

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JANUARY 13, 2022
Held by Teleconference

1. 6:20 p.m. Commencement.

Mayor Elizabeth Robbins; Mayor Pro Tem Beach Kuhl; Council Member Elizabeth Brekhus, Council Member Bill Kircher, Jr., and Council Member Julie McMillan; Town Attorney Benjamin Stock

2. Posting of agenda.

Town Clerk Lopez reported that the agenda was posted according to government requirements.

Council Member Brekhus received a request to move up Item 14 on the agenda and Mayor Robbins suggested it be heard before the Administrative Agenda items.

3. Minutes – Regular Meetings of December 9, 2021

Council Member McMillan moved and Mayor Pro Tem Kuhl seconded, to approve the December 9, 2021 Regular Meeting Minutes, as submitted. Motion carried (5-0).

4. Employee appreciation and recognition of Town employees: Senior Maintenance Worker Anthony Alcozer (5 years), Recreation Manager Gretchen Castets (5 years), and Public Works Director/Town Engineer Richard Simonitch. (Johnson)

Town Manager Christa Johnson provided an overview of roles and responsibilities of Town employees and recognized Maintenance Supervisor Anthony Alcozer (5 years), Recreation Manager Gretchen Castets (5 years-not present), and Public Works Director/Town Engineer Richard Simonitch. (Johnson).

Mayor Robbins and Council Members thanked all employees for their tenure and accomplishments with the Town.

5. Open Time for Public Expression - None

6. Mayor's Report.

Last March, Branson filed an application to amend condition #1 of its use permit to increase the school's enrollment from 320 to 420 students. This followed voter approval of Measure F in March 2020, which, subject to the approval of a use permit by the Town Council, allowed a total student enrollment of up to 420 students. The Council is discussing the application and use permit tonight.

The Town requires use permits for non-residential use of property in residential neighborhoods. Branson's current use permit dates from 1978 when Branson, which started as a small girls' boarding school, transitioned to an enrollment of 320 students. The use permit established

conditions to ensure that the school's impact on the Town didn't increase from 1978; conditions included limiting the use of the athletic facilities to the number of events held in 1978; prohibiting special events for those unaffiliated with the school; and limiting the number of campus buildings and parking.

An outside consultant and the Town planner have been reviewing Branson's application and its traffic management plan. A key point is whether the traffic plan is adequate to keep traffic net-neutral, as Branson has promised. In addition, the consultant and planner have suggested amendments to some of the conditions in the existing use permit.

The Town Council is reviewing Branson's application to increase enrollment from 320 to 420 students, the traffic plan intended to keep traffic net-neutral, and the 1978 use permit and suggested amendments. The Council is interested in community input in these discussions.

Branson has asked for a decision about their application in time for the 2022 application cycle. The Council will make every effort to accommodate this request; the Council is able to hold additional meetings as needed during the upcoming weeks.

Some Ross residents have expressed a desire for Branson to be allowed to increase its enrollment. At the same time, others have expressed concerns about increased traffic and noise. The Council will strive to adopt a use permit that respects the needs and concerns of all.

8. Council Committee & Liaison Reports

Council Member Kircher reported on his attendance to the Marin Clean Energy (MCE) meeting and, after discussing a potential rate increase, MCE approved an increase which compares favorably to PG&E's rates.

Council Member Brekhus reported that last night Mayor Pro Tem Beach Kuhl was nominated to serve as President of the Ross Valley Fire District Board.

9. Staff & Community Reports

a. Town Manager

Town Manager Johnson provided an update on the West Ross Undergrounding Assessment District project which is in its design phase. PG&E's project team began its lengthy process of developing an undergrounding design which will be provided to the Town's consultant to prepare final construction plans. The draft report and final construction plans will be presented to the Town Council in early 2024 for approval and the project will be advertised for bid. Approval of the final Engineer's Report will be approximately two months after the Town opens bids and assuming the ballot measure passes, construction would start in the fall of 2024.

Ms. Johnson then provided an update on the Corte Madera Creek Flood Risk Management project, stating the project will go before the ADR on January 18, 2022 and to the Town Council for design review at its February 10, 2022 meeting. Pending approval from the Council, the County will prepare detailed plans and submit for a building permit by this summer. Construction should begin by the fall of 2022 soon after the nesting season ends.

Regarding EV charging stations in the Post Office parking lot, staff met with the contractor last week that will be installing the three EV charging heads. Timing depends upon the delivery of charging equipment as stations will be purchased this month but may not arrive until April. Therefore, it is likely they will be completed in late spring.

Regarding recreation, winter season began last week and almost all classes are full. Any openings will be described in tomorrow morning's Morning After Newsletter. The majority of classes will be held outdoors, weather permitting, in response to the surge in COVID cases.

This week, the California Department of Park and Recreation informed the Town that its application for Prop 68 funding has been accepted. Town staff has worked with Council and stakeholders to develop the Ross Common Landscape Improvement and Rehabilitation Plan. Through the funding program, the Town has been granted \$177,000 towards improvements. The first phase of the work includes repair and re-orientation of walking paths and refreshing landscaping and is expected to begin late spring.

Lastly, the Planning and Building Director Patrick Streeter's last day with the Town will be next Friday when he leaves to become the Community Development Director for the Town of Windsor. Mr. Streeter was hired at the start of the COVID lockdown in 2020 and he had to work with his team to successfully conduct Town business remotely, which was done quickly. During his brief yet productive tenure in Ross, Mr. Streeter brought a number of planning projects before the Council, modified zoning codes and other administrative policies, and oversaw the monthly ADR meetings. His knowledge of planning is extensive and the Town benefitted from his expertise and guidance. She thanked him for his service and wished him the best in his future endeavor.

Mayor Robbins and Council Members congratulated Mr. Streeter who provided brief remarks.

b. Ross Property Owners Association – No report.

10. Consent Agenda.

The following items will be considered in a single motion, unless removed from the Consent agenda:

a. Demands.

b. Town Council consideration of adoption of Ordinance No. 712 amending Ross Municipal Code Chapter 8.04 "Animal Control Law" regarding Dogs on the Ross Common.

c. Town Council consideration of adoption of Ordinance No. 713 an Ordinance of the Town of Ross amending Ross Municipal Code Chapter 18.52 "Nonconforming Structures And Uses".

d. Town Council consideration of adoption of Resolution No. 2231 requesting the Marin County Board of Supervisors to consolidate with the Statewide Primary

Election and Municipal Election conducted on June 7, 2022 and requesting Election Services of the County Elections Department.

- e. Town Council consideration of adoption of Resolution No. 2232 Assembly Bill 361 Immediately Amends Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies.**
- f. Town Council approval of a Consultant Services Agreement for the preparation of a Storm Drain System Capital Improvement Master Plan.**
- g. Town Council consideration of appropriating \$160,000 from the drainage fund for the previously approved Contract Amendment for Quincy Engineering to perform consulting services for the Winship Avenue Bridge Replacement Project.**

Mayor Robbins asked if any Council Members or public members wished to remove any item from the Consent Agenda or had public comments. There were no public comments or items for removal.

Council Member Brekhus moved and Council Member McMillan seconded, to approve the Consent Agenda Items a, b, c, d, e, f and g. Motion carried unanimously (5-0).

End of Consent Agenda.

Public Hearings on Planning Projects

- 14. 39 Fernhill Avenue, Branson School Use Permit Amendment and Town Council consideration of adoption of Resolution No. 2233.**

The Branson School, 29 Fernhill Avenue, A.P. Nos 073-082-01; 073-082-12; 073-141-03; 073-151-05; 073-072-04; Zoning: R-1: B-A, General Plan: QP (Quasi-public Institutional), Flood Zone: X (Minimal risk area).

Project Summary: The Branson School proposes to amend its current use permit to increase the maximum student enrollment of the school from 320 to 420. Maximum enrollment would increase by 25 students each year over the course of four years.

Mayor Robbins stated the Town Council and Ross residents have been looking forward to discussing Branson School's application to increase its enrollment. For the past year, the application has been discussed just by Town staff with Branson School officials. A resolution has been drafted for an enrollment increase along with amendments to the Use Permit.

Mayor Robbins then provided an overview of the hearing protocols and asked Councilmembers to disclose any ex-parte communications, and Council Members Kircher, Brekhus, Kuhl, McMillan and Mayor Robbins disclosed their individual ex-parte communications.

Patrick Streeter, Planning and Building Director, introduced the matter and stated contract planner Meredith Rupp with Urban Planning Partners will provide a staff presentation, also present are traffic consultants from W-Trans who peer reviewed the traffic study. Staff will address questions from the Council, the applicant will present and address any questions, followed by the public hearing portion and applicant response, and then discussion will move back to the Council.

Meredith Rupp, Contract Planner, Urban Planning Partners, gave a PowerPoint presentation and said the Council is being asked to consider adoption of a resolution that would: 1) determine that approval of a Use Permit allowing an increase in student enrollment at The Branson School from 320 to 420 Students is exempt from environmental review under CEQA; 2) approve a Use Permit pursuant to Section 18.16.030 of the Ross Municipal Code to authorize the increase in the total maximum allowed full- and part-time enrollment at Branson School from 320 to 420 students; and 3) impose amended and restated conditions of approval.

Ms. Rupp provided an overview and background of Branson School's history, the 1978 Ballot Measure D which passed, and a Use Permit approved by Resolution 1042, 1978 Use Permit, 2020 Ballot Measure F which allows schools in Residential R-1 district to enroll up to 420 students.

She then described the proposed project as outlined in the staff report and emphasized that implementation of a Transportation Demand Management Plan (TDMP) would also be considered part of this project which seeks to keep traffic at the same levels as it is now. There are no physical changes proposed, nor changes in hours of operation.

Since receipt of the applicant's application, the transportation analysis was peer reviewed by W-Trans which has led to revisions and additional analysis conducted. The Town also worked with the consulting architects, K2A Architects, to confirm the school's capacity analysis. Research has been done to try to establish the 1978 event levels and compare those to the current baseline number of events. Staff also attended a community meeting last November to hear directly from community members about their concerns and thoughts.

Lastly, staff has also been looking at the 1978 Use Permit conditions of approval and trying to revise them for clarity and applicability to this project. Public comments are both in favor and in opposition, which she described. She then described the first main issue as school capacity. Staff has confirmed that the school has adequate capacity to accommodate 420 students without any expansion or rehabilitation.

Regarding noise, there would be increased attendance at school events but not increased frequency of events. Amplified sound is currently prohibited at athletic events which is proposed to continue. Another issue is use of athletic facilities, and the condition of approval lacks objective criteria which makes it hard to enforce and interpret.

Condition No. 12 relates to how often outside organizations may use athletic facilities which is currently limited to the Town's permission, and there are suggested modifications to that.

Ms. Rupp then described findings of the TDMP which was prepared by Parisi Transportation Consulting and peer reviewed by W-Trans which found TDMP measures would achieve net neutral traffic and may result in a net reduction of trips by nearly 100 daily trips as compared to current conditions. A LOS analysis was also done to determine vehicle delay with increased enrollment and found delay would still be in compliance in the event of increased enrollment. The TDMP would achieve net neutral trip traffic by six strategies which she described as well as monitoring for compliance, penalties and enrollment rollbacks for violations.

VMT (Vehicle Miles Traveled) was also reviewed and the traffic analysis found that with implementation of the TDM the actual per capita daily VMT would decrease from 13.2 under existing conditions to 10.2. Emergency access and safety were analyzed and it was found that the increased enrollment would not affect emergency response times on Ross roadways.

The applicant has requested amendment of Condition No. 1 of the 1978 Use Permit conditions to allow 420 students. The RMC states the Town must look to ensure there would not be detrimental health, safety, morals, comfort, convenience or general welfare impacts on people residing or working in the neighborhood and there cannot be any circumstances that would be detrimental to the public welfare or injurious to property improvements in the neighborhood.

Mr. Streeter then spoke of next steps, stating the Council has several options when the discussion is brought back. Staff is looking for the Council to weigh the merits of the application and analysis done by staff and to make a motion to: 1) deny the project if the Council cannot make the findings necessary to approve a CUP; 2) a motion to continue which would allow the project to return to another regular or special meeting and would provide time for staff to conduct additional research and gather more information and analysis; or 3) a motion to approve and adopt the draft resolution as provided or a modified resolution.

He then described proposed amended and restated conditions of approval from the original 1978 Use Permit, stating the applicant has reviewed the proposed amended and restated conditions and have their own requests for numbers 11, 12 and 13 which he described. The condition relating to sound restricts amplified sound for all events and does not distinguish outdoor versus indoor. The applicant would like it to be only restricted to outdoor events and to allow amplified sound for indoor events without restriction. He noted that existing Use Permits, such as for the Lagunitas Club, provide for certain outdoor and indoor events that utilize amplified sound.

In conclusion, the staff report includes staff's recommendation based upon their technical analysis. If the Council chooses to approve the project staff feels the Council should be able to make all findings necessary for approval. Staff also presented proposed conditions of approval which should be discussed by the Council as to whether they are too restrictive, too permissive, and/or whether their format is appropriate. He would ask the Council issue a number of events rather than a reference which has led to confusion in the past.

Council Member McMillan requested the public be provided with a brief description of all supplemental materials that the Council has received since the staff report and agenda were

posted last Friday. Mr. Streeter stated all materials are posted on tonight's agenda website and include:

- Peer review of the traffic management plan provided by the applicant;
- Correspondence between staff and the applicant that resulted from that peer review to refine the TDM document;
- A summary list of all use permit amendments that have been granted by the Town for the Branson School Use Permit since 1978 which he described;
- The EIR for the school's master plan done in 1977 and the FEIR;
- Branson's Annual Report from 1994 over the years wherein Condition No. 5 requires that the school report the number of enrolled students to the Town every year in October; and
- Several public comments received by staff which have been posted to the website

Council Member Brekhus commented that reporting by Branson did not include the list of events. Mr. Streeter replied that several of the reports do have the events attached but staff did not have this readily available when they put the packet together.

Council Member McMillan asked for the Town Attorney to elaborate on why none of the exceptions apply for CEQA and to discuss the unusual circumstances, as well as cumulative impact.

Michael Biddle, Attorney, explained the exceptions to the exemptions are in Section 15300.2 and there are six of them. He believes objectively only one of them could necessarily come into play which would be an exception related to unusual circumstances. The other five are related to whether there is sensitive environment cumulative impacts, scenic highways, hazardous waste site, and historical resources. The project location is not in a sensitive environment, is not on a hazardous waste site and it would not affect a historical resource or scenic highway. The school also does not have any pending projects and staff is not aware of any pending projects beyond this application so they believe the potential for cumulative impacts would not be applicable.

The only potential exception they felt was potentially relevant were those relating to unusual circumstances. Considering the location of the school in a single-family neighborhood, this is not in and of itself unusual. It is more related to the fact that there are constrained narrow local streets as well as the status of the school that attracts students from a regional attraction as opposed to most public high schools that draw from the immediate area.

Because of concerns, they looked at the potential impacts from VMT and traffic safety hazards or inadequate emergency access. As pointed out, the application itself includes the TDMP with the goal of making certain there are measures implemented throughout the operation of the school to ensure there are not increases in traffic and no net increase in vehicle trips as a result of the enrollment increase. Therefore, based upon analysis there would be no impacts to VMT, traffic safety or emergency access because they are looking at the incremental impacts from the increase in the enrollment and not what may be there as it exists, and this is a point to keep in mind.

Mayor Robbins stated if Condition 11 is changed as far as use of the athletic facilities if sports are scheduled on Sundays she asked if this would result in an increased use that triggers CEQA.

Mr. Biddle explained Condition 11 refers to what was going on prior to 1978 and staff does not have that information. What they are really looking at are the impacts on trips based upon trip counts done in 2016, 2018 and 2019 to come up to the average daily trips and, likewise, Saturday trips. There is nothing specific in existing conditions that states the facilities cannot be used on Sundays. So, he thinks this is part of the concern to say that suddenly now there is a change.

Mayor Robbins asked if trips were counted for Sunday.

Brian Canepa, W-Trans, introduced Traffic Engineer Dalene Whitlock to respond.

Dalene Whitlock, Traffic Engineer, W-Trans, said traditionally when looking at a weekend they are normally looking at Saturdays. Saturdays and Sundays are much lower volume days which typically carry between 60% and 65% of traffic on a weekday. For most land uses they do not look at weekends because they are much less congested. However, if Saturday volumes were analyzed but functions are held on Sundays, from an analysis perspective it is very conservative.

Council Member McMillan asked if Branson School were to come forward with a building project in the future she asked if that would be the time when a cumulative impact exemption would apply to their exception.

Mr. Biddle said potentially; and this would be the time to look at the language in the statutory provision and see if it triggers it. They may need to look at the cumulative effects of not only the enrollment increase but also whatever expansion is being proposed at that time.

Council Member McMillan said the school is getting a 6% buffer above average of what the net neutral number would be for Monday through Friday and Saturday. She asked if the 6% buffer does not trigger the exception.

Mr. Biddle said that is what the school is proposing in their TDMP. Staff recommended adoption of the TDMP and knows there has been a lot of discussion back and forth between Town staff and Branson on that, but he does not think it necessarily changes the exemptions or the application of any exceptions to it. Traffic engineering is not an exact science and when doing traffic counts you can have outlier days where, for some unforeseen reason, trips are exceedingly fewer than what you would normally expect and likewise exceedingly higher. So, they apply this standard deviation to try to level out the playing field.

Ms. Whitlock commented that it is typical to have substantial variations in traffic volumes from season to season and day to day. Their industry rule of thumb is anywhere between 8% and 10% which is not uncommon. A 6% threshold is actually lower just due to daily variations which they are seeing now because people are working from home. But, even under pre-COVID conditions, in the wintertime some people get sick and also go on vacations, which result in lower volumes so it is not absolute.

Mayor Robbins questioned why Town staff was recommending traffic caps for daily and Sunday when the peer review of W-Trans states the daily and Saturday trip cap should be observed averages of 860 and 346, respectively.

Mr. Canepa explained that this was something they discussed with Town staff after they issued their report. There are fluctuations that occur in traffic from day to day and week to week. Typically, what is seen at most schools is that a school will stick to whatever the actual threshold is and include days in there to discount that are anomalies. They explained to Town staff that this is one way to do it. Another way is the buffered system where you essentially get to the same end point which is trying to account for variations in traffic that are essentially abnormal in some way.

