



Agenda Item No. 4.

Staff Report

Date: February 26, 2015

To: Mayor Elizabeth Brekhus and Councilmembers

From: Elise Semonian, Senior Planner

Subject: Ross School PTA Fundraiser Event at Branson School, 39 Fernhill Avenue, Amendment to Use Permit, File No. 1983

Recommendation

Town Council approve the amendment to the use permit subject to the findings and conditions attached.

Project Summary

Owner:	The Branson School
Applicant:	The Ross School PTA
Location:	39 Fernhill Avenue
A.P. Numbers:	73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05
Zoning:	R-1:B-A (Single Family Residence, One Acre Minimum Lot Size)
General Plan:	Limited Quasi-Public/Private Service
Flood Zone:	Zone X (outside the 1-percent annual chance floodplain)

An amendment to the Branson School Use Permit to allow the Ross School PTA to hold a fundraising auction event in the Branson Student Commons building on Saturday March 21, 2015 from 6:00 p.m. to 11:00 p.m. Approximately 250 guests are anticipated. On site valet parking would be provided. Planning department staff is recommending the Town Council amend the Branson School use permit to allow Ross School, or its supporting organizations, to hold one event every two years¹ on the Branson school campus, subject to conditions to minimize neighborhood impacts. The use of the site for the Ross School event could be revoked if the conditions are violated.

¹ See discussion below. Staff recommended annual event in mailed public notice.

Background and Discussion

The Branson School began operating as a primary school in Ross in 1922. Over the years, the school use has changed to the current, day-only, co-ed, high school use. The site is located in a single-family residential zoning district. The single-family zoning district regulations permit public and private schools with up to 320 students with a use permit. The general plan designation for the area recognizes school uses. The school operates under a use permit first approved in 1978, attached. The use permit allows Branson School to host special events associated with the school, such as open houses and graduation.

The Ross School, with Branson's permission, has used the site for a fundraising auction event in 2011 and 2013. They are requesting to use the Branson Student Commons building for a fundraising auction event on March 21, 2015. The Ross School fundraiser is open to the community and the school expects primarily local residents to attend the event. Valet parking will be provided and temporary signs are proposed in order to direct parking from adjacent residential streets. The Town received one noise complaint in 2013. However, the Ross Police indicate the event organizers promptly resolved the issue.

In order to grant a use permit, the Council must find that the establishment, maintenance, or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood. In granting any use permit, Town Council must apply conditions to ensure the protection of the public welfare and property or improvements. (R.M.C. §18.44.030)

Staff supports the proposed use of the site, which will be consistent with the Branson use permit, temporary, carried out by local residents, benefits the local public school, and is consistent with school use of the property. The Branson School is permitted to hold similar fundraisings events for their school under the terms of their use permit. Staff recommends conditions of approval to address traffic and noise concerns.

The temporary use requires an amendment to the Branson Use Permit. The use permit amendment requires 10 days mailed public notice to all owners within 500 feet and a public hearing before the Town Council. Since different volunteers organize the event each year, the volunteers are not always aware they need to apply to the Town in advance for permission to hold the event at Branson School. In addition, payment of the Town application fee reduces the funds raised for the public school. Since there have been no serious concerns with the event, staff recommends the Town Council consider amending the use permit to allow the Ross School to hold similar events in the future, so the Ross School does not have to return for a public hearing each time the event is held. The Council could retain the right to revoke the Ross School event use if they violate the conditions of approval. The school typically holds the event at Branson every other year.

Public Comment

Since the public notice was mailed, one resident informed staff that valet service parked several vehicles in illegal parking spaces on Park Drive in 2013. Staff recommends conditions of approval to address parking and suggests having the Ross Police drive by during the initial hours of the event.

One neighbor contacted staff to request the event remain every other year and not annual, as stated in the public notice. Staff believes The Branson School would likely support the neighbor's request and, therefore, staff recommends the event take place no more than once every two years.

Fiscal, resource and timeline impacts

Staff recommends the Council consider waiving up to \$1,000 of the application fee, which would be consistent with the policy that Council will consider on March 12, 2015. The remainder will cover staff time and materials to process this application. The applicants may be required to secure a special event permit from the Ross Valley Fire Department, which may carry an additional fee. The event is not expected to require any special Town services and there would be no operating or funding impacts associated with the event.

