

CITY OF BELMONT
PLANNING COMMISSION

SUMMARY MINUTES

TUESDAY, JULY 19, 2011, 7:00 PM

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

1. ROLL CALL

Commissioners Present: Reed, Mercer, Horton, Mayer, Wheeler, d'Souza,
Commissioners Absent: Parsons

Staff Present: Community Development Director de Melo (CDD), Assistant Planner Gill (AP),
Interim City Attorney Kane (ICA), Recording Secretary Turning (RS)

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of June 21, 2011

MOTION: By Commissioner Horton, seconded by Commissioner Mercer, to accept the Minutes of Tuesday, June 21, 2011, as presented.

Ayes: Horton, Mercer, d'Souza, Wheeler, Mayer, Reed
Noes: None
Absent: Parsons

Motion passed 6/0/1

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 1731 Valley View Drive

To consider a Single Family Design Review to construct an 897 square foot addition to the existing 2,089 square foot single family residence for a total of 2,986 square feet that is below the zoning district permitted 3,500 square feet for the site.

(Appl. No. 2011-17)

APN: 044-331-080; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

APPLICANT/OWNER: Ethan & Rita Stock
PROJECT PLANNER: Rob Gill, (650) 598-4204

AP Gill summarized the Staff Report, noting that the unpermitted work that has been done on the property will be subject to a structural inspection to insure that the work was completed in compliance with the Building Code. This requirement is not currently listed in the Conditions of Approval but will be added as a final condition. Staff recommended approval of the Resolution, subject to the attached Conditions of Approval.

Chair Reed determined that no one on the Commission had any ex parte communications with anyone involved with this project.

Responding to Commissioner Mercer's question, AP Gill stated that the front fence will be replaced and will be added to the site plan, and that an arborist was consulted regarding placement of the proposed automatic irrigation. Her question regarding use of the 47 cubic yards of fill was deferred to the architect.

Responding to Commissioner Mayer, AP Gill clarified that the apparent discrepancy in the additional square footage is due to the fact that the areas not approved by a building permit are not recognized when counting square footage.

Jason Kaldis, architect, confirmed that some of the previously unpermitted work will be removed entirely and that, after consulting with the arborist, much of the proposed landscaping from the downslope will be removed to avoid any conflict with the Oaks. This reduced the area that was served by irrigation. The area to be filled is in order to create one usable level area on the downslope side of the house.

Chair Reed opened the Public Hearing.

Craig Jones, Belmont resident, spoke in support of the project, noting that it will be a great improvement to the property.

MOTION: By Commissioner Horton, seconded by Commissioner Meyer, to close the Public Hearing. Motion passed 6/0/1 by a show of hands, with Commissioner Parsons absent.

Commissioner d'Souza liked the overall plan, but questioned if the roof line could be an issue with the sun.

Commissioner Mayer liked everything that is being done except he did not believe the details of the landscaping in the front yard matched the level of the design for the house.

Commissioner Wheeler could make all the findings.

Vice Chair Mercer could make all the findings, noting that the design is very environmentally sensitive, use sensitive and a great example for how to design and preserve trees and minimize the amount of needed fill and cut. She would not like to see a 6' fence go up in front, but suggested something smaller in order to show off the home.

Commissioner Horton could make the findings and thanked the architect for submitting a very complete package that helped the Commission understand what it is going to look like.

Chair Reed believed it is an excellent project and could make all the findings

MOTION: By Commissioner Horton, seconded by Commissioner Wheeler, to adopt the Resolution approving a Single-Family Design Review at 1731 Valley View Drive (Appl. No. 2011-0007), with the addition of a Condition requiring inspection of the unpermitted areas of the structure.

Ayes: Horton, Wheeler, d'Souza, Mayer, Mercer, Reed
Noes: None
Absent: Parsons

Motion passed 6/0/1

Chair Reed noted that this item can be appealed to the City Council within 10 calendar days.

5B. PUBLIC HEARING – 1500 Ralston Avenue

To consider an amendment to the 2005 Conditional Use Permit for the Koret athletic field for the Notre Dame de Namur University (NDNU) campus.

