



**MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE PLANNING COMMISSION  
Marin Horizon School Use Permit, Design Review and Negative Declaration of Environmental Impact**

Item No:	6A & 6B	Application No.:	UP 03-59, DR 03-59
Applicant:	Marin Horizon School	Owner:	Mill Valley School District
Property Address:	305 Montford Avenue, Mill Valley	Assessor's Parcel:	047-161-07
Hearing Date:	May 9, 2005	Planner:	Jeremy Tejirian

**RECOMMENDATION:**

- (1) **Adopt the attached Negative Declaration**
- (2) **Adopt the attached Resolution conditionally approving the proposed project**

**APPEAL PERIOD:** 10 days to the Board of Supervisors

**LAST DATE FOR ACTION:** 60 Days from the Adoption of a Negative Declaration

**SUMMARY:**

Marin Horizon School, a private school located in Homestead Valley on land owned by the Tamalpais School District, has requested approval to increase their allowed enrollment from 250 to 300 hundred students and replace an old classroom building with a new and larger classroom building. An Initial Study has been completed, which concludes that the project would not result in any environmental impacts that cannot be mitigated. After careful analysis, staff recommends that your Commission approve the project with minor modifications and conditions of approval, which would ensure that the school continues to serve its educational function without adversely affecting the character of the Homestead Valley community. Among the recommended modifications to the project are requirements that the applicant improve the design of the proposed development along Montford Avenue. In addition, the recommended conditions of approval include requirements that the traffic management plan continue to operate effectively, with the assurance that independent monitoring of the traffic management measures would be enforced by the County. With these stipulations, and in conformance with all policies and Findings pertinent to the proposed project, staff recommends approval of the Marin Horizon School Design Review and Use Permit.

**PROJECT DESCRIPTION:**

The project is a proposal to demolish an existing 5,900 square foot one-story classroom building and construct a new 11,478 square foot classroom building for a total building area of 24,451 square feet for the Marin Horizon School on the 2.27-acre Homestead School site. The new classroom building would be a primarily two-story building with a three-story component. The maximum height of the building, not including the mechanical enclosure would be 36.2 feet above grade. The maximum height of the mechanical enclosure would be 39.5 feet above grade. The following describes the various building heights and the respective area of each portion of the building and the mechanical equipment enclosure:

- Approximately 2,480 square feet of the two-story portion of the building would have a 2:12 sloped roof with a maximum height of 32 feet above grade sloping down to 26 feet above grade.

- Approximately 903 square feet of the three story portion of the building would have a nearly “flat” 0.375:12 sloped roof with a maximum height of 36.2 feet above grade.
- Approximately 791 square feet of the building would have a “nearly flat” 0.375:12 sloped roof-covered deck with a maximum height of 26 feet above grade.
- Approximately 341 square feet of the three-story portion of the building would be a mechanical equipment enclosure with a maximum height of 39.5 feet above grade.

The building would have the following minimum property line setbacks: 19.5 feet front (north); 15 feet side (west); 170 feet side (east); and 170 feet rear (south). The project also includes a proposal to increase the permitted number of students enrolled in the school by 50 students, from a maximum of 250 students to a maximum of 300 students; increase staff levels from 44 Full Time Staff Equivalent (FTE), comprised of 31 full time and 16 part time employees, to 49 FTE comprised of 44 full time and 10 part time staff; construct a new stepped terrace along the western side property line; construct 14 new parking spaces on the southern portion of the playground for a total of 49 parking spaces; construct a new transformer 11 feet from the front property line facing Montford Avenue; demolish 10 feet of building located adjacent to the driveway access on the south side of the property; construct an additional pedestrian emergency walkway from the third floor to Montford Avenue; remove two Redwood trees, one Monterey pine tree, one Strawberry tree, and one Fir tree; and install new landscaping.

The project also includes an Encroachment Permit to allow existing diagonal striping for the passenger loading area along Melrose Avenue to extend 2 feet into the street right-of-way. The additional encroachment into the right of way is to provide for a wider pedestrian way between the school building and the passenger drop-off and pick-up area for safety reasons. No change to the length of the passenger loading area is proposed.

Land Use Changes

The proposed land use changes include modifications to the school’s 1993 Use Permit to: (1) increase the enrollment from 250 to 300 students, and to (2) increase the staff from 44 FTE to 49 FTE. No change to the number of special non-instructional events in the evening is proposed.

Table 1 outlines the proposed changes. (The proposed changes to the 1993 Use Permit are *bolded*.) In order to clarify and provide additional specificity to the proposed project the sponsor has submitted a detailed month-by-month matrix of the number and type of non-instructional events and the corresponding maximum on-site population levels.

**TABLE 1: PROPOSED SCHOOL USE**

<b>ACTIVITY</b>	<b>Existing Use Permit</b>	<b>Proposed Use Permit</b>
<b>School Year</b>		
Maximum Students (Pre-K to 12)	250	<b>300</b>
Maximum Staff	44 FTE	<b>49 FTE</b>
Permitted hours of operation for school, and enrichment classes	7:30 A.M. to 6:00 P.M.	No change
Day Care	7:30 A.M. to 8:30 A.M. 3:15 P.M. to 6:00 P.M.	No change
<b>Non-Instructional Activities</b>		
Special during school day events	7 events	<b>14 events per year</b>
Special weekday evening events	36 events per year	No change
<b>SUMMER SCHOOL (June 15 to August 15)</b>		
Permitted hours of operation	9:00 A. M. to 3:00 P.M.	No change

Physical Improvements

The proposed physical improvements for the Marin Horizon School include modifications to existing buildings and facilities, demolition and removal of existing buildings, and construction of new buildings. The proposed improvements include:

1. demolish an existing substandard approximately 5,900 square foot one story classroom building and replace it with a new 11,478 square foot classroom building that would result in a 48 percent increase in the size of the school buildings;
2. demolish ten feet linear feet (300 square feet) from the existing classroom building adjacent to the driveway entrance facing Melrose Avenue;
3. remove two temporary storage sheds located in the Streamside Conservation Area (SCA) corridor;
4. construct a new storage shed adjacent to the new transformer;
5. construct a new stepped terrace providing amphitheater seating along the western side property line;
6. construct 14 new parking spaces on the playground, for a total of 49 spaces;
7. construct a new transformer 11 feet from the Montford Avenue property line;
8. construct an additional emergency pedestrian walkway with a breakaway exit gate from the third floor of the new building to Montford Avenue;
9. obtain an Encroachment Permit to extend existing diagonal striping for the passenger loading area two feet into the public right of way on Melrose Avenue;
10. construct a bio-swale between a portion of the parking lot and the creek in the SCA corridor, remove the impermeable paving and replacing it with permeable paving material;
11. install a new site drainage filter box on the main drainage pipe leading to Reed Creek; and
12. authorize an existing identification sign for the school on Melrose Avenue, measuring 36 inches by 43 inches – approximately 10.75 square feet.

The new building will hold 11 classrooms: 8 classrooms for the 4<sup>th</sup> to 8<sup>th</sup> grades and 3 specialized classrooms for music, science and a foreign language studio. Demolishing the existing middle school building will eliminate 6 of the existing K-8 classrooms. Thus with the new building, the school is gaining 5 additional classrooms.

The proposed on-site parking areas would be redeveloped and expanded by 14 new spaces including 2 tandem spaces and 2 handicapped accessible spaces. The proposed parking plan will provide 49 on-site parking spaces, as compared to the 35 spaces currently available at the School. Other internal circulation improvements proposed as part of the project include the demolition of ten feet of existing building facing the driveway entrance onto Melrose Avenue to widen the driveway to accommodate two lanes; and modifications to on-site circulation to improve access to parking areas.

Lot coverage changes between the existing and the proposed project is summarized in Table 2 below:

**TABLE 2: LOT COVERAGE**

PROJECT SITE	Existing Sq.Ft.	% of Total Site Area	Proposed Sq. Ft.	% of Total Site Area
Building & Paved Coverage	66,566	67.32%	63,562	64.28%
Semi-Pervious Surface	8,264	8.36%	12,063	12.20%
Uncovered	24,051	24.32%	23,256*	23.52%
Total Land Area (2.27 Acres)	98,881	100.00%	98,881	100.00%

\* Includes proposed bio-swale (348 Sq. Ft.)

A total of five trees are proposed for removal: two redwood trees, one Monterey pine tree, one Strawberry tree, and one Fir tree. The project sponsor proposes a landscaping plan that includes replacement planting of 26 trees consisting of 8 California Buckeyes; 10 Coast Live Oaks; and 8 Coast Redwoods with an additional 380 shrubs, and other groundcover plantings consisting of native plant species.

The project sponsor estimates that the proposed project will require total grading involving approximately 615 cubic yards of excavation to be off-hauled, and 553 cubic yards of fill to be imported. Excavation would involve approximately 491 cubic yards for the new building and 124 cubic yards for the bioswale and permeable paving. Fill would involve 240 cubic yards of drain rock and sand for the building, and 313 cubic yards of compacted soil material for the terrace. Approximately 322 cubic yards would be excavated and recompacted on site for the building pad.

**GENERAL INFORMATION:**

General Plan Land Use Designation: PF-SF6 (Public Facilities, Residential Single-family)

Zoning: PF-RSP-5.8 (Public Facilities, Residential Single-family)

Lot size: 2.27 acres

**ENVIRONMENTAL REVIEW:**

An Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA), and the Environmental Coordinator of the County of Marin has recommended the grant of a Negative Declaration of Environmental Impact. All potentially significant adverse effects of the project and the appropriate mitigation measures are discussed in the Initial Study. The mitigation measures are included as conditions of project approval in the recommended Resolution attached to this Staff Report.

**PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

**BACKGROUND:**

The property was first developed and operated as a school site in 1921, and has since had different types of schools, including the Homestead School and the Tam Creek School, as well as private offices on the property. A Use Permit was granted for the operation of the Marin Horizon School in 1991 and was subsequently renewed with revised conditions of approval in 1993. The current 1993 Use Permit allowed the school to have 250 students enrolled for school, day care and enrichment classes, and also permitted 36 special evening events per year. The Use Permit required that the school develop a program for all students and staff to carpool, walk, or bicycle to school as often as possible and designated the front of the school along Melrose Avenue as the passenger loading zone. Marin Horizon School has recently increased the care it has taken in meeting these conditions by developing and implementing a traffic management plan to reduce land use conflicts that result from the commotion at the school during commute times. On April 4, 2003, Marin Horizon School submitted its initial proposal for expanding its student population and facilities, and on April 6, 2005, the school submitted its final project revision.

