

AGENDA
REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JUNE 9, 2011

1. 5:45 p.m. Commencement.
2. Posting of agenda.
3. Open time for matters pertaining to the closed sessions in agenda item 4.
4. Closed Sessions:
 - a.) Personnel Matters, Government Code Section 54957(b.)(1.), Town Manager evaluation.
 - b.) Labor Relations - Government Code Section 54957.6 related to MOU negotiations between the Town of Ross (Gary Broad, Town Manager, Town Representative) and the Ross Police Officers Association.
5. 6:30 p.m. Open Session. Council will return to open session and announce actions taken, if any.
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.
10. Report from Town Manager. (10 minutes)
 - Public Works Director/Building Official Recruitment Update
 - Town Office Remodel Update
11. Report from Committee Heads. (10 minutes)
 - Public Works - Council member Small
 - Public Works Committee Update
 - Finance - Council member Russell
 - Finance Committee Update

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.

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Community Protection - Council member Hunter

- Transportation Authority of Marin (TAM) Update

12. Report from Ross Property Owners Association.

13. Report from Ross School. (5 minutes)

14. Flood Control Report.

15. Consent Agenda. (10 minutes)

The following four items will be considered in a single motion, unless removed from the consent agenda (Broad, 5 minutes):

- a. Town Council consideration/ adoption of Resolution No. 1741 authorizing renewal of Community Development Block Grant Cooperation Agreements with the County of Marin. (Broad) ☐
- b. Town Council consideration/adoption of Resolution No. 1742 extending the Marin County Abandoned Vehicle Service Authority Registration Fee until April 2012. (Broad) ☐
- c. Town Council consideration of issuing a special permit to Edward Dong/Ross School PTA fund raising campaign to allow an overnight “Campout on the Commons 2011” event for up to 40 families and about 120 participants, in the northwest portion of the Ross Common on Friday evening September 9, 2011 till Saturday morning September 10. (Broad) ☐
- d. Town Council approval of policies and procedures for placing planning items on the Council consent agenda and planning application requirements, including neighbor acknowledgements and story pole requirements. (Semonian) ☐

End of Consent agenda.

16. Town Council discussion on the Town of Ross joining the Marin Energy Authority (MEA). (Martin, 20 minutes)

17. Town Council review of the status of a \$5,000 contribution from the Ross Historical Society to the Town of Ross in 1993 for a “fund for the maintenance, future repairs, and associated work as needed on the Old Ross Schoolhouse” and Council determination whether there is any remaining balance which should be returned to the Ross Historical Society. (Martin, 15 minutes) ☐

18. Town Council discussion of Chapter 12.24, Planting, Alteration, Removal, or Maintenance of Trees, as it relates to the recent loss of a Valley Oak in front of the Ross School on Lagunitas Road and recommendations for future replacement tree planting and maintenance of trees. (Martin, 30 minutes) ☐