Appl. No. 2011-0024; APN: 044-360-120; Zoned: PD (Planned Development)

CEQA Status: Recommended Categorical Exception per Section 15323

APPLICANT(s): Tom Snider – Belmont United Soccer Club and Greg Snow – Belmont/Redwood Shores AYSO

OWNER: Notre Dame de Namur University

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

Commissioners Horton and Mercer recused themselves from this discussion and exited the meeting.

Chair Reed determined that no one on the Commission had any ex parte communications with anyone involved with this project. He added for the record that Commissioners have received a lot of commentary from the public on this item.

CDD de Melo summarized the Staff Report, recommending approval of the Conditional Use Permit (CUP) Amendment, noting that there are alternative actions listed that the Commission could take. He added that six letters had been received as of the distribution of the Staff Report on Thursday and two additional pieces of communication written the previous day, copies of which had been forwarded to the Commission and were at the Commissioner's stations. Responding to concerns raised in one of the pieces of communication, he requested that the word "weekday" where it follows the word "weekend" be stricken from Section 8.b.1 on page 7 of the Staff Report and the attachments. He further commented on concerns raised regarding the appropriateness of the determination for CEQA review for this item, noting that staff continues to believe that an appropriate CEQA determination has been made. To clarify this position, he explained that all through the Planning Commission and City Council appeal last year, there had been discussion about a baseline approval that had been established for this use in 2005. That baseline approval, based on CEQA activity, was the allowed hours and days of operation for the original

CUP. Staff always believed that the CUP should not regulate users of the field, because the permitted activities on the fields were similar and that there is no significant environmental impact associated with the Amendment request. The two sports groups seek no additional hours of use for their games over and above what has been permitted as part of the 2005 CUP. They are simply asking to be an allowed defined user group on that field consistent with the allowed days and hours of operation that are afforded to NDNU and the high school as well as the Youth Sports Camps. He reiterated that he believes the CEQA determination continues to be appropriate for this project.

Responding to Commissioner Wheeler's question regarding Condition 10 on page 8, CDD de Melo explained that the intent of this Condition is that, prior to any use of the field based upon the Amendment, the City would want to be assured that no activity allowed under the amended CUP would occur until this form had been signed. I.e., it's a single-time event and is not ongoing for every single type of future event.

Commissioner Mayer asked if the Amendment went through NDNU and if it is a joint proposal. CDD de Melo responded that NDNU is the owner of record and they needed to consent but the application is filed directly by the two soccer clubs to allow use of the field. NDNU is the owner of the field – not the co-applicant – and is not seeking an amendment to the CUP. ICA Kane added that there is a field on the permit form for submittal authorization from the project owner, so in this case it is signed by the agent for the owner.

Commissioner Mayer asked if Condition 12 means that any subsequent Amendment would not come back first through the Planning Commission but would go directly to the City Council. CDD de Melo responded that staff included this Condition so that there are not continual amendments being proposed that would not have the review and approval of the City Council. The City Council could give a directive that they would look at an item and then request feedback from this Commission, but staff wants City Council to make that call.

Commissioner Mayer asked if there are regulations regarding noise and hours of use such as those NDNU neighbors have proposed to regulate similar activity in public parks. CDD de Melo responded that to his knowledge the City parks are allowed to be used from sunrise to sunset, adding that NDNU is private use rather than public use. Commissioner Mayer asked what is to prevent local residents from complaining about noise in their neighborhood parks and coming to the City and asking for similar restrictions on the activities in public parks. CDD de Melo responded that it would be a policy question for City Council. ICA Kane added that it is a hypothetical question that could have its place at the City Council level but that staff cannot respond.

Responding to Commissioner d'Souza's questions, CDD de Melo reviewed the actions to date on the NDNU CUP, and noted that the CUP as originally approved stipulated the activities that are permitted to occur on the field, adding that staff does not believe this Amendment will increase the use of the field; the proposal does not seek to add clock hours or days to the allowed uses on that field. They are asking to be a defined user group within those allowed days and hours. ICA Kane clarified that with this Amendment there would not be any change to the maximum allowed use. Therefore, if the maximum has already been approved and the maximum isn't changing, then uses within the maximum do not trigger a new problem. She added that they do not know whether or not having more allowed user groups will change the number of people minutes on the field. It could in the sense that if there are more identified groups who can use the field, then as a practical matter there may be more individual uses of

that field. She stated that it is also possible that NDNU might use it less or the sports groups might use it in some other way. She concluded that they don't actually have data on the practical effect of it but from an analysis perspective and from staff's ability to process this, there is no change to the outlines and boundaries of the original CUP.