Mayor Robbins said it is odd that the peer review says to do one thing and this is something else. If Branson were to propose a building project along with this enrollment increase she asked and confirmed with Mr. Biddle that this could potentially trigger CEQA, which he described.

Mayor Robbins commented that Branson has indicated their auditorium is too small, needs replacement, and does not accommodate their current student body. She confirmed with Mr. Biddle that this is not part of their application or analysis conducted by the Town.

Council Member Brekhus suggested a "Whereas" clause be added that states Branson has determined its facilities are satisfactory and will not expand. This way, it is clear that this review is appropriate under CEQA.

Council Member McMillan referred to traffic monitoring where in a couple of instances monitoring is done in conjunction with a consultant that is hired by Branson but approved by the Town. It is done for a two-week period in the fall and a two-week period in the spring. In the W-Trans peer-reviewed material they instead suggested permanent vehicle counters that could be used. The school year is 180 days and there are three separate 60-day periods for Branson to cure, which means (they) have a whole school year to cure. It strikes her that if there were permanent vehicle counters Branson and the Town would know immediately and they could expedite steps to modify the number of vehicles going in and out of the school rather than having this lengthy process. She wondered why staff did not have the permanent vehicle counters instead of this periodic monitoring with the multi-phase cure process.

Mr. Streeter said it is important to keep in mind that the TDMP is part of the applicant's application materials so it has been modified and amended based upon conversations with staff based on their peer review. The applicant has chosen to incorporate several of the recommendations staff made but not all of them. So, he would leave it to the applicant when they give their presentation for the reason they chose not to incorporate all recommendations that were in that peer review document.

Mr. Biddle also noted that the TDMP identifies average daily trips. You can have permanent counters there and this way trip counts would be available every day but you still need to look at

those trips for a segment of time because, as Mr. Canepa and Ms. Whitlock attested to, there will be days where they are going to exceed the cap. There will be other days that stay within or below that so they would still need to identify what window of time they will look at trips and create an average to see if they are staying below that rate cap on an average.

Council Member McMillan asked if the counters were more expensive or cumbersome.

Mr. Biddle said these are seen at a local intersection at a red light where vehicles trip it from the ground. Mr. Canepa thought the capital costs are not particularly high because he works with schools that use them. Regarding the previous question of how permanent counters vary from doing two weeks, there are pros and cons to both which is why they threw this in as an alternative. The strength in doing the two week's counts during the late September/mid-October/March/April timeframe is that those are the periods where there are the most typical travel behaviors, whereas the counters themselves will provide more data throughout the year but much of it will not be indicative of what would be considered as "normal". The permanent counters are definitely a less commonly used method but noted it as a possibility.

Mayor Robbins asked if the Town could still decide on two weeks for the counters that are likely representative and use that to analyze it. She thinks if drivers do not know the two weeks that are being reviewed it could be more accurate data. Mr. Canepa said this is true and he suggested different conditions could be set on the counters.

Ms. Whitlock added that count technology is evolving rapidly and often times they can use video cameras as well or do the counts manually to be more cost-effective. They also work with a firm that uses streetlight receivers and transmitters and they can use those to develop counts.

Mayor Robbins asked and confirmed with Mr. Streeter that the traffic monitoring is done via a third party, which is something W-Trans recommended.

Mayor Robbins said if the application and traffic plan are approved she asked if the Town has the right to make changes to some elements of the plan. Mr. Streeter said staff's preference would be that the applicant revise their plan to reflect what the Council would like to see.

Mayor Robbins asked and confirmed with Mr. Streeter that if the hours for single student drop-off and pickup prohibitions could be one hour before and one hour after school starts and an hour before after school ends so that if the school time changes, the single-student prohibition period matches the change.

Mayor Robbins questioned the two new Circle Drive homes which Branson purchased and she confirmed with Mr. Streeter that these homes are in a single family residential zoning district and can only be used as residential units. If a change is requested by the school, amendment of the use permit would be necessary.

Mayor Robbins asked if Branson's faculty housing down by the playing field would ever become offices. Mr. Streeter said he knows there were some use permit amendments in the past for work on residential facilities on the property. If the faculty housing is being used for housing by the current use permit that use needs to remain. They cannot be changed to other purposes unless they were original classrooms that got converted to housing.

Council Member Brekhus said she does not understand how trip counts were done. The staff report indicates that they definitely did not do trip counts at San Anselmo parking lot so they do not have a baseline and she also questioned whether counts were done at the driveway entrance and the back parking lot entrance. Mr. Streeter said that information was provided by the traffic consultant and they are present for this meeting.

Council Member Brekhus also asked how many people are being dropped off in front of the gates and whether this is being captured or not.

Mr. Canepa said he would have to go back and look at the document and can do a bit of research.

Council Member McMillan questioned wildfire and emergency evacuation issues with increased enrollment and staff on the campus.

Mr. Streeter said Ross Valley Fire's determination was that that they would have no recommended conditions of approval to enhance safety because there are no physical changes proposed and the surrounding road network and transportation infrastructure is already in place. Additionally, there is no impact to response times but the school is responsible to ensure they are prepared for emergencies.

Regarding the more regional approaches to the Hazard Mitigation Plan and the Regional Evacuation Plan, Ross Valley Fire felt the 100 students would have no impact on those broader emergency planning documents.

Council Member Brekhus questioned the amount of analysis done for remote drop-off, stating there could be additional drop-off at San Anselmo, Lagunitas and at Laurel Grove, so this further impacts the Town even if they do not account for further on Sir Francis Drake on Bon Aire. Today, the Council received a copy of the DEIR and the FEIR for the master planning in 1977 and staff reviewed yearbooks to figure out the number of sporting events, etc. The FEIR's pages 50 to 55 have incredibly detailed data about their events, how many teams, participants, spectators, and even a trip count of 420. So, she would like staff to speak to the fact that this is presumably new information.

Mr. Streeter said this is new information that has been circulated and staff has been pressed for time to go through it all. Yes, it could change the recommended approach to those conditions of approval but as was pointed out earlier, there is also ambiguity to have Condition No. 11 applied. There is question as to what the semi-colon represents as far as whether there is differentiation between the number of events the school is allowed to do versus outside organizations so it is not clear and this could change staff's recommendation on the conditions. He then asked Mr.

Canepa to comment on remote drop-off's and how that could impact traffic counts, thresholds and impacts to surrounding streets.

Mr. Canepa said they noted this in their peer review and it was pretty clear in the TDMP that the remote pickup and drop-off is a significant portion of the trip reduction. They also looked at other peer campuses around the Bay Area which has proven to be a successful measure. The plan is intended to be and is net neutral if not a negative return on trips. When going further from campus to these lots the number of vehicles at any one point or area is relatively small. If they were going to try this with a 20,000 person university this would be a different scale but for this scale it is not anticipated to cause any issues.

Council Member McMillan asked how the 87% increase at athletic events at the school was determined. Ms. Rupp said they looked through the yearbooks and many of the teams had their schedule on their team photos and who they played, and they calculated all those as one game and were able to use Branson's numbers for the most recent academic year and calculate the change from one to the next.

Mayor Robbins said she thinks the 1978 use permit talked about trying to keep the same level and extent of use to minimize impacts on the neighborhood. In 1978, Branson did not play in major leagues so the numbers of spectators would have been small whereas in recent years with Branson being a member of Marin County Athletic League, there are hundreds and hundreds of spectators. She asked if the 87% is the number of events or is it the size and scale of the events because she thinks both have changed over time.

Mr. Streeter said their analysis in the staff report is based on number of events and not the scale of events. He noticed in the FEIR it does list the general average attendance of participants and spectators when it discusses events, which is by sport and type of game. Some numbers are 25 to 30 spectators.

Mayor Robbins asked if the buses Branson is using now could be electric versus diesel, and Mr. Streeter said yes and again, any aspect of the TDMP could be revised or the Council could ultimately make a condition of approval.

Council Member McMillan referred to safety enhancements mentioned in the traffic report and the pedestrian pathway on Fernhill. She asked when that pathway would be contemplated to be constructed, who would pay for it, etc.

Rich Simonitch, Public Works Director, agreed there is a need for the pathway along Fernhill and the Town would prefer looking to Branson to install that pathway since it would mainly serve pedestrian traffic going to the school. The Town is not planning it as a capital improvement at this time, said it is in the Bike and Pedestrian Master Plan but have no plans for it in the near future. He then confirmed it is the area from the gate down to Norwood and it gets problematic once going past Norwood towards Shady Lane on Fernhill.

Mayor Robbins asked if it was part of the proposal or just a suggestion in the plan. Mr. Biddle stated it appeared to him that it was a suggestion of things that could be done collaboratively with the Town to improve safety.

Council Member McMillan said the report mentions there are monitors at the front gate of the school and at key intersections to monitor carpooling. She asked which intersections and how long will those monitors be in place, and Mr. Streeter deferred to the applicant.

Chris Mazzola, Head of School, Branson School, gave a PowerPoint presentation regarding Branson School's request for expansion by 100 students. She thanked Town staff and introduced panelists Nathalio Gray, Assistant Head of School and Director of Admission, and David Hanson, Chief Financial and Operations Officer.

The increase of students is proposed to be phased in at 25 students per year over 4 years. They are using their gym for events that require large audiences, will not be applying to build any new facilities in the near future, and their governing bodies have indicated that Branson needs to prioritize the growing student enrollment for its future sustainability as a top school. To remain competitive and a top Bay Area school, they must offer all programs of larger schools but with 100 fewer tuitions. It is crucial to be able to add more students so they can begin to limit tuition increases and pay teachers enough to live a quality life in Marin and remain in their profession. She lastly described the 2020 ballot measure and the creation of a neighborhood group to formulate a traffic plan.

