

AGENDA  
REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, NOVEMBER 8, 2007

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. Senator Carole Migden, representing the 3rd District of the California State Senate, reporting on State funds for Ross Valley flood control improvements and State approval of SB 418.
7. Report from Mayor Hunter.
8. Report from Committee Heads.
  - General Government - Council member Durst
    - Street Tree Working Group
  - Public Safety - Council member Skall
    - CERT Training – personal experience
9. Report from Ross Property Owners Association.
10. Flood Control Report.
11. Town Council consideration of adoption of Resolution No. 1634 commending Peter Daly for his generous assistance with Town community events.
12. Report from Ross Recreation Director Pam Riley.

*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.

13. Town Council adoption of Ordinance No. 603 amending Chapters 15.04, 15.12, 15.14, 15.16 and 15.18 of the Ross Municipal Code, and adopting the 2007 California Building Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Fire Code and the California Energy Code. (Jarjoura, Heying and O'Rourke)
14. Follow-up discussion of the five Town Council goals for 2007-2008 and the implementation of these goals. (Broad)
  - a. Flood damage reduction/warning and emergency response (Cahill)
  - b. Increase resident readiness, response and recover (Skall)
  - c. Advisory design review (Durst)
  - d. Downtown area plan (Strauss)
  - e. Conclude fire consolidation (Hunter)
15. Town Council discussion of programs/policies to encourage additional solar energy development in Ross.
16. Town Council consideration of introduction of Ordinance No. 602 amending Chapter 16.18 of the Ross Municipal Code, Restricting Smoking, to include additional regulation of secondhand smoke. (Broad and O'Rourke)
17. Town Council consideration of the appeal of John Shalavi, 122 Winding Way, of the penalty for failure to complete construction under Ross Municipal Code Section 15.50, Time Limits for Completion of Construction, and adoption of Resolution 1635. (Broad)
18. Planning Application Consent Agenda.  
The following four items will be considered in a single motion, unless removed from the consent agenda:
  - a. 7 Woodside Way, Extension of Time No. 1613  
Lee and Stephanie Notowich, 7 Woodside Way, A.P. No. 73-232-03, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum Lot Size). A one-year time extension to November 9, 2008, for a variance and design review application approved on November 9, 2006, to allow the following: 1.) remodel and addition to existing residence resulting in 8 square feet of new floor area within the rear setback area (40 feet required, 34.5 feet proposed) and 56 square feet of second floor deck area within the rear setback (40 feet required, 37 feet proposed); 2.) demolition of an existing carport and construction of a new 450 square foot two-car garage; 3.) demolition of a 402 square foot deck and replacement with a 387 square foot terrace, barbecue and outdoor fireplace within the rear setback area (40 feet required, 19 feet proposed); and 4.) new dormer, 76 square foot terrace, and covered entry for the cabaña, located at the rear property line (40-foot setback required, 0 feet proposed).

|                           |                    |                 |
|---------------------------|--------------------|-----------------|
| Lot area                  | 22,294 square feet |                 |
| Existing Floor Area Ratio | 19.3%              |                 |
| Proposed Floor Area Ratio | 19.9%              | (20% permitted) |
| Existing Lot Coverage     | 14.0%              |                 |
| Proposed Lot Coverage     | 15.7%              | (20% permitted) |

*The existing residence and cabaña are nonconforming in setbacks.*

**b. 83 Laurel Grove, Extension of Time No. 1567**

Eric and Trisha Ashworth, 83 Laurel Grove Avenue, A.P. No. 72-092-03, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size). A second one-year time extension to October 19, 2008 for a variance and design review application approved on October 19, 2005 to allow the following: 1.) construction of a 470 square foot two-car detached garage on the foundation of a previously-existing garage; and 2.) construction of a 200 square foot shop structure on the foundation of a previously-existing accessory structure within the north side yard setback (25 feet required, 20 feet proposed.)

|                           |                    |                 |
|---------------------------|--------------------|-----------------|
| Lot area                  | 96,570 square feet |                 |
| Existing Floor Area Ratio | 3.8%               |                 |
| Proposed Floor Area Ratio | 4.5%               | (15% permitted) |
| Existing Lot Coverage     | 2.2%               |                 |
| Proposed Lot Coverage     | 2.9%               | (15% permitted) |

