

REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, APRIL 10, 2008

1. 6:30 P.M. Commencement.

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

2. Posting of Agenda.

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

3. Minutes.

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Strauss seconded, to approve the March 13th minutes as amended. Motion carried unanimously.

4. Demands.

The demands were met.

5. Open Time for Public Expression.

Charlotte Levin, representing Moya Library & Ross Historical Society, invited everyone to attend the book release celebration of *Ross, California-The People, The Places, The History* at the MAGC on May 2nd, which is the result of over four years of work on the part of the committee of six. Festivities will begin at 1 am in the Livermore Room. There will be a brief presentation by the authors and then a reception along with the book signing. She asked the Council and staff for help in publicizing the event. They agreed to assist.

6. Report from Mayor Hunter.

Mayor Hunter reiterated Ms. Levin's announcement about the book release celebration at MAGC on May 2nd at 11 am in the Livermore Room. Also, the Mayor recently attended an informational meeting on the planned Ross School renovation and would urge everyone in the community to attend a meeting. The plans for the school are beautiful and will bring this enduring Town asset up to 21st century standards. Meetings are scheduled for April 15th, April 28th and May 8th and he recommended that individuals check with the school in regard to times and locations.

In terms of walkways, the Council has not forgotten about Sir Francis Drake. They spent a great deal of time recently discussing the Shady Lane walkway, but they have also been working on a walkway for Sir Francis Drake and have met with considerable success. They applied for federal funds and have now received a federal commitment for \$200,000. Sir Francis Drake is overseen by Caltrans and work has to be coordinated with that agency. Regardless, Town staff is meeting with representatives of Caltrans on April 15th and they should have a better idea of what the timeline will be after that meeting, but it is a high priority.

Mayor Hunter reported last month that his efforts to enlist the assistance of San Anselmo's Mayor had not been successful and that he had asked Town Manager Broad to contact San Anselmo Town Manager Stutsman to help move along this joint effort towards making that

shared street safer for all and is pleased to report that San Anselmo has agreed to get a new traffic count at a time of the resident's choosing and to see if they can meet the warrants for a new stop sign in addition to the stripping that the Council approved at the last meeting. Town Manager Broad will be contacting some Bolinas Avenue residents for input on the opportune time to conduct the study. Based on that study, they will be able to determine whether or not a stop sign is warranted.

7. Report from Committee Heads.

Council Member Cahill

- MCCMC Legislative Committee

Mayor Pro Tempore Cahill reported that on April 14th MCCMC Legislative Committee will discuss four pieces of State legislation pertaining to aerial spraying for the light brown apple moth. Three pieces from Assembly Members Huffman, Laird and Leno could delay this summer's aerial spray pending more public hearings and more information on the pest eradication substance to be used. State Senator Migden's bill, SCR 87, calls for a moratorium on the aerial spraying until the safety issues are fully vetted. Council Member Durst will be attending the meeting and report back findings next month.

- Street Tree Working Group (STWG)

Mayor Pro Tempore Cahill reported on behalf of Council Member Durst that STWG met on April 2nd to discuss their work plan. Janell Hobart will spend this summer working on a Townwide street plan presentation for the centennial celebration. Cynthia Zak is organizing the "float" for the centennial parade. Becky Duckles will be working on the care recommendations. Robert and Buzz have started planting on Fernhill and will continue to plant trees as time permits. STWG will examine the street tree issues on Shady Lane once the path is put into place. The Ostler family has planted several truly majestic street trees in front of their home on Lagunitas. They worked in conjunction with their landscape architect Michael Yandle and the STWG. The STWG would like to thank and commend the Ostler's for this wonderful gift to the Town at their May Council meeting.

8. Report from Ross Property Owners Association.

Carla Small, RPOA representative, thanked Chief Heying for his leadership in meeting with the RPOA, the school and Ross Auxiliary and they are making headway in regard to the phonebook. RPOA will fund the cost of printing up a Ross disaster plan worksheet for residents. RPOA appreciates Chief Heying working with all of them because they are working forward and Ross School is a place to meet. Also, RPOA started flyers and posters for candidate's night, which is April 29th at 7:30pm located at the multipurpose room.

