



Item No: 2
Meeting Date. 12/11/2012

To: Planning Commission

Date: 12/4/2012

Authorized By: Ron Munekawa
Chief of Planning

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Subject: **PA 12-051 THE NUEVA HIGH SCHOOL**, Development of a new private high school. 131 E. 28th Avenue (APN: 040-030-290).

RECOMMENDATION

That the Planning Commission approve the project by making the following motions:

- A. Adopt Addendum #2 to the Previously Certified Final Environmental Impact Report for the San Mateo Rail Corridor Plan and Bay Meadows Specific Plan Amendment and Reliance on the Previously Certified Final Environmental Impact Report (certified on April 18, 2005 and re-certified on June 6, 2005 and November 7, 2005), based upon the Findings for Approval in Exhibit A; and
- B. Approve the Site Plan and Architectural Review for the development of a private high school totaling 134,345 square feet of institutional space plus a 39,300 sq. ft. parking garage, based upon the Findings for Approval in Exhibit A and subject to the Conditions of Approval in Exhibit B.

BACKGROUND

The Planning Commission reviewed a preliminary application on the project in Study Session on May 22, 2012, after a neighborhood meeting was held on May 14, 2012. At the Neighborhood Meeting, eight attendees were generally supportive of the project, with questions posed related to the window types, parking spaces onsite and for special events, facilities at the Bay Meadows Park, and phasing of the project. The Planning Commission provided a number of comments on the project, addressing issues such as the trip generation, location and amount of on-site parking, design of the theatre wall facing the affordable housing site, interface with park and provision of a gate connecting the park and school, and on-site circulation and driveway locations. The Study Session Meeting Minutes are included as Attachment 1.

In order to examine the potential for development of affordable housing on the one acre site, the City retained the architectural design firm of Gould Evans Baum Thornley and the development consulting firm of Brookwood Group to prepare conceptual site plans and analyze the unit potential for development on the affordable housing site. At a City Council study session held on June 4, 2012, the City Council reviewed the parcel location and layout, as well as conceptual site plan options and type of housing (senior verses family). The Council provided direction about the affordable housing project and the study session meeting minutes are included as Attachment 2. This process lead to the collaboration between staff and the applicant on the design of the theatre wall and the western property line. At the request of the City, the applicant realigned the western property line, thereby increasing the depth of the affordable housing site and “squaring off” the southern portion of the parcel. This site configuration change will allow for a more optimal parking garage layout that can accommodate additional parking spaces. It did push the property line to abut the theatre on the school site. The school driveway from Delaware Street was widened, thereby allowing for a five-foot six-inch wide private walkway along the driveway on the northern side of the property, which will allow for better pedestrian access to the site from Delaware Street.

SITE DESCRIPTION

The Bay Meadows Phase II project is an 83-acre transit-oriented development with a range of land uses, including housing, commercial, parks, and open spaces uses, located adjacent to the Hillsdale Caltrain station. There are a number of past approvals dating back to 2005 that provides the framework for the redevelopment of the Bay Meadows Race Track with a transit-oriented development project. The project site is located in the San Mateo Rail Corridor Transit-Oriented Development Plan area and the Bay Meadows Phase II Specific Plan Amendment area. Other documents that apply to the project site include the Bay Meadows Phase II Design Guidelines and Development Standards. A full description of the City entitlement history for the Bay Meadows II project site, including a map and table showing the approved program on each block is included as Attachment 3.

The project site is a 2.76 acre eastern portion of the 3.76 acre Mixed Use 1 (MU1) block on the northwestern portion of the Bay Meadows II project site. This is the only remaining block of the 18 block project site that does not have an approved Site Plan and Architectural Review (SPAR) planning application. The illustrative plan showing the approved building footprints and overall site plan, as well as the proposed project and a conceptual affordable housing project is included as Attachment 4. Photos of the project site are included as Attachment 5. Block MU1 also contains the one acre affordable housing site on the western portion fronting the Delaware of the block that is required to be dedicated to the City for affordable housing under the Bay Meadows II Development Agreement. Pursuant to the Development Agreement Section 5.12 (b), the precise location is “to be determined at the Owner’s sole election.” The owner has selected the one acre portion of the block that fronts Delaware Street. The City’s Neighborhood Improvement and Housing Division was consulted in this selection process. It is anticipated that the offer to dedicate the one acre parcel to the City will be submitted no later than February 1, 2013.

The southern portion of the parcel includes an 18-foot public access easement for the 28th Avenue Promenade. This easement is an important part of the bicycle and pedestrian connectivity of the Bay Meadows Phase II project site. No changes to this multi-use path are proposed as part of the project other than the installation of a driveway curb cut to access the site.

