



**AGENDA**  
**REGULAR MEETING of the ROSS TOWN COUNCIL**  
**THURSDAY, APRIL 9, 2015**

- 1. 5:00 p.m. Commencement.**
- 2. Posting of agenda.**
- 3. Open time for matters pertaining to the closed session items in agenda item 4.**
- 4. Closed session.**
  - a. Conference with Labor Negotiators**  
Town representatives: Town Manager & Glenn Berkheimer, IEDA  
Employee organization: Ross Police Officers Association
  
  - b. Conference with Legal Counsel—Existing Litigation**  
Government Code Section 54956.9(d)(1)  
Thomas Vallee v. Town of Ross, PSI, administered by York Risk Services Group, Inc.  
Workers Compensation Appeals Board Case No. ADJ8893324
- 5. 6:00 p.m. Open Session. Council will return to open session and announce actions taken, if any.**
- 6. Minutes.**
- 7. Demands.**
- 8. Open Time for Public Expression. (5 minutes)**  
Limited to three minutes per speaker on items not on agenda.
- 9. Introduction of Interim Town Manager Dianne Thompson. (Brekhus, 5 minutes)**
- 10. Introduction of Interim Planner Leann Taagepera. (Thompson, 2 minutes)**
- 11. Recognition of former employee Buzz Doughty, Public Works Maintenance Worker, upon his retirement, and outgoing employee Elise Semonian, Senior Planner. (Thompson, 5 minutes)**






**Project applicants will be limited to no more than 15 minutes total for owner, architect, engineer, etc. presentations. All other speakers will be limited to a maximum of 3 minutes per item.**

**12. Council Committee and Liaison Reports. (20 minutes)**

- a. Mayor.
- b. Council Committees. (Finance, General Government, Public Works, Community Protection)
- c. Town Manager.
- d. Marin Art & Garden Center.
- e. Ross Property Owners Association.
- f. Ross School.

**13. Consent Agenda. (5 minutes)**

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

- a. Town Council consideration of adoption of Resolution No. 1892 supporting Arbor Day. (Thompson) 
- b. Town Council consideration of adoption of Resolution No. 1893 proclaiming April 2015 to be Fair Housing Month. (Thompson) 
- c. Town Council consideration of adoption of Ordinance No. 659, an Ordinance of the Town of Ross amending the Ross Municipal Code Chapter 12.24 to Update the Regulations Governing the Removal of Trees and Amending the In Lieu Tree Replacement Fee. The proposed ordinance: requires a certain inch of trunk diameter for tree replacement based on the condition of the removed tree, where the current ordinance does not specify tree replacement size; allows landscape screening as an alternative to tree replacement; includes criteria for when tree replacement is feasible; expands circumstances when fees may be paid in lieu of tree replacement; and enables the Town to obtain a financial security to ensure tree protection during construction projects establishing a policy for providing a fee waiver or reduction for Town Planning and Development Services. (Semonian) 
- d. Town Council consideration of adoption of Ordinance No. 661 an Ordinance of the Town of Ross Amending Title 13 “Water and Sewers” of the Ross Municipal Code Adding Chapter 13.08 “Water Efficient Landscaping” and Adopting by Reference Marin Municipal Water District Code Chapter 13.02 “Water Conservation and Dry Year water Use Reduction Program.” (Semonian) 
- e. Town Council consideration of adoption of Resolution No. 1894 closing out the Building Permit Excess Fund account. (Thompson) 

**f. Town Council consideration of adoption of Resolution No. 1895 approving payment of an additional \$150,000 to the California Public Employees Retirement System (CalPERS) before June 30, 2015, for prefunding of retiree health benefits through participation in the California Employer Retiree Benefit Trust Program (CERBT). (Thompson) ☐**

**g. 14 Norwood Avenue, Design Review No. 2000 (Semonian) ☐**

Mark and Molly Gamble, 14 Norwood Avenue, A.P. No. 73-091-30, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre), Zone A and X (lot partially within 100-year floodplain). Design review for work within 25 feet of a watercourse. The project involves replacement of approximately 70 feet of wood retaining wall, which has partially failed, with a new retaining wall along the west bank of Ross Creek, downstream of the Norwood Avenue Bridge. The existing wall would be removed and replaced in the same location and configuration with a new timber-lagging wall. A tree removal permit is requested to remove one maple growing through the existing wall. The Town Council will consider if the proposed project is categorically exempt from CEQA.

