

**Responses to Comments on the  
PA 10-060 St. Matthew Parish Master Plan  
Initial Study/ Negative Declaration dated July 2010**

**Introduction**

This document responds to public comments submitted during the 30-day public-comment period addressing the Draft Initial Study / Negative Declaration (IS/MND) for PA 10-060 St. Matthew Parish Master Plan. The City received three comments during the public review of the IS/MND. The public review period opened on July 27, 2011 and closed on August 26, 2011.

In accordance with Section 15074 (b) of the California Environmental Quality Act (CEQA) Guidelines, when considering whether to approve a project, the lead agency must consider the comments received during its consultation and review periods together with the Negative Declaration. Therefore, these comments and responses are provided along with the Draft Negative Declaration for consideration by the decision-making body. The information contained in this response to comments document is in accordance with Sections 15073.5 (b) and (c)(2) of the CEQA Guidelines and provides responses to written comments on the project's effects.

**List of agencies and persons commenting on the Initial Study/Negative Declaration (attached)**

- Department of Transportation – District 4 (Cal Trans)
- Department of Fish and Game
- Mike Cunningham
- Kelly Moran, Planning Commissioner

Responses to the letters from the Department of Fish and Game and Mike Cunningham are provided below. The City's transportation consultant, Hexagon Transportation Consultants, provided a response letter to both the Cal Trans letter and the transportation issues raised in the letter from Mike Cunningham, and it is attached at the end of this response. The Planning Division and the Public Works Department have reviewed, and are in agreement with, the Hexagon response.

**Letter from Department of Fish and Game – August 18, 2011**

The removal of the trees may impact nesting sites of protected raptors. The State Fish and Game Code (Section 3503) protects the nest or eggs of any bird and in particular birds-of-prey. Events likely to cause nest abandonment or premature fledging of nesting birds include substantial construction noise, and tree removal results in nest removal. These are unlawful activities under the Fish and Game Code.

*Response: The following language will be added as a mitigation measure for the project.*

“If construction, tree removal, or other project-related activities are scheduled during the nesting season (generally mid-January to mid-July) of protected raptor and migratory birds, a focused survey for active nest sites shall be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities. If nesting birds are found, a 50-foot radius buffer shall be established around the nest and a 300-foot radius buffer in the case of owls and hawks. The buffers shall remain in place until the young have fledged. Another focused survey shall be conducted if there is a lapse of more than 15 days in the project-related work.”

### **Letter from Mike Cunningham – August 26, 2011**

#### Comments on pages 1 and 2 related to the Negative Declaration:

1. Significant mitigation needed for site drainage, parking lot lighting, inadequate on-site parking, and LOS F at the intersections of El Camino Real and both Aragon and Mission Avenues.

*Response: The site drainage issue has been reviewed by the applicant’s civil engineer and by Public Works. The conclusion is that there are no changes to the existing drainage pattern along the portion of the site abutting the Aragon neighborhood. (Please see the attached response from Kavanagh Engineering.)*

*The parking lot lighting has been designed to meet the City’s Security Ordinance as well as Crime Prevention Through Environmental Design (CPTED) principles, and has been approved by the Police Department. The style of lighting is proposed as “downcast” lighting, which minimizes “light throw” off-site.*

*The applicant has provided additional information regarding how the site can accommodate an additional 50 vehicles on site if managed by a parking valet company. This system could be required to be used during specified events. The total number of on-site parking could then be 356 vehicles.*

*Regarding the LOS question, please see the traffic-related response from Hexagon Transportation Consultants.*

2. The project definition needs to be reviewed – the project is really a “community center”.

*Response: The project is a new gymnasium building with associated site improvements including a voluntary upgrade of the parking lot and lighting – voluntary in the sense that new parking is not required by the addition of a gymnasium to the school use. The project description states that: “The only programmatic room in the proposed new building will be for the existing before and after school care program. Nothing in the application creates any new or more intense uses at Saint Matthews.” The “rehabbing” of the Auditorium is essentially an upgrade of the interior and audio/visual components and does not result in programmatic changes that would create a “community center”.*

3. The project is too important for the “matter of environmental impact to be decided administratively.” It needs a full EIR.

