

October 11, 2021

David Hanson
Chief Financial and Operating Office
The Branson School
39 Fernhill Avenue
Ross, CA 94957

Subject: Responses to Questions from Peer Review of The Branson School Transportation Demand Management Plan and Operational Analysis

Dear Mr. Hanson:

Pursuant to your request, Parisi Transportation Consulting (Parisi) has prepared responses to three comments provided by the Town of Ross in their review of the Transportation Demand Management Plan for The Branson School (Parisi, March 2021), the Level of Service and Delay at Sir Francis Drake Boulevard intersections in the Town of Ross for Branson School Enrollment Numbers (Parisi, July 2021), and the Peer Review of The Branson School Transportation Demand Management Plan and Operational Analysis (W-Trans, September 2021).

The TDMP and traffic-related comments and our responses are provided below.

1. Explain why the number of total vehicle trips is substantially different between the trip generation by time analysis and the mode share analysis (150 vehicle trips versus 315 vehicle trips, respectively).

Table 2 in The Branson School's (Branson's) Transportation Demand Management Plan (TDMP) relates to the school's main campus, and is not inclusive of the St. Anselm's lot. The average number of trips were recorded by automatic vehicle counters and includes all vehicle trips accessing Branson via campus driveways. These include students, staff and faculty trips, as well as facility support, delivery, and visitor trips. The 4-6 PM period is labeled as "PM Commute" in Table 2.

Tables 4 and 5 in the TDMP are the calculated person and vehicle trips generated by students and staff for their trips to and from campus, including to and from the St. Anselm's lot. For these tables, "AM Commute" indicates the number of morning trips to Branson and "PM Commute" applies to trips from Branson any time after school. As such, the "PM

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Commute" information is not solely the trips occurring between 4-6 PM per TDMP Table 2, but inclusive of all trips from after school into the evening.

We acknowledge that the titling of Tables 4 and 5 could be confusing and therefore propose to rename the table headings from "AM Commute" and "PM Commute" to "Morning Arrival" and "Afterschool Departure" to avoid any misunderstanding.

To clarify, there is no discrepancy in the data because the time periods noted in each table are different, Table 2 being 4-6 PM for all trips and Tables 4 and 5 representing 2 PM onward for only student and staff campus departures.

As a further check on the substance of the comment, Table 2 shows that an average of 503 total vehicle trips recorded after 2 PM ($211 + 150 + 142$). After subtracting the 315 afterschool departure trips, there are an estimated 188 trips that are comprised of deliveries, visitors, and other trips to and from Branson's main campus during this period.

2. Adjust the future conditions mode split information (unless the underlying assumptions can be substantiated).

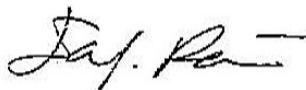
The underlying assumptions are substantiated, as discussed in the previous response. No adjustments are needed to the future conditions mode split information.

3. Assess and add information about whether emergency response times would be affected by the enrollment increase.

Branson's enrollment increase would not affect emergency response times on Ross' roadways. The implementation of the TDMP is considered part and parcel to the enrollment increase, and the TDMP would keep Branson's vehicular traffic to and from the main campus from exceeding current levels.

Please let Andrew Lee or me know if you have any questions pertaining to the above responses.

Sincerely,

A handwritten signature in black ink, appearing to read "David Parisi".

David Parisi, PE, TE
Principal

cc: Andrew Lee, PE, TE



October 18, 2021

Meredith Rupp
Senior Planner
Urban Planning Partners
388 17th Street, Suite 230
Oakland, CA 94612

RE: Use Permit #50 Amendment (Resolution No. 1042) for Increased Enrollment at The Branson School

Dear Meredith,

Thank you for your thorough review of Branson's application. Enclosed you will find our responses to each of the Town's requested follow-up items. To highlight some of the key items being addressed, we would like to summarize a few important aspects of our responses, and also share information about an important staffing decision we have made.

