

**CITY OF SAN MATEO
PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
DECEMBER 11, 2012**

APPROVED

The meeting convened at 7:30 p.m. in the City of San Mateo Council Chambers and was called to order by Chair Whitaker, who led the Pledge of Allegiance.

Those present were Chair Whitaker, Vice Chair Massey, Commissioner Bonilla, and Commissioner Moran. Commissioner Hugg was absent and excused.

A motion was made by Commissioner Bonilla, seconded by Commissioner Massey to approve the minutes of the Regular meeting of October 30, 2012.

Vote: Motion passes 3-0-1; Chair Whitaker abstained having been absent on 10/30/12.

***** PUBLIC COMMENT**

Chair Whitaker opened the public comment period.

(No persons wishing to speak, the Chair closed the public comment period.)

ITEM 1

*** PUBLIC HEARING**

PA12-075 THE CAREY SCHOOL

Christy Usher, Staff Planner, gave the staff presentation.

Duncan Lyon, The Head of Carey School, gave the applicant presentation. Jason Shirriff, architect for The Carey School gave a presentation on the proposed elevations.

The Planning Commission had the following questions for the applicant:

- The lower playground area is planned for special events parking but will also be the location of the portable classrooms during construction. Please clarify? *Applicant:* During construction all special events parking will be accommodated off-site at 1900-2000 Alameda de las Pulgas.
- The Traffic Report indicates peak AM vehicle trips are 287 while enrollment is 249 students. Please clarify? *Gary Black for Hexagon Transportation Consultants Inc:* A trip made to the school is counted x2 (i.e. one trip in and one trip out) so it is not uncommon to see more trips than students for this type of analysis.

Chair Whitaker opened the public comment period for this item.

(No persons wishing to speak, the Chair closed the public comment period.)

The Planning Commission had comments of appreciation for the applicant for their response to the issues brought up by the Commission at the study session.

- Comment(s) from the public regarding traffic and circulation appear to have been adequately addressed by the applicant.

Motion by Commissioner Massey to:

- A. Approve the Categorical Exemption (CEQA Section 15314 – Minor Additions to Schools), from environmental guidelines based upon the Findings for Approval contained in Exhibit A.
- B. Approve the Site Plan and Architectural Review for the 9,409 square foot additions, the modification to the Special Use Permit for physical alterations to the school, ratification of the existing student enrollment and faculty/staff employed, and inclusion of summer camp programming; and the Special Use Permit to allow off-site parking at 1900-2000 Alameda de las Pulgas based upon the Findings for Approval in Exhibit A and subject to the Conditions of Approval in Exhibit B.

Second by Commissioner Bonilla

Vote Passed 4-0

This decision is final with the Planning Commission subject to a 10-day appeal period as defined in the San Mateo Municipal Code.

ITEM 2

*** PUBLIC HEARING**

PA12-051 THE NUEVA HIGH SCHOOL. Development of a new private high school. 131 E. 28th Avenue (APN: 040-030-290).

Darcy Forsell, Staff Planner, gave the staff presentation.

Rick Holmstrom, Nueva School Boardmember and applicant spokesperson, gave the Applicant presentation. Mr Holmstrom introduced the remainder of the Nueva School applicant team who were available to answer any questions.

Planning Commission had the following questions for the applicant:

- In the design of phase I there is an amphitheatre on the site and I'm surprised to see that it was set so the sound emanated towards the affordable housing site instead of the other way around. When adjacencies like this have come up before, the design has

been to have the sound from those facilities emanate back to the new building/site rather than toward the neighbors. Is there a reason for that or is there openness to rearranging this in order that the neighbors don't have to listen to the events every time. *Acoustical Consultant Charles Salter:* We looked at the noise effect on the housing which is about 140' from the source of noise. As you know, the City noise ordinance limits noise 50' back. The anticipated max sound level on the façade with the current design is about 71 decibels. This is approximately the sound on the façade of the housing from vehicles traveling on 28th avenue so this is a regularly occurring noise level. Occasional use of the amphitheatre would not be considered an acoustical impact on the housing.

- *Asking more of a quality of life question regarding the residents of the housing listening to the noise from the amphitheatre.* This is family housing; noises audible in the back row of this theatre will be audible to the housing residents. Question is why the amphitheatre is oriented this way and can it be oriented the opposite way? *Applicant:* Have not looked at changing the design. We are ahead of the development and planning of the below market rate housing project and it's unclear to us that we would impact it in the near term. Incorporated screening between the sites. We would be amenable to increasing the screening between the phases. *Architect, Bill Leddy:* Two options in this situation: Can have the presenters about 140' away from the building with the audience noise heading towards the building with presenter noise the other way; or flip it around with the presenters about 10-20' from the housing property line. Sound doesn't always go one way- it goes in all sorts of directions. With the audience facing the housing the issue raised is that there are many times when the audience makes more noise than the presenter(s). There is a landscape barrier to provide screening from the housing to the performance area.

