Parcel Number: 045-110-
Property Area (sq. ft.): 746,183 +/-	Nearest Cross Street: CHULA VISTA	

Applicant Information:		
Owner Name: EV. CALIFORNIA, LP.	Telephone Number: (703) 744-1639	Fax Number: (703) 744-1645
Mailing Address, if different from Site Address: 7902 WESTPARK DRIVE, WILMINGTON, VA. 22102		E-mail Address: <i>SENSE OR LIVING</i> MATT.PYLES@SUNRISE
Applicant Name, if different from Property Owner: PAMI PULL, INC. <i>BY PARTNER</i> <i>CONFIDENTIAL</i>	Telephone Number: ()	Fax Number: () <i>604</i>
Applicant Mailing Address: <i>PARTNER</i>	E-mail Address:	

Submittal Authorization:	
Signature of Owner: 	Date:
Signature of Applicant, if different from Owner:	Date:

For Office Use Only: Fee Amount: _____ Check No.: _____

LOT LINE ADJUSTMENT



Belmont Permit Center
APPLICATION CHECKLIST

Page 1 of 2

Address: 1301 PALSTON AVE

Date: 9/10/07

Project: ADJUST LOTS 1, 2, & 3 INTO TWO PARCELS

	<u>Required</u> (by City)	<u>Submitted</u> (by applicant)	
<u>Applications</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application Checklist (this form)
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Permit Application
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Supplemental Application
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neighborhood Outreach Strategy <i>TO BE SENT BY E. MAIL</i>
<u>Plans</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Lot Line Adjustment Plan (six copies)
	<input type="checkbox"/>	<input type="checkbox"/>	Cross-sections (six copies)
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Landscape Plan (six copies)
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Property line survey
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Topographic survey map
	<input type="checkbox"/>	<input type="checkbox"/>	Tree Plan
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Grading plan
	<input type="checkbox"/>	<input type="checkbox"/>	Drainage plan
<input type="checkbox"/>	<input type="checkbox"/>	Driveway plan and profile	

Address: _____

	<u>Required</u> (by City)	<u>Submitted</u> (by applicant)	
<u>Technical Information</u>	<input type="checkbox"/>	<input type="checkbox"/>	Calculations for cut and fill
	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical report
	<input type="checkbox"/>	<input type="checkbox"/>	Engineering geology report
	<input type="checkbox"/>	<input type="checkbox"/>	Arborist report
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Preliminary title report
<u>Miscellaneous</u>	<input type="checkbox"/>	<input type="checkbox"/>	Color and material samples
	<input type="checkbox"/>	<input type="checkbox"/>	Photographs (one set)
<u>Fees and Deposits</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application fee
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental fee
	<input type="checkbox"/>	<input type="checkbox"/>	Tree Removal Fee
	<input type="checkbox"/>	<input type="checkbox"/>	Geologic Review Fee
	<input type="checkbox"/>	<input type="checkbox"/>	Other

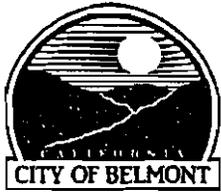
Staff Assistant: _____ Telephone: _____ Date: _____

Applicant's Statement: As applicant for this project, I hereby certify that the materials listed as 'submitted' on this checklist are complete and accurate. If the City of Belmont determines that the materials are incomplete or inaccurate, I understand that the entire application may be deemed withdrawn and the application materials returned to me, with no further processing by the City.

Applicant's Name: J. M. [Signature] Date: 9/17/01

Applicant's Signature: [Signature]

LOT LINE ADJUSTMENT



**Belmont Permit Center
SUPPLEMENTAL APPLICATION**

Application No.: _____ (Office Use)

Address: 1301 PALSTON AVE. Date: 9/10/07

Project: LOT LINE ADJUSTMENT TO MERGE A PORTION OF
LOT 2 INTO LOT 1 AND ALL OF LOT 3 INTO LOT 2.
TWO LOTS TO REMAIN.

Tabulations:

Area of Entire Site - Acres: 17.24 Square Feet: 750,974

Average Per Cent Slope of Entire Site: _____

Area of Proposed Lots - Smallest: 366,715 sf Largest: 319,843 sf Average: 373,309 sf

Special Conditions:

Indicate the most significant or severe floor zone and geologic hazard or hazards found on the project site. (Consult 1982 FEMA Flood Insurance Rate Map and 1988 City of Belmont Geologic Hazard Policy Maps.)

Flood Zone: ND

Geologic Hazards: ND

Findings:

In order to approve a request for Lot Line Adjustment, the Director of Planning and Community Development must determine that the project conforms to the Belmont zoning and building codes. Please indicate how the parcels conform:

SEE ATTACHMENT B

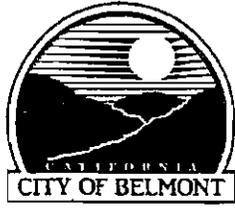
Belmont Permit Center LOT LINE ADJUSTMENT SUBMITTAL REQUIREMENTS



Lot Line Adjustment Plan – In addition to the required application forms and exhibits, a Lot Line Adjustment Plan must have the following data indicated on the map or on separate sheets, as appropriate. Copies of all application forms are available in the Belmont Permit Center or on-line at www.belmont.org.

- Name and address of record owner and applicant.
- Name, address and license number of licensed land surveyor, registered civil engineer or other qualified professional who prepared the lot line adjustment plan.
- Date, north point, (generally “up” on the map) and scale. Minimum map size eleven inches by seventeen inches (11 x 17).
- Sufficient data to define the existing and proposed boundaries of the subject lots.
- The dimensions of all existing and proposed lots, including the approximate radii of all curves.
- The lot areas for all proposed lots not rectangular in shape
- Width, approximate location and purpose of all existing and proposed easements.
- The width and name of all abutting streets, highways, alleys and other rights-of-way.
- Building setback lines.
- The approximate location of areas subject to inundation by storm water overflow. ^{N/A}
- The location and outline to scale of each existing building or structure including underground utilities within the subject lots, noting thereon whether or not such building or structure is to be removed from or remain, and its existing and proposed future use.
- The locations of existing fences, ditches, wells, pumps, cesspools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines within the subject lots, noting thereon whether they are to be abandoned or used.
- A legal description of the proposed lots.
- Existing and proposed use or uses.

Belmont Permit Center LOT LINE ADJUSTMENT SUBMITTAL REQUIREMENTS



Lot Line Adjustment Plan – In addition to the required application forms and exhibits, a Lot Line Adjustment Plan must have the following data indicated on the map or on separate sheets, as appropriate. Copies of all application forms are available in the Belmont Permit Center or on-line at www.belmont.org.

- Name and address of record owner and applicant.
- Name, address and license number of licensed land surveyor, registered civil engineer or other qualified professional who prepared the lot line adjustment plan.
- Date, north point, (generally “up” on the map) and scale. Minimum map size eleven inches by seventeen inches (11 x 17).
- Sufficient data to define the existing and proposed boundaries of the subject lots.
- The dimensions of all existing and proposed lots, including the approximate radii of all curves.
- The lot areas for all proposed lots not rectangular in shape
- Width, approximate location and purpose of all existing and proposed easements.
- The width and name of all abutting streets, highways, alleys and other rights-of-way.
- Building setback lines.
- The approximate location of areas subject to inundation by storm water overflow.
- The location and outline to scale of each existing building or structure including underground utilities within the subject lots, noting thereon whether or not such building or structure is to be removed from or remain, and its existing and proposed future use.
- The locations of existing fences, ditches, wells, pumps, cesspools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines within the subject lots, noting thereon whether they are to be abandoned or used.
- A legal description of the proposed lots.
- Existing and proposed use or uses.

AEW

July 17, 2007

AEW Capital Management
and affiliated entities
World Trade Center East
Two Seaport Lane
Boston, MA 02210-2021
USA
Telephone (617) 261-9000
Facsimile (617) 261-9555

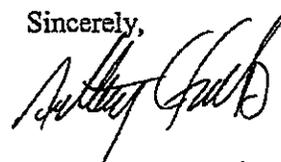
Carlos deMelo
Community Development Director
One Twin Pines Lane,
Suite 310
Belmont, CA 94002

RE: 1301 Ralston Avenue, Belmont, CA
APNs 045-170-010, 045-190-030, and 045-190-040

Dear Mr. deMelo:

The purpose of this letter is to certify that PAMI PCC I, Inc. and Joel Roos of Pacific Union Development Company, have the authority of RV California LP, the record owner of the above referenced property, to act as our agent with regard to the lot line adjustment, conditional use permit application and any related applications for development entitlements for the property located at 1301 Ralston Avenue, Belmont and further described by the above referenced APNs.

Sincerely,



Anthony C. Crooks
Principal



Belmont Permit Center PERMIT APPLICATION

Application No.: _____

Case Type:

Zoning of Property: _____

- | | | |
|--|---|--|
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Tentative Tract Map | <input type="checkbox"/> Certificate of Appropriateness |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Façade Improvement Rebate | <input type="checkbox"/> General Plan Amendment |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input checked="" type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Rezoning / Zoning Ordinance |
| <input type="checkbox"/> Floor Area Exception | <input type="checkbox"/> Grading Permit Approval | <input type="checkbox"/> Geologic Review |
| <input type="checkbox"/> City Code Exception | <input type="checkbox"/> Conceptual Development Plan | <input type="checkbox"/> Geo-Hazards Map Amendment |
| <input type="checkbox"/> Tentative Parcel Map | <input type="checkbox"/> Detailed Development Plan | <input type="checkbox"/> Subdivision Ordinance Exception |

Zoning Case Numbers: _____
(Staff Use Only)

Project Description: REQUEST FOR AN AMMENDMENT TO THE
BELMONT PLANNING COMMISSION RESOLUTION NO. 1986-2
PER ATTACHED REQUEST TO MERGE AND ADJUST LOT LINES

Property Description:

Street Address: 1301 RALSTON AVE, Belmont, CA 94002	Assessors Parcel Number: 045-170-10-8 045-190-030-2
Property Area (sq. ft.): 746,183	Nearest Cross Street: CHULA VISTA 045-190-040-1

Applicant Information:

Owner Name: EV. CALIFORNIA L.P.	Telephone Number: (703) 744-1639	Fax Number: ()
Mailing Address, if different from Site Address: 7902 WESTPARK DRIVE, WHELAN, VA 22102	E-mail Address: MATT.PYLES@SUNJISENORLIVING.COM	
Applicant Name, if different from Property Owner: PAMI PULLI, INC / PUDL	Telephone Number: (415) 929-6708	Fax Number: (415) 929-1103
Applicant Mailing Address: 3701 BULLMAN ST. SAN FRANCISCO, CA	E-mail Address: JANET@PUDL.COM	

Submittal Authorization:

Signature of Owner: 	Date: 9/10/07
Signature of Applicant, if different from Owner: SEE AUTHORIZATION LETTER ATTACHED	Date:

For Office Use Only: Fee Amount: _____ Check No.: _____



Belmont Permit Center
PERMIT APPLICATION

Street Address: _____

Application No.: _____

Site Preparation / Grading:

Number of Cubic Yards of Combined Cut and Fill:

N/A Cubic Yards

OR Check if less than 50 Cubic Yards

Depth of any Cut or Fill at Deepest Point:

N/A Feet

OR Check if less than 2 Feet

Surface Area to be Graded or Cleared:

N/A Square Feet

OR Check if less than 2000 Square Feet

Retaining Walls:

The Project Includes New, Rebuilt or Extended Retaining Walls:

Yes

No

Maximum Height of New, Rebuilt or Extended Retaining Walls: _____ Feet

Floor Area:

Existing Floor Area of All Enclosed Structures:

45,000 Square Feet

Proposed New Floor Area to be Added:

0 Square Feet

Total Floor Area Resulting from Project:

45,000 Square Feet

On-site Parking:

Existing Parking / Number of Spaces:

_____ Covered 52 Uncovered

Proposed Additional or Lost Parking Spaces:

_____ Covered 0 Uncovered

Total Parking Spaces Resulting from Project

_____ Covered 52 Uncovered

Check any of the following items that apply to the project:

Steep Terrain

New Driveway / Curbcut

New Signs

Large Trees on Site

New Water Service

Redevelopment Area

Historic Building on Site

Construction Dumpster Required

CONDITIONAL USE PERMIT



**Belmont Permit Center
SUPPLEMENTAL APPLICATION**

Application No.: _____ (Office Use)

Address: 301 FAUSTON AVE. Date: 9/10/07

Project: REQUEST FOR AN AMENDMENT TO THE BELMONT
PLANNING COMMISSION RESOLUTION NO 1988-2 ALLOWING
MEANS PARKING ONE AND TWO AND PARKING THOSE TO BECOME
PARKING TWO.

In order to approve a request for a Conditional Use Permit, the Planning Commission must determine that the project meets the five findings listed below. Please indicate how the project meets these findings:

- A. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.

SEE ATTACHMENT

- B. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Ordinance.

SEE ATTACHMENT

(Continued on Page 2)

Belmont Permit Center
CONDITIONAL USE PERMIT

SUPPLEMENTAL APPLICATION

Page 2 of 3

- C. The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.

SEE ATTACHED

- D. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the City.

SEE ATTACHED

If the site is located within the Downtown Specific Plan and the project includes commercial uses, the following additional finding must be addressed:

- E. The proposed ground floor non-retail use is the best use in consideration of the building location and design and parking availability, or the nature of the proposed ground floor non-retail use will enhance the neighboring retail base by bringing clients into the area who would be likely to patronize neighboring businesses.

SEE ATTACHED

Request for an Amendment to Conditional Use Permit no 1988-2
September 13, 2007

Please find attached a request for an amendment to the Belmont Planning Commission Resolution No 1988-2 approving a Detailed Development Plan, Conditional Use Permit, Design Review Permit and Master Grading Plan and Excavation Permit for the property at 1301 Ralston Avenue. The Resolution was made on behalf of the applicant, the Belmont Psychiatric Hospital who was the owner of the property at the time of the application.

The property is now known as Ralston Village, an assisted living facility. The owner of the property is R.V. California, L.P. And the agent applying for this Amended Conditional Use is PAMI, PCCI, Inc. (Sponsor). See Attachment A for details.

Per item 20 of the Order of Conditions stated in Resolution 1988-2, the three lots that comprise the Belmont Psychiatric Hospital Campus were to be merged into one lot. The Resolution simply states:

20. Merge all three lots into parcel prior to the issuance of a building permit.¹

This request for an amendment to the 1988 Conditional Use is to adjust and merge the three existing lots on the subject property into two lots as described in the attached Exhibit A. This lot line adjustment and lot merger would provide for the entire Ralston Village facility to be located on a single lot. This lot would be fully compliant with all zoning requirements including the required parking minimum parking for the facility, lot coverage and lot frontage. The second parcel would remain vacant and would be fully compliant with the zoning requirements.

The project Sponsor understands that the condition to merge all lots noted in the 1988 Resolution, written almost three decades ago, was not fulfilled. It is apparent that in 1988, when the Belmont Psychiatric Hospital permit expansion was approved, Condition 20 of the Conditional Use was not completed. It is certainly possible and probable that the condition was no longer relevant to the project and that it was either ignored by City Staff or a conscious relief of the obligation was made by Staff and was not properly documented. The Sponsor is unaware of any effort by the City to subsequently require any of the property owners to fulfill this Condition of Approval. It was not until 2005, when the Sponsor had applied for a new CUP that this outstanding Conditional Use requirement was raised.

The sponsor contends that the current status of the property and the status thirty years ago are very different and that the conditions stipulated in 1988 are no longer relevant. Most importantly, the original intent of the lot merger which is described in the Staff Report noted below will be fully met though the merger of Lots 1 and 2 because the facility was never expanded onto Lot 3.

¹ January 5, 1988 The Planning Commission Adopted Resolution 1988-2

In 1984, the Belmont Psychiatric Hospital had submitted a Master Development Plan which showed the expansion of their facility across the three lots (see Exhibit B). This plan was not fully executed and the facility remained on two lots.

On February 24, 1987 a City Staff Report noted:

The project site is currently divided into three separate parcels. Since the proposal contemplates unified development on the site the existing interior lot lines should be eliminated to allow for construction over areas now bisected by property lines and to allow all site improvements to be on the same lot.²

Why the Request is Appropriate and should be granted

- The project sponsor is requesting that the CUP be amended to align the intent of the 1988 Resolution with what exists today. That is the Ralston Village facility will be located on one parcel by merging parcels one and two. Parcel three is to become Parcel 2 and will be vacant.
- The merger of Lots 1 and 2 will allow the 45,000 square feet of building area to be on one parcel along with all of its required parking.
- The Staff Report noted above is quite clear as it notes that the purpose of the lot merger was to assure that the facility would be situated on one lot. Given that this proposal is to locate the facility on one lot there is no longer any useful purpose to combine the three lots into one. Therefore, we are requesting that there to be relief from that obligation. This obligation renders that the remaining undeveloped area become unusable and this serves no lawful purpose.
- By accepting our request for a CUP amendment the City gives up no discretionary approval rights over the lot thus created.
- The City will retain the full range of discretionary jurisdiction over the use of the developed and undeveloped areas of the site.

² Minutes from Belmont Planning Staff Report dated February 24, 1987

Findings:

- A. *The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and services in the vicinity.*

This Conditional Use Amendments does not contemplate a change of use on the subject property nor does this amendment contemplate an increase in the use of the property, Therefore, the proposed amended is compatible with other land uses in the general neighborhood and will not impact the City's infrastructure.