Alternative actions

1. Approve the proposed March 21, 2015 event only and require review for future events
2. Make findings to deny the application.

Environmental review (if applicable)

See Findings, below.

Attachments

1. Findings and Conditions of Approval
2. Application materials
3. Selected Town Council Minute history related to Branson Use Permits

Attachment 1

Recommended Town Council Action, Findings and Conditions

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented after a public hearing, staff report, correspondence, and other information contained in the project file, approve the use permit amendment to allow the Ross School event at the Branson School, 39 Fernhill Avenue, with the following Findings and subject to the following Conditions of Approval:

A. Findings

A. Findings:

1. **CEQA** The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303, conversion of small structure from one use to another where only minor modifications are made to the exterior of the structure. No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project.

2. **Use Permit Amendment** As conditioned, the maintenance or conducting of the fundraising event at the school, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood as it is an event that will be largely attended by local residents and parking and traffic impacts will be minimized by use of valet parking and temporary signs to prevent parking on adjacent residential streets. The hours of the event have been limited to preserve the quietude of the neighborhood.

B. Conditions of Approval, Branson School Use Permit Amendment

1. This use permit conditionally permits the Ross School and its supporting organizations, such as the Ross Parent Teacher Association, ("Ross School") to hold an evening event on the Branson School campus that benefits the Ross Public School once every two years.

2. After 2015, the event organizers shall mail or hand deliver notice to the Town and to neighbors within 300 feet of the Branson School at least two weeks prior to each event to notify them of the date and time of the event. The notice shall include a phone contact for an event organizer that will be available during the event set up and clean up and also during the event.

3. The event shall be limited to 350 or fewer participants.

4. The school may set up for the event one day prior to the event and may clean up one day after the event.

5. The Branson campus shall be used for all drop off or pick up of materials and event equipment and not public streets. Care should be taken to minimize disturbance and noise impacts to the residential neighbors, particularly on weekend mornings.

6. As provided in Ross Municipal Code Section 9.20.040, musical instruments, or any device, machine, apparatus, or instrument for the intensification or amplification of the human voice or any sound or noise, shall be ceased after 11:00 p.m. on Saturday.

7. Branson parking lots shall be utilized for event parking so that street parking is minimized to the greatest extent possible. If valet parking is not possible, the school shall find alternative means of providing transportation for event patrons so that neighboring streets are not used for event parking. The Ross School shall make its best efforts to discourage parking on residential streets in the area of Branson School.

8. The event organizers shall secure any necessary permits from the Town of Ross Building Department, Ross Valley Fire Department, and other agencies, prior to the event.

9. If any of the conditions of this approval are violated, or upon the request of The Branson School, the Town Council may revoke this amendment to the Branson School use permit and preclude the Ross School from using the Branson School Campus for the annual event following the procedures for revocation in Ross Municipal Code Chapter 18.60.

10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

February 2, 2015

Town Council Members
PO Box 320
Ross, Ca 94957
Attn: Elise Semonian

Re: Special Day Use Permit at Branson

Dear Town Council Members,

The Ross School would like to request the consideration and approval of a Day Use Permit at Branson on Saturday, March 21st, 2015. This Special Permit would allow the Ross School to hold its biannual Auction Event on Branson School grounds in the Student Commons building. Branson has been more than accommodating in giving us access to their campus for this event.

As noted, the event is scheduled for Saturday, March 21st, 2015 from 6-11pm. We anticipate approximately 250 guests, who include Ross School Parents, Teachers, Administration and Ross Residents. Branson has invited us to use the school soccer field for valet parking, that and the additional 40 spots on campus; we feel parking on-site will not be a problem. We understand that parking off-site would pose a problem for surrounding neighbors and will ensure this does not happen with adequate signage and parking instruction. Our event will involve some small tenting over a check-in area and bar area. Should we be approved, we will of course proceed with careful consideration to Branson, its students and neighbors, with the least disruption as possible. We want this event to be as seamless as possible to Branson and Ross neighbors who might be affected.

Thank you so much for your consideration. Please forward any questions to one of us.

