

REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, FEBRUARY 12, 2009

1. 6:30 P.M. Commencement.

Present: Mayor Cahill; Mayor Pro Tempore Strauss; Council Member Martin; Council Member Skall; and Town Attorney Hadden Roth.

2. Posting of Agenda.

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

3. Minutes-January

Mayor Cahill asked for a motion.

Mayor Pro Tempore Strauss moved and Council Member Skall seconded, to approve the Special January 15, 2009 Town Council minutes as submitted. Motion carried unanimously.

4. Demands.

The demands were met.

5. Open Time for Public Expression - None

6. Report from Mayor Cahill.

Mayor Cahill reported that the Ross Recreation Auxiliary Diamonds Are Forever cocktail and dinner in 15 Ross homes held last Saturday was well attended with almost 200 residents participating. Rachel Wells was the lucky winner of the donated ½ carat diamond raffle. Thanks to Sean Gillam for hosting the event. Proceeds from this fundraiser support Ross Recreation programs.

Also, the Council had a good meeting on the Lagunitas Road Bridge and the Draft EIR for the project on Tuesday, February 10th, 2009. Written comments may still be submitted to the Town through March 5th, 2009. Ross and San Anselmo are holding a joint Bolinas Avenue traffic-calming workshop at Ross Town hall on Monday, February 23rd, at 7pm. The recommendation of the traffic engineer hired by both communities will be presented and discussed.

Mayor Cahill then announced that the Town Council and the Advisory Design Review Group will hold a joint public meeting on downtown plan ideas at 6:30pm on Thursday, February 26, 2009 and all are welcome and encouraged to attend. The meeting will include suggested design concepts from the Town's Landscape Architects, SWA Group and Transportation Planner Nelson/Nygaard.

7. Report from Committee Heads.

Public Works - Council member Strauss

- Lagunitas Bridge Report

Mayor Pro Tempore Strauss had nothing further to report.

Finance Committee - Council member Martin

- Mid-year budget report

Council Member Martin stated as all know, we have a global financial crisis, as well as the State's budget stalemate with a \$42 billion shortfall. Many governments and jurisdictions are having their worst financial crisis since the great depression. San Francisco faces a budget deficit in excess of half a billion dollars. Novato is facing \$2 million budget gap next year and sales tax revenues are going to be about \$500,000 less projected. Cities and towns are facing layoffs as well as shutdowns of services and public facilities and parks. After a mid-year review of Ross's 2008-09 fiscal budget by the Finance Committee, Ross's financial standing is healthy, with revenue above projected levels.

As a newcomer to this Town Council, he commended City Manager Broad, Town staff along with Council members and last year's Finance Committee, Chaired by Mayor Cahill with accomplishing a thorough and accurate budget. He then explained that Ross's revenue base is sourced mainly from property tax, which gratefully increased slightly above the 5% increase that was originally projected. The State of California still owes the Town approximately \$150,000 as reimbursement associated with sending fire department personnel and equipment to respond to major fires in the State. General Government, Public Safety and Public Works and capital expenditures are all tracking according to budget projections without significant deviation. Though the Town's financial health is strong now, the Town's fiscal restraint must continue. With the exception of the Lagunitas Bridge project, which has state and federal funding sources that are currently not affected by the fiscal crisis, the Town currently has no immediate commitments to significant capital projects. Recently, the Town negotiated new contracts with the Town's Police and Fire Departments to bring wages up to a level commensurate with neighboring jurisdictions. This has not been a financial hardship in the current budget, but it must be monitored during future years. The Town's revenue base is derived from property tax. Unlike most cities and towns, it is not sourced from varied revenue sources such as sales tax and hotel occupancy tax. And though the value of property has not declined thus far in Ross, the Town must monitor trends and adjust the budget as well as expenditures accordingly.

- Marin Energy Authority

Council Member Martin reported that the JPA from the MEA had its first meeting last week on February 5th. He along with Mayor Cahill attended the meeting. To date eight cities and towns have joined the County of Marin on the JPA. These include: Fairfax, San Anselmo, San Rafael, Tiburon, Belvedere, Mill Valley, Sausalito and Ross. This past Tuesday night, Novato deferred from joining the JPA due to their financial crisis.

The MEA is reviewing feasibility of purchasing renewable power directly, while PG&E would continue to be responsible for maintaining the transmission lines and billing. It is the first JPA in the State of California established to reduce greenhouse gas emissions in compliance with AB 32, California's global warming law. If enacted by the County and participating Towns, the Marin Clean Energy (MCE) would reduce Marin's greenhouse gas emissions by initially providing twice as much renewable power as Marin receives now. It is MCE's objective to be competitive with PG&E rates, and accomplish price stability in the future by decreasing reliance on imported fossil fuels to generate power. Residential, commercial and municipal customers will have a choice of two renewable source energy options. One option will be 100% renewable electrical supply generated from solar, wind geothermal sources and the other option will be approximately 25% with a target of 50%

renewable supply during five years. Any resident or business whose town or city is a member of MEA may opt out of Marin Clean Energy and choose to remain a customer of PG&E.

During its first meeting, the MEA Board nominated Supervisor Charles McGlashan as Chair and Mill Valley Council Member, Shawn Marshall as Vice Chair. The MEA Board approved a \$330,000 budget, approving the hiring of Dawn Weisz as Interim Director, and Jamie Tuckey as her assistant. It approved a \$100,000 budget to Navigant Consulting, which will prepare bid documents for energy powers and analyze the pricing and technical aspects of the bids when they are received in August 2009. Lastly, the MEA Board voted to seek \$63 million of the federal stimulus package to implement solar, wind, and methane facilities locally. It was an impressive meeting. The Marin Clean Energy program has an impressive Ad Hoc Committee of experienced energy developers, regulators and advocates who are volunteering their time to make this program work. Though other jurisdictions are approaching this with prudence, it has the potential to be a very timely project, encouraging alternative, sustainable sources of energy, encouraging conservations, providing local jobs and productively using technology. He further agreed to keep the Council and public informed.

Council Member Martin further noted that Novato has until June to join the JPA. PG&E attended the hearing and will provide Novato other options on sustainable energy. The MCE will negotiate with PG&E to see if they can increase their amount of sustainable sources and look at conservation measures as well.

8. Report from Ross Property Owners Association.

Wendy McPhee, RPOA representative, noted that RPOA is pleased and thanked Public Works for doing such a great job on the Town path. RPOA encouraged support efforts in working on the Redwood Drive traffic problems in regard to U-turns, lack of parking and student drop-off. RPOA's annual meeting occurred Monday and they would love to have a representative from Town Council attend their meetings. Mayor Cahill announced that Council Member Skall is the representative for the Town Council.

9. Flood Control Report.

Council Member Martin reported that the Army Corps of Engineers is responsible for moving ahead with Unit 4, which is the project from the fish ladder to the concrete channel. The bridge over Sir Francis Drake is in a two-year EIR process before that project can move forward. They have spent the remaining funds on that project and are drawing from other sources. The environmental process is dragging along, which impacts the entire Ross Valley area. The Town Council has discussed this matter and will put pressure through Senator Barbara Boxer's office as well as Congresswoman Woolsey to get funding earmarked to more rapidly address the EIR. He further noted that they must establish some solutions.

Mayor Cahill clarified that the EIR for District 4 has been put on hold. Council Member Martin reiterated that it is a two-year process, but it can be a much longer process without pressure. It must be expedited and dovetailed as much as possible. He further noted that Lagunitas Bridge itself is a flood control project.

