TOWN OF ROSS

Agenda Item No. 15

Staff Report

Date: February 11, 2016

To: Mayor Kathleen Hoertkorn and Council Members

From: Heidi Scoble, Planning Manager

Subject: Branson School Scoreboard, 39 Fernhill Avenue, Amendment to Use Permit, File No. 2016-002

Recommendation

Town Council approval of Resolution 1937 conditionally approving a Use Permit amendment and retroactive approval to allow the installation and use of an internally illuminated scoreboard for the use of the Branson School's sports related activities associated with the athletic field located at 39 Fernhill Avenue.

Project Summary

Owner:	The Branson School
Applicant:	The Branson School, Attn: Ned Pinger
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)

The Branson School is requesting a Use Permit amendment and retroactive approval to allow the installation and use of an internally illuminated scoreboard for the use of the Branson School's sports related activities associated with the athletic field. The scoreboard has been installed on the east elevation of the gym building, adjacent to the newly installed sports field. The scoreboard is approximately 18 feet wide by 12 feet tall and 8 inches deep. The scoreboard includes a lacross scoreboard at the bottom of the scoreboard, in addition to the Branson team name (Branson Bulls) and the name with whom the field was named after (Tom Ryan Field). The scoreboard colors are blue, green, and white. The scoreboard is installed with internal illumination that has two settings, low and high. The applicant is proposing to use the low setting when the scoreboard is being utilized.

The applicant is requesting to use of the internally illuminated scoreboard for three games per week for a total of approximately two hours per game.

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. On September 2015, the Town Council approved a Design Review allow the replacement of a grass sports field with an artificial turf field, and associated drainage improvements. The 1978 Use Permit (condition number 11 of Resolution 1042) allows the athletic field for practice or play at all times during any calendar year for the Branson School, visiting teams engaged in regularly scheduled inter-scholastic events with Branson School, in addition to official athletic teams sponsored by the Ross Recreation Department, Ross Little League and Ross Soccer Program and other groups which have previously used the athletic facilities as of 1978.

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, the Town Council must apply conditions to ensure the protection of the public welfare and property or improvements. (R.M.C. §18.44.030).

Upon review of the existing Use Permit that allows the use of the athletic field and the most recent Design Review approving the newly installed athletic field, staff supports the scoreboard as proposed subject to limiting the use of the scoreboard as proposed by the applicant (e.g., limiting the use of the scoreboard to no more than three days a week for approximately 2 hours associated with the specific game, and using the low light setting). The Use Permit amendment request to allow the retroactive approval of an internally illuminated scoreboard would not be detrimental to any neighboring properties due to the location of the scoreboard relative to the topography and proximity of the scoreboard to any developed properties. Specifically, the scoreboard would not directly shine onto and/or into any developed property. Additionally, although the scoreboard would be visible from the end of Hillgirt Drive facing towards the Branson School, the scoreboard would be utilizing its lowest setting and would be located approximately 100 feet to the property line abutting Hillgirt Drive, thus reducing any adverse illumination and/or glare impacts. Furthermore, because the athletic field does not have any lighting fixtures to light the sports field at night, the use of the scoreboard would be during daylight and twilight hours, thus further reducing any potential illumination and/or glare impacts. Lastly, the use of the scoreboard would be ancillary to the athletic field use and would

not exacerbate any of the existing conditions (i.e, parking, traffic, student capacity, etc.) and use of the site beyond its 1978 approval which allows for the field to be used for inter-scholastic athletic events, thus ensuring the project would not be detrimental to the convenience, or general welfare of persons residing or working in the neighborhood. Conditions of approval would require the Branson School to secure a building permit and electrical permit for the scoreboard to ensure all matters pertaining to health and safety are addressed, and that no field lights are permitted to ensure no adverse impacts on surrounding properties. Note, the Town Council could retain the right to revoke the use of the scoreboard or the use of the athletic field if the Branson School violates any conditions of approval relative to the subject Use Permit or past Use Permits related to the use of the athletic field.

Public Comment

Public Notices were mailed to property owners within 500 feet of the project site. William Curtis, property owner at 7 Hillgirt Drive has submitted a letter requesting the Town Council's consideration of relocating the scoreboard to the sideline of the field (south facing).

Fiscal, resource and timeline impacts

If approved, the project would be subject to one-time fees for a grading permit. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Environmental review (if applicable)

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 15301 *–additions to existing structures*, because it involves an addition to an existing single family residence, including a detached accessory structure with no potential for impacts as proposed. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project 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.

Attachments

1. Resolution 1937
2. Application materials
3. Selected Town Council history related to Branson Use Permits Relative to the Athletic Field
   a. Resolution 1042- May 11, 1978
   b. September 10, 2015 Staff Report for the Sports Field Renovation Project
4. Letter from William Curtis, date-stamped February 4, 2016

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 1937
A RESOLUTION OF THE TOWN OF ROSS APPROVING A USE PERMIT AMENDMENT TO ALLOW THE RETROACTIVE APPROVAL OF AN INTERNALLY ILLUMINATED SCORBOARD IN ASSOCIATION WITH THE ATHLETIC FIELD USE AT 39 FERNHILL AVENUE
APNS 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05

WHEREAS, The Branson School is requesting a Use Permit amendment and retroactive approval to allow the installation and use of an internally illuminated scoreboard for the use of the Branson School's sports related activities located at 39 Fernhill Avenue, Assessor's Parcel Numbers 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05 (the "project"); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301, Class 1 –Existing Facilities; and no exception set forth in Section 15301.2 of the CEQA Guidelines (including but not limited to subsection (a) which relates to impacts on environmental resources; subsection (b) which relates to cumulative impacts, subsection (c) which relates to unusual circumstances; or subsection (f) which relates to historical resources) was found to apply to the project; and

WHEREAS, on February 11, 2016, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A"; and approves Design Review for the project described herein located at 39 Fernhill Avenue, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 11th day of February 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
Findings in Support of Project Approval
39 Fernhill Avenue
APNS 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05

A. Finding

I. Use Permit (RMC § 18.50.030) Before granting any 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.

The Use Permit amendment request to allow the retroactive approval of an internally illuminated scoreboard would not be detrimental to any neighboring properties due to the location of the scoreboard relative to the topography and proximity of the scoreboard to any developed properties. Specifically, the scoreboard would not directly shine onto and/or into any developed property. Although the scoreboard would be visible from the end of Hillgirt Drive facing towards the Branson School, the scoreboard would be utilizing its lowest setting and would be located approximately 100 feet to the property line abutting Hillgirt Drive, thus reducing any adverse illumination and/or glare impacts. Furthermore, because the athletic field does not have any lighting fixtures to light the sports field at night, the use of the scoreboard would be during daylight and twilight hours, thus further reducing any potential illumination and/or glare impacts. Lastly, the use of the scoreboard would be ancillary to the athletic field use and would not exacerbate any of the existing conditions (i.e, parking, traffic, student capacity, etc.) and use of the site beyond its 1978 approval which allows for the field to be used for inter-scholastic athletic events, thus ensuring the project would not be detrimental to the convenience, or general welfare of persons residing or working in the neighborhood. Conditions of approval would require the Branson School to secure a building permit and electrical permit for the scoreboard to ensure all matters pertaining to health and safety are addressed, and that no field lights are permitted to ensure no adverse impacts on surrounding properties.

EXHIBIT "B"
Conditions of Approval
39 Fernhill Avenue
APNS 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05

In granting any use permit under the provisions of this chapter, the town council shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of protection to the public welfare and property or improvements as hereinbefore set forth.

1. This approval authorizes retroactively the location and use of the scoreboard at 39 Fernhill Avenue. The use of the scoreboard is limited to three games per week for a total of approximately two hours per game associated with the approved uses allowed on the athletic field per condition number 11 of Resolution 1042 approved by the Town Council on May 11, 1978. The scoreboard illumination shall always remain at the lowest setting.

2. Immediately following Town Council approval of the scoreboard, the Branson School shall secure a retroactive building and electrical permit for the installation of the scoreboard on the east wall of the gym building and any electrical wiring that is necessary to illuminate the scoreboard.

3. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

4. No field lighting is permitted with the Use Permit amendment to allow the retroactive use of the scoreboard.

5. 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.

ATTACHMENT 2

Staff Use Only	
Received By:	
Date:	
Fees Paid:	
Date:	

Town of Ross
Planning Department
Post Office Box 320, Ross, CA 94957
Phone **(415) 453-1453, Ext. 121** Fax **(415) 453-1950**
Web **www.townofross.org** Email **hscoble@townofross.org**

PLANNING PERMIT APPLICATION

Type of Application (check all that apply):

- ☐ *Design Review*
- ☐ *Variance(s)*
- ☐ *Hillside Lot Application*
- ☐ *Basement or Attic Exception*
- ☐ *Residential Second Unit*
- ☐ *Use Permit*
- ☐ *Minor Exception*
- ☐ *Demolition Permit*
- ☒ *Other:* Use Permit amendment for after-the-fact approval of scoreboard

Parcel Address and Assessor's Parcel No. 39 Fernhill Ave. #. 73-141-03

Owner(s) of Parcel The Branson School

Mailing Address (PO Box in Ross) PO Box 887

City Ross *State* CA *ZIP* 94957

Day Phone (415) 455-7207 *Evening Phone* _____

Email David-Schneider@Branson.org

Architect (Or applicant if not owner) David Schneider (Branson Facilities Director)

Mailing Address PO Box 887

City Ross *State* CA *ZIP* 94957

Phone (415) 302-9724 m

Email David-Schneider@Branson.org.

Primary Contact for Application (name) David Schneider.

Existing and Proposed Conditions (For definitions please refer to attached fact sheet.)

Gross Lot Size	NA sq. ft.	*Lot Area*	NA sq. ft.
Existing Lot Coverage	" sq. ft.	*Existing Floor Area*	" sq. ft.
Existing Lot Coverage	" .___ %	*Existing Floor Area Ratio*	" .___ %
Coverage Removed	" sq. ft.	*Floor Area Removed*	" sq. ft.
Coverage Added	" sq. ft.	*Floor Area Added*	" sq. ft.

Net Change- Coverage NA sq. ft. *Net Change- Floor Area* NA sq. ft.

Proposed Lot Coverage " sq. ft. *Proposed Floor Area* " sq. ft.

Proposed Lot Coverage "._% *Proposed Floor Area Ratio* "._%

Existing Impervious Areas " sq. ft. *Proposed Impervious Areas* " sq. ft.