Responding to Commissioner d'Souza's request for the definition of "maximum allowed use," CDD de Melo, ICA Kane and Chair Reed explained that it is based upon the allowed weekday and weekend use of the field as set forth in Condition 8, and that this Amendment will not change that. Presumably NDNU and the High School are not using the field to the maximum prescribed in the CUP, and the two sports groups will be allowed to fill in the slack.

Responding to Commissioner Wheeler's question as to the origination of Conditions 11 and 13, CDD de Melo stated that staff added them, noting that 11 is a standard Condition of Approval that is added for all discretionary actions that are before the Commission, and Condition 13 was an outcome of the proposed revision of the CUP Amendment in 2010 due to concerns raised by neighbors at that time.

Chair Reed asked several questions for clarification purposes:

- Is it correct that there are no proposed increases to the maximum allowable use of Koret Field? CDD de Melo responded that, based upon the maximum hours afforded in the 2005 CUP, there are no additional increases to the maximums proposed.
- Is it correct that we are not reworking the 2005 CUP – we are simply determining whether two youth sports groups can be added to the list of users? CDD de Melo responded that, with removal of the word "weekday" in 8.b.1, we believe this is not a narrowly focused action but that we are not doing a rework of these conditions – we are adding them as a defined allowed user group.
- Is it correct that the action brought to the Commission was not brought by the University? CDD de Melo responded that the request for Amendment to the CUP is not brought by the University as the requester of the Amendment – they are a party to the application, they are the property owner. The request is by the agents for the two soccer clubs.
- Is NDNU obtaining any extra usage rights through this proposal? CDD de Melo responded "No."

Commissioner Mayer asked if another group of citizens decided that they would like to use the field, would they have to go to NDNU for approval? CDD de Melo responded that an amendment to the CUP would be required, NDNU would have to consent to the application being filed and it would go to Council for approval.

Chair Reed opened the Public Hearing

Tom Snider, co-applicant and President of Belmont United Soccer Club, addressed the Commission to explain the reason for asking for this amendment to the 2005 CUP. He stated for the record that both youth organizations took the initiative and approached NDNU with this special request to amend the CUP; NDNU is not the applicant and NDNU has nothing to gain by granting them use of the field other than community good will. There would be no charges by NDNU. He stated the following reasons why he believed the Planning Commission should approve the request:

- 1) The amendment will allow for the use of a premier recreational asset, an all-weather synthetic turf field, by Belmont's youth organizations, which will serve the needs of a significant Belmont community group.

- 2) Belmont's youth organizations are in dire need of high-quality field space for their games and practices. They have as many as 4 or 5 teams practicing at any given time during the week on the same over-used natural grass soccer field on which they play their games. This overcrowded and overused practice field situation leads to very fast deterioration in the condition of the field playing surface, which creates an unsafe playing environment and higher field maintenance costs for the City of Belmont. The future is even dimmer with the prospect of significant school building expansions planned over large portions of the school fields.
- 3) This action by the Belmont City Planning Commission will meet the goals and policies as written in the City of Belmont's General Plan. He quoted several applicable goals and policies, which are on the City website.

In summary, he stated that the Planning Commission should approve the proposed amendment since it will meet the City of Belmont's General Plan goals and policies, and will also serve the greater good of the Belmont community.

Greg Snow, co-applicant and representing Belmont/Redwood Shores AYSO, stated that AYSO has approximately 1100 players on 108 teams and Belmont United has about 250 on 15 teams, or a total of almost 1500 kids. This field will not accommodate all of these kids – in the fall, winter and spring they're probably talking about one to two games over the course of an entire weekend. There are 10 other fields in Belmont now, with McDougal and Barrett being the only City fields. The rest are school district fields with major problems with drainage, etc. and two of the fields may be closed down due to planned school expansion. He added that they are not looking to re-stir a bunch of controversy; they are just looking to be added to something that already exists. They are very willing to work with the neighbors, have met with some of them already, and sincerely hope that the neighbors feel a sense of cooperation with the sports groups because that is their intent.