The project site is adjacent to the 12-acre Bay Meadows Park. In 2011 the City Council approved plans for interim parking improvements at the park, consisting of a turfed, multi-purpose play field, a wetlands garden area, a baseball backstop, a lighted perimeter pathway, open turf areas for informal use, a restroom facility, and other improvements such as benches, bike racks, trash cans, etc. Construction on these improvements is currently underway with the park opening to the public in 2013.

PROJECT DESCRIPTION

High School Scope: The proposed Nueva High School is a private high school with a maximum enrollment of 450 students. The Nueva School, located on a 33-acre campus in Hillsborough and founded in 1967, is a nationally recognized independent school serving gifted and talented students in grades PreK-8. The school emphasizes integrated studies, creative arts, and social-emotional learning. It provides a constructivist program, project-based learning, and special-area teachers in visual art, reading, math, science, music, physical education, technology, and social and emotional learning. The new high school would be a satellite campus to the main Hillsborough campus and serve only high school (grades 9-12) students. The applicant has prepared a SPAR Narrative which is included as Attachment 6 and provides extensive details regarding the proposed school including the school's specific activities, expected day, weekend and summer use hours, anticipated student geographic distribution, design process, site and building security, types of special events, and other operational issues related to a private high school. The SPAR Narrative also includes a detailed list of changes made as a result of Planning Commission and staff comments on the preliminary application.

Program: Total square footage of the educational buildings is 134,345 square feet of institutional space plus a 39,300 sq. ft. parking garage. The parking garage includes 125 parking spaces, of which 21 are constrained tandem spaces for staff only. The proposed floor area ratio is 1.12, which is below the maximum of 2.5 permitted. There is one main building that is divided into a series of smaller sections that include classroom space, theatre (425 seat), gym (regulation size high school basketball court and two half courts), library, cafeteria and other space. The project would be phased with the theatre and one portion of the classrooms being developed after the first phase. The project plans are included as Attachment 7. A data form has been prepared that shows how these preliminary plans meet the development standards for the project (Attachment 8).

General Plan and Zoning Classification: The General Plan designation for the site is Transit-Oriented Development. The zoning classification is Bay Meadows Specific Plan. Schools are a permitted use in this district under the Specific Plan Amendment. Table IV-5 of the Specific Plan Amendment, on page IV-21, sets forth the Commercial standards that are applicable to the MU-1 block. Permitted uses include all permitted uses in the Executive Office (E2) District, with certain exceptions and additions. As expressly indicated in Table IV-5, Section 27.048.020 the City's Municipal Code provides that schools and day care facilities are expressly (as opposed to conditionally) permitted uses within the E2 District. The project requires approval of a Site Plan

and Architectural Review (SPAR) Planning Application which is final with the Planning Commission unless appealed to the City Council.

Site Access, Circulation and Drop Off Zones: On-site circulation has been designed to allow drop-off and pick-up queuing and bus loading/unloading in such a way as to contain the vehicles on site without spillback onto surrounding city streets. Site traffic circulation has been reversed from the preliminary application proposal with vehicles entering primarily from East 28th Avenue (right turn only into the site in a one-way direction) and exiting onto Delaware Street, resulting in a primarily right-turn only circulation pattern. Planning and Public Works staff support this and an additional discussion is provided on page 10. The student drop-off zone was relocated to the north side of the site to ensure adequate on-site queuing space. The school site will have two vehicle entries and one exit. The principal vehicular entry to the site is from 28th Avenue and will be for parents dropping off or picking up students, school buses, and emergency, delivery and service vehicles.

The 28th Avenue driveway will be right in only (one-way) for vehicles traveling eastbound on 28th Avenue. The Delaware Street driveway will allow both right and left turns into the project site, but the exit will limit turning movements to right turns only out of the site. These turning movement limitations will maximize the smooth flow of traffic off the site and minimize backup on-site and off-site. The driveway confirmations will eliminate conflicts with other vehicles at intersections and driveways. Signing, striping and other measures will be implemented at the project driveways to reinforce the turning movements and restrict prohibited left turns.

In response to staff's concerns regarding traffic safety and impacts to the signalized intersection at Kyne Street and East 28th Avenue, the driveway into the site from 28th Avenue is now located along the eastern property line and is not aligned with the signalized intersection. This is explained in more detail on page 10. An emergency access road is included around the entire north and east edges of the property to address Fire Department requirements for full vehicle access to the site.

