

Exhibit F –Staff Response to Permit Appeals

Planned Development (PD) Permit Appeal

A timely appeal of the Planned Development Permit, PD18-040, was filed on November 25, 2019 by Mr. Brian Ahr. The project appellants include: Mr. Brian Ahr, Ms. Maria Arellano, Ms. Kiran Kadambi, Ms. Sonia Tomar, and Ms. Sujatha Venkatraman.

Staff's response to the points of the appeal are analyzed below, item by item.

Comment 1: We respectfully submit this appeal of Permit PD18-040 in connection with the Harker Middle School Expansion Project. All of the issues specified below have been previously raised during the City's approval process, both in writing and as public testimony. Written public comments were submitted on August 22, 2019, to Thai-Chau Le, via email. Appellants spoke at the Director's Public Hearing on November 13, 2019.

Response 1: This comment is to reiterate that the appeal is based on comments previously made during project review including during the public circulation period of the Mitigated Negative Declaration and on the date of the Director's Public Hearing. No specific response is required here and additional comments and responses are below.

Comment 2: (A)Project has significant changed with minimal to NO community input.

(a)The Project Name is "Harker Middle School Expansion Project". Previously, in PD12-027, the Project Name was "The Harker School Campus" and the MND applicable to PD12-027 only referred to a pre-K to 5th grade elementary school. The project focus has now been significantly altered with very minimal community input. The impact of a middle school is greater than an elementary school due to increased onsite activity during and after school, causing additional traffic and noise to the neighborhood.

(b) Due to the significant change in the permit from PD12-027 to PD18-040, Harker should have engaged in additional community outreach on their new project. The point of engaging the community is to elicit feedback and learn community concerns prior to proceeding with a project. Instead, Harker only held one community meeting which was attended by not more than 8 community members. This was in part because Harker stated that the number of permitted students would be unchanged, implying the number of attending students, and hence impact on neighbors, would be minimal. Harker did present at a Cambrian Community Council meeting a few months later, which Appellant(s) Brian Ahr attended, but he was only aware of it because he regularly attended CCC meetings.

Response 2: The appellant is correct; the Harker Middle School Expansion Project is significantly different from the project proposed under File No. PD12-027 (Harker School Campus). Therefore, the applicant was required to file a new Planned Development Permit, File No. PD18-040, and prepare a new environmental document to review the impacts of the proposed Middle School, including traffic and noise.

The Harker Middle School Expansion project followed the City Council Policy 6-30 for Public Outreach, as described on page 5 of the Planned Development Permit (See Exhibit

A). A development sign was posted on-site informing the neighborhood of the project. A community meeting was held in coordination with the Department of Planning, Building and Code Enforcement and Council District 9's office on December 13, 2018, and a notice of the community meeting was sent to owners and tenants within 1,000 feet of the project site. The applicant team also coordinated with the Cambrian Community Council to attend one of their meetings to present the project to the community and has hosted several other meetings with surrounding neighbors. Additionally, at the request of the community, Staff created a project website updated with the project's plans.

Since the appeal applications were received, the applicant has coordinated with Council District 9 to further engage with the community. Council District 9 hosted a community meeting with the applicant and Planning and Public Works Staff in attendance on January 27, 2020 to discuss the community's concerns.

Comment 3: (c)The health, safety and welfare concerns of the community has been given no regard in this permit. Appellant(s) along with other community members submitted correspondence detailing these concerns to the planning department of August 22, 2019, and then appeared at the Planning hearing on November 13, 2019. NONE of the concerns were addressed but were instead dismissed, and the director found that the permit should be granted because Harker's ownership interest in developing the property outweighs any concerns or objections presented. In fact, the concerns regarding traffic, privates, noise have never even had to be addressed by Harker except in a short 5-minute rebuttal to the appellant at the hearing on November 13, 2019.