*Response: the evaluation of the environmental document (in this case an Initial Study and Negative Declaration) is being reviewed and evaluated according to a long-established City process, which includes a 30-day public review period, circulation among State agencies, in this case a study session with the Planning Commission, and ultimately a public hearing with the Planning Commission. The Planning Commission will make a final decision on certification of the environmental document, based on the full evidence on the record. There is no “administrative decision” on the environmental document. Furthermore, an Environmental Impact Report (EIR) is required when unmitigable impacts of the project have been identified and at present, there have been none identified. While the commenter believes the combined uses on the site result in unmet parking supply and thus spill-over parking impacts on the neighborhood, the addition of a school gymnasium does not trigger an additional parking requirement under City codes. As the project is thus consistent with City codes, there is no unmitigable parking impact from this project.*

Comments on page 2 related to the SPAR:

1. The height of the proposed building exceeds the allowable height in single family zones.

*The maximum allowable heights in R1 zones are 24’ to the plate line and 32’ to the peak of roof. As explained at the August 23, 2011 study session, staff identified the fact that the proposed building exceeded the allowable height and indicated that it would be addressed prior to the public hearing on the project. The building height is now in conformance with the R1 height standard.*

2. The front of the building along El Camino does not have the required 45 degree daylight plane to the property line.

*Response: The daylight plane requirement only applies along side property lines, not front or rear property lines. The new structure meets the daylight plane requirement for this site.*

3. The parking requirement should be based on the project being interpreted as a “Community Center”, not a school gymnasium.

*Response: Please see response to number 3, above.*

Comments on page 2 related to the Site Development Permit:

1. Most, if not all trees being removed are heritage trees. The site plan proposes replacement landscape unit (LU) value equal to only 2/3 of the LU value being removed, which is not sufficient.

*Response: The LU value was recalculated to include two trees as “heritage trees” that were previously not so designated. While it is true that the LU value proposed to be replaced (194) is less than the LU value being removed (289), Section 27.71 of the Zoning Code permits payment of an in-lieu payment for LU value not being replaced on the site. And while the LU value being replaced does not equal that being removed, there are 93 new trees being planted and 26 being removed. Over time, the value of the new trees will substantially exceed the value of the removed trees.*

2. The Zoning Code required that a parking lot have one tree for every three parking spaces, and this standard is not being met.

*Response: It is true that for a project with a new parking lot, the standard is 1 tree per 3 parking spaces (Section 27.71.160(e)). However, when there are voluntary improvements, as is the case here, the expectation is that the applicant will provide improvements toward meeting the requirements, but are not required to fully meet them (27.64.020(4)).*

3. Water from the rear parking lot will drain onto Aragon properties.

*Response: See the response to comment no. 1 on page 1 of this document.*

Comments on page 3 related to the Special Use Permit:

1. The project is really a Community Center, not a school gymnasium.

*Response: See the response to comment no. 2 on page 1 of this document.*

2. Approval of the gymnasium means the City would be “waiving” parking requirements for a project short by 25% of the City standard.

*Response: As noted above, the addition of a school gymnasium does not trigger an additional parking requirement under City codes. The gymnasium is a school facility, and school parking is based on enrollment and staffing. Since the project includes the addition of a school facility with associated improvements but does not include additional enrollment or staffing, additional parking is not required by the Zoning Code.*

3. The existing Level of Service (LOS) at the Aragon and Mission intersections with El Camino Real are at LOS F. The City should not approve a project on the site with this existing LOS level. Should the City’s Transportation Fee program require the applicant to make physical improvements?