Erica Hunt, erica@order-sf.com (415) 845-4090
Colby Collet, colbycollet@yahoo.com (415) 218-4503

cc: David Schneider



Event Description



TOWN OF ROSS SPECIAL EVENTS PERMIT APPLICATION

Please return form to: Town of Ross, P.O. Box 320, Ross, CA 94957,
with application fee (check payable to Town of Ross).

Name of Event: Ross School Auction

Description of Activities Involved: dinner, dancing, live & silent
auction

Location requested: Branson School

Date(s) of Event: March 21, 2015 Time(s): 6:00 - 11:00pm

Sponsoring Organization: Ross School PTA

Event Contact Person: Erica Hunt Phone: (415) 845-4090

Email Address: erica@order-sf.com

Expected number of attendees: 250

Debbie Piliaro
415-999-6457

Will there be sales of goods (art, crafts, food)? Yes ☐ No ☒

(Food and beverages must comply with County Health Department rules and permits.)

If yes, describe _____

Will alcohol be served or sold? Yes ☒ No ☐

(If alcohol will be served or sold, permits must be obtained from State ABC and copies provided to Town in advance of event. The Police Chief must approve adult supervision requirements in advance.)

If yes, describe full bar - cocktails, wine & beer

Will streets, parking or traffic areas be affected? Yes ☐ No ☒

(Town costs for any barricades or equipment needed must be reimbursed. Deposits may be required.)

If yes, describe location _____

Will any structures be placed on Town property? Yes ☒ No ☐

If yes, describe structure(s) and who will provide set-up and tear down exterior

tent at entrance will be set up and taken down by rental company

Will there be amplified sound and/or music? Yes ☒ No ☐

If yes, describe (special permit may be required) band & DJ in Branson Student Commons building

Who will oversee trash, recycling and clean-up? PTA volunteers & Branson staff

(Deposit will be required. If Town is requested to oversee, Town costs must be reimbursed.)

Chapter 18.16

SINGLE FAMILY RESIDENCE (R-1) DISTRICT

Sections:

18.16.010	Chapter application.
18.16.020	Classification.
18.16.030	Permitted use.
18.16.040	Minimum lot requirements.
18.16.050	Minimum yard requirements.
18.16.060	Height.
18.16.070	Building coverage.
18.16.080	Parking.
18.16.090	Floor area.
18.16.100	Sign and outdoor advertising regulations.

18.16.010 Chapter application. The following specific regulations and the general rules set forth in Chapter 18.40 of this title shall apply in all R-1 districts. (Prior code §10 104 (part)).

18.16.020 Classification. This district classification is intended to be applied to that extensive portion of the town area devoted to single family residence use, and in which established character of development, land ownership patterns, topography, natural vegetation, access and/or availability and feasibility of utility and public services and facilities indicate the suitability of and need for preservation of the desirable single family residence character. (Prior code §10 104 (part)).

18.16.030 Permitted use. (a) Uses permitted without use permits are: single family residences and accessory uses including residential second units considered ministerially without discretionary review, transitional housing, supportive housing, private garages, greenhouses, terraces, arbors, barbecue pits and shelters, tool sheds, swimming pools, private stables (on sites of at least one acre), tennis courts (daytime use), screening walls, fences, driveways, walkways, and home occupations, subject to the requirements of Section 18.12.180. (Ord. 631 (part), 2012).

(b) Uses permitted but requiring use permits are: public and private schools and accessory residences for school faculty and staff, parks, churches and religious institutions, nonprofit social and recreational clubs, residential care facilities, guesthouses and caretaker units, home businesses, public buildings, private stables (on sites of less than one acre), and nighttime use and lighting of tennis courts; provided, that no use permit nor variance shall be issued for any public or private school whose total full-time and part-time public enrollment, together with the total enrollment of any affiliate school or coordinate program regularly using the same premises, exceeds three hundred twenty students. (Ord. 613 (part), 2009; Ord. 578 §2, 2003; Ord. 561 (part), 2001; Ord. 524 (part), 1993; Ord. 448 §2, 1984; Ord. 394 §2, 1978, underlined portion added by initiative ordinance adopted by voters 3/7/78, effective 3/24/78; Ord. 377 §3, 1977; Ord. 368 §2, 1976; Ord. 271 §1, 1968: prior code §10 104 (part)).

