

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES
TUESDAY, JUNE 19, 2012

Chair Mercer called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Mercer, Parsons, d'Souza, Frautschi, Herbach
Commissioners Absent: Reed, Horton

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Recording Secretary Turning (RS), City Attorney Rennie (CA), Consultant Knapp (CP)

2. AGENDA AMENDMENTS- None

3. COMMUNITY FORUM- None

4. CONSENT CALENDAR

4A. Planning Commission Meeting Minutes of 4/17/12

Commissioner Frautschi requested the following edits:

- On page 4, Commissioner Frautschi stated that he used the word “slumping” rather than the word “sloping”.

Commissioner Parsons requested the following edits:

- On page 3, Commissioner Parsons stated that the word “whether” was misspelled twice.

MOTION: By Vice Chair Parsons, seconded by Commissioner Frautschi, to accept the minutes of April 17, 2012 with the above corrections.

Ayes: Parsons, Frautschi, d'Souza, Mercer, Herbach

Noes: None

Abstain: None

Motion passed 5/0

4B. Planning Commission Meeting Minutes of 5/1/12

Commissioner Frautschi requested the following edits:

- Commissioner Frautschi stated that he thought on the last paragraph of page 4 Chair Mercer was quoted as saying “well sited” not “well sided”.

MOTION: By Commissioner Frautschi, seconded by Vice Chair Parsons, to accept the minutes of May 1, 2012 with the above corrections.

Ayes: Frautschi, Parsons, d’Souza, Mercer

Noes: None

Abstain: Herbach

Motion passed 4/0/1

5. PUBLIC HEARING

5A. PUBLIC HEARING- 6-8 and 10 Davis Drive (Crystal Springs Uplands School)

To consider a Development Agreement, General Plan Amendment, Planned Development Rezoning, and a Conceptual Development Plan for construction of an approximately 60,000 sq. ft. private middle school for 240 students. Appl. No(s): PA 2012-0010, PA 2011-0028, and PA 2011-0052; APN: 045-130-030;

ZONING: Executive Office and Warehouse (E2.2)

CEQA Status: Mitigated Negative Declaration

APPLICANT: Crystal Springs Uplands School- Kathleen Kavanaugh

OWNER: Thomson Learning, Inc.

PROJECT PLANNER: Damon DiDonato, (650) 637-2908

Chair Mercer asked if anyone on the Commission had ex parte communication with the applicant or any interested parties in the project. Vice Chair Parsons stated that he introduced himself to school staff during the first public meeting but other than that he had no other communication with the applicant or interested parties. No other commissioner had any ex parte communication.

CDD de Melo stated that before SP DiDonato presented to the Commission, Crystal Springs Uplands School requested a continuance on this item after the conduct of the public hearing which is at the discretion of the Commission to grant. CDD de Melo stated further that Staff and the applicant were prepared to give their presentations and that Staff recommended that the presentations and opportunities for the public to speak occur. Should the Commission agree to continue this item Staff would recommend that it be continued to a date uncertain to allow the City the opportunity to receive additional information from the applicant or the public so that it can be evaluated and a Staff Report could be submitted to the Commission. Staff also recommended that a full public noticing of the project be circulated so that the community would be aware of the date of the next hearing.

Chair Mercer summarized CDD de Melo's statement to the Commission as she wanted to ensure that their understanding was correct.

Chair Mercer stated that she would like to proceed with the Staff Report and give the applicant the opportunity to present to the Commission. The applicant would then be able to explain their thought process on continuing the item. Commission questions would follow for Staff and the applicant and then public comments would be allowed. Finally, Commission discussion would be presented. CDD de Melo stated that the procedure of the hearing was appropriate.

CDD de Melo directed the meeting to SP DiDonato and Environmental Consultant Knapp. The item included a Development Agreement, General Plan Amendment, Planned Development Rezoning, and Conceptual Development Plan for a new private school. The application includes a public hearing for review of the initial study of the Mitigated Negative Declaration. SP DiDonato explained the physical description of the project, described the entitlements and the findings, summarized the environmental analysis by Consultant Knapp, and had peer review Traffic Engineer Mark Crane describe the traffic analysis. Consultant Knapp presented the Environmental Review to the Planning Commission. She noted that the Environmental Document cleared the State Clearing House and they received one comment letter from the Department of Toxic Substance Control and the questions they had were already addressed in the Mitigated Negative Declaration.

Mark Crane was present at the meeting; he was the Traffic Consultant that wrote the Peer Review of all the Hexagon Reports. He worked closely with the Public Works Department reviewing the applicant's data and also helped Public Works Staff develop Significance Criteria.

SP DiDonato spoke concerning the fiscal impact of the project. Staff recommended the Planning Commission review the Staff Report, review the Public Testimony, adopt a Resolution recommending City Council adoption of a Mitigated Negative Declaration, and provide guidance and direction, as appropriate, regarding: General Plan Amendment, Planned Development Rezoning for the site, and Conceptual Development Plan.

***VERBATIM TRANSCRIPT OF COMMISSIONER QUESTIONS RE. ITEM 5A -
CRYSTAL SPRINGS UPLANDS SCHOOL***

Q&A's

C Mercer: I get the first question, Damon, because I want to clarify that what we're looking at tonight is Phase 1 of the project. Phase 2 would include the pool and the locker rooms.

SP DiDonato: The entirety of the project is on the table at this point. The Conceptual Development Plan includes all phases. The Detailed Development Plan that would come back to you should the project be approved by the Council would include first Phase 1, Entitlements, which we would be the nitty gritty very detailed plan - finishes, setbacks,

everything – for the first phase, and then when they are ready for Phase 2 that would come back as a DDP Amendment and so we would take a very close look at the pool and the locker rooms.

Mercer: Ok, because the form that the pool takes would have a significant influence on the noise and what we're presented with now really isn't a drawing of the pool or any indication of the form that it would take and yet that is a significant factor in the noise proposals.

DiDonato: Staff's understanding, and the applicant may be able to expand on this, is that the pool is supposed to be non-enclosed and we are recommending a potential Condition of Approval – the draft conditions that were attached to the staff report for the project – that would include a sound barrier around the pool – a solid sound barrier – as proposed in the Initial Study.

Mercer: Let's open up the questions to Commissioners.

Parsons: I have some questions about the Traffic Study; unfortunately I missed the last meeting because of burying my parents, but the Traffic Study – when you did the cumulative scenario, did that address full reuse of all the buildings that exist on Davis Drive?

Mercer: Asked Mr. Crane to come back to the microphone.

Crane: Asked if the applicant's traffic engineer could come up too because it's going to a tag team.

Mercer: Can you introduce yourself, sir.

Black: My name's Gary Black with Hexagon Transportation Consultants.

Mercer: Thank you, Mr. Black.

Parsons: Did the cumulative scenario address fully occupying all of the remaining buildings on Davis Drive?

Black: It addressed occupying the building on the corner, which we believe is the one that is currently vacant.

Parsons: What about the others?

Black: The others we believe are occupied.

Parsons: Are they fully occupied? So you don't know whether or not they are fully occupied?

Black: We believe they are occupied to a level that is "normal."

Parsons: Did it include full build-out of both Fox and Ralston's additional students and teachers?

Black: Yes.

Parsons: And did it include consideration... I mean, in real world, parking for staff and the students – well staff, mainly – doesn't really cover how schools operate because during the day there's visitors, they have student teachers, and then they have people coming for athletic events and other types of things, parent teacher meetings and stuff like that – were those numbers factored into the cumulative impacts?