Nathalio Gray, Assistant Head of School and Director of Admission, spoke about his 20-year career with Branson, the school, its teachers and students, the importance of growth and being able to attract and retain teachers to be able to live in Marin, diversity and excellence, and the request for an enrollment increase to be able to fully accomplish their mission.

David Hanson, Chief Financial and Operations Officer, spoke of his experience in finance and operations, said they worked with the neighborhood working group in 2020 and developed what would become the TDMP. After starting to go into the school after being remote for the first 6 months, he noticed traffic management and parking was ad hoc without robust systems, staffing or enforcement. He began to put measures in place that would address increased safety, accountability and sustainability and stated he issues tickets to students as well as restricts parking and transportation for students that cannot abide by their policies.

They began one year ago with traffic monitors, hired 5 permanent monitors to have a consistent presence on campus, put in place incentive programs such as E-bikes which has cut down 50-100 car trips a day, free parking for student carpools, cash incentive payments for those who give up their parking spaces on campus, and they have an agreement with the University of Redlands Seminary Campus in San Anselmo to begin housing their faculty where they could walk or bike to campus.

Regarding the TDMP, the key components are a neighborhood partnership group, constant interaction with the neighborhood, the addition of a new Director of Transportation, Parking and

Security, and remote drop-off's as a key component which they plan to be put outside of the Town of Ross. With neighborhood input, they will monitor, modify and change routes and times based on the time of day and year given traffic can be variable. They are committed to Branson being the best neighbor possible.

Council Member McMillan asked to modify the hearing to allow Mr. Parisi to be able to provide a brief overview.

David Parisi, Parisi Consulting, said their firm prepared the TDMP and he provided background on his work on TDMPs for schools. Regarding the question on counts and where they were taken, over the course of three years they conducted counts mostly at the campus and also counted traffic on Bolinas Avenue at St. Anselmo. The report shows all counts which identify about 1,000 cars a day with 860 cars being the average at the campus itself, which varied from 786 cars to 1,068 cars. This is the idea of using half of a standard deviation which is 6% for the plan. As discussed, this is usually higher at 8% to 10%. Four days of traffic counts conducted over time already exceed that amount, so using 6% requires Branson to keep traffic numbers down.

Regarding the question about potential traffic impacts elsewhere in Ross they assessed this at several key locations throughout the town and determine with or without the TDMP, with 100 more students there would be no significant impacts and, with the TDMP there would be even less. Also, VMT reduction on a per capita basis would actually be seen primarily due to the TDMP actions.

Lastly, there was a question about the counting and where they occur and the possibility of doing a permanent count station. In his opinion, there would need to be more than one permanent count station because it is not just the campus but also an upper parking lot. This would be very expensive and it would not be as reliable due to keeping them calibrated and functioning properly 24/7. It is best when data is taken randomly because if counts are always taken they can be taken advantage of by non-Branson traffic and manipulated. Also, having an outside party doing the counting twice a year for two weeks not only can be done electronically but they can also observe to make sure counts are reliable and there is confidence in the results.

Mayor Robbins asked for questions of the applicant.

Council Member Brekhus voiced concerns about the school going from a proposed change in the number of events to no caps and events happening within certain times.

Ms. Mazzola clarified that there is a cap on large events. The time piece is about the times sports would be allowed on campus or other events on weekends and during the summer. There is information about event management and how many events they would be allowed to have in one year.

Council Member Brekhus said she read the staff report which indicates there will be outside unlimited events. Ms. Mazzola said they are not unlimited. They are willing to have a cap on the

number of major events they have at the school each year that impact neighbors via traffic, noise, or other things.

Council Member Brekhus commented that the number of major events is different than plain events, and Ms. Mazzola explained that the school is currently not allowed to have outside groups using their facilities. The CYO group playing there since the early 1980's was grandfathered in until this process came forward but they look to the Town to determine conditions.

Riley Hurd, Attorney, said he has been advising the Branson team throughout this process and the answer is what will limit the intensity of use during those hours are the trip limits. For the first time in the history of the Branson School there will be a limit on the number of trips that can take place per day under the TDMP. This is how they end up limiting the use during that time period as opposed to the large special events for which there is a cap of 10 proposed.

Council Member Brekhus said she thinks it remains an issue of concern. She wanted to understand whether it was realistic or not that Branson can also eliminate all parent drop-off. The assumption is zero which seems unrealistic given that a student might be 20 minutes late to school, do not have a bus option, or they have a dentist appointment so she asked how zero can be assumed.

Ms. Mazzola said the zero applies only at peak hours so drop-off in the morning and pickup in the afternoon when school is starting and ending. If a student comes in at 10AM or 11AM that would be allowed because it is not a peak hour, and this is in the proposal.

Mr. Hurd explained that the way this is set up is that if monitoring reveals that the TDMP is not successful in net neutral traffic and one of the big levers to pull is this drop-off issue, then the school will not get the next 25 students. The school will get exposed to significant financial penalties and eventually enrollment rollbacks so the trip limits are the "hammer" here.

Council Member Brekhus said the Town does not want to use the hammer, be mean to Branson, mean to families, or impose fines or rollbacks. So, this is their opportunity to get it right and not to end up in a difficult position. She travels back and forth to San Rafael and Mill Valley for various classes and drivers hit a log jam going down Sir Francis Drake Boulevard. It is not enough that it just be in the Town of Ross, as the Council does not want to see new traffic at the Hub heading onto Sir Francis Drake and further because it is already a disaster. It seems remote drop-off is not really specified. It is that drivers might drop-off in Ross on Laurel Grove or Lagunitas or at Bon Aire and she wondered if the school has an agreement with Bon Aire Shopping Center to carpool there or whether the school has a carpool plan outside of Sir Francis Drake.

Mr. Parisi replied that he thinks a successful plan with 25 students per year will be flexible and they will look at the demographics and origins of these trips. The school has many levers to push and pull to make this a success. They have spoken about locations, arrangements, buses, etc. and year by year they will make adjustments to make it happen.

Mr. Hanson said they do not have any signed contracts at this point because they are not sure if their application will be approved. They have had discussions with multiple parties with College of Marin and with the University of Redlands Seminary campus, and are relying heavily on their bus provider, Bowers which has been operating in Marin for about 35 years to help them with those locations. All discussions thus far have been very positive and their goal is to use dilution to remote areas so no one area is overly impacted.

Council Member McMillan said she read that the school's faculty and staff would also live in areas that would be encompassed by these new bus routes. She wondered if the school is contemplating having school staff also take buses.

Mr. Hanson confirmed, and said they now have a few teachers that use buses and said they are in the process of developing a Marin bus route which he described and said they are also in discussions with their bus company about moving to electric buses.

Council Member Brekhus asked and Mr. Hurd confirmed that Branson had done a few traffic counts over pre-COVID years which is how they arrived at the baseline data. But, as far as traffic studies and analysis of counts, Mr. Hurd and Ms. Mazzola stated it was the Parisi report that was submitted for this application and they confirmed they were unaware of any other studies being done in the last 7 years except that the Town hired an independent consultant to do a study a year or two prior to the ballot measure.

Council Member Brekhus asked for staff to look into what studies may have been done prior to the ballot measure. She asked if the report done by Parisi looked at entrances into the main campus as well as the back parking lot. Mr. Parisi confirmed it was both; the counts are for all trips to campus with the main parking lot and the back parking lot. They also looked at trips on Bolinas that are using St. Anselmo's lot and Mr. Streeter clarified that traffic counts were conducted manually for the San Anselmo lot and that the staff report was incorrect.

Council Member Brekhus asked and confirmed with Ms. Mazzola and Mr. Parisi that counts are reliable, because monitors are down Fernhill when people are coming to the school. They are at two locations; inside the driveway or gates and then also at the parking lots in and out of the school. They also do not allow people to drop off students in front and can only drop students off at the back lot which is covered by one of the counters. They plan to hire 1-2 more counters as well, and while not a requirement part of the management plan, the school plans to keep counters working for a long time.

Council Member Brekhus asked if the counters could be included as conditions and she asked what "Friends of Branson" mean. Ms. Mazzola said they would have no objection to a condition and explained that the friends are those holding Alumni events and parent events and that these could also be added into the condition as Condition No. 15; that the auditorium be restricted for the use of Branson School assemblies, special alumni, faculty, parents and Friends of Branson School.

Mr. Streeter clarified that this is coming from the original resolution and staff can update that language. Ms. Mazzola added that if it was for Ross School or any other organization outside of Branson that wanted to use the campus they would have to come to the Town for a use permit amendment so this is not what they intended by the term "Friends of Branson."

Council Member Brekhus said one of her biggest questions is the fact that Branson does not have a geographic limit enhancement of this increase. When she thinks of people being able to walk and bike to the school this will happen for those living within a mile or two of the school. One of the things she has asked about is to see the 100 student increase be 100 students located within a certain mile radius of the school, recognizing there are still 320 students that can be chosen from outside of the town. Her thought is to bolster up carpooling, walking, biking, and the knowledge of where this school is in relation to a community and thinks this is a real nexus to the school's application and which could minimize impacts.

