

MEETING OF OCTOBER 1, 2013

AGENDA ITEM NO. 5D



Application I.D.: PA 2013-0036

Application Type: General Plan Amendment and Rezoning
City-Owned San Juan Hills Area Properties

Location(s): APN's 043-072-010, 043-072-030, 043-030-070, 043-030-120, 043-030-320 THROUGH 500, 043-042-180, 043-042-580 THROUGH 600, 043-042-630 THROUGH 690, 043-061-290, 043-061-400, 043-061-580 THROUGH 810, 043-062-010, 043-062-160 THROUGH 200, AND 043-062-480 THROUGH 670

Applicant/Owner: City of Belmont

Zoning: **Existing:** HRO-1 & HRO-2 – Hillside Residential & Open Space
Proposed: OS-P – Open Space - Public

General Plan Designation: **Existing:** HROP – Hillside Residential & Open Space
Proposed: OS – Open Space

CEQA Determination: Categorical Exemption per Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment

PROJECT DESCRIPTION

The applicant/owner (City of Belmont) requests a General Plan Amendment and Rezoning for three specific City-owned properties in the San Juan Hills Area as follows (See Attachment B):

- **Parcel 1:** approximately 9 acres along Marsten Avenue
- **Parcel 2:** approximately 6.7 acres accessed via Ralston Avenue
- **Parcel Group 3:** approximately 12.6 acres along Bartlett Way

This project will also establish a new zoning district – OS-P (Open Space-Public), in conjunction with the proposed land use modifications for the subject City properties.

RECOMMENDATION

A public hearing has been noticed for this item. Staff recommends the Planning Commission conduct the public hearing and recommend City-Council approval of the General Plan Amendment and Rezoning for the subject City-owned properties.

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GENERAL PLAN & ZONING CODE DESIGNATION

The Belmont General Plan designation for the subject properties is Hillside Residential & Open Space (HROP). The sites are correspondingly zoned HRO-1 & HRO-2 – Hillside Residential & Open Space. Surrounding properties are also zoned HRO-1 & 2 and R-1B – Single Family Residential. In the proposed OS-P District, public open space uses are permitted. See Attachment C which outlines the purpose, uses, and development standards for the new OS-P zoning district.

SITE/PROPERTY DESCRIPTION

The subject individual parcels/parcel groups consist of vacant land in the San Juan Hills Area formerly owned by the Lehmer Estate (See Attachment B); the City acquired the subject properties in 2009 (see further background below).

The approximately 9-acre Marsten Avenue parcel (APN 043-072-010) has 1000+ feet of frontage along this street. The approximately 6.7 acre Ralston Avenue parcel (APN 043-072-030) is directly abutting Ralston Avenue (Vista Point), and can also be accessed via Ralston Ranch Road. The 12.6 acre Bartlett Way property (consisting of 84 parcels) has frontage on the unimproved “paper road” section of Bartlett Way. This parcel group also includes a lot donated to the City in 2011 (APN 043-030-070).

The properties consist of a combination of gentle, moderate, and steeply sloping land with natural vegetation/trees, bordered by existing single-family development and open space.

BACKGROUND

- September 2009 - City Council provides direction to staff in Closed Session to purchase the subject (Former Lehmer) properties as part of the US Marshal Trust Auction.
- November 10 & 12, 2009 - City Council conducts two public meetings to discuss and confirm the purchase of the properties.
- December 10, 2009 - City Council approves the acquisition of the approximately 35 acres of (former Lehmer) property located within the San Juan Hills Area for open space purposes. The Council directed staff to explore alternatives to pay for this obligation that would not require any contributions from the City’s General Fund (i.e., re-subdivision and sale of lots for repayment of the loan).
- February 2010 - Council directed staff to explore an agreement between the owners of the horse ranch (Melliar-Smith Property) and the City to merge properties and facilitate creation of subdivided lots along Marsten Avenue.

