

*City of Albany*  
**Planning and Zoning Commission**  
**Staff Report**

Meeting Date: September 25, 2007

Prepared by: \_\_\_\_\_

Agenda Item:

Reviewed by: \_\_\_\_\_

Subject: 1600 Posen Avenue, Albany\*. Planning Application 06-091. Design Review. Request for Design Review of structural and landscape elements of the Saint Mary's College High School Athletic Field Renovation Project. Mitigated Negative Declaration proposed.  
(\*The site is also known by the mailing address of 1294 Albina Avenue, Berkeley)

**Applicant/Owner:** Dahanukar Brandes Architects/Saint Mary's College High School

**Recommendation**

Staff recommends that the Planning and Zoning Commission hold a public hearing on the proposed designs of structural and landscape elements of the Field Renovation Project.

1. Approve the proposed mitigated negative declaration, and
2. Approve design review subject to findings, applicable mitigation measures, and additional design conditions recommended by staff per (Attachment A - Findings, and Attachment B - Conditions of Approval.)

**Previous Actions**

Saint Mary's College High School (SMCHS) operates under a City of Albany Conditional Use (CUP) that was approved by the Planning and Zoning Commission in 1993 and was upheld in 1994 by City Council Resolution No. 94-37, following an appeal. The CUP allowed an expanded, co-educational enrollment, an expansion of the gymnasium and a new parking lot. The approval superseded Conditional Use Permit No. 587. The approval was based on a Negative Declaration. The 1994 action included design review and a variance of four feet on the height of the gymnasium. (Resolution No. 94-37 is attached for reference, with a covering summary. See Attachment M)

In 1999 the Commission approved DR 99-24 to allow construction of Frates Hall, a classroom building. In order to maintain compliance with a limitation, established by CUP 93-27, on the allowable square footage of classroom space, a design review condition required removal of 3,032 square feet of classroom space through a combination of demolition and conversion to non-habitable space. In 2005 the Commission approved an application by SMCHS for a use permit amendment to avoid the loss of the 3032 square feet. However that action was overturned on appeal to the City Council.

**ATTACHMENT K**

Neither the 1993 use permit or subsequent design review and appeal actions addressed the use of or improvements to the athletic field.

On July 14, 2006 SMCHS submitted an application for approval of an updated master plan for future campus development, including the near-term renovation of the athletic field facilities. Subsequently, the following public meetings were held regarding the application:

- A public meeting was held on December 6, 2006 to help determine the scope of the environmental review of the application;
- The Planning and Zoning Commission held a study session on the proposed master plan and the field renovation on February 13, 2007;
- The Commission made a public tour of the athletic field facilities on May 8, 2007;
- The Commission opened a public hearing on a proposed draft mitigated negative declaration on the field renovation project on May 22, 2007 and provided comments on plan submittals.

Following the May 22 hearing, the applicant has made revisions to plans for the field renovation, and the City's environmental consultant has completed responses to the comments made during the public comment period on the draft mitigated negative declaration. A public hearing has been scheduled for September 25, 2007 to consider action on design review for the field renovation.

### Project Description

The "Project" consists of improvements to the outdoor athletic field areas of the SMCHS campus, summarized as follows, *with italic notes on changes in the project as originally submitted (the changes are also summarized at the end of the list of project elements):*

- 1) rebuild the existing six-lane track, including an eight-lane straightaway section, within the existing track footprint;
- 2) replace the turf playing field with a synthetic turf field and a drainage system capable of sustained detention of storm water so as not to increase stormwater discharge off-site;
- 3) install a new baseball infield, renovate the existing backstop, and install new chain link dugouts, bullpens, and a batting cage;
- 4) provide electrical improvements to include new outlets around the perimeter of the track, electricity at the baseball field for ball machines, and electrical service to the proposed athletic equipment storage building;
- 5) install conduit for future communication and sound system improvements, including future phone and data lines to the proposed athletic equipment storage building. [*No installation of a sound system is proposed as part of the current project*];
- 6) extend the height of the existing baseball foul ball netting protecting the residences fronting Monterey Avenue from current 45 feet to 65 feet [*the height extension has been deleted from the project*];
- 7) install a pre-engineered metal building (approx. 1,500 square feet) for storage of athletic and maintenance equipment at the northeast corner of the site, to replace existing storage containers. [*The building is now proposed to match other campus buildings, with plaster walls and*