She does not have 100% faith in the traffic plan and does not see the school getting to net neutral with the proposal or even if it was net neutral, it does not build in buffers. She also prefaced that she is not trying to obstruct the 100 person add-on but is just trying to put in parameters that make sense for the community. She does not want to hear 3-5 years from now questioning what did the Council do in approving this increase. She sees the more robust walking and biking as most realistic and one that the school could require. This eliminates bad traffic that already exists at the Hub and on Sir Francis Drake which is a disaster and just fixing the traffic around Glenwood, Fernhill, Shady, and Bolinas is not enough.

Ms. Mazzola said the proof is in the pudding because there are very drastic measures if they do not meet traffic counts, and Council Member Brekhus said she just does not want to have to resort to those drastic measures.

Ben Stock, Town Attorney, recommended keeping the discussion on questions of the applicant for now before opening up the public hearing.

Mr. Hurd said a technical response to Council Member Brekhus is that this is what VMT analysis is. They thoroughly looked at that and had it peer reviewed. Secondly, the interesting thing about remote students is they are the ones that absolutely ride the shuttles and do not drive. Also, there is a real significant equity and even legal issue with restricting mileage at private schools, particularly when part of this is about diversity.

Council Member Brekhus said if there was a 100-student restriction on a certain geographic limit, there are 320 students they could draw from anywhere they want to the extent they want that diversity.

BREAK

Mayor Robbins called for a brief break at 8:52 p.m. and thereafter reconvened the regular meeting at 8:57 p.m.

Mayor Robbins opened the Public Forum.

Colby Collet, 40 Fernhill, said they live across the street from the school and can attest to the minimal traffic, thinks Branson has been and will continue to be a great neighbor and voiced support of the use permit.

Mark Kruttschnitt, Norwood Avenue, spoke about how the neighborhood working group met with the focus of making sure Branson would be able to complete the traffic obligations spelled out in the ballot measure. Branson made multiple changes to their TDMP which he described and the group submitted a letter in support of Branson's expansion plan, signed by 50 Ross residents who live on the feeder streets.

Chuck Greene, Novato, spoke of Cedars of Marin's fabulous relationship with Branson School, of their mission to de-stigmatize what it means for a person to have developmental disabilities, described the Best Buddies program which won an award from Best Buddies International and spoke of Branson's participation in their celebrations, art shows, and meaningful classes. He thinks Branson is committed to being a great community partner of Cedars and other groups, said the expansion is crucial for students who attend now and in the future, and asked for the Council's support.

Molly Gamble, 14 Norwood Avenue, voiced support of the expansion, recommended the Council call a special meeting between now and its February meeting, thinks the community and the Town Council need time to absorb all materials and be able to provide input as well as discussion of safety issues and financial impacts to the Town.

Bill Cahill, former Mayor/Council Member, 120 Lagunitas, said his sons went to Ross School and then to Branson and spoke of the impactful contributions Branson students make to the world. The school is one of the top secondary schools in the country and it would be a tragedy if they were forced to move or were unable to provide an exceptional education for Bay Area high schoolers. All adverse impacts of an increased enrollment have been or will be mitigated and he encouraged the Council to vote in favor of the application.

Edward McDermott, Glenwood Avenue, said his family is proximate neighbors of the school, strongly believes Branson is a major asset for Ross, recognizes that schools need to evolve over time and that the growth plan is appropriate to keep this institution thriving in Ross. Their plan is thoughtful, substantive, the transportation plan is a meaningful investment and he can also attest to Branson's consistent track record as a considerate neighbor. He asked the Council to act with urgency and not delay this further.

Damon Kerby, San Anselmo, cited the importance of having such a world class school in Ross, said the school's emphasis has been on recruiting a diverse study body and the Council's vote to approve the application will enhance diversity, financial aid, enlarge the school's giving base, be a solid resource in the community and be more vibrant.

Mathew Salter, RPOA, thanked the team at Branson for their presentation and for their time and resources, said he is shocked that so much time is being wasted on this topic and thinks traffic is

a red herring and should not be blamed on Branson's expansion. The geographic zone brought up is off the mark as equity needs to be brought to the community as diversity is needed. He asked that the Council think about the bigger picture and voiced support of the application.

Bob Dickinson, 41 Glenwood Avenue, said he and his family are in full support of increasing Branson's enrollment. His daughter recently graduated from Branson, his wife now works for Branson School, and he served on the Ross School Board with Mayor Robbins and as Town Council liaison during the transformative opening of the new Ross School and Gymnasium Theater. His father also served as a high school principal spanning three decades. He supports Branson because it needs minimum sufficient scale to compete with other school alternatives. The school and Town enjoy a symbiotic relationship, noted the school's community support, said Branson is a wonderful neighbor and they enjoy frequent communications and a respect for neighbors' well-being.

Leighton McCamy-Miller said he is a senior at Branson, thinks an increase in students would improve their school life in many ways and at question is whether Branson will survive the next century. Branson benefits Ross through service programs, patronizing local businesses, is one of the ways Ross makes a positive difference by being home to this reputable institution and he asked the Council to support the application.

Patty Treadwell, Ross, said she is currently serving on the Ross Leadership Council and recently joined the Ross Age-Friendly Task Force that is working to make Ross an age-friendly community. The task force hopes to partner with Branson in the near future on some projects and she spoke of her involvement with the Ross School PTA, trustee at Branson and at Cedars, and a member of the Marin Art and Garden Center. Long-standing landmark institutions are important to Ross's vitality and character and all deserve the Town's support, including Branson. She voiced her support for the school's application, thinks it will allow more Ross students to attend and believes the current leadership will handle the growth carefully and responsibly and it would be devastating to lose the school.

Eva Lacy, junior at Branson, said she loves the school and its mission and hopes the increase can be approved which will expand the diversity of thought. She values the opportunity to study with a wide range of people and voiced support of the school's application.

Justin Slayen, sophomore at Branson, said he personally chose to attend Branson for high school because he has always felt the school values the importance of community. He knows some of his classes and extra-curricular activities have been limited due to their small class sizes, spoke of the ability to be in classes with people from all backgrounds and for Branson to bring in a modest number of students within each grade level will further enrich the educational and social experiences for all students, and he asked the Council to support Branson's growth.

Ethan Klosseck, senior at Branson, said he believes it is essential to create a more diverse community at Branson both with regard to socio-economic diversity and cultural diversity. The student increase will provide resources to supplement financial aid and he is grateful for the opportunities the school has given him over the last 4 years intellectually, academically, and

athletically. Bringing in students from all backgrounds and having a proximate setting and culture is vital, and he hopes the Council will support the application.

Stephanie DiMarco said she also strongly supports Branson's student expansion, said her family has been neighbors of the school for 12 years first on Norwood and now on Glenwood Avenue. They love having the school as a neighbor, said traffic has never been an issue for them, and thinks it is a bit exaggerated. The neighborhood feels safer now that the school has instituted various policies and rules and the new changes they are committing to make will be very positive. She does not understand why the Town is battling this and asked to instead work proactively to make things easier for them and approve the use permit tonight.

Kathy Wilsey, 98 Fernhill, said she does not support the increase for reasons she has outlined via her email to the Town Council and questioned if tonight is the night to make these decisions. She is more concerned with the not so crisp answers provided by Branson and by staff, noted that in the last 24 hours she has had to ask Branson School to not have their traffic monitor park her car on her property, said there are still many kinks to work out if enrollment increases, and thinks this is a complex topic. She asked that a special meeting be held, and felt conditions 11, 12 and 13 look like there might be expansion of activities on weekends and in summer months which are times she values in the neighborhood where things are quiet.

Amy Schaeffer, 18 Fernhill, said when she moved to Fernhill expansion was already being talked about in the neighborhood and she did not know much about it. She is impressed by how responsive the school is, joined neighborhood meetings, thinks the issue is simple, thinks Branson is such a valuable institution, and recommended the Council approve their expansion. Also, having traffic monitors there has made a real difference and the school really walks the walk and talks the talk.

Phil Gutierrez said he worked at Branson from 1994 to 2017 and looks fondly back at his time there. Branson has a strong reputation, serves children incredibly well and prepares them to make positive impacts throughout their lives. He is now Head of School at Marin Primary and Middle School in Larkspur and they have families from outside the community. Branson recently helped them with their transportation needs so that fewer cars would be on Marin roads. A bigger student body is a goal for small schools and thinks it gives the school a deeper social dynamic, far more financial security, and more Branson graduates will make the world a better place.

Peter Nelson, Circle Drive, said he goes through the Branson gates anywhere between 2 and 6 times a day and is very supportive of the expansion. Branson has been consistently attuned to neighbors, drop-offs and managing their operations so there is minimal impact on neighbors and the surrounding area. For many years, Branson has been taking severe actions against students who violate the speed, parking or other restrictions the school imposes. Regarding safety and access by the site by bikes, there was some question about the pathway on Fernhill would be a requirement or not. He thinks the issue is that it is something important and the school has offered to help. However, he thinks it is up to the Town to try to create a safe pedestrian

situation. Many local residents also use that portion of Fernhill for a circuit walk with their dogs throughout the year and he clarified there are no traffic jams on Hilgirt Drive.

