



Staff Report

Date: December 10, 2015
To: Mayor Kathleen Hoertkorn and Council Members
From: Cathy Munneke, Contract Planner
Subject: Lagunitas Country Club 205 Lagunitas Road. Use Permit Amendment.

Recommendation

Staff recommends that Town Council approve an amendment to the 1997 Use Permit to allow the Lagunitas Country Club to have indoor amplified music for the six weddings and eight parties allowed in the 1997 Use Permit (Condition #3), subject to additional conditions discussed in the staff report. Staff recommends that the Town Council hold the public hearing and approve the amendment, with direction to staff to prepare a Resolution with findings for approval and revised conditions of approval, for adoption at the January 14, 2016 Town Council meeting.

Project Summary

Owner: Lagunitas Country Club
Location: 205 Lagunitas Road
A.P. Number: 73-211-40; 73-221-01
Zoning: R-1:B-A (Single Family Residence, 1 acre minimum lot size)
General Plan: RC (Limited Specialized Recreational/Cultural)
Flood Zone: Zone X (area outside the 1-percent annual chance floodplain)

The Lagunitas Country Club has requested an amendment to the 1997 Use Permit to eliminate the condition limiting the Club to two events per year that are allowed to have indoor amplified music, the Christmas party and Pool Opening party. The Club requests unlimited use of indoor amplified music at events and elimination of the requirement for Town Council review of the Use Permit every three years.

The Club is not proposing any new facilities or modifications of any of the existing facilities at this time. The Club is also not proposing to modify any of the hours of operation noted in the 1997 Use Permit conditions of approval.

Background

The Lagunitas Country Club is a private recreational and social club with swimming, tennis, and platform tennis, located in a residential zoning district. The Club has been in existence since the early 1900's. In 1955 the Municipal Code was amended to require a Use Permit for churches, schools, social and recreational clubs, etc. in residential zoning districts. The Club has received numerous Use Permit and Variance approvals to allow expansion and improvements over the years, beginning in 1952 (history is attached). In 1976 the first Use Permit was granted to allow two new paddle tennis courts. This permit approval only included conditions of approval related to the use of the outdoor courts, and there were no limitations on the use of the clubhouse facility until 1997. On September 10, 1997, the Town Council approved a Use Permit amendment to allow expansion of the Club. Due to neighbor concerns with noise, tree removal, parking, lighting, intensification of use, and additional traffic from events, the Town Council adopted detailed conditions specifying the allowed uses and events, including the time of day each type of event was to end (minutes attached). These conditions limited the Club to two events with indoor amplified music, the Christmas party and Pool Opening party. The conditions allowed non-member rentals but limited the number of events to six weddings, and eight parties, with no indoor amplified music.

The Club has requested elimination of any restrictions on events with indoor amplified music and elimination of the condition requiring review by Town Council every three years. The Club maintains that members cannot use the facility for weddings, parties, and other celebrations due to the restriction on indoor amplified music. This limitation has significantly impacted Club revenue which is needed to maintain the club and its facilities.

In 2005 the Club requested approval of an amendment to the conditions to allow: 1) four non-rental club parties with indoor non-amplified music (limited to two); 2) the Christmas party to end at midnight (instead of 11:00); 3) all parties to end at 11:00 (outdoor end at 10:30, indoor at 10:45); and 4) outdoor un-amplified music at all events (limited to three). The staff report recommended denial. Staff recommended since they felt that the conditions adopted in 1997 were well thought out as a result of a collaborative process between the City, the Club, and neighbors. Staff noted that that the situation around the club had not changed and all of the neighbors that were a part of the approval process in 1997 were still in the neighborhood. At the hearing, a number of neighbors expressed concern with the proposed amendments primarily due to concerns with noise. No immediate neighbors were in support of the amendment. The request was denied by the Town Council.

In 2008, the Club amended the use permit to add a third paddleboard court with lighting. This was approved with a condition that all lighting for the tennis and paddleboard courts be out by 8:30PM. No other changes to the use of the facility were proposed or discussed. Following this approval it took some time for the landscape screening to grow and adequately shield the lighting; however this issue seems to have been worked out to the neighbor's satisfaction.

In 2012, the Club requested an amendment to remove the condition for a biannual review of the use permit. Staff supported this request (report attached) since staff and the Town Council had found the Club to be in compliance in the 2007 and 2011 reviews. Staff noted that the Town regulations allow the Town Council to revoke or modify the use permit at any time, if the club violates any of the conditions of the permit or other laws or ordinances. One neighbor

spoke against removal of the restriction. The Town Council voted to extend the review to every three years. The next review (due December 2014) still needs to be completed by staff.

Discussion

Request to eliminate restriction on events with indoor amplified music.

This request would require an amendment to Conditions of Approval #3 and #4, which reads:

3. The use of this facility by outside groups (non-members) may be permitted as an ancillary use, but shall be clearly subordinate to the use of this recreational club for member activities. Non-members rental of this facility is permitted from October to April only for activities such as weddings, parties, and meetings. A maximum of 6 weddings, 8 parties, and unlimited daytime meetings with less than 50 people total in attendance shall be permitted. No amplification shall be permitted for these rental or meetings. These functions shall all end by 10:45 p.m.
4. Only two parties, the Christmas party and the Pool Opening party, shall be permitted to have indoor amplified music. At the annual Christmas party, doors and windows shall be kept closed. All music for these two parties shall end no later than 11 p.m.

The Club was established as a social and recreational club, which is allowed in residential districts with a Use Permit, similar to schools, parks, and churches. Approval of a Use Permit requires the Town Council to make findings that the use will not be detrimental to persons residing in the neighborhood, nor injurious to property or improvements in the neighborhood. It is appropriate for neighbor concerns to be addressed, but opposition to the Club because it is not a single family use should not be a basis for denial. If a use is allowed in a district, it is not the intent of the zoning ordinance to try to change the nature of the use. A social and recreational club is expected to have parties and events, just as a church is expected to have services and weddings. Approval of a Use Permit for this type of use in a residential area needs to include any condition needed to make the findings that the use is not detrimental to the surrounding properties.

The minutes and past staff reports do not specify how the limitation was determined to allow the Club only two events per year with indoor amplified music. Neighbors who were residents prior to 1997 have indicated that prior to 1997, the facilities were rented out for parties every weekend and that noise and enforcement of club hours were a major problem. In 2005, the Club requested an amendment to this limitation. Cam Lanphier, President, stated that this condition made the facility inappropriate for weddings and parties and those events were a major source of funding for the club. She also mentioned that the Club had installed double paned windows in the porch area after the 1997 approval which would reduce noise levels.

Given the history of the Club's approvals and the neighbor concerns, allowing unlimited use of indoor non-amplified music could have a detrimental effect on the neighbors. However, there are ways to minimize the effects on the neighbors while allowing the club greater use of their facility. Since only two events are currently allowed to have indoor amplified music, it is difficult

to evaluate which improvements would be most effective. However, if additional events are allowed to have indoor amplified music, staff recommends the following:

- 1) **Frequency** - The conditions allow two events with indoor amplified music, and fourteen events (six weddings and eight parties) with no indoor amplified music. Staff recommends allowing all of these events to have indoor amplified music, on a trial basis, if modifications are made to the building to reduce noise, as discussed below.
- 2) **Noise** – The applicant has stated that their Use Permit is more restrictive than the Town’s Noise Ordinance (RMC §9.20.040) Musical Instruments. A Use Permit can be more restrictive, if needed, to make the Use Permit findings that the use will not have a detrimental effect on the neighbors. The Noise Ordinance prohibits amplification of any sound, audible beyond the owner’s property line, after 10:00 pm weeknights or 11:00 pm on weekends. The Noise Ordinance also provides that no one shall amplify noise in such a manner that would reasonably disturb or annoy persons residing in the neighborhood. Neighbors have testified that unlimited events with indoor amplified music are a disturbance to the neighborhood. The existing conditions for the two events with indoor amplified noise require that all windows and doors be kept shut during the event. This condition is not practical, since the Club does not have air conditioning. Staff recommends that air conditioning be required as a condition for approval of additional events with indoor amplified music. Staff also recommends a condition requiring that double paneled windows be installed to attenuate sound.
- 3) **Hours** – Currently indoor events are allowed until 10:45 p.m. Events such as weddings held in the daytime would not have the same impact as evening events. This could be a consideration if additional events are requested.
- 4) **Neighbor notification** – Another complaint from neighbors was that no site manager or Club member was available during events, so problems could not be resolved at the time of occurrence. Staff recommends a condition requiring the club to have a site manager available at all times during an event and that the Club provide notice to all neighbors within 500 feet, and to anyone else that specifically requests notification, one week prior to the event, notifying them of the event and providing the phone number of the site manager or Club member who will be available to resolve any issues at the time of occurrence.
- 5) **Number of people** – The number of people attending any event could impact the neighborhood. Currently there is no limitation on the number of people that can attend the events with indoor amplified music and it is not clear if the restriction (Condition #3), on non-member events allowing a maximum of 50 people applies to meetings and the six weddings and eight parties or just to meetings. Aside from that, the only limitation on attendance is the capacity of the building. There are three primary areas within the building which are rated for occupancy by the Fire District, as follows:

<u>Capacity</u>	<u>Great Room</u>	<u>Bar</u>	<u>Grove Room</u>
Dining	60	62	26
Seating	128	133	44

Staff has no recommendation to limit the number of people at an event.

Removal Condition #16 requiring Use Permit review every three years

The applicant has requested removal of the condition requiring review of the Use Permit by the Town Council every three years. The 1997 Use Permit required review every two years, but in 2012, when considering a proposed amendment to eliminate this condition, the Town Council voted to extend it to every three years. The 1997 Use Permit condition, as amended, reads as follows:

16. The Town Council shall review this Use Permit every three years – the first review shall occur in September 1999. The Town Council may revoke or modify this Use Permit for non-compliance with these conditions consistent with Town code

While staff generally supports removal of this condition for the same reasons given in 2012, this request is premature due to the proposed amendment to allow additional events with indoor amplified music.

If the Town Council approves expanding the number of events that are allowed to have indoor amplified music, staff recommends a new condition be added to require review within one year, so that any adjustments can be made, if necessary, to ensure that the Club's activities are not having a detrimental effect on the neighborhood. At that time if the Club is found to be in compliance, the Town could consider removal of this condition.

Neighbor comments

The Town has received multiple letters in support and opposition of the Club's application to increase the number of events with indoor amplified music throughout the year (see attachment 2).

Fiscal, resource and timeline impacts

No changes are proposed to the facility so there would be no additional permits fees. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Alternative actions

1. Continue the amendment for modifications; or
2. Make findings to deny the amendment.

Attachments

1. Application
2. Letters from neighbors
3. Project History - Town Council minutes of past meetings, including adopted Conditions of Approval
4. Ross Municipal Code Chapter 9.20 - Unnecessary Noise
5. Site Plan

Nov. 2, 2015

Dear Members of the Ross Town Council,

My request to the Council is that, as a close neighbor (at 202 Lagunitas Rd.) of the Lagunitas Country Club, they be allowed to have unlimited amplified music at events throughout the year. They have always been very respectful in managing their events.

Thank you for your consideration of this request.
Sincerely,
Elizabeth Amiri

November 17, 2015

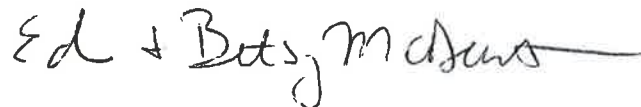
Dear Members of the Ross Town Council,

We are submitting this letter in support of the Lagunitas Club's application to increase the number of indoor music events the Club is permitted to host each year.

We live at 2 Glenwood Avenue - right across the street from the Lagunitas Club clubhouse. As one of the closest neighbors to the Club, we have been very pleased with the Club's responsible behavior and handling of events. We never hear loud noises from events, and do not anticipate that changing even with more events. The events with music have not been a concern to us. Accordingly we support their application.

Please feel free to contact us with any questions or if you desire any further input. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Ed + Betsy McDermott". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

Ed and Betsy McDermott
2 Glenwood Avenue
415-456-1632

Rafanelli & Goodenough

195 Lagunitas Road

Ross, CA 94957

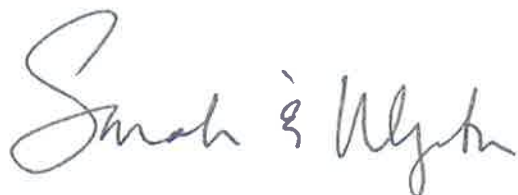
November 18, 2015

Dear Members of the Ross Town Council,

We are writing in support of the Lagunitas Country Club's application to increase the number of indoor amplified music events. We are not members of the club but live less than a quarter mile away on Lagunitas Road. As nearby neighbors, our perspective is that the club has handled their events very responsibly, and we are therefore supportive of their application.

The Lagunitas Country Club is neighborly and family friendly, and we have enjoyed living near the beautiful facility.

Sincerely,

A handwritten signature in cursive script that reads "Sarah & Wyeth". The ink is dark and the writing is fluid.

Sarah Rafanelli & Wyeth Goodenough

11/20/2015

Ross Town Council
31 Sir Francis Drake Blvd.
Ross, CA 94957

To: Members of the Ross Town Council

I, along with my wife, Pauline, reside at 200 Lagunitas Road, directly across the street from the Lagunitas Country Club. Having resided at 200 Lagunitas Road since 1976, we have been neighbors with the Lagunitas Club for a long time.

Our experience with the Lagunitas Club has been nothing but positive. The Club has consistently been a good neighbor and a positive influence on the community.

It is our understanding that the Club is submitting a Use Permit application with the intent of expanding its ability to host indoor amplified events. We are in full support of the application.

If you have any questions, please do not hesitate to contact me at ttusher@blanketbay.com.

Thank you for your consideration.

Regards,

Thomas W. Tusher



December 2, 2015

TO: Mayor and Council, Town of Ross
FR: Elizabeth and LJ Cella
RE: Lagunitas Country Club Amendment to a Use permit
December 10, 2015 meeting

Dear Mayor and Councilors:

We are residents at 656 Goodhill Road, Kentfield with the majority of our property in the Town of Ross where we vote.

We are writing today to voice our STRONG OBJECTIONS to the applicants request to both remove the limitation on the number of parties permitted with indoor, amplified music, as well as the elimination of the condition requiring review of the use permit every three years.

Some context. We moved into our current house, January 1995. During the first two summers (and early Fall seasons), our quietude was compromised nearly every weekend with parties at The Club with amplified music that chronically disobeyed the known evening stop time for such activities. Further, nobody from the Club was on site during these affairs to call, so a neighbor had no choice but to call the Ross Police or Sheriff to intercede.

By 1997, enough neighbors had registered complaints that the Council inacted the measures which the Club now wishes removed. The Club, should approval of the current amendments take place, would be free of ANY restrictions.

What is to prevent a return to the pre-1997 circumstances which was so disrupting to a large section of surrounding neighborhoods?

Indoor parties with closed doors sound wonderful; except doors are usually opened at some point and the sound then travels. The restrictions placed on the Club are not onerous nor capricious. The Club 'earned' the amendments by ignoring its neighbors, taking party goers money, and turning a deaf ear. Those of us impacted in the past, and potentially again in the future, will not have the benefit of bad hearing!

We urge the Council to DENY the applicants requests and retain the current conditions on the Clubs Use Permit.

Respectfully,



Steven J. Scarpa
662 Goodhill Rd, Ross Ca

December 2, 2015

Attn: Mayor and Ross Town Council

RE: Lagunitas Country Club - Amendment to a Use permit
December 10, 2015 Council Meeting

Dear Mayor and Councilors:

I am the owner and resident of 662 Goodhill Road, Town of Ross.

I am advised that the Lagunitas Country Club is seeking an amendment to its Use Permit and that such will be under consideration at your December 10, 2015 meeting. Please note for your records my **SERIOUS OBJECTIONS** to the applicant's request to both remove the limitation on the number of parties permitted with indoor, amplified music, as well as the elimination of the condition requiring review of the use permit every three years.

The lower portion of my property on Goodhill Rd directly abuts the Lagunitas Country Club. I specifically purchased this property in 2012 to enjoy peace, quiet and tranquility. Since then, even with the current conditions imposed on the Club, the noise pollution from parties can be heard from my house. This noise is pervasive, annoying and an invasion of my rights as a tax paying property owner.

