

**CITY OF BELMONT
MEMORANDUM**



TO: Planning Commission

FROM: Carlos de Melo, Community Development Director

SUBJECT: August 1, 2006 Planning Commission Meeting – Agenda Item 7A
Charles Armstrong School (CAS) – 1405 Solana Drive
Code Enforcement Update

Attached please find a cover letter and code enforcement matrix/update on performance objectives for the Charles Armstrong School at 1405 Solana Drive. At the April 4, 2006 Planning Commission meeting, the Commission discontinued the pursuit of a Revocation Hearing in association with two Conditional Use Permits binding school operations, citing sufficient progress in addressing outstanding violations.

At the July 18, 2006 Planning Commission meeting, the Commission approved a Solana Drive frontage landscape/irrigation plan, lighting plan, and site (benches/signage) modifications plan.

Staff is also available to answer questions on the current status of code enforcement issues for the school.

Attachments

- A. CAS Cover Letter – 7/25/06
- B. CAS Update on Status of Code Compliance Issues/Remedies – 7/25/06

ATTACHMENT A

Carol Beattie
CAS Board of Trustees
Co-Chair, Compliance Committee

July 25, 2006

City of Belmont
Community Development Department
Planning Division
Carlos de Melo

Re: Charles Armstrong School Update

Carlos,

This letter is intended to provide an update from the office of Community Relations (Debbie Vielbaum) and advise that Sam Bronfman and I are still very active in our refocused efforts in being *a good school and a good neighbor*. I would like to comment on the good will that has begun to take place based on a true team effort with Neighborhoods First and the Charles Armstrong Compliance Team (including Candace Hathaway) in collaboration with CAS management team. We very much appreciate the support and guidance that you have provided in this process as well. We view your assistance as key.

CAS Board of Trustees knows how fortunate we are to have such a competent team member as Debbie Vielbaum to take on the additional job of Community Relations. She takes her job very seriously and based on her excellent and diligent work we've begun a new (and positive) relationship with those that live close to the school but also those that live in the McDougal Park area. I feel this is quite remarkable and am very grateful for this new start. I was observing after our Planning Commission meeting this last week how the Green Screen Working Group members who assembled outdoors after the meeting took on such a positive, upbeat tone.

The continued remedies to our CUP have included some very positive outcomes. One significant change (as noted in the CUP update) is having taken graduation activities off campus. It had such positive effect for all that plan or participate in this event (CAS management), Board of Trustees, students, parents and most importantly our neighborhood. We had very positive feedback from the head of Neighborhoods First that this was well received.

Along the lines of feedback, I feel it is also important to know that I receive feedback on one particular area of our CUP that is related to access to the school outside of the Monday through Friday time frame. Our teachers and staff address the social, academic and emotional needs of many special needs children. When addressing these needs be it academic, parent feedback, report generation the data remains at school (not on computers that can be taken home on weekends). The inability to retrieve information or in some cases personal effects (eyeglasses, medication, wallets) has created a negative impact. Access in some limited way is very important to our entire professional team.

We respectfully submit a 3 month update to our CUP – please see attached.

Carol Beattie
Charles Armstrong Board of Trustee
Co-Chair, CAS Compliance Committee