Existing Impervious Areas ". % *Proposed Impervious Areas* "._%

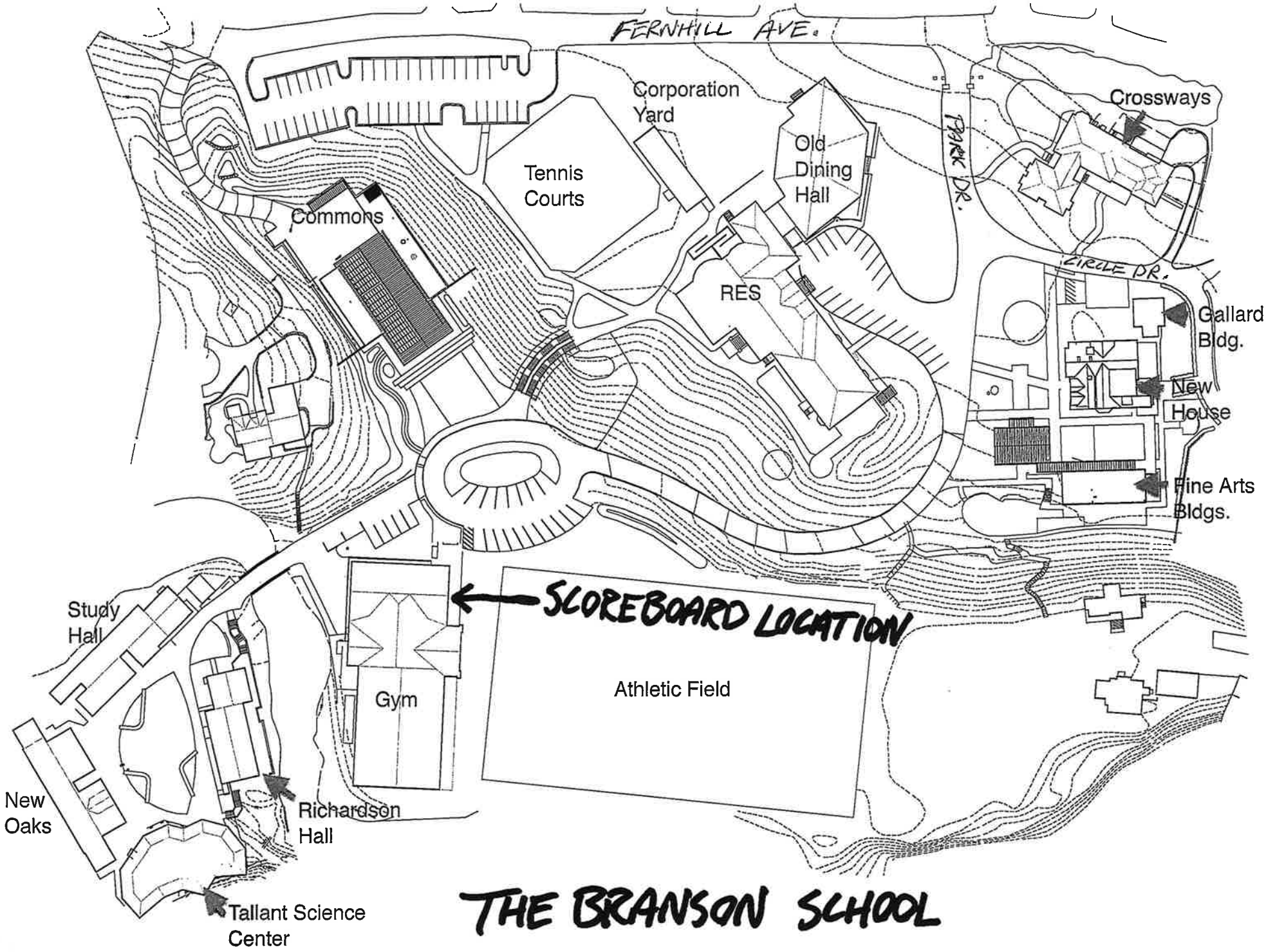
Proposed New Retaining Wall Construction _____ ft. (length) _____ ft. (max height)

Proposed Cut " cubic yards *Proposed Fill* " cubic yards

Written Project Description – *may be attached.*

A complete description of the proposed project, including all requested variances, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

Installation of a scoreboard on the East exterior shingled wall of the Gym (see map and photos provided). The scoreboard is 18' wide x 12' tall x 8" deep. The scoreboard specifications provided indicate the scoreboard as being 8' tall but ours has a 2' tall Lacrosse scoreboard attached to the bottom and a 2' tall panel with Branson school team name and field name attached to the top for a total height of 12' (see photos). The colors on the face of the scoreboard are blue and green with white borders and some lettering (see photos). The scoreboard lights will only be turned on for games played on the Athletic field. There will usually be three games per week for approximately two hours at a time, or six hours per week during the school year.


FERNHILL AVE.
Corporation Yard
Crossways
Tennis Courts
Old Dining Hall
PARK DR.
Commons
RES
CIRCLE DR.
Gallard Bldg.
New House
Fine Arts Bldgs.
SCOREBOARD LOCATION
Study Hall
Gym
Athletic Field
New Oaks
Richardson Hall
Tallant Science Center
THE BRANSON SCHOOL


BRANDON BULLS
TOM RYAN FIELD
BULLS
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SHOTS
SAVES
SAVES
SHOTS


BRANDON BULLS
TOM RYAN FIELD

OUTDOOR MULTI-SPORT SCOREBOARDS

MODEL 3680

Size: 18′ x 8′ x 8″ (5.49 x 2.44 x .20 meters)
Approximate hanging weight: 420 lbs. (191 kg) **with ETNs:** 590 lbs. (268 kg)
Digit Size: 24″ **Digit Color:** High Intensity Red or Amber

NEW *Intelligent Captions™* CHANGE AUTOMATICALLY between sports!

- **FOOTBALL**
- **SOCCER**
- **LACROSSE**
- **BASEBALL**
- **SOFTBALL**
- **FIELD HOCKEY**

Advanced timing features ideal for combination Soccer, Football, Baseball, Softball, Lacrosse and Field Hockey facilities.

- Operate wired or wireless.
- Bright, long lasting, energy efficient LEDs.
- Gasketed digits reduces water intake.
- Large digits easily seen from long distances.
- Designed to withstand wind load speed zones exceeding 150 mph.
- Includes Time Outs Left and built-in Horn.
- White outline striping separates features for greatest readability.
- Lighted time colon and decimal; automatically adjusts to 1/10th of a second.
- Flexible mounting. Can mount directly to columns OR on laterals for complex or retro-fit installation.
- Flush sign mounting.

ELECTRONIC TEAM NAMES COME STANDARD WITH INTELLIGENT CAPTION SCOREBOARDS!

Combine your scoreboard with a Nevco monochrome or full-color message center to create a complete scoring and display system. Team/Sponsor signs also available.

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FAX: 618-664-0398 E-MAIL: INFO@NEVCO.COM

INTEGRATED DISPLAY AND SCORING SOLUTIONS

Model 3680 (Outdoor) Multi-Sport Scoreboard

SCOREBOARD/CONTROL OPERATING FEATURES

MODEL 3680	MPCW-7	MPCX$_2$ WIRELESS
TIMING 24" High Intensity Red or Amber LED Digits	Bi-directional UP or DOWN count. Any number can be set between 0:00-99:59. 1/10th seconds display during final minute.	Bi-directional UP or DOWN count. Any number can be set between 0:00-99:59. 1/10th seconds display during final minute.
TEAM SCORES 24" High Intensity Red or Amber LED Digits	Displays 0-99	Displays 0-99
HALF 18" High Intensity Red or Amber LED Digits	Displays 0-9	Displays 0-9
CORNER KICK **SHOTS** **PLAYER IN** 24" High Intensity Red or Amber LED Digits	Displays 0-99	Displays 0-99
PENALTY **SAVES** **PLAYER OUT** 24" High Intensity Red or Amber LED Digits	Displays 0-99	Displays 0-99
PENALTY **SAVES** **PLAYER OUT** 24" High Intensity Red or Amber LED Digits	Displays 0-99	Displays 0-99
CORNER KICK **SHOTS** **PLAYER IN** 24" High Intensity Red or Amber LED Digits	Displays 0-99	Displays 0-99
TIME OF DAY	In place of displaying game time on the scoreboard, the "time out" time may be displayed or the "time of day".	N/A
HORN	Sounds automatically at 0:00 for a minimum of two (2) seconds. May omit automatic horn. Can sound manually at any time.	Sounds automatically at 0:00 for a minimum of two (2) seconds. May omit automatic horn. Can sound manually at any time.
JUNCTION BOX	N/A	N/A
CONTROL CABLE	N/A	N/A
SEGMENT TIMING	Supported.	Supported.

In addition to the standard 15 colors, Nevco can match any PMS color. Please contact your local Display and Scoring Consultant for pricing information.

AGENCY APPROVAL: UL/CUL listed, FCC, CE, INDUSTRY CANADA.

SCOREBOARD: Size 18'L x 8'H x 8"D (5.49 x 2.44 x .20 meters), constructed of aluminum. Scoreboard has 1" white outline striping. Hanging weight approximately 420 lbs. (191 kg) with ETNs: 590 lbs. (268 kg).

INTELLIGENT CAPTIONS: (2) 8x48, (4) 8x32, (2) 8x16.

LED UNITS: Seven-bar segmented digits with protective aluminum cover.

POWER: 120 VAC, 6.3 Amps, 50/60 Hz. / 240 VAC, 3.2 Amps, 50/60 Hz. Requires earth ground.

BUILT-IN LIGHTNING PROTECTION: All models feature fiber-optic isolation circuitry providing additional protection against lightning strikes.

GUARANTEE: TO VIEW OR RECEIVE THE MOST RECENT COPY OF OUR GUARANTEE, PLEASE VISIT: WWW.NEVCO.COM/INFO/GUARANTEE.PHP
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FAX: 618-664-0398 E-MAIL: INFO@NEVCO.COM

ATTACHMENT 3

T O W N O F R O S S

RESOLUTION NO. 1042

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

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

Attachment 3.a
(5 pages)

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

MAYOR

ATTEST:

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.

TOWN OF ROSS

Agenda Item No. 16.

