

REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, DECEMBER 9, 2010

1. 5:45 P.M. Commencement.

Present: Mayor Chris Martin; Mayor Pro Tempore Carla Small; Council Member Scot Hunter, Council Member Rupert Russell; Council Member Rick Strauss; and Town Attorney Hadden Roth

2. Posting of Agenda.

Town Manager Gary Broad reported that the agenda was posted according to government code.

3. Open time for matters pertaining to the closed session in agenda item 4 - None

4. Closed Session – Personnel Matter, Government Code Section 54957, annual evaluation of the Town Manager.

5. 6:38 P.M. Open Session. Council will return to open session and announce action taken, if any. No reportable action.

6. Minutes - November

Mayor Martin asked for a motion.

Council Member Hunter moved and Council Member Strauss seconded, to approve the Minutes of the Ross Town Council meeting on November 4, 2010 as amended. Motion carried unanimously.

7. Demands.

The demands were met.

8. Open Time for Public Expression.

Elizabeth Burgis, Upper Toyon Drive resident, requested that consideration be given to SmartMeters since many residents had no idea this was happening. A contractor installed a SmartMeter in the middle of afternoon without her knowledge. She heard controversy about health aspects and accuracy of the readings. She wanted to stop installation as the Town of Fairfax until more information is available.

Judy Schils, SmartMeter expert, addressed the health impacts of SmartMeters and pointed out that there is no study to show the impact on human beings in regard to these meters and there is no knowledge of the cumulative impact. Also, there is no opt-out clause. Assemblyman Jared Huffman initiated a bill in that regard and hopefully there will be an opportunity for residents to opt-out. The Town of Fairfax declared a moratorium as well as a lawsuit. This is an opportunity to educate Ross residents to just “say no.” She further noted that when health data is not available, they should live on the side of caution.

Stuart Moody, Green Sangha Director, appreciated the opportunity to speak to the Town Council. His subject reaches across city lines. It is the issue of plastic pollution and waste reduction in general. As many know, in Sacramento the Single-Use Bag Reduction Act almost passed the legislature this summer. It appears that an influx of pressure and money from industry dissuaded some of the State Senators from voting for this bill, which the

Governor was ready to sign. Organizations up and down the State, which had lobbied for this bill, are now working to pass a virtually identical measure municipality by municipality. This movement is being led by Green Cities California and the Clean Seas Coalition. Green Sangha, and collaborators in the BYOBag Marin Campaign, EcoMom Alliance, IReuse.com, and Teens Turning Green, asked the Town to join in this movement to stop the wasteful and harmful practice of giving away single-use bags at grocery stores and other retail outlets. The following actions are occurring:

- November 1 – City of San Rafael directed staff to develop a proposal for reducing single-use plastics.
- November 2 – County of Humboldt directed staff to develop a plan for plastic bags in particular.
- November 16 – County of Los Angeles passed a plastic bag ban, with a 10-cent fee on paper bags.
- December 7 – County of Marin held a preliminary hearing on the bag ordinance.

Local organizations that support this effort include Canal Alliance, Mainstreet Moms, MCL, Marin Youth Commission, Promotores Verdes, Sea Turtle Restoration Project, the Sierra Club, Surfrider Marin, Sustainable San Rafael, Sustainable West Marin, and Waste Free Now. They are gratified that the California Grocers' Association, which had earlier opposed a bag ban in Oakland, joined in support of AB 1988. Even before that endorsement, BYOBag Marin Coalition had worked with numerous grocers to develop an ordinance with which they could live, and that they could endorse. Supporting grocers include Woodlands Market, new owners of the Ross Grocery. There are not many stores in Ross compared to other jurisdictions, but they hope that Ross will join other municipalities in this simple, vital step toward reducing waste and litter in our beautiful county.

As many know, the County's Hazardous and Solid Waste JPA passed a zero waste resolution a couple of years ago. Ross, as a member of the JPA, has a strong interest in methods of achieving the zero waste goal by 2025, the year the landfill is scheduled to be full. Green Sangha has given over 250 talks on rethinking plastics. They have made outreach to over one hundred businesses in Marin County and have worked with the Board of Supervisors on the model ordinance that is now being considered up and down the State. They will be happy to help Ross and all of the other vital steps that must be taken to create a sustainable economy for generations to come.

Robyn Shore, Circle Drive resident, recommended that residents hang a sign on their meter in order to stop the installation of SmartMeters, which she provided to the Council.

Martin Shore, Circle Drive resident, asked the Council what can be done between now and the next Town Council meeting. Mayor Pro Tempore Small recommended that staff include SmartMeter information in *The Morning After*.

Laura Conrow, Berry Lane resident, looks to the Council to protect the health and safety of Town residents, and in light of the fact that it appears PG&E has not notified residents that this is happening, requested that the Council, since time is of the essence, send out a town-wide email blast notifying residents. She asked that the email include a discussion about the dangers, health issues and inaccurate readings. The community must be aware that there are

issues surrounding SmartMeters. She further expressed concern for a third party installer knowing her gate key and installing the SmartMeter.

Jacqueline Beeman, Wellington Avenue resident, echoed the previous concerns in regard to SmartMeters.

Beth Minick, Wellington Avenue resident, discussed a general government meeting and requested that in-lieu of the general government meeting that no action take place to allow the opportunity for residents to participate in the discussion, so the community has another month to respond to the Council.

Mayor Martin stated that PG&E has begun installing SmartMeters at Ross homes and a number of Marin County residents remain concerned about health risks, accuracy and privacy. Residents can request a deferral of SmartMeter installation by calling PG&E at 866-743-0263. Residents can also try hanging a sign on their electricity meter instructing the technician not to install a SmartMeter. The Council agreed to discuss possible suspension or delay of SmartMeter deployment in Ross at its special Council meeting on December 13<sup>th</sup>.

**9. Report from Mayor.**

Mayor Martin, on behalf of the Town of Ross, expressed congratulations to Branson School's girls volleyball team and their coach Michelle Brazil for winning their second consecutive Division V State Volleyball Championship. This is quite an accomplishment and noted that the Town is very proud of them.

Approximately one week ago, the Independent Journal (*IJ*) gave a glowing review to the Café on the Common, citing the excellent homemade scones, sought after Blue Bottle coffee and the exceptional lunch dishes. This is another reason to shop locally and support our Town's merchant community. Congratulations to Rana Madanat and Café on the Common.

Whenever the construction is completed and the Lagunitas Bridge is deemed ready for public use, there will be a very brief dedication. The Town will send out an email hours before the removal of the road barriers inviting residents to participate at the Lagunitas Bridge opening celebration. They hope all will be able to attend this historic occasion and thanked Roseanna Lourdeaux for her efforts organizing the event.

This past October, the Council held its annual Retreat at the Marin Art & Garden Center. It was a productive meeting, allowing staff, council members, and citizens to freely exchange ideas and explore issues facing Ross. He proposed a second retreat to be held in February to follow up with the Council's goals, committee assignments, and other matters. Given the impending staff changes and a new Town survey that will be launched soon, February 2011 will be an opportune time to meet and review their priority objectives.

**10. Report from Committee Heads.**

Public Works - Council member Small

- Public Works Committee Update

Mayor Pro Tempore Small announced that Nick Panayotou, the Town's Resident Engineer on the Lagunitas Bridge project is present tonight to provide an update.

Resident Engineer Nick Panayotou reported that the structural work on the bridge has been completed. They are completing the metal railing by the sidewalk and placed base rock in several areas. Most of the ramps are finished. There was a problem last week with a water line leak with MMWD. A curb and gutter on the Ross Common side of the bridge is needed. Staff noted that getting the sub grade to dry out is a concern. Base rock is needed and paving cannot be placed on soft areas. They will spend time this weekend to allow it to dry. The push is to get the first asphalt down early this week, weather permitting. Some work must be done on the creek bank related to bank stabilization. Sheet piles support the approach where it has been disturbed and bank stabilization with riprap and willows. Staff received a large estimate this morning, so it must come before the Town in order to reach an agreement prior to moving forward because the Town will be over their contingency. That includes \$56,000 to place sheets behind the wing-wall on the closest corner on the bridge and another \$25,000 for landscaping and riprap. There is 10% contingency on this project, which is \$121,000. To date, the Town spent around \$70,000 so about \$51,000 is left. The bank stabilization work will cost significantly more. The original design anticipated the Army Corps of Engineers doing their bank stabilization behind this project, but it has been determined that the Army Corps project has been pushed back to 2013.

Council Member Russell noted that they had a presentation from the Army Corps back in July and August, so this is not new information. There has been adequate opportunity to know about the Army Corps project. Resident Engineer Panayotou noted that this type of repair is a design plan. Mayor Pro Tempore Small noted that Town Hydrologist Matt Smelter looked at this project a few months ago and felt that the riprap process would probably be enough for this embankment issue. Two months ago, Public Works Superintendant Robert Maccario raised some additional concerns and questioned as to whether that was going to be enough. Between URS Consultant David Anderson and Town Hydrologist Smeltzer, they felt it was enough, but Public Works Superintendent Maccario raised questions, so they regrouped and came up with some additional work. One for sheeting to protect the wing-wall and prevent the road from being undermined, that on top of the riprap, which was originally proposed by Town Hydrologist Smeltzer. The Town will receive a quote tomorrow and that particular bank work will hopefully be accessed through the Town parking lot and it will hopefully not impact opening of the bridge.

Resident Engineer Panayotou stated the first iteration with Town Hydrologist Smeltzer was placing jute blanket, which was acceptable to complete the project, but then Public Works Superintendant Maccario noted there was more that needed to be done, so this has evolved and been more of a push from the Town to do more to that bank than initially from a design stand point. Council Member Strauss did not believe the original engineer adequately thought this through. He added that all this information was known from the start and believed it was an omission. The general feeling is to at least be proactive. The Town must rely on the consultants. The design engineer feels it is important to protect the end of the bridge. Public Works Superintendant Maccario feels the sheet piles might be overkill and will disturb what has been done. The Army Corps wanted a natural stream solution, so he would look at a fix to stabilize the bank for 1 to 5 years.

Council Member Russell asked if the federal government would reimburse the Town. Council Member Strauss believed so since it was an oversight and it is part of this project.

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Mayor Pro Tempore Small pointed out that the slip-sheet is considered more important because it is truly protecting the bank from eroding. In discussions with Resident Engineer Panayotou, they were thinking of having a special meeting on Monday or Tuesday to further discuss, if necessary.

Resident Engineer Panayotou stated within construction contingency the State of California will pay, but beyond construction contingency Ross must ask for more. He further believed it is within the scope of the project and right-of-way and it is protecting the bridge.

Mayor Martin desired another competitive bid. Resident Engineer Panayotou explained that it is not possible on this project since the federal government would consider it to be a separate project. This is a tight area. Staff hopes to access this problem through Town property in order not to impact opening of the bridge.

Council Member Russell added that if they must spend more time to fix the problem, then spend the time. He did not want to rush and then have to come back and fix it again. Several have been inconvenienced for several months with the bridge out, but it is important to get it right. Resident Engineer Panayotou is trying to get pavement down by mid next week, weather permitting.

Mayor Martin noted that a public meeting on these costs must occur. Resident Engineer Panayotou stated if an answer is known by Tuesday morning the delay would be minimal. Most of the cost is in the sheet piles and equipment. Mayor Martin desired a grasp of what legal recourse may be in regard to the federal government in consideration of the design of the bridge. Resident Engineer Panayotou noted that there is \$121,000 in contingency and the work that must be done is estimated around \$70,000 deep into that contingency. Piles are shown as \$56,000 and then the landscaping and riprap is \$25,000. Council Member Strauss recommended that the Council hear from the engineers in regard to a middle ground. Mayor Pro Tempore Small suggested that the Council invite URS Consultant Anderson to attend the special meeting to discuss the sheet piles. The Council agreed.

Mayor Martin opened the public hearing on this item.

Peter Barry, former Mayor/Wellington Avenue resident, noted that there were two lanes on the bridge in the past and asked the Council if the new design allows for that, and if not, there will be problems with traffic flow. Council Member Strauss indicated that the markings would be as before.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion.

Mayor Martin tentatively scheduled a special meeting at 6:00 p.m. on Monday, December 13<sup>th</sup>, 2010 with URS Consultant Anderson and Town Hydrologist Smeltzer by conference call. Mayor Martin desired a staff report in order to provide some clarity on the issues.

Mayor Pro Tempore Small then reported that first and foremost, they recognized and toasted Mel Jarjoura for his service and commitment to Ross for the last eleven years, and they look forward to formally recognizing him at the January Council meeting. The final punch list items are being completed on the Sir Francis Drake Boulevard pedestrian pathway and

overlay project. The 50 plus 24-inch box valley oaks are in house and will be planted along the new pathway. Project Planner Christine O'Rourke will provide an update on Fred Allen Park improvements under Agenda Item No. 19. The school has completed the temporary bike path and bike rack across the meadow to the Ross Recreation offices.

Currently, the field restoration will begin at the completion of the gym unless otherwise requested by the School Board who is overseeing the school construction. They have asked Bob Dickinson, the Town's current School Board Liaison to make sure that Public Works Superintendant Robert Maccario is the point person for the Town and is included in all meetings related to field restoration. All appropriate work has been filed with Caltrans and is on schedule for the Sir Francis Drake Boulevard and Lagunitas Road intersection project next summer as stated in Public Work Director Mel Jarjoura's report.

The January Public Works meeting will be held on the second Tuesday, January 11, 2011 instead of January 4, 2011. Also, a public meeting to discuss right-of-way concerns will be directly after public works at 10 a.m. to noon. This will be the first meeting to begin the process of addressing concerns in regards to right-of-ways.

Public Safety - Council member Hunter

- Public Safety Committee Update

Council Member Hunter reported that the Town has completed the interview process and offered the chief position to a highly qualified captain and deputy chief from Marysville with over 20 years of police experience. The Town received twenty-two applications during the recruitment process, interviewed five candidates, and offered the position to top candidate Mike Wilson who is very personable and very professional. The offer is contingent upon a background investigation and medical review, which should be completed within a one-month period. If all goes well, the new chief should be ready to start sometime after the first of the year. He further noted that Police Chief Reis will help orient the new chief.

- General Government

Council Member Strauss announced that Town Attorney Hadden Roth will retire on June 30<sup>th</sup>, 2011 after 27 years, so the Town must work on his successor.

## II. Report from Ross Property Owners Association.

Charlotte Levin, RPOA representative, expressed concern for parents with pre-school children. There was a near miss accident and requested some kind of update or action of the police to monitor that area between Ross Common and Shady Lane/cross at St. John's. Also, RPOA decorated the Post Office with Christmas wreaths and delivered wreaths to all merchants in Town who wanted them.

The Public Safety Committee agreed to review the crosswalk issue. The Council asked staff to include information in *The Morning After* advising residents and their children to use crosswalks and watch for traffic before crossing. Children have been observed crossing Lagunitas Road mid-block at Ross School, creating dangerous and potentially tragic conditions. The Police Department requests parents to instruct their children to use crosswalks and never jaywalk.

## 12. Flood Control Report.

Mayor Martin announced that Flood Control Zone 9 Advisory Board met on November 16<sup>th</sup>. County Flood Engineer Jack Curley presented the Ross Valley Flood Control and Watershed Program components, which will start to be implemented within the next several years with potentially the entire program in place within the next decade. The objectives of the combined detention basin, creek capacity, and tidal basin improvements are to accomplish a 1% probability of flooding in Ross Valley or one flood occurrence every 100 years, rather than the current 20% rate. The first draft of the Stetson feasibility study will be completed by the end of the year. County Flood Engineer Curley and the County are organizing a public presentation of that study and the county plan in February. Mayor Martin will keep everyone posted when that will occur.

The good news is that the Flood District currently has \$7,500,000 banked for improvements. The County is pursuing available State and Federal matching grants (*only a few available*). The total costs of the flood improvements are estimated to be \$100 million. \$40 million of those funds will be raised through the flood parcel assessment.

**13. Report from the Ross School.**

Elizabeth Robbins, Ross School Board, discussed the construction project, items related to the school, and timing of the school restoration. They are set to start restoration on August 31<sup>st</sup> to last three months with a cost of \$400,000. There has been a request from Ross Recreation and Ross Valley Little League to delay that project so children can use the field, which would cost much more. A later start date would mean no field for the Fourth of July celebration in 2012. Discussions will occur, but the cost of changing their current plan of starting on August 31<sup>st</sup> will be a significant. Also, discussions occurred about the location of the baseball diamond on Ross Common. They are working with a consultant and paying a third party to review and make formal recommendations. She further noted that they are working with Ross Rec to discuss final recommendations as well as the neighbors.

Council Member Strauss pointed out that Ross Common must be returned to its original condition. This is a long-term asset to the Town. Mayor Martin noted that they must engage a consultant to work with the community and stakeholders to review the orientation of the field to best accommodate activities and mitigate neighbor concerns with parking and so forth. That is an effective way to start. The estimate is around \$3,000 for a field consultant and there has been a discussion of splitting that cost three ways.

Mayor Pro Tempore Small wanted to make sure the architect is clear that it is three months for field restoration and then three months for the field to rest, which is approximately six months. Board Member Robbins responded in the affirmative. She also agreed to work with Ross Rec Director Pam Riley in regard to the timeline.

**14. Town Council consideration/adoption of Resolution No. 1727 commending Police Chief Jim Reis upon his retirement.**

The Council agreed to adopt a resolution commending Police Chief Jim Reis upon his retirement. Chief Reis has been with the Ross Police Department since 1977, and was promoted to Police Chief in 2008 after serving as Patrol Sergeant and Administrative Sergeant. The resolution states, "*Police Chief Jim Reis will be remembered for his generous spirit and commitment to the Town, for always making himself available to the public, for his willingness to listen to residents and address their concerns, and for his calm demeanor, sense of humor and big heart, all of which will*

*be sorely missed.*” The Chief received a heartfelt standing ovation, as well as a framed resolution and a few parting gifts.

Mayor Martin asked for a motion.

Council Member Hunter moved and Council Member Strauss seconded, to adopt Resolution No. 1727, commending Police Chief Jim Reis upon his retirement. Motion carried unanimously.

15. Consent Agenda.

The following six items will be considered in a single motion, unless removed from the consent agenda: *Item No. 15d was removed from the Consent Agenda for further discussion.*

- a. Town Council adoption of Ordinance No. 621 amending Chapters 15.04, 15.12, 15.13, 15.14, 15.16 and 15.18 to adopt and amend the 2010 California Building Code, the 2010 California Plumbing Code, the 2010 California Energy Code, the 2010 California Mechanical Code, the 2010 California Electrical Code, and the 2010 California Fire Code, and adding Chapter 15.15 to adopt the 2010 California Green Building Code and Chapter 15.17 to adopt the 2010 California Residential Code.

Mayor Martin asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Small seconded, to approve Consent Calendar Item “a” as submitted by staff. Motion carried unanimously.

- b. Town Council adoption of Resolution No. 1728 designating parking at the Post Office as follows: a.) 3 parking spaces on Ross Common in front of the Post Office for 15 minute parking; and b.) in the rear north parking lot 2 handicapped parking spaces, 4 Post Office employee parking spaces and 6 parking spaces for 15 minutes for Post Office customers.

Mayor Martin asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Small seconded, to approve Consent Calendar Item “b” as submitted by staff. Motion carried unanimously.

- c. Town Council adoption of Resolution No. 1729 declaring results of statewide General Election of November 2, 2010.

Mayor Martin asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Small seconded, to approve Consent Calendar Item “c” as submitted by staff. Motion carried unanimously.

- e. 191 Lagunitas Road, Extension of Time for Variance, Design Review and Hillside Lot Permit No. 1725

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 one-year time extension to May 14, 2011 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.

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.*

Mayor Martin asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Small seconded, to approve Consent Calendar Item "e" as submitted by staff. Motion carried unanimously.

**Conditions of Approval - 191 Lagunitas Road:**

The Council approved the requested time extension with the findings and conditions in the original approval dated May 14, 2009.

**f. 3 Madera Avenue, Variance No. 1810**

Paul and Susanne Carek, 3 Madera Avenue, A.P. No. 72-072-20, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size), Medium Low Density (3-6 units per acre). Request for lot coverage variance to permit construction of a 102 square foot (7.5' x 13.5') deck extension to the second floor deck at the rear of the residence. The total deck area would be approximately 182 square feet (13.5' x 13.5').

Lot area	14,990 square feet
Existing Floor Area	22.7%
Proposed Floor Area	22.7% (20% permitted)
Existing Lot Coverage	21.8%
Proposed Lot Coverage	22.4% (20% permitted)
Existing Impervious Areas	36.9%
Proposed Impervious Areas	36.8%

*The garage is nonconforming in setbacks.*

Mayor Martin asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Small seconded, to approve Consent Calendar Item “f” subject to the findings and conditions submitted by staff. Motion carried unanimously.

Conditions of Approval - 3 Madera:

1. The project shall be constructed in substantial conformance with the plans dated 11/15/10, on file with the Planning Department. If the Town’s floor area regulations change in the future to include deck area, current or future owners of the site shall not trade off the deck area for enclosed area without prior Town Council approval. The existing west-facing wall of the existing deck shall be retained, as proposed by the applicant for structural support for the deck. The enclosed area that will be created beneath the deck extension shall have an unfinished floor and vents typical for crawl space. The area shall not be entirely enclosed. The area under the deck is approved as crawl space only and shall not be finished.
2. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
3. This project shall comply with the requirements of the Department of Public Safety including: 1.) A street number must be posted {minimum four inches on contrasting background}; and 2.) a local alarm system is required.
4. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
5. **NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. RED-LINED PLANS SHOWING ANY PROPOSED CHANGES SHALL BE SUBMITTED TO THE TOWN PLANNER PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.**
6. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
7. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
8. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or

caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

**End of Consent agenda.**

*Town Attorney Hadden Roth left the Town Council meeting at 8:09 p.m. Council Member Russell recused himself from the next agenda item in order to avoid the appearance of a conflict.*

**15d. 21 Fernhill Avenue, Extension of Time for Variance, Design Review and Demolition Permit No. 1753**

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 one-year time extension to October 8, 2011 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)

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the extension, but modify Condition No. 5 to state, *“Additional evergreen screening landscaping shall be provided at the southeast corner and east side of the site to provide taller screening of the residence from 14 Norwood and 15 Fernhill. The applicant shall submit a landscape plan for review and approval by staff, in consultation with the Advisory Design Review Group.”*

Mayor Martin noted that an additional letter was submitted from Fernhill resident Charles Almond discussing the fact that the Wells did not apply for the extension on time and did not submit the filing fees on time. Senior Planner Semonian indicated the applicant did submit the request prior to the expiration of the approval, but did not pay fees until later. She said the Town often accepts fees after an application is submitted. She recommended changing the policy to require both the extension request and filing fees to be received prior to the deadline, since the fee is certain.

Mayor Martin opened the public hearing on this item.

Elizabeth Brekhus, representing the Wells, expressed concern for the response by Mr. Almond's attorney dated December 8<sup>th</sup> and the fact that they did not receive the letter dated today. The Wells feel this is unfair and an extension should not be an opportunity to object to approved plans. Circumstances are that Mr. Almond had a project that the Council reviewed and his project was not approved and the Wells project was approved. Discussions occurred in regard to landscaping. Mr. Wells believes the minutes reflect the discussion in regard to landscaping not being adequate. Mr. Almond was willing to pay for additional landscaping. Mr. Wells pointed out that he has done extensive landscaping on his property and Mr. Almond has not. She further noted that screening is a problem because Mr. Almond is not providing enough screening.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Mayor Martin asked staff if the Stormwater Ordinance would apply the the project. Senior Planner Semonian responded in the affirmative. Mayor Martin asked staff if the second unit requirement could be handled under the housing element. Senior Planner Semonian stated if the Council adopts floor area bonuses for second units, the applicants will probably return to request additional floor area.

The Council had no objection to the requested time extension.

Mayor Martin asked for a motion.

Council Member Hunter moved and Council Member Strauss seconded, to approve the requested time extension with the following addition to Condition No. 5, *"The applicant shall submit a landscape plan for review and approval by staff, in consultation with the Advisory Design Review Group"* and subject to the other findings and conditions in the original approval dated October 8, 2009. Motion carried 3-1-1. Mayor Martin abstained/Russell absent.

*Council Member Russell reconvened his position on the Town Council.*

**16. Council discussion of survey prototype designed by Ross resident Mike Thoma for soliciting resident input.**

Mayor Martin introduced Ross resident Mike Thoma who designed a survey prototype in order to solicit resident input, which is available for public review.

Ross resident Mike Thoma generously offered to provide his services to the Town at no charge. He will collect and analyze the data, and present his findings at a community meeting. Survey responses will be kept confidential and only summary data will be published. He plans to distribute the survey by mail and through the Internet to residents and stakeholders in January. He further recommended regular reporting to have improved focus and higher return as well as improved resident satisfaction.

Council Member Hunter desired to know the next step. Mr. Thoma will work with the Mayor to get the surveys completed and get a handful of regulators and friends to do the first review. Then present to the Council with a non-statistical example. Then roll the survey out to the Town. He further agreed to email the link to the Council.

Council Member Russell asked why the Town should switch to this system. Mr. Thoma indicated that this is an open-ended technique. The typical survey is a closed technique.