*Response: The identified intersections are unsignalized, and under General Plan polices, they are therefore not subject to the City’s LOS D standard. Also, the LOS designation refers to the worst movement at each intersection. At these two intersections, the worst delay is the left turn movement onto El Camino Real; the other turning movements from those streets onto El Camino, as well as the through traffic on El Camino, are not subject to long delays. (Please also see the Hexagon response letter.) The traffic study conducted by Hexagon examined these two intersections for whether they met the City’s “warrant analysis” for determining whether a new signal would be required, and the conclusion was that signals were not warranted.*

*Projects that add square footage or dwelling units are responsible for paying into the City’s Transportation Improvement Program. The funds collected are used to fund those projects identified on an adopted list of roadway improvements. If an identified roadway improvement is in the vicinity of the project, the applicant may choose to make the improvement themselves rather than pay into the fund.*

4. There is inadequate ingress and egress to the applicant’s project site. It should all occur from El Camino Real. The queuing onto the site from Notre Dame does not work. Left turns should be allowed from north-bound El Camino Real to west-bound Notre Dame. The intersection of Aragon and El Camino Real should be closed.

*Response: Please see the Hexagon response letter.*

5. The City would not be able to enforce the Special Use Permit upon the existing Pastor because the property owner is a corporation that is separate from the Archdiocese.

*Response: The City has the authority enforce all of the approvals granted for the particular project, including the Special Use Permit and all associated conditions of approval. The City requires that a deed restriction be placed on every property that obtains a planning approval, in which the property owner acknowledges their understanding that conditions of approval attach to the approval. The deed restriction thus assures that the property owner has taken responsibility, which also then passes to all subsequent property owners. The manner in which the property owner would choose to address potential enforcement issues, be it through the church Pastor or other representative, is a matter for the owner.*

Comments on page 3 and 4 relating to the Reclassification:

1. The only school in San Mateo to receive a reclassification to a Q zone is Serra, and they built a parking garage before the project was started.

*Response: There are substantial differences between the Serra situation and this one. St. Matthew is both a school and a church; Serra is a high school without a church facility. Serra needed to increase the parking on the site to comply with the parking requirement for a school. St. Matthew currently meets the on-site parking requirement for the school. The gymnasium facility being added is for the school, not the church. As the gymnasium does not represent an increase in enrollment or staffing, it does not trigger a requirement for additional parking.*

2. The City should not approve another Q zone as there are already 6 existing Q zones.

*Response: The Zoning Code, like the General Plan, is a living document that is adjusted on a periodic basis in response to evolving City needs and community values. Staff would note that placing an artificial constraint on the ability to create new Q zones where special situations suggest it is appropriate, is not advisable. The unique characteristics of the long-standing use of the site as a school and church along with its underlying R1 zoning in a residential neighborhood make it an example of the type of situation that would benefit from having specific zoning standards apply, which are achievable with Q zoning.*

3. No other grades school or junior high in San Mateo has an Overlay Zone.

*Response: That is correct. Staff would note that most schools in the City are public schools and so do not fall under the City's permitting jurisdiction. To date, no other private schools other than Serra have had the unique set of conditions experienced by Serra, and now St. Matthew, that would trigger the need to evaluate whether a Q zone was the appropriate tool to address a particular concern.*

4. If the project is simply a gymnasium, then why the need for an overlay zone?

*Response: When first proposed in 2006, the project did not include the request for a Q zone. The project has evolved to the point that consideration of a Q zone, along with specific conditions for use of the site to address the neighborhood issues was viewed as the best possible tool to address the issues for the long term. This request was patterned after the relative success of this approach for the Serra project. The intent is for this approach to provide greater control over what happens on the site.*

Comments on page 4 and 8 relating generally to the Negative Declaration:

1. The Negative Declaration (and Initial Study) was prepared by the applicant (Cascade Consulting), which is inappropriate. The City “effectively hired the consultant by using its work product”.

