

REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, MARCH 13, 2008

1. 6:30 P.M. Commencement.

Present: Mayor Hunter; Mayor Pro Tempore Cahill; Council Member Durst; Council Member Skall; Council Member 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. Minutes.

Mayor Hunter asked for a motion.

Council Member Durst moved and Mayor Pro Tempore Cahill seconded, to approve the February 14th Minutes as amended. Motion carried unanimously.

4. Demands.

The demands were met.

5. Open Time for Public Expression.

Ann Hickey, Allen Avenue resident, announced that on February 27th a burglary occurred in Town and asked staff and the Council to notify the residents about what is going on in order for residents to be more alert. Mayor Hunter directed the Public Safety Committee to coordinate with Chief Heying.

Diane Rudden, Willow Avenue resident, expressed concern for strong perfume being worn during the meetings and asked the Council and staff to include in "*The Morning After*" that the Council Chambers is a "*scent free area*." Mayor Hunter asked staff to look into the matter.

6. Report from Mayor Hunter.

Mayor Hunter reported that the Town website has been upgraded to include a downtown page designed to promote the business district. The page features pictures along with a business description for each business. He thanked Project Planner Christine O'Rourke who in some cases had to go door-to-door to receive information. He further noted that the website looks great and encouraged everyone to visit the website.

In regard to Bolinas Avenue, at the last meeting he offered to contact the Mayor of San Anselmo to receive more cooperation on traffic safety measures on Bolinas Ave. He explained that San Anselmo addresses matters differently than the Town of Ross, and that he has asked Town Manager Broad to work with Manager Stutsman to see if a resolution can be speeded up.

Mayor Hunter discussed the idea of a farmers market and at next month's meeting they will be considering a weekly farmers market located in downtown Ross during the summer months. He added that this is a community building activity that can bring all residents together.

In regard to the Ross School renovation, this past Monday he attended an informational meeting on the planned Ross School renovation and he urged everyone in the community to attend in order to understand the plans. He added that the plans for the school are beautiful and will bring this enduring Town asset up to the 21st century standards. He further announced that individuals can attend their open meetings or review their website.

7. Report from Committee Heads.

General Government - Council member Durst

- Marin Telecommunications Agency

Council Member Durst reported that at last night's MTA meeting, the MTA directors approved MTA's strategic plan and finance plan. The three goals are: 1) the establishment of MTA as a policy making agency in the county in the matter of telecommunications; 2) enable PEG and the Community Media Center of Marin; and 3) administration of the franchise agreement with Comcast. She started to review with MTA staff and the Designated Access Provider (DAP) agreement with the CMCM so they can begin having access to the PEG money from the franchise agreement.

In regard to the MCCMC Legislative Committee, at last Monday's meeting, two issues of particular concern arose: 1) the proposed LAO alternative budget which cuts public safety funding to cities; and 2) the affect of Prop 98 on cities. She explained that the LAO took the unprecedented action of proposing an alternative budget to address the projected \$16 billion dollar State budget deficit rather than continue to analyze and work with the Governor's budget. They found out about it on Monday. In Director Hill's proposal were a number of cuts, which affect the Town's public safety programs, including complete elimination of the COPS program. This matter was heard yesterday in Assembly Budget Subcommittee 4. On Tuesday, she along with Town Manager Broad faxed a letter to Assemblyman Jared Huffman and State Senator Carole Migden stating that the LAO proposal would destabilize the Town's public safety budget without any backfill ability from the county. At this point, she did not know how the committee's discussion went yesterday. On the June ballot is Props 98 and 99, which are being touted as eminent domain reform. Since both measures would affect Ross profoundly, she recommended that they invite their League of Cities representative Amy O'Gorman to the next Council meeting to provide clarity to the issues and give the citizens a better basis of understanding of both propositions.

8. Report from Ross Property Owners Association.

Anne Hickey, RPOA representative, agreed to sponsor candidates' night with the Council's approval. They reserved the Ross School multipurpose room for Tuesday, April 29th. They were hoping to have it very close to when the two ballots arrived to become informed. She added that letters would be sent to all candidates. Last month she discussed the green can issue and asked if that will be addressed and if there is an ordinance to help solve that problem. Also, they are concerned about the pesticide spraying and they take a stand against broadcast spray. They received complaints from residents about not being able to park on the side of the street of Eddie's and Marmalade and believe it would be great if traffic moved along.

Council Member Strauss talked to Marmalades and Eddie's and asked the Council to consider painting the curb green because right now it is two hour parking. It would help the downtown merchants to have 20-minute parking. He believed it would help facilitate the downtown and allow patrons to come and go, without parked cars tying up spaces for long

periods of time. He then proposed taking a portion from Eddie's down past Marmalade for 20-minute parking as soon as possible.

Town Manager Broad will provide the Council with a draft report that looks at the 20-minute parking in the downtown area. The traffic engineer proposes adding one 20-minute parking space in the downtown area. Council Member Strauss directed staff to add this item to their next agenda because the consultant does not understand what occurs on a daily basis and further discussion is needed. The Council agreed to discuss at the next meeting. Ms. Hickey discussed enforcement because without enforcement it will not help. Council Member Strauss agreed that enforcement is key, and suggest a warning first.

9. Flood Control Report.

Mayor Pro Tempore Cahill attended a meeting this morning with the Ross Valley Watershed Program Committee along with other elected officials, which was an update on Flood Zone 9 projects. The county developed a group of projects that will be studied through funds raised by the flood control fee. They are also looking at watershed "clean up" projects this summer involving volunteers and conservation corps workers.

Council Member Strauss announced that on March 24th there is a meeting at the Ross Town Hall and they will be making recommendations on how the tax funds could be applied in the short-term. Also, the Unit 4 fish ladder is entering the CEQA phase. Jim Miller emailed Jack Curley indicating that the MOU is on the commander's desk at the San Francisco headquarters and once completed Mr. Miller will schedule the scoping meeting. They continue to do their best to push the schedule forward.

10. Town Council presentation of "What's in Your Kit" emergency preparedness recognition and awards to prepared residents.

Town Manager Broad wanted to stimulate resident preparedness and make sure that residents attended the classes and prepared their emergency kits. Staff suggested having a campaign to generate interest. They will continue to push the campaign. Several submitted their list and staff would follow up with an email giving more details and sharing what actually some residents did to be prepared. Tonight the Town is honoring the following residents that submitted emergency kit lists to the Town's "What's in your Kit?" competition. Mayor Hunter honored the residents giving them an acknowledgment and awarding \$25 gift certificates to Café Marmalade for their creative and comprehensive kits:

- Lisa and John Martin
- Doreen and Frank Malin
- Jeanne, Dylan and Sophie Barr
- Cecilia Conte

Town Manager Broad received an acknowledgement only for submitting his emergency kit list.

Council Member Skall rescued himself from the next agenda item in order to avoid the appearance of a conflict.

II. Town Council update on the Shady Lane Safe Pathway to School Project.

Town Manager Broad introduced Amy Skewes-Cox to the Council to provide an update on the history of the Shady Lane Safe Pathway to School (SR2S) project.

Ms. Skewes-Cox explained that the SR2S program is a nationwide program. The purpose of the program is to get children out of vehicles and start walking or biking to school for health and the environment. She took on the project several years ago along with other volunteers to encourage monthly walks to school days. They had a January walk with about 30 parents and they walked all through the center of town looking at major corridors. They all provided their concerns in regard to safety and then developed a draft plan in 2003. One strategy recommended implementing striping of Laurel Grove Avenue, which is the first big step. The major concern has been Sir Francis Drake Boulevard and Shady Lane. As part of their recommendation, they recommended paving Shady Lane path due to muddy conditions that can be unsafe. Shady Lane is a major corridor that serves Bolinas Avenue and Winship Park.