Mayor Pro Tempore Small pointed out that when asking for resident participation it is for a list of goals, not standing committees. Residents are welcomed to attend any standing committee meeting, but it is not a committee that residents can join. Mr. Thoma agreed to make the necessary correction.

Mayor Martin opened the public hearing on this item.

Charlotte Levin, Ross resident, asked what is meant by, "*the first 50.*" Mr. Thoma responded that it is receiving around 50 surveys before sending the survey out to all residents.

Beth Minick, Wellington Avenue resident, asked how the Council will use this information. Mayor Martin stated that items can be accomplished immediately and it will benefit staff as well. There may be more goals or objectives that the Council has not realized. Each year the Council selects five goals. There are always goals that the Council is looking at in the future. It also involves the public in government as well as opens communication and gives the Council a new tool to listen.

Ms. Minick asked how often would this survey be available. Mr. Thoma explained that it will be on a piece-by-piece basis. If solving a problem, the Town may reach out and receive input. He further noted that it is an efficient way for residents to have an impact.

Mayor Martin stated that the Town must reach out to the community in regard to a new tax assessment for the Fire Department and facilities, so this will be a very public process.

Rich Hoertkorn, Lagunitas Road resident, asked about the results and if they would be distributed quickly to the 800 families. Mr. Thoma explained that the results will be available on the website and sent out through email.

Council Member Russell noted confusion as to whether anticipation is a sampling or covering the entire Town of Ross. Mr. Thoma responded that it would be both. They would be surveying the entire Town.

Ms. Levin recommended a mission statement with the email survey being distributed. Mayor Martin agreed.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion.

Council Member Strauss desired a consistent format. Mayor Martin agreed modifications will be made for consistency.

Council Member Russell recommended one major issue rather than all the issues they face in Town. He believed a burning topic within the Town should be considered as an alternative to start with a target. Mr. Thoma did not recommend that option. He recommended the most open survey to find out the landscaping first. Mayor Martin filled out the survey three

different times, and there are only six topics listed and each time he filled it out he provided different topics to some degree. He further noted that it depends on what matters at that given moment.

Mayor Pro Tempore Small appreciated the quick fixes in Town, and if residents see a positive benefit from the first survey, then when a specific topic is sent out, residents may buy-in to the process and become interested.

Council Member Hunter believed the open-ended survey will provide the type of information desired.

Mayor Martin pointed out that there is a segment of the population that do not have computers, so those surveys must be mailed.

The Council agreed to approve a Ross survey prototype that is designed to get feedback from residents and stakeholders on what they think the Town is doing right and where the Town could improve. The brief survey asks respondents to identify three issues the Town handled well over the past year, and three important issues the Town could have handled better. The questions are purposely open-ended, which Mr. Thoma says will invite responses that may surprise the Council and staff.

**17. Council and public input on hiring a Public Works Director/Town Engineer to succeed outgoing Public Works Director/Building Official Mel Jarjoura.**

Town Manager Gary Broad discussed the job requirements and recruitment process for hiring an individual to replace Public Works Director and Building Official Mel Jarjoura upon his retirement in January. Town Manager Broad reported that he, Mayor Martin and Council Member Strauss recently met with the top candidate from the Town Engineer recruitment process conducted in the spring of 2010 and determined the candidate is still interested in the position and well-qualified to serve as public works director.

Council Member Hunter asked staff to explain page 2 of the staff report in regard to 10% engineering cost. Town Manager Broad noted whatever the total cost of the project is, 10% is anticipated to be spent on engineering cost of the project.

Council Member Hunter clarified with staff that an in-house engineer could do the work the Town paid an outside consultant in regard to the \$65,000. Town Manager Broad responded that it could be handled internally. Council Member Hunter asked staff if they had an in-house engineer, would the Town be reimbursed from the State. Public Works Director Jarjoura responded in the affirmative.

Mayor Martin noted that with several projects, there is a problem with the original design part of the bid package, so the Town has called Contract Engineer John Moe during times of crisis. He then asked staff how much can be saved. Town Manager Broad stated that Contract Engineer Moe is out of Santa Rosa, so there is coordination cost involved with an outside consultant. Also, Contract Engineer Moe bills at \$126 per hour, which is two times what an in-house persons cost would be.

Council Member Hunter asked staff if there is a qualified in-house engineer on staff, formerly done by an outside consultant, would that change the ability of the Town to recoup cost.

Town Manager Broad explained that they must go through each project. There is a percentage. Contract Engineer Moe is being used for work where there is no recovery.

Mayor Martin believed the candidate is very capable, but wanted to make sure he met other Town staff. This is a small Town and staff should provide input. Town Manager Broad stated an offer of employment would not be extended until Public Works Superintendent Robert Maccario is formerly introduced.

Council Member Russell clarified with staff that the intention of this candidate would be the town engineer and fairly soon also be the public works director. Town Manager Broad stated that it is the same job description. The candidate could be hired under either title. Contract Engineer Moe would be needed for engineering design work and consultation. Currently, Contract Engineer Moe is doing project management and the top candidate would do the project management.

Mayor Pro Tempore Small stated this person would replace Mel Jarjoura as Public Works Director with an engineering background. This person will add an additional resource to keep down the cost. On the pathway, her understanding is that there were several problems with Questa Engineering, so they must be very careful when dealing with outside companies. Contract Engineer Moe was brought in to go over several areas. This candidate would be a public works director with an engineering background. She desired input on compensation. In today's world, with new employees, she is not sure what the package was for the new police chief, but this is an opportunity to review what is being offered.

Council Member Hunter noted that with the police chief, the Town stipulated that the police chief make his own contribution to CalPERS. Town Manager Broad noted that the top candidate would be accepting a lower retirement plan, and unless they look at salary adjustments, he would take a pay cut, and most candidates will not do that. The important piece is that the Town will pay out less than currently for having that position filled. Council Member Russell stated as a policy matter, they must discuss pension liabilities. It is an important point. Council Member Hunter noted with the police chief, they built into the package a housing allowance during the time the chief is living in two different areas. He will make his entire employee contribution and going forward this is what must be done. Even if they pay more, they must start somewhere. The police chief was number one and this candidate will be number two. It is not a real world solution for the Town to pay the employee contribution, so he suggested that staff review the salary. Town Manager Broad noted it is advertised for \$104,000 to \$114,000 and the new position will not have an automobile or gas card.

Council Member Hunter stated if it is a 9% contribution, they must figure out what to do. Town Manager Broad announced that this matter would be discussed at the Finance Committee meeting scheduled for next Friday.

Council Member Russell pointed out that there will be a transition period and asked staff what will occur. Town Manager Broad indicated that it depends on the Council's decision tonight. The top candidate will be available within one month, if it is a longer recruitment, then an interim public works director must be hired. Council Member Russell wanted staff to be confident that this candidate has the skill set to be a good public works director. Town Manager Broad responded that the candidate has the qualifications. Council Member

Russell suggested that they provide a one-year contract. Town Manager Broad explained that all new town employee hires have to satisfactorily pass a one-year probationary period.

Mayor Martin opened the public hearing on this item.

Public Works Director Mel Jarjoura recommended that the new hire be the acting public works director for six months and then promote to public works director. He further pointed out that the Building Department is essential to the daily service of the Town.

Senior Planner Elise Semonian wished staff had an opportunity to discuss this item outside of a Council hearing. She believed the top two candidates for the public works position were both great candidates. However, she was concerned that they are hiring a public works director and not considering who will serve as building official and take over the day-to-day building department activities in Town. She wished staff had more opportunity to discuss because she believed there would be a big void without someone to manage the building department.

Contract Building Inspector Robert Haggett reported to the Council that he is just one test away from being a building official, so he is available to help the Town. He further added that there is a part of plan check that must be supervised by an engineer.

Building & Public Works Secretary Simone Jamotte stated it is very important to understand the daily functions of what Public Works Director Jarjoura has done. There are constant questions. Transitions are made when Public Works Director Jarjoura is on vacation, but it is difficult. The candidate must have planning knowledge and understand the department. It would be nice if staff could meet along with a few Council members and discuss the daily functions of this department and what is expected.

Town Manager Broad noted that optimal organization from Patty DiVella for the Town is having both a building official and public works director. Unless the Council is willing to change the organization, the Town must make a decision. None of the candidate could initially fully do both public works and building responsibilities. Public Works Director Jarjoura learned on the job to do both aspects of this job. The candidate indicated that his father was a contractor and feels comfortable studying the building code and learning on the job. The candidate is LEED certified and would be comfortable on the job to grow into the building official role.

Mayor Pro Tempore Small stated that they have reviewed high engineering prices in the last 18-months due to an historical high level of projects. There are only so many hours in the day. Either way, the Town will spend money. Council Member Strauss believed they will spend less with an outside plan checker. He desired a town engineer/public works director with a person that did plan check and inspections to have continuity and service to the community.

Frank Doodha, Glenwood Avenue resident, believed the candidate is great and the Town should take advantage of his availability and hopes the Town concurs.

Beth Minick, Wellington Avenue resident, stated in an ideal world this discussion would be happening first and then take it to the Council. The City of Vallejo is bankrupt, but retirees are suing the City. She believed Council Member Hunter is right on. They must be careful

with the pensions. Whoever is hired is in perpetuity with benefits. They must start thinking differently. They are not what they were. Also, she recommended doing projections on long-term projects and the impacts. Then look at the cost benefit for hiring out or having someone in-house.

Police Chief Jim Reis suggested bringing back Public Works Director Jarjoura during the transition period to help bring this new person up to speed. The Council believed that is an excellent idea.

Peter Nelson, Circle Drive resident, believed this matter was placed before the Council very clearly, hiring an individual for both positions. The discussion of overlap was discussed. Observation of the Council is to think this through when taking actions.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Mayor Pro Tempore Small noted that \$35,000 was the engineering part of the overlay. The Town Manager has the ability to hire staff, but there are some thoughts and concerns within staff and she would feel more comfortable with staff having a conversation. Inner working of planning and building was discussed at the retreat and desired one more conversation with staff on how they see all of this working. She further noted that staff requested more input, which would have happened with a general government meeting.

Council Member Strauss agreed they must discuss organization within the Town. He was involved in interviewing the top candidate. This is an excellent candidate that will benefit the community. He reviewed conception items that will help improve their relationship with the community. Members of the community interviewed this particular candidate and all felt this candidate is qualified.

Some Council members and staff expressed concern that the candidate is not experienced with the building codes and would not be ready to take on the duties of the building official. In response, Public Works Director Jarjoura would be available to work on a contract basis to process building permits and plan checks and train the new public works director. Town Manager Broad offered to discuss the matter further with staff and then bring the item back to a special Town Council meeting on December 13<sup>th</sup>. Mayor Martin asked staff to notice the closed session and Monday meeting.

*The Council took a short recess at 10:12 p.m. and then reconvened with the next agenda item at 10:21 p.m. The Council had a request to take an agenda item out of order. The Council had no objection to moving up Item No. 24 concerning 49 Glenwood.*

**24. 49 Glenwood Avenue, Variance and Design Review No. 1781**

John and Michelle Battelle, 49 Glenwood Avenue, A.P. No. 73-071-05, R-1:B-A (Single Family Residential, 1-acre min. lot size), Very Low Density (.1-1 Unit/Acre).

Variations and design review to allow the following: 1.) deck extension at the upper level master bedroom; 2.) reconstruction of the main level terrace and addition of new entry stairs, 3.) new lawn terrace and associated retaining walls up to 30" tall; 4.) reconstructed driveway and related retaining walls; 5.) new 6 foot tall entry gate and stone columns, to be located 10 feet further south on Glenwood Avenue; 6.)

demolition of the pool cabana and pool equipment buildings and construction of a new 1,038 square foot, single story, pool cabana/office with a roof deck; 7.) pool area improvements including reconstruction of the pool, pool patio, and a new spa area partially within the north side yard setback (25 feet required, 12 feet proposed); 8.) areas of solid fencing near the pool area (4 feet permitted, 6 feet proposed); 9.) 228 cubic yards of cut and 194 cubic yards of fill associated with the project; and 10.) after-the-fact request for a floor area ratio variance to allow a 248 square foot attic area with a 6-foot maximum ceiling height, installed by a prior owner, to remain finished. Total floor area of 8,390 square feet is proposed.

Lot area	47,400 sq. ft.	
Existing Floor Area	17.7%	
Proposed Floor Area	17.7%	(15% permitted)
Existing Lot Coverage	12.7%	
Proposed Lot Coverage	12.6%	(15% permitted)
Existing Impervious Areas	41.8%	
Proposed Impervious Areas	31.1%	

*The existing residence and pool area are nonconforming in setbacks.*

Senior Planner Elise Semonian summarized the staff report and recommended that the Council carefully consider potential privacy impacts created by the roof deck above the proposed pool house and, if appropriate, the Council should approve the project subject to the findings and conditions outlined in the staff report.

Michelle Battelle, owner, thanked the Council for moving the item up on the agenda and appreciated their consideration on her project.

Ed Blankenship, architect, explained that the project started by reviewing the 1907 home, in particular the deck terrace areas. They realized that the master deck has structural and support issues. They propose to extend the master deck area and reconfigure some of the front area. They want to tie the two areas of the site together in a more unified theme to have a destination spot. He thanked the neighbors for all their help as well as the ADR Group. This has been a sensitive project as far as view corridors between neighbors. The driveway is inferior and requires a lot of work. It is an old driveway and there is a lot of failure from rotten wood, so they are removing the asphalt paving and turning it into a pervious paving area. The existing lawn area flows up to the small driveway, and they want to develop more usable area since it is a steep lawn. It was suggested at the ADR Group meeting that those driving by should still view the lawn, so they want to incorporate the lawn and one terrace. They are trying to develop a drop off area as well as saving the mature trees with the driveway configuration. He then submitted a materials board outlining the colors for the Council's consideration. They are trying to connect the pool area with the home so they developed a pathway and different transition zones. The existing pool will be moved away from the property line in order plant hedges to provide a good solid screen. One requirement in programming is the cabana that has a small office along with a small roof deck. They propose developing an extensive roof deck system so it is a green roof. There is a series of hedges to stop the visual. Also, they are taking all the old failing stone and hard surface out and replacing with a herringbone pattern. The existing icehouse is being removed and they are reducing the back end of the existing garage and moving that square-footage into the

cabana. Since square-footage is being moved around, they do not have to ask for more. One requirement from his client is moving the gate over in order to have the ability to look down through the lawn and view visitors at the gate. In terms of the cabana, presently there is a small cabana, which will be removed and they will provide a split area. The cabana will be open to the pool area. There is 5 ft. between the two components. There is a new concrete pool deck with barbeque, shower area and spa that overlooks the pool. In terms of the roof deck, they propose a roof garden. The planting area wraps around the roof. The existing driveway was very close to the front of the building, so by moving the entry gate down it takes away any visual from those walking along Glenwood. The roof deck is for the owner to come from his office, sit and write as he looks at Mt. Tam. They propose the cedar siding with the cabana and an introduction of the stone element. Also, as individuals drive by the home, they can look all the way through and view the pool, which connects the pool to the property.

Mayor Martin desired an explanation of the cobblestone being used on the driveway. Architect Blankenship noted that the idea is to have pavers set in sand to improve the pervious surface, which will reduce drainage. In terms of effectiveness of the pavers, it handles the rainfall due to the gaps. He further noted that it is their intention to reduce the amount of hard surface.

Mayor Martin opened the public hearing on this item.

Bob Dickinson, Glenwood Avenue resident, supports the project and believed the Battelle's and project architect have been very accommodating. They are comfortable with the revised story poles. He is very thankful for what they have done to move the leveled terraced lawn up and away from their master bedroom window. He underscored a few conditions in the staff report and one correction to the report that does not change their position. Drainage is a major concern. His home sits below the Battelle's and in the winter there is a significant amount of water. He shared options with the ADR Group. He wanted to make sure that the hydrology report required will show that there is an equivalent or less amount of water that will drain off his property. In terms of lighting, he is completely comfortable with the Battelle's and how they will use their deck, but he might be concerned about the next owner, so that entire area should not become a beacon at night of light shining out. In terms of Section 4 under Item No. 5, he corrected for the record, and advised the applicant and the Council that the excavation at the construction property across the street caused cracks in drywall in six rooms in his home. He is not sure what will happen if there is excavation of the lawn area next to his property. The job site rules are very important and helpful to everyone on the job site. In terms of duration, he wanted to make sure the Council is aware that project duration is not to exceed 18-months. Construction noise at 36 Glenwood started in February of 2008. It was permitted on September 15<sup>th</sup>, 2008. According to the minutes of the March 2008 Town Council meeting, the contractor assured the Council and public that all outside work and noise would be completed within 18-months. It has been 36-months since noise started and 28-months and four days since the project was permitted. The outside work is nowhere near completion. The Town ordinance governing construction does not limit the project to 18-months as long as the owner pays fines. The owner at 36 Glenwood has paid \$200,000 in fines. He encouraged the Council to in line their interest with affected neighbors and amend the ordinance. Now, he is facing five consecutive years of construction on adjacent lots and that is why the total project duration is placed as a condition of approval. He further wished the Battelle's well on this project.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Hunter loved the project, but expressed concern for the roof deck. He felt the project is tastefully done and attractive. This is a grand house in Town, and generally the Council does not approve second story roof decks. They do not approve or deny based on the current occupant, but what is good for the property. He further would approve the project, less the roof deck.

Mayor Pro Tempore Small believed the project is beautiful. She also expressed concern for the roof deck in regard to controlling the amount of lighting, and wanted to hear from the rest of the Council on that matter.

Mayor Martin noted an interesting quote from Council Member Arthur Kanzee, Jr. in 1958 as follows: *“That the high value of property in Ross was due to the strict inherence to zoning regulations.”* He liked the project, and did not believe it is comparable to the Pritzker project, which broke every rule in the Town’s municipal code as far as size, structure and duration of construction. He also has concerns about the second level roof, but given the location it works. It is not adjacent to any houses and it is closer to the street, so he had no objection with this location, but it may however open a door and be more of a concern in the future on other properties.

Council Member Russell completely endorsed this project. It is beautifully landscaped and will add value to all homes in the surrounding area. He then congratulated the owners on this project. Mayor Martin agreed they did an extraordinary job preserving the trees and vegetation on the property. He also appreciated the clear plans presented. Council Member Russell believed this is clear example of where there is space entirely within the structure with no impact to anyone else, so this is a good example of an acceptable project in the future in terms of attics and basements.

Council Member Strauss echoed all comments stated. He is comfortable with the roof deck since it is fairly small and not looming.

Mayor Pro Tempore Small appreciated the Battelle’s going to the ADR Group twice as well as working with the neighbors, which made their job as Town Council easy.

Mayor Pro Tempore Small and Council Member Hunter agreed with the roof deck after hearing the discussion from the Council.

Mayor Martin asked for a motion.

Council Member Strauss moved and Council Member Russell seconded, to approve the project at 49 Glenwood Avenue subject to the findings and conditions outlined in the staff report. Motion carried unanimously.

Conditions of Approval - 49 Glenwood Avenue:

The following conditions shall be reproduced on the first page(s) of the project plans:

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1. The project shall be constructed in substantial conformance with the plans dated 11/15/10, on file with the Planning Department.
2. An encroachment permit shall be required prior to any work within the Town right-of-way. The owner must maintain the culvert under the driveway and shall replace and enlarge it if necessary.
3. The project shall comply with the Town stormwater ordinance (Chapter 15.54) and a drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application that results in, at a minimum, no net increase in the rate and volume of peak runoff at the site compared to pre-project conditions. The applicant is encouraged to use low impact development techniques such as sloping the driveway to drain towards landscaped areas, to minimize site runoff. The Town will provide a minimum 2-week comment period for interested neighbors and shall consider neighbor comments in its review and approval of the drainage plan.
4. The new landscaping shown on the pool house/office roof deck, as well as the screening landscaping proposed between the pool and north property line, shall be maintained to screen the pool house/office structure and the roof deck, but at a level that does not obstruct neighbor views of Mt. Tamalpais, for the life of the structure, unless otherwise approved by the Town Council or agreed to by the owners of 51 Glenwood Avenue.
5. The finishes in the attic room in the main residence are approved. The room does not meet code requirements for habitable space and may only be used for storage.
6. All costs for town consultant, such as the town hydrologist, review of the project shall be paid prior to building permit issuance. Any additional costs incurred to inspect or review the project shall be paid as incurred and prior to project final.
7. The applicants shall pay required Town fees of \$3 for every cubic yard of off-haul resulting from this project. Final off-haul amounts shall be calculated by the project civil engineer with calculations submitted to the Director of Public Works prior to the issuance of a building permit.
8. Any exterior lighting shall be submitted for the review and approval of planning department staff. Lighting shall be shielded and directed downward. Exterior lighting of landscaping by any means shall not be permitted if it creates glare or annoyance for adjacent property owners. Lighting expressly designed to light the pool house deck, exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited.
9. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
10. Prior to the issuance of a building permit, the applicants shall submit a final tree protection plan drafted by a certified arborist for the review and approval of the Planning Department and town arborist. The project arborist shall review final construction-level drawings, including grading, drainage and utility plans. All tree protection conditions recommended by the project arborist shall be included on those plans to ensure compliance with the conditions.
11. The submitted tree protection plan shall focus on the protection of all on-site trees not hereby approved for removal during construction and upon the ongoing

- preservation of their health and vigor. The tree protection plan shall include specific provisions acceptable to the Planning Department for independent on-site monitoring of the conditions below. Written reports shall be provided to staff to ensure monitoring is taking place.
- a. Before the start of any clearing, excavation, construction, or other work on the site, or the issuance of a building permit, every significant and/or protected tree shall be securely fenced-off at the non-intrusion zone, or other limit as may be delineated in the required tree protection plan. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.
  - b. If the proposed development, including any site work, will encroach upon the non-intrusion zone of a significant and/or protected tree, special measures shall be utilized, as approved by the project arborist, to allow the roots to obtain necessary oxygen, water, and nutrients.
  - c. Underground trenching shall avoid the major support and absorbing tree roots of significant and/or protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist is required. Trenches shall be consolidated to service as many units as possible.
  - d. Concrete or asphalt paving shall not be placed over the root zones of significant and/or protected trees, unless otherwise permitted by the project arborist.
  - e. Artificial irrigation shall not occur within the root zone of oaks, unless deemed appropriate on a temporary basis by the project arborist to improve tree vigor or mitigate root loss.
  - f. Compaction of the soil within the non-intrusion zone of significant and/or protected trees shall be avoided.
  - g. Any excavation, cutting, or filling of the existing ground surface within the non-intrusion zone shall be minimized and subject to such conditions as the project arborist may impose. Retaining walls shall likewise be designed, sited, and constructed so as to minimize their impact on significant and/or protected trees.
  - h. Oil, gas, chemicals, or other substances that may be harmful to trees shall not be stored or dumped within the non-intrusion zone of any significant and/or protected tree, or at any other location on the site from which such substances might enter the non-intrusion zone of a significant and/or protected tree.
  - i. In no case shall construction materials or debris be stored within the non-intrusion zone of a significant and/or protected tree.
12. A detailed construction and traffic management plan, including a site plan, shall be submitted for the review and approval of the Building Official and Planning Department prior to the issuance of a building permit. The plans shall include details on construction parking; material, equipment and waste storage; vehicle and equipment maintenance areas; portable restrooms; washout areas; delivery and truck parking; construction scheduling; and other information as required by the town. The Town will provide a minimum 2-week comment period for interested neighbors and shall consider neighbor comments in its review and approval.
13. The applicant (which includes, but is not limited to, the applicant, their contractors, subcontractors, suppliers and consultants) shall follow the "Proposed Job Site Conditions for Subcontractors, Suppliers & Consultants, 49 Glenwood, Ross, CA

- 94957” submitted at the August 2010 Advisory Design Review Group meeting, provided to the applicant, and in the planning file. The rules shall be reproduced on the plans.
14. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
  15. Applicants shall comply with all requirements of the Marin Municipal Water District and the Ross Valley Sanitary District.
  16. Except as otherwise noted in these conditions, landscaping shall be installed in conformance with the approved landscape plan prior to project final. Prior to project final, the applicants shall submit written evidence to planning department staff that confirms the landscaping complies with the current Marin Municipal Water District water conserving landscape ordinance, or is exempt from their requirements.
  17. This project shall comply with all requirements of the Department of Public Safety, as outlined in their ongoing project review, including the following: a) a local alarm system is required; b) all dead or dying flammable material shall be cleared and removed per Ross Municipal Code Chapter 12.12 from the subject property; c) the street number must be posted (minimum 4 inches on contrasting background), d.) the access roadway must have a vertical clearance of 14 feet; e.) all brush impinging on the access roadway must be cleared as determined feasible by Public Safety; and f.) a Knox Lock box is required.
  18. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
  19. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
  20. No changes from the approved plans, before or after project final, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval prior to any change.
  21. Failure to secure required building permits and/or begin construction by December 9, 2011 will cause the approval to lapse without further notice.
  22. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. (RMC §18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law.
  23. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the

applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

*The Council decided to take Agenda Item No. 23 out of order and hear the matter next on the agenda. Council Member Strauss noted for the record that he was contacted by the owner to be the project architect for 20 Upper Road West, which he declined due to his position on the Town Council.*

23. **20 Upper Road West, Variance, Design Review and Hillside Lot No. 1805**  
Clifford and Adriana Booth, 20 Upper Road West, A.P. No. 73-321-02, R-1:B-5A (Single Family Residence, 5 acre minimum lot size), Very Low Density (.1 - 1 units per acre). Design review and hillside lot application for a 1,957 square foot addition to the residence. The applicants propose a two-story addition to the south end of the residence and new living space beneath the garage. The resulting residence would be 7,199 square feet in size. A setback variance would be required for the addition, which would be located within the hillside lot side yard setback (45 feet required, approximately 21.5 feet proposed). The project also includes 107 feet of new retaining walls up to 5 feet tall and a drainage dispersal area within the south yard area.