Black: The traffic study looked at traffic generation, which included all normal uses of the school. We did not do a parking analysis, per se.

Parsons: Well, I'm not so much concerned about the parking but how many cars – were those numbers included in the traffic study?

Black: To the extent that they are normal uses so they happen on a regular basis, yes they are included. If it's a special event, say an athletic event which would fill up the pool or the field, then there wasn't a study of that type of event.

Parsons: So we don't have that factor figured in on the traffic on the streets – that's what you're telling me?

Black: We did not do a special event analysis?

Parsons: Some are not special events; some are everyday events, like games and things like that.

Black: Every day events, yes, if it's an every day event, that was factored in.

Parsons: So you did include additional cars coming in for those events.

Mercer: Since we have our traffic consultant standing here should we all go down the line and ask our traffic-related questions? Are we ready for those? Frautschi: Did the traffic study make any attempt to analyze what we call cross-through traffic – traffic that would not follow main routes, like for example Cipriani, Alameda and we received a letter – lots of letters – from people in Belmont Canyon – about the potential now that's happening – cut-through traffic – did our study look at that at all?

Black: To the extent that it's happening now today and is captured by the existing traffic counts, then, yes, that was included. It was assumed that some school traffic would use Alameda and El Camino in addition to Ralston. We did not assume any school traffic would use Cipriani.

Frautschi: How much was assumed to use those? I don't remember specifically.

Black: I'd have to look....

Frautschi: But it was done.

Black: There's a diagram in your packet that shows the assumed traffic.

Frautschi: Just one more question. The school plans to run a shuttle from Hillsdale Caltrain. My question to you is why is the shuttle proceeding down El Camino and Ralston through D intersections instead of going Hillsdale to 92 and then Ralston? Why would that be if the purpose is to reduce the impact?

Crane: I understand the question. I guess that these are preliminary routings for the shuttle service and possibly on the way to the Hillsdale station, depending on the train schedule, we might also stop at the Belmont train station as well. But now I understand your point of view that it would be a quicker routing to go up to 92 and on down and they could probably take that into account for their routing.

Frautschi: CSUS contends that they wouldn't be using the Belmont Caltrain station because it doesn't mesh with their schedule – that's why they are using Hillsdale. The train doesn't stop in Belmont at the hours that they wanted, so I just was perplexed by the inconsistency in the traffic study.

Crane: I think – we're just talking one or two vehicles – so let's say they would re-route them up to 92, it wouldn't make any appreciable difference in the findings of the study but given that that is potentially a much quicker routing they probably would go ahead and do that. I can't speak for the school but I would assume they would go ahead and do that.

Frautschi: Just a question in my mind – how easy it to take an intersection from a D designation to an E designation?

Crane: It all depends where you are in the level of service D category. You could be right on the border of a D and it takes just a few cars to tip you into an E – you could be on the C to D boundary and it takes quite a few cards to go all the way through the D level of service to the E category. It also depends upon the turn movements and the flow of traffic through an intersection. If I was directing the traffic through an intersection I could add 300 cars to an intersection and probably not produce any movement at all in the operation but I could throw 30 cars through it and cause a problem. It really all depends what are the critical movements at an intersection and how the traffic that you're adding on is adding to either the critical movements or not to the critical movements.

Frautschi: And just one last question. CSUS contends that about 30% of their traffic will be coming from the east in one form or another – whether it's shuttles or whatever. We currently have at least four intersections that are at D and I would contend sometimes

Ralston itself between those particular intersections is an F because you're not going to speed, you're not moving, you're not doing anything. So in your opinion, adding 30% of whatever their total is, is that going to make a significant impact on the traffic traveling through Belmont on Ralston from the east?

Crane: This was one of the issues that was raised at the last Planning Commission hearing and the results of the evaluation were – and from what I recall they kept the vast majority of traffic on Ralston all the way through the El Camino intersection – they had very little wandering off on Cipriani or on Alameda – and the intersections were being recorded at level of service B. The time of the year that they took the counts College of Notre Dame was already out of session, so there was that increment of traffic that unfortunately was not in the system, but given the timing we went ahead, or they went ahead and did the counts then too. Really the issue was, ok, we know there's a certain increment of traffic that's not there but then the incremental change due to the project was really what was important here and there was no significant change – no level of service change and a delay change was probably a second or less at the intersections, depending upon whether it was morning commute, middle afternoon, or evening commute time period. So with the trip generation that they're estimating and the 30% going to and from the east there was no significant impact but again that's with the trip generation that they're projecting.

Frautschi: Madam Chair, just one more question to clarify it for me. So we as a City – would it behoove us to ask for additional traffic studies – in my estimate – because I've been asked to do this by people – not in the area of where CSUS is going but how it's affecting the area of the city that I live in and a number of the schools were not in session. The university wasn't in session, the high school wasn't in session, there were reduce schedules at the elementary and middle school, and I don't know what was going in the private schools in the neighborhood across the way, but how can we get a clear look at adding traffic to traffic if the traffic isn't there right now?

Crane: You have two possibilities. #1, you wait 'til September when the schools are back in session, or you do a theoretical analysis of each of the schools and find out their service areas, are the schools being bussed, are the parents driving the kids to each of the schools, and patch together the system on the theory basis.

Mercer: Commissioner d'Souza, do you have any traffic-related questions?

d'Souza: Yes, the shuttle is going to carry 10 passengers. What is the capacity of the shuttle?

Black: I think we'd have to ask the school what kind of vehicles they use – there was an assumption that they would carry at least 10 – they could have at least 10 passengers.

d'Souza: The existing parking lot has a capacity of what – 240 vehicles?

Black: The existing parking lot on the site?

d'Souza: Yes

Black: I think its somewhere in the 180 range.

Mercer: I wrote 165.

D'Souza: And did you look at that existing traffic's impact on the turn movements?

Black: We looked at a scenario where we hypothetically assumed re-occupancy of the building. The building is currently vacant and was vacant at the time that all the data collection was done for this project, so there was no traffic being generated by the building at the time while the traffic counts were done. But there was a hypothetical scenario that is included in your packet.

D'Souza: And what impact did it have on the turn lights?

Black: Depending on the hypothetical scenario that is assumed, let's say a hypothetical scenario where the existing buildings were re-occupied exactly in a fashion that they're rebuilt, so that's an office building and a warehouse, so in that case the school would actually generate a little bit more traffic in the morning compared to the existing buildings but in the afternoon the existing buildings would generate more traffic than a school. In either case, whether it was the school or re-occupancy of the existing buildings there would be no significant traffic impact as defined by the City's standards.

d'Souza: And the last question. Is it possible for TDM to eliminate 1/3 of the traffic from the east?

Black: The TDM is assumed to apply equally whether the traffic is coming from the east or the west and the TDM level was based on what's happening at the existing school in Hillsborough.

d'Souza: How do you monitor it in Hillsborough – the effectiveness of the TDM?

Black: There's a condition suggested for the project that that be monitored. The way to monitor is to simply count the cars going in and out of the driveway. It's a pretty standard condition actually.

Herbach: As a follow-up to Commissioner Frautschi's question, I understand as a result of the question raised at the last meeting, you added the increment and analyzed the intersection of Ralston and Cipriani and the Alameda – do I understand you to say that we have no prior traffic counts so you just made up a number, if you will, or were there prior traffic counts that you incremented to – during school sessions?

