

**REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, SEPTEMBER 11, 2014**

1. 5:15 p.m. Commencement

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

2. Posting of agenda.

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

3. Open time for matters pertaining to the closed session items in agenda item 4. - None

4. Closed session.

**a. Conference with Legal Counsel—Anticipated Litigation
Government Code Section 54956.9(d)(2)
One Case**

**b. Conference with Legal Counsel—Initiation of Litigation
Government Code Section 54956.9(d)(4)
One Case**

5. 6:11 p.m. Open Session. Council will return to open session and announce actions taken, if any. No reportable action.

6. Minutes - July

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to adopt the Regular Town Council Meeting Minutes of July 10, 2014 as amended. Motion carried unanimously.

7. Demands.

The demands were met.

8. Open Time for Public Expression.

Mark Dale, representing Major Crimes Task Force, asked the Council to consider placing the Major Crimes Task Force on the agenda to be discussed at a future meeting.

Lesley Reidy, representing the Committee to renew the school parcel tax on the November ballot, discussed the School parcel tax and asked for the Council's support of Measure E renewal. The campaign focuses on educating the voters and two meetings will be held in October.

September 11, 2014 Minutes

Barbara Call, Redwood Drive, sent the Council an email in regard to her concerns and objections of the removal of the tree canopy along Redwood Drive. She requested a new sound study to be conducted since her property is already inundated with noise since the baseball diamond was relocated to the southeast corner. She further expressed concern for the health and vitality of heritage trees.

Ray Moritz, a consulting private arborist, inspected the redwood trees and site and produced a brief report of the trees, which he provided to the Council. Coast Redwood is the most shallow rooted among its associated species. Coast redwood as a consequence needs wide spread roots to access a lot of soil and water. The subject trees are immediately adjacent to a house on one side and within a short distance of Ross Common on the other side, so the majority of the roots will grow out to the irrigated lawn area. Any excavation, root breaking, herbicides applications, or other mechanical or chemical facts could lead to the demise of the trees, so the Town arborist must be fully involved in whatever activities occur in that area.

Richard Torney, Allen Avenue resident, noted the Bufano bear needs some attention. It is a valuable and beautiful piece of art. He made an effort to get in touch with conservators affiliated with the fine arts museum of San Francisco and staff will follow up with work on the bear. Also, when the veteran's monument was installed in 1994, it also came along with the conditions that maintenance be required and it is apparent not much has been done for quite some time. He requested the Town when looking into servicing the bear, service the monument as well and require regular maintenance of both.

9. Council Committee and Liaison Reports.

a. Mayor.

Mayor Brekhuis is both honored and privileged to serve as the Mayor of the Town of Ross. She is proud of the Ross community and the Town, and is sentimental about its traditions and its beauty. One of her favorite traditions is the charming Ross Town Dinner. This is a community event open to all Ross residents, and set for 5:00 pm on Friday, September 26, 2014. The Town is also so fortunate that the Marin Art & Garden Center agreed to host the dinner, and donate the cost of renting the site, and that Ross residents, Janey Kuhl and Betty Zampa, volunteered to organize the celebration! Please RSVP, purchase tickets in advance, and join your neighbors!

The Town of Ross is blessed with an abundance of trees, a lush, organic landscape, and vistas of the surrounding hills and Mt. Tam. When the Town Council considers residential development or approves public works projects, the Council does so with the goal of enhancing, or, not detracting from, the beauty of the Town.

At this month's Council meeting the Council reviewed a design plan to landscape the median area located on Sir Francis Drake (SFD), just before Bolinas Avenue. The proposal is to landscape the median with native plants consistent with those you see in the median in Kentfield and Greenbrae. The SFD/Lagunitas pedestrian safety improvement project was undertaken during the summer months, when many residents were away. The work enhanced pedestrian and ADA access around the SFD/Lagunitas intersection, and included repaving SFD, replacing the traffic signals, and improving the flow of traffic in front of Town Hall. New lighting and a new landscaping area was also added in front of Town Hall, and soon, new wood signs will be installed to replace the existing Fire and Police sign and to identify Town Hall. This work

September 11, 2014 Minutes

continues the Town's commitment to residents to provide safe pedestrian and traffic access and quality roads.

In October, the Council will consider Town owned buildings and discuss seismic matters in the aftermath of the Napa earthquake. The Council encourages all residents to review their family disaster plan and to consider volunteering as a Block Captain for the Town DISCO (disaster preparedness) program. Please contact Ross resident (and unsung hero) Patti Shimek to volunteer at p_shimek@hotmail.com.

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

Finance Committee – No report.

General Government Committee – No report.

Public Works Committee – Council Member Small announced homes that do not have defensible space, is a home firefighters may not defend, which is important information residents must understand.

Community Protection Committee – No report.

c. Town Manager.

Town Manager Rob Braulik indicated when the postmaster left the Post Office that position was not replaced. Staff has been in touch with Congressman Jared Huffman to look into the staffing levels at the Ross Post Office. If Ross residents have issues with Ross Post Office service staffing, please call Congressman Huffman's office since it is a federal matter, not a Town matter. Also, September 22nd to 26th is Stormwater Awareness Week. Given the Napa earthquake, this is also National Preparedness Month. There is an extensive amount of information on the Town's website in regard to preparedness.

d. Marin Art & Garden Center.

Diane Doodha, representing MAGC, stated they are looking forward to hosting the Town Dinner. She then announced their upcoming events schedule.

Lynn Langford, Marin Edible Garden, thanked the Ross Auxiliary for all their hard work, donating 90% of the money to date to grow their garden.

e. Ross Property Owners Association.