Effective Lot Area	51,530 square feet
Existing Floor Area Ratio	10.2%
Proposed Floor Area Ratio	14.0% (15% permitted)
Existing Lot Coverage	9.5%
Proposed Lot Coverage	11.4% (15% permitted)
Existing Impervious Areas	20.5%
Proposed Impervious Areas	22.0%

*The existing residence is nonconforming in hillside lot setbacks. The project falls under the hillside lot regulations because the site is within Slope Stability Zones 3 and 4. The applicant has calculated the slope of the site as under 30%. The more restrictive Hillside Lot floor area regulation applies to slopes over 30%.*

Senior Planner Elise Semonian explained that this is an application for a hillside lot permit as well as design review for an addition to the residence. An issue has been raised by a neighbor this past week that the Town's Hillside Lot Ordinance (HLO) that was recently adopted does not exempt projects that have less than 30% slope from the more restricted HLO floor area. Staff recommends that the Council add language to the zoning code to make it clear that the slope formula does not apply to lots with less than 30% slope. That matter will be brought to the Council in January for introduction with adoption in February. Staff asked the Council to provide feedback to the applicant, but no action can be taken tonight because it requires a floor area variance.

Council Member Russell requested that Ross residents Beth Minick and Judy McMillan be informed about the HLO January and February meetings since they led the charge. Senior Planner Semonian responded in the affirmative.

Mayor Martin asked staff if there would be a different slope calculation if the line was run to the lowest point of the site. Senior Planner Semonian noted it is steep toward that side of the site, so probably low 30s. Also, there are a lot of contours that go from the north down to the creek. Staff further noted that it is more accurate to use a contour method to average the slope of a site. Council Member Russell asked staff to confirm with Contract Engineer John Moe. Senior Planner Semonian noted that a full contour map would be needed from the applicant running along the contour to get the low point. Staff calculated 32% to the southeast corner. It would be difficult if the site is over 30% to make findings in favor of a floor area variance.

Council Member Russell wanted the rules to be applied equally to everyone. Senior Planner Semonian believed the Council should use some discretion to determine those points because there will be sites where calculating the slope from the lowest point to the highest point does not represent the average site slope. In addition, when the definition of slope was first changed to require the line to run perpendicular to the contours, there was much discussion and at the time and the Council indicated that if historical slope calculations were given there is fairness involved in taking that slope into consideration. If Contract Engineer Moe calculates the slope, staff estimates that it will be over 30%.

Council Member Russell stated it is critical whether the slope is above or below 30%. Council Member Hunter added that the staff report indicated that the applicant submitted a slope calculation of 28.5% and Contract Engineer Moe believes the slope calculation is accurate.

Council Member Russell is very uncomfortable with making a variance for one home. Mayor Martin agreed. They must be clear if they are amending the ordinance. They must be clear on the standards used for measuring. Council Member Hunter stated that they talked about the most accurate method, which is the contour method. Council Member Russell suggested that they have a test applied to all properties.

Mayor Pro Tempore Small clarified that the previous town engineer when calculating the 26% used the high to low method, which is how it was written. She pointed out that when Don Santa purchased more land it hurt his lot because it created a steeper situation even though his building site never changed.

Council Member Strauss noted when working on this matter, it was to have three lines through the proposed site and take the average. Senior Planner Semonian indicated that the town engineer tries to be as generous as possible, but the number can be different every time.

Council Member Russell recommended amending the ordinance to make it more general. He is not comfortable with doing it on a subjective basis. Reality is that an enormous amount of effort went into creating the HLO so the rules were applied equally and that is the most important issue. He is open to deferring to others, but desired the same approach applied to everyone.

Jared Polsky, architect, desired simplicity, but the HLO is really difficult. The question is where do they draw the line and it seemed reasonable to start at the low point to the highest point of the building area, which would be the most reasonable way to calculate this particular site. He showed the calculations to staff and then to town engineer who believed

it made sense, but it comes back to how to draw a line through a site. Discretion is unavoidable. There needs to be flexibility. It seemed there was consensus on this site to meet the intent of the ordinance. They went to staff, the town engineer, and then moved forward. He would hate to be applying rules for "rules sake."

Cliff Booth, owner, fell in love with Ross and moved to the area for that reason. He is very excited along with his family to be part of this community. He wants to enjoy their lives and be part of this community.

Mayor Martin opened the public hearing on this item.

Peter Nelson, Circle Drive resident, believed this has become sort of an art to calculate slope. He favored the slope contour method. It can be calculated by any engineer and be calculated with the same number. It can be done with a computer, a piece of yarn, or map. It is very easy. This method is universal and reiterated that it has been allowed in Larkspur for 20 years.

Architect Polsky is aware of the contour method. They must be careful that when sites are not evenly sloping, there will be a much higher slope number. If applied to all sites in Ross, all the 31% sites will increase. There are some unintended consequences, but not more indicative of the site. Larkspur does not feel bound by the slope or the FAR because they provide exceptions, so it has much less impact. He further believed sites must be reviewed on a case-by-case basis.

Doug Van Dorsten, Upper Road West resident, asked if the intent of the HLO is being subjective and therefore the Council must weigh in on whether a lot has a slope that is less than or greater than 30%. Council Member Hunter explained that the intent of rewriting was to take as much of the subjectivity out of it as possible. Mr. Van Dorsten stated they can make it deterministic or continue as it has been. Every project goes through this process. The subject lot is very steep. One issue with the HLO as written is that if one can engineer a slope for the lot that is less than 30% then they are allowed more floor area. The Council has consistently taken the approach of subjective interpretation of the slope of the lot. It means every time a homeowner comes to the Council with a project it can turn into a food fight of the slope and floor area ratio. He was never noticed about this project. This property under went a substantial remodel in 2008 with substantial amount of disruption. Neighbors were very amendable to the former owner. There was an enormous amount of concrete work and traffic on the road. The road has been somewhat damaged. No road fees were applied to the road. This project will require heavy traffic in a time span less than two years and the road will continue to deterrent. There is no mitigation for the damage that will occur to the road. He has young children and has dealt with construction traffic and believes in a homeowner's ability to improve their property, but submitted in this particular case, this home was around 3,000 sq. ft. and now it is much larger. They are asking for a substantial variance in the side yard setback and variances should not be given out like Halloween candy. They should be thoughtfully considered and approved, if warranted. He further believed this project is worthy of some substantial consideration if a variance of that magnitude is granted.

Mr. Nelson believed there is an advantage to have an iron clad number with flexibility.

Architect Polsky apologized to Mr. Van Dorsten for not being notified. He received a list from the Town in terms of notifying residents, and apologized again. One condition of approval is to videotape the road and make any necessary repairs caused from construction. Senior Planner Semonian wanted to explore whether it is feasible to possibly ask for funds for roadway improvements.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Mayor Pro Tempore Small stated although the contour method is more exact, the difficulty is that it would reduce the floor area on many sites. It is a constant struggle and the idea is to have more uniformity. Decking was discussed at the HLO meeting, and with the additional amount of square footage being considered with decking not included is about 40%. She pointed out that staff indicated that it is under 1,000 sq. ft., so it is reducing the deck area, which is just over the 25%.

Council Member Hunter believed it would be nice to have an accepted method of measurement. It was an increase cost to the applicant in regard to the contour method. With the method in place, if the Senior Planner and Town Engineer indicate that is the slope, then that is the slope. They do not have any other authority because there is no other authority under this ordinance. The staff report clearly indicated that staff agreed it is a 28.5% slope. As far as the project itself, they have findings to approve the variance for the side yard. In terms of cut and fill, he asked if there is a calculation. Architect Polsky agreed to provide that number to the Council for consideration. Council Member Hunter desired a correct calculation in terms of the deck.

Council Member Strauss concurred with the fact that the information was provided, which was the information back when the house was built. He further noted that this must be clarified so the Council is not put in this position.