1. Branson recognizes that the day-to-day management of the Transportation Demand Management (TDM) plan is critical to its successful implementation. Therefore, as a new voluntary measure, we have elected to make a very significant investment if this application is granted and create a new, full-time employment position at the school, i.e., Director of Transportation, Parking and Security. Through this new role, Branson will introduce a leadership position within the administration that is entirely tasked with overseeing the school's safe and efficient day-to-day parking and transportation operations. Serving as the school's primary liaison to the Town and neighborhood, this individual will manage the implementation of the TDMP and keep accurate records related to planning, accountability, transit and bus operations, ridership, and other performance measures found within the school's comprehensive TDMP.
2. In reviewing the W-Trans peer review of the school's TDMP Measures, Branson agrees to add nearly all of the proposed additional recommendations. We provide further information on each of these specific recommendations in the attached responses.
3. Regarding the W-Trans peer review of the Monitoring Plan, Branson is willing to further strengthen its monitoring program with four of the additional recommendations, which include the hiring of a third-party monitor and the imposition of monetary fines for potential instances of noncompliance with the TDMP. Additional information on each of these monitoring recommendations is contained in the attached responses.



4. On the important topic of neighborhood safety, we have been engaged in many conversations during our community outreach process that reflect a variety of viewpoints on potential safety measures. Branson is eager to work with the Town and our neighbors to further the discussion to identify specific areas of collaboration. Please see the attached outline of all community engagement activities.

In addition to the topic areas described above, you will find in the enclosed responses all of the information requested regarding athletics, special events, and additional material provided by the school's traffic consultant, Parisi Transportation Consulting.

We look forward to working with you on the next steps in the Town's review process.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hanson", with a stylized flourish at the end.

David Hanson



TRANSPORTATION PEER REVIEW: TDMP AND MONITORING RECOMMENDATIONS

RECOMMENDATION: Establish an online presence such as a NextDoor group for Strategy 1, “Create a Neighborhood Partnership Group,” to effectively share information and receive input with the community.

RESPONSE: This recommendation will be implemented. Branson will create an online presence that provides relevant information and timely updates to the community. We will work with our neighbors to determine the most effective online tool for this purpose. Additionally, we have committed to having a Neighborhood Partnership Group that will meet in person (2) two times annually.

RECOMMENDATION: Reform employee parking pricing. Currently, Branson employees receive free parking on campus and Strategy 4, “Creating Employee Incentives,” proposes an increase in the annual employee parking cash-out from \$600 to \$1,000. Parking demand reduction is better achieved when the user must pay for parking rather than receive a benefit and instead have to opt-out of it for an alternative. A better approach to reducing employee vehicle use while not negatively impacting compensation, is for employees not to receive free parking and instead receive salary increases commensurate with the proposed cash-out amount of \$1,000. In this way, employees are made financially whole, but must actively choose to purchase a parking permit, which itself can discourage auto use.

RESPONSE: Branson has implemented innovative programs to incent employees to give up parking spots, including increasing the subsidy to \$1,000 for those who give up a parking spot for a year, and rolling out a successful bike incentive program. With respect to paid parking, we believe that charging our teachers and staff would present a significant operational and accounting problem for the school. We also feel that this change would not yield the results desired. Branson’s peer schools do not charge employees for parking and school employee behavior on this topic differs from non-school environments. If Branson were to take this path, it would be an outlier in the Bay Area and would certainly cause friction with employees.

RECOMMENDATION: Introduce a year-round carpool app. Strategy 5, “Formalizing Carpool Requirements,” and Strategy 6, “Weekend and Special Event Management,” mention the potential to improve carpool participation by facilitating matches and using a carpool matching app for special events. Carpool matching apps are a cheap and effective way to facilitate ridesharing and it is recommended that Branson introduce one that is active year-round for school affiliates.

RESPONSE: This recommendation will be implemented. Branson will select and publicize a carpool app for use by parents, visitors, students and employees. Currently, we assist families to organize carpools by providing all families with access to the contact information for all Branson



families, with the ability to search for families in their geographical area. Branson also currently assists students and families with carpooling by administering interest surveys and working to link those in need to find a carpool partner. The recommended carpool matching app will help us further strengthen these efforts year-round.

RECOMMENDATION: Market the Transportation Authority of Marin (TAM) Emergency Ride Home (ERH) Program. TAM’s ERH program offers free reimbursement to employees in Marin County who do not commute in a drive-alone vehicle to return home if an unexpected situation arises. Each employee can be reimbursed up to four trips per year, up to \$125 per trip. The ERH program is a cost-effective strategy, and one that is used by other private schools in the Bay Area to support alternative mode use by providing a sort of “safety net” to employees.