Frank Doodha, representing RPOA, supported the need for block captains and suggested an email blast be sent out to capture volunteers. He pointed out signage is needed when approaching Lagunitas Road or the school to better educate residents in regard to the rules for dogs.

f. Ross School.

September 11, 2014 Minutes

Chi Kim, Ross School Superintendent, noted several school children are still on a field trip to Yosemite. She is proud that they are part of a community that cares about the drought. Their rummage sale is back and donation drop off begins September 17 – October 3.

10. Town Council consideration of adoption of Resolution No. 1867 commemorating the Sesquicentennial (150th) anniversary of the Octagon House at the Marin Art & Garden Center.

Ed Wynn, President, Moya Library/Ross Historical Society, explained that the Octagon House, iconic home of the Moya Library-Ross Historical Society, celebrates its Sesquicentennial anniversary September 19, 2014. Located in the Marin Art & Garden Center, the eight-sided historic structure was built 150 years ago by the daughter of James Ross and her husband, George Worn, to serve as a temporary home while construction on their 21 acre Sunnyside estate was completed. He then asked the Council to adopt Resolution No. 1867 commemorating the Sesquicentennial (150th) anniversary of the Octagon House at the Marin Art & Garden Center.

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

In 1882, Jonathan and Harriet DeWitt Kittle acquired Sunnyside. The main house was substantially expanded and the Octagon House converted into an elegant billiard room for Mr. Kittle. In 1931, a fire severely damaged the family residence and the heirs demolished the improvements, however the Octagon House and the livery stable, today home to the Ross Valley Players, were left standing.

When the Kittle heirs sold the property to the Marin Art & Garden Center in 1945, the Octagon House was in a poor state of repair. For the next several decades it was used for storage, although in the mid-1960s, the Pathfinders' Guild served soups and salads in it to raise funds in support of the Center.

In 1968, the Marin Art & Garden Center wanted to honor Ross resident and acclaimed artist, Jose Moya del Pino, for his contributions as one of the driving forces that founded the Center and for serving as an original Trustee. Funded with a substantial donation from Moya's wife, Helen, the Octagon House was moved to its present location and placed on a new foundation. The original tongue and groove walls were restored and a handsome balcony and spiral staircase were added. Upon completion of the restoration, the Octagon House became the Moya Library and a supporting guild was formed. The library collection is limited to works relating to art, gardening and local history, with many of the original volumes from the personal collection of the Moya del Pino family. The Ross Historical Society was established in 1982 and originally had its offices at the Town Hall. The two organizations consolidated in 1994. Today the Octagon House serves the community as the Moya Library-Ross Historical Society.

Mayor Brekhus asked for a motion.

Council Member Small moved and Mayor Pro Tempore Hoertkorn seconded, to adopt

Resolution No. 1867 commemorating the Sesquicentennial (150th) anniversary of the Octagon House at the Marin Art & Garden Center. Motion carried unanimously.

11. Consent Agenda.

The following seven items will be considered in a single motion, unless removed from the consent agenda:

a. Town Council consideration of adoption of Ordinance No. 656, an Ordinance of the Town of Ross amending Title 5 "Business Licenses and Regulations" of the Ross Municipal Code establishing Chapter 5.06 "Carryout Bags" to regulate the use of single use carryout bags.

Mayor Brekhus asked for a motion.

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

b. Town Council consideration of adoption of Resolution No. 1868 awarding the construction contract for the 2014 Roadway Improvements – Town Project No. 9040-45, to Maggiora & Ghilotti, Inc. in the amount of \$129,129.

Mayor Brekhus asked for a motion.

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

c. Town Council consideration of adoption of Resolution No. 1869 updating and amending Town of Ross conflict of interest code and rescinding Resolution No. 1749.

Mayor Brekhus asked for a motion.

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

d. Town Council acceptance of FY14 Q4 Financial Summary Report.

Mayor Brekhus asked for a motion.

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

e. Town Council consideration of adoption of Resolution No. 1870 approving changes to employer paid member contributions under California Public Employees Retirement System (CalPERS) for classic Miscellaneous employees.

Mayor Brekhus asked for a motion.

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

f. Town Council consideration of adoption of Resolution No. 1871 approving changes to employer paid member contributions under California Public Employees Retirement System (CalPERS) for classic Safety employees covered by Memorandum of Understanding.

Mayor Brekhus asked for a motion.

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

End of Consent agenda.

11g. Town Council acceptance of FY14 Q4 Investment Report.

Town Manager Rob Braulik summarized the staff report and asked the Council to accept the Fiscal year 2014 Q4 financial summary report. Also, staff noted a correction to the staff report under the title, which referenced fourth quarter, but under the recommendation is referenced third quarter, which should state *"fourth quarter."*

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

Mayor Brekhus asked for a motion.

Mayor Pro Tempore Hoertkorn moved and Council Member Kuhl seconded, to approve Town Council acceptance of FY14 Q4 investment report as amended by staff. Motion carried unanimously.

12. Informational presentation by Marizco Management (MMC) regarding Ross Common maintenance matters and park conditions.

Town Manager Rob Braulik asked MMC to come to the Council meeting to make a verbal presentation on the condition of the Common.

Larry Wei, Manager, Marizco Management, explained there are several factors impacting the condition of the Common grounds as follows:

1. One of the Town's wells went dry very early this year due to the extreme water drought in California this year.
2. The Marin Municipal Water District (MMWD) has asked all agencies and residents to abide by a voluntary water restriction to reduce water usage 25%.
3. The part of the Common that gets the most significant use due to recreation sports has not been renovated since 1990. In 1990 the entire common was stripped down, the sprinkler system redone and soil reconditioned with all new sod. Athletic fields require major renovation every 15 to 20 years if they are to stay in good quality condition.
4. The cost to use regular non-well is prohibitively expensive. It can cost approximately \$300/day to use regular water.