Craig Slayen, 51 Wellington, referred to comments about a geographic circle which prompted him to speak. He graduated from Branson 30 years ago and is lucky to have two children attending the school. He loves the Town, is dedicated to the community, and said he was impacted by the Black Lives Matter movement over the last few years which opened his eyes about the historical inequities in the country and in Marin County. The big difference that he sees from 30 years ago to today is the socio-economic and cultural diversity on campus. He asked the Council to realize that increasing enrollment does its part to give other people opportunities that the Council already has, and he hopes the Council will support the expansion.

Will Bollini, senior at Branson, said Branson has opened his eyes to many different perspectives. He would love the opportunity for students to experience a diverse community's positive benefits, and not voting in support will stifle the opportunity for 100 more students to receive a Branson education. He is positive the transportation plan will succeed because students care and he hoped for approval of the request.

Pat Higgins, 45 Redwood Drive, said they sent in a couple of letters in full support of Branson School's expansion, stating the school is a great partner. He is impressed by the traffic proposal, thinks issues are minor when considering the education provided by such a great school, said he would like to see the school also open up and host more community events and not just student events, and voiced support of the expansion.

Sven Beer, Fairfax and alumni student of Branson in 2011, said he was lucky to go to Branson after having been raised by a single parent and given financial aid. He thinks students will do their part with traffic concerns, noting he rode his bike through rain, wind and cold weather because of the lack of parking and he has full confidence with Branson being able to meet their end of the plan. He thanked the Ross community and hopes the Council can pass this expansion to allow more students to contribute to the community.

Robert Herbst, Ross, said he is a father of two children who graduated from Ross School who have had incredible Branson experiences. He whole-heartedly supports the expansion and thinks it is critical for their long-term survival and ability to thrive. Branson tried to leave Ross to go to Seminary because they could not survive with 320 students and absolutely need this expansion in order to continue to be a world-class organization and stay in Ross. Since traffic was the majority of Council's concerns, having read the TDMP and the W-Trans peer review report and staff report, both firms are highly qualified and staff developed an excellent staff report. Both consultants have told the Council it is a robust plan, a multi-modal transport plan which can achieve zero net new trips, and he thinks the Council should give credence to staff and consultants and also commended the Council for their questions. The real protection is that absolute limit on traffic trips and if the school is not hitting the counts, the use permit has conditions the Town can hold the school to, and he asked for the Council's support.

Ryan Murr echoed Mr. Herbst's comments, said he also has a son who is a student at Branson. The school is sincere in terms of their policies for traffic enforcement. They receive frequent and clear communications on policies. His son is part of the E-bike program and walks or bikes to school daily. He appreciates the fact the Council is trying to balance the interest of the school and broader community, but part of what makes the Town of Ross a special community is all of its component parts. Branson is one of the treasures of the Town and contributes measurably to the life of the Town, and it would be ashamed if the school were unable to expand and continue in a financially viable way. Lastly, he thinks the changes in athletics from 1978 to now was a function of Title 9 and a proliferation of women's sports, as well.

Tom Pilliero voiced support for Branson, stating his wife Debbie and he live on Upper Road, have two kids and have been happy with the community, involved with the school, and view Branson as a true asset to the Town. He feels they have demonstrated a commitment to the Town and is impressed by their vigilance in devising a plan to address traffic concerns. They have also established legitimate consequences if they do not fulfill their objectives. He asked the Council to carry forward the result of the vote 60% of the Town expressed, fully supports the expansion plan, and encouraged the Council to vote tonight.

Beth Sutro, Ross, said she submitted an email in strong support of the Branson expansion. She and her husband are active members in Ross and would be devastated if Branson left the community. She thinks the school is a pillar of the community and students are upstanding, polite and considerate drivers. She echoed many of the sentiments in support of the expansion and urged the Council to consider it tonight.

Sally Shekou, 7 Laurel Grove, said she and her husband strongly supports Branson's expansion, appreciates the thoughtful comments and cited Councilmember Brekhus made comments about the geographic location. As a parent whose son is very close to the school, it is a lot easier for parents to drop off and take things to kids when living closer, but what does matter is the lack of diversity kids experience being at Ross School, given her being of a minority background. It was a refreshing change to see her children at a school where there is diversity and asked the Council to consider that. She appreciates the thoughtful concerns the Council has expressed but hopes also that the Council does not place unreasonable conditions that make it difficult for the school to function, and asked for the Council to vote tonight.

Sophie Liu, junior at Branson, said Branson is a school that houses teachers and not only teaches to students but also adult lives and it brings diversity into Ross. She asked about the idea behind the geographic circle and what it is really about and whether it is an underlying desire to keep a certain level of diversity out of Ross. If that is the case, she would be hurt by that because it makes her feel she does not belong to this community. If equity and diversity are things that matter to the Council she urged them to think about how it impacts decision-making and all proposals. To her, losing the school and all of the opportunities it has to offer over an issue of transportation would be very sad. She would walk or bike to school if it meant the school could stay open for another 10 years so she strongly encouraged the Council to support this proposal.

Josh Burns said he is the class of 1998 from Branson, does not live in Ross but has been part of the Alumni Council for 10-15 years. One thing to consider are the significant improvements the school has made in transportation, buses and off-site parking which are very meaningful. On-campus events seem to be of concern for the Council and sports account for the majority of events on campus. He recalled before Branson joined the Marin County Athletic League all games were on campus but once that shift was made to the higher level, the majority are now off campus at the College of Marin. So, when looking at event counts, he asked the Council take this into consideration.

Mayor Robbins confirmed there were no other speakers and said the applicant team has 5 minutes to speak.

Mr. Hurd said he brings a unique perspective having represented over 10 private schools in Marin regarding various enrollment increases and expansions. He has had a chance to see what works and does not work. The time and effort put into this application is unprecedented and the level of community support expressed is unlike anything he has seen. The proposal tonight is the result of multiple iterations and good faith compromise time and again from the school to secure the Town Council's support.

The Town drove a very hard bargain and he has learned that transportation plans work when properly executed. Branson made a conscious decision to proactively take the traffic discussions off the table. They volunteered it and he asked to remember there is no legal prohibition on the creation of new vehicle trips, as housing gets built and other things happen. Branson wanted to do the right thing, get ahead of the discussion and be sure the approval findings could be made. They do not get each tranche of new students unless it is objectively proven that they are meeting the traffic goal. Branson is very invested in making sure what they promised happens.

Mr. Hurd then touched on the legal framework of tonight's decision, stating the school sought a single strike-through edit; 320 to 420 students and they were willing to live with the rest of the conditions. The Council's decision is focused on any impacts that may arise from the delta of the 100 additional students. The school already has a right to operate at 320 students so any conditions need to be focused on the impacts of the new 100 and have a very direct nexus to mitigating those impacts, and not the entire school as a whole.

Findings need to be made based on evidence and he would submit that the record is rather stacked in favor of approval. He has not seen evidence that would suggest that the 100 student addition with the net neutral traffic would somehow be so detrimental to those living or working in the neighborhood or the town that the findings cannot be made.

Regarding CEQA, speculative future projects are not considered but he thinks the bigger issue is that CUPs are about use and intensity and not buildings. So, if enrollment is not changed or the intensity, upgrading a building changes nothing from a CUP perspective.

Regarding the geographic circle suggested, Marin is 80% white and this is not the diversity the school is trying to achieve which would be very limiting. He concluded by saying this is a school

which educates kids. They are a non-profit and not a strip mall development or a huge multi-family building; it is a true asset to the Town. He has watched the school work in good faith and they have extended extensive compromise to an incredibly long process so he would ask that the Council support the application. Staff's support and the peer review confirmation is also very important.

Ms. Mazzola thanked the Council for listening to everything in this long meeting, to W-Trans and David Parisi and Town staff involved through the process. It has been long and hard and they are very happy to be at this point, grateful for community support and they want to do the right thing and manage their traffic well. They come to the Council hoping for this increase with a promise that they will do it the right way.

BREAK

Mayor Robbins called for a brief break at 10:13 p.m. and thereafter reconvened the regular meeting at 10:18 p.m.

Mayor Robbins said now the Council will discuss the matter. Since the Council and community are only seeing this for the first time and since there are multiple elements to consider she thinks the Council needs to take time to thoroughly review the entire application and conditions of approval and consider holding discussions over to another meeting or two to continue to discuss this.

She suggested having each Council Member state briefly what they think generally about the application and then the Council can discuss each item of the resolution and conditions of approval one by one to give staff a sense of where they stand on each item.

In summary, Mayor Pro Tem Kuhl was opposed to holding another meeting, thinks the Council has nit-picked the plan which was put together by professionals, thinks some of the requirements are silly, and the real question not talked about is trust and he trust those who run Branson to do the things they have promised to do. The school has already made serious concessions and commended planning staff for working with the school officials and putting the report together.

Mayor Robbins disagreed and cited new things to consider tonight which include Branson's edits to the proposal, conditions of approval, enforcement and monitoring.

Council Member McMillan stated her intent is to try to balance the needs of the school, needs of neighbors and needs of the Town. The staff report from November of 2019 indicated that Branson requires a lot of staff resources and money and this is a big issue that warrants some consideration. She does not want Branson to leave the community, agrees with all of the remarks people made, and thinks the Council needs to figure out a way to make this work for everyone. It is also 10:30 p.m. and she did not think the Council should go through every single condition and try to wordsmith and group edit.

