

REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, JUNE 14, 2007

1. 6:30 P.M.

Present: Mayor Hunter; Mayor Pro Tempore Cahill; Council Member Durst; Council Member Skall; Council Member Strauss; Town Attorney Hadden Roth

2. Posting of Agenda.

The Town Manager reported that the agenda was posted according to government code.

3. Minutes – May meetings

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Durst seconded, to approve the May 3rd, May 10th, May 22nd and May 31st minutes. Motion carried unanimously.

4. Demands.

The demands were met.

5. Open Time for Public Expression - None

6. Report from Mayor Hunter.

Mayor Hunter reported that fire consolidation has been concluded at present, a valley-wide consolidation will not work. We are continuing one-on-one discussions with Kentfield Fire Protection District to see if a combination of all or a part of their departments would make sense financially and operationally. In addition, Ross Valley Fire has requested an opportunity to make a presentation to Council at some point in the future.

In regard to the Parmenter litigation, for the past year the Town has been involved in a contentious legal proceeding with Mr. Parmenter over the Town's refusal to approve his development plan for a steep lot off Baywood Ave. The Mayor is happy to report that the case is closed and the Town prevailed.

Mayor Hunter then explained that Council wants to better communicate with the community. In an effort to promote open communications with everyone in Town, Town Manager Broad, with the assistance of Christine O'Rourke will begin publishing a summary of the highlights of each Council meeting the day after the meeting. The publication will be called "*The Morning After*" and the first edition will go out tomorrow morning.

Lastly, the Mayor reported, on a sad note, Carole D'Alessio passed away unexpectedly this past Monday morning. Carole was actively involved in many Town and area activities. Council and staff have expressed their sympathies to her husband Jon. In a note Jon wanted Council to know that if Carole were here she would ask for two things from Council:

1. Treat the creek and the Town's natural beauty as a valuable asset, and make decisions accordingly; and
2. Redouble their efforts to bring civility into the planning process.

At Jon's request Item 22e has been removed from tonight's agenda.

7. Report from Committee Heads.

Public Works - Council member Strauss

- Shady Lane pedestrian improvement update
- Sir Francis Drake Blvd. pedestrian improvement update
- Downtown Plan action plan

Council Member Strauss deferred his reports to later in the evening.

General Government - Council member Durst

- Bolinas Avenue traffic update

Council Member Durst reported that three weeks ago Ross Public Safety Chief Heying and San Anselmo Police Chief Charles Maynard sent a letter to residents, businesses and schools who are frequent users of Bolinas Ave. advising them of increased speed limit enforcement and traffic calming efforts. Enforcement priorities have been identified as speeding vehicles, illegal turns and downtown parking. As a result there has been a twofold increase in the number of citations issued in May. Chief Heying has received a letter of thanks from the Branson Neighborhood Association for his department's efforts to monitor traffic. They will continue this program into the fall and evaluate further steps with San Anselmo.

- Street Tree Working Group update

Council Member Durst announced that the Street Tree Working Group met twice this past month. Chair Jannell Hobart, Mimi Lapeyre and Cynthia Zak have developed a street plan for Fernhill Ave. The plan is unique to Fernhill as it incorporates existing street trees and varies the type of tree as one travels up the street in order to achieve a dramatic poly cultured canopy. Town Arborist Becky Duckles and Street Supervisor Robert Maccario have reviewed and given input into this plan as well.

- Jack Wells skate park project

Council Member Durst indicated that during the time for public expression at last month's Council meeting, Jack Wells proposed that the Town install a skate park. Jack is 13 years old. Subsequently, she met with Jack and reviewed his idea and steps that needed to be taken. Jack has taken the responsibility of gathering signatures and a petition asking Council to consider putting a skate park on Town property. The number of signatures will help determine if there is a "critical mass" support for this concept. She will be following Jack's progress. She complimented Jack on his initiative and drive. She then provided Council with plans prepared by Jack.

Community Choice Aggregation - Council member Cahill

Mayor Pro Tempore Cahill reported that on May 31st elected officials, town and city managers, county officials and other interested and technical participants met at a local government taskforce meeting to formulate principals for Community Choice Aggregation or CCA. CCA is an effort whereby a joint power authority would be established to purchase power for Marin residents. CCA is enabled by State law and is currently being considered by a number of other jurisdictions throughout the State. PG&E would continue to perform billing and power distribution functions. The new JPA would choose the source of power for Marin using a greater percentage of power produced from renewable sources than PG&E will use. Navigant Consulting has been hired to create a business plan for the new JPA.

Navigant moderated the meeting. After a lengthy discussion a consensus on principles to guide CCA was reached, as follows:

- The CCA would maximize renewable source power at rates comparable or less than projected PG&E power costs;
- The CCA would offer an option to customers who could pay more for a higher renewable power content; and
- The CCA would maximize local renewable power generation.

Navigant will be polling the public in the fall to confirm these principals.

8. Report from Ross Property Owners Association.

RPOA representative reported that the new 4th of July banners would be placed on the poles. Also, RPOA will have a table on the Common along with the Historical Society. RPOA contributed to the July 4th Committee and will be responsible for the publicity banners.

9. Flood Control Report

This item will be discussed under Item 14.

10. Town Council consideration of canceling the August 9, 2007 Town Council meeting.

Town Manager Broad recommended that the Council consider canceling the August 9, 2007 Town Council meeting based on lack of projects and also due to different Council Members schedules.

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

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Strauss seconded, to cancel the August 9th, 2007 Town Council meeting. Motion carried unanimously.

11. Town Council consideration of Resolution No. 1625 honoring Joan Ryan for receiving an Edgar A. Poe Award.

This item was continued to the next meeting since Ms. Ryan was not in attendance.

12. Town Council consideration of adoption of the proposed negative declaration for the Town of Ross General Plan 2007-2025 and approval of Resolution No. 1626 adopting the Town of Ross General Plan 2007-2025.

Gary Broad, Town Manager, summarized the staff report and recommended that Council approve Resolution No. 1626, adopting the Town of Ross General Plan 2007-2025. Staff received a letter from the Marin Municipal Water District and the Federated Indians of Graton Rancheria Sacred Sites Committee. Staff, along with town consultants and an outside archaeologist, prepared a response and included many good recommendations regarding historic sites. Each comment has been considered, and responses have been provided. All changes accepted by the Town Council will be included in the final Town of Ross General Plan 2007-2025 document.

Mayor Hunter opened the public hearing on this item.

Richard Hannum, Baywood resident, discussed response to comments in regard to automatic CEQA requirements on any project requiring excavation and desired an explanation. Jeff Beard, consultant, explained that they are implementing a program to identify archeologically sensitive areas and that map would be used to trigger preliminary analysis that may then require following up and a more detailed investigation. He further added that it is linked to a sensitivity map for when those studies are absolutely required.

Mayor Pro Tempore Cahill asked staff how many sites currently exist in Town. Town Manager Broad indicated that the Indians settled along creeks, and Ross has a lot of land contiguous to creeks.

Mr. Hannum discussed CEQA law that if one uncovers any archeological interest, there is a set time for an archeologist to do their work. He wanted to defer that clause to CEQA law that speaks to those specific issues. Town Manager Broad noted that if laws are related to this matter they would be pertinent and the policies may apply to projects that are not subject to CEQA. Staff further noted that this was reviewed by an archeologist and staff is quite comfortable with the proposed responses.

Mayor Hunter believed this provides a great set of guidelines to move forward.

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

Mayor Hunter asked for a motion.

Council Member Cahill moved and Council Member Strauss seconded, to adopt the Negative Declaration for the Town of Ross General Plan 2007-2025 based on findings in the staff report. Motion carried unanimously.

Council Member Strauss moved and Council Member Durst seconded, to approve Resolution No. 1626, adopting the Town of Ross General Plan 2007-2025 including the changes as presented in the Summary and Responses to Comments received on the Draft General Plan submitted to the Planning Commission on May 10th, 2007 and the Town Council on June 14th, 2007. Motion carried unanimously.

13. Town Council consideration of Resolution No. 1627 commending the General Plan Steering Committee.

Mayor Hunter read into the record a resolution commending the General Plan Steering Committee and recommended that Council adopt Resolution No. 1627.