- B. *The site is of sufficient size to contemplate the proposed use together with all yards open spaces walls fences parking and loading facilities landscaping and such other provisions required in this ordinance.*

The parcels resulting from this application conform to the zoning and building ordinances and the General Plan of the City of Belmont. The adjusted Parcels I and II satisfy all the criteria for the PD zone in which they lie.

Parcel I will contain all of the Ralston Village Alzheimer facility including the required minimum 52 surface parking spaces. When the City's requirements for Convalescent Homes or Institutions for the Aged are applied to the existing facility, a maximum of 52 spaces would be required. The proposed parking assignment for the existing buildings meets the Zoning Ordinance requirements.³

- C. *The site will be served by streets of capacity sufficient to carry traffic generated by the proposed use.*

This CUP amendment does not contemplate any expansion to the existing facility, no increase in staffing and no increase in resident population. Therefore this CUP amendment will not cause an increase in use of the property and will not generate an increase in traffic.

- D. *The proposed use if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the city.*

³ General Plan & Conceptual Plan Amendment Staff Report, Ralston Village, 1301 Ralston Avenue, April 19, 2005, page 37

CUP amendment which contemplates a change in lot lines does not affect the neighboring properties. This application will not adversely affect the other properties in the vicinity or the general welfare of the city.

E. The proposed ground floor non retail use is the best use in consideration of the building location and the design and parking availability, or the nature of the proposed ground floor non retail use will enhance the neighboring retail base by bringing clients into the area who would be likely to patronize neighboring businesses.

This finding is not applicable.

Attachment A

Project Description:

Ralston Village, an assisted living complex for seniors afflicted with memory loss is located at 1301 Ralston Avenue, Belmont.

The land at 1301 Ralston Avenue is comprised of three parcels each with two components, low lying flat land and steep upland areas. The upland areas have been designated as Scenic Easement(s).

This lot line adjustment reorganizes the three original parcels into two as follows: The adjusted Parcel I will include the entire original Parcel I, approximately 75% of Parcel II and a small 95.08 square foot area of Parcel III. Parcel I will include the entire operation of Ralston Village Alzheimer's community, including parking and ancillary structures.

The adjusted Parcel II will include approximately 25% of the original Parcel II with all of Parcel III except for the small portion of Parcel III which is to be included in the new Parcel I noted above.

Both resulting parcels provide minimum frontage along Ralston Avenue as required by Belmont Code. This lot line adjustment does not affect the preservation of the upland areas of the site.

Property Description:

Street Address: 1301 Ralston Avenue, Belmont Ca 94101

Assessor Parcel Numbers:

Parcel I: APN 045-170-010-8

Parcel II: APN 045-190—30-2

Parcel III: APN 045-190-040-1

Applicant Information:

RV California, LP

Matthew W. Pyles

7902 Westpark Drive

McLean, VA 22102

Business: (703) 744-1639

Business Fax: (703) 744-1645

E-mail: Matt.Pyles@sunriseseniorliving.com

Submittal Authorization:

PAMI PCC I, Inc. by Pacific Coast Capital Partners, LLC

Bryan Thornton

150 California Street, 22nd Floor

San Francisco, CA 94111

Attachment B

Findings:

The parcels resulting from this lot line adjustment conform to the zoning and building ordinances and the General Plan of the City of Belmont. The adjusted Parcels I and II satisfy all the criteria for the PD zone in which they lie.

Parcel I will contain all of the Ralston Village Alzheimer facility including the required minimum 52 surface parking spaces. When the City's requirements for Convalescent Homes or Institutions for the Aged are applied to the existing facility, a maximum of 52 spaces would be required. The proposed parking assignment for the existing buildings meets the Zoning Ordinance requirements.¹

¹ General Plan & Conceptual Plan Amendment Staff Report, Ralston Village, 1301 Ralston Avenue, April 19, 2005, page 37



ENGINEERS
SURVEYORS
PLANNERS

July 2, 2007
BKF Job No. 20010157-11

DESCRIPTION OF ADJUSTED PARCEL 1

All that real property situate in the City of Belmont, San Mateo County, State of California being all of Parcel 1, a portion of Parcel 2 and a portion of Parcel 3, as said parcels are described in that certain Grant Deed, recorded on November 11, 2005 as Document No. 2005-200396, Official Records of San Mateo County and being more particularly described as follows:

BEGINNING at the northwesterly corner of said Parcel 1; thence along the northerly line of said Parcel 1, North 82°29'00" East, 150.00 feet to the northeasterly corner of said Parcel 1; thence along the easterly line of said Parcel 1, South 16°11'00" East, 1086.00 feet to the southeasterly corner of said Parcel 1; thence along the southerly line of said Parcel 1, South 42°00'19" West, 110.00 feet to the most southerly corner of said Parcel 1, also being the southeasterly corner of said Parcel 2; thence along the southerly line of said Parcel 2, South 40°39'42" West, 80.76 feet; thence leaving said southerly line, North 32°45'19" West, 729.74 feet; thence North 10°08'30" West, 99.39 feet; thence South 79°51'30" West, 33.54 feet; thence North 9°49'58" West, 14.69 feet; thence South 79°26'10" West, 28.90 feet; thence North 10°27'48" West, 28.73 feet to a point which bears South 79°32'12" West, 10.5 feet from the southeasterly corner of an existing building; thence continuing along said line, North 10°27'48" West, 141.03 feet; thence South 79°31'03" West, 43.03 feet; thence North 10°28'57" West, 51.22 feet; thence North 64°09'15" West, 12.97 feet to the beginning of a tangent curve to the right; thence along said curve having a radius of 49.00 feet, through a central angle of 95°08'17", an arc length of 81.36 feet; thence North 11°03'00" West, 71.68 feet; thence North 80°27'00" East, 293.08 feet to a point on the common line of said Parcel 1 and said Parcel 2; thence along said common line, North 11°03'00" West, 49.02 feet to the POINT OF BEGINNING and containing an area of 8.72 acres, more or less.

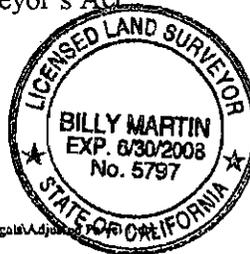
A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit "B"

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

255 Shoreline Drive
Suite 200
Redwood City
California 94065
phone 650.482.6300
fax 650.482.6399
www.bkf.com


Billy Martin, P.L.S. 5797
License Expires: 06/30/08

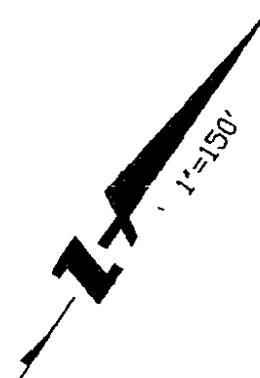
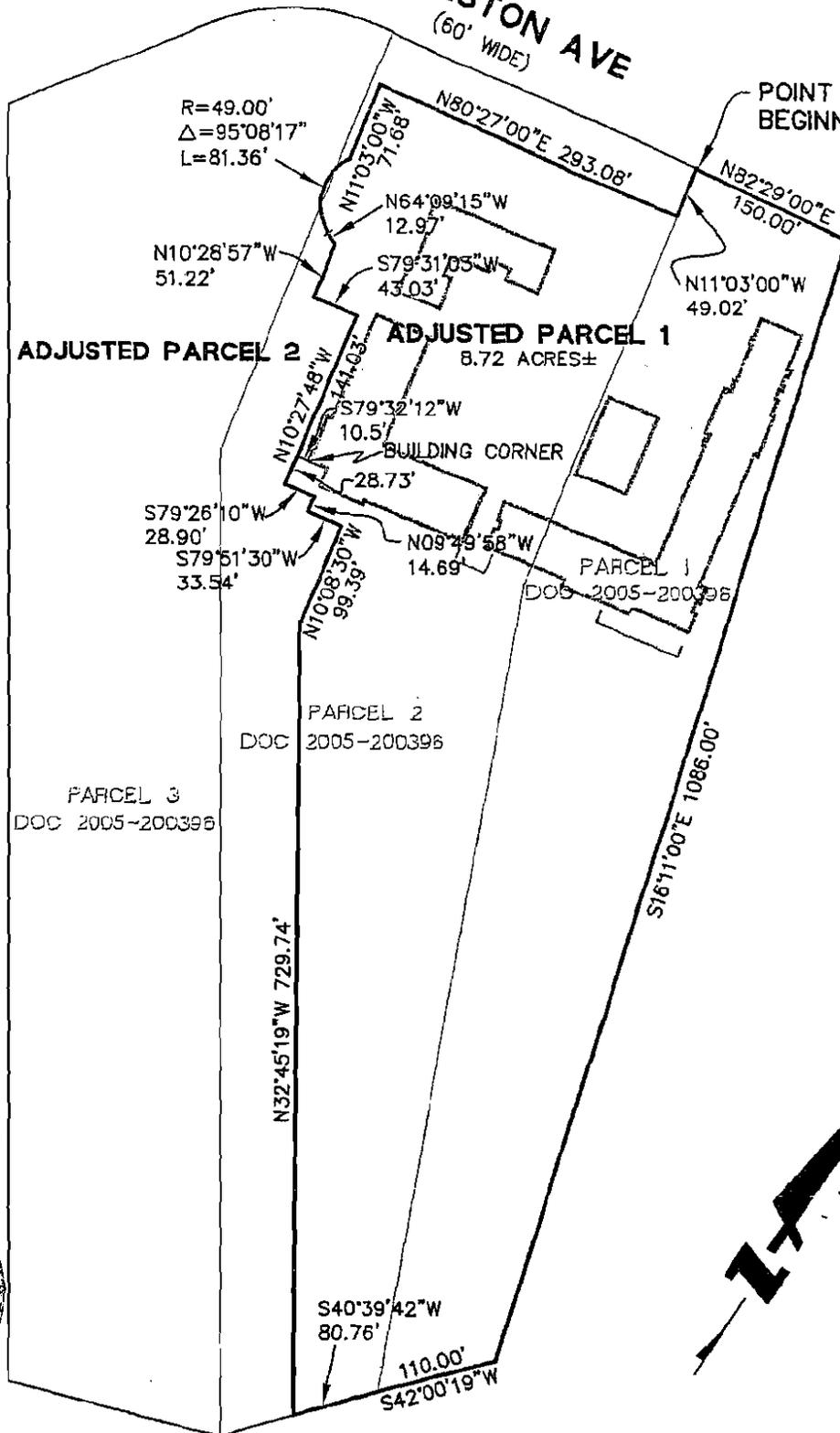
K:\MADN\2001\01015708 Survey\K Plat & Legal Descriptions\Legal\Adjusted



July 2, 2007
Dated

RALSTON AVE
(60' WIDE)

POINT OF BEGINNING



255 SHORELINE DR
 SUITE 200
 REDWOOD CITY, CA 94065
 650-482-6300
 650-482-6399 (FAX)

Subject ADJUSTED PARCEL 1
EXHIBIT "B"
 Job No. 20010157-11
 By MK Date 7/02/07 Chkd. BM
 SHEET 1 OF 1

Parcel name: Adjusted Parcel 1

North: 2015491.4736	East : 6045106.1606
Line Course: N 82-29-00 E	Length: 150.0008
North: 2015511.0959	East : 6045254.8724
Line Course: S 16-11-00 E	Length: 1086.0006
North: 2014468.1283	East : 6045557.5535
Line Course: S 42-00-19 W	Length: 110.0000
North: 2014386.3892	East : 6045483.9416
Line Course: S 40-39-42 W	Length: 80.7557
North: 2014325.1303	East : 6045431.3220
Line Course: N 32-45-19 W	Length: 729.7404
North: 2014938.8340	East : 6045036.4945
Line Course: N 10-08-30 W	Length: 99.3945
North: 2015036.6755	East : 6045018.9929
Line Course: S 79-51-30 W	Length: 33.5378
North: 2015030.7701	East : 6044985.9791
Line Course: N 09-49-58 W	Length: 14.6913
North: 2015045.2456	East : 6044983.4702
Line Course: S 79-26-10 W	Length: 28.8962
North: 2015039.9480	East : 6044955.0637
Line Course: N 10-27-48 W	Length: 28.7261
North: 2015068.1964	East : 6044949.8469
Line Course: N 10-27-48 W	Length: 141.0268
North: 2015206.8782	East : 6044924.2356
Line Course: S 79-31-03 W	Length: 43.0348
North: 2015199.0486	East : 6044881.9190
Line Course: N 10-28-57 W	Length: 51.2187
North: 2015249.4125	East : 6044872.6005
Line Course: N 64-09-15 W	Length: 12.9704
North: 2015255.0670	East : 6044860.9275
Curve Length: 81.3631	Radius: 49.0000
Delta: 95-08-17	Tangent: 53.6036
Chord: 72.3329	Course: N 16-35-07 W
Course In: N 25-50-45 E	Course Out: N 59-00-58 W
RP North: 2015299.1655	East : 6044882.2891
End North: 2015324.3906	East : 6044840.2808
Line Course: N 11-03-00 W	Length: 71.6802
North: 2015394.7418	East : 6044826.5422
Line Course: N 80-27-00 E	Length: 293.0753
North: 2015443.3654	East : 6045115.5558
Line Course: N 11-03-00 W	Length: 49.0171
North: 2015491.4738	East : 6045106.1610

Perimeter: 3105.1299 Area: 379,732 sq. ft. 8.72 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0004 Course: N 67-39-43 E

Error North: 0.00015 East : 0.00037

Precision 1: 7,762,824.5000





ENGINEERS
SURVEYORS
PLANNERS

July 2, 2007
BKF Job No. 20010157-11

DESCRIPTION OF ADJUSTED PARCEL 2

All that real property situate in the City of Belmont, San Mateo County, State of California being a portion of Parcel 2 and a portion of Parcel 3, as said parcels are described in that certain Grant Deed, recorded on November 11, 2005 as Document No. 2005-200396, Official Records of San Mateo County and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Parcel 2; thence along the easterly line of said Parcel 2, South $11^{\circ}03'00''$ East, 49.02 feet; thence leaving said easterly line, South $80^{\circ}27'00''$ West, 293.08 feet; thence South $11^{\circ}03'00''$ East, 71.68 feet to the beginning of a non-tangent curve to the left from which point a radial line bears South $59^{\circ}00'58''$ East; thence along said curve having a radius of 49.00 feet, through a central angle $95^{\circ}08'17''$, an arc length of 81.36 feet;

thence South $64^{\circ}09'15''$ East, 12.97 feet; thence South $10^{\circ}28'57''$ East, 51.22 feet; thence North $79^{\circ}31'03''$ East, 43.03 feet; thence South $10^{\circ}27'48''$ East, 141.03 feet to a point which bears South $79^{\circ}32'12''$ West, 10.5 feet from the southwesterly corner of an existing building; thence continuing along said line, South $10^{\circ}27'48''$ East, 28.73 feet; thence North $79^{\circ}26'10''$ East, 28.90 feet; thence South $9^{\circ}49'58''$ East, 14.69 feet; thence North $79^{\circ}51'30''$ East, 33.54 feet; thence South $10^{\circ}08'30''$ East, 99.39 feet; thence South $32^{\circ}45'19''$ East, 729.74 feet to a point on the southerly line of said Parcel 2; thence along said southerly line, South $40^{\circ}39'42''$ West, 69.24 feet to the most southerly corner of said Parcel 2, also being the southeasterly corner of said Parcel 3; thence along the southerly line of said Parcel 3, South $71^{\circ}09'42''$ West, 200.00 feet to the southwesterly corner of said Parcel 3; thence along the westerly line of said Parcel 3, North $33^{\circ}20'25''$ West, 1175.97 feet to the northwesterly corner of said Parcel 3; thence along the northerly line of said Parcel 3, North $34^{\circ}38'25''$ East, 188.27 feet to the beginning of a tangent curve to the right; thence continuing along said northerly line and along said curve having a radius of 230.00 feet, through a central angle of

255 Shoreline Drive
Suite 200
Redwood City
California 94065
phone 650.482.6300
fax 650.482.6399
www.bkf.com

Exhibit A
Page 1 of 2

45°48'35", an arc length of 183.89 feet to the northeasterly corner of said Parcel 3 also being the northwesterly corner of said Parcel 2; thence along the northerly line of said Parcel 2, North 80°27'00" East, 301.66 feet to the POINT OF BEGINNING and containing an area of 8.42 acres, more or less.

