

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES
TUESDAY, JULY 6, 2010, 7:00 PM

In the absence of Chair Frautschi, Vice Chair Reed called the meeting to order at 7:03 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Reed, Parsons, Mathewson, Mayer

Commissioners Recused: Frautschi, Mercer and Horton

Staff Present: Community Development Director de Melo (CDD), City Attorney Zafferano (CA), Recording Secretary Turning (RS)

1. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) – None

4. CONSENT CALENDAR

4A. Minutes of June 1, 2010

Acting Chair Reed asked that the first bullet point under his comments on page 4 be corrected to show that "...in Judge Connelly's court the State took \$2.3 billion from local redevelopment agencies...."

MOTION: By Commissioner Parsons, seconded by Commissioner Mayer, to accept the Minutes of June 1, 2010 as corrected. Motion passed 4/0/3 by a show of hands, with Commissioners Mercer, Horton and Frautschi recused from the meeting.

5. PUBLIC HEARINGS:

**5A. PUBLIC HEARING – 1500 Ralston Avenue -- Continued from June 15, 2010
Planning Commission Meeting**

To consider Conditional Use Permit amendments for the Koret athletic field for the Notre Dame de Namur University (NDNU) campus.

Appl. No. 2005-0038; APN: 044-360-120; Zoned: PD (Planned Development)

CEQA Status: Recommended Categorical Exception per Section 15323

APPLICANT: Dr. Judith Greig, Owner; Notre Dame de Namur University

PROJECT PLANNER: Carlos de Melo (650) 595-7440

CDD de Melo summarized the staff memorandum, recommending approval of the Resolution amending the Conditional Use Permit and approving the proposed Draft Conditions of Approval. He added that after distribution of the staff memorandum, additional correspondence was received and forwarded to the Commission via e-mail and additional letters received that day were placed at each dais.

Questions from Commissioners:

Commissioner Parsons:

- Whose idea was it to allow the City to use the fields for 10 days? CDD de Melo responded that it was asked if there should be an opportunity for the City to use the field for a sports camp or other community service uses. Commissioner Parsons questioned how those days would be determined – the school would have the final say on it so that it may not be feasible, especially if a lot of other uses are allowed.
- Has anybody checked on the maintenance of the landscaping that was approved as a part of this project? CDD de Melo responded that, based on the inspection that he performed a few months earlier, the 30 trees approved by the Commission – 22 on the berm and 8 adjacent to the theatre building – are all doing fine and some of the shrubs along the frontage are taking hold. Commissioner Parsons commented that somebody cut the lower branches off of the coffee berry trees along the street so there is now no sound barrier there.
- Has the sound system been oriented away from and down from Ralston? CDD de Melo responded that there are speaker posts that are adjacent to the bleachers and they are oriented down and to the north.

Commissioner Mayer:

- Does Item 2 of the proposed CUP, where it says “prior to any use of the athletic field consistent with the schedule...” refer to every group before they regularly use the field or every single time they are expected to use the field? CDD de Melo responded that it means that if the CUP and the conditions of approval are adopted, the City wants to be assured that NDNU files with the City that they are in agreement with these conditions. It does not mean that they have to do it over and over again. Commissioner Mayer suggested that it be clarified that NDNU is the agency referred to in that item.

Commissioner Mathewson:

- How will the ban on bull horns and other types of whistles and noise-making equipment be enforced, particularly if opposing or guest teams are violating the Conditions of Approval? CDD de Melo responded that they will operate on a complaint-based system. If the City receives a phone call and evidence that amplified sound or noise-making equipment is occurring, a violation of the CUP conditions could be activated and acted upon and citations would be issued.
- At games where there are a lot of people, is there a procedure in place to check for alcoholic beverage use by students or under-age attendees, and would there be food or soft drink concessions for sale? CDD de Melo deferred that question to the applicant.

Judith Greg, representing NDNU, addressed the Commission, noting that the University believes the agreements as drafted will work and that they have involved a significant amount of negotiation and compromise. She made the following points:

- Her role is to assure that NDNU athletes and students have reasonable access to the field that they have been using for over 30 years.