My neighbors and I have met to discuss this issue and I am advised that prior to the imposition of the current Use Permit restrictions, they were subjected nearly every weekend to parties at the Club with amplified music. They have informed me that the Club chronically disobeyed evening stop time for such activities. Since nobody from the Club was on site during these affairs to call, neighbors had no choice but to call the Ross Police to intercede. It is my understanding that in 1997, after years of being subjected to these conditions, enough neighbors had registered complaints that the Council enacted the measures which the Club now seeks to have removed.


I am appalled to learn that the current amendments sought by the Club would lift ANY restrictions. If this were to occur, it is clear that the situation would return to the pre-1997 conditions which were so disruptive to a large section of surrounding neighborhoods.

The restrictions imposed on the Club are appropriate and not overly burdensome. The peace of the neighborhood is seriously disrupted by the Club's refusal to take appropriate measures to mitigate sound travel, the simplest of which is to simply keep the doors closed during events. I am advised that in the past the Club simply ignored its neighbors' concerns.

I urge the Council to DENY the applicant's requests and retain the current conditions on the Club's Use Permit.

I hope that this matter can be addressed expeditiously without further intervention by the affected neighbors.

Thank you for your attention



Steven J. Scarpa
662 Goodhill Rd

Linda Lopez

To: Cathy Munneke
Subject: RE: Council Meeting 12/15/15

From: Angela Leiva <angelaleiva1633@gmail.com>
Sent: Thursday, December 3, 2015 11:48:48 AM
To: Cathy Munneke
Cc: Steven Scarpa
Subject: Council Meeting 12/15/15

Dear Ms Munneke.

Below i have stated my objections to the council's consideration of an amendment sought by the Lagunitas Country Club.

Can you please print this email and include it in the package of materials bring given to the Major and council for consideration.

Thank you

Angela Leiva

December 3, 2015

Attn: Mayor and Ross Town Council

RE: Lagunitas Country Club - Amendment to a Use permit

December 10, 2015 Council Meeting

Dear Mayor and Councilors:

I am also a resident of 662 Goodhill Road, Town of Ross.

Please note that I seriously Oppose and Object to an amendment to the Use Permit sought by Lagunitas Country Club under consideration at your December 10, 2015 meeting.

I have reviewed the letter sent by Steven Scarpa and have spoken to other neighbors about their concerns. I fully adopt and express the same concerns and observations.

I urge the Council to DENY the applicant's request.

Thank you for your attention

Angela Leiva

662 Goodhill Rd

Carmine Guerro
650 Goodhill Road
Kentfield, California 94904
guerroc@yahoo.com
415-419-5576

December 1, 2015

Dear Mayor and Council Members

re: Lagunitas Country Club (LCC)
Amendment to a Use Permit
December 10, 2015 meeting

We are Ross residents (Parcel 074-271-51).

On several occasions, especially in the summer months,
very loud music and drumming originating from
the LCC was very disturbing.

We are not in favor of removing the current
limitations noted on the LCC Use Permit, and
we urge the Council to deny the
applicant's requests.

Sincerely yours,

Carmine Guerro
Wendy Guerro



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Phone (415) 453-1453, Ext. 121

Fax (415) 453-1950

Web www.townofross.org

Email esemonian@townofross.org

USE PERMIT APPLICATION

Basic Filing Fee: \$1,329

Legal Owner of Parcel Lagunitas Country Club

Mailing Address PO BOX 1367

City ROSS State CA ZIP 94957

Home Phone _____ Business Phone 415-453-8706

Fax 415-453-6683 Email office@lagunitasclub.org

Assessor's Parcel Number 073-211-40, 073-221-01

Parcel Address 205 LAGUNITAS ROAD

Applicant (If not owner) _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone _____

Fax _____ Email 415 459-4301

415 458-2844

* Please send emails to: lanphier3@comcast.net and tom.mayes@comcast.net

Existing and Proposed Conditions (For definitions please refer to attached fact sheet.)

No changes

Lot Size 28.8 acres sq. ft.

Existing Coverage _____ sq. ft. Existing Floor Area 3,200 clubhouse sq. ft.

Existing Lot Coverage _____ .010% Existing Floor Area Ratio _____ .006%

Proposed Coverage _____ sq. ft. Proposed Floor Area _____ sq. ft.

Proposed Lot Coverage _____ .010% Proposed Floor Area Ratio _____ .006%



Lagunitas Country Club

Request to Amend Town of Ross Use Permit

The Lagunitas Country Club is seeking to amend its use permit in the following two areas:

1) Conformity with Ross Municipal Code § 9.20.040.

In 1997, the Town arbitrarily imposed a limit on the Lagunitas Country Club (“LCC”) of two events with amplified music a year. This restriction effectively amended Ross Municipal Code § 9.20.040 by imposing greater restrictions specifically on the LCC, and no other organization, without going through the formal amendment process. No other organization in the Town of Ross, e.g., MAGC, Branson, St. John’s, St. Anselm’s, or Cedars, has any similar restriction on the number of events they may have with amplified music. All of these organizations are governed by § 9.20.040. Indeed, the governing ordinance does not distinguish between Town residents and the Town’s other organizations – all of whom retain the right to use and enjoy their property consistent with the § 9.20.040. There is no good cause for the disparate treatment the LCC is uniquely subject to.

The impact on this unequal and unjustified restriction has been profound. LCC members – many of whom are Town residents – have had to forego their use and enjoyment of the premises because of the restriction. In addition to the effective taking of their property right without due process, this undue restriction has had a significant economic impact on the LCC’s finances. For instance, LCC members are no longer able to enjoy the premises for weddings, birthdays or other celebrations where they pay a fee for such use. The LCC has therefor suffered a significant lack of revenue from these events that other organizations in Town, like MAGC, are dependent upon in order to maintain their operations.

Therefore, the LCC requests that 1997 restriction on its use permit be rescinded and that on the issue of amplified music it be governed by Ross Municipal Code § 9.20.040 consistent with all other Town residents – both individual and organizational.

2) Rescission of periodic use permit review.

Under the terms of the use permit imposed in 1997, the LCC was required to have its use permit reviewed every three years. As with the arbitrary restriction of the use of amplified music, no other organization in the Town of Ross has to have their use permit reviewed on a regular basis. There is no justification or basis for subjecting the LCC to greater scrutiny and oversight than any other Town organization. In fact, the unwarranted exercise only serves to tax the Town’s limited resources for no apparent benefit. While the LCC has always been transparent in its dealings with the Town and its neighbors, it sees this disparate process as unlawful interference with its right to privacy. Accordingly, the LCC requests that the periodic review of its use permit be rescinded and instead that it be reviewed on the same basis and under the same terms as all other Town organizations.

Consultant Information

N/A

The following information is required for all project consultants.

Architect

Firm _____
Project Architect _____
Mailing Address _____
City _____ *State* _____ *ZIP* _____
Phone _____ *Fax* _____
Email _____
Town of Ross Business License No. _____ *Expiration Date* _____

Landscape Architect

Firm _____
Project Landscape Architect _____
Mailing Address _____
City _____ *State* _____ *ZIP* _____
Phone _____ *Fax* _____
Email _____
Town of Ross Business License No. _____ *Expiration Date* _____

Other

Consultant _____
Mailing Address _____
City _____ *State* _____ *ZIP* _____
Phone _____ *Fax* _____
Email _____
Town of Ross Business License No. _____ *Expiration Date* _____

Mandatory Findings

Before granting any use permit, the Council must find that the establishment, maintenance, or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

In granting any use permit under the provisions of this chapter, the Town Council shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of protection to the public welfare and property or improvements as hereinbefore set forth.

Owner's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I further consent to any permit issued in reliance thereon being declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I HEREBY FURTHER CERTIFY and agree that if a use permit is granted by the Town Council, under the provisions of the Ross Municipal Code, I shall abide by the conditions set forth in such use permit, and all other applicable rules, regulations, ordinances, and laws governing such use and/or buildings; that if such use permit is for a guest house or servants' quarters, no rental use thereof will ever be made by applicant, or any successor owner, or occupant, of the property; and that this use permit application, if granted, may be recorded by the Town of Ross.

I HEREBY FURTHER CERTIFY that I have read the Use Permit Fact Sheet and understand the use permit processing procedures and application submittal requirement.

Cameron M. Laupher
Signature of Owner *President*

11/11/15
Date

Signature of Co-Owner or Applicant if not Owner

Date

Town Email List

If you would like to receive copies of upcoming Town Council agendas and other items of interest to Ross residents please give us your email address below.

Email(s) _____

Applicant will be billed for any additional Town Consultants' time in excess of base fee amounts. A completed application accompanied by the filing fee is necessary for consideration of the use permit request. In any case where a permit has not been used within one year after the date of granting thereof, then without further action by the Town Council the use permit shall be null and void.

USE PERMIT FACT SHEET

Applicability

A use permit is required in order to permit guest houses, servants' quarters, and other uses conditionally permitted under the Ross Zoning Code.

Fees

The basic filing fee is One thousand dollars (\$1,329), no part of which is refundable. A fee of four hundred thirty three dollars (\$433) will be charged for noticing a hearing. Any continuation or modification of a use permit requires noticing. The review of the application by Town Consultants, including but not limited to a planner, engineer or landscape architect, will be billed to the applicant at cost.

Time Frame for Processing

The Use Permit application will first be reviewed for completeness. This review will not exceed thirty (30) days. Once an application has been determined to be complete, the application will be placed on the next available agenda space of the Ross Town Council. The Town Council ordinarily meets the second Thursday of each month at 6 p.m.

Submittal Requirements

1. One complete Use Permit Applications.
2. \$1,329 basic Filing Fee.
3. One full-size copy and six half-sized copies, drawn to scale, of the following items:
 - a. A site plan which shows:
 - name, address, and phone number of the owner of record, applicant, engineer, architect, and other project consultants;
 - north arrow (north should be at the top of the sheet) and scale;
 - date (revised copies should be clearly indicated with a new date and marked "revised");
 - all dimensions of the property and the footprint of the proposed structure in relation to the property;
 - distance of proposed structures/additions to the property line(s);
 - structures on the neighboring parcels that are closer than 25' to project property line(s);
 - existing and proposed topography in two foot contours (If excavation,

grading or filling are to be performed, include a section which shows the percentage of slope of the property and the extent of the proposed excavation, grading or fill);

inundated areas, streams, culverts, and drainage swales as well as their top of bank;

the location, length, and height, as well as materials, for each proposed retaining wall;

all existing and proposed easements;

the location, names and existing widths of all adjoining and contiguous streets and ways;

ingress, egress, and off-street parking sites;

all existing trees with a diameter greater than or equal to six inches (6"), indicating those that are proposed for removal.

- b. If tree removal, relocation, or alteration is proposed, a completed tree removal application and the payment of applicable fees.
- c. Floor plans showing existing and proposed floor areas for each level with complete dimensions. The plan must clearly identify existing walls to remain, as well as new construction.
- d. A full set of existing and proposed building elevations including complete dimensions, exterior materials, and colors. Existing and proposed elevations should be arranged such that existing and proposed elevations for each side are shown on the same sheet.
- e. Building sections including a section sufficient to clearly show the building's maximum height from *existing grade*.
- f. Marked-up floor plans showing existing and proposed floor area and verification of lot area.
- g. Calculations of the amount of proposed cut and/or fill in cubic yards.
- h. A material and color board.
- i. Proposed window types and specifications.
- j. A landscape plan by a landscape professional with plant species type and size clearly identified, and fencing details provided.

Further Requirements

1. The house address must be marked clearly and visible from the street. Council members will conduct an onsite review.
2. **Story poles connected by ribbons indicating ridgelines, building corners, and exterior walls must be in place at least 10 days prior to the hearing date. *If required story poles are not installed on-time, the application may be deemed incomplete and removed from the Council agenda.***
3. To obtain written acknowledgement of the proposed use permit from the owners, lessees and occupants of all abutting property, including property across any street, lane roadway or highway. Names and addresses may be obtained from the Clerk's office. These acknowledgements are to be submitted to the Town Clerk no later than fifteen (15) days preceding the regular meeting of the Town Council at which the application for use permit is to be heard. If written acknowledgements are not obtained, a statement stating the reason or reasons therefor must be submitted. Notice of the proposed use permit will be mailed by the Planning Department to property owners within five-hundred feet (500') of the subject property. ***If required neighbor acknowledgements are not submitted on-time, the application may be deemed incomplete and removed from the Council agenda.***
4. Every person who engages in any business, trade or occupation within the Town is required to obtain a business license from the Town. A license is required even if the business is not located within the Town of Ross. All professionals associated with planning applications must obtain their required business licenses in conjunction with the planning review of their application.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact the Ross Town Administration office at (415) 453-1453, extension 105.

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recommended by staff with modification to the personnel rules to allow Linda Lopez to receive administrative leave instead of overtime. Motion carried unanimously. Hunter absent.

Mayor Carla Small recused herself from the next agenda item in order to avoid the appearance of a conflict.

Item No. 15 - 205 Lagunitas Road, Use Permit No. 1845

Lagunitas Country Club, 205 Lagunitas Road, A.P. Nos. 73-211-40, 73-221-01, R-1:B-A (Single Family Residence, 1-acre minimum lot size), RC (Limited Specialized Recreational/Cultural). Request to delete use permit condition that requires biannual review of use permit.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council delete the use permit condition requiring biannual review of the conditional use permit.

Mayor Pro Tempore Russell asked staff in order for the Council to have a resolution that gets passed, do they need to have unanimity among Council members. Town Attorney Greg Stepanicich responded in the affirmative.

Council Member Martin asked staff the amount of time it takes to prepare this review. Senior Planner Semonian noted that they must prepare notice and staff report, so it is not a tremendous amount of staff time, but if there were problems it would take more time.

Town Attorney Stepanicich clarified the earlier question from Mayor Pro Tempore Russell. There is no resolution attached, so it is strictly a decision by motion. Senior Planner Semonian indicated that it is a regular use permit, so it could be approved on a 2:1 vote, since no resolution is being adopted. Town Attorney Stepanicich agreed that it is simply by motion.

Mayor Pro Tempore Russell opened the public hearing on this item.

Bill Cahill, President of Lagunitas Club, apologized to the Council for sending an email late this afternoon, which he sent after he received an email from Tom Weisel. He believed this condition is really unnecessary. It should work as it did with the Owens' when they asked the Club to evaluate the pool equipment and they immediately worked out a solution. He respectfully asked that the Council delete this biannual review of the conditional use permit. He pointed out that there is no other major organization in Town that has a similar requirement. He felt it would work better to have neighbors talk to one another.

Deborah Quick, Attorney representing Mr. Weisel, explained that she is familiar with this use permit going back a number of years, which Mr. Weisel outlined in his correspondence. There is a connection between having a biannual review actually happening and it being as low key as it is. The detail about surrounding noise issues and the biannual review are meant to work together. Due to the changing nature of the leadership within the Club that has not always occurred in the past, so this comes under the category of penny wise vs. pound-foolish. She further stated that if it is not broke then do not try to fix it.

Council Member Strauss agreed with staff's recommendation.

Council Member Martin believed it is working the way it is. The Club is located in a residential area. When reviewing the record there have been a number of issues that have come before this Council from glaring lights, to pool equipment, to the Club wanting more nights of

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amplification and parties. There have been issues. He did not think the biannual review has been a predatory policy, but rather kind of a bookmark to come up every two years. At the same time it is good working neighbor-to-neighbor. He personally would be in favor of having a similar policy for Branson, which is also located in a residential community and there are issues of parking and speeding that are not always resolved. He sees some merit to the argument that Lagunitas Club President Cahill brought as to why should they be handled differently. The Council and staff must review where there are situations where biannual review might benefit neighbor relations.

Mayor Pro Tempore Russell is a believer in consistency. It should be applied equally or that similar types of institutions should be subject to the same requirements. He is not sure what they need to do if they are going to have a similar kind of review process, and asked staff what would that involve. Senior Planner Semonian noted they must wait until Branson comes in for a modification of their use in order to consider any new condition on their use permit. Branson does not want a similar condition. Unless they asked for something, no condition can be placed on their use permit. If the Town receives complaints we can bring the use permits to the Council for review, so they are monitored by complaint. Council Member Strauss wanted to review immediately rather than biannual review in order to treat them fairly.

