

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, NOVEMBER 13, 2014

1. 6:01 p.m. Commencement

Present: Mayor Elizabeth Brekhus; Mayor Pro Tempore Katie Hoertkorn; Council Member P. Beach Kuhl; Council Member Elizabeth Robbins; Council Member Carla Small; Town Attorney Greg Stephanicich.

2. Posting of agenda.

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

3. Minutes - October

Mayor Brekhus asked for a motion.

Council Member Robbins moved and Council Member Kuhl seconded, to adopt the Regular Town Council Meeting Minutes of October 9, 2014 as submitted. Motion carried unanimously.

Mayor Pro Tempore Hoertkorn moved and Council Member Small seconded, to adopt the Special Closed Session Town Council Meeting Minutes of October 30, 2014 as submitted. Motion carried unanimously.

4. Demands.

The demands were met.

5. Open Time for Public Expression.

John Martin, representing Bolinas Avenue Advisory Committee (BAAC), and briefly noted what their organization has done. He desired more neighborhood meetings to discuss paving, a median along the Richmond intersection and drainage. He believed BAAC and the Town must focus on drainage and public safety. He further added drainage is very complex and difficult.

Jill Baker, Bolinas resident, noted traffic safety on Bolinas is the main focus. There is a large portion of the street where vehicles continue to drive at excessive speeds. The Seminary started a small pipeline project and she hoped their project improvements would include street trees, additional traffic mitigation and help with regional flooding issues. There is a lot of water that comes off Seminary hill. She encouraged the Town to work with Town San Anselmo.

Alicia, parent of student at Bacich School, discussed the recreational programs and noted her child can no longer participate because financial aid is not available since the Town took over the recreation department, and hoped financial aid can continue to be offered so all children have the ability to participate in recreational activities.

6. Council Committee and Liaison Reports.

a. Mayor.

Mayor Brekhus reported on October 22nd, the Town Council held its annual Town workshop at the Marin Art & Garden Center (MAGC) from 8:30 a.m. to 3 p.m. The purpose of these workshops is to discuss items that require additional discussion and are hard to fit in during regular Council meetings. Also the workshop offers the Council and the community an opportunity for providing input to staff on potential items that may be considered and used for planning the next fiscal year budget in terms of programs and capital construction items. Many residents participated in matters under discussion, such as the future location of the Ross Recreation pre-school at MAGC and reconsideration of the slope calculation methodology for hillside lot properties.

On November 17th, at 6 p.m., the Town will hold a meeting at Ross Town Hall to discuss flood, drainage, road pavement and related matters in conjunction with the Town of San Anselmo. Residents are encouraged to attend. Residents will note there are some public works improvement projects going on around Town, all of which will be completed this month. The Town ordered new street signs, and many of them have already been installed. The signs are brown and include the Ross bear logo.

The Town is also installing new landscaping on the Sir Francis Drake median by Bolinas Avenue. The landscaping being installed is drought resistant. This improvement project was funded from the Town Roadways Fund.

b. Council Committees. (Finance, General Government, Public Works, Community Protection)

Finance – No report.

General Government – No report.

Public Works – Council Member Small commended the Bolinas Avenue Advisory Committee on the work they have accomplished. Also, with all the landscaping modifications, the Town Manager will provide a landscape design for the area in front of Town Hall as soon as possible and it will be posted at the Post Office in order for residents to have the ability to view before the next Council meeting in December.

Community Protection – No report.

c. Town Manager.

Town Manager Braulik referenced all but approximately twelve to fifteen new street signs are installed. The remaining ones will be installed over the coming weeks. A restoration contract has put in place for maintenance restoration services on the Bufano Bear and the Veteran's Memorial. He further reported solar lights were installed on the steps outside of Town Hall.

d. Marin Art & Garden Center.

Council Member Robbins on behalf of Diane Doodha reported on MAGC and announced tonight there is an event celebrating "Heroes of Marin." On Saturday, December 6th, there will be a patio sale at the Laurel House from 10 a.m. to 2 p.m. Last Saturday there was disaster preparedness training for residents. Finally, MAGC continues to partner with Kentfield Fire Department for a blood drive.

e. Ross Property Owners Association.

Charlotte Levin, RPOA representative, discussed the rules for dog use on the playgrounds and Common and desired additional signage to inform dog owners of the rules and of the Town's ordinance. Also, RPOA wanted to know why the Town's white truck no longer has the Town logo on it.

Town Manager Rob Braulik noted dog signage for the Common has been ordered. He pointed out there is higher resale on vehicles without a logo and the community knows the Public Safety staff.