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19. Town Council review of current Town Conflict of Interest Code, Resolution Nos. 1613 and 1285, and discussion of amending the resolutions. (Martin, 20 minutes) ☐
20. Town Council discussion of proposed resolution establishing standing committees and adopting general and specific rules pertaining thereto. (Martin, 30 minutes) ☐
21. Town consideration/adoption of Resolution No. 1743 opposing a proposed rate increase by the Ross Valley Sanitary District and directing the Town Manager to file a vote of protest in accordance with Proposition 218. (Martin, 10 minutes) ☐
22. Town Council consideration/adoption of Resolution No. 1744 Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (GANN Initiative) and Setting the Appropriation Limit for the Fiscal Year Ending June 30, 2012. (Town Accountant Rothman, 10 minutes) ☐
23. Public Hearing: Levy Taxes/Assessment pursuant to Ordinance No. 582 of the Ross Municipal Code. Council consideration/action on continuing the FY 2011-12 municipal services tax at \$775 – a maximum of \$1,000 permitted. (Broad, 10 minutes) ☐
24. Town Council consideration of adoption of Resolution No. 1745 enacting a temporary closure of the Ross Common for the annual Town Dinner from 4 p.m. to 10 p.m. on Friday, September 30, 2011. (Masterson, 15 minutes) ☐
25. Town Council consideration/action on supporting Herb Weiner, Mayor of Sausalito, as the next MCCMC President. (Strauss, 5 minutes)
26. Town Council consideration/action to adopt Resolution No. 1746 awarding the public works contract and authorization of expenditure for the Laurel Grove Drainage and Creekbank Projects bid. (Broad, 10 minutes) ☐
27. Town Council, sitting as Planning Commission, to consider Ordinance No. 624 An Ordinance Amending Title 18 “Zoning” of the Ross Municipal Code to Allow Certain Finished Basement and Attic Areas for Storage and Living Space. In summary, proposed Ordinance 624 would apply only to existing structures in residential zoning districts and would create a process for the Town Council to allow exceptions from development regulations, such as floor area limits, to allow finished attics and basements when they meet the following criteria: 1.) Area to be improved has an existing ceiling height of at least 5.5 feet. 2.) For attics, that no exterior changes are proposed. 3.) For basements: a.) Finished floor level must be above the base flood elevation. b.) Exterior modifications do not materially increase the visible mass of the building, are compatible with the design of the existing improvements, and do not create privacy issues. c.) There will be no net increase to the rate or volume of peak runoff from the site. 4.) The site has adequate water supply for firefighting purposes. 5.) The site has the minimum parking required for the zoning district. The Town Council may require additional parking, up to 4 spaces, based on


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- the size of the residence, number of bedrooms, and the size and use of the attic/basement area. 6.) The project complies with the building code. 7.) Excavation, grading or cutting is limited to 50 cubic yards. The Town Council will also consider approval of a categorical exemption from the California Environmental Quality Act (CEQA). The full text of Ordinance 624 is available at the Town website. (Semonian, 30 minutes) 🗨️
28. Town Council to consider recommendation of Planning Commission and introduction of Ordinance No. 624 An Ordinance Amending Title 18 “Zoning” of the Ross Municipal Code to Allow Certain Finished Basement and Attic Areas for Storage and Living Space (see summary under item 27 above). (Semonian, 10 minutes) 🗨️
 29. Town Council sitting as Planning Commission, to consider Ordinance No. 625 An Ordinance amending Municipal Code Chapter 18.42, Second Units, to add the following: a.) a discretionary review process to allow larger second units, construction of new second units on second stories, and two second units on a single family lot, all subject to design review; b.) a discretionary review process to allow a floor area ratio bonus for property owners who agree to deed restrict their second units to be affordable to very low income households, subject to design review; and c.) an amnesty period for property owners to legalize existing illegal second units. (O’Rourke, 30 minutes) 🗨️
 30. Town Council to consider recommendation of Planning Commission and introduction of Ordinance No. 625, An Ordinance Amending Municipal Code Chapter 18.42, Second Units, to Allow a Discretionary Review Process and to Provide Certain Exceptions to Second Unit Development Regulations. (See summary under item 30 above). (O’Rourke, 10 minutes) 🗨️
 31. No Action Items: (Martin, 5 minutes)
 - a. Council correspondence received
 - b. Future Council items
 32. Discussion of the five Town Council goals for FY 2010-2011 developed at the Town Council retreat and the implementation of these goals. (15 minutes)
 - a. Attic and basement regulations (Russell)
 - b. Right-of-way regulations (Small)
 - c. Approach to future Public Safety facilities and organization (Martin)
 - d. Downtown, including commercial district and interface with Ross Common and Lagunitas, signs and parking (Strauss)
 - e. Town and Marin Art & Garden Center relationship (Hunter)
 33. 191 Lagunitas Road, Extension of Time for Variance, Design Review, Hillside Lot/Hazard Zone 3 Use Permit No. 1725 (Semonian, 15 minutes) 🗨️
Paris and Martha Royo, 191 Lagunitas Road, A.P. No. 73-211-06, R-1: B-5A (Single Family Residence, 5 Acre Minimum Lot Size), Very Low Density (.1-1 Unit/Acre). Request for a second one-year time extension to May 14, 2012 for the project approved May 14, 2009, for a demolition permit to remove existing single-family residence, guesthouse, pool and cabana (5,471 square feet of floor area). Design