*tile roof;*

- 8) replace the existing bleachers with new aluminum bleachers with an equivalent capacity (approximately 900 seats);
- 9) landscape improvements including:
  - clean up of landscaping along the Monterey Avenue side of the track while still maintaining screening for the adjacent residences;
  - removal of existing eucalyptus trees along Posen Avenue due to safety and maintenance concerns, with new planting of deciduous trees and related planting adjacent to the curb and sidewalk;
  - erection of a retaining wall at the property line along Posen Avenue, with a height ranging from 6 ft. to 8 ft., topped by a 4-foot high metal fence. [*The retaining wall has been deleted from the project; instead, a fence of ornamental iron, 6 ft. high on top of a concrete curb varying up to 2 ft. in height, is to be erected along the property line*]; planting of additional trees and shrubs between the property line and the track for screening purposes;
  - at the northeast corner of the site, where the elevation of the street is higher than the track and the proposed athletic equipment storage building, installation of a retaining wall approximately three feet in height and/or bermed planting area on the inner side facing the track; [*revised plans show a retaining wall of up to 6ft. above floor level of the storage building, with the top of the wall at approximately the existing grade;*]
  - install an irrigation system to support all new landscaping elements.

*Since the original application, the applicant has made the following changes in project plans: 1) installation of a sound system is no longer proposed as part of the current project; 2) the height extension of the baseball foul netting has been deleted; 3) the retaining wall along Posen Avenue has been deleted, in favor of a fence of ornamental iron, 6 ft. high on top of a concrete curb varying up to 2 ft. in height, to be erected along the property line; 4) the storage building is now proposed to match other campus buildings, with plaster walls and tile roof, and will be screened by a retaining wall of up to 6ft. above floor level of the building, with the top of the wall at approximately the existing grade.*

Regarding item 5, conduit for future communication systems, the applicant has asked that the Commission be sent, for information only, a report by Salas O'Brien Engineers, which was part of the original application submittal. (See Attachment N.)

*Use of renovated facilities:* The renovated track and athletic field is intended to support the same programs as those that are currently offered by SMCHS (e.g., cross country, football [varsity, junior varsity, and when there is sufficient student interest, freshman] soccer, baseball, softball, lacrosse, track and field, and physical education programs). There are no additional programs being considered, and all programs are in keeping with the school's existing Conditional Use Permit. In the absence of sport field lighting, activity at the field would be limited to daylight hours, as is currently the case.

### **Background on Application**

*City actions required for field renovation:* Implementation of the SMCHS field renovation project does not require any amendment to City Council Resolution No. 94-37, as no changes of use are proposed, and no classroom space is involved. (A copy of the Resolution, with covering summary, may be found in Attachment M). For purposes of gaining approvals for construction of the field renovations, an application for a grading permit was submitted on January 16, 2007 by Beals Alliance (now known as Verde Design), the designers of the field project. Proposed turf replacement, drainage improvements and underground installations will be subject to a City grading permit to be reviewed and approved by the City Engineer. Elements of the project that involve structures or landscaping - the bleacher replacement, the equipment storage building, a new fence along the Posen Avenue property line, and associated new landscaping - are subject to design review approval by the Planning and Zoning Commission. Action by the City Engineer on the grading plan will be taken subsequent to design review approval.

*Application submittal:* Dahanukar Brandes, campus architects for SMCHS, submitted an application for an amended conditional use permit and CEQA review on July 14, 2006, for the purpose of gaining City of Albany approval of a new campus master plan. As submitted, the proposed master plan included the field renovation project as described above, plus an array of longer-term projects intended to enhance the schools capacity to meet the needs of students at current enrollment levels; no change in the enrollment authorized by the current use permit is proposed. The master plan projects include construction of a new music building, a chapel, multi-use facility including performing arts and an additional classroom building. The master plan also calls for renovations, expansions and seismic upgrades of existing buildings, the demolition of one building, and improvements to the campus entry at Albina Avenue. On-site parking would be increased by 15 spaces. The master plan projects are anticipated to be completed over a period of 10-20 years, largely depending on the availability of funding. The application was supplemented on September 15, 2006 with additional information requested by City staff, and on November 13, 2006 with specific requests for modifications of certain conditions of CUP No. 94-37.