September 11, 2014 Minutes

5. Over the years usage of the Common has increased with greater participation in community recreation programs. This usage has impacted an already stressed Common grounds.
6. Some users of the Commons are not adhering to the ban of dogs in certain areas.

Council Member Small noted when the field was put back, there were concerns at the time that it was not being properly done. She is not surprised they are in this situation. Marizco Manager Wei stated they are doing the best they can with what they have. Council Member Small stated they have had a variety of pump problems in the years she has been a resident of Ross. Going into a drought is not a time to redo a field. Marizco Manager Wei stated even if they improve the field, water is needed to sustain it.

Mayor Brekhus asked how often is MMC evaluating the sprinklers. Marizco Manager Wei noted they contracted to service the area every Tuesday.

Council Member Kuhl asked staff if this issue would be discussed at the Council retreat scheduled for October 30th. Town Manager Braulik responded in the affirmative.

Mayor Brekhus opened the public hearing on this item.

Barbara Call, Redwood resident, sent pictures to the Council one-year ago in regard to the poor areas of the Common. She pointed out they are in a drought, but the sidewalk is still being watered. The area directly in front of the stage is not getting any water. Sprinklers must be fixed so they water the grass and not the sidewalk.

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

Marizco Manager Wei indicated the intention is not to water the sidewalk. Often times with the shift of wind, the sidewalk can be watered. He agreed to review.

Mayor Brekhus announced that this matter would be further discussed at their Town Council Workshop on October 30th.

13. Public Hearings on Planning Applications – Part 1.

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

a. 30 Sir Francis Drake Boulevard, Variance No. 1970

Marin Art & Garden Center, 30 Sir Francis Drake Boulevard, A.P. Nos. 72-231-01, 72-231-02, 72-231-23, General Plan R-C (Limited Specialized Recreational/Cultural), C-C (Community Cultural) District, Zone X (area outside the 1-percent annual chance floodplain) and Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage). Request for parking variance and design review for a new 125 square foot shed structure, up to 11 feet tall, located in

September 11, 2014 Minutes

the edible garden area. The shed would be finished in natural cedar board and batten siding. The shed would be used for storage of gardening supplies and educational material, hands on learning demonstrations, and hand washing. A variance is necessary to add building area to the site without providing additional parking (2 additional spaces required).

Lot area	439,858	square feet
Existing Floor Area Ratio	6.3%	
Proposed Floor Area Ratio	6.3%	(20% permitted)
Existing Lot Coverage	6.3%	
Proposed Lot Coverage	6.4%	(25% permitted)
Existing/Proposed Impervious Areas	no change	

The existing site is nonconforming in required parking spaces.

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

Jessica Fairchild, architect, explained the shed is designed to be rustic in character with board and batten siding and a simple form. Materials are compatible with the wood and wire finishes in the Edible Garden area.

Council Member Small pointed out Ross Rec Auxiliary is funding this shed, and asked staff if they made a request in regard to a fee waiver. Senior Planner Semonian noted an email was sent to the Mayor in regard to a fee waiver.

Mayor Brekhus opened the public hearing on this item.

Lynn Langford, Ross resident, hoped the Council would consider a reduction in the cost of processing their permits.

Council Member Kuhl asked staff if this matter is appropriately agendized to be discussed. Town Attorney Greg Stepanicich pointed out this is not a noticed action item, so this matter must be agendized and discussed at a future Council meeting.

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

Town Manager Braulik noted there are several types of non-profits. There is a set fee for special events and there has been no fees waived for any single project.

Mayor Brekhus desired some reduction in fees. Council Member Small believed this is a very unique situation that has touched a variety of ages and people. She is leaning towards a 50% reduction. Council Member Kuhl reiterated this discussion must be placed on hold and discussed when agendized.

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to approve 30 Sir Francis Drake Boulevard, Variance No. 1970 subject to the findings and conditions outlined in the staff report. Motion carried unanimously.

30 Sir Francis Drake Conditions:

1. The applicant shall comply with any requirements of the Ross Valley Sanitary District and Marin Municipal Water District prior to project final.
2. A building permit may be required. The applicant and property owner are responsible for ensuring that all improvements comply with disabled access regulations.
3. The project shall comply with the fire code.
4. 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.
5. If the project is subject to a building permit, the 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. 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.
7. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

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

b. 66 Bridge Road, Basement Exception No. 1971

Stanley and Karen Stern, 66 Bridge Road, A.P. No. 73-302-10, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 units per acre). Request for a floor area exception under Chapter 18.46 of the Ross Zoning Code (Exceptions for Basements and Attics) to permit improvement of 393 square feet of existing unfinished basement area for a bedroom, bathroom and pantry. One new window is proposed on the east side of the residence.

Lot area	23,751 square feet
Existing Floor Area Ratio	15.0%*
Proposed Floor Area Ratio	16.6% (15% permitted)
Existing Lot Coverage	14.9%
Proposed Lot Coverage	14.9% (15% permitted)
Existing/Proposed Impervious Areas	no change

**From 2005 Council approval. This figure may include high ceiling areas that are no longer included in floor area and may exclude covered porches that are now included in floor area.*

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

Mayor Brekhus opened the public hearing on this item.

Peter Nelson, Circle Drive resident, asked why this matter was not placed on the consent calendar. Senior Planner Semonian responded it required a public meeting, but it could have been placed on the consent calendar.