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- March 2010 - Staff began discussions with several developers in an effort to better understand the development process from the “developer/builder” rather than the “regulator” perspective.
- April 2010 - The property owners to the north of the horse ranch and city-owned HRO-1 properties (Rudolph Helin, Joan Herlihy, and Scibior Family Investments, LP) inquired as to whether the city would be interested in purchasing their 14.35-acre property.
- April 27, 2010 - The Council directed staff to engage in further discussions with the property owners to the north of the horse ranch and HRO-1 properties owned by the City of Belmont, and to engage the services of a consultant to appraise the property. A subsequent appraisal of the property estimated its value at approximately \$400,000 due to significant environmental/developmental constraints and lack of street access. Based upon this appraisal, the property owners to the north of the horse ranch property discontinued discussions for the sale of their lands to the City of Belmont.
- December 2010 - Council members visited potential building sites along Marsten Avenue and Bishop Road, and reviewed developed properties with similar settings/constraints in the towns of Woodside and Portola Valley.
- May 2011 - Staff sent a letter to the owners of the horse ranch outlining staff’s expectations for the basic terms of a Development Agreement (DA). Staff also requested a written response with information that would be used to formulate a subsequent draft development agreement for Council consideration (i.e., expected participation in development of the property, time frame for completion of the agreement, expected form and amount of compensation, appraised value of property, etc.).
- June to September 2011 - Staff mailed requests for qualifications (RFQ) to ten builders/developers. In the RFQ, staff described the project, potential deal points, entitlement process, and City of Belmont expectations for development. Staff also requested a letter of interest, list of qualifications (i.e., experience with similar projects), and financial capacity from each firm. Staff received several inquiries, and subsequently conducted site visits with developers.
- February to August 2012 - Staff receives inquiries from potential developers. At the conclusion of this time period, staff receives three proposals from developer groups and one proposal from the horse ranch property owner (who abuts the City-owned Marsten Avenue frontage property) to enter into an Exclusive Negotiating Agreement (ENA) process for the subject properties.
- September 11, 2012 - Staff provides an update to the City Council.
- October 9, 2012 - The four Developer Groups make presentations before the City Council on their qualifications, intentions, and vision for the subject City-owned properties.

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- November 2012 - one of the developer groups withdraws from the ENA process.
- November 27, 2012 - City staff conducts a question/answer session with the residents from the surrounding neighborhood.
- January 29, 2013 - City Council conducts a Community Meeting to allow for public comment regarding the project and to allow the Council to provide general direction regarding next steps.
- March 12, 2013 – City Council is presented with three options regarding the Bishop Road property in order to facilitate the repayment of the loan obligation (to the City's Fleet Fund) that was used to finance the purchase of these properties. These three options were as follows: 1) Market the property for sale (with parameters), 2) City facilitates parcel map for property, 3) Continue developer/exclusive negotiating agreement (ENA) process. After discussion at this meeting, the Council directed staff to pursue Option1 (Sale of Property). The project is expected to result in the sale of a parcel on which up to 3 single family residential lots may be created in the future (via a parcel map), trail connections, and permanent public open space areas. In connection with this action, the City prepared a request for proposals from real estate brokers to market the subject property.
- April 22, 2013 – The City receives six proposals from various real estate firms to market the subject property.
- May 14, 2013 – The City Council: 1) awards a service agreement to Deleon Realty, and 2) authorized the City Manager to negotiate and execute a service agreement for marketing and sale of the City's Bishop Road property.
- On June 18, 2013, the Planning Commission adopts a Resolution determining that the proposed disposition of the City-owned property on Bishop Road (APN's 043-021-010 & 380) conforms to the City of Belmont General Plan.
- On June 25, 2013, the subject Bishop Road property was placed on the Multiple Listing Service (MLS). On July 29, 2013, the City received five purchase offers for the property. On August 13, 2013, the City Council authorized the negotiation and execution of a Purchase and Sales agreement for the subject property. The City and Buyer are currently working towards completion of the property sale.
- September 10, 2013 – The City Council initiates the General Plan Amendment and Rezoning for the subject remaining City-Owned San Juan Hills Area properties.

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Amending the General Plan

The proposed project entails amendment of the Belmont General Plan for the subject City properties from their current HROP (Hillside Residential & Open Space) designation to the OS (Open Space) designation. Amendments to the General Plan are subject to the review provisions of Section 20 of the Belmont Zoning Ordinance.

Because a General Plan Amendment is a legislative action, it must be approved by the City Council after a review and recommendation from the Planning Commission. In addition to required public hearings, Section 20 also states the following with regard to how this type of amendment is to be judged:

“20.7 *...The Council shall make a specific finding as to whether the proposed Amendment is required to achieve the goals and objectives of the City. (excerpt)”*

This is the only finding applicable in evaluating an amendment to a General Plan. The staff report considers this finding after discussion of the requested Plan policy to be amended in light of proposed project.

Rezoning

The current zoning classification for the subject City properties is Hillside Residential & Open Space (HRO-1 & HRO-2) which allows for both residential and open space uses. The project includes a rezoning of the properties to a new zoning designation – Open Space-Public (OS-P), which would facilitate General Plan (GP) consistency with the proposed GP designation (OS – Open Space). Any future land use of the subject City-owned properties shall also be governed in compliance with the provisions of Belmont’s 2005 Initiative-Measure F.