As both the master plan and the field renovation project require discretionary approvals by the City, both are subject to the review requirements of the California Environmental Quality Act (CEQA). Of the many elements encompassed by the master plan, only the field renovation project is intended for early implementation and has been subject to detailed design. No other projects are on SMCHS's immediate horizon. The City determined that a separate CEQA review of the field project should proceed, as discussed in the next section of this report.

Additional updated materials were submitted on August 24, 2007 for design review of the field renovation. See Attachment D for grading plans, Attachment E for replacement bleacher designs, Attachment F for landscaping plans, and Attachments G and H for architectural plans for the equipment storage building and fencing.

## Discussion

The following discussion is presented in two parts, corresponding to the two decisions on the project that the Commission will make. Part A addresses design review of the structural and landscape elements of the field renovation project. Part B addresses the environmental analysis and action on the mitigated negative declaration.

### Part A: Discussion of Design Review

As described in the Background section of this staff report, much of the Field Renovation Project, including proposed turf replacement, drainage improvements and underground installations will be subject to a City grading permit to be reviewed and approved by the City Engineer. This grading permit does not require action by the Planning and Zoning Commission, either an amendment to the use permit or as design review. However, elements of the project that involve structures or landscaping, including the bleacher replacement, the equipment storage building, a new fence along the Posen Avenue property line, and associated new landscaping, are subject to design review approval by the Commission. Because the two approval processes are linked in a single project, and because design review requires a public hearing, it is appropriate that the Commission's decision would precede that of the City Engineer. Therefore action to approve the grading plan will be taken subsequent to design review approval.

The project elements that are subject to design review approval are discussed individually in the design analysis section below.

### *Design Analysis*

#### 1. Bleachers:

The replacement of the existing bleachers is proposed in response to ADA requirements for accessibility by disabled persons. The location and the existing structure of the bleachers do not lend themselves to retrofitting for accessibility. The replacement structure would be more substantial and would meet current construction standards. Seating has been designed to be the same as, or less than, the current capacity of 910 seats.

As illustrated on Drawing #3 of the landscape drawings in Attachment F, the new structure would be in the same location as the current one, except that it would extend about 32 feet further to the east and about 21 feet further to the west; in exchange, the maximum height would be reduced by 6 feet-5 inches, from 38 feet -3 inches to 31 feet -10 inches. The easterly end would be 22 feet - 10 inches above existing grade. In terms of how much structure would be visible above the level of the track and field, a vertical area of 912 square feet would be eliminated from the top of the bleachers, while the new side extensions would amount to 829 square feet, a net reduction. Two elements of the design would further reduce the apparent solidity of the structure: 1) the upper 6 feet of the bleachers would be composed of a safety railing of chain link material; and 2) the risers between each seating level would include openings 4 inches high, running the full length of the seating areas, broken by solid material in the five locations where stairs occur. (This is the maximum opening permitted by code.) (See Attachment E, Bleacher Plans, Sheets 1 and 2.)

The Bleachers structure would be constructed of non-coated aluminum on a steel support system. (See photo attached to Attachment E.) The chain link fencing is proposed as zinc-coated to coordinate with the aluminum finish; however the project designer suggests that vinyl coating could be an option. Top railings are called-out as "anodized", but that does not represent a different color from the rest of the structure.

Set backs of bleachers: Pursuant to Table 2.B, Section 20.24.020 of the Planning and Zoning Code, site regulations for the PF district are not specified in the Code, but are determined by the Planning and Zoning Commission during Design Review approval. One corner of the upper part of the bleachers structure would sit as close as one foot from the property line, as is the case with the existing structure. Corners of the eastward extension would be about 2 feet from the property line. However, the setback increases to 16 feet at the new west end of the structure. Street trees and one of the property line trees will soften the appearance of the bleachers at the minimal setback at the east end. (See Attachment F, drawing 1 for the planting plan.)

