

AGENDA  
REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, JUNE 12, 2008

1. 6:30 P.M. Commencement.
2. Posting of Agenda.
3. Minutes.
4. Demands.
5. Open Time for Public Expression.  
Limited to three minutes per speaker on items not on agenda.
6. Report from Mayor Hunter.
7. Election of Mayor.
8. Election of Mayor Pro Tempore.
9. Report from Committee Heads.
  - Public Works - Council member Strauss
    - Update on projects
  - General Government - Council member Durst
    - Street Tree Working Group
10. Report from Ross Property Owners Association.
11. Flood Control Report.
12. Resolution No. 1650 Commending the Outstanding Service of Council Member Diane Durst.
13. Town Council consideration of adoption of Resolution No. 1651 authorizing renewal of Community Development Block Grant Cooperation Agreements with the County of Marin. (Broad)

*For information as to which item the Council is hearing, please call 415-453-1453, option 6,  
after 6:30 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 adoption of Resolution No. 1652 enacting temporary closure of streets for the Town's Centennial Saturday, September 19 and 20, 2008. (Gamble & Heying)
15. Presentations by the County of Marin and Pacific Gas & Electric on Community Choice Aggregation/Marin Clean Energy.
16. Town Council adoption of five Town Council goals for 2008-2009 and the implementation of these goals. (Broad)
17. Town Council consideration and response to the Grand Jury report dated April 7, 2008 entitled "Tails of Marin" Marin County Animal Control Services and The Marin Humane Society. (Broad)
18. Planning Application Consent Agenda.  
The following four items will be considered in a single motion, unless removed from the consent agenda:

a. 20 Winding Way, Extension of Time No. 1599

Robert and Kim Kristoff, 20 Winding Way, A.P. Nos. 72-112-07 & 72-112-16, R-1:B-A (Single Family Residence, One Acre Minimum). A second one-year time extension to July 13, 2009, for a variance and design review application approved on July 13, 2006, to allow renovation of and additions to an existing two-story residence, demolition of a carport, construction of a 454 square foot attached two-car garage within the front yard setback (25 feet required, 4.5 feet proposed) and 34 linear feet of new retaining walls with a maximum height of 7 feet.

Lot area	28,042	square feet
Existing Floor Area Ratio	12.5%	
Approved Floor Area Ratio	15.0%	(15% permitted)
Existing Lot Coverage	9.3%	
Approved Lot Coverage	10.3%	(15% permitted)

*The existing carport is nonconforming in setbacks.*

b. 27 Ross Common, Commercial District Use Permit No. 1687

Wendel Nicolaus (applicant) & Vito & Sonia Badalamenti (owners), 27 Ross Common, A.P. Nos. 73-273-09, C-L (Local Service Commercial). A professional office for Nicolaus & Company, a business that involves investments, management, real estate brokerage and fee appraisal use. The use is proposed in the 470 square foot, ground floor, space formerly occupied by a dress boutique. Proposed days and hours of operation would vary, but the applicant estimates the office would be open 8 am to 5 pm three to five days per week, including occasional weekend use. The applicant would be the sole on site employee and client visits would be minimal.

**c. 30 Sir Francis Drake Blvd, Variance and Design Review No. 1688**

Marin Art & Garden Center, 30 Sir Francis Drake Boulevard, A.P. Nos. 72-231-01, 02 and 23 (Community Cultural District, one acre minimum lot area). Design review for 475 square foot addition to the west side of the barn/theater building for bathrooms that are compliant with the Americans with Disabilities Act (ADA). The project includes an interior remodel of the lobby area, which would remove an office, and conversion of the existing bathrooms to office and storage space. A variance is necessary to add the new floor area without providing additional parking at the site (5 additional spaces required). A tree removal permit is requested to remove the 30-inch diameter eucalyptus tree in the area of the proposed addition.

Lot area	439,858	square feet
Existing Floor Area Ratio	6.2%	
Proposed Floor Area Ratio	6.3%	(20% permitted)
Existing Lot Coverage	6.2%	
Approved Lot Coverage	6.3%	(25% permitted)

*The existing site is nonconforming in required parking spaces.*

**d. 36 Glenwood Avenue, Design Review No. 1662**

Ross Valley Sanitary District No. 1 (applicant), 36 Glenwood Road, A.P. Nos. 73-131-25 and 73-131-26, R-1:B-A (Single Family Residence, 1 acre minimum lot size). Design review to allow replacement of a sewer and its support structures within the banks of Ross Creek (25 foot setback required). The project includes construction of approximately 30 linear feet of retaining walls that are over 4 feet tall and work within the creek to remove temporary support structures.