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

Mayor Hunter asked for a motion.

Council Member Strauss moved and Council Member Skall seconded, to adopt Resolution No. 1627, commending the General Plan Steering Committee. Motion carried unanimously.

Mayor Hunter on behalf of the Town presented each member of the Steering Committee with a baseball caps adorned with the Ross Town Bear and presented the following members with framed resolutions honoring them for their dedication and their invaluable service to Ross residents:

- George Dirkes
- Wendy McPhee
- Richard Hannum
- Jody Anne Becker
- Bruce Goldberg
- Lesley H. Reidy
- Thomas Byrnes, Jr.
- Jeff Baird

Consultant Baird believed staff involvement really added to this project and commended Town Manager Broad.

Town Manager Broad and Mayor Pro Tem Cahill presented the same to Mayor Hunter as committee members.

14. Presentation by County of Marin Flood Control - Flood Zone 9 Staff, U.S. Army Corps of Engineers, and Friends of Corte Madera Creek on conceptual level design proposals for that section of the pending Federal Flood Control project in Ross known as "Unit 4".

Jack Curley, County of Marin Assistant Civil Engineer, presented a detailed presentation on a conceptual design for Unit 4. He then introduced his team and explained that the Army Corps agreed to include these designs as the basis to continue plans, specifications and construction. They have their own process that must be followed with a resulting timeline that was provided to Council for their review. He then presented the Ross Valley Flood Protection and Watershed Program that included the following:

- Army Corps of Engineers Unit 4 Flood Control Channel 2007 recommended design as envisioned by independent designers
- Geomorph (Matt Smeltzer, P.E., Stetson Engineers, Marin County, Michael Love and Associates and Friends of Corte Madera Creek - all involved parties

Mr. Curley believed the conceptual design addressed the Council's points in town Resolution 1457 dated January 18, 2001. The future Ross Valley Watershed Program addressed points in the resolution asking for a watershed-wide approach. For example, they are now using an updated hydrology model and more detailed analysis of upstream impacts as well as accurate maps of 100-year flood plain. Land management practices and their impacts on the town and watershed are part of the plan. To achieve a high level of flood protection, it is necessary to expand the view to a watershed-wide program because they will not achieve that alone in the Town of Ross. They propose adding detention basins to hold flow during large storm events so large volumes of water do not reach San Anselmo, Larkspur and Ross.

Matt Smeltzer, Fluvial Geomorphology Consulting, discussed the following:

- Unit 4 Design Alternatives
 - **Alternative 1**
 - No action – fish passage: permanent-type concrete fish ladder
 - **Alternative 2**
 - Fish passage: 33 feet wide gradually sloped rock-lined channel
 - Achieve 33 to 40-foot minimum wide using combination of biotechnical stabilization and low visibility vertical retaining walls.
 - Preserve large majority of existing riparian canopy forming trees
 - **Alternative 3**
 - Fish passage: 33 feet wide gradually sloped rock-lined channel
 - Achieve 43 feet minimum width using combination of biotechnical stabilization and higher vertical retaining walls along existing chain-link fence
 - Requires removal of some mid and upper bank riparian trees along west bank
- *TWG recommended Hybrid Alternative
- Map illustrating conceptual differences that included a cross-section of the creek between Lagunitas Road and residential
- Rational of recommended design:
 - **Alternative 1** - improves fish passage but does not improve flood conveyance capacity
 - **Alternative 2** - increase capacity to 5,400 cfs. with minimized cost and visual impact
 - **Alternative 3** - also increases capacity to approx 5,400 cfs. with substantially greater cost and visual impact.
 - *Alternatives 2 and 3 both increase capacity to 5,400 cfs.*
 - **TWG recommended design:**
 - Compromise of refined, minimized components of Alternative 2
 - Minimum necessary aesthetic impact to achieve max 5,400 cfs. flow capacity
 - Additional refinements possible during interim and final design phase
- Components of recommended design:
 - Remove fish ladder itself – will increase capacity to 5,000 cfs
 - Add retaining wall 114 feet long beginning at Unit 3 concrete channel.
 - Add wall at in the vicinity of 27 Sir Francis Drake
 - Rock-line channel 400 feet upstream to ensure residents that their existing walls will not be undermined.
 - Walls on average 4 or 5 feet high will maximize flood capacity.

- Work needed along Sylvan Lane. Modify bank treatment behind Town Hall. Aesthetic differences are important – option grade slope down to the creek then all trees removed from bank. Trees near bottom saved. End up with fabric-covered slope 200 feet long down to Lagunitas Bridge. It would look like a recent construction zone. Trees could be saved with more detailed design. Recommendation is to begin grading of bank at edge of large trees and get down to the channel from that point to evaluate most visible area of project. Have landscape architect make sketches from the bridge viewpoint.
- Need for more analysis – essence of treatment is a biotechnical grading project. Large section is non-native vegetation that should be removed.
- Number of large trees that town may want to save.
- Behind 23 Sir Francis Drake, property owner received recommendation and are developing a design that complies with this recommended design. Should not impact capacity of the channel.
- Upper 1/3 of the rip-rap bank will be made more attractive by removing rip-rap and adding architectural treatment at 21 Sir Francis Drake.
- Photo of view looking upstream of existing fish ladder and rip-rap bank
- Rendering of same viewpoint showing wall and replacement of rip-rap one year from construction
- Photo of Woodacre channel as an example of rock-ramp.
- Rendering from different viewpoint of same treatment regarding inlet of Unit 3.

Council Member Durst asked if different colors could be incorporated other than gray. Council Member Strauss believed colors would be part of the next step. He then asked the consultant to discuss how this will affect the entire watershed. Mr. Curley explained that the fish ladder is under 5-year level of flow. To achieve 100-year level, they propose to consider detention basins in the upper watershed. They must determine maximum capacity. They must hold water somewhere else during large events. Perhaps Phoenix Lake, which might hold a certain amount of water coming from Ross Creek, could be used. They must find places to hold water in order to maximize flow. If they took the fish ladder out it will undercut those properties. It must be thought of as a complete project. Mr. Smeltzer noted that the two projects could be separate, but 2,200 cfs is gained if the fish ladder is removed.

Council Member Strauss wanted to expedite the removal of the fish ladder to receive that 2,200 cfs gain. Mr. Curley responded that this is the remaining portion of the Army Corps, which was estimated at about \$9 million in 1999 dollars. They face the financial challenge of doing this project on their own. He is not sure if they would gain much by doing this project on their own in terms of time. They still would have to go through the same environmental and construction process. Regulatory agency policies and standards add time to the process, that may be longer than if the Army Corps carried out the work. The timeline suggests it will be at least three years to actual construction.

Mayor Hunter asked if they could do the project and then later be reimbursed. Army Corps representative stated it would be possible, but very unlikely and difficult to be reimbursed at this point.

Mayor Pro Tempore Cahill asked if there is some way the Corps can fast track and expedite this process. Army Corps representative responded that there is no way to expedite this matter.

Mr. Curley will express the concerns of Ross and wishes to flood control and report back findings. They want to move forward quickly, but whether it will fit in the overall budget is not known.

Mayor Hunter opened the public hearing on this item.

Sandy Guldman, representing Friends of Corte Madera Creek, felt it would be faster with the federal nexus. She felt doing the project on their own would lengthen the permit process.

Council Member Durst clarified that future schedule is starting construction October 1st of 2010 and completed 2011. Army Corps representative responded in the affirmative.

Council Member Durst stated that if the flood zone measure passes, then that should be the first project. Mr. Curley noted that it is a priority project. Mr. Curley also pointed out that the Unit 4 project can move forward regardless of the outcome of the Ross Valley flood fee election.

Mayor Hunter stated that if the bond measure passes, this would be the first project to review. Mr. Curley believed that is possible.