2. **Storage building:**

The 1500 square-foot storage building is intended to provide a permanent place for storage of field maintenance and athletic equipment and supplies that are now stored in two shipping containers that are located next to the baseball diamond. The containers contain about 400 square feet. The additional 1100 square feet would allow for additional, specialized equipment needed for maintenance of the artificial turf, as well as for indoor storage of equipment that is now stored outdoors.

The building was originally proposed as a "pre-engineered metal storage building". As described in the August 3, 2007 letter from Verde Design (Attachment C), and the architectural drawings and additional materials (Attachments G and H), the walls of the building walls would be plaster painted to match other campus buildings (off-white) and the roof would be covered with terracotta-colored concrete tiles to match the color and finish of other campus buildings. On the south side, facing the track, an entry door and two overhead doors are proposed. The overhead doors would be a dark bronze anodized aluminum framing system similar to the window framing system of the weight room wing of the gymnasium. The wall vents in the storage structure would be similar to the louvers in the high wall of the Gym/Auditorium. (Attachment H includes a photo of the weight room to illustrate the details and materials described above. A copy of a brochure from Overhead Door is also included.)

To avoid interference with the Golden Gate view from the residence abutting to the east at 1566 Posen, the height of the storage building has been limited to under 14 feet, and the building has been situated near the street (10 feet from the property line), but set well below the existing grade at that point, so that the base of the roof slope is about 2 ½ feet above grade. A retaining wall follows the transition of the grade from the field level to the property line level, with the building being 3 feet from the wall. A gravel walk would cover the space between the building and the retaining wall, and concrete paving would cover the space between the building and the edge of the track. From the Posen side the building would appear principally as a low, tiled roof, seen beyond two rows of trees, a fence, and ground cover planting, as described below.

Set backs for storage building: As noted above, set backs in the PF district are determined by the Commission during Design Review approval. The 10-foot setback of the storage building is less than the 15-foot front setback required in the adjacent R-1 district; however, the change in grade and the screening should make the 10-foot setback acceptable.

**3. Street frontage planting:**

All existing trees in the Posen Avenue right-of way and along the northern edge of the track - including eucalyptus, acacia and a small number of street trees of various species and maturity - are to be removed. New street trees are proposed to be Washington thorn (*Crataegus phaenopyrum*), planted in 24-inch boxes at 20-foot centers, with tree grates. Between the street trees, 24-inch wide concrete strips would connect the curb and sidewalk, to aid exiting from vehicles. The remaining ground between the curb and sidewalk would be covered with Asian jasmine (*Trachelospermum*.) The same ground cover would be used from the inside edge of the sidewalk to the base of the property line fence, alternating with cotoneaster (*cotoneaster dammeri* 'Lowfast') in 20-foot sections. One-gallon plants would be used. (See Attachment F, Landscaping Plans for a plan view, section and profiles showing tree growth at different stages.)

It should be noted that *Trachelospermum* is not listed among "bay friendly", summer drought tolerant plants endorsed by East Bay Municipal Utilities District. (EBMUD). A condition of approval recommends substitution of an acceptable alternate.

**4. Landscaping of the edge of the site**

Inside the property line fence, red horse chestnut (*Aesculus X carnea*), in 36-inch boxes, would be planted at 20-foot centers to help screen the storage building. Elsewhere along the property line, additional red horsechestnuts would be located at about 40-foot centers, where the proximity of the track and the bleachers allows. To the west of the bleachers a row of coast live oaks (*Quercus agrifolia*) , also in 36-inch boxes, would line the handicap approach, replacing some existing eucalyptus. The proposal also includes the addition of two crape myrtles (*Lagerstroemia* 'Tuscarora', 36-inch box) near the gym parking lot.

Generally along the inside of the fence line, Carmel creeper (*Ceanothus griseus horizontalis*) would provide a shrubby ground cover about 2 feet high. Elsewhere, including under the bleachers, cotoneaster would provide some variety of color and texture. The base of the bleachers structure would be screened by "razzleberri" (*Loropetalum chinense*), which would be planted in 5-gallon size and could grow to about 6 feet in height.

Aside from the Carmel creeper near the storage building, no new planting is proposed along the Monterey Avenue boundary, where existing trees and shrubs would remain in place (or replaced in kind if damaged during construction).