10. **Town Council adoption of Resolution No. 1663 appointing Roseanna Lourdeaux to serve as the Chief of Protocol responsible for chairing Town celebrations.**

Mayor Cahill recommended that the Council adopt Resolution No. 1663, appointing Roseanna Lourdeaux to serve a two-year term as Chief of Protocol responsible for chairing Town celebrations and the Fourth of July celebration. Ms. Lourdeaux brings with her a wealth of experience in event planning. She co-chaired the hugely successful Centennial Parade Committee for the 100-Year Town Centennial and has spearheaded several fundraisers to benefit local causes.

Mayor Cahill opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Cahill asked for a motion.

Mayor Pro Tempore Strauss moved and Council Member Martin seconded, to adopt Resolution No. 1663, appointing Roseanna Lourdeaux to serve as Chief of Protocol responsible for chairing Town celebrations. Motion carried unanimously.

11. **Town Council consideration of Resolution No. 1664 amending Town Personnel Rules and Regulations and Personnel Policies replacing the Town's September 9th Admission Day Holiday with a floating holiday.**

Town Manager Broad summarized the staff report and recommended that the Council consider Resolution No. 1664, amending Town Personnel Rules and Regulations and Personnel Policies replacing the Town's September 9th Admission Day Holiday with a floating holiday.

Mayor Cahill opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Cahill asked for a motion.

Council Member Martin moved and Council Member Skall seconded, to adopt Resolution No. 1664, amending Town Personnel Rules and Regulations and Personnel Policies replacing the Town's September 9th Admission Day Holiday with a floating holiday. Motion carried unanimously.

12. **Town Council consideration of Resolution No. 1665 re-establishing permit parking restrictions on Redwood Drive during the Ross School construction period.**

Town Manager Broad summarized the staff report and recommended that the Council consider Resolution No. 1665, re-establishing permit parking restrictions on Redwood Drive during the Ross School construction period.

Mayor Cahill discussed Section E in regard to permit prohibitions and suggested adding a condition that old permits are returned and voided in order to avoid multiple permits. Town

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Manager Broad agreed to add the following language to the end of Section E: “*On the condition that the old permits are returned and voided.*”

Mayor Cahill opened the public hearing on this item.

Don Ahrens, Ross merchant owner, asked what constitutes preferential permit. Mayor Cahill noted that residents who live in the district. The zone is Redwood Drive from the northeast corner of Redwood Drive and the northwest corner of 7 Redwood Drive to Brookwood Road.

Cate Babcock, Redwood Drive resident, explained that Redwood residents experience a danger to their lives, particularly their children. Her neighbor is almost 90 years old and has several significant medial problems and is unable to leave his driveway during school hours. Her neighbor investigated installing a gate, but it is too expensive. The school has communicated many times to parents, but this particular group of parents are borderline narcissists. They do what they want, when they want. She attended the School Board meeting proposing to extend the fence from the portable back along the wooden fence so all children would be safely directed to the school and exit the school across from the Post Office. Parents could then pick up and drop-off children safely. She tried to resolve the problem, but now is asking the Town Council for help. She requested “*resident only*” parking and consistent enforcement by the police. This will all be moot unless there is enforcement. Also, she requested “no u-turn” signs. She asked the Council to extend the double yellow line in order to give out citations. She further asked the Council to consider the fence with the gate, so that parents have no reason to park at Redwood to walk to portables to get their children.

Mr. Ahrens believed “*resident only*” parking would severely impact the business district. They do not have the space downtown. He suggested moving the drop-off point out of the Common. He believed parking restrictions would be very difficult to enforce and suggested allowing employee and resident parking.

Sue Johnson, Redwood Drive resident, works at Ross Recreation and suggested that enforcement occur. An officer must give out citations. Enforcement is key to resolve the parking and traffic issues.

Denise Harris, Ross merchant owner, pointed out that Lagunitas Road is very quiet and suggested having teachers park in that area. Customers complain about the parking. She agreed if they restrict parking around the corner on Redwood that will not help downtown. Also, there is no point in having restrictions unless there is enforcement.

Mrs. Babcock is well aware that Redwood is a holding place for Don, Denise and Dr. Little’s clients and that is why she attended the School Board meeting and asked that a fence be considered to direct students to another safely monitored area.

Dick Bobo, Redwood Drive resident, noted that a member of the School Board suggested having faculty parking along Lagunitas to free up space. This would be an additional opportunity for exercise to walk from the Common to another pick-up area. He further stated that enforcement is needed, not permits.

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Jeff Babcock, Redwood Drive resident, desired help from the Town Council and police force to break some bad habits. Once the schoolrooms were moved and temporary buildings were installed, it is very important to post “no U-turn” signs. Residents have no authority and are disrespected by parents. Residents need help from Town Council to change bad habits.

Judy Dawson, Redwood Drive resident, fully supported the comments made by the Babcock's. It is necessary to have enforcement. She further believed it would take all efforts to solve this matter.

Mike Gorham, Redwood Drive resident, felt “no U-turn” signs would help. He encouraged the Town to have an officer present otherwise the situation would not change. Also, he believed a fence might create a safer area to avoid accidents.

Mr. Bobo pointed out that the Post Office is considered a business district and asked if that corner of Redwood is considered a business district as well. Police Chief Ries responded that it is 250 feet of contiguous business district area. It is where the business district ends and residential district begins. Also, a double yellow is difficult. If “no U-turn signs” are posted at the curve, then people will travel further down and execute a three-point turn in private driveways. Enforcement is an important factor. Staff suggested possibly not allowing a right turn between 8am to 9am and 2:30pm to 3:30pm to prevent people from making that turn on Redwood Drive, but that would encourage people to drive around and come in off Bridge down Brookwood. It is a difficult situation. Staffing would be difficult to constantly place an officer in that area. An officer is stationed for SR2S. Officer Bob is the resource officer for the school that monitors children as they are being dropped off. Staff further noted that several citations have been issued for double parking and use of cell phones, but it is an ongoing problem.

Mayor Pro Tempore Strauss wanted to find a more permanent solution rather than issue tickets, but short-term that may be necessary. This was not a problem prior to the school construction. He then asked that faculty members be respectful of the community and park on Lagunitas.

School Board President Dan Bernhard stated that the school takes this traffic problem seriously and wants it solved. Today they asked faculty members to no longer park along the Common and to park on Lagunitas. He also contacted Marin Transit Authority to hire another crossing guard for drop-off and pick up. He continues to ask parents to be respectful and stop their egregious driving behavior. It is now a traffic control issue. In terms of extending the fence, they are happy to consider that approach. It is the Town's property, so they must agree. They have discussed a double yellow line; posting “no right turn” signs on Redwood from Common during school hours; and extending the loading zone from the corner of Lagunitas Avenue and Ross Common, but all are meaningless without enforcement. The school wants this matter resolved. This is the result of current construction. The school never designated Redwood as the drop-off zone, but that is occurring. They look forward to working with the Town to get this matter resolved.

Mayor Cahill asked if Officer Bob could be directed toward enforcement in order to change bad habits. President Bernhard believed that would be very effective. They have another crossing guard that can make sure children get into school safely.

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Ross resident is shocked and appalled that some parents feel they are entitled to have bad habits on Redwood. He is disappointed that they are asking the faculty members to go out of their way to park other places when they have their children's education and future in their hands. He believed this is backwards. Consider the balance of these issues. If someone is talking on their cell phone, making illegal U-turns, and double-parked they should be cited. Enforcement is key. One or two tickets will spread like wild fire. He further asked the Council to enforce the rules that are in place.