9. Flood Control Report.

Council Member Strauss reported that on March 24th the Flood Control Advisory Group met. Jack Curly prepared a presentation of items to be studied out of the monies received from the flood fee. The following items would be studied: "*feasibility of detention basins upstream; bank stabilization; creek maintenance; general engineering and consulting; urban creeks contract; fish passenger project; floodway protection program; community rating system; identify willing sellers of key flooding properties; and Ross Valley website.*" He then indicated that those are the initial programs that all communities agreed to spend the funds on. They are also working on a schedule with URS. The engineering studies must start at some point, but the exact cubic feet must be

known in regard to the bridge because it has to do with the location and number of detention basins, so it must be reviewed in its entirety.

10. Town Council adoption of Resolution No. 1645 Honoring the Branson School Boys and Girls Basketball Teams for winning the Division V State Championship for a second consecutive year.

Mayor Hunter read Resolution No. 1645 into the record, honoring the Branson School boys and girls basketball teams for winning the Division V State Championship for a second consecutive year. Mayor Hunter then congratulated and presented basketball players Ryan McGuigan and Michela Bestwick along with Headmaster Woody Price with the resolution.

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

John Moe, Town Engineer, developed a matrix with the committee that outlined the concerns of the citizens and Public Works along with possible paving treatments. The following were the concerns discussed: aesthetics; safety; permeability; maintenance, ADA compliance; and green products. The preferred surface path would be decomposed granite with a binder, which is ADA compliant with only minor maintenance issues when the pathway crosses driveways. The decomposed granite without a binder could require as much as daily maintenance to be ADA compliant, so that is not the preferred surface. The following surface materials were studied: asphalt; porous asphalt; decomposed granite; decomposed granite with binder; and turf block. Based on the various considerations, all other alternatives scored lower than decomposed granite with binder, so that is the preferred pathway surface. In regard to drainage, Matt Smeltzer indicated that the swale can mitigate the flooding and on the other side they could add an infiltration trench to mitigate additional runoff, which has not been designed or analyzed as well as a drain rock trench, so runoff will then infiltrate into the soil. In addition to drainage, they also conducted a field review of a pathway in Novato with binder that is ADA compliant. Staff provided the Council with photographs for their review. The only problem is when the path crossed driveways the surface was broken down.

Another expressed concern was safety and sight distance issues in regard to exiting driveways and height of hedges, so by lowering the height of some hedges in the right-of-way that will improve sight distance. They developed a draft letter to each impacted resident that describes the work in order to initiate communication with homeowners and resolve any outstanding issues. Once a final decision on the pathway surface is determined, staff will send out the drafted letter.

Mayor Pro Tempore Cahill asked staff the cost difference between the surfaces studies. Public Works Director Jarjoura responded that decomposed granite with binder is around \$8.50 per foot; asphalt is about \$4.00 or \$6.00; concrete is around \$10 or \$12. The total project is about 8,000 sq. ft. Mayor Pro Tempore Cahill noted that the difference is about \$15,000 approximately. Public Works Director Jarjoura explained that the price is for the material. It does not include the redwood material needed as a border, which is an additional cost.

Mayor Hunter asked staff if it has the same characteristics then why choose the more expensive surface. Town Engineer Moe stated for its color and green product component. He noted that it almost appears like brown asphalt. Council Member Strauss agreed it appears

April 10, 2008 Minutes

more like brown dirt in order to have a more rural characteristic. The Council agreed the more natural looking pathway warranted the extra expense.

Town Engineer Moe recommended that the Council accept staff's recommendation to construct the new Shady Lane Safe Routes to School pathway with decomposed granite with binder, which rated the highest out of the five potential surface materials evaluated. Council Member Strauss recommended that the driveways remain the same surface unless they are gravel, but asphalt and concrete driveways can remain.