**c. 2 Hillgirt Drive, Extension of Time No. 1626**

Timothy and Katrina Harmon, 2 Hillgirt Drive, A.P. No. 73-082-03, R-1:B-A (Single Family Residence, 1 Acre Minimum Lot Size). A one-year time extension to December 14, 2008, for a variance and design review application approved on December 14, 2006, to allow the following: 1.) a 59 square foot addition to the lower level of the residence, within the existing crawl space; 2.) landscape improvements including patios, a fireplace and a barbecue within the side setback (25 feet required, 1.5 feet proposed) and rear setback (40 feet required, 7 feet proposed); 3.) 300 linear feet of retaining walls ranging in height from .5 feet to 5 feet tall (average height 1.6 feet); 4.) grading associated with the project, which includes approximately 100 cubic yards of cut and 15 cubic yards of fill; and 5.) tree removal permit for a 16 inch diameter apple tree within the rear setback.

|                           |                    |                 |
|---------------------------|--------------------|-----------------|
| Lot area                  | 17,069 square feet |                 |
| Existing Floor Area Ratio | 22.4%              |                 |
| Proposed Floor Area Ratio | 22.8%              | (15% permitted) |
| Existing Lot Coverage     | 11.0%              |                 |
| Proposed Lot Coverage     | 11.0%              | (15% permitted) |

*The existing residence is nonconforming in rear and side setbacks.*

**d. 14 Walnut Avenue, Design Review No. 1671**

Loretta Gargan and Catherine Wagner, 14 Walnut Avenue, A.P. Nos. 73-171-51 and 73-171-52, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum Lot Size). Design review of modifications to all four elevations of the residence for new windows and doors.

|                           |               |                 |
|---------------------------|---------------|-----------------|
| Lot area                  | 7,500 sq. ft. |                 |
| Existing Floor Area Ratio | 8.7%          |                 |
| Proposed Floor Area Ratio | 8.7%          | (20% permitted) |

|                       |       |                 |
|-----------------------|-------|-----------------|
| Existing Lot Coverage | 10.8% |                 |
| Proposed Lot Coverage | 10.8% | (20% permitted) |

*The existing residence is nonconforming in front and side setbacks and covered parking (1 covered space required).*

**End of Planning Consent Agenda.**

19. **23 Baywood, Amendment to Design Review No. 1471**  
 Richard and Cynthia Hannum, 23 Baywood Avenue, A.P. No. 72-071-06, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum Lot Size). Amendment to a June 14, 2007 variance and design review condition of approval that requires all windows on the west elevation to be opaque.

20. **30 El Camino Bueno, Amendment to Demolition Permit, Variance, Design Review, Hillside Lot Hazard Zone 3 Permit, and Tree Removal No. 1615**  
 Colin Lind and Anne Dickerson-Lind, 30 El Camino Bueno, A.P. No. 72-171-04, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size). Amendment to plans approved by the Town Council on April 17, 2006, extended to April 17, 2008, for a demolition permit, design review, hillside lot hazard zone 3 use permit and tree removal application associated with the demolition of the existing residence and construction of a new 6,708 residence and related improvements. The modifications requested include: 1.) design review for new retaining walls ranging from 2.5 to 9 feet tall that associated with widening the 250-foot long driveway to a minimum width of 14 feet; 2.) new utilities access deck within the front yard setback (25 feet required, 2 feet proposed); 3.) height variance to allow a maximum roof height of 33.5 feet (30 feet allowed, 32.5 feet approved); 4.) minor changes to the location of exterior windows, doors and walls; 5.) change in window material from copper clad to wood; and 6.) addition of solar thermal and PV panels on the roof and elimination of the geo-thermal system. The approved cut and fill would increase from 1,475 cubic yards of cut and 730 cubic yards of fill to 1,570 cubic yards of cut and 850 cubic yards of fill.

|                           |                              |                  |
|---------------------------|------------------------------|------------------|
| Lot area                  | 108,029 sq. ft. (2.48 acres) |                  |
| Existing Floor Area Ratio | 5.8%                         |                  |
| Proposed Floor Area Ratio | 6.2%                         | (15% permitted*) |
| Existing Lot Coverage     | 3.9%                         |                  |
| Proposed Lot Coverage     | 6.5%                         | (15% permitted)  |

\*THE SLOPE OF THIS LOT IS 40%. THE HILLSIDE LOT ORDINANCE WOULD RECOMMEND A MAXIMUM FLOOR AREA OF 6,708 SQUARE FEET.