Mrs. Babcock emailed Tammy the license plates of parents in violation because confronting them is not helping the situation. She further believed a fence is needed so all children are guided to a safe area.

Mr. Ahrens asked if the school has enforceability with the teachers as to where they park. President Bernhard noted that enforceability is not part of their contract. They are private citizens off school grounds and can park on the street as anyone else. They asked their faculty members today to change their parking habits and expect some difference very rapidly.

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 Skall believed this is an opportunity to change bad behavior. He believed Officer Bob should be placed on Redwood Drive by Eddie's. He suggested adding concrete barriers on yellow lines, so U-turns are not possible. Use Lagunitas and make it more preferential for folks to park on Lagunitas. Also, extending the fence to the natural drop-off area across the Post Office would be helpful.

Council Member Martin appreciated this discussion tonight. Several ideas have been discussed and rather than defer a decision tonight he wanted to build a consensus to find a solution. The police chief suggested a "no right turn" during limited hours on Ross Common into Redwood from 8am to 9am and from 2:30pm to 3:30pm and that is a possible option other than preferential parking.

Mayor Pro Tempore Strauss welcomed the input and is happy to bring it back to the Public Works Subcommittee and talk to the Town Traffic Engineer and Town Planners. There are several issues and a temporary solution must be found. Local residents are suffering and with too much action then the merchants will suffer.

Superintendent Robert Maccario stated that part of the problem is moving one issue to the next. He pointed out that time zones do not work. He also suggested removing all signs. Redwood is open almost the entire time, except for rush hour for students. He suggested making a social place, but not in front of the school. Use original loading zone, which solves the downtown problem and bring back respect.

Town Manager Broad suggested extending the fence. President Bernhard agreed to take that suggestion back to the School Board for consideration. Mayor Pro Tempore Strauss recommended looking at the emergency exit as well.

Mayor Cahill agreed with a “no right turn” on Redwood Avenue, which is an inconvenient factor. Also, shifting Officer Bob to enforcement on Redwood Avenue and issuing citations to violators would be beneficial. There is an old loading zone on Lagunitas Road that could become regular parking available for all to park. Council Member Martin suggested extending the drop-off point as well. Lengthening the white zone to make it easier to drop-off kids at that central point.

Mayor Cahill suggested that the Public Works Subcommittee review the drop-off extension. Town Manager Broad stated that a resolution is needed for any changes.

Police Chief Reis suggested temporarily extending the “graveyard shift” by two hours in order to provide an officer to patrol the area and issue citations.

The Council supported allowing Ross School to extend their fence around the campus to eliminate the Redwood Drive school entrance and compel parents to drop-off their children on Ross Common. Ross School must approve and install the fence. The Council also considered restricted parking on Redwood Drive, but did not want to make parking more difficult for Ross merchants’ customers. The Town’s Public Works Subcommittee will further discuss other ideas suggested tonight to remedy the traffic situation.

Mayor Cahill directed all suggestions to the Public Works Subcommittee. Mayor Pro Tempore Strauss announced that the Public Works Subcommittee would be meeting one week from next Tuesday.

13. Town Council consideration of intersection modifications at Lagunitas Road and Sir Francis Drake Boulevard. Council discussion of the Lagunitas Road and Ross Common intersections, including the advantages/disadvantages of a traffic circle at the intersection.

Town Manager Broad summarized the staff report and recommended that the Council consider intersection modifications at Lagunitas Road and Sir Francis Drake Boulevard. SWA Group and Nelson/Nygaard will present conceptual designs for those two intersections. Staff is asking the Council to approve the Lagunitas and Sir Francis Drake Boulevard modifications and the other intersection is a discussion item only.

Elizabeth Shreve, SWA Group, provided a powerpoint presentation to the Council on both intersections and the overall study area. They are coming back in two weeks to discuss the downtown area. She would first discuss the intersection of Lagunitas and Sir Francis Drake and then Ross Common and Lagunitas. The goals are to address a set of issues: pulling new bridge design into that circulation pattern; drop-off for the school and Post Office; movement of Sir Francis Drake with Town cut out; and existing wide radius turn for high speed turning movements that is larger than required. They reviewed solutions to address and make the Town Hall more attractive. Parking on the access does not serve a large function. The relationship to Marin Art & Garden is quite constrained with a small entry. The landscape area on the south side of Lagunitas could be improved and made more attractive and visually accessible. Also, the pedestrian crossings are longer than would be due to the large radius.

Larry Reed, SWA Group, explained that this intersection is seen as a primary gateway to Ross. Many comments received want this gateway protected and enhanced. Transition is required to raise the bridge. There is a great opportunity to enhance that gateway experience by regularizing the intersection. By cutting off the turn, it allows one additional parking space and slows traffic as it comes around that corner. Cleaning the corner provides a safe crossing. By raising the grade and eliminating the parking in front of Town Hall there will be a nice and clean presence with a clean ADA pathway. Raising curbs on both sides draws the whole intersection as the gateway to Ross. Street trees will be planted. They suggested some sort of stair system to step down into the open space adjacent to Lagunitas Road and stepping down to the police station behind Town Hall, but still allow a flush condition.

Ms. Shreve discussed Lagunitas at Ross Common and is looking at the ultimate situation when school construction is completed. She discussed typical traffic movement patterns for drop-off for the school and Post Office. They also propose to improve the right turn movement on Ross Common.

Mr. Reed stated improvements are the result of grade to the bridge. They want to formalize a legal mechanism to allow for a U-turn. They reviewed a traffic circle to legally make maneuvers. It is feasible and they are bringing this concept to Council to see if further design is needed. There has been some discussion with the Fire Department to make maneuvers. The most difficult is heading up Lagunitas and coming back to Ross Common. Fire trucks have the ability to drive over the roundabout. Traffic circle forces crosswalks to be held back and those are forced to cross at Ross Common.

Ms. Shreve noted that a traffic circle is a possible concept. It is a way to decrease points of conflict. Full turning movement at a four-way intersection there are more points of conflict than a traffic circle. With a straight alignment on Lagunitas they are considering "*chicanes*," which is very conceptual. It is a traffic calming measure that reduces the speed of vehicles by providing a narrowed vehicle travel path for a section of the roadway. This feature changes the physical characteristic of a roadway section from an existing straight alignment to a series of horizontal curves. Mill Valley installed a small roundabout that is functioning very well. Berkeley's traffic circle has treatment along the edges. A lot of design treatments are possible with traffic circles, which are all subject to signage and public safety vehicle issues.

Jeremy Nelson, Transportation Planner from Nelson/Nygaard, looked at the downtown visioning comments from last May in regard to U-turns, safety conflicts, and excessive westbound speeds traveled and they understood that slower speeds, safety for pedestrians and provide a waking environment was desired. There are a number of traffic calming treatments that can be explored, which slow speeds traveled. It allows more efficient movement rather than a signalized stop sign because it reduces conflict points. It has advantages to address comments in the downtown-visioning plan. It is not a silver bullet; there are other ways to accomplish the same goals. He met with Police Chief Reis and Fire Chief Vallee and the concept shown allows emergency response vehicles to make that turn. The sliver islands are mountable as well to allow passenger vehicles for large trucks.

Mayor Pro Tempore Strauss noted that they are trying to move this forward and it is an engineering solution. The curb must be reconfigured and they must make a decision on how

they will approach that matter. Input is needed. The last scoping session for the draft EIR there was concern for Sylvan Lane in regard to visual aspects.