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

Mayor Brekhus asked for a motion.

Council Member Robbins moved and Mayor Pro Tempore Hoertkorn seconded, to approve 66 Bridge Road, Basement Exception No. 1971 subject to the findings and conditions outlined in the staff report. Motion carried 4-0-1. Kuhl recused.

66 Bridge Road Conditions:

1. A building permit shall be obtained for the basement improvement project. The project must comply with the building and fire code applicable at the time of the building permit application. Town staff may approve minor modifications to the project that do not result in significant exterior changes and that substantially comply with the approved plans.
2. The town may require fire sprinklers to be extended to the new area if they are not already installed.
3. The floor area exempted under this approval shall not be traded off for non-basement floor area in the future.
4. The project shall comply with any requirements of the Ross Valley Sanitary District and Marin Municipal Water District prior to project final on the building permit. The applicants are responsible for contacting these agencies and obtaining any necessary permits.
5. The building permit project shall comply with the Town of Ross Construction Completion Ordinance.

September 11, 2014 Minutes

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. All applicants and/or owners shall defend, indemnify, and hold the town harmless along with the Town Council and town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the town, the Town Council, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The town shall promptly notify the applicants and/or owners of any action. The town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the town in either case paid for by the applicant and/or owners.

Council Member Kuhl resumed his position on the Town Council.

End of Public Hearings on Planning Applications – Part I.

- 14. Town Council consideration of adoption of Resolution No. 1872 designating the Recreation Advisory Committee Members; and Council adoption of Resolution No. 1873 setting forth Recreation Department master fee schedule.**

Town Manager Rob Braulik summarized the staff report and recommended Council adopt Resolution No. 1872, designating the Recreation Advisory Committee Members; and Council adoption of Resolution No. 1873 setting forth Recreation Department master fee schedule.

Mayor Brekhus noted Committee Member Jennifer Coan was not aware her time was up. She is willing to continue to serve on the committee. Mayor Brekhus suggested considering Committee Member Coan.

Council Member Small added that unincorporated area normally includes Kentfield and wanted to make sure the proper language is included in the documents.

Council Member Kuhl expressed concern for appointing an individual to be involved in Town business who is not a resident of Ross or a user of the program. Also, the applicant works for USF Sports Development and is not sure if they provide services to the Ross Recreation programs.

Council Member Small stated if he is able to provide guidance as an outside consultant with no financial interest it might be a benefit. Town Manager Braulik suggested tabling this particular appointment until next month in order for staff to clarify the language.

Council Member Robbins did not understand the process and personally hoped the sports individuals can help with a wide range of programs that are being offered.

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

Mayor Brekhus asked for a motion.

Council Member Kuhl moved and Council Member Robbins seconded, to adopt Resolution No. 1872, designating the Recreation Advisory Committee Members (Chendo, Coan, Greenberg, Stoll). Motion carried unanimously.

Council Member Hoertkorn moved and Council Member Kuhl seconded, to adopt Resolution No. 1873 setting forth Recreation Department master fee schedule. Motion carried unanimously.

Mayor Brekhus and Council Member Small recused themselves from the next agenda item in order to avoid the appearance of a conflict.

- 15. Town Council consideration of adoption of Resolution No. 1874 awarding the construction contract for the Sir Francis Drake Boulevard @ Bolinas Avenue Median Landscaping Project – Town Project No. 9103-45, to Gardeners’ Guild in the amount of \$50,907.08.**

Town Manager Rob Braulik summarized the staff report and recommended Council adopt Resolution No. 1874 awarding the construction contract in the amount of \$50,907.08 for the Sir Francis Drake Blvd at the Bolinas Avenue Median landscaping project.

Don McNair, landscape architect, explained the median is approximately 220 ft. long.

Mayor Pro Tempore Hoertkorn opened the public hearing on this item.

Carla Small, Shady Lane resident, stated going back many years, at least a decade ago, she talked to the Council about the poor state of this median and is appreciative it is finally being addressed with drought tolerate and low maintenance plants.

Elizabeth Brekhus, Sir Francis Drake Blvd resident, supported this project. Funds have been in the budget specifically for this project. It is a necessary project. She hopes to create the same beauty as Larkspur’s medians.

Peter Nelson, Circle Dr. resident, stated procedurally it is a bad form to roll it out and indicate here it is. Mayor Pro Tempore Hoertkorn noted it is a resolution awarding a contract for the landscaping.

Council Member Robbins expressed concern for the mulch in regard to fire. Landscape architect McNair noted in certain areas, river rock would be used. It would be textural and attractive. Bark mulch was a request from the maintenance department, which they felt would be easier to have mulch in certain areas.

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

September 11, 2014 Minutes

The Council agreed to award construction contract on the Sir Francis Drake at Bolinas Avenue Median Landscaping project to Gardener's Guild, the lowest responsible bidder, in the amount of \$50,907.08. The median island just south of Bolinas Avenue will receive new landscaping and existing water service and electrical connections will be re-established. The project is expected to commence in early October, pending Marin Municipal Water District approval.

Mayor Pro Tempore Hoertkorn asked for a motion.

Council Member Kuhl moved and Council Member Robbins seconded, to adopt Resolution No. 1874 awarding the construction contract in the amount of \$50,907.08 to Gardeners' Guild for the Sir Francis Drake Blvd at the Bolinas Avenue Median landscaping project.

Motion carried 3-0-2. Brekhus/Small recused.

Mayor Brekhus and Council Member Small resumed their seats on the Town Council.