Mayor Pro Tempore Russell asked if they could do it by ordinance. Town Attorney Stepanicich stated in this case, a conditional use permit has been granted, so it cannot be unilateral imposed. That permit is vested at that time. If there is a request for additional entitlement or modification to that permit then conditions could be added. The Council cannot add conditions to a conditional use permit. Council Member Strauss believed there are enough watchdogs in Town. The Lagunitas Club has been good neighbors for a long time, so there is a lot of history.

Ann Hickey, representing RPOA, asked if there has ever been a situation that needed resolution as a result of this biannual review. Lagunitas Club President Cahill has been to all reviews. One happened when he served on the Council. They never had any complaints with non-compliance with the actual CUP (*conditional use permit*). The problem is that if there is a biannual review with passage of time, memories get fuzzy and memories devolve to fit their points of view. He believed immediate feedback is best. Neighbors should come to the Club and express their concerns. The Club wants feedback and wants to comply with the CUP. They would rather resolve issues immediately, and if they do not, then neighbors can bring matters to the Council. He felt that is a much better process for the Town rather than a biannual review.

Attorney Quick pointed out that there is nothing that prevents any time sensitive issue from being brought to the Council under code enforcement powers. The fact that they have a biannual review requirement does not preclude the Council addressing any code compliance or CUP issues. If there was a critical situation it would not get placed in a file and wait for the next biannual review. Again, those conditions all working in concert with each other and the requirement for the biannual review is a critical component.

Lagunitas Club President Cahill stated that Mr. Weisel's Attorney is talking about coming at any time on a complaint. The fact is that Mr. Weisel has never called the Club about any complaint and the only time Mr. Weisel has made a complaint is at a biannual review. This neighbor-to-neighbor effort the Town is trying to promote is discouraged by the biannual review because Mr. Weisel will wait and present to the Council, which is what should be avoided.

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Mayor Pro Tempore asked if there has been a history of complaints by Mr. Weisel. Lagunitas Club President Cahill responded that Mr. Weisel has never called the Club and made a complaint, which is the point. Mr. Weisel waits for the biannual review to express concerns.

Council Member Martin pointed out that Mr. Weisel came before the Council concerning the Club when there was an issue of more parties and more evenings of amplified music. That was not a biannual review that happened to be a discussion of a permit amendment. Mr. Weisel has not been present during a biannual review to protest or bring up any issues. Beach Kuhl, former Lagunitas Club President from 2005-06, stated that Mr. Weisel was present for the biannual review and he presented all his contact information to address issues and Mr. Weisel never called.

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 stated the last biannual review for compliance passed unanimously with Mayor Small recused. The issues will come from the neighbors, calling the Town or Club, so this is an unnecessary step.

Council Member Martin is comfortable with the way it is now because it is working. Neighbors are still communicating and if Mr. Weisel rather come before the Council every two years to express concerns, the Council should accommodate neighbors who rather approach Council directly. Clearly, there are no pending issues and the Club is doing what it should be, so it is working well, but that is no reason for change.

Mayor Pro Tempore Russell recommended every three years in regard to review. Lagunitas Club President Cahill believes it is an unnecessary requirement. He asked if the Council would require the Cedars or Marin Art & Garden Center to have the same requirement. Mayor Pro Tempore Russell stated when larger institutions come before the Council, then the Council will consider imposing, so it is consistent. Council Member Strauss objected to imposing more levels of review. Those who live next to country clubs must understand that there is activity. If there is a problem, neighbors will complain. He further believed it is an unnecessary step.

Mayor Pro Tempore Russell does not have a strong view one way or another. Council Member Strauss believed this is ridiculous. Council Member Martin stated that in 1987 after Council discussion it was moved that review of this occur every three years, which did not pass by the Council. He suggested changing the review from every two years to every three years. The Council believed it is a reasonable compromise.

Mayor Pro Tempore Russell asked for a motion.

Council Member Martin moved and Council Member Strauss seconded, to change the review period for the Lagunitas Country Club from every two (2) years to every three (3) years. Motion carried unanimously. Small/Hunter absent.

Mayor Carla Small reconvened her position as Mayor on the Town Council.

Item No. 15h. - Town Council consideration/approval of implementation of Street Smarts Educational Banners Program.

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Mayor Small recused herself from the next consent agenda item in order to avoid the appearance of a conflict.

b. Lagunitas Country Club, 205 Lagunitas Road, biennial review for compliance with use permit conditions. A.P. No. 73-211-40 and 073-221-01. Zoning R-1:B-A (Single Family Residence, 1-acre minimum lot size), General Plan designation RC (Limited Specialized Recreational/Cultural). Biennial review for compliance with use permit conditions.

Mayor Pro Tempore Russell asked for a motion.

Council Member Martin moved and Council Member Hunter seconded, to approve the biannual review and determine that the use remains in substantial compliance with the terms and conditions of the conditional use permit. Consent Calendar Item "b" as submitted by staff. Motion carried unanimously. Mayor Small abstained.

Mayor Small reconvened her position on the Town Council.

c. Town Council action to approve a 5-year services contract with the Town of Fairfax for dispatch and records management services.

Interim Town Manager Patricia Thompson suggested in the future to have a signature line indicating that the Town Attorney has approved. The Council agreed.

Mayor Small asked for a motion.

Council Member Hunter moved and Council Member Strauss seconded, to approve Consent Calendar Item "c" as amended by staff including a signature line for the Town Attorney. Motion carried unanimously.

d. Town Council action for approval of the agreement to share resources between the Ross Police Department and the Fairfax Police Department.

Interim Town Manager Patricia Thompson also suggested including in the future a signature line indicating that the Town Attorney has approved. The Council agreed.

Mayor Small asked for a motion.

Council Member Hunter moved and Council Member Strauss seconded, to approve Consent Calendar Item "d" as amended by staff including a signature line for the Town Attorney. Motion carried unanimously.
End of Consent agenda.

17. Town Council discussion/action to appoint a Town representative to the Marin/Sonoma Mosquito & Vector Control District Board of Trustees for a two-year term to December 31, 2013.

Interim Town Manager Patricia Thompson announced that Iris Winey is interested in serving another two-year term, so staff recommended that the Council appoint Iris Winey to serve as the Town's representative to the Marin/Sonoma Mosquito & Vector Control District Board of Trustees for a two-year term to December 31, 2013.

Mayor Small 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 Small asked for a motion.

The Council praised the project design and integration into its hillside setting, but directed the applicant to scale back the project size to a square-footage more in keeping with the HLO guideline levels.

Mayor Cahill asked for a motion.

Council Member Hunter moved and Mayor Pro Tempore Strauss seconded, to continue this item to a later date. Motion carried unanimously.

Mayor Cahill recused himself from the next agenda item in order to avoid the appearance of a conflict.

18. 205 Lagunitas Road, Use Permit, Variance and Design Review No. 1713
Lagunitas Country Club, 205 Lagunitas Road, A.P. No. 73-211-40, R-1: B-A (Single Family Residence, 1-Acre Minimum Lot Size), RC: Limited Specialized Recreational/Cultural. Amendment to an existing use permit allowing a recreational club to permit the addition of a third paddle tennis court proximate to two existing courts. The 60.5 foot long by 30 foot wide court will have 14 foot high fencing with steel tubing and a hexagonal wire mesh. Four 22-foot high pole mounted, downward directed Halide lights are proposed at the court perimeter (a use permit is required for nighttime lighting and use.) Design review is required for 690 cubic yards of cut and construction of two, terraced retaining walls totaling 224 feet in length, maximum height 4 feet. Tree removal is requested to allow the removal of two 15" bay trees.

Lot area	28.8 acres
Existing Floor Area Ratio	.006%
Proposed Floor Area Ratio	.006% (15% permitted)
Existing Lot Coverage	.008%
Proposed Lot Coverage	.010% (15% permitted)

Dani Hamilton, Senior Planner, summarized the staff report and recommended that the Council approve the use permit amendment to allow a third paddle tennis court with the findings and conditions outlined in the staff report.

Lagunitas Country Club representative explained that they wanted to add this court because platform tennis is for all weather. It is half the length of the tennis court. It is surrounded by wire screens. They have two lighted courts since the 1970s and recently the amount of interest in playing this game has increased and they felt the need to have a third court to accommodate players. Lagunitas Club is viewed as an entity composed of those not residing in Ross or those that do not care about Ross, which is not true. The policy of Lagunitas Club was to be a good neighbor and responsible member of the community that continues. Facilities are available to the Council for meetings and also for activities of Ross Rec. They made efforts to equip themselves of being capable of serving as disaster relief. Four members have been mayors of the Town. Two have been president of Ross Rec and two have served on the School Board. They recently worked with one neighbor and did experimentation to design shields on the present courts that have been installed to prevent lights from being seen outside the confines of the club. He is not aware of any complaints in

regard to the lights. He is aware that one month ago there was screening that was trimmed down and that may account for the problem, but has now been addressed.

They now propose the new installation only to light court by having lights that face away from Lagunitas Road up the hill and pointed down in the court with a light at each end of the court to allow light on the corners. After two sessions with the ADR group, they adjusted the location. They advised all neighbors that they were planning to present this project. A neighbor or two attended the sessions. The court was lowered 4 or 5 feet as recommended by ADR. He then addressed two issues in regard to EIR being required. It is his understand that such reports are not required for residential projects in Ross. Branson was permitted without an EIR. In terms of lot coverage, it minuscule and would remain minuscule. Also, the slope is below the minimum under the HLO and they are not constructing a place of occupancy. In 2004 when neighbors across the street applied for permission to build residence across the street, one condition of approval that was insisted upon was a recognition that a club did not exist, but a recreational and social facility to generate some light and noise impact. They want to be good neighbors.

Shay Zak, project architect, explained the glow on the hillside and other light sources. During the first architectural design meeting, primary objection from the neighbors across the street were the bulbs. They developed a shield so now the light source is not seen across the street. The club installed the shield last Friday. The court location was a concern due to visibility and it was suggested to relocate after design review, but the area suggested was too steep and required aggressive retaining walls. So they slid the court down and determined the court in the subject location and aggressively sinking it down. They reduced the lighting and buried it as low as possible. The reason for the 690 feet of export, they were making the court as low as possible. The retaining walls are standard 4-foot wood retaining walls.

Mayor Pro Tempore Strauss opened the public hearing on this item.

John Gray, Upper Road resident, felt the have done a great job in the location and shielding the lights. Those shields are much more effective and believed it is a great project. There is no impact to him or his immediate neighbors. Lagunitas Club has done an excellent job and is a good neighbors and the application should be supported.

Elizabeth Anderson, attorney/representing Glenwood Avenue residents, appreciated the club shielding the lights, but the lights will illuminate the hillside. There are significant lighting impacts. Also, this is a commercial use in a residential zone. The club comes back time-after-time to intensify the use. The project will have a number of impacts, one being noise exacerbated at night when those are most sensitive to noise. They asked the club to consider alternative locations they think will have less impact. Besides light and noise, other issues with this location are that it will require 690 cubic yards of cut into the hillside and retaining walls. The Town has shown a commitment to protect the hillsides and this clearly does not. There will be more light pollution. New lights will be much taller. Existing landscaping will not screen the lights. The staff report admits issues of erosion and storm water control. They do not think the Town can make the findings necessary to approve the design review application. She submitted a letter that better outlined her comments. She requested that the Council deny the request or modify the conditions to not allow night use. The club could add additional landscaping to shield the courts. They do appreciate the fact that they did retrofit the existing lights.

Bruce Hart, Upper Road resident, quoted the condition that the Council placed in the property across the street that states, "*property owner is aware that property across the street is an operating sort of facility including, but not limited to, paddle tennis. There will be generation of noise, light, traffic and other impacts generally consistent with a club of this type.*" Immediate adjacent property owners acknowledged that and Council acknowledged that. The sports club has been present over 100 years, and it would generate noise, light and others consistent to that noise.

Jim Owen, 200 ½ Lagunitas Road resident, appreciated what the club has done in screening the lights, which is an improvement, but it was required in the 1997 use permit. It is 11 years later. Only since they are asking to expand the use permit have they made the action. They worked with them in the past on leaf blowers and it was very difficult to enforce. Now they use quiet leaf blowers. No mechanism is in place to enforce the use permit. He appreciated the shields on their lights. Turning them parallel to the ground would be wonderful as well. To expand the use permit, he did not understand. A great deal of money and time was spent to negotiate the 1997 use permit agreement. Every so many years they expand. Why not look at the existing piece of land west of the tennis courts. To further expand is taking advantage of the situation in his view.

Lagunitas Country Club representative stated that the language read by Mr. Hart came from the minutes during the 2004 hearing in regard to tree removal. They have been responsive to the light situation. In 1996 when he was vice president they asked for permission to renovate the clubhouse and the question of lights came up and he suggested visiting Ms. Gabrielsons house, but he was denied. He further noted that he did plant additional screening.

Mayor Pro Tempore Strauss asked if it is possible to work with neighbors to plant additional material. Lagunitas Country Club representative expected to do so. Council Member Hunter pointed out that it is a condition of approval.

Mayor Pro Tempore Strauss asked what was considered as alternate site locations. Architect Zak reviewed the area near the swale, but it was too far from the existing courts and neighbor. The other lot considered from Jim Owen was to place a court to the west of Court No. 1. They figured it would be that much closer to other neighbors, so they would be moving the problem from one place to another. When playing paddle tennis proximity and visibility is an important aspect.

Council Member Hunter asked that a mechanism be in place where neighbors can call with concerns. Lagunitas Country Club representative agreed.

Council Member Martin asked if a drainage plan has been discussed. Architect Zak noted that drainage plan would be straightforward and would be submitted with the building application as part of the conditions.

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

Council Member Skall wanted to be sure, if approved, they are being sensitive to the neighbors and be sure screening and lighting is mitigated as best as possible. Council Member Hunter noted that Condition No. 6 requires that a landscaping plan be submitted

prior to project final review and approval. Also, if the notion of all lights on one side is not optimal, then lights will not be added on the other side of the court, so he is fine.

Mayor Pro Tempore Strauss asked for a motion.

Council Member Hunter moved and Council Member Skall seconded, to approve the 205 Lagunitas Road application to add the third sport court with findings and conditions as outlined in the staff report, including the stipulation that lighting will not be added on the upper side of the court; add language to Condition No. 6 that landscaping will be planted downhill of the new court to screen; and include ongoing maintenance and adjustment of the lighting, as necessary. Motion carried unanimously.

Conditions:

The project shall comply with the following conditions of approval, which shall be reproduced on the first page of the building permit plans:

1. As club posted court rules presently require, and consistent with standing Lagunitas Club rule #7, all paddle tennis court "lights must be out" and use shall conclude by 8:30 p.m.
2. The proposed four new light standards shall be installed on the downhill side of the new court and directed away from the Lagunitas Road neighbors. **No lighting shall be installed on the upper side of the court. The club shall be responsible for ongoing maintenance and adjustment of all lighting as necessary to retain compliance with use permit conditions and plan approvals.**
3. EXCEPT AS OTHERWISE STATED IN THESE CONDITIONS, NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. Red-lined plans showing any proposed changes, including changes to materials or colors, shall be submitted to the Town Planner for review and approval prior to making any modifications.
4. The applicant shall take the following precautions to protect trees during construction:
 - a. Before the start of any clearing, excavation, construction, or other work on the site, or the issuance of a building or demolition 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 approved plans. 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 may be 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. Burning or use of equipment with an open flame near or within the non-intrusion zone shall be avoided. All brush, earth, and other debris shall be removed in a manner that prevents injury to the significant tree.
 - i. 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.
 - j. Construction materials shall not be stored within the non-intrusion zone of a significant and/or protected tree.
5. A drainage plan shall be submitted with the building permit application for review and approval by staff, including the Town Engineer as deemed necessary. All site drainage shall be dissipated in a manner that prevents erosion and conforms to current storm water discharge practices in Marin County. The drainage shall be dispersed on site.
 6. A landscape plan shall be submitted prior to project final for review and approval by staff, including the Town Arborist as deemed necessary. The landscape plan shall include minor improvements to the dirt trail to reduce the effects of erosion. This may include laying down gravel or decomposed granite, installing an occasional stair (up to 8" plank or section of railroad tie secured with rebar.) The landscape plan shall include native vegetation in the area of the retaining walls behind the new paddle tennis court. **Additional planting shall be added downslope of the court.**
 7. Retaining walls shall be pressure treated Douglas Fir post and plank construction. The wood may be left to weather or may be stained with a woodtone finish.
 8. Any exterior lighting not shown on the approved plans, including but not limited to lighting along the hillside footpath, shall be submitted for the review and approval of planning department staff. Existing paddle court lighting shall be shielded with custom shielding and directed straight downward, not angled. New paddle court lighting shall be installed only on the downhill side of the court, directed downward and toward the hillside. Exterior lighting of landscaping by any means shall not be permitted if it creates glare or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited.
 9. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers.