Black: There were some prior traffic counts at some of those locations. And the traffic counts were done on May 22nd and May 24th – those two days. Ralston Middle School

was in session. I'm not positive about the other school sessions but I know that Ralston Middle School was in session. But at Cipriani there were no other counts to look at. At Alameda there was a count that was done in November so presumably all schools were in session then. So that was used at that location. And at El Camino there were counts towards the end of September. These are in 2011, by the way, so all schools were in session when those counts were done. So it's kind of a mix of new counts and previous counts.

Herbach: So if I understand you correctly the only intersection where we have no real count is at Ralston and Cipriani?

Black: Well we didn't have a prior count.

Herbach: Well you had no prior count with school in session.

Black: We have only the count from May 22nd of this year at Cipriani.

Herbach: But the others we have a count with school in session within the past year. I have one parking question. I don't know if I needed to address you or address it to the school. We've got 43 parking spots, 34 for staff and 9 for visitors, and I was wondering if we've accounted for the fact that we'll have these 10-passenger vans parked on site during the course of the day. Do we know how many there might be and how that would impact the parking situation?

Mercer: Can you hold that thought for the questions to the school?

Mercer: So I have a very detailed specific question about one of the tables, which I'm trying to learn to understand. This is the table with the a.m. peak hour volume count worksheet auto census traffic monitoring and analysis, done by Kevin and Stuart on December 8th.

Crane: Was it the last response to comments or was it their larger study?

Mercer: It was in one of the original studies, Hexagon Transportation I think, it was in with the material from Hexagon Transportation, and it was an actual volume count of the Ralston Middle School driveways with the ins and outs. It doesn't really have a page number. Do you want to look at mine?

Crane: Yes, we're not putting our finger on the page very quickly.

Mercer: So what I wanted to understand is how to interpret those numbers down the columns. They quote 15-minute increments and they quote actually visual counts of cars entering Ralston school parking lot from the east and west and then existing Ralston. Ok, those numbers start at 0 and then they go 7 and 60 and they climb up to 600. That represents a total number of cars in that 15-minute increment or is it some sort of cumulative number?

Grant: It's cumulative.

Mercer: OK. Can you interpret that to tell me how many total cars enter Ralston school parking lot over the course of, say, we're talking about the one hour around their start time, so it would be 7:30 to 8:30, 7:45 to 8:45?

Grant: Yes, there's a little table at the bottom of that same sheet and it has totals for different hours – it has 7 to 8, 7:15 to 8:15, 7:30 to 8:30. So for example, the 7:30 to 8:30 the number of cars that went in the driveway for Ralston Middle School from 7:30 to 8:30 was approximately 350.

Mercer: And how about 7:45 to 8:45?

Grant: It's about the same.

Mercer: 350.

Grant: I should point out that if you look at 7:30 to 8:30 and then 7:45 to 8:45, you're only looking at one 15-minute period that is new. So $\frac{3}{4}$ of that is an overlap so you can't add them together to say there were 700 cars.

Mercer: Right, but you also can't say that that's the total number that came in on any one day during the school start. I was trying to get a handle on how many come in for the start of school on any one day.

Grant: If you look at the total at the bottom of the table at the top, that's the cumulative total from 7 to 9.

Mercer: 299?

Grant: From 7 to 9, so that should cover just about everybody.

Mercer: 299?

Grant: There's a left and a right.

Mercer: Ah. So we'd have to add them up together and it would be over 400 for Ralston?

Grant: Correct.

Mercer: Which has a population of 900 at this point. Thank you.

Mercer: Also, I had a question about the TDM, there is a stipulation that the applicant will continue to monitor and that we will impose some sort of future mitigation, depending on what they discover. How do you determine... if we discover in fact that the applicant isn't able to reduce their number of car trips, and they are having more car

trips than they thought – what kind of mitigation do you do at that point, in your experience? What do the traffic analysts recommend?

Crane: At that point you see if you can increase the amount of car pooling that is going on.

Mercer: So you're not proposing street modifications based on the fact, "oops, we got more cars than we thought?"

Crane: That would only be if they could not get their trip generation back down to the levels that were evaluated in the report. At that point, yes, maybe you have to add turn lanes, extend turn lanes, things like that.

Mercer: Is there a trigger point at which you determine that action is needed because you've got one car too many coming through, or is it x percent of cars over what you should have?

Crane: I think it's two different things: 1) it's going to be a monitoring of the trip generation at the site driveways so that you know you're dealing with the same level of trip generation from the report, but it's also going to be evaluation of conditions out at the Davis Drive and Ralston intersection, because even with the level of trip generation that they have projected in the study, there's still the possibility there could be some operational problems out at that intersection, such as too many vehicles queuing in the left-turn pocket – signal adjustments may be required, or lengthening of the left-turn for traffic downhill on Ralston, right-turns into the site, initially it's going to be with the existing configuration. If all of a sudden you start getting too many rear-end accidents, for instance, because during the 15-20-minute time period when all of the parents are heading to the school, it's like one out of every two or every three cars in the curb travel lane at Ralston is going to be making a right turn to go up to Davis in that 15-20-minute time period so the potential exists that you have a platoon have traffic that some people just want to go through shooting through but you've got very frequent right-turning cars so, again, the operation at the intersection is going to be filmed for 2 to 4 days every month for the first 6 months just to get an idea of what's happening so the Public Works staff can look at the film and just see how traffic is backing up in the left-turn pocket, how right-turning vehicles are impeding or not impeding the flow of downhill traffic on Ralston, and based upon that review then some decisions will be made as far as everything's fine, or, no, we have to start thinking of extra measures.

Mercer: I'm going to bounce this question off of staff. I'm concerned about the vagueness of, "well, we think it's wrong," and how do we decide whose fault it is that now we're having more accidents here and we aren't really quantifying that at this point. Or, does staff have a sense of how we would quantify and how we would assign blame and how we would determine a portion. At what trigger point we need to make a structural modification, and then how would we determine the proration of whose portion of expenses, whose blame?

DiDonato: There has been some discussions with Public Works about where that trigger point would occur and I'm not sure - if the Public Works Director is here this evening, he might be able to touch on that. My understanding with that is that we would be filming traffic coming down the hill, we would be filming traffic entering the project site, and based on the movements and operational difficulties that we might observe the Public Works Director can make a determination that those operational difficulties are a result of the project. Again, the exact trigger point and how it works has not been determined at this point.

Mercer: And who gets to make that determination?

DiDonato: The Public Works Director.

Herbach: I would assume that the determination of fault would be made by the Public Works Director in concert with the Police Department establishing fault for a given accident.

DiDonato: I would assume that the Public Works Director might consult with the Police Department, with the consulting traffic engineer and other folks in making that determination.

Mercer: So it is within the City's right to determine the amount of responsibility that is attributed to the applicant's traffic vs. general traffic. The City retains that right?

DiDonato: That's the general idea. I think Allison wanted to say something.

Knapp: You have before you an environmental document that basically says we're taking the project and they're saying it's going to be 115 trips in and 115 trips out, and our carpooling is going to work this way and that way. You could be hard-line about it and you could say you have 116 in and 120 out - we have a problem with that - or if you don't audit it and monitor over a period of time like people are suggesting - the auditing should go on anyway - but looking at what the LOS does at the closest intersection of Ralston and Davis - what happens at that intersection and then working with PD and the Public Works Department to work with the applicant to add additional measures to the TDM program so you could come with a softer approach after you've monitored for the first time and you see, ok, this is kind of working, and you're still looking at it, a couple months later you look at it again you find out things are slipping, you beef up mitigation to the TDM program. That works for awhile but it starts slipping back, you say, ok, we're tired of it slipping back and it doesn't slip back anymore. You can also conceivably come back to the Planning Commission or Council for advice on that too.