Town Manager Broad noted that the pathway by the Cliff House in San Francisco is a great example of a decomposed granite pathway with binder. Also, cost is not included in the matrix as an item because cost was not a public concern, but this will cost more to have decomposed granite with binder than asphalt. In regard to drainage, they had Matt Smeltzer review and in a heavy storm there will be no difference in runoff versus the existing surface. Once saturated, even dirt, the same amount of runoff will occur. In a light storm there will be no drainage effect because rainfall will be light enough, so with the medium size storm using decomposed granite with binder will provide some additional runoff in specific areas versus the dirt path.

Mayor Hunter opened the public hearing on this item.

Jessica Hart, Thomas Court resident, encouraged children and parents to walk to school because it is good for their health and better for the environment by keeping vehicles in their garages instead of polluting the atmosphere. It would behoove adults to carefully exit their driveways into the street. Also, it is a good idea to educate children about not using cell phones when on their bikes, scooters or skateboards. She believed education is key and suggested that Chief Heying, the PTA and SR2S have a joint educational program. She further desired a safe path.

Carla Small, Duff Lane resident, supported the decomposed granite with binder, which slows down the excessive speeds traveled. She stated that it is not the students or young people, it is the adult joggers and bicyclist that speed and never look to see if it is safe. Speeds increased on Shady Lane when it was paved, so any improvements to slow down the excessive speeds traveled would be beneficial.

Chris Martin, Shady Lane resident, commended staff along with the Council for listening to the residents and developing a plan that will work for all parties involved. He is very pleased that the Town is moving forward as discussed.

The Council accepted staff's recommendation to construct the new Shady Lane Safe Routes to School pathway with decomposed granite with binder.

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

12. **Town Council consideration to explore, with the Ross School District, the relocation of the Town's Emergency Operation Center (EOC) into the proposed new Ross School facility, allowing for coordinated disaster preparedness efforts by the two organizations.**

Chief Heying summarized the staff report and recommended that the Town Council consider exploring with the Ross School District a proposal to relocate the Town's EOC to the new school building allowing for coordinated disaster preparedness efforts by the two organizations. The move would provide residents with an EOC in a seismically safe structure built above the 100-year flood plain level. Planning could involve the installation of additional telephone lines and storage areas for emergency equipment.

Mayor Hunter asked staff if there are any downsides to this proposal. Chief Heying did not see any downside other than additional telephone lines and more storage space. Staff believed developing a working agreement with the District would be appropriate, so responsibilities and rights are clearly outlined. The Council agreed.

Mayor Pro Tempore Cahill asked staff for a sense of the cost to the Town. Chief Heying explained that all the equipment is fairly mobile. They just need basic furniture, telephones, and radios and they are able to set up shop anywhere. Staff did not anticipate any significant cost. Town Manager Broad believed it would be a nominal fee. Also, it might be possible to do this at the Ross Rec space, which has an exterior door that would provide better access. Staff believed this is a win/win opportunity for the school and Town to pull resources.

The Council agreed that coordinated disaster preparedness and response between the Town of Ross and Ross School would be a huge benefit to residents and agreed to explore relocation of the Town's Emergency Operation Center to the new school building.

13. **Town Council discussion of additional time limit parking (green zones) in the downtown commercial area.**

Council Member Strauss explained that Eddie's and Marmalades desired four 20-minute parking spaces downtown across the street and in front of Eddie's. He recommended that the Council start with at least two possibly four (2 each way) 20-minute parking spaces instead of one space as suggested by the traffic consultant in order to help facilitate traffic downtown.

Mayor Pro Tempore Cahill suggested imposing a time limit on those 20-minute parking spaces. Council Member Strauss agreed a time limit could be imposed. He also believed it would help the merchants for the meantime by satisfying the turnover need.

Mayor Pro Tempore Cahill asked staff to contact the businesses downtown to make sure they are in agreement with this kind of an approach. Council Member Strauss suggested that if staff receives positive feedback from the merchants, then the subcommittee could move forward with the 20-minute spaces. Town Manager Broad asked the Council what businesses should staff contact because receiving 100% agreement on two 20-minute parking spaces is very unlikely. Council Member Strauss suggested moving forward with the two spaces in front of Eddie's rather than four.

