

AGENDA
REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JULY 9, 2009

1. 6:00 P.M. Commencement.
2. Open time for matters pertaining to the closed session in agenda item 3.
3. The Council will meet in closed session on the following:
 - a) Pursuant to Government Code §54956.9 (a) re Alan Grujic v Town of Ross, Marin Superior Court, Case No. Civ 092355.
 - b) Pursuant to Government Code §54956.9 (b) (1) re traffic conditions at Ames Avenue and Shady Lane.
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.
Limited to three minutes per speaker on items not on agenda.
9. Report from Mayor Cahill.
10. Election of Mayor.
11. Election of Mayor Pro Tempore.
12. Selection of members to Town Council Committees and Town Representatives.
13. Announcement of promotion of Police Officer Steve Nelson to Sergeant effective July 1, 2009. (Reis)

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

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.

14. Town Council consideration of cancelling the regular August 13, 2009 Council meeting and selection of a Special Council meeting date for a workshop to set FY2009-10 Town Council goals.

15. Consent Agenda.

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

a. Town Council consideration of adoption of Resolution No. 1673 (to supersede Resolution No. 1672) establishing and reporting Employer Paid Member Contributions (EPMC) for Fire Department personnel. (Broad) ☐

b. Town Council consideration of MCSTOPPP JEPAs revisions. (Broad) ☐

c. 39 Fernhill Avenue, Amendment to Design Review No. 1661 ☐

The Branson School, 39 Fernhill Avenue, A.P. Nos. 73-082-01, 73-082-12, 73-141-03 and 73-151-05, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size), Limited Quasi-Public/ Private Service Amendment to plans approved by the Town Council on September 11, 2007, for new buildings and related site improvements at the private high school campus. The applicant requests design review approval to re-landscape between the buildings in the “Quad” area (the lower area of the campus), which involves 270 cubic yards of fill.

d. 2 Chestnut Avenue, Variance and Design Review No. 1743 ☐

Daniel & Iris Winey, 2 Chestnut Avenue, A.P. No. 73-301-04, R-1:B-10 (Single Family Residential), Medium Low Density (3-6 Units/Acre). Application for design review and variance for a new one-car garage to replace the existing garage within the side yard setback (15 feet required, 0 feet proposed) and rear yard setback (40 feet required, 0 feet proposed). The garage would have a maximum ridge height of 19 feet (30 feet permitted).

Lot area	4,560 sq. ft.	
Existing Floor Area	48.5%	
Proposed Floor Area	48.5%	(20% permitted)
Existing Lot Coverage	25.6%	
Proposed Lot Coverage	25.6%	(20% permitted)

The existing structure is nonconforming in setbacks







End of Consent agenda.

16. Report from Committee Heads.

Public Works - Council members Strauss and Martin

- Status of the Lagunitas Road Bridge Replacement
- Sir Francis Drake Blvd/Lagunitas Road intersection improvements
- Stormwater Management Ordinance discussion


17. Report from Ross Property Owners Association.

18. Flood Control Report.
19. Report from the Ross School.
20. Briefing from the Army Corps of Engineers and the County of Marin on the status of the Unit 4 Fish Ladder Replacement Project and related creek improvements.
21. Marin Energy Authority update by Jamie Tuckey. (Martin)
22. Town Council consideration of approval of a Conceptual Downtown Plan, including the implementation for parking lot expansion and improvements between the Post Office and the Downtown commercial area. (Strauss and SWA)
23. Town Council discussion of the Advisory Design Review process established in Resolution No. 1644 and initiated on March 11, 2008. (Semonian) 
24. Town Council consideration of Resolution No. 1665 re-establishing permit parking restrictions on Redwood Drive during the Ross School construction period. (Broad and Strauss) 
25. Town Council consideration and response to the Grand Jury report dated June 3, 2009 entitled "Saving Marin's Major Crimes Task Force." (Broad) 
26. Town Council consideration of adoption of Resolution No. 1674 denying the appeal of David DeRuff, 3 Southwood, 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. (Jarjoura) 
27. Town Council concluding discussion of the implementation of the five Town Council goals for 2008-09 and preliminary discussion of potential 2009-2010 goals.
28. Town Council consideration of adopting Resolution No. 1675 amending Resolution No. 1630 eliminating planning fees for second units and home occupation permits, reducing variance fees for second units in existing nonconforming structures and clarifying parcel slope determination fees. Town Council discussion of potential municipal code amendments to streamline some development applications and reduce applicant processing costs. (Broad) 
29. 97 Shady Lane, Variance, Design Review and Demolition Permit No. 1654 
Archdiocese of San Francisco, 97 Shady Lane, St. Anselm Catholic Church, A.P. No. 73-051-22, R-1 and R-1:B-10 (Single Family Residential), Limited Quasi-Public/Private Service. Application for a demolition permit, design review and use permit to significantly remodel the existing rectory building for the church. The project includes demolition and reconstruction of the roof and exterior materials on each elevation. Although the applicants seek to retain elements of the structure, they also