Staff Report

Date: September 10, 2015

To: Mayor Kathleen Hoertkorn and Council Members

From: Leann Taagepera, Contract Planner

Subject: The Branson School, 39 Fernhill Avenue, Sports Field Renovation Project

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Recommendation

Town Council approval of Resolution No. 1913 conditionally approving a Design Review request to allow the renovation of a sports field facility through the replacement of a grass sports field with an artificial turf field, and associated drainage and ADA improvements at 39 Fernhill Avenue.

Project Summary

Owner:	The Branson School
Design Professional:	Peter Arnold, PLA, Abey Arnold Associates, Landscape Architects,
Location:	39 Fernhill Avenue
A.P. Number:	73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05
Zoning:	R-1:B-A (Single Family Residence, 10,000 Square Feet Minimum Lot Size)/R-1:B-7.5 (Single Family Residence, One Acre Minimum Lot Size)
General Plan:	Limited Quasi-Public/Private Service
Flood Zone:	Zone X (outside 1-percent annual chance floodplain)

Application for Design Review. The project would allow the replacement of a grass sports field with an artificial turf field, and associated drainage improvements. Design Review is required pursuant to Ross Municipal Code Chapter 18.41.020(c) to allow grading of over 50 cubic yards; per 18.41.020(h) to allow new impervious surface; and pursuant to 18.41.020(d) for site work within 25 feet of a waterway.

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

Attachment 3.b
(56 pages

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 and visiting teams engaged in regularly scheduled, inter-scholastic events with The Branson School and official athletic teams sponsored by the Ross Recreation Department, Ross Little League and Ross Soccer Program and other groups to use their athletic facilities.

The proposed sports field turf replacement project does not propose a change in the use of the sports field or any other facet of The Branson School and an amendment of the use permit is not required. However, the change in material of the field would allow the school and Ross Recreation league teams to utilize the field during the winter, as the local soccer season is transitioning to winter league season. Parking would continue to be provided on the field. There would be a reduction in the number of vehicles leaving campus at the end of the day to use the fields at the College of Marin, reducing local traffic trips.

According to Mike Armstrong, Town of Ross, Recreation Manager, the benefit of access to an "all weather" field would allow the Town to transfer games in youth soccer and youth lacrosse to the Branson Field in the event of rain and during times when the turf is getting stressed at Ross Commons. The Recreation Department would also be interested in an opportunity to sponsor some summer sports themed camps at Branson geared towards middle school age students.

Project Description

The goals of the Branson School turf replacement project are to provide for winter seasonal use by both the school and the Ross Recreation league, substantially reduce water use, and reduce local traffic trips by school sport program participants. It would achieve this by replacing the existing 66,000 square-foot natural turf athletic field with a 66,000 square-foot artificial turf field, which would be utilized during the rainy season. The current field's location, orientation and layout would be unchanged. Parking would still be provided on the field, as it is now.

Installation of the new field would require the removal of the existing two to three inch deep turf and root structure, resulting in a cut of this material of 450 cubic yards and fill on site of the supporting material such as sand and gravel, under the new artificial turf, which would be considered a fill of 1200 cubic yards. Most of this removed grass and root material would be used on site as a landscaped mound to be located adjacent to the field, which would reduce the need to truck removed material off-site. The exposed substrate would then be compacted and covered with base rock up to a depth of six inches. The turf and permeable lining/padding would be installed over this baserock. The artificial turf would consist of a 23 mm thick pad covered by the turf and infilled with an all-sand product. The project would not utilize any rubber infill material. The new field would be approximately five inches higher than the current natural grass field.

The artificial turf field requires a completely 'planar' surface and, therefore, necessitates that a low seating wall be constructed, adjacent to the Gym building. This low wall would taper from a 26 inch maximum height at the south end of the Gym to ground level at the parking area, and span for ninety-five linear feet. The project also proposes to install a 3" x 12" header around the remaining perimeter of the new artificial turf field, minimizing excavation. North of the field a new drain and bioswale would be installed to capture runoff that would result from the existing grassy area between the new field and the parking area. An ADA ramp is proposed to the field from the Gym, which is accessible from existing parking lot.

The field would drain toward a new 320 foot long 'Recharge Trench' that would be installed to take in the entire field's runoff. The turf system's "carpet" or padding system would be permeable and would result in some water traveling through the material and the rest moving across the surface into the trench. Overall, there would be no change in percolation rates, but since the turf material would not be completely permeable, such as is natural grass, staff and the applicants consider this a change in the way rainwater would travel into the ground. The project can be interpreted as not increasing the impervious surface overall, but increasing it within the field surface itself, as compared to grass. The deep trench would allow water to percolate into the ground and is designed to accept a 10 year storm event without allowing outflow into the stormwater system. A perforated drain pipe would be installed high in the trench to allow the overflow during a greater than 10 year storm event to enter the existing storm drain system.

Biological Resources Report and Regulatory Agencies

While the project is adjacent to Ross Creek, the project's construction or operation would not affect the creek. A Biological Resource report was prepared by Micki Kelly, Kelly Biological Consulting, dated September 1, 2015. The report concluded that the project would not result in any impacts to the creek or its habitat. The Branson School consulted with the California Department of Fish and Wildlife (DFW), the Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (Corps). None of the agencies expressed concerns with the project. The DFW advised that the applicant determine if a Lake and Streambed Alteration Agreement would be likely needed and, if so, submit such an application after Town approval. The RWQCB indicated that only a standard Stormwater Pollution and Prevention Plan would need to be submitted and the Corps indicated that the project was outside of its jurisdiction. The applicant would be required to provide a Stormwater Pollution Prevention Plan and an Erosion Control Plan prior to the issuance of the grading permit, as a condition of the Town's approval.

Water Savings

The Facilities Director at the Branson School estimates that the water savings for the project would be approximately 2,007,279 gallons per year, which is a substantial reduction in water use. The applicant estimates that in a non-drought year, 80% of the water used is well water,

with remainder from Marin Municipal Water District sources. The Director provided the following assumptions for this amount of water savings:

"Water usage at the field is as follows:

(10) PJT heads, at 3.5GPM, for 20min. per watering, watered 3 times per week. Per week this would equate to 10 x 3.5 x 20 x 3= 2,100 gal. Per month would be 2,100 x 4.33(weeks per month)= 9,093 gal.

(38) Rainbird heads at 12.5GPM, for 45min. Per watering, watered 3 times per week. Per week this would equate to 38 x 12.5 x 45 x 3= 64,125 gal. Per month would be 64,125 x 4.33= 277,661 gal.

Total water usage per month= 277,661 + 9,093= 286,754 gal./month

We water roughly 7 months per year so yearly water usage is 7 x 286,754= **2,007,279 gal./year**

Depending on rainfall we may water 8 months per year and during heat waves we bump up the watering duration or increase watering to 4 times per week."

Reduction in Local Traffic Trips

Some of the athletic programs at The Branson School currently utilize fields at The College of Marin (COM) and must drive or be driven from the School to that location and back. In addition, the School's girls' soccer season has been moved from spring to winter, which is the same time period as the School's boys' season. The applicant indicates that this is essentially 'doubling up' on the practice and game fields, and is occurring during the rainy season, putting extreme pressure on local field use.

The applicant has states that, currently, The Branson School has Daily Practices and/or games Monday through Saturday and the traffic related to them is estimated as follows:

Winter Season, (November-February)

- Boy's soccer = 20 people, 10 vehicles each way per day.
- Girl's soccer= 20 people, 10 vehicles each way per day.

Spring Season, (March – June)

- Lacrosse = 18 people - 8 vehicles each way per day
- Baseball, rainy day practices- they currently carpool, so an estimated of four vehicles each way per day.

Based on observations by School staff, the applicant concludes that the new field would remove 50% of the above traffic. Some games and practices would still be played at COM. Further, the applicant indicates that, if you extrapolate that into total traffic reduction for both seasons, there would be an estimated reduction of 1,200 total trips, with 720 trips from the winter sports and 480 from the spring sports. This would indicate that the project could save 1,200 local traffic trips between January and June.

Public Comment

Staff has received no public comment on the project.

Fiscal, resource and timeline impacts

If approved, the project would be subject to one-time fees for a grading permit. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Recommendation

Staff supports the proposed renovation of the sports field through the replacement of the turf field and the continued use of the site, which will be consistent with the Branson use permit, benefits the Ross Recreation Department and is consistent with school use of the property. In addition, the project would reduce water usage and local traffic trips. Findings for approval of Design Review are provided in the attached resolution.

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15304 - categorical exemption for minor alterations to land. A Class 4 Exemption consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project 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.

Attachments

1. Resolution No. 1913
2. Findings and Conditions of Approval
3. Application
4. Geotechnical Letter Report, Miller Pacific Engineering Group, August 19, 2015
5. Soccer Field Turfgrass Removal and Tree Protection Procedures, MacNair & Associates, August 27, 2015
6. Biological Resource Report, Kelly Biological Consulting, September 1, 2015
7. The Branson School Use Permit, Resolution No. 1042, and Planning History
8. Project plans

TOWN OF ROSS

RESOLUTION NO. 1913

A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW TO ALLOW THE RENOVATION OF A SPORTS FIELD FACILITY THROUGH THE REPLACEMENT OF A GRASS SPORTS FIELD WITH AN ARTIFICIAL TURF FIELD, AND ASSOCIATED DRAINAGE AND ADA IMPROVEMENTS AT 39 FERNHILL AVENUE, 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05.

WHEREAS, The Branson School submitted an application for a Design Review pursuant to Ross Municipal Code Chapter 18.41.020(c) to allow grading of over 50 cubic yards; per 18.41.020 to allow new impervious surface; and pursuant to 18.41.020(d) for site work within 25 feet of a waterway at 38 Fernhill Avenue, Assessor's Parcel Numbers 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05 (the "project"); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15304 - categorical exemption for minor alterations to land; and

WHEREAS, no exception set forth in Section 15301.2 of the CEQA Guidelines (including but not limited to subsection (a) which relates to impacts on environmental resources; subsection (b) which relates to cumulative impacts, subsection (c) which relates to unusual circumstances; or subsection (f) which relates to historical resources) was found to apply to the project; and

WHEREAS, on September 10, 2015, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A"; and approves Design Review for the project described herein located at 39 Fernhill Avenue, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 10th day of September 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
Linda Lopez, Town Clerk

EXHIBIT "A"
Findings In Support Of Project Approval
39 Fernhill Avenue

73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05

A. Findings

I. Design Review is required pursuant to Ross Municipal Code Chapter 18.41.020(c) to allow grading of over 50 cubic yards; per 18.41.020 to allow new impervious surface; and pursuant to 18.41.020(d) for site work within 25 feet of a waterway.

