

**To: The Honorable Mayor and Members of the Belmont City Council**  
**From: Doug Ricket**  
**Date: October 27, 2025**  
**Re: Appeal to uphold the BVSP's Active Use requirements for 580 Masonic Way**

Dear Mayor and Council Members,

As a Belmont resident, I support the Belmont Village Specific Plan's vision of "an attractive, mixed use, vibrant downtown" that was passed into law by the City Council in 2017. Like you, I look forward to welcoming new neighbors to our wonderful city.

At 580 Masonic Way, residents have enjoyed a variety of local businesses within walking distance:

- An Indian restaurant
- A dry cleaners
- A sushi restaurant
- A chiropractor
- A dentist
- A salon
- A daycare

### **1. We all want active use**

- The **City Council** enacted the Belmont Village Specific Plan, to provide "opportunities to shop, dine, work, live, and play in a compact, mixed-use environment." (BVSP Introduction, page 1)
- **Residents** overwhelmingly support ground-floor active use, with dozens speaking in favor at the public hearing on 580 Masonic Way and dozens signing a petition this week. (Exhibit 1: Petition)
- **Planning Commissioners** spoke passionately in favor of mixed-use at the hearing on 580 Masonic Way on August 19th. (Exhibit 2: Commissioner quotes)
- **Prometheus Real Estate Group's** website reads: "**We build neighborhoods, not properties.** To us, a neighborhood is a living, breathing thing that provides people with community, connection and comfort." (<https://prometheusapartments.com/our-story> - We Create)

### **2. The plan for 580 Masonic does not meet the Active Use Frontage Overlay requirements.**

The BVSP's Active Use Frontage Overlay (AUFO) covers Masonic Way. It requires "that the ground level has uses that are **accessible to the general public**, are **engaging to pedestrians walking by**, and **generate walk-in pedestrian clientele** and thus contribute to a high level of pedestrian activity." It also requires "**all spaces must be designed to accommodate active uses**". (BVSP Land Use, 2-18)

California Government code sec, 65455 gives the BVSP priority over the Zoning Code, and the Zoning Code section 31.1.6 itself actually reinforces this, stating that in any conflict, the **BVSP prevails**.

However, the proposed design for 580 Masonic includes only two, non-active uses:

- **An inward-facing gym**, accessible only to residents, and with no door to the sidewalk as required by Zoning Code 31.4(L). This is clearly:
  - Not accessible to the general public,
  - Not engaging to pedestrians walking by; and
  - Does not generate walk-in pedestrian clientele.
  
- **A 130'x20' lobby**, covering nearly the entire length of the frontage. While “entrance lobbies to upper-floor residential uses” is listed as an acceptable use, stretching the lobby to cover nearly the entire length of the front clearly violates the intent of the BVSP because it is
  - Not accessible to the general public,
  - Not engaging to pedestrians walking by, and
  - Does not generate walk-in pedestrian clientele.
  - In this case the extreme width is far more than reasonable for the primary function it serves; instead this non-active use has been co-opted in order to make the whole frontage non-active.

### **3. Where do we go from here?**

The staff report released October 24, 2025, encourages the city council to accept that the uses above are “active,” which does not meet the clear letter or spirit of the law.

As the only alternative, the report says the city can immediately grant the developer an “incentive” to waive the AUFO. But the developer has not applied for such an incentive, so it cannot be granted today. It is also not clear that such an incentive being requested is a foregone conclusion, because the proposed design has four other problems, so the developer may need to use all its incentives to manage those.

In addition to **Problem #1, Noncompliance with the AUFO** as detailed above, the staff’s Revised Development Standards Evaluation noted four other problems but incorrectly ignored them:

#### **Problem #2: Noncompliance with Village Street Active Use**

**The requirement:** The BVSP designates that:

- Wessex and Granada are Village Main Streets, with 75% active use required.
- Hiller is a Village Avenue, with 50% active use required. (BVSP Appendix A and Zoning Code Table 31-3)

The proposed plan has no active use on these streets.

