

**MARIN COUNTY PLANNING COMMISSION HEARING MINUTES**

**May 23, 2005**

**Marin County Civic Center, Room 328 - San Rafael, California**

*Commissioners Present:* Steve C. Thompson, Chair  
Jo Julin, Vice Chair  
Hank Barner  
Don Dickenson  
Randy Greenberg  
Wade Holland

*Commissioners Absent:* Allen Berland

*Staff Present:* Alex Hinds, Agency Director  
Brian Crawford, Deputy Director of Planning Services  
Tom Lai, Principal Planner  
Tim Haddad, Environmental Planning Coordinator  
Jeremy Tejirian, Planner  
Christine Gimmler, Senior Planner  
David Zaltzman, Deputy County Counsel  
Eric Steger, Department of Public Works, Senior Engineer  
Jason Nutt, Traffic Operations Engineer  
Jessica Woods, Recording Secretary

*Minutes Approved on:* June 13, 2005

Convened at 10:53 a.m.

Adjourned at 6:15 p.m.

1. INITIAL TRANSACTIONS

- a. Incorporate Staff Reports into Minutes

*M/s, Holland/Julin, and passed unanimously of those present, to incorporate the staff reports into the minutes. Motion passed 6/0 (Commissioner Berland absent).*

- b. Continuances – None

- c. Approval of Minutes – May 9, 2005

*M/s, Holland/Julin, to approve the Minutes of May 9, 2005, as amended. Motion passed 6/0 (Commissioner Berland absent).*

2. COMMUNICATIONS – The Commission and staff noted several pieces of correspondence for their review.

3. DIRECTOR'S REPORT

- a. Update on Board of Supervisors' Actions - None

4. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER) - None

5. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

**June 13, 2005**

- Ferguson Coastal Permit/Design Review
- Ries Minor Design Review

**June 27, 2005**

- No items scheduled to date

**July 11, 2005**

- No items scheduled to date

Alex Hinds, Agency Director, announced that the Draft Countywide Plan would be released in July.

Continued public hearing to consider the April 2005 Second Revised Public Review Draft Single-Family Residential Design Guidelines manual (Design Guidelines). The Design Guidelines are intended to establish clear and comprehensive design recommendations for single-family residential development located within the unincorporated communities of Marin. The Design Guidelines are especially relevant to development proposals that are subject to the County's Design Review process by supplementing and reinforcing the findings and criteria used by the County to issue decisions on Design Review applications. In general, the Design Guidelines consist of general guidelines that apply to all single-family residential development as well as additional guidelines that apply to hillside areas.

**(This item was continued from the hearings of March 28, 2005, and April 25, 2005.)**

Tom Lai, Principal Planner, summarized the staff report and recommended that the Commission: 1) review the proposed April 2005 Second Revised Public Review Draft Single-Family Residential Design Guidelines; 2) allow public input on the document; and 3) adopt the proposed Resolution recommending that the Marin County Board of Supervisors approve the Marin County Single-Family Residential Design Guidelines.

The hearing was opened to the public.

Margaret Zegart, Mill Valley resident, provided the Commission with her comments related to monster homes and landscaping for their consideration.

The public hearing was closed.

Principal Planner Lai discussed notable issues raised in Commissioner Greenberg's May 13<sup>th</sup> memorandum as follows:

**Item 4**

Principal Planner Lai explained that the idea is to clarify what is meant by excessive slope by using a 50% guideline. Agency Director Hinds noted that it is not unusual to build on a 30% slope. Staff noted that areas shown as Zones 3 or higher on the slope stability maps approach limits where extra consideration and requirements for construction are necessary. Commissioner Dickenson recommended stating, "*excessive slope*" rather than defining it. He did not believe the slope stability maps are specific enough. Commissioner Greenberg supported the use of "*excessive slope*."

*The majority of the Commission agreed to use the term "excessive slope."*

**Item 8**

Principal Planner Lai recommended using a smaller second story addition in regard to the figure. The Commission agreed.

**Item 9**

Principal Planner Lai agreed to add language to Guideline C-1.6 section 3) to clarify that skylights should be used "*where they do not create off-site nighttime lighting impacts.*" The Commission agreed.

**Item 12**

Principal Planner Lai agreed to add Commissioner Greenberg's language of "*whenever possible, such lighting should be set on a timer and/or motion detector.*" The Commission agreed.

**Item 13**

Principal Planner Lai agreed to modify Figure D-5 to use either a hand sketch or a photograph of a smaller downhill residence to illustrate a “stepped” design.

Principal Planner Lai then discussed notable issues raised in Commissioner Holland’s May 20<sup>th</sup> memorandum as follows:

**Item 11**

Commissioner Greenberg recommended removing the diagram because it is very problematic. Commissioner Dickenson suggested modifying the diagram. Principal Planner Lai agreed to redraw the diagram. Commissioner Julin noted that it is a concept and details would be included in the other parts of the guidelines. Principal Planner Lai also agreed to state, “*Site Design*” rather than “*Site Design Concept*.” The Commission agreed.

**Item 21**

Principal Planner Lai agreed to modify the language as noted by Commissioner Holland. The modified language will read, “*Development that necessitates grading of pads for tennis courts, swimming pools and lawns is generally considered to be inappropriate on hillside lots.*”

**Item 24**

Principal Planner Lai agreed to delete the reference to “*low traffic volumes*” and add the phrase, “*at least two off-street parking spaces should be provided.*” Eric Steger, DPW Senior Engineer, noted that parking on the driveway apron is encouraged and recommended deleting the phrase, “*not on the driveway apron.*” Commissioner Dickenson recommended restating the first sentence to read, “*In addition to the required parking spaces on narrow streets, at least two of- street guest parking spaces should be provided.*” The Commission and staff agreed.