1. **Design Review (RMC § 18.41.020(c), 18.41.020(h), 18.41.020(d) - Approval of Design Review for the replacement of a grass sports field with an artificial turf field, and associated drainage and ADA improvements is based on the findings outlined in the Ross Municipal Code Section 18.41.070(b) as described below:**

a) **The project is consistent with the purposes of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010**:

(a) To preserve and enhance the "small town" feel and the serene, quiet character of its neighborhoods are special qualities to the town. The existing scale and quality of architecture, the low density of development, the open and tree-covered hills, winding creeks and graciously landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environment co-exist in harmony and to sustain the beauty of the town's environment.

(1) Provide excellence of design for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area. Promote high-quality design that enhances the community, is consistent with the scale and quality of existing development and is harmoniously integrated with the natural environment;

(2) Preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town's neighborhoods through maintaining historic design character and scale, preserving natural features, minimizing overbuilding of existing lots and retaining densities consistent with existing development in Ross and in the surrounding area;

(3) Preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety. Ensure that site design and intensity recognize site constraints and resources, preserve natural landforms and existing vegetation, and prevent excessive and unsightly hillside grading;

(4) Enhance important community entryways, local travel corridors and the area in which the project is located;

(5) Promote and implement the design goals, policies and criteria of the Ross general plan;

(6) Discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression;

(7) Preserve buildings and areas with historic or aesthetic value and maintain the historic character and scale. Ensure that new construction respects and is compatible with historic character and architecture both within the site and neighborhood;

(8) Upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site.

(9) Preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development to reduce flooding, streambank erosion, sediment in stormwater drainage systems and creeks, and minimize damage to public and private facilities. Ensure that existing site features that naturally aid in stormwater management are protected and enhanced. Recognize that every site is in a watershed and stormwater management is important on both small and large sites to improve stormwater quality and reduce overall runoff.

The project will not change the scale and character of the existing development. The project would maintain the existing drainage pattern. The proposed project would not result in tree removal.

b) **The project is in substantial compliance with the design criteria of Ross Municipal Code Section 18.41.100.**

(a) Preservation of Natural Areas and Existing Site Conditions.

(1) The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum. Development should minimize the amount of native vegetation clearing, grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelands and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses, considering zones of defensible space appropriate to prevent the spread of fire.

The project proposes to keep existing trees and shrubs. The project would not affect biological resources or watercourses.

(2) Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.

The appearance of the existing landscaping will be maintained.

(3) Lot coverage and building footprints should be minimized where feasible, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, forested areas, and steep slopes shall be a priority for preservation and open space.

Lot coverage and building footprints will not change.

(e) Drives, Parking and Circulation.

(1) Good access, circulation and off-street parking should be provided consistent with the natural features of the site. Walkways, driveways, curb cuts and off-street parking should allow smooth traffic flow and provide for safe ingress and egress to a site.

Parking would remain the same.

(2) Access ways and parking areas should be in scale with the design of buildings and structures on the site. They should be sited to minimize physical impacts on adjacent properties related to noise, light and emissions and be visually compatible with development on the site and on neighboring properties. Off-street parking should be screened from view. The area devoted to driveways, parking pads and parking facilities should be minimized through careful site planning.

The project would not change access to the site or propose changes to parking existing driveway materials.

(3) Incorporate natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, percolation and absorption.

The drainage proposed by the project has been designed to not result in any stormwater impacts.

(f) Exterior Lighting. Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.

No lighting is proposed by the project.

(i) Natural Environment.

(1) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgelands, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

The project would not result in adverse effects to the natural environment.

(2) Development in upland areas shall maintain a setback from creeks or drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards.

The project would not result in adverse effects to the creeks or riparian areas.

(3) Development in low-lying areas shall maintain a setback from creeks or drainageways consistent with the existing development pattern and intensity in the area and on the site, the riparian value along the site, geologic stability, and the development alternatives available on the site. The setback should be maximized to protect the natural resource value of the riparian area and to protect residents from geologic and flood hazards.

The project would not result in adverse effects to the creeks or riparian areas.

(4) The filling and development of land areas within the one-hundred-year flood plain is discouraged. Modification of natural channels of creeks is discouraged. Any modification shall retain and protect creekside vegetation in its natural state as much as possible. Reseeding or replanting with native plants of the habitat and removal of broom and other aggressive exotic plants should occur as soon as possible if vegetation removal or soil disturbance occurs.

The creek and channel would not be modified and the project would not affect the creek vegetation.

(5) Safe and adequate drainage capacity should be provided for all watercourses.

The project would not affect the nearby creek and is not in a flood zone.

(s) Setbacks. All development shall maintain a setback from creeks, waterways and drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards. A minimum fifty-foot setback from the top of bank is recommended for all new buildings. At least twenty-five feet from the top of bank should be provided for all improvements, when feasible. The area along the top of bank of a creek or waterway should be maintained in a natural state or restored to a natural condition, when feasible.

The project would not result in any adverse effects to the creek and the top of the bank of the creek would remain in a natural state.

(t) Low Impact Development for Stormwater Management. Development plans should strive to replicate natural, predevelopment hydrology. To the maximum extent possible, the post-development stormwater runoff rates from the site should be no greater than pre-project rates. Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. An applicant may be required to provide a full justification and demonstrate why the use of Low Impact Development (LID) design approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

The drainage proposed by the project has been designed to not result in any stormwater impacts.

(1) Maximize Permeability and Reduce Impervious Surfaces. Use permeable materials for driveways, parking areas, patios and paths. Reduce building footprints by using more than one floor level. Pre-existing impervious surfaces should be reduced. The width and length of streets, turnaround areas, and driveways should be limited as much as possible, while conforming with traffic and safety concerns and requirements. Common driveways are encouraged. Projects should include appropriate subsurface conditions and plan for future maintenance to maintain the infiltration performance.

(2) Disperse Runoff On Site. Use drainage as a design element and design the landscaping to function as part of the stormwater management system. Discharge runoff from downspouts to landscaped areas. Include vegetative and landscaping controls, such as

vegetated depressions, bioretention areas, or rain gardens, to decrease the velocity of runoff and allow for stormwater infiltration on-site. Avoid connecting impervious areas directly to the storm drain system.

(3) Include Small-Scale Stormwater Controls and Storage Facilities. As appropriate based on the scale of the development, projects should incorporate small-scale controls to store stormwater runoff for reuse or slow release, including vegetated swales, rooftop gardens or "green roofs", catch-basins retro-fitted with below-grade storage culverts, rain barrels, cisterns and dry wells. Such facilities may be necessary to meet minimum stormwater peak flow management standards, such as the no net increase standard. Facilities should be designed to minimize mosquito production.

The drainage proposed by the project has been designed to not result in any stormwater impacts. A bioswale is included in the project design.

c) **The project is consistent with the Ross general plan and zoning ordinance.**

(1) Ross General Plan Policy (RGP) 1.1 Protection of Environmental Resources. Protect environmental resources, such as hillsides, ridgelines, creeks, drainage ways, trees and tree groves, threatened and endangered species habitat, riparian vegetation, cultural places, and other resources. These resources are unique in the planning area because of their scarcity, scientific value, aesthetic quality and cultural significance.

The project would not adversely affect environmental resources.

(2) RGP 1.2 Tree Canopy Preservation. Protect and expand the tree canopy of Ross to enhance the beauty of the natural landscape. Recognize that the tree canopy is critical to provide shade, reduce ambient temperatures, improve the uptake of carbon dioxide, prevent erosion and excess stormwater runoff, provide habitat for wildlife and birds, and protect the ecosystem of the under-story vegetation.

The existing vegetation will be maintained.

(3) RGP 1.3 Tree Maintenance and Replacement. Assure proper tree maintenance and replacement.

See (2) above.

(4) RGP 1.4 Natural Areas Retention. Maximize the amount of land retained in its natural state. Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

See (2) above.

(5) RGP 2.1 Sustainable Practices. Support measures to reduce resource consumption and improve energy efficiency through all elements of the Ross General Plan and Town regulations and practices, including:

(a) Conserve water, especially in landscaping.

The project would result in a substantial amount of water savings, over current usage.

(6) RGP 2.2 Incorporation of Resource Conservation Measures. To the extent consistent with other design considerations, public and private projects should be designed to be efficient and innovative in their use of materials, site construction, and water irrigation standards for new landscaping to minimize resource consumption, including energy and water.

The project would result in a substantial amount of water savings, over current usage.

(7) RGP 2.3 Reduction in the Use of Chemicals and Non-Natural Substances. Support efforts to use chemical-free and toxic-free building materials, reduce waste and recycle building waste and residential garbage. Encourage landscape designs that minimize pesticide and herbicide use.

The artificial turf would not require the use of pesticides or herbicides.

(8) RGP 3.8 Driveways and Parking Areas. Driveways and parking areas should be designed to minimize visibility from the street and to provide safe access, minimal grading and/or retaining walls, and to protect water quality. Permeable materials should be used to increase water infiltration. Driveways and parking areas should be graded to minimize stormwater runoff.

Parking would remain the same.

(9) RGP 4.5 Archaeological Resources. Implement measures to preserve and protect archaeological resources. Whenever possible, identify archaeological resources and potential impacts on such resources. Provide information and direction to property owners in order to make them aware of these resources. Require archaeological surveys, conducted by an archaeologist who appears on the Northwest Information Center's list of archaeologists qualified to do historic preservation fieldwork in Marin County, in areas of documented archaeological sensitivity. Develop design review standards for projects that may potentially impact cultural resources.

The discovery of cultural resources is unlikely due to the location of the site and known archaeological areas.

(10) RGP 6.4 Runoff and Drainage. Stormwater runoff should be maintained in its natural path. Water should not be concentrated and flow onto adjacent property. Instead, runoff should be directed toward storm drains or, preferably to other areas where it can be retained, detained, and/or absorbed into the ground.

The drainage proposed by the project has been designed to not result in any stormwater impacts.

(11) RGP 6.5 Permeable Surfaces. To the greatest extent possible, development should use permeable surfaces and other techniques to minimize runoff into underground drain systems and to allow water to percolate into the ground. Landscaped areas should be designed to provide potential runoff absorption and infiltration.