Brian Salmen, Shady Lane resident, appreciated the discussion tonight, but there is a whole change in regard to physical change. They are moving forward and noted his excitement. He thanked Mr. Curley for all his efforts. He wanted to know the capacity under Lagunitas Bridge. Mr. Smeltzer responded that it is 4,200 cfs. The design assumption is that the bridge would be replaced. Mr. Salmen pointed out that if they pushed 5,400 cfs downstream, then walls would be needed, so they cannot just remove the fish ladder and bridge and not add walls down stream. Mr. Curley agreed they must review impacts downstream. For the quick fix, they do not know the unintended consequences. They must review down and upstream to understand the impacts.

Mr. Salmen noted that his water comes from San Anselmo, so no improvements that occur at the bridge will help his situation. He then asked what if any analysis has been done about flow constriction of Ross Creek and San Anselmo Creek joining. Mr. Smeltzer explained that it required looking so far as Lagunitas Bridge. They have not looked for constriction elsewhere. Stetson Engineers have constructed a computerized hydraulic model of the channel that extends to downtown San Anselmo, allowing more circumspect analysis. Mr. Salmen believed that should be exposed to the light of day because he has asked that question several times. He believed a major constriction and flood level is about 3 to 6 feet higher above than below. Mr. Curley must survey and add Ross Creek to their model and that is part of the broader Ross Valley Program. They need to know this creek system much better and that is why hydraulic model is top on the list.

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

Mr. Curley desired a resolution from the Town that acknowledges that the points in the 2001 resolution have been addressed and to encourage continued work at the federal level on this concept. He would explore the implications of short-term fixes. He will talk to staff to reach a resolution that Council can stand behind. He would like to see the process continued. Environmental process is 18 months of the three years. He desired further discussion with the Town Manager. He then stated that implementing the Unit 4 solution included the following:

- **Recommended Design:**
 - Meets all design objectives
 - Has a clearly defined design and construction scope
 - Is best viewed as a set of project components
 - Each component of the recommended design is feasible
- **Now we need to:**
 - Pass a resolution urging the Army Corps to continue its process with this increased focus and expedite the process as much as possible
 - Fine-tune individual design components in final design phase
 - Coordinate with Lagunitas Road Bridge replacement design
 - Include Ross Valley Sanitary District in design review regarding their siphon protection

Council thanked Mr. Curley and Mr. Smeltzer for their report and presentation.

15. Town Council discussion and opportunity for public input on the design for the Lagunitas Road Bridge replacement, including consideration of sidewalks and bike lanes.

Gary Broad, Town Manager, summarized the staff report and desired Council and public input on the design for the Lagunitas Road bridge replacement, including consideration of sidewalks and bike lanes. They are trying to replicate the existing bridge, but bicycles lanes will affect the width and appearance. No decisions have been made. Conceptually, staff has been thinking about a sidewalk on only one side of the bridge. Staff wants a safely designed walkway in order to have protection between pedestrians and roadway components. Not a separate bicycle lane, but a bike lane within the roadway. Staff then provided a conceptual bridge designs from URS consulting firm to Council for consideration and indicated that the hydrologist is Stetson Engineering, so coordination will occur with the Ross Valley Flood study.

Mayor Hunter opened the public hearing on this item.

Frank Malin had a few questions about height and hydrology and staff reiterated that Stetson is the hydrologist, so coordination will occur.

A member of the audience did not believe a bike lane on the bridge is needed, since one does not exist now.

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

Council Member Strauss wanted to maintain a narrow bridge with an adequate bike lane and make it safe for pedestrian travel with adequate protection.

Council Member Durst wanted to respect historical portions and keep the bridge on the narrower side. She believed it is valuable to respect historic proportions. She liked the idea of separating pedestrians from traffic on the bridge and suggested a separate pedestrian bridge. She recommended a pedestrian footbridge because of the safety hazard. Director Jarjoura indicated that the engineers would provide alternatives. Staff explained that the bridge is 45 feet total in width, but if they want to add an additional path outside of the bridge, then it would be at the expense of the town.

Mayor Pro Tempore Cahill recommended having foot traffic on only one side of the roadway. He did not want to spend Town money to build a separate pedestrian bridge. He felt there are ways to preserve safety by providing a foot or two on either side for a shoulder or bicycle. He believed it would be best to not have a bike lane and just allow bicycles to use the pedestrian pathway as they do now.

Council Member Strauss felt access to the Post Office must be discussed and pointed out that a traffic engineer will be required for the Downtown Plan, Shady Lane and Lagunitas.

Council Member Skall felt they should have a pathway on one side of the bridge, but make it wide enough for emergency vehicles.

Mayor Hunter agreed with a pedestrian walkway on one side along with a barrier.

Mayor Hunter then noted that Town Attorney Hadden Roth did a fabulous job with the court proceedings, which he forgot to mention earlier, and just wanted to note his appreciation.

Town Attorney Hadden Roth excused himself from the Town Council meeting at 8:13pm

16. Town Council consideration of issuing a special permit to allow the use of the Ross Common for a “First Friday Block Party” on the first Friday of every month.

Gary Broad, Town Manager, summarized the staff report and recommended that Council issue a special permit to allow the use of the Ross Common for a “First Friday Block Party” on the first Friday of every month. In regard to alcohol, Chief Heying provided alcohol laws from ABC. Staff suggested that organizers promote BYOB to avoid violations of ABC. If scope of activities change, they must check with the Town first.

Council Member Skall expressed concern for restrooms and asked staff to discuss with Ross Rec to make sure their restrooms are open. Town Manager Broad has not discussed that issue, but pointed out that generally they do not have public restrooms available with Ross Common.

Council Member Durst noted that Ross Rec has a playground key to the restrooms. If Ross Rec requested to do so, they could coordinate with Ross School. Council Member Skall recommended investigating that aspect. Town Manager Broad agreed.

Mayor Hunter opened the public hearing on this item.

Bob Kristoff, Winding Way resident, asked who is invited to this “*Block Party*.” Mayor Hunter indicated that it is an open invitation to Town residents.

Richard Hannum, Baywood resident, asked Council the level of participation expected. Mayor Hunter indicated that the event is limited to 50 participants.

RPOA representative indicated that this matter was discussed and concern was expressed about alcohol, teenagers and restrooms.

Mayor Hunter recommended approving the permit and revisit in six months. Town Manager Broad agreed to approve through this calendar year.

A Ross resident expressed concern for the noise and desired a specified time frame. Council Member Durst indicated that the timeframe is from 5 to 8 p.m. Another Ross resident attended last month and indicated that there was no noise impacts.

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

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Strauss seconded, to issue a special permit to allow the use of the Ross Common for a “*First Friday Block Party*” on the first Friday of every month subject to complying with the recommended items in the staff report and items discussed in regard to coordination with Ross Rec to use restrooms; approve through this calendar year; participation is limited to 50; and the event hours are from 5 to 8pm. Motion carried unanimously.

17. Town Council public hearing to levy taxes/assessment pursuant to Ordinance 582 of the Ross Municipal Code – Fiscal Year 2007-08.

Gary Broad, Town Manager, summarized the staff report and recommended that Council open the public hearing and then set the municipal tax.

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

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Strauss seconded, to reduce the parcel tax from \$1,000 to \$775 dollars for the next fiscal year. Motion carried unanimously.

18. Town Council Adoption of the Fiscal Year 2007-2008 Budget.

Gary Broad, Town Manager, summarized the staff report and recommended that Council adopt the fiscal year 2007-08 budget. Staff noted that the capital improvement budget includes purchase of a 4-wheel drive, one-ton diesel pick-up to receive better gas mileage. The truck will have 4 wheels in the rear. Staff noted that it has been 7 years since a vehicle has been replaced and staff believed it seemed to be a reasonable request. Also, \$14,000 for sidewalk improvements on Poplar will be added to the budget under capital improvements to be reflected in the final draft of the budget. The Town is also continuing with the apprentice program and pedestrian improvements on Shady Lane and Sir Francis Drake Blvd. as well as drainage improvements. Staff further noted that \$100,000 is included in the budget for work on developing the downtown plan.

Mayor Hunter opened the public hearing on this item.

Brian Salmen, Shady Lane resident, asked staff if it is a basic zero balanced budget. Town Manager Broad stated that budget includes one time reimbursement for flood damage. Setting that aside, if we are successful in getting a grant from Safe Routes to do work on Shady Lane, the Town would have \$300,000 surplus of revenue over operating and capital expenses.