**Staff’s evaluation** marked this requirement “N/A,” claiming Footnote #2 under Zoning Code Table 31-1 (Use Regulations) overrules the active use requirement. See Exhibit 7.

**The law:** While the footnote **allows ground-floor residential** as a permitted use, that footnote **does not remove any other ground-floor requirements**, such **the active use requirement**, which is listed in Zoning Code Table 31-3 (Streetscape Standards). Both apply together: for example, on Hiller, the Streetscape Standards require 50% active use, while the footnote on Use Regulations allows residential for the other 50%.

### **Problem #3: Noncompliance with Transparency**

**The requirement:** Zoning Code Table 31-3 requires 75% window transparency on Village Main Streets and 50% on Village Avenues.

**Staff's evaluation** marks this "N/A" because the proposed plan fails to meet the standard. The justification is again Footnote #2 in Zoning Table 31-1, but as above, that footnote **does not remove any other ground floor requirements** such as transparency. The justification continues that transparency would "conflict with the principally permitted and proposed residential use."

**The law:** No law, neither the Zoning Code nor the BVSP, gives the staff discretion to unilaterally waive the transparency standard. Even if staff would prefer an all-residential building, they are required to uphold the BVSP's standards, which lead to mixed-use. The code notes that exceptions are permitted only through a formal Design Review by the Planning Commission, and only for certain specified conditions.

### **Problem #4: Noncompliance with Build-to**

**The requirement:** Zoning Code 31.4.1(J) requires 70% of the street wall to be located within 10 feet of the sidewalk, for "Village Station Core" lots, which includes 580 Masonic.

**Staff's evaluation** notes the Wessex frontage meets only 45%, and Hiller only 35%, but excuses these as "N/A" because application of this standard would require "an oddly shaped building" and "strict application would require the building to be built out on all four sides when a typical project only has one or two street frontages. Building out to all four frontages would exceed lot coverage or require an empty space in the middle of the building."

**The law:** The zoning code does not provide exceptions for subjective determinations by staff such as "oddly shaped" or number of frontages. The code authorizes exceptions only through a formal Design Review by the Planning Commission. Zoning Code Table 31-2 shows that the build-to requirement applies to Village Station Core (VSC), but not to Village High Density Residential (VHDR). 580 Masonic is VSC, and was not up-zoned to VHDR, so build-to applies. The staff's concern about lot coverage could be easily addressed by adding a courtyard.

### **Problem #5: Noncompliance with Setback**

**The requirement:** Zoning Code Table 31-3 requires setbacks of 0-5 feet from the sidewalk.

**Staff's evaluation** found three streets out of compliance: Masonic, Wessex, and Hiller, but excused them in the same response to "build-to" above.

**The law:** Again, for setbacks, the zoning code provides no exceptions due to “oddly shaped lots” and does not confer upon city staff the authority to unilaterally waive this requirement. There could be an exception for Masonic’s 10’ setback if it had outdoor seating for a restaurant, but it does not.

**State Law does not require approval as-is:**

Zoning code 31 states that “**by-right sites**” are subject to “design review based on **objective standards**.” It does not waive objective standards or authorize city staff to waive them unilaterally. Similarly the Density Bonus Law allows the applicant to request waivers of standards that “physically preclude construction,” but waivers are not created unilaterally by a staff memo; they are granted by the Planning Commission.

The city staff report states: “Under California State Density Bonus Law (SDBL) and the City’s Zoning Ordinance, the applicant must first identify a ‘**base project**’ that is consistent with all relevant objective development standards.” The 580 Masonic **base project is not compliant** due to the five problems above.

It may be possible to use incentives to overcome some of the five problems above, although I believe none of the items above “physically preclude construction.” For example, Prometheus previously submitted a plan with four “active use” sites along Masonic Way, showing that construction is possible. I support the project’s construction and would like to see it built, as long as it is creating a positive neighborhood, not just a property, as per Prometheus’s mission.

**4. The Neighbors’ Request**

I respectfully request the City Council, city staff, and Prometheus to work collaboratively with neighboring residents on a plan that delivers the vision of the BVSP for a “vibrant town center” including “retail stores, restaurants, cafes, markets, bars, personal and convenience services, childcare services” (BVSP 2-18).