Mayor Hunter opened the public hearing on this item.

Carla Small, Duff Lane resident, noted that the RPOA have discussed this issue and she noted her frustration for not being able to park in the downtown, so she supported the 20-minute spaces. She added that Marmalades, the dry cleaners and Eddie's are important businesses that need parking spaces in order to thrive. Council Member Strauss concurred. He desired the success of this business downtown as well.

Charlotte Levin, Ross resident, asked staff what is occurring with the downtown plan. Town Manager Broad announced that on May 3rd there is a downtown plan meeting scheduled. Staff further announced that more information about the downtown plan meeting would be provided in "*The Morning After*."

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 agreed to add two 20-minute parking spaces in front of Eddie's and after the stakeholder meeting they can discuss in more detail the idea of adding additional spaces, but agreed to add the two spaces for now.

Mayor Pro Tempore Cahill expressed concern for parking enforcement in regard to all day parking for employees. Council Member Strauss noted that enforcement is occurring. He then asked Chief Heying to warn the community that parking is being enforced.

Mayor Pro Tempore Cahill agreed a warning is needed to educate individuals about the 20-minute parking spaces and encourage individuals to use the 20-minute spaces appropriately. Chief Heying agreed to introduce a change in the conditions downtown and educate the community in regard to the 20-minute parking spaces. Chief Heying further recommended a green curb and signage as opposed to stenciling the curb.

The Council agreed to convert two parking spaces directly in front of the Ross Grocery to a 20-minute green zone to improve the turnover of parking spaces for shoppers in the downtown. The Council will consider additional 20-minute parking as part of the downtown plan.

14. Council Consent Agenda.

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

- a. Town Council consideration of adoption of Ordinance No. 610 authorizing an amendment to contract between the California Public Employees' Retirement System and the Town of Ross.

Mayor Hunter asked for a motion.

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

- b. Town Council consideration of Resolution No. 1646 Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (GANN Initiative) and Setting the Appropriation Limit for the Fiscal Year Ending June 30, 2008.

Mayor Hunter asked for a motion.

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

- c. Town Council amendment to the adopted FY07-08 budget to reflect an additional \$29,000 of Roadway Improvement Fund Revenue from Surface Transportation Program Funds. The budget will also be amended to shift \$29,000 of the Glenwood Avenue Overlay expenditure from the Gas Tax Fund to the Roadway Improvement Fund.

Mayor Hunter expressed concern for the cost of this improvement when a huge project is about to occur. Town Manager Broad explained that there would be several years of construction, so staff felt moving forward at this time was appropriate. Also, the Town would lose the funds if not used.

Mayor Hunter asked for a motion.

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

End of Council Consent Agenda.

15. Town Council discussion of introduction of Ordinance No. 611 to increase fire protection measures through modifications to the following chapters of the Ross Municipal Code: Chapter 12.12, Weeds, Trees, and Vegetation; Chapter 15.32, Report of Residential Building Records; Chapter 18.39, Hillside Lot Regulations; Chapter 18.40, General Regulations; and Chapter 18.41, Design Review.

Chief Heying recommended that the Town Council introduce Ordinance No. 611 to increase fire protection measures through modifications to the following chapters of the Ross Municipal Code: Chapter 12.12, Weeds, Trees, and Vegetation; Chapter 15.32, Report of Residential Building Records; Chapter 18.39, Hillside Lot Regulations; Chapter 18.40, General Regulations; and Chapter 18.41, Design Review.

Chief Heying explained that the new regulations are necessary to reduce fire risk in the hillside areas and enhance fire safety throughout the Town. The heavily wooded and steep topography of Ross make the town vulnerable to wildland fires. Staff added that the proposed regulations require hillside properties to provide 100 feet of defensible space and add new design review guidelines requiring new hillside lot construction to conform to wildland urban interface building code standards.