**Item 13**

Principal Planner Lai recommended labeling the shared driveway in Figure A-3. Chairman Thompson recommended moving the trees as well as labeling the driveway. The Commission and staff agreed.

**Item 26**

Principal Planner agreed to add Commissioner Holland’s suggested language. Guideline A-1.6 will be reworded to state, “*Buildings should incorporate universal design principles that enable them to accommodate with comfort the needs of all people, from children to seniors and persons with disabilities.*”

**Item 33**

Principal Planner Lai agreed to modify the language to state, “*as well as privacy and noise attenuation for neighboring residences.*” The Commission agreed.

**Item 40**

Commissioner Greenberg recommended adding “*enclosed*” or “*partially enclosed areas.*” Chairman Thompson discussed site coverage limits and believed it is the amount of improved area on the site that may be used as a trigger for Design Review. Commissioner Greenberg pointed out that one-story houses are very desirable. Principal Planner Lai recommended modifying Future Recommendation Item 3 to start with the following phrase, “*Establish revised design review triggers.*” The Commission agreed.

**Item 52**

Principal Planner Lai recommended stating, “*On long and curved driveways, the radius of the centerline at the curve should not exceed 150 feet.*” Chairman Thompson pointed out that when a driveway is very long, the curve should be gentle. Principal Planner Lai agreed to work on the language.

**Item 53**

Commissioner Holland believed page 8 should have more detailed in regard to the SCA. Commissioner Greenberg suggested adding a note to alert people to the importance of the Stream Conservation Area when there is a stream on the property. Principal Planner Lai agreed to modify the language.

### **Item 63**

Principal Planner Lai explained that lighting would be hooked up to a sensor in order to be automatic and staff would add language in that regard. The Commission agreed.

Principal Planner Lai discussed the graphics provided by Dan Hillmer that were attached to the May 11<sup>th</sup> memorandum. The Commission reviewed the sketch of the single-story home with the two palm trees in the front yard and did not choose to use it. Staff asked the Commission if they agreed to use the graphics provided of the three side-by-side homes, and the Commission agreed to use the left and center home on the cover of the appendix. Staff then presented two additional sketches, one illustrating elevation offsets and the other showing a downhill home sketch, and the Commission decided not to use them.

Principal Planner Lai discussed the issue of fire safety and recommended adding language to page 38 in regard to Guideline D-1.7 to read, "*Building materials should also be selected with consideration for their fire resistant and sustainable properties.*" The Commission agreed.

Chairman Thompson provided Ms. Zegart's comments to the Commission for their consideration as follows:

- Appendix A on page A-3 should state "*shall require*" as opposed to "*may require.*" The Commission decided not to use this suggestion.
- Appendix A on page A-2 under II, there should be a process of posting forms in order for the public to be informed. Principal Planner Lai recommended stating "*property owners should contact neighbors.*" Commissioner Greenberg recommended stating "*contact neighbors in advance to avoid problems.*" Also, she did not believe it could be mandated. Commissioner Barner felt it is covered under the last sentence of A-2. The Commission agreed that this issue was already addressed.
- Appendix B on page B-3 on page B1, add decks. Commissioner Barner noted that it is an excerpt from the code that cannot be adjusted at this time.
- Planting Guidelines III(A) (Appendix K) on page K-3 should start with, "*Follow draft landscape guidelines.*" The Commission and staff agreed.
- Planting Guidelines III(B) on page K-3 should state, "*All planting plans should conform to Marin County and MMWD.*" Principal Planner Lai noted that staff would make reference to "*should conform to applicable water efficiency ordinances.*" The Commission and staff agreed.
- Appendix G on page G-2 add "*Item M*" - Exotic Nuisance Species. The Commission agreed to add language in regard to "*The tree is invasive and exotic.*"
- Appendix K on page K-4 – Public rights-of-way in regard to Item D – Request that access ways, paths and trails be mapped. Commissioner Holland asked staff to review because he believed this language might fit better in another section.

Commissioner Dickenson commented on the Executive Summary and under the fourth bullet he felt the word "*emphasized*" should be changed to "*encouraged.*" The Commission and staff agreed.

Commissioner Dickenson discussed page 8 under the first line and believed the use of the terminology "*site organizing element*" is very technical and requested that it be removed. The Commission and staff agreed.

Commissioner Dickenson felt page 20 encourages monotonous setbacks and questioned the entire concept. Agency Director Hinds recommended having more variation in building setbacks. Commissioner Holland recommended that new construction not be out of character. Commissioner Greenberg recommended removing Figure C-1 as well as the second sentence in the Guideline and rewrite the first sentence as appropriate. The Commission and staff agreed.

Commissioner Dickenson suggested inserting language under Guideline D-1.6 as follows: “*where no other location is available or the County determines that circumstances may warrant greater flexibility in siting.*” The Commission and staff agreed.

Chairman Thompson objected to the photograph on page 36. Principal Planner Lai agreed to remove it. Also, on page 37 under the last bullet staff would insert “*Where a ridge lot is too small or flat.*” The Commission agreed.

Commissioner Dickenson discussed page 41 under “III. Future Actions” and recommended that the word “*Establish*” be deleted under Items 3 and 4. Also, under Item 5 add the word, “*An*” to the beginning of the sentence. The Commission and staff agreed.