The razzleberri, proposed to screen the base of the bleachers, is not a plant endorsed by EBMUD, and a suitable substitution could be made. A condition of approval recommends substitution of an acceptable alternate.

Red horsechestnut can develop a spread of 30 feet. As indicated on the planting plan, most of these trees would be located with centers only about 15 feet from the centers of the Washington thorn street trees, which would grow to a 20-foot spread. Eventually there would not be enough clearance to accommodate both sets of branches. Also, according to the City arborist, these two trees differ in their water needs, with the thorn generally requiring less water. For these reasons, it is recommended that a different tree be selected for the inside of the fence line, of a species that would have a more upright growth pattern that would not interfere with the thorn trees. In addition, it is noted that both the street trees and the screening trees are deciduous - the Commission might consider whether it would be more desirable to see an evergreen screening tree so that there would be some foliage year-round.

**5. Fencing along Posen property line**

As noted in the Project Description above, the application has been amended to eliminate a proposed retaining wall along Posen Avenue, with a height ranging from 6 ft. to 8 ft., topped by a 4-foot high metal fence. Instead, a fence of ornamental iron, 6 ft. high on top of a concrete curb varying up to 2 ft. in height, is to be erected along the property line. The design and material of the fence are proposed to match the existing fence along the street side of the gymnasium parking lot. Drawings and two photos of the fence at the parking lot are included in the architectural details in Attachment H.

**6. Other - Fencing adjacent to Monterey properties**

Residents abutting the Saint Mary's campus on the Monterey side have experienced ongoing problems, including errant balls and various athletic field noises, specifically including the "ping" of aluminum bats, and loudspeaker announcements. In recent years SMCHS has discussed erection a high sound wall, but that suggestion has not been acceptable to all neighbors. The environmental analysis for the field renovation project acknowledged such problems, but determined that field usage would have a "less-than-significant" impact on the environment. The determination was based on findings that no significant additional noise would result from the renovation project, and that the Albany Municipal Code specifically exempts regular school athletic events from noise control standards. Section 8-1.7 e. of the code reads,

"Regularly Scheduled School Athletic Events. The provisions of this Chapter shall not apply to regularly scheduled athletic events conducted by public schools or licensed private schools, the City Recreation and Community Services Department , or other seasonal, organized athletic and recreational programs such as the little league, soccer leagues, etc. This exception shall apply only between the hours of 8:00 a.m. and 11:00 p.m."

While there is no environmental mitigation that can be mandated in the absence of a significant impact, the City Zoning Code (Section 20.100.050. D.) does set standards for the Commission to apply in the design review process. Among the standards is "Privacy", stated as follows:

"Attention has been given in the design of the project to avoid significant interference with the privacy enjoyed by residential occupants of adjacent properties. This shall

include consideration of the locations of windows, public entries, parking and service areas, among other elements. Appropriate solutions may include the use of devices such as landscape screening, fences, or obscure glass. The Planning and Zoning Commission should approach solutions with an intent to balance the respective benefits and burdens of the project and the residents of adjacent properties.”

In studying various remedies for neighborhood problems, SMCHS has suggested that construction of a fence, of similar design to the fence between the gymnasium parking lot and properties fronting on Posen, might provide some degree of relief to Monterey neighbors. The fence would be a maximum of 6 to 8 feet tall and would be erected on Saint Mary’s property, near the edge of the track, designed to avoid conflict with existing landscaping. Staff supports the concept of such a fence, and recommends that a condition of design review of the field renovation can appropriately require such a fence for the purpose of maintaining the privacy enjoyed by abutting residents on Monterey. (Illustrations of the existing fence on the Posen side have been included in the materials in Attachment H.)

### ***Conclusions of Design Analysis***

Staff is of the opinion that the applicant has shown sensitivity to the existing design characteristics of the campus, and as well, has been responsive to the concerns of neighbors in matters of the appearance of the bleachers, the location and materials of the storage building, the quality of landscaping proposed, and general concerns for privacy. Changes introduced by the applicant during the course of project review have made the project more acceptable. Therefore staff has recommended findings for design review approval, based on Municipal Code Section 20.100.050.E. (Attachment A.) Recommended conditions of design review approval (Attachment B) generally address compliance with EBMUD plant recommendations, reconsideration of screening trees, ongoing maintenance, the addition of privacy fencing along Monterey properties, and a process of information and review of field activities.

