

**CITY OF BELMONT  
MEMORANDUM**



**TO:** Planning Commission

**FROM:** Carlos de Melo, Community Development Director

**SUBJECT:** July 19, 2011 Planning Commission Meeting – Agenda Item 5B  
Notre Dame De Namur University (NDNU) – 1500 Ralston Avenue  
Koret Athletic Field – Conditional Use Permit Amendment  
Belmont United Soccer Club & Belmont/Redwood Shores AYSO  
Application No. 2011-0024

---

**Summary**

On April 26, 2011, two local soccer organizations - Belmont United Soccer Club and Belmont/Redwood Shores AYSO, submitted an application to amend the Conditional Use Permit (CUP) and Conditions of Approval for the Koret Athletic Field at Notre Dame De Namur University (NDNU) located at 1500 Ralston Avenue.

The current CUP for the athletic field was approved by the Belmont Planning Commission in September 2005. This current joint application by these two groups requests their allowed use of Koret field in accordance with the permitted days/times currently afforded to NDNU in the 2005 CUP. No additional days or hours of use are requested by these two organizations or NDNU as part of this application.

A previous Conditional Use Permit Amendment request by NDNU was reviewed over the course of approximately 18 months (July 2009 – January 2011) by the Planning Commission and City Council; extensive background on actions and activities associated with Koret Field since 2005 follows below.

A summary of recent public correspondence regarding the currently requested CUP Amendment is provided as Attachment D.

Following discussion on the matter tonight, staff recommends the Commission adopt the attached Resolution (Attachment A) approving the Amended Conditional Use Permit & Modified Conditions of Approval (Attachment B). Alternatively, the Commission has the discretion to:

1. Direct modifications to the Conditions of Approval to staff; or
2. Disapprove the Modified Conditions of Approval; or,
3. Continue the item for any clarification or request for background items; or
4. Direct alternative actions to staff.

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field  
Conditional Use Permit Amendment  
Belmont United Soccer Club & Belmont/Redwood Shores AYSO  
July 19, 2011  
Page 2

**Background**

The following provides a brief summary of actions/activities since the approval of the Conditional Use Permit by the Commission in September 2005:

**August 16, 2005** – the Planning Commission first reviews the Koret Field modifications project (Conditional Use Permit, Design Review, Grading Permit, and Tree Removal Permit); the item was continued to gather additional information and modify the Resolution & Conditions of Approval.

**September 20, 2005** – the Planning Commission adopts the Resolution and Conditions of Approval for the CUP (and other associated entitlements) for Koret Field.

**September 16, 2006** – NDNU is issued a building permit to construct the Koret Field modifications.

**January 27, 2007** – NDNU issues first acoustic analysis letter prepared by SW&M.

**January/February 2007** – Koret Field modifications are completed. First Men's Lacrosse season is conducted on the new field (February-April 2007).

**April 2007** - NDNU hosts a neighborhood meeting in response to concerns (noise, operational, and interpretation of conditions of approval items) in association with the new field. The meeting was well attended, and viewpoints were made either in support of the activities transpiring with the field or in line with the above-stated concerns. An outcome from this meeting was the formulation of an NDNU Athletic Field Task Force; this group was charged with working on solutions to the above issues; the group consisted of concerned residents, NDNU representatives, and City staff.

**May 23 & July 26, 2007** - The Task Force meets on these two occasions to review Conditional Use Permit compliance matters and address operational issues with the field. Other issues raised include noise concerns (bullhorns, whistles, crowd noise), inadequate notification of scheduled games, and how the terms "youth" and "dusk" are interpreted in concert with the approved conditions. An additional concern raised centered on the condition of a berm area running along and adjacent to the field (recently installed landscape plantings that were dead or dying).

**August 7, 2007** – the Planning Commission reviews concerns raised by neighbors in relation to Koret Field and responses by NDNU. The Commission directs the continued efforts of the Athletic Field Task Force to attempt to problem-solve issues/concerns surrounding the field. The Commission also directs staff to secure third party consultant services for primary facilitation of future Athletic Task Force meetings.

**September 19 and October 18, 2007** – The Task Force meets on these two occasions to continue to review Conditional Use Permit compliance matters, and address operational concerns with the field. Issues discussed during these meetings continued to include noise concerns (bullhorns, whistles, and

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field

Conditional Use Permit Amendment

Belmont United Soccer Club & Belmont/Redwood Shores AYSO

July 19, 2011

Page 3

crowd noise during practices and games), advance notification of scheduled games, and terminology/intent of CUP conditions. Future activities were expected to include review of potential field enhancements (via augmented/revised acoustical consultant recommendations). The City secured the services of the Peninsula Conflict Resolution Center (PCRC) and they facilitated the 10/18/07 Task Force meeting.

**November 7, 2007** – the Planning Commission receives an update on the matter, and directs continued Athletic Field Task Force efforts in concert with upcoming NDNU release of revised acoustic study.

**November 27, 2007** – NDNU releases revised acoustic analysis prepared by SW&M (See Attachment F). Responding to objections to the study from the neighbors, the City takes steps to have a third-party acoustic study prepared that evaluates noise from the field, amplified sound, and the effects upon the surrounding neighborhood. Athletic Task Force meetings are suspended until after completion of third-party acoustic analysis.

**January 15, 2008** – the Planning Commission receives an update on the Koret Field CUP. Staff outlines that two acoustic firms submitted proposals and the selection & contract would be secured within next 30 days.

**February 7, 2008** – the Planning Commission receives an update on the matter. Staff outlines that the City has secured a contract with Charles Salter & Associates (CSA) to prepare the subsequent acoustic analysis. CSA will complete the report after the noise sampling of two NDNU Men's Lacrosse games that will occur in March and April 2008.

