


AGENDA
REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, DECEMBER 10, 2009

1. 6:30 P.M. Commencement.
2. Open time for matters pertaining to the closed session in agenda item 3.
3. Closed session of the Council pursuant to Government Code §§ 54957 and 54954.5, Public Employment: Town Manager, Contract Extension Agreement. (20 minutes)
4. Open Session. Council will return to open session and announce action taken, if any.
5. Posting of Agenda.
6. Minutes.
7. Demands.
8. Open Time for Public Expression. (5 minutes)
Limited to three minutes per speaker on items not on agenda.
9. Report from Mayor Strauss.
10. Report from Committee Heads. (5 minutes)
Public Works Update - Council member Martin
11. Report from Ross Property Owners Association.
12. Flood Control Report and Town Council consideration of adoption of Resolution No. 1690 urging completion of Unit 4 Project. (5 minutes) 
13. Report from the Ross School. (5 minutes)
14. Report from Disaster Council (DISCO) (Vallee, 5 minutes)

For information as to which item the Council is hearing, please call 415-453-1453, option 3, after 6:30 p.m. on the night of the meeting. Times shown are estimates only.

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

 Report available online at http://www.townofross.org/pages/town_council/staff_reports.html

15. Consent Agenda. (15 minutes)

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

- a. Town Council consideration of the appeal of David DeRuff, 3 Southwood Avenue, A.P. No. 73-152-09, of the penalty for failure to complete construction under Ross Municipal Code Section 15.50, Time Limits for Completion of Construction and of Resolution No. 1674 acting on the appeal. (Jarjoura) ☐
- b. Town Council consideration of adoption of Resolution No. 1687 authorizing the filing of an application for Energy Efficiency and Conservation Block Grant funding in the amount of \$25,000 for implementation of energy efficiency projects at the Town of Ross and Marin Art & Garden Center facilities and development of a green building ordinance and climate action plan. (O'Rourke) ☐
- c. Town Council approval of regular Council meeting dates for 2010, including special dates for September and November Council meetings. (Broad) ☐
- d. Town Council consideration of adoption of Resolution No. 1688 adopting the fee schedule established by the Marin General Services Authority for Taxicab Regulations. (Broad) ☐
- e. Town Council consideration of adoption of Resolution No. 1689 awarding a contract to Dimensions Unlimited, Inc. to develop a Flood Mitigation Plan. The Town has received a \$50,000 FEMA grant to cover the contract cost. (Broad and O'Rourke) ☐
- f. 39 Poplar Avenue, Variance and Design Review No. 1756 (Semonian) ☐
Lambert and Dorothy Meyer, 39 Poplar Avenue, A.P. No. 73-273-05, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. minimum lot size) Medium Low Density (3 - 6 units per acre). Application for design review and variances to replace a two-car carport within the side yard setback (15 feet required, 3 feet proposed). The new carport would have a maximum ridge height of 11.5 feet (taller than the existing carport) and would have painted T-1 11 plywood siding and a composition shingle roof.

Lot area	8,686 sq. ft.	
Existing Floor Area	35.7%	
Proposed Floor Area	35.7%	(20% permitted)
Existing Lot Coverage	35.7%	
Proposed Lot Coverage	35.7%	(20% permitted)

- g. 59 Winship Avenue, Variance No. 1761 (Semonian) ☐
Robert and Carol Momsen, 59 Winship Avenue, A.P. No. 72-162-02, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size), Medium Low Density (3-6 units per acre). Variances associated with a remodel of the residence. The project includes modifications to windows on both sides of the residence and the

rear of the residence. No changes are proposed to the front façade. The second floor shed dormer, which faces the rear yard, would be replaced by a gable dormer and two, smaller, shed dormers. The project includes the addition of two new bay windows at the first level. The project would increase the floor area at the site by 40 square feet.

Lot area	9,583 square feet	
Existing Floor Area	33.5%	
Proposed Floor Area	33.9%	(20% permitted)
Existing Lot Coverage	29.3%	
Proposed Lot Coverage	29.3%	(20% permitted)

The garage is nonconforming in setbacks.

h. 17 Brookwood Lane, Variance No. 1762 (Semonian) 🏠

James and Ann Kauffman, 17 Brookwood Lane, A.P. No. 73-311-03, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size), Medium Low Density (3-6 units per acre). Variances to allow the following: 1.) expansion of a deck within the side yard setback (15 feet required, 13.8 feet proposed); 2.) spa and patio area within the side yard setback (15 feet required, 8 feet proposed); and 3.) replacement of a brick patio with gravel within the rear yard setback (40 feet required, 15 feet proposed) and side yard setback (15 feet required, 5 feet proposed). Design review of landscaping work within the guideline watercourse setback (25 feet recommended, 8 feet proposed).

Lot area	10,295 sq. ft.	
Existing Lot Coverage	27.3%	
Proposed Lot Coverage	29.2%	(20% permitted)

i. 11 Fernhill Avenue, Variance No. 1759 (Semonian) 🏠

Barney and Temple Schauble, 11 Fernhill Avenue, A.P. No. 73-091-03, R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum lot size), Low Density (1 - 3 units per acre). Application for variances for the following: 1.) expansion of the first floor kitchen by 37 square feet, in the area of an existing deck on the rear side of the residence; and 2) reconfiguration and expansion of a rear yard deck, which would result in 15 square feet of additional lot coverage. The project also includes landscaping the creek area with riparian plants and construction of a new swimming pool, spa, and on-grade terrace. The pool, spa and terrace would comply with all development regulations.