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

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Strauss seconded, to adopt the fiscal year 2007-2008 budget with the addition of \$14,000 for capital improvements for the sidewalk project as noted by staff. Motion carried unanimously.

The following Ross resident was unable to be in attendance during public expression, so Council allowed Mr. Goldberg a few minutes to speak.

Bruce Goldberg, Sir Francis Drake Blvd. resident, announced that on April 17th his daughter was hit on Sir Francis Drake Boulevard. He noted that the crosswalk is not well marked and asked Council to improve Sir Francis Drake Boulevard. He urged Council to seriously consider safety, children specifically and installing some sort of sidewalk or safe enhancement to avoid such incidents in the future. Mayor Hunter noted that the Town received a \$200,000 grant to do such improvements, and it is a priority of Council to add sidewalks.

19. Town Council selection of Council goals for the one-year period from July 1, 2007 to June 30, 2008.

Mayor Hunter noted that Council had a planning session recently to discuss challenges presented to the Town and operation. It was a great opportunity to visit a lot of different subjects. There was a wide variety to focus attention on and they developed a variety of goals and Council was encouraged to submit their top five. Mayor Pro Tempore Cahill, himself and the Town Manger prepared a matrix and pulled off the five main issues. He

wanted to make sure the majority approved the top five. He suggested that each member of Council will be directly responsible for each goal, as follows:

1. Work with other Ross Valley jurisdictions on a valley-wide approach to drainage, warning systems and emergency response. (Cahill)
2. Expand emergency preparedness and increase readiness response and safety. (Skall)
3. Establish Ross Advisory Design Review Program. (Durst)
4. Develop Downtown Area Plan. (Strauss)
5. Consult Fire Consolidation Exploration. (Hunter)

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

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Durst seconded, to approve the Council's five goals with the Mayor's assignments. Motion carried unanimously.

20. Award of contract and authorization of expenditures for Woodside Way Overlay Project.

Mel Jarjoura, Public Works Director, summarized the staff report and recommended that Council award contract and authorize expenditures for Woodside Way Overlay Project.

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

Mayor Hunter asked for a motion.

Council Member Strauss moved and Council Member Durst seconded, to award contract and authorize expenditures for Woodside Way Overlay Project. Motion carried unanimously.

21. Town Council consideration of Resolution No. 1628 authorizing execution of Joint Exercise of Powers Agreement II relating to the Marin Map Project.

Gary Broad, Town Manager, summarized the staff report and recommended that Council adopt Resolution No. 1628, authorizing execution of Joint Exercise of Powers Agreement II relating to the Marin Map project. Staff further noted that there are no financial changes.

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

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Skall seconded, to approve Resolution No 1628, authorizing execution of Marin Map JEPa. Motion carried unanimously.

22. Planning Application Consent Agenda.

Item 22c was removed from the Consent Agenda at the request of the applicant. The following three items were approved in a single motion:

a. 39 Fernhill Avenue, Amendment to Design Review No. 493

The Branson School, 39 Fernhill Avenue, A.P. No. 73-082-12 and 73-141-03, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size). Amendment to the April 17, 2006 Town Council design review and tree removal approval to allow creek bank stabilization at the lower campus area. The project includes construction of 140 linear feet of shotcrete wall, finished to model nearby exposed bedrock, within guideline watercourse setbacks (25 feet recommended, 0 feet proposed.) The amendment is requested to permit diversion of water around the project area under the supervision of biologists, if necessary.

Based on an initial study, staff has concluded that the project will not have a significant effect on the environment and has recommended that the Town Council adopt a Mitigated Negative Declaration of Environmental Impact.

Council Member Strauss desired a landscape plan to be required and submitted to staff for review. Council and staff agreed.

Mayor Hunter asked for a motion.

Council Member Durst moved and Council Member Skull seconded, to approve Consent Calendar Item “a” as amended with a landscape plan to be submitted for staff review. Motion carried unanimously.

Branson School, Amendment to Watercourse Design Review and Negative Declaration of Environmental Impact, File DR493, 39 Fernhill Avenue

Based on the documents attached, staff believes that the project will not have a significant effect on the environment and recommends that Council adopt a Mitigated Negative Declaration of Environmental Impact for the project. Council approves the project based on the findings in the staff report and the following conditions:

1. A landscape plan shall be submitted to staff for review and approval and installed prior to project final.
2. Mitigation measures shall be implemented as stated in the mitigated negative declaration.
2. The applicant is responsible for obtaining all appropriate Federal, State and local permits prior to issuance of a building permit, including a Streambed Alteration Agreement from the Department of Fish & Game, permit from the U.S. Army Corps of Engineers and the Regional Water Quality Control Board. The applicant shall comply with any additional requirements of the agencies.
3. Prior to the issuance of a building permit, the applicant shall submit a final drainage plan for the review and approval of the Director of Public Works.
4. A construction and traffic management plan shall be submitted for the review and approval of the Director of Public Works prior to the issuance of a building permit.
5. No tree removal shall be permitted until a building permit for project construction has been issued by the Town of Ross.
6. The applicants shall pay required Town fees of \$3 for every cubic yard of off-haul resulting from this project. Final off-haul amounts shall be calculated by the project

- civil engineer with calculations submitted to the Director of Public Works prior to the issuance of a building permit.
7. 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.
 8. 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.
 9. 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.
 10. Failure to secure required building permits and/or begin construction by June 14, 2008 will cause the approval to lapse without further notice.
 11. 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.
 12. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
 13. 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.

b. 22 Chestnut Avenue, Variance and Design Review No. 1571

Suzanne and Joe Galuszka, 22 Chestnut Avenue, A.P. No. 73-301-15, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum). Variance and design review for landscape improvements including: 1.) a 20 foot by 24 foot pergola at the upper end of the driveway within a side yard setback (20 feet required, 2 feet proposed); 2.) new and replacement retaining walls up to 5 feet tall between the residence and the street; and 3.) new pedestrian path and landings within the east side yard setback.

Lot area	22,651 square feet
Existing Floor Area Ratio	8.8%
Proposed Floor Area Ratio	11.3% (15% permitted)
Existing Lot Coverage	19.2%
Proposed Lot Coverage	19.2% (15% permitted)

Mayor Hunter asked for a motion.

Council Member Strauss moved and Council Member Skall seconded, to approve Consent Calendar Item “b” as presented with findings and conditions. Motion carried unanimously.

Galuszka, Variance and Design Review Application, File Var1571, 22 Chestnut Avenue

1. A detailed landscape plan focused on softening the appearance of development from off-site perspectives shall be submitted for the review and approval of the Planning Department prior to project final.
2. 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.
3. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
4. This project shall comply with the following requirements of the Department of Public Safety: 1.) A street number must be posted {minimum four inches on contrasting background}; 2.) The property must be cleared of all dead or dying flammable materials; and 3.) A local alarm system is required.
5. Before the start of any clearing, excavation, construction, or other work on the site, or the issuance of a building permit, every significant and/or protected tree shall be securely fenced-off at the non-intrusion zone, or other limit as may be delineated in a submitted tree protection plan. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.
6. If the proposed development, including any site work, will encroach upon the non-intrusion zone of a significant and/or protected tree, special measures shall be utilized, as approved by the project arborist, to allow the roots to obtain necessary oxygen, water, and nutrients.
7. Underground trenching shall avoid the major support and absorbing tree roots of significant and/or protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist is required. Trenches shall be consolidated to service as many units as possible.
8. Concrete or asphalt paving shall not be placed over the root zones of significant and/or protected trees, unless otherwise permitted by the Town Arborist.
9. Artificial irrigation shall not occur within the root zone of oaks, unless deemed appropriate on a temporary basis by the Town Arborist to improve tree vigor or mitigate root loss.
10. Compaction of the soil within the non-intrusion zone of significant and/or protected trees shall be avoided.
11. Any excavation, cutting, or filling of the existing ground surface within the non-intrusion zone shall be minimized and subject to such conditions as the Town Arborist may impose. Retaining walls shall likewise be designed, sited, and constructed so as to minimize their impact on significant and/or protected trees.
12. Oil, gas, chemicals, or other substances that may be harmful to trees shall not be stored or dumped within the non-intrusion zone of any significant and/or protected