**June 12, 2008** – CSA releases acoustic analysis report. Summary findings indicate that noise data samples from the surveyed games do not exceed noise (i.e. decibels limits) as prescribed in the City's Noise Ordinance. Recommendations for field modifications to improve/mitigate sound travel from field (generally consistent with those described in earlier SW&M reports) are suggested. These recommendations include 1) fencing the raised eight-foot berm area adjacent to the bleachers to prevent spectators from being at a higher level than the field, and 2) orienting speakers at the east and west ends of the bleachers to the north (away from southerly neighbors) and at a downward angle towards the field. NDNU implements recommendations of acoustic studies in Fall 2008 (installation of berm fencing and permanent placement of speaker orientation to the north)

**July-September 2008** - A follow-up Task Force meeting is not conducted due to scheduling/timing issues and neighbor concerns with the CSA acoustic study.

**October 15, 2008** – the Athletic Field Task Force conducts a meeting. Tasks for this meeting include 1) potential small group discussions and vetting of potential CUP language modifications, and 2) a review of “calls for service” to Koret Field since April 2007. Resolution of requested tasks is not achieved at this meeting; the Task Force does not conduct another meeting. One of the

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field

Conditional Use Permit Amendment

Belmont United Soccer Club & Belmont/Redwood Shores AYSO

July 19, 2011

Page 4

outcomes of this meeting is the request by staff to have both parties (NDNU & Neighbors) prepare draft CUP amendment language to discern if there are any commonalities.

**January 16, 2009** – NDNU submits their original request for the amended CUP language.

**July 13, 2009** – Concerned Neighbor/Task Force Participant submits their assessment of potential amendments to CUP.

**July 16, 2009** – NDNU submits revised request for amended CUP.

**July 21, 2009** – Public hearing on the matter is continued due to NDNU scheduling conflicts.

**August 27, 2009** – City receives Executive Summary Letter from NDNU on Koret Field CUP amendment.

**September 1, 2009** – Planning Commission conducts a well attended public meeting to evaluate the NDNU request and discuss principles/topics for consideration in an amended CUP. The four main components that the Commission was asked to consider in the potential crafting of an amended CUP (via associated Conditions of Approval) to govern operational aspects of Koret Field centered on: 1) *Allowed Days of Operation*, 2) *Allowed Hours of Operation*, 3) *Allowed Activities on the Field*, and 4) *Special Restrictions*. A key objective in this effort is to facilitate a more streamlined Conditional Use Permit that is more reasonable to understand, administer, and enforce.

**July 6, 2010** – Planning Commission conducts a public hearing to consider a Draft Resolution and Conditions of Approval for the Amended CUP. The basis/direction for the proposed Conditions of Approval centered on discussion and feedback from the 9/1/09 Commission meeting. At that 7/6/10 meeting, the Commission considered public testimony, discussed components of the Draft Conditions of Approval, requested additional information, and solicited feedback from neighbors on the CUP and associated conditions of approval.

**September 7, 2010** – Planning Commission conducts a public hearing to consider a Draft Resolution and Conditions of Approval for the Amended CUP. At the conclusion of discussion on the matter, the Commission voted 3-1 to approve the Amended Conditional Use Permit and Conditions of Approval. This action included Commission direction to staff to prepare a Final Resolution incorporating all Commission modifications to the Conditions of Approval based on discussion at this meeting.

**September 21, 2010** – Planning Commission adopts Resolution (by 4-0 vote) for Amended CUP and Conditions of Approval.

**October 1, 2010** - Margaret and Ray Davis, representing the group “Belmont Residents for a Tranquil Community” as co-appellants, submitted an appeal of the Planning Commission decision.

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field

Conditional Use Permit Amendment

Belmont United Soccer Club & Belmont/Redwood Shores AYSO

July 19, 2011

Page 5

**October 26, 2010** - City Council conducts a public hearing to consider the appeal of the September 21, 2010 Planning Commission decision. The item is continued to allow for additional research and preparation of responses to Council questions.

**November 9, 2010 & December 14, 2010** - The Council subsequently reviews the appeal at these meetings. The item is continued to allow for additional research and preparation of modifications to the Conditions of Approval.

**January 11, 2011** – City Council adopts Resolution Modifying the Planning Commission Decision. The Council decision included revisions to the matrix of *Allowed Days, Hours, Activities/Uses, and Restrictions* conditions associated with use of Koret Field; the Council also provided additional operational conditions to be added as part of the Amended CUP.

**February 23, 2011** - NDNU forwards a letter to the City Council and staff indicating that they could not accept the Amended Conditional Use Permit & Associated Conditions of Approval; NDNU further outlines that they would continue to operate Koret Field as permitted under the existing provisions of the 2005 Conditional Use Permit.

**April 26, 2011** - Belmont United Soccer Club and Belmont/Redwood Shores AYSO submits joint Conditional Use Permit Amendment application to the City, requesting use of Koret field in accordance with the allowed days/times currently afforded to NDNU in the 2005 CUP.

## **Discussion**

### Conditional Use Permit – September 2005

The current (and pertinent) conditions which govern operational athletic activities and maintenance of Koret field are listed below:

1. *Construction shall conform to the plans on file in the Planning Division for Appl. No. 2005-0038 and date-stamped July 18, 2005, and as amended by the revised landscape plan dated September 14, 2005. The Director of Community Development may approve minor modifications to the plans.*
  
8. *The athletic field will be used for the University's Commencement ceremony which occurs during the month of May. The athletic field will also be used for Youth Sports Camps which occur during the months of May, June, and July. Use of the athletic field for Youth Sports Camps and by NDNU and Notre Dame High School sports teams for both practices and games shall adhere to the following seasonal schedule and associated practice/game times:*
  - a. *NDNU and Notre Dame High School practices will occur only on Mondays through Fridays during the following months as set forth below:*