18.16.040 Minimum lot requirements. Minimum lot requirements are as follows:

- (1) Minimum lot area: Five thousand square feet;
- (2) Minimum lot width: Fifty feet;

Variance No. 414 Mr. and Mrs. David C. Bradford
12 Fernhill Ave. (73-051-19) 20,000 sq. ft. zone.
Request to allow addition of bathroom, closet,
bedroom extension and laundry to existing non-
conforming house 5' from side property line.

Lot Area	19,864 sq. ft.
Present lot coverage	9.3%
Proposed " "	10 %

Stating that the additions would cure inherent
obsolescence, Mr. Jones moved approval of the
variance request, seconded by Mr. Maginis and
unanimously passed.

Variance No. 415 Mr. and Mrs. Theodoric Bland
Rogers, 15 Fernhill Ave. (73-091-36) 20,000 sq.
ft. zone. Request to allow construction of
23' x 23' garage. Existing house and cabana are
non-conforming.

Lot Area	17,557 sq. ft.
Present lot coverage	17%
Proposed " "	22%

Mr. Rogers explained that the present garage,
which will be used as a cabana, is not accessable.
The proposed two-car garage will be built with
the same roof pitch as the house and will blend
in perfectly. Following discussion on the excessive
amount of lot coverage, Mr. Maginis moved granting
the variance with the condition that the present
garage (shown as cabana on the plans) will be razed,
thereby not increasing the present 17% lot coverage.
Mr. Rogers assured the Council that the size of the
proposed garage and the cabana are exactly the same.
Mr. Jones seconded the motion, which was unanimously
passed.

17. Use Permit No. 40 The Katharine Branson School,
Fernhill Avenue (73-082-12) Acre Zone.

Request to allow demolition of carports, storage area,
house, incinerator and replace by garage, storage area
and two tennis courts and pave parking area.

Mr. Leonard Richardson explained that paving the parkin
area would alleviate dust problem and allow 50 cars
inside grounds, thereby freeing Fernhill Avenue from
school cars. The new tennis courts are much needed.
Mayor Allen read a letter from Sanford Paganucci,
signed by Dr. and Mrs. Dawson, Mr. and Mrs. David
Faskin and Mr. and Mrs. Russell G. Smith Jr., asking
the Council to defer action on the use permit until
school reveals KBS master plan and Council can make
study of environmental impact on community.

Tennis
COURTS *

6-13-74

Mr. Wm. Stapp stated that paving the parking area should solve the parking problem, but felt the school should police the area and prohibit speeding, parking on Fernhill and limit the number of cars. Mr. Richardson assured the Council and audience that it is easy to control the number of students allowed to drive cars, and indicated that the school wishes to maintain the rural feeling of the Town and to maintain the integrity of the neighborhood. He agreed that a stop sign at the exit or bumps inside the parking area would be considered.

Dr. Dawson expressed concern regarding the many cars and the speeding. Miss Joy Paganucci stated that the noise is offensive and asked that the Council consider people density. She said the school was built for a maximum of 150 students and is now overcrowded. Mr. Richardson said 272 students attend at present -- the maximum would be 300.

Mr. Chase stated that as a trustee of the school he will not vote, but wished to explain that the plan tries to resolve a serious parking problem.

Dr. Dawson suggested using the area between Bill Richardson's house and the field for the tennis courts. Mr. Richardson explained that this is a graduation field which has been used for 54 years. Mr. Stapp further stated he thought the tennis courts would upgrade the area since the old house, open carport and incinerator would be torn down.

Attorney Vincent Mullins, representing the Faskins, urged the Council to defer action on the request to allow themselves time to study long range growth plans of the school, environmental impact and other new problems which may be injected into the Ross Valley.

The Clerk reported that Town staff had made an environmental impact assessment and filed a negative declaration with the County Clerk on June 3d.

Mr. Jones suggested the Council consider the possibility the project might have a significant effect on the environment. Mayor Allen, Mrs. Osterloh and Mr. Maginis discussed the matter and determined that it would not.

Mayor Allen moved granting the Use Permit, contingent on installation of a stop sign or bumps in the parking area. Mrs. Osterloh seconded the motion, which passed by a three to one vote, Mr. Jones dissenting, Mr. Chase abstaining.

The Clerk was directed to file a Notice of Determination indicating that the project will not have a significant effect on the environment.