Lot area	22,050 sq. ft.	
Existing Floor Area	27.8%	
Proposed Floor Area	27.9%	(15% permitted)
Existing Lot Coverage	16.4%	
Proposed Lot Coverage	16.7%	(15% permitted)

End of Consent Agenda.


16. Town Council consideration of whether to give, or not give, advance written notice to withdraw from the Marin Energy Authority as required under Section 7.1.1.1 of the Marin Energy Authority Joint Powers Agreement. The Town may withdraw its membership in the Authority by giving no less than 30 days advance written notice prior to the Authority's execution of Program Agreement 1. The projected date for MEA contract execution with an energy service provider is February 4, 2010. (Broad, 30 minutes) ☐
17. Town Council consideration of construction of a ramp within the east Shady Lane right-of-way in front of 32 Shady Lane and across from Ames Avenue to provide pedestrian access from the roadway to the pathway. (Jarjoura, 15 minutes) ☐
18. Update on the Sir Francis Drake Boulevard Pavement Rehabilitation Project and Marin Municipal Water District's commitment to replace a 100-year old water main under Sir Francis Drake Boulevard extending from Lagunitas Road to Bolinas Avenue prior to repaving. (Jarjoura, 15 minutes)
19. Town Council consideration of introduction of Ordinance No. 617 adding Chapter 15.42 regulating outdoor wood-burning devices. The ordinance would prohibit burning in outdoor fireplaces on Spare the Air days, prohibit installation of outdoor fireplaces that are not gas or EPA certified, and ban burning garbage in outdoor fireplaces. (Semonian, 10 minutes) ☐
20. Presentation by Wendy McPhee on Sustainable Ross. (10 minutes)
21. Town Council discussion/appointment of Town representative to the Marin/Sonoma Mosquito & Vector Control District Board of Trustees. (Broad, 5 minutes) ☐
22. Town Council discussion of its five Town Council goals for 2009-2010. The Council identified the following five potential goals at its August 2009 Town Council workshop. (Council, 15 minutes)
 - a. Downtown plan (Strauss)
 - b. Public facilities (Cahill)
 - c. Flood control (Martin)
 - d. Hillside lot ordinance review (Skall)
 - e. Unfunded mandates/pensions (Hunter)
23. 126 Winding Way, Variance, Design Review, Hillside Lot/Hazard Zone 3 Use Permit and Demolition Permit No. 1736 (Semonian, 15 minutes) ☐

Douglas and Miranda Abrams, 126 Winding Way, A.P. No. 72-091-14, R-1:B-5A (Single Family Residence, 5 Acre Minimum Lot Size), Very Low Density (.1-1 nits/Acre). Design review and variances to allow a significant remodel and addition to the existing residence, originally designed by Bay Area architect Bernard Maybeck. Demolition permit to allow modifications to each elevation of the residence, including replacement of the siding and roof and removal of the carport. Design review and hillside lot/hazard zone 3 use permit for the following: 1.) 864 square feet (net) addition to create a 4,507 square foot residence and one car garage; 2.)

landscape improvements that include construction of 635 linear feet of new landscape retaining walls up to 10 feet in height; 3.) approximately 571 cubic yards of cut and 580 cubic yards of fill associated with the landscaping and construction; and 4.) a wood, lattice design, driveway gate up to 6 feet in height between new stone columns. Variances to allow the following: 1.) a new arrival court and associated retaining walls within the front yard setback (25 feet required, 0 feet proposed); 2.) one covered parking space (2 covered spaces required); and 3.) new pool, patio area and trellis within the side yard setback (25 feet required, 5 feet proposed). A tree removal permit is requested to allow the removal of 11 protected trees ranging from 12.6 to 23.5 inches in diameter. Fifteen trees not protected under the Town tree ordinance are also proposed for removal.

Net lot area	44,201 square feet	
Existing Floor Area	8.2%	
Proposed Floor Area	10.2%	(15% permitted*)
Existing Lot Coverage	5.7%	
Proposed Lot Coverage	7.4%	(15% permitted)

**The slope of the lot is 35%. The Town Hillside Lot Ordinance guidelines recommend a maximum floor area of 4,223 square feet based on the parcel size (not deducting the roadway easement area). The existing residence is nonconforming in number of stories (2 permitted) and covered parking (2 spaces required).*

24. **10 Morrison Road, Variance and Design Review No. 1757 (Semonian, 15 minutes)**  Margaret E. Hass, 10 Morrison Road, A.P. No. 72-051-02, R-1:B-5A (Single Family Residence, 5 acre minimum lot size), Very Low Density (.1 - 1 units per acre). Application for design review and variances for a 650 square foot, two story, “garden tower” addition to the south side of the existing residence within the side setback (25 feet required, 18 feet proposed) and rear setback (40 feet required, 39 feet proposed). The materials would match the existing residence. The addition includes decks on the second floor and tower roof.

Gross Lot Area	35,126 sq. ft.	
Net Lot area	28,173 sq. ft.	
Existing Floor Area	13.0%	
Proposed Floor Area	15.3%	(15% permitted)
Existing Lot Coverage	11.7%	
Proposed Lot Coverage	13.7%	(15% permitted)

25. **Correspondence. (3 minutes)**
26. **Other Business.**
27. **Adjournment.**

If any of the matters discussed above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this notice or in written correspondence delivered at, or prior to,

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the Council meeting at which this matter will be heard. (Government Code Section 65009).

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