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field

Conditional Use Permit Amendment

Belmont United Soccer Club & Belmont/Redwood Shores AYSO

July 19, 2011

Page 6

1. *August: 10 a.m. – dusk*
  2. *September, October, and November: 8:00 a.m. – dusk*
  3. *December - 3:00 p.m. – dusk (High School only)*
  4. *January – April: 8:00 a.m. – dusk*
- b. *If games are to be held on both weekdays and weekends, such games shall generally occur during the following months/start times:*
1. *Weekends – All games shall commence no earlier than 11:00 a.m. and conclude no later than dusk (Mid-August to Mid May-NDNU Athletics). Such games shall last approximately 2 hours.*
  2. *Weekends - 11:00 a.m. and 12:30 p.m. (if two games are scheduled back to back); Weekdays - 3:00 p.m. and 4:15 p.m. (if two games are scheduled back to back) (Mid-November to Mid-February - ND High School). Such games shall last approximately 1.5 hours.*
- c. *Youth Sports Camps will occur only on Mondays through Sundays during the following months as set forth below:*
1. *May, June, and July: 8:00 a.m. – dusk*
9. *The University athletic field personnel shall make every effort to limit the use of bullhorns in association with practices and games which take place on the athletic field. Use of bullhorns by athletic field personnel shall be kept to a minimum as necessary during the course of the game to facilitate player substitution and other game rule requirements. The University shall prohibit the use of bullhorns, air horns and other loud noise-making devices and equipment by spectators during practices and games. Further, the University shall provide an announcement prior to the start of games, advising both home and visiting teams that the use of such noise-making devices and equipment is prohibited by spectators.*

Belmont United Soccer Club & Belmont/Redwood Shores AYSO Requested CUP Amendment

As discussed earlier, the two aforementioned soccer clubs request an amendment to the 2005 Koret Field Conditional Use Permit (CUP) to permit them as an allowed user group for the field. As noted in Conditions above, the currently permitted users of the field are NDNU and Notre Dame High School (for practices and games). Under the 2005 CUP, NDNU is also permitted to conduct sports camps during the Summer Months (May, June, and July) and its commencement ceremony which occurs in May.

As noted earlier, no additional days or hours of use are requested by these two soccer organizations or NDNU as part of this current application.

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field

Conditional Use Permit Amendment

Belmont United Soccer Club & Belmont/Redwood Shores AYSO

July 19, 2011

Page 7

Listed below are draft modifications to the Conditions of Approval for the Amended Conditional Use Permit for Koret Field. These conditions would be modified and augment the Conditions of Approval for the September 2005 CUP. New text is denoted in ***bold italics***. Text to be deleted is noted in ~~strikeout~~.

8. The athletic field will be used for the University's Commencement ceremony which occurs during the month of May. The athletic field will also be used for Youth Sports Camps which occur during the months of May, June, and July. ***The field will also be used for Belmont United Soccer Club and Belmont/Redwood Shores AYSO games and practices consistent with the allowed months/days/hours as specified below.***

Use of the athletic field for Youth Sports Camps, ~~and by~~ NDNU and Notre Dame High School sports teams, ***and Belmont United and Belmont/Redwood Shores AYSO*** for both practices and games shall adhere to the following seasonal schedule and associated practice/game times:

- a. NDNU, ~~and~~ Notre Dame High School, ***Belmont United and Belmont/Redwood Shores AYSO*** practices will occur only on Mondays through Fridays during the following months as set forth below:
  1. August: 10 a.m. – dusk
  2. September, October, and November: 8:00 a.m. – dusk
  3. December - 3:00 p.m. – dusk (***Notre Dame*** High School only)
  4. January – April: 8:00 a.m. – dusk
- b. If games are to be held on both weekdays and weekends ***for all user groups***, such games shall generally occur during the following months/start times:
  1. Weekends/***Weekdays*** – All games shall commence no earlier than 11:00 a.m. and conclude no later than dusk (Mid-August to Mid May - NDNU Athletics ***and Belmont United and Belmont/Redwood Shores AYSO***). Such games shall last approximately 2 hours.
  2. Weekends - 11:00 a.m. and 12:30 p.m. (if two games are scheduled back to back); Weekdays - 3:00 p.m. and 4:15 p.m. (if two games are scheduled back to back) (Mid-November to Mid-February - ND High School). Such games shall last approximately 1.5 hours.
- c. Youth Sports Camps will occur only on Mondays through Sundays during the following months as set forth below:
  1. May, June, and July: 8:00 a.m. – dusk

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field

Conditional Use Permit Amendment

Belmont United Soccer Club & Belmont/Redwood Shores AYSO

July 19, 2011

Page 8

9. The University athletic field personnel shall make every effort to limit the use of bullhorns in association with practices and games which take place on the athletic field. Use of bullhorns by athletic field personnel shall be kept to a minimum as necessary during the course of the game to facilitate player substitution and other game rule requirements. The University shall prohibit the use of bullhorns, air horns and other loud noise-making devices and equipment by spectators during practices and games. Further, the University shall provide an announcement prior to the start of games, advising both home and visiting teams that the use of such noise-making devices and equipment is prohibited by spectators. (No edits)
10. *Prior to any use of the athletic field consistent with the (2011) modified schedule/requirements described above, the property owner shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that he/she has read, understands and agrees to these conditions of approval.*
11. *The property owner and all assignees, at their sole expense, agree to defend, indemnify, and hold harmless the City (including all officials, staff, consultants, and agents) from any costs, demands, losses, liabilities, claims, or causes of action (including all costs of defense such as attorney's and expert fees, or any award of such fees in favor of a prevailing party) arising from the granting of this Amended Conditional Use Permit.*
12. *Any subsequent Amendment of the 2005 NDNU/Koret Field Conditional Use Permit shall be subject to the review and approval by the City Council.*
13. *NDNU shall not install any temporary or permanent lights on Koret Field.*
14. *Belmont United Soccer Club and Belmont/Redwood Shores AYSO shall prohibit the use of bullhorns, air horns, and other loud noise-making devices and equipment in conjunction with practices and games. The use of whistles is only permitted by officials or coaches during the normal conduct of any game or practice.*
15. *The Belmont United Soccer Club and Belmont/Redwood Shores AYSO use of Koret Field shall be reviewed by Staff one year after the effective date of this Conditional Use Permit (CUP) Amendment. Staff shall then issue a written report to the Planning Commission regarding such use. Upon review of the report, the Commission, by motion, may call the review up for a hearing at a regular meeting of the Commission within 30 days of the issuance of the report. The Commission may affirm, revoke, or modify this Condition 15 of the CUP after the hearing. This review does not affect any other condition of the CUP. This condition is severable.*