16. Town Council review of new high intensity reflective street name signs.

Town Manager Rob Braulik summarized the staff report and recommended Council proceed with purchase and installation of approximately 105 new high-intensity reflective street name signs.

Council Member Small stated when the street signs are replaced they be replaced where possible above the stop sign, which can be done legally vs. having two separate poles. This is better for residents and visitors to find the proper location.

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

The Council had no objection to the new high-intensity reflective street name signs.

17. Town Council approval of Economic and Planning Systems (EPS) scope of work to provide analysis and review for future Council discussion regarding declaring the Corporation Yard parcel for sale pursuant to the Town Owned Real Property Policy 2014-02-13.

Town Manager Rob Braulik summarized the staff report and recommended Council approve staff request to proceed with Economic & Planning Systems (EPS) scope of work to complete analysis on the potential economic and fiscal impacts associated with the yard area located next to the current public works facilities. Assuming the Council approves the scope, staff will proceed to get the work done and upon completion provide the report to the Council at a future Council meeting. The Council upon receiving the report can them make a final determination on disposition of the property. If however, the Council has concluded it does not want to consider future disposition of the site staff will not engage EPS and this item will be tabled until a date in the future to be determined.

Council Member Robbins is not sure at this time she would want to make it surplus property. It might be useful for the Town to have it sometime in the future. Right now she does not believe

September 11, 2014 Minutes

they would receive a lot of money from this property. They do not need it for affordable housing at this time. She is not sure this property should be made surplus and would rather not do anything at this time. The most helpful information is the value of the property related to land values. For the most part, they should keep the property and not call it surplus.

Mayor Pro Tempore Hoertkorn believed a report would be useful in order to make a determination.

Council Member Small is not able to make a decision without a report. The report must also be available to the community. She would like to see the report conducted because without the report there is no way to move forward. She reiterated they should have the report to consider in the future.

Mayor Brekhus added this is not the right time, there is no monetary aspect driving this matter and she does not see an immediate need to call this property surplus. She also did not see a need to spend the money on the report at this time.

Mayor Brekhus opened the public hearing on this item.

Peter Nelson, Circle Drive resident, added the concept of putting this on the open market was addressed before and is bothered the site is subject to the zoning ordinance and housing element. For 15 to 20 years this parcel would be developed as low-income housing. The scope of work outlined is good, but misleading because nothing is mentioned about the housing element. Due to the limited options for housing, this must be treated with care.

Council Member Small asked staff to double check to see where the Town is on their counts and second units, so additional information must be gained from staff. It does not preclude this from being done. This is just additional information.

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

Mayor Brekhus asked for a motion.

Mayor Pro Tempore Hoertkorn moved and Council Member Small seconded, to direct staff to proceed with EPS scope of work to provide analysis and review for future Council discussion regarding declaring the Corporation Yard parcel for sale pursuant to the Town Owned Real Property Policy 2014-02-13. Motion carried 3-2. Brekhus/Robbins opposed.

18. Town Council consideration of Sir Francis Drake (SFD)/Lagunitas Road Project amendment to install additional concrete sidewalk from bus stop location in front of the Marin Art & Garden Center to the corner of Laurel Grove Avenue.

Town Manager Rob Braulik summarized the staff report and recommended Council consider the project amendment to install additional concrete sidewalk from bus stop location in front of the MAGC to the corner of Laurel Grove Avenue.

September 11, 2014 Minutes

Council Member Small stated when they first looked at this plan there was a particular reason why the sidewalk was not extended because it did not connect to anything. They were concerned about liability, so as long as that situation has changed and they do not create a dangerous condition, then she had no objection.

Council Member Kuhl felt extending the sidewalk improves the Town's risk liability profile as long as the end does not create a hazard, such as including an ADA accessible ramp. Town Manager Braulik noted a barrier would be installed at the end of the sidewalk as there is no official crosswalk across Laurel.

Mayor Brekhus opened the public hearing on this item.

Peter Nelson, Circle Drive resident, believed they are creating an attractive nuisance. The solution would be to remove the asphalt sidewalk currently present and remove it all together. To add a sidewalk that travels down to nowhere does not seem appropriate.

Janet Weiner, Lagunitas Road resident, expressed concern for how residents cross Sir Francis Drake to the bus stop. She wanted to make sure this is not creating a safety hazard.

Council Member Kuhl did not think adding a sidewalk is creating an attractive nuisance.

Mayor Brekhus felt it is a big-ticket item for such a small section. Town Manager Braulik pointed out concrete is expensive.

Council Member Small indicated for many years people on Laurel Grove have asked for some kind of sidewalk, so if they end up doing something over time, maybe it would be wise to consider doing this piece now, and at some point in time be able to offer a safer passage on that road.

Mayor Brekhus asked staff if there is a cost benefit to have the work done at this time. Town Manager Braulik responded in the affirmative.

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

The Sir Francis Drake Boulevard (SFD)/Lagunitas intersection improvement project is nearly completed with a few outstanding items still to go. The Council agreed to approve amending the project to install an additional concrete sidewalk from the bus stop location (in front of MAGC) to Laurel Grove Avenue.

Mayor Brekhus asked for a motion.

Council Member Small moved and Mayor Pro Tempore Hoertkorn seconded, to approve the Sir Francis Drake (SFD)/Lagunitas Road Project amendment to install additional concrete sidewalk from bus stop location in front of the Marin Art & Garden Center to the corner of Laurel Grove Avenue that will include ADA compliance at the end of that project. Motion carried unanimously.

Town Attorney Greg Stepanicich left the Town Council meeting at 8:40 p.m.

Public Hearings on Planning Applications – Part II.