I would love to collaborate to design a new development that both residents and neighbors will love. New retail stores have opened nearby in 2025, including a bakery, a burger restaurant, a bicycle shop, a dance studio, an ice cream shop, and a beer hall, indicating that **retail demand is strong** and the inclusion of ground-floor commercial can be financially rewarding to Prometheus. I will speak for my neighbors in saying we would be delighted to help make that come true.

Sincerely,

Doug Ricket

## Exhibit 1: Petition

We, residents of Belmont, appreciate having local businesses within walking distance of our homes. We want to see the Belmont Village Specific Plan's vision of a "vibrant, mixed use" downtown with a pedestrian-friendly environment rich with retail shops and services supporting the residents. We petition the city council to uphold the BVSP's requirements for ground floor "active use" including at 580 Masonic Way.

Doug Ricket	Kimberly wong	Carol Ong
Annie Chung	Jehilen Ayala	Lisa Chan
Bhushan Gupta	Amey Shroff	Aundrea Silva
Kent Dep	Lisa Tatola	Dennis Tran
Jenille Dao	Chun Yang	Desmond Meza
Susan Kellett	Larry Stein	Yamini Ohol-Gupta
David Sheldon	Marie Stein	Gaurav Gupta
Sayre Happich	Gaetano Amato	Akhil Sundaram
Taiwei Kuo	Janet Amato	Debra Moyle
Jerrica DeAlba	Robert Amato	Nikki Moyle
Jennifer Hennings	William Amato	William Miyle
Cehade Karam	Kathy Gilbreath	Ryan Lee
Rammprasad Ganapathy	Laura Klieves	Casey Key
Danielle Enderson	Kelly O'Dea	Scott Stokell
David You	Sushma Shiravanthe	Richard El-Kadi
Justin Haroon	Dennis A Myers	Take Ogawa
Jill Elkington	Simone Dasher	Marjorie Goodwin
Jennifer Sydenham	Lyra Ghose	David Waters
Denice Leong	Alex Pomeranz	Karina Wong
Shimin Guo	Nancy Coe	Christopher West
Jo Ann Arneson	Michael Craig	Nicola Falzon
Michael Gaffney	Jenny Tsai	Maria West
Norma Prado	Pokyong chee	Christina Mantel
Vanessa Sandoval	Sven Edlund	Jessica Schmierer
Michael S. Smith	Susan Uccelli	Juan Napoles
Miguel Ramos	Yasmin Singh	Puja Tanwani