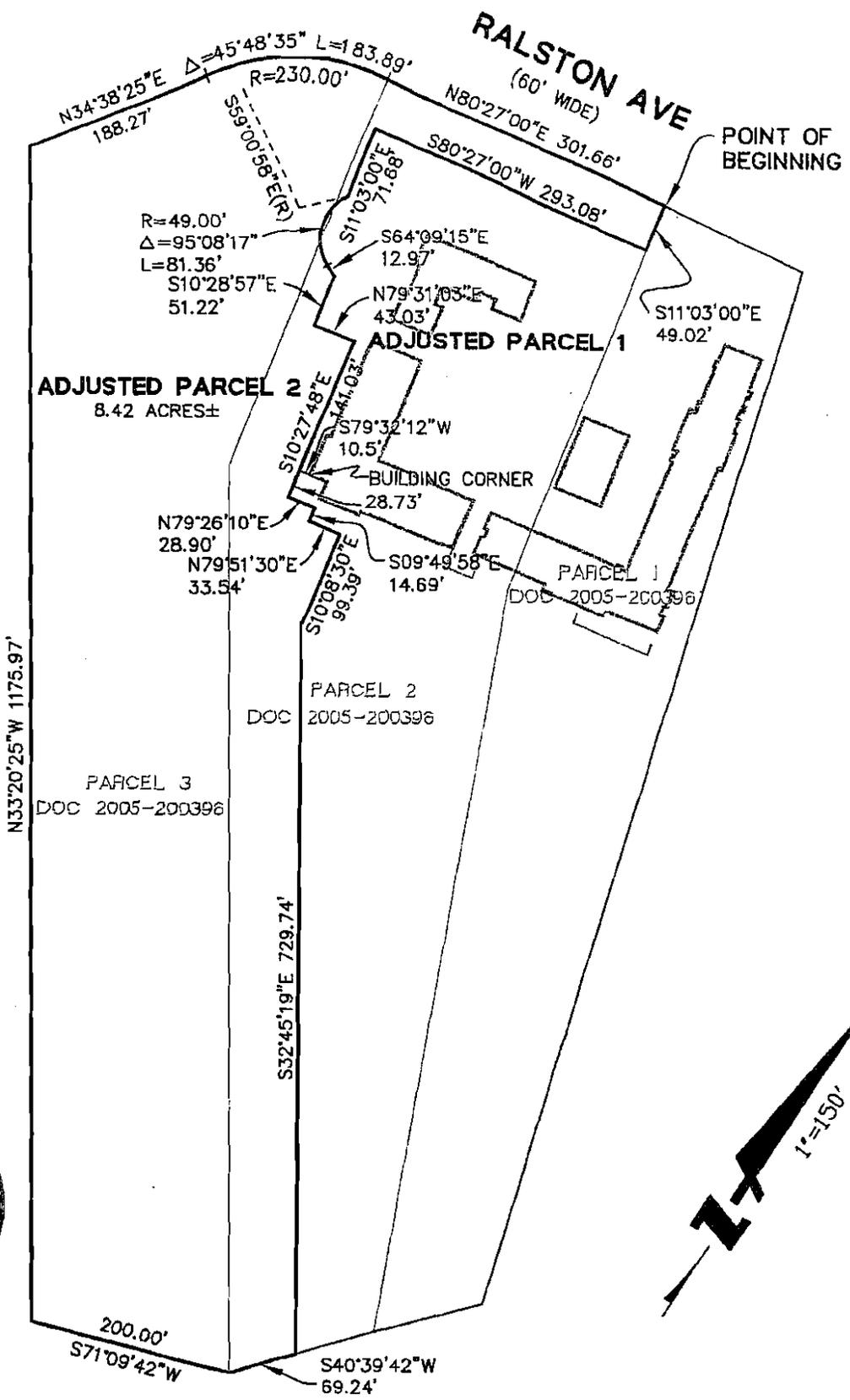
A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit "B"

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Billy Martin, P.L.S. 5797
License Expires: 06/30/08



July 2, 2007
Dated



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject **ADJUSTED PARCEL 2**
EXHIBIT "B"

Job No. 20010157-11

By MK Date 7/02/07 Chkd. BM

SHEET 1 OF 1

Parcel name: Adjusted Parcel 2

North: 2015491.4736 East : 6045106.1606
Line Course: S 11-03-00 E Length: 49.0171
North: 2015443.3653 East : 6045115.5555
Line Course: S 80-27-00 W Length: 293.0753
North: 2015394.7417 East : 6044826.5419
Line Course: S 11-03-00 E Length: 71.6802
North: 2015324.3904 East : 6044840.2805
Curve Length: 81.3631 Radius: 49.0000
Delta: 95-08-17 Tangent: 53.6036
Chord: 72.3329 Course: S 16-35-07 E
Course In: S 59-00-58 E Course Out: S 25-50-45 W
RP North: 2015299.1653 East : 6044882.2888
End North: 2015255.0668 East : 6044860.9272
Line Course: S 64-09-15 E Length: 12.9704
North: 2015249.4123 East : 6044872.6001
Line Course: S 10-28-57 E Length: 51.2187
North: 2015199.0485 East : 6044881.9186
Line Course: N 79-31-03 E Length: 43.0348
North: 2015206.8780 East : 6044924.2352
Line Course: S 10-27-48 E Length: 141.0268
North: 2015068.1963 East : 6044949.8465
Line Course: S 10-27-48 E Length: 28.7261
North: 2015039.9479 East : 6044955.0634
Line Course: N 79-26-10 E Length: 28.8962
North: 2015045.2455 East : 6044983.4698
Line Course: S 09-49-58 E Length: 14.6913
North: 2015030.7700 East : 6044985.9787
Line Course: N 79-51-30 E Length: 33.5378
North: 2015036.6754 East : 6045018.9925
Line Course: S 10-08-30 E Length: 99.3945
North: 2014938.8339 East : 6045036.4941
Line Course: S 32-45-19 E Length: 729.7404
North: 2014325.1301 East : 6045431.3216
Line Course: S 40-39-42 W Length: 69.2443
North: 2014272.6034 East : 6045386.2026
Line Course: S 71-09-42 W Length: 200.0003
North: 2014208.0235 East : 6045196.9157
Line Course: N 33-20-25 W Length: 1175.9700
North: 2015190.4538 East : 6044550.5905
Line Course: N 34-38-25 E Length: 188.2689
North: 2015345.3496 East : 6044657.6067
Curve Length: 183.8920 Radius: 230.0000
Delta: 45-48-35 Tangent: 97.1788
Chord: 179.0330 Course: N 57-32-42 E
Course In: S 55-21-35 E Course Out: N 09-33-00 W
RP North: 2015214.6125 East : 6044846.8362
End North: 2015441.4250 East : 6044808.6773
Line Course: N 80-27-00 E Length: 301.6635
North: 2015491.4734 East : 6045106.1602

Perimeter: 3797.4118 Area: 366,596 sq. ft. 8.42 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0005 Course: S 65-23-34 W

Error North: -0.00020 East : -0.00044

Precision 1: 7,594,823.4000





OLD REPUBLIC TITLE COMPANY

601 ALLERTON STREET • REDWOOD CITY, CA • 94083 • (650) 365-8080 • Fax: (650) 364-8023

PRELIMINARY REPORT

Run To Date

Issued for the sole use of:

Our Order No. 296494

CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN
216 PARK ROAD
BURLINGAME, California 94010

Reference

Attention: Norm Book

When Replying Please Contact:

Steve Johnson (650) 365-8080

Property Address: 1301 Ralston Avenue, Belmont, CA

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies may be set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of March 25th, 2004, at 7:30 A.M.

OLD REPUBLIC TITLE COMPANY

For Exceptions Shown or Referred to, See Attached

Page 1 of 10 Pages

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

The form of policy of title insurance contemplated by this report is:
MAP FILING REPORT.

The estate or interest in the land hereinafter described or referred to covered by this Report is:

a FEE.

Title to said estate or interest at the date hereof is vested in:

PAMI PCC I INC., a Delaware Corporation

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

The land referred to in this Report is situated in the County of San Mateo, City of Belmont,
State of California, and is described as follows:

PARCEL ONE:

BEGINNING at a one inch iron pipe marking the Southerly line of Ralston Avenue and the Northwesterly corner of the land shown on that Record of Survey filed in Volume 2 of Licensed Land Surveys at Page 58 and running thence along said Southerly line South 82° 29' 00" West 150.00 feet; thence leaving said Southerly line South 11° 03' 00" East 415.60 feet; thence South 23° 09' 07" East 758.26 feet to a point on the Northwesterly line of Lot 11 in Block 1 as shown on that Subdivision Map entitled "PANORAMA HEIGHTS" filed in Volume 48 of Maps at Page 8 Records of San Mateo County; thence Northeasterly along the Northwesterly boundary of said subdivision and the projection thereof North 42° 00' 19" East 110.00 feet to a 3/4 inch iron pipe marking the Southerly corner of the above mentioned Record of Survey (2 L.L.S. 58); thence North 16° 11' 00" West 1086.00 feet to the point of beginning.

PARCEL TWO:

BEGINNING at a one inch iron pipe marking the Southerly line of Ralston Avenue and the Northwesterly corner of the land shown on that Record of Survey filed in Volume 2 of Licensed Land Surveys at Page 58 and running thence along said Southerly line South 82° 29' 00" West 150.00 feet to the true point of beginning; thence leaving said line South 11° 03' 00" East 415.60 feet; thence South 23° 09' 07" East 758.26 feet; thence South 40° 39' 42" West 150.00 feet; thence North 33° 11' 39" West 909.42 feet; thence North 11° 03' 00" West 415.50 feet; thence North 80° 27' 00" East 301.66 feet to the true point of beginning.

PARCEL THREE:

BEGINNING at a one inch iron pipe marking the Southerly line of Ralston Avenue and the Northwesterly corner of the land shown on that Record of Survey filed in Volume 2 of Licensed Land Surveys at Page 58 and running thence South 82° 29' 00" West 150.00 feet and South 80° 27' 00" West 301.66 feet to the true point of beginning; thence continuing along said Southerly line along a tangent curve to the left having a radius of 230.00 feet through a central angle of 45° 48' 35" an arc distance of 183.89 feet; thence South 34° 38' 25" West 188.27 feet; thence leaving said Southerly line and running Southerly to and along the Easterly boundary of the subdivision entitled "PENINSULA FOOTHILLS SUBD. NO. 3" and "CARLMONT NO. 3" filed in Volume 23 of Maps at Page 5 and Volume 40 of Maps at Page 48, respectively, Records of San Mateo County South 33° 20' 25" East 1175.97 feet; thence leaving said Easterly line North 71° 09' 42" East 200 feet; thence North 33° 11' 39" West 909.42 feet; thence North 11° 03' 00" West 415.50 feet to the true point of beginning.

A.P.N. 045-170-010
045-190-030
045-190-040

J.P.N. 045-017-170-01
045-019-190-01

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2004-2005 a lien, but not yet due or payable.

2. Taxes and assessments, general and special, for the fiscal year 2003-2004 as follows:

Assessor's Parcel No.	:	045-170-010	
Code No.	:	03-006	
1st Installment	:	\$ 24,735.37	Marked Paid
2nd Installment	:	\$ 24,735.37	NOT Marked Paid
Land	:	\$ 1,082,432.00	
Imp. Value	:	\$ 3,364,637.00	
P.P. Value	:	\$ 0.00	
Exemption	:	\$ 0.00	

Affects Parcel One.

3. Taxes and assessments, general and special, for the fiscal year 2003-2004 as follows:

Assessor's Parcel No.	:	045-190-030	
Code No.	:	03-006	
1st Installment	:	\$ 744.53	Marked Paid
2nd Installment	:	\$ 744.53	NOT Marked Paid
Land	:	\$ 108,242.00	
Imp. Value	:	\$ 0.00	
P.P. Value	:	\$ 0.00	
Exemption	:	\$ 0.00	

Affects Parcel Two.

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

4. Taxes and assessments, general and special, for the fiscal year 2003-2004 as follows:

Assessor's Parcel No. :	045-190-040	
Code No. :		
1st Installment :	\$ 39,643.60	Marked Paid
2nd Installment :	\$ 39,643.60	NOT Marked Paid
Land :	\$ 3,247,296.00	
Imp. Value :	\$ 2,968,197.00	
P.P. Value :	\$ 0.00	
Exemption :	\$ 0.00	

Affects Parcel Three.

5. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

6. Covenants, Conditions and Restrictions which do not contain express provisions for forfeiture or reversion of title in the event of violation, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument

Entitled : Deed
Executed by: Foothills Development Company, a corporation
Recorded : February 26th, 1948 in Book 1446 of Official Records, Page 93

NOTE: "If this document contains any restriction based on race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.1 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

7. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Agreement for and Grant of Easement
Granted to : The City of Belmont, a municipal corporation
For : Storm drain and related appurtenances
Recorded : November 2nd, 1977 in Book 7646 of Official Records, Page 441
Affects : portions of Parcels One, Two and Three

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

8. Matters as contained or referred to in an instrument

Entitled : Agreement for and Grant of Easement
Executed by: Community Psychiatric Centers Properties Incorporated, a California corporation
Dated : June 30th, 1977
Recorded : November 2nd, 1977 in Book 7646 of Official Records, Page 441

9. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Conservation Easement Grant Deed
Granted to : The City of Belmont, a governmental subdivision of the State of California
For : Conservation
Recorded : April 4th, 1989 in Official Records, under Recorder's Serial Number 89042463
Affects : portions of Parcels One, Two and Three

10. Matters as contained or referred to in an instrument

Entitled : Conservation Easement Grant Deed
Executed by: Community Psychiatric Centers Properties Incorporated
Recorded : April 4th, 1989 in Official Records under Recorder's Serial Number 89042463

Returned to
Address : 1365 Fifth Avenue, Belmont, CA 94002

11. Any easements or lesser rights which may be claimed as to a portion of said land by the owners or users, including any rights incidental thereto which may be ascertained by making inquiry of such owners or users,

Of : Storm drain pipe
Affects : portions of Parcels One, Two and Three
As Disclosed By: Conservation Easement Grant Deed recorded April 4th, 1989 in Official Records, under Recorder's Serial Number 89042463

12. Matters as contained or referred to in an instrument

Entitled : Grant Deed
Executed by: BHC Belmont Hills Hospital, Inc., a Tennessee corporation
Recorded : December 31st, 1997 in Official Records under Recorder's Serial Number 97173044
Returned to
Address : Scott A. Rose, Esq., One East Camelback Road, Suite 1100, Phoenix, AZ 85012

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

13. Deed of Trust to secure an indebtedness of the amount stated below and any other amounts payable under the terms thereof,

Amount : \$10,136,500.00
Trustor/Borrower : Campus Belmont, LLC, a Delaware limited liability company
Trustee : Commonwealth Land Title Insurance Company
Beneficiary/Lender : Heller Financial, Inc., a Delaware corporation
Dated : December 24th, 1997
Recorded : December 31st, 1997 in Official Records under Recorder's
Serial Number 97173045
Loan No. : 97-671
Returned to Address: Douglas B. Frank, Esq., 350 S. Grand Avenue, 25th Floor, Los
Angeles, CA 90071

In connection therewith, said trustors executed an Assignment of Rents

Dated : December 24th, 1997
Recorded : December 31st, 1997 in Official Records, under Recorder's
Serial Number 97173046
Returned to Address: Douglas B. Frank, Esq., 350 South Grand Avenue, 25th Floor,
Los Angeles, CA 90071

Modification/amendment of the terms of said Deed of Trust by an instrument

Entitled : Memorandum of Modification Agreement
Executed by : Campus Belmont, LLC, a Delaware limited liability company,
and Heller Financial, Inc., a Delaware corporation
Dated : March 27th, 1998
Recorded : May 12th, 1998 in Official Records, under Recorder's Serial
Number 98071112
Returned to
Address : Douglas B. Frank, Esq., 350 South Grand Avenue, 25th Floor,
Los Angeles, CA 90017

Modification/amendment of the terms of said Deed of Trust by an instrument

Entitled : Modification of Deed of Trust and Memorandum
Executed by : Heller Financial, Inc., a Delaware corporation, and Campus
Belmont, LLC, a Delaware limited liability company
Dated : June 8th, 1998
Recorded : July 21st, 1998 in Official Records, under Recorder's Serial
Number 98114047
Returned to
Address : Douglas B. Frank, Esq., 350 South Grand Avenue, 25th Floor,
Los Angeles, CA 90071

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

14. Any rights, interests or claims which may exist or arise by reason of the facts shown on a survey plat entitled Record of Survey Lands of Campus Belmont, LLC, filed October 5th, 1998, Book 18 LLS Maps, Page 92, prepared by Whaley and Associates, Job No. CAMPUS-1, as follows:

A) Discrepancies and inconsistencies as noted on said Map.

15. Lease upon the terms, covenants and conditions contained therein.

Dated : October 16th, 1998
Lessor : PAMI PCC I INC., a Delaware corporation
Lessee : Campus Belmont, LLC, a Delaware limited liability company
Disclosed by: Lease Supplement and Memorandum of Lease
Dated : October 16th, 1998
Recorded : October 21st, 1998 in Official Records, under Recorder's Serial
Number 98170861

NOTE: Modification/amendment of the terms of said lease,

Executed

By and Between : PAMI PCC I INC., and Campus Belmont, LLC
Recorded : August 13th, 2001 in Official Records, under Recorder's Serial
Number 2001-124164

NOTE: Said Lease, by the provisions of an agreement,

Dated : August 6th, 2003
Recorded : August 29th, 2003 in Official Records, under Recorder's
Serial Number 2003-248071

was made subordinate to the Deed of Trust referred to herein as serial no.
99016464.

