



**Agenda Item No. 11b.**

**Staff Report**

**Date:** November 8, 2018

**To:** Mayor Kuhl and Councilmembers

**From:** Heidi Scoble, Planning Manager

**Subject:** Cedars Anniversary Ball at Branson School, 39 Fernhill Avenue, Use Permit, Project No. 2018-031UP

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**Recommendation**

Town Council approval of Resolution 2083 authorizing a Use Permit to allow "The Cedars Anniversary Ball" on June 15, 2019 from 7:00PM to 10:00PM at 39 Fernhill Avenue.

**Project Summary**

Owner: The Branson School  
Applicant: The Cedars  
Location: 39 Fernhill Avenue  
A.P. Numbers: 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05  
Zoning: R-1:B-A (Single Family Residence, One Acre Minimum Lot Size)  
General Plan: Limited Quasi-Public/Private Service  
Flood Zone: Zone X (Outside the 1-percent annual chance floodplain)  
Project No.: 2018-031 UP

**Project Description**

The applicant is requesting a Use Permit to the Branson School Use Permit to allow "The Cedars Anniversary Ball" on Saturday, June 15, 2019 from 7:00PM to 10:00PM in the Branson Commons. The event would allow for a prom-style dance event for the program participants of the Cedars in celebration of the Cedar's 100 Year anniversary. It is anticipated that approximately 300 people would attend the event, including Cedars participants, volunteers, and staff members, in addition to Branson students and faculty.

To minimize traffic and parking associated with the event, shuttles would be used for Cedars program participants and residents. Cedars staff, volunteers, and Branson students and faculty would park on the Branson campus with carpooling being encouraged. As all parking related to

this event would occur on the campus during non-school hours, no impacts to on-street parking in the neighborhood is anticipated.

### **Background and Discussion**

The Branson School began operating in Ross in 1922. The site is located in a single-family residential zoning district. The single-family zoning district regulations permit public and private schools with up to 320 students with a Use Permit. In 1978, the Town Council approved the first formal Use Permit for the existing legal nonconforming school use. The 1978 Use Permit includes a condition of approval which allows Branson School to host special events associated with the Branson School, such as open houses, school related sports events, music and theatre events, and graduation (COA No. 10). The Use permit also restricts the auditorium use for school assemblies, special alumni, faculty, parents and friends of the school and prohibits the use of the auditorium for special events unassociated with the school (COA No. 15)

In order to grant a Use Permit, the Council must find that the establishment, maintenance, or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood. In granting any Use Permit, Town Council must apply conditions to ensure the protection of the public welfare and property or improvements. (R.M.C. §18.44.030)

In reviewing the project request, staff recommends the Town Council approve the Use Permit to allow the Cedars Anniversary Ball because the event would be consistent with the other community related events that have been approved at the Branson School. For example, the Town Council has previously allowed the Ross School to temporary use the school site for fundraising auction events in 2010, 2012, and 2015. Additionally, the Town Council allowed the Ross School Talent Show to host their event within the Branson auditorium in May 2018. Furthermore, the granting of the Use Permit for this one-time event would not create any long-term impacts related to the operation of the school at the event would be help on a weekend evening while the regular school uses are not in operation. Lastly, no traffic or parking impacts are anticipated as the attendees of the event will be transported via shuttles. All other Cedars staff and volunteers of the event would park on campus.

### **Public Correspondence**

Public Notices were mailed to property owners within 500 feet of the project site. No comments have been received by the Town as of the writing of the Staff Report.

### **Fiscal, resource and timeline impacts**

Apart from the staff time to prepare the staff report, there are no fiscal impacts associated with the project Use Permit Amendment.

**Alternative actions**

1. Continue the amendment for modifications or additional information; or
2. Make findings to deny the amendment.

**Attachments**

1. Resolution 2083
2. Project Description prepared by the applicant
3. Project History related to Use Permit Amendments for Special Events and other relevant approvals

## ATTACHMENT 1

# **TOWN OF ROSS**

## **RESOLUTION NO. 2083**

### **A RESOLUTION OF THE TOWN OF ROSS APPROVING A USE PERMIT FOR A ONE-TIME SPECIAL EVENT AT THE BRANSON SCHOOL TO ALLOW THE CEDARS ANNIVERSARY BALL AT 39 FERNHILL ROAD, APNS 073-082-01, 073-141-03, 073-082-12, 073-150-05, 073-072-04**

**WHEREAS**, a Use Permit to allow “The Cedars Anniversary Ball” on June 15, 2019 from 7:00PM to 10:00PM (herein referred to as “Project”) at 39 Fernhill Avenue, APNs 073-082-01, 073-141-03, 073-082-12, 073-150-05, 073-072-04; and

**WHEREAS**, on November 8, 2018, the Town Council held a duly noticed public hearing to consider the Use Permit Amendment; and

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

**WHEREAS**, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15061(b)3, because the Project is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Furthermore, no exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit “A” approving the Use Permit described herein, subject to the Conditions of Approval attached as Exhibit “B”.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 8<sup>th</sup> day of November 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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P. Beach Kuhl, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk

**EXHIBIT "A"**  
**FINDINGS**  
**39 FERNHILL AVENUE**  
**APNS 073-082-01, 073-141-03,**  
**073-082-12, 073-150-05, 073-072-04**

**A. Findings**

- I. In accordance with Ross Municipal Code Section 18.44.030, a Use Permit is approved based on the following finding:**

**The establishment, maintenance, or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.**

As conditioned, the Town Council able to make the Use Permit findings to allow this one-time event because the event would be consistent with the other community related events that have been approved at the Branson School. Furthermore, the granting of the Use Permit for this one-time event would not create any long-term impacts related to the operation of the school at the event would be help on a weekend evening while the regular school uses are not in operation. Lastly, no traffic or parking impacts are anticipated as the attendees of the event will be transported via shuttles. All other Cedars staff and volunteers of the event would park on campus.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**39 FERNHILL AVENUE**  
**APNS 073-082-01, 073-141-03,**  
**073-082-12, 073-150-05, 073-072-04**

The following conditions of approval are hereby approved by the Town Council:

1. This approval shall allow "The Cedars Anniversary Ball" on June 15, 2019 from 7:00PM to 10:00PM at 39 Fernhill Avenue.
2. The event organizers shall mail or hand deliver notice to the Town and to neighbors within 500 feet of the Branson School at least two weeks prior to each event to notify them of the date and time of the event. The notice shall include a phone contact for an event organizer that will be available during the event set up and clean up and also during the event.
3. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys' fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.



## ATTACHMENT 2



### **Cedars Anniversary Ball—Project Description**

In honor of 100 years of supporting individuals with intellectual and developmental disabilities, Cedars, in partnership with Branson's Best Buddies program, will be hosting an Anniversary Ball for Cedars residents and program participants.

Founded in Ross in 1919 as a school for children with special needs, Cedars has consistently been a leader in the field, pioneering the creation of programs in education and work training. Today, Cedars supports nearly 200 adults with intellectual and developmental disabilities through residential services and day programs throughout Marin County.

Cedars is thrilled to have the support of Branson High School in hosting an Anniversary Ball on Saturday, June 15, 2019, just days after the official 100 year "birthday" of Cedars. Reminiscent of a prom-style event, the Anniversary Ball is a highly-anticipated event for individuals at Cedars, where they can dress to the nines, snack on treats and non-alcoholic drinks, and dance the night away to a DJ set. The Ball will be held in the Branson Commons, with guests attending from 7pm to 10pm. Music will be played in accordance with Branson noise regulations. Decorations will be added to the inside of the Commons, though no physical alterations will be made to the building.

There will be a maximum of 300 people at the event, which will include Cedars participants, plus a smaller number of volunteers, Cedars staff members, Branson students and faculty. To minimize traffic around Branson School, Cedars will have shuttles for Cedars program participants and residents, transporting from Cedars Fine Art Studios in San Anselmo. All of Cedars residents will have van transportation from each group home and the main residential campus in Ross. Cedars staff, volunteers, and Branson students and faculty will park on the Branson campus and plan carpooling as much as possible.

Cedars has years of experience in hosting events for residents and program participants, with annual holiday parties and summer picnics. The Anniversary Ball is one event in a series of Anniversary celebrations, which include a Centennial Gala at the Osher Marin JCC in March and Cedarsville activity booths at San Anselmo's Country Fair Day in September. The Branson Commons is the perfect place to host Cedars Anniversary Ball because of the close relationship that Cedars and Branson High School students have forged through the Best Buddies program and because of its location in Ross. The Anniversary Ball will be a significant opportunity for Cedars participants to come together and celebrate this important milestone, in the town where the organization was founded a century ago.

## ATTACHMENT 3

**REGULAR MEETING of the ROSS TOWN COUNCIL  
on the SPECIAL DATE OF THURSDAY, APRIL 5, 2018**

**\*\*\*EXCERPT\*\*\***

**1. 6:00 p.m. Commencement.**

Mayor Elizabeth Robbins; Mayor Pro Tempore Beach Kuhl; Council Member Elizabeth Brekhus  
Council Member Julie McMillan, Council Member Rupert Russell (absent); and Town Attorney  
Trisha Ortiz.

**Public Hearings on Planning Projects – Part II.**

**15. 39 Fernhill Avenue, Use Permit Amendment No. 2018-008, and Town Council consideration of adoption of Resolution No. 2049.**

The Branson School, 39 Fernhill Avenue, A.P. Nos. 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size), Limited Quasi-Public/Private Service, Zone X (outside the 1-percent annual chance floodplain. The applicant is requesting a Use Permit Amendment to the Branson School Use Permit to allow "The Ross School Talent Show" on May 17, 2018 from 4:30PM to 8:30PM. It is anticipated that approximately 100 Ross School students would perform in 30 acts. All parking related to this event would occur on the campus during non-school hours.

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 2049 authorizing a Use Permit Amendment to the Branson School Use Permit to allow "*The Ross School Talent Show*" on May 17, 2018 from 4:30PM to 8:30PM.

Council Member McMillan felt it is a shame that Ross School parents are not using the Ross School multipurpose room that many of them spent at least 10 years trying to design and build. It would be her goal to have Ross School events, except when there is an option of alcohol involved, confined to the beautiful facility at Ross School. Planning Manager Scoble noted there was a conflict when scheduling the multipurpose room. Mayor Robbins and Mayor Pro Tempore Kuhl agreed with Council Member McMillan's comments.

Mayor Robbins opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Robbins asked for a motion.

**Council Member Brekhus moved and Mayor Pro Tempore Kuhl seconded, to approve 39 Fernhill Avenue, Use Permit Amendment No. 2018-008, and adopt Resolution No. 2049. Motion carried unanimously. (Russell absent)**

## SPECIAL MEETING of the ROSS TOWN COUNCIL MONDAY, MARCH 2, 2015

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**1. 7:33 a.m. Commencement.**

Present: Mayor Elizabeth Brekhus; Mayor Pro Tempore Hoertkorn (*arrived at 7:36 a.m.*); Council Member P. Beach Kuhl; Council Member Carla Small; Council Member Elizabeth Robbins (*participated via teleconference call from 7680 Granite Loop Road, Room 720, Teton Village, Wyoming*)

**2. Posting of agenda.**

Town Manager Rob Braulik reported the agenda was posted according to government requirements.

**3. Open Time for Public Expression. None**

**4. 39 Fernhill Avenue, Use Permit No. 1983**

The Branson School, 39 Fernhill Avenue, A. P. Nos. 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size), Limited Quasi-Public/Private Service. An amendment to the Branson School Use Permit to allow the Ross School PTA to hold a fundraising auction event in the Branson Student Commons building on Saturday March 21, 2015 from 6:00 p.m. to 11:00 p.m. Approximately 250 guests are anticipated. On site valet parking would be provided. Planning department staff is recommending the Town Council amend the Branson School use permit to allow Ross School to hold one similar event per year on the Branson school campus, subject to conditions to minimize neighborhood impacts. The use of the site for the Ross School event could be revoked if the conditions are violated. The Council will also consider waiving all or part of the \$1,571.95 use permit amendment application fee.

Senior Planner Elise Semonian summarized the staff report and recommended the Council approve the amendment to the use permit for Ross School PTA to use the Branson site for their auction event once every two years, subject to the findings and conditions outlined in the staff report.

Council member Robbins inquired whether the permit could be approved for ten years. Council member Small agreed. Senior Planner Semonian indicated the use permit could be limited in time.

Town Manager Braulik reminded the Council the non-profit fee waiver policy is on the agenda for the March 12<sup>th</sup> Council meeting and the fee waiver portion could be postponed until then. Senior Planner Semonian expressed concern they would not qualify under the proposed fee waiver policy.

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Mayor Brekhus opened the public hearing on this item.

Tallie Fishburne, Ross School parent and former PTA President, reported the PTA was set up as a 501C(3), but there is currently a glitch with the nonprofit tax ID number which was created by the State PTA. Their volunteers have been working to solve this issue, now in its second year. She liked the Town Manager's suggestion of having the fee waiver considered under the fee waiver policy. She further commented on the notice that was sent out allowed the Ross School to hold one event per year, yet the recommendation Council is considering is for an event every other year. This change is based on one complaint. There are many families who she spoke with who are in favor of the event. The PTA does not plan to host more than one event every year, but if something changed, they may find themselves before the Council again in an odd-numbered year. She hopes Council will consider approving what was proposed on the notice sent.

Senior Planner Semonian did not see any harm with it being approved on an annual basis since, if particular neighbors have any concerns about it, Branson does not have to permit the event.

Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Brekhus asked for a motion.

**Council Member Kuhl moved and Mayor Pro Tempore Hoertkorn seconded, to approve 39 Fernhill Avenue, Use Permit No. 1983, for one event per year for 10 years, subject to the findings and conditions outlined in the staff report. Motion carried unanimously.**

**5. Open time for matters pertaining to the closed session item in agenda item 6. None**

**6. Closed session.  
Public Employee Appointment  
Title: Interim Town Manager**

**7. Open Session. Council will return to open session and announce action taken, if any.**  
The Council gave staff direction to proceed with negotiations to obtain an Interim Town Manager.

**8. Adjournment.**  
Mayor Brekhus moved to adjourn the meeting at 8:30 a.m.

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Elizabeth Brekhus, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk

**REGULAR MEETING of the ROSS TOWN COUNCIL**  
**THURSDAY, DECEMBER 13, 2012**  
**\*\*\*EXCERPT\*\*\***

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**1. 4:30 p.m. Commencement.**

Present: Mayor Rupert Russell; Mayor Pro Tempore P. Beach Kuhl; Council Member Elizabeth Brekhus; Council Member Katie Hoertkorn; Council Member Carla Small; and Town Attorney Greg Stepanicich

**a. 39 Fernhill Avenue, Amendment to Use Permit, No. 1789**

The Branson School, Property Owner, The Ross School, Applicant, 39 Fernhill Avenue, A. P. Nos. 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size), Limited Quasi-Public/Private Service, Zones A and C (areas of minimal flooding, creek is in area of 100 year flood). Application for an amendment to The Branson School use permit to allow Ross School to hold a fundraising auction event in the Branson Student Commons building on Saturday March 16, 2013 from 6:00 p.m. to 11:00 p.m. The school anticipates approximately 300 guests. Valet parking would be provided.

Mayor Russell asked for a motion.

**Mayor Pro Tempore Kuhl moved and Council Member Hoertkorn seconded, to approve Consent Calendar Item "g" as submitted by staff. Motion carried unanimously.**

**39 Fernhill Avenue Conditions:**

1. This use permit conditionally permits the Ross School (the "School") to hold a fundraising auction event for approximately 300 guests at the Branson Student Commons building and adjacent school area on Saturday March 16, 2013, from 6:00 p.m. to 11:00 p.m. as described in their application letter.

2. The school may set up for the event on Friday March 15, 2013, and may clean up after the event on Sunday March 17. The Ross School shall use the Branson campus for drop off or pick up of materials and event equipment and not public streets. Care should be taken to minimize disturbance and noise impacts to the residential neighbors, particularly on Sunday morning.

3. As provided in Ross Municipal Code Section 9.20.040, musical instruments, or any device, machine, apparatus, or instrument for the intensification or amplification of the human voice or any sound or noise, shall be ceased after 11:00 p.m. on Saturday March 16.

4. The Ross School shall have valet parking for the event. Branson parking lots shall be utilized for event parking so that street parking is minimized to the greatest extent possible. If valet parking is not possible, the school shall find alternative means of providing transportation for event patrons so that neighboring streets are not used for event parking. The Ross School shall make its best efforts to discourage parking on residential streets in the area of Branson School.

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5. The applicant and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicant and/or owners of any such claim, action, or proceeding, tendering the defense to the applicant and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

**End of Consent agenda.**



SPECIAL MEETING of the ROSS TOWN COUNCIL  
THURSDAY, NOVEMBER 4, 2010

**\*\*\*EXCERPT\*\*\***

1. 6:30 P.M. Commencement.

Present: Mayor Martin; Mayor Pro Tempore Small; Council Member Hunter, Council Member Russell; Council Member Strauss; and Town Attorney Hadden Roth

a. 39 Fernhill Avenue, Use Permit No. 1789

The Branson School, Property Owner, The Ross School, Applicant, 39 Fernhill Avenue, A. P. Nos. 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size), Limited Quasi-Public/Private Service, Zones A and C (areas of minimal flooding, creek is in area of 100 year flood). hold a fundraising auction event in the Branson Student Commons building on Saturday May 14, 2011 from 6:00 p.m. to 11:00 p.m. The school anticipates approximately 350 guests. Valet parking is proposed on the soccer field and parking would also be available in the Branson parking lot.

Mayor Martin asked for a motion.

Council Member Hunter moved and Council Member Russell seconded, to approve Consent Calendar Item "e" as submitted by staff. Motion carried unanimously.

Conditions - Ross School use of Branson School:

1. This use permit conditionally permits the Ross School (the "School") to hold a fundraising auction event for approximately 350 guests at the Branson Student Commons building and adjacent school area on Saturday May 14, 2011 from 6:00 p.m. to 11:00 p.m. as described in their application letter.
2. The school may set up for the event on Friday May 13, 2011, and may clean up after the event on Sunday May 15. The Ross School shall use the Branson campus for drop off or pick up of tents and other event equipment and not public streets. Care should be taken to minimize disturbance and noise impacts to the residential neighbors, particularly on Sunday morning.
3. As provided in Ross Municipal Code Section 9.20.040, musical instruments, or any device, machine, apparatus, or instrument for the intensification or amplification of the human voice or any sound or noise, shall be ceased after 11:00 p.m. on Saturday May 14.
4. The Ross School shall have valet parking for the event on the Branson soccer field. Branson parking lots shall be utilized for event parking so that street parking is minimized to the greatest extent possible. If valet parking is not possible, the school shall find alternative means of providing transportation for event patrons so that neighboring streets are not used for event parking.
5. The applicant and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicant

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and/or owners of any such claim, action, or proceeding, tendering the defense to the applicant and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

**End of Consent agenda.**

T O W N O F R O S S

RESOLUTION NO. 1042

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

WHEREAS, The Katherine Branson School/Mount Tamalpais School (hereinafter "the School") has made an application for a use permit to allow in a R-1 district, a private, coeducational secondary school having an enrollment not exceeding 320 students; and

WHEREAS, due notice of a public hearing on such application was given as required by law by publication of notice in the INDEPENDENT JOURNAL and by mailing notice to property owners in accordance with Section 18.44.020 of the Ross Municipal Code (hereinafter "the Code"); and

WHEREAS, a final Environmental Impact Report (hereinafter "EIR") concerning the Master Plan for the School was prepared pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, and the State EIR Guidelines, and has been certified in Resolution No. 1023;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The application of the School is for the use specified in the preamble above. The location of the site, the present and proposed buildings, and the other improvements thereon, are more particularly described and delineated in the documents entitled Draft EIR (March 1977) and Final EIR (July 1977).

2. It is hereby found and determined that the establishment, maintenance and conducting of the use for which the above use permit is sought will not, under the circumstances of this particular case and the conditions imposed herein, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or

working in the neighborhood of the use and will not, under the circumstances of this particular case and the conditions imposed herein, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

3. Specifically, the present zoning of the property is R-1: B-A (single family residence with minimum permitted area of one acre). One of the permitted uses in a R-1 district is that of a private school. The adopted General Plan of the Town classifies the property of the School as PS-L (Public Service, Limited). Listed uses in such classification include that of a private school. Accordingly, the use for which the use permit is sought is in conformity and compatible with both the zoning law and the General Plan of the Town.

4. The use of the property as a private school predated the adoption of the Code and the School is therefore a legal nonconforming use. Such nonconforming use is required to be removed or altered or converted to a conforming use in accordance with the time periods specified in Section 18.52.010(c) of the Code. Since the use for which the use permit is sought is identical to the existing use of the property, consideration of the nonconforming status of the School is appropriate at this time.

5. The present enrollment at the School is approximately 320 students and the application is for a private school with an enrollment not to exceed 320 students. Section 18.16.030(b) of the Code, as adopted by the voters at the March 7, 1978 General Municipal Election, permits the issuance of a use permit for a public or private school whose total full and part-time enrollment does not exceed 320 students. As a result thereof, there will be no increase or intensification of the existing use to which the property is made.

No increase in police and fire protection will be required nor will there be any increase in any other municipal services.

6. The granting of the use permit will remedy the nonconforming status of the property, maintain its existing usage and, with the conditions imposed herein, will result in no change to the health, safety, comfort, convenience or general welfare of the persons residing or working in the neighborhood of the School and no injury will occur to property or improvements in the neighborhood.

7. Over the years the School and its Board of Trustees have been generally responsive to the concerns of the Town and those residing in the neighborhood and have instituted and maintained numerous programs and policies to harmonize its activities with the general welfare of persons residing or working in the Town. Such cooperation of the School and its past and present Board of Trustees constitutes an important consideration for the issuance of this use permit.

8. A use permit is hereby granted to the School to allow a private, coeducation secondary school upon each and all of the conditions set forth in Exhibit A which is attached hereto and incorporated herein.

PASSED AND ADOPTED at a meeting of the Town Council of the Town of Ross at a meeting thereof duly held on the 11th day of May, 1978 by the following vote:

AYES: Councilmen Allen, Osterloh, Maginis, Brekhus

NOES: Councilmen None

ABSENT OR NOT VOTING:

Councilmen Chase

J. Saccen  
MAYOR

ATTEST:

Virginia Stettin  
TOWN CLERK

EXHIBIT A

1. That the total full and part-time student enrollment of the School shall at no time exceed 320 students.
2. That no building permit (except as a permit may be required for the ordinary maintenance or repair of existing facilities) shall be issued for any construction at the property which is not described and identified in the master plan for the School, as amended on April 3, 1978.
3. That such permit shall terminate upon the sale, lease or disposition by KBS/MTS of the present campus site or a change in the corporate structure of KBS/MTS from a non-profit institution, provided that the relocation of MTS will not cause a termination.
4. That the School use its best efforts to operate the School in such a manner as to prevent disruption or disturbance of the peace, quiet, comfort and safety of the immediate neighborhood.
5. That by October 15th of each year, the School shall provide and file with the Town a statement indicating the number of students enrolled in the School and the number of said students who are residents of the Town, a schedule of the approximate dates of all special events planned for the School year, and for the summer, insofar as they are known, and a scholastic games schedule insofar as known, and a copy of a memorandum, letter or directive to students, employees and parents, advising them of the terms of this Use Permit, insofar as applicable, and requesting their compliance with each of the terms of said permit.
6. That the School construct not more than ten (10) additional parking spaces, in accordance with a plan to be submitted to and approved by the Town.
7. That the School mark and clearly designate at least five (5) spaces for visitor's parking only, on campus.
8. That the School continue to use its best efforts to discourage parking on streets adjacent to the School by students, employees and faculty.
9. That the School use its best efforts to discourage access to the School by Hillgirt Drive through memorandum and communications to students, parents and guests advising them of such policy.
10. That weather permitting, the School provide temporary on-campus parking on the playing field for all special events expected to draw a large number of visitors to the campus through the use of special officers or traffic monitors to direct traffic to those areas through the School's main entrance.
11. That the use of the KBS/MTS athletic facilities for practice or play at all times during any calendar year be limited to KBS/MTS students, faculty and staff; visiting teams engaged in regularly scheduled, inter-scholastic events with KBS/MTS and official athletic teams sponsored by the Ross Recreation Association, Ross Little League and Ross Soccer Program

and other groups which have previously used these facilities, provided that the number of events or amount of use by such groups shall not exceed in any calendar year any such uses or events in any year prior to 1978.

12. That any other use of the School's athletic facilities by any other group or individuals be by Town permission.
13. That no temporary or permanent grandstands or bleachers, amplifying equipment or outside lighting be constructed, maintained or used in connection with any athletic events held on campus.
14. That the new tennis courts constructed adjacent to the parking lot be restricted to use by students and faculty of KBS/MTS, officially sponsored groups or teams of the Ross Recreation Association, Ross Little League or Ross Soccer League, between the hours of 8:15 A.M. and 8:00 P.M. and that the appropriate signs be constructed and maintained on said tennis courts regarding this.
15. That the auditorium be restricted to use for School assemblies, special alumni, faculty, parents and friends of the School, but in no event, for the scheduling of special events to which the public or outside guests unassociated with KBS/MTS are invited.