



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember
Donald Rocha

SUBJECT: HARKER SCHOOL

DATE: November 30, 2012

Approved

Don Rocha

Date

11/30/12

RECOMMENDATION

That the City Council approve the staff recommendation and approve the Planned Development Permit for the Harker School Project, with the following amendments:

1. Bus Duck-Out, condition 5.f: Amend condition 5.f to provide that the bus duck-out shall be completed prior to the start of operation of the elementary school.
2. Staggered Start Times, condition 9: Amend permit condition 9 to provide that upper grades shall be 3rd through 5th and lower grades shall be Kindergarten through 2nd.
3. School Generated Travel, condition 13: Amend condition 13 to read as follows: "The Transportation Demand Management (TDM) program shall include designated routes of shuttle bus, carpool, and parent trips that utilize primary arterials, such as Camden Ave., Union Ave. and Highways 17 and 85."
4. Neighborhood Coordination, condition 14: Amend condition 14 to require that the neighborhood liaison shall coordinate outreach efforts with neighborhood leaders as may be designated by any neighborhood association, neighborhood council, or other group that may be formed in the surrounding area.
5. Annual Neighborhood Meeting, condition 16: Amend permit condition 16 to provide that the annual neighborhood meeting shall be noticed to residents residing within 1500 feet of the project site. Additionally, consistent with the recommendation on page 12 of the staff report, require that mail and/or email notice shall also be provided to any resident who has submitted a written request to the Harker neighborhood liaison to receive such notification. The scheduling of the neighborhood meeting shall be conducted in coordination with neighborhood leaders as may be designated by any neighborhood association, neighborhood council, or other group that may be formed in the surrounding area.
6. Transportation, condition 17.d:

- a. Neighborhood Intrusion: Consistent with the recommendation on page 2, paragraph 2 of the Department of Public Works memorandum dated November 5th, add a permit condition that provides that the Traffic Demand Management (TDM) plan will require periodic data collection of Average Daily Traffic (ADT) volumes on nearby residential streets prior to the occupation of the school and during the school session to measure traffic volume changes. Such data should be collected Tuesday, Wednesday or Thursday under normal traffic conditions. At least one such data collection shall be conducted during the first year of the elementary school's operation. Such data collection shall not be used to determine whether the applicant is meeting the 370 trip limit, but shall instead be advisory to the applicant as a means to determine whether additional efforts should be made to communicate with parents about proper student drop-off procedure and travel routes.
 - b. Pedestrian Counts: Add a permit condition that requires the applicant to conduct counts of the number of pedestrians entering and exiting the site. Such counts should be conducted four times a year, twice during the fall semester and twice during the spring semester, and should fall on days when driveway traffic counts are also being conducted. Such counts shall not be used to determine whether the applicant is meeting the 370 trip limit, but shall instead be advisory to the applicant as a means to determine whether additional efforts should be made to communicate with parents about proper student drop-off procedure.
 - c. Frequency of Driveway Counts: Clarify that condition 17.d.i requires monthly driveway counts for every full month that the elementary school is in session. Additionally, amend the same condition to provide that after the applicant has achieved three consecutive years of compliance, the Director of Planning, Building and Code Enforcement shall have the discretion to reduce the frequency of driveway counts to twice a year and eliminate the requirement to conduct pedestrian counts. After three further consecutive years of compliance at two counts a year, the Director shall have the discretion to reduce the frequency to one count a year. The Director shall retain the ability to require that monthly counts resume based on evidence that the applicant has exceeded their limit of 370 peak hour vehicle trips.
 - d. Monitoring Report: Amend condition 17.d.ii to provide that the results of the ADT counts on neighborhood streets and the pedestrian counts shall be included in the monitoring report. Additionally, provide that if the Director of Planning, Building and Code Enforcement reduces the frequency of driveway counts after three years of compliance, the monitoring report shall be submitted annually instead of bi-monthly.
7. Tree Replacement, condition 24: Given that condition 24 of the permit requires that the applicant make a donation to Our City Forest as mitigation for tree removals, request that Our City Forest make tree plantings funded by that donation available to residents residing in neighborhoods surrounding the project site, to the extent that residents have an interest in such plantings.

8. Neighborhood Improvements: Add a permit condition that acknowledges the applicant's offer of \$75,000 to the City, to be used to fund any traffic calming or pedestrian improvements in the surrounding area (such as radar signs, cross walks or islands) that, in consultation with the neighborhood, may be deemed appropriate.
9. Communication with Parents: Add a condition that requires that, on a yearly basis, the applicant will inform parents of designated routes of travel to and from the campus, along with any other provisions of the TDM Program that rely on parent behavior. Such notification may be accomplished through inclusion in a student handbook.
10. Compliance Review Hearing:
 - a. Add a permit condition to provide that, after the elementary school has been operating for one school year, and after the annual neighborhood meeting has been held for that school year (as specified in condition 16) a compliance review hearing shall be held before the Planning Commission. The purpose of the hearing shall be to review the applicant's compliance with the provisions of this permit. If, based on this review, the Planning Commission concludes that additional compliance review is warranted, it may direct that another compliance review hearing be held after the end of the next school year.
 - b. This hearing shall be noticed in the same fashion as the annual neighborhood meeting, to a radius of 1500 feet around the project site. Mail and/or email notice shall also be provided to any resident who has submitted a written request to the Harker neighborhood liaison to receive such notification.
11. Public Use: Given the applicant's willingness to consider community requests for use of the proposed facilities, acknowledge in the permit that Harker will receive and consider (but shall not be obliged to grant) requests for public use of the proposed facility.

ANALYSIS

At the beginning of the outreach process for this project, there was significant and understandable concern from the neighborhood about the impact of the project, including increased traffic, the effect on the neighborhood, and whether the project would be of any benefit to the public. While there is still neighborhood concern, I believe that the public process, at neighborhood meetings, the Director's Hearing and the City Council, has resulted in the steady improvement of the proposed project. During the course of this process, I have met multiple times with the community, with staff and with the applicant, and have benefited greatly from listening to their various perspectives. The recommendations I present here are the result of the listening I have done, and I believe represent a fair approach. I would like to thank staff, Harker School, and especially the community for all the time they have spent working on this issue.