Response 3: The 8-22-2019 comments referenced are comments submitted during the public circulation period of the Initial Study/Mitigated Negative Declaration. Staff prepared a Response to Comments and posted the document on the city's website ahead of the public hearing responding to every comment received. Comments received during the public circulation included comments on the project's traffic, noise, and height impacts on the community. (See Exhibit B).

Additionally, the Planned Development Permit included a summary of comments received and responses to the concerns (See Exhibit A, pages 5-6 and pages 8-9). The Middle School use would serve the community as another educational option for the community. Additionally, the Planned Development Permit includes conditions of approval requiring the school to maintain a neighborhood liaison (See Exhibit A, Condition 10).

After hearing public testimony at the 11-13-2019 Director's Hearing, Staff responded to concerns raised during the hearing which included concerns regarding the classroom building's height and setbacks, tree replacement rations, the school's lack of engagement in the community, and the impact the school would have on the surrounding neighborhood, particularly on traffic. Staff noted:

- The two-story classroom building proposed along the northern property line would be set back 23 feet on the first floor and 35 feet 8 inches on the second floor. The 2-story

classroom building setback would be greater than the required rear yard setback for single-family homes in the R-1-8 Zoning District and would be compliant with the A(PD) Zoning's Development Standards. In addition to the architectural window screenings the applicant is proposing, trees would be planted between the new building and property lines for a portion of the new building. The applicant, during the public hearing, indicated a willingness to plant additional trees along the shared property line at the individual neighbor's requests.

- Staff noted, the PD18-040 permit (Exhibit A) included the Neighborhood Coordination, Traffic Coordinator, and Annual Neighborhood Meeting conditions from the previous permit, PD12-027 (Conditions 10-12 in the permit). These conditions require the school to designate a neighborhood liaison to implement on-going continual outreach to address neighborhood concerns, designate a Traffic Coordinator to oversee traffic operations and outreach to the public, employees, and neighbors, and conduct an annual meeting with surrounding neighbors to discuss operation of the school and on-going concerns.
- A new Initial Study/Mitigated Negative Declaration was prepared for the project to update the project description, existing setting, and regulatory environment. The IS/MND included updated requirements related to all CEQA resource sections including updated tree replacement ratios, traffic, bird surveys, and noise. Compliance with mitigation measures identified for the project, are reviewed at the appropriate stage of the project, for example prior to demolition, grading permits, or building permits.
- Staff addressed traffic concerns indicating the project's review was subject to City Council Policy 5-1 and was reviewed under Vehicle Miles Travelled (VMT) policy. The review identified an impact which required a Transportation Demand Management (TDM) Plan with annual monitoring to ensure a 25% VMT reduction is met. Staff also identified pedestrian improvements that the project would make to reduce their traffic impact including the construction a 10-foot wide sidewalk along the project frontage, median construction to restrict left turns out of the project site on the southern driveway, and a new traffic signal. (See Exhibit A, Condition 29b and 29i). Additionally, the traffic signal would reduce cut-through traffic as it would facilitate direct access to main arterials in the area.

In approving the Planned Development Permit, the Hearing Officer noted his consideration of the community's concerns, the vested property rights to develop the property per the Planned Development Zoning District, General Plan policies supporting schools, evidence presented in the draft Planned Development permit, and the mitigation measures identified in the MND which would reduce traffic impacts and would be monitored.

Comment 4: (d) Harker resides in Cambrian community but DOES not partner with nor serve the Cambrian Community.

Response 4: As noted above, the PD Permit approved by the Director includes conditions of approval which require the applicant to conduct an annual Neighborhood meeting to engage the surrounding neighborhood in discussions related to the concerns and operations of the school site. (See exhibit A, Conditions 10-12).

Comment 5: Summary of Concerns that should be addressed and Included in the Permit

(a) For reference, these items were agreed to by Harker 2012 in PD12-027. These are no longer included in the permit- why? Why did Harker on it volition exclude those items it had previously agreed to with the community as if they never existed? As if they are trying to hide or avoid their prior commitments to the Cambrian Community? It certainly shows their failure to be a good neighbor to the Cambrian Community. Did they believe the concerns from the community no longer mattered?

