

THE MORNING AFTER

*Highlights from the
Ross Town Council Meeting
of July 12, 2007*

Volume 1, No. 2

July 13, 2007



Thank You From Town Manager Gary Broad

Welcome to our second edition of The Morning After. My mailbox was stuffed with over 50 messages raving about our kickoff June newsletter. "Terrific." "Brilliant." "Bravo." Nothing I've done in my 16 years in Ross, good, bad or indifferent, has ever generated so much email. Thank you for your compliments and support. Apparently we struck a chord with The Morning After. We want you to know what is happening with your town government and to be able to take part in shaping town decisions. We are thrilled The Morning After is connecting you to Town Hall!

Council Discusses Outdoor Smoking Ban

The Town Council discussed expanding the town's ban on smoking in public places to include outdoor areas. The current ordinance, adopted in 1989, prohibits smoking in retail stores, restaurants, town buildings and enclosed workspaces. The Council agreed it would support introduction of an ordinance at its September meeting prohibiting smoking in all unenclosed public areas.

New smoking prohibitions will likely include parks, outdoor seating areas of restaurants, bus stops, and within 20 feet of doors and windows of buildings where smoking is currently prohibited. State law already prohibits smoking within 25 feet of playgrounds and tot lots.

Outdoor smoking has become an issue of increasing concern in California since new health studies have confirmed the dangers of secondhand smoke. Approximately one quarter of the state's cities and towns have banned some form of outdoor smoking.



Last November, the County of Marin adopted new regulations to restrict smoking in outdoor public areas, including parks and sports fields, and at outdoor public events such as fairs, parades and farmers' markets. Ross' new smoking regulations will be modeled on the County's ordinance.

Resident Peter Ausnit presented a petition with 134 names requesting the town to declare secondhand smoke a public nuisance, and a number of town residents spoke at the meeting in support. Declaring secondhand smoke a public nuisance would provide a resident with legal recourse to stop a neighbor from smoking on his property if the smoke drifts across the lot line and bothers the resident. The Council asked staff to investigate the legal ramifications and enforcement issues pertaining to a declaration of secondhand smoke as a public nuisance. The

Council indicated it would support a nuisance provision if these issues could be adequately addressed.

New Application Fees Adopted

The Town Council adopted new planning, environmental review and building department fees. Although fees have not increased since 2003, most fees will remain the same. Fees were increased for watercourse design review, residential resale inspections, and tree removal permits to more accurately reflect the actual cost of staff time required to process applications.

Some fees were actually reduced, as the variance fee for solar energy systems was halved from \$600 to \$300 in order to encourage increased use of green energy.



Fees for solar energy systems were reduced.

The penalty for after-the-fact planning applications for work begun without a permit was increased from two times to three times the regular fee. The Council also increased the building permit penalty for work begun without a permit to 10% of the project valuation. Both increases reflect additional staff time on projects begun without permits.



Mayor Scot Hunter's Report

The Fourth of July celebration was a huge success. A large crowd gathered at Ross Common to watch the parade and enjoy picnic lunches while listening to the Griddle Poppers play ragtime. Four of your Town Council members were on hand to ride in the parade in an electric car and a great time was had by all. Congratulations to Town Chief of Protocol Molly Gamble for organizing such a delightful afternoon.

Ross Valley voters approved a flood control fee which will raise over \$40 million for flood control projects over the next 20 years. The fee passed by a slim margin of 65 votes. Despite some protests about the validity of the ballots, the Marin County Board of Supervisors certified the election results.



Photos: Alana Gentry

Time Limits for Completion of Construction

The Council introduced an ordinance amending Title 15 of the municipal code, which establishes time limits for completing construction projects, to include projects issued building permits prior to the adoption of the current Construction Completion Ordinance in 2003. There are approximately 60 never “finalized” construction projects in Ross.



Projects not completed within the time frame permitted based on its valuation are assessed penalties ranging from \$200 to \$1,000 per day, depending upon the length of time that elapsed since construction was required to be completed. Outstanding projects would be subject to these penalties, but would be permitted additional time to complete construction according to the valuation of the project. The time period ranges from 9 months for a project valued at less than \$50,000 to 18 months for a project valued at more than \$500,000.

The ordinance amendment also added penalties and interest for property owners that fail to pay their construction completion penalties in a timely fashion. The amended code will more clearly state that projects must be inspected and approved by building, planning and the fire department before it is “finalized.” The ordinance will be brought back before the Council for adoption in September.

After the Fact Construction Discussed

The Council discussed penalties and other options to discourage property owners, contractors and builders from starting construction without first obtaining necessary permits. Although the majority of homeowners and contractors obey the law and go through the time and expense to follow the proper procedures, some do not. Illegal construction may result in buildings not built to code and projects that do not meet the town’s zoning regulations and design guidelines. The town also loses out on fees and property tax revenue.

In addition to increased fines, staff suggested the Council could consider revoking errant contractors’ business licenses and reporting them to the state licensing board. Staff suggested increased site inspections by planning staff and building inspectors to ensure compliance with approved plans and conditions. Better public information regarding approved building permits, both on-line and on-site, could assist staff in identifying illegal construction.



Finally, staff proposed ways to ensure that properties are properly assessed and project valuations are accurate. The Council directed a subcommittee composed of Council members Diane Durst and Bill Cahill to review the recommendations and report back to the full Council in September.