Ms. Levin noted the Ross Valley Fire Department is sponsoring a Get Ready class on Saturday, November 15, 2014, from 10:00 a.m. - 12:00 Noon, at Ross Town Hall. Also, the Community Emergency Response Team (CERT) training is a national program to train citizens to help fill the gap between a disaster or emergency, and the arrival of professional services. The training is 18 hours (done in two days), \$45, and is offered throughout Marin County. The next class scheduled is November 15th & 22nd in San Rafael.

f. Ross School.

Chi Kim, Superintendent, thanked the Council and the Town for partnering with the school for their rummage sale and the students presented \$17,000 at their School Board meeting and provided checks to three charities. Also, the Board took action on a resolution to honor Ms. Walsh for all her volunteer hours. Ross School thanked Council Member Robbins and Small for helping with their parcel tax campaign. Ross School further thanked the Town for establishing a great relationship.

7. Consent Agenda.

The following ten items will be considered in a single motion, unless removed from the consent agenda: Items 7g and 7j were removed from the Consent Agenda for further discussion.

a. Town Council consideration/action to appoint applicant from Ross to the Ross Recreation Advisory Committee.

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to approve Consent Calendar Item "a" as submitted by staff. Motion carried unanimously.

b. Town Council acceptance of FY15 Q1 Investment Report.

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to approve Consent Calendar Item "b" as submitted by staff. Motion carried unanimously.

c. Town Council acceptance of FY15 Q1 Financial Summary Report.

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to approve Consent Calendar Item "c" as submitted by staff. Motion carried unanimously.

d. Town Council consideration/action on the request from Ross Auxiliary for Winter Sing/Holiday Tree Lighting on the Ross Common.

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to approve Consent Calendar Item "d" as submitted by staff. Motion carried unanimously.

e. Town Council consideration of participation in the CaliforniaFIRST Program, sponsored by the California Statewide Communities Development Authority, and (ii) Town Council consideration of adoption of Resolution No. 1876 making certain findings and authorizing certain matters necessary to participate in the CaliforniaFIRST Program.

Mayor Brekhus asked for a motion.

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

f. Town Council consideration of adoption of Resolution No. 1877 approving the annual AB 1600 Report for Fiscal Year ending June 30, 2014.

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to approve Consent Calendar Item "f" as submitted by staff. Motion carried unanimously.

h. Town Council consideration of adoption of Resolution No. 1879 accepting the 2014 Roadways Improvement Project as complete.

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to approve Consent Calendar Item "h" as submitted by staff. Motion carried unanimously.

i. 54 Wellington Avenue, Basement Exception No. 1979

Michael and Justyna Lloyd, 54 Wellington Avenue, A.P. No. 72-121-28, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size), Medium Low Density (3-6 units per acre). Request to modify project under construction for a floor area exception under Chapter 18.46 of the Ross Zoning Code (Exceptions for Basements and Attics) to permit property owner to improve an area below the front porch and entry for finished storage space.

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One new window is proposed on the east side of the room, where lattice doors were located.

Lot Area	19,516 square feet
Approved Floor Area Ratio	3,846 sq. ft. 19.7%
Proposed Floor Area Ratio	4,046 sq. ft. 20.7% (20% permitted)
Approved/Proposed Lot Coverage	2,379 sq. ft. 12.2% (20% permitted)
Approved/Proposed Impervious Surfaces	1,810 sq. ft. 9.3%

Mayor Brekhus asked for a motion.

**Council Member Small moved and Council Member Kuhl seconded, to approve Consent Calendar Item "i" as submitted by staff. Motion carried unanimously.
End of Consent agenda.**

7g. Town Council consideration of adoption of Resolution No. 1878 ordering the summary vacation of an unaccepted and unused paper road adjacent to the parcel known as 70 Baywood.

Town Attorney Greg Stephanicich explained a note was offered for dedication to the city and the city rejected back in 1916, and more recent in time, there was an attempt to merge two of the parcels together. The county would not allow the merger to occur until the city vacated interest in that paper lane despite the fact that the City Council back in 1916 already rejected it. Basically, this is just a formality so this is recorded to make it absolutely clear the city has no interest. There are two paper roads, Crest and Florence. They do not have legal description for Florence. Also, there is an issue with respect to parking that should be addressed as part of vacation, but the purpose tonight is to address the first step, which is to allow for a merger for parcel's 3 and 4. Crest must come back at a separate time.

Mayor Brekhus opened the public hearing on this item.

Bill Aitkin, owner/applicant, read into the record the civil code pertaining to this item.