## **DEVELOPMENT STANDARDS:**

The proposed project is governed by the Public Facilities, Single-family Countywide Plan designation and the Public Facilities, Single-family Planned zoning district. The project is also subject to the guidelines and requirements of the Tamalpais Community Plan and Marin County Code Title 24 (Development Standards). An important distinction must be made between guidelines and requirements. A "guideline" is defined in the community plan as "a general statement of policy direction around which specific details may later be established. Projects which deviate from the guidelines may be considered, if the proposal is consistent with the objective and purpose of the plan and intent of the guideline." However, a requirement is always subject to a strict interpretation. For instance, the project is required to be subject to Design Review approval, which is based on consistency with the mandatory Findings as discussed in the County's development Code. As discussed below, the project is not governed by many requirements other than processing requirements.

**Height:** Pursuant to Marin County Code (MCC) section 22.14.040 note 4 and section 22.20.060 the maximum height for school buildings is established through the Design Review process. There is no codified maximum height requirement.

**Setbacks:** Pursuant to MCC section 22.14.040 Table 2-10 minimum setbacks are established through the Design Review process. There are no codified minimum setback requirements.

**FAR:** Pursuant to MCC section 22.14.040 Table 22.14.040 Table 2-10 and Countywide Plan Community Development Element Map 6.3.4, a maximum floor area ratio for development is established through the Design Review process. There is no codified maximum floor area ratio requirement.

**Parking:** Pursuant to MCC section 24.04.340 the minimum number of parking spaces and the location of a loading area is established by the Department of Public Works, based on a parking study. There are no codified minimum number of parking spaces or specific area for loading requirements.

Although there are few codified development requirements for the proposed development, the Findings for approving the project are based on policies contained in the Countywide Plan and the Tamalpais Community Plan, as discussed below.

## **POLICY CONSISTENCY:**

As discussed in the initial study and response to comments attached to this report, the proposed project, as modified by the recommended mitigation measures, would not result in any significant environmental impacts. However, as noted in the initial study, the issue of community character also involves important community planning and land use considerations in the context of evaluating the merits of the project from a public policy standpoint and the decision as to whether the project should be approved, approved with modifications, or denied. The proposed project is subject to the policies of the Marin Countywide Plan and the Tamalpais Community Plan (community plan), as discussed below.

### Marin Countywide Plan

The property is located in the Richardson Bay Planning Area, as established by the Marin Countywide Plan (CWP). The CWP land use designation is a combination of Public Facilities and Single-Family 6 (PF-SF6). The Public Facilities land use category is designated for public and quasi-public purposes, including open space, schools, hospitals, cemeteries, government facilities, and correctional facilities. The land use category may be combined with another land use designation and zoned for consistency with use as a public facility and for another use. The Single-Family land use category is designated for single-family residential development at the lower range of the

density recognizing physical hazards and development constraints, the necessity to protect natural resources, and the availability of public services. Other consistent uses may include parks, playgrounds, schools, libraries, museums, community centers, churches, hospitals, educational institutions, and day-care centers. The continued operation of a private school on the subject property would be consistent with a permitted educational use under this land use designation (Policy CD-8.4 and CD-8.7) and would not adversely affect the provision of public services for fire protection, roadways, and schools (Policies EQ-1.1, EQ-3.10, A-1.1).

### Tamalpais Community Plan

In conjunction with the Marin Countywide Plan, the community plan provides a policy framework for evaluating land use and development proposals in the Homestead Valley area. The community plan lists four basic land use categories: residential, commercial, parks and open space, and public facilities. In the community plan, the subject property is identified as a public serving facility that is located in a residential neighborhood.

Community plan land use policies LU 19.1, LU 20.1 and LU 20.2 encourage the continued use of former public school sites as private schools that provide recreational areas for the local community. Further, policy 19.2 encourages reuse of public school sites that is compatible with the adjacent land uses and intensity of development in the immediate area. Specifically, policy LU 19.2e of the community plan states that Use Permits for schools should consider the value of these facilities for the entire community. This policy further states that restrictions on school Use Permits should address the concerns of the surrounding residents, while allowing reasonable long-term use of the school.

In many respects, policy LU 19.2 should serve as the guiding principle for evaluating the merits of the proposed project because it explicitly calls for a balanced approach of supporting education while respecting the character of the local community. Numerous and varied concerns have been raised by local residents regarding the existing operations of the school as well as the affect that expanding the school may have on the character of the Homestead Valley. A majority of the comments regarding the merits of the project from local opponents of the school's expansion focus on two key issues: (1) land use compatibility; and (2) community character.

### *Land Use Compatibility*

The school site and adjacent community center create a focal point for the community due their location between the two main streets in Homestead Valley, Montford Avenue and Laverne Avenue, and their proximity to Miller Creek, which is a distinctive natural feature in Homestead Valley. Montford Avenue and Laverne Avenue form a loop of the valley, which defines the development patterns in the area and provides the primary means of access to Homestead Valley. In accordance with the conditions of the existing Use Permit, the school has opened their recreational facilities, including ball courts, to the community when school is not in session. Local residents often use the school's recreational areas in conjunction with the pool located on the Community Center property as an integrated site, which enhances the community, supports family oriented activities, and provides substantial public benefits for the residents in Homestead Valley.

The applicant proposes to increase school enrollment from the 250 students allowed by the existing Use Permit approval to 300 enrolled students. In addition, the applicant proposes to increase the number of staff from 44 Full Time Equivalent (FTE) staff to 49 FTE staff. Increasing the student population and number of staff for the school would also increase the general level of activity and commotion on the property and in the surrounding community.

Although there is widespread support for the continued use of the property for a school, many residents have expressed concerns regarding the intensification in use that the proposed project represents. These concerns include increased noise and traffic, and congestion from parking and the circulation of vehicles dropping off and picking up students.

## Noise

The acoustical analysis prepared in connection with the Initial Study indicates that the average additional noise created by the increase in enrollment would be barely perceptible to the surrounding area, and would not result in significant adverse affects to the environment with respect to noise. However, it is important to note that determinations regarding the project's consistency with community plan policies and compatibility with the character of the local community cannot be solely derived from whether an effect would exceed established thresholds of significance under CEQA. Subjective factors, including land use conflicts, are also important considerations that must be evaluated in accordance with community plan policy LU 19.2. Several comments received from community members note that Stolte Grove, the small park located west of the subject property, does not allow amplification during special events. The school's operations should also be held to a reasonable standard that is consistent with the community character. Therefore, in order to maintain the quiet residential character of Homestead Valley, a condition of project approval prohibits the use of amplification during special events in the evening or on Sundays.

## Traffic, Loading and Parking

The Initial Study includes a detailed traffic analysis by expert traffic engineers, which concludes that traffic effects are less than significant from a CEQA standpoint. The Initial Study traffic evaluation does suggest that there are important community concerns with project traffic from a land use compatibility perspective, which should be addressed in the merits considerations of the project and specifically recommends that the existing school traffic management plan be included and modified as a condition of project approval and that an independent traffic consultant be retained to monitor the effectiveness of the plan.

The Tamalpais Community Plan contains policies regarding community character that are intended to ensure that projects avoid incompatible land uses. Specifically, LU19.2 encourages projects that "ensure that reuse of schools and other public agency lands is compatible with adjacent land uses and intensity of development in the immediate area." This policy is important in a number of respects, including design and noise, but is particularly relevant to adverse affects to the area that result from traffic and parking congestion. Traditional development patterns place schools in the center of residential areas to reinforce the family orientation of most rural and suburban areas. This was the case when the school was first opened on the site in 1921. However, societal changes have resulted in the reduction of children using school buses, riding their bikes, or walking to school, which has altered the conditions that residential communities sometimes experience with respect to traffic and parking congestion near schools.

In order to respond to these issues and comply with their existing Use Permit, the school studied the issue and has implemented an assertive traffic management plan. The applicant's traffic expert completed a traffic infusion rate evaluation (TIRE) for previous school operations at the site, which informed the development of the traffic management plan. A TIRE is a study that attempts to evaluate subjective perceptions of traffic issues that are normally below a level under CEQA threshold measurement standards of LOS or vehicle/capacity ratios for significant traffic effects. In general, a TIRE attempts to evaluate traffic conditions that are below the level of significance under CEQA, but may involve more of a nuisance level concern in a local or neighborhood or area. The school TIRE determined that there were not significant CEQA impacts but did propose to address those local concerns with a traffic management plan for school operations that was subsequently developed.

The traffic management plan contains mandatory measures for each family whose children attend Marin Horizon School. A contractual agreement signed by each family commits them to abide by the regulations of the traffic management plan. Violation of regulations can result in fines, loss of driving privileges to/from the school and expulsion from the school. The Traffic Plan comprises five components: drop-off and pick-up of students; parking; carpooling; traffic management rules; and parent compliance. The principal features of these components are summarized below:

### Drop-off and Pick-up

- The loading zone was expanded to cover the entire frontage of the school facing Melrose Avenue.
- Staggered pick-up and drop-off times are used to minimize traffic back up on Montford Avenue.
- Students have waiting areas to be picked up.
- School staff facilitates unloading and loading students into waiting vehicles and monitor and direct traffic movement at the corner of Melrose and Montford Avenues to reduce back-up of cars
- Provide free day care for families with siblings with different pick-up times to ensure that all children in one family can be picked up together.

### Parking

- Enforce a no parking rule in front of the school between 8:00 a.m to 8:45 a. m. and from 1:45 p.m. to 4:14 p.m.
- Increased the number of parking spaces on the school site by 7 spaces to accommodate staff.
- Move large events such as graduation off-campus to reduce impact on neighborhood parking.