16. Deed of Trust to secure an indebtedness of the amount stated below and any other amounts payable under the terms thereof,

Amount : \$12,876,500.00
Trustor/Borrower : PAMI PCC I INC., a Delaware corporation and Campus Belmont,
LLC, a Delaware limited liability company
Trustee : Greater Bay Bancorp, a corporation
Beneficiary/Lender : Mid-Peninsula Bank, a California banking corporation
Dated : January 15th, 1999
Recorded : January 29th, 1999 in Official Records under Recorder's
Serial Number 99016464

Returned to Address: c/o Greater Bay Bancorp, 2860 W. Bayshore Road, Palo Alto,
CA 94303, Attn: Loan Servicing

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

In connection therewith, said trustors executed an Assignment of Rents

Dated : January 15th, 1999
Recorded : January 29th, 1999 in Official Records, under Recorder's
Serial Number 99016465
Returned to Address: c/o Greater Bay Bancorp, 2860 W. Bayshore Road, Palo Alto, CA
94303, Attn: Loan Servicing

Modification/amendment of the terms of said Deed of Trust by an instrument

Entitled : First Amendment to Construction Deed of Trust, Security
Agreement and Fixture Filing (with Assignment of Rents and
Leases)
Executed by : PAMI PCCI, INC., a Delaware corporation, and Campus Belmont,
LLC, a Delaware limited liability company; and Greater Bay
Bancorp, for the benefit of Mid-Peninsula Bank, a California
banking corporation
Dated : November 30th, 2000
Recorded : December 29th, 2000 in Official Records, under Recorder's
Serial Number 2000-165362

Modification/amendment of the terms of said Deed of Trust by an instrument

Entitled : Second Amendment to Construction Deed of Trust
Executed by : PAMI PCCI, Inc, and Mid-Peninsula Bank
Dated : August 6th, 2003
Recorded : August 29th, 2003 in Official Records, under Recorder's
Serial Number 2003-248070

17. The herein described property lying within the proposed boundaries of a
Community Facilities District, as follows:

District No. : 2000-1 of the City of Belmont
For : To Authorize the Levy of a Special Tax
Disclosed by : Resolution No. 8884
Recorded : November 10th, 2000 under Recorder's Serial Number 2000-141625

Further information can be obtained by contacting:
City Clerk, City of Belmont
1070 Sixth Avenue, Suite 311, Belmont, CA 94002

18. Any easement for water course over that portion of said land lying within the
banks of Belmont Creek and any changes in the boundary lines of said land that
have occurred or may hereafter occur from natural causes.

OLD REPUBLIC TITLE COMPANY

ORDER NO. 296494

Run To Date

SJ/mc

CC: 2 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN, 216 PARK ROAD,
BURLINGAME, CA 94010, Attn: Norm Book

C

**CALIFORNIA LAND TITLE ASSOCIATION
HOMEOWNER'S POLICY OF TITLE INSURANCE - 1998
EXCLUSIONS**

In addition to the Exceptions In Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. Land use
 - d. improvements on the Land
 - e. Land division
 - f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.

This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on You if You bought the Land without knowing of the taking.

4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.

5. Failure to pay value for Your Title.

6. Lack of a right:

- a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
- b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

**CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;

- (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the Insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
 5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
 6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the Insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS

In addition to the Exclusions, you are not insured against loss, costs, attorney's fees, and expenses resulting from:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflict in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters expected under (a), (b) or (c) are shown by the public records.

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (1992) SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company, not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or creating subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditor's rights laws.

AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (1987) EXCLUSIONS

In addition to the exceptions in Schedule B, you are not insured against loss, costs, attorney's fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or governmental regulation. This includes building and zoning ordinances and also laws and regulations concerning:
land use
improvements on the land
land division

environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risk.

2. The right to take the land by condemning it, unless:

3. Title Risks:

that are created, allowed, or agreed to by you

that are known to you, but not to us, on the Policy Date – unless they appear in the Public Records,

that result in no loss to you

that first affect you title after the Policy Date – this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks.

4. Failure to pay value for your title.

5. Lack of a right:

to any land outside the area specifically described and referred to Item 2 of Schedule A

or

in street, alleys, or waterways that touch your land.

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

**AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (1987) WITH REGIONAL EXCEPTIONS
EXCLUSIONS**

In addition to the exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees and expenses resulting from:

1. **Governmental police power**, and the existence or violation of any law or governmental regulation. This includes building and zoning ordinances and also laws and regulation concerning:
 - land use
 - improvements on the land
 - land division
 - environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Item 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:

a notice of exercising the right appears in the public records on the Policy Date.

the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking.

3. Title Risks:

that are created, allowed, or agreed to by you

that are known to you, but not to us, on the Policy Date – unless they appear in the public records.

that result in no loss to you

that first affect your title after the Policy Date – this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks.

4. Failure to pay value for you title.

5. Lack of a right:

to any land outside the area specifically described and referred to in Item 3 of Schedule A

or

in streets, alleys, or waterways that touch your land.

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

REGIONAL EXCEPTIONS

In addition to the Exclusions, you are not insured against loss, costs, attorney's fees, and expenses resulting from

1. Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by making inquiry of parties in possession of the land.
2. Any liens or easements not shown by the Public Records. However, this does not limit the affirmative coverage in Item 8 of Covered Title Risks.
3. Any facts about the land not shown by the Public Records which a correct survey would disclose. However, this does not limit the affirmative coverage in item 12 of Covered Title Risks.
4. (a) Any water rights or claims or title to water in or under the land; (b) unpatented mining claims; (c) reservations or exceptions in patents or in acts authorizing the issuance thereof.

MAY 7, 2001

OLD REPUBLIC TITLE COMPANY

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic Title Company.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from [our affiliates or] others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements.

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Attachment - C

RESOLUTION NO. 1988- 2

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
APPROVING A DETAILED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, DESIGN
REVIEW APPLICATION, MASTER GRADING PLAN, AND EXCAVATION PERMIT FOR
COMMUNITY PSYCHIATRIC CENTERS - BELMONT HILLS HOSPITAL
ON CERTAIN PROPERTY LOCATED AT 1301 RALSTON AVENUE AND FURTHER
IDENTIFIED BY ASSESSOR PARCEL NUMBERS 045-170-010, 045-191-030,
AND 045-191-040 (P.A. 87.1108, 1109, AND 1136)

WHEREAS, Community Psychiatric Centers has applied for expansion
of the existing hospital facility located at 1301 Ralston Avenue; and,

WHEREAS, an Environmental Impact Report was prepared and
certified as complete on July 1, 1986 pursuant to the requirements of the
California Environmental Quality Act (CEQA); and,

WHEREAS, the City Council approved a conceptual development plan
for the subject property; and,

WHEREAS, the Planning Commission considered applications for
approval of a detailed development plan/conditional use permit, design
review, master grading plan, and excavation permit in a public hearing
duly noticed, held and closed on January 5, 1988; and,

WHEREAS, the Planning Commission of the City of Belmont finds
the project has incorporated the mitigations specified in the Final EIR;
and,

WHEREAS, the Planning Commission has considered the individual
findings required to be satisfied by the Planned Unit Development section
of the Zoning Ordinance, #360, and the Grading section of the City Code
and finds that the project complies with conceptual development plan
approval previously granted and meets all of the required findings due to

the proposed scale, location, design, and traffic safety features of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission approves the aforementioned permit applications subject to the conditions and modifications contained in EXHIBIT "A" attached hereto and made a part hereof.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont on January 5, 1988 by the following vote:

AYES,
COMMISSIONERS: Mumby, Lawhern, Collins, Della-Santina
NOES,
COMMISSIONERS: None
ABSENT,
COMMISSIONERS: Rianda, Bohl
ABSTAIN,
COMMISSIONERS: None



ELAINE S. COSTELLO
Planning Commission Secretary

Exhibit "A"

RESOLUTION NO. 1988- 2
Conditions of Project Approval
Belmont Hills Hospital
Appl. No. 87-1108, 1109, 1136

1. A detailed development plan, conditional use permit and design review is approved for Hospital expansion as shown on plans received and dated September 23, 1987, subject to and as modified by the conditions of this permit.
2. The following traffic mitigation measures shall be incorporated into final project plans submitted for building permit:
 - a. Reconstruction of the entry drive in accordance with approved plans.
 - b. Landscaping design chosen to maintain a low profile so as not to block the line of sight between on-coming traffic and exiting autos at the project entrance.
 - c. Contribution of \$4,860 for traffic improvements at Ralston Avenue/Sixth Avenue intersection.
 - d. Implementation of a ride-sharing car-pool project and continuation of the existing flex-time schedule. This program shall be implemented prior to occupancy of new construction.
 - e. Incorporation of plans for installation/stripping of a turning lane and transition lane in the center divider lane of Ralston Avenue pursuant to plans approved by the City Engineer.
3. Construction noise and traffic shall be mitigated as follows:
 - a. The hauling of construction materials to the site, and excess excavation from the site, shall be limited to the hours between 9:00 a.m. and 4:30 p.m. in order to avoid peak travel times on Ralston Avenue. Approval of a hauling permit is required from the City Council prior to hauling of surplus excavation.
 - b. Mitigate construction equipment noise by limiting work hours from 8:00 a.m. to 5:00 p.m., weekdays only (no weekend work is permitted), by muffling construction equipment exhausts and by posting of a public notice by Belmont Hills Hospital informing the public of the construction period.
4. Prior to issuance of a building permit, submit a detailed program for review and approval by the Planning Director and City Engineer, detailing steps proposed to implement a temporary access and on-site parking area during the construction period. The detailed program

shall include a motorist notification and caution advisory sign program, and shall state the expected length of time such a program will be needed and at what stages during the construction process such a program will be needed. The temporary parking area shall provide the same number of parking spaces that are now available on site.

5. Approval is granted for a land bank area as shown on approved plans and of a sufficient size to accommodate 60 additional parking spaces. One year after final occupancy is granted for the Hospital expansion, the Planning Director will review parking needs on site. All or a part of the additional parking may be required to be constructed at that time, together with the necessary lighting and landscaping. The applicant shall post a performance bond to insure completion of parking in the land bank area if such construction is required by the Planning Director. If, upon completion of the parking demand review, additional parking is found to be unnecessary, then the bond shall be released.
6. Final plans submitted to the Building Department for a grading permit shall include detailed drawings indicating how emplacement of fill will be minimized within the drip lines of all on-site oak trees. It may be necessary to incorporate low earth retention devices and contour grading in a fashion to avoid emplacement of fill within the drip lines of existing oak trees. This will require modification of grading shown on plans dated and received by the Planning Department September 23, 1987.
7. Prior to issuance of a building permit modified landscaping and fencing plans shall be submitted for review and approval by the Director of Planning and shall incorporate the following conditions:
 - a. All tree work shall be performed by a qualified tree service firm. Secure tree removal permits prior to any tree removals.
 - b. Coordinate all tree work (pruning or removal) with Parks Department.
 - c. Remove all undesirable growth along Ralston Avenue prior to planting.
 - d. Remove plant material back from volleyball court to avoid interference with the play.
 - e. Remove all unnecessary paved surfaces adjacent to sidewalk along Ralston Avenue and replace with landscaping.
 - f. Add xylosma congestum to shrub screen along Ralston Avenue.

- g. Trees to be planted along Ralston Avenue shall be 24 inch box size minimum.
 - h. Provide detailed irrigation plan for City review and approval.
 - i. Review shrub planting along Ralston Avenue to insure the provision of a solid visual screen and add shrubs as necessary.
 - j. Modify parking lot and landscaping by incorporating landscape islands as shown on the staff study dated 12/18/87. Increase site landscaping by decreasing automobile stall depth to the allowed minimum of 18 feet. All parking stalls shall have a minimum back-up space of 26 feet.
 - k. Landscape islands shall incorporate shrubbery in addition to the proposed ground cover and tree planting program.
1. Fencing along Ralston Avenue between the entrance drive and Twin Pines Park shall be set back at least eight feet from the back edge of the sidewalk and appropriate landscaping incorporated between the fencing and the sidewalk.
8. Submit a cash bond equivalent to 10 percent of the cost of materials and labor for landscape and irrigation improvements to insure the completion of approved landscape and irrigation improvements pursuant to approved plans.
 9. Fencing and lighting shall be as shown on submitted plans and specifications. Submit documentation indicating that the lighting wattage proposed is the minimum necessary for safe illumination of the parking area consistent with current generally accepted lighting design standards. The City Public Services Department will review in conjunction with the City Planning Department lighting intensity to insure excessive lighting is not installed. Light standards shall be limited to 20 feet in height. Light fixtures in the parking area nearest the adjoining residential properties shall be equipped with opaque shields to prevent light spillage onto adjoining property and to eliminate point source glare.
 10. Establish a scenic easement across the rear hillside down to the toe of slope at the southern edge of the parking lot and building improvements, running continuously from the eastern to the western department boundaries. The final configuration of the scenic easement shall be subject to review and approval by the Planning Department. The scenic easement shall be executed using documents approved by the City Attorney's Office prior to issuance of a building permit.

11. Eliminate the front parking area at the northeast corner of the lot and replace with landscaping as shown on approved plans.
12. Emergency access consisting of an 18 foot wide emergency access road shall be constructed of decomposed granite as shown on the approved landscape plan. The entrance ramp between the entry gate at Ralston and the level portion of the site shall be paved with an all-weather surface to prevent carrying gravel and loose rock on to Ralston Avenue and to provide a safe sloped driveway for emergency vehicle access. Emergency vehicular access shall be gated and locked for emergency use only. Provide an Knox Box pursuant to Fire Department requirements. This gate should be keyed for a key 2006 and accessible to all Belmont police patrol cars. Contact the Belmont Police Department at 595-7404 or the South County Fire District at 593-8016, ext. 225 for further information.
13. Prior to occupancy of new buildings CPC-Belmont Hills Hospital shall provide a security guard to patrol the ground 24 hours per day.
14. Comply with the requirements of the soils report prepared by Daniel Herzog dated September 21, 1987.
15. A master grading plan and excavation permit is approved subject to the following conditions:
 - a. Approval is granted to excavate approximately 3600 cu. yds. as shown on submitted plans received and dated September 23, 1987.
 - b. Pay an excavation permit fee to the Planning Department based upon the volume of material to be moved as specified in the adopted excavation fee schedule.
 - c. Submit grading plans for permit issuance to the Building Inspection Department.
 - d. Incorporate earth retention devices to protect oak trees from fill emplacement as required under the landscape plan approval.
 - e. Provide an on-site water wagon/truck to spray during grading operations and minimize the blowing of dust.
 - f. Grading operations shall comply with the noise and traffic mitigations of condition #3 of this approval.
 - g. Make progress reports to the City Engineer as requested.
 - h. Specify the number of working days within which excavation and grading operations will occur.

- i. Stockpile undisturbed topsoil in an area designated on grading plans submitted for permit issuance, and respread topsoil to a depth of 8 inches in areas proposed for landscaping at the prior to the commencement of the planting program.
 - j. Post a corporate surety bond, cash deposit, and liability insurance in an amount determined by the City Engineer.
 - k. All material spilled from trucks in connection with the excavation shall be cleaned up with in 24 hours, otherwise the City may clean same up and charge it against the cash deposit required herein.
16. Building sites, setbacks, site coverage, yard requirements building and structure heights and the maximum heights of fences shall be as shown on the approved detailed development plan. Architectural style as building materials and colors shall be as shown on the submitted sample board approved by the Planning Commission and shall match the existing Hospital buildings.
17. Submit plans for the establishment of a new Belmont Hills Hospital sign for review and approval by the Planning Director. The new sign shall meet all size, height and location standards of the existing sign ordinance and shall utilize materials and lighting used on the existing sign or shall match the materials, colors, and lighting type used at the College of Notre Dame. Freestanding signs shall be a maximum of five feet in height. Parking modifications specified in the staff report dated January 5, 1988 shall be incorporated into plans submitted for a building permit.
18. Comply with the requirements of the South County Fire District as follows:
 - a. A supervised fire sprinkler system shall be installed throughout all new buildings.
 - b. An approved smoke detection system shall be installed.
 - c. Three approved fire hydrants shall be installed at locations approved by the Fire Marshall.
 - d. Water main for fire hydrants shall be a minimum of six inches looped line fire flow for this area. Fire flow for this area is 2,500 gpm. Fire hydrants shall be wet barrel, rich corona or james jones type with 2.5 inch outlets and one 4.5 inch outlet.
19. Comply with the requirements of the Public Services Department as follows:

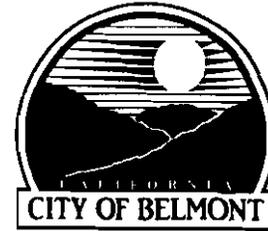
- a. A drainage plan for the entire site shall be submitted. Calculations justifying pipe sizes and slope and depth of flow in gutters shall be submitted for review and approval by the Public Services Department.
 - b. Replace the existing 48 inch RCP storm pipe with a 66 RCP from Ralston to the existing junction structure on site. Modify the junction structure accordingly. Plans and specifications shall be approved by the City Engineer prior to construction.
 - c. Dedicate right-of-way necessary to locate the existing roadway and required sidewalk within the ultimate right-of-way for Ralston Avenue.
 - d. Execute a bond for on-site storm drainage and site frontage work and necessary improvement agreements.
 - e. Install a five foot PCC sidewalk along Ralston Avenue frontage. Provide detailed construction plans for review and approval by the City Engineer. Any required protective hand rail shall be subject to review and approval by the Planning Director and City Engineer.
 - f. Eliminate the bus turn-out opposite Notre Dame College. Repair the eroding rip-rap at the inlet of Belmont Creek to the on-site culvert. Submit plans for approval by the City Engineer. Enclose with a six foot chain link fence both the inlet and the outflow to Belmont Creek. The inlet fencing shall have provisions for removal by the City to enable cleaning of debris from the inlet. Fence plans shall be coordinated with the City Engineer. Call 595-7426 for further information.
 - g. Repair the failing retaining wall on the south side of the site.
 - h. All utility services to the new construction shall be underground. Existing easements shall be modified to correspond to the location of existing utilities.
 - i. Plans submitted for construction of the parking lot shall specify parking lot paving thickness as recommended in the soils report. Further soils report information may be necessary for foundation designs.
 - j. Submit detailed construction drawings for reconfiguration of the entrance driveway and striping of a left-turn in and acceleration lane within the center striped median of Ralston Avenue for review and approval by the City Engineer.
20. Merge all three lots into one parcel prior to issuance of a building permit.