Charlotte Levin, Ross resident, asked the Town Attorney to explain a "paper road." Town Attorney Stephanicich indicated a paper road is a road that is shown on a subdivision map, but never accepted or used by the Town.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Brekhus asked for a motion.

Council Member Robbins moved and Council Member Small seconded, to adopt Resolution No. 1878 ordering the summary vacation of an unaccepted and unused paper road adjacent to the parcel known as 70 Baywood. Motion carried unanimously.

7j. 12 Baywood Avenue, Basement Exception No. 1975

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Joe Lourdeaux, 12 Baywood Avenue, A.P. No. 72-072-22, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size), Medium Density (3-6 units per acre). Request for a floor area exception under Chapter 18.46 of the Ross Zoning Code (Exceptions for Basements and Attics) to permit improvement of 544 square feet of existing basement area for an expanded entry, office and storage room. Two new windows are proposed on the front elevation.

Lot area	7,650 square feet		
Existing Floor Area Ratio	2,720 sq. ft.	35%	
Proposed Floor Area Ratio	3,264 sq. ft.	42%	(20% permitted)
Existing/Proposed Lot Coverage	1,732 sq. ft.	22%	(20% permitted)
Existing/Proposed Impervious Areas	no change		

Council Member Kuhl pulled this item because he wanted to make sure the public record is clear. This is a floor area increase but the bulk of the house and footprint of the house is not being changed. Council Member Small noted this is the reason for the attics and basement ordinance so people can make use of existing mass legally.

Mayor Brekhus 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 Brekhus asked for a motion.

Council Member Robbins moved and Council Member Small seconded, to approve 12 Baywood Avenue, Basement Exception No. 1975 subject to the findings and conditions outlined in the staff report. Motion carried unanimously.

12 Baywood Avenue Conditions:

1. A building permit shall be obtained for the basement improvement project. The project must comply with the building and fire code applicable at the time of the building permit application. Town staff may approve minor modifications to the project that do not result in significant exterior changes and that substantially comply with the approved plans.
2. The town may require fire sprinklers to be extended to the new area if they are not already installed.
3. Drainage shall be designed by a licensed engineer and shall result in no increase in the rate or volume of runoff compared to existing/pre-project conditions.
4. The floor area exempted under this approval shall not be traded off for non-basement floor area in the future.
5. The project shall comply with any requirements of the Ross Valley Sanitary District and Marin Municipal Water District prior to project final on the building permit. The applicants are responsible for contacting these agencies and obtaining any necessary permits and inspections.
6. The building permit project shall comply with the Town of Ross Construction Completion Ordinance.

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7. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
8. All 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, the Town Council, 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 attorney fees and litigation costs incurred by the town in either case paid for by the applicant and/or owners.

8. Public Hearings on Planning Applications – Part 1.

Public hearings are required for the following planning applications. Staff anticipates that these items may be acted upon quickly with no oral staff report, Council discussion, or public comment. If discussion or public comment is requested for any item, the Council may consider the item later in the agenda. The Council will act on each item separately.

a. 35 Sir Francis Drake Boulevard, Use Permit No. 1980

Judith M. Justice, Crown Castle, agent for Sprint, Applicant, Town of Ross, Property Owner, 35 Sir Francis Drake Boulevard, Public Works Garage Building, A.P. No. 73-191-16, Civic District (C-D), Public Service, Zone AE (High Risk Area with a 1% annual chance of flooding). Use permit to allow modifications to an existing unmanned wireless communication facility consisting of a 40-foot monopole and equipment. Sprint proposes to remove two panel antennas on the existing wood pole and install two new panel antennas, two remote radio units, and associated supporting equipment in the existing equipment enclosure. The project is proposed as an upgrade necessary to accommodate 4G coverage.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the application subject to the findings and conditions outlined in the staff report.

Mayor Brekhus 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 Brekhus asked for a motion.

Council Member Small moved and Mayor Pro Tempore Hoertkorn seconded, to approve 35 Sir Francis Drake Boulevard, Use Permit No. 1980 subject to the findings and conditions outlined in the staff report. Motion carried unanimously.

35 Sir Francis Drake Conditions:

1. Except as otherwise provided in these conditions, the project shall comply with the plans approved by the Town Council dated August 6, 2014. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these

conditions.

2. The applicant shall obtain all necessary building permits prior to commencing construction.

3. Construction shall be completed by the construction completion date provided for property owners under Town of Ross Municipal Code Chapter 15.50.