ATTACHMENT B

Operational Violations of CUP and Remedies

| Condition | Source | Related Compliance Issue | CAS' Remedy |
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| 1. Hours of Operation limited to 7 am to 9 pm | 1988 Condition no. 6. | <p>a. Square dances held on Wed. nights that last until 10:30 pm.</p> <p>b. Pre-7am teacher/staff arrival.</p> <p>c. Pre-7am bus arrival.</p> <p>d. Evening use of school facilities after 9 pm; truck and car traffic after 9 pm.</p> <p>e. Use of CAS for weeknight Commonwealth Club events</p> | <p>a. Square dancers asked to not return to CAS campus. Completed 1/18/06.</p> <p>b. Teachers/staff no longer will arrive before 7 am on weekdays. Completed 2/3/06.</p> <p>c. Busses needed for transporting student to early field trips will use off-site meeting place away from school and neighborhood. Completed Fall 2005.</p> <p>d. All CAS events will end at 8:45 pm so that site will be quiet by 9:00 pm and traffic on adjacent streets will have dissipated by that time. Completed Feb. 2006.</p> <p>e. The school is not used for any Commonwealth Club events, or other "outside" or non-CAS events. Completed Feb. 2006.</p> |
| 2. Days of Operation limited to M-F | 1988 Condition no. 6. | <p>a. Repeated weekend use of school by teachers/staff</p> <p>b. School events on weekends.</p> | <p>a. All weekend use of school by teachers/staff has ceased. Completed 2/3/06.</p> <p>b. School will not hold annual Fall Festival event on a weekend. (Fall 2006-forward)</p> <p>c. School held graduation activities at Twin Pines (evening) and NDU Theater (daytime) 6/06.</p> <p>d. No events or activity will be held at any time on a weekend. Completed Feb. 2006.</p> |
| 3. Designated drop-off areas required. Morning drop off and afternoon pick up is to occur in lower parking lot. | 2002 Condition no. 4. | <p>a-c. Drop-off occurring outside of designated areas. CAS permits use of Solana Drive and the "upper parking lot" as well as Chula Vista and El Verano for drop off and pick up of students.</p> | <p>a. As a condition of continued attendance at school, parents will sign a contract agreeing to comply with <u>all</u> conditions of approval, which will be listed in the contract. It will be clear that the rules are not optional, and violation of these rules by a parent will have consequences. Staff/Faculty/Parent mandatory education meetings completed March 2006.</p> <p>b. The attachments CAS provides parents regarding traffic, parking and carpool information will be revised to clearly state</p> |

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| | | | <p>that it is the CUP conditions of approval which drive the various requirements and not only “student safety.” Completed March 2006. The communication document the school provides parents at beginning of school year also will contain these revisions. (Fall 2006-forward) Parent Traffic Agreements included in new student admission’s packets.</p> <p>c. CAS will create a staff position (Director of Community Relations) to be responsible for adhering to CUP conditions, which would include monitoring Solana and Chula Vista on a daily basis to ensure compliance with mandatory drop-off/pick up policy. Completed February 2006.</p> <p>d. If a parent violates the mandatory drop-off regulations, the parent will be notified of the need to meet with CAS Director of Community Relations and Head of School at end of day upon which violation occurred. The parent will be warned of consequences. Completed 2/24/06.</p> <p>e. Van pool students now load in lower parking circle for efficient exit to train. Completed September 2005.</p> <p>f. No student “drop off and pick up” in upper parking lot - signage – installed. Completed 2/17/06.</p> |
| 4. The 70 required parking spaces are intended for school employees and school visitors. | 2002 Conditions no. 1 and 12. | <p>a. CAS exceeds the limit of 10 cars in the upper lot</p> <p>b. CAS fails to keep the upper lot chained up after hours and on weekends.</p> | <p>a. CAS assigned parking spaces to teachers [and staff] to ensure minimization of ingress and egress in upper parking lot. All others, including school visitors, shall be directed to use the lower parking lot Completed 2/8/06. Hired Dryco to paint designated staff faculty parking and visitor parking on pavement as well as to paint numbers on each parking slot in the upper parking lot. Work began 3/21/06.</p> <p>b. Parking lot security (chain) installed. 2/8/06. Chain to entrance will be re-hung after 8:30pm to reinforce visitor parking to lower lot and locked on weekends.</p> |
| 5. Gardeners hours are limited to 9 am to 5 pm, | Resol. 1987-54 as condition | Neighbors have observed lawn blowers and other gardening tasks occurring | <p>Gardeners in compliance.</p> <p>Gardener required to sign contract agreeing to comply with limitations on hours</p> |