Commissioner Barner commented on page 9 and expressed concern for creation of berms. He believed berms created for privacy should be avoided. He then recommended changing A1.4, so that changes to the natural terrain be kept to a minimum. Also, he expressed concern for page 27 in regard to the last sentence of wildlife, which should be given its own bullet point. In terms of design, some consideration should be given to the possibility of an affordable second unit. Under the general discussion of overhangs, he expressed concern for more modern architecture having no overhangs in terms of blocking sunlight. He recommended stating, “*excessive cantilevers should be avoided on the downhill.*” The Commission and staff agreed.

Chairman Thompson corrected page 3 under Item “C” to add, “*are*” to read, “*standards that are applicable.*”

Chairman Thompson asked for a motion.

**M/s, Holland/Julin, to adopt the proposed Resolution recommending that the Marin Board of Supervisors approve the Marin County Single-Family Residential Guidelines as amended. Motion passed 6/0 (Commissioner Berland absent).**

*Chairman Thompson announced at 12:54 p.m. that the Commission would take a lunch recess and then reconvene with the next agenda item.*

7A. NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: MARIN HORIZON SCHOOL  
7B. USE PERMIT & DESIGN REVIEW: MARIN HORIZON SCHOOL

JT

Continued public hearing to consider an application to demolish an existing 5,900 square foot one-story classroom building and construct a new 11,478 square foot classroom building for the Marin Horizon School on the 2.27-acre Homestead School site. The combined floor area of all the school buildings would be 24,451 square feet resulting in a 25% floor area ratio (FAR). The mechanical equipment enclosure on top of the new classroom building would have 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 includes: 1) increase the student enrollment by 50 students to a maximum of 300 students; 2) extend the student loading zone in the Melrose Avenue right-of way; 3) remove 300 square feet of the classroom building to provide a 20-foot wide driveway; 4) install a bioswale and drainage filters; 5) expand the parking area and resurface 15 parking spaces with permeable paving; 6) remove 5 trees; 7) plant 26 trees and additional landscaping; 8) construct switchboard and storage enclosures along Montford Avenue; and 9) construct a stepped terrace along the western property line. The subject property is located at the corner of Melrose and Montford Avenue **at 305 Montford Avenue, Mill Valley (Assessor's Parcel 047-161-07)**.

Prior to taking action on the merits of the project, the Planning Commission will consider the adoption of a Negative Declaration of Environmental Impact for this project.

*(This item was continued from the hearing of May 9, 2005.)*

Jeremy Tejirian, Planner, summarized the staff report and recommended that the Commission review the administrative record; conduct a public hearing; and move to adopt the attached recommended Resolutions recommending adoption of the Marin Horizon School Negative Declaration with mitigations, and approval of the Design Review and Use Permit with conditions.

The hearing was opened to the public.

The following public speakers opposed the Marin Horizon School (MHS) expansion:

- Sandy Wakes, Lavern Avenue resident, expressed concern for noise impacts and desired additional noise studies.
- Abby Wasserman, Reed Street resident, objected to three-story design and believed the MHS expansion is out of character with the community.
- Susan Lipman, Rydal Avenue resident, asked that MHS consider the following: use of a school bus to transport children in and out of MHS; have pre-school or middle school off site; different site plan; and build up to only two stories.
- Tracy Ferm, Montford Avenue resident, objected to the location of the transformer and height of the proposed building.
- Christina Oldenberg, Montford Avenue resident, opposed MHS expansion.
- Chuck Oldenberg, Montford Avenue resident, objected to the increase in daily attendance to avoid adverse effects on the community, and the three-story design of the proposed building.
- Heather Clendenin, Tamalpias Drive resident, expressed concern for the proposed building height being out of scale and the proposed design is out of character with the surrounding community.
- Margaret Zegart, Mill Valley resident, opposed MHS expansion due to traffic impacts and safety hazards. She also favored periodic review of the use permit.

Margaret Zegart also discussed the environmental review for the project and made several comments and suggestions for the Commission's consideration. She further did not believe this document could be approved until the necessary modifications are made.

The following public speakers supported the MHS expansion in order to provide a better and safer environment as well as education for children; issues of noise and traffic could be mitigated; it is a win/win situation for MHS and the School District; and it is a non-profit that provides financial aid:

- Mona Steinberg, Montford Ave. resident
- John Larmer, Eastwood Way resident
- Allen Abrams, Altamont Ave. resident
- Laura Powell, Marin resident
- Roldan Boorman, San Rafael resident
- Gus Arnold, Montford Ave. resident
- Sophia Burton, Ranch Road resident
- Jill Rhyme, Mill Valley resident

Senior Engineer Steger discussed Evergreen Lane and noted that it was vacated by the county in the 50s, so it is a separate parcel that is part of the school and no longer a paper street.

Rosalind Hamar, Head of MHS, stated that there are three ways in and out of Montford Ave. Also, in case of a fire, the students and faculty would vacate by foot to Evergreen High. She further added that school staff is very well trained in emergency response and felt their system is strong and adequate.

John Roberto, representing MHS, believed this is a land use decision and County staff hired consultants to assist them and both concluded that MHS is consistent with zoning requirements, TAM Community Plan and existing Countywide Plan, which are all the factors that must be considered. Also, when the school started its planning efforts, it informed the community of what the school is thinking during their meetings. He asked the electrical technician about the transformer, and the technician indicated that the electrical fields from the proposed transformer drop off at a distance of four feet from the transformer, so there is no electrical field impact. Also, two professional studies have been conducted in regard to traffic and all concluded that the school operates very well in terms of drop off and pick up. The issue of size of property versus number of students is not addressed in the County code, General Plan or TAM Community Plan. The School is improving on the existing condition in regard to the bioswale and runoff. Homestead Valley as a whole has different areas of runoff, but MHS would be improving this runoff with this application. He submitted a letter that outlined their response to the conditions recommended in the staff report and recommended that the Commission approve the project, as submitted in the applications.

Commissioner Julin noted that several correspondence and speakers talked about constructing a second floor over the library and asked if that was reviewed. Mr. Roberto responded that their design is consistent with the code and they are proposing a two-story building with a partial third floor.

Mark Cavagnero, architect, provided several three-story images for the Commission's consideration and noted that the proposed school design is very low key. Also, the school has been very open minded about the acacia plants due to allergies, but there are many that desired the acacias to remain as a screening device. They talked about developing a plan that would plant oak laurel and over a period of time have a plan to remove the acacia, but that has not come to a resolution at this time. They desired to work with the community in that regard. In response to Commissioner Julin's question, he noted that it would be very expensive to construct a two-story building over the library because an entire analysis would need to be conducted. He also noted that the visual affect that would result from adding a second story to the existing library building would be greater than the visual affect that would result from building the



proposed third story to the new building, because the elevation of Montford Road descends to a lower elevation on the library portion of the site. He also provided several images of the open staircase for the Commission's consideration and recommended that the stair be kept thinner as proposed in order to be less massive in scale. Also, they reviewed the exit pathway and with any configuration it would remove several acacia plants. He believed the scheme closer to the building is a good compromise, but they would remove at least one, if not two, acacia trees to make this work. They desired to keep this building as two different forms to break down the scale. He noted that Marin Country Day School has a wood fence. The MHS was requested to add a wood fence and there are a number of individuals who did not desire a solid wood fence.

Commissioner Barner desired view portals rather than a solid wood fence. Mr. Cavagnero acknowledged by noting that it could have view windows and still achieve the goal.

Allen Cross, project architect, discussed the location of the transformer and provided an architectural drawing for the Commission's review. He noted that the doors are all located on the north side of this structure and would preclude plantings in front of this storage. The primary challenge was to reconcile competing factors in regard to PG&E, trees and topography. He trusts that the resolution works with all those criteria. They would maintain the existing trees and provide PG&E access. The enclosure could be painted in a dark green color to blend in with the existing surroundings. Also, they would rotate the main switch board element 90 degrees to reduce the length of the building on Montford. They feel the current direction would work in terms of architectural character provided.

Commissioner Holland asked Mr. Cross if there are alternatives for moving the entire transformer structure. Mr. Cross responded that there has been a series of meetings and to date as proposed is the best location.

Commissioner Holland asked DPW staff to speak about the apron being gravel rather than paved. Senior Engineer Steger responded that the condition of approval is fairly broad in regard to the transformer, but a 4-foot paved shoulder is desired and the lower end could possibly be gravel, but if the slope exceeds 12%, the entire area must be paved. It would depend on the final plans and topography.

Commissioner Holland believed this area has already been graded. Mr. Cross responded in the affirmative. Ms. Hamar pointed out that it was the original entrance to the old school.

Commissioner Barner desired the current materials for the storage shed. Mr. Cross responded that the entire enclosure would be constructed with metal mesh to allow vines to grow. He then provided the Commission with a materials and color board for their considerations. He further added that there would be periodic maintenance.

The public hearing was closed.

Senior Engineer Steger provided a copy of the assessor's map that shows three parcels included in the Mill Valley School District property, and the subject right of way was abandoned in 1953 by the Board of Supervisors.

Commissioner Barner asked staff how viable the proposed bioswale would be. Jim Martin, Biologist, responded that they reviewed existing conditions in evaluating the impacts of the project and in his view it is a step toward improving the existing condition. He added that there are two components, sub grade gravel and filter in the swale and covered treatment. There are plant species that could be used effectively in that swale, but it must be reviewed very carefully. Also, he hoped the swale could be increased and

balanced against potential impacts of the root system of the 45-foot oak tree on the property. His recommendation included having a certified arborist onsite when the paving affects the design of the bioswale as they treat that southern edge of the parking lot. He further specified a minimum of 50 feet from the trunk of the oak tree to avoid root damage.

Commissioner Greenberg desired to know the possible impacts if introduced landscaping is not successful. Jeff Peters, representing Questa, responded that bioswale works by providing three different levels of treatment. In this situation, there are native grasses and a number of shade tolerant grasses that grow under oak canopies. He added that some ground covered would be an assortment of species that would provide the natural filtering system that occurs in buffer and riparian areas. He further stated that a bioswale did not need a complete 100% turf to be effective.

Commissioner Greenberg asked if there is a great likelihood that the slope would fail if vegetation does not provide adequate coverage. Mr. Peters responded that they could have a turf reinforcement mat that would trap the growing grasses in the bioswale to stabilize the plants, so he recommended a turf reinforcement mat in that area to ensure that it is a stable surface and non erosive.

Commissioner Barner asked if the grasses could tolerate a six-month dry period. Mr. Peters responded that they would be native grasses that could tolerate such conditions.

Chairman Thompson discussed the separation between the lanes of travel and pick up in regard to Tam Valley's conditions of approval. Jason Nutt, Traffic Operations Engineer, responded that he did not view those comments, but he did not find it necessary to have a separation between the lanes of travel. MHS has in their current plan utilization of cones to differentiate between the drop off lane and travel lane. Staff did not encourage or see any support for installing any permanent structure.

Chairman Thompson asked staff to discuss the Evergreen crossing. Operations Engineer Nutt responded that over the last several years, staff worked with MHS and if they provided an actual dedicated landing on Melrose they would try to accommodate a crosswalk. In regard to other locations where parents are parking on Melrose, it is no different than many other areas across the County, and it did not constitute jaywalking, but it depends on whether or not individuals feel it would be safe because the roadway is well traveled. Staff did not view a particular safety hazard in that location.

Commissioner Holland is very sensitive to the concerns of those that live in Homestead Valley, but noted his support for this project. He pointed out that he has several changes to the conditions of approval. He then commended staff for providing all the necessary material.

Commissioner Dickenson stated that the decision is based on findings contained in the staff report and he expressed concern for a conditional use permit in regard to Finding 6E. He did not object with replacing existing facilities, but objected to intensifying the use in this particular location. He further stated that he cannot make required Findings 6C and 6E.

Commissioner Julin supported staff's recommendation. She added that this has been a difficult decision, but she was very impressed with all the public participation. She felt a change is needed, otherwise the school would not be proposing the change. In 1981, a change had to be made because the District discontinued the use of the school and the decision by MHS to expand is a change that is appropriate. She believed it is a response to the times that they currently live in and it would be nothing less than a professionally run organization. She further added that this would benefit the community at large to have a good and well-rounded use in the community.

Commissioner Greenberg stated that no one is commenting on the quality of education by the school, staff or parents and MHS provides great value to the children and community at large. She is prepared to support the building design as presented, but she has enormous problems with traffic, safety and parking issues on the street. She supported the idea of having an off-site carpool area to limit the number of vehicles traveling to the school as well as a shuttle service. She added that in order to support this project there must be a bus or shuttle service to the school to allow for the majority of the children to be dropped off on site.

Commissioner Barner supports the project, but has questions about some of the conditions. He also believed a Master Plan should be developed for MHS. He agreed the traffic situation must be studied in more detail. He wished there was more community interaction.

Chairman Thompson asked for a motion.

**M/s, Holland/Julin, to adopt a Resolution approving the Negative Declaration of Environmental Impact for the Marin Horizon School.**

Commissioner Dickenson did not believe it is necessary to require any additional information on the environmental review, so he would vote in favor for the Negative Declaration.

**Motion passed 6/0 (Commissioner Berland absent).**

*Chairman Thompson announced at 4:16 p.m. that the Commission would take a short recess and then reconvene with further discussion on the use permit and design review applications.*

Chairman Thompson asked for a motion.

**M/s, Holland/Julin, to approve Marin Horizon use Permit and Design Review subject to the following amendments to conditions of approval: PC Attachment 2 - Condition 1 should read, “*the Mill Valley School District/Marin Horizon School Use Permit and Design Review applications to undertake programmatic changes and physical improvements to their facility is approved in accordance to the following project description;*” change “2.73 acres” to “2.23 acres;” add the word “additional” to page 12 to read, “*extend two additional feet;* Page 14 change “two lanes” to “*emergency vehicles;*” delete Condition 4A; Condition 4B change “4-foot” to “6-foot” and delete the word, “solid” and the rest of the sentence after “6-foot high fence;” delete Condition 4C; delete Condition 4D; delete Condition 4E; Condition 7 should read, “*Before issuance of a building permit, in order to avoid adverse impacts to the 27-inch live oak tree that will be located within 25 feet of the proposed terrace on the western edge of the site, the stepped terrace on the west property line shall be constructed using hand trenching of the seating foundation of the terrace within 25 feet of the trunk and the terrace shall utilize porous fill within minimal compaction;*” Condition 11 change “*stipularions*” to “*stipulations;*” Condition 11A should state, “*the school shall not have total enrollment exceeding 300 students simultaneously under any circumstances;*” Condition 11D should state, “*the school shall provide the traffic monitor with an accurate and complete report of the numbers of students and staff, including independent contractors on site on each date on which an examination was conducted and these figures shall be included in the traffic monitors reports;*” Condition 11G should remain as drafted by staff; Condition 13 should read, “*the third floor of the new school building shall not be lit after nightfall, except for maintenance purposes. The third floor of the new building may be used up to 10:30 p.m. on up to three nights a year for special events provided that blackout shades or blackout curtains are placed over the windows;*” Condition 20 change “definitely” to “definitively;” Condition 23 is missing language that staff would incorporate;**

**Condition 28 to read, “Before issuance of a grading or building permit the project proponent shall submit to DPW staff a parking permit;” Condition 36 should reflect that the measurements are daily attendance and vehicles; Condition 38 should reflect, “for example, e.g.,” delete Condition 47; add a condition that disallows green waste in the bioswale and forbids the use of leaf blowers; and add language under the Vesting section as follows: “that the use permit shall remain valid as long as all terms of the permit are maintained, not to exceed ten years, but an extension could be granted.”**

Mr. Robert stated that he is comfortable with the condition that if in violation that they would come forward with another hearing, but if in compliance, then the use permit would be continued. So as long as they are in compliance with these conditions and be placed on notice that if they were not in compliance, then the use permit would come back for consideration. Planner Tejirian recommended stating that the use permit is good in perpetuity. Chairman Thompson desired “renewable” rather than “in perpetuity.” Agency Director Hinds recommended having a fixed time of 30 years with a ten year review. Staff recommended crossing out “10” and replacing with “30” and delete the word “or.” Commissioner Greenberg agreed with a monitoring program. Agency Director Hinds required that the monitoring be approved every ten years.

Mr. Roberto pointed out to the Commission that use permits runs with the land. Commissioner Greenberg noted that circumstances could change and the Commission should stay in control. The Commission agreed with traffic monitoring review every ten years.

Commissioner Holland recommended stating, “*exterior amplification shall not be employed after 5:00 p.m. or on Sundays.*” The Commission and staff agreed.

Chairman Thompson stated that if MHS did not meet the traffic numbers, then there should be language included in regard using a shuttle service or bus service in order to reduce the student body criteria. He believed they are at the maximum enrollment at the moment and in the future it should improve.

Agency Director Hinds discussed Condition 37 and after the word, “*situation*” staff could add language to state, “*such as requiring shuttles, buses and/or central pick up and drop off area.*” Operation Engineer Nutt did not desire to minimize the language. MHS is required to maintain a parking ratio and it would behoove them to improve their carpool ratio and it becomes their guesswork to make that happen. The condition proposed identified that the carpool ratio must be met, and not necessarily how they accomplish that ratio. Chairman Thompson did not desire to restrict means, but desired other means of transportation other than a vehicle.

Commissioner Greenberg noted a few minor typos to page 6 and page 8 in order for staff to make the necessary changes.

Senior Engineer Steger clarified that DPW did not require the transformer and switch gear proposed, the applicant provided the information, and Condition 39 addressed the driveway approach, but plans must be revised to meet minimum County standards. Staff noted that if they desired a driveway this condition applied, and if not, then this condition would not apply. Commissioner Greenberg agreed with rotating the transformer. The Commission and staff agreed.

Commissioner Greenberg expressed concern for redwood trees being planted and did not feel they are the appropriate new plantings. The Commission agreed. Planner Tejirian responded that Condition 4 would be modified to reflect the Commission’s desire of moving the transformer and replacing the proposed redwood trees with other appropriate plantings that maintain the view corridor.

Commissioner Greenberg agreed to replace the acacia plants with another tree. Planner Tejirian noted that the Negative Declaration discussed criteria for significance and found that it did not meet any criteria for significance. Staff recommended having the flexibility of replacing the acacias over time, which is what is being proposed.

Commissioner Greenberg discussed the bioswale mitigation and, if there is monitoring for planting success, she desired some minimal level of vegetation in that bioswale. Planner Tejirian agreed to add language to ensure that the grasses planted in the bioswale be shade tolerant and have some type of follow up. Commissioner Greenberg recommended adding some standards for success. Commissioner Holland recommended having MHS report in three years about the effectiveness of the vegetation and require a biologist report.

Chairman Thompson believed teacher carpooling should be encouraged and recommended adding teacher/staff carpooling in regard to Condition 37. Operations Engineer Nutt responded that teachers carry a tremendous amount of material and carpool ratio for teachers is much more complicated than with students, so making a requirement for teacher/staff would be difficult. Also, teachers and staff travel at different times. Agency Director Hinds recommended adding language in Condition 38 to encourage teacher/staff carpooling. The Commission agreed.

Commissioner Barner recommended adding the 1993 condition in regard to establishment of a Committee to work with neighbors. Also, this Committee could be an early alert system for the school to intercept and mitigate before matters become an issue. Planner Tejirian responded that in order to make it effective there must be cooperation between the community and school. Chairman Thompson believed it is a community activity and should be developed by the community. Commissioner Holland noted that he is very uncomfortable requiring an ad hoc group and recommended leaving the matter to be worked out between MHS and HVCA. The Commission agreed.

Chairman Thompson agreed with the 1993 language as discussed by Commissioner Barner. The Commission agreed to add the 1993 language.

Commissioner Barner did not see any emphasis on Green Building. Planner Tejirian pointed out that MHS has a number of green building standards. Mr. Cavagnero responded that they prepared a list of sustainable building practices and the school incorporated a great many. They would not go through the certification process due to expense and time, but there is a great deal of interest and green building design features that are integral to the project. He agreed to work with staff to achieve the highest level that they can.

Commissioner Julin felt this is a wonderful opportunity to teach children about a sustainable community and requested that MHS invite Sam Ruark to make a presentation to the children. Agency Director Hinds recommended a general condition that the applicant must submit a list of green building to the Agency Director. The Commission agreed.

Commissioner Barner discussed recycling and handling hazardous waste and recommended that it be memorialized in the conditions of approval as well. Planner Tejirian agreed that a condition of approval would be met in regard to meeting the existing conditions.

Commissioner Dickenson noted that he is unable to make the required Findings for 6E and 6C and for that reason he would vote against this project.

**Motion passed 4/2 (Commissioners Dickenson and Greenberg opposed and Commissioner Berland absent).**

*Chairman Thompson adjourned the Planning Commission meeting at 6:15 p.m.*

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC05-008

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

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**SECTION I: FINDINGS**

1. WHEREAS the Mill Valley School District/ Marin Horizon School Use Permit and Design Review application has been submitted to undertake programmatic changes and physical improvements to the facility. The applicant proposes programmatic changes 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. The applicant also proposes to demolish an existing 5,885 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 2.23-acre property. 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 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 additional 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. Demolition of an existing substandard 5,885 square foot one story classroom building and replacement of 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. Demolition of ten linear feet (300 square feet) from the existing classroom building adjacent to the driveway entrance facing Melrose Avenue;
- C. Removal of two temporary storage sheds located in the SCA corridor;
- D. Construction of a new transformer 11 feet from the Montford Avenue property line;
- E. Construction of a new storage shed adjacent to the new transformer;
- F. Construction of a new stepped terrace providing amphitheater seating along the western side property line;
- G. Construction of 14 new parking spaces on the playground, for a total of 49 spaces;
- H. Construction of an additional emergency pedestrian walkway with a breakaway exit gate from the third floor of the new building to Montford Avenue;
- I. The extension of existing diagonal striping for the passenger loading area two additional feet into the public right of way on Melrose Avenue;



- J. Installation of a bio-swale between a portion of the parking lot and the creek in the SCA corridor, removal the impermeable paving and replacing it with permeable paving material;
- K. Installation of a new site drainage filter box on the main drainage pipe leading to Reed Creek; and
- L. Authorization of 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 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 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 recompact 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 public hearings on May 9, 2005 and May 23, 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 reference 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 23<sup>rd</sup> day of May, 2005, by the following vote to wit:

AYES: Barner, Dickenson, Greenberg, Holland, Julin, Thompson

NOES:

ABSENT: Berland

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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. PC05-009

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

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I. WHEREAS the Mill Valley School District/Marin Horizon School Use Permit and Design Review application has been submitted to undertake programmatic changes and physical improvements to the facility. The applicant proposes programmatic changes 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. The applicant also proposes to demolish an existing 5,885 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 2.23-acre property. 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:

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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.

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Coast Redwoods with an additional 380 shrubs, and other groundcover plantings consisting of native plant species.

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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 held duly noticed public hearings on May 9, 2005, and May 23<sup>rd</sup>, 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 will be effectively integrated with the residential area along Melrose Avenue, the natural area of Reed Creek, and the public area of the community center.

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 of 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 will be screened from view by the existing topography on the site and the existing vegetation and landscaping. From Montford Avenue the proposed building pad will 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 will be visible from Montford Avenue. Photosimulations 2s, 3s and 4s show that the existing Acacia trees and other landscaping will 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 will not create a significant visual impact viewed from Montford Avenue. The prominence of construction will 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 will ensure that fisheries values in the creek will not be reduced as a result of unfiltered runoff, sedimentation, erosion, and contamination from use of the roadway and parking areas. These features will protect water quality and fishery values associated with Reed Creek.

The proposed project is designed to 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 will occur on an already developed site outside of the SCA. The project will 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 will result in a net increase in the biomass due to the planting of trees, shrubs and groundcover.

The project will maintain significant trees and other landscaping and vegetation, which will 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 will increase vegetation on the site. Landscaping will 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 applicant 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 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 would be excavated and recompacted on site for the building pad.

Grading will 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 will be made to retain the natural features of the land, including native vegetation, mature trees, and Reed Creek. Where grading is required, it will not create flat planes

and sharp angles of intersection with natural terrain. Slopes will 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 will have a generally east-west orientation and will have a large expanse of windows on the southern façade of the building, which will 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 will 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 will add visual interest to the Homestead Valley community. Substantial existing vegetation, proposed landscaping and the topographical depression where the new school building will be located will enhance the integration of the new school building with the surrounding area.

As modified by the conditions of approval, the proposed project will 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 will 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

## **SECTION II: CONDITIONS OF APPROVAL**

### Community Development Agency – Planning Division

1. The Mill Valley School District/Marin Horizon School 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 includes programmatic changes 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. The project includes the demolition of an existing 5,885 square foot one-story classroom building and construction of 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 2.23-acre property. 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 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 and widen driveway; 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 approval to allow the diagonal striping for the passenger loading area along Melrose Avenue to extend 2 additional feet into the street right-of-way, as it currently exists, subject to obtaining an Encroachment Permit. 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 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 approved.

Table 1 outlines the approved 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 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. Demolition of an existing substandard 5,885 square foot one story classroom building and replacement of 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. Demolition of ten feet linear feet (300 square feet) from the existing classroom building adjacent to the driveway entrance facing Melrose Avenue;
- C. Removal of two temporary storage sheds located in the SCA corridor;
- D. Construction of a new transformer 11 feet from the Montford Avenue property line;
- E. Construction of a new storage shed adjacent to the new transformer;
- F. Construction of a new stepped terrace providing amphitheater seating along the western side property line;
- G. Construction of 14 new parking spaces on the playground, for a total of 49 spaces;
- H. Construction of an additional emergency pedestrian walkway with a breakaway exit gate from the third floor of the new building to Montford Avenue;
- I. The extension of existing diagonal striping for the passenger loading area two additional feet into the public right of way on Melrose Avenue;
- J. Installation of a bio-swale between a portion of the parking lot and the creek in the SCA corridor, removal of the impermeable paving and replacing it with permeable paving material;
- K. Installation of a new site drainage filter box on the main drainage pipe leading to Reed Creek; and
- L. Authorization of 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 approved on-site parking areas will be redeveloped and expanded by 14 new spaces including 2 tandem spaces and 2 handicapped accessible spaces. The 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 emergency access; and modifications to on-site circulation to improve access to parking areas.

Lot coverage changes between the existing and the approved project are 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 approved 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 bioswale shall be planted with shade tolerant native species.

The approved 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 recompact 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. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to show the following modifications to the project:
  - A. The unconsolidated fill along the School side of Montford Avenue, which is retained by the existing chain link fence, shall be removed and the fence shall be replaced with a 6-foot high fence.
  - B. 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.
  - C. The plans shall be revised to relocate the doors for the transformer equipment cabinets and the storage shed to face towards the approved new building and away from Montford Avenue.
  - D. The plans shall be revised to replace the proposed redwood trees with another native species of tree that is found acceptable by the Director.
4. 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.