Section 16 of the BZO requires the following:

Section 16.1 (Justification) - When in the opinion of the Council a change in this Ordinance is required to achieve the objectives of the Zoning Plan and the General Plan for the City, this Ordinance may be amended by changing the boundaries of any district or by changing any provision hereof in accordance with the procedures prescribed in this Section.

Section 16.5 (Action By The Commission) - Within 30 days following the public hearing, or such longer time period as the Council may prescribe, the Commission shall make a specific finding as to whether the change in the district boundaries or of the district regulations is required to achieve the objectives of the Zoning Plan and the General Plan for the City.

Staff notes that there are no “Objectives” identified in the Belmont Zoning Ordinance (Zoning Plan); however, the BZO contains a purpose statement (Section 1.1) that represents the objectives of the City’s zoning regulations:

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1.1 PURPOSE – The following regulations for the zoning of land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City.

Essentially the above two findings speak of the same issues – in determining appropriateness of a Rezoning (and whether it is *required*), there must be General Plan consistency. Staff interprets this to mean that the amendment substantially furthers or advances the objectives (Goals and Policies) of the General Plan. Thus, in determining General Plan consistency, all applicable goals and policies of the Belmont General Plan must be considered in light of this proposal. Applicable General Plan Goals and Policies for the proposed General Plan Amendment and Rezoning are provided below.

General Plan Consistency Analysis

Staff has reviewed the proposed project and concluded that the action is consistent with the following City of Belmont General Plan & San Juan Hills Area Plan (SJHAP) Goals and Policies:

General Community Goals & Policies

- 1015.1. Assure that Belmont will be a balanced community with residences, schools, businesses, industry and space and facilities for social, recreational and cultural activities in keeping with the present character of the City.*
- 1015.2. Preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.*
- 1015.4. Maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.*
- 1015.7. Guide the timing and location of growth and development to ensure the availability of services and protection of sensitive natural environments.*
- 1015.8. Protect persons and property from unreasonable exposure to natural hazards such as floods, fire, unstable ground, erosion and earthquakes.*
- 1016.6. Natural features, such as ridgelines, canyons, steep hillsides, meadows, streamsides and significant stands of trees, should be preserved and protected through planning, conservation practices and, where appropriate, the dedication of open space or scenic easements.*

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Land Use Element-Open Space

Goal 2070.1 – Designate and protect open space lands for the preservation of scenic areas, views, trees, natural drainage channels and plant and wildlife habitats; for the managed production of natural resources; for outdoor recreation; for protection of historical and cultural resources; for public health and safety and for structuring urban development.

Goal 2070.2 – Provide opportunities for the enjoyment of natural beauty, solitude and relief from the pressures for urban life.

Goal 2070.3 – Actively pursue all sources of funding to acquire open space lands.

Goal 2070.4 – Actively explore various methods including, but not limited to, regulation, full acquisition, transfer of development rights, and less than fee purchase for protecting open space resources.

Goal 2070.5 – Establish priorities for the acquisition and protection of open space lands.

Goal 2070.6 – Provide open space areas as separations between incompatible land uses.

Policy 2071.3 – Areas hazardous to the public safety and welfare should be retained as open space. Areas that fall into this category include:

- a. Hillsides generally over 30 percent slope.*
- b. Fault zones - bands on either side of known fault traces sufficient to include lands of probable ground rupture.*
- c. Areas of geologic instability.*
- d. Flood hazard areas.*

Policy 2071.5 – A variety of vistas should be provided and preserved ranging from the small enclosed private views to the more distant views shared by many people.

Parks and Open Space Element

Goal 3 – Actively pursue all public and private sources of funding for the protection, enhancement, improvement and maintenance of open space lands.

Policy 1 – Major visual features, such as ridgelines and steep valley slopes, should be preserved through regulation, development review, and/or other public action.

Policy 7 – In the San Juan Hills and Western Hills, development shall be clustered and open space preserved and protected consistent with the adopted area plans.

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Conservation Element

Goal 3051.8 - Protect scenic views to and from the hillsides.

San Juan Hills Area Plan Goals & Policies

Policy 1 (Preserve Existing Residential Areas)

Preserve and enhance the character of existing established residential areas.