Access, as well as separate staging and parking for service vehicles, shipping and delivery vans, trucks, and school buses (including from visiting schools), is provided on site without interference with the circulating drive that wraps around the school. A bus zone is provided along the driveway at the East Courtyard, and a car drop-off/pick-up zone is provided further along the driveway to maximize queuing distance. The on-site circulation has been designed to provide drop-off and pick-up queuing on site for more than 500 feet. The curb area for students is 90 feet long to allow up to 4 vehicles to unload and load students at a time. An analysis of the car line confirmed that all queuing can be contained on site without spillback into 28th Avenue. Staff will assist in directing traffic flow daily during primary morning drop-off and afternoon pick-up hours, including at least 30 minutes preceding morning bell and for 30 minutes following afternoon bell as required, to ensure pedestrian safety, as well as safe, efficient bus, car, bicycle, and pedestrian traffic flow. Two loading areas for delivery vehicles are provided. These areas, as well as the bus zone, may be utilized for short-term visiting school buses. Service-provider / business-operations deliveries and refuse pick-up will be scheduled before or after morning drop-off and afternoon pick-up and around key community morning, afternoon, and evening peak periods to avoid conflict with campus and community activities.

Parking and Loading: The project has increased the number of parking spaces provided since the preliminary application on-site by 79%, or 55 spaces, to a total of 125 parking spaces. The majority of parking is located in a garage under the north classroom building and the west courtyard. The majority of the parking spaces on site are for staff, faculty, and visitor use, as described in more detail in the Nueva High School Transportation Management Plan prepared by Kimley-Horn and Associates, Inc. dated November 26, 2012, attached as Attachment 9. Twenty-one of the spaces are constrained tandem spaces reserved for faculty (i.e. 21 pairs of spaces for a total of 42 stalls). A total of 60 parking spaces are designated for staff and faculty use. A total of 33 spaces have been set aside for students who need to drive to school on an exception basis managed through a single day use parking permit. The remaining spaces consist of 27 visitor spaces and five accessible spaces.

Parking Types Provided	
Faculty/Staff (21 constrained tandem spaces)	60
Visitor	27
Student (Exception Based Daily Permit Only)	33
Accessible	5
TOTAL	125

A roll down overhead door will allow the parking garage to be secured after hours. The school also proposes two loading areas for delivery vehicles (that can also be used for parking small buses), and a bus loading (and parking) area that can accommodate two large school buses.

All employee and student vehicles will be required to be registered at employment and enrollment, respectively, and updated accordingly. Parking will be by permit and enforced by the School's Commute, Transportation, and Parking Coordinator and assigned safety and security staff. Constrained tandem parking (21 of the 125 spaces) will be assigned by permit faculty and staff only. Access and departure of the constrained tandem spaces will be facilitated by controlled access to permit and space-specific lockbox under the supervision of the coordinator. Additional spaces within the garage will be further set aside to promote ride-sharing carpools and use of alternative-energy vehicles.

All students will be subject to a No Student Driving Policy that was refined with staff input. The Nueva High School Transportation Management Plan identifies the PM peak hour trip generation (and thereby in turn the PM peak hour trip budget which is included in the "Bay Meadows II Traffic Management Plan") for Nueva High School and the Transportation Demand Management (TDM) program that will be implemented by the school to ensure that the trip cap is met and also that the parking demand does not exceed the supply of 125 spaces. The School will designate a Commute, Transportation, and Parking Coordinator to implement a robust TDM Program and manage on-site and special event off-site parking. Examples of the proposed TDM programs include:

- Continuation of Nueva (Private) Buses – Continue to operate the program to achieve at least 25% of the students using the system. (See Appendix D of the Nueva High School Transportation Management Plan for additional information on Nueva Bus routes.)
- Caltrain Go Pass for Students, Faculty and Staff – Provide an annual transit "Go Pass" for teachers and students. The Go Pass allows unlimited use of Caltrain. This program may be substituted with various levels of subsidy. Similar passes for SamTrans are not planned since only limited numbers of Nueva students are expected to utilize SamTrans since Nueva already runs a private bus service with pickup locations near students' homes.
- Ride Matching Services

- Guaranteed Ride Home
- Secure Bicycle Parking/ Showers and Changing Areas
- No On-Site Student Parking without One-Day Exception Only Permit

Conditions of Approval address these various transportation and parking management proposals to ensure compliance with the parking strategy, trip reduction goals and the trip cap. A monitoring and enforcement program, including an annual survey of parents and students of travel modes and trip counts at project driveways is described in more detail in the Nueva High School Transportation Management Plan.

Off-site parking for large school events where demand exceeds that of the 125 parking spaces on-site will be located at the San Mateo County Event Center. Nueva High School has executed a lease agreement to use up to 400 parking spaces at the Event Center for up to 12 days per year, beginning in September 2014. The lease agreement runs through 2015 with an extension option through 2017. The Nueva High School Transportation Management Plan identifies the school events that will create the additional demand, which ranges from 31 to 270 additional spaces needed off-site. These school events include Graduation, Back-to-School Night, and Performing Arts Presentations in the theatre. A condition of approval will ensure that off-site parking is provided for all events and that attendees are notified in advance of the location of the parking. The condition also includes provisions for off-site parking at alternative locations, such as the proposed Bay Meadows Station Block 1 office building that contains 718 spaces. Wilson Meany has expressed support for a future shared parking arrangement during non-peak hours but cannot commit at this time since the construction date is unknown.