Joan Ryan Honored for Receiving 2007 Edgar A. Poe Award

The Town Council, by resolution, commended Ross resident and San Francisco Chronicle reporter Joan Ryan for receiving the 2007 Edgar A. Poe Award, one of the nation’s top journalism awards. Ms. Ryan won the award for her powerful four-part series “War Without End,” which chronicled the physical and emotional trials facing two American soldiers who returned from their duties in Iraq with missing limbs. The articles appeared in the San Francisco Chronicle on March 26 – 29, 2006. They can be read on-line at <http://www.sfgate.com/warwithoutend/>. Ms. Ryan received her award at the 2007 White House Correspondents’ Association Dinner, where she was congratulated by President Bush.



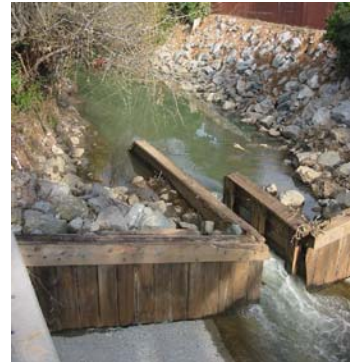
From Public Works Director Mel Jarjoura

The town submitted a \$246,207 funding application to the Transportation Authority of Marin (TAM) for a pedestrian pathway on Shady Lane. The town proposes to construct a four foot-wide asphalt walkway on the east side of Shady Lane running from Lagunitas Road to the San Anselmo border. The pathway is one of the improvements recommended by Safe Routes to School. The present dirt pathway discourages children from walking, biking or skateboarding to school, contributing to automobile traffic around Ross School.

Army Corps of Engineers Urged to Proceed

The Council authorized the Army Corps of Engineers to proceed with the planning phases of the Flood Zone 9 Unit 4 flood control project outlined at last month’s Council meeting. The Council agreed that the proposed project offered an environmentally sensitive design and a satisfactory watershed-wide approach to flood control.

The proposed project would include widening Corte Madera Creek to 33 feet at three major constriction points, two behind the post office and one behind Town Hall. A new rock ramp fish ladder is proposed as part of the project. The project will significantly increase the creek’s flood capacity at the Lagunitas Road Bridge and will provide safe fish passage for the threatened steelhead trout.



Existing fish ladder.



From Public Safety Director Barry Heying

Fire season has started early and the numerous fires around the state have attracted much attention. A town flier was mailed to residents reminding them of the need to clear flammable vegetation around homes, improve access in driveways and narrow private roads, and post address numbers visible from the street. Firefighters have been making patrols to some of the high-hazard areas, and the Fire Marshal has been working with property owners to improve brush clearing efforts on their land.

Steps Taken to Reduce Residents’ Flood Insurance Costs

The Town Council has authorized staff to participate in the National Flood Insurance Program’s Community Rating System (CRS). CRS is a program that reduces flood insurance premium rates based on steps the Town takes to reduce property damage and save lives.

Staff estimates the town’s existing programs could qualify the 173 homeowners with flood policies for premium discounts ranging between 5% to 10%, or estimated savings of \$50 to \$100 per policy.

Since the Town has several properties that have had repetitive flood claims, the Town must first initiate an outreach project for repetitive loss problem areas. Staff expects to conduct outreach for all flood-prone areas.



This house on Sylvan Lane is being raised above the 100-year flood level.

Advisory Design Review Proposed

The Town Council discussed the establishment of an advisory design review process, as proposed in the new Town of Ross General Plan, that would review planning applications before they are considered by the Council. Advisory design review would ideally resolve design issues and neighbor conflict early in the review process.

The proposed process would provide the property owner, neighbors, local design professionals, and town planning staff an opportunity to meet and collaborate on design solutions that address everyone's concerns and goals. The process would ensure that zoning regulations and design guidelines are understood and that design proposals are sensitive to their impact on the neighborhood. Design professionals would participate to ensure excellence of design. The Council directed staff to consider various options for implementing a design review process and to report back to the Council in September.



Planning Application Scoreboard

The Town Council took the following actions on planning applications considered at last night's Council meeting. For more information on each planning application, you can view last night's agenda at www.townofross.org/town-council/current-meeting-agenda/. Copies of any staff reports are available from Senior Planner

Elise Semonian at esemonian@townofross.org.

Address	Applicant	Approved	Partially Approved	Denied	Continued
32 Ross Common	Collins Law & Real Estate	X			
41 Sir Francis Drake	Melanie and Giam Giusti	X			
8 Fernhill Ave.	Rupert and Cynthia Russell	X			

Upcoming Town Council Meetings

In order to accommodate summer schedules, the August meeting has been canceled. The next Town Council meeting will be on the special meeting date of Tuesday, September 11 at 6:30 p.m. Agendas are posted in advance of the meeting on the town's website at www.townofross.org. Enjoy the rest of your summer!

The Morning After is published monthly by The Town of Ross and is written by Christine O'Rourke and edited by Gary Broad. It is available at Town Hall and on-line at the town's website, www.townofross.org. The newsletter is also delivered to anyone on the town's Information by Email list. If you'd like to receive The Morning After and other town information via email, contact Linda Lopez at llopez@townofross.org.