### Carpooling

- All families with children from kindergarten to 8<sup>th</sup> grade are required as part of their contract for enrollment to participate in Mandatory Traffic Reduction which includes walking, bicycling, and carpools for 6 or more trips per week.
- Use of “rendezvous” carpools where several students are brought to a convenient location outside of the neighborhood to be picked-up thereby reducing the number of carpool vehicles arriving at the school.

### Traffic Management

- The neighborhood zone for the traffic management plan is defined as west of Miller Avenue, bounded on the north by Montford Avenue and on the south by LaVerne and Reed Avenues. In this zone, MHS parents are asked to observe a 15-mile per hour limit.
- No U-turns are allowed at the corner of Melrose and Montford Avenues; the corner of Melrose and Evergreen Avenues; or anywhere along Melrose Street between Montford and Evergreen Avenues.
- Cars entering the neighborhood must use Montford Avenue, and cars leaving the neighborhood must use Evergreen or LaVerne Avenues.

### Parent Compliance

- Parents will register the vehicle license plate with the School and have a window stickers placed in each vehicle used to drop-off or pick-up their children so that the school’s traffic monitors can identify violators of the regulations. This information will be added to the School’s traffic database and will be used to issue fines and authorize other sanctions as needed.

Department of Public Works, Traffic Operations and staff reviewed and analyzed the project with respect to traffic, and recommends several conditions of approval, which are intended facilitate the ongoing effectiveness of the school’s traffic management plan. These recommendations are enumerated below.

1. Temporary parking shall be provided on the playground during after normal school hour events (Special Events) per the approved Special Events parking layout. If parking requirements are expected to exceed the parking capacity, Marin Horizon School shall arrange for, and coordinate parking off-site with contracted transportation to the school. Based on the Special Event parking arrangement submitted, approximately 52 additional parking spaces would be added. Pursuant to Title 24, two additional accessible parking spaces shall be provided. At the time of the events, the accessible parking spaces shall be in compliance with State and Federal accessibility requirements.

2. The project is subject to Transportation Facilities Fees, per Marin County Code Chapter 15.07, to pay for long-term regional transportation improvements.
3. Peak hour data provided in the 'Traffic and Parking Study' addendum dated June 6, 2003 estimates that the proposed project will generate 5.5 new PM peak hour trips. The applicant shall pay the Transportation Facilities Fees prior to issuance of a building permit.
4. Marin Horizon School shall implement a traffic management plan and routinely monitor the conformance to that plan. A copy of the plan shall be included with the Use Permit.
5. Carpooling shall be increased from the current average of 1.53 to not less than 2.00 students per car. Based on an analysis of the Marin Horizon School Traffic Plan performed by Robert Harrison, the average carpool rate could be 2.33.
6. If this carpool ratio is not met during the first monitoring period, the school shall be placed on notice and required to correct the situation. If the ratio is still not met during the following monitoring, the school will be required to take corrective action or a reduction in student population may be applied.
7. The school is encouraged to investigate an easily accessible and central 'rendezvous' carpool, vanpool or bus pickup/dropoff location to further enhance the traffic reduction proposed by the Traffic Plan (i.e., Mill Valley Community Center).
8. Monitoring shall be performed by an independent professional two times per school year: September/October and March/April. No monitoring event shall occur within two weeks of a holiday.

Planning staff generally supports these measures. However, Planning staff also recommends modifying the Traffic Management Plan and increasing monitoring and other measures to ensure that the school will continue to implement its traffic management plan. These measures include the following:

- a) The school shall not enroll more than 300 students simultaneously under any circumstances.
- b) The Traffic Management Plan shall be modified to include the parking measures required by Department of Public Works staff regarding leaving two classrooms empty during regular school hours, and making arrangements for Special Event parking.
- c) An independent traffic monitor, hired by the County and paid for by Marin Horizon School, shall arrive at the school unannounced to examine the school's compliance with the Traffic Management Plan, including performing physical counts of vehicles arriving at and departing from the school, loading, and parking for school activities.
- d) The traffic monitor shall conduct examinations during regular school hours, as recommended by Department of Public Works staff, as well as an additional examination of a large special event. The traffic monitor shall submit written reports after each examination is conducted, which evaluate the school's compliance with its Traffic Management Plan. Upon request, the school shall supply the traffic monitor with accurate and complete lists of all students enrolled at the school and all school staff including independent contractors, and these shall be submitted as attachments to the report.
- e) Traffic Management Plan compliance examinations shall be conducted three times annually for a minimum of three years after the date the new school building has received Final Inspection approval. However, if the school fails to comply with the Traffic Management Plan, then additional studies may be required, at the school's expense.

- f) The school will submit adequate fees to the County to defray the costs of the studies, including consulting costs and the standard 30 percent-of-contract administrative fee charged by the County for managing consultants.
- g) The Transportation Facilities Fees required by the Department of Public Works have been reduced to account for the carpool rate of 2.0. In the event the school fails an examination during the first year due to a reduction of the carpool ratio below 2.0, it shall pay the balance of the Traffic Facilities Fees it owes to the County.
- h) In the event the school fails three consecutive special event traffic examinations, it shall lose the privilege of increasing its permitted number of special events that are held during the day from 7 to 14 annually. The existing Use Permit's allowed 7 events per year shall govern until such time as the school can conclusively demonstrate that it is complying with the Traffic Management Plan's provisions regarding special events.
- i) In the event that the school fails three consecutive traffic examinations, or a total of five traffic examinations within the first three years after the new school building receives Final Inspection approval the Use Permit for the project shall be brought before the Board of Supervisors to consider a modification or revocation of this Use Permit, pursuant to Marin County Code Section 22.120.030.

Proper implementation of the modified Traffic Management Plan would ensure that the proposed project is compatible with adjacent land uses and intensity of development in the immediate area, and is consistent with the community plan because it would minimize adverse affects to the Homestead Valley area with respect to traffic, loading, and parking congestion.

### ***Community Character***

The visual resources policies of the CWP and the Community Plan encourage new structures to be compatible in scale and design with the surrounding environment. Structures should follow the natural land contours and should not obstruct significant views from public viewing locations. The visual impact analysis concluded that the proposed project is consistent with these policies. The viewshed reconnaissance from adjacent streets, hills, and other possible vantages where the school site could be visible from public viewpoints and open space indicated that the school would be largely screened by existing vegetation or would be obstructed by existing buildings. No locations were identified where the project would obstruct any significant views. Staff observations from the surrounding area, including private properties, confirm the information provided by the visual analysis.

Community Plan policy LU1.3 requires new residential and commercial development to be compatible with the scale and appearance of the particular neighborhood and shall be integrated into the area's natural setting. Based on the photosimulations and a visual analysis of the project, the Initial Study concluded that the project would have a less than significant visual impact pursuant to CEQA. However, the Initial Study also noted that the issue of community character may also be evaluated based on public policy considerations and the merits of the proposal, including project modifications.

Staff has carefully reviewed the plans, visited the neighborhood, and evaluated the project with respect to architectural and site design. The architectural style of the school is a departure from the prevailing residential styles found elsewhere in Homestead Valley. However, the design is consistent with the institutional character of a school and would add visual interest to the Homestead Valley community. Substantial existing vegetation, proposed landscaping and the topographical depression where the new school building would be located would enhance the integration of the new school building with the surrounding area.

The interface between the institutional character of the school property and the residential character of the surrounding area is sensitive and requires an appropriate architectural and site design. The development on the school property intergrades effectively with residential area along Melrose Avenue, the natural area of Reed Creek, and the public area of the community center. However, the treatment of the area along Montford Avenue is inappropriate and should be modified to be compatible with the character of the community. Montford is one of the two main streets that create a loop around the valley, and is one of the primary points of access to Homestead Valley. Moreover, while Montford faces the rear of the new school building, it also forms the front of the community center property, which is adjacent to the school. Although the existing vegetation in this area provides screening for the school, the conditions along this side of the property have deteriorated because of unconsolidated fill that has been placed at the side of the road along the school's perimeter fence to create parking close to the community center.

Several features of the design in this area should be modified to enhance the appearance of the school from the vantage point of Montford Avenue. The design includes features that would normally be considered appropriate for an alley or service entrance, including a storage shed and utility entrance, two exterior staircases, and an emergency exit. Exterior materials that include concrete cinderblock and a wire fence are included in the proposal for this area. Staff recommends requiring a redesign of this area that would not adversely affect the architectural integrity of the design of the new school building, but would enhance this area adjacent to Montford Avenue. The following recommendations should govern the modifications to the design:

- The storage shed and utility access should be eliminated from the plans.
- The unconsolidated fill retained by the existing chain link fence should be removed and the fence should be replaced with a solid 4-foot high fence that is constructed with wood to match the wood siding of the new school building.
- The facades of all portions of the building facing Montford Avenue, including the staircases and emergency exit, should use the approved wood siding as an exterior material.
- The emergency exit ramp and staircase should be reconfigured so that the staircase would be immediately adjacent to the building and the ramp would be adjacent to the street. This would eliminate the necessity of having a structural wall immediately adjacent to Montford Avenue.
- The staircases should be reconfigured to be parallel rather than perpendicular to Montford Avenue in order to increase the setback to the street. However, this modification should not be required if it is found to unreasonably compromise the integrity of the architectural design.
- The top floor of the new school building shall not be lit after regular school hours, except for maintenance purposes, and the top floor of the new school building shall not be used for special events.

With these modifications, the proposed project would be compatible with the physical character of the Homestead Valley area and consistent with the policies contained in the community plan.

#### **PUBLIC COMMENT:**

During review of this application, staff has received various letters of concern from residents in the Homestead Valley community. Commentors expressed concerns regarding the following aspects of this project: (1) traffic and circulation impacts; (2) noise impacts; (3) visual impacts; (4) drainage impacts; and (5) level of environmental review.

The majority of the issues raised by the community have been addressed in the Initial Study, the response to comments on the Initial Study, and the analysis and development standards sections in this staff report. In addition to the concerns expressed by the community, comments and plans have raised the possibility of alternative designs for the project. Two members of the community, Ms. Zegart and Mr. Sands both prepared alternative site plans, which show the drop-off and pickup points inside of the school's compound. These alternative site plans would result in significant grading and development that would encroach into the SCA for Reed Creek. Commentors have also suggested removing the third story from the new school building and constructing a second story onto the existing library building to accommodate the extra class rooms. As discussed in the Initial Study, and the analysis section, the third story would not block views, adversely affect the privacy of the surrounding area, or result in a structure that is not compatible with the scale of the surrounding area. Therefore, staff does not recommend eliminating the third story from the new school building.