(b)The appeal requests the permit be amendment to include these items in order to address community concerns regarding traffic, privacy, and noise:

(i) Staggered start times for each grade which will not be less than 40 minutes apart.

Response 5: As noted by the appellant, the requested staggered start times condition was a condition of approval under PD Permit File No. PD12-027 for the Harker Elementary School. Staggered start times were not required for this project, PD Permit PD18-040, as staggering Middle School start times is problematic for school operations because middle school classes are often not all divided by grade levels, but instead subjects. The Transportation Report, appendix F of the IS/MND for the project considered the implementation of staggered start times for the project as a way to reduce trips, however the report also indicated implementation of equivalent measures, such as school shuttle buses, would also be effective to reduce project impacts.

The applicant has submitted their Transportation Demand Management Plan (See Exhibit G) which proposes among other measures to implement school shuttle buses and car pooling to reduce trips.

Comment 6: (ii) Number of students limited to 600. If Harker is not in compliance with the permit, they will be required to reduce their enrollment in the next academic year to 600 less the number they were over.

(iii) Harker commits to transporting students using buses, not making it optional, in order to achieve the VMT requirements. Without mandatory measures, there is no incentive that Harker will reduce its VMT of 13.83 to meet the applicable threshold of 12.21.

Response 6: The Harker Middle School Expansion project is subject to Mitigation Measures, including MM TRN-2,1, identified as Condition 31.e.I in the PD permit (See Exhibit A), which requires the implementation of TDM measures and requires annual monitoring of the established trip cap. Since the appeal, the applicant has submitted their proposed TDM Plan, dated January 10, 2020, to the City. (See Exhibit G). The TDM Plan includes a free direct shuttle program, school carpool, On-site TDM Coordinator, and TDM Plan dissemination. The TDM includes provisions for annual trip generation counts to be conducted and if the counts show the school exceeds the trip cap, the TDM Plan would need to be altered or enhanced to reduce the trips to meet the 679 peak hour and 315 PM peak hour trip limitations.

Additionally, the following Condition of Approval is recommended to be included in the Planned Development Permit Resolution (See Exhibit H). This would ensure the TDM measures are effective in meeting the trip cap and if not, the measures or enrollment would need to be adjusted.

Transportation Demand Management Plan: Implement Transportation Demand Management (TDM) Plan. The Transportation Demand Management plan (“TDM Plan”), prepared by Hexagon Transportation Consultants, Inc., dated January 20, 2020, is on file with the Department of Public Works and is incorporated fully herein by this reference. The project is required to submit an annual monitoring report (and pay associated administrative costs for the City’s time to review) that measures the effectiveness of the approved TDM plan, in a form approved by the Director of Public Works. The report shall be provided to the City on or before each June 30th for the reporting period of the prior calendar year. Additional TDM measures, or changes to the existing TDM measures, may be required or reduced enrollment in the next academic year at the discretion of the Director of Public Works, if the TDM measures are not effective in meeting the trip cap. (Enrollment shall only be increased back to previously approved level with the issuance of a Planned Development Permit Amendment.)

Comment 7: (iv) Restricting cars through the residential streets. The permit includes designated routes for Harker cars and buses- they are requested to utilize primary arteries- Camden, Union, Bascom. Harker will create a Good Neighbor Plan and distribute to their parents annually. They will also reinforce on a regular basis that parents should not park on residential streets or use them as cut-throughs. The Good Neighbor Plan should have consequences tied to enrollment numbers, similar to the plan agreed to in 2012.

Response 7: Condition 12 of the PD Permit (see Exhibit A) requires the applicant to designate a traffic coordinator whose responsibilities include overseeing traffic operations and providing outreach to the public, employees and parents. The TDM Plan (see Exhibit G) includes a Traffic Coordinator as well who is responsible for disseminating the TDM measure and designated routes of travel to the parents. While the Good Neighbor Plan does not have consequences tied to enrollment numbers, if the TDM Plan indicates the trip cap is not being met, the Director of Public Works would have the discretion to reduce enrollment for the next academic year as described Response 6, above.