The drainage proposed by the project has been designed to not result in any stormwater impacts.

(14) RGP 6.6 Creek and Drainageway Setbacks, Maintenance and Restoration. Keep development away from creeks and drainageways. Setbacks from creeks shall be maximized to protect riparian areas and to protect residents from flooding and other hazards. Encourage restoration of runoff areas, to include but not be limited to such actions as sloping banks, providing native Creek access vegetation, protecting habitat, etc., and work with property owners to identify means of keeping debris from blocking drainageways.

The project would not adversely affect the creek areas.

EXHIBIT "B"
The Branson School - 39 Fernhill Avenue
Conditions of Approval

1. The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit.

2. Except as otherwise provided in these conditions, the project shall conform with the plans approved by the Town Council on September 10, 2015. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

3. The applicant and future property owners shall notify all future property owners of their obligation to comply with conditions of project approval.

4. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

5. The applicant and contractor should note the Town of Ross working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).

6. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee.

7. A Grading Permit is required from Department of Public Works for site grading. The applicant shall comply with the requirements of Chapter 15.24 of the Ross Municipal Code by providing the Department of Public Works with the following:

a. A completed Grading Permit Application.

b. A site map, including plans and grading plan.

c. Submit 3 copies of the soil engineers report, 2 copies of the site plan showing the outline of the proposed project, and a deposit to cover actual cost of peer review by City-retained soils engineer.

d. A construction schedule.

8. The applicant shall provide the Town with a deposit in the amount, to be determined, prior to grading permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.

9. A grading security in an amount determined by the Town Engineer's office shall be submitted in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.

10. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.

11. The drainage design shall comply with the Town's storm water ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the grading permit application for review and approval by the public works director, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town building department prior to project final.

a. Stormwater Control Plan (SCP) is required per the Statewide Phase II Municipal Stormwater NPDES permit as re-issued by the California State Water Resources Control Board (CSWRCB) in 2013, including:

b. Exhibit

c. Must demonstrate adequately-sized bioretention facilities

d. Construction Checklist (items to be followed up during final design)

e. Statement accepting responsibility for maintaining treatment facilities

f. SCP must be followed during design and construction

g. Draft Operations & Maintenance Plan (O&M Plan) which directs and records maintenance of bioretention/treatment facilities and identifies responsible individuals

12. Development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) is required per the Construction General Permit by the CSWRCB for projects disturbing over one acre of soil, refer to following link: Construction General Permit – Proposed NEL Amendments Incorporated – June 25, 2012

13. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.

14. The plans submitted for permit shall include a detailed construction and traffic management plan for review and approval. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.

15. The applicant shall submit a schedule that outlines the scheduling of the site development to the Director of Public Works. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).

16. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building and Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the permit to review conditions of approval for the project and the construction management plan.

17. Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.

18. Inspections shall not be provided unless the Town-approved permit plans are available on site.

19. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the

Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).

20. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved. (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

21. If deemed necessary by the Public Works Director, a geotechnical engineering report, containing all recommended geotechnical design criteria for the project, shall be submitted with the permit plans for review. All geotechnical aspects of the proposed project and preliminary development of plans shall continue to be evaluated by the project geotechnical consultant. A letter from the project geotechnical consultant shall be prepared that approves all geotechnical aspects of the proposed site development layout, verifies project geotechnical feasibility, and verifies conformance with the geotechnical consultant's design recommendations.

22. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

23. The applicant shall work with the Public Works Department to repair any road damage caused by the construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment will be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.

24. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in the Town of Ross Municipal Code Section 15.50.040, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all

conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

25. A qualified engineer shall prepare a report on the condition of Fernhill Avenue for construction vehicles that shall be submitted prior to issuance of the building permit for review. The Town Engineer may limit the size and/or weight of construction vehicles and may require the applicant to make any repairs necessary to ensure road stability for construction vehicles or to post a bond, in an amount to be fixed by the Town Engineer, guaranteeing that the applicant will repair damage to the roadway. The Town may require bonding to protect the public infrastructure in case of contractor damage, depending on the method of hauling and likely impact on the street. The Town may also require as a condition to the granting of a permit that the applicant submit a certificate of a responsible insurance company showing that the applicant is insured in an amount to be fixed by the Town against any loss or damage to persons or property arising directly or indirectly from the construction project.

a. After issuance of the grading permit by the Town, the applicant is responsible for obtaining permits, if such permits are required to be issued by any state or federal regulatory agencies, such as the U.S. Army Corps of Engineers (Section 404 permit), the California Regional Water Quality Control Board (Section 401 certification), and the California Department of Fish & Game (Streambed Alteration Agreements.) The applicant shall comply with any additional requirements of those agencies, if required.

26. The following conditions relate to protection of the creek during all phases of construction:

b. The creek shall be protected during construction to ensure no soil, concrete, cement, slurry, or other construction debris is permitted to enter the creek. If any soil, concrete, cement, slurry, or other debris inadvertently enters the creek, the material shall be cleaned up and removed from the channel immediately.

c. Staging/storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the creek channel and associated riparian area.

d. Spoil sites shall not be located within the stream channel, where spoil may be washed back into the creek. Building materials and construction equipment shall not be stored where materials could fall or be washed into the creek.

e. The applicant is responsible for obtaining any Federal, State and local permits necessary for the project. The applicant shall comply with any additional requirements of the agencies.

f. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The plan shall include a signed statement by the soils engineer that erosion control is in accordance with Marin County

Storm water Pollution Prevention Program (MCSTOPPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediments controls as a "back-up" system. (Temporary seeding and mulching or straw matting are effective controls.)

27. The Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.

28. The Town requests the applicant to voluntarily measure on an approximately monthly basis the depth to groundwater in the well(s) and periodically report the well head elevation and monthly depth to groundwater data to the Friends of Corte Madera Creek or the Marin County Department of Public Works.

29. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.

30. The construction management plan shall be submitted in time to be incorporated into the job set of plans. The construction management plan shall become a binding document, and failure to adhere to the plan may result in stoppage of the project.

31. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

32. All tree protection conditions recommended by the project arborist shall be included on those plans to ensure compliance with the conditions.

33. Tree protection fencing should be installed prior to permit issuance to minimize damage to root systems of preserved trees. Tree Protection fencing shall designate the Non Intrusion Zones and will be constructed of at least 4-foot high plastic and attached to metal stakes no less than 12 inches into ground and at 6-foot centers. Signs shall be posted to identify the tree protection fencing.

34. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved. (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

35. 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.

FILE #2010

Staff Use Only	
Received By:	
Date:	
Fees Paid:	4,132.17
Date:	8/27/15

Town of Ross
Planning Department
Post Office Box 320, Ross, CA 94957
Phone (415) 453-1453, Ext. 121 Fax (415) 453-1950
Web www.townofross.org Email esemonian@townofross.org

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

Parcel Address and Assessor's Parcel No.: *73-141-03*

Owner(s) of Parcel : ***The Branson School***

Mailing Address (PO Box in Ross) : *39 Fernhill Road (PO Box 887)*

City: *Ross* *State:* *CA* *ZIP: 94957*

Day Phone 415-455-7163 *Evening Phone* 646-256-6674

Email Ned_pinger@branson.org

Architect (Or applicant if not owner) *Abey Arnold Associates, Landscape Arch.*

Mailing Address: *1005 A Street, Suite 305*

City: *San Rafael* *State: CA* *ZIP: 94901*

Phone: 415-258-9580, cell 415-509-2260

Email: parnold@abeyarnold.com

Existing and Proposed Conditions (For definitions please refer to attached fact sheet.)

Gross Lot Size: *268,7655* sq. ft. *Lot Area:* *73,000 sq. ft.* sq. ft.

Existing Lot Coverage: N/A *Existing Floor Area: N/A* sq. ft.

Existing Lot Coverage _____.___% *Existing Floor Area Ratio* _____.___%

Coverage Removed _____sq. ft. *Floor Area Removed* _____sq. ft.

Coverage Added _____sq. ft. *Floor Area Added* _____sq. ft.

Net Change- Coverage _____sq. ft. *Net Change- Floor Area* _____sq. ft.

Proposed Lot Coverage _____ sq. ft. *Proposed Floor Area* _____ sq. ft.

Proposed Lot Coverage _____.__% *Proposed Floor Area Ratio* _____.__%

Existing Impervious Areas *0* sq. ft. *Proposed Impervious Areas :* *65,000* sq. ft.

Existing Impervious Areas: *0* % *Proposed Impervious Areas: 89.0%*

Proposed New Retaining Wall Construction ~~95~~ ft. (length) ~~360~~ 14" (max height)

Proposed Cut *450* cubic yards *Proposed Fill* 1,200 cubic yards

Written Project Description – *may be attached.*
A complete description of the proposed project, including all requested variances, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

GENERAL DESCRIPTION:
Replace the existing 66,000 s.f. natural turf athletic field with a 66,000 s.f. artificial turf field. The Artificial Turf will consist of a 23mm thick pad covered by the turf and infilled with an all sand product. No rubber infill material will used. The current field's location, orientation and layout will be unchanged. The School has attained warranties from the maufacturers to allow parking on the field for school related special events, (Open House, Graduation).

GRADING:
After consulting with the Campus Arborist James MacNair we developed a grading approach that would not affect the health of existing trees that are adjacent to the field.
We will remove the existing turf by removing the top 2" to 3" of the field, (total material removed will be approximately 450 cy). A majority of this material will be used on site as a landscaped mound adjacent to the field to reduce off haul. The resulting subgrade will be compacted and then base rock will be imported and installed onto the field to a depth of 6",
(total material import approx 1200cy). The Turf system will be installed over this baserock.
The field elevation will be approximately 5" higher than it currently is.

DRAINAGE:
The field will drain toward a new 320' long 'Recharge Trench' that will be installed within the field to accept the entire field's runoff. This gravel filled deep trench will have perforated pipe installed high in the trench.
This feature will allow the storm water to percolate into the aquifer. The trench has been sized to meet or exceed the natural turf field's ability to absorb rain water, and has been designed to accept a 10 year storm event without allowing outflow into the stormwater system.

RELATED IMPROVEMENTS:
The installation of a artificial turf field requires a completely 'planar' surface which required us to install a low seat wall adjacent to the existing Gym. It will start at the parking area at 0" tall and taper up to a maximum height of 26" at the south end of the Gym. We will also install a header around the remaining permimeter of the new turf. The header will be a 3"x12" that minimizes excavation. North of the field a new swale and drain will be installed to capture runoff that will result from the landscaped area between the new field and the parking area.