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| M-F | no. ____; 1988 Condition no. 6 | on weekends. | established by school's governing CUP. Pursuant to such contract, a gardener's violation of the hours of work limitations shall result in non-payment for the work completed on the day in question and shall constitute grounds for the school to terminate contract with gardener. Contract signed and received by CAS 3/1/06. |
| 6. Landscape Screening along the Solana Street frontage required. | 2002 Condition no. 7. | School installed small plants which did not provide the required "screen". | <p>CAS will:</p> <p>1) Contract with a Landscape Architect for submittal of a preliminary plan for a "Green Screen" to be submitted to the Director of Community Development 7/14/2006. Green Screen approved with modification & recommendations 7/18/06.</p> <p>2) Landscaping will be installed within 1 month of approval by Director of Community Development. 8/30: Interviewed and hired Brian Fletcher of Callender and Associates. Overall look at entire school site. Services to include signage and lighting. Green Screen out to bid.</p> <p>3) Signage will be move further inside property. McDougall Park sign will be installed in front of school.</p> <p>4) Held 3 neighborhood meetings to collaborate on design & obtain support.</p> <p>5) Planning Commission approved Green Screen 7/18/2006</p> |
| 7. CAS shall monitor all activities to minimize negative impacts (e.g. noise, traffic, litter and loitering) on surrounding properties." | -- 1988 condition no. 6. --2002 Condition no. 10. | <p>a. The school has used disruptive flood lights that shine onto adjacent property</p> <p>b. The school allows trash and litter to accumulate on fences.</p> <p>c. Illegal late night use of school property by "partiers and others."</p> | <p>a. CAS will reduce the intensity of lighting, utilize motion sensor lighting and redirect such lighting to mitigate night-time lighting impacts on neighbors. 2/17/06. Working with landscape architect on lighting plan for campus. Redirected lighting and reduced wattage Feb. 2006. Plan due April 2006 for overall campus plan. Removed bulb from light fixture to reduce light spillage onto street, 6/06.</p> <p>b. CAS does litter patrol Monday, Wednesday, Friday litter patrol in afternoon. CAS will now keep log of litter clean up and leave campus litter-free on Mondays, Wednesdays and Fridays at close of business. Completed 2/17/06. CAS will initiate collaboration with City staff regarding litter maintenance needs during weekends and summer. Contacted Parks &</p> |

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| | | d. The Quiet Zone signs are ignored. | <p>Recreation staff for meeting to discuss litter, 5/1/2006.</p> <p>c. CAS does not condone late night use of campus, loitering and trespassing. CAS hired part-time security guards to patrol campus twice daily on weekends and holidays (2/17/06). Attempted to schedule meeting with Sergeant Halle ran of the police department about security and noise ordinance before 3/31/06. Spoke to Sergeant Halle ran he advised me that they did not have an approved noise ordinance. He will let the department know about our dance and I will give him Linda Hales cell phone number so he can phone her if the music is too loud. Removed picnic tables & benches from front of school, 6/06.</p> <p>d. CAS' Director of Community Relations will monitor use of school parking lots and will remind anyone appearing to ignore Quiet Zone signs of the requirement for compliance with the signs.</p> |
| 8. "Use of school shall be permitted strictly for school activities..." | 1988 Condition no. 6 | a-d. CAS conducts unauthorized programs, including educational outreach, college accredited teacher education programs, and foreign language training. | <p>a. Pursuant to a 1/26/06 Board directive, the CATI (Charles Armstrong Teaching Institute) will only be offered to CAS teachers, staff and parents.</p> <p>b. As of 1/26/06, CAS board abandoned plan to operate the Center for Dyslexia.</p> <p>c. As of 1/26/06, Slingerland training is a teaching methodology offered only to CAS teachers, staff, (paid CAS employees) and parents.</p> <p>d. The "Language!" Program is a methodology based on phonemic awareness, used in Grades 1-8, will be limited to in-house training of CAS teachers and staff.</p> |
| 9. Trash pickup only between 7am-5pm, M-F | 2002 Condition no. 9. | a-c. Early am – i.e. 4:00 a.m. garbage pickup occurs | <p>a. Refuse company will confirm in writing its agreement to limit hours of pick up from 7 am-5 pm. Completed February 2006.</p> <p>b. CAS locks the gates to trash area before permitted hours of pick up. Completed 2/8/06.</p> |
| 10. School's use of Park is limited: during "regular session" use is limited to M-F | Easement documents | <p>a. Weekend events have gone on for years, often entailing the CAS' use of the park on both Saturday and Sunday.</p> <p>b. Summer session use of</p> | <p>a. No weekend events will be held at the school.</p> <p>b. CAS is adhering to limits on hours of use of Park. (Summer 2006-forward) Contacted</p> |

