



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR SAN DOMENICO SCHOOL USE PERMIT AMENDMENT AND PRECISE DEVELOPMENT PLAN AMENDMENT

Item No:	1	Project ID No:	12-0034
Applicant:	David Behrs	Application No:	DP12-3
Property Address:	1500 Butterfield Road, San Anselmo	Owner:	San Domenico School for Girls
Hearing Date:	August 16, 2012	Assessor's Parcel:	176-300-30
		Planner:	Scott Greeley

RECOMMENDATION:
APPEAL PERIOD:
LAST DATE FOR ACTION:

Approve with Conditions
September 4, 2012
August 17, 2012

PROJECT DESCRIPTION

The applicant is seeking a Use Permit Amendment and Precise Development Plan approval to modify the use and occupancy allowed on the school property. The Master Plan for the school approved by the Board of Supervisors includes use and occupancy provisions allowing a maximum enrollment of 680 students and a maximum of 156 faculty and staff, resulting in a total of 836 people attending or working for the school. Of these 836 people, a maximum of 80 people are allowed to live on site and the remaining 756 people must live off-site. The use and occupancy provisions also set forth graduated enrollment standards underneath the 836 person cap that are regulated through Precise Development Plans.

The applicant proposes to modify the use and occupancy provisions by increasing the number of allowable resident students, faculty, and staff from 80 to 113. No modifications to the total of 836 people attending or working for the school is proposed. A Use Permit Amendment is necessary to modify the Use Permit provisions of the Master Plan. In addition, the applicant requests Precise Development Plan approval to increase the student enrollment from 610 to 650, including both resident and non-resident students. No modifications to the existing Traffic Management Plan are proposed and the County would continue traffic monitoring activities. No new building construction is proposed and the new resident population would live in existing school buildings.

PROJECT SETTING

Countywide Plan:	PR (Planned Residential, 1 unit per 1-10 acres)
Zoning:	RMP-0.1 (Residential, Multi-Family, Planned, 1 unit per 10-acres)
Community Plan Area:	N/A
Lot size:	512-acres
Adjacent Land Uses:	Residential and open space
Vegetation:	Native and non-native trees, grasses, and other vegetation
Topography and Slope:	Flat to steeply sloping
Environmental Hazards:	None identified

The property is approximately 512-acres in size. The property is located at the end of Butterfield Road, a major roadway running through the community of San Anselmo, which the surrounding community largely utilizes to enter and exit San Anselmo. The areas to the south and southeast are developed with the residential communities of San Anselmo. The nearby residential neighborhood lots are significantly smaller in size, with lots generally ranging from approximately ½-acre to 3 1/2-acres. The areas to the north and northwest, including significant portions of the school property, are largely undeveloped open spaces. These open space areas are frequently accessed by Marin County residents through the San Domenico School for Girls property. The majority of the remainder of the property is undeveloped, which has been largely opened up for local recreation and is a great asset to the community and residents of Marin.

BACKGROUND

The school itself is largely along the south of the property, abutting Butterfield Road and the neighborhood and has been in operation since 1965. The current Master Plan was adopted by the Board of Supervisors with Ordinance 3287 on December 17, 1998. The Master Plan has been amended and subsequent Precise Development Plans passed which have allowed the school to increase the student population and construct new school buildings on the property.

The current application was first submitted on February 13, 2012 and was transmitted to the Department of Public Works, Marin Municipal Water District, Ross Valley Sanitary District, the Sleepy Hollow and Marin County Fire Departments, and the Sleepy Hollow Homes Association.

The agencies that received the transmittal regarding the project which provided comment stated that the project could be constructed in conformance with their requirements. Standard conditions of approval were recommended by those agencies, which have been incorporated into the attached Resolution.

