

**CITY OF BELMONT  
MEMORANDUM**



**TO:** Planning Commission

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

**SUBJECT:** September 21, 2010 Planning Commission Meeting – Agenda Item 4A  
Notre Dame De Namur University (NDNU) – 1500 Ralston Avenue  
Koret Athletic Field – Conditional Use Permit Amendment  
Application No. 2005-0038

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**Summary**

Attached please find a revised Resolution and amended Conditions of Approval that would govern allowed operations for Koret Field for the Notre Dame de Namur University (NDNU) campus at 1500 Ralston Avenue.

The Commission reviewed this project at the September 7, 2010 meeting and voted 3-1 directing staff to prepare a final Resolution, with revised Conditions of Approval as discussed at this meeting. Modified and/or added conditions as discussed by the Commission are denoted in ***bold italics***.

This item was previously reviewed and continued at the July 6, 2010 Planning Commission meeting regarding a requested amendment to the approved 2005 Conditional Use Permit (CUP) for Koret Field for NDNU. At the 7/6/10 & 9/7/10 meetings, the Commission considered public testimony, discussed components of the Draft Conditions of Approval, requested additional information, and solicited feedback from neighbors on the CUP and associated conditions of approval.

**Recommendation**

Staff recommends the Commission adopt the attached Resolution (Attachment A) approving the Amended Conditional Use Permit & Conditions of Approval (Attachment B).

**Action Alternatives**

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

**Attachments**

- A. Resolution Amending the Conditional Use Permit
- B. Conditions of Approval

RESOLUTION NO. 2010 \_\_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE KORET  
ATHLETIC FIELD FOR NOTRE DAME DE NAMUR UNIVERSITY (NDNU)  
AT 1500 RALSTON AVENUE (APPL.NO. PA2005-0038)

WHEREAS, Notre Dame De Namur (NDNU) requests an Amendment to the approved September 2005 Conditional Use Permit for the Koret Athletic Field for the University at 1500 Ralston Avenue; and,

WHEREAS, on July 6, 2010 and September 7, 2010, the Planning Commission, following notification in the prescribed manner, conducted public hearings, at which hearings the Commission considered public testimony and staff reports on the aforementioned requested Conditional Use Permit Amendment; and,

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

WHEREAS, the Planning Commission hereby adopts the staff reports dated July 6, 2010, September 7, 2010, and September 21, 2010, and the facts contained therein as its own findings of facts; and,

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

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

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

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

\* \* \* \* \*

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on September 21, 2010 by the following vote:

Resolution  
1500 Ralston Avenue – NDNU Koret Field  
Conditional Use Permit Amendment  
September 21, 2010  
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AYES,  
COMMISSIONERS: \_\_\_\_\_

NOES,  
COMMISSIONERS: \_\_\_\_\_

ABSENT,  
COMMISSIONERS: \_\_\_\_\_

ABSTAIN,  
COMMISSIONERS: \_\_\_\_\_

RECUSED,  
COMMISSIONERS: \_\_\_\_\_

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Carlos de Melo  
Planning Commission Secretary

**ATTACHMENT B**

**Conditions of Approval**  
**Superseding 2005 CUP Conditions of Approval – NDNU – Koret Field**

1. Use of the Athletic Field shall adhere to the following schedule and requirements as follows:

<b>Allowed Days</b>	<b>Allowed Hours</b>	<b>Allowed Activities/Uses</b>	<b>Restrictions Applicable to all Allowed Activities</b>
Monday - Friday	8AM to 8PM	<ul style="list-style-type: none"> <li>• <u>Sports</u> Including but not limited to: Practices, Games, Intramural Activities, and Informal Play</li> <li>• <u>Special Events</u> Including but not limited to: Commencement, or any other NDNU campus event or activity</li> </ul>	<ul style="list-style-type: none"> <li>• The use of amplified sound, such as: bullhorns, air horns, artificial noise-makers, whistles, or other noise-making devices is prohibited, except as follows:                             <ul style="list-style-type: none"> <li>-Amplified sound is permitted only when required during games by NCAA rules, or when used by officials or coaches during the normal conduct of any game or practice</li> <li>-Permitted amplified sound shall comply with the City's Noise Ordinance at all times</li> </ul> </li> <li>• All users of the field shall provide an announcement prior to the start of any game advising spectators that use of amplified sound devices is prohibited.</li> <li>• Live or Recorded Music, is permitted only in connection with a Special Event or the pre-game activities of a University interscholastic sporting event, and only in compliance with the City's Noise Ordinance.</li> </ul>
Saturday	9AM to 5PM		
Sunday	<i>11AM to 4PM</i>		
<p><i>No-Use Days (No allowed activities on the Athletic Field)</i></p> <ul style="list-style-type: none"> <li>• Christmas Day</li> <li>• Thanksgiving Day</li> <li>• July 4<sup>th</sup></li> <li>• New Years Day</li> <li>• Memorial Day</li> <li>• <i>One Sunday Per Month Per Condition 7</i></li> </ul>		<ul style="list-style-type: none"> <li>-A maximum of ten (10) days per calendar year may be used for a Special Event</li> <li>-The City shall be notified in writing a minimum of 48 hours in advance of a Special Event start time</li> <li>-NDNU may request a Special Event Temporary Use Permit for use of the athletic field outside of the allowed hours described herein</li> <li>-No Special Event Temporary Use Permit shall be permitted for the <i>No-Use Days</i></li> <li>• Set-up &amp; breakdown for all allowed activities</li> </ul>	

2. Prior to any use of the athletic field consistent with the schedule/requirements described above, the property owner shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that he/she has read, understands and agrees to these conditions of approval.
3. Maintenance of the Athletic Field and surrounding landscaping is the sole responsibility of NDNU.
4. The property owner and all assignees, at their sole expense, agree to defend, indemnify, and hold harmless the City (including all officials, staff, consultants, and agents) from any costs, demands, losses, liabilities, claims, or causes of action (including all costs of defense such as attorney's and expert fees, or any award of such fees in favor of a prevailing party) arising from the granting of this Amended Conditional Use Permit.
5. Maintenance of the athletic field shall continue to conform to the plans on file in the Planning Division for Appl. No. 2005-0038 and date-stamped July 18, 2005, and as amended by the revised landscape plan dated September 14, 2005. The Director of Community Development may approve minor modifications to the plans.\
6. ***In addition to the allowed activities/uses specified in Condition 1, NDNU may also permit weekend use of the field during allowed hours in which teams from Belmont United Soccer Club and/or Belmont/Redwood Shores AYSO are participants. This use shall be reviewed by Staff one year after the effective date of this Conditional Use Permit (CUP) modification. Staff shall then issue a written report to the Planning Commission regarding such use. Upon review of the report, the Commission, by motion, may call the review up for a hearing at a regular meeting of the Commission within 30 days of the issuance of the report. The Commission may affirm, revoke, or modify this Condition 6 of the CUP after the hearing. This review does not affect any other condition of the CUP. This condition is severable.***
7. ***In addition to the named holiday "No-Use" days in Condition 1 of this modified Conditional Use Permit, NDNU shall select one Sunday per month per calendar year to be "No-Use Days". The selection of these days shall be at the discretion of NDNU.***