- tree, or at any other location on the site from which such substances might enter the non-intrusion zone of a significant and/or protected tree.
13. In no case shall construction materials or debris be stored within the non-intrusion zone of a significant and/or protected tree.
 14. Any portable toilets shall be placed off of the street and out of public view. Project development shall comply with the requirements of the Ross Valley Sanitary District.
 15. 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.
 16. 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.
 17. FAILURE TO SECURE REQUIRED BUILDING PERMITS AND/OR BEGIN CONSTRUCTION BY JUNE 14, 2007 WILL CAUSE THE APPROVAL TO LAPSE WITHOUT FURTHER NOTICE.
 18. 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.
 19. The Town Council reserves the right to require additional landscape screening for up to two (2) years from project final.
 20. 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.

d. 58 Wellington Avenue, Amendment to Design Review and Hillside Lot No. 113

Joyce Konigsberg, 58 Wellington Avenue, A.P. No. 72-121-44, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum). Modification to the approved design to permit the following: 1.) approximately 2 foot increase in the approved roof ridge height of the eastern 16 feet of the residence to 15 feet; and 2.) a 6-foot extension of the approved deck to the west of the residence within the guideline watercourse setback (25 feet recommended, 4.5 feet proposed);

Lot area	22,046 square feet
Approved Floor Area Ratio	13.5%
Proposed Floor Area Ratio	13.5% (20% permitted*)
Approved Lot Coverage	13.5%
Proposed Lot Coverage	13.5% (20% permitted)

*THE SLOPE OF THIS LOT IS 34%. THE HILLSIDE LOT ORDINANCE WOULD RECOMMEND A MAXIMUM FLOOR AREA OF 1,764 SQUARE FEET.

Mayor Hunter asked for a motion.

Council Member Durst moved and Council Member Skall seconded, to approve Consent Calendar Item “d” as presented with findings and conditions in the staff report.

Conditions of approval for 58 Wellington, Konigsberg

1. Except as specifically amended here, all conditions of this project’s previous approvals and extensions shall remain in full force and effect.
2. The boards of the new deck shall be spaced to allow water to run between the boards.
3. The applicant shall submit plans to the building department that show the actual demolition at the site.
4. 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. This approval shall not extend the construction completion date for the project.
5. 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.
6. 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 Planning Consent Agenda.

e. 25 Crest Road, Variance and Design Review No. 1647

Jon and Carole D’Alessio, 25 Crest Road, A.P. No. 72-011-08, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum Lot Size). Design review to permit a 223 square foot addition to the southwest corner of the residence.

Lot area	65,340 square feet
Existing Floor Area Ratio	5.1%
Proposed Floor Area Ratio	5.5% (15% permitted)
Existing Lot Coverage	3.9%
Proposed Lot Coverage	4.2% (15% permitted)

This item was withdrawn at the request of the applicant..

Consent Calendar Item C

c. **20 Winding Way, Time Extension for Variance and Design Review No. 1599**
Robert and Kim Kristoff, 20 Winding Way, A.P. Nos. 72-112-07 & 72-112-16, R-1:B-A (Single Family Residence, One Acre Minimum). A one-year time extension to July 13, 2008, for a variance and design review application approved on July 13, 2006, to allow renovation of and additions to an existing two-story residence, demolition of a carport, construction of a 454 square foot attached two-car garage within the front yard setback (25 feet required, 4.5 feet proposed) and 34 linear feet of new retaining walls with a maximum height of 7 feet.

Lot area	28,042 square feet
Existing Floor Area Ratio	12.5%
Approved Floor Area Ratio	15.0% (15% permitted)
Existing Lot Coverage	9.3%
Approved Lot Coverage	10.3% (15% permitted)

The existing carport is nonconforming in setbacks.

Senior Planner Semonian indicated that after discussions with the applicant, staff suggested modifying Condition No. 2 by deleting “*certified arborist*” and then staff will develop a plan. Council agreed.

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

Mayor asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Durst seconded, to approve agenda Item No. 22c with findings and conditions in the staff report subject to deleting the requirement of a certified arborist in Condition No. 2. Motion carried unanimously.

Kristoff Extension of Time Application, File Variance 1599, 20 Winding Way

1. Prior to project final, the applicant shall file an application for a voluntary merger with the planning department and submit material as required by staff to document this is a single lot of record.
2. A tree protection plan shall be submitted to the town planner prior to issuance of the building permit. Tree protection measures shall be followed during all phases of construction.
3. Prior to pouring the foundation, the applicant shall provide sufficient information to determine the location of the property line between 20 and 30 Winding Way so that staff may confirm the required setback for the approved garage.
4. Plans submitted with the building permit application shall be fully dimensioned (showing measurements at exterior walls) so that staff may confirm the project complies with the approved floor area.
5. Except as specifically amended here, all conditions of this project’s July 13, 2006 approval shall remain in full force and effect.
6. Failure to secure required building permits and begin construction by July 13, 2008 will cause this approval to lapse without further notice.

7. 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.
23. **23 Baywood, Amendment to Variance and Design Review No. 1471**
Richard and Cynthia Hannum, 23 Baywood Avenue, A.P. No. 72-071-06, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum Lot Size). Amendment to a May 8, 2003 variance and design review approval (extended one year in May 2004 and again in May 2005) and April 17, 2006 demolition permit to allow construction of a residence within the front and side yard setbacks. Modifications requested include: 1.) amendment to the approved demolition plan to allow demolition of all walls of the structure; 2.) changes to the roofline that result in an approximately one foot increase in the approved ridge height for the eastern half of the residence; 3.) installation of solar panels on the south side of the roof; 4.) modifications to windows, doors and pattern of exterior siding on each elevation; 5.) alteration of the floor plan, not resulting in any additional floor area but reducing the encroachment into the front yard setback; 6.) modifications to the decks on the south elevation of the residence; and 7.) increase in eave overhang. Request to amend condition of approval that requires windows that substantially resemble wood in order to install dark bronze/brown aluminum clad windows.

Lot area per applicant	10,122 square feet
Approved Floor Area Ratio	26.4%
Proposed Floor Area Ratio	26.4% (20% permitted)
Approved Lot Coverage	18.2%
Proposed Lot Coverage	22.9% (20% permitted)

The existing residence is nonconforming in setbacks and parking (2 spaces required).

Elise Semonian, Senior Planner, summarized the staff report and recommended that Council approve, but limit the height to what was approved in 2003. Staff recommended approving subject to additional conditions outlined in the staff report.

Mayor Hunter believed the conditions would closely monitor construction and provide assurance.

Mayor Hunter opened the public hearing on this item.

Andy Mascheroni, 25 Baywood resident, discussed cleanliness of the lot and commended Mr. Hannum for attending to that recently. He agreed with staff's evaluation and believed

the application should not be considered at the present time because they cannot confirm adequacy of story poles and requested that it be denied. He added that adequate time to allow neighbors to review an accurate set of plans has not been provided. He desired a complete set of proper story poles and survey of lot, including story poles, existing concrete and lot lines. Time constraints should not be the focus. They negotiated and accepted the approved set of not increasing height of the roofline at his property line. He voiced concerns that story poles height is very important, as noted at the last meeting. The height of the existing floor is unknown since all has been demolished. Six weeks ago he recognized that the foundation wall is 2 feet higher and then after the floor joist it would increase in height even more. He is very unclear and frustrated. He wanted Mr. Hannum to finish, but it is not fair to continue to modify the plan.

Bart Welles, 55 Wellington resident, expressed concern for windows on the new proposed plan versus the last approved plan. A lower deck was added and the original 2003 approval that was not preferred, but now that lower deck is back. He expressed concern about screening, lack of irrigation and desired specific screening plan in writing. He wanted to confirm that the windows would be clear and not tinted. He desired to know the color of the siding. He felt it is great to add solar panels, but wanted Mr. Hannum to explore options. He recommended not approving this matter until all issues are clarified and addressed. He further desired a complete survey before any more work is done.