Comment 8: (v) Counting of pedestrians entering and existing the school. This will be performed four times a year and will be a good indicator as to whether parents are using residential streets to park and walk to the school.

Response 8: The applicant has agreed to the following condition of approval (See Exhibit H) to conduct counts of pedestrians entering and exiting the site. These counts will inform the TDM Coordinator, school, and neighborhood of the success of the school’s efforts to encourage appropriate pick-up and drop-off behavior and will allow the TDM coordinator and school to adjust their school outreach accordingly.

Pedestrian Counts: The permittee shall conduct counts of the number of pedestrians entering and existing 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 (as outlined in the Transportation Demand Management Plan) are also being conducted. Such counts shall not be used to determine whether the permittee is meeting their trip cap, but shall instead be advisory to the permittee as a means to determine whether additional efforts should be made to communicate with parents about proper student drop-off and pick-up procedures

Comment 9: (vi) Monthly counts of cars entering and existing the school (for three years) to ensure Harker does not exceed their limit of 370 peak hour vehicle trips.

Response 9: The TDM Plan (see Exhibit G) includes yearly monitoring of the effectiveness of the TDM measures. As discussed in Response 6 above, the project would also be subject to Condition 17 to ensure effectiveness of the TDM Plan. Staff notes the trip cap established per the Transportation Report is 679 AM Peak-Hour-Trips and 315 PM Peak-Hour-Trips.

Comment 10: vii. All monitoring of people and car traffic must be tracked, measured, managed should there be weekend events.

viii. No weekend events to reduce noise level and traffic. Great opportunity to partner with local community.

Response 10: Weekend and afterschool activities are limited in the PD Permit, through Conditions 7-9 (See Exhibit A). The daily arrival and drop off of students should not begin earlier than 7 a.m., and should end no later than 9 p.m. All other activity (such as faculty arriving to the campus should being no earlier than 6 a.m. and end no later than 10 p.m. Weekend activities using the athletic fields and basketball courts should be limited to the hours of 9 a.m. and 7 p.m. The school may have up to twelve special events per year (such as graduation, open hours, or workshops) that begin no earlier than 9 a.m. and end no later than 10 p.m. Vehicle paring for special events is required to be accommodated on-site and a schedule of special events should be provided to the neighborhood.

Comment 11: (c) Measure the Average daily volumes of traffic on residential streets prior to the occupation of the school. Remeasure when school is in session. This will be a good indicator of whether additional efforts are required by Harker to communicate with parents about property student drop-off procedures and travel routes.

Response 11: The applicant has agreed to the following condition of approval, (See Exhibit H).

Neighborhood Intrusion. The school shall collect periodic data of the 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 change. Such data shall be collected Tuesday, Wednesday, or Thursday under normal school traffic conditions. At

least one such data collection shall be conducted during the first year of the Middle School operation. Such data collection should be advisory to the permittee as a means to determine whether additional efforts should be made to community with parents about proper student drop-off and pick-up procedures..

Comment 12: (d) Neighborhood outreach- Harker will have a neighborhood liaison and a traffic coordinator and these will interact with neighborhood associations in our community like the CCC.

Response 12: Conditions 10-12 of the PD permit (see Exhibit A) require neighborhood outreach. Additionally, the TDM Plan (see Exhibit G) includes a Traffic Coordinator who will disseminate information to the school and neighborhood.

Comment 13: Harker contribute \$75,000 for vehicle calming and pedestrian safety improvements as part of their permit.

Response 13: *The applicant has agreed to the following condition of approval, (See Exhibit H).*

Neighborhood Improvements. The permittee shall contribute \$75,000 to the City to be used to fund any traffic calming or pedestrian improvements in the surrounding area (such as radar signs, crosswalks or islands) that, in consultation with the neighborhood and the Neighborhood Intrusion data from Condition No. 19, may be deemed appropriate. The fee shall be paid upon submittal of the first annual TDM monitoring report.