The Chair opened the public comment period.

The following people spoke: Janet McGraw, Los Altos Hills; Linda Asbury, San Mateo; William Nack, Foster City; Rich Hedges; Peter Hanley, San Mateo; Matt Salah, San Mateo; Vernon Grigg, San Mateo; Kira Sze, San Mateo; Janice Thatcher, Piedmont.

Their comments included the following:

- Describing the positive attributes regarding current Nueva School. Described various community projects that the young people are involved in.
- Parents and children need wide variety of educational opportunities. No one school can provide everything for students. Great benefit to students.
- This is a perfect location for a school. I am unhappy with the fact that there are 125 parking spaces; that is too many for this project. This is not a good idea to add more parking spaces that what is needed. You should look at transportation-demand management strategies for this issue.
- I moved my law office from San Francisco to San Mateo after family became members of the Nueva family. Good new tenant for the Bay Meadows area.

- I encourage you to approve this application in order to move this school forward for San Mateo.

No other persons wishing to speak, the Chair closed the public comment period.

The Planning Commission had the following follow-up questions for staff:

- Is there an aerial photograph or plan of the wider area to get a better sense of the relationship of the school site to the existing CalTrain station and the proposed relocation of the Caltrain station? *Staff:* Don't have an aerial because the site is under construction. The Caltrain station now is located south of the last proposed office building. The parking lot that is currently there is on the Bay Meadows site and provides direct access from the Bay Meadows site to the station. Staff further described the location of the station based upon a large photograph. The station is moving a few blocks north of where the train is located on this map. Station Area Plan was approved that will move the station to the Borders site. There will be direct connections to the train station from the Bay Meadows site via streets that run between the office buildings. Once this station is moved Nueva school would be about 1 block from the station. In its current configuration the station is just about three blocks to the south.

The Planning Commission had the following comments for staff.

- Extremely pleased with staff work on the project. Staff did a thorough job to think about the issues with other schools and include lessons learned and reflected in conditions of approval. These include the annual report and the communications. One issue that was not addressed that we have learned from our experience with other schools is that there are some expectations from the community that there will be a single point of contact and communication with the neighborhood single communications plan including a web site and emails with a list of major school events. Want to ensure we do everything we can to minimize conflict between the school and neighbors. I would like a condition of approval that requires the applicant to develop a communication plan that includes the types of low cost options mentioned, such as sending out once or twice a year an email notifying neighborhood of special events and a single point of contact so that people know who to contact with issues. *Staff:* Staff Planner handed out paperwork with potential condition language to the Commissioners.
- Another thing we are concerned about is when outside groups use the facility, that there be a management program for the city so we can avoid a potential conflict. *Staff:* 2 slides, one showing neighborhood communication plan – new condition being proposed. Nueva has done this at their Hillsborough location where they are surrounding by single family residences. Staff further described the basis of the new condition being proposed. A second condition was presented that is a revised condition – E1.11 Written Annual Compliance Letter and would require the submittal of a list of dates that the school facility is scheduled to be utilized by non-Nueva organizations for any event with an anticipated attendance of over 150 people. This list would be required to be updated during the school year with any new event dates not known at

the time of the original letter submittal. Note there are no proposals right now for any use of the school by non-Nueva organizations but the school is open to future discussions for these use of some of their facilities. City wants to be aware of any large events held at the school. The applicant thoroughly reviewed all conditions and these modified conditions have been discussed with the school and they are amenable to this new condition and modified condition.