55:CONBHH

Attachment - D

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

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.

patients, and contained a swimming pool, bowling green, as well as tennis, croquet, and 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 staff's 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 applicant's 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.

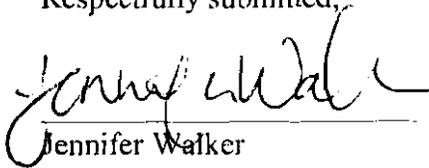
April 7, 2009

Page 6

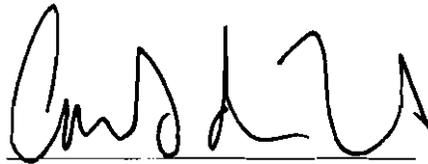
ATTACHMENTS

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. 2009-12

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:

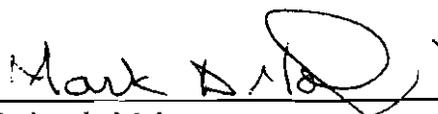
AYES,
COMMISSIONERS: Parsons, Frautschi, Mercer, Mayer, Mathewson, Reed

NOES,
COMMISSIONERS: None

ABSENT,
COMMISSIONERS: None

ABSTAIN,
COMMISSIONERS: None

RECUSED,
COMMISSIONERS: Horton



Carlos de Melo
Planning Commission Secretary

Attachment 3

RESOLUTION NO. 1988- 2

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
APPROVING A DETAILED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, DESIGN
REVIEW APPLICATION, MASTER GRADING PLAN, AND EXCAVATION PERMIT FOR
COMMUNITY PSYCHIATRIC CENTERS - BELMONT HILLS HOSPITAL
ON CERTAIN PROPERTY LOCATED AT 1301 RALSTON AVENUE AND FURTHER
IDENTIFIED BY ASSESSOR PARCEL NUMBERS 045-170-010, 045-191-030,
AND 045-191-040 (P.A. 87.1108, 1109, AND 1136)

WHEREAS, Community Psychiatric Centers has applied for expansion
of the existing hospital facility located at 1301 Ralston Avenue; and,

WHEREAS, an Environmental Impact Report was prepared and
certified as complete on July 1, 1986 pursuant to the requirements of the
California Environmental Quality Act (CEQA); and,

WHEREAS, the City Council approved a conceptual development plan
for the subject property; and,

WHEREAS, the Planning Commission considered applications for
approval of a detailed development plan/conditional use permit, design
review, master grading plan, and excavation permit in a public hearing
duly noticed, held and closed on January 5, 1988; and,

WHEREAS, the Planning Commission of the City of Belmont finds
the project has incorporated the mitigations specified in the Final EIR;
and,

WHEREAS, the Planning Commission has considered the individual
findings required to be satisfied by the Planned Unit Development section
of the Zoning Ordinance, #360, and the Grading section of the City Code
and finds that the project complies with conceptual development plan
approval previously granted and meets all of the required findings due to

the proposed scale, location, design, and traffic safety features of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission approves the aforementioned permit applications subject to the conditions and modifications contained in EXHIBIT "A" attached hereto and made a part hereof.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont on January 5, 1988 by the following vote:

AYES,
COMMISSIONERS: Mumby, Lawhern, Collins, Della-Santina
NOES,
COMMISSIONERS: None
ABSENT,
COMMISSIONERS: Rianda, Bohl
ABSTAIN,
COMMISSIONERS: None



ELAINE S. COSTELLO
Planning Commission Secretary

Exhibit "A"

RESOLUTION NO. 1988- 2
Conditions of Project Approval
Belmont Hills Hospital
Appl. No. 87-1108, 1109, 1136

1. A detailed development plan, conditional use permit and design review is approved for Hospital expansion as shown on plans received and dated September 23, 1987, subject to and as modified by the conditions of this permit.
2. The following traffic mitigation measures shall be incorporated into final project plans submitted for building permit:
 - a. Reconstruction of the entry drive in accordance with approved plans.
 - b. Landscaping design chosen to maintain a low profile so as not to block the line of site between on-coming traffic and exiting autos at the project entrance.
 - c. Contribution of \$4,860 for traffic improvements at Ralston Avenue/Sixth Avenue intersection.
 - d. Implementation of a ride-sharing car-pool project and continuation of the existing flex-time schedule. This program shall be implemented prior to occupancy of new construction.
 - e. Incorporation of plans for installation/stripping of a turning lane and transition lane in the center divider lane of Ralston Avenue pursuant to plans approved by the City Engineer.
3. Construction noise and traffic shall be mitigated as follows:
 - a. The hauling of construction materials to the site, and excess excavation from the site, shall be limited to the hours between 9:00 a.m. and 4:30 p.m. in order to avoid peak travel times on Ralston Avenue. Approval of a hauling permit is required from the City Council prior to hauling of surplus excavation.
 - b. Mitigate construction equipment noise by limiting work hours from 8:00 a.m. to 5:00 p.m., weekdays only (no weekend work is permitted), by muffling construction equipment exhausts and by posting of a public notice by Belmont Hills Hospital informing the public of the construction period.
4. Prior to issuance of a building permit, submit a detailed program for review and approval by the Planning Director and City Engineer, detailing steps proposed to implement a temporary access and on-site parking area during the construction period. The detailed program

shall include a motorist notification and caution advisory sign program, and shall state the expected length of time such a program will be needed and at what stages during the construction process such a program will be needed. The temporary parking area shall provide the same number of parking spaces that are now available on site.

5. Approval is granted for a land bank area as shown on approved plans and of a sufficient size to accommodate 60 additional parking spaces. One year after final occupancy is granted for the Hospital expansion, the Planning Director will review parking needs on site. All or a part of the additional parking may be required to be constructed at that time, together with the necessary lighting and landscaping. The applicant shall post a performance bond to insure completion of parking in the land bank area if such construction is required by the Planning Director. If, upon completion of the parking demand review, additional parking is found to be unnecessary, then the bond shall be released.
6. Final plans submitted to the Building Department for a grading permit shall include detailed drawings indicating how emplacement of fill will be minimized within the drip lines of all on-site oak trees. It may be necessary to incorporate low earth retention devices and contour grading in a fashion to avoid emplacement of fill within the drip lines of existing oak trees. This will require modification of grading shown on plans dated and received by the Planning Department September 23, 1987.
7. Prior to issuance of a building permit modified landscaping and fencing plans shall be submitted for review and approval by the Director of Planning and shall incorporate the following conditions:
 - a. All tree work shall be performed by a qualified tree service firm. Secure tree removal permits prior to any tree removals.
 - b. Coordinate all tree work (pruning or removal) with Parks Department.
 - c. Removal all undesirable growth along Ralston Avenue prior to planting.
 - d. Remove plant material back from volleyball court to avoid interference with the play.
 - e. Remove all unnecessary paved surfaces adjacent to sidewalk along Ralston Avenue and replace with landscaping.
 - f. Add xylosma congestum to shrub screen along Ralston Avenue.

- g. Trees to be planted along Ralston Avenue shall be 24 inch box size minimum.
 - h. Provide detailed irrigation plan for City review and approval.
 - i. Review shrub planting along Ralston Avenue to insure the provision of a solid visual screen and add shrubs as necessary.
 - j. Modify parking lot and landscaping by incorporating landscape islands as shown on the staff study dated 12/18/87. Increase site landscaping by decreasing automobile stall depth to the allowed minimum of 18 feet. All parking stalls shall have a minimum back-up space of 26 feet.
 - k. Landscape islands shall incorporate shrubbery in addition to the proposed ground cover and tree planting program.
1. Fencing along Ralston Avenue between the entrance drive and Twin Pines Park shall be set back at least eight feet from the back edge of the sidewalk and appropriate landscaping incorporated between the fencing and the sidewalk.
8. Submit a cash bond equivalent to 10 percent of the cost of materials and labor for landscape and irrigation improvements to insure the completion of approved landscape and irrigation improvements pursuant to approved plans.
 9. Fencing and lighting shall be as shown on submitted plans and specifications. Submit documentation indicating that the lighting wattage proposed is the minimum necessary for safe illumination of the parking area consistent with current generally accepted lighting design standards. The City Public Services Department will review in conjunction with the City Planning Department lighting intensity to insure excessive lighting is not installed. Light standards shall be limited to 20 feet in height. Light fixtures in the parking area nearest the adjoining residential properties shall be equipped with opaque shields to prevent light spillage onto adjoining property and to eliminate point source glare.
 10. Establish a scenic easement across the rear hillside down to the toe of slope at the southern edge of the parking lot and building improvements, running continuously from the eastern to the western department boundaries. The final configuration of the scenic easement shall be subject to review and approval by the Planning Department. The scenic easement shall be executed using documents approved by the City Attorney's Office prior to issuance of a building permit.

11. Eliminate the front parking area at the northeast corner of the lot and replace with landscaping as shown on approved plans.
12. Emergency access consisting of an 18 foot wide emergency access road shall be constructed of decomposed granite as shown on the approved landscape plan. The entrance ramp between the entry gate at Ralston and the level portion of the site shall be paved with an all-weather surface to prevent carrying gravel and loose rock on to Ralston Avenue and to provide a safe sloped driveway for emergency vehicle access. Emergency vehicular access shall be gated and locked for emergency use only. Provide an Knox Box pursuant to Fire Department requirements. This gate should be keyed for a key 2006 and accessible to all Belmont police patrol cars. Contact the Belmont Police Department at 595-7404 or the South County Fire District at 593-8016, ext. 225 for further information.
13. Prior to occupancy of new buildings CPC-Belmont Hills Hospital shall provide a security guard to patrol the ground 24 hours per day.
14. Comply with the requirements of the soils report prepared by Daniel Herzog dated September 21, 1987.
15. A master grading plan and excavation permit is approved subject to the following conditions:
 - a. Approval is granted to excavate approximately 3600 cu. yds. as shown on submitted plans received and dated September 23, 1987.
 - b. Pay an excavation permit fee to the Planning Department based upon the volume of material to be moved as specified in the adopted excavation fee schedual.
 - c. Submit grading plans for permit issuance to the Building Inspection Department.
 - d. Incorporate earth retention devices to protect oak trees from fill emplacement as required under the landscape plan approval.
 - e. Provide an on-site water wagon/truck to spray during grading operations and minimize the blowing of dust.
 - f. Grading operations shall comply with the noise and traffic mitigations of condition #3 of this approval.
 - g. Make progress reports to the City Engineer as requested.
 - h. Specify the number of working days within which excavation and grading operations will occur.

- i. Stockpile undisturbed topsoil in an area designated on grading plans submitted for permit issuance, and respread topsoil to a depth of 8 inches in areas proposed for landscaping at the prior to the commencement of the planting program.
 - j. Post a corporate surety bond, cash deposit, and liability insurance in an amount determined by the City Engineer.
 - k. All material spilled from trucks in connection with the excavation shall be cleaned up with in 24 hours, otherwise the City may clean same up and charge it against the cash deposit required herein.
16. Building sites, setbacks, site coverage, yard requirements building and structure heights and the maximum heights of fences shall be as shown on the approved detailed development plan. Architectural style as building materials and colors shall be as shown on the submitted sample board approved by the Planning Commission and shall match the existing Hospital buildings.
 17. Submit plans for the establishment of a new Belmont Hills Hospital sign for review and approval by the Planning Director. The new sign shall meet all size, height and location standards of the existing sign ordinance and shall utilize materials and lighting used on the existing sign or shall match the materials, colors, and lighting type used at the College of Notre Dame. Freestanding signs shall be a maximum of five feet in height. Parking modifications specified in the staff report dated January 5, 1988 shall be incorporated into plans submitted for a building permit.
 18. Comply with the requirements of the South County Fire District as follows:
 - a. A supervised fire sprinkler system shall be installed throughout all new buildings.
 - b. An approved smoke detection system shall be installed.
 - c. Three approved fire hydrants shall be installed at locations approved by the Fire Marshall.
 - d. Water main for fire hydrants shall be a minimum of six inches looped line fire flow for this area. Fire flow for this area is 2,500 gpm. Fire hydrants shall be wet barrel, rich corona or james jones type with 2.5 inch outlets and one 4.5 inch outlet.
 19. Comply with the requirements of the Public Services Department as follows:

- a. A drainage plan for the entire site shall be submitted. Calculations justifying pipe sizes and slope and depth of flow in gutters shall be submitted for review and approval by the Public Services Department.
 - b. Replace the existing 48 inch RCP storm pipe with a 66 RCP from Ralston to the existing junction structure on site. Modify the junction structure accordingly. Plans and specifications shall be approved by the City Engineer prior to construction.
 - c. Dedicate right-of-way necessary to locate the existing roadway and required sidewalk within the ultimate right-of-way for Ralston Avenue.
 - d. Execute a bond for on-site storm drainage and site frontage work and necessary improvement agreements.
 - e. Install a five foot PCC sidewalk along Ralston Avenue frontage. Provide detailed construction plans for review and approval by the City Engineer. Any required protective hand rail shall be subject to review and approval by the Planning Director and City Engineer.
 - f. Eliminate the bus turn-out opposite Notre Dame College. Repair the eroding rip-rap at the inlet of Belmont Creek to the on-site culvert. Submit plans for approval by the City Engineer. Enclose with a six foot chain link fence both the inlet and the outflow to Belmont Creek. The inlet fencing shall have provisions for removal by the City to enable cleaning of debris from the inlet. Fence plans shall be coordinated with the City Engineer. Call 595-7426 for further information.
 - g. Repair the failing retaining wall on the south side of the site.
 - h. All utility services to the new construction shall be underground. Existing easements shall be modified to correspond to the location of existing utilities.
 - i. Plans submitted for construction of the parking lot shall specify parking lot paving thickness as recommended in the soils report. Further soils report information may be necessary for foundation designs.
 - j. Submit detailed construction drawings for reconfiguration of the entrance driveway and striping of a left-turn in and acceleration lane within the center striped median of Ralston Avenue for review and approval by the City Engineer.
20. Merge all three lots into one parcel prior to issuance of a building permit.

SS:CONBHH

Attachment 4

C

Office of the City Attorney
939 Laurel Street, Suite D
P.O. Box 1065
San Carlos, CA 94070
(650) 593-3117



July 10, 2008

Chris Griffith
Ellman Burke Hoffman & Johnson
601 California Street
Nineteenth Floor
San Francisco, CA 94108

Re: **Ralston Village**

Dear Ms. Griffith:

This letter will summarize recent events in the above-referenced matter.

As you know, your client applied for a Conditional Use Permit to amend the conditions of approval contained in Planning Commission Resolution 1988-2; that amendment was requested to allow your client to merge "three existing lots into two lots." The matter was scheduled for the April 1, 2008 Planning Commission meeting. Shortly before the meeting, staff located a file which contained a signed but unrecorded original deed pursuant to which your client's predecessors-in-interest agreed to a lot line adjustment in connection with the 1988 Planning Commission approval. The condition of approval at issue required a lot line adjustment to merge the three existing lots into one lot. (The Planning Commission also imposed a condition that created a conservation easement on the property.) However, for reasons which are unclear, the county recorder's office never recorded the lot line adjustment deed, although they did record the deed memorializing the conservation easement.

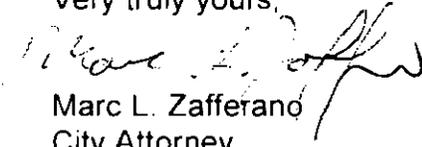
In prior meetings and correspondence, you have taken the position that your client is free to ignore the condition of approval which required the prior owners to merge the three lots into one lot. This position is unsupportable. First, both your client and the prior owners took all of the benefits of the initial approval, which allowed substantial development on the property. Your client may not now ignore a condition of approval that remains unsatisfied. Second, the Subdivision Map Act does not compel a different conclusion. The consolidation of the three lots was treated as a lot line adjustment, which is specifically exempt from the Map Act. In any event, your client would be estopped from raising the Act to invalidate a condition of approval which was agreed to and which was never timely challenged. Third, you stated that your client was unaware that the condition was never satisfied. Even if this is true, it is irrelevant. Your client may have a cause of action against the seller of the property, but your client's alleged lack of knowledge of whether the

condition was satisfied does not invalidate the condition.

I understand that your client wishes to proceed with his application. If this is incorrect, I request that your client formally withdraw his application. If the application proceeds, staff will schedule it for the next available Planning Commission hearing, although staff may now modify the report and/or recommendation to include the new information and analysis reflected herein. In the meantime, the City requests that your client execute a new deed in a form satisfactory to the City that fulfills the original condition of approval.

If you have any authority or documentation that supports your client's position, I would be happy to review it and reconsider the City's stance on this matter.