19. 33 Wellington Avenue, Amendment to Variance, Design Review and Demolition Permit No. 1909

Ken and Alison Pickart, 33 Wellington Avenue, A.P. No. 72-071-17, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size), Medium Low Density (3-6 units per acre). Town Council review of revised plans for a design review, demolition permit and variance application approved in May 9, 2013 for the following: 1.) significant remodel and alterations to each elevation of the residence, including replacement of all windows and doors; 2.) 488 square foot addition to the residence and attached garage (2-car garage proposed), partially within required east side (15 feet required, 11 feet 8 inches proposed) and front (25 feet required, 23 feet 5.5 inches proposed) yard areas; and 3.) landscape improvements including new pool partially within required side yard area (15 feet required, 11 feet 7.5 inches proposed), outdoor fireplace, new fencing and landscape retaining wall. The applicants request approval to exceed the amount of demolition originally proposed. The floor joists for the existing residence would be preserved.

Lot Area	11,034 square feet	
Existing Floor Area Ratio	2,256 sq. ft.	20.4%
Approved Floor Area Ratio	2,774 sq. ft.	24.9% (20% permitted)
Existing Lot Coverage	1,306 sq. ft.	11.8%
Approved Lot Coverage	2,046 sq. ft.	18.5% (20% permitted)
Existing Impervious Surfaces	2,592 sq. ft.	23.5%
Proposed Impervious Surfaces	1,804 sq. ft.	16.4%

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

Council Member Kuhl expressed concern for the circumstances and wanted to make sure this does not occur again. Senior Planner Semonian responded that in the future staff would require the architect to certify in writing that they reviewed the structural drawings and the demolition plans are consistent with the structural drawings.

Council Member Robbins asked staff if this is approved tonight can work start tomorrow. Senior Planner Semonian responded that staff is not entirely certain. The valuation of the project should be upgraded. The plans may have to be modified. It would be valuable to turn in plans to show the amount of demolition. If the building department feels the plans are adequate then they can continue. Mayor Brekhus asked staff if the Council could request that the building department expedite these plans. She expressed concern for the rainy season approaching. Town Manager Braulik responded he will work to expedite the review. Council Member Kuhl believed they must make every effort possible to expedite these plans so work can start before the rainy season begins. He personally felt they should do whatever possible to move the

September 11, 2014 Minutes

project forward. Town Manager Braulik pointed out that it is incumbent on the applicant to provide staff with quality submittal material.

Council Member Small encourages staff to push this along, but it is difficult when remodeling an old home and finding out that some areas cannot be saved. There is also an issue of what staff does and what needs to come back. They work very hard to review the site, windows, neighbors and privacy and when there are changes it is very frustrating to find out that modifications have been made.

Ken Pickart, applicant, clarified that they are installing sprinklers, which is on the current plans. He spoke to the building department today and the response was if the Council or Town Manager agrees to start the project tomorrow, then they would be fine with it. The plans may not accurately reflect the scope of demolition, the structural drawings clearly outlines what has to be done. No set of plans is ever perfect. They did not tear down the house, they are rebuilding it exactly as the plans, as to what was submitted and approved.

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

Mayor Brekhus asked for a motion.

Council Member Robbins moved and Council Member Small seconded, to approve. 33 Wellington Avenue, Amendment to Variance, Design Review and Demolition Permit No. 1909 with the addition that they add eight weeks to the end of the construction period as requested by the applicant; subject to the findings and conditions outlined in the staff report; and the additional condition requiring sprinklers. Motion carried unanimously.

33 Wellington Conditions:

Approve the project subject to the following additional conditions of approval:

1. Sprinklers are required based on the scope of the project.
2. Revised plans shall be submitted to the building department for review and approval that indicate the extent of the demolition and reconstruction. The \$485,000 project valuation will require independent verification by the Building Department. Modifications may be required to comply with the Building and Fire Codes based on the revised project scope.
3. The existing demolition is approved and the remaining walls may be replaced as necessary. With the exception of the additional demolition, the reconstruction of the residence (including, but not limited to, materials, plate heights and roof design) shall be in conformance with the building permit plans issued for the site on April 30, 2014, as revised in August 2014, which are consistent with the Town Council approved plans. Staff may require any future modifications to the plans to be considered by the Town Council.

Mayor Pro Tempore Hoertkorn recused herself from the next agenda item in order to avoid the appearance of a conflict.

20. 179 Lagunitas Road, Amendment to Design Review No. 1920

Gardenia, L.P., 179 Lagunitas Road, A.P. No. 73-231-17, R-1:B-A (Single Family Residence, 1 acre min lot size), Very Low Density (.1-1 units per acre). Application to revise plans approved in October and November 2013 for the following: 1.) remodel of each level of existing residence and modifications to roofline and each exterior elevation; 2.) new, detached, 750 square foot three-car garage; and 3.) landscape improvements including a reconfigured driveway and new 16-foot wide and 6 foot tall auto gate. A nonconformity permit is requested for the modifications proposed to the residence, which is nonconforming in number of stories and height. The amendments include revisions to the design of each elevation of the residence, modifications to the garage, and the project no longer includes a second unit or detached pool house structure. A tree permit is requested to remove all cypress trees along the east and west property lines within 100 feet of the residence, which is required by fire code. A revised landscape plan is proposed.