Commissioner Mayer asked for confirmation that he said "one or two games a weekend". Mr. Snow responded that when looking at the allowable hours when NDNU and the high school are typically not using the fields it will probably end up being one or two games on weekends and he does not know if there will be any time available to them on weekdays. They are not anticipating weekdays because NDNU and the high school need the field.

Commissioner d'Souza asked if the games played at the schools will spill over onto this field when the schools close their fields. Mr. Snow responded that they have no idea what they will do at that time. They are already turning away kids because they do not have a place for them to play.

Commissioner d'Souza asked if the Sports Complex field will have to be closed for repairs at some point. Mr. Snyder responded that that is a whole other issue – tens of thousands of dollars are spent annually to repair that field. It is natural grass, has a high water table with high salt content and does not get enough rest. He believes they need to put synthetic turf on that field and spend the maintenance money for repair of other fields. If the Sports Complex field is closed for repair it is possible that some of those games will come to Koret field, if the space and time are available.

Steve Welter, Belmont resident, spoke in support of the CUP amendment, noting that if Belmont does not provide places for children to play, young families will not move to the City. The City needs to promote growth and this is one way to do it. He feared another "quasi-nightmare" like the one that went on the

last time. Belmont cannot afford that. It's clear cut. The hours and days are written in the 2005 CUP and they are not asking for anything more; he asked that they not try to narrow it down to how many games there will be. The field is there to be used. This proposed amendment is just asking to scratch off the gray area that says who can use the field and include these two sports organizations.

Eric Ravaglia, Belmont resident, spoke in support of the project. He is a coach and finding field space is a huge issue. The City definitely needs more field space and this is an option.

Margaret Davis, Belmont resident, believed that the amendment should be rejected because the 2005 CUP is a badly flawed document that needs to be revised in its entirety and not in a piece-meal fashion to accommodate the needs of any specific group that wants to amend it. She noted that in the fall of 2003, before the present Koret field was built, NDNU established an intramural sports program for soccer and lacrosse and that was when her formerly peaceful residential neighborhood suddenly exploded with objectionable noise. Referring to the reference to the neighbors of all the other playing fields in Belmont trying to stop the noise, she stated that the noise from Koret Field is amplified and the words of the person using the loud speaker travel a half mile up the hill. She stated that no Environmental Impact Report was done in 2005 when the CUP was issued; consequently many of the people up the hill did not know that it was going on. She added that their only minor consolation over the years has been the fact that NDNU has not used the field to its maximum allowable use and there have been many days and whole weekends when there have not been games. She summarized the 2009-2010 NDNU application for a revised CUP, subsequent appeal to the City Council and rejection of the proposed compromise by NDNU. She commented that this new application tries to cover much of the same ground but believes that the needs of the sports groups should be balanced against factors that make up the neighborhood's quality of life. She added that her group sympathizes with the youth group situation and believes the children should be allowed to play soccer, but the issue is not should they be allowed to play soccer, it's should the neighbors be allowed time to enjoy their homes in peace on the weekends and surround themselves with sounds they choose rather than being forced to listen to noise they do not enjoy.

Risa Horowitz read a statement on behalf of Matt Covington, Belmont resident. The Covingtons were agreeable to the compromise revised CUP that was approved by City Council but rejected by NDNU and object to this current application because it is a piecemeal attempt to amend the CUP without the protection of the revised CUP. He believed that this application was made partly because the current CUP is flawed. He believed that the sports groups should take the issue up with NDNU, not with the City, and that the application is an attempt to do an end run around the two-year process. He felt that it is inappropriate for the CUP to be amended to expand the use of the field without abiding by the restrictions and limitations that would have been imposed by the amended CUP, which would have included some blackout Sundays, limitations on time and other limitations. He did not believe it is enough for youth sports groups to point out that they would simply be added to the current CUP and that they don't use air horns and amplification, although that is appreciated, nor that it would be categorically exempt from CEQA; the number of games played will increase and that will clearly generate more noise, traffic and parking issues and will trigger a review under CEQA. He urged the Commission to deny the request, or, if the Commission is inclined otherwise, they should refer the matter to the City Council, which already considered these issues, so that another appeal can be avoided.

