

**CITY OF BELMONT
MEMORANDUM**



TO: Planning Commission

FROM: Carlos de Melo, Community Development Director

SUBJECT: February 7, 2008 Planning Commission Meeting – Agenda Item 8D
Notre Dame De Namur University (NDNU) – 1500 Ralston Avenue
Reports/Studies/Updates – Koret Athletic Field

Summary

Recent Actions/Events/Schedules

Since the Planning Commission last reviewed the Koret (NDNU) Athletic Field matter on November 7, 2007 the following has (has not) occurred:

- On November 28, 2007, NDNU released a revised acoustic study for the athletic field; unfortunately this study did not meet with favor by the concerned neighbors or the City.
- Subsequently, the City has taken steps to have a third-party acoustic study prepared that evaluates noise from the field, amplified sound, and the effects upon the surrounding neighborhood. The City contacted two qualified acoustic engineer firms, and selected Charles M. Salter Associates to secure a contract for services. Staff is hopeful that work can begin on the study within the next two weeks.
- A follow-up Task Force meeting has not been conducted as of the writing of this report. This is in large part due to the concerns associated with the revised 11/28/07 acoustic study prepared by NDNU. The City will continue to solicit a meeting to discuss C.U.P. language concerns (in advance or concurrent with) results of the City's third-party acoustic study.

The City maintains timing/schedule concerns associated with completion of tasks set out by the Commission. Such outstanding tasks include: appropriate vetting and consensus of potential C.U.P. language modifications by the Task Force and presentation to the Commission, a formal assessment/documentation of C.U.P. violations, and qualitative acoustic study results. These issues have hampered providing qualitative information to the Commission in advance of any formal review of the current C.U.P.

Commissioner Selection for Review of Matter

STAFF MEMO

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At the August 7, 2007 meeting, it was determined that four Commissioners would be required to recuse themselves in their review of the NDNU field issue because of a conflict of interest (Commissioners Mercer, Horton, McKenzie, and Vice Chair Frautschi). The remaining Commissioners without conflict were Chair Parsons, and Commissioners Mayer & Wozniak. Since these three remaining members did not constitute a quorum, the Rule of Necessity allowed them to bring one Commissioner, selected by random drawing, back to the hearing; that person would be present for the discussion and any subsequent hearings on the matter. Each Commissioner had written his/her name on ten pieces of paper, thereby equalizing the odds and making the selection more random. Vice-Chair Frautschi was selected via this random drawing to serve as the fourth Commissioner to review the matter.

Since that time, Commissioner Wozniak has been elected to the City Council and took her oath of office on December 11, 2007; this action created Rule of Necessity/Quorum issues for further review of the matter. Subsequently, at their January 15, 2008 meeting, Commissioners Mercer & Horton requested that they not be considered as a replacement for former Commissioner Wozniak. Thus Commissioner McKenzie was automatically selected as the fourth Commissioner to review the matter in the future.