Council Member Martin discussed a possible crosswalk at Sylvan Lane to make more direct route from Sylvan Lane and Lagunitas corner to the Post Office area. Ms. Shreve indicated that was not considered. Mr. Reed stated that “chicanes” are used as pedestrian crossing. Transportation Planner Nelson stated that requirements are in place in regard to crosswalks and exceptions can be used in regard to those guidelines.

Council Member Martin stated that there is concern driving from Sylvan Lane because there is limited visibility. Maybe slowing traffic with a crosswalk might address that issue.

Mayor Cahill believed a crosswalk is necessary to go from Town Hall to downtown. In regard to U-turn opportunities, there is no U-turn down at Shady Lane or at the Post Office. Ms. Shreve was responding to issues and a study was done at Shady Lane. Police Chief Reis explained that a temporary roundabout on Lagunitas Road and Shady Lane intersection with larger vehicles to effectively make that U-turn they encroach on the crosswalk, so it made it unsafe for the children. Ms. Shreve stated that the crosswalk must be moved back from the traffic circle. She further added that if it is a major issue of illegal turning movements and safety problems, it would be worth reviewing a traffic circle.

Mayor Cahill asked if there are any suggested changes in regard to turning lanes on Lagunitas and Sir Francis Drake. Transportation Planner Nelson stated that they assumed that the right turn lane is present because it is merited. They assumed volume is coming off Sir Francis turning right. They propose to preserve that right turn lane about 100 feet back from the corner. Right turns are allowed, but at slower speed.

Mayor Cahill opened the public hearing on this item.

Brian Salmen, Shady Lane resident, never had any desire to make a U-turn because it is very easy to go behind the Post Office legally. The roundabout with yellow signs and arrows would be aesthetically undesirable in his view.

Loraine Berry, Ames Avenue resident, never witnessed a U-turn at that intersection and did not see the problem.

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 Strauss wanted consensus to pursue that design proposed from engineering to incorporate into the design. He wanted to normalize that intersection of Sir Francis Drake and Lagunitas. Town Manager Broad suggested that the Town pursue engineering design to normalize that intersection. Mayor Pro Tempore Strauss agreed with formalizing the entrance along the trees to provide a nice strong image.

The Council agreed to approve a design modification to the Sir Francis Drake Boulevard and Lagunitas Road intersections. Agreeing with the Town Consultants, the Council voted to “square-off” the intersection and eliminate the “slip” lanes turning onto Lagunitas Road into

the Marin Art & Garden Center from Sir Francis Drake Boulevard. All right turns would be preserved.

Mayor Cahill asked for a motion.

Mayor Pro Tempore Strauss moved and Council Member Martin seconded, to approve the concept drawing for the intersection of Sir Francis Drake and Lagunitas to include the following: the four corners; some sort of gateway into the park and Town Hall; have the crosswalk continue; and work in conjunction with new bridge configuration. Motion carried unanimously.

Mayor Pro Tempore Strauss discussed the circle and favored improving the intersection without the circle. He wanted another crosswalk incorporated from Sylvan Lane. He suggested that they possibly remove the fence in order for the sightlines to work.

Council Member Martin wondered at the intersection if it would be desirable to have cobblestone off the bridge and Lagunitas to slow down traffic to provide a sense that one has arrived at an intersection of Lagunitas and Ross Common. Transportation Planner Nelson stated that if the intersection were normalized, traffic would move slower, so some sort of traffic calming device would be appropriate at that intersection. Other treatments can be installed as well such as raised crosswalks or special pavers to indicate an entrance point, not a speedway. Raised crosswalks are good for ADA accessibility and children, so they are more visible to drivers. In terms of stop signs, they are often treated as rolling stops. Physical treatments are self-enforcing. Signage is ignored. To slow vehicles without harming flow and slow speeds then some sort of raised crosswalk is preferable. They must consult with the Town's Traffic Engineer in regard to queuing.

Council Member Skall noted that three-point turns occur at Sylvan Lane. Transportation Planner Nelson pointed out that traffic circles are the antidote to the three-point turn.

Mayor Cahill did not believe it is a terribly attractive solution in regard to the traffic circle. It looks very unattractive for the gateway to the Town.

The Council decided against any further study of the concept, feeling the solution was worse than the problem. Mayor Cahill noted that he was not supportive of an unattractive traffic circle, especially at the gateway to the Town.

Mayor Pro Tempore Strauss wanted to normalize that intersection to make it as safe as possible. Town Manager Broad believed some ideas should be incorporated in the bridge project such as exploring the additional crosswalk, which should be discussed at the Public Works Subcommittee to convey to URS.

14. Town Council discussion of future layout of the Ross Common after the Ross School construction project and the future of the Town residence at 6 Redwood Drive.

Mayor Pro Tempore Strauss stated that they are looking at Ross Common and providing direction on the school playing field. Also, they must decide what to do with 6 Redwood. Do they find a use for it or incorporate it into the Common. The school architect developed a

drawing and is trying to build consensus on appropriate location for the baseball field and soccer field. They are looking at a scheme to push the backstop into the old school house, but they must encroach into the backyard of 6 Redwood is one solution.

Ms. Shreve provided a powerpoint on the site and area being discussed. They provided three alternatives. The designs provided amply sized fields to meet Ross Rec requirements, while attempting to minimize the overlap between the soccer and baseball fields. Two proposals positioned the baseball diamond backstop near the Redwood Drive corner, while the third returned it to its former location near The Grove.

Mayor Pro Tempore Strauss felt Scheme 1 or Scheme 2 could work based on public input and recommendations. Scheme 3 has an overlap. Playfields have a higher priority than at the stage. If pulled back it would mitigate the backstop. He heard concerns from Redwood neighbors in regard to the field orientation. The school is proceeding with plans and desired to know how to move forward. Also, he received an email from Pam Riley who indicated that Scheme 1 or Scheme 2 look far more workable than Scheme 3, which has too much overlap of play space. She explained that they often have more than one sport utilizing the fields. At times while Jean March is out on the field with Ross Recreation classes, they simultaneously rent the fields to Ross Valley Little League, Soccer and Lacrosse. Ross Rec believes the most important consideration is allowing for as much open play space as possible. They are concerned about the impact of the outdoor stage and grading. Also, other considerations should be addressed in this planning stage such as location for public restrooms and traffic parking issues if this diamond moves to the corner of Redwood Avenue.

Mayor Cahill stated that if Scheme 2 is used, then one problem with the Common is that The Grove area is separated by fencing from the rest of the Common.

Mayor Cahill opened the public hearing on this item.

Sue Johnson, Ross Rec, stated that with the new multipurpose room a berm was discussed at second base. Mayor Pro Tempore Strauss stated that the school is proposing a berm and that is why they need to keep the playing field level. Ms. Johnson noted that Ms. Riley felt Scheme 1 would allow more activities. Her concern is traffic because everyone will park on Redwood Drive. Mayor Pro Tempore Strauss expressed concern for parking on Redwood as well. Ms. Johnson stated that 6 Redwood must be removed to allow pedestrians the ability to walk behind the backstop. Mayor Pro Tempore Strauss agreed it must be removed if they go with this scheme.

Don Ahrens, Ross merchant owner, suggested adding a public bathroom at 6 Redwood. Mayor Pro Tempore Strauss suggested incorporating restrooms into the school because they must be placed at a certain elevation for flooding. Currently, they propose a janitor closet, so it is being pursued. Mr. Ahrens felt it would be awfully cold playing under these trees and did not like the current configuration.