She also said many people said 60% of the community voted to increase enrollment by 100 for Branson which is absolutely not the case. She explained that 60% of the people voted to have the

Council consider whether the number should be increased up to 100 and also to consider all conditions that would go along with it. The Council has also not delayed consideration on the issue, as Branson and staff were in negotiations until early December. The Parisi report is dated December 2021, so she wants the community to understand that the Council and staff have not dragged its heels to consider this issue.

Mayor Robbins stated the first item is CEQA and staff said findings could be made that the project is CEQA exempt. She asked if anyone disagreed with that.

Council Member Brekhus said she does not think the school is exempt from CEQA if they plan on rebuilding a building. To ensure they are not violating CEQA, there should be something that states that Branson is not going to build. She questioned a possible moratorium for 5 years but suggested something with teeth.

Mayor Robbins said the second condition states that no new building is permitted. It could be amended to say “for the next 5 or 10 years.” Ms. Mazzola stated there are no plans in the near future to build but it is like the elephant in the room. She asked Mr. Stock if this should be done for Condition 2.

Attorney Ben Stock said no; Condition 2 is the length of the use of the property. It is longer than 5 years now and the school would have to come back and ask for a Use Permit Amendment if they are going to increase their capacity/facilities. So, perhaps there could be language in the resolution recitals articulating that they are not seeking expansion, but he would have to think about that.

Unless Branson is willing to stipulate that they are willing to not build within “x” number of years there is nothing the Town can bind them to. Even if the resolution states that Branson can return and seek the Council to amend the Use Permit, it comes down to analyzing CEQA to determine whether or not there is cumulative impacts from previous projects or whether there is any CEQA exemption that applies, which probably does not, and then they would have to do an Initial Study.

Council Member Brekhus likened it to piece-mealing a project which is a violation of CEQA. At that point they are no longer analyzing the increase plus the building which is what the Council would do now if they knew for sure the school is seeking both an increase in enrollment plus a building increase.

Mr. Biddle clarified that the Council is currently evaluating the impacts of their project to increase student enrollment. CEQA is a statutory construct of the legislature and it establishes in certain circumstances they have determined to be exempt. One is the Class XIV exemption in 15314 which allows for this type of enrollment increase to be allowed without any CEQA review. They nevertheless have gone down the path of looking at that with their TDM plan as well as looking at other traffic-related effects to ensure there are no exceptions to the exemption under the law. And, they do not see anything in the record that suggests otherwise, so it is not correct to say they have not analyzed the effects via CEQA for the enrollment increase.

The idea of trying to constrain a property owner from pursuing a discretionary application before any town as a condition he thinks is something they would definitely need to give further thought about, but if Branson comes forward in the future and wants to tear down the theater and expand it, it will be subject to the environmental review provided for in the statute at that time. If they are just doing a tear down and replacement in kind, more than likely it might fall within one of the exemptions, but if they are expanding that is an entirely different issue and the Council will get into more robust CEQA analysis of the impacts of that. In addition, there will be the design review process as well, but here they are talking only about an enrollment increase.

Mayor Robbins asked if the Council was asking the Town Attorney of whether to add something or she asked if it should be left as is. Council Member Brekhus suggested looking at either adding in whatever is appropriate or not to the document.

Council Member McMillan referred to trust and noted that the school will have environmental review as necessary if they expand their theater.

Mayor Robbins confirmed with Mr. Biddle that there is no point in adding language now, and Council Members agreed.

Mayor Robbins then moved to the request for 100 students and phasing of 25 students per year, and she questioned if it should be something different.

Council Members briefly discussed the phasing plan and concurred there were reasons, economies of scale, efficiencies, potential reasons for increased diversity, transportation plans, and the vote of the people which guided this phasing. They then discussed the measure and again misconceptions relating to the vote.

Mayor Robbins referred to the TDMP and questioned what the traffic cap should be, thinking that she would support the peer review consultant's cap of 860 and 346. She next referred to monitoring strips and asked if there should be permanent monitoring strips, having more details about drop-off and pickup, enforcement, whether there should be a requirement in the traffic plan for on-street traffic monitors and whether the campus should be a closed campus.

Council Member McMillan said she recalled asking their own peer review consultant about the 6%. She recalled that this is within the band of error and actually most people allow 8% to 10%. So, while she would love to have it be a lower cap she thinks 6% is better than what would normally be assigned.

Mayor Pro Tem Kuhl again referred to the issue of trust and trusting the Town's consultants.

Mayor Robbins referred to: "By establishing the vehicle cap at half the standard deviation above currently observed averages the current monitoring plan does not create a true net neutral trip effect. The cap should be the observed averages of 860 and 346." She is reading straight from the document staff provided dated September 15, 2021.

Mr. Streeter clarified that this was part of the correspondence and discussion that followed the peer review, and W-Trans' suggestion was that the monitoring should be over a two week period. They dropped the highest and lowest outliers and then they take the average. This was their suggestion on how to account for variation in counts. Then, the applicant's traffic consultant said that the half standard deviation would be an appropriate measure to account for variation. Earlier this evening, Brian Canepa from W-Trans did confirm that there will always be variation and that there are different approaches to it. So, they said the applicant's proposed approach to address it was acceptable as far as traffic analysis.

Mayor Robbins asked if the proposed approach is two weeks throughout the high and low and then averaged. Mr. Streeter said that was suggested by the Town's consultant. The TDMP does not employ that but instead it employs the method to account for variation by creating a buffer of one-half of the standard deviation. Therefore, it is a different approach for dealing with the same problem.

Mayor Robbins asked how they then deal with the Saturday cap which is above 15% and asked if this was in the plan. Mr. Streeter said yes; the Saturday percentage is different because it is smaller volume, so a half standard deviation is going to result in a larger percentage.

Council Member Brekhus referred to the traffic report which throws out outliers and does not count them, which she opposed. She also cited the problem with Branson and the Town having "institutional amnesia" when it comes to use permit conditions which have been violated again and again by Branson. She suggested the use permit put into place things that can be easily identified and followed.

She also did not think the traffic plan was reliable because it does not count the number of people coming to the school between certain hours. Without hours of use there could be unlimited increases within those hours of use that would not protect the Town or the neighborhood. She also thinks there is very poor analysis of how much increase there is on Sir Francis Drake generally. She was not sure where the drop-off and pickup would be which will still be an increase and it could be very unacceptable to many people.

Mayor Robbins said she thinks with work they can make rules that will make the traffic plan work and also help Branson get their increase. She noted the traffic plan has a provision that monitoring can actually stop. W-Trans made it clear in their summary that monitoring is key to keeping a traffic plan working so monitoring should not ever end. It might go to once a year or something modified, but she did not support monitoring being terminated.

Council Member McMillan said she thinks the Council wants to get what is best for everybody, thinks the Council needs to rely on the Town's consultant who has said this is a good plan and it will reduce the number of trips to the school.

Mayor Robbins voiced support of the plan but voiced concerns with monitoring, enforcement, thinks the monitoring strip should be permanent, thinks if traffic is not net neutral there should be consequences and enforcement.

Council Member Brekhus thinks the traffic plan is inadequate in a number of respects with traffic impacts to the town and suggested a supplement for it and that outlier events need to be analyzed. She thinks the plan relies so little on walking or biking and instead carpooling, and believes further analysis should be done.

Mayor Robbins added that she thinks the Council can meet Branson's timeline to get their enrollment changed this year and thinks it is important to get the details right.

Council Member McMillan thinks more of an issue are the plan's 10 large events, as well as large athletic home games and playoff games. The Town's consultant recommended shuttling people in, making them park at a remote location, having the playoff games at a neutral field and those are more concrete ways to try to make the plan more tight, offer more concrete suggestions that staff could revisit with Branson and see if they want to negotiate more and compromise on a few points around the fringe. She is also totally against limiting the 100 students within a certain mile radius.

Mayor Robbins referred to Condition No. 11 and asked for an amendment, noting that Branson proposed changing the condition from the limited sports events to completely eliminating all restrictions on the number or type of sport events which is now a big problem.

Council Member Kircher agreed and said he has more concerns about Condition No. 11 than the traffic management plan; however, he thinks they are subject to a cap. He does think athletic events are important for students but these events do have a big impact and so this will take more work on the Town's part.

Mayor Pro Tem Kuhl said he does not think 5, 6 or 7 football games on a Saturday afternoon constitute something the Council ought to be prohibiting, stating government which governs least governs best.

Mayor Robbins said actually before 2015 there were no M-Cal playoff games and not a football league. These are brand new games added in the past 5 years, and Mayor Pro Tem Kuhl disagreed with them being a problem.

Council Member McMillan asked Mr. Streeter that in negotiating with Branson whether he raised limiting the number of athletic events by something more palatable, such as 45%.

Mr. Streeter said their conversation quickly changed from regulating the number of athletic events to the frequency and occurrence of those athletic events. So negotiations did not include reducing the number from the current amount and not as far down to what was approved in 1978.

Ms. Rupp added that they looked at other private schools and how they regulate this, and it tended to be by time of day.

Council Member McMillan said she thinks this could bear some exploration with Branson. They could keep the hours but limit the number of playoff games or large games that draw crowds. Branson would need to propose some type of limit based on what their big playoff games are or move them to a neutral place.