## **Exhibit 2. Comments by Planning Commissioners on 8/19/2025 meeting:**

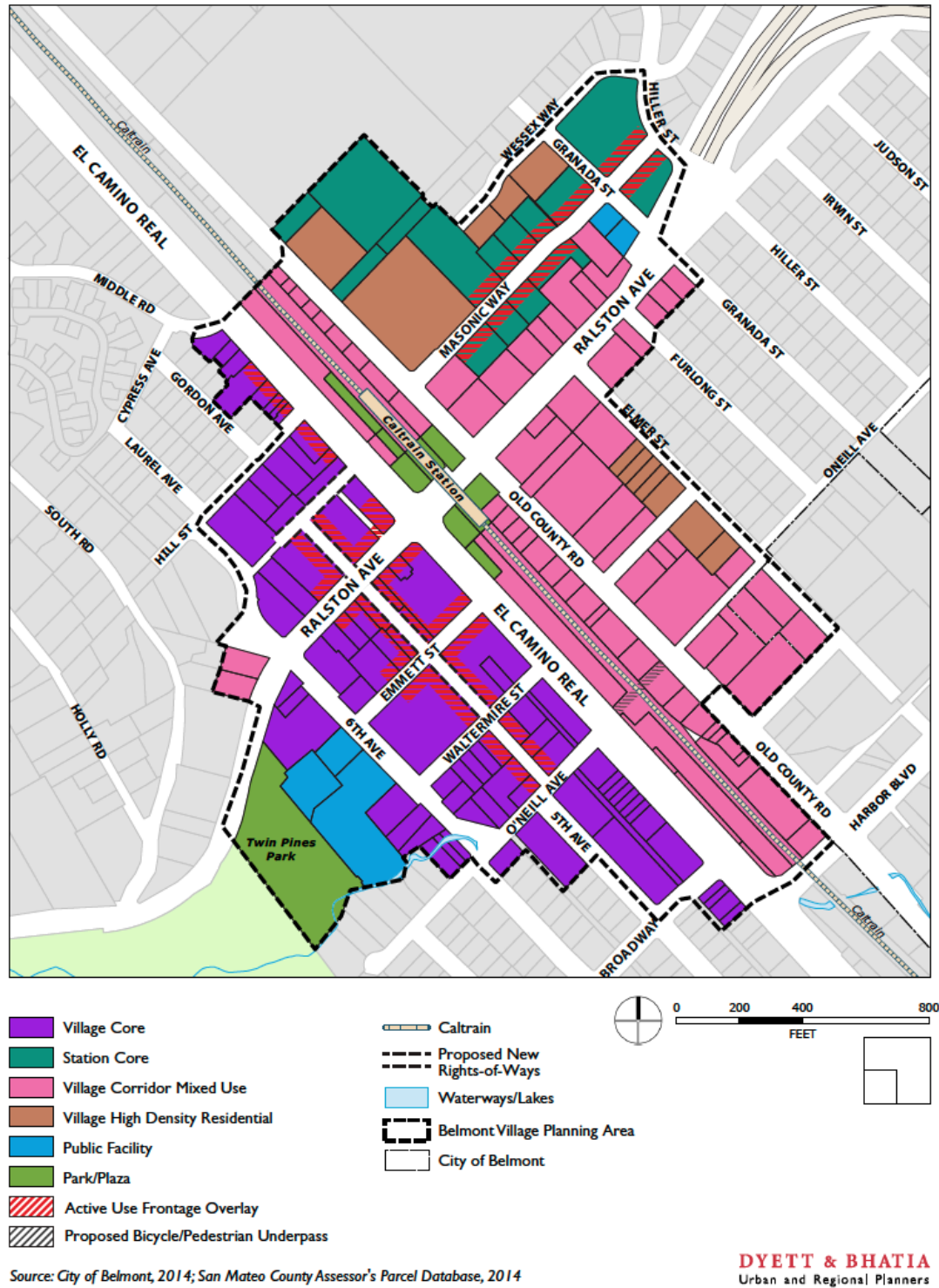
Planning commissioners supported requiring ground floor active use, but believed their hands were tied:

- Joanne Adamkewicz
  - “The staff report quotes the BVSP about the vibrant mixed use we're supposed to have – well, that’s not what we’re getting.”
  - “Ground floor active use is something the city really needs.”
  - “Current state law ... removes almost all decision making power from this body and from the city.”
- Cherry Twigg
  - “I reflect the views of Commissioner Adamkewicz.”
  - “There’s certain things that are very limited that we’re allowed to comment on at this point.”
- David Kramer
  - “I agree ... we should try to incentivize more mixed use.”
  - “But our hands are kind of tied here.”
- Nathan Majeski
  - “I see a lot of places where I don’t feel like the objective standards are followed.”
  - “It’s brutalist, it’s ugly. It isn’t sensitive to the community around it.”
- Brian Kulich
  - “I agree that this has a lot of problems.”
  - “Because of certain rules the state has imposed upon us, I feel like I have to make the findings.”