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field  
Conditional Use Permit Amendment  
Belmont United Soccer Club & Belmont/Redwood Shores AYSO  
July 19, 2011  
Page 9

### **Neighborhood Outreach**

The applicant (Belmont United and Belmont/Redwood Shores AYSO) is required to perform neighborhood outreach in conjunction with the Amended Conditional Use Permit request; their Neighborhood Outreach Strategy plan is provided as part of this report – See Attachment C. It is reported that the applicant will be holding an outreach meeting to discuss their proposal on Thursday July 14<sup>th</sup> at 7PM at the Belmont Sports Complex meeting room. Staff will provide an update to the Planning Commission as to the attendance, discussion, and results of this meeting at the 7/19 Commission meeting. Staff has received written public comments regarding this project; these communications are provided as Attachment D.

### **Environmental Determination**

The proposed Koret Field CUP Amendment by the Belmont United Soccer Club and Belmont/Redwood Shores AYSO and associated Conditions of Approval governing operations for the site is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) by provision of Section 15323 - *Normal Operations of Facilities for Public Gatherings*:

*“Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, “past history” shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.”*

In making the determination that an exemption is reasonable and appropriate for the proposal, a cursory review of two noted environmental factors (Noise & Traffic) associated with the project follows below:

#### Noise

In response to previous requests for noise analysis of Koret Field activities, two technical letters (Shen, Milsom, and Wilke (SW&M) - January & November 2007), and an acoustic study (Charles Salter & Associates (CSA) – June 2008) are prepared. In particular with the CSA Study, the findings concluded that noise data samples from surveyed games were always below (i.e. decibels limits) thresholds as prescribed in the City’s Noise Ordinance. This study referenced an April 2008 Lacrosse Game, with 200+ spectators, and use of an amplified sound system. Even under these conditions (where it can be reasoned that this event demonstrates the most significant or intense event associated with the field), at all times noise from the field did not exceed established objective thresholds (max 65 dBA – daytime hours).

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field  
Conditional Use Permit Amendment  
Belmont United Soccer Club & Belmont/Redwood Shores AYSO  
July 19, 2011  
Page 10

The study concluded that all observed outside noise level increases from the game (three decibels or less) were considered a “just-noticeable” difference. Further, the study data concluded that in regards to indoor measurements, all field noise was less than ambient indoor noise sources (air conditioner) or ambient outdoor noise sources (vehicular traffic).

Consistent with Acoustic Study recommendations (and to provide noise mitigation) in Fall 2008 NDNU 1) installed perimeter fencing for the raised eight-foot berm area adjacent to the bleachers, thus preventing spectators from being at a higher level than the field, and 2) oriented speakers at the east and west ends of the bleachers to the north (away from southerly neighbors) and at a downward angle towards the field.

Overall, a question at hand is whether Community Sports Group use of the field on Saturdays and Sundays for games will increase/create noise-related environmental impacts. The proposed Amended CUP adds these two groups as permitted users of the field; they still must conduct their games within the approved hours of operation. Past public testimony and general consensus is that the Sports Group’s use would create less impact than the current use of the field on Saturday and Sunday by the University since Belmont United and Belmont/Redwood Shores AYSO does not include any public address system, no use of the score board (or airhorn), and the same safeguards as an NCAA game.

Thus, it is reasonable to conclude that noise associated with use of the field by these two groups is not expected to rise to a significant environmental level.

Traffic

In regards to weekday traffic, Koret Field is now and will continue (under an amended CUP) to be predominantly internally used (i.e. by NDNU or ND High School) which is not expected to generate significant vehicle trips. Average Daily Weekday Traffic Levels for the main arterial (Ralston Avenue) serving NDNU/Koret Field result in approximately 25,000 trips per day. Weekend traffic levels for Ralston Avenue are typically less than weekdays.

The amended CUP (as proposed) would allow for some weekend use of the field by these outside groups (i.e. Belmont United and Belmont/Redwood Shores AYSO soccer organizations). Ralston Avenue (the City’s main east-west arterial) is already in use during weekend days to provide vehicular access to the City’s Sports Complex or other neighborhood fields. It can be reasoned that the opportunity to use Koret Field by these groups described above creates a redistribution of traffic trips already occurring on the City’s street network. More simply, games from the above-described outside groups are already being played on the City’s Sports Complex and other neighborhood parks, most of which require access via Ralston Avenue.

It is conservatively estimated that each Belmont United or Belmont/Redwood Shores AYSO weekend soccer game would generate approximately 50 vehicle trips (based on number of participants, coaches, and spectators); these vehicle trips are anticipated to be spread out over the

STAFF MEMO

RE: 1500 Ralston Avenue – NDNU Koret Field  
Conditional Use Permit Amendment  
Belmont United Soccer Club & Belmont/Redwood Shores AYSO  
July 19, 2011  
Page 11

half hour before and after the game time entering the University Driveway. These vehicles would otherwise be traveling through Belmont but to another venue. Assuming approximately 48 games (two-hour time duration per game) are held during a calendar year, there would be an estimated total of 2,400 vehicle trips generated during this time period.

Thus, the traffic impact associated with weekend use of the field by these groups is expected to be negligible in relation to existing conditions.