Bay Meadows Park Interface: In response to Parks and Recreation and Police Department security concerns, a continuous six-foot fence is provided at the Bay Meadows Park boundary abutting the new high school. The gate that was proposed with the preliminary application has been eliminated. The City's Park and Recreation Department, as well as the Police Department, are supportive of the proposed fencing along the Bay Meadows Park and do not have any concerns.

CODE AND POLICY COMPLIANCE

Zoning and Bay Meadows Phase II Specific Plan Amendment Compliance: The Bay Meadows Phase II Specific Plan Amendment sets the broad framework for the creation of a Transit-Oriented Development on the 83-acre former race track facility. The development program outlined in the Plan includes office, residential and retail uses to create a dynamic, mixed use neighborhood that promotes the utilization of transit to reduce vehicle trips. The zoning classification is Bay Meadows Specific Plan and schools are a permitted use in this district under the Specific Plan Amendment. Table IV-5 of the Specific Plan Amendment, on page IV-21, sets forth the Commercial standards, including a list of permitted uses, that are applicable to the MU-1 block. Permitted uses include all permitted uses in the Executive Office (E2) District, with certain exceptions and additions. As expressly indicated in Table IV-5, Section 27.048.020 the City's Municipal Code provides that schools and day care facilities are expressly (as opposed to conditionally) permitted uses within the E2 District.

Parameters of Planning Commission Authority

At the study session, questions arose regarding the parameters of the Planning Commission's authority to approve or deny this application. The Planning staff and City Attorney's office have reviewed these comments and prepared the following responses to those questions as follows below.

A. Can Nueva School's application be denied on the grounds that a school is not "transit oriented"?

A question arose at the study session as to whether the proposed school use constitutes "transit-oriented development." While the planning documents do not explicitly define the term "transit-oriented development," the conditions of approval for the Bay Meadows Specific Plan Amendment require trip reduction and adherence to a trip budget for the Bay Meadows development as a whole. So long as the proposed Nueva School project includes a trip reduction plan and does not cause the Bay Meadows project as a whole to exceed its trip budget, it satisfies the Bay Meadows Specific Plan conditions of approval and cannot be rejected on the grounds that it is not "transit-oriented development."

B. The planning application cannot be denied on the sole grounds that the proposed use is a school.

The General Plan Amendment and Bay Meadows Phase II Specific Plan Amendment establish the applicable development standards. The Specific Plan identifies a "school" as a permitted use. (p. IV-21, Specific Plan Amendment.) Therefore, the City may not deny the school application solely on the grounds that the "school use" is not permitted in this location. The Development Agreement fixes (giving the applicant a vested right) those standards for the term of the Development Agreement. In other words, the City can't change those standards during the term of the Development Agreement. However, the Development Agreement does require the applicant to obtain any additional required land use approvals such as the SPAR planning application.

C. The applicant does need to obtain Site Plan and Architectural Review ("SPAR") approval.

Section 27.080.030 requires that each of the following findings be made for SPAR approval:

- a) The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood;
- b) The development will not be detrimental to the harmonious and orderly growth of the City
- c) The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare;
- d) The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site;
- e) The development will not adversely affect matters regarding police protection, crime prevention, and security.

These findings must be supported by evidence in the record, which includes the administrative report, public testimony, and correspondence. Additionally, conditions of approval have been prepared that support these findings.

Appropriateness of Childcare Facilities

Specific Plan Amendment Condition of Approval No. 32 requires the evaluation of the appropriateness of childcare facilities to be addressed during the City's review of individual SPAR applications. This is based on Policy 5.2 of the Rail Corridor Transit-Oriented Development Plan, which encourages the inclusion of childcare facilities in employment centers and multi-family developments. The project architect has prepared a Childcare Appropriateness Evaluation Letter which is included as Attachment 10. This letter documents that it is not appropriate to include a childcare facility at the school site. Staff is in agreement that since the school is not a large employment center like an office building it is not an appropriate location.

Design Guidelines and Development Standards: The Bay Meadows Phase II Design Guidelines and Development Standards include design standards that apply to this project. These guidelines and standards built upon the project framework laid out in the Specific Plan Amendment. They also override the Zoning Code in certain specified areas. An excerpt of the document with the most significant standards is included as Attachment 11. One key requirement is that the project provide an architectural feature on 28th Avenue at the visual terminus of the Linear Park. This architectural feature is intended to be an element that focuses attention through special massing, roof forms, windows, window patterns, entrance portals, or other architectural elements to provide a visual emphasis. The required Architectural Feature was redesigned in response to feedback from the Planning Commission and the City's Design Review Consultant. The project design proposes a large scale vertical element integrated into the deeply mullioned glazing system that incorporates both signage and a flag pole. The Planning Commission requested architectural feature be more prominent from Linear Park and in response the feature was adjusted and brought to the ground.