Exhibit 3 C. Map of AUFO, BVSP Chapter 2, “Land Use”, Page 11,

Source: <https://www.belmont.gov/home/showpublisheddocument/16499/638580149884370000>

FIGURE 2-4: PROPOSED LAND USE DIAGRAM



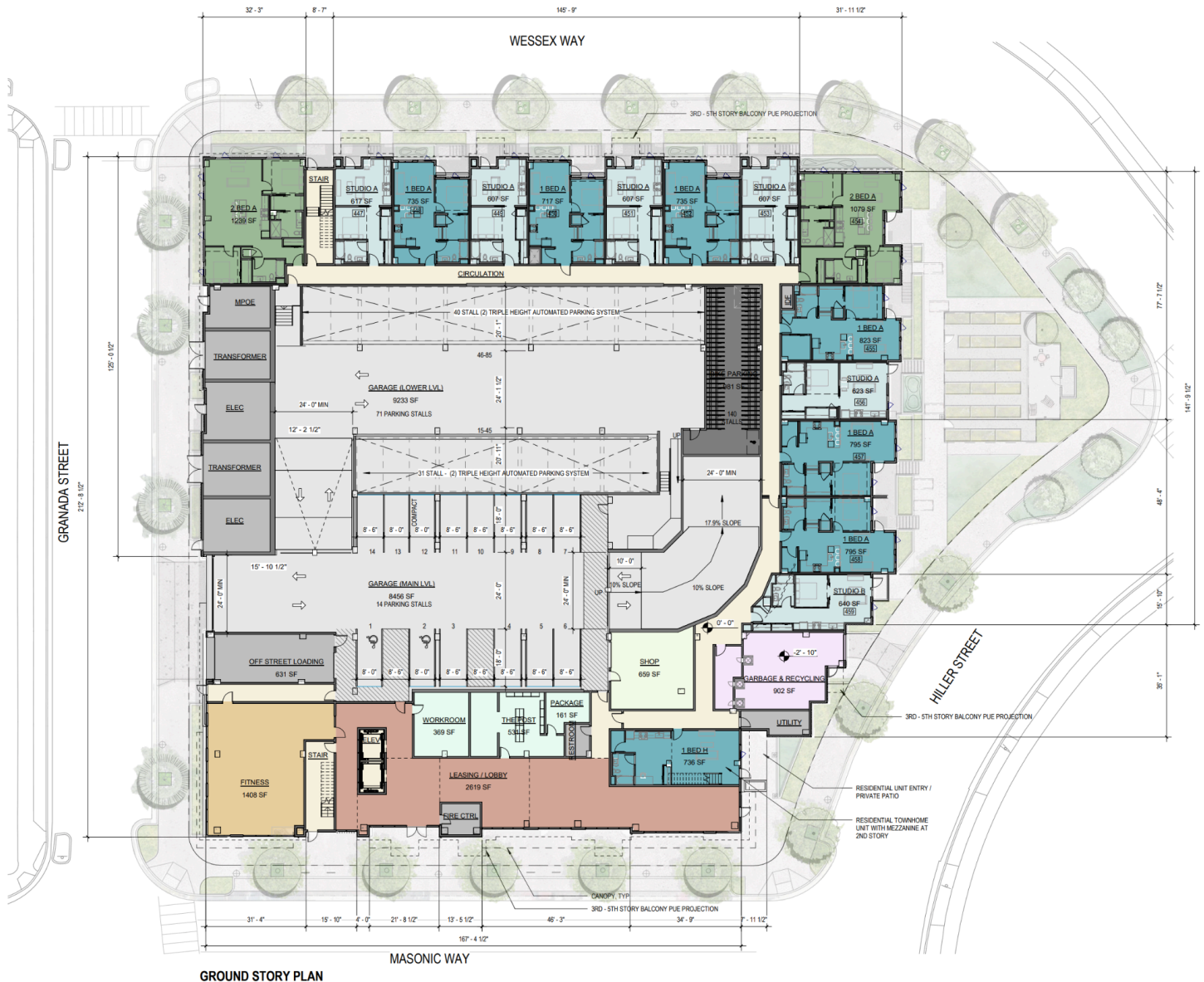
- Masonic Way is mapped for Active Use Frontage Overlay, requiring 100% active use.

## Exhibit 4. Ground floor proposed layout

Source:

[https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542485/Attachment\\_3\\_Exhibit\\_A\\_-\\_Applicant\\_Materials.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3542485/Attachment_3_Exhibit_A_-_Applicant_Materials.pdf)

- Masonic Way frontage **does not meet 100% active use** requirements.
- Granada, Wessex, and Hiller **do not meet 50-75% active use** requirements.