### **Part B: Discussion of Environmental Analysis**

*Separate CEQA reviews:* The City contracted with the planning firm Lamphier-Gregory to prepare two separate environmental analyses of the SMCHS requests for approval of a master plan and approval of the field renovation. Although the field renovation project was described by the applicant as a stage of the master plan proposal, separate studies are appropriate because of the different natures of the two requests, as noted below:

#### *Field renovation:*

- The field renovation is an immediate construction project that SMCHS intends to undertake within a year of the date of this report. Detailed construction plans have been submitted and are under review by the City.
- No use permit amendments or variances are required, and SMCHS could apply for approval even in the absence of drafting a master plan. The proposed storage building is intended to replace metal cargo containers that have been in use on the campus for many years, at least prior to the current use permit approval in 1994. The containers were not

included in the floor area calculations that were used for the use permit limit on classroom space.

- Potential environmental issues are associated primarily with the effects of proposed grading and drainage work, particularly as they might affect Codornices Creek. Other potential issues are visual impacts, noise impacts, geological stability and temporary traffic impacts during the construction phase. The project falls within the scope of a grading permit, with the exception that new structures and landscaping are subject to Planning and Zoning Commission design review approval.

*Master plan:*

- The master plan addresses future development of the campus over a ten- to twenty-year period, and includes elements that were not anticipated in the current use permit.
- The approval of the master plan is the opportunity to update the conditional use permit, which could include conditions of approval related to field activities, as well as enrollment, building size, hours of operation, types of activities, traffic and parking operations, and on-going monitoring and enforcement.
- Unlike the field renovation, other projects listed in the master plan have not been planned in detail and none are expected to be constructed within the next five years.
- Potential environmental effects include traffic and parking, due to possible access changes; general land use and aesthetic effects of new and enlarged buildings at various locations on the campus; geology, water quality and noise.
- As compared to the very definitive plans for the field renovation, the longer range, less specific plans will require a more generalized analysis. Since the effects are likely to be more complex and more broadly distributed than those of the field renovation, the public review process may be more intense and may require a longer time.
- The Planning and Zoning Commission may require extended time to consider all of the implications of requested changes in previous conditions.

*Status of CEQA reviews:*

- *Field renovation:* City staff has accepted an Initial Study of the field renovation project completed by Lamphier Gregory ([Attachment K](#)). Based on the Initial Study, the Planning Manager made a determination that "although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent." Consequently, a [Draft Mitigated Negative Declaration \(Attachment I\)](#) was prepared for public review. The City issued a "Notice of Intent to Adopt a Mitigated Negative Declaration", which announced a public review period that began April 20, 2007 and ended May 23, 2007 and included a public hearing held by the Commission on May 22, 2007. Notice was mailed to residents and owners within at least 300 feet of the Saint Mary's campus, as well as to a list public agencies that may have interest. The notice was also posted at the Community Center and the City Hall, and published in the [West County Times](#). The documents were made available for review at the Albany Library and the Community Development Department, and were posted in full on the City's web site.

Although responses to comments on a mitigated negative declaration are not technically required by CEQA, Lamphier-Gregory has assessed all public comments made during the

public review period, and has prepare a written response to substantive comments (see Attachment L). That document was made available to the Commission and the public on September 14, 2007. Commission action on the Mitigated Negative Declaration is now scheduled for September 25, 2007. Assuming the Commission adopts the Mitigated Negative Declaration, the design review can be considered for approval at the same meeting, and, based on design approval, the City Engineer's action on the grading plan elements can then ensue. If approved, construction would occur mid-2008.

- *Master plan:* With the field renovation Initial Study completed and under public review, Lamphier-Gregory has begun work on the CEQA review of the master plan. Traffic counts and analysis are expected to be completed in September. The tentative schedule calls for a public review period of the Initial Study in late 2007.

*Summary of Initial Study of field renovation project:* The Initial Study includes a detailed description of the project, including a schedule of anticipated uses of the facilities. An evaluation is made of potential environmental impacts in each of seventeen subject areas required by the CEQA guidelines.