The findings for approval (Exhibit A) demonstrate that the project is in general conformance with Bay Meadows II Design Guidelines and Development Standards, the Bay Meadows II Specific Plan Amendment, the San Mateo Rail Corridor TOD Plan, and the City's General Plan. The Design Guidelines and Development Standards stipulate (p. I-3) that "the strongest level of design intent is specified by the use of terms such as "must," "shall" and "prohibited." Preferred design items are designated as a condition which is "encouraged," "preferred," "recommended," "appropriate," or as one that "should" be included. Preferred design items are considered "voluntary" and need not be included in a proposed project." Additionally, the Design Guidelines and Development Standards state (p. I-5) that "a proposed project may not be denied due to failure to comply with non-specific or voluntary dimensions, such as an "encouraged" break-zone or a "recommended" area for open space." Deviations from the strongest level of design intent are described in Attachment 12 and the finding document how the resultant design achieves specific project design goals.

The most significant variation is that the proposed project is a private high school rather than the anticipated residential or commercial use. Because an educational use was not contemplated in the Design Guidelines and Development Standards, there is a lack of direction regarding the appropriate site layout and architectural design principles for this use. Likewise, there is nothing in the Specific Plan Amendment that provides specific direction for the design. Some design guidelines can still be applied to educational buildings. For example, there is a design desire to create a variety of building heights and articulation and variation in building forms. Articulation

of building walls through the addition of protruding elements or indentations and step backs serve to break up building walls and reduce the apparent mass of tall walls.

Project Design Review: Independent design review was completed by the City's design review consultant of Cannon Design Group. A final comment letter is included as Attachment 13. The applicant and staff collaborated on addressing many issues raised during the planning application review process by the design review consultant with regards to conformance with the Bay Meadows II Design Guidelines and Development Standards. The comment letter states that:

The building is very well designed, and seems to me to fit well on this site. The overall scale and modern style is similar to the approved office buildings along Delaware Avenue, and it is of sufficient size and scale to serve as a good terminus at the north end of the Linear Park. ...The applicant has done a good job in addressing the spirit of the Bay Meadows II Design Guidelines with attention to the creation of a building base, middle and top, and to the balancing of horizontal forms with vertical elements.

The comment letter explains in detail how revisions to the project plans have addressed a significant number of concerns, including the elimination of the tunnel through the 28th Avenue façade, the enhancement of the architectural feature, improvements to the functionality of the plaza, and the enhancement of the theatre façade along the plaza,

One outstanding concern identified in the letter is design of the theatre wall on the west property line abutting the affordable housing site. This was also a concern raised by the Planning Commission at the Study Session. One potential solution suggested in the design review letter would be to increase the quantity of corrugated panels on the theatre wall in order to soften the façade. The applicant prepared a revised elevation that is included in the letter, and could be required should the Commission require it through a condition of approval. This condition is included below:

FINAL DESIGN- Final building permit plans shall be revised to incorporate the alternative Theatre (western) wall elevation with additional corrugated cement panels included on page of the Architectural Design Review Comment Letter, Cannon Design Group, November 8, 2012. The design changes shall be subject to the final review and approval by the Zoning Administrator.
(PLANNING)

Last, the letter recommends inclusion of a special kiosk that would provide an appropriate pedestrian level focal feature at the terminus of the Linear Park. Examples of these types of kiosks are included in the letter. Staff does not support this change because ground-level architectural features have not been provided in other areas of the Bay Meadows projects site. All architectural features at the Bay Meadows site have been part of the building, not stand-alone items. Additionally, the plaza along 28th Avenue already includes three display kiosks (located closer to the theatre) and an additional larger kiosk in front of the building architectural feature would clutter the plaza.

The project's landscape design and site furnishings were evaluated by Conger Moss Guillard (CMG) Landscape Architects, who are the landscape architects for the majority of the bay meadows project, including the streetscape design and street furniture, three public parks including the storm water retention pond, monument signs, view corridor and town square. CMG's review included the hardscape materials, plant palette, lighting fixtures, and site design, including the 28th Avenue Promenade easement area/plaza. CMG evaluated these items for consistency with the Bay Meadows II Design Guidelines and Development Standards, as well as the other parks plazas and the streetscape within Bay Meadows. The comment letter is included as Attachment 14. The letter concludes that the school landscape design comply with the applicable guidelines and standards and that the 28th Avenue Promenade Plaza "will be a positive public space

offering activity and amenities through its well-designed greenery, seating, bike storage, and informational kiosk.”