*Response: The commenter is under the mistaken impression that the City used Section 5 of the applicant’s submittal booklet entitled “Environmental Review” as the basis of the Initial Study and Negative Declaration published July 27, 2011 for public review. In fact, staff never reviewed that section of the applicant’s submittal, as we always prepare our own environmental review and hold our own council with respect to conclusions made therein. Several sections of that document (e.g., traffic) were based on reports from outside consultants, but the scope of those reports was managed by the City. The City’s processes are specifically designed to distance the City’s analysis from influence by the applicant and to minimize any sense by the public of collusion between the City and the applicant. It might have been appropriate for staff to require the applicant to exclude that section in their booklet, but staff is also careful to not negatively affect what documentation an applicant may wish to put before the decision body.*

2. The July 27, 2011 notice to the public is factually and materially flawed.

*Response: This comment was addressed to the City prior to the August 23<sup>rd</sup> study session and a response was included in the packet materials for that meeting. In addition, the notice has been re-sent and the Negative declaration was given a new 30-day review period. The document sent to the State Clearinghouse included the responses to comments on the Negative Declaration.*

3. Aesthetics: lighting is too bright; the new gymnasium doesn’t meet the daylight plane requirements; and insufficient number of new trees; obstruction of views of the hills.

*Response: These are all the same issues brought up previously in the letter and have been provided responses above.*

4. Biological resources: vernal pools; tree already removed; and white owls in trees in the area.

*Response: The City has not seen evidence of vernal pools on this developed property and would like to know what expert advised the commenter regarding this issue.*

*It is true that one tree has already been removed. It was tree #4, which was designated for removal on Sheet C-2 of the plan set. The applicant approached the City last July with pictures and documentation from their landscape consultant that the tree was in imminent danger of falling over. Since it was located along the entrance promenade to the church, there was concern that it might fall and cause an injury. The City's arborist reviewed and approved the request for immediate removal due to the imminent threat. That tree remains on the list of trees being removed and its associated LU value is still included in the calculation.*

*Regarding White Owls, please see the response to the comment letter from the Department of Fish and Game. This issue is being addressed according to the process designated by Fish and Game and a mitigation measure has been added to the project.*

5. Hydrology and water quality: parking lot creates run-off issues for Aragon neighbors.

*Response: These are all the same issues brought up previously in the letter and have been provided responses above.*

6. Land use and planning – multiple issues:

*Response:*

*Q zone - These are all the same issues brought up previously in the letter and have been provided responses above.*

*Transportation Improvement Fee - These are all the same issues brought up previously in the letter and have been provided responses above.*

*Off-street parking and loading: Parking and loading facilities exist on the site and the use of the building as a school gymnasium does not trigger any loading requirements that are not already accommodated on the site.*

*Parking based on floor area: These are all the same issues brought up previously in the*

*letter and have been provided responses above.*

*Loading and unloading for school children: The redesign of the parking lot improves the loading and unloading situation for the school. Beyond this, these are all the same issues brought up previously in the letter and have been provided responses above.*

*Parking backing out onto Notre Dame: It is true that the Zoning Code states that except in certain circumstances for residential projects, vehicles may not back out onto the right-of-way. In this instance, both the Public Works staff and Hexagon, in the traffic study, support the proposal based upon the specific site conditions. This is an item that has been included under the Q Zone standards for this site.*

*The parking at the bank parking lot across El Camino Real is not being counted as parking for the uses on the site; it is simply being recognized as additional parking available during weekend hours.*

7. Noise:

*Response: As indicated in the Initial Study, there will not be a significant increase in noise, as the meaning is understood under CEQA. The location of the new gymnasium will be shielded from the Aragon neighborhood by the auditorium structure, where the games are currently played.*

8. Population and Housing - Increase in transient residents, security concerns:

*Response: The CEQA question regarding population increase and housing is related to the broader issue of a local agency's ability to provide housing for an increase in residents and the need to provide adequate services for an increased population. The commenter is correct that the new gymnasium will not increase population. He suggests that there will be an increase in "transient residents". Staff assumes that the reference is to school children and their parents attending middle school basketball and volleyball games. These activities are already occurring on the site and have not been found to result in security issues for the surrounding area.*

9. Public Services – Need to increase bus service:

*Response: The comment is referencing the church parishioners. This application before us is a proposal for a new school gymnasium. There is nothing in the proposal regarding the church, per se, or an increase of parishioner attendance. Sam Trans would respond to increases in service demands as conditions warrant.*

10. Recreation – The site of the new gymnasium is currently used for other activities and alternative locations for those activities will need to be found.