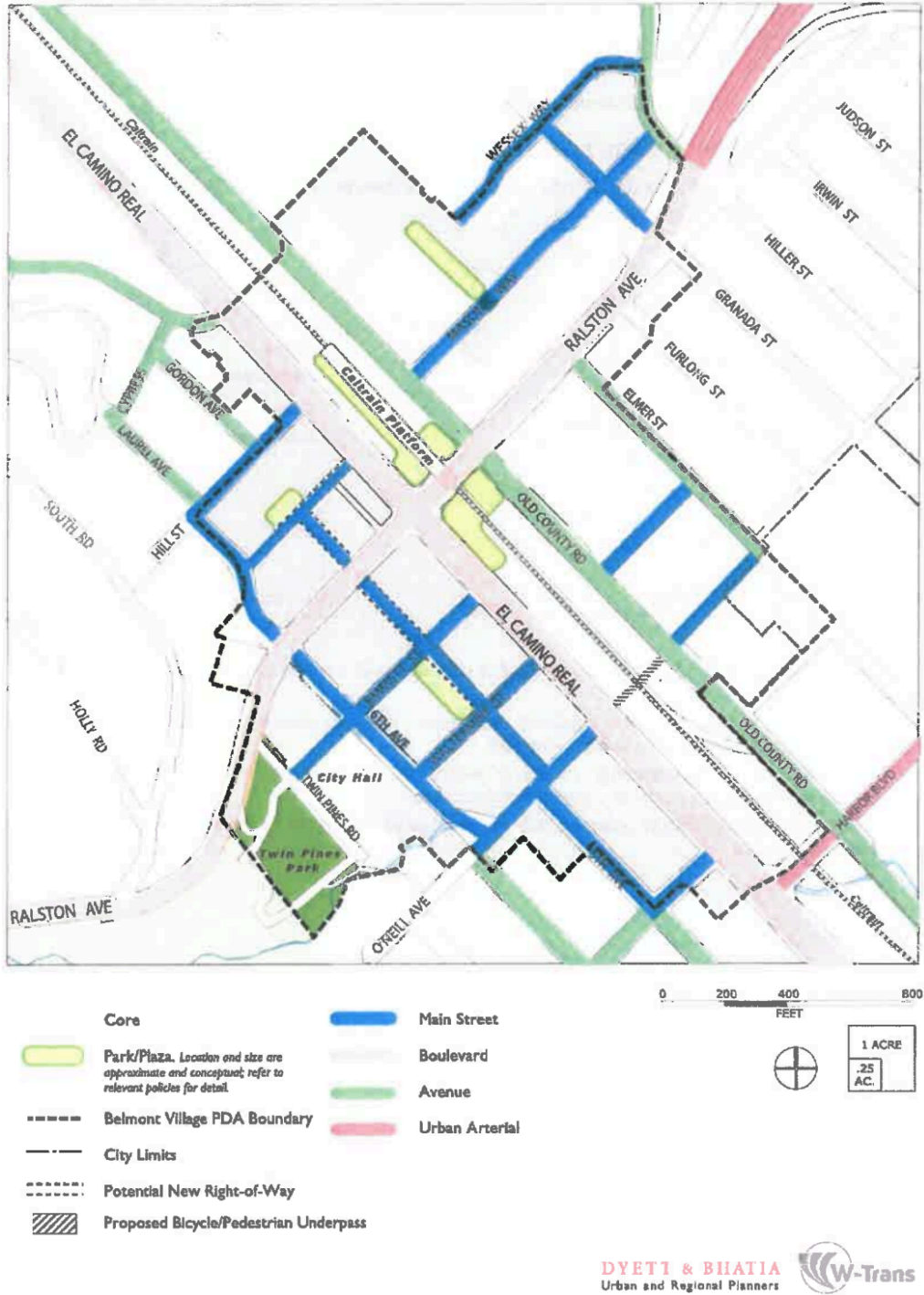


**Exhibit 5. Street designations**

Source: BVSP Appendix A, page 26

<https://www.belmont.gov/home/showpublisheddocument/16535/636658019230370000>

**Figure 31-6: Village Street Typology**



- Wessex, Granada, and Masonic are all **Village Main Streets** requiring 75% and 100% active use.
- Hiller is a **Village Avenue** requiring 50% active use.