Town Manager Broad explained that a few years ago when they reopened the subject, the Council indicated that they would be amenable to look for funding to follow up on the safe routes recommendation. SR2S talked about decomposed granite surface for the walkway and the Council and staff discussed asphalt surface. The main reason is that the pathway must be ADA compliant and a goal would be to allow for ADA access from Lagunitas across Bolinas Avenue that is not possible right now. Staff found in the file a letter from Mr. Skaff, an ADA advocate, who discouraged the use of decomposed granite and argued that decomposed granite is not a good solution in terms of ADA accessibility. Staff discussed with the Council moving forward with asphalt and staff is exploring the use of permeable asphalt. Public Works Director Jarjoura and he met with a civil engineer from Petaluma who believed permeable asphalt can work and is working on a proposal for the design specs to improve the pathway. Staff recommended that the town go out to bid and ask for contractors to bid on both permeable and impermeable asphalt surfaces to see the difference. The advantage of permeable asphalt, based on the town hydrologist's assessment, is that it would actually result in a slight improvement in the drainage situation from existing absorption. Once soil is saturated there is no difference. Heavy storm conditions there will be no difference between asphalt and the existing condition, but with a lesser storm a slight improvement will occur using permeable asphalt.

Staff is open to exploring other surfaces. The concern is that they run the risk of spending over a quarter of a million dollars on a surface not well tested that might not be as durable and last in the long-term. Also, permeable asphalt requires annual vacuuming. Staff had a meeting and spent three hours walking the existing dirt pathway property-by-property taking detailed notes of existing drainage and how the walkway can be designed to deal with existing drainage conditions. They will craft a follow up letter to all property owners informing them that they are moving forward and if there are concerns or questions to contact staff. Staff added this would be a detailed letter to each property owner with the specific work being performed related to their property. Also, staff is developing an informational packet that will have a snapshot of each property and show where the walkway would be located as well as notes of the modifications occurring in front of each property. Staff is hoping to go out to bid and have the project begin around June. Staff is open to input from affected neighbors and can still modify the plan, as staff feels is appropriate. Staff then provided photographs showing the existing asphalt pathway on Lagunitas Road to show the Council how asphalt would look. Staff then recommended that

the Street Tree Working Group walk Shady Lane after the pathway is installed and look for landscape opportunities to enhance Shady Lane and money would go into next years budget in that regard.

Mayor Hunter asked staff when the Council would have more feedback in regard to the two options. Town Manager Broad stated that the consultant had indicated that there should not be a substantial difference between permeable vs. asphalt in cost other than the vacuum cleaner. Staff has not had a chance to follow up on that matter. If the Council wanted to direct staff to do the project with permeable asphalt, and if in staff's opinion, the cost differential was manageable that could be done, and if not, then staff would come back to the Council for additional input. Staff felt if permeable asphalt is viable and can work, staff is very excited about using it, which can be a great opportunity.

John Moe, Town Engineer, recommended going to bid on both options in order to receive prices for both standard and permeable asphalt. Town Manager Broad agreed.

Mel Jarjoura, Public Works Director, explained that there are other options for materials, such as a small container type made out of recycled plastic that is 4 or 6-inches deep with green waste, decomposed granite or aggregate. It is like a honeycomb that is filled with material. There are holes, which makes it permeable. This particular concept is not good for Shady Lane because it is only good for occasional use. The other option is less expensive which is a sheet of pavers that are 4 by 6 or 4 by 8, but roots can cause interference of the alignment. He then submitted information to the Council for their consideration.

Mayor Pro Tempore Cahill asked staff if the alternative surface is ADA compliant. Public Works Director Jarjoura indicated that there are ADA acceptable surfaces, but daily or weekly maintenance is required. Also, enforcement must be in place in regard to the laws and rules. They must educate the parents and children on the pathway. It is not a sidewalk; it is a path, so there are issues in terms of enforcing the law.

Mayor Hunter opened the public comment on this item.

B.J. Martin, Shady Lane resident, favored a meandering pedestrian friendly ADA accessible walkway that would not jeopardize the trees, drainage or exacerbate the flood plain. She is greatly concerned about the proposed asphalt pathway that would invite bicyclists and risk a child's well-being and welfare. There are risk factors for bicyclist, motorist and vehicle collisions. 74% of all facilities occur where driveways, sidewalks or paths meet a roadway or where sidewalks or paths meet a driveway. They are terrified that this is being discussed as a bicycle pathway. They understand that the homeowners and the Town will share liability. She indicated that the goal is to have a safe route for kids to walk and avoid a muddy path, but this violates the traffic code. She is terrified that she might hurt someone while exiting her driveway. She advised the Council to develop a plan and if this moves forward with asphalt, permeable surface or pavers then the path should not be a bicycle pathway, so the town must educate everyone to understand that it is a pedestrian path only.

Jody Anne Becker, Allen Avenue resident/General Plan subcommittee member, stated that there was an entire section on easy and safe travel in Ross that included Shady Lane. Existing driveways are a consideration and a concern no matter what. She walks Shady Lane occasionally and there is a church on either end of Shady Lane and was reminded to "love your

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neighbor,” which includes seniors, disabled, children as well as friends. Also, she would like any wounded young Americans soldiers to have the ability to access all of Ross. She further appreciated the town moving forward with the path because it is the right approach.

Andy Price, Wellington Avenue resident, is very enthusiastic about this plan and pointed out that without the path the children will not have a safe route to travel to school. He doubted that BMX riders would come from other places in the county to travel on this path.

Michael _____, Shady Lane resident, appreciated the Town addressing the issue. He has two children and a safe route is needed. It is a huge problem that they must take their bikes out on the street. He is very supportive of the project and understands the concerns, but those that live on Shady Lane know about the bicyclist. This plan substantially reduces the risk they all have with regard to the traffic in the form of a bike or vehicle. The path dips quite a bit below the roadway, and if paved over with asphalt flooding could be a concern because there is an incredible amount of flooding in that area during winter months, so drainage must be addressed. It must be done properly, so the path is somewhat dry. Council Member Strauss noted that drainage would be addressed.

Anita Bonneau, Shady Lane resident, expressed concern for a paved path in regard to excessive speeds traveled. Both her boys coming down Shady Lane ran into a vehicle coming out of their driveway and she had a bike crash into her as well. She wanted bicyclist, skateboarders and scooters prohibited from the path. They can educate, but kids get excited and fly down the street and do not think. She further suggested the installation of mirrors because there are blind exits.

Brian Salmen, Shady Lane resident, reiterated Ms. Martin’s comments. He then asked what if any objective information is there that an asphalt 4-foot wide pathway would be a safer route to school than what exists. What information has been developed in regard to the existing pathway. There is no factual information that suggests a 4-foot wide pathway will be a safe path. If this does not meet the strict legal definition as a multiuse pathway, and if not enforced, then the shared liability between the Town and property owners will be in jeopardy. In terms of drainage, he was told he would be part of the process making sure drainage is addressed. There is an active open watercourse that travels right through the front of his property into the town’s storm sewer. He has reviewed no plans or concepts and the drainage must be addressed properly. He desired studies in order to review. Aesthetics of the Town would be better served with a crushed granite pathway. The character of Shady Lane will be altered by a 4-foot wide asphalt pathway. Also, what is the legal definition of the Town’s right-of-way, which must be known before his landscaping is removed. He is not opposed to the pathway, but did not want to move forward with a shotgun approach. He further believed it must be done right.

Sara Niccolls, Southwood Ave. resident, desired an extremely permeable surface and objected to the use of straight asphalt because it will create more problems than currently exist.

Mary Amonette, Norwood resident, believed Shady Lane has changed and it is quite dangerous. There is no room for bicyclist and people. Shady Lane is not only no longer shady; it is no longer a lane. It is a busy thoroughfare that needs a safer pathway.

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Council Member Strauss stated that they would be very responsive to all engineering solutions, landscaping and drainage. They have ADA issues that must be addressed. It is more of a regional issue and appreciated those affected by this path, but the paved path will help bring more people to use it rather than driving their vehicles. He further noted that education must occur and it is a process of change.

Stephanie Cook, Shady Lane resident/advocate for SR2S, has more parents that contact her on a regular basis about SR2S. They are terrified to have children walking or biking on Shady Lane. She heard an excellent suggestion in regard to mirrors, which should be explored. She backs her vehicle into her driveway, so maybe changes are needed. Ross is very lucky that there has not been a fatality or injury and they must make the change. She has all the faith that Town Council will develop a surface that will aesthetically work and be safe for all and then more people will get out of their vehicles.

Anne Hickey, Allen Ave. resident, suggested removing the tall hedges for better visibility in for pedestrians and bicyclist to see vehicles coming out of their driveways and for drivers being able to see pedestrians and bicyclist.

Chris Martin, Shady Lane resident, believed it is a complicated issue. Most permeable surfaces will be a benefit to the neighborhood. Covering that pathway equals 11,000 sq. ft. of area. It should have a thorough evaluation of what best can handle rainwater and storm water solutions. No one is opposed to an ADA accessible pathway. Everyone wants a solution. Discussions earlier about after the pathway is completed to have a landscape plan, he wanted to see a landscape plan done parcel-by-parcel because it may influence where the path will be located. Lagunitas Avenue asphalt has been buckling for years, so asphalt also needs maintenance. He then asked the town to approach the manufactures to apply different surfaces to understand what might be the best product. He further desired the best solution.

John Martin, Bolinas Avenue resident, walks on the street because it is difficult to walk on the path with a stroller and supported the path. Instead of planting tall hedges in front of his house, he planted boxwood; so tall hedges should be removed for better visibility. He strongly supported the pathway, which would get families off the road and encouraged the Council long-term to look at a bike path along Shady Lane as well.

Wally Lourdeaux, Shady Lane resident, liked the idea of the path, but did not want to increase the speed of those traveling along the path. He objected to skaters and skateboards and if the speed could be kept to the same speed that would be wonderful. He suggested having different paving material when approaching driveways with a berm or crushed granite to know that a driveway is approaching.

Bobby Locke, Shady lane resident, appreciated the path, but encouraged the town to make sure there is a "no parking" zone on the path.

54 Shady Lane resident stated that the street itself is unsafe and asked the town to help slow people down because individuals are not stopping at the stop sign, so excessive speeds traveled must be addressed.

Former Mayor Charles Goodman served on Council when Shady Lane was paved and traffic was 25 mph and as soon as it was paved the speed increased. He desired a permeable surface

and there are products that can control the speed because when paved excessive speeds will be traveled. All over Marin there is a concern about the use of asphalt. He encouraged test areas to understand how well the product will work.

Ms. Martin indicated she was confused because she was told by two town staff members that this path was not for bicycle use and wanted to know how a bicycle will pass a wheelchair. She asked the town to go on record that this is not proposed as a bicycle path, which she heard from two staff members and wanted to know if a bicycle path is proposed.

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 Hunter directed staff to review resident comments and to continue working on the pathway engineering and design, which would be brought back before Council. Town Manager Broad agreed.

Council Member Skall reconvened his position on the Town Council.

12. Report from Ross Rec Director Pam Riley.

Pam Riley, Ross Rec Director, reported that Ross Rec winter programs are just coming to a close. They had 159 children participating in their basketball program run by Jean Marc Schaefer and Sandrick Jackson. A family square dancing event was held at Marin Art & Garden Center last weekend and almost 50 people were in attendances to swing their partners and promenade home. A great time was had by all and they will offer this again next year. This winter they doubled their ballroom dance offerings for junior high students, adding a second class by popular demand, and serving 98 students. They also added a mountain biking program for kids and it has been so successfully they have added this program for adults as well this spring. Their adult programs continue to expand with an emphasis on fitness. They are now offering hiking, mountain biking, leisure walking stretching, pilates, yoga and a get yourself in shape boot camp as well as tennis. Adults programs also include cooking, painting and drawings, languages, and Women in Literature, a very sophisticated book discussion group. New programs for kids include hip-hop and musical theater with Sandy Weldon a legend in children's musical programs in Marin. In the midst of all this program planning they are busily working on relocation possibilities for all their programs for the next two years. They are working with the Kentfield schools to relocate summer camps for two years. They are working with St. John's Church and the Marin Art and Garden Center to provide additional spaces for their programs needs. All of these changes will create additional expenses for Ross Rec. They are fortunate that the Ross Rec Auxiliary is producing the community phone book this year which will hopefully provide funds to offset some of these expenses. Spring classes at Ross Rec begin this week and next and they are still open for registration. They have sent updates to the RPOA to get more information out to the community and welcome all feedback and requests for programs. The tennis courts were resurfaced in a temporary fashion because the total cost of redoing the courts is about \$50,000 and the tennis account, which is completely separate entity had only half this amount available. They would welcome Town support to resurface these courts when needed, and perhaps the Council might consider this in next year's budget. They also request that next fall when school begins the dogs are kept off the grove to allow more playing space for the children.

Mayor Pro Tempore Cahill desired an annual budget report to review. Ross Rec Director Riley agreed to send copies to staff. Their fiscal year is September to August 31st.

Mayor Hunter discussed the substantial donation from Ross Rec for the new Ross School and asked what is the plan to make good on that pledge? Ross Rec Director Riley noted that Ross Rec pledged \$250,000 and have given \$125,000 for Phase 1 and \$125,000 is allocated in reserves for Phase 2. They have another \$150,000 set aside to repair their space. When they renovated the office it cost around \$150,000. This phase is going into a brand new structure and should not cost that much. Yet, they have not had conversations with the architect to see what additional cost Ross Rec will incur. They will use what they need to renovate their own space and the balance will go to the donation. She further noted that it is a reserve accumulated over 25 years.

13. Council Consent Agenda.

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

- a. Town Council adoption of Ordinance No. 606 to amend Municipal Code Chapter 10.28, Stopping, Standing, Loading and Parking.

Mayor Hunter asked for a motion.

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

- b. Town Council adoption of Ordinance No. 607 regarding imposing penalties for parties or gatherings in which underage individuals possess, consume or are served alcohol.

Mayor Hunter asked for a motion.

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

- c. Town Council adoption of Ordinance No. 608 to delete outdated Municipal Code Chapters 8.08 livestock on highways; Chapter 12.12 dogs running deer; Nuisance Sections 9.04.020, 9.04.040, 9.04.060, 9.04.180, 9.04.190, 9.04.200 and 9.04.220; Chapter 10.44, bicycles and Sections 6.16.010 and 14.08.050, tainting air by burning.

Mayor Hunter asked for a motion.

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

- d. Town Council adoption of Ordinance No. 609 amending Chapter 8.04, Animal Control Law.

Mayor Hunter asked for a motion.

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

End of Council Consent Agenda.

Town Attorney Hadden Roth excused himself from the Town Council meeting at 8:13pm.

14. Town Council amendment to the adopted FY07-08 budget to increase Special Events and Activities expenditures for Town Centennial costs.

Town Manager Broad summarized the staff report and recommended that the Town Council adopt FY07-08 budget to increase special events and activities expenditures for the town centennial costs. Staff further noted that Chief of Protocol Molly Gamble is doing a great job.

Mayor Hunter 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 Hunter asked for a motion.

Council Member Durst moved and Council Member Skall seconded, to adopt FY07-08 budget to increase special events and activities expenditures for the town centennial costs. Motion carried unanimously.

15. Town Council consideration of installation of a Centennial bronze plaque at Ross Town Hall.

Public Works Director Jarjoura summarized the staff report and recommended that the Town Council consider installation of a centennial bronze plaque at Ross Town Hall.

Chief of Protocol Gamble allocated \$2,000 for the plaque. After research conducted by Richard Torney, the price would be in the \$2,000 to \$3,000 range. Staff agreed to continue working with the community.

Council Member Strauss had a conversation with Wendy McPhee about the plaque and using the logo downtown and having a centennial park plaque in downtown Ross. Mayor Pro Tempore Cahill felt it is an interesting idea, which would be in conjunction to the downtown plan. He further liked the idea of a centennial park.

Mayor Hunter 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 Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Skall seconded, to continue the matter to a later date. Motion carried unanimously.

16. Town Council briefing on the Town's progress in reducing flood insurance premiums for Town residents through the Town's voluntary participation in the Community Rating System (CRS), which provides incentives for communities that develop extra measures to provide flood protection.

Senior Planner Semonian summarized the staff report on the Town's progress in reducing flood insurance premiums for Town residents through the Town's voluntary participation. In the CRS, they have up to one year to develop the program and once accepted into the program the rates should go down. Staff will provide another update in the next few months.

Mayor Pro Tempore Cahill asked staff about repetitive claims in regard to change of ownership. Senior Planner Semonian responded that it follows the property. Staff was surprised that there were only 13 claims when 200 properties are in the flood zone.

Mayor Hunter opened the public hearing on this item.

Brian Salmen, Shady Lane resident, did not understand what occurs with a repetitive claim. Senior Planner Semonian stated that in order to participate they must establish a program to address repetitive claim areas. Mr. Salmen asked if this 5% or 10% reduction occurs is that uniform to all in the flood plain. Senior Planner Semonian responded in the affirmative. Staff explained that it is the same for every property regardless. Town Manager Broad thanked Senior Planner Semonian on a job well done.

There being no further public testimony on this item, the Mayor closed the public portion and moved on to the next agenda item.

17. Town Council consideration of adoption of Resolution of Intention to approve an amendment to contract between the California Public Employees' Retirement System and the Town of Ross.

Town Manager Broad summarized the staff report and recommended the Town Council consider adopting a resolution of intention to approve an amendment to contract between the California Public Employees' Retirement System and the Town of Ross.

Mayor Hunter 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 Hunter asked for a motion.

Council Member Durst moved and Council Member Strauss seconded, to adopt resolution of intention to approve an amendment to contract between the California Public Employees' Retirement System and the Town of Ross. Motion carried unanimously.

18. Town Council consideration of adoption of Resolution No. 1644 superceding Resolution No. 1639 Establishing Design Review in order to add provisions for design review professional alternates. If the Council adopts Resolution No. 1644, it will then consider the addition of two design professional alternates.

Town Manager Broad summarized the staff report and recommended that the Town Council consider adoption of Resolution No. 1644, superceding Resolution No. 1639, establishing design review in order to add provisions for design review professional alternates. If the Council adopts Resolution No. 1644, it will then consider the addition of two design professional alternates. Staff recommended appointing Richard Hannum who expressed an

interest as an alternate to the committee. Staff further noted that the other design professionals declined the offer.

Mayor Hunter 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 Hunter asked for a motion.

Council Member Durst moved and Council Member Skall seconded, to adopt Resolution No. 1644, superceding Resolution No. 1639, establishing design review in order to add provisions for design review professional alternates and appoint Mr. Hannum to ADR as an alternate in the professional design category. Motion carried unanimously.

The Council took a short recess at 8:33pm.

19. Follow-up discussion of the five Town Council goals for 2007-2008 and the implementation of these goals.

Council Member Skall thanked staff for their continued efforts in regard to 25% of Ross families being prepared. The first three “*Get Ready*” classes were well attended. He hoped all take advantage of attending the next two classes. He then thanked Molly and Elaine and announced that Molly is hosting a meeting on Thursday, April 24th from 9 a.m. to 11 a.m. and Elaine is hosting a meeting on Friday, May 16th from 9 a.m. to 11 a.m.

Council Member Durst discussed the ADR Group that was appointed at last month’s Council meeting and they met for the first time on Tuesday. All were present except for Mark Fritts who was away on business and alternate Richard Hannum who had a family emergency. The six members present established regular meeting dates and time as well as defined their responsibilities and ethical codes. First of all she indicated that this is a fabulous group of people to work with. They are bright and enthusiastic people who are raring to go. They are so lucky to have such wonderful people in the community. ADR will meet in Council Chambers on the 4th Thursday of each month at 5 p.m. The first meeting is scheduled for April 24th. Residents who are interested in having the ADR group look at their site and design issues prior to formal submittal to the Council design review process should contact the planning department. The ADR group would like to schedule a Council Workshop to create the rubric they will use when evaluating a proposal. Council Members should plan on attending Monday, April 21st in Council’s Chambers at 6:30 p.m. and they will work on this together with the ADR Group.

Council Member Strauss indicated that the idea for the downtown plan was to have designs out on the table and encourage various residents to contribute in advance of having a meeting in order to determine a vision. He noted that visioning is scheduled for April or May. Town Manager Broad indicated that staff would work on a schedule after tonight’s meeting.

Mayor Hunter reported that due to illness and travel on the part of Larkspur they have not accomplished a lot since the last meeting. Staff will meet on Tuesday morning and the goal is to get this completed before this legislative year end.

20. Discussion of Downtown Plan conceptual ideas and objectives.

Town Manager Broad explained that a group of design professionals met to discuss objectives and ideas. They worked on how to get the verbal ideas onto a plan and Council Member Strauss and his lovely wife Kathy volunteered to develop a schematic downtown plan that will be unveiled tonight, which looks great. This is a preliminary opportunity to present the ideas to receive feedback from the Council and public and then a real public visioning session will occur in April or May. It will be a great process and he is very excited. He further appreciated all the designers that have been working on developing the concepts.

Kathy Strauss, architect, stated that the Town is blessed with incredibly smart, intelligent and articulate people. They tried to make a diagram of the outlines, not a finished design. They tried to make a visual representation of what the committee felt were the goals. The main items were improving safety for pedestrians and bicyclist; improving circulation around the school and post office; eliminating U-turns; enhancing the vitality during the day and night; increasing parking spaces and amount of available parking close to retailers; provide outdoor gathering areas and small pocket parks; enhance downtown landscaping; provide more street trees and visual gateways; improve design of built structures while preserving historic references. Related to the street, more and more are driving and speed can increase as well as illegal U-turns. Safety must be improved as well as a better drop off area for the school. To improve safety and discourage illegal U-turns, the designers suggest narrowing the Ross Common roadway to 12-foot travel lanes and adding a bike lane. Parking is increased by doubling the diagonal parking in the post office lots and adding more parking spaces around the Common. The plan includes more street trees and landscaping to provide a green buffer between the post office lot and the street. The goal is to connect the post office to the downtown by creating more green space. The plan also suggests rerouting the bike path to existing Allen Park onto Ross Common. To improve circulation, they suggest one-way to create a green buffer and have double loaded parking. Entrance to Common is weak, so possibly adding a landscaped patio at the intersection to provide an area for walkers and bicyclist to have a gathering place. Schematically, they showed pushing the sidewalk out to the edge for safety. They must develop more seating areas to the entrance of the park in order to have a community-gathering place. Also, they are considering a small skateboard park at Allen Park. The committee is very excited that the bridge remains narrow with the pedestrian portion outside of the main roadway, but wide enough to be a multiuse path. Also, some desired more access to the creek since it is a tremendous asset. She further noted that the bus shelter must be improved as one enters Ross as well.

Mayor Pro Tempore Cahill desired clarification in regard to circulation behind the post office. Architect Strauss stated that they are just trying to achieve better circulation. Another outlet could be discussed further at the community meetings. Also, there was some thought that the building should be expanded to bring another commercial aspect to the area. Council Member Strauss stated that it might work out better to be further away from the bridge in order to have an easier transition.

Mayor Hunter believed what is proposed is great and noted his appreciation for all the hard work of the committee and Council member and Mrs. Strauss, and believed it is very nice.

Mayor Hunter opened the public hearing on this item.

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John Levinson, Ross Common business owner, agreed extending the sidewalk would be beneficial. He believed the downtown could be extended with landscaping, so the buildings participate in the downtown. This will even the area out and provide more retail space in the area.

Council Member Strauss stated that signage must be reviewed as well as street furniture to provide a sense of the whole community.

Mayor Pro Tempore Cahill asked if new zoning is required to extend the retail portion. John Levinson responded that it is zoned for commercial and making it more attractive would be great.

Council Member Strauss desired 20 minute parking to facilitate the retailers. Town Manager Broad agreed to bring the matter back next month for discussion.

A Crest Road resident encouraged incorporating the creek and natural beauty and more potential for parks as well as improving the aesthetic entrance to the Town.