TOWN OF ROSS

ORDINANCE NO. 394

AN ORDINANCE CONTROLLING THE ISSUANCE OF USE PERMITS,
VARIANCES, BUILDING PERMITS AND GRADING PERMITS FOR PUBLIC
AND PRIVATE SCHOOLS IN THE TOWN OF ROSS, AMENDING SECTION
18.16.030(b) OF THE ROSS MUNICIPAL CODE

THE PEOPLE OF THE TOWN OF ROSS DO ORDAIN AS FOLLOWS:

SECTION 1. The people of the Town of Ross hereby find
and declare that:

(a) The maintenance within the Town of public and private schools which provide qualify education, enriches our lives and the lives of our children.

(b) Notwithstanding the predominantly residential character of our Town, it is desirable to continue to accommodate within our residential neighborhoods those schools of limited enrollment which have for many years contributed to our unique cultural heritage.

SECTION 2. The people of the Town of Ross do therefore hereby amend the Ross Municipal Code Section 18.16.030(b) (which states the authority for granting use permits for schools in the residential zone in the Town of Ross) to read as follows (additions to existing Code Section are underlined):

18.16.030(b). Uses permitted but requiring use permits are: public and private schools, parks, churches and religious institutions, nonprofit social and recreational clubs, guesthouses and servants' quarters, home occupations, public buildings, private stables (on sites of less than one acre), and nighttime use and lighting of tennis courts provided that no use permit nor variance shall be issued for any public or private school whose total full and part-time public enrollment - together with the total enrollment of any affiliate school or coordinate program regularly using the same premises - exceeds 320 students.

SECTION 3. This ordinance can only be amended or repealed by the voters at a regular municipal election.

SECTION 4. If any portion of this ordinance is declared invalid, the remaining portions are to be considered valid. The penalty and severability provisions contained in Title 1 of the Ross Municipal Code shall be applicable to this ordinance.

Note: The above ordinance was an initiative ordinance passed by voters at an election held 3/7/78, adopted as of the date the Ross Town Council declared the vote, viz. 3/14/78, and the ordinance was thus in effect as of 3/24/78 pursuant to California Elections Code Section 4013.

TOWN OF ROSS

RESOLUTION NO. 1042

A RESOLUTION OF THE TOWN OF ROSS
GRANTING USE PERMIT NO. 50 TO
THE KATHERINE BRANSON SCHOOL/MOUNT
TAMALPAIS SCHOOL

Use
permit

WHEREAS, The Katherine Branson School/Mount Tamalpais School (hereinafter "the School") has made an application for a use permit to allow in a R-1 district, a private, coeducational secondary school having an enrollment not exceeding 320 students; and

WHEREAS, due notice of a public hearing on such application was given as required by law by publication of notice in the INDEPENDENT JOURNAL and by mailing notice to property owners in accordance with Section 18.44.020 of the Ross Municipal Code (hereinafter "the Code"); and

WHEREAS, a final Environmental Impact Report (hereinafter "EIR") concerning the Master Plan for the School was prepared pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, and the State EIR Guidelines, and has been certified in Resolution No. 1023;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The application of the School is for the use specified in the preamble above. The location of the site, the present and proposed buildings, and the other improvements thereon, are more particularly described and delineated in the documents entitled Draft EIR (March 1977) and Final EIR (July 1977).

2. It is hereby found and determined that the establishment, maintenance and conducting of the use for which the above use permit is sought will not, under the circumstances of this particular case and the conditions imposed herein, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or

working in the neighborhood of the use and will not, under the circumstances of this particular case and the conditions imposed herein, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

3. Specifically, the present zoning of the property is R-1: B-A (single family residence with minimum permitted area of one acre). One of the permitted uses in a R-1 district is that of a private school. The adopted General Plan of the Town classifies the property of the School as PS-L (Public Service, Limited). Listed uses in such classification include that of a private school. Accordingly, the use for which the use permit is sought is in conformity and compatible with both the zoning law and the General Plan of the Town.

4. The use of the property as a private school predated the adoption of the Code and the School is therefore a legal nonconforming use. Such nonconforming use is required to be removed or altered or converted to a conforming use in accordance with the time periods specified in Section 18.52.010(c) of the Code. Since the use for which the use permit is sought is identical to the existing use of the property, consideration of the nonconforming status of the School is appropriate at this time.