- All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
10. Any portable toilets shall be placed off the street and out of public view. Project development shall comply with the requirements of the Ross Valley Sanitary District.
 11. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice.
 12. Failure to secure required building permits and/or begin construction by December 13, 2009 will cause the approval to lapse without further notice.
 13. 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.
 14. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
 15. 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.

Town Attorney Hadden Roth excused himself from the Town Council meeting at 11:14pm. Mayor Cahill reconvened his position as Mayor on the Town Council.

19. **14 Walnut Avenue, After-the-Fact Design Review No. 1671**
Loretta Gargan and Catherine Wagner, 14 Walnut Avenue, A.P. Nos. 73-171-51 and 73-171-52, R-1: B-10 (Single Family Residence, 10,000 SF Minimum Lot Size). After-the-fact design review for a 6-foot high, solid board vehicular access gate.

Dani Hamilton, Senior Planner, summarized the staff report and recommended that the Council require revised gate plans to be submitted for approval that are at least 50% open or that the applicant modify the gate to be no greater than 48" in height as measured from existing grade.

Loretta Gargan, applicant/owner, indicated that her contractor was informed that the fence was at an acceptable height and that is the reason why approval was not done previously. She was unaware that the height was a problem. She hoped to be able to maintain the current height of the fence due to privacy. She contacted all her neighbors on Walnut Avenue and received unanimous support for the fence, as it exists today.

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

15. **Town Council adoption of Resolution No. 1618 denying the appeal of Jim and Tori Owens, 200.5 Lagunitas Road, of the penalty for failure to complete construction under Ross Municipal Code Section 15.50, Time Limits for Completion of Construction.**

Town Manager Gary Broad reported that the Council considered the appeal at its November 2006 meeting and he recommended at the time that the action be formalized with a resolution. He stated the resolution outlines what was discussed in the staff report and the Council's prior decision to deny the appeal by a 4-1 vote, with Council Member Skall not supporting the denial.

Mr. Broad noted Resolution No. 1618 would re-affirm the Council's November action in voting 4-1 to deny the appeal.

Council Member Cahill questioned whether resolutions would be processed for all appeals in the future, and Mr. Broad and Town Attorney Roth discussed the need for resolutions in cases where there may be litigation, incorporation as an administrative record and in possibilities where there the Town may face challenge.

There was no public comment.

ACTION: It was M/S/C (Durst/Hunter) to adopt Resolution No. 1618 denying the appeal of Jim and Tori Owens, 200.5 Lagunitas Road, of the penalty for failure to complete construction under Ross Municipal Code Section 15.50, Time Limits for Completion of Construction. Vote: 4-1 (Skall voting no).

16. **Town Council review of the use permit for the Lagunitas Country Club, 205 Lagunitas Road, A.P. Nos. 73-211-31 and 73-221-01 as required by their use permit conditions of approval.**

Council Member Cahill recused himself from participating on the matter due to his membership at the Lagunitas Country Club and stepped down from the dais.

Town Manager Gary Broad said the Town Council approved a use permit for the Lagunitas Country Club in 1997, provided minutes of the approval, noting 16 conditions of approval. He said condition 16 stipulates the Council will review the use permit every two years, that it may revoke or modify the use permit consistent with the Town Municipal Code, and that tonight's hearing was being held as a required review.

Mr. Broad attached a letter the Town received from Mr. Weisel expressing concerns with compliance of conditions and said today he distributed a letter sent by Daniel Barry, on behalf of Mr. and Mrs. Gabrielsen, which similarly expresses concern with the Club's compliance with the same four conditions of approval.

Mr. Broad said the only point he was aware of complaints being raised was when the Council considered the June 9, 2005 use permit amendment request, and said tonight the Council could hear from the public regarding concerns and allegations of noncompliance as well as from the Country Club regarding their operation. He said the Council then has the opportunity to decide

whether any follow-up action was needed, or whether it was possible to have no additional action until next review.

Thom Weisel, Upper Road felt noise had been a constant problem for him and his adjacent neighbors, said every Wednesday night parties are held and noise escalates. He felt the club had violated numerous amplified music uses, reported that a wedding was held in October where he contacted the police because the event went from 5:00 p.m. to 11:00 p.m., with constant, loud noise. He said he felt events under the rental program were excessive and did not comply with contract regulations and felt the operation was questionable, given its location in a quiet, residential neighborhood.

Debra Quick, attorney with Morgan Lewis, said many difficulties of neighbors were linked to the club's desire to maximize its rentals to third parties. She felt there was a loss of control in how the facility operated during event rentals, questioned rental program rules and restrictions, said neighbors originally struggled with the 1997 use permit conditions, noted there was only one other review in the last 10 years, questioned the appropriateness of holding such events at the club, requested the club present a history of the commercial rental program as well as their rental contract to determine whether or not it maxed out the types and occurrences of events, and felt it was legitimate for neighbors to know what was allowed and what was not allowed. She requested the club respond and address the issues or the Council continue the item in order to constructively move forward.

Beach Kuhl, President, Lagunitas Country Club, assured the Council that it was his and the club's policy to adhere strictly to the regulations and conditions. Regarding the issues raised, he said the use permit allows rentals to outside groups, said they permit members to rent and sponsor events in this instance, and they require the member to be in attendance and be fully responsible for the event. At every event, one of their staff members is present and he was not aware of any October rental with amplified music. He did not recall whether the rental contract spelled out provisions for music and was not aware of any violations. He suggested that at any time any neighbor believed there was a violation of the use permit conditions, they should contact him immediately. He also noted they have no schedule of programs, but could provide information about past or future events that were scheduled.

Mayor Strauss recommended the Town Manager review the rental contract.

Mr. Kuhl noted they have held Wednesday night barbeques where people cook outside and socialize, they do not continue late into the evenings and there is no music allowed, and felt that any outstanding issues could be worked out with Mr. Weisel.

Mayor Strauss felt the problem could be worked out between all parties involved and wanted to ensure the club abided by the use permit conditions.

Council Member Hunter disclosed that he had held a birthday party at the club, said he was not a member; however, his friend who sponsored the event was a member and was present, as well as a manager of the club all evening. He felt the contract was very stringent, said only acoustical music was allowed and must stop by 10:30 p.m., and he felt that as a citizen the club took their

use permit seriously. He acknowledged the need for staff to review the club's contract and record of the previous year's rental events, noted Mr. Kuhl's willingness to take calls on a timely basis, and he felt this would be a good solution. He was in favor of renewing the use permit with the caveat that the items be presented to Town Manager Broad and the club president's number be available.

Council Member Durst noted that condition 1 allows for barbecues in the summer and confirmed they were held between June and September every week, that they typically end around 9:30 p.m., and that they have been held since 1917. She noted she was the one descending vote when the club requested an amendment in June, she found the club to be very quiet, and agreed a copy of their rental contract and history of events should be provided.

Town Manager Broad agreed the contract should be consistent with use permit conditions, said he would determine whether it included enough language for those renting the facility and agreed to review the club's history of previous year's rentals. If there were questions relating to the record, he agreed to contact the president and noted staff would hold a bi-annual review again in January 2009.

Mr. Kuhl offered to make his telephone number available for complaints and encouraged people to send him an e-mail if they experience issues they believe there were violations of the use permit.

ACTION: It was M/S/C (Hunter/Skall) to 1) consider the use permit review obligation completed as long as the Lagunitas Country Club provides a copy of their rental agreement to the Town within 30 days, 2) to provide a record of past year's rentals, 3) if there are questions the president of the club would make himself available; and 4) neighbors are requested to send email to the Town Manager and contact Mr. Kuhl, the president of the club. Vote: 4-0-1 (Cahill recused.)

17. Planning Application Consent Agenda.

Mayor Strauss noted all items would be considered in one motion and confirmed there were no public comments. Council Member Durst requested removal of Item 17.a. from the Consent Agenda.

ACTION: It was M/S/C (Cahill/Skall) to remove Item 17a. and approve the Planning Application Consent Agenda Items b, c, d, e, and f, with conditions in the staff report. Vote: 5-0.

- b. 123 Bolinas Avenue, Barwood Design Review No. 1628
Hal and Barbara Barwood, 123 Bolinas Avenue, A.P. No. 73-041-05, R-1 (Single Family Residence, 5,000 Square Foot Minimum Lot Size). Review of landscape plan associated with design review application to allow the construction of a new, 5 foot tall, partially-open, wood fence along the front property line on Bolinas Avenue and along the east side property line adjacent to the public right-of-way.

- addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
4. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
 5. This project shall comply with all requirements of the Department of Public Safety.
 6. Any portable toilets shall be placed off of the street and out of public view. Project development shall comply with the requirements of the Ross Valley Sanitary District.
 7. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice.
 8. NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
 9. FAILURE TO SECURE REQUIRED BUILDING PERMITS AND/OR BEGIN CONSTRUCTION BY JUNE 9, 2006 WILL CAUSE THE APPROVAL TO LAPSE WITHOUT FURTHER NOTICE.
 10. 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.
 11. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
 12. 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.

23. Use Permit Amendment Denial No. 2

The Lagunitas Country Club, 205 Lagunitas Road, A.P. No. 73-211-40, R-1:B-A (Single Family Residence, One Acre Minimum.) Amendment to Use Permit Number 232, permitting the operation of an existing recreational club incorporating the following revisions: 1.) approval to allow four non-rental club parties per year with indoor amplified music {the current use permit allows two}; 2.) approval to allow the annual Christmas party to end at midnight {the current use permit requires it to end at 11 p.m.}; 3.) approval to allow all parties, excepting the Christmas party, to end at 11 p.m. {the current use permit requires outdoor parties to end at 10:30 p.m. and indoor parties to end by 10:45 p.m.}; and

4.) approval to allow outdoor un-amplified music at all events {the current use permit limits outdoor un-amplified music to three events a year}.

Gary Broad, Town Manager, summarized the staff report and recommended that the Council listen to the applicant regarding their reason for the requested change and listen to all the neighbor input on this application, then Council can provide the applicant guidance on this issue and continue the item to allow for more discussion of the issues that have been raised by neighbors.

Cam Lanphier, representing Lagunitas Country Club, asked the Council to consider a proposal for an amendment to their use permit. They make this request in the spirit and intent of finding a way to enhance the social aspects of their club in a manner that is respectful of the needs of their neighbors. She explained that the Lagunitas Club has operated for over 100 years in the Town of Ross. The Club has been an integral part of the Town supporting its activities among them social, cultural, and athletic endeavors. In 1997, they were encumbered with a use permit. When that use permit was discussed and issued to the Lagunitas Club, it had an immediate and negative impact on the operations of the Club. By limiting the use of the amplified music to two events a year, the members were no longer able to use the Club for weddings and parties. Since such events are a major source of funding to the Club, the decision was a definite financial setback. Their membership has expressed strong disappointment, so they ask that the Club be allowed to return to having amplified music at membership events, they ask that their members be allowed to dance to the music at Club events just two more times a year with indoor amplified music. Also, since 1997, the Club installed double paned windows in the porch and the impact of the sound is substantially reduced. As always their managers would monitor the noise levels in order to have minimal impact to their neighbors. She pointed out that 35% of their membership resides in Ross, and all of the members of the Club are stakeholders of property in Ross. She asked why their use permit is so restrictive when the Art and Garden Center, Branson and Ross School are allowed parties with amplified music at least four times a year. She believed the request is not inconsistent with what is going on in other parts of the Town. They made every effort to be respectful of their neighbors and work with them to create an environment, which they can all enjoy. They always welcome civic entities to use their clubhouse for functions and allow the use of their parking lot for private parties in the neighborhood. The Club also requested allowing the Christmas party to go to midnight because the Christmas party is a very special event. Also, in asking that other parties end at 11:00 p.m. instead of 10:30 p.m. is consistent with Town Ordinance No. 574. They understand the concern of the neighbors in regard to the number of times they have outdoor non-amplified music, so they propose to limit the number of times they can have outdoor non amplified music, but ask that the limit be increased from its present number of three. Also, she made a sincere effort to contact all of the neighbors of the Club to discuss their request. She has spoken with many of them; others have not returned her calls. She also sent letters to those whose telephone numbers were unlisted. She appreciated the candor and the thoughtfulness of many of their neighbors, and hoped they can find a solution that benefits all.

Mayor Byrnes opened the public hearing on this item.

Elizabeth Frohlich, attorney, representing Gabrielsen's, urged the Council to deny the proposed expansion of the Club's existing use permit, because the expansion would significantly impact the Gabrielsen's and others use and enjoyment of their property. It is a residential neighborhood and the valley causes the acoustics not just to travel to nearby neighbors, but also to reverberate up the hill – as Cella and Luries have indicated in their letters to the Council. For that reason, when the Club's use permit was considered 8 years ago, in 1997, the Club was required to go through a long process of negotiation with the neighbors and after hard-fought negotiations, agreement was reached on the current use permit. It was not an interim step, but an agreement that was meant to resolve the issue in a way that was reasonable. The Council should be conservative in amending the agreement reached 8 years ago. Unfortunately, as the Cella's indicate in their letter, the Club has not been in perfect compliance with the use permit: someone invariably opens windows for indoor parties; no one answers the phone when they call to complain. She added that the time restrictions might seem like no big deal, fifteen minutes or a half hour here, an hour there. But those fifteen minutes, 30 minutes, hour, is during a critical time of night, when neighbors are trying to sleep. She noted that it is inconsistent with Ordinance 574, which requires no audible music after 10:00 p.m., 11:00 p.m. on weekends. Even if a party is officially over at midnight, it takes an hour before everyone is in their cars and leaves, so really it is over at 1:00 a.m. She believed the Council should maintain the agreement that was reached between the neighbors and Club 8 years ago. Everyone agreed that 2 indoor parties with amplified music and 3 outdoor parties without amplified music was sufficient. She further noted that the main purpose of the Club is family swim and tennis club, parties with music is a subsidiary use. Last, the Club has not adequately vetted these issues with the neighbors. Although the neighbors received some notice of this hearing, no effort to dialogue as they did 8 years ago to come to an agreement. At the very least, this application should be denied to allow the Club and the neighbors more time to resolve their issues. She then urged the Council to take action to deny the application.

John Gray, former Mayor, agreed with the restrictions. It is a tennis club and not a party club. It is not soundproof and there is no air conditioning, so when they have parties the doors and windows are open. Also, during parties, even without music, he can still hear conversations. He pointed out that the former Council placed the restrictions for good reason because it takes an additional half hour for those to leave. Personally, he believed they are making a major mistake opening this matter up again. There are many people in the community who desired the use permit to be revoked. He is completely against any changes in this use permit.

Tom Weisel, Ross resident, stated that this Club's social functions occur weekend after weekend and the music and other noise travels through his house. He reiterated that this is a tennis club and the social activities for a tennis club should not be expanded. This Club is in the middle of their living rooms and every time they have a party without any music he hears conversations as well. He felt this proposal is ridiculous and believed the Council should examine the existence of this Club in a residential area. He further recommended charging dues to support the Club rather than using all these social activities.

Brian Salmons, Ross resident, believed commonsense should prevail and stated that what has previously been stated is not factual. He attends parties at the Club and felt what the Club is requesting is not unreasonable and urged the Council to approve the Club's proposal. He then urged the Council to visit the site when there is a party in order to better understand the situation.

Ms. Lanphier clarified that the Club was founded as a tennis and social club for its members so the idea of not having parties is inconsistent with the idea of the founding members. She then noted that they only have 160 senior members and with children in total maybe 250 members.

Mary Amonette, Ross resident, noted that all tennis clubs are located in residential neighborhoods, so she did not believe that is a great argument.