Christopher Dons, Attorney, representing the Brown Family, 7 Baywood, stated that given the short amount of time they have not be able to fully review the plans and wanted to reserve potential objections and keep those issues available in case this issue goes to court. They object to the plans being approved and submitted a letter that was mailed to staff and Council in that regard. They provided photographs to Council as well, which is typical of work done on this project. Careful consideration is desired and they objected to approval at this time.

Richard Hannum, applicant, apologized to his neighbors in regard to their frustration. They discovered no steel and they submitted new foundation plans and removed all old foundation. In regard to noise impacts, the dumpster was from Marin Sanitary who lost control of the dumpster when picking it up, which was out of his control. They have tried to accommodate and deal with issues. As it related to the site plan, they submitted from the original to the second approval based on permit drawings. The shifts that occurred exist in one location. All dimensions remain exactly as was originally proposed and approved. There are still elements that were in the original recorded survey from 2003 approval showing the heights. He agreed with staff's request to confirm those heights. The deltas as presented are 0.7 feet from the original. The difference in overall height was set in the approval higher than being presented. It is well below the height limits. They found during engineering drawings was that the ridge came across the middle body of the house, but ended up being asymmetrical and a little taller. One change studied was the original approval called for California gable substantially higher, and the new design is to remove that California gable, which will reduce the overall impact of the roof. Looking at the grade height, originally approved windows was 10-foot high windows and 9-foot is proposed. The new set of windows is 9 feet. They narrowed the windows in the bedrooms and reduced the square-footage of glass on the south facing façade. As it related to Macheroni's, they consolidated down to one window. Also, a 6-foot high fence runs the property and is substantially less visible. The other windows remains at their location. The roof ridge height on the building

remains in the same proportion. 2003 covered the approved retaining walls. From the front, the windows have been reduced to 9 feet. Materials are the same that was approved originally. Solar panels will not be seen. He noted that there was an adjustment in the windows and the building shifted 12 inches, but the rest remains as approved by the Town. Also, they reviewed all conditions with staff and accept the staff report and staff recommendations and conditions, with the exception of finishing their plumbing to continue working with the approval in place.

Mayor Hunter asked about the new deck as discussed by the public. Mr. Hannum responded that the pole was removed because when the house moved down 12 inches the deck was shortened 12-inches. The deck maintains its same location, just removed 12 inches.

Mayor Pro Tempore Cahill asked about landscaping proposed between the house and two neighbors. Mr. Hannum respond that Mrs. Brown's house is not visible. To the Wells, there is a glimpse between a continuous row of canopy trees. Between the Mascheroni's, they look down over yards and the most important piece is adjacent to the deck. There is a shrub that screens very well. He is working with the Mascheroni's in regard to placement of windows to avoid private issues. Due to the oak trees, not much landscaping can be planted.

Mr. Hannum objected to Condition No. 1 in regard to stop working. He explained that Larry Doyle is scheduled to come out and shoot elevations. If he is higher than the 0.7 feet, they will have the opportunity to make the adjustment.

Mayor Hunter asked if the new design is bigger in square-footage. Mr. Hannum responded that it is the same. They maintained the existing foundation near the oak tree. They maintain the exact plan of the lower floor. The balanced difference is between 4 and 12 feet difference and most is in the stair.

Mayor Hunter noted that the Town has the ability within three years to require more screening in regard to the landscape plan. Mr. Hannum understood the Town's ability.

Melissa Wells, Fallen Leaf resident, expressed concern for the solid bank of windows that will be a major reflector. This last year they lost an oak tree and there is no guarantee that they will have necessary screening. Mr. Hannum responded that the glass is pushed together to get a 6.5 sheer wall. The length of the pieces of glass is still the same.

Mr. Mascheroni stated that the existing level of brick patio was to be the same level of the existing floor and now there are five steps, which is a substantial change. The project is being raised and Mr. Hannum is trying to disguise it.

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

Council Member Durst did not believe they could approve tonight because it has not been adequately reviewed by staff. They do not have any assurance. Rather than approve this evening, she stated that given the number of unresolved issues that an after the fact approval was probable. She would rather have staff fully review the documents presented to them on June 7th.

Mayor Pro Tempore Cahill appreciated the comments from the neighbors and the difficulty of receiving information. However, this is a superior design. The issues that are to be cleared up are issues of dimensions and height that can be ascertained by staff. It is a benefit to the Town and neighbors to have this project completed as soon as possible with proper review. He agreed with the staff report and felt staff is sufficiently equipped to determine if this is within the FAR.

Council Member Skall liked the design and appreciated the interesting elements. He is troubled about the neighbors not receiving clear communication. He is uncomfortable moving forward due to all the concerns expressed by the neighbors. He hoped to find a way to get the neighbors comfortable with the information in order to move forward.

Council Member Strauss concurred with the design presented tonight. It seems better for the community and the project has gone on far to long. The garage must be constructed as soon as possible. He believed staff can review the necessary items and agreed with the staff report.

Mayor Hunter shares the frustration of the neighbors and does not understand how it has gone on so long. He agreed what is presented tonight is a superior design. All of the concerns of the neighborhood can indeed be handled at staff level, so he would be in favor of approving the project subject to the conditions in staff report.

Mr. Hannum noted that Larry Doyle's survey team must come out to the site. The sequence of events is that they plan to bring plumbers in within a week. The footprint and dimensions are exactly what is in the building permit. The only issue is to set the top of the wall relative to the existing survey and confirm. Nothing will go on top of that wall for six weeks, so it allows him to move forward.

Council Member Strauss asked the applicant when information could be submitted to staff. Mr. Hannum believed within a couple of weeks.

Mayor Hunter believed Condition No. 1 is very important. Council Member Durst recommended leaving Condition No. 1 in place. She desired all information, given the history of this project, and then staff and Council can evaluate.

Mayor Hunter asked for a motion.

Council Member Strauss moved and Council Member Skall seconded, to approve Item No. 23 subject to the conditions and findings in the staff report. Motion carried 4:1, Durst opposed.

Hannum, Amendment to Approved Plans, File 1471, 23 Baywood Avenue

Council approves this application with the findings of May 8, 2003 and the following conditions:

1. No work is permitted at the site under the current permit until the applicant confirms the project complies with approved plans.
2. The proposed patio and deck area within the front and side yard setbacks is not approved. The applicant may construct walkways within the setbacks. Plans submitted for building permit shall reflect this change.

3. Except as specifically amended here, all conditions of this project's previous approvals and extensions shall remain in full force and effect.
4. Dark brown/bronze aluminum clad windows are approved.
5. By June 30, 2007, the debris and soil piled within the dripline of the trees near the construction shall be removed and the dripline shall be protected with protective fencing that cannot be easily moved.
6. The applicant shall develop a plan for securing the site in a manner that clean and inoffensive to the public. The plan shall be reviewed and approved by the planning department and installed by June 30, 2007.
7. Prior to approval of building permit plans, the applicant shall submit evidence, prepared by a licensed land surveyor, that confirms the lot size, elevation of the foundation, and elevation of other elevation points from the May 2003 site plan from sea level. The finished floor elevation shall be no greater than .7 feet taller than the former residence and the maximum ridge height shall be no greater than one foot above the approved ridge height on the 2003 plans. The surveyor shall confirm that the story poles are accurate and reflect the ridge elevation of the finished residence. A surveyor shall confirm the ridge height prior to roofing the residence.
8. Lot coverage shall be limited to 1,852 square feet and floor area is limited to the living space approved in 2003 and the existing garage space. Prior to the issuance of a building permit for the revised project, the applicant shall submit fully dimensioned floor plans (living space measured from exterior walls) to the Town so that staff may confirm this condition.
9. No changes from the approved plans shall be permitted without prior Town approval.
10. All site drainage shall be dissipated in a manner that prevents erosion and conforms to current storm water discharge practices in Marin County. The applicant is responsible for ensuring storm water runoff is maintained in its natural path. Final drainage improvements shall be prepared by a Civil Engineer, and reviewed and approved by the Town prior to issuing a Building Permit.
11. No grading shall be permitted between October 15 and April 15. (Grading is considered to be any movement of earthen materials necessary for the completion of the project.) All exposed areas resulting from excavation and grading shall be seeded or planted with appropriate vegetation and maintained until established to prevent erosion. If not seeded or planted, measures shall be taken to prevent storm water pollution and erosion at the site prior to October 15th.
12. 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 Town prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way. Portable restroom facilities shall not be in the City right-of-way or in public view.
13. 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.
14. 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.