5. The present enrollment at the School is approximately 320 students and the application is for a private school with an enrollment not to exceed 320 students. Section 18.16.030(b) of the Code, as adopted by the voters at the March 7, 1978 General Municipal Election, permits the issuance of a use permit for a public or private school whose total full and part-time enrollment does not exceed 320 students. As a result thereof, there will be no increase or intensification of the existing use to which the property is made.

No increase in police and fire protection will be required nor will there be any increase in any other municipal services.

6. The granting of the use permit will remedy the nonconforming status of the property, maintain its existing usage and, with the conditions imposed herein, will result in no change to the health, safety, comfort, convenience or general welfare of the persons residing or working in the neighborhood of the School and no injury will occur to property or improvements in the neighborhood.

7. Over the years the School and its Board of Trustees have been generally responsive to the concerns of the Town and those residing in the neighborhood and have instituted and maintained numerous programs and policies to harmonize its activities with the general welfare of persons residing or working in the Town. Such cooperation of the School and its past and present Board of Trustees constitutes an important consideration for the issuance of this use permit.

8. A use permit is hereby granted to the School to allow a private, coeducation secondary school upon each and all of the conditions set forth in Exhibit A which is attached hereto and incorporated herein.

PASSED AND ADOPTED at a meeting of the Town Council of the Town of Ross at a meeting thereof duly held on the 11th day of May, 1978 by the following vote:

AYES: Councilmen Allen, Osterloh, Maginis, Brekhus

NOES: Councilmen None

ABSENT OR NOT VOTING:


Councilmen Chase

F. S. Allen
MAYOR

ATTEST:

Virginia Stott
TOWN CLERK

EXHIBIT A

1. That the total full and part-time student enrollment of the School shall at no time exceed 320 students.
2. That no building permit (except as a permit may be required for the ordinary maintenance or repair of existing facilities) shall be issued for any construction at the property which is not described and identified in the master plan for the School, as amended on April 3, 1978.
3. That such permit shall terminate upon the sale, lease or disposition by KBS/MTS of the present campus site or a change in the corporate structure of KBS/MTS from a non-profit institution, provided that the relocation of MTS will not cause a termination.
4. That the School use its best efforts to operate the School in such a manner as to prevent disruption or disturbance of the peace, quiet, comfort and safety of the immediate neighborhood.
-  5. That by October 15th of each year, the School shall provide and file with the Town a statement indicating the number of students enrolled in the School and the number of said students who are residents of the Town, a schedule of the approximate dates of all special events planned for the School year, and for the summer, insofar as they are known, and a scholastic games schedule insofar as known, and a copy of a memorandum, letter or directive to students, employees and parents, advising them of the terms of this Use Permit, insofar as applicable, and requesting their compliance with each of the terms of said permit.
6. That the School construct not more than ten (10) additional parking spaces, in accordance with a plan to be submitted to and approved by the Town.
7. That the School mark and clearly designate at least five (5) spaces for visitor's parking only, on campus.
8. That the School continue to use its best efforts to discourage parking on streets adjacent to the School by students, employees and faculty.
9. That the School use its best efforts to discourage access to the School by Hillgirt Drive through memorandum and communications to students, parents and guests advising them of such policy.
10. That weather permitting, the School provide temporary on-campus parking on the playing field for all special events expected to draw a large number of visitors to the campus through the use of special officers or traffic monitors to direct traffic to those areas through the School's main entrance.
11. That the use of the KBS/MTS athletic facilities for practice or play at all times during any calendar year be limited to KBS/MTS students, faculty and staff; visiting teams engaged in regularly scheduled, inter-scholastic events with KBS/MTS and official athletic teams sponsored by the Ross Recreation Association, Ross Little League and Ross Soccer Program

and other groups which have previously used these facilities, provided that the number of events or amount of use by such groups shall not exceed in any calendar year any such uses or events in any year prior to 1978.