Mercer: OK, that's what I wanted to hear - the City retained that right.

Knapp: It is definitely the City - you are the lead agency for CEQA, you are the body that's also acting on the project.

Parsons: As long as you're on that subject, the monitoring would be done by the City as a part of the agreement right now? Was that what you indicated in your memo?

Knapp: Well, what... I didn't craft all the conditions of approval behind this that are in the staff report, but in my mind's eye it would be that the City would identify the consultant to go out and do the monitoring – it would be a pass-through. I believe that's in the DA but I'm not 100% sure because I haven't seen the DA. In my mind's eye, again the Public Works would maybe weigh in on this, but if you have your own consultant go out and do it then you kind of avoid this going back and forth and all the peer reviews and he said she said and what was there and it's a little bit more direct control on it.

Parsons: This is already billed. This is an added expense the City would have to bear to do that?

Knapp: No.

Parsons: The school would pay for staff time too?

DiDonato: The way the DA is proposed the City would be somehow reimbursed for monitoring the TDM as well as traffic conditions. As to whether there's adequate funds proposed in that DA to cover all the costs has yet to be determined. We probably would have to consult with some folks and find out exactly what it would cost to make sure that all those costs are covered.

Parsons: Ok, then there was discussion that possibly one of the improvements might have to a right-turn lane going eastbound on Ralston or possibly a bigger left-turn lane coming up the hill. Were the environmental impacts of those possible issues addressed in the document? I mean there are three protected redwoods that would probably be lost in the middle of the street and we'd have to condemn land in order to widen the right-turn lane. I just wondered if those impacts were addressed in the document as potential.

Knapp: What we did was had a geometric study done for the left-turn lane to show that there was adequate right-of-way to construct a left-turn lane, not a right-turn lane. There's adequate right-of-way to be able to lengthen that left-turn lane onto Davis if need be. The Public Works Department subsequent to the environmental document being released had the geometric study for the right-turn lane done after the document was released and I believe that they had found that there's adequate area for the right-turn lane.

DiDonato: The submitted geometrics for the right-turn lane, again, and as Allison indicated, were received from the applicant after appropriation of the environmental document. It does appear that a portion of the right-turn lane would need to get on adjacent property.

Parsons: Ok, thank you.

Mercer: Moving beyond traffic now, do the Commissioners want to address their additional questions regarding the Mitigated Negative Dec while Allison is here?

Frautschi: I really don't have any specific questions.

Mercer: Just real quickies. The applicant is proposing to not quite replace all the trees. Do you know if that's a limitation of the vegetation management plan? Is our Fire District saying, no, you really can't put that many because of the fire hazard?

Knapp: It's within the zone and it's within a certain amount of feet that the structure into the wild land interface. So there are a few things that go into that and one of the reasons that I was very careful in the environmental document to try to separate this out for you is that, in all honesty, I think you might be seeing more of this in the future because there is some management that needs to be done in the interface, so on the south side of the project, you are correct, no more trees in that area. Other areas, that would be more of a call between an arborist and a landscape architect – the health of the landscape plan – overcrowding or whatnot.

Mercer: Ok

Knapp: Having said that I know that you know but I'm going to repeat this anyway because I have OCD disorder – you don't have to have all the trees planted on that site either – you could say we need more in the park here or this area here.

DiDonato: The tree planting plan that the applicant did submit includes 79 trees, if they are to remove the 88 trees as indicated in the environmental document. There does seem to be room in areas of the site that would not be within the restricted zones of the vegetation management plan, specifically if you can follow the cursor (referring to power point) this area here which is along the berm between the soccer field and the adjacent Ralston Middle School, so there does appear to be room on site to supply all those trees.

Mercer: The diesel storage tank – in some places in the report it reads it's been removed and then one spot I read it will be removed. Is it already gone?

Knapp: The diesel storage tank is supposedly gone. There's a handwritten letter that's identified in the Phase 1 that states it's gone and with the mitigation measures says, ok, go get a typed letter from San Mateo County Department of Environmental with somebody's signature on it. I doubled checked all of this with the County and with the Building Official to make sure that this City does not have anything on file. The City does not have anything on file with respect to removal.

Mercer: Ok, thank you.

d'Souza: At least for public schools, they're supposed to look at the location of high-volume gas lines. In the hazardous analysis, was the location of the gas lines and is that because this is a private school?

Knapp: Yes, it didn't come up as an issue and that's because it's a private school.

Mercer: Are there any other environmental questions?

Frautschi: Just one clarification about the Mitigated Negative Dec. It falls under environmental factors potentially affected in its land use and cumulative impacts. In there they weren't marked with an x as potentially affect by the project, so the land use and planning, that's 3.9 on page 3-67, factors 9 a and b, should be rated potentially significant impact instead of less than significant impact. This is my rationale: a) the project would divide an established zoned community, which is an executive industrial, and b) conflict with current applicable land use plans, which is our General Plan. So there wasn't an x there – did that change? I didn't see the latest rendition of it.

Knapp: This document has not changed. You do have a response document that we prepared, a master response with respect to all the written questions that you left at the podium at the last meeting. That's attached to your staff report, and also verbal comments that you all had made. They were written for the Planning Commission, they were written very specifically to whom and when and what the comment was. We did that because we felt you needed to have all the information if you were making a recommendation tonight, what kind of recommendation you wanted to make to the Council. We also did master responses, as you are aware of, that addressed traffic and noise and biology to name a few, to try to capture a lot of the tenor of the comments that were made. So to answer your question, in that response to comments document we do respond to that. Now you are the lead agency and if you determine that this will break up an established community then that x will go from less than significant to potentially significant, which would require an EIR to be prepared, and if that's the direction you want to go then so be it. We did an analysis in the Initial Study and in the response to comments to you saying that it is a judgment call. This is an underutilized building, it's been vacant for awhile, the CSUS would go next door to an existing school, it's not in the middle of Davis Drive and it's not in the middle of a residential neighborhood. It's not in the middle of a thriving retail neighborhood. But it is kind of a gray area. We did believe that it doesn't divide an established community. You are the lead agency. When everything is said and done, you want to move that box over, and then we turn around and, if the project goes forward, we do an EIR, because when we talk about potentially significant unless you have mitigation measures, and there are no mitigation measures identified here because we don't believe that there's one to be done other than the fact that it would require a General Plan amendment and zone change, which is what is what is proposed as part of the project, so if you were to approve that then you're not really breaking that up.

Parsons: I think along those same lines, and I don't have my copy of the book with me tonight, but I believe they said there's going to be no negative impact on City services such as police and fire.

Knapp – but this is environmental, not fiscal impact.

Parsons: But it's hard to separate an environmental issue from fiscal if there's no money to pay for..... if they lose money that we currently get to pay for police and fire services then it has an impact on City services.

Knapp: I understand that, and I understand what you're saying and this is not a fiscal document and so the information I have here is based upon interviews with Fire Department and working with the Fire Department and working with the Police Department and getting written comments from representatives of both of these departments and they did not identify impacts to services.

DiDonato: Just to chime in on that, I think that the big distinction there is whether the Fire Department and Police Department can physically access the site, and they can. The fiscal consideration is a separate issue apparently.

Parsons: One other question and it changes the course a little bit. When we deal with the noise issue, did the study do a cumulative, and what if we have sports events going on at Ralston School and this school at the same time? Are those cumulative noises part of the noise study or was it just that site individually?

Knapp: It's somewhat cumulative in that what was done was 24-hour noise measurements taken as noted in the environmental document throughout the area which did capture L maxes, the maximum level of sound, during the 2-3 day noise measurement period.