Don Thomas, Redwood resident, believed this is a wonderful job and is inspired. He noted that successful smaller roundabouts work in Mill Valley, so it is worth exploring. Also, more consideration should be given to kiosks or gathering places in the Common. Architect Strauss agreed to review and found kiosks very interesting. Mr. Thomas wanted more energy and more people. Council Member Strauss wanted to incorporate design changes to the park such as a fountain to have activity cross over to provide energy. Mr. Thomas suggested a fire pit as well. Architect Strauss agreed. They also discussed a farmers market to bring more activity to the downtown.

Mayor Pro Tempore Cahill pointed out that the place where people congregate is across from Eddie's, so some sort of seating areas and more groupings would be appropriate. He then suggested looking at housing opportunities as well. Council Member Durst stated that it must be a separate discussion. Maybe a bed and breakfast could be accommodated downtown at some point. Mayor Hunter noted that they would discuss that during the visioning process because there is a great opportunity for mixed use downtown.

Mayor Hunter thanked Architect Strauss and Council Member Strauss for all their efforts.

There being no further public testimony on this item, Mayor Hunter brought the matter back to the Council, and since no action is required, the Council moved on to the next agenda item.

21. 16 Garden Road, After-the-Fact Design Review No. 1652

Michael and Trudy Thoma, 16 Garden Road, A.P. No. 72-153-06, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum Lot Size). After-the-fact fence design review for six foot tall black metal posts in the front yard (4 feet permitted). The owner also requests permission to install thin black wire between the posts in order to serve as a trellis for climbing roses and prevent deer from entering the yard.

Senior Planner Semonian summarized the staff report and recommended that the Town Council continue the application to allow the applicant an opportunity to provide more

information on additional landscape screening. Staff noted that the Council could approve the posts as is or deny the application. Staff then provided photographs from a neighbor in opposition to the project.

Michael Thoma, applicant, appreciated the staff report which accurately represents their intent and they do not want to build a 6-foot deer fence, but be able to have roses behind the fence. When moving forward, the objective is to be in compliance. He has recently moved to Ross after living in San Francisco. He provided photographs showing river rock and how the house is not visible. Photograph No. 3 shows what happened after the fact. He removed all visitor trees and ivy. As it exists, the fence posts are above 6 feet and there was wire present at one time. They want to get back in compliance and since trellises are viewed as fences to cut them down to 4 feet and then support the roses when they grow above the 4-foot level to use the old bases with a piece of wood to go up 6 feet. They want to be in compliance, but wanted to make sure above 4 feet will be viewed as vegetation and not a fence.

Mayor Hunter opened the public hearing on this item.

Andy Price, Wellington Avenue resident, stated that 25 concerned neighbors encouraged the planning around the fence itself to be in character with the neighborhood. He asked that instead of being continued that the after -the -act variance be denied and that the Council require the fence to be cut down in order to maintain the spirit of the town. He felt the tall posts were an eyesore. He would also recommend the applicant plant additional vegetation. He asked Council to require the removal of the posts as soon as possible.

Alanna Brady, Wellington Ave. resident, submitted a petition signed by 18 neighbors opposing the 6-foot fence with wire and requested evergreen plantings. The wire and posts are not attractive and should be removed.

Trudy Thoma, applicant, believed Ross is a wonderful Town and the intention was privacy and she wanted to know what the right approach would be in order to comply with the Town regulations.

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.

Town Manager Broad added that if the stakes are cut back to 4 feet then the application could be withdrawn. Council Member Durst stated that with rose standards there is a post along with a circle that supports the mass and then it cascades down. She suggested dwarf citrus. Mr. Thoma stated that the reason for the four pictures is the intent of the house is very much around the river rock and it is the essence of the house and important to show off and celebrate that element of the house. The reason for the fence being open rather than a white picket fence, and not planting a lot of evergreen or citrus plantings out there, is to see the base of house. He sits outside and meets neighbors walking by. He is committed to be in compliance at the end of the month. He indicated that he would cut the fence posts back by 4 feet and, once the roses grow over 4 feet, he will add a stake to support the roses.

A Garden Road resident commented on the suggestion of planting roses because they are cut back during the winter, so the stakes are visible and they would like that solution should be

subject to review. Council Member Durst noted that the plantings on either side of the fence would mitigate the visual concern.

Town Manager Broad noted that the applicant agreed to cut the stakes back to 4 feet, and therefore, the fence is not subject to design review.

Council Member Strauss suggested that the applicant review the Shady Lane home with the nice roses with the wooden picket fence. He felt the applicant's fence was a generic fence in a community that prides itself with more. He agreed that the posts should be removed. He further asked the applicant to take into consideration the neighbors comments, if possible.

Mayor Hunter noted that the application has been withdrawn with the understanding that the applicant will remove the posts or cut them down to 4 feet.

22. 36 Glenwood Avenue, Demolition Permit, Variance, Design Review and Tree Removal No. 1662

John and Lisa Pritzker, 36 Glenwood Road, A.P. Nos. 73-131-25 and 73-131-26, R-1:B-A (Single Family Residence, 1 acre minimum lot size). Demolition permit to allow the demolition of a residence, guesthouse, garage and shed totaling 16,048 square feet of floor area. Variance and design review to allow the following: 1.) Construction of an 18,528 square foot, two-story residence with a maximum ridge height of 30 feet from existing grade. An approximately 16-foot section of the south elevation of the residence would exceed the 30-foot height limit. In this section, the finished grade is excavated 7 feet below existing grade to allow a basement exit door and window (37 feet from finished grade/30 feet from existing grade proposed, 30 feet permitted). The main residence consists of 15,504 square feet of living area, a 1,178 square foot garage and 1,846 square feet of mechanical area. 2.) A 3,535 square foot, 2-story, guest house with a maximum ridge height of 24.8 feet and a 1,120 square foot, 2-story, exercise room/office with a maximum ridge height of 22.4 feet. 3.) Landscape improvements including new patios, terraces, a sports court and 60 foot by 24 foot swimming pool. 4.) Two new 6-foot tall, solid wood, vehicular gates, between stone pillars up to 6.5 feet tall (6 feet permitted). 5.) Site grading for 1,264 cubic yards of cut and 1,915 cubic yards of fill. 6.) Over 100 linear feet of new retaining walls with a maximum height of 9 feet. 7.) Watercourse design review to allow the pool house and other improvements within 25 feet of a drainage channel contained in a culvert (25 feet recommended, 3 feet proposed). 8.) Watercourse design review to allow a landscape bench near Ross Creek (25 feet recommended, 24 feet proposed). 9.) A tree removal application to permit removal of 42 trees from 6 to 70 inches in diameter, detailed in the application materials. 23,689 square feet of total development is proposed. A voluntary lot merger has been filed to combine the two developable lots into a single building site.

Lot area	221,194 sq. ft.
Existing Floor Area Ratio	7.3%
Proposed Floor Area Ratio	10.7% (15% permitted)
Existing Lot Coverage	4.9%
Proposed Lot Coverage	9.3% (15% permitted)

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Senior Planner Semonian summarized the staff report and recommended that the Town Council support the variance. The overall mass of the structure has been reduced by the modification. Staff included the construction agreement between the applicant and neighbors to make sure they are in compliance. Also, Condition No. 14(b)(i) was clarified that construction employee arrival to the job site and working hours will be limited to Monday through Friday between 8am and 5pm. However, staff anticipates that management staff will arrive earlier to open the site and stay later to close the site.

Project Manager Glen Sherman appreciated the process, which does work. At the last meeting they listened and understood the Council's comments and the building now architecturally works better. He appreciated staff and the Council's input. They have been developing this project for 1.5 years and the process is in place for a reason and it has worked very well and looks forward to working in this community. He hopes this is a good model for future projects. He will meet with Ross Elementary School and the Branson's to figure out their construction management scheme in order to lessen the impact to the neighborhood. He understands that road infrastructure is taking place, so he will contact Public Works Director Jarjoura in that regard. He then discussed the fish ladder and they must look at recycling materials in regard to infill to be efficient and sustainable.

The project architect made minor manipulations to the building. By compressing the building, dropping and shifting the building they were able to make it work. They were very excited to make those minor changes and not have to compromise the 1.5-year design. In shifting the house, they did develop a slightly different entrance to the back of the house. In moving the existing gate location, it will allow privacy screening as those drive down Glenwood.

