

AGENDA
REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, NOVEMBER 10, 2011

The public is invited to attend a reception at Town Hall prior to the meeting from 5:30 p.m. to 6:30 p.m. honoring outgoing Town Manager Gary Broad.

1. 6:30 p.m. Commencement.
2. Posting of agenda.
3. Minutes.
4. Demands.
5. Open Time for Public Expression. (5 minutes)
Limited to three minutes per speaker on items not on agenda.
6. Town Council consideration/adoption of Resolution No. 1756 commending outgoing Town Manager Gary Broad. (Small, 5 minutes)
7. Report from Mayor. (5 minutes)
8. Swearing-in of Interim Town Clerk Linda Lopez. (Small, 5 minutes)
9. Report from Public Works Director. (5 minutes)
 - Bolinas Avenue drainage and traffic calming meeting update
 - 3 Bear Hut Update
10. Report from Committee Heads.
 - Public Works - Council member Strauss
 - Report on November 1st Public Works meeting
 - Finance Committee Report- Council member Russell
 - Report on October 19 Finance Committee meeting
 - Update on FY 09-10 and 10-11 Audits
 - Report on Marin Energy Authority meeting - 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. Report from the Ross School. (5 minutes)

14. Consent Agenda. (10 minutes)

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

- a. Town Council adoption of Ordinance No. 627 approving the Marin Energy Authority Joint Powers Agreement and authorizing the implementation of a community choice aggregation. (O'Rourke) ☐
- b. Town Council adoption Ordinance No. 628 amending Ross Municipal Code Chapter 8.04, "Animal Control Law" to regulate barking dogs and unreasonable animal noise (Masterson) ☐
- c. Town Council approval of regular Council meeting dates for 2012, including special date for the April Council meeting. ☐
- d. Town Council discussion/action to enter into an Amended Joint Powers Agreement for Hazardous Materials Spills Management with the County of Marin and Marin cities/towns, fire agencies and Marinwood Community Services District. (Vallee, 10 minutes) ☐

e. 21 Fernhill Avenue, Extension of Time for Variance, Design Review, and Demolition Permit No. 1686 (Semonian) ☐

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). Request for a second one-year time extension to October 8, 2012 for a demolition permit, variance, design review application and second unit permit approved on October 8, 2009, to allow the 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 side setback variance was approved to permit 25 square feet of terrace area within the west side yard setback (20 feet required, 16 feet proposed).

Lot area	27,802 sq. ft.	
Existing Floor Area	13.5%	
Approved Floor Area	16.3%	(15% permitted)
Existing Lot Coverage	11.1%	
Approved Lot Coverage	9.1%	(15% permitted)

f. 1 Upper Road and undeveloped lot known as 206 Lagunitas Road, Lot Line Adjustment No. 1838 (Semonian) ☐

Alan Grujic and Dorinda Lewis (owners of both lots), 1 Upper Road and undeveloped lot known as 206 Lagunitas Road, A.P. Nos. 73-122-09 and 73-122-10, R-1:B-A (Single Family Residence, 1-Acre Minimum Lot Size), Very Low Density (.1-1 units per acre), Zone A and X (creek is within 100-year floodplain). Lot line adjustment to allow the transfer of 682.6 square feet from 1 Upper Road to 206 Lagunitas Road and 682.6 square feet from 206 Lagunitas Road to 1 Upper Road.

15. Town Council consideration/action on the Ross Rec Auxiliary request for a holiday tree lighting on the Ross Common between 4:30 and 5:30 p.m. one evening during the first week of December and allow lighting to remain on from 5:00 p.m. to 8:00 p.m. each night until December 25, 2011. (Hemati, 10 minutes)
16. Town Council consideration/action on Circle Drive residents request that the Council acknowledge Park and Circle Drive are publically maintained roadways. (Stepanicich, 20 minutes)
17. Update and discussion on fire merger activity, including response from Kentfield Fire Protection District to Town RFP. (Vallee, 15 minutes)
18. No Action Items: (Small, 5 minutes)
 - a. Council correspondence received
 - b. Future Council items
19. Discussion of the five Town Council goals for FY 2011-2012 developed at the Town Council retreat and the implementation of these goals. (15 minutes)
 - a. Development of right-of-way regulations (Small)
 - b. Development of Council procedures (Martin)
 - c. Development of overlay landscape plan (Strauss)
 - d. Fire consolidation (Hunter)
 - e. Post-emergency permitting and nonconforming structure regulation review (Russell)
20. 101 Winding Way, Use Permit No. 1851 (Semonian, 15 minutes)
Craig and Jacqueline Thomas, 101 Winding Way, A.P. No. 72-111-05, R-1:B-A (Single Family Residence, 1 Acre Min. Lot Size), Very Low Density (.1-1 Unit/Acre). Use permit to allow the carriage house/barn structure to be used as a guesthouse, including the addition of a shower to the existing half bathroom and kitchen area.

Lot area	69,696 square feet
Existing/Proposed Floor Area Ratio	9.7% (15% permitted)
Existing/Proposed Lot Coverage	7.1% (15% permitted)
Existing/Proposed Impervious Areas	no change proposed

The existing carriage house structure is nonconforming in setbacks.