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| <p>from 8 am- 4 pm and during the “summer session” it is limited to 8 am to 12:30 pm.</p> | | <p>the park has extended past 12:30 pm.</p> <p>c. Expansion of summer session into August.</p> | <p>George Brunson of Parks & Rec and advised him we will not be utilizing our Parks & Rec agreement which allows us to play on the field until 5pm. We agreed to be off the field in accordance with our CUP at 4pm. Contacted the softball league and advised that they could have an additional 20 hours per month of park use.</p> <p>c. CAS’s Campus for summer sessions will end no later than 7/31/06. (July 2006-forward)</p> |
| <p>11. The school shall prepare and mail a calendar of special events on a quarterly basis to all property owners within 300 feet of the school property in order to notify neighbors of school events.</p> | <p>2002 Condition no. 13.</p> | <p>CAS conducts late evening and weekend activities of various kinds, which are not noted in its public announcements to the community...on the entire weekend of July 24- 25, 2005, extensive social activities for CAS alumni were conducted over many hours on both days. Overflow parking on streets was noted.</p> | <p>No event or activity will be held at any time on a weekend.</p> <p>A calendar of events will be prepared on a quarterly basis that represents CAS activities M-F 7:00am-8:30pm effective 9/1/2006. A first Communication letter from Office of Community Relations went to neighbors (7/21/06) about maintenance work being conducted during the month of August and Green Screen acceptance.</p> |
| <p>12. No students shall drive to school.</p> | <p>2002 Cond. No. 12.</p> | <p>CAS teaching institute students and attendees of other adult classes drive to the school site.</p> | <p>See box 8 a-d.</p> |
| <p>13. Private school enrollment shall not exceed 260 students with this approval.</p> | <p>2002 Cond. No. 5.</p> | <p>The school’s enrollment exceeds 260, when you include CATI, Language institute, Summer Teacher Institute, and summer school students, and other programs.</p> | <p>See box 8 a-d.</p> |
| <p>14. The school shall continue to encourage carpooling, bus and train use to minimize school traffic impacts on residential neighborhood.</p> | <p>2002 Cond. Nos. 2 and 3.</p> | <p>Visitors to the school continue to park on Solana Drive, Chula Vista, and on surrounding streets.</p> | <p>a.Visitors to school events will be directed to park on-site. In the case of Back-to-School Nights and Parent Evenings overflow parking will be directed to parking on the playgrounds black top. To ensure the school’s 70 parking spaces are available to the greatest possible extent for visitors - teachers and staff will use a shuttle system and park off-site. Weekly compliance</p> |

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| The applicant shall continue to advise parents and employees to park on-site. | | | committee reviews calendar for month to plan for overflow parking. Assigned a new parent volunteer to coordinate new carpool plan April 1, 2006 for Fall 2006. |
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General Operating Issues/Complaints

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| School's use of Park restricted by easement documents | A large enclosed trash holding structure on a portion of the Belmont easement to the park interferes with parking areas for legitimate city use of the park. | CAS worked with The City on finding the best place with the least neighbor impact. |
| CAS shall monitor all activities to minimize negative impacts | | CAS will initiate collaboration with City of Belmont staff regarding litter maintenance needs during weekends and summer. Contacted Parks and Rec to set up meeting, 5/2006 |
| CAS shall monitor all activities to minimize negative impacts | | CAS will hire part-time security guards while working with City of Belmont Police Department to address weekend and holiday use of property. Security guard hired Feb. 17, 2006. Contacted Sergeant Halleran of the Belmont Police Department. Meeting scheduled with Sergeant Halleran to discuss weekend and holiday use of property as well as upcoming dance and new noise ordinance. Letter & addendum to contract created for contractors advising them of CUP hours of operation and acceptance of conditions or impact to their contract for work. 7/24/06 |