Based on the above, the proposal meets the requirements for CEQA exemption.

**Conclusion/Recommendation**

The focus of the Planning Commission public hearing centers on discussion and public testimony regarding the proposed Koret Field CUP Amendment and associated modified Conditions of Approval. Following discussion on the matter, staff recommends the Commission:

1. Adopt the attached Resolution Amending the Conditional Use Permit, and approving the Modified Conditions of Approval.

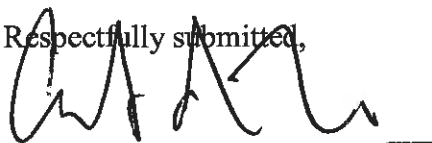
**Action Alternatives**

1. Direct modifications to the Conditions of Approval.
2. Disapprove the Modified Conditions of Approval.
3. Continue the item for any clarification or request for background items.
4. Direct alternative actions to staff.

**Attachments**

- A. Resolution Amending the Conditional Use Permit
- B. Modified Conditions of Approval
- C. Neighborhood Outreach Strategy
- D. Public Correspondence

Respectfully submitted,



Carlos de Melo  
Community Development Director

**ATTACHMENT A**

Resolution Amending the Conditional Use Permit

RESOLUTION NO. 2011 \_\_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE KORET  
ATHLETIC FIELD FOR NOTRE DAME DE NAMUR UNIVERSITY (NDNU)  
AT 1500 RALSTON AVENUE (APPL.NO. PA2011-0024)

WHEREAS, Belmont United Soccer Club and Belmont/Redwood Shores AYSO requests an Amendment to the approved September 2005 Conditional Use Permit for the Koret Athletic Field for Notre Dame De Namur (NDNU) at 1500 Ralston Avenue; and,

WHEREAS, on July 19, 2011, 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 the aforementioned requested Conditional Use Permit Amendment; and,

WHEREAS, the Planning Commission of the City of Belmont finds the project to be categorically exempt pursuant to the California Environmental Quality Act, Section 15323; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated July 19, 2011, and the facts contained therein as its own findings of facts; and,

WHEREAS, the Planning Commission has considered the applicant's request for Amendment of the September 2005 Conditional Use Permit and associated Conditions of Approval and determined that there is sufficient basis to grant the request; and,

WHEREAS, the Planning Commission has determined that the Conditions of Approval outlined in Attachment "B" would be modified and augment the ongoing operational Conditions of Approval for the September 2005 Conditional Use Permit for the field; and,

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Conditional Use Permit Amendment for the Belmont United Soccer Club and Belmont/Redwood Shores AYSO for the Koret Athletic Field for Notre Dame De Namur University (NDNU) at 1500 Ralston Avenue, subject to the conditions of approval provided as Attachment "B".

\* \* \* \* \*

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on July 19, 2011 by the following vote:

Resolution  
1500 Ralston Avenue – NDNU Koret Field  
Conditional Use Permit Amendment  
July 19, 2011  
Page 2 of 2

AYES,  
COMMISSIONERS: \_\_\_\_\_  
NOES,  
COMMISSIONERS: \_\_\_\_\_  
ABSENT,  
COMMISSIONERS: \_\_\_\_\_  
ABSTAIN,  
COMMISSIONERS: \_\_\_\_\_  
RECUSED,  
COMMISSIONERS: \_\_\_\_\_

\_\_\_\_\_  
Carlos de Melo  
Planning Commission Secretary

## **ATTACHMENT B**

### **Conditions of Approval**

#### **Modified 2005 CUP Conditions of Approval – NDNU – Koret Field**

8. The athletic field will be used for the University's Commencement ceremony which occurs during the month of May. The athletic field will also be used for Youth Sports Camps which occur during the months of May, June, and July. The field will also be used for Belmont United Soccer Club and Belmont/Redwood Shores AYSO games and practices consistent with the allowed months/days/hours as specified below.

Use of the athletic field for Youth Sports Camps, NDNU and Notre Dame High School sports teams, and Belmont United and Belmont/Redwood Shores AYSO for both practices and games shall adhere to the following seasonal schedule and associated practice/game times:

- a. NDNU, Notre Dame High School, Belmont United and Belmont/Redwood Shores AYSO practices will occur only on Mondays through Fridays during the following months as set forth below:
  1. August: 10 a.m. – dusk
  2. September, October, and November: 8:00 a.m. – dusk
  3. December - 3:00 p.m. – dusk (Notre Dame High School only)
  4. January – April: 8:00 a.m. – dusk
- b. If games are to be held on both weekdays and weekends for all user groups, such games shall generally occur during the following months/start times:
  1. Weekends/Weekdays – All games shall commence no earlier than 11:00 a.m. and conclude no later than dusk; (Mid-August to Mid May - NDNU Athletics and Belmont United and Belmont/Redwood Shores AYSO). Such games shall last approximately 2 hours.
  2. Weekends - 11:00 a.m. and 12:30 p.m. (if two games are scheduled back to back); Weekdays - 3:00 p.m. and 4:15 p.m. (if two games are scheduled back to back) (Mid-November to Mid-February - ND High School). Such games shall last approximately 1.5 hours.
- c. Youth Sports Camps will occur only on Mondays through Sundays during the following months as set forth below:
  1. May, June, and July: 8:00 a.m. – dusk

9. The University athletic field personnel shall make every effort to limit the use of bullhorns in association with practices and games which take place on the athletic field. Use of bullhorns by athletic field personnel shall be kept to a minimum as necessary during the course of the game to facilitate player substitution and other game rule requirements. The University shall prohibit the use of bullhorns, air horns and other loud noise-making devices and equipment by spectators during practices and games. Further, the University shall provide an announcement prior to the start of games, advising both home and visiting teams that the use of such noise-making devices and equipment is prohibited by spectators.