Very truly yours,


Marc L. Zafferano
City Attorney

MLZ:mtm

Cc: City Council
Jack Crist

Attachment 5

BELMONT PLANNING COMMISSION MEETING OF APRIL 7, 2009

VERBATIM TRANSCRIPT OF DISCUSSION OF ITEM 5A
PA2007-0062 – CONDITIONAL USE PERMIT FOR 1301 RALSTON AVENUE

Commissioner Mayer: Since the lot adjustment was never recorded, what is staff's position as to the existing condition of this property? CDD de Melo: Staff maintains that to actualize that 1988 approval it is required for those 3 lots to be merged to one – we have made that overture to the applicant to re-record that action merging the 3 lots to one – that has not taken place to this day. In terms of how the City views this application, we do not view it as a 3-lot to a 2-lot request, we are viewing it as a 1-lot to a 2-lot request, hence the need for the action to be a CDP amendment. Commissioner Mayer: Did the applicant ever give any reason for their refusal for their choice not to proceed with the strategy you have suggested? CDD de Melo: In terms of last year or back in 1988? Commissioner Mayer: No, recently. CDD de Melo: We could probably have them answer that, but certainly the applicants have made some overtures to City staff that they wanted to move forward with the current request – they had a valid application that they paid fees for and they wanted to move forward with it. They were aware of the City's position on the matter, and have chosen to come forward tonight as part of tonight's review. The conversations have been productive, they've been cordial, but there has not been a withdrawal of the application, so we are staying ready, willing and able to move forward on an alternative request based upon staff's recommendation.

Commissioner Reed: I just want to follow up on the 3 lots vs. 1 lot vs. 2 lots. If this was never truly filed there exists 3 lots today. CDD de Melo: Today, according to the Assessor's records, there are 3 lots that exist today. Commissioner Reed: The other question I have, Condition 20 from 1988 – is there a statute of limitations on this – if it was never fulfilled – there are 3 lots today – does this ever expire? CDD de Melo: Certainly in the City's research it does not indicate that this condition would then get voided by the passage of time. It is a condition that was never fulfilled; the City does have the right to move forward and request that the applicant fulfill that condition of approval. Certainly in our research the City's legal council has determined that it is something that the City can continue to request. The applicants have taken a benefit some 20 years now on additional buildings being allowed, approved, constructed and taken benefit of, and a condition of approval as part of that benefit has not been fulfilled.

DCA Kane: It's our view that the condition runs with the land as with any other aspect of the conditional use and therefore it continues to be something that is a legal effect. The other issue is that you have this factual circumstance where the deed creating the single parcel was in fact made – it just didn't happen to be recorded. Both items were submitted together – the County Recorder only stamped one of them – and so it created this... there's clearly an intent to follow through on the condition – which is why, in our opinion, neither the original owner nor the City went back and then double checked to make sure that they were recorded individually when in fact only one was recorded. So I think that's why we have this oddity in terms of the Assessor's records.

Commissioner Reed: This is a clerical error. DCA Kane: This is a clerical error at the Assessor's office or whoever submitted the deed. We don't know the exact factual circumstances at this point – the person who walked it down there I guess is not available but at any rate this was not a – to borrow language from another area of law – this was not an open and notorious refusal to flaunt the requirement to merge it into one lot, it was, from the City's perspective and the then owner's, it was a good faith attempt to do that and we just didn't realize it hadn't happened in terms of the Assessor's records.

Commissioner Reed: So if it hasn't happened can they request a modification of the condition of approval? DCA Kane: Because it's governed by the overall planning district, that document needs to be changed in order to do this. Our view is that the Commission's hands are tied by the overall zoning issue here and that that's the area in which this needs to be amended so that you can approve or not this proposal or some other like it. That's the mechanism that this has to go through.

Chair Parsons: Any questions at the other end of the table?

Commissioner Frautschi: I just had one. Suppose a CDP amendment is not filed in the future? What recourse does the City have. CDD de Melo: Well, the City could continue to compel the applicant to record that 3-lot merger to 1-lot merger. In terms of where the action would go from there, I don't... Commissioner Frautschi: I'm thinking about, is there an option for CUP enforcement. CDD de Melo: That's a good one – I guess you could look at all 20 of those CUP conditions of approval – you continue to have one that has not been fulfilled. Don't believe there's a statute of limitations on code enforcement for any condition of approval, whether it be for this kind of an action or any other. You could have an auto repair use that was approved back in 1985 and there required to close their shop at 5:00 and if they continue to open until 7:00 that's a code enforcement action. So this is a valid condition of approval, it was adopted by Resolution, it was not fulfilled, you ultimately I believe could go to that step. We would like the procedure to be more cordial in terms of asking the applicant to do so and get this taken care of, but there is some merit to your question.

Chair Parsons: Would the applicant like to make a presentation?

Joel Roos, Vice President of Development for Pacific Union Development Company, described the history of the property and the amount of community outreach that preceded their return to the Commission in 2005 with a project scaled down to about 50% of the original proposal. The proposal eventually went to Council, who voted against it out of fear of increased traffic. They accepted the fact that they would not move forward with this development even though they knew it would be a great asset to the City. They are now asking for a simple lot line adjustment which in no way puts the City in the position of accepting a development concept. Their request simply fulfills a contractual obligation of the current owners of Ralston Village and their partner who sold the property in 2005 – that is, to define the Ralston Village Alzheimer's community from the empty parcel to the west. The sale of the property was under way as they were going through their entitlement process and as such the two parcels were defined and the

purchase and sale was defined accordingly. They now have a major title issue because of a document that was found in the bottom of a drawer after they had done an enormous amount of due diligence on this project dating back 10 years. He added that their request actually meets the lot line adjustment that is stated in the Staff Report of 1984 that reads: "The project is currently divided into 3 separate parcels. Since the proposal contemplates a unified development on the site, the existing interior lot line should be eliminated to allow for the construction over areas now bisected by the property line and to allow all improvements to be on the same lot." The improvements needed to be on one lot, so the currently proposed lot line adjustment absolutely meets the letter of that law. "The lines which now bisect the improvements these lot lines will now be adjusted to allow the lines to encompass the project improvements. Our request tonight absolutely meets the intent, our frontage meets the code, our onsite parking dedicated to the existing campus meets the minimum requirement. Commissioner Parsons was asking if there would be parking on one side or the other and yes, there's parking, but easement obviously allowed over on what we would call parcel 2, but the parcels were divided up to provide for 52 parking spaces, which was mandated by the use permit for the existing Alzheimer's community. Absolutely we meet the letter of the law as far as parking goes. Fire access to and from the campus is not restricted in any fashion, and your decision to accept our lot line adjustment will not impact this community in any way shape or form. In closing, I want to speak about the fact that a lot has changed in the development community since the 1988 CUP - 21 years ago. I'm going back to school to understand what is happening in our world in the sustainable environment. The idea of approving a single story 45,000 medical office facility which is Ralston Village on a 9- acre parcel or land that was redeveloped on a site within a half mile of major transit and local shopping would never happen today. If you were to approve a project like that it would not only be irresponsible but it would be in direct conflict with our new SB 375, the State Senate bill focused on our future and our green house gas emissions. Our community must now live by these rules. It's all about making sure that suburban communities like Belmont are thinking regionally, not locally. Mind you, this project while we did not explicitly state it at the time we brought it to you 4 years ago, is a poster child for sustainability - it's a bulls eye for SB 375, it is a redeveloped site that is within a half mile walking distance to mass transit, walking distance to two retail and food centers, it was to be a medium high density project. The days of approving single-family single-story structures is largely history. I urge you tonight to accept our simple request, approve our lot line adjustment. And I'll turn it over to Chris Griffith, our attorney.

Chris Griffith, attorney with Ellman Burke Hoffman & Johnson, San Francisco based law firm specializing in real estate land use. This is all that we do. One reason I'm here today it because the staff report raises a number of what I would call legal issues in an attempt to I think put some constraints on the Planning Commission that just really aren't there. The first, which is the key, is that staff has said that the application that has been filed is the incorrect application. Walk through that - in 1988 there was approved by the city a CUP and a Detailed Development Plan (DDP). In the CUP there was a condition to merge the lots and staff has repeatedly referred to that condition as the 1988 condition to merge the lots. So the only thing that was approved in 1988 was a CUP and a DDP and some of the other - grading plan and what not - that went with that. If you look at

your planning code, section 12.9 says that if you want to make a change to a DDP the way that you do that is you apply for an amendment to the CUP and you treat it in the same way as a conditional use permit application. That's exactly what we've done. To further back that up – its not just my reading of the code – on March 16 2007, two years ago, Mr. de Melo left my client a voice mail explaining what kind of application would be required in order to submit this lot line adjustment and make the change that we're asking for tonight. And in that voice mail he said it will need to be a CUP amendment since it was a CUP that established the DDP in 1988 for the Belmont site. He went on to say that the project description needs to illustrate the reasons why the CUP that was proposed will not be satisfied. That is, the condition of merging the 3 lots into 1. This voice mail docs us two things: 1) at the time staff acknowledged that there were 3 lots, just as there are today. 2) staff specifically instructed my client to file a CUP amendment. He goes on to say there are 4 findings that have to be met in the affirmative for a CUP application and then refers us to website for the CUP application and states that we can use that application as the basis for our lot line adjustment application. Go down the checklist, he said, of the CUP to amend the DDP. So as I sit here tonight in the audience listening to staff say, oh we've been clear with the applicant – they've filed the wrong papers, that's all – it makes me angry because its just simply not true – it was Mr. de Melo's specific instructions upon which my client filed an amendment to a CUP. There's more -- because on the agenda for your meeting on April 1, 2008 – a year ago – that voice mail was 2 years ago – now we're a year ago, there was a staff report prepared, this exact lot line adjustment application was on the agenda – and the staff report, which I have a copy of right here – which I'm sure you all have in your files, not only recommended , staff recommendation was that you approve the lot line adjustment as a CUP amendment. It goes on to say that the condition to merge the 3 lots into 1 had never been fulfilled, that the amendment that my client was asking for was consistent with the intent of the original 1988 conditions, that it would have no effect. I notice the staff report this time mentions that you couldn't possibly approve it because there hasn't been a CEQA review. Well, there has because in this staff report it specifically says "the proposed addition is categorically exempt from the provisions of CEQA under a class 1 exemption because it doesn't propose any development or any physical changes to the environment. Staff has also said in the staff report that you can't possibly approve this conditional use amendment because the staff hasn't made the findings. Oh, but they have because in the April 1st 2008 staff report staff went through diligently and checked off every finding that's required for a conditional use application amendment and stated: "These findings can be made in the affirmative." So if I stand here today and I seem a little agitated maybe you'll understand why – staff is, for whatever reason, I believe misleading this Commission as to what they can and cannot do. Staff has certainly misled my client as to what they should and shouldn't do. In addition, when you're looking at the paperwork surrounding this alleged lot merger, my client first approached the City of Belmont with a development proposal for this site about 10 years ago. In all of those discussions, in all of that time, nobody said anything about hey, no, somebody did try to merge these lots. No, there was a deed that was prepared and there was just some clerical error. That didn't come up until a little bit over a year ago that all of a sudden staff discovered a file that showed that these things had been done and now staff is attempting to assign some reasoning behind why it wasn't done. What they haven't

mentioned is that it was the City that was supposed to record whatever documentation was submitted and it was the City that failed to complete the recording that would have merged the lots. So it's the City that failed to meet the condition, not the applicant. And to say – to try to imply that it is my client that has avoided this condition is also incorrect because obviously my client didn't own the property at the time. When my client bought the property, as far as they knew it was 3 lots – as far as everybody knew, it was 3 lots – and it wasn't until much, much later that anybody even brought up this condition. So, staff has said tonight that we refused to file the applications they've asked for and I just need you to know that that is not correct. We did in fact file the application that staff told us to and when my client came here ten years ago nobody said anything about the fact that this condition hadn't been fulfilled or that there weren't 3 lots. When my client's development proposal was rejected in 2005, nobody said, oh and by the way, you don't have 3 lots. Staff, said, gee, if you want to fulfill your contractual obligations why don't you file a lot line adjustment application, so my clients filed a lot line adjustment application, then staff said, oh, well, you can't just do a lot line application, you need to do the conditional use amendment, so then my client did the conditional use amendment and mind you that was 2 years ago, and so now when we come before the Commission again we finally get on the agenda again, staff says we have to do something else and it's a legislative approval, and that's simply not true. It's not called out in your code that way and it's not called out in any of the past actions on this project. One more thing on this topic. In the 2008 staff report, staff specifically states that the entire site -- that allowing this to go forward first of all the lot line adjustment does not result in any development and it says the entire subject site remains under the PD Planned Development designation. Any minor changes to the existing site design would require approval of an amendment to the DDP, which is what we're asking for tonight. Any significant modifications to the site, i.e., new buildings, would require approval and an amendment to the CDP, so staff's own report from a year ago characterized this as appropriate for a CUP application, and that's what we're asking you to do today. I also want to address just briefly, because what you have in front of you is a lot line adjustment. Some or all of you may be familiar with the Subdivision Map Act and the way that it works. One of the things that the Subdivision Map Act does is to standardize land divisions throughout the state of California and in doing so it did take away some of the discretion from local governments. Specifically as regards lot line adjustments the subdivision map act says "a local agency shall limit its review and approval of a lot line adjustment to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local General Plan, applicable Specific Plan, Coastal Plan, Zoning and Building Ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment. This section of the Subdivision Map Act does constrain the City of Belmont as to what it may do in rejecting a lot line adjustment. While I certainly appreciate the City and the staff's efforts to keep me fully employed in my legal practice I really don't see what the issue is. My client is asking for a simple lot line adjustment – it's not the approval of any development – it doesn't commit the City to any development plan, but the refusal to do it is going to risk the City's exposure in litigation. And I don't think that that would benefit anyone except for me, I guess, which as you can see I'm arguing against my own personal interests. I urge you to please look at this for what it is. It's a simple lot line adjustment, the correct application has been

filed and you do not only have the discretion but I think the responsibility to approve it. Happy to answer any questions – I know I've thrown a lot of information at you.

Commissioner Mayer: What is the interest of the applicant in insisting upon a division into two lots rather than a combination into one lot? Ms. Griffith: My client has a contractual obligation with the operators of the current existing facility that is there to divide these interests. That's it we have a contractual obligation – we can't just let it go. I have the agreement here with me – when my client entered into a purchase agreement to purchase this property one of the conditions was that the land where the existing development is, the existing buildings and the parking that is necessary for it and all the attendant improvements, be divided from the rest of the land and so we have an obligation to do that whether we can ever develop that other parcel or not.

Chair Parsons: Are you maintaining ownership of both parcels? Ms. Griffith: No, not at this time. What we have is a purchase agreement. Chair Parsons: For the people who operate Silverado to purchase proposed parcel 1? Ms. Griffith: I believe that's right. Right.

Commissioner Mercer: Did your client buy the property from Community Psychiatric Centers? Mr. Roos: I don't recall whether it was actually the Psychiatric Center or whether there was an interim owner but Sunrise purchased it from Pacific Coast Capital Partners, who is our partner. It's been turned over. Commissioner Mercer: I find it interesting that on December 1, 1988 the then Vice President of Community Psychiatric Centers submitted and had notarized a lot consolidation certificate combining three parcels into one single parcel. Is that disputed? Mr. Roos: It has never been in our files. Commissioner Mercer: So by the fact that this property owner submitted and had notarized that these parcels are all one, clearly he was knowledgeable in 1988 that this was one parcel, not 3, from his perspective, so somewhere along the line some seller has misrepresented these facts. Ms. Griffith: I don't know whether I could speak to whether somebody had misrepresented along the way, clearly there was a condition, clearly there were some steps taken to implement that condition and clearly the process was not completed. Typically, when purchasing a property of this type the purchaser relies primarily on information that they get from the assessor and from the title report in terms of determining how many lots there are, that's typically what you would rely on. I think it's clear that the due diligence that I would recommend was probably not done at some point when somebody purchased something, but I can't tell you where that was or who may or may not have misrepresented. I can tell you that when my clients purchased the property they understood it to be 3 lots.

Chair Parsons opened the Public Hearing. No one came forward to speak.

Motion: By Commissioner Frautschi, seconded by Commissioner Mathewson, to close the Public Hearing. Motion passed 6/0/1 by a show of hands, with Vice Chair Horton recused.

CDD de Melo stated that he appreciated the comments from Joel and Chris and their perspective on the matter. A couple things: I want to take the commission back to 1988. In a perfect world, if this condition was actualized and these lots went from 3 to 1 the applicant's current request, according to our current zoning ordinance for planned developments, would require a CDP amendment – plain and simple. Based on a number of factors – modified setbacks, buildings to their proximity to a newly described lot line, floor area ratios associated with the amount of buildings on adjusted parcel 1 as opposed to 1 parcel of 17.5 acres. So that floor area ratio would change, it would get higher, the setbacks would get smaller, and your Planned Development Ordinance, Section 12, clearly delineates that when these key development standards are modified the vehicle to modify is a CDP amendment, not a DDP amendment. Now, I understand, correspondence between staff and the applicant back in 2007 relative to direction on seeking an entitlement to do what they are currently seeking to do but what I also would like to illustrate that it's been over a year since the applicants have been fully aware that the vehicle to seek what they are seeking is via a CDP amendment and not a CUP to amend a DDP. That has been made abundantly clear to them both in written correspondence and in voice mails, and in fact, I think as part of your staff report there is correspondence back and forth between the City's legal counsel and the applicant's legal counsel about the files that were discovered, the issues that are apparent relative to their current application, and the remedy to seek what they choose to seek. So this isn't something that sprung up yesterday or a couple weeks ago – this is something that has been fully clear to them for over a year now that this is the direction their application must take. They chose not to do so – they chose to move forward with the application. It has been scheduled for a couple of public hearings - they've been continued at least once at the applicant's request. If the Commission recalls, this was on your December 16, 2008 Planning Commission meeting – the applicant requested that it be continued – we had it scheduled for March 17 – continued. So we're here tonight – we understand concerns that the applicant brings to the table about direction on an application, on frustration related to a process that went from 2000 to 2005 with not a successful result for them, but in terms of this current request we're simply pointing out that an incorrect application was filed and we've made an overture to the applicant that again, we are ready willing and able... In fact, we've even made overtures to the applicant that we will apply fees paid for their current entitlement request to be applied to a CDP amendment request – that's been made clear to them – we will move quickly on an application – that's been made clear to them – so while I understand their concern about what's transpired up until April 7th, City staff is willing to move forward with the recommended request that the City is requiring for this action. Does that answer other questions that they have. I'm not sure if Kathleen wants to add some more.