Mark Holman, Belmont resident representing AYSO, spoke in support of the proposed amendment. He wanted to clarify that the youth groups want to operate within the CUP. He added that youth programs do not use loud speakers or bullhorns; they have whistles and cheering, and games and crowds are well

conducted. He asked that they consider the irony that schools are expanding while budgets are decreasing and youth programs within the schools are being cut. The youth are turning to the expanding soccer programs and he believed the community should be doing everything it can to support these positive programs.

Alan Sarver, Belmont resident, spoke in favor of the amendment, stating that his home is probably as directly impacted by noise from Koret Field as any home along the hillside. The sound impact from the field over the course of a full year is comparable to the number of times during a typical week that they notice traffic noises drifting up from Ralston but is never as loud as the normal sound of traffic. He believes that hearing the joyful sounds of the community's playing fields being used by children is the positive fabric of why people want to live in Belmont, and that it is a tremendous gift that NDNU is offering to the community and that it would be extraordinarily sad if the City chose to do anything other than accept that gift and pass it on to the children and the community. He thought the noise limitations were absolutely fine and hoped the Commission would do everything in its power to open the restrictions as much as possible – let at least these two groups have the full use that NDNU can share with them.

Richard Hughes, Belmont resident, spoke in opposition to including any additional activity on the field – he thought that the college shut the door to any more activity on the field when they did not agree to the amendment that was presented to Council. He stressed that it is very noisy at his home, especially in the summertime. He is unable to open his windows or have company due to the cheering and yelling. He does not believe the amendment should be granted, especially after all the work that the Council did on this and that there will be more usage and more noise.

Manouch Ghajar, Belmont resident and soccer coach, stated that the issue is demand and supply. There are more than 1200 kids playing soccer in Belmont with the same number of fields as ten years ago. On the other hand, there is a multimillion dollar beautiful soccer field available for free and the owner is saying we are welcome to use it. The issue is that there are no additional days or hours or minutes proposed – all they are asking is to add their names to allow them to be able to use the field for 5- to 16-year-old kids, not adults. He believes it is up to the people who are against it to decide that the majority rules. They have 1200 to 1400 registrations vs. 34 – who should be given priority? Next year there will be fewer fields and they need to plan ahead – they need a place for the kids to play. He asked that they please add the two soccer clubs to the CUP.

Julie Hughes, Belmont resident, spoke in opposition to the amendment, stating that people do not realize how the sound travels up. They have had the police to their home, who agreed that they couldn't believe the difference in the two levels of the sound compared to down on the street level. She added that there are not that many games right now so it seems like Notre Dame is trying to fill the void, and once that void is filled they will be besieged with a lot more noise. She did not know how much more they could take and believed it has to stop and something has to be decided.

Paul Smith, Belmont resident and soccer coach, spoke in favor of the amendment and was there to speak for the children. He believes that the sports program provides a venue for the local children to help combat the negativity, and the coaches become anchors in their lives. He could vouch that this area has very little playing area – allowing them to use Koret field will make a huge difference in what's available for the program. It's all about giving the kids a place to play and excel and grow into responsible people. He hopes that the Commission will agree to amend the CUP.

Carolyn Thompson, Belmont resident, spoke in favor of the amendment, noting that unlike high school and college, the crowds usually drawn to these games are the parents of the players; perhaps 20 families and 20 additional cars on Ralston. She does not believe there will be a traffic impact and the noise that 20 families makes is nothing. She felt that it was generous of NDNU to offer the field.

Gordon Seely, Belmont resident, spoke in opposition to the amendment. He thought it was shame to be reworking an issue that had so recently been decided by the City Council. He felt that the soccer clubs were there because Notre Dame had let them down by rejecting the Council's revised CUP. He made the following arguments for rejecting the amendment: 1) The soccer clubs are not only asking to play on Koret field, they are asking for a significantly large expansion of the use of the field. At the present time and for years past the field is not that widely used. According to his conversations with the sports people, they are talking about adding approximately 96 hours of noise on weekends, with no attempt to exempt a single Sunday holiday from this program. 2) Koret Field exists because of the failure of City staff to obtain a CEQA report in 2005 before the field was built. In his opinion, such a study would have disclosed the unusual noise problem and they are not presently hearing about that at all. The extraordinary parabolic effect on the Chula Vista area would have required significant mitigation if allowing construction of the field at all on the inadequate site. By denying the need for a CEQA report now, the City staff begs the question – it comments on the degree of noise and traffic problems resulting from granting the application before staff has made a case for the necessity of CEQA. He believes that is putting the cart before the horse. He concluded by saying that comprehensive letters from neighbors and fellow citizens have made a most compelling case for denying this application. The total absence of letters supporting the clubs is explained by the fact that their only interest in Koret Field is in using it simply because it is there. They do not understand that Koret Field was permitted by the City and the CUP to serve only Notre Dame and Notre Dame High School; it was not built to be a municipal stadium. The clubs have no legitimate claim to the playing venture.

Lucy del Cardagre, Belmont resident, spoke in support of the amendment, stating that she hears lots of sound from the town because she lives in a canyon. She can hear sounds from 101, the Greek Festival, and Carlmont High School. She calls these sounds rather than noise, and living in a community one will hear sounds. Lots of children are living and coming into Belmont. There is no P.E. left in school programs, so these out-of-school programs are picking up and trying to provide some kind of activity for the children. Getting them out on the fields and having physical activity is a good thing. She stated that the University is not asking for this, they are just offering the space because its there and they are not using it. She added that it is a green thing to do – it's pragmatic, cost efficient, effective, and is a great gift. It may not be the ultimate way to provide space but it is a step and sometimes you have to take advantage of what you can to make a difference.

Craig Jones, Belmont resident and soccer and baseball coach, spoke in favor of the amendment. As a resident, he is in direct line of sight of the University and of Ralston Avenue and hears all the sounds, and has a bigger complaint about the road noise on Ralston than the field use. He does not see that this amendment will bring a great amount of noise over and above what they hear today every day.

Margaret Goldsmith, Belmont resident and youth sports coach, hears all the noise from Ralston Middle School, and believes that some of the noise that people are hearing is from the schools, not just Koret Field. She sees this as an opportunity for the community to come together. She thinks cutting down fields and not using them is not in the best interest of the community. In addition, she noted that when they re-did the field at Notre Dame they cut down a lot of trees and the replacement trees have not had a chance

to mature. She believes that if the community would be patient for maybe the next few years, the trees are going to grow and create a sound buffer. She suggested the possibility of putting up sound barriers as a compromise. She does not support just saying “no” to youth sports. She added that there is a lot being written about kid obesity, diabetes, and the number of hours kids sit in front of the TV and computer; she believes they need to encourage youth sports. With two-parent incomes youth sports is often the only outlet the kids have and to shut the door on that makes her sad.

Chris Zaino, Belmont resident and board member for Belmont United, spoke on behalf of the amendment. He stressed that providing opportunities for residents, including children, is part of what makes Belmont a great city. The youth population is growing and more resources are required to support them – the City does not have more space and money and kids are already being turned away. That will increase when the schools expand and pick up more field space. He sees this as an opportunity to add field space for kids that is already there and that the City will not have to pay to support. He believes that just about every neighborhood in Belmont has a park or field in it and everyone to one degree or another deals with the sounds that come from youth sports and activities. He did not think it appropriate for one part of the city to say they do not want to have to put up with this – its part of being in the city and part of actually what makes the city a good place to live.

Ray Davis, Belmont resident, spoke in opposition to the amendment. He stressed that the sound is dreadful and that it means that they have continuous noise every daylight hour, cannot invite people over, its stressful, health changes, and it is unbelievably rowdy. Council people and police have agreed. He agreed that the people need to play and suggested that everybody could get together and fix the Sports Complex or expand it into Redwood Shores endless open space. He concluded by saying that it is a terrible thing to have right in the middle of a residential area; life isn't worth living there.