12. That any other use of the School's athletic facilities by any other group or individuals be by Town permission.
13. That no temporary or permanent grandstands or bleachers, amplifying equipment or outside lighting be constructed, maintained or used in connection with any athletic events held on campus.
14. That the new tennis courts constructed adjacent to the parking lot be restricted to use by students and faculty of KBS/MTS, officially sponsored groups or teams of the Ross Recreation Association, Ross Little League or Ross Soccer League, between the hours of 8:15 A.M. and 8:00 P.M. and that the appropriate signs be constructed and maintained on said tennis courts regarding this.
15. That the auditorium be restricted to use for School assemblies, special alumni, faculty, parents and friends of the School, but in no event, for the scheduling of special events to which the public or outside guests unassociated with KBS/MTS are invited.

claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

St. Anselm lot conditions

Mayor Barr announced at 9:29 p.m. that the Council would take a short recess and then reconvene with the next item.



20. Use Permit No. 321

The Roman Catholic Archbishop of San Francisco, Sir Francis Drake Boulevard and Bolinas Avenue, A.P. No. 73-052-25, R-1 (Single Family Residence, 5,000 Square Foot Minimum.) Use permit to allow the use of 41 parking spaces in the existing paved parking lot for parking by the students of the Katharine Branson School. The proposed Branson School parking is to occur Monday through Friday during regular school hours, with a bus shuttling students between their cars and the Branson School campus.

Gary Broad, Planning Director, summarized the staff report and recommended that the Council approve the use permit with the findings and conditions in the staff report.

Pat Langley, parish coordinator, noted that they are responding by a request from their neighbors to provide additional parking. They use that portion of the parking lot that is not adjacent to the neighbors in order to minimize the impact on the neighboring homes. She further urged approval.

Mayor Barr pointed out that this would take vehicles off the road and place them in the parking lot.

Mayor Pro Tempore Byrnes asked staff how they could ensure that the parking would be used as intended. Mr. Broad responded that they cannot restrict an individual from parking on the street. He noted that a condition could be required that the spaces be made available to vehicles that would otherwise be parked on the street or require that the applicant submit a parking methodology to the Town.

Mayor Barr desired to know the number of parking permits issued. Council Member Poland noted that they could approve subject to restricting the parking to replacing on-street parking.

Mr. Broad pointed out to the Council that if there is a problem the use permit could be revoked.

Mayor Barr opened the public hearing on this item.

Kevin Westin, Ross resident, had no objection to the additional parking, but expressed concern for it being an area where children congregate. Mayor Barr responded that loitering is specifically prohibited. Also, adult supervision during the morning hours is required. She further recommended to Mr. Westin that he contact the Town if there is any problem.

Mayor Pro Tempore Byrnes expressed concern for screening the parking lot. Council Member Poland recommended reviewing the screening after approval in order to understand how it appears. Council Member Hunter stated that it could be revisited if the screening is a problem.

Council Member Strauss recommending installing landscaping on the edge in terms of Branson and San Anselmo. Ms. Langley indicated that there is no water at that site. Mayor Pro Tempore Byrnes believed a water permit could be obtained.

Council Member Strauss recommended approval with the condition of planting some screening in order to have a more attractive appearance.

Mayor Pro Tempore Byrnes and Council Member Strauss agreed that screening is needed in order to minimize the visual impact of vehicles parked in the lot.

Mr. Jarjoura indicated that public safety is a concern and the area should be more exposed in order to have less crime. Council Member Strauss recommended adding staff's standard condition in regard to the Council having up to three years to add additional landscaping if so desired.

Council Member Strauss recommended including some landscaping in order to mitigate concerns.

Mayor Barr indicated that that she did not believe that it was necessary for the church to provide parking lot landscaping.

There being no further public testimony on this item, Mayor Barr closed the public hearing and brought the matter back to the Council for action.

Mayor Barr asked for a motion.

Council Member Poland moved and Council Member Strauss seconded, to accept staff's recommendation with the added condition that the Council has up to three years to add additional landscape screening if so desired. The motion carried by a 4:1 vote by the Council, with Mayor Pro Tempore Byrnes opposed, with the following conditions:

St. Anselm's Church Conditions

1. This use permit shall allow the use of the existing St. Anselm's Church parking lot for the parking of Branson School student vehicles during the school week subject to conditions no. 2-18 below. The original use permit limiting church

