

Linda Lopez

From: Sarah <s.petrilla@btinternet.com>
Sent: Saturday, February 12, 2022 1:46 PM
To: Linda Lopez
Subject: Re: Special Council Meeting Agenda

My vote is to allow Branson to increase enrollment by 100 students over four years as requested.
Sarah Petrilla
45 Wellington Ave
Ross

Sent from my iPhone

On Feb 12, 2022, at 1:02 PM, Town Of Ross <llopez@townofross.org> wrote:



To View the Special Council Meeting Agenda [CLICK HERE](#)

Residents-

Attached is the agenda for the Continued Special Council meeting on Tuesday, February 15, 2022 at 8:30 AM regarding the Branson School Use Permit amendment. Please note the Council meeting will be held via Zoom video teleconference.

The link to join the meeting is listed below and can also be found on the attached agenda and on the Town's website.

Audio/Video Webinar: <https://us02web.zoom.us/j/84778294195>

Call-in Number: +1 (669) 900-9128

Webinar ID: 847 7829 4195#

Submit Public Comment by:

1. Emailing llopez@townofross.org prior to 4:00 P.M. on the day before the meeting
2. Selecting the "Raise Hand" icon in the Zoom meeting, or pressing *9 if calling in to the meeting.

Linda Lopez
Town Clerk/Administrative Manager
(415) 453-1453 ext. 105

llopez@townofross.org

Town of Ross
Mailing Address: P.O. Box 320, Ross, CA 94957
Street Address: 31 Sir Francis Drake Blvd, Ross, CA 94957
www.townofross.org

Town Of Ross | 31 Sir Francis Drake Blvd, Ross, CA 94957

[Unsubscribe s.petrilla@btinternet.com](#)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by llopez@townofross.org powered by



Try email marketing for free today!

Linda Lopez

From: Christa Johnson - Town Manager
Sent: Monday, February 14, 2022 11:02 AM
To: Linda Lopez
Subject: Public Input on the Branson School Proposal to Increase Enrollment

Christa Johnson
Town Manager, Town of Ross
PO Box 320
Ross, CA 94957-0320
415-453-1453 x107
cjohnson@townofross.org

-----Original Message-----

From: kuzmacom <bckuzma@gmail.com>
Sent: Monday, February 14, 2022 10:41 AM
To: CouncilAll <towncouncil@townofross.org>
Subject: Public Input on the Branson School Proposal to Increase Enrollment

I commend the Mayor, The Ross Town Council, and Staff for identifying potential areas of concern and anticipating the effectiveness of the Transportation Demand Management Plan (TDMP) proposed by The Branson School.

However as the hearings proceeded, and the hours passed, your commitment to due diligence began to appear to me, and many other community members, as being increasingly obstructionist, possibly by design. As the council began to overrule the recommendations of expert traffic consultants, suggest punitive measures, and attempted to layer additional unrelated conditions on the applicant, I felt compelled to address the Town Council both through public comment and by writing to you today.

The Branson School commissioned traffic experts to develop a comprehensive TDMP and Monitoring Plan. During the hearing, the traffic experts made a compelling case for limited traffic sampling as being the standard, from the standpoint of data collection, system maintenance, and cost. However, members of the council seemed determined to require continuous monitoring, with added cost and complexity, in order to satisfy what appeared to be an underlying skepticism based on personal feelings rather than presented facts.

The proposed mechanism of compliance utilizing exorbitant fines and most disheartening of all, enrollment rollbacks, is punishment disproportionate to the offense. Without delving into the potential impact on academic operational planning, these proposed rollbacks represent lost academic opportunities for children and threats to the livelihoods of educators and support staff.

The TDMP appears comprehensive and since it will be implemented over 4 years, has ample opportunity to succeed. As new students and parents become part of the school community, remote drop offs and shuttle buses, will be for them the norm, rather than a mandated change.

The discussion of additional conditions began to appear as an expanding constellation of complaints, only loosely related to the core proposal of adding additional students. The discussions of how late the annual fund raiser can go, whether an announcer can use amplification for sporting events, had the appearance of leveraging the application process to scuttle Brandon's proposal by burdening the applicant with conditions, which they will not or cannot agree to.

I wish to emphasize that this was the appearance rather than an accusation. This was my first opportunity to observe The Council's process, but as the public comment period demonstrated, I was not alone in being concerned that the process had lost focus.

My hope is that on February 15th, the Town Council will vote in favor of The Branson School enrollment proposal, without additional burdensome conditions, and demonstrate how the members of the council are truly acting in the best interests of the Town of Ross.

Sincerely
Robert Kuzma

Sent from my iPhone

Linda Lopez

From: David Peterson <dpeterson307@aol.com>
Sent: Monday, February 14, 2022 12:09 PM
To: Elizabeth Robbins; Elizabeth Brekhus; Julie McMillan; Beach Kuhl; Bill Kircher; CouncilAll; Linda Lopez
Cc: peter.wais@ucsf.edu; charlie@charlesgoodman.com; kreid@bortonpetrini.com; peter.gpwhite@gmail.com; charlie@usa.net

As you are aware, I have not been in favor of granting The Branson School increased enrollment. The school is poorly located deep in our very small Town. After adding 100 additional students and 15 to 20 staff, I believe it will be very difficult for the School Administration to deliver on their promised "No Net Increase in Traffic". I continue to believe that the school could continue and prosper at the current enrollment level. They are operating with a positive cash flow, successfully competing for qualified students as well as competing successfully in their sports activities and with a growing Endowment.