MOTION: By Commissioner d'Souza, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed 4/0/2/1 by a show of hands, with Commissioners Horton and Mercer recused and Commissioner Parsons absent.

Commissioner Wheeler thanked everyone who came out to comment. She wanted to move past talking about any problems with the 2005 CUP because that is what is in effect. She noted that the maximum use allowed does not change with the proposed amendment and the only thing that is changing is the addition of the youth soccer organizations, who will only be allowed to use the field within the approved hours. She thanked NDNU for even providing the option; she felt it said a lot for them and their willingness to be part of the community. She did not see any issues with the CUP as amended and repeated that the maximum use allowed is not changing. If NDNU wanted to have kids out there every single second that was allowed they could—it's their right as the property owner.

Commissioner Mayer stated his disappointment that NDNU, on the part of some of the people in the audience, have been made out to be the villains of this entire affair. He said he had heard a lot of negative comments and motives ascribed to NDNU that he believed were suppositions and in no way warranted. He believed that NDNU has displayed great patience and tact in this entire process; it was the neighbors who decided to appeal the Planning Commission's ruling and who determined that they had not been just and fair to their needs. He said that he sympathized with the issue of noise but he had to consider the fact that 35 people constituting the Belmont Citizens for a Tranquil Neighborhood stand out in a neighborhood of over 200 to 300 residences and that in this case the “tail is wagging the dog,” and that they cannot subject City policy to the wishes or complaints of a small group of people. He agreed with

Commissioner Wheeler that the issue is not the adequacy or inadequacy of the April 2005 CUP – they were there to discuss very narrowly a point modifying that. He stated that he fully supported the modification as presented. He added that he was not in favor of the concept of bypassing the Planning Commission in addressing further appeals and did not understand why, if there is an additional amendment or a proposal for an entirely new CUP, it should not come back to the Planning Commission.

Commissioner d'Souza stated that he would want to disapprove the modified conditions of approval. It was his feeling that the 2005 CUP came about because of how the community worked with it and that the maximum allowed use is a very restricted reading of the CUP because it only looks at the numbers section, it does not look that it was only granted to NDNU. Therefore, the community has not had a chance to have input into how it should be modified. He believed that increasing the uses for the maximum time allowed increases the total use of the facility and he did not see how that cannot be an outcome. He felt that the community was built by the elderly residents and they were here before the young residents came to the area and the younger community now comes along and says it was a great community and we want to change it. That's part of life but it does not take into account the needs of the elderly residents. The noise is stressful, it does impact people's health, and is an issue that needs to be dealt with. These are long-term issues that are being inserted into this conflict between the two generations. He added that the demand is going to keep increasing – more kids means more fields will be needed with decreased use and decreased availability of school fields – these larger issues are also impacting the community and negatively affect the established residents. He believed the larger issues such as trees, noise, parking, what resources are available from the schools and how we use technology needed to be addressed, probably through the CUP, and that it was unfortunate that the amended CUP did not go forward and did not take into account these larger issues. Based on what is part of this discussion, he would vote to disapprove the modified condition.

Chair Reed thanked everyone for coming out and speaking. He reviewed the chronology of the 2005 CUP, noting that it was updated by the Planning Commission as part of a multi-year effort that included the community, many of whom were in the audience. He stated that the Planning Commission version of the CUP did not give NDNU everything it wanted nor did it give the residents everything they wanted, but it did include clear hours of use and blacked out some Sundays and holidays. The Planning Commission thought it was a fair compromise; however, it was appealed by the Belmont Residents for a Tranquil Community in October 2010 as being insufficient. The City Council, over the course of 3 meetings, altered the Planning Commission's version of the CUP to a degree that led the President of NDNU to say that essentially it "strips the University of its vested rights." Following that discussion Mayor Coralin Fierbach was quoted as saying that she "certainly would like the children to be able to play." He believed the Belmont United Soccer and AYSO took the Mayor at her word and approached NDNU – NDNU did not approach anybody about this – it was local community coaches or leaders approaching the school, and the school was very generous. He said that *he* would not voluntarily come back to the Commission to discuss this issue but NDNU did, and he believed they deserved kudos for basically giving to the community and getting nothing in return except perhaps some more grief. While listening to the Belmont Residents for a Tranquil Community, he thought of an op ed by Ruben Navarez in the *San Mateo County Times* that said "none of us were promised that we could make it through our lives without ever being bothered, inconvenienced or made to feel uncomfortable." He added that the world changes around us – trains make noise, airports switched from prop planes to jets – and we either have to put up with it or fight it and he is fully in support of this application. He recommended that Conditions 12 and 13, which cover additional requirements on the university, be struck. He preferred a very clean, narrow CUP that says "can certain groups in addition to the University and High School use the field," not should they add lights or not add lights, should this go back to the City Council or not. He