RESPONSE: This recommendation will be implemented. Branson will advertise the ERH program on its transportation website and other means to inform our employees of this resource and how it works.

RECOMMENDATION: Developing a Peak Special Event Management Plan. Although the TDM Plan includes Strategy 6, “Weekend and Special Event Management,” this strategy may not be sufficient for outlier special event days when data has shown there may be up to 850 daily vehicle trips. These outlier events may be relatively rare but can still affect the surrounding community. The TDM Plan should be augmented to account for the peak special events by introducing more robust measures such as off-site parking with a shuttle, on-campus parking pricing, holding playoff games off-site, or other strategies designed to limit vehicle trips to campus.

RESPONSE: This recommendation will be implemented. To account for these infrequent events, Branson has developed a special events policy and plan to address the community impact. As suggested, we will add to the TDMP measures to further limit vehicle trips to campus during these limited instances. Please see the attached special events plan.

RECOMMENDATION: Collect information and metrics through a third-party that is mutually agreed upon by Branson and the Town. This helps ensure the impartiality of the collected data.

RESPONSE: This recommendation will be implemented. Branson agrees that working through a third party is a good idea and will work with the Town to choose an appropriate third party for monitoring and data collection.

RECOMMENDATION: Conduct vehicle counts for two to four continuous weeks, once during the fall semester and once during the spring semester, ideally during late September to mid-October and March to April timeframes when travel patterns are stable, to better ensure ongoing compliance and more immediate action if necessary. An alternative option is to install permanent vehicle counters that provide daily information year-round.



RESPONSE: This recommendation will be implemented. We agree that mid-October is an appropriate time to do traffic counts because at that time Branson will have tested and affirmed - or changed as necessary - our parking and transportation protocols for the year. Late March or early April is also an appropriate time to conduct the second vehicle counts. With regard to the length of each monitoring period, we feel that all of the vehicle trips and meaningful data can be accurately collected over a two-week period. For the purpose of monitoring, daily (year-round) monitoring is unnecessary.

RECOMMENDATION: Set the vehicle cap at the observed average trip generation. By establishing the vehicle trip cap at one-half standard deviation above currently observed averages, the current monitoring plan does not create a true net-neutral trip effect. The daily and Saturday trip caps should be the observed averages of 860 and 346, respectively.

RESPONSE: Traffic monitoring is never absolutely perfect. Nearly all other monitoring plans recognize this by building in a reasonable buffer. We would submit that a 5% buffer would be appropriate to account for any margin of error.

RECOMMENDATION: Establish a more defined and robust enforcement program. TDM monitoring plans typically have a clearer schedule and stronger process to correct shortcomings if goals are not met. The monitoring plan should be updated to include annual monitoring for the first ten years and every other year thereafter, a defined timeline (e.g., one year) for Branson to bring their trip thresholds into compliance if thresholds are exceeded, and a follow-up process if Branson remains out of compliance (e.g., fines on a per trip basis over threshold or reducing enrollment).

RESPONSE: This recommendation will be implemented. Branson is committed to enforcing the TDMP. We will conduct vehicle counts two times per year for two weeks, which will ensure compliance. We will continue to monitor our daily traffic to ensure that parents are not dropping students at Branson, but at the Golden Gate transit stops. Students who do not follow the plan will be fined on a first offense and will lose driving privileges on the second offense (see FY22 Handbook with penalties already in place). If, after the expiration of the proposed one-year cure period, traffic is still not net neutral, then Branson proposes a financial penalty of \$15,000 in the event of exceeding the net-neutral traffic beyond the allowable buffer. Finally, Branson agrees that monitoring should take place every year for the initial (5) five years and then every other year thereafter until year (10) ten. Once the efficacy of the TDMP has been established and the behaviors are ingrained at the school, monitoring in perpetuity is no longer needed, as other tools exist for the Town to address any later issue that may arise.

RECOMMENDATION: Introduce an annual qualitative survey of students and employees. In addition to analyzing quantitative vehicle trip data, it is also important to understand the reasons



why affiliates choose particular modes of transportation. An annual survey of students and employees would allow Branson to better tailor its program for future needs.

