

AGENDA
REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, NOVEMBER 12, 2009

1. 6:30 P.M. Commencement.
2. Open time for matters pertaining to the closed session in agenda item 3.
3. Closed Session – Personnel Matter, Government Code Section 54957, Council consideration of a time extension to the Town Manager contract. (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.
Limited to three minutes per speaker on items not on agenda.
9. Report from Mayor Strauss.
10. Report from Committee Heads. (10 minutes)
Transit Authority of Marin (TAM) Update - Council member Skall
Public Works Update - Council member Martin
Marin Energy Authority - Council member Martin
11. Report from Ross Property Owners Association.
12. Flood Control Report.

*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.

13. Consent Agenda. (10 minutes)

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

a. 18 Redwood, Extension of Time for Variance and Design Review No. 1708 (Semonian)

Lisa and Michael Gorham, 18 Redwood Drive, A.P. No. 73-271-05, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size) Medium Low Density (3 - 6 units per acre). An application for approval of a second one-year time extension to October 11, 2010 for a demolition permit, variance and design review application approved on October 11, 2007, for the following:

Demolition permit to allow demolition of the existing 1,282 sq. ft. residence. Variance and design review to allow construction of: 1.) new 2,510 sq. ft. residence with a maximum ridge height of 28.75 feet and attached 246 sq. ft. one car garage within the north side yard setback (15 feet required, 8.75 feet proposed), south side yard setback (15 feet required, 7 feet proposed) and watercourse setback (50 feet recommended, 8.5 feet proposed); 2.) deck and bridge over watercourse (25 foot setback recommended, 0 feet proposed) and within north side yard setback (15 feet recommended, 0 feet proposed); 3) 17 by 38 foot pool; and 4.) 10-foot tall wood trellis within front yard setback (25 feet required, 21 feet proposed) and side yard setback (15 feet required, 0 feet proposed).

Lot area	13,792 square feet
Existing Floor Area Ratio	9.3%
Proposed Floor Area Ratio	20.0% (20% permitted)
Existing Lot Coverage	17.2%
Proposed Lot Coverage	18.9% (20% permitted)

The existing residence is nonconforming in side yard setbacks and covered parking (one required).

- b. Town Council consideration of adoption of Resolution No. 1681 to amend Ross Recreation Bylaws related to residency requirements and Town Council consideration of the Ross Recreation Board of Directors (Broad)
- c. Town Council consideration of adoption of Resolution No. 1682 to establish a no parking zone on a portion of Wellington Avenue. (Reis)
- d. Town Council consideration of adoption of Resolution No. 1683 authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding and stating the assurance to complete the project. (Jarjoura)
- e. Town Council consideration of adoption of Resolution No. 1684 approving an expenditure plan for the utilization of supplemental "Citizen Options for Public Safety" (COPS) law enforcement funds in fiscal year 2009-2010. (Reis)

- f. Town Council consideration of adoption of Resolution No. 1686 supporting the Central Marin Sanitation Agency (CMSA) food waste to energy pilot program. (Broad) ☐

End of Consent agenda.

- 14. Presentation by San Rafael Planning Director Bob Brown on Marin Green BERST recommendations for a green building ordinance. (30 minutes)
- 15. 7 Woodhaven Road, Variance, Design Review, Hillside Lot/Hazard Zone 4 Use Permit No. 1680 and Town Council consideration of adoption of Resolution No. 1685 (Roth and Semonian, 20 minutes) ☐
Steve Bode, 7 Woodhaven Road, A.P. No. 73-021-04, R-1:B-5A (Single Family Residence, 5 Acre Minimum Lot Size), Very Low Density (.1-1 Units/Acre). Town Council consideration of the Town Attorney’s opinion that the September 11, 2008, appeal by Dick and Patty Treadwell, is void because there is no right to appeal a Town Council decision. If the appeal is void, the applicant Steve Bode requests the original approval be re-instated for the full one year term. The original approval was for the following:

Demolition permit to allow the demolition of an existing residence and detached accessory structures totaling 1,961 square feet of floor area. Variance, design review, hillside lot/ hazard zone 4 use permit and second unit permit to allow the following: 1.) construction of a 4,861 square foot residence and attached two-car garage with a maximum ridge height of 28 feet; 2.) construction of a 1,140 square foot detached second unit above a two-car garage (700 square feet permitted), with a maximum ridge height of 18.5 to 23 feet (18 feet permitted); 3.) location of the new residence, second unit, driveway and landscape retaining walls within 50 feet of a watercourse contained in a culvert (25 to 50 foot setback recommended); 4.) 469 cubic yards of cut and 340 cubic yards of fill; and 5.) over 100 linear feet of new driveway and landscape retaining walls with a maximum height of 9 feet.

Existing and Proposed Conditions:

Effective lot area	73,216 square feet	
Present Floor Area Ratio	2.7%	
Proposed Floor Area Ratio	8.3%	(15% permitted)*
Present Lot Coverage	2.7%	
Proposed Lot Coverage	6.1%	(15% permitted)

* The hillside lot design standards would recommend a guideline floor area of 5,561 square feet. Total development of 6,055 square feet (not including mechanical area) is proposed.