## **CONCLUSION:**

The proposed project would continue the use of the property by Marin Horizon school. As proposed and modified by recommended conditions of project approval, the project would accomplish the following objectives: (1) limit the noise from special events; (2) maintain current levels of traffic on surrounding roadways; (3) maintain on-site parking and traffic circulation conditions; (4) implement transportation, events, and noise management plans with provisions for strict monitoring and enforcement; (5) reduce surface run-off and minimize impacts to downstream drainage conditions; (6) improve drainage systems affecting Reed Creek and minimize tree removal; (8) minimize and balance grading on site; (9) minimize visual impacts to surrounding areas; and (10) provide for continued public access to the recreational facilities on the school property. As discussed in the Initial Study and the attached recommended Resolution, the proposed project would be consistent with the Marin Countywide Plan, the Tamalpais Community Plan, and the Mandatory Findings for Design Review and Use Permit approval.

## **RECOMMENDATION:**

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and move to adopt the attached recommended Resolutions recommending approving the Marin Horizon school Negative Declaration, Design Review, and Use Permit.

- Attachments:
1. Recommended Resolution adopting a Negative Declaration of Environmental Impact for the proposed project.
  2. Recommended Resolution approving a Design Review and Use Permit for the proposed project.
  3. Roberto comments, received 4-6-05
  4. Waks comments, received 4-20-05
  5. Department of Public Works (DPW), Land Use comments, dated 12-30-04
  6. DPW, Flood Control comments, dated 1-26-05
  7. DPW, Traffic Operations comments, dated 3-18-05
  8. Southern Marin Fire Protection District comments, received 12-9-03
  9. Building Division comments, received 8-28-03
  10. Marin Municipal Water District comments, dated 4-15-03
  11. Response to Comments on the Initial Study

*The following attachments are included only in the Planning Commission's staff report packet. Copies of these documents are available at the Community Development Agency for public review during the hours of 8:00 a.m. to 4:00 p.m. daily.*

12. Reduced plans
13. Homestead Valley concerned citizens comments, received 4-28-05

14. Citizen correspondence, received from 5-3-03 to 2-5-04
15. Citizen correspondence, received from 2-8-04 to 3-1-05
16. Marin Horizon School letters of support (binder)
17. Initial Study (not included, but previously sent under separate cover)

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT  
FOR THE MARIN HORIZON SCHOOL  
305 MONTFORD AVENUE, MILL VALLEY  
ASSESSOR'S PARCEL 047-161-07

\*\*\*\*\*

**SECTION I: FINDINGS**

I. WHEREAS Marin Horizon submitted a Use Permit and Design Review application to undertake programmatic changes and physical improvements to their facility. The project is a proposal to demolish an existing 5,900 square foot one-story classroom building and construct a new 11,478 square foot classroom building for a total building area of 24,451 square feet for the Marin Horizon School on the 2.27-acre Homestead School site. The new classroom building would be a primarily two-story building with a three-story component. The maximum height of the building, not including the mechanical enclosure would be 36.2 feet above grade. The maximum height of the mechanical enclosure would be 39.5 feet above grade. The following describes the various building heights and the respective area of each portion of the building and the mechanical equipment enclosure:

- Approximately 2,480 square feet of the two-story portion of the building would have a 2:12 sloped roof with a maximum height of 32 feet above grade sloping down to 26 feet above grade.
- Approximately 903 square feet of the three story portion of the building would have a nearly “flat” 0.375:12 sloped roof with a maximum height of 36.2 feet above grade.
- Approximately 791 square feet of the building would have a “nearly flat” 0.375:12 sloped roof-covered deck with a maximum height of 26 feet above grade.
- Approximately 341 square feet of the three-story portion of the building would be a mechanical equipment enclosure with a maximum height of 39.5 feet above grade.

The building would have the following minimum property line setbacks: 19.5 feet front (north); 15 feet side (west); 170 feet side (east); and 170 feet rear (south). The project also includes a proposal to increase the permitted number of students enrolled in the school by 50 students, from a maximum of 250 students to a maximum of 300 students; increase staff levels from 44 Full Time Staff Equivalent (FTE), comprised of 31 full time and 16 part time employees, to 49 FTE comprised of 44 full time and 10 part time staff; construct a new stepped terrace along the western side property line; construct 14 new parking spaces on the southern portion of the playground for a total of 49 parking spaces; construct a new transformer 11 feet from the front property line facing Montford Avenue; demolish 10 feet of building located adjacent to the driveway access on the south side of the property; construct an additional pedestrian emergency walkway from the third floor to Montford Avenue; remove two redwood trees, one Monterey pine tree, one strawberry tree, and one fir tree; and install new landscaping.

The project also includes an Encroachment Permit to allow existing diagonal striping for the passenger loading area along Melrose Avenue to extend 2 feet into the street right-of-way. The additional encroachment into the right of way is to provide for a wider pedestrian way between the school building and the passenger drop-off and pick-up area for safety reasons. No change to the length of the passenger loading area is proposed.

## Land Use Changes

The proposed land use changes include modifications to the school's 1993 Use Permit to: (1) increase the enrollment from 250 to 300 students, and to (2) increase the staff from 44 FTE to 49 FTE. No change to the number of special non-instructional events in the evening is proposed.

Table 1 outlines the proposed changes. (The proposed changes to the 1993 Use Permit are *bolded*.) In order to clarify and provide additional specificity to the proposed project the sponsor has submitted a detailed month-by-month matrix of the number and type of non-instructional events and the corresponding maximum on-site population levels.

**TABLE 1: PROPOSED SCHOOL USE**

<b>ACTIVITY</b>	<b>Existing Use Permit</b>	<b>Proposed Use Permit</b>
<b>School Year</b>		
Maximum Students (Pre-K to 12)	250	<b>300</b>
Maximum Staff	44 FTE	<b>49 FTE</b>
Permitted hours of operation for school, and enrichment classes	7:30 A.M. to 6:00 P.M.	No change
Day Care	7:30 A.M. to 8:30 A.M. 3:15 P.M. to 6:00 P.M.	No change
<b>Non-Instructional Activities</b>		
Special during school day events	7 events	<b>14 events per year</b>
Special weekday evening events	36 events per year	No change
<b>SUMMER SCHOOL (June 15 to August 15)</b>		
Permitted hours of operation	9:00 A. M. to 3:00 P.M.	No change

## Physical Improvements

The proposed physical improvements for the Marin Horizon School include modifications to existing buildings and facilities, demolition and removal of existing buildings, and construction of new buildings. The proposed improvements include:

1. demolish an existing substandard approximately 5,900 square foot one story classroom building and replace it with a new 11,478 square foot classroom building that would result in a 48 percent increase in the size of the school buildings;
2. demolish ten feet linear feet (300 square feet) from the existing classroom building adjacent to the driveway entrance facing Melrose Avenue;
3. remove two temporary storage sheds located in the SCA corridor;
4. construct a new storage shed adjacent to the new transformer;
5. construct a new stepped terrace providing amphitheater seating along the western side property line;
6. construct 14 new parking spaces on the playground, for a total of 49 spaces;
7. construct a new transformer 11 feet from the Montford Avenue property line;
8. construct an additional emergency pedestrian walkway with a breakaway exit gate from the third floor of the new building to Montford Avenue;
9. obtain an Encroachment Permit to extend existing diagonal striping for the passenger loading area two feet into the public right of way on Melrose Avenue;

10. construct a bio-swale between a portion of the parking lot and the creek in the SCA corridor, remove the impermeable paving and replacing it with permeable paving material;
11. install a new site drainage filter box on the main drainage pipe leading to Reed Creek; and
12. authorize an existing identification sign for the school on Melrose Avenue, measuring 36 inches by 43 inches” – approximately 10.75 square feet.

The new building would hold 11 classrooms: 8 classrooms for the 4<sup>th</sup> to 8<sup>th</sup> grades and 3 specialized classrooms for music, science and a foreign language studio. Demolishing the existing middle school building would eliminate 6 of the existing K-8 classrooms. Thus with the new building, the school is gaining 5 additional classrooms.

The proposed on-site parking areas would be redeveloped and expanded by 14 new spaces including 2 tandem spaces and 2 handicapped accessible spaces. The proposed parking plan would provide 49 on-site parking spaces, as compared to the 35 spaces currently available at the School. Other internal circulation improvements proposed as part of the project include the demolition of ten feet of existing building facing the driveway entrance onto Melrose Avenue to widen the driveway to accommodate two lanes; and modifications to on-site circulation to improve access to parking areas.

Lot coverage changes between the existing and the proposed project is summarized in Table 2 below:

PROJECT SITE	Existing Sq.Ft.	% of Total Site Area	Proposed Sq. Ft.	% of Total Site Area
Building & Paved Coverage	66,566	67.32%	63,562	64.28%
Semi-Pervious Surface	8,264	8.36%	12,063	12.20%
Uncovered	24,051	24.32%	23,256*	23.52%
Total Land Area (2.27 Acres)	98,881	100.00%	98,881	100.00%

**TABLE 2: LOT COVERAGE**

\* Includes proposed bio-swale (348 Sq. Ft.)

A total of five trees are proposed for removal: two redwood trees, one Monterey pine tree, one Strawberry tree, and one fir tree. The project sponsor proposes a landscaping plan that includes replacement planting of 26 trees consisting of 8 California Buckeyes; 10 Coast Live Oaks; and 8 Coast Redwoods with an additional 380 shrubs, and other groundcover plantings consisting of native plant species.

The project sponsor estimates that the proposed project would require total grading involving approximately 615 cubic yards of excavation to be off-hauled, and 553 cubic yards of fill to be imported. Excavation would involve approximately 491 cubic yards for the new building and 124 cubic yards for the bioswale and permeable paving. Fill would involve 240 cubic yards of drain rock and sand for the building, and 313 cubic yards of compacted soil material for the terrace. Approximately 322 cubic yards would be excavated and recompacted on site for the building pad.