Parsons: Do you remember when that was – I don't have my document?

Knapp: When school was in session and I believe it was November – I don't know if the noise consultant is here that took the actual measurements – I can look it up.

Parsons: Well, if it wasn't done during the seasons when we have a lot of outdoor sports then the levels might not be accurate, and there's been some correspondence that questioned the levels of whistles and the kind of stuff that would be used for both the ball fields and for the pool.

DiDonato: It appears that the noise consultant is ready to ready to respond to that question.

Noise Consultant: The noise survey was conducted on September 10 through the 14th 2011 so Saturday through Wednesday.

Mercer: And that is soccer season.

Noise Consultant: *Affirmative nod.* I had another thought with regards to your question. I think you were wondering whether the analysis is cumulative and in the analysis we combined the affect of the school with the existing noise environment that was measured

on a 24-hour basis and LAQ basis, which is an hour equivalent noise level, and just compared the maximum results.

Mercer: I know Mark has one more question. There will be no lights and so there is no nighttime play on either of these fields. Is that correct?

DiDonato: There is none proposed and in the draft performance standards/conditions of approval for the project we did include conditions that prohibited any night lights beyond what's required for safety.

Herbach: If you could explain, perhaps I have a misunderstanding on this, some of these things are categorized, for example on page 391 of the Mitigated Negative Dec, item A is marked as "less than significant" but in the conclusion on the following page it says the project would not displace housing units for people and would not induce either directly or indirectly substantial population growth, so why is that not "no impact".

Knapp: Because the second page that you're reading from is a summary of all the findings – there are no residents on that site and because I'm – we're a little bit uncomfortable with saying there would absolutely be no new house built someplace in Belmont as a result of the project or no new business that went up as a result of the project but we don't believe with the information that we have that it would be a significant impact.

Herbach: Ok, and does the same rationale apply in the greenhouse gas section? You said "less than significant impact" yet they're proposing to use solar panels which I would think would reduce the greenhouse gas production and so if anything it should be "no impact."

Knapp: Well, with greenhouse gas you also have vehicular cars coming back and forth to the site, which also contributes to greenhouse gas, so there was a full model done on demolition, construction, operation and using carbs method with trying to get to the greenhouse gas reductions of 20/20, and because the greenhouse gas level reduction that the State is trying to get to the 20/20, I don't think I would feel comfortable on anything saying that there would be no impact. I mean, what we do as humans, we have impact. Now is it significant, does it exceed a threshold that's been identified? In this case, no. But we do have an effect.

Mercer: And you've said repeatedly, it's worse case scenario.

Knapp: Yes

Herbach: Ok. One more question. This is under the geology section if I could find it. We're talking about a school of children in a growing stage, and I notice two things: 1) nowhere does the study address mitigation monitoring, or I guess it's not mitigation monitoring - insuring that the fill that's brought to the site is clean fill. I'd like to see that we test for that somehow. In addition, the geological report indicates that the fill that's in

there is of an indeterminate nature and it's not clear when it was put in and I think I'd like to see that fill tested to insure that it's clean, considering that we're talking about a school.

Knapp: Absolutely, and the geotechnical report was prepared and it was reviewed by the City's peer reviewer, Cotton, Shires and Associates, in this case Ted Sayer, and we spent a lot of time going back and forth making sure everything was correct and one of the requirements of fill, of removing the fill is characterizing it and to make sure it is going to be reused on the site it shall be. According to the geotechnical report, it shall be analyzed and it also has to be a certain density to be able to be used.

Herbach: I read that and I noticed he talked about plasticity and other geotechnical issues but I don't think the cleanliness of the fill was addressed. It does indicate 90% of the fill on the site and the demolition will be reused on the site, so not knowing what the fill is we should look into that.

Frautschi: I apologize to the audience but last time we asked the questions and this time we're supposed to be giving our input on this Negative Dec because we have to make a recommendation so I have to be absolutely clear if I do or I don't, why I'm not, so that's why I'm bugging Allison about this.

Mercer: Just questions right now.

Frautschi: Just two questions. One is about the noise – 3.11 d on page 374, I think it should be rated “potentially significant impact” instead of “less than significant with mitigation.” I feel even with the proposed mitigations there will be (and this is a quote from the document) “substantial temporary or periodic increases in ambient noise levels in the project vicinity. Above levels existing without the project.”

Mercer: Do you have a question, or just a comment?

Frautschi: Though there are noise mitigations in the direction of Ralston Middle School the report doesn't report any noise mitigations for the surrounding businesses. Should this not be part of that analysis?

Knapp: That was corrected in the last study session on the 15th. I noted that there was an error, that it was supposed to be north and south of the site during construction, and I also apologized for that mistake. And it is now a matter of the public record that the noise mitigation, the barriers, shall be north and south to protect sensitive receptors. The master response does address the businesses in the area and the construction noise does not meet significant thresholds identified in your General Plan or in your Noise Ordinance. Now, having said that, if you'd like through conditions of approval, should you decide to approve the project, you could add that as a condition of approval – that the barrier be all the way around the site while it's being constructed. But what we have here are measurable standards that are in your General Plan.

Frautschi: Also on noise, something came into us following our last meeting, that said whistles that will be blown for the starter whistle for the swimming meets when that happens will exceed the limits allowed by the City. We just got that information, now that couldn't have been considered in this Negative Dec. Shouldn't it be?

Knapp: It is considered in the Negative Dec and there are mitigation measures for mitigating the swimming pool starter whistles.

Frautschi: But my understanding is it's still above the amount that's allowed.

Knapp: No.

Herbach: I read all the comments and my understanding of that comment was the commenter was remarking that the noise of the whistle, for example, exceeded 107 or 120 db at the source. In fact, when we do mitigation we measure the sound at a receptor so a jack hammer might be very loud but if you're out of range of it it's not relevant to the study. So a whistle might be very loud at the source but at Ralston Middle School, for example, it's reduced by virtue of the distance and other factors and it doesn't matter that it's loud at the source.

Knapp: Commissioner, there were a lot of things we were talking about, I think it was on the 15th, so I do want to reiterate this because I would be concerned if I lived in the area. I think there are 3 mitigation measures that would work to reduce the sound of the whistles that could be experienced at sensitive receptors, like Commissioner Herbach was mentioning. Having said that, and we talked about this at the last meeting, at least two of those measures, in the opinion of the writer of the report, would be a nightmare for the City because they reduce the decibel level of the whistle or make sure they only blow it in a certain direction. Tell me how well that's going to really work and how many times you're going to have to have the Police Department out there taking measurements because you've got people who hear that. The other mitigation measure, as Damon mentioned this evening, was to enclose the pool basically. You could enclose it with walls all the way around it and make it look attractive, or you could enclose the whole thing like I believe one of the commenters at the last meeting mentioned, just house the pool, because you would further reduce noise. Again, what I have here are the standards I have to go by in the noise level because that's my legal mandate of your CEQA, but your body of law from the government code and the police power that you have and the conditions of approval can go beyond that.

DiDonato: Allison did identify in the Initial Study three potential mitigation measures and she has just touched bases on two of the mitigations, and reasons why she doesn't really think they are appropriate. The draft conditions of approval we prepared for the project should the Commission decide to approve it for the Council does include one mitigation measure and not the other two and that is to put up a physical barrier not direct the whistle in a certain direction because we do feel that that is the most enforceable of the mitigation measures.