Landscape Architect Eric pushed the parking area and ended up reconfiguring the garage area, so now they have a turnout. They maintained the same double gate just pulled it back from the site and added more landscaping. With the house pulled back there is less steps. The magnolia looks wonderful. The walls are low and are able to maintain a tree to make the house feel set in and gauge the landscape. No other changes occurred.

Mayor Hunter opened the public hearing on this item.

Robert Dickenson, Glenwood Ave. resident, concluded that the town and neighbors are very lucky to have this development team building this project. He appreciates how they work and they did a great job. He then read a letter dated March 2008 into the record for the Council's consideration. He thanked the Council for the opportunity to comment at the last meeting. They support the project subject to the terms and specific language agreed to with the development team and the same conditions are reflected in the Town's staff report dated March 10th, 2008. They would appreciate project completion within 18-months. They welcome the Pritzker's to Ross and wish them success. This letter was drafted right after a meeting with representatives from the Town about the project conditions and at that time the development team did not indicate any desire to extend the work hours. He understands the need for open dialogue as issues come up. The change to the work hours is based on Town Ordinance 920.035 entitled, "Construction." He understands preparation is needed, but he is not in a position to interpret that ordinance and desired guidance from the Council. His original intent was 8am to 5pm as the hours of operation. In his opinion, construction operation refers to any construction related activity. He was informed that doing this will

not shorter the project duration, so what is the gain to the neighborhood. Most important point he does not want to be a party to violating Ross Municipal Code. He asked the Town Council for help in regard to extending the hours of operation. If the Council indicates that work outside of 8am and 5pm is in violation of the ordinance, then he will revert to 2008 conditions as written and submitted. If such activity is allowed, then this issue should not hold up approval, but looked forward to the Council's interpretation to the ordinance.

Frank Doodha, Glenwood Ave. resident, stated that the development team did a marvelous job in changing the design and meeting the essence. It is beautiful and creating a basement with an exit is a requirement and a safety issue. He recommended allowing the variance and noted that he favors the project. He also has the same concerns in regard to construction hours.

Donna Goldman, Ross resident, is surrounded by construction and objected to construction vehicles arriving onsite at 6am and idling their engines until 8am. She desired an explanation in regard to staging as well. Mayor Hunter noted that it is part of the agreement and idling trucks will not be allowed.

Project Manager Glen Sherman stated that every subcontractor in their contract would be fined if they show up before the allotted time. They establish criteria for trucking after children start school. They have traffic controllers and will enforce the rules. The rules will be posted at the entrance as well. He will not pay a contractor or remove them from the job if they are in violation. Large trucks are able to access the site from 9am to 3:30pm. He understands and will take it very seriously. They have off site facilities in San Rafael to stage equipment, which is built into the general conditions. They will monitor the activity. In terms of the construction schedule, it is a large project and hard to build in 18 months. It is difficult. They will try, but depending on the permit process, they will do their best to speed it up. He did not want to be in violation when meeting with the site crew or his client after hours to make the transition for a security person and that is the reason for the hours of operation being extended.

Council Member Durst noted that after 5pm or before 8am would be a violation and access to a meeting on site as a manager is not an issue.

Mayor Pro Tempore Cahill discussed the 26-month construction timeframe and noted concern. Project Manager Glen stated that furniture and art installation is after that 26-month timeframe. Within 18-months all the work will be inside with no exterior work. He noted that there is some landscape work that must be installed at the end. Landscaping work and planting will occur at the end of the project. Usually, the smaller plantings around the house. Mayor Pro Tempore Cahill asked if that schedule could be met. Project Manager Glen would love to build the house in 24-months, but it is all contingent on receiving permits. The phasing assembly of the job is very important. Concrete and steel is all constructed using GPS. There are factors that will drive that schedule. He is willing to beat the schedule, which works well for all parties, but it is driven by approvals and weather. He will executive and keep the Town informed, but 18-months is reasonably aggressive.

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 Hunter asked staff why they are restricting rental because it could help fulfill the housing element. Senior Planner Semonian noted that they need a second unit permit that requires a number of variances because the pool house structures exceed the height, size and story limit and the applicant and staff were not interested in tying it to this application. Plus it is so large that it would not qualify as an affordable unit. The office/yoga studio would be an ideal second unit and the applicant agreed to move forward with a second unit permit for that structure.

The Council agreed on staff's amended condition adding the allowance of management being onsite.

Mayor Hunter stated that last month definite items were outlined and now they have a better house due to the extra meeting. He thanked the development team for being so responsive and eliminating the variance for height. The variance for the 6.5-foot tall gate columns is fine in his view. In terms of the gate, he suggested leaving out the wood infill sections. New Orleans is such a treat to look at the courtyards and with the same gate, but without the wood infill, the gate would be 50% daylight and offer that same little glimpse inside. He expressed concern that Glenwood is getting walled off. Council Member Strauss agreed it would be much nicer without the wood, but 18 feet wide seemed overly large. Mayor Pro Tempore Cahill believed the new plan is narrow. Landscape Architect Eric indicated that both entrances are 14 feet.

Council Member Durst desired the solid gate for these individuals. It is recessed from the road. Solid gate exists already and neighbors have solid gates. There are privacy concerns, so a solid gate is needed. Mayor Pro Tempore Cahill agreed. Council Member Durst stated that since recessing with the addition of street trees that lessens the solid fence feel.

Mayor Hunter asked for a motion.

Council Member Durst moved and Council Member Skall seconded, to approve the application subject to staff findings and conditions with the addition to Condition No. 14(b)(i). Motion carried unanimously.

Conditions of Approval 36 Glenwood Avenue

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

1. The lots shall be merged prior to issuance of a building permit for the project.
2. Except as otherwise provided in these conditions, the project shall comply with the approved plans. Plans submitted for the building permit shall reflect modifications required by these conditions.
3. The pool/guest house may be used as a dwelling by guests or by members of the family of the persons occupying the main dwelling on the lot so long as it does not involve the payment of rent, either directly or indirectly.
4. 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.

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5. The applicants shall submit appropriate air quality permits to the building department prior to demolition of the existing structure.
6. Plans submitted for the building permit shall provide elevations for the roof ridges and floor levels. A licensed land surveyor shall string the location of the foundations. The applicant shall provide written evidence to the town planner, prepared by a licensed land surveyor, confirming the floor elevations of the structures comply with approved plans. The applicant shall provide written evidence to the town planner, prepared by a licensed land surveyor that the ridge heights comply with the approved plans after roof framing.
7. The applicant shall prepare a storm water pollution prevention plan (see http://www.swrcb.ca.gov/stormwtr/docs/const_swppp.doc for guidance) and the applicant shall comply with any local, regional and state water quality agency requirements. Grading is prohibited between October 15 and April 15.
8. Prior to issuance of the building permit, the applicant shall submit a hydrologic analysis report documenting the natural, pre-development (existing conditions), and proposed post-development rainfall runoff conditions as measured net stormwater discharge to Ross Creek. The hydrologic analysis shall consider a range of rainfall-runoff frequency events from the 2-year, 10-year, 25-year, 50-year, and 100-year design storm. The hydrologic analysis report shall report natural, pre-, and proposed post-development discharges to Ross Creek for those events, and propose conceptual-level designed stormwater facilities deemed sufficient to minimize to the extent practically feasible the peak discharge to Ross Creek under the proposed post-development condition. Given the relatively large size and relatively low average slope of the site, it may be practically feasible, for example, to reduce the estimated post-development 50-year or 100-year peak flow discharge from the site to Ross Creek to less than existing conditions, possibly as little as to match the estimated natural condition (without development). The hydrologic analysis report shall be prepared by a registered Civil Engineer familiar with modeling local rainfall-runoff conditions for natural, pre-development, and post-development conditions and design and construction of stormwater retention, detention, and attenuation facilities for mitigating peak flow impacts and in some cases providing ancillary water quality benefits.
9. Landscaping
 - a. If existing irrigation is removed or altered, temporary irrigation shall be installed in order to preserve any landscaping that is intended to be preserved on the landscape plan.
 - b. Except as otherwise noted in these conditions, landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final, particularly screening landscaping and lawn areas. Additional details shall be submitted to staff on tree size and type for review and approval prior to installation.
 - c. Prior to project final, the applicants shall submit written evidence to planning department staff that confirms the landscaping complies with Marin Municipal

Water District Ordinance 385, or is exempt from their requirements. (See additional landscape conditions under Condition 14.)