10. Prior to any use of the athletic field consistent with the (2011) modified schedule/requirements described above, the property owner shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that he/she has read, understands and agrees to these conditions of approval.
11. The property owner and all assignees, at their sole expense, agree to defend, indemnify, and hold harmless the City (including all officials, staff, consultants, and agents) from any costs, demands, losses, liabilities, claims, or causes of action (including all costs of defense such as attorney's and expert fees, or any award of such fees in favor of a prevailing party) arising from the granting of this Amended Conditional Use Permit.
12. Any subsequent Amendment of the 2005 NDNU/Koret Field Conditional Use Permit shall be subject to the review and approval by the City Council.
13. NDNU shall not install any temporary or permanent lights on Koret Field.
14. Belmont United Soccer Club and Belmont/Redwood Shores AYSO shall prohibit the use of bullhorns, air horns, and other loud noise-making devices and equipment in conjunction with practices and games. The use of whistles is only permitted by officials or coaches during the normal conduct of any game or practice.
15. The Belmont United Soccer Club and Belmont/Redwood Shores AYSO use of Koret Field shall be reviewed by Staff one year after the effective date of this Conditional Use Permit (CUP) Amendment. Staff shall then issue a written report to the Planning Commission regarding such use. Upon review of the report, the Commission, by motion, may call the review up for a hearing at a regular meeting of the Commission within 30 days of the issuance of the report. The Commission may affirm, revoke, or modify this Condition 15 of the CUP after the hearing. This review does not affect any other condition of the CUP. This condition is severable.

**ATTACHMENT C**

Neighborhood Outreach Strategy

1. I will contact my neighbors by:

Direct mailings prior to public hearing.

2. I will inform my neighbors of the project by:

Direct mailings prior to public hearing.

3. I will gather feedback from my neighbors by:

We will receive correspondence from neighbors in response to our outreach letter.

4. Here is the schedule for my outreach strategy:

- A. Contact: TBD
- B. Informing TBD
- C. Feedback TBD

5. As property owner, I, Judith Greig (print property owner's name), and/or Tom Snider or Greg Snow will make every reasonable effort to obtain neighbor comments on my project prior to presenting my request to the Planning Commission or City Council in public hearing. I understand that the purpose of the Neighborhood Outreach Strategy is to foster a positive and constructive dialogue regarding my project and its possible effects on surrounding homeowners and tenants.

Judith Maxwell Greig  
Property Owner's Signature

4/25/2011  
Date

July 5, 2011

RE: Belmont Community's Application to Amend the Conditional Use Permit to Koret Field to allow for use by Belmont's children

Dear Fellow Community Member,

As a follow up to our letter dated June 21, 2011, we would like to inform you that we have arranged for a meeting to discuss Belmont United Soccer Club and Belmont/Redwood Shores AYSO (co-applicants, collectively "Belmont's Youth Organizations") submission of an application to the City of Belmont to amend the 2005 Conditional Use Permit ("CUP") for NDNU's Koret Field.

As referenced in our earlier letter, Belmont's Youth Organizations have paid an application fee and are asking to be added to the CUP as approved users of the field. Currently NDNU and Notre Dame High School are the only approved users of the 2005 CUP. Belmont's Youth Organizations have asked for no changes to the CUP other than being allowed to use the field under the existing CUP when the field is not already being used. As previously communicated to you, Belmont's Youth Organizations do not use bullhorns or amplified sounds during games. Furthermore, there is a small spectator turnout-mostly just parents-for the games.

Based on comments at the Planning Commission and City Council meetings, we heard from many neighbors that while opposed to NDNU's earlier requests for a revised CUP, there was very little opposition to Belmont's children using the field. We hope that this sentiment remains. When Belmont's Youth Organizations paid the city for our application to add us to the existing CUP as approved field users, our desire was to work in partnership with neighbors to ensure your support of kids using the field when it's not already being used with no further changes to the CUP (no changes to the hours or any other conditions to the CUP).

To allow for Q&A and any other comments/questions/concerns, we have arranged for a meeting prior to the Planning Commission meeting on July 19th. Tom Snider, President of Belmont United Soccer, and Greg Snow, Regional Commissioner for Belmont/Redwood Shores AYSO will be in attendance. We hope you are able to attend.

- **WHERE:** Belmont Sports Complex Conference Room (upstairs)
- **WHEN:** Thursday July 14<sup>th</sup> 7pm – 8pm

Thank you.

Tom Snider  
President  
Belmont United Soccer Club

Greg Snow  
Regional Commissioner  
Belmont/Redwood Shores AYSO

**ATTACHMENT D**

Public Correspondence

**Colleen Turning**

---

**From:** Peter Pham [peterpham1@gmail.com]

**Sent:** Wednesday, July 13, 2011 10:39 PM

**To:** Planning Comm

**Subject:** Re: NDNU Field Use with youth groups

I did forget to mention that I would have publicly spoken at the planning commission meeting tomorrow evening on July 14th to emphasize my opposition to any ammendment, but unfortunately have a work related engagement in the city that I cannot get out of. I hope this doesn't reflect upon how important this is to me.

Thank you again,

Peter

On Wed, Jul 13, 2011 at 10:36 PM, Peter Pham <peterpham1@gmail.com> wrote:

Dear Planning Commission,

I'm writing you as a neighbor at 1509 Ralston Ave, directly across from Koret Field, probably one of the closest residents to the field (my bedroom overlooks the scoreboard). I've been informed from members of our group of *Belmont Residents for a Tranquil Community* that there may be yet another amendment request to the 2005 CUP that we fought so hard to make a compromise on which ultimately NDNU rejected the City Council's suggested changes.

As a father of 3 young boys ages 5, 3, and 1 month, I know how important youth sports are and I do hope the Belmont sports complex gets funding at some point for more field usage. But I still would be opposed to not keeping in the spirit of cooperative neighbors and maintaining some solid rules around noise on the weekends at the field. No use sundays in particular, along with some restrictions of certain hours and use of whistles, airhorns etc. Also of course any type of amendment should have a trial period attached to it of no more than 1 year. All of which were fought for and agreed upon by the council in January.