Circulation: Significant improvements to the on-site circulation were made to reverse the previous circulation pattern of the primarily one-way driveway. The preliminary application showed a one-way driveway with the entrance on Delaware Street and an exit only on 28th Avenue aligned with the signalized intersection at Kyne Street. This driveway exit onto East 28th Avenue was aligned with Kyne Street to provide exits at the signalized intersection. This driveway alignment is recommended in Figure II-125 of the Bay Meadows II Design Guidelines and Development Standards. However, staff and the City’s traffic consultant, Hexagon Transportation Consultants, Inc, reviewed the alignment in light of the driveway being reversed at staff’s recommendation to an entry-only driveway on 28th Avenue, rather than an exit-only driveway. The circulation pattern was reversed in order to achieve a primarily right-turn only entrance and exit pattern, thereby minimizing left-hand turn conflicts that might create traffic back-ups on Delaware Street as well as onsite for vehicles exiting and turning left at Kyne Street. The recommendation was to relocate the driveway to the eastern edge of the school site, which puts it about 30 feet east of Kyne Street. The driveway will be restricted to right turns in only, so it will not affect the signalized intersection operations. Hexagon prepared a memorandum, included as Attachment 15, explaining how the proposed changes result in a more ideal circulation layout, noting:

The new Nueva High School site plan, dated October 5, 2012, provides good site access and circulation. It is not expected that school traffic would cause any back-ups or disruption to traffic flow on 28th Avenue or on Delaware Street

Parking and Traffic Management (Trip Cap): The Specific Plan Amendment does not set any parking standards for this type of use but rather stipulates that the final parking ratios shall be determined during the SPAR, based on parking studies. The policy intent of the Corridor Plan and the Specific Plan Amendment with respect to parking is that a project such as this would have a lower parking demand than that of similar high school project outside the Corridor Plan are since the project is located near a CalTrain station and is required to implement transportation demand management strategies (such as the No Student Drivers policy) to maximize non-automobile trips. The project provides a total of 125 parking spaces, which exceeds the parking demand estimates based on a mode share analysis that indicates demand will require 86 spaces. The Nueva High School Transportation Management Plan includes this parking generation estimate as well as related TDM measures to ensure parking demand is managed through parking controls. The school’s SPAR Narrative also includes a detailed presentation of the school’s operational management strategies to ensure implementation of the Nueva High School Transportation Management Plan. Conditions of Approval are included in Exhibit A that will limit enrollment to a maximum of 450 students. The maximum number of on-site faculty and staff is not limited to a specific number but rather specifies that the maximum number of on-site staff and faculty during the two-semester academic year and summer terms shall not create a parking demand that exceeds the dedicated supply of 60 faculty and staff parking spaces.

The Bay Meadows II Parking Management Plan and Bay Meadows II Traffic Management Plan were prepared and approved as part of Bay Meadows SPAR #1-3 planning applications, which were approved in 2008. These documents have been revised to incorporate the school proposal (attachments 16 and 17). However, the Nueva High School Transportation Management Plan addresses many of the topics covered in these two documents so only minor changes were made to them. This approach was used because Nueva provides all of its parking on-site unlike other

blocks with utilize street parking and off-site parking on different blocks within the Bay Meadows site. The school trip generation was also much more complicated than that of other uses as it is not based on standard Institute of Transportation Engineers (ITE) trip generation rates, so the detailed explanation of the mode share trip generation methodology and trips for the school is included in the Nueva High School Transportation Management Plan. The Traffic Management Plan has been updated to include a revised trip budget for the MU 1 block which is based on the trip generation included in the Nueva High School Transportation Management Plan. In satisfaction of the Specific Plan Amendment Conditions of Approval, the projected trips to be generated by the entire bay meadows project, including the proposed school and planned BMR housing units, will be within the applicable trip caps and trip reduction goals for the project.

Bicycle Parking: Bike parking spaces exceed with the City of San Mateo Bike Parking Ordinance Standards. A total of 36 short-term spaces are proposed in the 28th Avenue courtyard, which exceeds the requirement of 34 spaces. A total of 26 long term spaces are proposed in an enclosed bicycle parking space, which is over twice the requirement of 12 spaces.

Green Building: The applicant prepared a LEED Checklist that documents achievement of a Gold level, which exceeds the Green Building Ordinance requirement of meeting the LEED Silver level for this project type (Attachment 18).

Air Quality, Noise and Stormwater Control: Additional studies were completed to analyze the topics of air quality, noise and storm water control. These studies document that the proposed school will comply with applicable state and local requirements related to these topics.