Mandatory Findings for Variance Applications

In order for a variance to be granted, the following mandatory findings must be made:

Special Circumstances

That because of special circumstances applicable to the property, including size, shape, topography, location, and surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. **Describe the special circumstances that prevent conformance to pertinent zoning regulations.**

Substantial Property Rights

That the variance is necessary for the preservation and enjoyment of substantial property rights. **Describe why the project is needed to enjoy substantial property rights.**

The project does not change the use, size or function of the site. The renovation will allow the School to conduct practices, games, and enhance the functionality of it's property.

Public Welfare

That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the neighborhood in which said property is situated. **Describe why the variance will not be harmful to or incompatible with other nearby properties.**

The project does not change the field size, layout or the function of the site.

The improvements will provide an all weather field for use by the Town's Recreation Department.

The project will reduce traffic on the Town's streets during the school year due to a reduction in travel required by the athletic teams to off campus facilities.

Currently the School irrigates the field using well water. We anticipate a major reduction in well water being pulled from the aquifer, due to the use of artificial turf. This, combined with the proposed water recharge trench, will likely create an improvement in stream waterflow.

Special Privilege

That the granting of this variance shall not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
Describe why the variance would not be a grant of special privilege.

The project does not change the field size, layout or the function of the site, so it therefore does not constitute a special privilege.

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm: Abey Arnold Associates, Inc.
Project Landscape Architect: Peter Arnold
Mailing Address: *1005 A Street, Suite 305*
City: *San Rafael* *State:* *CA* *ZIP:* *94901*
Phone: *415-258-9580* *Fax:* *415-258-9780*
Email : *parnold@abeyarnold.com*
*Town of Ross Business License No.*_____ *Expiration Date* _____

Civil/ Geotechnical Engineer

Firm : Miller Pacific Engineering Group
Project Engineer: Ben Pappas
Mailing Address: *504 Redwood Blvd. Suite 220*
City: *Novato* *State:* *CA* *ZIP:* *94947*
Phone : *415-382-3444* *Fax:* *415- 382-3450*
Email: *BPappas@millerpac.com*
*Town of Ross Business License No.*_____ *Expiration Date* _____

Arborist

Firm: MacNair & Associates
Project Arborist: James MacNair
Mailing Address: *PO Box 1150*
City: *Glen Ellen* *State:* *CA* *ZIP:* *95442*
Phone: *707-938-1822* *Fax:* *707-938-1837*
Email: *james.macnair@gmail.com*
*Town of Ross Business License No.*_____ *Expiration Date* _____

Other

Consultant: *Mickie Kelly, Kelly Biological Consulting*
Mailing Address: *543 Sequoia Drive*
City: *San Anselmo* *State:* *CA* *ZIP:* *94960*
Phone: *415-482-9703* *Fax*
Email: *kellybio@att.net*
*Town of Ross Business License No.*_____ *Expiration Date* _____

Other

Consultant _____
Mailing Address _____
*City*_____ *State*_____ *ZIP*_____
Phone _____ *Fax* _____
Email _____
*Town of Ross Business License No.*_____ *Expiration Date* _____

Project Architect's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I understand that any permit issued in reliance thereon may be declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Signature of Architect

8/27/15
Date

Owner's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I further consent to any permit issued in reliance thereon being declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Edward B. Pinger
Signature of Owner

08/27/15
Date

Signature of Co-Owner (if applicable)

Date

Notice of Ordinance/Plan Modifications

- ☐ Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit:

Variance/ Design Review/ Demolition approvals expire 365 days after the granting thereof.

VARIANCE/DESIGN REVIEW/DEMOLITION FACT SHEET

Applicability

Variance
A variance is required in order to allow relief from physical standards established by the Town of Ross Zoning Ordinance.

Design Review
Design review ***is not required*** for repainting existing structures involving no exterior remodeling resulting in additions, extensions, or alteration. Whether or not a building permit is required, design review ***is required*** for:

- All new buildings and for all exterior remodeling resulting in additions, extensions, or enlargements to existing buildings exceeding two hundred (200) square feet, including enclosing existing open areas.
- All building relocations.
- All fences, gates, or walls, or a combination of these, greater than forty-eight inches (48") in height in any yard adjacent to a street or right-of-way. Fences, gates, or walls greater than seventy-two inches (72") in height within any required setback also require a variance.
- The construction of any retaining wall greater than forty-eight inches (48") in height as measured from bottom of footing to top of wall or any terraced retaining walls totaling more than forty-eight inches (48") in height.
- The construction of any retaining wall or retaining walls totaling more than 100 linear feet.
- Any project resulting in the removal or alteration of more than twenty five percent (25%) of the exterior walls or wall coverings of a residence, as determined by the Planning Department.
- Any activity or project resulting in more than fifty (50) cubic yards of grading or filling.
- Any construction, improvements, grading/filling, or other site work within twenty five feet (25') from the top of bank of a creek, waterway, or drainage way.
- Any project resulting in over 1,000 square feet of new impervious landscape surface, whether or not a building permit is required.

Demolition Permit
A demolition permit is required to demolish greater than 25% or 1,000 square feet (whichever is smaller) of any residence, commercial, or institutional building, or to alter more than 25% of the exterior walls of a structure.

Time Frame for Processing

The Variance/Design Review/Demolition Application will first be reviewed for completeness. This review will not exceed 30 days. Once an application has been determined to be complete, the application will be placed on the next available agenda space for a hearing before the Ross Town Council. The Town Council ordinarily meets the second Thursday of each month at 6:00 p.m.

Requests for variances and hillside lot applications require a public hearing and cannot be placed on the consent agenda. Staff may place other planning items on the consent agenda. Matters listed under the Town Council meeting consent agenda may be acted upon by the Town Council without discussion. Any member of the Council or any citizen may request that an item be taken from the consent agenda, discussed and acted upon separately during the meeting. Staff will place an item on the consent agenda if the following criteria are met:

- Staff supports the application
- All neighbor acknowledgments have been received and no neighbor objection is anticipated
- Staff is unaware of any controversy related to the item
- Staff does not expect an objection by the applicant to any proposed conditions

Submittal Requirements

The following items are required for all applications. Failure to provide all required materials in a timely manner will delay review and may result in administrative denial.

1. **A complete Variance/Design Review/Demolition Application, signed by the property owner.**

2. **Filing fee (may be determined by staff after review of the plans).**

3. **Three full-size copies and six half-sized copies**, drawn to scale, of the following items:

    a. A site plan (survey may be required) that shows:

        name, address, and phone number of the owner of record, applicant, engineer, architect, and other project consultants;

        north arrow (north should be at the top of the sheet) and scale;

date ***(revised copies must be clearly indicated with a new date and marked "revised")***;

all dimensions of the property and the footprint of the proposed structure in relation to the property;

all required setback lines;

distance of proposed structures/additions to the property line(s);

overview map or photo showing structures on adjacent parcels (such as Google Earth photo);

structures on the neighboring parcels that are closer than 25' to project property line(s);

existing and proposed topography in two foot contours (If excavation, grading or filling are to be performed, include a section which shows the percentage of slope of the property and the extent of the proposed excavation, grading or fill);

inundated areas, streams, culverts, and drainage swales as well as their top of bank;

the location, length, and height from existing grade, of existing and proposed fences, gates, walls, and retaining walls;

all existing and proposed easements;

the location, names and existing widths of all adjoining and contiguous streets and ways;

ingress, egress, and off-street parking sites;

all existing trees with a diameter greater than or equal to six inches (6"), indicating those that are proposed for removal.

b. If tree removal, relocation, or alteration is proposed, a completed tree removal application and the payment of applicable fees.

c. Floor plans showing existing and proposed floor areas for each level with complete dimensions. The plan must clearly identify existing walls to remain, as well as new construction.

d. A full set of existing and proposed building elevations including complete dimensions, exterior materials, and colors. Existing and proposed elevations

should be arranged such that existing and proposed elevations for each side are shown on the same sheet.

e. Building sections including a section sufficient to clearly show the building's maximum height ***from existing grade***.

f. Floor plans detailing existing and proposed floor area, lot coverage, and verification of floor area. Identify any areas excluded from the calculation of floor area.

g. Calculations of the amount of proposed cut and/or fill in cubic yards.

h. An 8½ by 11 inch material and color board suitable for filing with official town records; a larger presentation-sized board may also be submitted if deemed necessary by the applicant.

i. Details on the windows and doors clearly indicating materials and design of all proposed new or replacement windows and/or doors (including garage doors), and those to be retained.

j. Elevations, clearly indicating materials, for all proposed new or replacement retaining walls, fences, gates, and gateposts.

k. A preliminary drainage plan designed to produce a no net increase in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a preliminary drainage plan designed to reduce runoff to the site, or to produce peak runoff that is the same or less than estimated natural, predevelopment, conditions at the site. Applicants are encouraged to consult the Start at the Source design guidance manual and other materials prepared by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP): http://mcstoppp.org/acrobat/StartattheSourceManual.pdf

4. **Story poles connected by ribbon are required to indicate changes to ridgelines, building corners, and exterior walls along with any proposed fencing adjacent to a right-of-way. Story poles must be in place at least 10 days prior to the hearing date. A plan detailing the story pole locations and elevations is required. The planning department may request surveyor certification of story pole location and height. If required story poles are not installed on time, the Town may continue the item to a later meeting. *Story poles shall be removed within two weeks of a final Council decision on a project.***

5. **Written acknowledgement of the proposed development is required from the owners, lessees, and occupants of all abutting property, including property across any street, lane or roadway on the Neighbor Acknowledgment form. Names and addresses may be obtained from the Planner or Administrative Manager. If written acknowledgements are not obtained, a statement stating the reason or reasons therefore must be submitted. The Planning Department will mail notice**

of the proposed variance to property owners within 300 feet of the subject property. ***If required neighbor acknowledgements are not submitted, the application may be deemed incomplete and removed from the Council agenda.***

6. The house address must be clearly marked and visible from the street in order to facilitate onsite review by Town staff and Council members.

7. Every person who engages in any business, trade or occupation within the Town is required to obtain a business license from the Town. A license is required even if the primary place of business is not located within the Town of Ross. All professionals associated with planning applications must obtain required business licenses in conjunction with the planning review of their application.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.