- They have worked hard at the negotiation process, having agreed to the following suggestions from the Commission:
 - Reduced weekend hours
 - Change the dusk/sunset language to a firm time
 - A 5:00 p.m. ending time on Saturdays
 - Black-out dates
- The agreement with the sports groups, which is ready for signature but awaiting the outcome of this meeting, entails some significant financial commitment for the University. She asked that this not go unrecognized.
- She believed the University has lived up to its part of the earlier suggestion by Commissioner Mayer that a good agreement is one in which neither side gets everything they're looking for.
- The trees on the berm were checked in the last week and seem to be thriving.
- The new coffee berries shrubs were almost all eaten by the deer but a few of those are thriving. The old ones are now sporting some healthy new growth and they will continue to monitor them.
- The sound system was reoriented a long time ago and there have been no further complaints or suggestions about that.
- Public Safety is on site for every game and they immediately deal with people using noise makers or suspected of using alcoholic beverages. It is posted that no alcoholic beverages are allowed on the field.
- She estimated there would be one tournament per sport every three years on a rotating cycle.
- There are limited food sales at all games; slightly more on tournament days.

Dr. Greig concluded by stating that NDNU continues to be and wants to be a community asset and resource. She believed that they have given what was asked for and that the proposed amendment is more clear, enforceable and fair, and asked that the Commission adopt the Resolution amending the CUP as presented by staff.

Responding to Commissioner Mayer's question asking for examples of special event activities that might occur, Dr. Greig stated that it could be an activity associated with homecoming, a student picnic, a Belmont community picnic or art festival or something of that nature. There would be very few.

Commissioner Parsons raised the issue that a good agreement needs to be based on what is being agreed to, stating that he would not be able to approve this CUP revision without a clearer understanding of when the fields will be used and by whom. He wants to know what the usage is going to be and how it will affect police services, traffic and parking, and be able to determine whether the environmental document was adequate to cover these uses. Dr. Greig responded that they are currently working on an agreement with the local Belmont AYSO and CYSA groups, who would like some regularly scheduled seasonal usage primarily on Saturdays and Sundays. NDNU would like to have some latitude to allow some private uses beyond their own sports groups. Commissioner Parsons wanted to see a schedule of all of their anticipated uses and where the open slots will be for other activities.

Acting Chair Reed suggested that what Commissioner Parsons is asking for is an estimated intensity of use calendar. Commissioner Parsons added that he would like to know what kind of an agreement they are entering into with the local sport groups, will they be playing games or just practicing, and is it absolutely necessary that they play on Sundays. CDD de Melo suggested that they work with NDNU on

a general schedule of events; not the exact days but in terms of the actual components. For example, how many events will be associated with each component?

Responding to Acting Chair Reed, Josh Doody stated that the college conference schedule is already published for the 2010-2011 school year, but they could request that there be no home Sunday games for the upcoming school year. Dr. Greig added that the University would need a clause scheduling 4 or 5 Sunday games with advance notice, but she thought the Belmont sports groups would have a much different take on that.

Responding to Commissioner Parsons, Dr. Greig said that sports camps are sometimes sponsored by outside groups, they sponsor their own, and joint sponsorship with Belmont groups has been discussed as a possibility.

Responding to Commissioner Mathewson, Dr. Greig stated that any special event sponsored by the University will have far more than 48 hours advance notice.

Again referring to the chart on page 7 and responsive to an email he had received, Commissioner Mathewson questioned why Labor Day and Presidents' Day are not included in the list of holiday black-out days, and why games could not be scheduled similar to the restrictions in the Construction Ordinance. Regarding the holidays, Dr. Greig responded that the University tries to minimize the amount of time student athletes miss from classes, by maximizing the number of games during the holiday weekends, Christmas break and Spring break.

Acting Chair Reed opened the Public Hearing.