Council Member Russell is comfortable with the project, but wanted to make sure the Council can talk to other residents in Town. They must deal with changing the HLO to deal with below 30% on average slope and if there is some uncertainty as to the calculation for meeting the HLO. Then consider changing the HLO as well as add flexibility that Architect Polsky suggested that permits the same method used here to apply elsewhere. He further noted that it must be done consistently or not at all. Mayor Martin concurred.

Mayor Pro Tempore Small wanted to do what they can to be consistent with what was approved in the past. She also wanted to include a construction management plan. Council Member Hunter noted that Condition No. 8 discusses a construction management plan. Mayor Pro Tempore Small wanted all vehicles to be kept onsite, so a shuttle is needed for all subcontractors.

18. **Council discussion/action on concept of reorganization of Town Hall spaces to better serve the public and staff functions. This may include minor modifications to the front of Town Hall, so as to preserve the historical character and entrance to Town Hall.**

Council Member Strauss presented ideas to reorganize Town Hall spaces to better serve the public and staff functions. This would include shifting existing Town Hall offices so that

Building, Public Works, and Planning Department personnel would all be located in offices at the front of the building. The Town Hall chambers would be used as a conference room on an as-needed basis. He also suggested implementing minor modifications to the front of Town Hall. A glass wall and door between the columns in front would improve circulation while preserving the historical character and entrance to Town Hall.

Mayor Pro Tempore Small believed a work environment is very important. This all goes along with valuation, job description, and work environment. It is definitely needed and could be very successful.

Senior Planner Elise Semonian appreciated the plan and felt the idea of having building and planning coordinated would help everyone to function better.

Town Manager Gary Broad noted much of this could be funded out of the building department fund. The facilities fund has \$1.4 million, so there is ample money in that fund. Staff enthusiastically supported the proposed changes, which would improve the working environment in the short-term while the Town continued to explore options for new public facilities. Staff further complimented Council Member Strauss for developing this solution.

Council Member Hunter found the idea to be outstanding. He loved the glass out front between the two columns. It is wonderful how all are placed, but expressed concern for the Town Manager's office being located in back. He felt it is important to have staff together.

Mayor Martin desired some improvements to the Council's chamber in moving forward such as a monitor and podium. Town Manager Broad noted that Mill Valley just installed a new system. They have live streaming and actual broadcast of the meetings. Staff further noted that Mill Valley's setup was quite impressive.

The Council had no objection to the design and asked Council Member Strauss to get cost estimates for the project and work with staff to determine office space and technology requirements.

**19. Town Council update on Frederick Allen Park improvements.**

Project Planner Christine O'Rourke provided an update on the Allen Park Improvements, which are being funded with \$226,000 in Proposition 40 State grants. As of November 30<sup>th</sup>, the Town has expended approximately \$65,000 of the grant amount for tennis court resurfacing, drilling of a new well, tree removal and trimming, landscaping, project planning and construction management. Resurfacing of the tennis courts has been delayed due to cold and rainy weather, but the contractor plans to continue work throughout the winter whenever weather permits.

The Council reviewed bid prices to install a new patio made out of interlocking pavers in front of the tennis courts, new skirting for the base of the paddle court, and a screen for the portable toilet. The Council also discussed a request from the California Department of Parks and Recreation for the Town to review the current \$200 per 2-year key fee and set a "reasonable" key fee based on community input. The Ross Recreation Board of Directors will consider the issue at an upcoming board meeting.

Mayor Martin opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and announced that no action is required.

**20. No Action Items:**

**a. Council correspondence received**

- Joanne Santa – partial refund of original plans in regard to garden conversion on Winship

Town Manager Broad pointed out that fees are non-refundable. Staff provided a recommendation that was not favorable and to ask for a refund is not appropriate. Refunding the application would set a bad precedent.

- Letter from John Hau on Sir Francis Drake in regard to fence relocation to retain on-street parking, and asking for reimbursement

Town Manager Broad agreed to respond to Mr. Hau explaining that it is a decision Mr. Hau made without the Town.

**b. Future Council items:**

- Delay or suspend PG&E SmartMeters
- Lagunitas Bridge bank stabilization
- HLO

**21. Discussion of the five Town Council goals for FY 2010-2011 developed at the Town Council retreat and the implementation of these goals.**

**a. Attic and basement regulations**

Council Member Russell reported that he will be discussing the Town's treatment of basements and attics in floor area calculations with the ADR Group at its December 28<sup>th</sup> meeting.

**b. Right-of-way regulations**

Mayor Pro Tempore Small announced she will hold the first public meeting on the Town's right-of-ways on January 11, 2011, from 10 a.m. to Noon at Town Hall. Her goal for the meeting is to identify the Town's right-of-ways and discuss major issues with community members.

**c. Approach to future Public Safety facilities and organization**

Mayor Martin is completing a white paper on the Town's public facilities, which will provide history and background information on the Town's exploration of new and remodeled public facilities.

**d. Downtown, including commercial district and interface with Ross Common and Lagunitas, signs and parking**

Council Member Strauss decided to separate the two issues and a special Public Works meeting may be scheduled to further discuss. His goal is to get documents ready for spring for the Post Office parking lot.

**e. Town and Marin Art & Garden Center relationship**

Council Member Hunter continues to meet with the Marin Art & Garden organizations to identify management and financial challenges. Then the best next step is to form a blue ribbon committee.

22. Town Council consideration/action on whether the Single Family Residence (R-1) District allows for a residence to be used as a Marin Designers Showcase house, involving public viewing of the showcased residence for an approximately one month period. The Center for Volunteer and Nonprofit Leadership of Marin (CVNL) proposes to use 108 Laurel Grove for the 2011 Marin Designer Showcase home from September 20 to October 16, 2011.

*This item was withdrawn by the applicant.*

25. 88 Wellington Avenue, After-the-Fact Variance, Design Review, Hillside Lot Permit No. 1809

Steve and Chris Simpson, 88 Wellington Avenue, A.P. No. 72-121-17, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size), Medium Low Density (3-6 units per acre). After-the-fact request for design review, hillside lot permit and variances associated with converting the existing basement area to a family room, which would add 480 square feet of floor area to the nonconforming residence. The project would involve 35 cubic yards of cut to lower the floor of the basement to comply with building code requirements for habitable space. Total floor area of 2,123 square feet is proposed.

Lot area	4,648 sq. ft.	
Existing Floor Area	35.3%	
Proposed Floor Area	45.7%	(20% permitted)
Existing Lot Coverage	26.4%	
Proposed Lot Coverage	26.4%	(20% permitted)
Existing Impervious Areas	55.8%	
Proposed Impervious Areas	56.8%	

*The existing residence is nonconforming in setbacks. The project falls under the hillside lot regulations because the site is partially within Slope Stability Zone 3. The average slope of the site is under 30%. There is no developable area outside of the yard areas required under the hillside lot ordinance.*

*This item was continued to a later date.*

26. 33 Winship Avenue, Variance and Design Review No. 1808

*This item has been continued.*

Chris and Mary Ann Neumann, 33 Winship Avenue, A.P. No. 72-153-09, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size), Medium Low Density (3-6 units per acre). Design review and variances associated with a remodel of the main and lower levels of the residence. The project includes excavation and construction to bring existing finished areas within the lower level up to building code requirements for habitable space. The existing residence is nonconforming in setbacks and is located in the north side yard (15 feet required, 8 feet existing and proposed), south side yard (15 feet required, 10.5 feet existing and proposed), and rear yard (40 feet required, 31 feet existing and proposed). The project would allow the approximately 6' by 30' stairwell and atrium addition at the rear of the residence,

approved after-the-fact in 2006, to be incorporated into the main floor plan and to be reconstructed if necessary. The applicants propose to enclose part of the front porch for an entry. The project would involve 78 cubic yards of cut to lower the elevation of the lower floor. Staff calculates the existing floor area to be 2,135 square feet (including the one-car garage). Total floor area of 2,819 square feet is proposed.

Lot area (approximate)	5,500 square feet	
Existing Floor Area Ratio	38.8%	
Proposed Floor Area Ratio	51.2%	(20% permitted)
Existing Lot Coverage	32.3%	
Proposed Lot Coverage	32.3%	(20% permitted)
Existing Impervious Areas	39.8%	
Proposed Impervious Areas	39.8%	

*This item was continued to a later date.*

**27. Adjournment.**

By order of Mayor Martin, the meeting adjourned at 12:43 a.m.

\_\_\_\_\_  
Christopher Martin, Mayor

ATTEST:

\_\_\_\_\_  
Gary Broad, Town Manager