RESPONSE: This recommendation will be implemented. To constantly refine our approach, we currently conduct yearly transportation surveys of students, parents and employees to understand their transportation modes. A recent result of this research is that we have instituted an incentivized electric bike program for those students and employees who are willing to commute via bike only. We will continue to perform these surveys to uncover new opportunities and ideas.

TRANSPORTATION PEER REVIEW: **TRIPS, VMT, AND EMERGENCY ACCESS**

In regards to the comments/questions from the Town and its consultant regarding the VMT analysis and emergency access, we would ask that you please see the enclosed October 11, 2021 letter from Parisi Transportation Consulting. This letter explains and clarifies the differences between the two trip generation tables, and addresses the issue of the future mode split information. In regards to emergency access response times, the letter notes that there will be no impact.

In the context of the VMT analysis, we would like to take this opportunity to highlight the fact that the TDMP is a voluntarily proposed project component, and is not a “mitigation measure” as that term is used under CEQA. This distinction is important because in evaluating whether a categorical exemption may apply, a lead agency may not rely on agency-imposed mitigation measures as a basis for concluding that a project is categorically exempt. However, a feature built into the design or operation of a project that will reduce or avoid an environmental impact that might otherwise occur is not treated as a mitigation measure that would preclude a categorical exemption. It is for this reason that the appropriate VMT to analyze is that of the project as a whole, which includes the TDMP.

If a project is subject to a categorical exemption, no formal environmental evaluation is required, this includes VMT screening thresholds and any other analysis. Here, as indicated in previous correspondence, the project fits the schools exemption from CEQA. Despite this fact, Branson has still elected to perform a robust traffic analysis. This analysis not only demonstrates that there are no unusual traffic circumstances that would preclude the use of the exemption, but also shows there will be no adverse traffic impacts that would preclude the issuance of the requested CUP amendment.



9 November 2021

Hello David,

As you know, Town staff met recently to discuss the project review, including the additional transportation information you have provided. In order to support a determination for a Class 14 categorical exemption to CEQA, as suggested by Branson, Town staff will require certain revisions to the TDM Plan to ensure that no significant effects on the environment would occur as a result of Branson's proposed increase in enrollment. Accordingly, we request that Branson submit a revised TDM Plan which incorporates all of the recommended revisions requested by the Town, which Branson indicated in its response of October 18, 2021, that it would implement and/or include. The Town also provides the following clarifications that need to be included in the revised TDMP:

- We support Branson's proposed semi-annual meetings with the Neighborhood Partnership Group, and recommend that those meetings be held after receipt of the Fall Monitoring Report and Spring Monitoring Report, as defined below. This would allow Branson the opportunity to share and discuss with its partners current results of the semi-annual vehicle trip monitoring and the efficacy of its TDMP measures.
- With respect to the Town's recommendation to reform employee parking pricing, we have read Branson's response and accept its decision not to implement such a reform; Branson may, of course, choose at some time in the future to implement such a measure.
- Regarding the Special Events – Parking & Transportation Plan ("Special Events Plan"), we believe this is a good first step, but believe greater specificity is needed to identify exactly when it would be put into place and implemented. We assume that at the beginning of the academic year that Branson knows when it will be holding graduation, admissions open house events, parents' day and likely the same can be said for certain performances and/or sporting events. Thus the Town's expectation is that those events will be specifically identified as being held subject to implementation of the Special Events Plan. We appreciate that "large sporting events" are less predictable to a certain degree, perhaps with the exception of certain "rivalry" games. Accordingly, the Town would also like to see a process included in the TDMP for Branson to provide the Town, at the beginning of each academic calendar year, a list of the day, time and anticipated length of planned Special Events at which it will implement the Special Events Plan. Further, this list will need to be updated throughout the academic year and provided to the Town every month thereafter during the academic calendar year in order to reflect any additional Special Events that have been identified by Branson, such as playoff games. Additionally, this list of planned Special Events should be shared with the community.
- With respect to the third party consultant hired to collect vehicle trip data, we want to be clear that the Town will need to approve the consultant engaged by Branson to collect the data, as well as review and approve the vehicle trip monitoring protocol or methodology to be implemented. Further, the consultant shall be required to distribute the monitoring data collected for the applicable Monitoring Period and its analysis of whether the average daily or Saturday vehicle trip cap has been exceeded in the form of a report ("Monitoring Report") to Branson and the Town