Council Member Strauss discussed page 5 in regard to Chapters 7 and 8 and asked staff about the 4 or 40 feet. Chief Heying responded that it is designed to prevent the rapid and unchecked areas for fire. It has been determined that vertical spaces between types of plants are important in regard to the defense zone. It would not necessarily require removal of vegetation, but possibly during resale inspection and projects that come before the Council for only very high fire hazard areas. The effort is to provide the current standard for fire protection and allow the Council to make decisions on a case-by-case basis because there can be a number of mitigating factors.

April 10, 2008 Minutes

Mayor Hunter asked staff in case of presale inspection, if the Fire Marshal felt more clearing is needed then that could be mandated. Chief Heying responded in the affirmative. Staff then pointed out that there is an appeal process as well. Town Manager Broad added that if there is a disagreement, staff anticipates a consensus on how to apply the regulations. Chief Heying noted that the public resources code describes much of the vegetation plan that has been in effect for over 20 years. The Fire Marshal has enforced parts of that section for years. The new component is plant spacing as a result of the recommendations from the State.

Mayor Pro Tempore Cahill discussed the two options in the vegetation plan and assumed for most of hillside communities they would want to maintain the tree canopy. Chief Heying indicated that has been the policy for a number of years. Mayor Pro Tempore Cahill asked staff who determines which option to use. Chief Heying stated upon discussion and recommendation with the Fire Marshal, but the option is with the resident. Staff noted that tree ordinances are in effect that would come into play and there could be a combination of the two. Staff further noted that Bay trees are highly flammable as well as dead or diseased oak trees.

Mayor Pro Tempore Cahill asked staff if one were building a new home would homeowner not place screening trees on a hillside within a 100 feet of their home. Chief Heying must review the hazard zones and slope in which the home is being built on. In cases they require 30 feet and then 100 feet. For screening purposes, staff recommends staggered spaces that can be used with these predetermined lengths and still effectively screen. If they have nonflammable plant species and well-watered green areas around the home it is not considered a hazard zone. The Fire Marshal must make a decision on a case-by-case basis. They are looking at growth that has grown unchecked, so with well-landscaped yards this will not be an issue.

Mayor Pro Tempore Cahill asked staff if these changes would require a property owner to clear out all of that brush or wait until a home is built or the property is sold. Chief Heying responded that discussion to mitigate that danger has occurred. They hope for some resolution in the area to make the property more accessible and relieve the overall fire load.

Mayor Hunter opened the public hearing on this item.

Janine Boneparth, El Camino Bueno resident, asked staff for a handout of the hazard zones. Town Manager Broad provided Ms. Boneparth the handout as requested.

Douglas Abrams, Canyon Road resident, asked staff what enforcement does the Town have because there are several parcels that are densely full of dead oak trees and scotch broom and hoped those yards could be cleaned up. Chief Heying agreed that Bay trees and scotch broom are the biggest problems and the Fire Marshal works with residents in that regard. Staff noted that action can occur independently at anytime. Resale, remodel and/or new construction would be the trigger point, but the Town can take independent action if a property owner is not being responsive. Also, upon a neighbor complaint, Fire Marshal review can occur. The Fire Marshall noted that the 30-foot zone has been worthless. Staff explained that the process starts with a trigger of routine inspection or by complaint with a two-week notice and then it takes up to one month to clear. Staff further noted that the Town can lean the property and attach the bill to the property, which is a very expensive process on these huge lots.

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

Mayor Hunter asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Cahill seconded, to waive the first reading and introduce Ordinance No. 611 to increase fire protection measures through modifications to the following chapters of the Ross Municipal Code: Chapter 12.12, Weeds, Trees, and Vegetation; Chapter 15.32, Report of Residential Building Records; Chapter 18.39, Hillside Lot Regulations; Chapter 18.40, General Regulations; and Chapter 18.41, Design Review. Motion carried unanimously.

