

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.12-112
A RESOLUTION APPROVING THE SAN DOMENICO SCHOOL USE PERMIT
AMENDMENT (13-4)/PRECISE DEVELOPMENT PLAN (12-3)
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 (13-4) and Precise Development Plan (12-3) 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 administrative costs for monitoring incurred by the County shall be paid by the school at an amount and on a schedule determined by the County.
 - c. Upon request by Marin County, the applicant shall provide the County with a week's tube traffic counts, to be reviewed by the County's traffic consultant. If the counts are unavailable, the County may at its discretion add another week's traffic count review by its consultant.
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;
 - b. The applicant shall provide Marin County on an annual basis the numbers and splits on student k-12, faculty, and staff, both resident and non-resident.

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, and in addition shall review existing parking for compliance with Master Plan and Amended Master Plans' conditions, and take whatever steps are necessary for compliance.

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 5, 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