Chair Parsons: Joel made a comment about how all the improvements would be one parcel but that's clearly not the case in any case. Right? Some of the existing parking which apparently was a part of the project would now be on parcel 2. Is that not correct?
CDD de Melo: Correct. All of the buildings – all of the physical structures – would be on adjusted parcel 1, whereas a large bank of parking would be on adjusted parcel 2. Now they're indicating that they have cross easements to allow access. Irrespective of cross easements, if you look at your PD Zoning regs under CDPs, if you change a

fundamental development standard like the height of a building, the maximum amount of floor area, a floor area ratio, a setback, a parking requirement, something along those lines, the vehicle is not a CUP to amend a DDP, the vehicle is a CDP amendment. That's been made clear to them. I'm not sure what more to say.

DCA Kane: Counsel for the applicant brought up some issues. The issue of the Subdivision Map Act is actually treated in a letter from Marc Zafferano that is included in your packet dated July 10, 2008, albeit in an abbreviated form, but his take there is that it does not preclude the action that staff is advising here. The other issue is that the condition runs with the land and that it is the duty of someone purchasing that land to find out what is burdening that land, be it an easement, be it a condition, that's part of what you do when you purchase, and so that is something that continues to pertain legally here. The third brief point I would make is that there are a number of cases which I'm sure were very frustrating to the plaintiffs who brought them but which hold very clearly that recommendations by staff including, by the City Clerk or anybody else, doesn't bind the City if it turns out that that recommendation was incorrect. So even though Carlos has said that in the last couple of years he's been quite clear about his, the initial voice mail, assuming it was left as described, does not create a right in the applicant that doesn't otherwise exist – the rights that the applicant has are determined by the code that we work under, not by what I or Carlos or anybody else advises them if it turns out later to be a mistake.

Commissioner Mayer: So fundamentally what we're talking about here is not the end that they are seeking but the way that they are seeking to achieve that end. CDD de Melo: That's it in a nutshell. The applicants, even if they were to reposition their application for a CDP amendment, they would be requesting the exact same thing. But again, we'd be evaluating the project under different findings, we wouldn't be evaluating it under a CUP to amend a DDP, we're evaluating it under a CDP amendment. One may say, well, it's so simple, we just check a different box. It's not that simple. We have to look at it based on different findings - there is a different outcome. We are looking at consistency with the City's General Plan – that is one of the main findings associated with a CDP – the application on its cover may be the same – we're still looking at a lot line adjustment – but the entitlement by which that request is judged is different, its profoundly different, but again, staff is indicating that the vehicle for them to seek and get what they want is not via a CUP, its via a CDP. Commissioner Mayer: Could one say that the obstacles before them and that recommended path might be more difficult to... CDD de Melo: Certainly there's less findings. There are different findings. There's definitely a higher hurdle because we're looking at General Plan consistency rather than just the 4 finding associated with a CUP. It requires a, I wouldn't say exhaustive, but a pretty thorough review of the City's General Plan relative to its goals and policies as to whether it is appropriate to grant the CDP amendment. That's different than a CUP.

Commissioner Reed: I have one last question. Given the clerical error nature of this issue, would a rigorous due diligence process when the property transferred from one owner to another have discovered this condition of approval or was it something that was something that was so hidden, so buried, that it would impossible to find out? DCA

Kane: Because the instrument was not recorded, it wouldn't show up on a title search, however, the condition is something else and that's something that you would do a different kind of search to find out about when you'd be looking for that specifically. So you may not have found necessarily unless the existing owner told you about it of the actual effort to join the 3 parcels, but you would find the requirement to join the 3 parcels. It's hard to say whether you would stumble across an unrecorded instrument.

Chair Parsons: But it would be due diligence on the part of the buyer that if you knew he was developing a planned unit development or anything like that that they probably ought to go to the City to see if there were any possible..... DCA Kane: It's certainly up to any given buyer to do whatever they want to including nothing about finding out what burdens the land but that doesn't affect the fact that the condition runs with the land and it continues to be a burden on that land just like an easement would be if your neighbor has always used your driveway, the fact that you don't inquire about that when you buy a house doesn't mean that the neighbor doesn't get to still use your driveway. The same thing here - one of those things that you have to look for and I would presume that the greater the sophistication of the buyer the more careful they would be, but everyone has a different approach to that and I don't know what the circumstances of this purchase were, whether there was time or anything else, but it doesn't affect the binding nature of the condition - it's there whether you find out about it or not.

Chair Parsons: Any further discussion, or does someone want to make a motion?

Commissioner Mercer: Do you want to hear our thoughts just for background? Chair Parsons: Yes, I do, if you have them. Everybody's being quiet. Commissioner Mercer: It's an unfortunate situation - it may well be time that this Planned Development be re-evaluated in light of the times and in light of our housing situation. However, that's not the question that's before us tonight. I suspect, although no one can prove it with the verbal exchanges and promises and whatnot, that what we might have here is a simple confusion of acronyms where what we were looking for was a CDP and what instead was interpreted that what we wanted was a CUP and its one little letter and muttered over a phone or written down quickly, yet they're significantly different documents. A CDP is what is in force on this parcel. That's what says we will allow x # of units per acre over this entire 3-lot which is now one planning district, one planned development. The CDP, Conceptual Development Plan, is what establishes that and so I fully understand that's what needs to be looked at and evaluated and changed and there's a lot of thought process that would go into that - whether we'd want a higher density there and whether the parking is adequate, blah, blah, blah, whereas that sounds a whole lot like a CUP, which is a Conditional Use Permit, but which is a whole different animal and I think we very casually throw these out thinking that everyone knows what we're talking about and I think that very often it causes confusion without people even realizing it. What I have to fall back on is the intent of the original Commission and the original City Council who approved the Planned Development and the CDP based on a density and an intensity of use that they thought was appropriate for this parcel in this location, and I'm confident that a lot of thought was put into it at that time about the density, location, traffic, about this being sort of a transition property between a very low density park and a slightly

higher density residential area that is being sort of a buffer zone for that, and until that's evaluated I could not approve a change to that CDP. If I were to look at this just as a CUP as the applicant has requested, even if I were to evaluate it on that, I can't make the findings -- if you are evaluating a CUP one of the findings is the uses as shown on the approved CDO are being met, and they aren't, because the CDP specifies the density over the entire 3 parcels, not over 2 of the 3 parcels. So either way I come at it I'm afraid I can't make the findings to approve this and I regret that it's come to this and hope that the City can work it out with the applicant.

Commissioner L'rautschi: I really didn't have that much to say but Joel and Ms. Griffith spoke and I've got to say something about a couple of things they said. I don't think, Joel, that characterizing the traffic study as a marginal impact is the way I remember it. And you might want to go back and look at that -- I think you're mischaracterizing that. And then when you say that a document was found in the bottom of a drawer, you're trying to, in my mind, tell us something was up -- the City was holding back on something and at the last minute they sprung this on us and that's not the case. I know that's not the case, because I was the one who requested for a complete search of the documents files and it was Jennifer Walker that found the file, and everyone that's involved in the process now was not involved in the process 10 years ago that you're complaining about when it initially happened, so your characterization is just totally off base there. And then a statement you made that the lot line adjustment will not affect your community in any way shape or form -- I beg to differ with you. Because you're not just doing it for your contractual agreement because there's a way of doing that -- you've had time to do that -- there's something else down the line. I'm not going to put blinders on and say, no, they just want a lot line adjustment, that's all they're coming to us for. Who's being sincere here or insincere? And then I hate it when applicants bring their lawyers and they try to buffalo us. You said that our staff was putting legal constraints on us as Planning Commissioners. I choose to call it legal counsel -- that's what their job is. Marc Zafferano in his letter of July 10th was very clear about the City's -- that was 2008 -- the City's position on this. What you all had to do -- and you come to us now whining about, well, you've done this, you've jerked us around here, that's... you know, it's just not true, it's just not true. And I'm sorry, Ms. Griffith, that we made you angry -- this process has made you angry -- I'm sorry that the client's fees to you can't constrain that anger because -- our legal constraints don't go in that direction. Whether it was misspoken, CUP, CDP amendment, there's been a year that's passed -- it's been very clear what's been required -- and to kinda throw the smoke screen on us with the Subdivision Map Act -- if we don't do this we're setting our City up for legal exposure -- you gave me the answer in your own little thing there -- it says we can do lot line adjustments or refuse lot line adjustments if we feel they violate our General Plan. You said General Plan, General Plan. I know what our General Plan says about this piece of property. I've been looking at this piece of property for 7 years. I wasn't there at the beginning when this started but you know you're playing catch up I know, and I don't mean to beat you up about this, but it just -- and I'm not angry. Chair Parsons: You don't get paid enough to be angry. Commissioner L'rautschi: Yeah, we get \$25 a meeting. Anyways, we can't do this because it would violate the development standards that were set in 1988 -- we're not

allowed to do it – that is our constraint, and I support staff's recommendation and I appreciate staff.

Chair Parsons: Anything to add?

Commissioner Reed: No, I think it's very simple – I think condition 20 of 1988-2 needs to be fulfilled before any further discussion takes place.

Commissioner Mayer: I would agree by concluding that the due diligence on the part of the applicant was lacking in this case for whatever reason and for whatever justification and I simply don't understand why there is a refusal on their part to follow through on the recommended course of action by City staff. So I would support the staff recommendation.

Chair Parsons: I have some things I would add but I'm not, so I will ask someone to make a motion.

MOTION: By Commissioner Frautschi, seconded by Commissioner Mayer, to adopt the Resolution denying a Conditional Use Permit to amend the conditions of approval for Resolution 1988-2 for 1301 Ralston Avenue (Appl. No. 2007-0062).

Parsons
Ayes: Frautschi, Mayer, Mercer, Mathewson, Reed, Chair
Noes: None
Recused: Horton

Motion passed 6/0/1

Chair Parsons announced that this item can be appealed to City Council within 10 calendar days.

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August 12, 2008

Marc L. Zafferano
Aaronson, Dickerson, Cohn & Lanzone
939 Laurel St., Suite D
San Carlos, CA 94070

Re: Ralston Village

Dear Mr. Zafferano:

In response to your letter of July 10, 2008, I feel it imperative to clear up some of your "factual" assertions. I realize it has been some time since we met and the discussions from our meeting may not be fresh in your memory.

My client and I have taken the position with the City of Belmont that the property consists of three legal lots. This is a point you apparently now concede. Neither I nor my client have taken the position that the condition should be "ignored." Instead, as you again acknowledge in your letter, my client sought to have the condition modified so as to allow the consolidation of the site from three lots to two lots, shifting the lot line so that the purpose and intent of that condition, i.e., to ensure that the existing development be located on a single parcel, would be fulfilled. City staff recommended approval of this application back in April, thus it was hardly as though my client ignored direction from the City on this point.

You attribute to me a statement that my client "was unaware that the condition was never satisfied." That's not accurate. When my client purchased its option on the property, the property was recognized by the County Recorder and the title company as three legal parcels. At that time, my client was not aware of the condition since neither the CUP nor the conditions are recorded documents. My client later became aware of the condition but was told by all interested parties, including the City, that it had never been fulfilled. It was not until the eve of the hearing on my client's lot line adjustment application, some 8 years after my client first inquired with the City about the status of this property, that City staff inexplicably produced the file containing documentation concerning the failed attempt to merge the lots.

I take your letter to mean that it is your position that the condition is enforceable. My client would like to proceed to a hearing on its application 1) to modify the condition and 2) for a

Marc L. Zafferano

August 12, 2008

Page 2

lot line adjustment. We ask that the matter be scheduled on the next available Planning Commission agenda.

Sincerely,



Christine W. Griffith

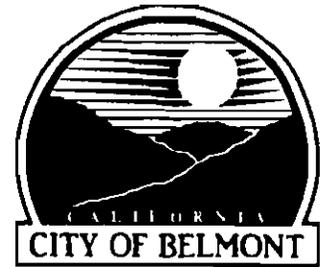
CWG/eap

cc: Joel Roos
Bryan Thornton
City Council

Attachment 6

Office of the City Attorney
939 Laurel Street, Suite D
P.O. Box 1065
San Carlos, CA 94070
(650) 593-3117

August 14, 2008



Chris Griffith
Ellman Burke Hoffman & Johnson
601 California Street, Nineteenth Floor
San Francisco, CA 94108

Re: **Ralston Village**

Dear Ms. Griffith:

Thank you for your letter of August 12, 2008.

I am puzzled by your statement that the City "concedes" that the property consists of three legal lots. That statement appears nowhere in my July 10, 2008 letter, nor anywhere else.

In your letter, you also state that your client was "not aware of the condition since neither the CUP nor the conditions are recorded documents." It is remarkable that you are asserting that your client was unaware of the Conditional Use Permit applicable to the property they intended to purchase. Regardless, as noted in my letter, your client's knowledge of the CUP is irrelevant. Under State law, the CUP runs with the land, and your client may not avoid compliance with the conditions by simply stating that they were unaware of them.

I take your letter as a rejection of the City's request that your client execute a new deed in the form satisfactory to the City that fulfills the original condition of approval. If this is incorrect, please let me know right away.

Per your request, we will schedule the matter at the next available Planning Commission meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marc L. Zafferao".

Marc L. Zafferao
City Attorney

MLZ:jb

cc: City Council
Jack Crist

Carlos de Melo

Attachment 7



**ENGINEERS
SURVEYORS
PLANNERS**

July 2, 2007
BKF Job No. 20010157-11

DESCRIPTION OF ADJUSTED PARCEL 1

All that real property situate in the City of Belmont, San Mateo County, State of California being all of Parcel 1, a portion of Parcel 2 and a portion of Parcel 3, as said parcels are described in that certain Grant Deed, recorded on November 11, 2005 as Document No. 2005-200396, Official Records of San Mateo County and being more particularly described as follows:

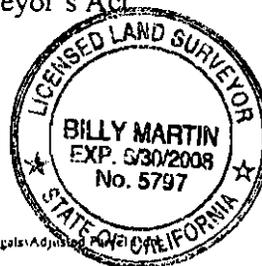
BEGINNING at the northwesterly corner of said Parcel 1; thence along the northerly line of said Parcel 1, North 82°29'00" East, 150.00 feet to the northeasterly corner of said Parcel 1; thence along the easterly line of said Parcel 1, South 16°11'00" East, 1086.00 feet to the southeasterly corner of said Parcel 1; thence along the southerly line of said Parcel 1, South 42°00'19" West, 110.00 feet to the most southerly corner of said Parcel 1, also being the southeasterly corner of said Parcel 2; thence along the southerly line of said Parcel 2, South 40°39'42" West, 80.76 feet; thence leaving said southerly line, North 32°45'19" West, 729.74 feet; thence North 10°08'30" West, 99.39 feet; thence South 79°51'30" West, 33.54 feet; thence North 9°49'58" West, 14.69 feet; thence South 79°26'10" West, 28.90 feet; thence North 10°27'48" West, 28.73 feet to a point which bears South 79°32'12" West, 10.5 feet from the southeasterly corner of an existing building; thence continuing along said line, North 10°27'48" West, 141.03 feet; thence South 79°31'03" West, 43.03 feet; thence North 10°28'57" West, 51.22 feet; thence North 64°09'15" West, 12.97 feet to the beginning of a tangent curve to the right; thence along said curve having a radius of 49.00 feet, through a central angle of 95°08'17", an arc length of 81.36 feet; thence North 11°03'00" West, 71.68 feet; thence North 80°27'00" East, 293.08 feet to a point on the common line of said Parcel 1 and said Parcel 2; thence along said common line, North 11°03'00" West, 49.02 feet to the POINT OF BEGINNING and containing an area of 8.72 acres, more or less.