- parking on the lot to Sundays and Roman Catholic holidays is not hereby amended and all of its associated conditions shall remain in full force and effect. No other use of the lot for non-church activities is allowed.
2. *The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.*
 3. The Branson School shall use the parking lot for student cars Monday through Friday only and only during the school year. No evening use of the site is allowed.
 4. Branson School parking on the lot shall be limited to a total of thirty-nine (39) vehicles.
 5. Parking shall be restricted to the easternmost rows of parking spaces, with no parking in the row of spaces adjacent to any neighboring residence.
 6. No shuttle buses or Branson cars shall arrive at the lot prior to 7:40 a.m.
 7. Responsible adult supervision at the parking lot shall begin at 7:40 a.m. and remain constant during the period of student and shuttle bus arrival and departure.
 8. Once they have parked, students shall move immediately to the waiting school van. No excessive noise is allowed and speech which exceeds normal conversational volumes is prohibited.
 9. The loitering of Branson School students is strictly disallowed at any time during the school's use of the lot.
 10. The use of this lot shall be overseen on a regular basis by the Branson School and reviewed by St. Anselm's Church on an annual basis.
 11. No on-site idling of parked student cars or of shuttle vans is permitted. Vans shall remain on the site only long enough to pick up students who have already arrived and shall not wait for additional arrivals. Vans that remain on site to provide the required adult monitoring shall not keep their engines idling.
 12. The staging point for the vans shall be on the eastern half of the lot, as near as possible to the easternmost property line.
 13. All shuttle buses shall be kept properly tuned-up and mechanically maintained.
 14. Students shall enter and exit the lot in the quietest manner possible. Any action which results in a noise level above what is normally generated in the reasonable operation of a vehicle is strictly disallowed. Such actions include, but are not limited to, the use of car radios or sound systems, the revving of engines, sudden or abrupt braking resulting in tire squeal, or the operation of any vehicle which is unmuffled or tuned to generate levels of engine noise beyond what is reasonably to be expected of an unmodified late-model sedan.
 15. Student parking at the lot shall be regulated through the issuance of parking permits by the Katherine Branson School. A maximum of thirty-nine (39) parking permits shall be issued. Students shall receive written notification of these use permit conditions and the requirement that they comply with all of their terms at the time of permit issuance.
 16. The parking lot shall be maintained at all times free of weeds, litter, and debris. The fence surrounding the site shall be repaired or replaced as necessary, with any new or replacement fencing subject to the Town's regulations. Landscaping shall be installed and maintained along the lot's perimeter as deemed necessary and the Town Council reserves the right to require additional vegetative screening at any time.

17. The annual statement which the Branson School must file with the Town by October 15 of each year shall include reference to the manner in which the parking facility is being operated to ensure compliance with these conditions of approval.
18. Saint Anselm's Church shall be responsible for monitoring the use of the parking lot by the Branson School to ensure that the operation of the lot complies fully with all of the hereby enacted conditions of approval. Failure to comply with any condition shall be cause for Town Council revocation of this use permit.
19. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Council Member Strauss reiterated his desire to have screening.

21. **Variance, Design Review, Hillside Lot/Hazard Zone and Tree Removal
DENIAL**

Karson and William Aubuchon (owners), Ross Parmenter (applicant), 54 Baywood Avenue, A.P. Nos. 72-072-29 and 72-072-30, R-1:B-20 (Single Family Residence, 20,000 square foot minimum.) Variance, design review, and hillside lot/ hazard zone 3 use permit to allow the construction of a 1,588 square foot two story residence with a 52 square foot mechanical/laundry room and a patio within the front yard setback (25 feet required, 9 feet proposed.) A 485 square foot attached garage is proposed within the front yard setback (25 feet required, 10 feet proposed) and within the rear yard setback (40 feet required, 36 feet proposed.) 328 square feet of decks are proposed at the rear of the residence. Total development of 2,081 square feet of floor area is proposed*, with 39 linear feet of retaining walls and 63 cubic yards of cut. A variance is requested to allow only two on-site covered parking spaces (2 covered and 2 uncovered required) as 2 uncovered spaces would be located partially on-site and partially within the Baywood Avenue right-of-way. An encroachment permit is requested to allow improvements within the Baywood Avenue right-of-way, including driveway and walkway construction. Tree removal is requested to allow the removal of a 14" bay, a 14" oak, and a 6" bay.

Lot area	20,971 square feet
Present Floor Area Ratio	0%
Proposed Floor Area Ratio	10.1% (15% permitted*)
Present Lot Coverage	0%
Proposed Lot Coverage	8.0% (15% permitted)