4. The applicant shall obtain all necessary federal telecommunications permits prior to commencing construction.

5. All cabinet equipment shall be elevated above the base flood elevation or protected from flooding.

6. The applicant shall be responsible for the removal of all telecommunications equipment and antennas upon lease expiration or upon notification to the Town of the termination of the lease. Said removal shall include the removal of the pole at the Town of Ross' discretion and the removal of the enclosure and the restoration of the area to the condition prior unimproved condition. All removal activity required herein may be required to be completed within sixty (60) days of lease expiration.

7. This wireless communications facilities, operating alone and in conjunction with any other telecommunications facilities, shall not generate radiofrequency electromagnetic fields (EMF) in excess of the standards for permissible human exposure as adopted by the Federal Communications Commission (FCC). A report shall be submitted to the planning department within 30 days of completion of the installation verifying that the RF-EME levels of the facility operating with other existing facilities comply with all FCC standards. Post-construction RF-EME reports shall be submitted to the Town of Ross every two (2) years following the date of the initial report to verify that actual levels of RF emitted by the facility, operating alone and in conjunction with other facilities, complies with the initial RF-EME report and do not exceed FCC standards for permissible human exposure.

8. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

9. No changes from the approved plans or project description shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.

10. The applicants 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 applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants 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.

Council Member Kuhl recused himself from the next agenda item in order to avoid the appearance of a conflict.

b. 12 Brookwood Lane, Variance No. 1978

Nigel and Laura Rees, 12 Brookwood Road, A.P. No. 73-261-13, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size), Medium Low Density (3-6 units per acre), Zone X (outside 1% annual chance of flooding area), lower portion of driveway in Zone AE (area of 1% annual chance flood). Request for rear yard setback variance for new pool and spa, to be located in area of existing lawn (40 foot setback required, approximately 15 feet proposed). Side yard setback and lot coverage variances are requested for 60 sq. ft. pool equipment shed. The driveway is proposed to be replaced with a pervious surface to maintain the existing level of impervious surfaces.

Lot Area	16,675 square feet
Existing Lot Coverage	2,535 sq. ft. 15.2%
Proposed Lot Coverage	2,595 sq. ft. 15.6% (15% permitted)
Existing/Proposed Impervious Surfaces	no change

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report.

Mayor Brekhus 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 Brekhus asked for a motion.

Council Member Small moved and Mayor Pro Tempore Hoertkorn seconded, to approve 12 Brookwood Lane, Variance No. 1978 subject to the findings and conditions outlined in the staff report. Motion carried 4-0. Kuhl recused.

12 Brookwood Conditions:

1. Except as otherwise provided in these conditions, the project shall be constructed in substantial conformance with the plans dated July 2014, on file with the Planning Department.
2. A building permit is required. The plans submitted for the building permit shall identify how impervious surfaces will be limited to existing conditions prior to project final. Pervious surfaces shall not be converted to impervious surfaces after project final without prior approval of the Town.
3. The applicants shall obtain an encroachment permit from the Department of Public Works for any work within the right of way.
4. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded. No up lighting is approved.
5. The applicants shall comply with all requirements of the Marin Municipal Water District and Ross Valley Sanitary District before project final. Landscaping shall comply with the MMWD water-conserving landscape ordinance. Proof that MMWD has approved the

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- plan or that it is exempt from their review shall be submitted to the planning department prior to project final.
6. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Before the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town before project final.
 7. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
 8. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
 9. No changes from the approved plans, before or after project final, shall be permitted without before Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval before any change.
 10. The applicants 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 applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants 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 Public Hearings on Planning Applications – Part 1.

Council Member Kuhl resumed his position on the Town Council.

9. Town Council discussion and potential action regarding the Marin County Major Crimes Task Force (MCTF).

Town Manager Rob Braulik reported the Council discussed this item at the October 9th meeting. The Council took no action and asked staff to bring this matter back to the Council if the City of San Rafael rejoined the MCTF. Since the October 9th meeting, the City of San Rafael rejoined the MCTF for one year only starting in July 2015. The City of Sausalito as reported in the press has

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no plans to rejoin the MCTF. If the Council decides to rescind the prior action, staff would recommend this item be added in the FY16 budget beginning July 1, 2015.

Council Member Small would be willing to support exactly what San Rafael did, no more or less starting next July with the caveat that they receive an actual budget. There have been several references the county indicates they pay more than half the cost. She wanted to see exactly what the MCTF actually costs and who is paying what into the MCTF.

Council Member Robbins noted the MCTF is a sheriff's team that investigates drug trafficking, which is a countywide program and a countywide problem and the county should fund it. She did not believe the Town should donate to this program. It is not a city issue, it is a countywide investigational organization. She would not support the Town funding this program. Mayor Pro Tempore Hoertkorn echoed Council Member Robbins' comments.