review and hillside lot/hazard zone 3 use permit to allow construction of a new 2-story residence and basement level garage, swimming pool, and 1,116 square foot, detached, guesthouse/workout room. 1,603 cubic yards of cut and 1,671 cubic yards of fill were approved. A variance was approved to build a driveway structure and trellis within the west yard setback (25 feet required, 3 feet proposed). A tree removal permit was approved to allow the removal of 5 trees less than 18" in diameter. A Mitigated Negative Declaration of Environmental Impact was adopted for the project.

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| Lot area | 136,289 square feet |
| Existing Floor Area Ratio | 6,245 square feet (4.6%) |
| Proposed Floor Area Ratio | 9.097 square feet (6.7%)* |
| Existing Lot Coverage | 2.8% |
| Proposed Lot Coverage | 4.0% (15% permitted) |

**The Town calculated the lot slope as 33% in 2009. The 2009 Town Hillside Lot ordinance recommended a maximum floor area of 9,148 square feet.*

34. 18 Canyon Road, Extension of Time for Variance and Design Review No. 1655 (Semonian, 15 minutes) 

Douglas Abrams, 18 Canyon Road, A.P. No. 72-031-27, R-1:B-5A (Single Family Residence, 5 Acre Minimum Lot Size), Very Low Density (.1-1 Units/Acre) A second one-year time extension to May 14, 2012, for a variance and design review application approved May 14, 2009, to allow 1.) conversion of 216 square feet of garage storage space to living space within side yard setback (25 feet required, 8 feet proposed); 2.) expansion of master bedroom at main level and addition of two new bedrooms at upper level within front yard setback (25 feet required, 5 feet proposed).

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| Lot area (less road easement) | 23,598 square feet |
| Existing Floor Area Ratio | 13.2% |
| Proposed Floor Area Ratio | 14.8% (15% permitted) |
| Existing Lot Coverage | 10.7% |
| Proposed Lot Coverage | 11.2% (15% permitted) |

The existing residence is nonconforming in setbacks, maximum height, and number of stories. The project was exempt from the Hillside Lot Regulations in effect in 2009.

35. 5 Fernhill Avenue, Amendment to Design Review No. 1777 (Semonian, 15 minutes) 

Albert and Kimberly Berger, 5 Fernhill Road, A.P. No. 73-091-04, R-1:B-20 (Single Family Residential, 20,000 acre min. lot size), Low Density (1-3 Units/Acre), Zone A (100-year floodplain). Request to amend an April 17, 2006, Town Council design review approval, which permitted construction of a new 3,869 square foot two story residence, attached 414 square foot two-car garage, and accessory structures. The applicant requests the Council to rescind a condition of approval that requires the entry drive to be surfaced with decomposed granite to allow the area to be resurfaced with pervious pavers. The project includes sloping the driveway towards new runoff retention areas in the existing landscape as a backup method to distribute run off.

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| Lot area | 25,958 square feet |
| Existing/proposed Floor Area | 14.9% (15% permitted) |
| Existing/proposed Lot Coverage | 14.2% (15% permitted) |
| Existing/Proposed Impervious Areas | 16.4% |

36. Adjournment.

The meeting will be held at Ross Town Hall, 31 Sir Francis Drake Boulevard, located at the corner of Sir Francis Drake Boulevard and Lagunitas Road.

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.