Comment 14: Tracking of Prior Permits that Affect Tree Removal and Planting

(a) The MND and permit have failed to take into account requirements in prior permits with regard to tree planting. PD12-027 had certain tree planting requirements that are not being tracked or traced as new permits are introduced.

(b) Per mitigation for installation of Highway 85, the original Children's Shelter was required to plant trees on site in order to offset air pollution from Highway 85. This permit needs to be reviewed, and coordination of this permit needs to be made with the current permit. The current permit then needs to be amended so that it takes into account the tree requirements set forth in prior permits.

Response 14: The referenced Children's Center project is Planned Development Permit PD91-021. This permit required adherence to the tree mitigation requirement set forth in the Planned Development Zoning District PDC91-077. The Children's Center project PD Permit was superseded by the Harker Elementary School PD Permit, PD12-027, which also required tree mitigation in accordance with the Planned Development Zoning District requirements.

Although the current project, PD18-040, would supersede previous File Nos. PD12-027 and PD91-021, the project would also be required to adhere to the Planned Development Zoning tree removal standards as well as the more stringent city's Standard Permit Condition tree replacement ratio.

The General Development Standards require ordinance-size trees which are removed to be replaced by at a ratio of 4:1, trees 12-18 inches in diameter replaced by at a ratio of 2:1 and trees under 12 inches replaced at a ratio of 1:1. The project site has 154 trees. The project would remove a total of 46 trees including two (2) trees with a diameter above 18 inches, fourteen (14) trees with a diameter between 12 and 18 inches, and thirty (30) trees under 12 inches in diameter.

The PD18-040 permit's standard environmental permit condition No. 30.b.i, outlines the more stringent tree replacement ratios (See Exhibit A). The project is required to replace removed trees (46 trees including 15 ordinance size trees) at the following ratios:

Table 4.4-2: Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

¹ As measured 4.5 feet above ground level
² X:X = tree replacement to tree loss ratio
³ Ordinance-sized tree

Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.
A 38-inch tree equals 12 inches in diameter.
A 24-inch box tree = two 15-gallon trees
Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.

The project would require a total of 67 replacement trees. Thirty-four trees are proposed to be replaced on-site and the remainder of the trees would be replaced through an in-lieu tree replacement fee to the City.

Overall, the identified concerns do not negate the Planned Development Permit Findings for approval outlined in the PD permit (See Exhibit A).

Comment 15: Event Parking and Afterschool/Event Noise

(a) The permit completely fails to address parking during events. Clearly Harker will have events at their school, as they list on their website that they have plays, music recitals, sports activities

and school functions. Harker has acknowledged that their parking is insufficient for events. If the school has 600 students, where will 600 cars park when they come to a school-wide event? Their proposed solution is to have parkable basketball courts to address the insufficiency of parking spaces on site for events and the impact this would have on neighboring streets. However, the MND and permit do not require this. Additionally, if Harker has a basketball event or other event that requires use of the basketball courts, then cars parked on the courts would be unfeasible. This would push parking onto Barrett Avenue.

(b) The events will also cause noise spillover to adjoining neighbors. For this reason alone, the time of events held needs to be specified in the permit to limit how late noise may be made during the weekday (ie. no later than 7pm) and to limit during what hours noise may be made on a weekend (ie. between 10am-2pm) so that neighbors can continue to enjoy their home without constant noise on the weekend.

(c) The permit needs to be amended to include what is allowed by Harker with regard to event parking.

(d) Given Harker's other equipped facilities, weekend events should be held at other Harker venues to retain the quaint quiet community that Cambrian is known for and differentiates from other communities.

Response 15: Weekend and afterschool activities are limited in the PD Permit, Conditions number 7-9. (See Exhibit A). As stated above in Section Bvii, weekend activities and special events are limited and they are required to park all vehicles on-site. Event parking off-site would be in violation of the PD permit. The hour limitation set forth in the conditions were considered in the environmental review of the project, specifically, the noise study which found the operations of the school and school activities (such as special events) would not exceed the 50 dB noise limitation along the shared residential property lines. (See Exhibit B).