Lot Area	45,886 square feet	(1.05 acres)
Existing Floor Area Ratio	6,979 sq. ft.	15.2%
Approved Floor Area Ratio	7,480 sq. ft.	16.3%
Proposed Floor Area Ratio	6,510 sq. ft.	14.2% (15% permitted)
Existing Lot Coverage	3,706 sq. ft.	8.1%
Approved Lot Coverage	4,000 sq. ft.	8.7%
Proposed Lot Coverage	3,891 sq. ft.	8.5% (15% permitted)
Existing Impervious Surfaces	7,810 sq. ft.	17.0%
Approved Impervious Surfaces	7,955 sq. ft.	17.3%
Proposed Impervious Surfaces	7,636 sq. ft.	16.6%

Existing residence is nonconforming in setbacks, number of stories, height and covered parking.

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

Council Member Small desired clarification in regard to the plantings. Senior Planner Semonian noted that three large magnolia trees are proposed at the back corner and seven English laurel's to replace the screening lost. Staff added a condition that the Council requires the existing landscaping to remain.

Mayor Brekhus asked staff when landscape plans are required. Senior Planner Semonian responded that it depends what the applicant is proposing or what screening is necessary. Some guidelines recommend additional screening and maintaining existing landscaping.

Mayor Brekhus noted that they approved the removal of the barn and in addition to that landscaping was required to provide some sort of shield. The fire department is confusing because they are requiring additional removal that is creating privacy issues. Senior Planner

September 11, 2014 Minutes

Semonian noted, from this point forward, staff will review landscape plans to identify what will need to be removed for fire safety so that it is considered during the process.

Senior Planner Semonian believed some sort of presentation would be great at a future meeting to educate the public and landscape architects as to what is required for defensible space requires.

Mayor Brekhus expressed concern for the 100-foot clearance and asked staff what if 100 ft. is not available. Senior Planner Semonian explained that they would have to replace the vegetation with vegetation that is not a fire hazard.

Council Member Small stated that they have to get back to why they are requiring a landscape plan because work was being done on the property without any plans and that was back in March. The Council gave 60-days to develop a landscape plan. This is a very sizable project and she is not sure where the building site will be located. This is a major project and it is very important to have a landscape plan that is clear and understandable. She views on the driveway side there are plantings, but cypress is being removed on the other side and noted confusing as to what remains. Janet Weiner, applicant, stated that the eastern side vegetation will remain, which is approved by the Ross Valley Fire Department. It is a combination of holly and English laurels. She added that the landscape architect indicated the new plantings on the drawings provided to the Council for consideration. There was never any intention to do anything improper. Now she has a situation where she had to reduce the scope of this project. Her intent is to maintain the character of the house.

Barbara Chambers, architect, indicated that it was a Marin County arborist who removed the tree without a permit and a report was submitted to the Town. Mayor Brekhus stated that there was an old pretty barn and once removed it opened up the view. One tree was removed without a permit and a lot has transpired from that, which is unfortunate. This is not terribly fair, but it has created a situation. She wishes they could work through this situation. The applicant wants to maintain the existing landscaping, so they need to figure out the appropriate plantings and move on. She likes the home being proposed. They need to figure out what is still an issue and move forward. She then asked staff to explain the staff proposal. Senior Planner Semonian believed the proposed planting was acceptable to replace the screening and recommended a condition to clarify that the remaining existing landscaping, with the exception of the west end approved for removal for fire reasons, shall remain and if damaged during construction it must be replaced before project final. This may be a situation where the Council reviews the landscaping at the end of the project to confirm that it has adequate screening.

Council Member Robbins thought the Town has the right to request more screening within three years of the project. Senior Planner Semonian responded in the affirmative. Staff can always come back to the Council to confirm that it is adequate screening and that it complies with the plans. Ideally, if this plan is installed and landscaping remains, this should be adequate for screening. Mayor Brekhus stated that often times it is not unusual that the Council visit neighboring sites and review neighboring views.

Council Member Small added that the conversation back in March was a request to hire a landscape architect. At that time, to the applicant's benefit hire a landscape architect to protect

September 11, 2014 Minutes

the applicant from making choices that would cost in the long run. Certainly, the applicant bought a home that is very visual to the community. Many love the home and the site, so it is important that they have a professional involved in regard to the landscaping. The Council is present to make sure the applicant follows the correct process. MMWD and the Fire Department has their restrictions coupled with privacy concerns, a professional is needed. Ms. Weiner desired privacy as well. She works full time and apologized for the fact that the process has not been smooth. The barn was a dangerous situation and it needed to be removed because it was a hazard. She hopes the Council can approve her proposal.

Mayor Brekhus opened the public hearing on this item.

Richard Hoertkorn, Lagunitas Road resident, pointed out that this is the third landscape plan in three days. He is concerned about the 90-foot bay tree that was removed and all the redwood trees. The barn was part of the screening. When the applicant was present one year ago she hoped this project was fast-tracked, and now the project has been modified. His assumption is that a landscape plan goes along with a major remodel. This is a major renovation and the third landscape plan is 1% of the space. With an 85% change to the elevations along with a garage, this is an opportunity to have a concise landscape plan.

Katie Hoertkorn, Lagunitas Road resident, stated that this might be the best plan, but she has no knowledge because she cannot figure it out. They asked for a comprehensive landscape plan. 60-days went by with no landscape plan and then an extension was given. She cannot make heads or tails of the landscape plan. She wants this matter to be continued in order to review a landscape plan. She wants to know what is going to happen and based on what has happened, she has no reason to trust the plan. Ms. Weiner explained that all replacement plants are shown on the drawings. The ratio is 3:1, so for every cypress tree removed she must plant three trees. She reiterated that she desired privacy as well.

Peter Nelson, Circle Drive resident, believed they are going around in circles and a full sized colored landscape plan should be provided.