Council Member Durst recused herself from the next agenda item to avoid the appearance of a conflict.

24. 24 Upper Road West, After-the-Fact Design Review No. 1642

Timothy J. Peterson (applicant) and Mohammed Diab (owner), 24 Upper Road West, A.P. No. 73-011-25, R-1:B-A (Single Family Residence, 1 Acre Minimum Lot Size). After-the-fact design review for a new 32-foot by 24-foot water storage tank within 25 feet of a watercourse to serve the applicant's property at 13 Woodhaven Road and the property at 24 Upper Road West.

Lot area	43,560 square feet
Existing Floor Area Ratio	7.0%
Proposed Floor Area Ratio	7.0% (15% permitted)
Existing Lot Coverage	4.1%
Proposed Lot Coverage	5.8% (15% permitted)

Elise Semonian, Senior Planner, summarized the staff report and recommended that Council approve the project with conditions outlined in the staff report. Staff further noted that an easement has been recorded.

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

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Skall seconded, to approve the application subject to findings and conditions in the staff report. Motion carried unanimously.

Tim Peterson, applicant, 24 Upper Road West, After-The-Fact Design Review, File 1642, 24 Upper Road West

1. An after-the-fact building permit and fees are required.
2. The tank must be designed so that the water is regularly circulated (for example, for irrigation) and must have a mechanism for ensuring that the tank is constantly full.
3. The tank must be full of water prior to final on the building permit.
4. Use of the tank is limited to emergency water supply and irrigation purposes.
5. The applicant shall obtain a building permit and obtain project final by July 31, 2007.
6. Landscaping shall be installed substantially as shown on the landscape plan. No planting is approved on adjacent sites without the permission of the property owner. The Town reserves the right to require the property owner of 24 Upper Road West to provide additional screening landscaping between the private roadway and water tank up to three years from project final.

7. Annual site monitoring by the owner's geotechnical engineer is required for five years. An annual written report of the geotechnical engineer's observations and recommendations shall be submitted to the Town of Ross. Monitoring beyond five years would be as necessary base on the geotechnical engineer's observations.
8. The applicant's geotechnical engineer shall review the site slope stability and provide stabilization recommendations. The applicant shall install/implement the stabilization measures as recommended by the geotechnical engineer within 30 days.
9. A railing or fence shall be installed where applicable for safety, and as a minimum, where the drop is greater than 30 inches. The design of the fence or railing shall be reviewed and approved by planning department staff prior to installation.
10. A hold-down grated cover (with openings no greater than 4 inches) shall be placed over the tank access opening within 30 days.
11. 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.
12. The applicants are responsible for obtaining permission to use the private roadway adjacent to the site for construction or landscape work
13. 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.

Council Member Durst reconvened her position on the Town Council.

25. 16 Walters Road, Amendment to Hazard Zone, Hillside Lot and Design Review No. 1641

Rocky Stich, 16 Walters Road, A.P. No. 72-171-06, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size). Amendment of hazard zone 3 use permit, hillside lot and design review application approved on January 9, 2003, to allow a 505 square foot addition to the east side of the existing residence. The addition would add 106 square feet to the main level in the area of an existing patio and 399 square feet to the upper level, increasing the size of the residence from 2,783 square feet to 3,288 square feet.

Lot area	65,675 square feet
Existing Floor Area Ratio	4.9%
Proposed Floor Area Ratio	5.8% (15% permitted*)
Existing Lot Coverage	3.5%

Proposed Lot Coverage

3.7% (15% permitted)

**The lot slope is 39%. The Hillside Lot Ordinance guidelines would recommend a maximum floor area ratio of 6.6%, or 4,334 square feet.*

Gary Broad, Town Manager, summarized the staff report and recommended that Council support the application with findings and conditions in the staff report. If a majority does not support the application, it could be denied with the findings as reflected in the concerns articulated by Council Members Durst and Strauss at the May 2007 meeting.

Rocky Stich, applicant, explained that he reduced the bulk and size as well as eliminated an existing bedroom after hearing resistance from Council at their last meeting. The proposal has been reduced by 25%. They left the architectural elements that exist today, just proposing to expand the upper level bedroom to become a useful size. In the original Town Council approval, one neighbor was combative on every level and the original Council approval was a long process as a result of that combative neighbor. There are no issues from any other neighbors. Those most affected by this proposal support this project. The rest of the neighbors are not able to view the addition. The original FAR was 4,800 sq. ft. and now it is 2,800 sq. ft. The original approval they ended up diminishing some interior spaces where they are substandard and they are attempting to rectify that by increasing the family room and upper floor bedroom to a normal size.

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

Council Members Durst and Strauss felt the same as the last hearing that this is not the best solution for the property and that the addition does not add to the project.

Council Members Skall and Cahill continue to find the project acceptable.

Mayor Pro Tempore Cahill felt it is a minor addition. The benefit to the interior of the house is significant. The bedroom is a ridiculously sized bedroom. Council Member Strauss disagreed because it was a three bedroom with a den, so it was appropriately sized.

Mayor Pro Tempore Cahill felt the difference in design is de minimis. This is a huge lot and they are only covering less than 4% of the lot and had no objection to this addition.

Mayor Hunter appreciated the Council's comments. He believed the house as it stands right now is the result of too much input from too many sources. He felt the proposed modifications are de minimis and he did not have a problem with them and would vote to approve.

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Skall seconded, to approve Agenda Item No. 25 with findings and conditions in the staff report. Motion carried 3:2. Durst and Strauss opposed.

Stich Use Permit, Hillside Lot Amendment & Design Review Application, Rocky Stich (16 Walters Associates LLC) 16 Walters Road

1. This project shall comply with all the requirements of Resolution No. 1517.
 2. 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.
 3. This project shall comply with the following requirements of the Department of Public Safety: a.) sprinklers shall be extended from the existing system, b.) the 24-hour monitored system shall be extended, and c.) all dead or dying flammable material shall be cleared and removed per Ross Municipal Code Chapter 12.12.
 4. Any portable toilets shall be placed off of the street and out of public view. Project development shall comply with the requirements of the Ross Valley Sanitary District.
 5. 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.
 6. 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.
 7. FAILURE TO SECURE REQUIRED BUILDING PERMITS AND/OR BEGIN CONSTRUCTION BY JUNE 14, 2008, WILL CAUSE THE APPROVAL TO LAPSE WITHOUT FURTHER NOTICE.
 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. Prior to project final, the Town arborist shall, at the applicant's expense, review existing screening between the subject property and surrounding parcels and determine whether additional landscape screening is necessary. Any required screening shall be installed within 60 days.
 10. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
 11. 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.
26. **42 Fernhill, Amendment to Variance and Design Review No. 1595**
Tim Wood, 42 Fernhill Avenue, A.P. No. 73-041-26, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum Lot Size). Amendments to a June 8, 2006,

Town Council demolition, variance and design review approval, which permitted the removal and reconstruction of the rear wing of the residence, comprising approximately 1,800 square feet of floor area. The applicant proposes to change the approved gray exterior paint color (the existing paint color) to yellow. The applicant also requests modifications of the conditions of approval to allow all new windows to have a white aluminum clad exterior where wood windows were permitted and also to permit the basement area to have a seven foot ceiling height where 6.5 feet was approved.

Lot area	20,210 square feet
Approved Floor Area Ratio	29.0%
Proposed Floor Area Ratio	29.0% (15% permitted)
Approved Lot Coverage	18.7%
Proposed Lot Coverage	18.7% (15% permitted)

The existing residence is nonconforming in setbacks, height, and number of stories.

Elise Semonian, Senior Planner, summarized the staff report and recommended that Council approve the application subject to findings and conditions outlined in the staff report, but recommended denial of the increase in basement space.

Tim Wood, applicant, provided Council with a color sample, which is a creamy mellow yellow. He agreed with staff reviewing before approving the color. He further added that he did not want a shiny yellow.