request approval to fully demolish the structure in the event it is necessary because of exiting, unknown, conditions. The project would create an expanded meeting room, kitchen, offices, priest's quarters and accessible restrooms. A variance is requested to maintain the existing encroachment in the side yard setback (15 feet required, 4 feet proposed). A new landscape plan is proposed that includes removal of the wooden barriers on Shady Lane, new parking lot landscaping, and elevating approximately 2,500 square feet of courtyard between the church and rectory buildings. A variance is requested to construct a seat wall and gathering space in front of the church, within the required side setback from Shady Lane (15 feet required, 0 feet proposed) and partially within the right-of-way. An encroachment permit is requested for new landscaping within the Fernhill Avenue and Shady Lane rights-of-way.


Lot area	30,600 sq. ft.	
Existing Floor Area	45.7%	
Proposed Floor Area	46.2%	(20% permitted)
Existing Lot Coverage	43.5%	
Proposed Lot Coverage	50.3%	(20% permitted)


The existing structure is nonconforming in setbacks.

30. **93 Bolinas Avenue, Variance and Design Review No. 1747**  Paul and Tori Steege, 93 Bolinas Avenue, A.P. No. 73-041-15, R-1 (Single Family Residential), Medium Density (6-10 Units/Acre). Variance and design review to allow the following modifications to the existing residence: 1.) relocation of existing dormers on the north facing roof and construction of a new gable/shed dormer to increase the ceiling height of existing upper level floor area; 2.) new gable roof for existing carport and extension of the carport 8 feet towards the front yard; 3.) replacement of the existing porch with a new porch and second floor roof deck; and 4.) a new hot tub within the rear yard setback (40 feet required, 3.5 feet proposed) and east side yard setback (15 feet required, 3.5 feet proposed). The hot tub would be located on an existing deck that covers a seasonal stream contained in a concrete channel.

Lot area	6,400 square feet	
Existing Floor Area Ratio	1,943 sq. ft.	30.3%
Proposed Floor Area Ratio	2,037 sq. ft.	31.8% (20% permitted)
Existing Lot Coverage	1,393 sq. ft.	21.8%
Proposed Lot Coverage	1,487 sq. ft.	23.2% (20% permitted)

The existing residence and carport are nonconforming in side and rear setbacks.

31. **81 Wellington Avenue, Variance No. 1746**  Paul & Valerie Herzog, 81 Wellington Avenue, A.P. No. 72-072-21, R-1:B-10 (Single Family Residential), Medium Low Density (3-6 units per acre). Request for variances to permit an outdoor fireplace, outdoor kitchen, and new patio and deck areas within the side setbacks (15 feet required, 0 feet proposed) and rear yard setback (40 feet required, 3 feet proposed). A tree removal permit is also requested to remove a pittosporum, privet and bay tree.

32. **126 Winding Way, Variance and Design Review No. 1736**  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 Units/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.) 806 square feet (net) addition to create a 4,885 square foot residence; 2.) landscape improvements that include construction of 715 linear feet of new landscape retaining walls up to 10 feet in height; 3.) approximately 650 cubic yards of cut and 600 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.) removal of one covered parking space and all parking spaces to be uncovered (2 covered spaces required); and 3.) new pool within the rear yard setback (40 feet required, 8 feet proposed). A tree removal permit is requested to allow the removal of 14 protected trees ranging from 10 to 21 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	9.2%
Proposed Floor Area	11.0% (15% permitted*)
Existing Lot Coverage	5.7%
Proposed Lot Coverage	8.0% (15% permitted)

**The slope of the lot is 35%. The Town Hillside Lot Ordinance guidelines recommend a maximum floor area of 3,530 square feet. The existing residence is nonconforming in number of stories (2 permitted) and covered parking (2 spaces required).*

33. **Correspondence.**
34. **Other Business.**
35. **Adjournment.**

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

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