MILLER PACIFIC ENGINEERING GROUP

August 19, 2015
File: 737.10bltr.doc

Abey Arnold Associates
1005 A St #305
San Rafael, California 94901
Attn: Peter Arnold

Re: The Branson School
Synthetic Turf Drainage
Ross, California

Per the request your request, this letter presents the design approach of the proposed synthetic turf field at The Branson School in Ross, California. Our work is performed in general accordance with our agreement dated June 15, 2015.

Synthetic turf systems are designed to transmit rainwater through the infill/turf into the underlying drainage system, consisting of a section of drainrock and/or a shock-pad (i.e. Brock Powerbase). The rainwater is then transmitted laterally through the drainage system into a collector drain system, typically located on the sidelines of a playfield, depending on the subgrade slope direction. This entire process takes time for a water droplet to hit the field, travel through the synthetic turf field into the drainage course and into the perimeter subdrain system. Water collected in the subdrain system can infiltrate into the subsurface soil layers given adequate time to percolate. This process effectively reduces and delays rainwater entering a storm drain system when compared to a natural turf system.

During very heavy rainfall and once the synthetic turf system becomes saturated (i.e. during a 10-year storm event) water will travel over the field surface to the low areas of the field. The water will then flow vertically through the synthetic turf and into the highly permeable drainrock filled collector subdrain. If the water flow exceeds the infiltration rate of the soil, an overflow pipe in the perimeter subdrain will convey water to the storm drain system. During this condition, the synthetic field will perform similar to a natural turf field.

We hope this provides you with the information you require at this time. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,
MILLER PACIFIC ENGINEERING GROUP

Benjamin S. Pappas
Geotechnical Engineer No 2786
(Expires 9/30/16)

MACNAIR
&
ASSOCIATES
CONSULTING ARBORISTS AND HORTICULTURISTS

August 27, 2015

Ned Pinger
Assistance Head for Strategic Initiatives
Branson School
P.O. Box 887
Ross, CA 94957

RE: Soccer Field Turfgrass Removal and Tree Protection Procedures

Dear Mr. Pinger,

Pursuant to a request from the Town of Ross, this letter summarizes my recommendations for tree protection procedures for the mature valley oak (*Quercus lobata*) and California bay (*Umbellularia californica*) trees bordering the existing soccer field. The existing turfgrass will be removed and replaced with an artificial turf.

The primary tree protection procedure is the installation of drip irrigation in a grid pattern below the artificial turf to provide periodic irrigation to the root system currently receiving water from irrigation of the natural turfgrass. This drip system is located in areas within and beyond the tree crowns, while avoiding irrigation close to the trunks. It is anticipated that the trees will be irrigated every 7 to 14 days March through mid-November with the frequency of irrigation dependent upon rainfall and prevailing temperatures. The location of the drip systems is shown on Sheet I-1 of the Branson School Soccer Field Renovation plans prepared by Abey•Arnold Associates Landscape Architects.

The total excavation depth requirement for the field is limited to the removal of the natural turf to a depth of two to three inches. The drip irrigation lines will be laid in a shallow trench within this subgrade and the artificial turf, pad, and base material placed on top of the subgrade (refer to detail 3, sheet L-2). No significant impact to the existing tree root systems is expected.

Additional tree protection requirements include hand digging of any irrigation trenches or other excavations within 30 feet of all existing trees. There is a containment curb located on the north and east sides of the field and within the tree protection zones. This curb will be held in place with 36-inch long #5 bar. The bar will be installed at four feet on center with the location adjustable in the event that woody roots are encountered.

Bartlett Tree Experts are currently under contract for management of the trees. All cultural and management requirements relating to health and structural issues are under Bartlett's direction.

This irrigation concept was discussed with Becky Duckles, Town Arborist, who agrees with the approach.

Please contact me with any questions, or if additional information is required.

Sincerely,

_____

James MacNair
International Society of Arboriculture Certified Arborist WC-0603A
International Society of Arboriculture Qualified Tree Risk Assessor

Kelly Biological Consulting
San Anselmo, CA 94960
San Anselmo (415) 482-9703
Truckee (530) 582-9713
Cell (530) 249-2662

TO: Peter Arnold, PLA, Abey Arnold Associates

FROM: Micki Kelly, PWS, Principal, Kelly Biological Consulting

DATE: September 1, 2015

RE: Biological Issues for Branson Turf Replacement Project, Ross, CA

Summary (Including Conclusion)

Branson School in Ross, California is proposing to replace the soccer field lawn with artificial turf. Due to the proximity to Ross Creek, the Town of Ross has requested that a biologist evaluate the potential for impacts to biological resources, per the CEQA checklist. The Town also asked that the appropriate state and federal agencies (US Army Corps of Engineers, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board) be contacted to determine if the project activities would require a permit from those agencies.

The purpose of the effort was to determine if there are biological issues or if permits from the above agencies are needed. As discussed below, the results of the biological review and the agency communications, show that there no sensitive biological resources that will be impacted and that agency permits are not required. In summary, there are no biological impacts that would need to be addressed as part of a CEQA review.

Project Description

Branson is proposing to replace the natural turf field with an artificial turf one. The site is located at 39 Ferndale Avenue, Town of Ross, within Marin County (USGS San Rafael 7.5-minute quadrangle). The west and north sides of the field are bounded by Branson school buildings, parking, and landscaping. Private residents are east of the site and a fence and Ross Creek south of site.

The field size, location and shape will not be changing. The artificial turf will reduce the need for the well water, which is currently used for irrigation. To protect water quality, the plans include a French drain designed to allow storm water to percolate into the aquifer. The artificial turf does not require rubber granules. No construction work will be done within the creek bed or on the creek bank.

The work will consist of:

1. Mobilization (Construction fencing, SWPPP safeguards installed, NOI- permitting)
2. Removal of the natural turf (2-3" depth)
3. Drainage installation (all water from the field will flow into a recharge trench that can handle a 10-year storm before daylighting into existing storm drain system)
4. Subgrade preparation (soil compaction and import of 6" of Class 2 baserock)
5. Installation of 'pad and carpet' over baserock

6. Installation of infill sand, which is used as ballast for the carpet. It also protects the turf. Note - no crumb rubber will be used on this project.

Results

Micki Kelly, PWS, Plant Ecologist (Kelly Biological Consulting) traversed portions of the site on foot in spring of 2015. She also recently conducted and California Natural Diversity Database (CNDDB) search to determine if there were known occurrences of Special Status Species on or near the site. A map of the CNDDB results is included below (Figure 1).

Ross Creek has been channelized over time. It receives managed flows from Phoenix Lake as well as surface water runoff from nearby areas. The flows are typically not perennial. However, they do persist over much of the year, varying with precipitation patterns and management regimes of a given year.

The habitat found on the site consist of managed lawn with several bays *(Umbellaria californica)* and valley oaks (*Quercus lobata*) scattered in the lawn to the east of the play field. These trees will be protected during construction. Adjacent to the site is Ross Creek, which has a limited riparian corridor in the reach near the site because there is a steep coast live oak (*Quercus agrifolia*), bay and similar common species dominated wooded hill to south of the creek and the playfield to the north.

Biologically Related Regulations

Here is a summary of the regulations that could apply to the project. After each is a bullet that discusses of the related biological issues for the project.

Clean Water Act (CWA)

The CWA provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. Section 404 identifies the United States Army Corps of Engineers (USACE) Jurisdiction over fill materials in essentially all water bodies, including wetlands. All federal agencies are required to avoid impacts to wetlands whenever there is a practicable alternative. Section 404 established a permit program administered by USACE regulating the discharge of dredged or fill material into waters of the US (including wetlands).

Section 401of the CWA requires that an applicant for a federal license or permit that allows activities resulting in a discharge to waters of the U.S., obtain a state certification that the discharge complies with other provisions of CWA. The Regional Water Quality Boards (RWQCB) administers the certification program in California. The guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

- Ross Creek would be considered CWA "other waters". Currently there is chain-link fence along the top of the bank (between the soccer field and the creek), which will remain in place, protecting the creek. There will be no direct impacts to Ross Creek. Indirect impacts will be avoided through the use of temporary BMPs (such as silt fencing) as well as permanent BMPs (e.g. subdrains).
- The project has been designed to protect water quality. It includes a bio-swale to treat the runoff from the paved parking area on the north side of the field. Surface runoff will be avoided within the artificial turf area because the design allows water to percolate, entering subdrains, then eventually, discharging to a stormdrain.

California Porter-Cologne Water Quality Control Act

This State law is becoming more prominent on projects involving impacts to isolated Waters of the State (non-404/401 waters). The RWQCB is increasingly requiring Waste Discharge Requirement (WDR) permits for impacts to Waters of the State.

- The only Water of the State is Ross Creek, which is also a CWA 404 "other waters" and addressed above.

Streams, Lakes, and Riparian Habitat in California

Streams and lakes, as habitat for fish and wildlife species, are subject to the jurisdiction of California Department of Fish and Wildlife (CDFW) under Sections 1600-1616 of California Fish and Game Code. The term "stream", which includes creeks and rivers, is defined in the California Code of Regulations (CCR) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life [including] watercourses having a surface or subsurface flow that supports or has supported riparian vegetation" (14 CCR 1.72). In addition, the term "stream" can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife. "Riparian" is defined as "on, or pertaining to, the banks of a stream." Riparian vegetation is defined as "vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself" (CDFW website).

- Ross Creek (bed and bank) and the riparian zone would potentially be within CDFW jurisdiction. There will be no impacts to the creek bed, banks, or riparian zone.

Special-Status Species (Multiple Regulations)

Special-status species include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act or California Endangered Species Act. These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Wildlife Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, and CDFW special-status invertebrates are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they are given special consideration under the California Environmental Quality Act (CEQA). Plant species on the California Native Plant Society (CNPS) Rare and Endangered Plant Inventory with California Rare Plant Rank of 1 or 2 are also considered special-status plant species and must be considered under CEQA. Rank 3 and Rank 4 species are afforded little or no protection under CEQA. The following paragraphs discuss some of the key regulations.

Federal Endangered Species Act. The Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 et seq.), was enacted to provide a means to identify and protect endangered and threatened species. Under the Section 9 of the ESA, it is unlawful to take any listed species. "Take" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting a listed species. "Harass" is defined as an intentional or negligent act or omission, which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering. "Harm" is defined as an act which actually kills or injures fish or wildlife and may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering. Actions that may result in "take" of a federal-listed species are subject to USFWS or National Marine Fisheries Service (NMFS) permit issuance and monitoring. Section 7 of ESA

requires federal agencies to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for such species.