Attorney Representing Call Family at 8 Redwood Road encouraged the Council to take the concerns of the Call's and their neighbors into account. In terms of Scheme 1, it would heavily impact the Call's daily lives. The backstop is a source of noise pollution and urged the Council not to use this orientation. In terms of 6 Redwood Road, the Housing Element in the General Plan calls out 6 Redwood Road as one of the only four places in the entire

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Town of Ross to have workforce housing. It calls 6 Redwood as a site used for low to median income housing. To demolish 6 Redwood would go against the General Plan and it opens it up in such a way that now there would be no protection between 8 Redwood and 6 Redwood. Mayor Pro Tempore Strauss pointed out that the Town would transfer the house to another location. Also, they are against any multiple housing.

Attorney Representing Call Family strongly recommended against this configuration, particularly the one with the least overlap and they strongly favored workforce housing.

Mary Brown, Ross resident, expressed concern for the loss of that house and believed it is important to retain that house. That property was given to the Town of Ross with several stipulations, which must be investigated thoroughly. Town Manager Broad agreed to investigate.

Council Member Skall felt the field should remain in its current location, which is Scheme 1. He did not like the backstop orientation because it will be a visual point. Water naturally flows down the corner and the soccer field is very muddy during winter months and during baseball season that is not a problem. He further expressed concern for sunlight in the eyes of the children.

Council Member Martin wanted 6 Redwood preserved as workforce housing. It is near public transit. Traditionally that unit has been available for workforce housing for Town employees and teachers. As far as the field alternatives, either one of the alternatives work in his view.

Mayor Cahill found Scheme 1 and Scheme 2 acceptable. The disadvantage to Scheme 1 is that more traffic will be created on Redwood. In terms of Scheme 2, the nice stairway between the new gym and school building is a main entrance and going right into the backstop removes the aesthetic quality of the school. They have a limited amount of space. Soccer has been increasing its use and baseball has been declining, so he could go either way.

Mayor Pro Tempore Strauss agreed more impact would be created on Redwood. It is a neighborhood and wondered if the ballpark is better with Scheme 2. He added that the School Board preference is Scheme 1. The Committee recommended Scheme 1, but after meeting with Ms. Riley and listening to Redwood residents as well as merchants, it will create a problem. With this configuration, the fence of 6 Redwood must be removed. Mayor Cahill did not think Scheme 1 precludes workforce housing.

Mayor Pro Tempore Strauss wondered if the fence on 6 Redwood could be removed to allow Scheme 1. Mayor Cahill expressed concern for parking on Redwood Avenue, which may trump the advantage of having it away from the school entrance. He desired Scheme 2.

Council Member Skall pointed out that there have not been any parking issues. Ms. Johnson noted that people park along Ross Common and around the corner, but if located down on the corner, people would park on Redwood, so it depends on the corner.

Mayor Pro Tempore Strauss felt Scheme 2 provided less overlap, parking and noise issues. The majority of Council agreed.

Bob Dickinson, Glenwood Ave. resident, suggested moving home plate back where it was when the backstop is located along the grove of trees. Sacrifice a portion of deep right field and place the soccer field in more on the other corner to save Redwood and sightlines coming out of the stairs. Ms. Shreve tried to keep the entire field on the Common and not overlap the right field line of the school. Ms. Johnson explained that the field has always been for the little kids eight and under.

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 Cahill appreciated Mr. Dickinson's suggested of keeping the ball field on that side of the Common. Ms. Shreve noted that the backstop would be against Lagunitas Road. Mayor Pro Tempore Strauss believed it is the better configuration. Mayor Cahill suggested that they explore this configuration.

Mayor Pro Tempore Strauss moved and Council Member Martin seconded, to proceed with Scheme 2 for the layout of the baseball diamond and soccer fields in developing this design further in conjunction with the School and Town of Ross. Motion carried 3-1-1. Skall opposed. Hunter absent.

The Council took a short recess at 9:22pm. Town Attorney Hadden Roth excused himself from the Town Council meeting.

15. Follow-up discussion of the five Town Council goals for 2008-2009 and the implementation of these goals.
 - a. Staff job description updates and performance reviews
 - b. On-going emergency preparedness, with a focus on seniors
 - c. Town and Ross Valley flood control
 - d. Downtown plan
 - e. Police and Fire Department reorganization

The Council reported progress on their five Council goals as follows:

Goal A - Staff job description updates and performance reviews

Mayor Cahill reported that in January, Mayor Pro Tempore Strauss, Town Manager Broad and he met with Patti DiVella, the Town's human resources consultant. Ms. DiVella summarized her interviews with staff and Council Members and made numerous observations and some recommendations. As a result of this meeting, they decided that input from Town residents would be valuable. The best performance review process includes not only job description, but also the criteria on which Town positions and employees will be measured. They would like to receive input from Town residents on criteria to measure performance. He intends to send out an email to Town residents, hopefully by tomorrow. The email will ask for goals and success criteria for each of the Town's departments. The questions are as follows:

1. What do you believe are the critical factors for success for each department?
2. How would you measure success for each department?

Mayor Cahill hopes to receive constructive input that will help the Council with the performance review process. They are scheduling a closed session at the start of the March

Council meeting at which time Ms. DiVella will present her findings to the full Town Council.

Goal B - On-going emergency preparedness, with a focus on seniors

Council Member Skall stated that there has been an active interest to reactivate and create a Disaster Council. The membership with this council would be stated within the guidelines that exist in the code under Chapter 2, Section 28. Fire Chief Vallee had one meeting and the next meeting will be held the week of February 23rd. They will have representation from fire, the community, school and the Council. They will start with a small group with a goal of working out details necessary and hope this group will grow. He will report input at the April meeting and try to provide quarterly reports as well. Also, citizen participation is welcomed.

Goal C - Town and Ross Valley flood control

Council Member Martin had nothing further to report.

Goal D - Downtown plan

Mayor Pro Tempore Strauss had nothing further to report.

Goal E - Police and Fire Department reorganization

No Report. Council Member Hunter not in attendance.

16. **Town Council consideration of adoption of Resolution No. 1661 related to the appeal of Rick Newton, 94 Laurel Grove, A.P. No. 72-211-10, of the penalty for failure to complete construction under Ross Municipal Code Section 15.50, Time Limits for Completion of Construction.**

This item has been continued.

17. **Report to Town Council on the Town of Ross 2005 Greenhouse Gas Emissions Inventory, which establishes baseline community and government operations emissions and Council consideration of setting an emissions reduction target for 2020 of 15% below 2005 levels.**

Christine O'Rourke, Project Planner, reported to the Council on the Town of Ross 2005 Greenhouse Gas Emissions Inventory, which establishes baseline community and government operations emissions and Council consideration of setting an emissions reduction target for 2020 of 15% below 2005 levels. Staff further announced that a detailed report is provided online for those interested. www.townofross.org

Mayor Cahill asked staff in order to meet 15% what must occur. Project Planner O'Rourke noted that San Rafael is further along in their climate action plan. A lot of this comes from energy efficiency programs in the residential sector. If they do move forward with Marin Clean Energy (MCE) that also has a big effect. They will look at all sorts of programs such as more energy efficient vehicles; encourage the community to drive less; insulate homes and so forth to achieve the goal. Staff is currently developing a draft climate action plan that will propose specific programs to reduce both local government and community greenhouse gas emissions 15% by 2020. The climate action plan will be ready for Town Council review in the next few months.

Council Member Martin pointed out that ultimately this would lead to changes in the building code, materials and standards. Project Planner O'Rourke indicated that a green building ordinance must be discussed for new construction and some kind of green building requirements for remodels. Council Member Martin asked staff if this would lead to a reduction in FAR. Project Planner O'Rourke believed that could be considered.