10. The project shall be subject to the following recommendations of the town hydrologist:
 - a. The applicant shall widen, stabilize, and vegetate using biotechnical bank stabilization techniques along the +/-30-ft length of the left bank of Ross Creek upstream from the wooden bridge. The streambank treatment shall be designed by a geomorphologist or registered civil engineer experienced with current biotechnical bank stabilization, stream restoration, and habitat enhancement design and construction. (e.g., non-native vegetation removal and grading to uniform 1.5(H):1(V) slope, covering bank with biodegradable erosion control geotextile fabric, and planting the fabric-covered bank with native riparian vegetation).
 - b. The applicant shall complete an elevation profile survey of the concrete box culvert outlet and evaluate the outlet pool geometry to determine if the culvert is a partial or complete fish passage barrier under existing conditions, using the same protocol as the current watershed inventory Taylor (2006). If according to that protocol, it is determined to be a full or partial passage barrier, the applicant shall improve fish passage through the culvert (see Condition 1.)
 - c. Except as otherwise approved by the town hydrologist, the landscape architecture plans shall be revised to include plantings only from the creekside plant list everywhere within the 25-ft setback from Ross Creek and/or within the area circumscribed by the existing riparian tree drip line (except for the area directly overlying and adjacent to on both sides from the existing 70-ft-long box culvert). The planting plan within this area should be designed specifically to establish a native California riparian woodland plant community, and with a multi-level structure that may serve as quality bird habitat.
 - d. The applicant shall revise the creekside plant list to eliminate some or all of the non-native plants and expand the list to include a wider array of California and Bay Area native riparian plants.
 - e. The grading and drainage plans shall be revised to use alternatives to the typical method of discharging stormwater drainage pipes onto rip-rap aprons tight to the edge of the channel within the drainage feature. Instead, the applicant shall consider discharging the stormwater pipes at bed grade into a constructed tributary channel to the existing or similarly reconstructed bed of the southerly drainage feature channel. Such a channel could be partly rock and gravel lined and vegetated with native riparian wetland grasses (e.g., *Carex spp.*) which are effective for biofiltration and should be sustained by drainage of year-round irrigation from the lawn area. Although work does not appear to be required for stabilizing the existing drainage channel, work that creates a step-pool configuration as would cause pooling and channel bed infiltration of low stormwater and site drainage flows (i.e., bioretention) is recommended for a water quality benefit. Feasibility of increasing bioretention via channel bed reconstruction will depend on channel slope, existing tree roots, and other physical constraints, and should be designed by or in consultation with a

geomorphologist or registered civil engineer experienced with stream restoration design and construction.

- f. The applicant shall daylight the downstream most +/-25-ft length of the drainage feature channel that is presently contained in a 24-inch diameter CMP culvert discharging directly at the left bank of Ross Creek, with an eye toward creating suitable winter refugia habitat for salmonids and resident trout, as suggested in the town hydrologist report. The drainage daylighting project and associated bed construction and streambank stabilization treatments shall be designed by a geomorphologist or registered civil engineer experienced with current biotechnical bank stabilization, stream restoration, and habitat enhancement design and construction.
- g. The landscape plans shall be revised if necessary to avoid or minimize plantings on the north side of the existing wire fence and within the 25-ft setback from the intermittent tributary creek and/or existing riparian tree drip line area, except as desired by the applicant but necessarily from the same revised creekside plant pallet as would be applied within the 25-ft setback area and/or existing riparian tree drip line area surrounding Ross Creek.
- h. As agreed to by the applicant, and as a mitigation measure for the Town approving the new structures within the recommended watercourse setback, the applicant shall correct the barrier to fish passage where Ross Creek discharges from the existing 70-ft-long concrete box culvert near the north property line of the site before project final. According to fish passage analysis, work to correct the fish passage barrier may either need to take place on site or on the adjacent site (with that property owner's permission). The applicant is responsible for obtaining any appropriate permits for this work.
11. Applicants shall recycle at least 50% of construction and demolition debris. If mixed debris boxes are used, the applicants shall inform the waste hauler of this condition prior to debris box pick up to ensure the box will be brought to the recycling area. Receipts that demonstrate the material was recycled must be submitted to the planning department prior to project final.
12. The applicant shall take the precautions for discovery of archaeological resources during all phases of construction:
 - a. If archaeological remains are uncovered, work at the place of discovery shall be halted immediately until a qualified archaeologist can evaluate the finds.

Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g. slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g. wells, privy pits, dumps).

- b. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the Marin County Coroner shall be contacted at (415) 499-6043.
13. 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.

Interested neighbors may request, in writing, notification from the Town of submittal of this plan. The Town will provide a minimum 10-day comment period and shall consider neighbor comments in its review and approval.

14. The applicant (which includes, but is not limited to, the applicant, their contractors, subcontractors, suppliers and consultants) shall follow the following job site rules, in addition to all other conditions of project approval, which were initially drafted and agreed to by the project contractor and neighbors:
- a. A copy of the building permit shall be posted at both entrances to the site and the emergency contact information shall be up to date at all times.
 - b. Working Hours shall adhere to Ross Municipal Code sections 9.20.035 and 9.20.060.
 - i. Except as otherwise provided in the municipal code, arrival to the job site and working hours will be limited to Monday through Friday between 8:00 am and 5:00 pm.
 - ii. No work of any kind will be allowed on Saturdays and Sundays.
 - iii. Work shall not be performed on holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day.
 - c. Construction Traffic
 - i. All construction parking shall be on site and not on public streets. The applicant shall strongly encourage carpooling to the site.
 - ii. The applicant shall not block driveways or crosswalks. Driving over plantings on other private property shall not be permitted.
 - iii. An on-site Traffic Management Coordinator is required.
 - iv. Large trucks (all trucks larger than a standard pickup or delivery truck) may only enter and leave the site between 9 am and 3:30 pm.
 - v. No vehicles will be allowed to idle or park for any period of time on Glenwood or the neighboring streets. Vehicles shall time their arrival in Town so that they

will arrive at the site during permitted working hours and do not disturb other neighborhoods.

- vi. Traffic management coordinator will assist with the arrival or departure of large trucks.
 - vii. The entrance gates shall remain open during working hours, whenever feasible, to allow for the free entry and exit of construction vehicles.
 - viii. The North entrance to 36 Glenwood shall be the primary entrance and exit for trucks related to heavy construction on the main house (excluding steel), such as those involved in demolition, hauling away debris and materials to be recycled, cut and fill, and foundation work and pouring, whenever feasible.
 - ix. Prior to significant on-site work being performed, the South entrance gates shall be moved further back from Glenwood Avenue so that large vehicles may pull off of Glenwood Avenue, and the entrance shall be widened to accommodate the construction traffic.
 - x. The Traffic Management Coordinator will split the traffic, wherever possible, between Bolinas Avenue for the entrance and exit of vehicles using the North driveway and Lagunitas Avenue for the entrance and exit of vehicles using the South driveway.
- d. Landscaping and Privacy Protection
- i. Pruning/trimming along Glenwood Avenue first requires review by an arborist, planning department staff, and the concerned neighbors. If the neighbors have concerns over any pruning/trimming proposal, planning department staff may have the Town arborist review the proposal and make a recommendation on the issue, taking into consideration neighbor concerns.
 - ii. The existing privacy screen provided by the trees along Glenwood Avenue shall be maintained during construction as a sound and sight barrier, and maintained or improved as its current height and density over the long-term.
 - iii. Any tree removal, reduction, cutting and thinning along Glenwood Avenue that has been approved by the Town shall be posted with the publicly available construction schedule.
- e. Neighbor Relations
- i. The applicant shall provide a 24-hour pager or cell telephone contact number to the Town, Glenwood Avenue neighbors and other concerned individuals.
 - ii. Subcontractors shall provide applicant with a phone number that will be answered by a subcontractor employee during working hours and a 24 hour pager or cell phone service shall be available during non-working hours.
 - iii. The applicant shall meet with the neighbors on a regular basis to proactively identify and address any concerns that arise.