- 16. Town Council discussion of new Bay Area Air Quality Management District regulations requiring cleaner burning fireplaces, such as EPA-certified fireplace inserts or natural gas devices, to be installed in new construction or remodels. The Council will discuss potential additional Town regulations of indoor and outdoor fireplaces to implement General Plan 2007-2025 Program 2.C “Adopt Wood smoke or Biomass Smoke Ordinance”. Additional regulations could

include further restriction on indoor and outdoor wood burning fireplaces including their removal or replacement. (Semonian, 15 minutes) 🗨️

- 17. Announcement of open positions for the Advisory Design Review Group, members to be appointed in February 2010, and Town Council discussion regarding staggering the terms for the Advisory Design Review Group. (Semonian, 10 minutes) 🗨️
- 18. 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
 - b. Public facilities
 - c. Flood control
 - d. Hillside lot ordinance review
 - e. Unfunded mandates/pensions

- 19. 21 Fernhill Avenue, Amendment to Variance, Design Review No. 1753 (Semonian, 15 minutes) 🗨️

Brian and Rachel Wells, 21 Fernhill Avenue, A.P. No. 73-091-37, R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum lot size), Low Density (1 - 3 units per acre). An application for an amendment to the variance and design review application approved on October 8, 2009, for redevelopment of the site, including applications for design review, variance, demolition permit and second unit permit. The applicant requests approval of the 160 square foot pool house originally proposed, but denied by the Council. Total development of 4,711 square feet is requested.

The approved project includes demolition of the existing residence and construction of a 4,082 square foot new residence, 469 square foot detached garage and landscape improvements including a 16 foot by 32 foot pool. The exterior materials for the French country style residence include cement plaster siding, slate roofing and painted wood windows and doors. A floor area ratio variance is requested for 541 square feet of a 613 square foot, attached, second unit. A side setback variance is requested to permit 25 square feet of terrace area within the west side yard setback (20 feet required, 16 feet proposed). Setback variances are requested to maintain the play structure within the front yard setback (25 feet required, 16 feet proposed) and east side yard setback (20 feet required, 10 feet proposed).

Lot area	27,802 sq. ft.	
Existing Floor Area	13.5%	
Approved Floor Area	16.4%	
Proposed Floor Area	16.9%	(15% permitted)
Existing Lot Coverage	11.1%	
Approved Lot Coverage	9.1%	
Proposed Lot Coverage	9.7%	(15% permitted)

20. 39 Poplar Avenue, Variance and Design Review No. 1756
This item has been continued by the applicant to the December 10, 2009 Council meeting.

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 allow replacement of a two-car garage within the side yard setback (15 feet required, 3 feet proposed). The new garage would have a maximum ridge height of 14 feet 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)

21. 10 Morrison Road, Variance and Design Review No. 1757 (Semonian, 20 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)

22. Upper Toyon Lots, Variance and Hillside Lot Hazard Zone Permit No. 1672 (Semonian, 20 minutes) ☐

Harvey W. Glasser, vacant lots between Upper Toyon Road and Canyon Road, A.P. Nos. 72-031-49, 12-121-03, 12-121-33, 12-081-07, R-1:B-5A (Single Family Residence, 5 acre minimum lot size), Very Low Density (.1 - 1 units per acre). A hillside lot hazard zone 3 permit and parcel map to allow the merger and re-subdivision of four vacant lots into two lots. Variance and conditional exceptions to zoning and subdivision regulations are requested to allow access to the resulting lots from a private road (public street frontage is required) and for one of the lots to be less than 5 acres in size. Parcel 1 would have a net lot area of approximately 3.95 acres (4.35 acres gross) and Parcel 2 would have a net lot area of 5.3 acres (5.5 acres gross). The existing lots are nonconforming in size and do not have public street frontage.

The applicant also requests the Council to assign a maximum guideline floor area of 7,500 square feet to the two new sites. No construction development plans have been submitted for any of the lots.

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The Hillside Lot Ordinance guideline floor areas for the existing and proposed parcels:

Assessor's Parcel	Net Lot Size	Slope	Hillside Guideline FAR	
72-031-49	148,017	52%	4,267	
12-121-03	85,047	55%	2,987	
12-121-33	68,684	56%	2,496	
12-081-07	101,495	29%	10,000 sq. ft.	
Total			19,750 sq. ft.	
Proposed Lots	Net Lot Size	Slope	Hillside Guideline FAR	Proposed FAR
Lot 1	172,062	44%	6,534	7,500
Lot 2	229,997	44%	6,534	7,500
Totals			13,068 sq. ft.	15,000 sq. ft.

23. 98 Shady Lane, After-the-Fact Variance and Design Review No. 1755 (Semonian, 10 minutes) 

Paige and Bobby Locke, 98 Shady Lane, A.P. No. 73-052-37, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size), Medium Low Density (3 - 6 units per acre). Request to modify conditions of the 2000 variance and design review approval which restricted the improvement of the attic. After-the-fact request to permit 163 square feet of attic area adjacent to the second floor master bedroom to be finished and used as a closet within the north side yard setback (15 feet required, 9 feet proposed). No exterior modifications were made to the residence.

Lot area	7,511 square feet
Existing Floor Area Ratio	30.0%
Proposed Floor Area Ratio	32.6% (20% permitted)
Existing Lot Coverage	31.0%
Proposed Lot Coverage	31.0% (20% permitted)

24. Correspondence. (3 minutes)

25. Other Business.

26. 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.