- *Commissioner:* Want to clarify that the intent of the condition of approval was to let the neighbors know the dates of any school event: change “school events” to “any event at the school site.” *Commissioner:* Please explain who the “immediate neighbors” are and what the “neighborhood” is. The only immediate neighbors are the affordable housing site or the entire area? Would benefit from a better definition. Don’t have any issues with this conceptually. Please clarify. Would not limit this to the neighborhood. *Staff:* Open to interested parties. Intent would be adjacent neighbors as they have the greatest concerns with respects to noise and parking. No specific distance has been defined because we wanted to have an opt-in email list that could include residents further away. *Commissioner:* change condition wording: change “immediate neighbors” to “neighborhood and interested parties”.
- Was the applicant aware that we were going to have these additional items brought up tonight? *Staff:* Yes, because a commissioner phoned me before the meeting I was able to do some advance work and I did discuss this with applicant. The applicant is amenable to the change in these conditions. Have not heard from any neighbors on this project because there are no neighbors here yet. Benefit of this site is that it will be known to future residents that there is a school here.
- *Commissioner:* Two more issues that I want to bring up. Concern about the fume hoods from the science labs which are located close to the residential. There are times when the air is stagnant or may blow backwards across the neighbors. Is there a way to address this issue to make sure the design don’t affect the neighbors. Bringing this up now because it is often easier to deal with this at the siting of the fume hood and not the (receptor) residence. Want to provide a mechanism for Nueva to determine how to make these fume hoods better now. *Staff:* The applicant is aware of some Bay Area Air Quality Management District (BAAQMD) permit requirements and would have to be in compliance. Could require that the applicant examine this issue in more detail. This would be a new condition titled “SCIENCE CLASSROOM EXHAUST” – studies are often required to be prepared and submitted with the building permit. There may be some solutions that can be integrated into the design and ensure that the school examines this issue. *Commissioner:* Is the school okay with this? *Applicant:* Conceptually we are in concert of this idea and don’t want to create a situation where someone is getting bad chemicals. We would like to modify the language a little bit. We want to be in concert with BAAQMD requirements. Further language was discussed between commission, staff, and applicant. Applicant suggested doing an analysis of their activities such that they are in compliance with the BAAQMD requirements. Want to “prepare a study of consistency with the BAAQMD permit requirement, including specifically a study of science classroom exhaust airflow toward adjacent uses.” .

Commission: Would you be willing to specifically consider odor at the neighboring residence? *Applicant:* We're good. *Staff modified the existing language.* *Attorney:* Agreed that wording was better. *Commissioner:* Not clear what purpose the study serves. Meeting permit requirements doesn't necessarily address potential odor impacts on adjacent residents. There is nothing to indicate what should be done with the study. Study could recommend more stringent mitigations than the permit would require. Nothing in the condition that states what you do with the study Who should the study be submitted to? *Staff:* Building Division. *Commissioner:* Normally would want a quantitative requirement, but do not want an expensive risk assessment because of the small scale of the science labs. Odor impacts are hard to assess. My sense of the applicant is that they would act on recommendations. Do not want to require specific implementation. Don't have an issue.

- *Commissioner:* Who should the study be submitted to? *Staff:* Building Division. *Commissioner:* Add this to the condition. This will mean the study becomes a public document? *Staff:* yes.
- Amphitheatre is still a problem for me. Not sure what to do. Many different things could be done: reorient the direction of the theatre, restrict hours of use, build temporary acoustic wall, etc. Creates an ongoing conflict. Is the school intending to use sound amplification? *Applicant:* Remain within noise ordinance limits. This should preclude us from using any large sound amplification equipment. *Commissioner:* What about limiting the times where sound amplification can be used? In terms of the use: the school hours are 7:30am to maybe 3:00pm, so the bulk of uses would be during that time frame and one-hour short time spans. What types of uses are envisioned? *Applicant:* Do not know specific uses and time frames. For example, a Shakespeare club might be possible. We don't want to preclude sound amplification as long as we stay within the noise ordinance limits which are included in the conditions of approval. We did limit the hours of use in the condition to daylight hours. I am hesitant to try and craft anything beyond the city's noise ordinance. *Commission:* This is daylight hours, which could long. What is the occupancy of the gymnasium? *Applicant:* 600. We have installed lighting and other conduits so that large productions could be held in the gym and not the outdoor amphitheatre. Do not have a program for the amphitheatre as it is a placeholder. *Commissioners:* Do we allow amplified music in public open space? *Staff:* Yes, by permit only. *Commissioner:* Do we allow large gatherings (more than 30-50 people) without a permit? *Staff:* Freedom of assembly contains some provisions for this issue. The City's noise ordinance includes a provision for a such activities with a maximum decibel level of 60 between 7am and 10pm. Special events not to exceed 80 decibels are exempted from the chapter when approved by appropriated entities. *Commissioner:* Condition E1.6. How would the school feel about removing the word 'dusk'. *Applicant:* The school feels strongly about keeping this. *Commissioner:* How about limiting this to school use only? *Applicant:* we are fine with that change. *Commissioner:* I would suggest we leave this as is in the wording that it is for school events only. Added language: "The use of the amphitheatre shall at all times be limited to school use only."