Matthew Covington, Belmont resident, spoke in opposition to the amendments to the CUP, making the following points:

- He asked that the Commission determine what exactly the types of uses are and what schools will be using the field.
- This revision allows for longer hours than the current CUP.
- Sundays are the most problematic for his family due to collegiate games and felt that perhaps the hours should be similar to construction noise limitations.
- There is no limit on the use of the field for collegiate or out of town games.
- Regarding amplified sound, he called attention to an exception in the proposed CUP that reads “..or as used by officials or coaches during the normal conduct of any game or practice” that would allow any coach or official to decide to use amplified sound in the conduct of any game or practice.
- The categorical exemptions under CEQA should not be allowed if there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances – potentially more traffic and noise with longer hours of use.

Tom Snider, Belmont resident and President of Belmont United Soccer Club (BUSC), spoke in favor of the proposed amendment. He stated that BUSC has 200 kids in the program and AYSO has 1000 kids who play in Belmont, and adding parents equals over 3000 Belmont residents involved in the soccer programs. He stated that this CUP amendment would meet the goals and policies of the City of Belmont's General Plan. They have been working on a written agreement with NDNU which spells out the community's use of the field subject to and in accordance with the terms and conditions of any

amended CUP. BUSC plays their games on Sundays and AYSO plays on Saturdays. Responding to Commissioner Mathewson, he stated that their Fall season is from September to mid-December and the Spring season is from March to mid-June, with games that would run from 1½ to 2½ hours.

Greg Snow, Belmont resident and Regional Commissioner of AYSO for the Belmont area, concurred that there are approximately 3000 Belmont kids and parents involved in the program and that 96% of them are Belmont residents. He is in support of the CUP, mainly because the organization is growing significantly and there is not a lot of open field space in Belmont. There are approximately 100 teams in AYSO, 20 of which need full-sized adult soccer fields and there are only two adult fields – one at Ralston and one at the Sports Complex. Teams practice two or three times a week and have one or two games, so that field access is a challenge. The organization grew 13% last year, possibly because the schools are cutting sports programs. Responding to Commissioners' questions, he stated that typically first games begin at 9:00 a.m. and run as long as they possibly can, and that there is no amplification, only the referee whistle.

Ray Davis, Belmont resident, stated that excessive noise is a well-documented health hazard, and recommended the installation of a sound-absorbing fence to augment the fence adjacent to Koret Field along Ralston Avenue. He noted that some of these fences have sound absorption on both sides and that suppliers can be found online. He added that the field has only been used for about 10 years; it was a rough meadow before that.

Margaret Davis, Belmont resident, raised the following concerns:

- Language in the staff memo states that the “CUP should move away from defining allowed user groups.” She felt that the use of the field should be restricted to NDNU and other Belmont sports groups and objected to the idea of the field being rented out to parties from outside the City of Belmont.
- She questioned the provision that NDNU make the field available to the City for a minimum of 10 days a year without knowing what those dates would be used for; for example, rock concerts or something similar would be a concern.
- The requirement that NDNU give the City 10 days in order to get the approval seemed unethical and could establish a disturbing precedent. She compared it to the City granting a permit to build a swimming pool but with the stipulation that City employees be allowed to use it.
- She was in favor of limiting the hours of operation similar to construction hours.
- She strongly supported the idea of one day off, such as Sunday, so neighbors could schedule friends or family visits knowing that there would not be loud and disruptive noise from the field.
- She felt that play on any one day should be limited to 3 to 4 hours.
- She hoped that the Commission would follow Belmont's vision, which is to create a quiet residential community with small town ambience, which sets it apart as a tranquil safe and desirable place to live.

Richard Hughes, Belmont resident, spoke in opposition to the proposed amendment, primarily citing noise and traffic concerns.

Gordon Seely, Belmont resident, was granted additional time to speak on behalf of his wife, who was in an accident and not able to address the Commission. He made the following points:

- The proposed amendment is deficient, vague and one-sided.