21. **37 Upper Road, Variance and Design Review No. 1650**  
 Thomas and Susan Reinhart, 37 Upper Road, A.P. Nos. 73-111-02 and 073-111-05, R-1:B-5A (Single Family Residence, 5 Acre Minimum Lot Size). Variance and design review to permit the following landscape improvements: 1.) 222 square foot pool changing room and outdoor shower within west side yard setback (25 feet required, 8 feet proposed); 2.) 650 square foot, two-story, outdoor kitchen and pool equipment room with a maximum roof ridge of 22 feet; 3.) 62 cubic yards of cut and 101 cubic yards of fill associated with the landscape work, which includes lowering the grade

of the lawn area behind the residence and within the guideline watercourse setback (25 feet recommended, 2 feet proposed); 3.) demolition of a deck and construction of a new deck and outdoor fireplace within the guideline watercourse setback (25 feet recommended, 18 feet proposed) and north side setback (25 feet required, 22 feet proposed); 4.) over 100 linear feet of landscape retaining walls ranging from 6 inches to 7 feet tall; 5.) expansion of motor court into west side yard setback (25 feet required, 7 feet proposed; and 6.) tree removal permit to remove an 18 inch diameter magnolia and 18 inch diameter poplar

|                           |                    |                 |
|---------------------------|--------------------|-----------------|
| Lot area                  | 82,439 square feet |                 |
| Existing Floor Area Ratio | 12.8%              |                 |
| Proposed Floor Area Ratio | 13.7%              | (15% permitted) |
| Existing Lot Coverage     | 7.9%               |                 |
| Proposed Lot Coverage     | 7.8%               | (15% permitted) |

*The existing residence is nonconforming in height (30 feet permitted) and number of stores (2 stories permitted).*

**22. Upper Toyon, Variance, Hillside Lot Hazard Zone 3 Permit, Lot Line Adjustment, Parcel Map, and Conditional Exception to the Subdivision Regulations No. 1672**

Harvey W. Glasser, owner of Assessor's Parcels 12-081-07, 12-121-03, 12-121-21 and 72-031-29 (all vacant) and 72-031-45 (121 Winding Way); Douglas Abrams, owner of Assessor's Parcel 72-031-27 (18 Canyon Road); and Mike Guelfi, owner of Assessor's Parcels 72-051-15 and 72-051-17 and 72-051-21 (341 Upper Toyon Drive). The lots are zoned R-1:B-5A (Single Family Residential, Five Acre Minimum Lot Size). A hillside lot hazard zone 3 permit and parcel map to allow the merger and re-subdivision of four vacant lots into two lots. A variance and conditional exception to the zoning and subdivision regulations are requested to allow access to the resulting lots from a private road (public street frontage is required) and to be less than 5 acres in size (after the lot line adjustment described below, Lot 1 would have a net lot area of 4.4 acres and Lot 2 would have a net lot area of 4.2 acres). All existing lots are nonconforming in size and do not have public street frontage. The applicant is requesting the Council to establish a guideline maximum floor area for the two lots at 8,500 square feet each, which is greater than what would be recommended under the hillside lot ordinance, but less than the total guideline maximum floor area for the lots in their current configuration.

Lot line adjustment to allow the transfer of 6,384 square feet from 121 Winding Way to 341 Upper Toyon Road and 7,428 square feet from vacant Assessor's Parcel 012-121-21 (a portion of Lot 1 on the parcel map application) to 341 Upper Toyon Road. The net area of 121 Winding Way would decrease from 4.2 acres to 4.0 acres. The net area of the vacant lot will decrease from 1.5 acres to 1.3 acres. The net area of 341 Upper Toyon Road would increase from 2.1 acres to 2.4 acres. A variance and conditional exception to the zoning and subdivision regulations is requested to allow 121 Winding and the vacant lot to further decrease below the 5 acre minimum lot size.

Lot line adjustment to allow the transfer of 35,563 square feet from vacant Assessor's Parcel 072-031-29 (a portion of Lot 2 on the parcel map application) to 18 Canyon

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Road. The net area of the vacant lot would increase, and the net area of 18 Canyon Road would not change, since the area transferred is encumbered with a roadway and utility easement.

No new construction is proposed at this time for any of the lots.

- 23. Correspondence.
- 24. Other Business.
- 25. 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.*