Potentially significant impacts were identified in the following five areas:

- Air Quality (dust associated with grading).
- Biological Resources (potential displacement of special-status birds if trees are moved during breeding season).
- Cultural Resources (potential uncovering of any historical, archeological, paleontological resources or human remains).
- Geology and Soils (potential seismic hazards, erosion, and soil instability).
- Hydrology (potential effects on water quality).

The Initial Study recommends mitigation measures to reduce all potentially significant impacts to a level of "less than significant". Generally the measures are standard precautions or procedures to avoid impacts and to assure construction standards are met. The recommended mitigation measures are listed in the Draft Mitigated Negative Declaration (Attachment I), and would become mandatory conditions of the project if the project were approved. The mitigation measures are also listed in the Mitigation Monitoring Program (Attachment I), along with responsibilities for implementation and monitoring and the timing of those activities.

In the CEQA subject areas other than the five noted above, the Initial Study found either that there were no impacts, or that any potential impacts were less than significant and did not require mitigation. While no significant noise impacts were associated with the proposed track and field improvements, the study includes suggestions of "good neighborhood practices" that may reduce some problems of existing noised levels. (See Initial Study, pp. 62-64).

#### ***Identification of Key Issues / Comments from Comment Period***

Issues listed below were identified in the Scoping Session that was held December 6, 2006 (see letters in Appendix A to Initial Study), the Commission study session of February 13, 2007, the May 8, 2007 site visit by the Commissioners, communications with staff, and comments received so far on the Draft Mitigated Negative Declaration. While some issues may not be have been

determined to be directly related to potential environmental impacts, they may be appropriate for consideration in the design review. However, for purposes of the consideration of the Draft Mitigated Negative Declaration, the Commission should focus primarily on comments that are relevant to the CEQA documents.

Future use of the athletic field. (Some parties are concerned that more intense use may ensue from enhanced facilities, including proposed improved sound system)

Proposed equipment and maintenance building. (Purpose, size, finishes)

Landscaping. (Removal of existing trees along Posen, replacement materials, long-term maintenance of landscaping.)

New bleachers. (Height, linear extent, transparency vs. screening)

Posen Avenue property line wall. (Necessity, height, finish, effect on neighborhood) *SMCHS has suggested the alternative of a simple metal fence at essentially the same location as the current fence; this would mean less of the excavated soil would be retained there, and more hauling would be required to remove the soil from the site.*

Vertical extension of foul ball netting. (Height and appearance.) *Proposed in response to neighbors' complaints, but there may be agreement that neighbors no longer find this to be necessary.*

Mitigation of existing noise along Monterey property line. (Height, location, acoustical effectiveness of any fence or wall). *No resolution to this issue was included in the current application, or in the environmental review. However, alternative ideas remain under discussion.*

Vegetation along Monterey property line. (Plans include removal of underbrush. Some neighbors have expressed concern that trees would be removed.)

As required by CEQA, the City invited public comments on the Initial Study and the draft Mitigated Negative Declaration. The 30-day comment period closed May 23, 2007, and included the public hearing held by the Planning and Zoning Commission on May 22, 2007. Major Issues that were identified in public comment period, in the order of their frequency, were:

- Student parking/traffic
- Field noise
- Wall along Posen
- Master plan / cumulative impacts

Among the written responses to the draft Initial Study and Mitigated Negative Declaration was detailed analysis from Richard Grassetti. Mr. Grassetti raised both technical issues and policy issues with respect to piecemealing of the environmental review and adequacy of the environmental review. In addition, he provided references to various Court of Appeals rulings related to interpretation of the CEQA Guidelines.

Mr. Grassetti is correct that the City should take care describing the project to incorporate the whole of the project in the environmental review. In support of this, Mr. Grassetti sites several important CEQA legal rulings. For example, *Bozung v. Local Agency Formation Commission* (1975) involved the City of Camarillo annexation of 677 acres of agricultural land for urban development. The development project was set in motion by LAFCO approval. The LAFCO, however, did not conduct any environmental review of the proposed development project before approving the annexation. In addition, *McQueen v. Board of Directors of the Mid Peninsula Open Space District* (1988) involved the acquisition of US Air Force property that was contaminated with PCBs. The District concluded the acquisition was categorically exempt from CEQA. The Court found that the notice of the categorical exemption did not disclose the existence of hazardous materials or the district's interim management plan for the project.

