

AGENDA

REGULAR MEETING of the ROSS TOWN COUNCIL

THURSDAY, OCTOBER 8, 2009

1. 6:30 P.M. Commencement.
2. Open time for matters pertaining to the closed session in agenda items 3 and 4.
3. Closed Session – Conference with Legal Counsel – Pursuant to Government Code §54956.9 (a) re Jose Adan Reyes-Hernandez v Town of Ross, Marin Superior Court, Case No. Civ 090045. (10 minutes)
4. Closed Session – Personnel Matter, Government Code Section 54957, semi-annual evaluation of the Town Manager. (20 minutes)
5. Open Session. Council will return to open session and announce action taken, if any.
6. Posting of Agenda.
7. Minutes.
8. Demands.
9. Open Time for Public Expression.
Limited to three minutes per speaker on items not on agenda.
10. Report from Mayor Pro-Tempore Hunter.
11. Report from Committee Heads. (10 minutes)
Community Protection Update - Council member Skall
Public Works Update - Council member Martin
12. Report from Ross Property Owners Association.
13. Flood Control Report.
14. Report from the Ross School. (5 minutes)

For information as to which item the Council is hearing, please call 415-453-1453, option 3, after 7:00 p.m. on the night of the meeting. Times shown are estimates only.

Project applicants will be limited to no more than 15 minutes total for owner, architect, engineer, etc. presentations. All other speakers will be limited to a maximum of 3 minutes per item.


15. Town Council consideration of adoption of Resolution No. 1679 in the Matter of Accepting an Interest in Property from the Ross School District and dedicating easements to the District. (Broad, 5 minutes) 

16. Consent Agenda. (5 minutes)



- a. 24 Walnut Avenue, Second Unit Permit No. 1754 (Semonian) 

James Zak, Cynthia Snorf Zak and Roberta B. Bialek, 24 Walnut Avenue, A.P. No. 73-171-46, R-1:B-10 (Single Family Residence, 10,000 SF Minimum Lot Size), Medium Low Density (3-6 Units/Acre). Variances associated with an application for a second unit permit to allow use of the existing guest house as a second unit. The second unit structure would have a nonconforming side setback (15 feet required, 2 feet existing) and rear setback (40 feet required, 8 feet existing) and would be 1,640 square feet in size (700 feet permitted). No construction is associated with the request.

Lot area	24,682 square feet
Existing and Proposed Floor Area	31.5% (20% permitted)
Existing and Proposed Lot Coverage	19.1% (20% permitted)

- b. Town Council consideration of the appeal of Rick Newton, 94 Laurel Grove Avenue, A.P. No. 72-211-10, of the penalty for failure to complete construction under Ross Municipal Code Section 15.50, Time Limits for Completion of Construction and of Resolution No. 1661 acting on the appeal. (Broad) 

End of Consent agenda.

17. Report from Ross Recreation Director Pam Riley and request that the Town Council amend the bylaws related to residency requirements. (10 minutes) 
18. Presentation by Dawn Weisz on Marin Energy Authority draft contract for energy supply. (15 minutes)
19. Food to Energy (F2E) presentation by Central Marin Sanitary Agency and Marin Sanitary District. (15 minutes)
20. 7 Woodhaven Road, Variance, Design Review, Hillside Lot/Hazard Zone 4 Use Permit No. 1680 (Roth and Semonian, 20 minutes) 
- Steve Bode, 7 Woodhaven Road, A.P. No. 73-021-04, R-1:B-5A (Single Family Residence, 5 Acre Minimum Lot Size), Very Low Density (.1-1 Units/Acre). Town Council consideration of the Town Attorney's opinion that the September 11, 2008, appeal by Dick and Patty Treadwell, is void because there is no right to appeal a Town Council decision. If the appeal is void, the applicant Steve Bode requests the original approval be re-instated for the full one year term. The original approval was for the following:

Demolition permit to allow the demolition of an existing residence and detached accessory structures totaling 1,961 square feet of floor area. Variance, design review, hillside lot/ hazard zone 4 use permit and second unit permit to allow the following:

1.) construction of a 4,861 square foot residence and attached two-car garage with a maximum ridge height of 28 feet; 2.) construction of a 1,140 square foot detached second unit above a two-car garage (700 square feet permitted), with a maximum ridge height of 18.5 to 23 feet (18 feet permitted); 3.) location of the new residence, second unit, driveway and landscape retaining walls within 50 feet of a watercourse contained in a culvert (25 to 50 foot setback recommended); 4.) 469 cubic yards of cut and 340 cubic yards of fill; and 5.) over 100 linear feet of new driveway and landscape retaining walls with a maximum height of 9 feet.

Existing and Proposed Conditions:

Effective lot area	73,216 square feet	
Present Floor Area Ratio	2.7%	
Proposed Floor Area Ratio	8.3%	(15% permitted)*
Present Lot Coverage	2.7%	
Proposed Lot Coverage	6.1%	(15% permitted)

* The hillside lot design standards would recommend a guideline floor area of 5,561 square feet. Total development of 6,055 square feet (not including mechanical area) is proposed.