16. Implementation of the five Town Council goals for 2007-2008.

Mayor Pro Tempore Cahill worked with other jurisdictions in regard to emergency response and drainage and as Council Member Strauss reported Flood Zone 9 is moving forward with a number of projects. He further indicated that warning systems and response protocols are in place and working very well.

Mayor Hunter reported that Council Member Durst achieved her goal and the first advisory design review meeting will occur on April 24th at 5 pm at the Town Hall.

Council Member Strauss explained that they introduced the visioning session comments and received favorable responses. He added that circulation must be discussed. Tuesday night is the first stakeholder meeting and the church as well as the school is invited. They will gather more information from that meeting and build on the previous meeting. On May 3rd there will be a Town wide meeting at the school at 9:00 am. They will develop a package and solicit professional landscape architects to take those ideas and develop a physical plan for the downtown. It will be a process, but the front-end work is occurring.

Mayor Hunter discussed fire consolidation with Larkspur and Chief Heying along with Town Manager Broad are meeting with Larkspur every Monday in order to move forward. After the last meeting they are trying to put a harder edge on the cost and who will pay for what and differentiate over having a freestanding fire department and once completed it will come back to the Council in either May or June.

Carla Small, Duff Lane resident, requested that a notice about the downtown May 3rd meeting be posted at the Post Office. Town Manager Broad agreed and noted that Jeff Baird will facilitate the session.

17. Town Council preliminary discussion of Town Council goals for 2008-2009 and the implementation of these goals.

Town Manager Broad recommended that the Town Council have a preliminary discussion of Town Council goals for 2008-2009 and the implementation of these goals. Mayor Hunter outlined the following as potential goals:

- Downtown Plan - Development and Implementation Continuation
- Undergrounding Utility Implementation and Funding
- Civic Center Master Plan

- Major Public Works Projects (*Shady Lane Pathway, Sir Francis Drake Sidewalk, Lagunitas Road Bridge, Fish Ladder, Replacement Project, etc.*) Singling out projects and have one person being the driver on large Public Works items.
- Police Department Organization and staffing post Fire Department consolidation

Mayor Pro Tempore Cahill and Council Member Strauss agreed with the list of goals as outlined. Mayor Hunter asked staff to discuss the goals in “*The Morning After*” in order to receive additional public input.

18. **Town Council Consideration of Civic District (CD) Use**

Town Council consideration of allowing a Thursday afternoon Farmers Market in the existing parking lot on the east side of the Ross Common roadway between the Ross Post Office and the downtown commercial area (A.P. No. 73-242-05). The market would be open from approximately 4p.m. to 8p.m. and feature produce sold by various California farmers and may include some additional vendors, music, entertainment, etc., as often associated with farmers markets. The market will run from June to September.

Town Manager Broad summarized the staff report and asked the Town Council to consider allowing a Thursday afternoon farmers market in the existing parking lot on the east side of the Ross Common roadway between the Ross Post Office and the downtown commercial area (A.P. No. 73-242-05). The market would be open from approximately 4 pm to 8 pm and feature produce sold by various California farmers and may include some additional vendors, music, entertainment, etc., as often associated with farmers markets. The market will run from June to September.

Town Manager Broad received a few letters from residents requesting organic or locally grown produce and urged the Council to ban non-food items, so they must make it clear that the Town will have final approval over the lease agreement and dealing with any logistics.

Mayor Hunter asked staff if there is an option for Eddie’s to have a booth. Town Manager Broad responded in the affirmative.

Mayor Pro Tempore Cahill asked staff the cost associated with the Town in regard to the farmers market. Town Manger Broad responded that the only cost would be in regard to putting up some sort of notification signs that the parking lot would be closed for a certain period of time to allow vendor setup. Chief Heying noted that signage in regard to tow away zones and parking restrictions during the farmers market will be posted.

Mayor Hunter asked staff if the group would be consistent with San Rafael’s farmers market. Town Manager Broad responded that it could be modified, but staff proposed that the farmers that setup in San Rafael could also setup in Ross. Staff believed it would be a stable group of about a dozen California farmers. Staff added that the more Ross and surrounding communities visit the more successful the farmers market will be.