The application was deemed complete on May 30, 2012. A decision would typically need to be issued within 60-days of completeness per the State Permit Streamlining Act. However, due to considerable community interest and a request to delay a decision on the project by the Sleepy Hollow Homes Association until after an August 2, 2012 community group meeting, the applicant agreed to delay the hearing and having a decision issued until August 17, 2012.

On August 2nd, the San Domenico Director and his staff attended a Sleepy Hollow Homes Association Board meeting and gave a presentation to the Board and members of the public regarding traffic issues and school enrollment plans for the future. The San Domenico Director

indicated the school's desire to increase the number of allowable resident students without increasing the students overall. Planning staff in attendance noted that, since it is reasonable to assume that having fewer non-resident students could decrease traffic volumes to the school, a Use Permit would be processed to consider amending the Master Plan's limit on resident students.

KEY ISSUES

The San Domenico Master Plan consists of two functional components. One component establishes the framework within which development may occur on the site over the long term. The other component regulates the use, activity, and occupancy levels on the site. The second component is considered a Use Permit under State law, and can be modified with a Use Permit amendment and enforced through Use Permit revocation procedures.

The most contentious community issue surrounding the school has involved increased student enrollment and the potential subsequent increases in traffic on Butterfield Road. The current Master Plan includes a traffic management plan that strictly limits the amount of traffic the school is allowed to generate, with multiple and ongoing traffic monitoring studies to demonstrate that the school is not exceeding the numbers permitted by the Master Plan. While past traffic monitoring studies have shown the school to be out of compliance, the most recent studies performed by an independent monitor have found the school to be well below the amount of traffic permitted by the Master Plan.

Condition 1 of the San Domenico Master Plan states in part: "The approval also encompasses expansion of the school's enrollment from 500 to 680 students, expansion of faculty and staff from 127 to 156 people, *reduction in resident student, faculty and staff from 180 to 80 people*, and conduct of various school and special events." (italics added) The rationale for limiting the number of residents is not clear from the Board's action, and is counterintuitive since having more students residing on site rather than arriving from off-site would potentially reduce traffic. The applicant proposes to modify this condition to allow an increase of residents from 80 to 113. If the school has 113 residents in the future, then this would reduce the number of non-residents from 756 to 723.

However, since shifting the balance between non-residents and residents appears to benefit both the school and the local community, staff recommends removing the limit on residents and only maintaining the overall cap on students, faculty, and staff. While the mandatory findings for Use Permit approval do not support requiring such a shift, the hearing officer may affect the change to the condition of approval since it relaxes the limits on the school's operations. Staff recommends modifying the action section and incorporating the following alternative condition to those listed in the attached Resolution:

"Condition of approval 1 of the Use Permit component of the San Domenico Master Plan (Ord. 3287) is amended to allow a maximum of 680 students, a maximum of 156 faculty and staff, and the conduct of various school and special events."

This condition would not affect the traffic management regulations or enforcement mechanisms currently in place. The Master Plan established a unique mechanism for allowing, monitoring, and enforcing gradual increases to student enrollment by requiring Precise Development Plan approval of any proposed changes to uses or enrollment, even when those changes do not entail any development. Although Precise Development Plans are

not revocable as Use Permits are, requiring a Precise Development Plan before student enrollment may be increased provides an incentive for the school to carefully manage traffic to reduce impacts to the community. In the event that the school does not comply with the traffic management plan, they would not be able to increase their student enrollment above established levels. Staff recommends maintaining the existing traffic conditions except to clarify that the County will hire an outside consultant to conduct the traffic monitoring at the applicant's expense.