**End of Consent agenda.**

**14. Public Hearings on Planning Applications – Part I.**

*Public hearings are required for the following planning applications. Staff anticipates that these items may be acted upon quickly with no oral staff report, Council discussion, or public comment. If discussion or public comment is requested for any item, the Council may consider the item later in the agenda. The Council will act on each item separately.*

**a. 6 Chestnut Avenue, Variance, Design Review, and Demolition Permit No. 1996 (Semonian, 3 minutes) ☐**

John and Cristina Scarborough, 6 Chestnut Avenue, A.P. No. 73-301-06, R-1:B-10 (Single Family Residential, 10,000 sq. ft. min. lot size), Medium Low Density (3-6 Units/Acre). Application for design review, demolition permit, nonconformity permit and variance. The project includes an interior remodel and 48 square foot addition to the southwest corner of the house, within the south side yard setback (15 feet required, 8 feet proposed). The applicants would extend the primary roofline over the addition. Windows and doors would be modified on the south, north and west elevations. The project also includes reconstruction of the pool house and relocation of pool equipment to a covered vault west of the pool house, within the south side yard setback (15 feet required, 11 feet existing and proposed). The existing residence is nonconforming in setbacks and covered parking (one covered parking space required).

<b>Lot Area</b>	<b>18,150 square feet</b>
<b>Existing Floor Area Ratio</b>	<b>3,551 sq. ft. 19.5%</b>
<b>Proposed Floor Area Ratio</b>	<b>3,599 sq. ft. 19.8% (20% permitted)</b>
<b>Existing Lot Coverage</b>	<b>2,404 sq. ft. 13.2%</b>
<b>Proposed Lot Coverage</b>	<b>2,452 sq. ft. 13.5% (20% permitted)</b>
<b>Existing/Proposed Impervious Surfaces</b>	<b>no change</b>

**b. 14 Madrona Avenue, Variance No. 1999 (Semonian, 3 minutes) ☐**

Michael and Erika Rosenbaum, 14 Madrona Avenue, A.P. No. 73-232-42, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size), Medium Low Density (3-6 units per acre). Application for floor area and setback variance to add 57 square feet of floor area to family room, with the rear yard setback (40 feet required, 35.5 feet proposed).

<b>Lot Area</b>	<b>18,677 square feet</b>
<b>Existing Floor Area Ratio</b>	<b>4,379 sq. ft. 23.5%</b>
<b>Proposed Floor Area Ratio</b>	<b>4,436 sq. ft. 23.8% (20% permitted)</b>
<b>Existing Lot Coverage</b>	<b>1,924 sq. ft. 10.3%</b>
<b>Proposed Lot Coverage</b>	<b>2,000 sq. ft. 10.7% (20% permitted)</b>
<b>Existing/Proposed Impervious Surfaces</b>	<b>no change</b>

**c. 83 Laurel Grove Avenue, Variance, Design Review, and Hillside Lot Permit No. 1992 (Semonian, 3 minutes) ☐**

John and Kary Chendo, 83 Laurel Grove, A.P. No. 72-092-16, R-1:B-A (Single Family Residence, 1 acre min. lot size), Low Density (.1-1 units per acre). Application for design review, Hillside Lot permit, variance and second unit exception. The project includes: 1.) remodel and two-story addition to the residence, partially within the required Hillside Lot Ordinance side yard setback (45 feet required, 30 feet proposed); 2.) new pool to the south of the residence, in a location where a pool was previously located; 3.) 340 feet of landscape retaining walls up to 5 feet tall; 4.) grading including 200 cubic yards of cut and 10 cubic yards of fill; 5.) new patio and sauna area; and 6.) 935 square foot, two story, second unit south of the residence, with a maximum roof ridge height of 21 feet. An exception is required for the second unit (one story permitted). A tree removal permit is requested to remove one 12" diameter oak and a 12" diameter loquat tree.

<b>Lot Area</b>	<b>98,881 square feet</b>
<b>Existing Floor Area Ratio</b>	<b>4,337 sq. ft. 4.4%</b>
<b>Proposed Floor Area Ratio</b>	<b>5,842 sq. ft. 5.5% (15% permitted*)</b>
<b>Existing Lot Coverage</b>	<b>3,175 sq. ft. 3.2%</b>
<b>Proposed Lot Coverage</b>	<b>4,226 sq. ft. 4.3% (15% permitted)</b>
<b>Existing Impervious Surfaces</b>	<b>13,544 sq. ft. 13.7%</b>
<b>Proposed Impervious Surfaces</b>	<b>13,544 sq. ft. 13.7%</b>

\*Under standard zoning regulations. Proposed project is also within maximum floor area permitted under Hillside Lot Ordinance.