Because air quality impacts may be exacerbated by increased traffic or idling cars and buses related to the school use, based on the trip generation numbers set forth in the Transportation Management Plan, City staff also requested that an air quality consultant analyze the potential air quality impacts of the proposed school use for consistency with the Previously Certified Final Environmental Impact Report for the San Mateo Rail Corridor Plan and Bay Meadows Specific Plan Amendment and whether emissions from the vehicles dropping off and picking up students at the proposed high school have the potential to create a carbon monoxide (CO) hotspot. The Air Quality Consistency Analysis prepared by Michael Brandman Associates, August 7, 2012, as updated with the Carbon Monoxide Hotspot Assessment, September 27, 2012, are attached as Attachment 19. Based on the conclusion that the project would not result in increased trips beyond levels studied in the Final EIR, the Air Quality Consistency Analysis concludes that (1) the proposed school project would not result in new significant air quality impacts effects or a substantial increase in the severity of previously identified air quality impacts above that analyzed in the EIR, and (2) the proposed project would not result in new or significantly increased potential for CO hotspot generation through onsite idling and queuing.

At the City's request, Charles M. Salter Associates has prepared a noise study, dated June 25, 2012, analyzing noise impacts related to the proposed school auditorium, and a supplemental report that addresses the noise regulation requirements promulgated by the City of San Mateo that apply to the project. The noise study and supplemental letter are attached as Attachment 20. The Noise Study concludes that the proposed school project would not result in new significant noise impacts or a substantial increase in the severity of previously identified noise impacts above that analyzed in the EIR. Mitigation measures are included in the study to reduce interior noise levels to meet the project acoustical requirements and address potential noise impacts.

A stormwater control plan narrative was prepared to describe the storm water control measures shown on sheet C-6 of the project plans and is included as Attachment 21. The stormwater Best Management Practices (BMPs) for this parcel will provide supplemental stormwater treatment to that provided by the wet pond. The pond is sized to treat and detain runoff from all parcel blocks within the development, such that the post-construction peak stormwater discharge rate of the overall development is less than the pre-construction peak stormwater discharge rate. The stormwater BMPs located within the Nueva School site will improve water quality by filtration and biological processes, reducing the amount of sediment, nutrients, oils/greases, and heavy metals entering the wet pond. Because of the presence of the wet pond, and since the existing site soils and high groundwater levels are not conducive to on-site infiltration, biofiltration planters have been selected as the BMP treatment device for this site.

ENVIRONMENTAL CLEARANCE: As lead agency, the City of San Mateo prepared an EIR for the San Mateo Rail Corridor Transit-Oriented Development Plan and the Bay Meadows II Specific Plan Amendment (Specific Plan Amendment), in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, Section 15000 *et seq.*, as amended). The City Council certified the final EIR (Final EIR) for the San Mateo Rail Corridor Transit-Oriented Development Plan & Bay Meadows II Specific Plan Amendment at a public hearing on April 18, 2005, approved the San Mateo Rail Corridor Transit-Oriented Development Plan, re-certified the Final EIR for that Plan, and adopted the findings and statement of overriding considerations at a public hearing on June 6, 2005 and approved the Specific Plan Amendment, re-certified the Final EIR for that project, and adopted the findings and statement of overriding considerations at a public hearing on November 7, 2005. As noted at page 1-6 of the Final EIR, the analysis in the Final EIR was at a “project” level of detail, which anticipated the potential impacts of future discretionary approvals to implement the project. The Final EIR expressly states that applications for subsequent Site Plan and Architectural Review (SPAR) would not require preparation of subsequent environmental documentation, unless otherwise required by CEQA Section 21166 and CEQA Guidelines Section 15162.

Section 21166 stipulates that when an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The proposed SPAR application involves a private high school use that is permitted under the Specific Plan Amendment on Block MU-1. The proposed amount of development as set forth in the SPAR application fits within the overall development envelope permitted under the Special Area Plan Amendment. Although a private high school use was not specifically included in the illustrative plans described in the EIR, or in assumptions upon which the traffic study was based, it is similar to many other potential uses, such as hotel or religious institutions, in that the use was known and contemplated in the approved Specific Plan Amendment but not specifically

analyzed as part of the illustrative plan. Nevertheless, the EIR project description is clear that the impact analysis is based on a maximum limit on the general type and extent of development set forth in the Specific Plan Amendment, not the specific illustrative plans set forth in the EIR. Therefore, unless the proposed SPAR application would exceed the maximum level of development described in the EIR or would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, the mere fact that the proposed use is different from the illustrative plan described in the EIR would not require preparation of a new EIR.