Policy 2 (Reflect Natural Constraints in Land Use Planning)

Achieve a land use pattern, density and distribution of development that is consistent with the existing slopes and geologic hazards in the currently undeveloped parts of the San Juan Area.

Belmont Vision Statement

Natural Beauty

- *We choose to make our home among these beautiful hills, trees, parks, views, and open spaces.*
- *Our natural surroundings inspire us to play, create, and contemplate.*
- *Our actions today preserve and enhance Belmont's beauty to make it even lovelier for our grandchildren.*
- *Our wooded residential areas are diverse, peaceful and well maintained.*

Typical lots in the San Juan Canyon area include a combination steep slopes, knoll areas, and varying terrain. Some of these areas are without adequate street access and public services. Slopes over 30% are consistent within the area; some of the land is geologically unstable. The open space areas are important elements in the natural drainage for the entire San Juan Canyon. In addition to landslides and erosion hazards, wildfires are a potential hazard in this area. As such, development should be designed to retain a majority of the land in its natural state. In particular, unstable slopes, slopes over 30 percent, natural drainage ways, stands of trees, and visually prominent ridge areas/corridors should be retained in open space. By designating and preserving the subject City-owned properties as Open Space, a number of benefits are realized:

- Adverse environmental effects associated with future development are eliminated.
- Future permanent passive/recreational open space for this area would be secured.
- The properties would augment future potential trail connections for the San Juan Canyon.

The proposed General Plan Amendment and Rezoning for the subject City-owned properties would generally be more responsive to the physical environment, existing development, and needs of the community. Furthermore, the amendments advance the goal of open space preservation, enhancement of the natural environment of the community, and fulfillment of General Plan Goals, Policies, and the City's Vision Statement. Staff further believes the proposed amendments support protecting and promoting the comfort, convenience, and general welfare of those who live and work in Belmont, and advance the goal of providing a precise guide for physical development of the city.

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Public Notice

The City placed a public notice display ad in the Examiner/Redwood City Tribune (local newspaper of general circulation) as per Section 16.4.1 (Amendments) of the BZO on September 20, 2013, for the scheduled public hearing by the Planning Commission on October 1, 2013.

Environmental Clearance (CEQA)

The proposed General Plan Amendment and Rezoning is subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). Based on the increasing control these proposed amendments would place over the subject City-owned properties via their preservation as open space lands, staff has concluded that the proposed project would be Categorically Exempt under CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

CONCLUSION AND RECOMMENDATION

Based on this analysis, staff has concluded that the proposed General Plan Amendment and Rezoning as discussed in this staff report, achieves the objectives of the Zoning Plan and General Plan for the City. As such, staff recommends the Planning Commission recommend City-Council adoption of the General Plan Amendment and Rezoning for the subject City-owned properties as follows:

- **Parcel 1:** approximately 9 acres along Marsten Avenue
- **Parcel 2:** approximately 6.7 acres accessed via Ralston Avenue
- **Parcel Group 3:** approximately 12.6 acres along Bartlett Way

Zoning: **Existing:** HRO-1 & HRO-2 – Hillside Residential & Open Space
 Proposed: OS-P – Open Space - Public

General Plan **Existing:** HROP – Hillside Residential & Open Space
Designation: **Proposed:** OS – Open Space

A Resolution based on staff's recommended action is attached.

ATTACHMENTS/EXHIBITS

- A. Resolution recommending City Council approval of a General Plan Amendment and Rezoning of the subject City-owned properties
- B. Aerial/Location Map of subject City-owned properties to be designated as Open Space
- C. Open Space-Public (OS-P) Zoning Regulations – Purpose, Uses, and Development Standards

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Carlos de Melo', written over a horizontal line.

Carlos de Melo

Community Development Director

RESOLUTION NO. 2013 _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
RECOMMENDING TO THE CITY COUNCIL A GENERAL PLAN AMENDMENT AND
REZONING OF CITY-OWNED PROPERTIES IN THE SAN JUAN HILLS AREA

WHEREAS, on October 1, 2013, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on a General Plan Amendment and Rezoning for the following City-owned properties in the San Juan Hills Area:

- **Parcel 1:** approximately 9 acres along Marsten Avenue (APN 043-072-010)
- **Parcel 2:** approximately 6.7 acres accessed via Ralston Avenue (APN 043-072-030)
- **Parcel Group 3:** approximately 12.6 acres along Bartlett Way – 84 Parcels - 043-030-070, 043-030-120, 043-030-320 THROUGH 500, 043-042-180, 043-042-580 THROUGH 600, 043-042-630 THROUGH 690, 043-061-290, 043-061-400, 043-061-580 THROUGH 810, 043-062-010, 043-062-160 THROUGH 200, AND 043-062-480 THROUGH 670