*Response: Comment noted.*

11. Transportation and Traffic – The project description is not precise enough and the Initial Study is not clearly and concisely written in a form that can be comment upon.

*Response: Comment noted. The basic project is clear – it is a new middle school gymnasium with some associated site improvements. But the history of neighborhood issues and the church and school’s attempts to address those issues (e.g., redesigned parking lot, pick-up/drop-off issues) within the context of this application create complexities to the traffic report and Initial Study write-up that make it more difficult to provide a concise evaluation that addresses all concerns.*

12. Mandatory Findings of Significance - The conclusion on the environmental document should not be decided “administratively”; it requires and EIR.

*Response: These are all the same issues brought up previously in the letter, which have been provided responses above.*

#### **Email from Kelly Moran – January 5, 2012**

1. Would the proposed project create a significant impact by exacerbating an existing unacceptable condition? The three areas that I noted where there could potentially be an existing unacceptable condition that might be exacerbated are: (a) Parking deficit (b) parking and circulation conflicts in the surrounding area and (c) blocking of fire access. For (b), I believe that Gary Black told us that there's no CEQA standard and therefore there could not be a significant impact--it would be nice to have that clarified, because I think that's been a point of confusion in the public discussions.

*Response: (a) The proposal is to add a gymnasium, which is not required to add additional parking under the City’s parking code. However, the church is voluntarily adding on-site parking that is intended to ease perceived impacts of overflow parking into adjacent neighborhoods. The result is an improvement over the existing condition, not an exacerbation of it. This is not to say that all parking and circulation issues will be solved, but they are improved.*

*(b) The “ CEQA standard” for circulation is whether there is a significant impact to the City’s circulation system, as measured against the Level of Service (LOS) standard for*

*signalized intersections, as established by General Plan policies. There is no similar General Plan standard for unsignalized intersections or for parking. Though CEQA does not explicitly require an evaluation of parking, as a practice, we would include an evaluation should the project not meet the parking standards contained in the zoning code. In this case, the reality of the broader situation relating to the church and school uses on the site resulted in the applicant seeking to mitigate neighborhood impacts stemming from existing conditions and voluntarily provide additional on-site parking. However, Hexagon did evaluate project traffic impacts on the surrounding residential streets using a measure called the TIRE Index, and found that “relative to existing traffic volumes on Aragon Boulevard and Notre Dame Avenue, the traffic added by the project would be minimal.” (Pages 19 and 20 of the traffic report)*

*(c) The Fire and Police Departments have reviewed the parking and circulation plan and find it acceptable.*

2. Would the tree removal be a significant impact? It appeared that the proposal would entail a net loss of 82 LUs; however, I might not have read this correctly.

*Response: While there is a net loss of LU value, that value is made up through in-lieu payments, as specifically allowed by the zoning code. So from a CEQA standpoint, there is no significant impact. Please also see response # 1 related to the Site Development Permit on page 4 of this document.*

3. Was the overlap in parking between the masses assessed by Hexagon in the traffic study? It appeared based on testimony that people arrive for the second large Sunday mass before everyone has left from the first large Sunday mass, such that peak parking demand exceeds the demand created by a single mass.

*Response: Hexagon’s observation is that there are enough spaces to accommodate the “overlap” and that the 10:45 parishioners are not parking off-site. The 10:45 Mass has much lower attendance than 8:45. Some of the 8:45 parishioners leave right after the service, thereby freeing up parking spaces. Some stick around longer, but not that many. Hexagon also observed that the parking didn’t peak until after the big Mass started – some people don’t arrive for the beginning of the service.*