Mercer: Ok, if we've wrapped up the environment, we can dismiss Allison. Do any of the Commissioners have further questions for Damon or staff regarding any other aspects of the project?

DiDonato: We would remind you, through the chair, that the fiscal analyst is here as well as Mark Crane.

Herbach: Let me know if it's not appropriate to ask these questions now. I noticed the staff report at one point talked about the DA giving us use of the soccer field. At another point it talked about giving us use of the soccer field and the potential swimming pool as well as basketball court. I read the DA at least 3 times, maybe 4 times, and I see no mention past the soccer field.

DiDonato: I think in its current iteration the Development Agreement allows for City use of the soccer field. In discussions with the project applicant, they've mentioned repeatedly the use of the other facilities as well so that is something we would clarify with the applicant prior to moving forward to Council.

Herbach: I have some fiscal questions, I don't know if you can answer them or not.

DiDonato: We would probably prefer to have the expert answer those questions.

David Dosemar from Keyser Marston Associates, the City's fiscal consultant, introduced himself.

Herbach: I noticed in the staff report that the staff contends that the \$35,000 estimate for use of the soccer field is too high but they don't make a counter proposal. Do you have a feel for what an appropriate number is?

Dosemar: This has not been an issue that I've put significant thought into but I will give you my initial reaction, which is that the cost should be based on.... The value should not be based on the overall total operations and maintenance costs of the facility because the facility is being... the principal purpose of the facility is for use by the school and it's sort of an extra to make it available for the public at certain times. Therefore I don't think it's appropriate to value that benefit as the total cost as if the City had provided it and operated it and then divided that total cost up based on time increment.

Mercer: I did talk to our Park and Rec Director, who quoted me an hourly rental rate that's predominant at other City fields and private school fields. Is that a figure that you would consider valid? To use an estimate - \$60 an hour he said they would pay to rent, as a non-profit, a comparable field at another City.

Dosemar: That begins to seem like a reasonable basis for valuing it. What is the cost to obtain that facility?

Herbach: I would note that the applicant is proposing that we utilize the field on 52 weekends a year; that's 104 days as well as 3 summer weeks, so that adds on 15 days, for a total of 119 days and if you divide the 119 into \$35,000, which is there number, that comes out to \$294 per day, which is well within the range of \$60 an hour. I would also note that – I guess I need to be corrected if I'm wrong – if the applicant is saying that the \$35,000 merely covers the improvements and if you look at the area of the soccer field its 64,000 feet, which is about an acre and a half, and the current assessed valuation for that land is \$857,000 an acre so the underlying land itself is worth a million and a quarter, so I'm not sure that the \$35,000 is unreasonable.

Mercer: Do you have a question? That's a comment.

Herbach: Well, I suppose that's a comment, but my original question was, do you have an alternate number and I think the answer was "no".

Dosemar: Yes, as I mentioned, this is not a question that I've been involved in analyzing is the value of those fields.

Herbach: Somebody else needs to address that question then.

Mercer: Yes, David focused on the cost of public services of police and fire. Do the Commissioners have any direct questions about the City cost of police and fire related to the project?

Parsons: In general, someone passed on a description to us of what taxes as a non-profit they would not pay.

Mercer: I'm trying to direct questions to David.

Parsons: Well, Belmont fire district is one of those.

Mercer: No, those are revenue, not costs.

Dosemar: We did also look at revenues as well as costs.

Mercer: Ok, go ahead.

Parsons: But it would be revenue lost and there was a whole list of things that they would not be paying. The library tax, the Belmont schools tax, the Sequoia high school tax, San Mateo Jr. College taxes, the fire district taxes, the water district, bay area air quality management, the county harbor district, the mosquito control, Sequoia hospital district and the County education taxes. These are all taxes that he didn't address at all.

Dosemar: Those all sound like components of property taxes and this project would be exempt from paying property taxes.

Parsons: That's right.

Dosemar: And so your total property tax bill goes to the County and the County splits up that revenue to all those various entities that you mentioned, and because they would be exempt from property taxes, those entities would not receive a share of revenue from the project. However, the current use is a taxable use and so it is currently paying property taxes.

Parsons: So right now it is paying property taxes, even though it's empty.

Dosemar: Right.

Parsons: Ok.

Herbach: I have a question about the derivation of the \$44-\$45,000 for the Safe Schools program. I've been trying to get information on what each existing school today pays into the program directly and is it on a school-wide basis? I.e., do we take the total cost of the \$608,000 for police services and divide it by 14 or 15 or do we pay on a population basis? I haven't been able to get an answer to that. Do you have any information on that?

Dosemar: I do not have the answer to that. What I can add thought is that I understand what the existing schools do pay is a portion of the total cost of the program, so it doesn't cover the full expense. That's the information I have.

Herbach: You don't know what portion it covers?

Dosemar: I believe it's definitely less than 50%.

Mercer: Do you also know if it extends beyond the public schools? Do any of the private schools pay in?

Dosemar: That is my understanding, yes. They do. I understand that all participants pay – public and private.

Mercer: Last chance questions for staff. Damon, how many years has the subject property been vacant?

DiDonato: I'm not certain. The applicant might be able to answer that question. I thought it was 2 years but I could be incorrect.

Mercer: Carlos de Melo, can you confirm? I understood 5.

De Melo: We'd have to confirm with the property owner.

Mercer: How about the property on the corner of Ralston and Davis Drive, on the northwest?

DiDonato: I believe it's partially occupied.

No name given - I'm the owner of the property on 2 Davis Drive. I also started the company, Signet Products - it's been there over 20 years - we have 9 employees, all commute, and I have available space in my building for a tenant, who moved out about a year ago. I've had people approach me to rent the available space. Until this is settled they've not wanted to go ahead. According to my realtor, for the last two years it's been on a contract and couldn't be sold. Prior to that the owners weren't trying to sell it. Really to say that it's been vacant for 5 years you have to look below the surface.

Mercer: We're mostly trying to get a feel for the intensity of use of the property in the recent past, so right now you've got a handful of employees who work on a regular basis. What's the capacity of the building?

Property Owner at 2 Davis Drive: My previous tenant at one time had maybe 25 employees; that was about maximum, plus my own employees.

Mercer: So what would that add up to total?

Property Owner: Let's say 10 and 25, say 35. It depends on use of the building and how many people you'll have there.

Mercer: And currently at that site it's only used for office space?

Property Owner: It's used for executive office, engineering and distribution, spare parts, and like I say we've been there for over 20 years.

Mercer: And that is the maximum capacity of the building pretty much - 35-40?

Property Owner: Well, it has parking for at least that and there's more room, but I would say typically 35 people.

Applicant Amy Richards, head of Crystal Spring Upland School requested a continuance of the project stating their team would like the opportunity to go back to their Board of Trustees and possibly sharpen their pencils in respect to fiscal neutrality. She asked that discussion continue this evening on the Environmental & Land Use issues and would like to come back in a couple of weeks to wrap up the fiscal side of the project. She thanked the Commission for their consideration and provided an overview of the project addressing concerns from the May 15, 2012 Study Session.

Mercer: Does the Planning Commission have any questions for the applicant?

Parsons: Will the High School students use the pool?

Richards: Yes

Parsons: Will the High School be allowed to use the Gym, Soccer field, and Basket Ball Court also?