- The neighborhood associations, who had spent nearly two years on a task force working on it, were totally excluded from writing the report.
- There is no statement in the amendment that restricts the use of Koret Field to individuals or organizations residing only in Belmont.
- The proposed amendment ignores the fundamental that started this action – the mitigation of noise – and takes no account of almost two years of work.
- The amendment has no enforcement mechanism – a fault repeated from the original CUP. There is no protocol for reporting violations as they occur, naming the officer in the City to whom violations would be reported, or establishing a schedule of dollar amount penalties for violations and their collection.
- Provisions for special events are operationally vague.
- Use of live or recorded music is new and could result in major additions of noise from the field, and could subject neighbors to hours of hard rock in their own homes.
- Allowed Activities, Sports, is broad enough to allow any activity. The phrase “but not limited to” could open the door to such activities as cheerleading or marching bands.
- The precedence and control of the Belmont Noise and Construction Ordinances need to be clarified.
- Regarding the provision for ten days use for special events, the City needs to know who would receive the permits and why such permits would be granted.
- A possible 1st Amendment violation could arise if funds are collected for NDNU from the permitted groups because NDNU is a religious institution, and the City and a religious institution should not be passing money around.
- There is no reason to turn Koret Field into an even noisier pay-for-play venue.
- The proposed amendment ignores scientific reports about noise.
- NDNU has shown no compelling reason in terms of their own use or the use by Notre Dame High School to expand their use of Koret Field beyond selling the field, with attendance at games appearing to be mediocre. Lacrosse players appear to be drafted to play lacrosse and don’t really fit for any other reason than to play lacrosse.
- The neighborhood group remains ready and willing to work with the City and NDNU to prepare a fair and equitable amendment to the CUP. Otherwise he feels the plan is being rammed down the throat of tax-paying, home-owning neighbors. Notre Dame does not pay property taxes.
- The Planning Commission has not dealt with Koret Field for 10 months – there is no need to act in haste now, and he asked that they do it right with all involved working together.

Responding to Acting Chair Reed’s question, Mr. Seely stated that the neighbors have not put together their own proposed version of an amended CUP because the last meeting was cancelled peremptorily and they were not allowed to go ahead with it.

MOTION: By Commissioner Parsons, seconded by Commissioner Mathewson, to close the Public Hearing. Motion passed 4/0/3 by a show of hands, with Commissioners Frautschi, Horton and Mercer recused from the meeting.

Summary of Commissioners' comments:

Commissioner Mathewson:

- Referring to an exemption in CEQA, Section 15323 that reads "the reasonable expectation that future occurrence of the activity would not represent a change in the operations of the facility," he questioned if adding a lot more games and practices represents a change in the facility. CA Zafferano responded that NDNU's attorney, who was in the audience, might like to respond to that question.
- Referring to a statement by Dr. Greig in the Minutes of the September 1, 2009 meeting that reads "The CUP does not allow NDNU to serve the larger Belmont community by supporting the acute shortage in field venues for youth sports" and the City Attorney's earlier statement at the same meeting that we "need to move away from language that depends on the personal characteristics of users of the field, such as age or gender or affiliation with a particular group," Commissioner Mathewson felt that it is hypocritical to use language that makes the amendment non-discriminatory since everyone knows they are talking about youth sports.
- He understood the argument about holiday weekends and maximizing class time but he was not convinced that they had arrived at something workable. Moving back the Sunday start time to 9:00 would not be acceptable to him personally. He felt that 8:00 Saturdays was not particularly acceptable for some people; 10:00 as in the Construction Ordinance seemed more reasonable. He suggested that perhaps they should set aside a special use Sunday in an attempt to please both sides.
- He was not sure that the University had given up more than it was getting and that more negotiations are needed. It was a mistake if it is true that the people on Desvio Way, Escondido and Chula Vista were not included in the final drafting process.