The subject property is located at 305 Montford Avenue in Mill Valley, and is further identified as **Assessor's Parcel 047-161-07**.

- II. WHEREAS the Marin County Community Development Agency - Planning Division prepared an Initial Study pursuant to the requirements of the California Environmental Quality Act (CEQA) for the project, which determined that potential impacts are avoided or mitigated to a point where no significant effects would occur as a result of the project.
- III. WHEREAS the Marin County Environmental Coordinator determined that based on the Initial Study, a Negative Declaration of Environmental Impact was required for the project pursuant to CEQA.
- IV. WHEREAS on March 7, 2005 a Negative Declaration was completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Negative Declaration, and a notice of the public review period and hearing date to consider approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.
- V. WHEREAS after the close of the public review period on April 6, 2005, the Marin County Planning Commission conducted a public hearing on May 9, 2005 to receive public testimony on the adequacy of the Negative Declaration for approval.
- VI. WHEREAS the Marin County Planning Commission has reviewed and considered the information contained in the Initial Study, Negative Declaration, and comments and responses thereto.

## **SECTION II: ACTION**

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission hereby makes the following findings and adopts a Negative Declaration of Environmental Impact and Mitigation, Monitoring and Reporting Program for the proposed project.

- 1. Notice of the public review and hearing on the Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.
- 2. All individuals, groups, and agencies desiring to comment on the Negative Declaration were given the opportunity to address the Marin County Planning Commission.
- 3. The Negative Declaration for the project consists of the Initial Study, Negative Declaration document, Mitigation Monitoring and Reporting Program, and supporting information incorporated by referenced therein.
- 4. The Negative Declaration was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's EIR process.

**SECTION III: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 9<sup>th</sup> day of May, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

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STEVE C. THOMPSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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JESSICA WOODS, RECORDING SECRETARY

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE MARIN HORIZON SCHOOL  
USE PERMIT AND DESIGN REVIEW  
305 MONTFORD AVENUE, MILL VALLEY  
ASSESSOR'S PARCEL 047-161-07

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rock and sand for the building, and 313 cubic yards of compacted soil material for the terrace. Approximately 322 cubic yards would be excavated and recompactd on site for the building pad.

The subject property is located at 305 Montford Avenue in Mill Valley, and is further identified as **Assessor's Parcel 047-161-07**.

- II. WHEREAS the Marin County Planning Commission also held a duly noticed public hearing on May 9, 2005, to consider the merits of the project, and hear testimony regarding the project.
- III. WHEREAS the Marin County Planning Commission finds that the proposed project, as conditioned herein, is consistent with the goals and policies contained in the Marin Countywide Plan (CWP) as discussed in the Initial Study for the following reasons:
  - A. The continued operation of a private school on the subject property would be consistent with a permitted educational use under the governing Public Facility, Single-family Residential land use designation. (Policy CD-8.5)
  - B. The proposed project would not adversely affect the provision of public services for fire protection, roadways, and schools. (Policies EQ-1.1, EQ-3.10, A-1.1)
  - C. The project would conform to the CWP's Streamside Conservation Area policies and would be developed to preserve natural riparian vegetation and to protect the fish and wildlife values associated with Reed Creek. (Policies EQ-2.4, EQ-2.5, EQ-2.8, EQ-2.9, EQ-2.10, EQ-2.13, EQ-2.24, EQ-2.26)
  - D. The project would not alter existing stream flow, beds, or banks, and has been designed to minimize soil disturbance and to retain sediment runoff and pollution impacts both during and following construction. (Policies EQ-2.19, EQ-2.20, EQ-2.22)
  - E. The project would not directly or indirectly impact special status species or habitat diversity because the proposed improvements would be located either on or adjacent to previously-developed areas of the campus, and the project would be designed to avoid impacts to anadromous fish. (Policy EQ-2.87)
  - F. The project would not result in air, water, and noise pollution. (Policy EQ-3.2)
  - G. The project has been designed to avoid hazards associated with earthquakes, erosion, landslides, floods, and fires. (Policy EQ-3.7)
  - H. As modified by conditions of approval, the project would retain the predominant visual qualities for the natural and built environments. (Policy EQ-3.11)
  - I. As modified by conditions of approval, the project would minimize the extent of removal of large, mature, native trees, and provide for ample amount of replacement to compensate for the loss of native biomass. (Policy EQ-3.14)
  - J. The project would minimize the extent of grading that is required to conform to the standards of the Department of Public Works. (Policy EQ-3.16)

- K. The project is consistent with the Tamalpais Area Community Plan because the use and development on the school site would be compatible with the Homestead Valley area. (TACP policies LU 19.1, LU 19.2, LU 20.1, LU 20.2)
- L. The project is consistent with the Tamalpais Area Community Plan because the Use Permit for project approval considers the value of the school for the entire community, and the conditions of approval address valid concerns addressed by the community. (LU 19.2e)

IV. WHEREAS the Marin County Planning Commission waives the requirements for Master Plan approval for the proposed project pursuant to Marin County Code Section 22.44.040.A, for the following reasons:

- A. The proposed project entails constructing a school building that would be less than 15,000 square feet.
- B. The proposed project would be consistent with the Marin Countywide Plan and the Tamalpais Community Plan.
- C. The proposed project is consistent with the mandatory Findings for Use Permit and Design Review approval.
- D. The new school building would be located outside any defined resource areas, including the SCA for Reed Creek.
- E. The proposed project would be adequately served by existing public safety personnel because it is within an urbanized area.
- F. The subject property is zoned for quasi-public uses, such as schools, and no residential uses are proposed. Conditions of project approval exhaust future residential development potential without receiving Master Plan approval for the project.
- G. The proposed project would be located to avoid any areas that are impacted by noise or natural hazards.
- H. The proposed project would be located on a property that meets the parking and circulation requirements of the Marin County Code, as verified by Department of Public Works staff.
- I. The proposed project would preserve significant views in the area as demonstrated by the visual analysis conducted for the Initial Study.

V. WHEREAS, the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings necessary to approve the Design Review application (Section 22.42.060 of the Marin County Code).

- A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood.

The visual resources policies of the CWP and the Community Plan encourage new structures to be compatible in scale and design with the surrounding environment. Structures should follow

the natural land contours and should not obstruct significant views from public viewing locations. The visual impact analysis concluded that the proposed project is consistent with these policies. The viewshed reconnaissance from adjacent streets, hills, and other possible vantages where the school site could be visible from public viewpoints and open space indicated that the school would be largely screened by existing vegetation or would be obstructed by existing buildings. No locations were identified where the project would obstruct any significant views. Staff observations from the surrounding area, including private properties, confirm the information provided by the visual analysis.

Although the project is generally consistent with this Finding, several features of the design in the area behind the new school building and adjacent to Montford Avenue should be modified to enhance the appearance of the school from the vantage point of Montford Avenue. The interface between the institutional character of the school property and the residential character of the surrounding area is sensitive and requires an appropriate architectural and site design. The development on the school property intergrades effectively with residential area along Melrose Avenue, the natural area of Reed Creek, and the public area of the community center. However, the treatment of the area along Montford Avenue is inappropriate and should be modified to be compatible with the character of the community.

The design includes features that would normally be considered appropriate for an ally or service entrance, including a storage shed and utility entrance, two exterior staircases, and an emergency exit. Exterior materials that include concrete cinderblock and a wire fence are included in the proposal for this area. Staff recommends requiring a redesign of this area that would not adversely affect the architectural integrity of the design of the new school building, but would enhance this area adjacent to Montford Avenue. The following recommendations should govern the modifications to the design:

- The storage shed and utility access should be eliminated from the plans.
- The unconsolidated fill retained by the existing chain link fence should be removed and the fence should be replaced with a 4-foot high fence that is constructed with wood to match the wood siding of the new school building.
- The facades of all portions of the building facing Montford Avenue, including the staircases and emergency exit, should use the approved wood siding as an exterior material.
- The emergency exit ramp and staircase should be reconfigured so that the staircase would be immediately adjacent to the building and the ramp would be adjacent to the street. This would eliminate the necessity of having a structural wall immediately adjacent to Montford Avenue.
- The staircases should be reconfigured to be parallel rather than perpendicular to Montford Avenue in order to increase the setback to the street. However, this modification should not be required if it is found to unreasonably compromise the integrity of the architectural design.
- The top floor of the new school building shall not be lit during the after regular school hours, except for maintenance purposes, and the top floor of the new school building shall not be used for special events.

These modifications would ensure that sound and creative design principles have been used in designing the proposed project, which result in high quality site planning and architectural design, and the innovative use of materials, construction methods, and techniques.

- B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment or other property in the vicinity, including, but not limited to, light, air privacy, and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way.

The new building would be screened from view by the existing topography on the site and the existing vegetation and landscaping. From Montford Avenue the proposed building pad would be approximately twenty feet below the level of the street, since the property slopes from an elevation of approximately 134 feet at Montford Avenue to 114 feet at the base of the proposed structure. Consequently, approximately one and-a-half stories of the three-story structure would be visible from Montford Avenue. Photosimulations 2s, 3s and 4s show that the existing Acacia trees and other landscaping would largely hide the portion of the project above Montford Avenue. The proposed building is designed so that the third story is approximately half the square footage of the second story. The height and bulk of the proposed building would not create a significant visual impact viewed from Montford Avenue. The prominence of construction is to be minimized by placing buildings so that they will be screened by existing vegetation, and depressions in the site topography. The exterior appearance of proposed structures, along with their associated landscaping, parking, signs, is compatible and harmonious with the design, scale, and context of surrounding properties.

- C. The proposed development will not directly, or cumulatively, impair, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way.

As modified by the conditions of project approval, and discussed in the Initial Study, the project analysis and the other mandatory Findings, the project avoids conflicts between land uses, ensures that environmental values of the site are preserved, and adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement are minimized. The design of the project respects and preserves the natural beauty of the County and the environmental resources found in the area.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources.