The purpose of the Addendum is to review the parameters of the proposed school use, and determine whether they fall within the previously analyzed envelope of impacts specified in the EIR. In reviewing the proposed SPAR application for the school under the 21166 and 15162 standards, City staff has identified three issue areas that merit further discussion. These are: (1) traffic; (2) air quality; and (3) noise. Additional studies related to air quality and noise have been previously discussed. To examine the topic of school-related traffic in more detail, City's traffic consultant, Hexagon Transportation Consultants, Inc, prepared an memorandum with analysis that finds that the number of trips generated by the high school in conjunction with the current program for development of Bay Meadows Phase II fall within the range that was analyzed in the EIR and that transportation conditions have not changed in the area since the 2004 EIR. Therefore, Hexagon concludes that the Nueva High School proposal is covered by the 2004 EIR. This memorandum is included as Attachment 22.

After reviewing the facts and analyzing the circumstances, the San Mateo City staff has determined that for the reasons discussed in the Addendum #2, a new EIR is not required because none of the circumstances described in CEQA Section 21166 as implemented by CEQA Guidelines Section 15162 is present. Staff has prepared the Addendum #2 to discuss these issues and the basis for this determination. The Addendum is included as Attachment 23.

PUBLIC OUTREACH:

In accordance with Government Code section 65090, notice of this hearing was published in the Examiner newspaper 10 days before the hearing. In accordance with Government Code section 65091 and the City's Municipal Code noticing requirements, this hearing was noticed to the following parties ten days in advance:

- Approximately 305 property owners, residential tenants and business tenants within 1,000 feet of the project site; and,
- The City's "900 List" which contains nearly 100 Homeowner Associations, Neighborhood Associations, local utilities, media, and other organizations interested in citywide planning projects.
- The interested parties list which includes 22 interested individuals that attended previous neighborhood meetings or the Planning Commission Study Session on the project, or who contacted the City and requested to be added to the project notification list.

A public comment letter was submitted and is included as Attachment 24.

EXHIBITS

- A. Findings for Approval
- B. Conditions of Approval

ATTACHMENTS

1. Planning Commission Study Session Meeting Minutes, May 22, 2012
2. City Council Study Session Meeting Minutes, June 4, 2012
3. Entitlement History, Map and Table with Approved Program for Bay Meadows II
4. Illustrative Site Plan for Bay Meadows II
5. Project Site Photographs
6. SPAR Narrative
7. Reduced Project Plans
8. Data Form
9. Nueva High School Transportation Management Plan, Kimley-Horn and Associates, November 26, 2012
10. Childcare Appropriateness Evaluation Letter, Leddy Maytum Stacy Architects, August 2, 2012
11. Applicable Bay Meadows Phase II Design Guidelines and Development Standards
12. List of Exceptions to Bay Meadows Phase II Design Guidelines and Development Standards, Leddy Maytum Stacy Architects
13. Architectural Design Review Comment Letter, Cannon Design Group, November 8, 2012
14. Landscape Design Review Comment Letter, Conger Moss Guillard Landscape Architects, December 3, 2012
15. New Nueva High School Circulation Plan Memorandum, Hexagon Transportation Consultants, Inc, October 19, 2012
16. Bay Meadows II Parking Management Plan, Kimley-Horn and Associates, Updated November 6, 2012
17. Bay Meadows II Traffic Management Plan, Kimley-Horn and Associates, Updated December 4, 2012
18. LEED Checklist
19. Air Quality Consistency Analysis, Michael Brandman Associates, August 7, 2012 and Air Quality Consistency Analysis: Carbon Monoxide Hotspot Assessment, Michael Brandman Associates, dated September 27, 2012
20. Preliminary Environmental Noise Study, Charles M. Salter Associates Inc., June 25, 2012 and Letter to LMS Architects re: City Noise Regulation Requirements Charles M. Salter Associates Inc., August 1, 2012
21. Stormwater Control Plan, Luk and Associates, October 5, 2012
22. Nueva High School Consistency with Rail Corridor Development Plan and Bay Meadows Specific Plan EIR, Hexagon Transportation Consultants, Inc, October 19, 2012
23. Addendum #2 to the Final Environmental Impact Report for the San Mateo Rail Corridor Plan and Bay Meadows Specific Plan Amendment, City of San Mateo, November 29, 2012
24. Public Comment

CC (AR and attachments)

Janice Thatcher, Wilson Meany

Kim Havens, Wilson Meany

Michael Stoner, Lake Street Ventures

Bill Leddy, LEDDY MAYTUM STACY Architects

Charlie Stott, LEDDY MAYTUM STACY Architects

Rick Holmstrom, The Nueva School

Terry Lee, The Nueva School

Diane Rosenberg, The Nueva School

Jim West, Kimley-Horn and Associates

Gary Black, Hexagon Transportation Consultants, Inc,

Larry Cannon, Cannon Design Group

Sandy Council, Neighborhood Improvement and Housing Manager

Gary Heap, Senior Engineer

Sgt. Dave Norris, Police Department

Dennis Frank, Park and Recreation Department

CC (Email Notification)

Interested Parties and Neighborhood Meeting Attendees (If email address was provided)