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

Mayor Byrnes noted that the Council must discuss the following items:

- Approved membership of the 1997 use permit was a result of three lengthy Council hearings with a long list of conditions. Membership permitted 235
- Two-thirds of the members live outside of Town
- Aside from amplified and unamplified parties, the use permit allowed BBQ's, rentals for six weddings and other parties, including a mandatory Council review of the use permit every two years

Mayor Byrnes asked staff under the current agreement how many amplified music parties the Club is allowed? Town Manager Broad responded that the Club is allowed three parties without amplified music a year and two parties with amplified music per year.

Council Member Barr stated that the Council must review an application from the perspective of the applicant, the neighborhood, and the Town. She is troubled by the amount of unhappiness in the neighborhood. She is surprised that only 35% of the Club's membership from the Town of Ross.

Mayor Pro Tempore Strauss added that they must recognize that it is in a residential district and the staff's report is very well written. Currently, it did not seem that it is benefiting the Town of Ross by going any further than what is presently in place. Also, the Club and neighborhood must have a discussion.

Council Member Durst agreed that the neighborhood and Club must have a discussion. She then asked Ms. Lanphier if all interested parties know the Club's schedule. Ms. Lanphier responded that they have not provided that information in the past, but the Club easily could send out notices in that regard.

Mayor Byrnes indicated that he is astonished by the intensity of use granted in a residential area. He cannot in any way support the request by the Club. He further expressed concern for traffic in the neighborhood from those traveling in and out of the Club. Council Member Barr and Mayor Pro Tempore Strauss agreed.

Mayor Byrnes asked for a motion.

Mayor Byrnes moved and Council Member Barr seconded, to deny the application and direct staff to schedule a review as noted in the Use Permit. The motion carried by a 3:1 vote by the Council with Council Member Durst opposed.

24. Correspondence

- PTA Auction Event 2006 Letter

Council Member Durst did not believe it belongs at the Commons and recommended directing the PTA Auction Event to the Art and Garden Center. The Council and staff agreed.

- Letter from Grand Jury

Town Manager Broad agreed to submit a response.

25. Other Business- None

26. Adjournment.

BY ORDER OF THE MAYOR, THE MEETING ADJOURNED AT 10:15 P.M.

Respectfully submitted,

Jessica Woods, Recording Secretary

Thomas F. Byrnes, Jr., Mayor

ATTEST:

Gary Broad, Town Manager

May 10, 2001

20.

VARIANCE #1398

Todd and Audrey Buchner, 51 Winship Avenue, A.P. No. 72-162-04, R-1:B-10 (Single Family Residence, 10,000 square foot minimum). Variance to allow the addition of a 12 square foot stair tower to provide access from the master bedroom to the sitting room.

Lot Area	16,420 sq. ft.
Present Lot Coverage	11.8%
Proposed Lot Coverage	11.9% (20% permitted)
Present Floor Area Ratio	20.1%
Proposed Floor Area Ratio	20.2% (20% permitted)

The existing garage is nonconforming in setbacks.

There were no comments from the community and after consideration Councilmember Zorensky moved approval with the findings in the staff report and the following conditions.

1. This project shall comply with the following Public Safety Department requirements: 1.) a street number must be provided (minimum 4 inches on contrasting background); and 2.) all dead or dying flammable materials shall be cleared and removed per Ross Municipal Code Chapter 12.12.
3. The additional floor area of the stairway shall not be traded for future additional floor area.
4. The Town Council reserves the right to require additional landscape screening for up to one year from project final.
5. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
6. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
7. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
8. Any portable chemical toilets shall be placed off the street and out of public view.
9. 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.

Seconded by Councilwoman Delanty Brown and passed unanimously.

21.

VARIANCE AND DESIGN REVIEW MODIFICATIONS #1399 #291

The Lagunitas Country Club, 205 Lagunitas Road, A.P. No. 73-211-31 and 73-221-01, R-1:B-A (Single Family Residence, One acre minimum). Variance and design review to allow the following modifications to an application approved on March 8, 2001: 1.) addition of another 100 square feet (4.5 foot long by 22 foot wide) to the approved 204 square foot addition to the rear storage building; and 2.) relocation of the approved men's locker room 6 feet northward to provide additional clearance from a redwood tree.

May 10, 2001

Lot Area	20.5 acres
Present Lot Coverage	.6%
Proposed Lot Coverage	.6% (15% permitted)
Present Floor Area Ratio	.6%
Proposed Floor Area Ratio	.6% (15% permitted)

The existing mechanical building is nonconforming in front yard setbacks.

MAYOR HART HANDED THE GAVEL TO MAYOR PRO TEMPORE GRAY AND STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

Mayor Pro Tempore Gray said that this matter was brought back for public comments. There being no comments, he moved approval with the findings in the staff report and the following conditions:

1. All conditions of approval from the March 8, 2001 Council approval shall remain in full force and effect.
2. 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.

This was seconded by Councilmember Curtiss and passed with four affirmative votes.

MAYOR HART RETURNED TO THE COUNCIL CHAMBERS.

22. **DESIGN REVIEW.** #292

Bernard and Susan Alpert, 12 Upper Ames, A.P. No. 73-181-21, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). Design review to allow the following modifications to any existing residence: 1.) remove 132 square feet of existing master bathroom and add 148 square feet in same location; 2.) replace all existing flat roofs with sloping roofs; 3.) add new 868 upper floor; 4.) expand main floor 483 square feet including kitchen, stair, bay window and master bath addition; 5.) and add 248 square foot basement storage.

Lot Area	59,677 sq. ft.
Present Lot Coverage	7.5%
Proposed Lot Coverage	8.3% (15% permitted)
Present Floor Area Ratio	10.3%
Proposed Floor Area Ratio	13.0% (15% permitted)

Town Planner Broad presented the plans. He did not feel that the proposed plans would be visible from vantage points and surrounding properties. He said it was an attractive design and there were no comments from the audience.

Councilwoman Delanty Brown moved approval with the findings in the staff report and the following conditions.

1. This project shall comply with the following Public Safety Department requirements: 1.) all brush impinging on the roadway shall be cleared; 2.) the street number must be posted (minimum 4 inches on contrasting background; 3.) a KNOX

March 8, 2001

18. USE PERMIT.

Thomas W. Kemp, dba Gately and Kemp (tenant); Angela McCoy (legal owner); 23 Ross Common, Suite 4B, A.P. No. 73-273-10, Local Commercial District; Legal services in 450 square feet of floor area of the Ross Garage building. Hours of operation are Monday to Friday, 9 a.m. to 5 p.m., with two people working on-site. This use is relocating from Suite 2A of this building where it has been since 1989. Mr. Broad said that this use has been operating since 1989 in front of the building and they now wish to move to the rear. He said that this is in agreement with the Council's wish to have retail stores in the spaces fronting the streets. Councilmember Gray wished that such use permits could be approved administratively. Councilwoman Delanty Brown moved approval with the findings in the staff report and the following conditions:

1. A business license shall be obtained from the Town of Ross.
2. This use shall comply with all Ross Public Safety Department recommendations.

This was seconded by Councilmember Gray and passed unanimously.

19. USE PERMIT.

Angela McCoy, tenant and legal owner; 23 Ross Common, Suite 2, A.P. No. 73-273-10, Local Commercial District; Antique and home furnishing sales in 900 square feet of floor area of the Ross Garage building. The store will be open Tuesday through Saturday with 3 to 4 employees. This use will be relocating from its present location in Suite 4B of this building.

Mr. Broad said that the antique store was approved by the Council last year and it is now moving into the vacated law office.

Councilmember Zorensky moved approval with the findings in the staff report and the following conditions:

1. A business license shall be obtained from the Town of Ross.
2. This use shall comply with its project description, including the proposed hours of operation to be open for business.
3. This use shall comply with all Ross Public Safety Department recommendations.

This was seconded by Councilwoman Delanty Brown and passed unanimously.

20. VARIANCE AND DESIGN REVIEW

The Lagunitas Country Club; 205 Lagunitas Road, A.P. No. 73-211-31 and 73-221-01, R-1:B-A (Single Family Residence, One acre minimum). Variance and design review to allow modifications to existing club buildings, including the following: 1.) removal of a 1,367-square foot locker room/storage building and porch and construction of an 810-square foot locker room building and porch; 2.) a 204-square foot addition to an existing storage building; and 3.) removal of a 256-square foot shed. Total floor area will be reduced by 509 square feet.

Lot Area	20.5 acres
Present Lot Coverage	.6%
Proposed Lot Coverage	.6% (15% permitted)
Present Floor Area Ratio	.6%
Proposed Floor Area Ratio	.6% (15% permitted)

The existing mechanical building is nonconforming in front yard setbacks.

MAYOR PRO TEMPORE HART STEPPED DOWN AND TOOK A SEAT IN THE AUDIENCE.

March 8, 2001

Mr. Broad explained the proposed plans, noting that the total floor area will be reduced by 509 square feet. He said that the architect proposed one change today from the originally submitted plans that would add 100 square feet onto one of the buildings. He said that the neighbors had not been notified of this change. Mayor Curtiss was concerned about approving plans that had not been reviewed by the adjoining neighbors. The architect explained that they wished to add four feet to the side of the building so instead of a 25 ft. long building it would be 29 ft.

Mr. John Larson, President of the Lagunitas Club, said that the project is almost invisible from the street.

Town Attorney Hadden Roth said that the matter should be continued or the Council could make it a condition of approval that the neighbors sign off on the plans.

After further discussion, Councilmember Gray moved approval with the findings in the staff report and the following amended conditions:

1. This approval includes the additional 100 sq. ft. to the storage room on the east end as identified on the amended plans, provided that the adjacent neighbors approve the addition or the plans must be brought back to the Council for approval at the next available meeting. Neighborhood approval must be submitted in writing to Town staff prior to obtaining a building permit.
2. This project shall comply with all Public Safety Department requirements.
3. The Town Council reserves the right to require landscape screening for up to two years from project final.
4. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
5. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
6. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
7. Any portable chemical toilets shall be placed off the street and out of public view.
8. Prior to project final, all structures proposed for removal shall be removed, subject to Town Planner approval.
9. 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 participates in the defense in good faith.

This was seconded by Councilwoman Delanty Brown and passed with four affirmative votes. Mayor Pro Tempore Hart had stepped down.

MAYOR PRO TEMPORE HART RETURNED TO THE COUNCIL CHAMBERS

be the last extension. This was seconded by Councilmember Gray and passed unanimously.

MAYOR PRO TEMPORE GRAY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

18. Consideration of a Use Permit application and modifications to an approved variance and design review application for the Lagunitas Country Club. The proposed modifications include the relocation of a wheelchair ramp to the west elevation and a single entry instead of the previously approved two entries on the west elevation, 205 Lagunitas Road, A.P. 73-211-31 and 73-221-01, R-1:B-A (Single Family Residential, One Acre Minimum)

Mr. Hood, Architect, presented the plans and said that there are two modifications: (1) one dormer window is proposed instead of two and (2) relocation of the wheelchair ramp to comply with ADA requirements. There would be no changes in elevations.

Town Planner Broad said that the Council is also to finalize the use permit language. He noted clarifications in his staff report: Condition No. 5 - "Outdoor non-amplified music shall be allowed three times per year" and Condition No. 9 "No blower use shall be permitted on Sundays." He said that these changes are based on review of the minutes of the last meeting.

Councilmember Reid asked that in Condition No. 8 the word "encourage" be changed to "require." He further referred to Mr. T. Weisel's letter of September 5, 1997, received by the Council this date.

Mr. B. Kuhl said that Condition No. 15 concerning landscaping should refer to courts 3 - 6 and not 1 and 2 since they are screened by Redwoods. Other than that, the Club agreed to the changes.

Mr. John Gray of Upper Road said that from the beginning of discussions, it was always his understanding that all the courts were to be included in the landscaping.

Mr. Kuhl did not feel it would be possible, but he said he was willing to try.

Mr. Andy Evans, a member of the Club, did not feel that landscaping is possible on Courts 1 and 2.

Councilmember Curtiss said that discussions have always included landscaping of all courts.

Councilmember Goodman wondered how the club would stop all parties at 10:45 p.m. Ms. Dellie Woodring, President, said that when the band stops playing, everyone leaves shortly after.

Councilmember Goodman said that if the Club and residents are comfortable with the proposed conditions, there was no use for further discussion.

Mr. Jeff Brinton, attorney for Mr. Wiesel, said that they are not opposed to the facility changes. The only problem they have is with outside noise and asked that affairs end at 7:30 p.m. He said that the proposed use permit does not take into account the day of the week. Mr. Brinton said that it is generally recognized that noise takes on a different level after 7:30 p.m. and the Club is in a residential zone. Further, Mr Brinton said that there is no definition of non-amplified music.

9/10/97

Use Permit

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Mayor Delanty Brown said that there have been three or four meeting between the Club and the neighbors.

Councilmember Goodman said that Mr. Wiesel had adequate time to give input through the process. He was disappointed that Mr. Brinton came tonight to request that all outdoor functions stop at 7:30 p.m.

Mr. Kuhl said that this has been a give and take process. Councilmember Reid said that the first remark of this entire discussion was that the club is in a residential zone. It was originally a bar for loggers and then houses were developed in the area. He said that the permit will be reviewed every two years and can be reviewed at any time if there is a problem. Councilmember Curtiss said that he was involved with the whole process and there has been much give and take. He does not live next to the Club but he does live next to Branson School and the Club has a much stricter document than the School. Councilmember Curtiss felt that the issue should be put to rest.

Councilmember Goodman moved approval of the use permit with the changes as noted above by the Town Planner and Councilmember Reid and that Condition No. 15 remain as presented.

Following are the conditions of approval for the use permit for the Lagunitas Country Club:

1. This use permit shall permit the operation of an existing recreational club. Existing facilities include a clubhouse, six tennis courts, two platform tennis courts, a swimming pool and snack bar, two storage buildings and two locker rooms. This use permit shall allow the addition of a 14 foot X 17 foot room; new stairs, landings and entry dormers; and a gravel parking lot expansion to accommodate 27 cars. Permitted club activities include indoor and outdoor social and athletic events such as Wednesday night summer barbecues and ladies lunches, and tennis and swim lessons.
2. Club membership shall not exceed 160 senior family memberships and 75 sustaining memberships (members over age 65.)
3. The use of this facility by outside groups (non-members) may be permitted as an ancillary use, but shall be clearly subordinate to the use of this recreational club for member activities. Non-members rental of the facility is permitted from October to April only for activities such as weddings, parties and meetings. A maximum of 6 weddings, 8 parties and unlimited daytime meetings with less than 50 people total in attendance shall be permitted. No amplification shall be permitted for these rental or meetings. These functions shall all end by 10:45 p.m.
No expansion in nonmember use of this facility for nonrecreational uses from current levels, including but not limited to weddings, dinner functions, banquets, meetings, conferences, etc., is permitted without prior Council approval.
4. Only two parties, the Christmas Party and the Pool Opening Party, shall be permitted to have indoor amplified music. At the annual Christmas party, doors and windows shall be kept closed. All music for these two parties shall end no later than 11 p.m.
5. No amplified music shall be permitted except as provided in condition number 4. Outdoor non-amplified music shall be allowed three (3) times per year. The Club shall notify neighbors at least one week in advance of events with nonamplified music. Windows and doors shall be kept closed during all periods of indoor music.

6. All outdoor parties shall end no later than 10:30 p.m. Parties with outdoor dining, followed by indoor dancing, may continue indoors and end no later than 10:45 p.m.
7. Other indoor parties with closed windows for noise control shall end no later than 10:45 p.m.
8. The club shall require facility users to refrain from "unsportsmanlike" behavior, such as swearing, unnecessary shouting, etc., while using outdoor areas proximate to surrounding public areas. Signs shall be posted at the tennis courts, pool and clubhouse to advise club users of the rules of conduct.
9. No blower use shall be permitted on Sundays. Blowers may be used for tournaments held on 10 Saturdays each year. Blowers may be used up to 3 days per week. No blower use shall be permitted prior to 9 a.m. Only electric leaf blowers shall be allowed and shall be the quietest model available.
10. This use permit shall allow the following annual open tournaments: the Ross Town Tournament and the Youth Tennis Foundation Tournament.
11. Town Council reserves the right to require additional landscape screening for up to two years from landscaping installation.
12. All exterior lighting shall meet code requirements. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. All lighting, including paddle court lighting, shall be shielded and directed downward. Parking lot lights shall be low and deflected downward.
13. Outdoor activities shall not commence prior to 7:30 a.m.
14. The applicant shall comply with all requirements of the Public Safety Department. An automatic fire alarm attached to a central dispatch shall be provided.
15. Landscaping with proper irrigation shall be installed along all the tennis courts and shall be maintained by the club.
16. The Town Council shall review this use permit every two years -- the first review shall occur in September 1999. The Town Council may revoke or modify this use permit for noncompliance with these conditions consistent with Town code.