- simultaneously; in no event shall either the consultant or Branson claim any such data or Monitoring Report is confidential, privileged or constitutes a trade secret.
- The daily (Monday-Friday) vehicle trip cap will be the average of 860 trips generated; in the analysis of average daily trips, the days with the highest and lowest trips observed shall be discarded. The Saturday vehicle trip cap, however, will be the average of 346 trips generated, plus 5%, or an average of 363 trips generated on Saturdays.
 - With respect to on-going monitoring of vehicle trips to ensure the project does not exceed the average daily or Saturday vehicle trip cap noted above, the Town will require that monitoring be conducted for a continuous two (2) week period, while all classes at Branson are in session and there are no intervening holidays or reductions in the normal length of the academic day, twice during the academic calendar year in the months of September-October ("Fall Monitoring Period") and March-April ("Spring Monitoring Period"). The Fall Monitoring Period and Spring Monitoring Period shall each constitute a "Monitoring Period".
 - Monitoring shall be conducted on an annual basis for the first ten (10) full academic calendar years following approval of the project by the Town Council. If there has been no violation of the average daily or Saturday vehicle trip cap, as measured in a Monitoring Report for a Monitoring Period, within those first ten (10) full academic calendar years, then the monitoring may be reduced to every other academic calendar year. If a violation of either the average daily or Saturday vehicle trip cap has occurred within the first ten (10) full academic calendar years, as measured in a Monitoring Report for a Monitoring Period, then monitoring shall continue on an annual basis until such time that no violation of either the average daily or Saturday vehicle trip cap has occurred for a continuous period of ten (10) full academic calendar years, as measured in a Monitoring Report for a Monitoring Period. At such time that no violation of either the average daily or Saturday vehicle trip cap has occurred for a continuous period of ten (10) full academic calendar years, as measured in a Monitoring Report for a Monitoring Period, the monitoring may then be reduced to every other year. Monitoring shall continue, either annually or bi-annually as appropriate in compliance with this condition, as long as Branson or any successor or assignee operates an educational use on all or any portion of the premises in reliance on any permit granted by the Town.
 - The TDMP must include, and the project conditions of approval will include, the following enforcement mechanisms if either the average daily or Saturday vehicle trip cap is exceeded, as measured in a Monitoring Report for a Monitoring Period:
 - Any Monitoring Report regarding a Monitoring Period that shows that either the average daily or Saturday vehicle trip cap has been exceeded shall, upon delivery to and receipt by Branson of the Monitoring Report, constitute (i) a determination by the Town that Branson has violated the terms and conditions of its use permit in contravention of Section 18.44.040 of the Town Code, (ii) a determination by the Town that a nuisance exists on the Branson campus in violation of Section 18.64.040 the Town Code, and (iii) written notice to Branson from the Town, in conformance with Section 9.04.150 of the Town Code, of the existence of the nuisance and a demand that the nuisance be abated in accordance with the TDMP ("TDMP Nuisance Abatement Notice").