Council Member Skall asked staff if this includes what must occur under Agenda Item 18. Project Planner O'Rourke explained that the forecast utilized ABAG for increase in residential use and waste generation, so it is already assumed.

Mayor Cahill opened the public hearing on this item.

Wendy McPhee, Bolinas Ave. resident, believed it is great to get on board with greenhouse gas reduction. Any efforts to improve their score would be beneficial. Also, a number of citizens want help spread the word about sustainability. She further believed a green building ordinance is an excellent idea in order to be more sustainable.

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 Martin concurred with the staff report. He felt it is good for the community and it is a mandated.

Mayor Cahill asked for a motion.

Mayor Cahill moved and Mayor Pro Tempore Strauss seconded, to accept the Town of Ross 2005 Greenhouse Gas Emissions inventory and setting an emissions reduction target for 2020 of 15% below 2005 levels. Motion carried unanimously.

Town Council, sitting as Planning Commission, for the following item:

18. Consideration of Ordinance No. 613 to amend the following Municipal Code chapters: Chapter 18.12, Definitions, to add definitions for emergency shelter, transitional housing and caretaker unit; Chapter 18.24, Civic District, to allow emergency shelters and transitional housing as a permitted use; Chapter 18.28, Community Cultural District, to allow limited, ancillary residential development as a conditionally permitted use; and Chapter 18.16, Single Family Residence District to allow accessory residences for school faculty and staff as a conditionally permitted use on lots containing public and private schools.

Christine O'Rourke, Project Planner, summarized the staff report and recommended that the Planning Commission consider Ordinance No. 613 to amend the following Municipal Code chapters: Chapter 18.12, Definitions, to add definitions for emergency shelter, transitional housing and caretaker unit; Chapter 18.24, Civic District, to allow emergency shelters and transitional housing as a permitted use; Chapter 18.28, Community Cultural District, to allow limited, ancillary residential development as a conditionally permitted use; and Chapter 18.16, Single Family Residence District to allow accessory residences for school

faculty and staff as a conditionally permitted use on lots containing public and private schools.

Commissioner Martin asked staff if Branson School and Marin Art & Garden Center are aware of this proposal. Town Manger Broad responded in the affirmative. Staff met with Dirk Van Meurs who was on the Board of the Marin Art & Garden Center and he indicated that they have no active plans, but had no objection to allowing this zoning change.

Commissioner Martin asked staff why the property on Sir Francis Drake is not included. Project Planner O'Rourke noted that the amendment was already made.

Commissioner Martin desired an explanation on the caretaker limitations. Project Planner O'Rourke explained that a caretaker is a person regularly employed on the property. They must be working in exchange for rent. Mayor Cahill asked staff the reason for the restrictions. Town Manager Broad indicated that the unit could be classified as a second unit or a guesthouse. Caretaker was in the zoning and it was an easier approval with less restriction with the idea that it was a person attached to the house itself. Since the requirements for second units were loosened by the State, residents no longer come in for caretaker units.

Commissioner Martin noticed a waiver on parking requirements and wondered if any language is included about placing housing near transit hubs. Project Planner O'Rourke noted that a wavier is only in the community cultural district. Council Member Martin felt it would be logical to place affordable housing where transit is convenient. Project Planner O'Rourke agreed. Marin Art & Garden Center is near transit, as is Sir Francis Drake. Staff agreed that it make sense to have housing located near transit.

Chairman Cahill asked staff if they have second or caretaker units that have not been permitted, would that help the Housing Element. Project Planner O'Rourke responded that they could be counted, if not previously counted in the census. HCD wants staff to make a case that they have not been counted before. Town Manager Broad stated if developed illegally they can argue that by legalizing the unit they can get credit and it can be added to their numbers. In terms of the cut off date for grandfathering, it depends on the zoning regulations. Most adopted back in the 30s and 40s. Staff must review the issue under the zoning and when those regulations were implemented in the zoning.

Chairman Cahill asked staff specific ideas where those emergency housing and homeless shelters could go in the CD District. Project Planner O'Rourke responded that they are required to shows capacity. 6 Redwood Drive could demonstrate capacity as a homeless shelter or look at commercial district and zone that for a homeless shelter. Staff further noted that the Town controls the CD District property.

Chairman Cahill discussed the definition for "*transitional housing*" and desired clarification. Project Planner O'Rourke indicated that it was taken out of the California Health and Safety Code and the idea was to be consistent with State law.

Chairman Cahill opened the public hearing on this item, and seeing no one wishing to speak, the Chairman closed the public portion and brought the matter back to the Town Council, sitting as Planning Commission for action.

Chairman Cahill asked for a motion.

Commissioner Martin moved and Vice Chairman Strauss seconded, to recommend to the Town Council adoption of Ordinance No. 613, amending the following Municipal Code chapters: Chapter 18.12, Definitions, to add definitions for emergency shelter, transitional housing and caretaker unit; Chapter 18.24, Civic District, to allow emergency shelters and transitional housing as a permitted use; Chapter 18.28, Community Cultural District, to allow limited, ancillary residential development as a conditionally permitted use; and Chapter 18.16, Single Family Residence District to allow accessory residences for school faculty and staff as a conditionally permitted use on lots containing public and private schools. Motion carried unanimously.

The Town Council returned to sitting as a Council.

19. Planning Consent Agenda.

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

a. 27 Ross Common, Commercial Use Permit No. 1731

Vito and Sonja Badalamenti (Property owner) and Rod Teeple, Pelican Creek Capital (Applicant), 27 Ross Common, A.P. No. 73-273-09, Local Service Commercial District (C-L). A Local Service Commercial District use permit application for an investment advisory business office. The office would operate in a 183 square foot, third floor, space with one employee. Regular office hours would be 8 am to 5 pm on weekdays.

Mayor Cahill asked for a motion.

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

27 Ross Common, Suite 3D Conditions:

1. The use permitted under this use permit shall be established and conducted in conformity with the description in the use permit application and subject to the following conditions of approval.
2. This use permit shall expire within one year from the date of approval if not exercised.
3. The applicant is responsible for ensuring that all improvements comply with disabled access regulations, regardless of whether a building permit is required for the work.
4. A sign permit is required from the Town prior to installation of any new signage. Any exterior modifications, including repainting, shall require approval by the Planning Department staff.
5. NO CHANGES FROM THE APPROVED PLANS AND USE SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL.
6. 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.
7. 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.

b. 4 Southwood Avenue, Variance No. 1730

Joe and Janelle Ciatti, 4 Southwood Avenue, A.P. No. 73-151-19, R-1: B-20 (Single Family Residence, 20,000 SF Minimum Lot Size). Setback variance for a 16-inch tall reflecting pool with a fountain in the front yard setback (15 feet proposed, 25 feet required) and side yard setback (7 feet proposed, 20 feet required). Fence height variance for a new 7' 2" tall wrought iron antique gate (6 feet permitted).

Lot area	14,208 square feet
Existing Floor Area Ratio	26.1%
Proposed Floor Area Ratio	26.1% (20% permitted)
Existing Lot Coverage	16.8%
Proposed Lot Coverage	16.8% (20% permitted)

Mayor Cahill asked for a motion.

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

4 Southwood Avenue Conditions:

1. The project shall be constructed in substantial conformance to the approved plans, a copy of which are on file with the Ross Planning Department.
2. NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL.
3. An encroachment permit is required from the Department of Public Works for the landscaping within the public right-of-way.
4. This project shall comply with all requirements of the Department of Public Safety, including the following: a) a local alarm system is required; b) the street number must be posted (minimum 4 inches on contrasting background), c.) a Knox Lock box is required.
5. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
6. 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.