**End of Public Hearings on Planning Applications – Part I.**

**15. Ross Valley Flood Control update. (Martin/Rice, 10 minutes)**

**16. Recreation Department update. (Armstrong, 10 minutes) ☐**

**17. Town Council consideration of adoption of Ordinance No. 662, an Interim Ordinance pursuant to California Government Code Section 65858 prohibiting Medical Marijuana**

**Dispensaries in all zoning districts during the pendency of the Town's review and adoption of permanent zoning regulations. (Stepanicich, 5 minutes) ☐**

**Public Hearings on Planning Applications – Part II.**

**18. 3 and 5 Ross Common, Conditional Use Permit No. 1998 (Semonian, 20 minutes) ☐**

John and June Lord, 3 and 5 Ross Common, A.P. No. 73-273-13, C-L (Local Service Commercial), C (Local Service Commercial), Zone AE (1-percent annual chance floodplain). Application for Conditional Use Permit to expand real estate office, currently located in a 632 square foot space at 3 Ross Common, into 632 square foot vacant storefront space at 5 Ross Common. The 5 Ross Common space would be modified to create 4 offices and a conference room. A wall between 3 and 5 Ross Common would be opened to allow a walkway between the two spaces. The restroom at 3 Ross Common would be expanded. Proposed days and hours of operation are Monday through Saturday 10:00 a.m. to 4:00 p.m. The applicant estimates five to twenty five clients per day.

**19. 63 Laurel Grove Avenue, Amendment to Design Review, Demolition, and Hillside Lot Permit No. 1914 (Semonian, 30 minutes) ☐**

Brad Oldenbrook, 63 Laurel Grove, A.P. Nos. 72-131-19, 72-131-25, R-1:B-A (Single Family Residence, 1 acre min. lot size), Low Density (.1-1 units per acre). Public hearing for the Town Council to consider an amendment to approved design review, demolition permit, and hillside lot permit plans for demolition of a residence and accessory structures and construction of a 5,461 sq. ft. residence, attached 495 sq. ft. garage, and 204 sq. ft. pool cabana. The applicants request approval for a new pool and hot tub southeast of the residence, which would provide water supply for firefighting. Pool equipment and fire suppression equipment are proposed to be located under the approved deck, where water tanks were previously approved. The amended plans also include new landscape retaining walls to replace existing walls, which entails relocation of existing water lines. The proposed improvements comply with all development regulations.

**20. 128 Winding Way, After-the-Fact Amendment to Variance, Design Review, and Demolition Permit No. 1919 (Semonian, 15 minutes) ☐**

Norman and Mette Hardie, 128 Winding Way, A.P. No. 72-250-03, R-1:B-5A (Single Family Residence, 5 acre min. lot size), Very Low Density (.1-1 units per acre). Town Council consideration of an after-the-fact request for an amendment to the hillside lot permit, design review, demolition permit, and variance application approved by the Town Council on July 11, 2013, for a remodel and addition to the residence, new pool and deck area, and new driveway area. The amendment is requested to permit 1.) retention of several areas of retaining wall that exceed the Hillside Lot Ordinance six foot height limit; 2.) modification to the landscape plan downslope of the residence, including modification to retaining walls and improvement of steps and new handrails; and 3.) variance for an unfinished pool equipment room with a ceiling height that exceeds 7 feet and constitutes additional floor area.

**21. 34 Poplar Avenue, Amendment to Variance and Design Review Permit No. 1933 (Semonian, 15 minutes) 🏠**

Dante and Mouna Ghilotti, 34 Poplar Avenue, A.P. No. 73-272-05, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. min lot size), Medium Low Density (3-6 units per acre), Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage) and within Floodway. Public hearing to consider amendments to an application for design review and variances approved November 14, 2013. The proposed project includes the following: 1.) demolition of shed along the south property line; 2.) 189 square foot addition to the first floor of the residence, including a new den within the required north side yard setback (15 feet required, 2.5± feet proposed) and master bedroom extension partially within the required south side yard setback (15 feet required, 10.5 feet proposed); 3.) interior remodel; 4.) rear deck and stairs to grade; and 4.) new dormer on west facing roof and improvement of 439 square feet of attic area for a bedroom. A nonconformity permit is requested to relocate the garage, which is nonconforming in setbacks, approximately 11.5' to the east to permit development of two uncovered parking spaces between the garage and Redwood Avenue. If the dormer addition is not supported, the applicants request an Attic Exception to permit improvement of 390 square feet of the attic area as floor area, without the 49 sq. ft. dormer addition.