PUBLIC COMMENT:

The community has raised renewed concerns about traffic impacts resulting from the additional students which would be allowed to attend the school if the Precise Development Plan were to be approved. The primary concerns have been focused on those new students who would not be living on campus and would therefore need to commute to school. The Sleepy Hollow Homes Association also raised concerns in its August 10, 2012 letter about continued proper traffic management while meeting the expanding needs of the school. The Homes Association, in its letter also recognized the value that the school adds to the community as well as its past and ongoing efforts to reduce school traffic. In its letter, the Sleepy Hollow Homes Association has endorsed the proposed enrollment increase from 610 to 650, as well as the potential additional resident population as long as the school continues to meet its traffic management obligations outlined by the Master Plan. As proposed, the applicant is not proposing an increase to the maximum traffic levels permitted by the Master Plan. In addition, the Use Permit amendment would allow the school to have a greater proportion of their students live on site, potentially reducing the number of commuters to the school.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the San Domenico School Use Permit Amendment and Precise Development Plan.

- Attachments:**
1. *Recommended Resolution approving the San Domenico School Use Permit Amendment and Precise Development Plan*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *Department of Public Works memo, dated May 25, 2012*
 5. *Ross Valley Sanitary District memo, dated March 9, 2012*
 6. *Marin Municipal Water District memo, dated February 24, 2012*
 7. *Sleepy Hollow Homes Association letter, dated August 10, 2012*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.
A RESOLUTION APPROVING THE SAN DOMENICO SCHOOL USE PERMIT
AMENDMENT/PRECISE DEVELOPMENT PLAN
1500 BUTTERFIELD ROAD, SAN ANSELMO
ASSESSOR'S PARCEL 176-300-30

SECTION I: FINDINGS

- I. WHEREAS, David Behrs, the applicant, is seeking a Use Permit Amendment and Precise Development Plan approval to modify the use and occupancy allowed on the school property. The Master Plan for the school approved by the Board of Supervisors includes use and occupancy provisions allowing a maximum enrollment of 680 students and a maximum of 156 faculty and staff, resulting in a total of 836 people attending or working for the school. Of these 836 people, a maximum of 80 people are allowed to live on site and the remaining 756 people must live off-site. The use and occupancy provisions also set forth graduated enrollment standards underneath the 836 person cap that are regulated through Precise Development Plans.

The applicant proposes to modify the use and occupancy provisions by increasing the number of allowable resident students, faculty, and staff from 80 to 113. No modifications to the total of 836 people attending or working for the school is proposed. A Use Permit Amendment is necessary to modify the Use Permit provisions of the Master Plan. In addition, the applicant requests Precise Development Plan approval to increase the student enrollment from 610 to 650, including both resident and non-resident students. No modifications to the existing Traffic Management Plan are proposed and the County would continue traffic monitoring activities. No new building construction is proposed and the new resident population would live in existing school buildings. **The subject property is located at 1500 Butterfield Road, San Anselmo, and is further identified as Assessor's Parcel 176-300-30.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing August 16, 2012 to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- II. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Sections 15305 and 15314, Classes 5 and 14 of the CEQA Guidelines because the project entails a minimal student population increase, no new construction on campus, would not result in an increase in traffic above the maximum level permitted by the Master Plan, and would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:

- A. The project would be consistent with the PR (Planned Residential, 1 unit per 1-10 acres) land use designation;
 - B. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (CWP Policies BIO-1.1 and BIO-1.3) because the project would not entail the removal of a substantial number of healthy, mature, native trees.
 - C. No wetlands or stream conservation areas would be affected by the project (CWP Policies BIO-3.1 and CWP BIO-4.1).
 - D. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4) because no new construction is proposed.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Use Permit (Section 22.48.040 of the Marin County Code) as specified below.

- A. **The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter;**

The proposed project, with an approved Master Plan, is a conditionally permitted use for the RMP-0.1 zoning district.

- B. **The proposed use is consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program;**

As noted above in Finding IV, the proposed project complies with the policies and permitted uses for the PR land use designation of the Countywide Plan.

- C. **The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity;**

The proposed project includes an increase in the total resident population for the San Domenico School for Girls from 80 to 113 by the academic year 2014-2015. The increase will not result in any new school building construction or modifications to campus operations. All new residents will be housed on campus within existing campus buildings. This will also enable a portion of the new students, faculty, and staff to stay on campus and not need to commute to campus.