**End of Planning Consent agenda.**

**19. 51 Wellington, Variance, Design Review and Demolition Permit No. 1685**

Craig and Melissa Slayen, 51 Wellington Avenue, A.P. No. 72-071-15, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum Lot Size). Demolition permit to allow modifications to each elevation of the residence, including replacement of the existing horizontal siding and windows with new painted wood shingles and windows. Variance and design review to allow a remodel and addition to the existing residence and landscape improvements that include: 1.) removal of the 2-car carport and its roof deck within the front yard setback; 2.) enclosure of the existing entry porch area, partially within the front yard setback (25 feet required, 20 feet proposed); 3.) addition of an attached, 312 square foot, one-car, garage partially within the front yard setback (25 feet required, 20 feet proposed) and rear yard setback (40 feet required, 32 feet proposed); 4.) reconstruction of the northwest corner of the residence, increasing the roof ridge over the area, within the rear yard setback (40 feet required, 0 feet proposed); 5.) landscape grading involving 64 cubic yards of cut and 123 cubic yards of fill; 6.) construction of fenced trash enclosure; 7.) 130 linear feet of new retaining walls up to 5 feet in height; and 8.) new terrace within the front yard setback (25 feet required, 20 feet proposed) and rear yard setback (40 feet required, 10 feet proposed).

Lot area	11,275 square feet	
Existing Floor Area Ratio	29.6%	
Proposed Floor Area Ratio	31.2%	(20% permitted)
Existing Lot Coverage	26.6%	
Proposed Lot Coverage	24.6%	(20% permitted)

*The existing residence is nonconforming in setbacks.*

20. **42 Fernhill Avenue, After-the-Fact Variance and Design Review No. 1608**  
Tim Wood, 42 Fernhill Avenue, A.P. No. 73-041-26, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum Lot Size). An after-the-fact amendment to an October 12, 2006, Town Council design review approval, which included two 6-foot tall, 50% transparent, wood gates between brick columns at the front property line. The applicant has constructed gates with a second row of slats, resulting in gates that are not 50% transparent when viewed from certain angles, and has changed the post material from brick to stone.

An after-the-fact variance is requested in order to maintain an arbor constructed within the west side yard setback (20 feet required, 0 feet proposed). The arbor replaced an arbor in the same location, but is approximately 6" taller than the prior structure.

Also under consideration is a plan to landscape the right-of-way area between the front property line and the paved portion of Fernhill Avenue.

*The existing residence is nonconforming in setbacks, height, and number of stories.*

21. **662 Goodhill Road, After-the-Fact Hillside Lot, Slope Stability Hazard Zone 3 and 4 Use Permit, and Design Review No. 92**  
Donald Santa, 662 Goodhill Road, A.P. No. 73-211-45, R-1:B-5A (Single Family Residence, 5 acre minimum lot size). Amendments to plans approved by the Town Council on July 9, 1998, and amended on July 8, 1999, September 14, 2000, February 8, 2001, March 8, 2001, and April 12, 2001, for a hillside lot, slope stability hazard zone 3 and 4 use permit, and design review for a new residence, pool house and garage/guest unit. After-the-fact design review approval is requested to allow over 1,800 linear feet of retaining walls constructed without planning approval and without building permits. After-the-fact design review approval is also requested for over 380 cubic yards of cut and 380 cubic yards of fill for creation of terraced areas and paths not shown on the approved plans and also constructed without planning or building approval.

These walls, paths and terraced areas violate project conditions of approval prohibiting construction, including retaining walls, grading and filling within designated "hillside protection zones" on the property without prior Town approval. An amendment to the prior conditions of approval is requested to allow after-the-fact approval for work done within "hillside protection zones" without prior Town approval. This amendment would require amending Resolution No. 1409 approved on July 8, 1999 and Resolution No. 1462 approved on April 12, 2001.

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- The application has been modified since the last public hearing to include design review for three terraced retaining walls, up to 8 feet tall, which would reduce the height of the terraced area that is currently retained by a wall up to 19+ feet tall.
22. Open time for matters pertaining to the closed session in agenda item 24.
  23. Council will adjourn to closed session for the following two items:
    - a. Labor Relations —Government Code Section 54957.6 related to negotiations between the Town of Ross (Gary Broad, Town Manager as Town Representatives) and the Ross Professional Firefighters Association, Local 1775.
    - b. Personnel Matters, Government Code Section 54957, annual evaluation of Town Manager, Administrative Assistant, Senior Planner, Public Works Director/Building Official, Building Department Secretary and Street Superintendent.
  24. OPEN SESSION. Council will return to open session and announce action taken, if any.
  25. Correspondence.
  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, 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.*