Mayor Robbins said Condition No. 12 is a bit more confusing and is not comfortable using just hours. Mr. Streeter explained the purpose behind the change for Condition No. 12 which was based upon enforcement. It is much more challenging for staff to keep track of what is and what is not allowed. Then, if there are complaints by neighbors that something is occurring on campus staff's recourse is to follow-up and determine if it was Branson, an outside organization, whether it was an outside organization the Town previously permitted, etc. By setting specific times of day that question does not come up, but if someone is using the field off hours this is a clear violation.

Council Member Brekhus cited the time as 11:30 p.m. She has faith Branson wants to work with the Town and vice versa. It is a balance and she voiced support for continuance to a special meeting and asked staff to look at the issues discussed tonight.

Mayor Robbins agreed and said two other items are the use of amplified sound and whether there should be guidelines for summer use for the academic and athletic facilities because there are none now. She also questioned if remaining items should be undertaken now and then the Council could return to the Branson matter. Mr. Stock suggested the Council determine what it will do with the Branson item first and then undertake remaining items on the agenda.

Council Member McMillan said the Council could continue to a special meeting and continue to review points, with staff trying to negotiate with Branson in the meantime on items discussed and then return.

Mr. Stock clarified that staff is looking for direction on conditions of approval. Staff can work with Branson to talk about what they are and are not willing to do but ultimately, the Council has the authority to add conditions of approval.

Mr. Streeter confirmed he has clear direction, said it sounds like there will be some debate on Condition No. 11 regarding the format that should take and staff will do its best to work with Branson and return based upon discussion tonight.

Council Member Brekhus said she does not understand where this remote drop-off and pickup will be, what the increase driving into Ross will be, hours of operation versus events, summer, the outlier events not capped, and things in the use permit about Branson not building bleachers. She would be fine with them building bleachers and wondered why it was even in there. Once the use permit is granted the Council will not be able to pull it back so it should be right and something everyone can point to and understand.

She thinks the resolution is too open-ended and also thinks the buffer is not appropriate because the outlier events got thrown out which affected the counting. She also felt like she would neve

agree to a 60-day cure and a known two-week events when they know they will be counted where 60 days would put them into the summer. She also does not think they should choose the consultant with Town input and thinks the Town should choose the consultant on Branson's cost just like any other planning item.

Town Manager Johnson said right now Branson is not allowed to have outside organizations use the facility unless the Town approves it, and Mr. Streeter confirmed. Ms. Johnson stated the proposed conditions of approval attached to the draft resolution state that they will continue to not be allowed.

Mayor Robbins said it states anyone is allowed as long as it is a youth group. Mr. Streeter pointed out that the language in the proposed conditions of approval specifically speak to the use of athletic facilities for regularly scheduled practice for Branson teams or for outside organizations. Outside organizations are defined to be limited to youth-oriented organizations. But, it does create allowance for use of facilities by outside organizations without Town approval.

Ms. Johnson asked what kind of direction would be useful for staff to be able to come back at the next meeting. For these issues, she would be interested in knowing whether the Council is willing to allow other groups to use their facilities with the exception of long-time youth groups like CYO. If that is the case, this helps staff to be able to go back and tighten up the conditions.

Also, she asked if the Council wants to limit the use in the summertime and hours. She is hearing hesitation with hours of operation but what also resonates with her is how do they enforce it. It is very difficult to enforce which groups and what numbers of groups. The Town does not have the staff to do this and it would be the school reporting out. This is why hours of operation make it a lot easier for staff to enforce. If the Council was willing to consider using this, knowing right now what they have is too permissive she asked what would be palatable for the Council. Branson wants to keep hours of operation in the summer until 7:30 p.m. but perhaps the Council wants to cut it off at 5:00 p.m.

Mr. Streeter said this would be helpful information if that is the format the Council wants to take, but they can re-draft the resolution and tweak the hours of operation which could be done at the meeting, as well and the Council can adopt it as amended.

Mayor Robbins said she was not sure if all Council Members were supportive of hours. If it is limited to CYO and Ross Rec, Branson can enforce that so she does not see enforcement to be a big issue. The cap is what is protecting the neighborhood, but there are certain number of events and groups who use it with the intent to have minimal impact on the neighborhood. Normally, it works well but neighbors have said the large sporting events are problematic.

Ms. Johnson pointed out that the hours of operation are also for the students and during the summer it does not get dark until 9:00 p.m. and Mayor Robbins noted the Town does not receive complaints in the summer evenings.

Mayor Pro Tem Kuhl asked and confirmed that complaints can be received by the police department.

Council Member McMillan said she was going to bring up a completely new issue which was raised in the staff report Joe Chinn did in November 2019 which sets out the burdens to the Town that Branson imposes. She realizes they are a non-profit organization, knows they have not yet paid for the 2020 election, staff or attorney time that went into having the election for Measure F, and if there is an opportunity to help offset the burdens of having Branson in the community she thinks this should be explored.

Council Member Brekhus asked if Branson was billed for the election and staff time, stating this is news to her. Mayor Robbins clarified that Branson is not legally obliged to pay those costs because it is a private entity; however, they were asked and did not pay.

Council Member Brekhus said she did not like this but recognized it is voluntary on their part and a brief discussion was held regarding other non-profits who do not pay for police or fire protection.

Mayor Robbins said Branson is not obligated to pay as a non-profit for police, fire and public works services but they do cost the Town \$160,000 to \$180,000 a year. She thinks this is something to consider. The other thing they have not talked about is that with an increase in enrollment she asked how Summer School is run at Branson with teachers and students which has never been addressed in the 1978 use permit. She asked if the Council should continue the item so some of the remaining items can be addressed and then return to the Branson item.

Council Member McMillan said she would not want many more meetings. She is hoping staff has received enough guidance and direction from the Council and Branson has been listening and there will be compromise on both sides, and the Council can look at a revised resolution at the next meeting with concrete agreements.

Mr. Streeter said at this point he is inclined for staff to recommend to include the hours of operation. What is happening now is working, but everyone is also in agreement that the school is probably in violation of the existing use permit. But, it will be up to the Council.

In response to Mayor Robbins, Mr. Streeter commented that it was staff's idea to change Condition No. 11. They asked Branson to provide input based on their current operations as to what would be appropriate, but he will return with things to consider.

Council Member Brekhus said she agrees; hours of operation without any limitations is not workable.

Mayor Robbins commented on amplified sound, and Council Member McMillan said she believes Branson confined amplified sound to 10 events under Condition 13.

Mr. Biddle said the current condition only places the limitation on use of amplified sound on athletic events. They could have other outdoor events that would have amplified sound and current conditions do not address that. They initially identified names of events, but the language is suggested to provide a number rather than names of events that are non-athletic.

Mr. Streeter suggested the Council continue the item and if not to a date certain, staff will need to re-notice with 10 days.

Council Member Brekhus moved and Council Member McMillan seconded, to continue the matter to a special meeting. Motion carried (4-1; Kuhl opposed).

Ms. Johnson asked and confirmed that the public hearing is closed.

End of Public Hearings on Planning Projects.

Administrative Agenda

10. Town Council consideration of acceptance of Transportation Authority of Marin grant and Consultant Services Agreement with Cool the Earth.

Mr. Streeter gave a brief staff report stating there is available funding from Measure B passed by voters in 2010. The funding is being distributed by TAM for educational purposes. Ross has been approached to sign onto the Drive and Ride Clean Campaign put together by Cool the Earth. Staff is recommending the Council accept the funds from TAM and apply the funds to that program at no cost to the Town.

Mayor Robbins opened the Public Forum, and there were no speakers.

Mayor Pro Tem Kuhl stated all towns are getting a share of funding and was not sure there was a formal agreement, but monies will go to Cool the Earth which will hold shows where they display electric cars and bikes available.

Council Member Brekhus moved and Mayor Pro Tem Kuhl seconded, to accept the Transportation Authority of Marin grant and Consultant Services Agreement with Cool the Earth. Motion carried unanimously (5-0).

11. Town Council discussion and provide direction to staff on whether or not to explore the concept of potential intermittent community use of Ross School exterior restrooms.

Mayor Robbins asked if the Council wished to continue this item or move forward and voiced support for staff to move forward. She thinks it could be a pilot program for Saturdays and Sundays 10 a.m. to 4:00 p.m. and see how it goes.

Town Manager Johnson said she is seeking Council direction and said she will work with the Superintendent and bring back details to the Council and request for appropriation.

Council Members voiced their support for a pilot program for potential intermittent community use of Ross School exterior restrooms.

Mayor Robbins opened the Public Forum, and there were no speakers.

12. Town Council discussion of February 17, 2022 annual Strategic Planning Workshop meeting.

Mayor Robbins suggested continuing this item and she and Mayor Pro Tem Kuhl can discuss this at their meeting with Town Manager Johnson next week. Town Clerk Lopez indicated the workshop is being rescheduled to a date in March.

Ms. Johnson said if there is an interest in doing anything drastically different than last year, she would need to know now. Council Members had no comments or changes.

Mayor Robbins opened the Public Forum, and there were no speakers.

13. Town Manager update and Council discussion on Town activities in response to COVID.

Town Manager Johnson reported Mill Valley is the only Council meeting in person. Several employees are undergoing quarantine and it is affecting some turn-around time on work.

End of Administrative Agenda.

15. No Action Items:

- a. **Council correspondence:** : Many emails were received regarding Branson School.
- b. **Future Council items** – None.

26. Adjournment.

Mayor Robbins adjourned the meeting at 12:05 a.m.

Elizabeth Robbins, Mayor

ATTEST:

Linda Lopez, Town Clerk