- D. **The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located;**

The proposed project includes no new construction or changes to the exteriors of the buildings in which the new residents will reside.

- E. **That granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located;**

The proposed project would allow more students from the proposed student enrollment increase to reside on campus. While the applicant is not amending the Master Plan to potentially allow for additional traffic and will adhere to the levels permitted by the previous Master Plan, the additional on-campus student, faculty, and staff population will likely result in a reduction in the potential number of new students commuting to campus.

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Precise Development Plan (Section 22.44.030C(2) of the Marin County Code) as specified below.

- A. **A Precise Development Plan may be approved only if the Review Authority first finds that the proposed development is in substantial compliance with the approved Master Plan and complies with the requirements of Chapter 22.16 (Planned District Development Standards).**

The proposed increase in student population from 610 to 650 will not result in an increase in the maximum total number of people permitted attending or working at the school, nor would it result in an increase in student population above the 680 maximum cap imposed by the Master Plan. The applicant is also assuring that the increase in student enrollment would not exceed the levels permitted and conditioned by the Master Plan through the Traffic Management Plan.

SECTION II: ACTION

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the San Domenico School Use Permit Amendment and Precise Development Plan subject to the conditions of approval listed below. This approval authorizes the modification of use and occupancy allowed on the school property by increasing the number of allowable resident students, faculty, and staff from 80 to 113. No modifications to the total of 836 people attending or working for the school is being permitted. In addition, the applicant is approved to increase the student enrollment from 610 to 650, including both resident and non-resident students. No modifications to the existing Traffic Management Plan are being approved and the County shall continue traffic monitoring activities. No new building construction is being approved and the new resident population would live in existing school buildings. The subject property is located at **1500 Butterfield Road, San Anselmo**, and is further identified as Assessor's Parcel **176-300-30**.

SECTION III: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

Use Permit Conditions:

1. The project shall remain consistent and meet all current conditions and limitations of use previously approved by all past administrative and public hearing decisions, resolutions, and ordinances, including the San Domenico School Master Plan (Ordinance 3287), except as modified by the listed conditions herein:
 - a. The maximum number of permitted resident student, staff, and faculty shall not exceed 113 and the school shall provide resident population numbers by no later than November 1st of each year through 2015;
 - b. Required traffic monitoring may be conducted by an outside consultant rather than County staff at the discretion of the director. All consultant fees and costs for monitoring incurred by the County shall be paid by the school at an amount and on a schedule determined by the County.
2. This Use Permit is subject to revocation procedures contained in Chapter 22.120 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public interest, health, safety, convenience, or welfare of the County.

Precise Development Plan Conditions

3. The project shall remain consistent and meet all current conditions and limitations approved by previous Precise Development Plans approved for the property, except as modified by the listed conditions herein:
 - a. The permitted student enrollment shall not exceed 650 students and the school shall provide student population numbers by no later than November 1st of each year through 2015. As defined in the San Domenico School Master Plan, the enrollment includes all students from pre-kindergarten through 12th grade;

General Conditions

4. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the project, for which action is brought within the applicable statute of limitations.
5. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community

Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Department of Public Works - Land Use and Water Resources Division

6. The applicant shall maintain parking levels consistent with the approved Master Plan.

SECTION IV: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that upon vesting of the Precise Development Plan approval through an increase in the school's enrollment to 650 students, this approval shall be valid in perpetuity and shall run with the subject property.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid in perpetuity, unless the conditions of approval are violated, in which case the Use Permit may be revoked.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **September 4, 2012.**

SECTION V: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 16th day of August 2012.

BEN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

- cc: Tom Lai, CDA
Cara Zichelli, DPW
Sleepy Hollow Homes Association
John Grubb, Sleepy Hollow Presbyterian Church
Sandy Laird, BOS
Katie Rice, BOS