21. Town Council consideration of the appeal of David DeRuff, 3 Southwood Avenue, A.P. No. 73-152-09, of the penalty for failure to complete construction under Ross Municipal Code Section 15.50, Time Limits for Completion of Construction and of Resolution No. 1674 acting on the appeal. (Jarjoura, 20 minutes) 🗨️
22. Town Council discussion of its five Town Council goals for 2009-2010. The Council identified the following five potential goals at its August 2009 Town Council workshop. (Council, 15 minutes)
 - a. Downtown plan (Strauss)
 - b. Public facilities (Cahill)
 - c. Flood control (Martin)
 - d. Hillside lot ordinance review (Skall)
 - e. Unfunded liabilities/pensions (Hunter)
23. Town Council initial discussion of new Bay Area Air Quality Management District regulations requiring cleaner burning fireplaces, such as EPA-certified fireplace inserts or natural gas devices, to be installed in new construction or remodels. The Council will discuss potential additional Town regulations of indoor and outdoor fireplaces to implement General Plan 2007-2025 Program 2.C “Adopt Wood smoke or Biomass Smoke Ordinance” at the October and November Council meetings. Additional regulations could include further restriction on indoor and outdoor wood burning fireplaces including their removal or replacement. (Semonian, 15 minutes) 🗨️
24. Town Council review of proposed planning department policy for processing applications and scheduling planning items for Council meetings. (Semonian, 10 minutes) 🗨️

25. 39 Fernhill Avenue, Amendment to Variance, Design Review No. 1661 (Semonian, 10 minutes) 📄

The Branson School, 39 Fernhill Avenue, A.P. Nos: 73-082-01, 73-082-12, 73-141-03 and 73-151-05, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size), Limited Quasi-Public/Private Service. Amendment to plans approved by the Town Council on June 11, 2009, for new entry columns near the intersection of Fernhill Avenue and Circle Drive. The applicant requests approval of modifications to the landscape plan, new lighting to illuminate the signage on the columns, and the addition of lights at the top of each column, which would increase the height of each column to 11.5 feet. Tree removal permit to remove the elm tree located to the right of the entry columns.

26. 21 Fernhill Avenue, Variance and Design Review No. 1753 (Semonian, 15 minutes) 📄

Brian and Rachel Wells, 21 Fernhill Avenue, A.P. No. 73-091-37, R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum lot size), Low Density (1 - 3 units per acre). Proposal for redevelopment of the site including applications for design review, variance, demolition permit and second unit permit. The project includes demolition of the existing residence and construction of a 4,082 square foot new residence, 469 square foot detached garage, 160 square foot pool house and landscape improvements including a 16 foot by 32 foot pool. The exterior materials for the French country style residence include cement plaster siding, slate roofing and painted wood windows and doors. A floor area ratio variance is requested for 541 square feet of a 613 square foot, attached, second unit. A side setback variance is requested to permit 25 square feet of terrace area within the west side yard setback (20 feet required, 16 feet proposed). Setback variances are requested to maintain the play structure within the front yard setback (25 feet required, 16 feet proposed) and east side yard setback (20 feet required, 10 feet proposed).

Lot area	27,802 sq. ft.	
Existing Floor Area	13.5%	
Proposed Floor Area	16.9%	(15% permitted)
Existing Lot Coverage	11.1%	
Proposed Lot Coverage	9.7%	(15% permitted)

27. 15 Fernhill Avenue, Variance and Design Review No. 1751 (Semonian, 30 minutes) 📄

Charles Almond, 15 Fernhill Avenue, A.P. No. 73-091-36, R-1:B-20 (Single Family Residential, 20,000 sq. ft. min. lot size), Low Density (1-3 Units/Acre). Application for variances and design review for a remodel and addition to the existing residence. The project involves demolition of the detached guest house, garage and trellis, as well as the mudroom and bathroom on the west side of the residence. A new garage is proposed, with a bedroom above the garage, within the west side yard (20 foot setback required, 3.75 feet proposed). A second floor balcony is proposed on the north-facing elevation of the new bedroom. The project involves new landscaping, including new plants and modification of the driveway and patio areas. Patio areas are proposed within the west and east side yard setbacks (20 feet required, 5 feet proposed). The pool equipment would be relocated within the west side yard setback (20 feet required, 5 feet proposed) and rear yard setback (40 feet required, 5

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feet proposed). Exterior modifications include a new slate roof, reconstruction of dormers, and replacement of several windows and doors.

Lot area	17,764 sq. ft.	
Existing Floor Area	23.4%	
Proposed Floor Area	22.6%	(15% permitted)
Existing Lot Coverage	19.0%	
Proposed Lot Coverage	14.7%	(15% permitted)

28. Correspondence. (3 minutes)

29. Other Business.

30. Adjournment.

If any of the matters discussed above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this notice or in written correspondence delivered at, or prior to, the Council meeting at which this matter will be heard. (Government Code Section 65009).

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager at (415) 453-1453, extension 107 or (415) 453-1950 (Fax). Notification at least 48 hours prior to the meeting will enable the town to make reasonable accommodation to help insure accessibility to this meeting.