This was seconded by Councilmember Reid and passed with four affirmative votes. Councilmember Gray had stepped down. Councilmember Goodman then moved approval of the modifications with the findings and conditions of the original approval. This was seconded by Councilmember Reid and passed with four affirmative votes. Councilmember Gray had stepped down.

MAYOR PRO TEMPORE GRAY RETURNED TO THE COUNCIL CHAMBERS.

19. VARIANCE AND USE PERMIT.

Christine and Neil Mason, 84 Sir Francis Drake Boulevard, AP 72-161-13, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum.) Variance and use permit to allow after-the-fact approval for the conversion of a 16 foot X 20.5 foot garage into a guest house. The structure is located within the north side yard setback (approximately 0 feet existing, 15 feet required.) A variance is necessary to allow no covered parking spaces (1 required.)

Lot Area	8,100 sq. ft.
Present Lot Coverage	36.6%
Proposed Lot Coverage	36.6% (20% permitted)
Present Floor Area Ratio	45.3%
Proposed Floor Area Ratio	45.3% (20% permitted)

The existing residence is nonconforming in front and side yard setbacks.

Business which said that the Councilmember Goodman moved approval with the findings in the staff report and the following condition: A business license shall be obtained from the Town of Ross prior to commencement of use.

This was seconded by Councilmember Gray and passed unanimously.

18. USE PERMIT NO. 230.

Edgar Angelone, Ph.D. and Laura Elliot, MFCC (tenant) Julia and James Lord Trust, Legal Owner. John Lord, Trustee. (owner); 7 Redwood Drive, Suite 5, A.P. No. 73-272-15, Local Commercial District. Psychotherapy office in approximately 300 square feet of tenant space -- relocating from 140 square feet of tenant space in same building. Two employees (one at a time) with up to 5 five clients anticipated each day. Hours of operation are Monday to Friday 8 a.m. to 8 p.m. Doctor Angleone explained that they were moving to larger quarters.

Councilmember Reid moved approval with the findings in the staff report and the following condition: A business license shall be obtained from the Town of Ross prior to commencement of use.

This was seconded by Councilmember Gray and passed unanimously.

19. USE PERMIT NO. 231.

Melissa Fairbanks/Paemsiri Khalsa-Lewin (tenants); Julia and James Lord Trust, Legal Owner. John Lord, Trustee. (owner) 7 Redwood Drive, A.P. No. 73-272-15, Local Commercial District Office for psychotherapist and homeopath in approximately 140 square feet of tenant space. Two employees with up to 5 five clients anticipated each day. Work hours are Monday to Friday 8 a.m. to 8 p.m.

Ms. Khalsa-Lewin explained that she and Ms. Fairbanks would work on alternate days. Councilmember Goodman moved approval with the findings in the staff report and the following condition: Business licenses shall be obtained from the Town of Ross prior to commencement of use.

This was seconded by Councilmember Gray and passed unanimously.

MAYOR PRO TEMPORE GRAY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

20. USE PERMIT.

Lagunitas Country Club, 205 Lagunitas Road, A.P. 73-211-31 and 73-221-01, R-1:B-A (Single Family Residential, One Acre Minimum).

Town Planner Broad referred to his staff report which he submitted based on use permit language proposed by the committee members. Mr. Broad said that there are several disagreements and the Council would make the final determinations. He said that the club does not have an existing itemized use permit and the Council needed to regulate activities and clarify the rules. Mr. L. J. Cella,

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a contiguous neighbor, expressed to Mr. Broad his concern about the six allowable weddings which he felt was an increase in number. Mr. Kuhl, Member of the Board, explained that this is not an increase and that currently the Club does not have any rentals for weddings because of the restrictions on amplified music.

Mr. Kuhl explained that meetings are limited to 50 members, not weddings. He asked that the events be allowed to end at 11 p.m. and not at 10:30 p.m.; that non-amplified music be permitted outdoors; that leaf blowers be permitted on the tennis courts at 9 a.m. when there are tournaments - there are approximately ten tournaments per year mostly held during summer; no tournaments are held October to April. Windscreens, Mr. Kuhl felt, were not needed and the lights are in compliance. In response to a question by Councilmember Goodman, Mr. Kuhl said that the nearest neighbor is at least several hundred yards away.

Councilmember Goodman said that there are weddings at St. John's Church every Saturday and Sunday. He felt that functions should be allowed to end at 11 p.m. and that 10:30 p.m. is too early. He felt that 11 p.m. is too early to end a Christmas party; that restricting non-amplified music outdoors was too restrictive; that all outdoor activities should end no later than 10:30 and that parties with outdoor dining followed by indoor dancing should be permitted to 11 p.m. Councilmember Goodman said that he has no problem with the existing windscreen but that additional landscaping should be added - fencing is not necessary since the nearest property is several hundred yards away. Electric leaf blowers should be permitted and be allowed on the tennis courts at 9 a.m.

Councilmember Reid felt that the use permit should be reviewed annually or every two years. He noted that the Club is located in a residential zone. Mr. Kuhl felt that review every two years would be more feasible.

Mr. John Gray of Upper Road did not feel that the weddings at St. John's Church could be compared to those held at the Club. He said that the tennis courts are in need of repair and the windscreen is falling down - he felt that it would take too long for the landscaping to grow and it should be combined with a windscreen. He encouraged them to fix up their facilities. Mr. Gray said that speaking on behalf of the neighbors, they felt strongly that the events should end at 10:30 p.m. - it is usually midnight before the last car leaves. He said that the neighbors agreed to 11 p.m. for the annual Christmas and Pool parties. Mr. Gray did not favor having non-amplified outdoor music, adding that he has heard bagpipes and brass bands over the years. He said that although the current management is the best they have had, they need easily interpreted rules that can be readily enforced. Mr. Gray did not favor using the decimal level for determining noise and Public Works Director Elias agreed, adding that this has not worked.

Mr. Gray said that the leaf blowers are used to dry the courts every day - he felt that they should not be allowed until 10 a.m. when courts are practically dry. Referring to noise, Mr. Gray said that tennis players start at 6:30 a.m. and there is screaming and yelling late in the day.

Ms. Dellie Woodring, President, said that they are asking to use the blowers on tournament days and they have new manpower machines.

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Ms. A. Gabrielsen of Glenwood Avenue said she felt very strongly about the 10:30 p.m. time limit except for the Christmas and Pool parties. She said that they did not have amplified music when she moved into Ross and she did not favor having non-amplified music outdoors. Ms. Gabrielsen said that this is a commercial use in a residential zone. She said that her house may be several hundred yards away but she still could see the players and is bothered by the lights.

Ms. Rhoda Boyd of Upper Road felt that the club and landscaping are very attractive and they improved the landscaping over the past years.

Mr. D. Van Meurs of Skyland Way said that he has lived in Ross since 1927 and did not feel that the club was unattractive. He said that some of the vines were lost in the winter frost. Referring to the lighting, Mr. Van Meurs said that the light of a full moon is brighter than the existing lights.

Ms. Karen Diblee, member of the Board, said that the Club has been there for many years. The parties are controlled and they are trying to be good neighbors. The tournaments are a part of Ross and school parties are held at the Club. She did not feel they were asking for anything outrageous, members are mostly older. Ms. Diblee asked that the Council not tie their hands completely.

Councilmember Curtiss said that he participated in preparing the draft use permit and the club and neighbors had only a few disagreements. He felt that outdoor non-amplified music could be limited to five times a year.

Mayor Brown noted that the Noise Ordinance prohibits unnecessary noise, Section 9.20.010.

Councilmember Reid suggested that events be permitted to 10:45 p.m., except the Christmas and Pool parties which should be permitted to 11 p.m.; that all activities of the club be outlined in the use permit; i.e., Sunday bar-b-ques, social tennis/classes/swimming lessons, etc.

Non-amplified outdoor music should be permitted three times a year. Mr. Gray said the neighbors would agree to three times a year (the decimal system shall not be used) if the neighbors were notified one week in advance of each event. Leaf blowers shall be allowed for the ten tournament days. Leaf blowers shall be allowed three times during the week but not prior to 9 a.m. They are not permitted on Sundays. The permit shall be reviewed by the Council every two years. The Town Council will continue to reserve the right to require further landscaping. Mr. Kuhl said that they will continue to have screens on tennis courts.

There was some discussion concerning membership and Mr. Khul said that the existing by-laws permit 160 members.

Councilmember Goodman moved that the use permit be redrafted and submitted for Council review/approval at the next meeting. This was seconded by Councilmember Reid and passed unanimously.

21. HILLSIDE LOT, DESIGN REVIEW AND VARIANCE.

William Spazante/Kristin Zoller, 24 El Camino Bueno, A.P. 72-163-02, R-1:B-A (Single Family Residence, One acre minimum.) Hillside lot, variance and design review requests to allow residential modifications adding 695 square feet of living space and 240 square feet of deck/porch area -- while removing 617 square feet of deck, arbor and sunroom and garage storage (a 318 square foot net increase.) The additions include the

permit be submitted in ample time for staff review. Further, it is the Council's understanding that continuing the matter of the use permit in no way would impair the remodeling of the Lagunitas Club, as approved at the last meeting. Councilmember Goodman seconded the motion which passed with four affirmative votes. Councilmember Gray had stepped down.

24. USE PERMIT. #228

John Gray, 1 Upper Road, A.P. 73-122-07, R-1:B-A (Single Family Residential, One Acre Minimum). Use permit to allow a home occupation for the operation of railroad intermodal terminals business office in an existing garage/office structure. One employee, with no clients typically anticipated each day. Use permit to allow the use of an existing structure as a caretaker's quarters.

COUNCILMEMBER GRAY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

Mr. John Gray of Upper Road stated that he had an office above his garage. There were no comments from the audience. Councilmember Goodman moved approval with the findings in the staff report and the following conditions: (1) A business license for the home occupation shall be obtained from the Town of Ross Building Department. The use shall comply with the home occupation criteria of Section 18.12.180 of the Ross Municipal Code. (2) The caretaker's quarters shall be used only by persons regularly employed on the property. This was seconded by Councilmember Reid and passed with four affirmative votes. Councilmember Gray had stepped down.

COUNCILMEMBER GRAY RETURNED TO THE COUNCIL CHAMBERS.

25. VARIANCE AND DESIGN REVIEW.

Sean and Robin Wright Penn, 7 Laurel Grove Avenue, A.P. 72-222-04, R-1:B-A (Single Family Residence, One acre minimum.) Variance and design review to allow a 6-foot high stucco wall with a tile cap to enclose the property and 7-foot high gates and columns at the Laurel Grove and Walters Road entries.

Lot Area (net)	95,137 sq. ft.	
Present Lot Coverage		5.7%
Proposed Lot Coverage		7.5% (15% permitted)
Present Floor Area Ratio		7.0%
Proposed Floor Area Ratio		12.6% (15% permitted)

The existing guest house is nonconforming in setbacks. The existing berm/fence is nonconforming in height.

Architect Greg Johnson presented the plans and stated that his clients preferred a stone wall for the perimeter of the property instead of the original stucco wall. Changes were also made to the roof design resulting in a height of 28 feet. Town Planner Broad said that the entry gates will be 7 ft. high and the final placement of the wall will not remove any significant trees along Sir Francis Drake Boulevard. He said that as much of the existing vegetation as possible should remain. Mr. Broad further stated that the wall should not impede the drainage flow along Sir Francis Drake Boulevard and this should be approved by the Town Engineer.

Mrs. Kathy Strauss of Willow Avenue said that she would object to a stucco wall but felt that the proposed stone wall would not be as prominent.

Councilmember Goodman felt that stucco would be more appropriate for a Spanish style home.

Councilmember Curtiss favored the stone wall.

Councilmember Gray moved approval of the application and the 6 ft. high stone wall to enclose the property with the 7 ft. high entry gates as proposed and the findings in the staff report and the following conditions:

V. 1207
O.P.

After consideration, Councilmember Goodman moved that the work continue with the following conditions added to the initial approval of the variance and design review:

1. Area underneath the house shall not exceed 5 ft. 10 inches in height, as measured from a poured concrete slab to the bottom of the floor joists.
2. The Public Works Director shall retain an independent appraiser, at the expense of the applicant, to determine the price per square foot of the 3000 sq. ft. construction. The cost of the building permit shall be based on this evaluation.
3. Applicant shall reimburse the Town for Town Engineer and Town Planner consulting fees for their time assessing the additional demolition, not to exceed \$1500.
4. Applicant shall pay the cost of a demolition permit (\$500).
5. Applicant shall comply with all the conditions of the originally approved variance and design review.

Councilmember Goodman asked if there were any other changes to the approved plans and Mr. Blankenship said that there were no further changes. Councilmember Goodman again reminded the applicants/architects that any changes to the approved plans must come back before the Council.

Councilmember Reid seconded the motion, adding that the Council reserves the right to initiate further proceedings under the Town Ordinances - Civil Penalties.

Mr. Sherman asked if they could raise the ground to make the understory 5 ft. 10 inches. Councilmember Goodman said that they could.

Town Planner Broad asked for clarification on the 5' 10" height of the understory area and whether the entire house was to be lowered.

Councilmember Goodman responded that that was correct unless lowering the house would put the living room in the front below grade.

Mr. Broad said that they will then be allowed to fill the understory area only if lowering the structure is not feasible.

The applicants agreed to all the conditions. Mayor Delanty Brown called for a vote and the motion passed unanimously.

Councilmember Goodman asked that the matter of assessed valuation be placed on next month's agenda.

COUNCILMEMBER REID RETURNED TO THE COUNCIL CHAMBERS.

23. Use Permit consideration for the Lagunitas Country Club to allow a recreational club, 205 Lagunitas Road, A.P. 73-211-31 and 73-221-01, R-1:B-A (Single Family Residential, One Acre Minimum).

COUNCILMEMBER GRAY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

Councilmember Reid said that the Council received a draft copy of a proposed use permit but it is incomplete. He recommended that the matter be continued and that the completed use permit be given to staff and Town Attorney for review. Further, it should be available for interested neighbors to review prior to the Council meeting.

Councilmember Curtiss reported that he met with representatives from the club and neighborhood on Monday. There were some issues that they felt should go before the Council for final arbitration.

Mr. P. Kuhl said that it is the Board's understanding that in the meantime, they can go ahead with the project. Councilmember Curtiss said that was correct.

After further discussion, Councilmember Reid moved that the matter be continued to the August 1997 meeting. That the se

said there were some questions as to whether it used consist with the zoning ordinance. Councilmember Goodman noted that one of the conditions of approval was that the sidewalk be repaired as necessary and that should still be required. Councilmember Gray moved to rescind the approval and agree to the request of the applicant to withdraw the application. Staff shall review the zoning regulations of the property and Mr. Elias will send a letter concerning repair of the sidewalks. Staff will keep Council informed. This was seconded by Mayor Pro Tempore Brown and passed unanimously.

20. Council Consideration of Request from Mr. Tom Walther for Town to Abandon Right to Reacquire a 30 x 100 foot Parcel on Bridge Road Near its Intersection with Brookwood Lane, AP 73-302-09.

Mr. Tom Walther addressed the Council and stated that he was contacted by Marin County that taxes had not been paid on this property. He then purchased the parcel at a tax sale. He had spoken to Mr. Elias. Mr. Walther said that the property would not have access off of Bridge Road which would benefit the neighborhood and the property was too small to be developed. Mr. Broad said that he, Mr. Elias and Town Attorney Roth reviewed the request. He referred to his staff report and said he would add a further condition that the Council require that the 30 ft. x 100 ft. parcel be merged with the main parcel so that there will be no development resulting from the Town's giving up the right to acquire the property.

Mayor Reid noted that this could increase the FAR of Mr. Walther's property. Mr. Broad said that it could add a small amount, but it looked like a hillside lot.

Former Councilmember Gary Scales said that parcels of one acre are selling for \$1 million in Town and that is \$25 a square foot. He said this money could be used for planting trees in Town.

Councilmember Curtiss said that they need to determine what the property is worth. He said he was concerned about giving away a property right that could be exercised by the Town for only one dollar.