Council Member Kuhl noted this program crosses municipal boundaries and does not want Ross to have image problems. The merits are such to support as long as the rest of the cities and towns are supporting.

Mayor Brekhus knows the county has all the same financial problems Ross is facing. It was created and staffed from all the support from the surrounding town's and cities. She felt Council Member Small's request for information is valid.

Mayor Pro Tempore Hoertkorn pointed out the county receives 30 cents from every tax dollar and the Town of Ross only receives 18 cents. MCTF funding should be coming from the county, not individual cities and towns. Once they are involved in a JPA, the Town has no control.

Police Chief Erik Masterson recommended if the City of San Rafael rejoins, then the Town of Ross should rejoin as well for a one-year period.

Mayor Brekhus 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 Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to obtain and review the MCTF budget, and if the budget is found acceptable, then the Town of Ross will rejoin for a one-year period beginning July 1, 2015. Motion carried 3-2. Hoertkorn/Robbins opposed.

10. Town Council consideration of introduction of Ordinance No. 657, an Ordinance of the Town of Ross amending the Ross Municipal Code Chapters 12.28, 15.24, 18.39, and 18.41 to provide for erosion and sediment control plans, stormwater control plans, and other requirements pursuant to the Phase II Stormwater Permit and to prevent urban runoff pollution.

Town Manager Rob Braulik summarized the staff report and recommended the Council introduce Ordinance No. 657, an Ordinance of the Town of Ross amending the Ross Municipal Code Chapters 12.28, 15.24, 18.39, and 18.41 to provide for erosion and sediment control

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plans, stormwater control plans, and other requirements pursuant to the Phase II Stormwater Permit and to prevent urban runoff pollution.

Council Member Kuhl clarified with staff this is the same ordinance being passed by other municipalities in the county. Town Manager Braulik responded in the affirmative. Council Member Kuhl also clarified with staff this ordinance is required. Town Manager Braulik responded in the affirmative. Council Member Robbins asked staff if modifications are allowed or is the ordinance required as is. Town Manager Braulik responded that it is required as is, but the changes made are in reference to the ordinance sections that are local changes. Town Attorney Greg Stephanicich explained these are mandatory provisions that must be incorporated.

Mayor Brekhus discussed page 14 in regard to enforcement procedures and repeated violations are subject to criminal violation and asked if there is some discretion to write this in a manner so residents are not arrested for accidentally watering the sidewalk with sprinklers. Town Attorney Stephanicich explained it must be serious situation for residents to be arrested. He added a lighter enforcement could be imposed such as a citation, so it will be based on the violation. Town Manager Braulik pointed out this is not new language. It is already in the existing ordinance. Mayor Brekhus believed the material is very complicated. There are several references to a construction manual she has not read, so as a matter of policy, she did not feel comfortable passing an ordinance she cannot explain. It is also inadvisable for the Council to pass an ordinance that has draconian discretion provisions that allow staff to arrest and/or cite residents. Her suggestion would be to request that MCSTOPPP take another round of this matter. It is a cookie cutter ordinance adopted by all other jurisdictions and she felt, as written, the Council should not adopt.

Council Member Kuhl did not understand Mayor Brekhus's objection. Mayor Brekhus did not believe the ordinance was clear. It is bad practice for lawmakers to pass an ordinance they do not understand.

Council Member Small stated the Town historically has had a hard time enforcing any ordinance or even applying an ordinance. It would be pretty unbelievable if they resorted to some extreme measure. Council Member Kuhl did not find the provisions offensive.

Terri Fashing, MCSTOPPP, appreciated the Council having a discussion on this matter. MCSTOPPP took all the existing urban runoff pollution prevention ordinances for each community in the County and added in the new requirements as best as possible. The county has a different approach to enforcement than what is indicated in the Town's ordinance. The Council may modify the ordinance language. Any language being inserted is from the new permit requirements. They use language from the permit to make it clear what the requirements are and she understands the law is not friendly to the reader, but the general public does not tend to read the ordinance language. They rely on other documentation provided to the public such as the brochure. They tried to mirror the Town's existing language when they made the changes.

Mayor Brekhus asked staff who advises architects and applicants on how to apply. Senior Planner Elise Semonian explained the State permit, which she believed reads clearly,

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recommends applicants look at these issues early in the planning process. Planning staff focuses on the planning projects and residential development and other parts involve public works in regard to paving roadways.