Site Planning, building design, and construction practices promote resource conservation through climate responsive design and use of renewable energy and resources as discussed in Finding G below. Further, the bioswale, the increase in pervious paving surface, and the drainage box/filter are environmentally beneficial and would ensure that fisheries values in the creek would not be reduced as a result of unfiltered runoff, sedimentation, erosion, and contamination from use of the roadway and parking areas. These features would protect water quality and fishery values associated with Reed Creek.

The proposed project would preserve the primary oak woodland habitat environment on the property that is concentrated in the riparian corridor adjacent to Reed Creek because most of the proposed construction would occur on an already developed site outside of the SCA. The project would result in the removal of five trees comprising two redwood trees, one Monterey

pine tree, one strawberry tree, and one fir tree. The preliminary landscaping plan proposes planting of 26 trees resulting in an average of 5.2 replacement trees for each tree that would be removed by the project. The preliminary landscape plan calls for the planting of 380 shrubs. The proposed project would result in a net increase in the biomass due to the planting of trees, shrubs and groundcover.

The project would maintain significant trees and other landscaping and vegetation, which would reduce and soften the visual impacts of the new construction, stabilize and prevent the erosion of graded soils around the structure and enhance the privacy of the occupants of the subject and surrounding properties. Further, the landscaping plan would increase vegetation on the site. Landscaping would enhance the appearance of the new development and surrounding areas by being designed, installed, and maintained to blend new structures into the context of an established community.

- E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).

The exterior appearance of the new school building, along with the associated landscaping, and parking, as well as the existing school sign, is compatible and harmonious with the design, scale, and context of surrounding properties. The existing sign on the front of the school compliments the school property because it is relatively small and well designed.

- F. The proposed development will minimize or eliminate adverse physical or visual effects, which might otherwise result from unplanned or inappropriate development, design, or placement.

- 1. The area, heights, mass, materials, and scale of structures;

The proposed project is consistent with this Finding for the reasons expressed in Design Review Findings A and B herein.

- 2. Drainage systems and appurtenant structures;

The stability of the creek banks in the vicinity of the school site was investigated by a geotechnical consultant, Earth Mechanics Consulting Engineers. The report concluded that the creek banks on the site are generally stable. The Initial Study discusses this issue in detail, and as a condition of project approval the applicaant shall be required to submit a storm water pollution control plan prior to construction. All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties, and impervious surfaces shall be minimized in the parking area within the SCA for Reed Creek.

Subsequent to the publication of the Initial Study, a tree fell in the channel of Reed Creek adjacent to the school property. Areas of localized erosion and the adjacent area where a tree fell were caused by surface water on the AC paving above the creek being directed toward and concentrated onto the creek bank. The engineer recommended that the collected surface water concentrated onto the creek bank slope would be improved by constructing a curb along the south side of the pavement in the area of the observed erosion. The engineer's recommendations address an existing condition on the MHS site unrelated to the proposed project and therefore does not require any revisions to the Initial Study. The engineer's recommendations, however, are a part of the merit considerations of the project because the issue represents a land use compatibility problem or other policy

concern for the project. A condition of project approval requires the construction of a curb along the south side of the pavement in the area of the observed erosion.

3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);

The proposed project will require total grading of approximately 615 cubic yards of excavation to be off-hauled, and 553 cubic yards of fill to be imported. Excavation would involve approximately 491 cubic yards for the new building and 124 cubic yards for the bioswale and permeable paving. Fill would involve 240 cubic yards of drain rock and sand for the building, and 313 cubic yards of compacted soil material for the terrace. Approximately 322 cubic yards would be excavated and recompacted on site for the building pad.

Grading would occur in compliance with Title 23, Chapter 23.08 of the County Code (Excavating, Grading and Filling), but shall be held to a minimum. Every reasonable effort would be made to retain the natural features of the land, including native vegetation, mature trees, and Reed Creek. Where grading is required, it would not create flat planes and sharp angles of intersection with natural terrain. Slopes would be rounded and contoured to blend with existing topography.

4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and

The project is consistent with this Finding as discussed in Use Permit Finding VI.E below.

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

The project is consistent with this Finding for the reasons expressed in Finding V.A above.

- G. The project design includes features, which foster energy and natural resource conservation while maintaining the character of the community.

The new school building would have a generally east-west orientation and would have a large expanse of windows on the southern façade of the building, which would maximize passive solar heating. Therefore, the proposed site planning and building design promote resource conservation through climate responsive design and use of renewable energy and resources.

- H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

Based on the photosimulations and a visual analysis of the project, the Initial Study concluded that the project would have a less than significant visual impact pursuant to CEQA. However, the Initial Study also noted that the issue of community character involves important community planning and land use considerations and the County may further consider community character policy issues in the context of evaluating the merits of the project and/or the conditions of approval.

Staff has carefully reviewed the plans, visited the neighborhood, and evaluated the project with respect to architectural and building design. The architectural style of the school is a departure from the prevailing residential styles found elsewhere in Homestead Valley. However, the design is consistent with the institutional character of a school and would add visual interest to the Homestead Valley community. Substantial existing vegetation, proposed landscaping and the topographical depression where the new school building would be located would enhance the integration of the new school building with the surrounding area.

As modified by the conditions of approval, the proposed project would be compatible with the physical character of the Homestead Valley area and consistent with the policies contained in the community plan. Other operational characteristics are discussed in the Use Permit Findings below.

VI. WHEREAS, the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings necessary to approve the Use Permit application (Section 22.42.060 of the Marin County Code).

A. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The proposed project is consistent with the Countywide Plan and the Tamalpais Area Community Plan for the reasons expressed in Finding III above.

B. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

An Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act, and the Environmental Coordinator of the County of Marin has recommended the grant of a Negative Declaration of Environmental Impact. All potentially significant adverse effects of the project and the appropriate mitigation measures are discussed in the Initial Study. The mitigation measures are included as conditions of project approval in the recommended Resolution attached to this Staff Report.

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 is consistent with this Finding for the reasons expressed in Design Review Finding V.A above.

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 is consistent with this Finding for the reasons expressed in Design Review Findings V.A and V.B above.

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 project is generally consistent with this Finding for the reasons expressed in the other Findings above. However, with respect to noise created by special events at the school as well as traffic, loading, parking congestion, conditions of approval are necessary to ensure that the

alterations to the operations of the school would have adverse affects to the character of the local community.

The acoustical analysis prepared in connection with the Initial Study indicates that the average additional noise created by the increase in enrollment would be barely perceptible to the surrounding area, and would not result in significant adverse affects to the environment with respect to noise. However, it is important to note that determinations regarding the project's consistency with community plan policies and compatibility with the character of the local community cannot be solely derived from whether an effect would exceed established thresholds of significance under CEQA. Subjective factors, including land use conflicts, are also important considerations that must be evaluated in accordance with community plan policy LU 19.2. Several comments received from community members note that Stolte Grove, the small park located west of the subject property, does not allow amplification during special events. The school's operations should also be held to a reasonable standard that is consistent with the community character. Therefore, in order to maintain the quiet residential character of Homestead Valley, a condition of project approval prohibits the use of amplification during special events in the evening or on Sundays.

The school has developed a traffic management plan that would address adverse affects that the school's current and future operations have on the Homestead Valley area. The traffic management plan contains mandatory measures for each family whose children attend Marin Horizon School. A contractual agreement signed by each family commits them to abide by the regulations of the traffic management plan. Violation of regulations can result in fines, loss of driving privileges to/from the school and expulsion from the school. The traffic management plan comprises five components: drop-off and pick-up of students; parking; carpooling; traffic management rules; and parent compliance. The principal features of these components are summarized in the analysis of the staff report.

The conditions of approval include requirements that the traffic management plan continue to operate effectively, with the assurance that independent monitoring of the traffic management measures would be enforced by the County. Proper implementation of the modified traffic management plan would ensure that the proposed project is compatible with adjacent land uses and intensity of development in the immediate area, and is consistent with the community plan because it would minimize adverse affects to the Homestead Valley area with respect to traffic, loading, and parking congestion

## **CONDITIONS OF APPROVAL:**

### Community Development Agency – Planning Division

1. Marin Horizon submitted a Use Permit and Design Review application to undertake programmatic changes and physical improvements to their facility is approved in accordance with the following project description. The project is a plan to demolish an existing 5,900 square foot one-story classroom building and construct a new 11,478 square foot classroom building for a total building area of 24,451 square feet for the Marin Horizon School on the 2.27-acre Homestead School site. The new classroom building will be a primarily two-story building with a three-story component. The maximum height of the building, not including the mechanical enclosure will be 36.2 feet above grade. The maximum height of the mechanical enclosure will be 39.5 feet above grade. The following describes the various building heights and the respective area of each portion of the building and the mechanical equipment enclosure:

- Approximately 2,480 square feet of the two-story portion of the building will have a 2:12 sloped roof with a maximum height of 32 feet above grade sloping down to 26 feet above grade.
- Approximately 903 square feet of the three story portion of the building will have a nearly “flat” 0.375:12 sloped roof with a maximum height of 36.2 feet above grade.
- Approximately 791 square feet of the building will have a “nearly flat” 0.375:12 sloped roof-covered deck with a maximum height of 26 feet above grade.
- Approximately 341 square feet of the three-story portion of the building will be a mechanical equipment enclosure with a maximum height of 39.5 feet above grade.

The building will have the following minimum property line setbacks: 19.5 feet front (north); 15 feet side (west); 170 feet side (east); and 170 feet rear (south). The project also includes a proposal to increase the permitted number of students enrolled in the school by 50 students, from a maximum of 250 students to a maximum of 300 students; increase staff levels from 44 Full Time Staff Equivalent (FTE), comprised of 31 full time and 16 part time employees, to 49 FTE comprised of 44 full time and 10 part time staff; construct a new stepped terrace along the western side property line; construct 14 new parking spaces on the southern portion of the playground for a total of 49 parking spaces; construct a new transformer 11 feet from the front property line facing Montford Avenue; demolish 10 feet of building located adjacent to the driveway access on the south side of the property; construct an additional pedestrian emergency walkway from the third floor to Montford Avenue; remove two redwood trees, one Monterey pine tree, one strawberry tree, and one fir tree; and install new landscaping.