## Exhibit 6. “Active Use Frontage Overlay”

BVSP Land Use, page 2-18

Source: <https://www.belmont.gov/home/showpublisheddocument/16499/638580149884370000>

### Active Use Frontage Overlay

Several streets within the Village Core and Station Core districts are shown with Active Use Frontage Overlay on the Land Use Diagram. This designation requires that the ground level has uses that are **accessible to the general public, are engaging to pedestrians walking by, and generate walk-in pedestrian clientele** and thus contribute to a high level of pedestrian activity. Listed in Table 2-5, active uses may include, but are not limited to: retail stores, restaurants, cafes, markets, bars, theaters and performing arts venues, parks, plazas, commercial recreation and entertainment, personal and convenience services, tourism-oriented services, banks, childcare services, libraries, museums, galleries, and entrance lobbies to upper-floor residential uses. While office and other less active non-residential uses may be permitted at ground level on an interim basis at the discretion of the Planning Commission, **all spaces must be designed to accommodate active uses**, as outlined in Chapter 4, Urban Design. See Table 31-1, Village District Use Regulations, in Appendix A for further specification.

(emphasis added)

**Table 2-5: Permitted Ground-Floor Uses in Active Use Frontage Overlay**

Uses	
Banks <sup>1</sup>	Offices serving primarily walk-in clientele <sup>1</sup>
Bars or brewpubs <sup>2</sup>	Parks
Cafes	Personal and convenience services <sup>2</sup>
Childcare services <sup>2</sup>	Plazas
Galleries <sup>3</sup>	Restaurants
Libraries <sup>3</sup>	Retail Stores, Small-Scale
Markets	Theaters and performing arts venues <sup>2</sup>
Museums <sup>3</sup>	Tourism-oriented services

Note:

1. Offices and other non-active uses may be permitted at ground level on an interim basis at the discretion of the Planning Commission.
2. Conditional permit required
3. Conditional permit required in Village Core only

## Exhibit 7. Footnote #2

City of Belmont Zoning Ordinance, page 31-16

Source: <https://www.belmont.gov/home/showpublisheddocument/20071/638596612258070000>

“2. A project will be processed by right as defined in Government Code Section 65583.2(i), and only **design review based on objective standards shall be required**, if at least 20 percent of the units are designated as affordable to lower income households as defined in Government Code Section 65584, no subdivision is required, and the project is proposed wholly on a parcel that is identified in the 2023-2031 Housing Element as subject to by right processing. In such projects, **multiple-unit dwellings are permitted on the ground floor**, and such projects are exempt from CEQA.26”

(Emphasis added)

- Objective standards are still required
- Residential use is allowed
- Nowhere are Active Use requirements overridden
- ⇒ Therefore Active use requirements and ground-floor residential coexist

**Exhibit 8. Base Plan for current project**

Source file: Masonic580\_BaseProject.12.20.24.pdf

<https://belm-trk.aspgov.com/eTRAKiT/viewAttachment.aspx?Group=PROJECT&ActivityNo=PA2023-0032&key=MG%3a2501100850450056>

- This base plan is **non-compliant** with the active uses required by the BVSP on all four frontages of the ground floor, identical to the full plan.



### Exhibit 9. Prior Base Plan as of August 2nd, 2024

Source file: 580 MASONIC BASE SCHEME PACKET 20240802.pdf

<https://belm-trk.aspgov.com/eTRAKiT/viewAttachment.aspx?Group=PROJECT&ActivityNo=PA2023-0032&key=DD%3a2408151025390280>

- This version of the base plan submitted by the developer 8/22/204, shows that ground floor residential (the same 70 units) is not in conflict with 100% active use on Masonic Way's AUFO.



- Masonic Way is shown hosting 4 active use businesses, labeled:
  - Neighborhood HQ
  - The Parlor
  - Co-work
  - Cafe