A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit "B"

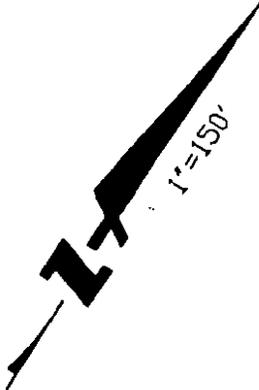
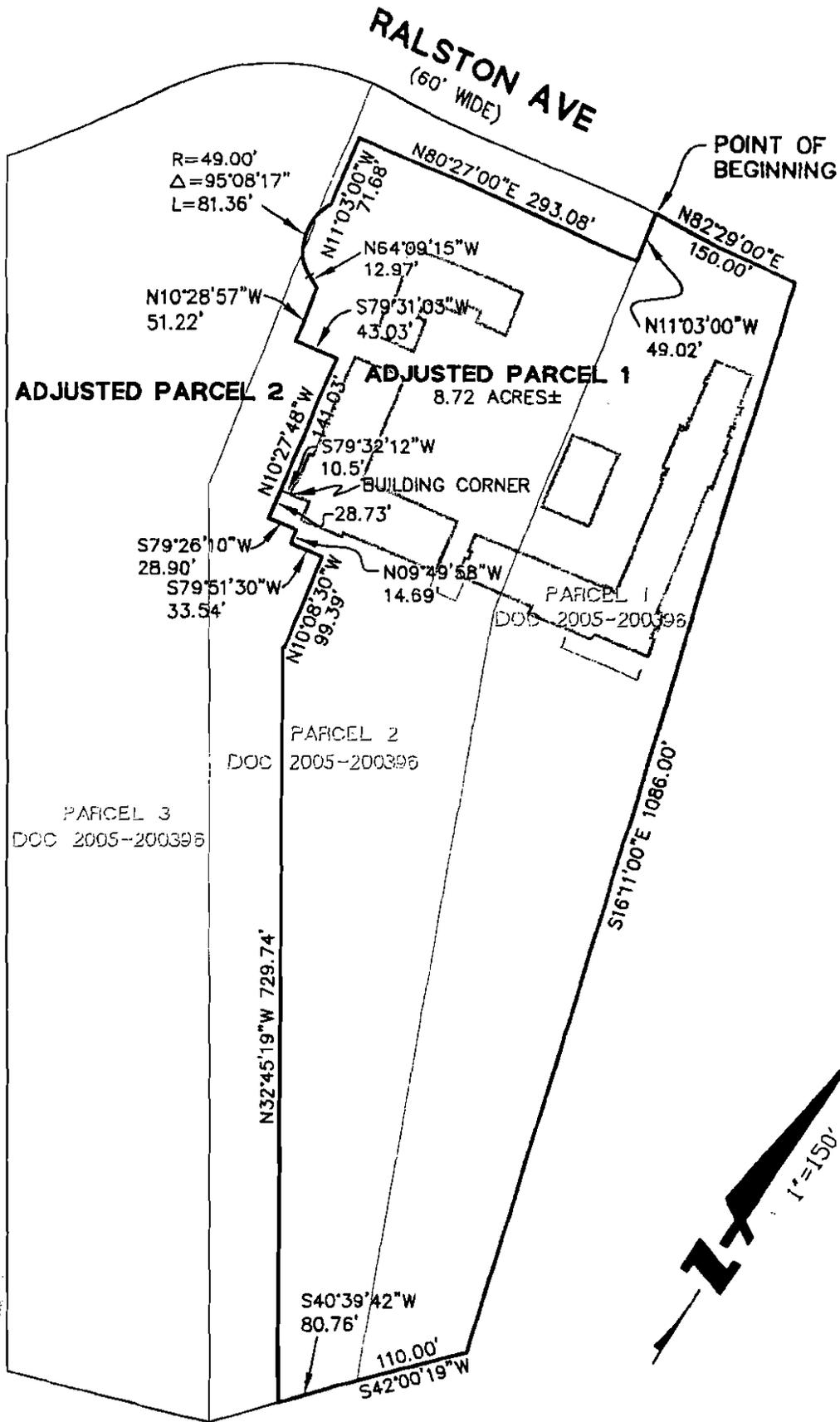
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

255 Shoreline Drive
Suite 200
Redwood City
California 94065
phone 650.482.6300
fax 650.482.6399
www.bkf.com


Billy Martin, P.L.S. 5797
License Expires: 06/30/08



July 2, 2007
Dated



255 SHORELINE DR
 SUITE 200
 REDWOOD CITY, CA 94065
 650-482-6300
 650-482-6399 (FAX)

Subject **ADJUSTED PARCEL 1**
EXHIBIT "B"
 Job No. 20010157-11
 By MK Date 7/02/07 Chkd. BM
 SHEET 1 OF 1

Parcel name: Adjusted Parcel 1

North: 2015491.4736 East : 6045106.1606
 ine Course: N 82-29-00 E Length: 150.0008
 North: 2015511.0959 East : 6045254.8724
 Line Course: S 16-11-00 E Length: 1086.0006
 North: 2014468.1283 East : 6045557.5535
 Line Course: S 42-00-19 W Length: 110.0000
 North: 2014386.3892 East : 6045483.9416
 Line Course: S 40-39-42 W Length: 80.7557
 North: 2014325.1303 East : 6045431.3220
 Line Course: N 32-45-19 W Length: 729.7404
 North: 2014938.8340 East : 6045036.4945
 Line Course: N 10-08-30 W Length: 99.3945
 North: 2015036.6755 East : 6045018.9929
 Line Course: S 79-51-30 W Length: 33.5378
 North: 2015030.7701 East : 6044985.9791
 Line Course: N 09-49-58 W Length: 14.6913
 North: 2015045.2456 East : 6044983.4702
 Line Course: S 79-26-10 W Length: 28.8962
 North: 2015039.9480 East : 6044955.0637
 Line Course: N 10-27-48 W Length: 28.7261
 North: 2015068.1964 East : 6044949.8469
 Line Course: N 10-27-48 W Length: 141.0268
 North: 2015206.8782 East : 6044924.2356
 Line Course: S 79-31-03 W Length: 43.0348
 North: 2015199.0486 East : 6044881.9190
 Line Course: N 10-28-57 W Length: 51.2187
 North: 2015249.4125 East : 6044872.6005
 Line Course: N 64-09-15 W Length: 12.9704
 North: 2015255.0670 East : 6044860.9275
 Curve Length: 81.3631 Radius: 49.0000
 Delta: 95-08-17 Tangent: 53.6036
 Chord: 72.3329 Course: N 16-35-07 W
 Course In: N 25-50-45 E Course Out: N 59-00-58 W
 RP North: 2015299.1655 East : 6044882.2891
 End North: 2015324.3906 East : 6044840.2808
 Line Course: N 11-03-00 W Length: 71.6802
 North: 2015394.7418 East : 6044826.5422
 Line Course: N 80-27-00 E Length: 293.0753
 North: 2015443.3654 East : 6045115.5558
 Line Course: N 11-03-00 W Length: 49.0171
 North: 2015491.4738 East : 6045106.1610

Perimeter: 3105.1299 Area: 379,732 sq. ft. 8.72 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0004 Course: N 67-39-43 E

Error North: 0.00015 East : 0.00037

Precision 1: 7,762,824.5000





July 2, 2007
BKF Job No. 20010157-11

DESCRIPTION OF ADJUSTED PARCEL 2

All that real property situate in the City of Belmont, San Mateo County, State of California being a portion of Parcel 2 and a portion of Parcel 3, as said parcels are described in that certain Grant Deed, recorded on November 11, 2005 as Document No. 2005-200396, Official Records of San Mateo County and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Parcel 2; thence along the easterly line of said Parcel 2, South $11^{\circ}03'00''$ East, 49.02 feet; thence leaving said easterly line, South $80^{\circ}27'00''$ West, 293.08 feet; thence South $11^{\circ}03'00''$ East, 71.68 feet to the beginning of a non-tangent curve to the left from which point a radial line bears South $59^{\circ}00'58''$ East; thence along said curve having a radius of 49.00 feet, through a central angle $95^{\circ}08'17''$, an arc length of 81.36 feet;

thence South $64^{\circ}09'15''$ East, 12.97 feet; thence South $10^{\circ}28'57''$ East, 51.22 feet; thence North $79^{\circ}31'03''$ East, 43.03 feet; thence South $10^{\circ}27'48''$ East, 141.03 feet to a point which bears South $79^{\circ}32'12''$ West, 10.5 feet from the southwesterly corner of an existing building; thence continuing along said line, South $10^{\circ}27'48''$ East, 28.73 feet; thence North $79^{\circ}26'10''$ East, 28.90 feet; thence South $9^{\circ}49'58''$ East, 14.69 feet; thence North $79^{\circ}51'30''$ East, 33.54 feet; thence South $10^{\circ}08'30''$ East, 99.39 feet; thence South $32^{\circ}45'19''$ East, 729.74 feet to a point on the southerly line of said Parcel 2; thence along said southerly line, South $40^{\circ}39'42''$ West, 69.24 feet to the most southerly corner of said Parcel 2, also being the southeasterly corner of said Parcel 3; thence along the southerly line of said Parcel 3, South $71^{\circ}09'42''$ West, 200.00 feet to the southwesterly corner of said Parcel 3; thence along the westerly line of said Parcel 3, North $33^{\circ}20'25''$ West, 1175.97 feet to the northwesterly corner of said Parcel 3; thence along the northerly line of said Parcel 3, North $34^{\circ}38'25''$ East, 188.27 feet to the beginning of a tangent curve to the right; thence continuing along said northerly line and along said curve having a radius of 230.00 feet, through a central angle of

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Exhibit A
Page 1 of 2

45°48'35", an arc length of 183.89 feet to the northeasterly corner of said Parcel 3 also being the northwesterly corner of said Parcel 2; thence along the northerly line of said Parcel 2, North 80°27'00" East, 301.66 feet to the POINT OF BEGINNING and containing an area of 8.42 acres, more or less.

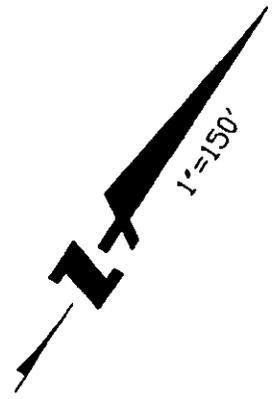
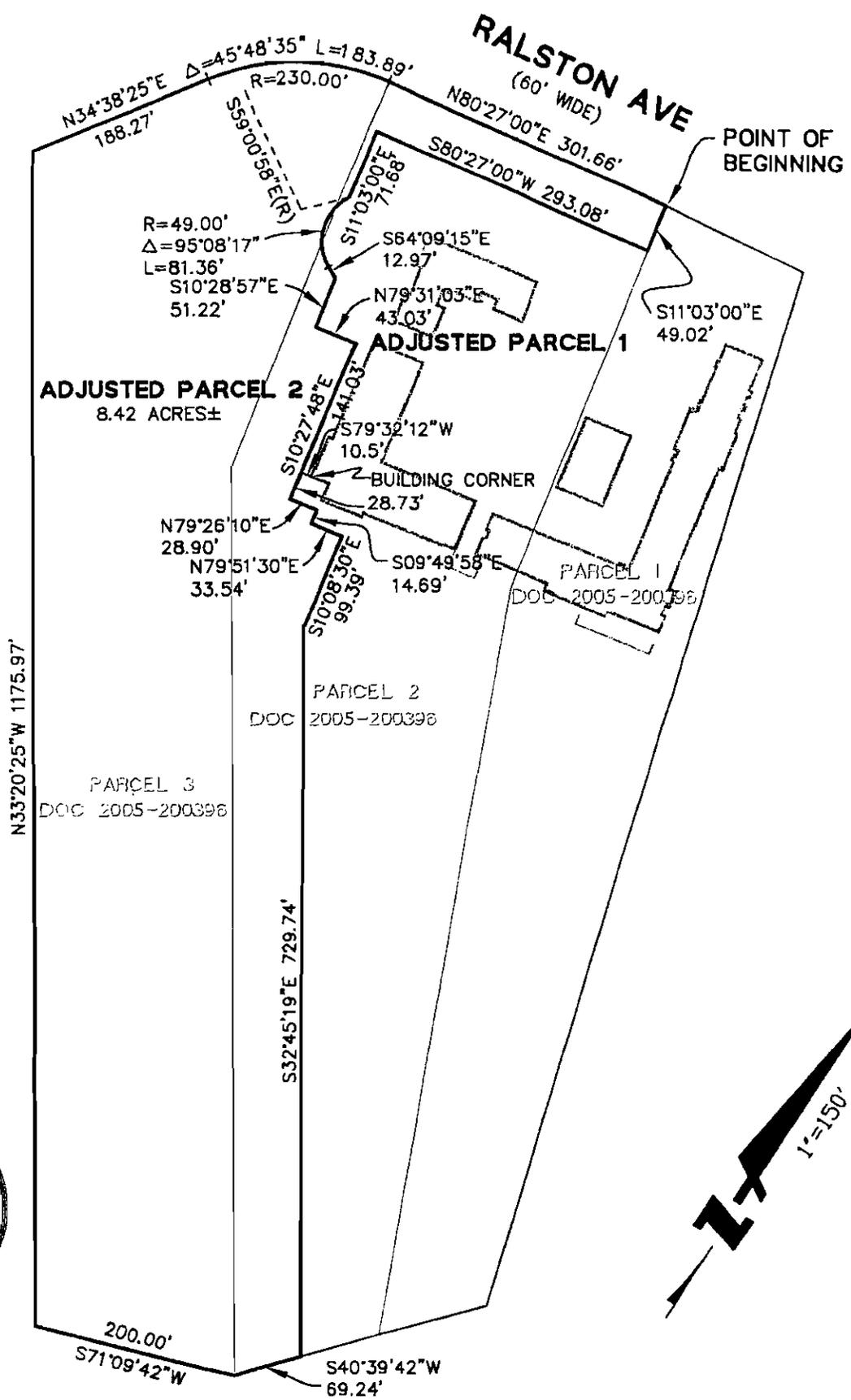
A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit "B"

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Billy Martin, P.L.S. 5797
License Expires: 06/30/08



July 2, 2007
Dated



255 SHORELINE DR
 SUITE 200
 REDWOOD CITY, CA 94065
 650-482-6300
 650-482-6399 (FAX)

Subject ADJUSTED PARCEL 2
EXHIBIT "B"
 Job No. 20010157-11
 By MK Date 7/02/07 Chkd. BM
 SHEET 1 OF 1

Parcel name: Adjusted Parcel 2

North: 2015491.4736 East : 6045106.1606
 Line Course: S 11-03-00 E Length: 49.0171
 North: 2015443.3653 East : 6045115.5555
 Line Course: S 80-27-00 W Length: 293.0753
 North: 2015394.7417 East : 6044826.5419
 Line Course: S 11-03-00 E Length: 71.6802
 North: 2015324.3904 East : 6044840.2805
 Curve Length: 81.3631 Radius: 49.0000
 Delta: 95-08-17 Tangent: 53.6036
 Chord: 72.3329 Course: S 16-35-07 E
 Course In: S 59-00-58 E Course Out: S 25-50-45 W
 RP North: 2015299.1653 East : 6044882.2888
 End North: 2015255.0668 East : 6044860.9272
 Line Course: S 64-09-15 E Length: 12.9704
 North: 2015249.4123 East : 6044872.6001
 Line Course: S 10-28-57 E Length: 51.2187
 North: 2015199.0485 East : 6044881.9186
 Line Course: N 79-31-03 E Length: 43.0348
 North: 2015206.8780 East : 6044924.2352
 Line Course: S 10-27-48 E Length: 141.0268
 North: 2015068.1963 East : 6044949.8465
 Line Course: S 10-27-48 E Length: 28.7261
 North: 2015039.9479 East : 6044955.0634
 Line Course: N 79-26-10 E Length: 28.8962
 North: 2015045.2455 East : 6044983.4698
 Line Course: S 09-49-58 E Length: 14.6913
 North: 2015030.7700 East : 6044985.9787
 Line Course: N 79-51-30 E Length: 33.5378
 North: 2015036.6754 East : 6045018.9925
 Line Course: S 10-08-30 E Length: 99.3945
 North: 2014938.8339 East : 6045036.4941
 Line Course: S 32-45-19 E Length: 729.7404
 North: 2014325.1301 East : 6045431.3216
 Line Course: S 40-39-42 W Length: 69.2443
 North: 2014272.6034 East : 6045386.2026
 Line Course: S 71-09-42 W Length: 200.0003
 North: 2014208.0235 East : 6045196.9157
 Line Course: N 33-20-25 W Length: 1175.9700
 North: 2015190.4538 East : 6044550.5905
 Line Course: N 34-38-25 E Length: 188.2689
 North: 2015345.3496 East : 6044657.6067
 Curve Length: 183.8920 Radius: 230.0000
 Delta: 45-48-35 Tangent: 97.1788
 Chord: 179.0330 Course: N 57-32-42 E
 Course In: S 55-21-35 E Course Out: N 09-33-00 W
 RP North: 2015214.6125 East : 6044846.8362
 End North: 2015441.4250 East : 6044808.6773
 Line Course: N 80-27-00 E Length: 301.6635
 North: 2015491.4734 East : 6045106.1602

Perimeter: 3797.4118 Area: 366,596 sq. ft. 8.42 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0005 Course: S 65-23-34 W

Error North: -0.00020 East : -0.00044

Precision 1: 7,594,823.4000



Attachment - E

Carlos de Melo

From: quakecountry@gmail.com on behalf of Risa [quakecountry@mindspring.com]
Sent: Tuesday, March 17, 2009 7:57 AM
To: Planning Comm
Cc: City Council + City Clerk
Subject: Public Hearing - 1301 Ralston Ave

Honorable Chairman Parsons and Members of the Planning Commission:

We are writing you on a subject that we received notice for, even though this may have been pulled from your calendar: to split the lot at 1301 Ralston Avenue.

As we understand it, the use of the subject property is limited to its present function, and the undeveloped land is almost entirely unusable for development. We understand that this was established several years ago when consideration was given to a proposal to build a senior living facility at the site.

We have not been able to review the entire proposal before the commission, so our comments are made based on the meeting notice and the summary that Carlos included. Based on this, we see no reason whatsoever to divide the property except for the possible purpose of designating all undeveloped land as permanently protected open space to be deeded to the City of Belmont as an addition to Twin Pines Park. Any subdivision for any other purpose is suspect.

Thank you for your consideration,
Risa and Samuel Horowitz