Council Member Hoertkorn added this ordinance must be passed to meet State requirements. The Town has their own ordinance that is more restrictive. Senior Planner Semonian explained the Town's ordinance requires applicant's not to increase runoff. Council Member Hoertkorn noted at some point they could take their current ordinance and make reference to this ordinance. Senior Planner Semonian noted the new ordinance references the existing ordinance.

Council Member Small had no problem making this clearer down the road, but wanted to involve former Council Member Chris Martin who was instrumental in bringing forth this stormwater ordinance. At this point, she would support approving this ordinance tonight. She would not want to change the penalty aspect otherwise they would be adding layers to the process. She asked staff if they could approve this tonight and then work towards making an ordinance that cleaned up some of the older language. Senior Planner Semonian responded the Council could re-adopt a clearer ordinance in the future.

Town Manager Braulik noted all the supporting documents referenced during the meeting are written in easily understandable English. The State comes up with these requirements and the law is not perfect. Staff has been working with MCSTOPPP and other Marin public agencies on the language for over a year. Also staff spent considerable time working with the Town Attorney on this matter. He further recommends the Council move forward in order to be in compliance with the State requirements.

Mayor Brekhus would approve, provided that the matter comes back to the Council.

Mayor Brekhus opened the public hearing on this item.

Peter Nelson, Circle Drive resident, discussed staff time and enforceability, and laws have been actively enforced for years by the building officials. The Town has restrictive access to inspectors and building officials. The Town must have more access to the inspectors and building officials, so homeowners can find out in advance.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

In order to be in compliance with the Phase II Stormwater Permit requirements, the Council agreed to introduce a new ordinance to amend Chapter 12.28 Urban Runoff Pollution Prevention and associated Code chapters (15.24, 18.39, 18.41). The Phase II Stormwater Permit regulates discharges and requires permittees to implement a stormwater management program. Some of the proposed amendments would include:

- Minimize discharges other than storm runoff to storm drains or watercourses;
- Respond to the discharge of spills, prevent & control the discharge of spills to storm drains or watercourses, and prohibit dumping or disposal of materials other than stormwater;

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- Require operators of construction sites, new or redeveloped land, and industrial and commercial facilities to install, implement, or maintain appropriate best managements practices (BMPs); and
- Require newly developed or redeveloped land to maintain the pre-development stormwater runoff rates and prevent stormwater pollution whenever possible.

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to waive further reading and introduce Ordinance No. 657, an Ordinance of the Town of Ross amending the Ross Municipal Code Chapters 12.28, 15.24, 18.39, and 18.41 to provide for erosion and sediment control plans, stormwater control plans, and other requirements pursuant to the Phase II Stormwater Permit and to prevent urban runoff pollution with the effective date being June 1, 2015. Motion carried 4-1. Brekhus opposed.

Council Member Small moved and Council Member Kuhl seconded, to revisit Ordinance No. 657 by Town staff in coordination with MCSTOPPP to possibly include the Town's other Stormwater Ordinance to be done in a timely matter, no later than the Town's next Council workshop which is usually held in September/October. Motion carried 4-1. Hoertkorn opposed.

Public Hearings on Planning Applications – Part II.

11. 1 Skyview, Design Review and Hillside Lot Permit No. 1977

Chris and Eileen Sheldon, 1 Skyview, A.P. No. 72-191-09, R-1:B-A (Single Family Residence, 1-acre min. lot size), Very Low Density (.1-1 units per acre). Request for design review and hillside lot permit for 235 linear feet of new landscape retaining walls up to 4 feet tall and 35 cubic yards of cut and 45 cubic yards of fill to develop a vegetable garden southwest of the residence and a synthetic turf area southeast of the residence.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report.

Council Member Robbins is not clear if there is a risk of instability. Senior Planner Semonian explained that the areas proposed for building are fairly flat and there is no evidence of slope instability around the existing walls, which are much larger than what is proposed. Staff does not consider this area to be a risky location.

Mayor Brekhus 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 Brekhus asked for a motion.

Council Member Small moved and Mayor Pro Tempore Hoertkorn seconded, to approve 1 Skyview, Design Review and Hillside Lot Permit No. 1977 subject to the findings and conditions outlined in the staff report. Motion carried unanimously.

1 Skyview Conditions:

1. A building permit may be required. Contact the Ross Building Department for permit requirements.

1. At least one, large (48" box size or greater), evergreen oak tree of a species not susceptible to Sudden Oak Death, or other evergreen tree compatible with the landscape, between the street and the play area so the tree canopy can provide a visual buffer between the street and play area.

2. The project does not include any structures on the proposed turf area. The Town reserves the right to require additional landscape screening if any visible play structures are installed on the proposed turf area and are visible from the right of way, since such structures could conflict with design guidelines that encourage limiting the visibility of accessory structures from the street.