Town Manager Broad noted that staff could require that an actual area be painted for approval to make sure what goes on the building is the color desired.

Mayor Hunter opened the public hearing on this item.

Douglas Abrams, building neighbors home, noted that the neighbors have no objection to the colors. He then provided a little background about colors in the neighborhood and noted that the Sheehan's submitted their color board and approved the brown shingles and preferred grayish brown and the Tishgart's have a yellow house and now desired a gray house.

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

Council Member Durst felt the Tishgart's yellow color is too bright for the subject property. Mr. Wood desired the color of the beautiful Victorian up the street, but would provide what is requested. Council Member Durst requested that Mr. Wood provided a color sample to staff.

Council Member Strauss encouraged soft and muted tones and did not believe the subject house should be yellow since it is located in a prominent location. Also, he expressed concern for approving projects in a piece-meal fashion. He finds it frustrating not being able to view the entire package. He desired a standard such as 12x12 to review. He cannot adequately review the color with the sample provided. He asked the applicant to prepare a

sample board. Council Member Durst recommended painting an area of the house in order to review the color.

Mayor Pro Tempore Cahill recommended painting a sample on the house and allow a couple Council Members to review, and if found acceptable great, and if not, then bring it back to full Council.

Council Member Strauss discussed windows and did not like mismatching, but since they are not visible it is a fairly small request. Mr. Wood provided samples of the windows for Council's consideration. He then pointed out that the windows would be white as originally proposed.

Council Member Strauss encouraged the applicant to have all the windows done the same. For example, room-to-room be the same.

In regard to the basement, based on historic precedent, Council Members Strauss and Durst felt they must stay with the 6.5 feet.

Mayor Pro Tempore Cahill believed the main concern should be the effect of the building envelope and if one has a basement that no one will see, then why not let one utilize that space. Council Member Strauss added that it could be converted into a bedroom with additional floor and vehicles. Mayor Pro Tempore Cahill did not believe it would impact the Town or neighbors in any material way. In most cases, they are very small rooms and typically used for storage or ping-pong table. He believed the benefit to the homeowner is much greater than the impact on the Town.

Council Member Durst believed temptation occurs with the taller height. She added that when there is a chance to avoid hidden FAR, Council should do so.

Council Member Skull believed this issue must be revisited because he does not understand the issue of expressing concern in regard to what occurs inside ones home.

Mayor Hunter stated that it adds FAR at 7 feet that leads to a living situation that adds more people and vehicles, which is not the intent.

Mr. Wood explained that the space will not increase the volume and no windows are proposed in the subject area.

Council wanted to view color. Council Members Durst and Strauss agreed to visit the site along with staff to review some shade of yellow. Council Member Strauss opposed the use of a "yellow color."

Council agreed that the basement height should remain at 6.5 feet.

Mayor Hunter asked for a motion.

Council Member Durst moved and Mayor Pro Tempore Cahill seconded, to approve Item No. 26 with staff's recommendation subject to findings and conditions with the

addition that Council Members Durst and Strauss visit the site along with staff to review colors. Motion carried unanimously.

Tim Wood, Amendment to Approval, File 1595, 42 Fernhill Avenue

The Council approves the modified paint color and window material with the findings in the staff report and the following conditions:

1. The project shall be subject to the conditions of the June 8, 2006 Town Council approval, including the 6.5 foot basement ceiling height.
2. The siding may be repainted a light yellow color, similar to the color presented to Council, to be reviewed and approved by staff prior to painting.
3. Side and rear windows approved for replacement may be aluminum clad.
4. 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. This approval does not extend any construction completion dates for any other permits for this site.
5. No changes from the approved plans shall be permitted without prior Town approval. Redlined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
6. 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.

27. 18 Canyon Road, Variance and Design Review No. 1655

Douglas Abrams, 18 Canyon Road, A.P. No. 72-031-27, R-1:B-5A (Single Family Residence, Five Acre Minimum). After-the-fact design review and variance to allow the following: 1.) 142 square foot addition within front yard setback (25 feet required, 15 feet proposed); 2.) reconstruction of entry porch within side setbacks (25 feet required, 8 feet proposed); 3.) reconstruction of decks within front yard setback (25 feet required, 20 feet proposed) and side yard setback (25 feet required, 13 feet proposed); 4.) new retaining walls up to 4.5 feet in height over a watercourse contained in a culvert; and 5.) dormer addition within side setback (25 feet required, 20 feet proposed) and within guideline watercourse setback (25 feet recommended, 10 feet proposed).

Lot area	66,211 square feet
Existing Floor Area Ratio	4.0%
Proposed Floor Area Ratio	4.3% (15% permitted)
Existing Lot Coverage	4.0%
Proposed Lot Coverage	3.6% (15% permitted)

The existing residence is nonconforming in setbacks, maximum height, and number of stories.

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

Mayor Hunter asked if staff has any concern about the way this project came forward. Senior Planner Semonian expressed concern, but currently there are no penalties in the zoning ordinance. Staff hopes to create more penalties to create a disincentive. Staff further noted that there was a permit when the project started.

Council Member Strauss asked about enforcement and wanted to make sure work is stopped and penalties are imposed.

Mayor Pro Tempore Cahill asked about nuisance abatement and fines. Town Manager Broad desired to make the fines higher because the laws in place do not discourage individuals from starting construction. Staff will look at exploring this in all respects to develop a project to deal with this type of behavior. Director Jarjoura noted that other Town's charge three times the building permit fee.

Mayor Hunter asked staff if there is a reassessment. Senior Planner Semonian responded in the affirmative.

Douglas Abrams, applicant, apologized for the violation and hates to be the one in Town to cause the Town to re-evaluate the fees imposed. As a project manager, meeting with clients it is a concern. It has to do with tax rates, not so much the permits. The entire process must be re-evaluated and it will not hurt staff exploring other Town's. He stopped work immediately when notified by staff. Then staff spent time with his architects and communication occurred during the process. The architects fell behind on their work and once he was red tagged he stopped work. They figured out what needed to be submitted and all the changes required, and at that point, he thought all matters were okay, so he continued work. Currently no work is occurring on the site.

Mayor Hunter opened the public hearing on this item.

Richard Hannum, Baywood resident, indicated that teeth must be in place and during the General Plan discussion they must identify guidelines, criteria and mechanism.

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

Council Member Strauss desired construction documents for the building permit. Mr. Abrams did not have construction documents because the house is built. He pointed out that there is no change to the walls.

Council Member Skall is amazed about what has occurred and does not understand how this happened.

Council Member Strauss wanted work to stop and have the applicant come back with a full set of documents for their review. He desired proper procedure to be followed. Mayor Pro

Tempore Cahill agreed. Council Member Durst agreed that it must be documented and go through a full design review process.

Mayor Hunter stated that the number of after-the-fact applications is out of hand. Council spends a tremendous amount of time protecting Ross' "small town" character. After the fact applications are wrong in so many ways. It is within Council's power to require removal and restart, which makes no sense. He asked Mr. Abrams not to allow this to happen again. In addition, he asked Director Jarjoura and Town Manager Broad to make recommendations to Council as to what can occur to stop these after-the-fact applications coming before the Town. It might involve a fine on the contractor and homeowner, but directed staff to explore options because this is not the tradition in Town. In order to protect the Town, better tools must be established. He agreed a package must be provided and whatever penalties they can impose they should.

Mr. Abrams stated that it is a vast improvement. He respects Council's comments, but the house has the exact same footprint. There are no drastic changes made to the home and the suggestions made by staff seem to be acceptable.

Mayor Hunter asked for a motion.

Council Member Durst moved and Council Member Strauss seconded, to continue Agenda Item No. 27 to a future date pending receipt of a complete application, including a full set of designs, showing all elevations and any historic photographs showing what existed before; and that the stop work order remain in place until such time design review is completed.

Motion carried unanimously.

28. Correspondence-None

29. Other Business-None

30. Adjournment

By order of Mayor Hunter, the meeting adjourned at 10:48 p.m.

R. Scot Hunter, Mayor

ATTEST:

Gary Broad, Town Manager