Commissioner Mayer:

- Difficult problem for which he doesn't see how they can ever make all of the constituents happy.
- Recalled that at the last meeting there were a number of people from the neighborhood who spoke in favor of liberalizing the CUP and had no particular problem with the noises that have become a major issue for others.
- The proposed amendment is a foundation for a workable solution, but there are things that need to be clarified – the hours of operation and the weekend issue. Perhaps some weekend days should be blocked out or at the very minimum Sunday hours should be pushed back. Some of the blacked out days could be increased.
- Special events need to be clarified – they need to have a clear idea of what the special events would be and what they might entail.
- Noise is the issue and all of the mitigations that can be adopted to reduce that are things that should be looked at. He would be very concerned about amplified noise.
- Will need to continue the item to work out some refinements in the existing draft and to get a better cross section of the neighborhood.

Commissioner Mathewson:

- Added that he had had a call from a constituent suggesting that all Federal and State holidays be days where the field cannot be used.
- Traffic could be a problem if weekend traffic gets as bad as weekday commute times.

- Gave the University credit for allowing use of parking and shuttles for City events held on the campus.
- At a previous hearing it was mentioned that people coming from outside of Belmont were shopping at local stores, restaurants and coffee shops, but if the concessions at the games are meeting their needs, the City is not gaining the sales tax but they are adding to the traffic problem.

Commissioner Mayer:

- Suggested that it at least be stated that all of the groups that use the field must have some sort of Belmont association in order to mitigate the concerns about outside users descending on Belmont and overwhelming our services and facilities.

Commissioner Parsons:

- Restated his earlier comment that a good agreement is based on a clear understanding of what we're buying.
- Wants to see a detailed idea of the frequency and hours of use by the official teams of the University, the High School and the rough agreements with the youth soccer groups.
- Wants there to be some time when neighborhood kids can use the field for pickup games.
- If the City is going to give the University more ability to use the field and gain some income to help pay for and maintain it, we should set a condition that the field can be used only by affiliated conference and league schools and any other groups that are affiliated with Belmont.
- Might want to consider having one Sunday a month that is quiet but wants to see the schedules before making a decision in order to have a feel for how much the field will be used.
- Does not want to make a decision that will hurt Belmont or the University. Need to go back to the drawing board with the additional information heard at this meeting.

Acting Chair Reed:

- The City owes it to residents and Notre Dame to be clear.
- Believes Notre Dame has a right to use their field.
- He mentally separates collegiate sports from youth sports; youth sports are less intensive, less noisy, and collegiate sports are more raucous and use more noise-generating equipment.
- Would like to see the affected residents put what they could support on paper.
- Hours of 8 a.m. to 8 p.m. are too long – Monday through Friday operations should probably cease no later than 6 p.m. 9 a.m. to 5 p.m. sounds reasonable on Saturdays. Struggles with having any collegiate sports on Sundays but not with youth sports.
- Issue of amplified sounds needs to be clarified and needs to conform to NCAA rules.
- Confused by the 10 City special events per year; would like to know exactly what the City would be doing.
- Wants to assure that NDNU is able to use the field for a certain number of events per year – particularly commencement and other activities like picnics that do not occur too frequently.
- Concurs that while they don't want to single out specific groups, the field should exist for the benefit of Belmont and therefore should be used by those affiliated with Belmont.
- As a side question and thinking about the Belmont Sports Complex, he wondered if the noise issue is associated with artificial turf – would a grass field absorb the sound better?
- Thought they had moved in the right direction; this proposed amendment is a fantastic improvement over what they had in September.

Responding to Commissioner Mathewson’s earlier question regarding the CEQA categorical exemption, Mark Haesloop Counsel for NDNU, explained that any CEQA analysis refers to the land use which is the use that is done on the land, and then it refers to the scope of it, which is the intensity of the use. The language about the “past history of the facility being used for the same or similar kind of purpose” has to do with the use and this proposal is for the same use. The issue they are wrestling with is the intensity of the use. The use that the field has always been put to under the existing CUP is University athletic events. The only change is the accommodation of the youth sports groups, which is still a sports use. It’s the intensity of the use that they are wrestling with. CA Zafferano added that staff has looked at the intensity of use and has made a determination for the staff report that it is the increased intensity that generates a fair argument that there’s a significant environmental effect. Despite the concerns about additional traffic and noise, staff in writing the report did not think that those additional impacts rose to the level that would require an additional CEQA analysis. Mr. Haesloop added that when looking at the existing CUP with the dawn to dusk hours, the actual gross number of hours that the field is available under the existing CUP is greater than the gross number of hours under the proposed amendment.