Later in Mr. Grassetti's letter, in the context of noise concerns, reference is made to the case of *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001). This case also is relevant to the question of piecemealing the environmental review. In the *Berkeley Keep Jets Over the Bay* case, the court ruled against the claim of piecemealing, noting that environmental review does not have to include future actions unless the future projects are a reasonably foreseeable consequence of the initial project and the future action would change the scope or environmental impact of the initial project. In the case of the St. Mary's field renovation, staff does not believe that this project is functionally linked to any future school project.

In addition, it also should be noted that CEQA Guidelines Section 15302, exempts replacement or reconstruction of existing structures where "the new structure will be located on the same site as the structure replaced, and will have substantially the same purpose and capacity as the structure replaced." Based on advice from legal counsel, in the case of the resurfacing of the Golden Gate Fields track, the City concluded that the project was categorically exempt from CEQA.

With respect to concerns about the adequacy of the project description, reference was made to the CEQA litigation *County of Inyo v. City of Los Angeles* (1977). The case involved the export of water from the Owens Valley to Los Angeles. The issue the Court had with the environmental review was that the approved project described in the final environmental impact report was a markedly larger water diversion project from the project initially described in the project description. Similarly, with respect to the level of detail that should be included in a project description, there have been a variety of cases, with the general conclusion that the project description needs to be detailed enough to allow an analysis of environmental consequences, and subsequent approvals may involve more detailed information.

Mr. Grassetti also commented on the project's compliance with Federal Clean Water Act Section C.3 requirements for on-site treatment of stormwater. See Responses N-12, QQ-4 and Appendix A in the Response to Comments ([Attachment L](#)). The field project includes a detention basin designed to retain water prior to discharge, which will allow time for settling of pollutants. As SMCHS will be responsible for cleaning and maintaining the drainage infrastructure in perpetuity, this constitutes compliance with C.3 requirements. Additional treatment measures could be incorporated in the design if such were found necessary. The use of synthetic turf conserves water and eliminates the need for fertilizers and herbicides, which is expected to more than offset any

potential water quality impacts from runoff. While concerns have been expressed regarding potential leaching of synthetic materials, the literature shows conflicting data, particularly for crumb rubber, which has been used widely in playgrounds and athletic fields. Regarding Mr. Grasetti's comment on the lack of analysis of potential impacts of future master plan development, no design plans have been developed for any projects beyond the field improvements, and it is thus impossible to develop estimates of runoff from future projects with any accuracy. Conversely, runoff calculations related to the athletic field have been based on precise design plans and an extensive drainage study.

***Conclusions on Mitigated Negative Declaration***

As noted in a prior paragraph, Lamphier-Gregory has completed responses to each comment received from the public. Taking into account the changes that the applicant has made to the project, such as substituting an ornamental fence for the retaining wall along Posen, and revised materials on the storage building, no additional significant impacts have been identified, and no additional mitigation measures have been recommended. A number of conditions of design review approval are recommended by staff (Attachment B), but these conditions are not proposed for the purpose of mitigating significant environmental impacts. Staff recommends that the Commission approve the mitigated negative declaration, with the first finding stated in Attachment A, prior to final action on design review.

**Attachments:**

**Design Review:**

- A. Findings for Design Review approval
- B. Conditions of Design Review approval
- C. Letter from Verde Design, August 3, 2007, re: design changes
- D. Grading plans (Cover and Sheets L-1 through L-7)
- E. Bleacher plans (Sheets 1 of 2 and 2 of 2)
- F. Landscaping plans (Drawings 1 through 7)
- G. Architectural Plans for Storage Building (Sheets 1 and 2)
- H. Additional architectural materials on storage building and fencing.

**Environmental Review:**

- I. Draft Mitigated Negative Declaration
- J. Mitigation Monitoring Program
- K. Initial Study of Potential Environmental Impacts
- L. Response to Comments document

**Other references:**

- M. Summary of current Use Permit (with copy of City Council Resolution No. 94-37)
- N. Sound System Study, Salas O'Brien Engineers