That said, I congratulate the Council and Town Staff on having come up with an excellent plan to move forward. The proposed Resolution and Conditions provide the School with the Enrollment Increases they have sought while ensuring that the promise of no increased traffic is realized i.e., Trust But Verify.

As I understand the Resolution and Conditions, future traffic will be monitored twice a year and so long as there is no more than a 6% increase in traffic the enrollment increases can be implemented as planned. Although some might say that a 6% increase is not "Net Neutral". Should the traffic increase more than 6% as reported each February, the enrollment for the following Academic Year will be reduced proportionally to the traffic increase. The Town is not proposing an immediate reduction in enrollment, that is they are not suggesting removing any students for the current student body, only a reduction in the entering class the following year.

If there is any hope that enrollment can be increased without increased traffic, the first two years of increase should be managed without traffic increases of more than 6% and allowing for 50 additional student. As the plan moves into the third and fourth years, the School will have had 4 or 6 monitoring periods with feedback and time to adjust their traffic restrictions. After that experience and adjustments they may not be able to keep traffic at the current volume and have to live with the resulting reductions in the following years enrollment counts.

Hopefully after several years of increased enrollment and modifications to the traffic plan..., The Branson School can successfully add 100 students and additional staff while actually not increasing neighborhood traffic more than 6%.

From what I read in the IJ and what I have heard, Branson is not entirely happy with the proposed restrictions. However if they have faith that it is possible to increase enrollment without increasing traffic, they should have no objections. As I read the restrictions the Town is requiring, the school can continue to modify and refine their traffic plan while adding to and possibly reducing enrollment until they can reach and maintain 100 more students with NO NET INCREASE IN TRAFFIC until they actually get it right. If it turns out that they can only add 50 or 75 without increased traffic, so be it.

Again, Congratulations to the Council and Staff for all the time and effort that has gone into crafting the modifications to the 1978 Use Permit such that Branson has the opportunity grow as requested and the Town can be assured that if there is an increase in traffic, the enrollment will be reduced until sufficient measures can be taken to maintain something close to the current traffic attributable to the School.

I support the Resolution and hope you can pass it on Tuesday, as is. If on the other hand, consideration is given to making further changes, the matter should rightfully be continued with guidance provided to Staff to draft and circulate any changes.

Thank you all for what you do for our Town.

David Peterson
dpeterson307@aol.com
(415) 596-7124 Cell

PO Box 1445p
Ross, CA 94957

BRANSON

February 14, 2022

Dear Mayor Robbins and Council Members,

Thank you for your time spent evaluating Branson's application for an amended conditional use permit. It has been an exhaustive and thorough review, and we appreciate the opportunity to further engage on this important matter.

We have now had the chance to review the February 15, 2022 Staff Report and updated proposed conditions. We are grateful for the progress that has been made, but we remain struck by the severity of the traffic monitoring and penalty program that will be imposed on the school for the first time in its long history. The level of traffic regulation proposed is truly unprecedented when compared to other schools in the region.

Although we have not seen evidence during this incredibly thorough review process to indicate that conditions of this severity are required in order to make the approval findings, our goal at this time is to bring this matter to a conclusion rather than debate the legalities of the matter. For that reason, we are writing to focus on **just one of the proposed conditions of approval** that poses the most severe operational and financial consequences for the school: **immediate enrollment rollbacks**. As you will see, we are prepared to accept the remainder of the conditions, if we can address just this singular issue.

Immediate Enrollment Rollback Penalties

The updated version of Condition 1 proposes a Trip Limit Violation Enrollment Reduction penalty that automatically reduces Branson's enrollment for the following year by 1 student for every 2.67 trips per day that traffic is over the cap. We would like to highlight the significant and severe repercussions of immediate enrollment rollbacks without a cure period.

Enrollment rollbacks are an unusual penalty for a trip count violation and we know of only one Bay Area school that has it, and in that case, it is imposed only **after** opportunities to cure and a series of multiple escalating financial penalties. Parisi Transportation Consulting, the school's transportation expert, does not know of any school TDMPs that have **immediate** student enrollment rollbacks.

Mandatory enrollment reductions for failure to meet a traffic count cap, with no cure period, are out of proportion to any potential harm caused to the neighborhood, and therefore are fundamentally unfair. The potential "whipsaw" effect of reducing enrollment from one year to the next makes it very hard to operate a school like

BRANSON

Branson, particularly when it is fully built out with staffing and programming for 420 students. Even a tiny number of trips over the cap could result in reductions in staffing and financial aid that have a human toll on Branson that no other school faces.