Richards: We are open to allowing them use

Parsons: Have you considered putting a roof on the pool?
Richards: Yes
Herbach: Will the trees on the Soccer field interfere with the stands?
Landscape: No, trees are closer to the Gym and Pool area side
Frautschi: How will you prevent parents from Lollygagging during the 7:30 – 7:45 Student drop off time in the morning.
Richards: As Head Administrator, I stand out front every morning to assist students getting out of their cars. Middle School students are very conscious of class start times.
Mercer: Do you have a parking contract agreement with your neighboring business?
Richards: (Staff) yes, something will be forthcoming
Mercer: Do you have Parent Participation on Campus?
Richards: The school does not have a parent volunteer program. Upper school students have the opportunity to tutor students one on one, like a big brother/big sister program. Shuttles available for tutors, licensed and unlicensed to drive.
Herbach: Ancillary use after school?
Richards: Don't have a day care program – the youngest child is 10, programs starts before and after school begins and ends.

Mercer: Thank you

PUBLIC HEARING

Several residents spoke for and against the project. 26 speaker slips were received, each speaker was given 2 minutes to comment.

Motion by Vice Chair Parsons seconded by Commissioner Herbach to continue this item to a date uncertain.

Ayes: Parsons, Herbach, d'Souza, Mercer

Noes: Frautschi

Absent: Horton, Reed

Motion passed by show of hands 4/1/2

Chair Mercer asked that each Commissioner take 5 minutes to air their concerns and their points that they think need to be re-studied and let's air them right now so that we make sure in the coming months those items can be looked at.

D'Souza: I think some of the issues with the project have to do with revenue to the county, revenue to the schools, and how the schools take in programs such as special education and how a private school will impact those things. I also think that in order to get a General Plan change for a use that's going to be similar to a lot of other uses within the City and doesn't provide a lot of diversity, there should be more benefits and I just don't see it over here. Stanford provides, for example, a shuttle which everyone in the City can use. There are landscape programs that could, for example, use fruit trees that could then be donated to the shelters. You could have an energy program similar to what

UC San Diego, which is a micro grid system which is able to supply back to the City. I just don't see all those benefits out here. So what I see is another school and I quite agree with what the supporters of the program said that, what's the alternative and here's an opportunity to shape a use. I think the TDM program is a great example, however, there were quite a few aspects of it that were vague and its really troublesome that 70 trips can't be accommodated in TDM and that this vague notion needs to be kept out there so that everybody is up in arms against it. One more item that's of interest in terms of public benefit is the wildlife interface and especially with the changing climate and the drying of trees over the longer summers. It's a big issue and no project is actually a benefit. It's not a benefit to the City but it's a benefit to public safety.

Frautschi: A real major concern to me is that potentially lose 6.4 acres of commercial property. I need to tell CSUS in our zone designation E2 we only have 25 acres so we're talking about a loss of on quarter of potential property that generates taxes for us, though it's under serving currently, I'll tell you that we were approached for the Oral B building in a similar situation. We were asked to change the zoning designation to a residential zoning and Council and the Planning Commission, and it was a very good project, it would have brought a lot more needed homes to Belmont and we turned it down because of the potential loss of the commercial area. To tell you how important and how close our budget is when it comes... I'm not good at playing hardball about things but there were 3 properties in Belmont that were at the top of Hiller – they were in the sphere of influence of San Carlos and they wanted to go to San Carlos and our Council refused to let that happen. And it was such a small amount of money because the budgets are so very, very tight for our City, so when you're dealing with this Council and the Development Agreement just know that that's where they're coming from on that. If I was to vote on it tonight I wouldn't recommend the Development Agreement to Council because the bottom line basically there has to be no net fiscal deficit to the City. And not only do you have to be able to say that, you have to be able to prove it to me that, ok, you've done your best, or the City can accept that. For the mitigations, tonight we would have been recommending, if we were going to go on that, and I don't think I could have, because there's so many issues that I still have questions about. You make statements that “no” or “any” and you use unequivocal words and it's just not possible that you will have no effect. I know they're talking about significance and significance is all about everybody else but, I think that you have to be a little bit more equivocal. I mean you're trying to make your case so you do your strongest move by it, but I'm kind of turned off by words like that because I know it's not so – I live here, I know.

And there was a letter from our Mayor to a person who was supporting the project. One little part of it is –“A school is a non-profit institution. If they purchase the land and build a new facility they will pay no property taxes on a \$30 million project; that is over \$300,000 per year. This would be a loss of revenue.” So you can see I personally love the project. I think it's a beautiful building. Just know that there's no problem with that for me. The problem is in those areas. And for the Conceptual Development Plan for the findings, it's pretty clear what staff has said and I very frequently support our staff and their rulings on it and I will tell you that I would have this time too, which wouldn't have been to your benefit. I don't really have any suggestions on how... just be prepared that to me you must accept, if this happens, a conditional use permit; it has to be in place. I've

lived here too long to know that without standards of performance I don't care how wonderful an organization is problems develop and if you have a set of written rules to begin with its good for you, its good for us. So I would say just particularly look at those 5 findings because when I make a ruling on something I really go by the findings and that's how I operate in trying to be as fair as I can.

Parsons: I would echo just about everything that Rick has just said. Belmont has 14 schools in a city of 27,000 people – this would be 15. I don't know what the percentage of land is occupied by those schools but it has to be almost as big as all of our commercial land or a significant amount, which is property that could have been developed, and a lot of them are private schools, they would bring income in. What makes a good city is location, location. Belmont is ideally located. It's in the middle of the Peninsula, its straddles two freeways going sort of north and south. It's a hilly, pretty community with lots of trees and lots of neighborhoods and organized neighborhood associations, and obviously Belmont Heights is one, and I happen to be a member of that organization, but I didn't participate in any of their meetings. But Belmont is facing right now a severe financial struggle, as are all cities. We've lost our redevelopment monies; we're in an economic slump. So what is our City going to do? The Oral B building is now occupied and bringing good tax money in. If we had changed the land use that would have been gone. We fancy our self as being part of Silicon Valley and this site is one of the sites that Oracle started up. It is a site that could be used in the future for that type of use without rezoning. One of the other major things that makes a city a good city is having good private schools. Well, we have good public schools. Whatever piece of land that we make non-profit type land that don't pay taxes, that hurts our school district, it hurts the community college, it hurts the elementary and high schools – they all lose money from bond measures that have been passed and the rest of us residents that don't have kids in the Private schools – our schools are hurting. So that's a consideration that I have and I think the City also has that consideration.

Several comments were made about, if this site were built out on the ? zoning. Remember, they're going to have to come before this Planning Commission and possibly the City Council too, for any higher density development they want to put on those sites. So it's not a done deal either just because it's already zoned that way. The environmental document – I have trouble with the traffic. And when we asked questions of the traffic experts here they didn't seem to be able to give us straight answers – or clear cut answers, let's put it that way. I don't feel comfortable with the issue of the noise. As part of the environmental document, too many of the mitigation measures are based on future research or promises. We'll do this, we won't use loud whistles, we will car pool. But I've been here, having been on the Commission longer than anybody, to tell you that I've sat through some pretty horrendous meetings in this room with private schools, one being Notre Dame and Charles Armstrong school, because of the issues associated with those sites and because a lot of the things were not spelled out clearly in the agreement. So I agree with Rick on that that you're not going to get by without having a good set of rules that we can all play by. And I couldn't make findings not knowing what's actually going to be available to the City to use. While a scholarship is great idea - \$40,000 – given to one student, one a half students I guess at your current rate, I'm amazed that enough

families that live in Belmont can afford to send their kids to these schools, including the two that I knew that worked with me and I know how much money they made. We're also faced with this monstrous project which might happen, it seems like it's going to happen if the Governor gets his way, and that's known as High-Speed Rail. And one of the proposals by High-Speed Rail is that they'll double rail through Belmont using it as a by-pass. If that happens there's a good chance that Belmont will lose all of our commercial development between Old County Road and El Camino. That's loss of a significant part of our taxable commercial spaces especially when I look at the fact that right now we're in an economic slump and right now tax revenues. I was told we are down 5% this year. To change the General Plan and the zoning says it's required. It's great to have a school of this quality here – it sounds like it's run by angels and all the parents are angels and the architecture is beautiful but as a planner we have to look at more than how nice things are and see what the realities are of making Belmont a viable community. We have a Fire Department that's going to lose some of their monies because of the tax loss and our Fire Department is still here only because we have a creative City Council. It's going to get more expensive to operate that Fire Department. So those are the kind of issues that have a major effect on the overall community looking down the road. Under perfect conditions I'd love to have this school here – I'd love to be able to send kids to a school like that – but I as a planner have to look at the big picture and right now I have a lot of concerns.