The project also includes an Encroachment Permit to allow existing diagonal striping for the passenger loading area along Melrose Avenue to extend 2 feet into the street right-of-way. The additional encroachment into the right of way is to provide for a wider pedestrian way between the school building and the passenger drop-off and pick-up area for safety reasons. No change to the length of the passenger loading area is proposed.

### Land Use Changes

The proposed land use changes include modifications to the school’s 1993 Use Permit to: (1) increase the enrollment from 250 to 300 students, and to (2) increase the staff from 44 FTE to 49 FTE. No change to the number of special non-instructional events in the evening is proposed.

Table 1 outlines the proposed changes. (The proposed changes to the 1993 Use Permit are **bolded**.) In order to clarify and provide additional specificity to the proposed project the sponsor has submitted a detailed month-by-month matrix of the number and type of non-instructional events and the corresponding maximum on-site population levels.

**TABLE 1: PROPOSED SCHOOL USE**

<b>ACTIVITY</b>	<b>Existing Use Permit</b>	<b>Proposed Use Permit</b>
<b>School Year</b>		
Maximum Students (Pre-K to 12)	250	<b>300</b>
Maximum Staff	44 FTE	<b>49 FTE</b>
Permitted hours of operation for school, and enrichment classes	7:30 A.M. to 6:00 P.M.	No change
Day Care	7:30 A.M. to 8:30 A.M. 3:15 P.M. to 6:00 P.M.	No change
<b>Non-Instructional Activities</b>		
Special during school day events	7 events	<b>14 events per year</b>
Special weekday evening events	36 events per year	No change
<b>SUMMER SCHOOL (June 15 to August 15)</b>		
Permitted hours of operation	9:00 A. M. to 3:00 P.M.	No change

Physical Improvements

The proposed physical improvements for the Marin Horizon School include modifications to existing buildings and facilities, demolition and removal of existing buildings, and construction of new buildings. The proposed improvements include:

- A. demolish an existing substandard approximately 5,900 square foot one story classroom building and replace it with a new 11,478 square foot classroom building that will result in a 48 percent increase in the size of the school buildings;
- B. demolish ten feet linear feet (300 square feet) from the existing classroom building adjacent to the driveway entrance facing Melrose Avenue;
- C. remove two temporary storage sheds located in the SCA corridor;
- D. construct a new storage shed adjacent to the new transformer;
- E. construct a new stepped terrace providing amphitheater seating along the western side property line;
- F. construct 14 new parking spaces on the playground, for a total of 49 spaces;
- G. construct a new transformer 11 feet from the Montford Avenue property line;
- H. construct an additional emergency pedestrian walkway with a breakaway exit gate from the third floor of the new building to Montford Avenue;
- I. obtain an Encroachment Permit to extend existing diagonal striping for the passenger loading area two feet into the public right of way on Melrose Avenue;
- J. construct a bio-swale between a portion of the parking lot and the creek in the SCA corridor, remove the impermeable paving and replacing it with permeable paving material;
- K. install a new site drainage filter box on the main drainage pipe leading to Reed Creek; and
- L. authorize an existing identification sign for the school on Melrose Avenue, measuring 36 inches by 43 inches” – approximately 10.75 square feet.

The new building will hold 11 classrooms: 8 classrooms for the 4<sup>th</sup> to 8<sup>th</sup> grades and 3 specialized classrooms for music, science and a foreign language studio. Demolishing the existing middle school building will eliminate 6 of the existing K-8 classrooms. Thus with the new building, the school is gaining 5 additional classrooms.

The proposed on-site parking areas will be redeveloped and expanded by 14 new spaces including 2 tandem spaces and 2 handicapped accessible spaces. The proposed parking plan will provide 49 on-site parking spaces, as compared to the 35 spaces currently available at the School. Other internal circulation improvements proposed as part of the project include the demolition of ten feet of existing building facing the driveway entrance onto Melrose Avenue to widen the driveway to accommodate two lanes; and modifications to on-site circulation to improve access to parking areas.

Lot coverage changes between the existing and the proposed project is summarized in Table 2 below:

PROJECT SITE	Existing Sq.Ft.	% of Total Site Area	Proposed Sq. Ft.	% of Total Site Area
Building & Paved Coverage	66,566	67.32%	63,562	64.28%
Semi-Pervious Surface	8,264	8.36%	12,063	12.20%
Uncovered	24,051	24.32%	23,256*	23.52%
Total Land Area (2.27 Acres)	98,881	100.00%	98,881	100.00%

**TABLE 2: LOT COVERAGE**

\* Includes proposed bio-swale (348 Sq. Ft.)

A total of five trees are proposed for removal: two redwood trees, one Monterey pine tree, one Strawberry tree, and one fir tree. The project sponsor proposes a landscaping plan that includes replacement planting of 26 trees consisting of 8 California Buckeyes; 10 Coast Live Oaks; and 8 Coast Redwoods with an additional 380 shrubs, and other groundcover plantings consisting of native plant species.

The project sponsor estimates that the proposed project will require total grading involving approximately 615 cubic yards of excavation to be off-hauled, and 553 cubic yards of fill to be imported. Excavation will involve approximately 491 cubic yards for the new building and 124 cubic yards for the bioswale and permeable paving. Fill will involve 240 cubic yards of drain rock and sand for the building, and 313 cubic yards of compacted soil material for the terrace. Approximately 322 cubic yards will be excavated and recompacted on site for the building pad.

The subject property is located at 305 Montford Avenue in Mill Valley, and is further identified as **Assessor's Parcel 047-161-07**.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
3. The existing sign on the front of the main school building on the site is approved.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to show the following modifications to the project:
  - A. The storage shed and utility access shall be eliminated from the plans.

- B. The unconsolidated fill retained by the existing chain link fence shall be removed and the fence shall be replaced with a solid 4-foot high fence that is constructed with wood to match the wood siding of the new school building.
  - C. The facades of all portions of the building facing Montford Avenue, including the staircases and emergency exit, shall use the approved wood siding as an exterior material.
  - D. The emergency exit ramp and staircase should be reconfigured so that the staircase shall be immediately adjacent to the building and the ramp shall be adjacent to the street. This will eliminate the necessity of having a structural wall immediately adjacent to Montford Avenue.
  - E. The staircases should be reconfigured to be parallel rather than perpendicular to Montford Avenue in order to increase the setback to the street. However, this modification should not be required if it is found to unreasonably compromise the integrity of the architectural design.
  - F. Dimensioned plans or photographs of the existing sign on the school building fronting on Melrose Avenue shall be submitted as a part of the approved plans.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit either: 1) a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met; or 2) a letter from the Marin Municipal Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.
  6. BEFORE ISSUANCE OF A BUILDING PERMIT in order to avoid adverse impacts to the 45-inch live oak tree located at the south west corner of the property, a certified arborist retained by the project proponent shall conduct prior to issuance of a grading or building permit a detailed structural evaluation of the tree and shall make recommendations that shall be implemented by the project proponent for construction avoidance, including the bioswale, and appropriate treatment to improve the condition of the tree, correct structural deficiencies, or reduce hazards from possible limb drop or toppling.
  7. BEFORE ISSUANCE OF A BUILDING PERMIT in order to avoid adverse impacts to the 27-inch live oak tree that will be located within 20 feet of the proposed terrace along the western edge of the site, shall be constructed using hand trenching of the seating foundation of the terrace within 25 feet of the trunk and utilize of porous fill with minimal compaction.
  8. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees to be retained in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
  9. All site development construction practices shall be in accord with the recommended guidelines and inspection schedule contained in the tree assessment. The applicant shall comply with all recommendations made by the licensed professional with respect to tree protection during

construction activities, general tree care practices, and long-term vegetation management to ensure continued viability of the site's native vegetation.

10. The provisions of the traffic management plan, attached as appendix B to the Initial Study, shall be implemented and enforced at all times by the Marin Horizon School with the following stipulations:
  - A. The school shall not enroll more than 300 students simultaneously under any circumstances.
  - B. The Traffic Management Plan shall be modified to include the parking measures required by Department of Public Works staff, and making arrangements for Special Event parking.
  - C. An independent traffic monitor, hired by the County and paid for by Marin Horizon School, shall arrive at the school unannounced to examine the school's compliance with the Traffic Management Plan, including performing physical counts of vehicles arriving at and departing from the school, loading, and parking for school activities.
  - D. The traffic monitor shall conduct examinations during regular school hours, as recommended by Department of Public Works staff, as well as an additional examination of a large special event. The traffic monitor shall submit written reports after each examination is conducted, which evaluate the school's compliance with its Traffic Management Plan. Upon request, the school shall supply the traffic monitor with accurate and complete lists of all students enrolled at the school and all school staff including independent contractors, and these shall be submitted as attachments to the report.
  - E. Traffic Management Plan compliance examinations shall be conducted three times annually for a minimum of three years after the date the new school building has received Final Inspection approval. However, if the school fails to comply with the Traffic Management Plan, then additional studies may be required, at the school's expense.
  - F. The school will submit adequate fees to the County to defray the costs of the studies, including consulting costs and the standard 30 percent-of-contract administrative fee charged by the County for managing consultants.
  - G. The Transportation Facilities Fees required by the Department of Public Works have been reduced to account for the carpool rate of 2.0. In the event the school fails an examination during the first year due to a reduction of the carpool ratio below 2.0, it shall pay the balance of the Traffic Facilities Fees it owes to the County.
  - H. In the event the school fails three consecutive special event traffic examinations, it shall lose the privilege of increasing its permitted number of special events that are held during the day from 7 to 14 annually. The existing Use Permit's allowed 7 events per year shall govern until such time as the school can conclusively demonstrate that it is complying with the Traffic Management Plan's provisions regarding special events.
  - I. In the event that the school fails three consecutive traffic examinations, or a total of five traffic examinations within the first three years after the new school building receives Final Inspection approval the Use Permit for the project shall be brought before the Board of Supervisors to consider a modification or revocation of this Use Permit, pursuant to Marin County Code Section 22.120.030.