- Upon receipt of a TDMP Nuisance Abatement Notice in connection with a Monitoring Period, Branson shall undertake such measures consistent with the TDMP to achieve a reduction of vehicle trips to a level at or below the applicable average daily or Saturday vehicle trip cap, as measured in the TDMP Nuisance Abatement Monitoring Period Report for the Nuisance Abatement Monitoring Period, as defined herein, and, if necessary, all subsequent TDMP Nuisance Abatement Monitoring Period Reports for a Nuisance Abatement Monitoring Period until the violation is abated.
- As used herein, a "TDMP Nuisance Abatement Monitoring Period Report" shall mean a monitoring report for the period of time commencing no later than thirty (30) calendar days following the date of Branson's receipt of a TDMP Nuisance Abatement Notice and the last day of the month of the next following Monitoring Period (i.e. either October 31 or April 30) (the "Nuisance Abatement Monitoring Period"), during which Branson shall cause a third party consultant to install monitoring equipment to collect daily (Monday-Friday) and Saturday vehicle trip data, excluding periods of the year that school is not in session (e.g. summer break, spring break, winter break, holidays, etc.), and the analysis of whether the average daily or Saturday trip cap has been exceeded shall be based on all of the vehicle trip data collected during the Nuisance Abatement Monitoring Period.
- If a TDMP Nuisance Abatement Notice is not abated through a reduction of vehicle trips to a level at or below the applicable average daily or Saturday vehicle trip cap, as measured in a TDMP Nuisance Abatement Monitoring Period Report for a Nuisance Abatement Monitoring Period, then the allowable enrollment in the next following academic year shall be decreased by up to 25 students. The Town, in its sole discretion, may limit an enrollment decrease to fewer than 25 students if it is demonstrated by Branson, to the satisfaction of the Town, that it can achieve a reduction of vehicle trips to a level at or below the applicable average daily or Saturday vehicle trip cap with a smaller decrease in enrollment. Until such time as a TDMP Nuisance Abatement Notice is abated through a reduction of vehicle trips to a level at or below the applicable average daily or Saturday vehicle trip cap, as measured in a TDMP Nuisance Abatement Monitoring Period Report for a Nuisance Abatement Monitoring Period, the allowable enrollment in subsequent academic years shall be decreased by up to an additional 25 students, or until enrollment is reduced to the currently permitted level of 320 students. Thus, enrollment reduction is cumulative; even after student enrollment has been decreased due to non-compliance with the average daily or Saturday vehicle trip cap, an additional reduction in enrollment can be required if compliance with the applicable vehicle trip cap is not achieved, as measured in a TDMP Nuisance Abatement Monitoring Period Report for a Nuisance Abatement Monitoring Period. Thus, student enrollment could keep declining each year down to 320 students if Branson does not comply with the average daily or Saturday vehicle trip cap over an extended period of time, as measured in a TDMP Nuisance Abatement Monitoring Period Report for a Nuisance Abatement Monitoring Period.
- Once compliance with the applicable vehicle trip cap is achieved, as measured in a TDMP Nuisance Abatement Monitoring Period Report for a Nuisance Abatement Monitoring Period, monitoring shall return to preparation of a Monitoring Report for a Monitoring Period and the enrollment for the following academic year may be increased by 25 students, and by 25 students for each academic year thereafter, until such time as the enrollment cap of 420



- students is reached, subject to continued compliance with the average daily and Saturday vehicle trip cap, as measured in a Monitoring Report for a Monitoring Period.
- In addition to the reduction in student enrollment as outlined above, if a TDMP Nuisance Abatement Notice is not abated through a reduction of vehicle trips to a level at or below the applicable average daily or Saturday vehicle trip cap, as measured in a TDMP Nuisance Abatement Monitoring Period Report for a Nuisance Abatement Monitoring Period, then within thirty (30) calendar days of receipt of the TDMP Nuisance Abatement Monitoring Period Report for the Nuisance Abatement Monitoring Period, Branson shall pay the Town one thousand and 00/100 dollars (\$1,000.00) for each day during the Nuisance Abatement Monitoring Period that the daily or Saturday vehicle trips, as reflected in the data in the TDMP Nuisance Abatement Monitoring Period Report, exceed the average daily or Saturday trip cap rate as an administrative penalty in accordance with Section 9.04.155 (a) of the Town Code. The aforementioned administrative penalty may not exceed one hundred thousand and 00/100 dollars (\$100,000.00) pursuant to Section 9.04.155 (a) of the Town Code.
 - If Branson timely pays the administrative penalty to the Town, then Branson may, within thirty (30) calendar days of payment of the administrative penalty to the Town, file a written request with the Town Clerk seeking reconsideration of the amount of the penalty by the Town Council. Any such request for reconsideration of the amount of the penalty submitted by Branson shall be accompanied by a written explanation outlining factors, consistent with Section 9.04.155 (b) of the Town Code, justifying the requested penalty reduction and payment by Branson of the then applicable appeal fee for the item to be heard by Town Council. Timely payment of the administrative penalty by Branson to the Town, as well as timely submission of a request for reconsideration by Branson, accompanied by its written explanation and justification for reconsideration, and payment of the applicable appeal fee with the Town Clerk are jurisdictional requirements for reconsideration of the administrative penalty by the Town Council.
 - Upon receipt of a request for reconsideration submitted in compliance with the requirements outlined above, the Town Clerk shall schedule the matter for consideration by the Town Council, no sooner than thirty (30) calendar days after receipt of the request, at the next available regular meeting of the Town Council.
 - If a TDMP Nuisance Abatement Notice continues unabated through a reduction of vehicle trips to a level at or below the applicable average daily or Saturday vehicle trip cap, as measured in a TDMP Nuisance Abatement Monitoring Period Report for a Nuisance Abatement Monitoring Period, Branson shall pay the Town one thousand and 00/100 dollars (\$1,000.00) for each day during the Nuisance Abatement Monitoring Period that the daily or Saturday vehicle trips, as reflected in the data in the TDMP Nuisance Abatement Monitoring Period Report, exceed the average daily or Saturday trip cap rate as an administrative penalty in accordance with Section 9.04.155 (a) of the Town Code, for each such continuing violation, subject to the right of Branson to seek reconsideration of the penalty by the Town Council as set forth above.