Mayor Pro Tempore Cahill and Town Manager Broad agreed to oversee the drafting of an agreement with the farmers market.

April 10, 2008 Minutes

Council Members Strauss supported the farmers market.

Mayor Hunter opened the public hearing on this item.

Charlotte Levin, Ross resident, expressed concern for the logistics in terms of trucks being parked. Town Manager Broad explained that each farmer would be in one stall facing the street, but it has not been completely determined. Ms. Levin then noted that if the Town has an interest in getting a particular type of farmer to contact Lynn.

Chris Martin, Shady Lane resident, supported the farmers market, but expressed concern for music and entertainment and asked that the Council be careful in regard to music and entertainment on Thursday afternoons. Ross Common is a very quiet and peaceful place. Associated vendors can be junky, so he asked for the Council's consideration in terms of place and setting. Town Manager Broad agreed and indicated that would be controlled through the lease agreement.

Doug Abrams, Canyon Road resident, commended Town Manager Broad and thanked the Council for hopefully approving this farmers market. He then asked if the Town would receive rent from the market. Town Manager Broad noted that it is rent-free and the Town would not receive any rent from the farmers market. Mr. Abrams expressed concern for garbage and garbage cans and suggested providing trashcans. Also, it is a fairly small area and asked staff how many vendors would fit in the area. Town Manager Broad believed about a dozen vendors. Mr. Abrams suggested informing the downtown merchants about the farmers market, which could potentially benefit their business.

Janine Boneparth, El Camino resident, supported the project, but desired green concepts to be considered.

Mr. Abrams desired organic farmers. Town Manger agreed to work with Lynn in regard to organic farmers. Council Member Strauss suggested in "*The Morning After*" stating, "*bring your own environmentally-friendly bags to the market.*"

Donald Santa, Goodhill Road resident, believed the term "*local*" should be defined in regard to vendors.

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

Mayor Hunter asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Cahill seconded, to authorize staff to enter into a lease agree for a farmers market in the Civic District with Mayor Pro Tempore Cahill being the liaison.

The Council took a short recess at 8:18pm and Town Attorney Hadden Roth excused himself from the Town Council meeting.

19. **662 Goodhill Road, After-the-Fact Hillside Lot, Slope Stability Hazard Zone 3 and 4 Use Permit, and Design Review No. 92**

Donald Santa, 662 Goodhill Road, A.P. No. 73-211-45, R-1:B-5A (Single Family Residence, 5 acre minimum lot size). Amendments to plans approved by the Town Council on July 9, 1998, and amended on July 8, 1999, September 14, 2000, February 8, 2001, March 8, 2001, and April 12, 2001, for a hillside lot, slope stability hazard zone 3 and 4 use permit, and design review for a new residence, pool house and garage/guest unit. After-the-fact design review approval is requested to allow over 1,800 linear feet of retaining walls, up to 19+ feet in height, constructed without planning approval and without building permits. After-the-fact design review approval is also requested for 380 cubic yards of cut and 380 cubic yards of fill for creation of terraced areas and paths not shown on the approved plans and also constructed without planning or building approval.

These walls, paths and terraced areas violate project conditions of approval prohibiting construction, including retaining walls, grading and filling within designated "hillside protection zones" on the property without prior Town approval. An amendment to the prior conditions of approval is requested to allow after-the-fact approval for work done within "hillside protection zones" without prior Town approval. This amendment would require amending Resolution No. 1409 approved on July 8, 1999 and Resolution No. 1462 approved on April 12, 2001.

Senior Planner Semonian summarized the staff report and recommended that the Town Council not approve the after-the-fact application. Staff is unable to make the findings and expressed concerned because the applicant had never submitted plans to the Town for the work and therefore the Town had no inspections during construction of the retaining walls. There is also the issue of approving this after-the-fact application since staff feels they would never have supported the retaining walls had the applicant requested approval prior to construction, because they disturbed the natural hillside area and are so much taller than the guidelines height limit of 8 feet. Staff believed it sets a bad precedent to approve work just because it has already been done. Staff further recommended that the Council consider the work a public nuisance and set a deadline of removing the retaining walls under the monitoring of an engineer and staff.