<b>Lot Area</b>	<b>7,500 square feet</b>
<b>Approved Floor Area Ratio</b>	<b>2,092 sq. ft. 27.9%</b>
<b>Proposed Floor Area Ratio</b>	<b>2,482 sq. ft. 33.1%* (20% permitted)</b>
<b>Approved Lot Coverage</b>	<b>2,616 sq. ft. 34.9%</b>
<b>Proposed Lot Coverage</b>	<b>2,616 sq. ft. 34.9% (20% permitted)</b>
<b>Approved Impervious Surfaces</b>	<b>2,362 sq. ft. 31.5%</b>
<b>Proposed Impervious Surfaces</b>	<b>2,362 sq. ft. 31.5%</b>

\*Additional 390 floor area is for improvement of existing attic space  
*The existing residence is nonconforming in setbacks and parking.*

**22. 32 Allen Avenue, Variance, Design Review and Demolition Permit No. 1982 (Semonian, 15 minutes) 🏠**

Courtney Lynch, 32 Allen Avenue, A.P. No. 73-261-39, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. minimum lot size), Medium Low Density (3-6 units per acre), Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage) and Zone X (west side outside of High Risk Area). Review of application for demolition permit, design review, variance and nonconformity permit. The proposed project involves a significant remodel (potentially full demolition) and addition to the existing residence and modifications to the landscaping including: 1.) replacement of windows and doors on each elevation; 2.) modification of siding from painted horizontal siding to cedar shingles with a semi-transparent grey stain; 3.) elevating the residence 9" to prevent flooding; 4.) modification to the roof form, including an increase in the maximum ridge height; 5.) demolition of structures at the rear of the property (carport, covered patio, shed and cottage); 6.) new landscaping including a new pool within the rear yard setback, patios, arbors, fencing, gates, lighting and planting; and 7.) removal of four trees.

<b>Lot Area</b>	<b>11,071 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>2,596 sq. ft.</b>	<b>23.4%</b>
<b>Proposed Floor Area Ratio</b>	<b>2,595 sq. ft.</b>	<b>23.4% (20% permitted)</b>
<b>Existing Lot Coverage</b>	<b>2,573 sq. ft.</b>	<b>23.2%</b>
<b>Proposed Lot Coverage</b>	<b>2,209 sq. ft.</b>	<b>20.0% (20% permitted)</b>
<b>Existing Impervious Surfaces</b>	<b>4,775 sq. ft.</b>	<b>43.1%</b>
<b>Proposed Impervious Surfaces</b>	<b>4,035 sq. ft.</b>	<b>36.5%</b>

**23. 1 Crest Road, Variance, Design Review and Demolition Permit No. 1995**

**\*\*\*This item has been continued.**

Zach and Meghan Adelman, 1 Crest Road, A.P. No. 72-011-18, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 units per acre). Public hearing to consider application for design review, setback variance and demolition permit for substantial remodel of the residence, which is within the 20 foot side yard setback from Baywood Avenue, and landscaping improvements. The project includes: 1.) replacement of all exterior materials on main residence; 2.) reconstruction of roof; 3.) additions to the south and north ends of the residence; and 4.) landscape improvements, including new, low, retaining walls.

<b>Lot Area</b>	<b>35,043 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>4,128 sq. ft.</b>	<b>11.8%</b>
<b>Proposed Floor Area Ratio</b>	<b>5,254 sq. ft.</b>	<b>15.0% (15% permitted)</b>
<b>Existing Lot Coverage</b>	<b>2,660 sq. ft.</b>	<b>7.6%</b>
<b>Proposed Lot Coverage</b>	<b>3,554 sq. ft.</b>	<b>10.1% (15% permitted)</b>
<b>Existing Impervious Surfaces</b>	<b>10,350 sq. ft.</b>	<b>29.5%</b>
<b>Proposed Impervious Surfaces</b>	<b>10,350 sq. ft.</b>	<b>29.5%</b>

**End of Public Hearings on Planning Applications.**

**24. No Action Items: (Mayor, 5 minutes)**

- a. Council correspondence
- b. Future Council items

**25. Adjournment.**

*The meeting will be held at Ross Town Hall, 31 Sir Francis Drake Boulevard, located at the corner of Sir Francis Drake Boulevard and Lagunitas Road. If any of the matters discussed above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this notice or in written correspondence delivered at, or prior to, the Council meeting at which this matter will be heard. (Government Code Section 65009). In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager at (415) 453-1453, extension 107 or (415) 453-1950 (Fax). Notification at least 48 hours prior to the meeting will enable the town to make reasonable accommodation to help insure accessibility to this meeting.*