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

WHEREAS, the Planning Commission hereby adopts the staff report (dated October 1, 2013) and the facts contained therein as its own findings of fact; and,

WHEREAS, the Planning Commission finds the proposed General Plan Amendment and Rezoning to be Categorically Exempt pursuant to CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment; and,

WHEREAS, any future land use of the subject City-owned properties shall be governed in compliance with the provisions of Belmont's 2005 Initiative-Measure F; and,

WHEREAS, the Planning Commission after consideration of all testimony and reports hereby determines that the proposed General Plan Amendment and Rezoning for the subject City-owned properties in the San Juan Hills Area achieves the objectives of the Zoning Plan and the General Plan for the City. Furthermore, these amendments advance the goal of open space preservation, enhancement of the natural environment of the community, and fulfillment of General Plan Goals, Policies, and the City's Vision Statement. The Planning Commission further believes the proposed amendments support protecting and promoting the comfort, convenience, and general welfare of those who live and work in Belmont, and advance the goal of providing a precise guide for physical development of the city.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission recommends the City Council amend the General Plan Designation for the subject properties as follows:

General Plan **Existing:** HROP – Hillside Residential & Open Space
Designation: **Proposed:** OS – Open Space

NOW THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council amend the Zoning Designation for the subject properties as follows:

Zoning: **Existing:** HRO-1 & HRO-2 – Hillside Residential & Open Space
Proposed: OS-P – Open Space - Public

NOW THEREFORE, BE IT FURTHER RESOLVED that in conjunction with the aforementioned actions, the Planning Commission recommends the City Council amend the Belmont Zoning Ordinance (Ordinance 360) to establish the subject Open Space-Public (OS-P) Zoning Designation (See Exhibit C) for the subject properties.

* * * * *

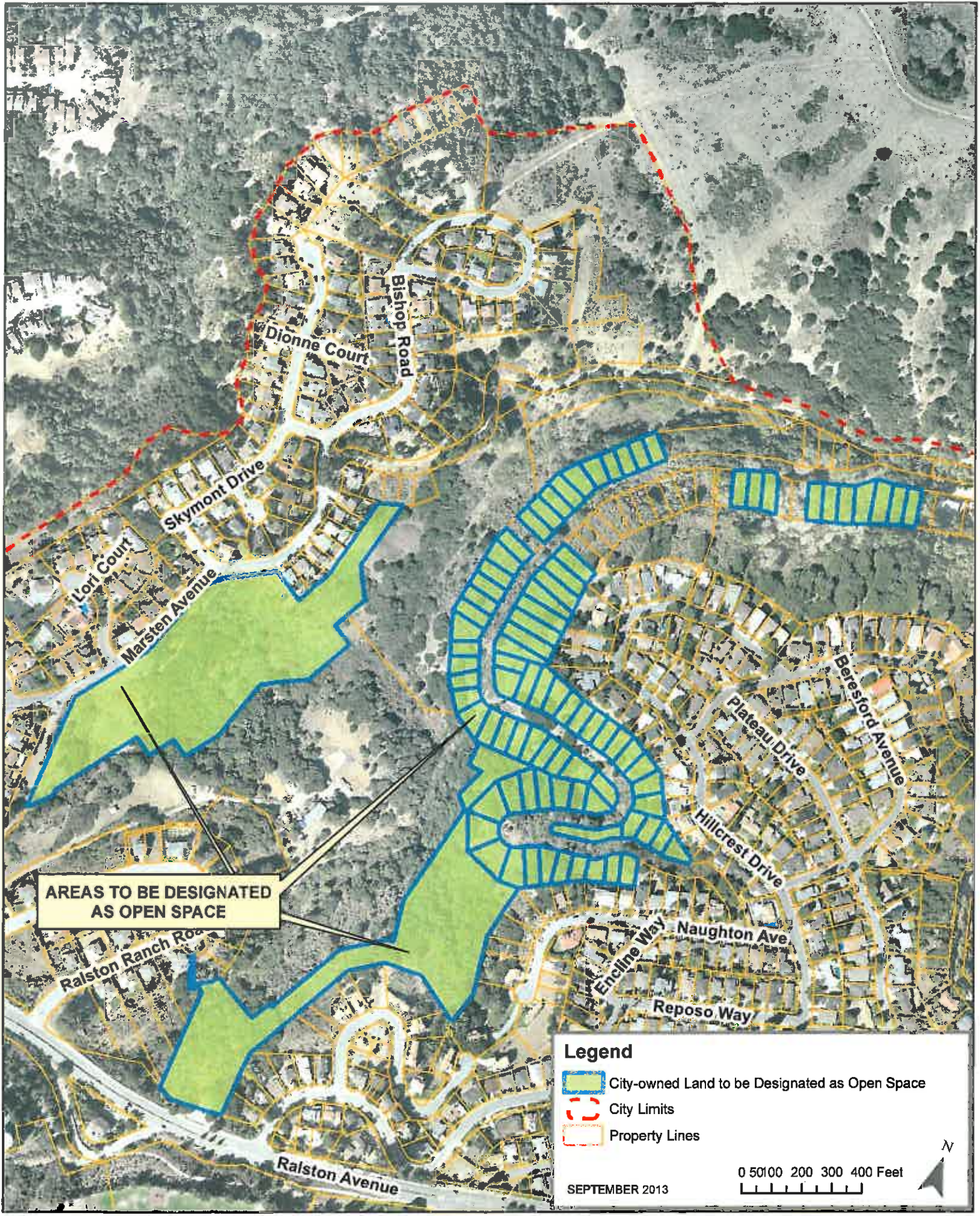
I hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Belmont at a regular meeting held on October 1, 2013 by the following vote:

AYES,
COMMISSIONERS: _____
NOES,
COMMISSIONERS: _____
ABSENT,
COMMISSIONERS: _____
ABSTAIN,
COMMISSIONERS: _____
RECUSED,
COMMISSIONERS: _____

Carlos de Melo
Planning Commission Secretary

ATTACHMENT B

Aerial/Location Map of subject City-owned properties to be designated as Open Space



AREAS TO BE DESIGNATED AS OPEN SPACE

Legend

- City-owned Land to be Designated as Open Space
- City Limits
- Property Lines

SEPTEMBER 2013

0 50 100 200 300 400 Feet



ATTACHMENT C

Open Space-Public (OS-P) Zoning Regulations – Purpose, Uses, and Development Standards

SECTION 7B – OPEN SPACE - PUBLIC

7B.1 OPEN SPACE DISTRICTS ESTABLISHED - Certain districts, designated by the symbol OS-P and referred to as Public Open Space Districts, are established to provide for certain uses of land and to establish standards for such uses. These District lands are generally defined as any land or water area which is essentially unimproved, and devoted to an open space use including preservation and enhancement of natural resources, outdoor recreation, and public health and safety. These lands will embody multiple open space functions – passive outdoor recreation areas, public trails and connections, and serve to define the suburban area, reduce risk from geologic hazards, and protect public views and wildlife habitat.

The following regulations shall apply in any OS-P District, and shall be subject to all applicable general regulations and provisions of this Ordinance. No structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or enlarged in a public open space (OS-P) zone, otherwise than in conformance with the provisions of this chapter.

7B.2 PERMITTED USES

- (a) Public park or open space area.
- (b) Public facilities accommodating and supporting passive recreational activities including:
 - Fitness training paths and equipment
 - Interpretive facilities (kiosks, signs or accessory structures)
 - Non-motorized boating and access facilities
 - Overlooks
 - Picnic facilities (tables, barbeques, fire pits, waste collection etc.)
 - Restrooms
 - Small-scale fishing and viewing docks
 - Trails, trail heads, and trail head parking
- (c) Public buildings and grounds necessary for the public health, safety or welfare.
- (d) Public utility and public service structures or installations necessary for the public health, safety or welfare.
- (e) Maintenance as required to replant native species, protect and promote the natural ecosystem, eliminate exotic plant materials and reduce the potential for wildland fire. Minor maintenance of vegetation such as mowing or trimming.
- (f) Construction or maintenance of minor structures, such as fences, gates, culverts and drainage ditches.

7B.3 CONDITIONAL USES

The following Conditional Uses shall be permitted upon the granting of a Use Permit in accordance with the provisions of Sections 11 and 25 of this Ordinance:

- (a) Wireless Communications Facilities.

7B.4 GENERAL REGULATIONS

- (a) Design Review – Any new public buildings shall be subject to Design Review as prescribed in Section 13 of this Ordinance.
- (b) Off-street parking and loading spaces shall be provided in accordance with Section 8 herein.
- (c) Building Height – The maximum building height shall be two stories or 28 feet.
- (d) Maximum Lot Coverage – 10 percent of gross lot area is permitted.