Comment 16: (E) Building, Height, and Setback

a. The impact on neighboring residents on Barrett Avenue and Esther Drive with regard to building height, shading and appropriate setbacks, has not been fully addressed in the MND and permit, other than to indicate the buildings are at least 20' from residences.

b. Buildings could be moved back further from the fence lines to increase privacy for residents and to protect children from viewing inappropriate behavior in neighbor's yards or homes. There is no shortage of space in the land area to move buildings back an additional 5-10 feet.

c. The setback for the second story of the 35' two story buildings that will abut the neighboring houses on Barrett Ave at the back of the property needs to be included in the permit. Presently, the second floor needs only to be set back 20'. At the November 13, 2019 hearing, Harker simply stated that it was looking at how much to set back the second story of the building so that it was not at 20'.

d. There are two major concerns with ensuring privacy: (1) privacy for neighbors, and (2) protection of children from activities in neighbors yards. Neighbors may engage in inappropriate behavior in their backyard or in their house. At the November 13, 2019, Harker stated that it

would look into “screening” the class windows to avoid children looking out of the windows but unless there were black out shades, the children could still look out of the windows. Also, this is merely a suggestion by Harker and not something that is required in the permit.

e. The permit must be changed so that Harker is required to implement certain minimum set backs on the first floor, and other minimum set backs on the second floor. In order to know what the line of sight from the second story to the homes would be, Harker needs to produce a rendering of the building so that they can show the line of sight to the neighboring yards.

f. Shading from the second story buildings has not been addressed in response to public comments, and thus the permit grant for the two story buildings should not have been granted, and should be considered after the shading is taken into consideration.

g. The additional building height will block the view of the mountains for all those residents living behind this portion of the property. This has not been taken into account in the MND.

Response 16: The proposed construction is consistent with the Planned Development Zoning’s standards for development on the site as described on page 4-5 of the PD Permit (See Exhibit A), which requires the following:

Standards	PDC91-077 Development Standards
Building Separations (excluding porches)	25 feet
Public Street Setbacks	20 feet
Structure Setback from Property Line	20 feet
Building Height	34 feet

The new 2-story, 32-foot tall, classroom building would be located 21 feet, 9 inches from the northern property line on the ground floor, and stepped back 35 feet, 8 inches on the second floor. The renovated gymnasium/auditorium, located along the western property line, would be a minimum of 20 feet, 2 inches from the western property line and a minimum 23 feet from the southern property line in conformance with the development standards. Consistent with the height limitations, the renovated gymnasium/auditorium and new classroom building would be a maximum of 34 feet in height.

The project plan set, Sheet A1.1, (See Exhibit A) illustrates how the classroom building was designed to avoid casting large shadows on neighboring residential back yards during summer and winter solstice. The renovated gymnasium/auditorium would be buffered by existing trees which are predominantly taller than the proposed building and therefore would not create substantial new shadows. While the project’s setbacks are not specifically specified in a Project Condition, the permit PD18-040, Condition 5, “Conformance to Plans” requires the project to be built in accordance with the approved plan set including the shown setbacks. Changes to the project plan set would require Planning review through a Planning adjustment/amendment process.

Comment 17: (F)Good Neighbor Contribution to Community

(a) Under the 2012 permit, Harker had committed to being a good neighbor and communicating with all neighbors. In the current permit, Harker has committed to NOTHING about being a good neighbor. Why is that? And why has planning failed to recognize and give attention to this? At the hearing on November 13, 2019, Harker told the planning director it had been a good neighbor, but Harker's record (or lack thereof) for the past 7 years, speaks for itself.

(b) As described at the Public Hearing, communication from Harker has been minimal to non-existent. For example, only houses within 1000ft of the school were notified of the one community meeting (in the past 7 years) held to discuss the new plans. There were ~8 neighbors in attendance at the 2018 meeting. Per the Public Hearing, Harker had committed in 2012 and was expected to uphold the following:

- i. Ongoing outreach/Neighborhood coordination.
- ii. Installing a Traffic Coordinator
- iii. Holding an annual neighborhood meeting so as to engage with neighbors.