7. 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 Planning consent agenda.

20. **14 Walnut Avenue, After-the-Fact Design Review No. 1671**
Loretta Gargan & Catherine Wagner, 14 Walnut Avenue, A.P. Nos. 73-171-51 and 73-171-52, R-1: B-10 (Single Family Residence, 10,000 SF Minimum Lot Size). After-the-fact design review for a 6-foot tall, open wood pattern, vehicular access gate.

Elise Semonian, Senior Planner, summarized the staff report and recommended that the Council approve the application as set forth in the staff report with the findings and conditions.

Loretta Gargan, applicant, is present to answer any questions. She believed this modification provides privacy she desired and allows for more openness, so the property is not so closed off from street level. She further thanked the Council for allowing the continuance at the last meeting.

Council Member Martin asked if changes are proposed along the street fence, which is a hedge with a variety of materials. Ms. Gargan stated possibly in the future, but not at this time.

Mayor Cahill opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Martin found it to be a positive change. He believes it works well for the neighbors and applicant. Council Member Skall concurred.

Mayor Cahill believed it is a great design. It incorporates the lower fence and makes a wonderful transition to the higher fence. Mayor Pro Tempore Strauss concurred.

Mayor Cahill asked for a motion.

Mayor Pro Tempore Strauss moved and Council Member Skall seconded, to approve Item 20 with the modifications to the fence as shown including staff recommendations, findings and conditions. Motion carried unanimously.

14 Walnut Avenue Conditions:

1. The proposed gates shall be designed and constructed in substantial conformance to the plans dated January 28, 2009.
2. The fence design shall be modified within 60 days of project approval.
3. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) a street number must be posted (minimum 4 inches on contrasting background); and 2.) a Knox Lock box is required if the gate is motorized; and 3.) all dead or dying flammable materials shall be removed and cleared per Ross Municipal Code chapter 12.12.
4. 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.
5. 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.

21. 36 Glenwood, Variance No. 1662

John and Lisa Pritzker, 36 Glenwood Avenue, A.P. Nos. 73-131-25 and 73-131-26, R-1:B-A (Single Family Residence, 1 Acre Minimum Lot Size). Amendment to plans approved by the Town Council on March 13, 2008, for redevelopment of the site with a new residence and accessory structures. The applicants request an amendment to the approved plans to add an additional bedroom to the second floor of the pool/guest house, within the mass of the approved building. The floor area of this structure would increase from 3,536 square feet to 4,318 square feet.

At the Council's recommendation, the applicants also request variances associated with a second unit permit for the 1,120 square foot detached structure approved as an exercise room/office. Variances from the second unit regulations are necessary because the unit would exceed the maximum size (900 square feet permitted, 1,120 square feet proposed) and height (18 feet permitted, 22.4 feet proposed) for a detached second unit.

Lot area	221,194 square feet
Approved Floor Area Ratio	11.2%
Proposed Floor Area Ratio	11.6% (15% permitted)

Approved Lot Coverage	9.0%
Proposed Lot Coverage	9.0% (15% permitted)

Elise Semonian, Senior Planner, summarized the staff report and recommended that the Council approve the project as presented subject to the findings and conditions.

Council Member Martin asked staff if there is a provision on rent if it is affordable housing. Senior Planner Semonian responded that the Town has never imposed a restriction on income levels, but it could be added as a condition of approval. Town Manager Broad noted that this could be a moderate-income level regardless at market rate.

Van Acker Construction representative is not asking to change any plans to what has been approved. The key point is that there is no change in footprint for the pool house. It is an internal change. They are closing it off so there is no longer a danger of falling within the building. They reached out to every neighbor and offered to meet and walked Mr. Dickinson through the site. This is a model project for the Town. They are on scheduled. They have taken extensive measures to support the community. They planted a large redwood grove. They restricted trucking hours to be more limited than what the Town allowed and they are enforcing traffic measures. They earned the trust of the community and thanked the Council for their consideration.

Mayor Cahill opened the public hearing on this item.

Bob Dickinson, Glenwood Ave. resident, fully supported the amendments. He praised Van Acker Construction for being nearly flawless in regard to the job site rules.

Frank Doodha, Glenwood Ave. resident, agreed with Mr. Dickinson that Van Acker Construction has been extraordinary about respecting the requirements. He had no objection whatsoever.

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 Skall supported the staff report. Mayor Pro Tempore Strauss concurred.

Council Member Martin asked the Council to consider breaking up the items. He is very positive about the change of use in regard to a second unit, but objected to adding additional square feet to this house. He could not approve any additional square-footage in regard to the change to the pool house.

Mayor Pro Tempore Strauss indicated that he is comfortable with the staff report as written.

Mayor Cahill pointed out that there is no change to the neighbors. The only people to notice a change would be those occupying the home. He pointed out that the amendments will have no additional negative impact, and based on that, he would be in favor of the proposal before the Council.

Mayor Cahill asked for a motion.

Mayor Pro Tempore Strauss moved and Council Member Skall seconded, to approve 36 Glenwood Avenue as presented by staff with conditions and findings outlined in the staff report. Motion carried 3-1-1. Martin opposed. Hunter absent.

Conditions of Approval 36 Glenwood Avenue

The project shall be subject to the following conditions of approval:

1. The project shall be subject to all conditions of the Demolition Permit, Variance, Design Review and Tree Removal No. 1662, approved by the Town Council on March 13, 2008.
 2. The applicants shall comply with all requirements of the Marin Municipal Water District, Sanitary District, PG&E and Ross Public Safety Department, for the addition of the new second unit.
 3. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. No extension of the construction time is granted by this approval and the proposed modifications shall fall under the existing building permit for the project.
 4. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
 5. 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.
 6. 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.
22. **109 Bolinas Avenue, Variance No. 1727**
Mark Millstein, 109 Bolinas Avenue, A.P. No. 73-041-34, R-1 (Single Family Residence, 5,000 Sq. Ft. Minimum Lot Size). Design review and variances for the following: 1.) a 396 square foot addition to an existing residence for a pool equipment shed, family room, and master bedroom expansion within the side setbacks (15 feet required, 7 feet proposed); and 2.) a new 36 foot by 20 foot swimming pool and deck area within the rear yard setback (40 feet required, 22 feet proposed) and northeast side yard setback (15 feet required, 6 feet proposed). Watercourse design review to permit the pool coping to be located within 25 feet of a seasonal watercourse that runs along the rear property line.

Lot area	9,600 square feet
Existing Floor Area Ratio	20.9%

Proposed Floor Area Ratio	25.0%	(20% permitted)
Existing Lot Coverage	20.9%	
Proposed Lot Coverage	25.0%	(20% permitted)

The existing residence is nonconforming in setbacks.

Elise Semonian, Senior Planner, summarized the staff report and recommended that the Council approve the project as outlined in the staff report with the findings and conditions.

Council Member Martin stated that by State law they are obligated to make a finding on all four variances, so the burden of proof is put on the applicant. Senior Planner Semonian noted that the applicant believes he is being deprived percentage wise of the floor area that everyone else on Bolinas has.

Mayor Cahill noticed most of the homes in percentage terms are above the 25%. He asked staff if that square-footage was verified because this is a difficult process. Senior Planner Semonian explained that it is difficult to verify because the floor area definition has changed and the Town does not have plans for many of the homes. However, based on the County assessor numbers and the plans reviewed by staff, she believes the numbers are not that far off.