More importantly is that I was not notified of such changes and surely live within 300 feet of Koret Field and had to hear from other concerned neighbors. It may have been a clerical error, or a shuffle in the postal system, but I did not receive any notice. NDNU representatives could have easily knocked on the doors of a handful of neighbors to communicate with us with open transparency.

I may be new to Belmont, but really was hopeful that what we went thru and got a ruling on back in January would have been the last of this back and forth, and now is seemingly a cat and mouse game with NDNU to try to usurp what the council had ruled on. It's obvious that NDNU is trying to garner more neighborhood sympathy and support by allowing youth groups usage now, essentially buying the support now. They will of course come back in a few months with yet another larger amendment to the CUP with the larger support from the parents of the youth organizations. I do hope the planning commission along with the council isn't swayed by this tactic and looks back at what was agreed upon in January which NDNU rejected.

Thank you,

Peter Pham  
Resident  
1509 Ralston Ave

1

7/14/2011

**Colleen Turning**

---

**From:** Peter Pham [peterpham1@gmail.com]  
**Sent:** Wednesday, July 13, 2011 10:37 PM  
**To:** Planning Comm  
**Subject:** NDNU Field Use with youth groups

Dear Planning Commission,

I'm writing you as a neighbor at 1509 Ralston Ave, directly across from Koret Field, probably one of the closest residents to the field (my bedroom overlooks the scoreboard). I've been informed from members of our group of *Belmont Residents for a Tranquil Community* that there may be yet another amendment request to the 2005 CUP that we fought so hard to make a compromise on which ultimately NDNU rejected the City Council's suggested changes.

As a father of 3 young boys ages 5, 3, and 1 month, I know how important youth sports are and I do hope the Belmont sports complex gets funding at some point for more field usage. But I still would be opposed to not keeping in the spirit of cooperative neighbors and maintaining some solid rules around noise on the weekends at the field. No use sundays in particular, along with some restrictions of certain hours and use of whistles, airhorns etc. Also of course any type of amendment should have a trial period attached to it of no more than 1 year. All of which were fought for and agreed upon by the council in January.

More importantly is that I was not notified of such changes and surely live within 300 feet of Koret Field and had to hear from other concerned neighbors. It may have been a clerical error, or a shuffle in the postal system, but I did not receive any notice. NDNU representatives could have easily knocked on the doors of a handful of neighbors to communicate with us with open transparency.

I may be new to Belmont, but really was hopeful that what we went thru and got a ruling on back in January would have been the last of this back and forth, and now is seemingly a cat and mouse game with NDNU to try to usurp what the council had ruled on. It's obvious that NDNU is trying to garner more neighborhood sympathy and support by allowing youth groups usage now, essentially buying the support now. They will of course come back in a few months with yet another larger amendment to the CUP with the larger support from the parents of the youth organizations. I do hope the planning commission along with the council isn't swayed by this tactic and looks back at what was agreed upon in January which NDNU rejected.

Thank you,

Peter Pham  
Resident  
1509 Ralston Ave

## Colleen Turning

---

**From:** Angi Mason [angi.mason@gmail.com]

**Sent:** Wednesday, July 13, 2011 6:15 PM

**To:** Planning Comm

**Subject:** What happened to the compromised CUP?

To: Members of the Belmont Planning Commission

I find depolrable that NDNU can ignore the compromises that were made to the new CUP, because the compromises did not suit them, and then use the children's sport teams as a way to stay with the 2005 CUP. Children's teams (AYSO and CYO) were included in the new CUP albeit with a few restrictions as to usuage of the field. Imagine using children, and, of course, their parents support to foster an end around the compromised CUP ? The group that appealed the new CUP might have saved their money, because it is now apparent that any compromises initiated by the City Council meant nothing to NDNU. Angi Shine 1506 Escondido Way

## Colleen Turning

---

**From:** cora@zimmermann.com  
**Sent:** Wednesday, July 13, 2011 6:04 PM  
**To:** Planning Comm  
**Subject:** Application to Amend Koret Field CUP

Honorable members of the planning commission,

We are writing to express our concern regarding the latest application to amend the CUP for Koret Field.

Obviously it would be of great benefit for Belmont's children to have unlimited use of Koret Field. We understand that and would like to support the children. Unfortunately the noise generated by parents, referees, and coaches can be heard clearly up in the hills above the field and becomes extremely annoying if we are subjected to this noise on a daily basis throughout the whole year.

We hate to re-iterate those points to you - it feels like déjà vu. But we are not willingly going into a second round. We are still trying to come to terms with the fact that there is a new application so shortly after the amended CUP has been rejected by NDNU: The city of Belmont has put an enormous amount of time and effort into wording the amended CUP. The way we read it, it grants a lot of use and precious little quiet. To our great puzzlement NDNU has rejected that amended CUP, under which the Belmont Youth Soccer Groups were granted use of Koret Field.

Why do we have to through the whole thing again? Even if nothing has changed?

We sincerely hope that the planning commission does not waste any more time on this issue, but offers NDNU and the Youth Soccer Groups the amended CUP again. We doubt that repeating the process will magically produce a solution we are all happy with. We don't like the amended CUP either - probably that makes it a fair compromise.

Respectfully,  
Cora Zimmermann & HaJo Lockermann  
1210 Chula Vista Dr.

**Colleen Turning**

---

**From:** Margaret Davis [Margaret@rebn.net]

**Sent:** Tuesday, July 12, 2011 7:18 PM

**To:** Planning Comm

**Subject:** Application of Youth Group Organizations to Amend NDNU 2005 CUP

Dear Commissioners d'Souza, Mayer, Parsons, Reed, Wheeler:

This application, which you are set to hear at your meeting on July 19, is a source of considerable concern to us and to our neighbors. The 2005 CUP is a badly flawed document which should be revised in its entirety. Its vague wording has led to many clashes in recent times between NDNU, the City, police and residents. It should not be revised piece-meal to accommodate the interests of various groups who would like to use the field.