By way of example, if Branson is over the vehicle trip limit by just 10 trips (5 cars in and out of campus over the course of a day), Branson would be required to reduce its enrollment for the next year by four students. This proposed penalty is significantly out of proportion to the violation, as 10 car trips over the course of 1 day is negligible and its impact on neighbors would be imperceptible. On the other hand, reducing four students is the equivalent of over \$200,000 in lost tuition revenue. This translates to 2 senior level teacher salaries or 4 full financial aid scholarships, and could well result in teacher layoffs or reduced aid packages.

Some members of the Council have expressed that they do not want to impose fines on the school, but the rollback provision is effectively a much harsher fine than the \$50,000 and \$100,000 penalties proposed in Branson's TDMP. The repercussions are significant for the school community, our employees, and our students. In fact, it could easily be non-Branson related traffic that inadvertently causes a violation.

OUR REQUEST: The Trip Limit Violation Enrollment Reduction as set forth in Condition 1 will apply in the initial four years of phased enrollment growth. After the school reaches 420 students *and* operates for one full year without a violation, we ask that the Council consider an alternate penalty framework in which there is a significant fine and *then* an enrollment rollback as follows:

1. A \$100,000 penalty for the first violation of the Average Daily Trip Limit in a monitoring period that is not cured in the next semester's monitoring period.
2. A Trip Limit Violation Enrollment Reduction for a second violation of the Average Daily Trip Limit.

We believe that this is a more reasonable and proportional penalty structure that will hold Branson accountable for any trip limit violations and is sufficient, together with the implementation of the strategies in the TDMP, to prevent a negative traffic impact on neighbors.

Lengthy Continuous Monitoring

Both Parisi Transportation Consulting and W-Trans have stated that the equivalent of 20 days of monitoring, i.e., 2 weeks in the fall and 2 weeks in the spring, is standard in the

BRANSON

industry for schools. We know of no other school that is held to anything close to the 80 days of monitoring now recommended by Town Staff and were perplexed by the evolution of the W-Trans opinion on this issue.

Proposed Condition 18 of the Amended and Restated Conditions of Approval dramatically departs from standard terms in school TDMPs. Forty-day monitoring schedules will require Branson to install permanent counting systems, which are expensive and will require constant onsite management. Our experts have stated that permanent systems are more prone to inaccuracies and malfunction. These systems cannot differentiate between Branson and non-Branson car trips, or internal maintenance vehicles moving between their back parking area and through the gates, which is materially important to establishing the school's average daily trips. This proposed condition also will require ongoing video camera surveillance to rule out any manipulation of the counts by non-Branson drivers.

This condition will result in significant operational and financial challenges for the school, however, in the spirit of compromise, we agree to the length of monitoring proposed in Condition 18 assuming the rollback issue can be resolved.

Conclusion

Branson takes the TDMP and its commitment to maintaining traffic net-neutral or better seriously, and we have made that promise since the beginning of this process. As we have said on multiple occasions, we want to be good neighbors. We are wholly committed to making the plan work and will pull every lever possible to avoid any violations. However, the conditions as-drafted are so punitive as to imperil our ability to successfully manage a school.

Please consider the compromise on the penalty structure we have proposed - it is a significant departure from what Branson proposed in its TDMP and is still significantly more stringent than penalties in any school use permit that we know of.

Sincerely,



Chris Mazzola, Head of School

Linda Lopez

From: Bruner Jr., James W. <jwbruner@orrick.com>
Sent: Monday, February 14, 2022 12:33 PM
To: Linda Lopez
Cc: chris_mazzola@branson.org; David Hanson
Subject: Branson School Application

Hello Ross Town Council.

I am a resident of Circle Drive within the Branson School gates and am in favor of the Branson School proposal for additional students. The school is a very positive neighbor and school activities add to the vitality of our neighborhood and the town of Ross with few adverse situations including traffic or noise. Sure - there is some traffic during morning and afternoon hours and athletic events but the school has successfully managed the potential adverse community effects on an ongoing basis and I am confident that the school will carry out their community responsibilities in the future as they do now. The current proposed traffic mitigation plan offers a very thoughtful approach for modest growth and community harmony.

I attend many of the Branson School athletic events on campus but observe that a significant number of games are played off campus at College of Marin for instance. The number of games hosted on campus is not an issue now nor would it be with the additional complement of students. I see no reason to limit whether the school can host earned athletic playoff opportunities. Let's put things in perspective – Branson has one playing field for sports such as soccer, lacrosse or small school football. The crowds are small – there are not even any field bleachers. Additionally Branson has a gymnasium for basketball and volleyball. Crowds are reasonable. Unlike other peer schools Branson does not have other athletic facilities such as a baseball field or a running track .

Branson is a remarkable community asset and the modest student growth will add to the vibrancy of Ross and provide remarkable educational opportunities for students whether they be Ross residents or students from other Bay Area communities.

Thank you for your consideration.

Jim Bruner

James W. Bruner, Jr.
Director of Governmental Affairs

Orrick
Sacramento 
T +1-916-329-7901
jwbruner@orrick.com



NOTICE TO RECIPIENT | This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation.