



STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION

**HOLZWARTH APPEAL OF THE COMMUNITY DEVELOPMENT AGENCY'S
 ADMINISTRATIVE DECISION TO CONDITIONALLY APPROVE
 THE ARCHDIOCESE OF SAN FRANCISCO / MARIN CATHOLIC HIGH SCHOOL
 DESIGN REVIEW**

Item:	4	Project ID:	2012-0286
Applicant:	Peter McDonnell, Conversion Management Associates	Property Owner:	Archdiocese of San Francisco / Marin Catholic High School
Property Address:	675 Sir Francis Drake Boulevard, Kentfield	Assessor's Parcel:	022-010-35
Hearing Date:	April 22, 2013	Planner:	Neal Osborne

RECOMMENDATION: Deny the Appeal and Sustain
 the Approval with Conditions

APPEAL PERIOD: Ten working days to the
 Board of Supervisors

LAST DATE FOR ACTION: April 22, 2013

SUMMARY

The applicant originally requested Design Review approval to replace existing bleachers with new bleachers that would have a press box and field house incorporated into the structure, a new public address system for the field, and new field lighting. The applicant subsequently removed the field lighting from their application and it is no longer being considered. The new bleacher building would meet current building code, fire safety, and ADA accessibility standards, which would be a substantial improvement over the old bleachers currently in place. The new public address system would be state of the art in comparison to the existing public address system.

A neighboring property owner appealed the project, mainly on the basis that the new public address system could amplify sound from games more powerfully into the surrounding neighborhood, which the applicant disputes. The Design Review approval contained conditions of approval requiring the school to demonstrate that the new public address system does not amplify the sound in the surrounding neighborhood. Therefore, staff recommends the Planning Commission deny the Holzwarth Appeal and sustain the Community Development Agency's (CDA) administrative decision to approve the Archdiocese of San Francisco / Marin Catholic High School Design Review.

GENERAL INFORMATION

Countywide Plan

Land Use Designation: PF-SF5, Public Facilities and Single Family Residential, two units to four units per acre

Community Plan: Kentfield/Greenbrae

Zoning Designation: R1-B2, Single-family Residential, B2 Building District, 10,000 square feet minimum lot size

Adjacent Land Uses: Single-family Residential, Tennis Club, Hal Brown Creekside Park, Marin General Hospital, Sir Francis Drake Boulevard, Bacich School

Vegetation: Pine trees and ornamental landscaping

Topography and Slope: The project site has a gradual slope of less than 5%.

Environmental Hazards: Earthquakes associated with the San Andreas and Hayward Faults.

PUBLIC NOTICE

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. Staff received numerous comments during the review of this application in response to the Pending Permit Notices posted at the site, the Kentfield Planning Advisory Board notices, and additional comments in response to the Public Notice (see Attachment 17).

ADDITIONAL COMMUNICATIONS REGARDING THE APPEAL:

Staff met with the applicant and the appellant to discuss the bases for appeal and explore options to resolve the appeal. Staff proposed issuing a revised Notice of Administrative Decision that would address the issues raised by the appellant and avoid the necessity for an appeal hearing with the Planning Commission (see Attachments 4, 6, 7, and 8).

On March 19th, staff met with the applicant, Peter McDonnell, for Marin Catholic High School. It was agreed in concept that two additional conditions of approval would be acceptable to Marin Catholic High School, if John Holzwarth would withdraw the Petition for Appeal. The new conditions of approval discussed were:

- The new sound system will comply with the sound levels noted in the Countywide Plan Noise Element.
- The applicant shall pay for three independent third party sound level tests, to be administered by CDA staff, during two Marin Catholic football games and one during a Pop Warner football game.

On April 3rd, staff met with the appellant, John Holzwarth, and a neighbor, Alisa Rubel, to discuss the possibility of withdrawing the Petition for Appeal, if a revised Notice of Administrative Decision was issued for an amended application with the additional conditions of approval listed above. While these new conditions of approval were generally acceptable to Mr. Holzwarth, he requested the following three additional conditions of approval:

- The public address system shall not exceed a maximum of 60 decibels, and 65 decibels of impulse noise, measured at the property line of all neighboring residential properties.
- The extra non-Marin Catholic activities that use the new public address system shall be limited to Pop Warner football games. The use of the public address system shall not exceed 55 decibels, and 60 decibels of impulse noise, during Pop Warner football games.
- The County of Marin CDA reserves the right to modify these conditions of approval with an amended Notice of Administrative Decision, if necessary to address legitimate noise level complaints from neighbors, that are associated with the public address system.

Staff conveyed these proposed additional conditions of approval to the applicants, but they did not accept them because they were considered to restrict the operational characteristics of the school and not be germane to the Design Review for the replacement bleacher building.

Additional e-mail correspondence and follow-up telephone conversations with both the applicants and the appellant attempted to reach an acceptable compromise. Presently, the applicant would only be willing to agree to the additional condition that clarifies what compliance with the Countywide Noise Element would be – that the new public address system shall not exceed a maximum of 60 decibels and a maximum impulse of 65 decibels at property lines of residential properties in the neighborhood.

RECOMMENDATION

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and deny the Holzwarth Appeal and sustain the administrative decision approving the San Francisco Archdiocese / Marin Catholic High School Design Review with a revised condition related to noise levels.

Attachments:

1. Proposed Resolution recommending denial of the Holzwarth Appeal and sustaining the Community Development Agency's conditional approval of the Archdiocese of San Francisco / Marin Catholic High School Design Review
2. CEQA Categorical Exemption, 1/18/13
3. Vicinity Map
4. John Holzwarth e-mail, 4/8/13

5. John Holzwarth Petition for Appeal, 3/6/13
6. Neal Osborne CDA e-mails, 4/3/13, 3/20/13
7. Peter McDonnell, Conversion Management Associates, Inc. e-mails and letters, 3/26/13, 3/20/13, 12/19/12, 12/4/12, 9/20/12
8. Barry Grzebik, Grzebik Design Group "Sound Leakage Report" and letters, 3/15/13, 12/4/12, 8/8/12
9. CDA Notice of Administrative Decision, 2/21/13
10. Pricilla VanLiew, CDA Environmental Health Services Interdepartmental Transmittal, 1/22/13
11. Randell Y. Ishii, Ross Valley Sanitary District e-mail and letter, 1/15/13, 10/30/12
12. James Raives, Marin County Parks e-mail, 12/20/12
13. Kentfield Planning Advisory Board Minutes, 12/12/12, 10/24/12, 10/10/12
14. Jim Galli, Kentfield Fire Protection District Plan Review Completion Report, 12/12/12
15. Cara E. Zichelli, DPW, Land Use Division Inter-Office Memorandum, 12/11/12
16. Joseph Eischens, Marin Municipal Water District letter, 10/8/12

The following attachments were provided to the Planning Commissioners only. They are available upon request or at the Community Development Agency, Planning Division during regular business hours: Monday through Thursday 8:00 A.M. to 4:00 P.M.

17. Public Correspondence:

- Faye Potts e-mail, 2/22/13
- Daniel B. Brady and Barbara E. Herzig letter, 2/12/13
- Alisa Rubel e-mail, 2/2/13
- Larry Mansbach e-mail, 2/1/13
- John Holzwarth e-mail, 2/1/13
- Brendan Fogarty e-mail, 2/1/13
- Judy Mesinger e-mails, 1/5/13 and 10/30/12
- Paul Tasner and Katie Rice e-mails, 12/27/12, 12/20/12
- Jim McClellan and Katie Rice e-mails, 12/27/12, 12/20/12, 10/31/12
- Suzanne Fogarty e-mail, 12/18/12
- Ellen and Klaus Werner e-mail, 12/11/12
- Michele Rodriguez e-mail, 12/17/12
- John and Sarah Holzwarth letter, 12/17/12
- Ann Armour e-mail, 12/15/12
- Barbara Leopold e-mail, 12/13/12
- Rick and Roz Cobb e-mail, 12/12/12
- Carl Cox e-mail, 12/11/12
- Paul Tasner and Barbara Walter e-mail, 12/10/12
- Mark Powell e-mail, 12/9/12
- Roxanne Civarello letter, 11/27/12
- Kathleen Woodcock letter, 11/26/12