believed those are legitimate issues that deal with a complete revamp of the CUP; if people want to bring it forward they can, it did not belong in the motion before them.

MOTION: By Commissioner Mayer, seconded by Commissioner Wheeler, adopting the Resolution approving a Conditional Use Permit Amendment for the Koret Athletic Field for Notre Dame de Namur University (NDNU) at 1500 Ralston Avenue (Appl. No. PA2011-0024), with an amendment calling for the deletion of Conditions 12 and 13 and deletion of the word “weekdays” from Condition 8.b.1.

Ayes: Mayer, Wheeler, Reed
Noes: d’Souza
Recused: Horton, Mercer
Absent: Parsons

Motion passed 3/1/2/1

Chair Reed announced that this decision can be appealed to the City Council within 10 calendar days.

6. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

6A. North Road Right-of-Way

Friday is the deadline imposed by the City on Planet Granite. Details about modifications to the curb and ramp to allow for different kinds of refuse carts will be provided. The three new residential units have been regularly pulling their garbage carts toward their backside and they have satisfied all the conditions of the approval for the landscaping along their stretch of property. The challenge continues to be the property that is blacktopped; another letter is going out to them. Parks and Rec have cut down all the weeds leading along this stretch.

Chair Reed thanked Parks and Rec for the weed whacking, adding that it would be great if they could get started on adding some more pleasant plantings. He applauded Planet Granite and staff for finding a compromise solution to the dumpster issue, and added that the apartments that were built up from the Thai restaurant are a monumental improvement over what was there before. He expressed disappointment with the folks who simply blacktopped the area that doesn’t belong to them without seeking permission. CDD de Melo added that it is hope that they get some resolution to the outstanding issues.

7B. Ralston/US-101 Landscape Project

Redwood City engineers have provided data about the budget for the previous project. There is a funding shortfall. Continued discussion with them will center around having the City of Belmont being the project manager. This will need to be discussed at a higher level and an agreement will have to be worked out. Chair Reed brought up his suggestion to involve a private non-profit group in this project. CDD de Melo stated that Redwood City has to be involved in the project since they hold the majority of the funding.

6C. Sixth & O’Neill – Street Reconstruction Project

The project is in full swing, on schedule and on budget.

6D. US-101 Pedestrian/Bike Bridge Project

The ribbon-cutting is scheduled for 1:00 or 1:30 on September 28th.

6E. High-Speed Rail (HSR)

The Ad Hoc Committee met the previous Thursday and Council received a comprehensive staff report, available on line, that details the actions and activities of that Committee. The biggest event upcoming is the National Night Out event and members of the HSR Committee will be in attendance to pass out flyers and information.

Other Items

Chair Reed asked if there is any desire on the part of the Community Development Department to form an Economic Development subcommittee. CDD de Melo responded that this could be discussed at an upcoming Planning Commission meeting and that it would ultimately be a Council policy decision.

Because of the National Night Out activities on August 2nd, staff is recommending that the Planning Commission’s next meeting be on Thursday, August 4th.

7. CITY COUNCIL MEETING OF TUESDAY, AUGUST 9, 2011 – 7:30 P.M.

Liaison: Vice Chair Mercer

Alternate Liaison: Commissioner Wheeler

RS Turning will check with Vice Chair Mercer as to her availability for this meeting. Commissioner Wheeler will not be able to attend; Chair Reed will act as alternate if Vice Chair Mercer is not available.

8. ADJOURNMENT:

The meeting was adjourned at 9:15 p.m. to a Regular Planning Commission Meeting on **Thursday August 4**, 2011, 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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