Please revise the TDMP to reflect the items above and the items the school has agreed to in the TOR Responses document (attached). Please provide a clean revised version of the TDMP with an updated date and a redline showing the changes/revisions.

Finally, please note that Town staff continue to evaluate Branson's suggested revisions to existing conditions 11 and 12 related to the use of athletic facilities. As with the TDMP, Town staff need to ensure use of these facilities will not result in significant effects on the environment as a result of the requested increase in enrollment.

Please let us know if you have any questions.

Thank you,

A handwritten signature in blue ink, appearing to read "P. Streeter", with a long horizontal flourish extending to the right.

Patrick N. Streeter, AICP
Planning & Building Director
Tel.: (415) 453-1453 ext. 121
pstreeter@townofross.org



December 9, 2021

Christa Johnson, Town Manager
Patrick Streeter, Planning and Building Director
Town of Ross
P.O. Box 320
31 Sir Francis Drake Boulevard
Ross, CA 94957

RE: Use Permit #50 Amendment (Resolution No. 1042) for Increased Enrollment at The Branson School

Dear Christa and Patrick,

Thank you for meeting with us on November 30, 2021. It was helpful to be able to ask questions and clarify some of the Town's goals for an updated CUP. What follows is Branson's response to the Town's letter dated November 9, 2021, regarding our application for an enrollment increase. Per our conversation, rather than responding to the Town's monitoring and penalty recommendations point by point, we are proposing an updated framework that we feel achieves the Town's enforcement goals while acknowledging the operational realities of the school.

We have been working with your team since March with the expectation that we would be heard by the Town Council in December, so we are extremely hopeful that this matter will be placed on the January Town Council agenda so we can determine our ability to enroll new students in the 2022-2023 school year. Having an answer on the enrollment increase request by late January is extremely important given our admissions cycle. We begin admissions interviews this week and our financial aid award process occurs in January and February, followed by admissions decisions, which are made by March 1, 2022, when individual admissions packets are finalized. We send those packets to the printer shortly thereafter and mail them to families by March 17, 2022; this means that we would need to know our final enrollment number by mid-February at the latest, as that is when the class is completely assembled with financial packages assigned and determined.

Below are our responses to the specific issues raised in your November 9 letter.

1. **Neighborhood Group:** We agree with you that the meetings with the neighborhood group are important and will continue. We are happy to host those meetings after the fall and spring traffic monitoring. We have held neighborhood meetings on these topics for the past four years and believe it would be beneficial for the Town Council to understand our commitment to this important community practice.
2. **Employee Parking:** Branson will continue to consider this option for paid parking in the future.
3. **School Calendar:** Each fall, Branson will provide the Town with access to an online calendar of Special Events that reflects the days, times, number of people expected, and approximate length



of these events. Branson will update the calendar throughout the year. Parking for these Special Events will be implemented pursuant to Branson's Special Events Plan, which Patrick has seen and we have discussed. Like all schools, we cannot predict which of our athletic teams will reach playoff games in advance and which of those games may be held on our campus, but we can inform the Town when we have a playoff game that may bring more visitors than usual. We currently inform the neighbors of all large events and playoff games on campus. It has been our practice since Chris Mazzola's arrival to Branson five years ago to send a notice to our neighbors prior to every Special Event.

4. **Traffic Consultant:** Branson agrees that it will request Town approval of a third party traffic consultant for bi-annual traffic monitoring and agrees that the Town can review and approve the vehicle trip monitoring protocol or methodology used by the transportation consultant. Branson also agrees that the consultant shall provide a Monitoring Report on the vehicle trip counts to Branson and the Town simultaneously and that the data collected will not be deemed confidential, privileged or a trade secret.