21. 30 Sir Francis Drake Boulevard, Variance No. 1818 (Semonian, 15 minutes)
Wendy Posard & Associates, for Pixie Park, applicant, Marin Art & Garden Center, owner, A.P. Nos. 72-231-01, 72-231-02 and 72-231-23, General Plan R-C (Limited Specialized Recreational/Cultural), C-C (Community Cultural) District. Review of plans to remodel the Pixie Park Club House and to add a restroom to the east of the building that is compliant with the Americans with Disabilities Act (ADA). A variance is necessary to add building area to the site without providing additional parking (2 additional spaces required). The floor area of the Club House would increase from 561 square feet to 633 square feet.

November 10, 2011 Agenda

Lot area	439,858	square feet
Existing Floor Area Ratio	6.3%	
Proposed Floor Area Ratio	6.4%	(20% permitted)
Existing Lot Coverage	6.3%	
Approved Lot Coverage	6.4%	(25% permitted)

The existing site is nonconforming in required parking spaces.

22. 126 Winding Way, Amendment to Variance, Design Review, Hillside Lot and Demolition Permit and Construction Completion Deadline, No. 1736 (Semonian, 30 minutes) 🏠

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). Amendment to approved plans for design review, hillside lot permit, variances, tree removal permit and a demolition permit to allow: 1.) the addition of a spa and spa equipment in the area of the master bedroom patio (40-foot setback proposed); and 2.) basement exception and after-the-fact request to delete a condition of the January 2011 approval that limited grading, improvement and use of the understory areas. The applicants request to retain and further improve: 1.) 127 square foot wine cellar/pantry at the main level; 2.) 456 square foot exercise room, office, bathroom and laundry room in the underfloor area; and 3.) 76 square foot mechanical room under the main level addition. Total floor area of 4,661 square feet was approved in January 2011 and total floor area of 5,244 square feet is proposed.

The Town Council will also consider the applicants' appeal of the staff decision to consider the project start date to be April 2, 2010 (construction completion date October 2, 2011). The applicants request the Town Council to determine the project start date to be October 15, 2010 when the permit was upgraded to include the driveway retaining walls (construction completion date April 15, 2012). Alternatively, the applicants request additional time to complete the project without accruing construction completion penalties.

Gross lot area	54,108 square feet	
Net lot area (less road easement)	44,201 square feet	
Existing/Approved/Proposed Floor Area	8.2%/10.6%/11.9%	(15% permitted*)
Existing/Approved/Proposed Lot Coverage	7.0%/9.2%/9.2%	(15% permitted)

**The slope of the lot is 35.3%. The 2009 Town Hillside Lot Ordinance guidelines recommended a maximum floor area of 4,223 square feet based on the gross lot area (not deducting the roadway easement area). The current Town Hillside Lot Ordinance floor area would permit a maximum floor area of 3,285 square feet. The existing residence is nonconforming in number of stories (2 permitted) and covered parking (2 spaces required).*

23. 4 Canyon Road, Amendment to Variance, Design Review, Hillside Lot and Demolition Permit No. 1821 (Semonian, 30 minutes) 🏠

Christian Lind and Lisa Bernardi, 4 Canyon Road, A.P. No. 72-092-08, R-1:B-A (Single Family Residence, 1-Acre minimum lot size), Very Low Density (.1-1 units per acre). Amendment to plans for a demolition permit, design review, hillside lot, and side setback

November 10, 2011 Agenda

variance for an addition and remodel to the residence, including associated landscaping. The applicants request a new swimming pool, spa and patio area north of the residence, within the east side yard setback (45 feet required, 0 feet proposed). The area would be approximately 10 feet down slope of the Winding Way roadway. The project also includes new 6-foot tall fencing (the fencing near the pool proposed as solid redwood and the remainder wood and wire) along the Winding Way right-of-way, approximately 10 feet downhill from the paved roadway (4 foot tall fence permitted). The revised project would include approximately 290 feet of landscape retaining walls up to 6 feet tall, and 467 cubic yards of cut and 179 cubic yards of fill.

Lot area	57,688 sq. ft.
Effective Lot Area	39,247 sq. ft.
Existing Floor Area	6.9%
Approved/Proposed Floor Area	9.6%/10.9% (15% permitted)
Existing Lot Coverage	7.7%
Approved/Proposed Lot Coverage	9.2%/9.2% (15% permitted)
Existing Impervious Areas	19.8%
Approved/Proposed Impervious Areas	19.2%/18.0%

The existing residence is nonconforming in setbacks. The slope of the lot is 28%. The project falls under the hillside lot regulations because the site is partially within Slope Stability Zone 3.

24. 61 Sir Francis Drake Boulevard, Variance No. 1852 (Semonian, 15 minutes) 

Andrew Johnson, MJC Ventures 1, LLC, 61 Sir Francis Drake Boulevard, A.P. No. 73-101-20. Variances to allow construction of a new 589 square foot deck. A portion of the deck and the stairs to grade would be partially within the required north side yard area (20 feet required, 11.5 feet proposed).

Lot area	11,900 square feet
Existing Floor Area Ratio	18.5%
Proposed Floor Area Ratio	18.5% (15% permitted)
Existing Lot Coverage	21.2%
Proposed Lot Coverage	25.3% (15% permitted)
Existing Impervious Areas	27.3%
Proposed Impervious Areas	18.5%

The existing structures are nonconforming in setbacks. Existing and proposed conditions in mailed public notice did not include area of garage or roof overhangs.

25. 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.