11. Future use and development of the subject property shall not include multiple residential units on the site without receiving Master Plan approval from the County.
12. The top floor of the new school building shall not be lit after regular school hours, except for maintenance purposes, and the top floor of the new school building shall not be used for special events.
13. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall prepare and submit a construction management plan for review and approval by the Community Development Agency staff in consultation with the Department of Public Works. The plan shall include the following components.
  - A. The plan shall include provisions for construction traffic control (including use of flag persons, appropriate signs, etc.) to ensure that vehicular traffic and pedestrian movement will continue to occur safely during the construction. A separate Encroachment Permit from the Department of Public Works may be required.
  - B. The plan shall include provisions to notify residents along the roadway of the general time frame for all construction activity and specific dates and/or time periods where there may be temporary traffic control, due to delivery of equipment or materials, such as concrete, or removal of earth material, trees, and other large debris. Notification shall be given to the affected residents and copied to the Community Development Agency in writing at least 72 hours prior to any construction activity, which may involve temporary traffic control. It shall be the responsibility of the holder of the Building Permit to obtain necessary Encroachment Permits from the Marin County Department of Public Works.
  - C. The plan shall identify a construction management coordinator whose name and telephone number shall be available and posted at the construction site and who shall respond to complaints and questions from residents.

15. All construction activities shall comply with the following standards:
- A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
16. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
17. 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 an approval of this project for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
18. 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.
19. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the Montford Avenue property line and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks.
20. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved

Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.

21. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall submit documentation from the project engineer or “as-built” service, to be approved by the Chief Building Inspector, confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans. A registered engineer or “as-built” service must stamp and wet sign this verification. Alternatively, the applicant may request that the Building and Safety Inspection staff verify the floor area based on measurement marks on the subfloor and second/third floor framing.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting will not create night-time illumination levels that are incompatible with the surrounding community character and will not shine on nearby properties. The lighting program shall specify that lights shall be on automatic timers, which will turn interior and exterior lighting off after the operating or special events hours of the school, except for the purposes of maintenance, safety, and security. Lighting shall not be used on the third story of the after the normal operating hours of the school. The lighting program shall be reviewed by the Planning Department for consistency with these requirements.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
24. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
25. BEFORE FINAL INSPECTION AND UPON VESTING OF THE PROJECT, the Community Development Agency shall file this Notice of Decision, including all conditions of project approval, with the Marin County Recorder’s Office to advise future property owners of the special development restrictions relative to these conditions of approval.
26. The applicant shall retain the services of a licensed arborist, botanist, or forester to periodically monitor the construction activities and to submit a report confirming that the project has complied with all of the best management practices and other requirements of the tree assessment BEFORE FINAL INSPECTION.

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

27. BEFORE ISSUANCE OF A BUILDING PERMIT, the project proponent shall submit to the Marin County Department of Public Works staff prior issuance of a grading or building permit a Parking Plan showing the number and location of on-site construction vehicle parking during construction.
28. The project sponsor shall prepare an erosion and sedimentation control plan and submit it to the Marin County Department of Public Works prior to issuance of a building or grading permit. Said plan shall be prepared in accordance with Marin County Code Section 24.04.625 which incorporates the use of silt fences, bale dikes, and other erosion control measures during construction. The plan shall also provide for the compaction and hydroseeding of both temporary and permanent cut and fill banks to control erosion after site preparation and stockpiling of excess soils in association with best management practices.
29. Stockpiling of excavated soil, debris, sand, or other materials during construction shall be watered and/or covered. Upon completion of grading activities, stockpiled areas shall be seeded, covered, landscaped and/or watered with an appropriate dust palliative or suppressant, such as EPA approved biodegradable "Ek35" or "Soiltac" added to the water prior to application. Containment berms and silt fencing may also be required as directed by the Marin County Department of Public Works staff subsequent to routine field inspections of the site.
30. The bioswale shall be lengthened further west along the fence to increase interception of storm water runoff before it enters the creek prior to occupancy. The length of the bioswale should be coordinated with a certified arborist and balanced with the need to avoid disturbance to tree roots along the top-of-bank, extending no closer than 50 feet from the trunk of the 45-inch live oak in the southwestern corner of the site.
31. Temporary parking shall be provided on the playground during after normal school hour events (Special Events) per the approved Special Events parking layout. If parking requirements are expected to exceed the parking capacity, Marin Horizon School shall arrange for, and coordinate parking off-site with contracted transportation to the school. Based on the Special Event parking arrangement submitted, approximately 52 additional parking spaces will be added. Pursuant to Title 24, two additional accessible parking spaces shall be provided. At the time of the events, the accessible parking spaces shall be in compliance with State and Federal accessibility requirements.
32. The project is subject to Transportation Facilities Fees, per Marin County Code Chapter 15.07, to pay for long-term regional transportation improvements.
33. Peak hour data provided in the 'Traffic and Parking Study' addendum dated June 6, 2003 estimates that the proposed project will generate 5.5 new PM peak hour trips. The applicant shall pay the Transportation Facilities Fees prior to issuance of a building permit.
34. Marin Horizon School shall implement the traffic management plan and routinely monitor the conformance to that plan. A copy of the plan shall be included with the Use Permit.
35. Carpooling shall be increased from the current average of 1.53 to not less than 2.00 students per car. This average may include the use of a shuttle. Based on an analysis of the Marin Horizon School Traffic Plan performed by Robert Harrison, the average carpool rate could be 2.33.

36. If this carpool ratio is not met during the first monitoring period, the school shall be placed on notice and required to correct the situation. If the ratio is still not met during the following monitoring, the school will be required to take corrective action or a reduction in student population may be applied.
37. The school is encouraged to investigate an easily accessible and central 'rendezvous' carpool, vanpool or bus pickup/dropoff location to further enhance the traffic reduction proposed by the Traffic Plan (i.e., Mill Valley Community Center).
38. Monitoring shall be performed by an independent professional three times per school year: September/October and March/April and during a special event. No monitoring event shall occur within two weeks of a holiday.
39. Prior to building permit approval, applicant shall revise plans so as to minimize improvements needed for access from Montford Ave as approved by DPW. Retaining walls and curbs shall be minimized, a 4-foot shoulder shall be provided and access flare improved. The Road Commissioner/Director of Public Works retains the right to issue or deny an encroachment permit or impose conditions upon issuance of an encroachment permit
40. The County of Marin does not allow compact parking spaces, but will allow exceptions for tandem spaces when under suitable control of owner. Per the schools request that specialize classes do not add staff or student the following parking is approved:

Parking Requirements		# of parking stalls
Marin County Code		
3 pre-K classrooms	4 stalls per classroom	12
4 K-8 exist. classrooms	3 stalls per classroom	12
11 new K-8 classrooms (incl. 4 specialize)	3 stalls per classroom	33
	Total	57
# required w/tandem parking allowed, 2 classrooms (specialize) vacant		48
# of proposed staff (P.T. & F.T.)		49
# provided (w/ tandem parking allowed)		49

41. The parking shall be sufficient to accommodate all on-site staff, and shall be a minimum of 49 spaces. Alternatively, the school may provide four spaces for pre-kindergarten classrooms and 3 spaces for each kindergarten through 8<sup>th</sup> grade classroom.
42. An encroachment permit shall be required for construction, striping and any work within the road right-of-way and is subject to final review and approval by the Road Commissioner. Revise plans so that storm drains in the public right of way do not have blind connections.
43. All handicap parking and loading areas shall meet State of California Title 24 and federal accessibility standard. At a minimum revise plans to include following:

- A. Revise sheet A0.2, Accessible Parking Space detail to show “No Parking” phrase to be painted across the width at the bottom of loading zone.
  - B. Signage for accessible parking spaces shall indicate “Van Accessible”. Also another sign shall be provided warning unauthorized vehicle against parking in these spaces and that they will be towed away. Note the minimum height for a freestanding sign is 72”.
44. For proposed tandem parking stalls the clearance between fences shall be a minimum of 18’.
45. Prior to issuance of the Building Permit or Grading Permit the plans must be reviewed and approved by a Registered Soils Engineer or a Registered Civil Engineer with soils expertise. Proof of the same may be by the engineer’s stamp and signature on the plans or by letter.
46. Submit an Erosion and Siltation Control Plan with the Building Permit and Demo Permit applications.
47. Temporary parking shall be provided on the playground during after normal school hour events (Special Events) per the approved special events parking layout. If parking requirements are expected to exceed the parking capacity, Marin Horizon School shall arrange for, and coordinate parking off-site with contracted transportation to the school. Based on the Special Event parking arrangement submitted, approximately 52 additional parking will be added. Per State of California Title 24, 2 additional accessible parking spaces shall be provided. At the time of the events the accessible parking spaces shall be in compliance with State and federal accessibility requirements.
48. Prior to issuance of building permit for demolition, submit a Surface Runoff Pollution Control Plan, which shall address both interim (during construction) and final (post construction) control measures as part of Best Management Practices (BMPs) that will prevent or minimize impact to water quality. The plan shall include measure to insure long-term maintenance of facilities, e.g. the fossil filter proposed.

***Marin Municipal Water District***

49. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall obtain the additional water entitlement necessary from the District.
50. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (Ordinance 385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project’s working drawings for planting and irrigation systems.

**VESTING:**

The applicant must vest this approval by: (1) obtaining a Building Permit or other construction permit, if required, for the approved work and substantially completing the improvements in accordance with the approved permits; and/or (2) commencing the allowed use on the property, in compliance with the conditions of approval or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section(s) 22.56.050.B.3 of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in this approval (and no extensions have been granted), the Building Permit, Design Review and Use Permit approvals may become null and void. Should the applicant have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Design Review and Use Permit at least 10 days before the expiration of the approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that upon completion of the requirements to vest this application, this Use Permit shall remain valid for 10 years or as long as all the terms of the permit are maintained. In the event that the conditions of this permit are not maintained, this Use Permit may be revoked or modified at a public hearing.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$545.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on September 5, 2004.

**RIGHT TO APPEAL:**

This decision is final unless appealed to the Board of Supervisors. A Petition for Appeal and a \$700.00 filing fee must be submitted in the Community Development Agency – Planning Division, Room 308, Civic Center, San Rafael, no later than May 19, 2005.

**SECTION III: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 9<sup>th</sup> day of May, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

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STEVE C. THOMPSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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JESSICA WOODS, RECORDING SECRETARY