- The orientation of this amphitheatre still concerns me. An option to this would be limiting amplification but there are times of year when it is okay. Can we change the orientation of it? Perhaps require construction of a sound wall if the theatre has not been built within 5 years? I don't feel it would be desirable to live so close to these types of activities. You would never have any peace. *Commissioner:* Is the noise consultant here? *Staff:* Yes, Charles Salter. *Commissioner:* I would like for him to explain some things such as what does 60 decibels mean to a layperson? *Consultant:* 65 decibels is equal to the sound of a passing car. When asked about this initially I did not see this issue because the noise was similar to the vehicle noise. However, in this case there is new activity with no housing as opposed to existing housing and a new activity. Multi-family housing will be required to meet noise standards with superior sound-rated windows. The change in the orientation may not work – the reflection of the noise off the building could make things worse. Best protection is the sound rated window. *Commissioner:* Did not take into account the residents using the open space. *Consultant:* Suggest that this be examined in real time- take a poll of the community and identify uses, the duration, the loudspeaker sound level that could be adjusted based on real complaints. The school wants to be a good neighbor. This would be the best way to proceed given the lack of information. *Commissioner:* Difficult to implement these things as a condition of approval. *Commissioner:* Neighborhood Communication Plan requires the on-going dialogue between the school and the neighborhood. Perhaps the school can be cognizant and mitigate any issues with regard to sound that arise from the neighborhood. Can we ask for an annual community meeting until the theatre is built? *Applicant:* What I just heard seems a bit more expansive. Applicant expressed additional concerns with this wording and wanted to limit the meeting to only the affordable housing residents and only to the time frame when the outdoor amphitheatre exists. Staff made some additional modifications and the school is amenable. Added language: “The school shall hold an annual meeting (beginning when the adjacent affordable housing is occupied and until theatre construction commences) inviting the adjacent affordable housing residents to meet and discuss concerns with the school.”
- Member of the Commission part of a citizen advisory committee 10 years ago and is now finding how things are moving forward. This school is a great addition to San Mateo. Mentioned numerous ways the applicant has tried to make this a better project based upon concerns expressed by the Commission at a study session.
- I remain concerned about the compatibility of the school with the neighboring park. It is important to not think of the park as belonging to the school.
- There is not enough bicycle parking on the site. The plans show too much parking for vehicles.
- Is there a colors and materials board available? I have a question about the perforated screen over the lobby area. Very attractive but is there a function to that screen? Is there a roof deck shading an area below? Want to understand the scale and dimensions of the corrugated cement panels- is it 2-3”? *Architect:* Yes, the reason for the size of the panels is to break down the scale and mass of the building, and to have a durable

material for building maintenance. This corrugated cement panel will change its appearance as the sun moves across it giving it more definition. Like the richness and variety that it brings to the building.

- Recommendation by Larry Cannon, Design Review Consultant, to add more of the panels to the west wall of the theatre building? Has this been decided yet? *Architect:* Went back and forth on this. We agreed to the final design included in the letter. *Commissioner:* Add page number to this condition pertaining to this issue as well.
- The color renderings show that one of the elevations has no color on it while the other 3 do have color. *Applicant:* Yes, we can add color to the western elevation as well as the corrugated cement panels. Color can be added to provide a consistent expression of color around the building(s). *Staff:* Color is something is often resolved on the staff level. Staff added language to the new condition on design that the applicant would examine the use of additional color on the theatre elevation.
- Architectural feature on the 28th Avenue façade – this works well if you are driving along 28th, but when viewed from the linear park or from a vehicle facing the site the feature appears too narrow- like a blade. Would prefer it to have more heft. *Architect:* Examined this issue in great detail with other architects. The vertical element on axis is part of an overall composition which includes the brightly colored sunshade elements that run horizontal. When we compared this to the approved feature on the south end of the park this was an overall massing feature rather than a vertical feature. We all agreed that it was more appropriate to think of the entire façade viewed from the park as the architectural features with the vertical element as the explanation point. Laser cut letters on the blade. will cause a shadow on the wall and make it more dynamic but hard to express in the two-dimensional plans.
- Enjoyed reading the letters from the school parents and students.

Motion by Commissioner Bonilla to approve the project by making the following motions:

- Adopt Addendum #2 to the Previously Certified Final Environmental Impact Report for the San Mateo Rail Corridor Plan and Bay Meadows Specific Plan Amendment
- Approve the Site Plan and Architectural Review for the development of a private high school as modified by the Planning Commission specifically the addition of three new conditions of approval titled “SCIENCE CLASSROOM EXHAUST”, “NEIGHBORHOOD COMMUNICATION PLAN” and “FINAL WESTERN WALL DESIGN” and the modification of two existing conditions #E1.11 “WRITTEN ANNUAL COMPLIANCE LETTER” and #E1.6 “USE OF INTERIM OUTDOOR AMPHITHEATRE.”.

Motion 2nd by Commissioner Massey

Vote Passed 4-0 – motion passes This decision is final with the Planning Commission unless appealed in accordance with the San Mateo Municipal Code.

COMMUNICATIONS/ANNOUNCEMENTS

1. Communications from Staff

- a. One more Planning Commission on 12/18/12 to determine if 501 N. San Mateo Drive is a legal non-conforming use

2. Communications from the Commissioners

ADJOURNMENT

There being no further items before the Planning Commission, Chair Whitaker adjourned at 10:30 p.m. on Tuesday, December 11, 2012.