4. The applicants 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 applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants 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.

12. 40 Fernhill Avenue, Design Review No. 1976

Collet Family, 40 Fernhill Avenue, A.P. No. 73-041-25, R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum lot size), Low Density (1-3 units per acre). Design review of plans for a new, detached, 2,243 square foot structure north of the residence for a 3-car garage, pool house, and second unit. The project also includes new landscaping, pool and patio area, and associated retaining walls. A nonconformity permit is requested to add an attic dormer to the main residence. The existing residence is nonconforming in height and number of stories.

Lot Area	69,435 square feet
Existing Floor Area Ratio	8,077 sq. ft. 11.6%
Proposed Floor Area Ratio	9,509 sq. ft. 13.7% (15% permitted)
Existing Lot Coverage	3,510 sq. ft. 5.0%
Proposed Lot Coverage	7,903 sq. ft. 11.4% (15% permitted)
Existing Impervious Surfaces	12,202 sq. ft. 17.6%
Proposed Impervious Surfaces	12,202 sq. ft. 17.6% (guidelines recommend reduction)

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report. Staff also noted an amendment to Condition No. 3 as follows:

"Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town staff reserves the right to require modifications to the landscape to protect mature trees and to comply with MMWD water conserving landscape requirements

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or fire code clearance requirements. The west wall of the pool area and stairs (both levels of wall) shall be screened with evergreen shrubs large enough to provide “instant screening” of the walls for the neighbor at 42 Fernhill. The number of shrubs may be reduced if the plant size is larger. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.”

Council Member Robbins noted that plants must be removed due to the fire department regulations and expressed concern for those on Bolinas in regard to privacy. Senior Planner Semonian noted that new plantings are proposed for screening and a number of trees will be preserved.

Mayor Brekhus asked if there is any design guideline requiring the second unit be attached to the garage. Senior Planner Semonian responded that most of the Town regulations recommend against this by story and height limits.

Mayor Brekhus opened the public hearing on this item.

Peter Nelson, Circle Drive resident, supported strongly the imperfect surface for the fire trucks and compensating treatment of the drainage. It is an extensive treatment of runoff to slow down the flow of water, which was discussed at the Advisory Design Review (ADR) Group meeting.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Brekhus asked for a motion.

Council Member Small moved and Mayor Pro Tempore Hoertkorn seconded, to approve 40 Fernhill Avenue, Design Review No. 1976 subject to the findings and conditions outlined in the staff report including the amendment to Condition No. 3 as outlined by staff. Motion carried unanimously.

40 Fernhill Avenue Conditions:

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit.

1. Except as otherwise provided in these conditions, the project shall comply with the plans for the residence approved by the Town Council on November 13, 2014. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

2. Impervious surfaces shall be limited to existing conditions plus the area of the front driveway, which is required by the Ross Valley Fire Department based on the height of the structure.

3. Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town staff reserves the right to require modifications to the landscape to protect mature trees and to comply with MMWD water conserving landscape requirements or fire code clearance requirements. The west wall of the

pool area and stairs (both levels of wall) shall be screened with evergreen shrubs large enough to provide “instant screening” of the walls for the neighbor at 42 Fernhill. The number of shrubs may be reduced if the plant size is larger. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

4. A tree protection plan for all protected trees on or near the project site is required with the building permit application. The plan shall comply with the requirements of Ross Municipal Code Section 12.24.100. The applicants’/project arborist shall review the final construction-level drawings and landscape plans, including civil, structural, grading, drainage, irrigation and utility plans (arborist should note the dates of the plans reviewed). The arborist shall review the construction management plan including all paths that will be used for equipment, grading and off haul. All tree protection conditions recommended by the project arborist shall be included on all relevant sheets of the building permit plans to ensure compliance with the arborist recommendations. The plan shall include a schedule of when the consulting arborist should inspect the site or be present for activities such as trenching in the tree protection area. The applicant shall submit a deposit to cover the cost of town arborist review of the Tree Protection Plan and periodic site inspections.

5. Tree protection fencing and other tree protections, such as mulch, steel plates or other protection against compaction around un-fenced trees, shall be installed prior to building permit issuance as recommended by the project arborist on the tree protection plan. Tree protection fencing shall be constructed of sturdy material and identified with signs that include the words, “tree protection fence” and “do not remove without permission from the Town of Ross.” The project arborist shall inspect the site prior to issuance of a building permit to determine if tree protection fencing has been properly installed and shall submit written confirmation to the town planner that the tree protection is in place prior to building permit issuance.

6. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

7. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum “cut-off” appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

8. Applicants shall comply with all requirements of PG&E prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

9. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all

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indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance shall be submitted to the building department prior to project final.

10. Applicants shall comply with the following requirements of the Ross Valley Sanitary District No. 1 prior to project final: since this project involves an extensive demolition and rebuild, the Ross Valley Sanitary District (415) 259-2949 will require a connection permit from the District. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count, the applicant has the option of installing a new lateral or the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements. Sanitary District No. 1 will place a hold on the property once the building permit is issued. This hold prevents the new building from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain a sewer connection permit from this office and meet all District requirements pertaining to the private side sewer/lateral prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

11. The project shall comply with the Fire Code.

12. The Town shall require sprinklers to be installed in the structures.

13. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

a. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any roof projections that are not identified on the plans submitted for Town Council review. Where a roof area is visible from off site, roof projections shall be located to minimize their appearance. Exposed galvanized material is discouraged. All vents and flue pipes shall utilize a finish to blend into adjacent surfaces. If possible, vents may be concealed from view in forms compatible with the structure. Vents for cooking appliances should be located or directed to avoid noise and odor impacts to adjacent sites and shall be located out of required setback areas.

b. The plans submitted for the building permit shall detail the gutter and downspout design and location for review and approval by the Town. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for Town Council review. A specification sheet shall be provided and the proposed color and finish material shall be specified. Downspouts should be located to minimize their appearance from off site locations. Gutters and downspouts should have a finish to blend into adjacent surfaces or underlying trim. Exposed galvanized material is not permitted.

c. Exterior plumbing shall be removed and replaced with plumbing within the walls of the structure.

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d. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

e. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.

f. Property lines and location of foundation relative to property line shall be physically identified (string line or equal) and must be certified by a licensed land surveyor to be in compliance with the approved plans at the time of the first foundation-related inspection. The building inspector shall not provide foundation-related inspections until the information is provided.

g. Floor elevation shall be physically surveyed and certified by a licensed land surveyor to be in compliance with the approved plans after the floor(s) are completed.

h. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.

i. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.

j. Prior to any demolition or issuance of a building permit for the new structure, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department for review by the Building Official. If asbestos-containing materials are determined to be present, the materials should be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and state construction worker health and safety regulations should be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it should be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

k. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities

and a letter of certification shall be provided to the Town building department prior to project final.

l. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.

m. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.

n. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).

o. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the project and the construction management plan.

p. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

q. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.

r. Inspections shall not be provided unless the Town-approved building permit plans are available on site.

s. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).

t. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved. (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

u. A single geotechnical engineering report, containing all recommended geotechnical design criteria for the project, shall be submitted with the building permit plans for review by the building official. All geotechnical aspects of the proposed project and

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preliminary development of plans shall continue to be evaluated by the project geotechnical consultant. A letter from the project geotechnical consultant shall be prepared that approves all geotechnical aspects of the proposed site development layout, verifies project geotechnical feasibility, and verifies conformance with the geotechnical consultant's design recommendations.

v. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

w. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.

x. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.

y. Carbon monoxide alarms shall be provided outside of each dwelling unit sleeping area in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit.

z. Address numbers at least 4" tall shall be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. The address numbers shall be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

aa. The applicant shall work with the Public Works Department to repair any road damage caused by the construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment will be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.

bb. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in the Town of Ross Municipal Code Section 15.50.040, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

cc. A Grading Permit is required from Department of Public Works for site grading. The applicant shall comply with the requirements of Chapter 15.24 of the Ross Municipal Code

dd. The Public Works Department may require a grading security to be submitted in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.

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ee. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The plan shall include a signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediments controls as a “back-up” system. (Temporary seeding and mulching or straw matting are effective controls.)

ff. The Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.

gg. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented

hh. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

ii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.

14. 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 attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

End of Public Hearings on Planning Applications – Part II.

Council Member Small pointed out that the Council had a very smooth Council meeting and commended Town staff on working through several issues prior to the meeting.

13. No Action Items:

a. Council correspondence

- Flood Zone 4 meeting
- Ross Rec scholarships
- Letter from Ross resident in regard to comments made to the judicial council
- Measure E campaigning at Post Office

b. Future Council items

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- Creation of ad hoc committee to explore future preschool locations at the December Council meeting
- Ross former green street signs

14. Adjournment.

Mayor Brekhus moved to adjourn the meeting at 8:33 p.m.

Elizabeth Brekhus, Mayor

ATTEST:

Linda Lopez, Town Clerk