The matter was continued so that further information could be obtained.

AT 8:45 P.M. THE MAYOR CALLED FOR A RECESS AND THE MEETING RECONVENED AT 8:55 P.M. WITH EVERYONE IN ATTENDANCE.

5/8/97 21. DESIGN REVIEW, VARIANCE, USE PERMIT AMENDMENT APPLICATIONS AND A REQUEST FOR TREE REMOVAL.

The Lagunitas Country Club, 205 Lagunitas Road, A.P. 73-211-31 and 73-221-01, R-1:B-A (Single Family Residence, One acre minimum.) Variance and design review to allow alterations and modifications to an existing clubhouse building, including the addition of a 14 foot by 17 foot room to the rear of the building. New stairs, landings and entry dormers to the clubhouse are proposed. An expansion of the existing gravel parking lot northwest of the clubhouse to provide parking for 27 cars, including the removal of 4 trees, is proposed. A use permit amendment is requested to allow an expansion of an existing recreational club.

*Design Review
No. 118*

*Variance
No. 1201*

Partial History - Recent Only

Lot Area	28.5 acres
Present Lot Coverage	.5%
Proposed Lot Coverage	.5% (15% permitted)
Present Floor Area Ratio	.5%
Proposed Floor Area Ratio	.5% (15% permitted)

The proposed modifications comply with zoning ordinance requirements. A variance is necessary because of the existing nonconforming mechanical building and tennis courts in the front yard setback.

COUNCILMEMBER GRAY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

Mr. P.B. Kuhl, Vice President of the Club, stated that several issues at the Club needed to be brought up to Code, particularly in the kitchen. These were several items required by the Health Department. Also, the Club wished to have permanent windows along the side of the building. They planned to replace two old refrigerators with a walk-in refrigerator. The Club has a limit on the number of members and there is no plan to increase that number. Mr. Kuhl said that they do not plan to have additional affairs. He introduced the architect, Brooks Walker.

Mr. Walker said that the proposed plans are mostly for restoration and code improvements that relate to electrical and health issues. They propose to remove four trees which would allow 14 additional parking spaces. Mr. Walker showed an overlay of the proposed landscaping of trees and hedges. Town Planner Broad said that the Use Permit issued in 1976 was fairly limited in terms of conditions and there is no detailed use permit. He noted the letters of concern received regarding tree removal, parking, lighting, intensification of use, allowance of additional activities, room addition to the rear, and additional traffic to the club.

Mayor Reid then invited the public to speak. Ms. Dellie Woodring, President of the Club, said that they have no intention of increasing the number of members or usage of the club. She said that this all started because of an inspection by the Health Department. She referred to the letter receive from the County concerning this. Ms. Woodring said that since the parking will soon be eliminated on Lagunitas Road, they wanted to add parking spaces on the grounds of the Club. They have 160 families with 60 of these residing in Ross. She estimated membership at 500.

Mr. Elias said that the Public Works Department planned to do drainage work on Lagunitas Road, thus eliminating parking spaces.

Councilmember Curtiss asked if the Club would be willing to put their bylaws into a conditional use permit. Ms. Woodring said that she would agree to this.

Mr. Bruce Chatley, Treasurer of the Club and a resident of Ross, said they had to raise money for this project and they are asking for an assessment of \$2500/member. He said that the majority of the Club approved the project.

Ms. Rhoda Boyd of Upper Road and a member of the Board said that they do not wish to change the nature of the club. They don't want flashy parties. They just want safety and health improvements.

Ms. Betsy Jonckheer, the Social Chairperson, said that the parties will be well controlled, no loud music. There will be two major events - the Christmas Ball and the Pool Opening Party in May. They do not rent for weddings unless they have approved music, no bands are allowed. They have cut back on the amount of guests members can invite to the socials.

Mrs. A. Gabrielsen of 2 Glenwood Avenue said she had no objection to bringing the Club up to Code. She was concerned about tree removal. She also said that the Club had not installed the landscaping that was required in 1976.

Mrs. Gabrielsen said that noise is a major factor with the neighbors. She said that with 60 families residing in Ross, that means 100 families live outside of Ross.

Molly Bricca, a member of the Club and resident of Lagunitas Road, had reservations that the kitchen improvements would encourage outside rentals, necessitating delivery trucks down Lagunitas Road. She added that over the past few years, residents on Lagunitas had concerns about traffic and parking.

Ms. Sara Niccolls, a member of the Club and a resident in Ross, said she objected strenuously to the proposed plans, removal of the trees and traffic. She felt the character of the club would be changed.

Mark Little of Winship Avenue said that the improvements showed strength and care. He was concerned about any cutting of Redwoods.

Mayor Reid explained that they would delete three bays and an oak.

Mr. John Salz of Ivy Lane said that he overlooks the Club and has no objections to the improvements. He was concerned about additional usage. He said that although the present management may be sincere, new generations could make it worse.

In response to a question, Mr. Walker said that they proposed gravel for the parking lot.

Former Councilmember James Lill, 188 Lagunitas Road, said that he clocked the traffic on Lagunitas the other day and counted one car per minute. He felt this excessive. He said he would sign off on the plans if he could be assured that the project would not result in additional traffic. However, as it is presented, he was opposed.

Mr. Bill Niccolls, a member and resident, was in favor of bringing the building up to Code. He felt that the addition would cause more usage.

Mr. Van Buskirk of 196 Lagunitas Road did not object to the project but expressed concern about noise. He asked that no amplified music be made part of the use permit.

Mrs. Carla Small of Duff Lane asked that the Council carefully review the project so that the neighbors are not impacted. She said that if planting had not been done, it should be done and it should be mature landscaping.

Mrs. Anne Flemming, former Mayor of Ross and a member of the Lagunitas Club, said she has to drive down Lagunitas Road because of the construction on Shady Lane. She felt this could be adding to the amount of traffic on Lagunitas Road. She felt that the use permit needed to have more teeth in it and the Town should set parameters and assure that it is done. Landscaping was required and was to be maintained by the Town. She thought this might be a miscommunication.

Councilmember Goodman said that when the Lagunitas Club came before the Council in 1988, he was new to the Council, and it was agreed that the Town would do the maintenance of the club's landscaping. However, we can see that this is not feasible. He said that watering and maintenance of the landscaping must be the responsibility of the club and not the Town.

Mrs. Rhoda Boyd of Upper Road said that traffic is going to Lagunitas Lake and not to the club. She felt that the traffic would remain the same.

Mrs. Gabrielsen asked that the club not be extended one inch after this proposal.

In response to a question by Mayor Reid, Ms. Woodring said that members may have private parties and they need the proposed room to accommodate smaller gatherings.

Mr. Kuhl said that no weddings are scheduled at this time.

Ms. Woodring said that the Ross Grammar School 8th Grade Graduation is scheduled, but because they cannot have amplified music, they might change to a different location.

Councilmember Gray said that whatever is planted has to be planted on the south side of the trees because nothing will grow between the trees.

Councilmember Curtiss wondered if staff, Council and members of the club could submit a use permit that reflects the uses of the Club in more detail.

Councilmember Goodman said that many clubs in Marin County have expanded while the Lagunitas Club has not. He said that with reference to the comment that the club cannot expand one inch, the Council has no control over applicants submitting proposals. It is the Council's job to hear each application. He said that the kitchen needs upgrading, a 14 ft. x 17 ft. room is minimal and would not invite that many more people. He felt it was a benefit to have additional off-street parking. Landscaping, Councilmember Goodman continued, along the tennis courts should be corrected immediately and irrigation should be installed. He felt they should be allowed to continue to have amplified music for their two special events each year.

Mayor Pro Tempore Brown felt that the Club needed to be upgraded. She said that the landscaping needed to be addressed and the number of functions could be limited through the use permit.

Mr. John Gray, of Upper Road, said that the Town would eliminate five or six parking spaces on Lagunitas because of the drainage. He felt that a detailed use permit should be done so that future Boards will have a set of ground rules; i.e., two amplified parties per year, time limits, hours of parties, use of leaf blowers vs. use of brooms, specific lighting plan for Council and neighborhood review. He recommended that a use permit be drafted for the next meeting. He felt that screening should go along all the courts; he was sympathetic to parking problems. He asked to see a landscape plan.

Mayor Reid noted that the Health Department had been at the Club on several occasions since 1993. He read the history of the Club and felt that a detailed use permit is definitely needed. He appointed Councilmembers Gray and Curtiss to meet with Mrs. A. Gabrielsen and representatives of the club to list the concerns. Staff will then take those concerns and draft a use permit for Council review at the June meeting. Councilmember Goodman moved approval with the findings in the staff report and the following conditions:

1. The Club shall be allowed two amplified music events per year.
2. Landscaping, with proper irrigation, shall be installed along all the tennis courts and shall be maintained by the Club.
3. Laurel bushes at least four feet in height shall be planted in front of the new parking lot.
4. New exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
5. Any chemical toilets shall be placed off the street and out of public view.
6. Applicant shall comply with all requirements of the Public Safety Department.
7. Any changes to the approved plans shall require the approval of the Ross Town Council. Red-lined plans shall be submitted to the Town Planner prior to the issuance of a building permit identifying all proposed changes.
8. The Town Council reserves the right to require additional landscape screening for up to two years from landscaping installation.
9. Approval is subject to the committee submitting recommendations for staff to draft a use permit. Council shall review the use permit at the June meeting.

This was seconded by Mayor Pro Tempore Brown.

Mrs. Gabrielsen asked if there was any way they could realign the parking area and save the trees.

The Architect responded that this was the most feasible plan and the removal of the trees would provide more light for planting in that area.

Ms. Woodring said that they might not have sufficient funds to complete the entire project and asked if they would have to come back before the Council should this be the case.

Mayor Reid instructed Ms. Woodring to first contact staff to determine if they needed to return to the Council.

Mayor Reid then called for a vote and the motion passed with four affirmative votes. Councilmember Gray had stepped down.

COUNCILMEMBER GRAY RETURNED TO THE COUNCIL CHAMBERS.

DESIGN REVIEW AND VARIANCE APPLICATIONS AND A REQUEST FOR TREE REMOVAL.

Sean and Robin Wright Penn, 7 Laurel Grove Avenue, A.P. 72-222-04, R-1:B-A (Single Family Residence, One acre minimum.) Variance and design review to allow alterations and modifications to an existing residence, including the addition of a three-car garage with an office above, the conversion of the existing garage into living space with a second story addition above and the addition of an exercise room. The existing driveway on Laurel Grove will be relocated to the west. A swimming pool and tennis court are proposed. A 6-foot high stucco wall with a tile cap will enclose the property. The wall is proposed to step from six to eight feet in height in the northeast corner of the property (six feet permitted) and to have an 8-foot high gate and columns/lights 9.5 feet in height at the Laurel Grove entrance. This application includes a request for the removal of one cedar tree over 24 inches in diameter for construction of the new garage.

Lot Area (net)	95,137 sq. ft.
Present Lot Coverage	5.7%
Proposed Lot Coverage	7.5% (15% permitted)
Present Floor Area Ratio	7.0%
Proposed Floor Area Ratio	11.3% (15% permitted)

The existing guest house is nonconforming in setbacks. The existing berm/fence is nonconforming in height.

Mr. Robert said that they made the changes requested by the Council at the last meeting. He showed a model and said they proposed to place the master bedroom on top of the existing garage, the office will be located over the new garage. They removed the request for a 8 ft. wall and will construct a 6 ft. wall, pulled back into the property line. They planned to match the wall to the existing building. They sited the tennis courts to the north, resulting in less impact to the trees.

Mr. Greg Johnson, the architect, said that the maximum height of the wall around the courtyard will be four feet and he agreed that the color would be subject to Town approval. Town Planner Broad felt that the changes were an improvement. However, he needed further plans on the entry gates - he felt that 9 1/2 ft. high entry gates were grander than any previously approved by the Council. He said that the landscaping along Sir Francis Drake Boulevard should include the retention of the existing trees.

Councilmember Goodman said there is a drainage problem and asked if the water would be allowed to flow under the perimeter wall. He asked that the wall be staked and ribboned to clarify location and height.

Mayor Reid noted that there were no comments from the audience Councilmember Gray asked that they submit a sample of colors and textures for Council review.

In response to a question, the architect said the home would be 10,500 sq. ft. and the highest point is 27 ft.

The architect said they would match the existing tiles. Councilmember Gray asked that this be a condition of approval, along with the submittal of trim color, materials, wall and

Approval of wording of Argument in Favor of Tax Measure for March 26, 1996 Ballot.

Councilmember Reid moved approval of the wording of the argument, seconded by Councilmember Brown and passed unanimously.

Mayor Goodman said that this is a continuation of a tax started 12 years ago. He said that many of the residents who supported this Measure are no longer in Town and he hoped that the new residents would understand the importance of voting for this measure. He asked the audience to discuss this with their neighbors.

Finance Director Brown said that it is important to note that this is not a new tax but a continuation of the current parcel tax.

17. Report From Committee Heads.

Councilmember Scott reported on the Waste Management JPA. He said the San Rafael-Ross-Larkspur, etc., franchiser group has retained a consultant to advise the towns of their options if they withdrew from the JPA or what changes would have to be made to the JPA if the towns were to remain. Mayor Goodman thanked Councilmember Scott for all his hard work on this committee, adding that he knew it could be frustrating at times.

18. Finance Committee Report.

Councilmember Brown thanked the Ross Property Owners Association for their kind donation of \$800 to be used for Christmas decorations in Town. She thanked the Public Safety and Public Works Departments for all their help with the decorations.

Councilmember Brown further reported that a donation of \$2500 was received from Mrs. Fred Massara in memory of her husband Fred, a former longtime Town employee. This money will be placed in the general fund.

19. Adoption of 1995-1996 Fiscal Year Budget.

This matter was continued.

20. Reconsideration of Decision, 1/12/95, Concerning Appeal of Damage Assessment for Removal of Trees Without Permit at the Lagunitas Country Club.

12-14-95.
Mayor Goodman said that the Lagunitas Club and Mr. Van Den Berg, the contractor, have settled this issue. Mr. T. McGivern, former president of the Club, said that Mr. Van Den Berg apologized profusely and will make an extensive rehabilitation of tree planting in the area.

21. A CONTINUED PUBLIC HEARING. Adoption of Ordinance No. 530 - Amendment to the Town of Ross Zoning Map; Title 17 and 18 of the Ross Municipal Code (Subdivision and Zoning).

Council consideration of adoption of an amendment to the Town of Ross Zoning Map. A rezoning of the following parcels from R-1:B-5A (Single Family Residence, 5 acre minimum lot area) to R-1:B-10 A (Single Family Residence, 10 acre minimum lot area) is proposed:

July 5, 1995 outlining his concerns. He felt the proposed plans would adversely affect his property. He was concerned about the bulk/mass of the proposed structure, locations of the pool, loss of privacy, and noise.

Mr. Trevor Schultz of Woodside Way expressed concern over the massive bulk and height of the proposed home. He was also concerned about the location of the garage in proximity to his property.

Mr. Michael Shipero of 12 Woodside Way was concerned about the size of the structure.

A letter was read from Ms. Juliana Pettit Hazard on behalf of her mother, Ruth Hunt who is the legal owner of the property. Ms. Hazard urged the Council to approve the project.

Ms. Leslie Mueller of Woodside Way was concerned about the size of the structure and the appropriateness of this home in the neighborhood. She further expressed concern over the use of the log cabin.

A letter was received from Mr. & Mrs. Timothy Kelly of Woodside Way outlining their concerns.

Councilmember Reid asked that staff look at the character of the neighborhood and report on the size of the other homes. He said he would like to see the bulk/mass reduced. He also favored having the log cabin restored prior to the renovation of the home. Councilmember Barry concurred with Councilmember Reid.

Councilmember Scott felt the roof could be lowered. He felt that the third car garage could be eliminated. He was concerned about noise from the pool and suggested they retain a sound engineer.

Mayor Goodman was concerned about the setbacks of the house and pool, the second story bedroom and the height of the ceiling and the amount of roofing.

Councilmember Barry moved to continue the matter so the proponents could work with the neighbors. This was seconded by Councilmember Scott and passed unanimously. (This matter was subsequently withdrawn by the applicant).

27.

Correspondence.