Council Member Small added that typically with a house of this size the Council receives colored plans that identifies what must be removed and exactly what will be planted to replace the vegetation that was removed, which has not been provided for the Council's review. Also, she expressed concern for receiving information under a 24-hour period because there is not enough time to review the submitted information.

Council Member Kuhl stated in view of the history, he supports the idea of being provided a better landscape plan.

Council Member Robbins indicated that if there is not a written requirement to provide a full colored plan then the applicant is not obligated to provide. The key is screening. She stated there could be an added condition of maintaining the perimeter screening. She could move forward with the proposal with the conditions outlined by staff. Mayor Brekhus suggested adding some height requirements for the English laurel. She then asked staff if the appropriate conditions of approval could be drafted tonight. Senior Planner Semonian noted that the height would vary and it could be a very onerous condition to achieve. If the Council is looking for

September 11, 2014 Minutes

instant height, then the plan must go back to determine the best plantings to achieve the specified height. Council Member Small expressed concern for not having enough information to make a decision. She desired further clarification. She could make a motion to approve the project, but not allow a building permit to be issued until a landscape plan comes back to the Council for approval. She wanted to see what exists, what is going to be replaced, and the estimated sections of the fence.

Mr. Hoertkorn desired a professional landscape architect to be hired for this project.

Frank Doodha, Ross resident, suggested that the landscape plan be provided sooner than 24 hours.

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

Mayor Brekhus asked for a motion.

Council Member Small moved and Council Member Kuhl seconded, to approve 179 Lagunitas Road, Amendment to Design Review No. 1920 subject to the findings and conditions outlined in the staff report; continuing the landscape plan for approval to the October Town Council meeting; and that no building permit be issued until the landscape plan is approved by the Council. Motion carried 4-0-1. Hoertkorn recused.

179 Lagunitas Road Conditions:

The Council approves the modifications to the house design, but not the landscape plan, subject to the following conditions of approval. The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit. The property owner shall certify on the building permit plans that they have read and agree to the following conditions.

1. Except as otherwise provided in these conditions, the project shall comply with the plans for the residence approved by the Town Council on September 11, 2014. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

2. It is expected that most, if not all, of the structure south of the original residence (the 3 story portion of the house) will be demolished. Wall demolition in the front portion of the house is limited to replacing the exterior siding, interior wall finishes, and as necessary to frame new door and window openings. Floor framing demolition is limited to what is necessary to reconfigure stairs and as required by the structural engineer. It is expected that new wall framing may be necessary for structural requirements. However, the existing structure is not approved for complete demolition and planning department shall be contact if additional demolition is expected to exceed what is shown on the approved Council plans and this condition of approval. Additional Town Council review may be necessary to exceed the proposed demolition. The project architect shall certify the demolition shown on the architectural drawings are consistent with the structural plans prior to permit issuance.

3. The proposed landscape plan is not approved. No building permit shall be issued for the project until a landscape plan is approved by council.

September 11, 2014 Minutes

4. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.

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

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

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

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

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

10. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor

September 11, 2014 Minutes

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

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

12. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD) in the memo dated August 30, 2013.

13. Based on the scope of the project, the Town shall require sprinklers to be installed in the structures.

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

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

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

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

September 11, 2014 Minutes

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

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

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

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

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

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

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

k. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment

September 11, 2014 Minutes

rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town building department prior to project final.

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

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

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

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

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

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

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

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

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

September 11, 2014 Minutes

u. A single geotechnical engineering report, containing all recommended geotechnical design criteria for the project, shall be submitted with the building permit plans for review by the building official. All geotechnical aspects of the proposed project and preliminary development of plans shall continue to be evaluated by the project geotechnical consultant. A letter from the project geotechnical consultant shall be prepared that approves all geotechnical aspects of the proposed site development layout, verifies project geotechnical feasibility, and verifies conformance with the geotechnical consultant's design recommendations.

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

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

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

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

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

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

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

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

September 11, 2014 Minutes

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

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

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

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

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

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

15. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

Mayor Pro Tempore Hoertkorn resumed her seat on the Town Council.

21. 59 Sir Francis Drake Boulevard, Basement Exception No. 1969

****This item has been removed from the agenda at staff's request.**

Phase One SFD LLC, 59 Sir Francis Drake Boulevard, A.P. No. 73-101-21, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 units per acre), Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage) and partially with Floodway. Request for floor area exception under Chapter 18.46 of the Ross Zoning Code (Exceptions for Basements and Attics) to permit improvement of 393 square feet of existing basement area for a

laundry room. The laundry equipment is proposed to be elevated above the Base Flood Elevation. No exterior changes are proposed.

Lot area	14,136 square feet
Existing Floor Area Ratio	16.9%
Proposed Floor Area Ratio	17.6% (15% permitted)
Existing Lot Coverage	14.3%
Proposed Lot Coverage	14.3% (15% permitted)
Existing/Proposed Impervious Areas	no change

End of Public Hearings on Planning Applications – Part II.

22. No Action Items:

a. Council correspondence

- Letter regarding tree policy
- Saturday, October 25th Transportation Authority of Marin (TAM) will host a workshop in regard to future transportation
- Cahill's email in regard to tree estimate to remove tree from right-of-way
- Letter from Frank Doodha expressing concern for lease (use permit) cost

b. Future Council items

- Fee waiver for trees and tree maintenance – to be discussed at council workshop
- Review use permit policy for downtown commercial businesses, referred to council committee
- Major Crimes Task Force

23. Adjournment.

Mayor Brekhus moved to adjourn the meeting at 10:53 p.m.

Elizabeth Brekhus, Mayor

ATTEST:

Linda Lopez, Town Clerk