Herbach: I guess I would say that I would support staff's recommendations with respect to this project. And I think the lynchpin in the recommendations is the Development Agreement goes to the heart of the General Plan amendment. We're recommended against for fiscal reasons, the Development Agreement being inadequate. I'd have to echo what Commissioner Frautschi said about the revenue loss to the City – I'm heartened to hear that you're going to go back and sharpen your pencils on the Development Agreement. All else being equal, I'm not concerned about another school coming to the City, especially a school of Crystal Springs caliber and reputation. I think it would do wonders for Belmont. Of course, that needs to be offset by anything else I say. I personally am not concerned with the Negative Dec, the traffic and noise mitigations, I am concerned about the level of concern by the citizens and I think that Crystal Springs needs to be sensitive to that and figure out a way to insure that the citizenry is assuaged. If I had to pick an item in the Development Agreement to attack, if you will, or eliminate, I'd look into the \$40,000 scholarship. It's great if you hit the lottery and you're the one or two people that get that but I think that the City of Belmont – the 26-27,000 citizens would better appreciate it than a few individuals. I'd also be concerned in the future of that scholarship were in there somehow it being politicized and I'd just like to keep it out of the picture if possible.

Mercer: I too at this point generally concur with staff's recommendation but I don't want to. I want to find a way to get this school here but it's not quite there yet. I'll read some of my thoughts just to keep myself from wandering. The residents of Belmont have lost sight of what it would be like if a prosperous business were located on Davis Drive. For 5 years this has been vacant and for 10 years before that it was actually operated below capacity. The current facility has capacity for 100s of employees, each driving to and

from during our heaviest rush-hour traffic filling the lot with 165 cars with their noise, their glare, their black top, and the warehouse of this thriving business would see multiple big rigs daily backing into the loading dock – ding, ding, ding, ding, ding – we’ve all been to Home Depot. I don’t think that kind of use is actually appropriate for Davis Drive in the middle of a low-density residential area. But that said, I’m not sure an institution is right for Belmont either because Belmont already has an excess of institutions – we have 14 schools it’s been cited. Also 8 churches and 7 residential care or non-profit housing facilities and they all occupy huge tracks of land. Most are non-profit, they’re tax exempt, so they do not share in the cost of public services, not just the police and fire but the streets, the sewers and all the contributions to our schools. The burden of their fair share is distributed to all Belmont residents and in today’s economy and in Belmont’s reality that is a problem. And because of this, I believe the institutional designation is hard to make a finding for, yet I think there must be a way around that. With respect to making the project pencil out or look more balanced, I think we can all do a better job on the cost benefit analysis on Belmont’s behalf. I think the police analysis and the fire analysis is possibly skewed and not realistic and I think Belmont needs to study that a little bit better. Also our safe schools calculations, I want them clarified please. I want to know how many schools actually pay into that and what they actually paid vs. the cost because I don’t think it’s fair to hold an applicant to something without getting a full disclosure of all the real numbers. I think we need to tighten up our Mitigated Negative Dec a little bit. There’s a few categories where we’ve said that there’s no impact where in fact what we really mean is there’s insignificant impact with mitigation. For instance, the glare and lighting. It isn’t that there’s no impact, it’s that the applicant has mitigated the impact. Also, with respect to traffic and with respect to noise, some of those categories, I’ll give you my notes, I think need to be tightened up a little bit. I think we need to take another look in our Mitigated Negative Dec at the noise generated from swim events. We have a good track record on the field – we know what the field’s going to do – we’ve got Ralston 2 fields right there but we’ve never had swim events on that hillside and the way that noise carries in the canyon. I lived through that Notre Dame pool experience. Whether it makes sense or not, the residents battled that back. The pool noise reverberates; it seems to be more of a problem and I would like to take a look at the noise generated from a pool. Those horns, those whistles, it is by its nature a louder event and I’m concerned that we haven’t provided enough mitigation just for the pool noise. I want this parking agreement to be documented and I want to make sure it goes on for whatever the life of not only this project but any project that would move into this site after the fact. While occupants of sites come and go zoning is forever and if we give this property over to non-profit, tax exempt, institutional, that goes forever. We’ve lost that tax revenue opportunity forever. We need something that protects not just through the lifetime of CSU but whoever might potentially follow them. I would like to remind the applicant, when they come to sharpen their pencil for the Development Agreement that a lot of what they’re purporting as being offerings aren’t really offerings at all but merely conditions of project approval that any applicant who is coming to build on that site would have to do, and so to claim that they are extras that they are giving us is really not transparent and legitimate because they are simply conditions of a development or a required mitigation, so let’s separate that out and let’s have a Development Agreement that actually represents what is a net gain to the City

above and beyond what we would already require of anyone developing there. And lastly, I will concur with Mark's comments about the \$40,000 scholarship for Belmont children. Sounds lovely doesn't it. According to CSU's own figures, they give \$2 million in financial aid every year, which is nice. \$2 million is like 15% of their tuition revenues, roughly calculated. So to offer 2% of that to Belmont residents, that's frankly insulting. So I also agree that there is concern of this being politicized and becoming an issue and so I'm not sure it belongs in part of a Development Agreement, and furthermore, I think it sounds a little insulting; to imply that maybe Belmont students need a little extra academic favoritism is really inaccurate because Belmont has more than its share of National Merit Scholars, far more than our share of National Merit Scholars. We already send a lot of our kids to private schools for academic reasons and if CSU is going to be part of our community then they should expect to admit qualified Belmont students at the same rate they currently accept qualified Hillsborough residents, which is far higher than any 2%. So those are my comments. I hope that those have been somewhat informative to the applicant. We didn't mean them to sound entirely negative but we were just trying to get those points out to you tonight because those are the things that need to be worked on. We didn't spend a lot of time dwelling on things that we think are great and are not a problem. So it sounds really negative and that's by design because these are the issues that we need to talk about. We don't need to talk about the things right now that are great.

6. REPORTS, STUDIES, AND UPDATES:

6A. North Road Right-of-Way

6B. Caltrain Modernization Program/High Speed Rail

6C. Ralston/US-101 Landscape Project

Due to the late hour Chair Mercer asked to skip item 6. Director DeMelo reported that he had no substantive reports for this item and felt it was appropriate to continue to the next agenda item and adjournment.

7. CITY COUNCIL MEETING OF TUESDAY, JUNE 26, 2012-7:30 PM

Liaison: Commissioner Frautschi
Alternate Liaison: Commissioner Parsons

8. ADJOURNMENT:

The meeting was adjourned at 11:24 PM to Tuesday, July 3, 2012- 7:00 PM for a Planning Commission Meeting at Belmont City Hall.