5. **Proposed Monitoring and Penalty Framework**

- a. Monitoring shall occur twice per year in October/November and March/April for 7 days for each monitoring period. This proposal balances the cost to monitor, and we recognize that there is a risk of monitoring for a 7-day snapshot given that there could be more traffic than usual in that period. However, 7-days is actually a significantly longer period than other schools that get monitored, and the cure period outlined below would allow for a retest, if needed. Branson agrees that the Town should have input into the consultant used for monitoring and trip analysis, but we request that cost and reputation of the consultant be considered. We will continue to monitor twice annually for the first 5 years following the initial increase in student enrollment, and once annually for years 6 through 10. In year 10, Branson and the Town Staff will meet to determine whether monitoring should continue.
- b. For the purposes of monitoring, the average M-F daily count of 860 trips, and weekend daily count of 346 trips, shall be considered as net neutral, and a TDMP violation would be defined as follows:
 - i. A 5-day weekday average above 912 daily trips (i.e., the 3-year average of 860 trips plus a 6 percent buffer, approximately one-half standard deviation).
 - ii. A Saturday daily count above 398 daily trips (i.e., the 3-year average of 346 trips plus a 15 percent buffer, approximately one-half a standard deviation).¹

¹ Traffic counting is not a perfect science, and the possibility of non-school-related trips exists during the monitoring period. Accordingly, some modest buffer is appropriate. Because the weekend limit is so much lower, and because



- c. Should a violation occur during a scheduled monitoring period, Branson shall have a cure and correct period of 60 days to bring the trip counts back into compliance with the TDMP. At the end of the 60 days, a second 7-day monitoring period would then occur.
- d. Should an uncured violation occur during the first monitoring period following any of the proposed 4 additions of 25 new students, then Branson would not be entitled to add the next tranche of 25 students until Branson is without uncured violations for a one-year period.

If Branson is unable to bring the trip counts back into compliance with the TDMP during any particular 60-day cure period, then the following penalties would be imposed on the school:

- i. The first violation would be a \$25,000 fine payable to the Town preferably to be used for traffic safety initiatives to benefit the entire Ross community. Linking the fine to traffic safety initiatives provides the necessary legal nexus to the Town's concerns over traffic.
- ii. If during the next scheduled monitoring period and following the 60-day cure period, there is a second violation, the fine would increase to \$50,000 payable to the Town preferably to be used for traffic safety initiatives to benefit the entire Ross community.
- iii. If during the next scheduled monitoring period and following the 60-day cure period, there is a third violation, the fine would increase to \$75,000 payable to the Town preferably to be used for traffic safety initiatives to benefit the entire Ross community.
- iv. If during the next scheduled monitoring period and following the 60-day cure period, there is a fourth violation, the fine would increase to \$100,000 payable to the Town preferably to be used for traffic safety initiatives to benefit the entire Ross community.
- v. If, during the next scheduled monitoring period and following the 60-day cure period, there is a fifth violation, there would be an enrollment rollback of up to 25 students following a hearing with the Town Council. The rollback would be equal to the amount of students necessary to bring the traffic trips back to the buffered limits of a 5-day weekday average of 912 daily trips and/or a Saturday daily count of 398 daily trips, e.g., if Branson is over by 20 trips assuming 2.67 trips/student (per the TDMP), then Branson would lose 7 students in the

the weekend time is more likely to involve uncontrolled community access to the campus, a higher % buffer is warranted.



following school year. To regain those students, the school would need to have one full school year of no uncured violations.

- e. Any penalty or enrollment roll-back may be appealed to the Town Council at a public hearing at which time Branson may present extenuating circumstances and factors that led to the violation, e.g., community or other use(s) of the campus. If any Saturday count exceeds the 398 daily trip threshold, Branson may demonstrate to the Town how the counted Saturday is not reflective of typical conditions and perform a second Saturday count before a violation is deemed to have occurred.

Assuming that the proposal above is workable for the Town, we would like to quickly move forward to agree on the terms for Conditions 11 and 12.

We respectfully request that our application be deemed complete, that the CEQA exemption determination be formalized, and that this matter be placed on the January 2022 Town Council hearing agenda for the reasons outlined above regarding Branson's admissions cycle.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "David Hanson", written over a horizontal line.

David Hanson