We ask that the following be required:

- iv. Ail communication to extend to all neighbors within the Bascom/85/Camden/Leigh boundary.
- v. Notification to include paper mailers as well as email communication.
- vi. Harker to commit collecting emails for all neighbors who wish to be contacted via email.
- vii. Clear and visible contact information for the Traffic Coordinator to be displayed outside the school.

Response 17: Conditions 10-12 of the PD permit (See Exhibit A) require neighborhood outreach. Additionally, the TDM Plan, submitted by the applicant (See Exhibit G) requires a Traffic Coordinator be designated. The goal of these conditions is that Harker's outreach will establish a "Good Neighbor relationship" with the community and the community will be aware of the school contacts to reach out for regarding their concerns as well as news related to the school.

Comment 18: (C) Under the 2012 permit, Harker had previously committed to contribute \$75,000 towards the community for vehicle calming and pedestrian safety on residential streets. These funds could have been used for signal improvement, crosswalk addition, and radar speed signs. Now under the current permit, the inclusion of these funds is GONE. With such an expansion onto community resources and environment, the applicant should be required to contribute to the community.

Response 18: See Response 13 above.

Comment 19: (d) Under 2012, Harker committed to making their facility available for limited community use. This is no longer available.

Response 19: The applicant has agreed to the following condition of approval, (See Exhibit H).

Condition 18, **Public Use of School Facilities.** The school shall receive and consider (but shall not be obliged to grant) requests for public use of the facility.

Comment 20: Harker students may walk to Cambrian Park Plaza to eat or shop, but as there is NO sidewalk on the south side of Union, they will have to walk along Union until reaching Woodard. However, at Woodard, there is very little protection for pedestrians due to the fact that the light is a full green for all vehicles and pedestrians are crossing in the pathway of vehicles wishing to turn left. It is unsafe because pedestrians never have an opportunity to cross the street when they are protected from cars turning left. Cars give little regard for the pedestrians and frequently turn left in front of pedestrians rather than waiting for them to cross the street first..

Response 20: The project includes pedestrian improvements along their frontage to facilitate and improve pedestrian and bicycle access around the site including: constructing a 10-foot wide sidewalk along the project frontage, median construction on Union Avenue to restrict left turns out of the project site on the southern driveway, and a new traffic signal. (See Condition 29b and 29i in Exhibit A). Improvements beyond the project's frontage would be beyond the scope of this project or the applicant's control.

Conclusion: Overall, the concerns raised in the Planned Development Permit Appeal do not negate the Planned Development Permit Findings for approval as outlined in Planned Development Permit PD18-040 and the draft resolution (See Exhibits A and H). Staff notes, all conditions referenced above as conditions of the Planned Development Permit (Exhibit A) have been incorporated into the draft resolution in addition to the new conditions outlined above.

The project was found to be consistent with the General Plan Land Use designation of Public/Quasi-Public and the school is consistent with the General Plan Goal ES-1 and Policies VN-1.1 and ES-1.7. The middle school use and development proposed under the Planned Development Permit are consistent with the A(PD) Planned Development Zoning District's standards including use, height, setbacks, parking, and tree removal. The project complied with the City Council Public Outreach Policy, 6-30 through posting an on-site sign to inform the neighborhood of the proposed project and hosting a project community meeting in coordination with Council District Office 9 and Council District staff attended the meeting. The orientation, location, and elevations of the proposed buildings and uses on the site are compatible with the adjacent development and character of the neighborhood in that the new buildings are set back from the shared property lines a minimum of 23 feet and further step backs are provided along the second floor of the classroom building. The new classroom building and renovated gym/auditorium are also architecturally compatible with existing buildings on-site including gabled roofs to match the existing sloped roofs of the other campus buildings.