- iv. The applicant shall notify neighbors of the site's delivery schedule on a regular basis.
- f. Public Works Coordination
 - i. The applicant shall coordinate with the Town Public Works Department regarding any planned infrastructure improvements (e.g., upgrading Glenwood Avenue).
 - ii. The applicant shall document existing Glenwood Avenue road conditions and shall submit them to the Public Works department prior to issuance of a building permit and shall work with the Public Works Department to repair any damage caused by 36 Glenwood's construction vehicles.
- g. Emergencies
 - i. Clear access to the site shall be maintained at all times, sufficient for emergency vehicles to maneuver and access the construction site
 - ii. In case of an emergency, direct flagmen will be posted to direct the emergency vehicles to the construction site.
- h. Fire Control. Flammable liquids will be stored in appropriate containers and never left out of a locked storage area after hours.
- i. Hazardous Waste Control
 - i. A designated clean-up area shall be posted for cleaning of cement forms or equipment, painting and plastering tools and the like.
 - ii. Run off controls shall be as approved in the stormwater pollution prevention plan.
- j. General Job Site Conditions
 - i. 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.
 - ii. Job site and entrances shall be maintained in a neat and orderly manner.
 - iii. Smoking shall only be permitted in designated areas where it will not create an annoyance to residents or occupants of nearby sites.
 - iv. No alcoholic beverages on-site
 - v. No firearms
 - vi. No radios

- vii. No pets
- k. Temporary Facilities and Storage On Site
 - i. Storage is not permitted in the public right of ways.
 - ii. The applicant shall provide toilet facilities to be housed where they are not noticeable (by sight or smell) from Glenwood Avenue and a sufficient distance from all creeks and watercourses on the site so that their maintenance does not cause water pollution.
- l. Creek Protection
 - i. Grading work necessary for completing potential creek restoration work will be completed during the period May 15 to October 15 to reduce potential impacts on aquatic habitat
 - ii. The disturbance or removal of sediment and vegetation shall not exceed the minimum necessary to complete the project, and all disturbed areas will be restored to a stabilized and vegetated condition
 - iii. Existing mature native riparian trees and shrubs shall be protected from damage according to a separate Tree Protection Plan
 - iv. Erosion control measures shall be used throughout all phases of operation in accordance with the approved stormwater pollution prevention plan. Silt-laden waters shall not be allowed to enter any stream or watercourse.
 - v. Equipment shall not be operated within wetted areas (including but not limited to ponded, flowing, or wetland areas) within the watercourses and drainages below the level of top-of-bank, except as may be necessary for completing potential creek restoration work, the temporary impacts of which would then be limited according to specific conditions of necessary environmental permits
 - vi. Refueling of mobile and/or portable equipment shall not occur within 100 feet of a watercourse or drainage, unless circumstances do not permit this, and then refueling of sedentary equipment will use catch basins and absorbent pads while refueling within 100 feet of a watercourse or drainage.
- 15. Applicants shall comply with all requirements of the Marin Municipal Water District.
- 16. Any exterior lighting shall be submitted for the review and approval of planning department staff and shall comply with the requirements of Ross Municipal Code section 18.40.190. A use permit is required for any sports court lighting.
- 17. 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.

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18. 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.
19. This project shall comply with all requirements of the Department of Public Safety, as outlined in their ongoing project review, including the following: a) sprinklers are required; b) a 24-hour monitored alarm system is required; c) all dead or dying flammable material shall be cleared and removed per Ross Municipal Code Chapter 12.12 from the subject property; d) the street number must be posted (minimum 4 inches on contrasting background), e.) the access roadway must have a vertical clearance of 14 feet; f.) all brush impinging on the access roadway must be cleared as determined feasible by Public Safety; and g.) a Knox Lock box is required.
20. Project development shall comply with the requirements of the Ross Valley Sanitary District.
21. The project arborist shall review final construction-level drawings, including grading, drainage and utility plans and written evidence of the project arborist review and approval shall be provided to the Town. All tree protection conditions recommended by the project arborist shall be included on those plans to ensure compliance with the conditions. A certified arborist shall be on site during all trenching and excavation work near protected trees.
22. 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 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.
23. 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 shall be subject to automatic penalties with no further notice. The construction shall not be deemed complete until final sign off is received from representatives of the building/public works, planning and public safety departments.
24. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
25. 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.
26. Failure to secure required building permits and/or begin construction by March 13, 2009 will cause the approval to lapse without further notice.
27. 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.

28. 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 took a short recess at 10:07pm.

23. **88 Glenwood Avenue, Tree Removal Permit No. 2008012**
Peter Ausnit and Traci McCarty (applicant) and Christine and Ken Catton (property owner), 88 Glenwood Avenue, A.P. No. 73-041-31, R-1 (Single Family Residential, 5,000 Square Foot Minimum Lot Size). Tree permit to remove one 16-inch diameter Red Cedar *Juniperus virginiana*. The tree is located near the north property line, adjacent to 90 Glenwood Avenue

Senior Planner Semonian summarized the staff report and recommended that the Town Council listen to the applicant and neighbors in regard to removal of the Red Cedar tree and then make a determination.

Mayor Hunter opened the public hearing on this item

Janelle Hobart, representing neighbors, opposed removal of that tree. A large acacia tree was removed recently and the applicant has planted large redwoods to screen the area. Removal of the additional tree will devalue their property and she strongly opposed this application.

Peter Ausnit, applicant, is suffering from deprivation of light and under any normal circumstances the tree removal would be permitted. They have very legitimate reasons to have the tree removed. The tree is interfering with the pittosporum that is critical screening. It is above the direct entry of his home. The tree is messy and it is unpleasant to have debris fall on them and their vehicles. It is hard to understand the Sheehan's interest in this tree. They spent about 10% of the construction budget on landscaping. It is located in a critical area of his home. He pointed out that the neighbors are hundreds of feet away and placement of the tree interferes with his hedge.

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 Strauss felt it is a regional area and it affords the canopy to the neighborhood and would favor preservation of the tree.

Council Member Skall had no objection to the removal of the tree since the adjacent neighbors both agreed to removal.

Mayor Pro Tempore Cahill stated that the problem for the Sheehan's is the screening on the Wood's property next door. The carport can be screened with the English Laurel that needs some attention and care. Also, this tree blocks about one-third of their roof from their view. The house on the hill is quite a distance away. This is not a great tree, not a very attractive tree and there is too much of an imposition on Mr. Ausnit to not allow him to remove the tree when it impacts his property greatly. He would favor removal.

Council Member Durst stated that the tree is not diseased, so it should not be removed. Trees are a protected environmental resource so it is unique as indicated in the General Plan that trees are unique and scarce in Ross. Also, the General Plan indicates that they must preserve the tree canopy that exists in Town, so it is in fact a regional issue. The tree should not be cut down, but preserved. In honor of Dr. Seuss' birthday, she speaks for the Lorax and they must protect the tree.

Senior Planner Semonian noted that the adjacent redwood tree was thinned out about the same time as the neighbor's acacia tree removal, and that is the reason for its current sickly appearance.

Mayor Hunter stated that it is not an attractive tree, but in the interest of neighborhood solidarity, the carport is exposed and a great gesture to make a commitment to the neighbors to screen the carport would be appreciated. Mr. Ausnit stated that they are continuing in their best efforts to do so.

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Skall seconded, to approve the removal of the Red Cedar tree at 88 Glenwood Avenue. Motion carried 3:2. Durst and Strauss opposed.

24. Correspondence - Flood Zone 9

Council Member Skall agreed to contact Flood Zone 9 in regard to the correspondence received.

25. Other Business - None

26. Adjournment.

By order of Mayor Hunter, the meeting adjourned at 10:25 pm.

R. Scot Hunter, Mayor

ATTEST:

Gary Broad, Town Manager