Essential Fish Habitat. The Magnuson-Stevens Fishery Conservation and Management Act of 1976 was established to conserve and manage fishery resources found off the coast, as well as anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species, Continental Shelf fishery resources, and fishery resources in special areas.

California Endangered Species Act. CDFW is responsible for administering California Endangered Species Act (CESA, CDFG Code §§2050, et seq.), which prohibits take of species that have been listed, or are considered for listing (candidate species) as threatened or endangered species within the State of California. CESA allows for incidental take of state listed species through issuance of an Incidental Take Permit, or through a Consistency Determination in coordination with a Biological Opinion issued by the USFWS (CDFW Code Section 2081). In contrast with federal law, the definition of "take" under CESA involves actual harm to one or more members of a listed species and does not extend to modification of habitat not involving direct take.

- Special Status species that are known known to occur in the vicinity of the project are a shown on Figure 1. None of these species are likely to occur on or in the turf that it being replaced. No special status plant species would be expected to occur in the project construction area. Several special status wildlife species such as western pond turtle (*Emys marmorata*) occur in or adjacent to Phoenix Lake. Some of these species may be found in the creek during certain high flows, however given the active management of the lawn (mowing etc.) and the chain-link fence between the fence and creek, these species would not be expected in the work area.

Migratory Bird Treaty Act

This treaty with Canada, Mexico and Japan makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds. The law applies to the removal of nests (such as swallow nests on bridges) occupied by migratory birds during the breeding season. California Fish and Game Code (Sec 3500) also prohibits the destruction of any nest, egg, or nestling.

- The project will be constructed after September 1, 2015, outside of the nesting season which begins in February and ends on August 31. No trees will be affected the project. No impacts to nesting birds are expected.

Summary of Regulatory Agency Communications

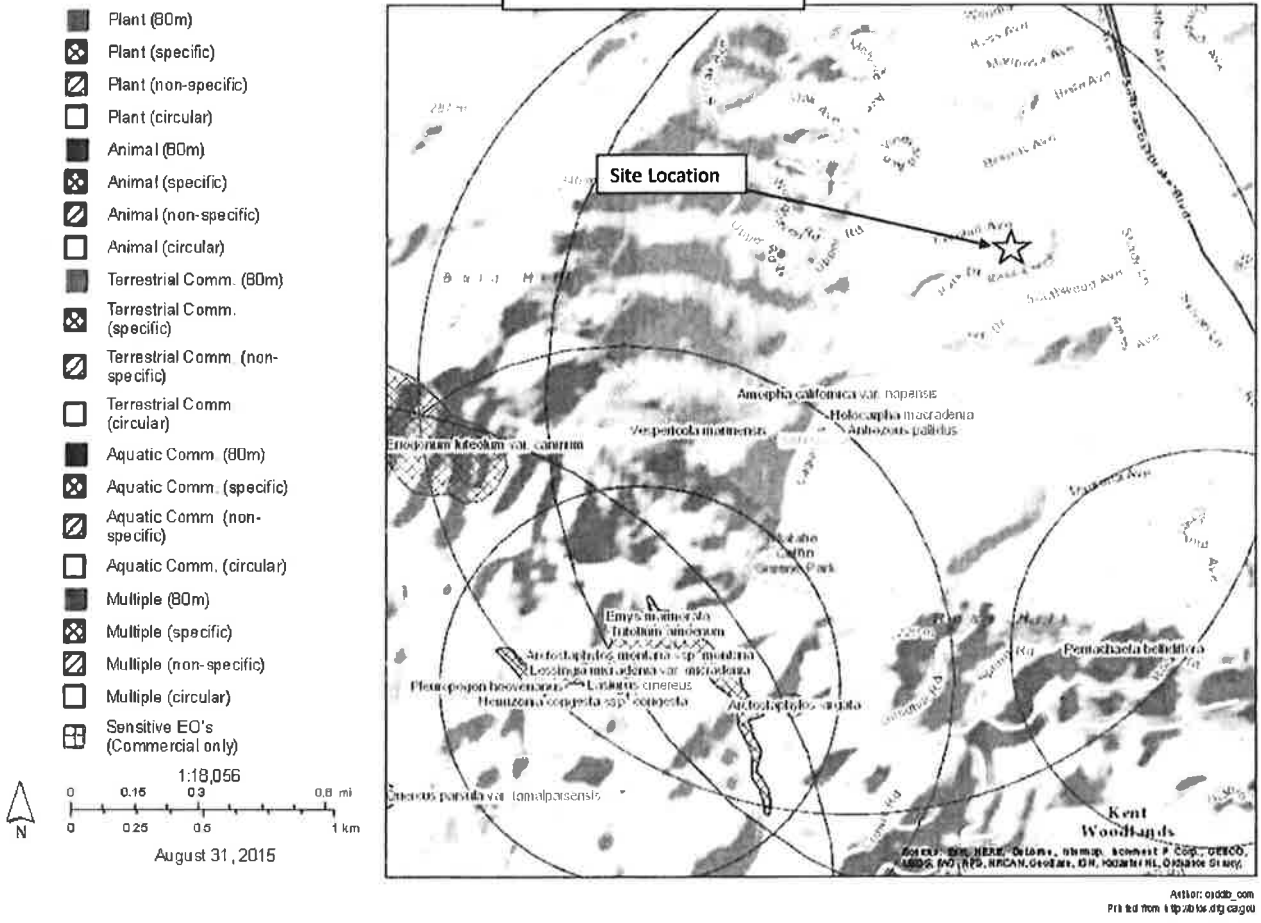
The Town asked that the appropriate state and federal agencies (US Army Corps of Engineers, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board) be contacted to determine if the project activities would require a permit from those agencies. Here is a summary of the communications.

California Department of Fish and Wildlife - Timothy Dodson (707-944-5513) spoke to Peter Arnold, PLA, Abey Arnold Associates via phone August 26, 2015 stating that the project proponent should determine if a Lake and Stream Alternation Agreement would be likely be needed. He noted that CDFW has the option of responding with an enforcement action if problems arose.

Regional Water Quality Control Board - Xavier Fernandez (510-622-5685) spoke to Peter Arnold on August 27, 2015, noting that the project only requires a standard SWPPP and filing online in the SMARTS system

U.S. Army Corps of Engineers - Roberta Morganstern (415-503-6782) responded via email on August 27, 2015. Here is an excerpt from that email *"As described the project is outside Corps jurisdiction. My understanding is that the field is beyond the top of bank. Corps jurisdiction is defined by the ordinary high water mark which usually presents as a change in vegetation, sediment or debris from fluctuation of the water level along the creek bank. Corps jurisdiction regulates fill discharges below jurisdiction. From your description you are outside the creek bank and do not need a 404 permit."*

Figure 1. CNDDB Map



Representative Photos

Taken from the northeast side of the site, facing east southeast

Taken from the northeast side of the site, facing south towards the fence and creek

Taken from the northeast side of the site, facing east southwest (the fence and creek are on the left side of the photo.)

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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.

Tennis Courts * 6.13.74

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.

Mr. Wm. Stapp stated that paving the parking are 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.

. ELLIOTT & RIEDE
TORNEYS AT LAW
E FOURTH STREET
AFAEL, CALIF 94901
454-5656

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.

RIEDE, ELLIOTT & RIEDE
ATTORNEYS AT LAW
1060 FOURTH STREET
SAN RAFAEL, CALIF. 94901
454-3656

T O W N O F R O S S

RESOLUTION NO. 1042

A RESOLUTION OT 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

J. 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 permissio

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 unmufflered 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)

ATTACHMENT 4

WILLIAM H. CURTISS

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February 4, 2016

Mayor Katie Hoertkorn
Mayor Pro Tempore Carla Small
Council Member Elizabeth Brekhus
Council Member P. Beach Kuhl
Council Member Elizabeth Robbins

Re: February 11, 2016 Meeting of The Ross Town Council
The Branson School Application for Use Permit Amendment

Dear Mayor Hoertkorn and Council Members:

Back on September 10th of last year I stood before you in support of The Branson School's application for approval of the construction of a new soccer field. Little did I know the unintended consequences of such support. The Branson School had wholeheartedly agreed to our one request that Hillgirt Drive not be used to stage the construction and that requirement formally became a condition of approval. Unfortunately, it was not long before heavy equipment was parading up and down our small drive. On several occasions we could not even use Hillgirt to drive back to our home.

When I called the Acting Head of School concerning construction congestion on Hillgirt, she told me that she was aware of the use of Hillgirt, but that it would only be for a "***few days***." Later when the Town intervened, Branson changed its position to claim a lack of awareness and blamed the use of Hillgirt on the contractor. Unfortunately it was only a matter of days after the Town intervened before heavy equipment including forklifts transporting building materials was again headed up our drive. When I again contacted Branson, I was told that the renewed use of Hillgirt would only be for a "***few days***", and that the staging on Hillgirt was necessary as they did not want to drive across the partially constructed soccer field.

It was with some relief then that in late November the project appeared to be coming to an end. Then during the Thanksgiving holidays a large score board was erected on the side of the old gym and we come to where we are now. Branson's position concerning the use of the scoreboard eerily echoes the school's stance on the use of Hillgirt to stage construction: it will only be used for a "***few hours***" a week. **This stance**

of course ignores the fact that even when turned off it presents a large black and blue eyesore facing down our drive.

The Branson School is taking the position that they honestly believed the score board was included in the application for construction of the field and that in any case, since the scoreboard has already been installed, the school should not be punished for its honest mistake and the scoreboard should remain where it is. In light of the history of this project, we find that hard to believe. However, even if that claim is true, it still exhibits a cavalier attitude towards reading and then following the conditions of approval since the conditions clearly state that "no lighting is proposed for the project" and that in any case:

> ***(f) Exterior Lighting. Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.***

While Branson should not be rewarded for intentionally or negligently failing to follow Town rules, I do believe that there is still a reasonable compromise that can satisfy all the parties. It is the compromise we would have suggested back at the September meeting if we had any notice of the proposed installation of the scoreboard. The scoreboard should be relocated to the sideline of the field which parallels the Branson driveway so that it is not visible from Hillgirt. Perhaps it could be installed above the existing cement retaining wall.

Very truly yours,

William ("Tony") Curtiss

Marta Osterloh