Particularly troubling about the application before you now is that the applicants are framing their request in simplistic terms of whether or not young children should be allowed to play on Koret Field. We're sure that few residents would object to this, if the matter were this simple.

As some of you may recall, under the 2005 CUP governing Koret Field, only NDNU and ND High School teams are allowed to use the field. No Environmental Impact Report was prepared before this CUP was approved, a major oversight on the party of the City. Because noise from the field travels in an amphitheater-like way up to the surrounding hills, many residents who live far from the field hear more noise than those at field level. This noise often reaches horrendous levels, and we have videos to demonstrate this. For years now, many hapless neighbors have protested in vain at the disruption in their lives caused by NDNU sports activities. These activities have turned our formerly peaceful residential community into the equivalent of the typical loud urban setting adjoining a stadium.

BUT, for all the pain, there have been days when there have NOT been games. And on those days, believe me, there was always rejoicing among neighbors. Some of us would even phone each other, joyfully proclaiming, "What a wonderful day—there's no game on." However, now youth organizations have vowed their intention to use Koret Field at all times "when the field is not already being used" (by NDNU). This means that for months on end all residents will be subjected to non-stop sports noise with no respite whatever.

You may recall that in September 21, 2010, the Planning Commission approved an amended CUP that the *Belmont Residents for a Tranquil Community* appealed to the City Council. In January, 2011, the City Council decided on a compromise that would balance the needs of all parties. Our Residents group certainly didn't get all we wanted but we do appreciate the Council's efforts to try to get us some relief, in the form of an occasional "no use" day, and clearly defined hours of use. NDNU rejected this compromise and in so doing virtually tossed the youth groups "under the bus."

After this happened, many in our group were concerned enough about youth sports to discuss ways to raise money and get things moving on upgrading the Belmont Sports Complex. The two youth leaders (Greg Snow and Tom Snider) were invited to meet

with our members to discuss this issue. They did not take us up on this offer; but instead proceeded to unilaterally try to add themselves as permanent users of Koret Field without prior consultation with those neighbors most affected by the noise.

A major frustration to us is that so many "sports fans" cannot see that there is any other "good" in the world other than the playing of games. That is a "good" to many people, but there are many other "goods" too. The ability to enjoy our home, relax at weekends with people we choose, surround ourselves with sounds we enjoy, are all "goods." These are "goods" we can enjoy without pushing them down the throats of people who don't share our tastes. The same is not true of the noise coming from Koret Field. Sports fans seem not only to consider the noise of sports activity to be an unqualified "good," they give everyone else no choice but to put up with that "good" as well.

We urge you either to (1) refer the matter back to the City Council which was the last government body to have dealt with it, or (2) if you make any ruling on the issue yourselves to make sure that set times and criteria are established for youth group use, including a requirement for a one-year trial.

Sincerely,

Ray and Margaret Davis

**Colleen Turning**

---

**From:** Mary Lowe [madlowe68@aol.com]  
**Sent:** Sunday, July 10, 2011 10:19 PM  
**To:** Planning Comm  
**Cc:** Margaret@Rebn.NET; EvGor@SBCGlobal.NET; Bob.Lowe@ComCast.NET  
**Subject:** Re: Youth Soccer Groups' Application to Use Koret Field

Belmont Councilmembers:

Two Belmont Youth Soccer Organizations (CYSO and AYSO, to be referred to as "the youth groups") have submitted an application to the Belmont Planning Commission to amend NDNU's 2005 Conditional Use Permit ("CUP") to allow for players in these organizations to use Koret field. Unfortunately, NDNU's 2005 CUP is already flawed- as shown by the fiasco that was their attempt to amend it. As I have not yet read the youth groups' application to know what their proposed amendment entails, I would like to, and will attempt to, attend the City Council meeting which will discuss the application so I may better understand what their proposed amendment entails. However, I would like to bring several points to your attention before you discuss the application in public:

- 1) The original construction of Koret Field removed most of the sound baffles that prevent Koret Field's sounds from echoing up the hill and into the houses of those residents living on Chula Vista Drive and the houses above McDougal school that overlook the valley that is above Ralston Avenue.
- 2) The amount of noise currently generated by the users of Koret Field since the failure of the 2011 Amended CUP to be accepted by NDNU has increased, and occurs at many odd hours from morning to past sunset.
- 3) Traffic around the NDNU main entrance has increased to the point of driving past the school entrance hazardous since many of the drivers coming out of the school are not obeying California traffic laws (right-of-way, proper use of the center left-turn-only lane, pulling into traffic at speeds far slower than the flow of traffic).
- 4) The existing CUP is already too vague and does not protect the surrounding residents from excessive noise; simply adding the youth groups to the list of those allowed to use Koret Field will only exacerbate the lack of clarity of the existing CUP.
- 5) The youth groups' letter to the local residents claims that they will not use any amplified sound devices, giving bullhorns as their example of their definition of amplified sound; however, by technical definition, whistles and a coach yelling at the top of his/her voice are both examples of amplified sound, as well as air horns.

It is my most heartfelt wish that you- in your position as guardians of the people's rights- that you all carefully weigh all merits of the original complaint against the first Planning Commission's proposed Amended CUP by the *Belmont Residents for a Tranquil Community*. Their "old" list of complaints still apply to this current proposed amendment, in that there is very limited control over the use of Koret Field, and there is little to no definition regarding the allowed hours of use. The 2005 CUP for Koret Field must needs be revised to better support the needs of both NDNU and the local residents before considering additional user groups- fix what is broken before making it worse. Thank you for your time and consideration.

Sincerely,  
Robert Lowe (son), for Mary Lowe (resident)

7/11/2011