Mark Millstein, applicant, reviewed the process and met with both neighbors to get support. He met with Planner Dani Hamilton who indicated that there is no guarantee of approval, but she could also find no reason why staff would not support the application. He prepared plans, went before ADR and listened to their recommendations and he improved the runoff in the backyard to alleviate water running down Bolinas Avenue. There is no visual impact to the neighbors or the front of the house. Bolinas is an interesting street with small lots and the setback requirements are much more applicable to larger sized lots in Ross and that should be reviewed at a future date. There are so many different FAR's in place. The pool is a family enjoyment and it was pushed forward to get out of the watercourse setback. There are other homes on Bolinas with garages in the rear yard setback and storage units. The master bedroom is the smallest bedroom, so they are extending that out along with the family room. He further noted that they are looking at 396 sq. ft.

Mayor Pro Tempore Strauss felt by closing off the light and air in the living room might be a code problem and suggested that it be verified. Mr. Millstein pointed out that they are interior sliding doors. Mayor Cahill believed it appears walls will block any light going into the dining room. Mr. Millstein stated that windows are located on the other side of the dining room. Mayor Cahill pointed out that the east side of the dining room is walled off.

Mayor Cahill opened the public hearing on this item.

Frank Malin representing League of Ross Valley Flood Mitigation thanked the Council for advocating flood mitigation and expressed concern for this project. This is a flood sensitive area in regard to Bolinas and Fernhill. A lot of backyard flooding occurs. This will take away 3,000 to 4,000 cubic feet of water absorbing earth and replace it with a pool that has no retaining qualities. He appreciated the sensitivity to all of this with berms and drainage proposed, but with a pool there is more lot coverage, which increases runoff. This will

increase the risk of backyard flooding. They are already over built in that area and this will be a small step adding to the problems the residents are already facing.

Wendy McPhee, neighbor, did not see any initial problems with the pool, but comparing the FAR to Southwood is not appropriate. Bolinas is a conundrum of lot sizes and built properties. Adding an extra 300 plus square feet in back makes it more lightweight, so it does not appear as a two-story. The floor plain on that house was bizarre, so she understands the desire of the Millstein's to fix the living space.

Mr. Millstein stated that the addition would go over an existing concrete patio. Drainage for the addition and house will flow into the new drainage system. The slope will now go into the bio retention facility. With their discovery and recommendation from Town Hydrologist Matt Smeltzer, they will remove the storm water runoff.

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 Strauss is struggling with the setback and the pool. He feels this is over developed. It is very subjective, but there are other opportunities and he struggles with the impacts being created. He agreed the placement of the addition is a good location, but this house is odd in the layout. With the setback at the rear and violations with the pool, he cannot make the findings to support the project. He continues to struggle with the design standards for the addition and the setbacks for the pool.

Council Member Martin agreed with Mayor Pro Tempore Strauss. This should be continued. He added that since variance findings are so dependant on the survey, then it must be verified by the Town. In general, he liked the plans submitted, but could not approve the variance findings in terms of what has been submitted. He desired a verification of immediate homes within a 200-foot radius. Mayor Cahill indicated that it is staff's opinion that the survey of neighboring home sizes is pretty accurate, so the Council can generally rely on it.

Town Manager Broad noted that staff conducted an entire Bolinas study, but it was back when the Town counted decks. It was in the high 20% counting decks and high ceilings in regard to the average.

Council Member Martin asked staff if this house would be consistent with the FAR of neighbors. Senior Planner Semonian stated the percent, but not size. Mayor Cahill stated that 19 out of the 36 other properties are below 2002 sq. ft., so just about 53%.

Council Member Skall generally favored this project. He is concerned about recent construction applications on Bolinas and this Council and prior Council held firm in asking applicants to stay within that percentage, so they must be clear. There are other applicants that stayed within what was asked of Town Council. It would not be prudent to give this much more to this applicant and not the rest. He is struggling and leaning against the FAR. If Town Hydrologist Matt Smeltzer came up with findings, then he had no objection. Council Member Martin agreed with Council Member Skall's comments on the pool.

Mayor Cahill stated that the number one issue is impervious surfaces. They must not increase the amount of runoff on any developments being approved. He suggested that they include a condition that the pavers around the pool be pervious in addition to Town Hydrologist Smeltzer's recommendations, which will make it an improved condition. He did not think the pool impacts the neighbor in any material way. When it comes to FAR, he actually thinks there are problems with the layout of the house that justify some additional FAR. The house as designed, the living area is awkward. The master bedroom is the smallest bedroom in the house, which is illogical to him. Rather than moving all the way out for 396 square feet, maybe compromise. He suggested squaring off the back end of the house and make the master bedroom larger at 16 feet in length in that neighborhood. Then the lighting in the dining room is enhanced. If the wall is not brought out as much, the window could come into the dining area from the east side of the house. He agreed with Mayor Pro Tempore Strauss that this proposed layout is awkward. The justification for providing additional FAR is because the new layout is awkward. He further suggested that the applicant's architect go back and review.

The Council agreed to continue the application to allow the applicant an opportunity to work with his architect to reduce the size of the addition.

Mr. Millstein desired a number. He wanted to create another living space. Those doors will allow light through. He needs to shrink the walls back and desired a number. Mayor Cahill suggested that the additional family room is not justified by the awkwardness. The Council must make a finding to grant an FAR variance. The finding has to do with the awkwardness of the layout of the current condition. He suggested possibly squaring it up. Also, the less FAR, the better.

Mayor Pro Tempore Strauss believed a simple reorganization of the house would address the problem. Flipping the dining room with the family room and allowing light and air will become more enjoyable.

Mayor Cahill asked for a motion.

Mayor Cahill moved and Mayor Pro Tempore Straus seconded, to continue this application to a later date. Motion carried unanimously.

Mayor Pro Tempore Strauss recused himself from the next agenda item to avoid the appearance of a conflict.

23. 51 Bridge Road, Variance and Design Review No. 109

John Gaeta, 51 Bridge Road, A.P. No. 73-261-24, R-1: B-7.5 (Single Family Residence, 7,500 Sq. Ft. Minimum Lot Size). After-the-fact request for design review to permit over 100 linear feet of new retaining walls, ranging from 12 inches to 3 feet in height; and a fence height variance for a new 5 foot tall wire and stained redwood fence on a 3 foot wall (combined height of 8 feet proposed, 6 feet permitted).

Elise Semonian, Senior Planner, summarized the staff report and recommended that the Council approval the application as presented. Staff also recommended against a reduction in fees and that the penalty fees be upheld.

Michael Wysocki, representing applicant, explained that it is a fairly small project. It is not visible. It is almost effectively screened by rather large fences of neighbors and homes in the area. He noted that Mr. Gaeta made a mistake by not getting approval, but the fence is within the setback.

Mayor Cahill opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

In terms of fees, the Council is supportive of staff's recommendation.

Mayor Cahill asked for a motion.

Mayor Cahill moved and Council Member Martin seconded, to approve the after-the-fact request for design review approval for John Gaeta with the findings and conditions as contained in the staff report. Motion carried unanimously.

51 Bridge Road Conditions

1. NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL.
2. The landscaping shall be installed as proposed within 60 days. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
3. 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.
4. 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.

Mayor Pro Tempore Strauss reconvened his position on the Town Council.

24. Correspondence - None

25. Other Business - None

26. Adjournment

February 12, 2009 Minutes

By order of Mayor Cahill, the meeting adjourned at 11:05pm.

ATTEST:

William R. Cahill, Mayor

Gary Broad, Town Manager