Regarding the intensity issue, Commissioner Parsons added that the decision was made without any significant data available – the number of games and the number of people coming to the games – so that is why he is saying that they need to know just what they are buying.

Commissioner Parsons added that he did not see any need for amplified sound during any practice game by a coach or officials. He also questioned the practicality and feasibility of the 10-day use by the City.

Commissioner Mathewson credited Commissioner Parsons for his persistence in asking for this kind of schedule.

MOTION: By Commissioner Parsons, seconded by Commissioner Mathewson, to continue the Public Hearing for 1500 Ralston Avenue to a date uncertain.

Ayes: Parsons, Mathewson, Mayer, Reed
Noes: None
Recused: Frautschi, Horton, Mercer

Motion passed 4/0/3

6. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

6A. Ralston/US-101 Landscape Project

Work will start in the Spring of 2011 when the bike bridge project wraps up.

6B. San Mateo Development – North Road/43rd Avenue

Staff is working with the property owner of Planet Granite as well as the Public Works Department for a solution to getting the dumpsters off of North Road. The issue is whether a depression can be made on North Road so the dumpsters will not have to hop the curb. A temporary encroachment permit will likely be needed for the sidewalk work.

There has not been much movement on the paving at the western-most property on the north side of North Road. The 12' of pavement needs to be addressed. The project that fronts on West 43rd is largely done; staff will make sure that all of the conditions of approval associated with the temporary encroachment permit are completed and satisfied.

Commissioner Parsons expressed concern about the pavement; it seems to him that Belmont is being ignored. The pavement needs to be fixed before the contractor is gone, even if legal action is required.

6C. Parking Study – Downtown Village Areas

No update at this time.

6D. High Speed Train (HST) Project – San Francisco to San Jose

City Council at their special meeting of June 29th gave staff clear direction on the nine questions posed to them regarding potentially forming an ad hoc committee, holding additional community outreach meetings, formulation of comments on the Alternatives Analysis study, as well as comments on the Draft EIR which is expected to be due in December of this year. Public Works and Community Development staffs are drafting a letter commenting on the Alternatives Analysis for Council approval at their July 27th meeting. They would like to use the opportunity of an ad hoc committee to gain some voluntary assistance to staff.

Commissioner Parsons commented on the importance of addressing the potential economic impacts to Belmont of the alternatives. CDD de Melo responded that that was one of their nine questions to Council and there is the potential of getting some Finance Commission assistance in that regard, most likely as part of the Draft EIR comments.

The first meeting of the Peninsula Consortium of Cities will be held in Belmont on the following Friday at 8:15 a.m. in the Council Chambers.

6E. Emmett House

Outside paint and garage look great and they are continuing to select finishes for the interior. The building could be ready in large part within the next 3 to 5 weeks and will dovetail completion of the building with the public improvements around the building – landscaping and street reconstruction work on 6th and O'Neill up to Sunnyslope, including improved pedestrian connections and crosswalks.

6F. US 101 Pedestrian/Bike Bridge Project

There is a monthly update that goes to the Council. The project is starting to ramp up on both sides of the freeway. Utility relocation efforts are due to be completed within the next 2 weeks.

7. CITY COUNCIL MEETING OF TUESDAY, JULY 13, 2010

Liaison: Commissioner Horton

Alternate Liaison: Chair Frautschi

8. ADJOURNMENT:

The meeting was adjourned at 9:15 p.m. to a Regular Planning Commission Meeting on Tuesday, July 20, 2010 at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

*CD's of Planning Commission Meetings are available in the
Community Development Department.
Please call (650) 595-7416 to schedule an appointment.*

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