Council Member Strauss asked staff what contractor did the work. Senior Planner Semonian did not know.

Donald Santa, applicant, asked the Town Council for a continuance in order to provide all the necessary information and then come back at a future date with a modified application to downscale the proposal to an application that would have been approved at the outset. He scheduled to have the soil tested and it will be in conjunction with his engineer and the Town's Engineer to make certain that all construction was done in compliance. He will have his contractor present at the next meeting as well as his landscape architect to address the issues of scaling the project back. He further apologized and noted his regret and respectfully requested a continuance.

Mayor Hunter supported a continuance to the May 8th meeting, but declared the unpermitted work a nuisance and warned Mr. Santa that the 90-day abatement clock would start tonight, which means 90-days from now it must be abated in a way acceptable to staff

and the Council. Staff is available to review the recommended modifications or just the abatement of the problem, which all must be engineered properly.

Council Member Strauss noted that the lower portion comes very close to the contour and the wall behind does not show fill and asked the reason. Mr. Santa explained that it was designed and approved by the Town, but the first season consisted of leveling the swale to the current elevation. Council Member Strauss was confused and asked that the contours be shown to know how much fill was placed because it appears that it has gone into the hillside protection zone and the project involved more fill than shown. Mr. Santa agreed to confirm the conditions.

Council Member Strauss noted that to make an informed decision they must review the history of the project. He then asked who the landscape architect was on this project. Mr. Santa indicated that landscape architect Michael Yandle was the landscape architect on the project. Staff indicated that the plan Mr. Yandle submitted to the town did not include any of the versaloc walls. Mr. Santa again apologized to the Council and agreed to make it right.

Mayor Hunter opened the public hearing on this item.

Carla Small, Duff Lane resident, lives at the bottom of the hill and is very concerned that the Town Council will require the walls to be removed. She is very concerned with the structure. To penalize Mr. Santa for this after-the-fact application may impact the area by becoming unstable. Council Member Strauss agreed and an engineer must be involved in the process. Mitigations must be discussed. He would also be concerned as a downhill neighbor that what is present is properly engineered. Ms. Small expressed concern for drainage issues as well. Mayor Hunter agreed it is a major 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 action.

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Strauss seconded, to continue the application to the May 8th meeting, declare the work a public nuisance and require the work to be abated within 90 days from today. Motion carried unanimously.

20. 18 Ross Terrace, Variance and Design Review No. 1679

Dan and Mia Beckham, 18 Ross Terrace, A.P. No. 71-240-30, R-1:B-15 (Single Family Residence, 15,000 Square Foot Minimum Lot Size). Variance and design review to allow construction of an 8-foot tall wall (6 feet permitted) 30 to 42 feet from the front property line adjacent to Sir Francis Drake Boulevard. The applicants propose to build up soil against the wall to reduce its visual height to 6 feet. Design review is also requested to allow landscape improvements associated with a new pool area, including a 225 square foot pool equipment and storage enclosure, patio areas, water feature, pergolas and an outdoor fireplace.

Lot area	39,708 square feet	
Existing Floor Area Ratio	14.3%	
Proposed Floor Area Ratio	14.3%	(15% permitted)

April 10, 2008 Minutes

Existing Lot Coverage	14.3%	
Proposed Lot Coverage	15.0%	(15% permitted)

Senior Planner Semonian indicated that the application is incomplete and recommended that the Town Council continue the matter to the May 8th, 2008 Town Council meeting.

Mayor Hunter asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Cahill seconded, to continue Item 20 to the May 8th, 2008 Town Council meeting. Motion carried unanimously.

21. Correspondence - None

22. Other Business – None

23. Adjournment

By order of Mayor Hunter, the meeting adjourned at 8:45 pm.

R. Scot Hunter, Mayor

ATTEST:

Gary Broad, Town Manager