5. 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.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a list of “green building” techniques that they shall utilize in the project.
7. BEFORE ISSUANCE OF A GRADING OR 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 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.
8. 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 terrace along the western edge of the site, the stepped terrace along the west side property line shall be constructed using hand trenching of the seating foundation of the terrace within 25 feet of the trunk and shall utilize porous fill with minimal compaction.
9. 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.
10. 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. The lighting program shall be reviewed by the Planning Department for consistency with these requirements.
11. 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.
12. 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.
13. Disposal of hazardous waste shall be conducted in conformance with all applicable local, State and Federal requirements for safe demolition and construction practices.
14. Exterior amplification shall not be employed after 5:00 PM or on Sundays, except for emergency purposes.
15. 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 have a total enrollment exceeding 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. The school shall provide the traffic monitor with an accurate and complete report of the numbers of students and staff,

including independent contractors, on site on each date on which an examination was conducted, and these figures shall be included in the traffic monitor's reports.

- 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. 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.
  - H. 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.
16. 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.
17. The third floor of the new school building shall not be lit after nightfall, except for maintenance purposes. The third floor of the new school building may be used until 10:30 pm on up to 3 nights a year for special events, provided that blackout shades or blackout curtains are placed over the windows.
18. 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.
19. Marin Horizon School shall provide for community use of the playground facilities after hours and on weekends and holidays. This includes keeping a gate open for pedestrian access to the site.

20. The applicant shall establish a permanent committee to coordinate with neighbors and the Homestead Valley Community Association to minimize school related impacts to the surrounding neighborhood. All major special events shall be coordinated with the Homestead Valley Community Association.
21. 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.
22. 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.
23. 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.
24. 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 definitively measure building setbacks.
25. 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.

26. 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.
27. The project shall conform with the “Construction and Demolition Waste Recovery” ordinance (3389, building code chapter 19.07).
28. Leafblowers shall not be used on the Marin Horizon School site.
29. Green waste shall not be deposited in the bioswale or in the creek bed.
30. 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 Final Inspection approval and imposition of hourly fees for subsequent reinspections.
31. BEFORE FINAL INSPECTION 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.
32. BEFORE FINAL INSPECTION AND UPON VESTING OF THE PROJECT, the Community Development Agency shall file the resolutions, 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.
33. Between 2.5 and 3 years after Final Inspection of the new three story building, the applicant shall submit a report from a qualified biologist verifying that the bioswale is effective and functioning to reduce stormwater runoff from the site, for the review and approval of the Director.
34. 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.

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35. BEFORE ISSUANCE OF A BUILDING PERMIT, the project proponent shall submit to the Marin County Department of Public Works staff a Parking Plan showing the number and location of construction vehicles parking during construction.

36. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the project sponsor shall prepare an erosion and sedimentation control plan and submit it to the Marin County Department of Public Works. Said plan shall be prepared in accordance with Marin County Code Section 24.04.625 which incorporates the use of silt fences, hay rolls, 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.
37. BEFORE ISSUANCE OF GRADING OR BUILDING PERMITS, 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.
38. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to minimize the improvements needed for access from Montford Avenue, 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.
39. BEFORE ISSUANCE OF A 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 measures to insure long-term maintenance of facilities, e.g. the fossil filter proposed.
40. Stockpiling of excavated soil, debris, sand, or other materials during construction shall be watered and/or covered. 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.
41. The project is subject to Transportation Facilities Fees, per Marin County Code Chapter 15.07, to pay for long-term regional transportation improvements. The traffic analysis performed by Dowling Associates and reported in the Negative Declaration of Environmental Impact identified a net increase in project related trips associated with the increase in student enrollment. Prior to issuance of the building permit for the new three story classroom building, and pursuant to Marin County Code Chapter 15.07, Marin Horizon School shall pay Transportation Facilities Fees for the 14 new PM peak hour trips in the amount of \$53,649.10 (14 trips x \$3,832.08/trip, 2005 index). These fees are updated annually in January using the ENR Construction Cost Index to account for inflation. Marin Horizon School shall implement the traffic management plan and routinely monitor the conformance to that plan.
42. Carpooling shall be increased from the current average of 1.53 to not less than 2.00 students per car. This is determined based on vehicles arriving at the school and daily attendance. This average may include the use of a shuttle.
  - A. If the required 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, be subject to revised permit conditions such as requiring busses that shuttle people to and from the school from a central rendezvous location or a reduction in student population may be applied.

- B. 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 (.e.g., the Mill Valley Community Center). Teacher carpooling is recommended.
43. The Traffic Management Plan, including carpooling, shall be monitored 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.
44. 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.
- A. The County of Marin does not allow compact parking spaces, but will allow exceptions for tandem spaces when under suitable control of owner.
  - B. For tandem parking stalls the clearance between fences shall be a minimum of 18 feet.
45. 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.
46. 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 inches.
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 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, including the Americans with Disabilities Act.
48. BEFORE FINAL INSPECTION, 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. Further, a curb shall be constructed along the south side of the pavement in the area observed erosion.

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.

### **SECTION III: 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 below 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.

Upon completion of the requirements to vest this application, this Use Permit shall remain valid for 30 years 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.

### **SECTION IV: 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 June 2, 2005.

**SECTION V: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 23<sup>rd</sup> day of May, 2005, by the following vote to wit:

AYES: Barner, Holland, Julin, Thompson

NOES: Dickenson, Greenberg

ABSENT: Berland

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STEVE C. THOMPSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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JESSICA WOODS  
RECORDING SECRETARY