Mayor Goodman noted that a letter was received concerning the outdoor noise at the Lagunitas Club. He directed Chief Sciutto to look into the matter and enforce the Town's ordinances. Mayor Goodman further asked that this be done immediately so that anyone planning a party at the Club would be informed of the Town's regulations.

28. Other Business.

- Consideration of Adopting a Regulatory Fee to Fund Clean Stormwater Activities.

It was the consensus of the Council not to adopt this at this time.

- Landscaping Review.

Variance No. 1097, Lombardi, 141 Bolinas - approved
Var. No. 1109, Franz-Moore, 24 Allen Ave. - approved

29. Adjournment.

The meeting was adjourned at 11:58 p.m.

MAYOR CHARLES GOODMAN

A T T E S T: _____

7-13-95-

surrounding property and community or the quiet and peaceful enjoyment thereof." The Council directed that this item be on the February agenda.

9. Discussion of Approval Process for Hillside Lot Applications.

Mr. Stafford suggested that the Council allow two meetings to approve hillside lot applications rather than grant an application subject to certain conditions to be completed in the future. All Council agreed that every application is difficult and needed to be thoroughly studied. Mr. Brekhus moved that the following wording be added to the guide lines for a hillside lot application:

In the normal situation, hillside lot applications will be initially reviewed by the Council at a meeting, followed by a subsequent meeting for final approval.

Mr. Stafford seconded the motion, which was unanimously passed.

10. Review of Use Permit No. 44 - Lagunitas Country Club.

Mr. Lunding reported that the landscaping around the paddle tennis courts reveals that, four years later, it has not met the expected standards for which the permit was issued. Mr. Robert Menzies from the Club reported that the ground cover which was smothering the root system of the pittosporum has been removed and that with adequate fertilizer and cultivation he feels that within a six month period, the screening will be accomplished. Mayor Chase directed the Clerk to put this matter on the June agenda for a report on the growth.

11. Other Business.

1. Agreed that Mayor Chase would write to the City of Larkspur, with copies to the County Planning Dept. and the Board of Supervisors, suggesting that before approving extensive use at the Greenbrae interchange, existing problems should be solved.

2. Agreed to invite Jeffery Morshead, Chairman of Marin Coalition, to the February meeting to discuss additional rentable units in R-1 areas.

3. Expressed appreciation to Ross residents who donated \$550 to the police department for the purchase of three police scanners to be used on patrol cars.

1-8-91

13. Open Time for Public Expression.

Mrs. Arlene Lindner of 11 Olive Street expressed her concern over the recently installed "No Parking" on Lagunitas Road and the surrounding streets; particularly, Walnut Avenue. Mayor Brekhus reminded Mr. Lindner and the audience that the Council would be reviewing this in 60 days.

14. Consideration of Ordinance No.468 Re Amending Size of Home "For Sale" Signs.

As directed by the Council at the last meeting, Town Attorney Roth drafted an ordinance amending size of home "For Sale" signs.

Councilman Lill expressed opposition to changing the sign ordinance. Several members of the audience agreed with Councilman Lill.

Councilman Barry moved introduction and waiver of the reading of Ordinance No. 468. Councilman Goodman seconded the motion. By unanimous vote of the Council this Ordinance failed to be introduced.

15. 88 Glenwood Avenue - Declare the Enclosure of Entry Porch a Public Nuisance.

This item was continued to the next meeting.

16. 6 Duff Lane - Richard Ham - Review the Hillside Lot and the Hazard Zone Applications.

Mr. Steve Wisenbacker of Lagunitas Road addressed the Council and expressed concern over the setback distance at 6 Duff Lane and also the actual height compared to the ones marked on the plans.

Mr. Brian McCarthy, Mr. Ham's attorney, said they were willing to cut down the corner of the house which would eliminate any interference with the easement.

After discussion, Town Attorney Roth, advised that there was a violation of the code on the setback issue and because of modification in the plans presented to the Council, there would have to be a renoticing and rehearing of the project.

Councilman Lill moved that this item be placed on the agenda for reconsideration and the Council reserves the right to consider the whole issue at the next meeting and that no building permit is to be issued in the interim. This was seconded by Councilman Goodman and passed with three affirmative votes. Councilwoman Flemming voted against and Councilman Barry abstained.

17. Lagunitas Country Club - Review of Landscaping Plans - Variance No. 888 Granted June 9, 1988.

Architect George Girvin presented the plans stating that as requested at the last meeting the Club would provide shields for the lights on the paddle tennis courts. They would be planting 8 to 10 ft. shrubs in front of the paddle courts and add three Camphor trees in the Town right of way

7-14-88

Lagunitas Club

073-221-01

7-14-88
along Lagunitas in front of tennis courts 3 and 4. These will be paid for and planted by the Club and donated to the Town of Ross; the Town will maintain the trees.

Mr. Girvin said that the Club would come before the Council in September with full drawings.

After discussion, Councilman Goodman moved approval of the landscaping plans, seconded by Councilman Lill and passed with four affirmative votes. Mayor Pro Tempore Flemming abstained stating as a member of the Club she would not vote on the issue.

18. Fence Enclosure of the Pre-School Playground at Ross Grammar School.

Pam Riley representing the Ross Park and Recreation addressed the Council stating that the State Licensing Bureau for Pre-Schools require a fenced in playground. She was asking permission to install a four foot chain fence behind the current stone and brick walls. Miss Riley said she was open for suggestions for another type of fence. Councilwoman Flemming suggested that Miss Riley consider a hedge and Mayor Brekhus asked about using the back yard. Mrs. Charles Goodman of Sylvan Lane said that the back yard was designed for older children.

Miss Riley was asked to look into other alternatives for the fence and it was continued to the next meeting.

19. AB 84 - State Highway Improvement Projects - 1993-1998.

Town Engineer Hoffman explained that the State has recently mandated that local agencies set forth distant priorities for transportation projects that are proposed to be financed essentially by state gas tax funds. Such priorities are being extended to the period 1993-1998.

RESOLUTION NO. 1229
APPROVING THE LONG TERM 1993 -1998 MAJOR TRANSPORTATION PROJECTS IN MARIN COUNTY AS RECOMMENDED BY THE MARIN COUNTY URBAN SYSTEMS COMMITTEE

Upon motion by Councilwoman Flemming, seconded by Councilman Lill, Resolution No. 1229 was passed with four affirmative votes. Councilman Barry voted against.

20. Solar Installation Permit - Tom Tusher - 200 Lagunitas Road (AP 73-131-13) Acre Zone. Request is to allow a pool solar system. SOLAR PERMIT NO. 37

Approval from the neighbors had been received. Councilman Barry moved approval of the solar permit, seconded by Councilman Lill and passed unanimously.

21. USE PERMITS.

Lot Area	11,5	sq. ft.
Present Lot Coverage	17.6%	
Proposed Lot Coverage	19.4%	
Present Floor Area Ratio	21.8%	
Proposed Floor Area Ratio	23.6%	

(20% allowed)

VARIANCE NO. 887

Mrs. Schiechl said she had not received any neighborhood objection. Adjoining neighbor Mr. Palle Skjoldborg requested that no windows be installed on the side of the garage facing his property. After discussion, Councilman Lill moved approval with the condition that a one-hour fire wall be constructed on the side property line. This was seconded by Councilwoman Flemming and passed unanimously.

c.

6-9-88

The Lagunitas Country Club, Lagunitas Road (AP 73-221-01 and 73-211-31) Acre Zone. Request is to allow modification of Use Permit and Variance for the renovation of the swimming pool area including new terracing and deck; the renovation of existing locker rooms; the removal of an existing 115 sq. ft. snack bar and the construction of a new 225 sq. ft. food concession; remodeling and 40 sq. ft. reduction of an existing mechanical building sited on the front property line (25 ft. required); tennis court fencing and sound proofing of courts one and two, sited 5 ft. from the front property line.

Lot Area	1,295,910	sq. ft.
Present Lot Coverage	.003%	
Proposed Lot Coverage	.003%	
Present Lot Coverage	.003%	
Proposed Lot Coverage	.003%	

(15% allowed)

Councilwoman Flemming stepped down from the Council Chambers stating that as a member of the Club she would not discuss nor vote on this issue.

VARIANCE. 888

Architect George Gervin stated that the Club has to bring the pool and snack areas up to County Code. Presently all storage is in the Club house and the proposed plan would make the snack area self contained. There was to be no change in the size nor nature of the Club.

Mrs. Donlon Gabrielson of Glenwood Avenue said that the conditions imposed for variances granted by the past Town Council have never been completed; she could see the paddle tennis lights from her bedroom because they needed to be repaired.

Mayor Brekhus said he would hesitate to grant any further variances until these conditions have been finalized.

Mrs. Charles Thissell of Garden Way said that there had been some improper pruning of Elm trees at the Club. Mr. Jack Sutro said he would look into this matter.

Mr. Girvin said he would work with staff and neighbors

on the landscaping plans and present them at the next meeting.

After some discussion, Councilman Barry moved approval subject to the repair of the lights and Council approval of the landscaping at the next meeting. This was seconded by Councilman Goodman and passed unanimously.

Councilman Goodman asked that the landscaping plans be submitted early so that the Streets and Parks Committee can review them.

Councilwoman Flemming returned to the Council Chambers.

- d. Peter and Sandra Brekhus, 66 Winship Avenue (AP 72-161-14) 10,000 sq. ft. zone. Request is to allow construction of a 660 sq. ft. garage, 8 ft. of the side property line (15 ft. required) and 10 ft. of the rear property line; addition of a new stairs and landing, totaling 99 sq. ft. An existing deck, carport and storage shed totaling 761 sq. ft. are to be removed resulting in a new net reduction of 2 sq. ft. Property is non-conforming in floor area ratio, coverage, side and rear yard setbacks.

Lot Area	17,762 sq. ft.
Present Lot Coverage	20.5%
Proposed Lot Coverage	20.5%
Present Floor Area Ratio	28.4%
Proposed Floor Area Ratio	28.4%
(20% allowed)	

Mayor Brekhus turned the chair over to Councilwoman Flemming and took a seat in the audience.

VARIANCE NO. 889

Architect McDonald said that he had revised the plans and removed the existing storage structure; he could move the structure 5 ft. south but that would result in loss of trees and shrubbery.

Mrs. Charles Thissell of Garden Road expressed concern over the loss of trees.

Mr. & Mrs. F. Williams the adjoining neighbors were concerned about a 10 ft. setback from the rear property line.

After consideration, Councilman Barry moved approval with the following conditions:

- (1) That the garage structure does not go closer than 20 ft. to Mr. & Mrs. Franks Williams'

the General Plan and the Council agreed to pass this information on to Jeffrey Baird, the General Plan Consultant.

17. Discussion Re Future Space Requirements for Town Administration, and Housing for Employees and Equipment.

This item was put over to the March meeting.

- 2-12-87
18. Review of Use Permit No. 44, Lagunitas Country Club, Granted November 10, 1976. (AP 73-211-31).

After a brief discussion, Councilman Brekhus moved that this Use Permit not be reviewed for another three years, this was seconded by Councilwoman Flemming and passed unanimously.

19. Review of Use Permit NO. 72, Lee and Jane Gammill, Winding Way Granted February 14, 1985. (AP 72-091-10).

After discussion, Councilman Brekhus moved that the Town set a "show cause" hearing and give Mr. & Mrs. Gammill notice of intended action. The motion was seconded by Councilman Dirkes and passed unanimously.

20. Adjournment.

There being no further business the meeting adjourned at 11:40 p.m.

Richard Julien, Jr. Mayor

A T T E S T:

Virginia Stott, Town Clerk

Laura Thomas
Laura Thomas, Secretary

- 2-14-85
10. Review Lagunitas Club Use Permit #44.
The Council accepted the conditions in the staff's report.

Mr. Dirkes moved to accept the recommendations, seconded by Mr. Julien, which passed by a four to one vote, Mrs. Flemming abstaining.

11. Use Permit and Variance.

1. David and Kay Werdegar, 78 Baywood Avenue
(72-122-08 & 72-131-14) Acre and 10,000
sq. ft. zone.

Dr. Werdegar asked that this be placed on the
Agenda for March because he had not had time to contact his neighbors. Also, our Town Engineer has been ill and was unable to inspect the property.

2. Lee and Jane Gammill, 114 Winding Way,
(72-091-10) Acre Zone. Use Permit request to
use detached structure (approx. 400 sq. ft.)
as servant's quarters. Use Permit #72

Lot Area	40,600 sq. ft.
Present Lot Coverage	7.5%
Present Floor Area Ratio	11.3%
	(15% allowed)

MR. JULIEN TOOK A SEAT IN THE AUDIENCE

Mayor Poore stated that he had received a letter from Mr. Gammill informing him that he was unable to attend the meeting this evening. Mr. Gammill wrote that he is willing to bring this structure up to Code. Mr. Lunding stated that he would like to add an additional condition to his report of January 10, 1985. He recommended to the Council that if the Council granted the Use Permit, a further condition should be that no structural improvements can be made without first coming before the Council.

After discussion, Mr. Dirkes moved that the Use Permit be granted for a period of one year at which time it has to be renewed and that the following conditions be applied:

Architect Thomas Potts reported that the original house, designed by John Carl Larsson, made provision for this addition. The proposed space is unhabitable but measurements that include the space. Building the addition in any other location would necessitate extensive remodeling. Chief Sciutto reported the Fire Department has no problem with the additional height and Mr. Lunding stated drainage will not be changed and the tie-ins have been completed. Mr. Chase moved approval of the request, seconded by Mr. Poore and passed by a three to one vote, Mr. Stafford dissenting.

3. No. 644 Gwynn and Willa Thomson, owners
Raymond and Catherine Sebastian, purchasers
185 Lagunitas Road (73-211-22) Acre Zone
Request to use existing attic as living area by installing electrical and plumbing improvements to code and construction of new stairway to create direct access between living area of second story and attic.

Following assurance by Architect Bruce and Mr. Sebastian that all improvements on the third floor will be to code and from Chief Sciutto that the Fire Department ladders will reach, Mr. Chase moved granting the variance with the condition that substantially all third floor improvement will be completed four months from this date and that occupancy of the third floor will not take place prior to completion. Mr. Poore seconded the motion, which was unanimously passed.

4. No. 645 Lagunitas Country Club, Lagunitas Road
(73-221-01 & 31) Acre Zone

Request to construct gate within front setback. Mr. Robert Menzies, representing the Lagunitas Club, stated that a black cyclone fence was recently installed along the front property line back of the tree line and is almost invisible. To complete the project, it was planned to build an arch and install a gate. However, because the Fire Department has expressed concern that when the gate was closed it would not be visible, it has been decided to install just the arch.

Mr. Stafford received assurance from Mr. Lunding that the conditions attached to the granting of Use Permit No. 44 on November 10, 1976 have been met. Mr. Menzies reported the new sodium vapor lights at the paddle tennis courts are extinguished at 8:30 P.M.

Mr. Poore moved approval of the arch, with the condition that no redwood trees on the Club property will be topped, trimmed or removed without prior approval of the Council. Mr. Stafford seconded the motion, which passed by a three to zero vote, Mr. Chase abstaining.

9-9-82

14. Discussion of Resolution Increasing Building Department Fees per Cost of Living Index.

It was decided that Mr. Lunding and Mr. Elliott will work together to write a resolution increasing some building fees, computed by adjusting the existing fee by the change in the Consumer Price Index between that published for June 1980 with the Index published for June 1981 and adjusted annually on the 1st of August by comparing the June 1980 C.P.I. with the June C.P.I. just preceding the end of each one year period. The resolution will be ready for the August meeting.

15.

Review of Lagunitas Country Club Use Permit No. 44.

The Council heard from Mr. Lunding that the Lagunitas Club has made some major changes in the landscaping and he recommended giving them the winter season and reviewing the matter next year. Mr. Brekhus moved continuing the Use Permit until June 1982, seconded by Mr. Stafford and passed by a four to one vote, Mayor Chase abstaining.

7-9-81

16. Police, Fire and Street Departments.

Mr. Stafford, speaking for the Community Protection Committee, reported that Fire Chief Casson will retire in March 1982. After a good deal of study and discussion, they recommend consolidating the police and fire departments into a single public safety department with the street department personnel trained as firemen. By so doing, the Town will be able to upgrade the numbers of qualified personnel available for fire duty and will permit adequate funds to be available for hiring of an additional policeman. All policemen will become policemen-firemen, with their main duty as policemen. He suggested employing a Fire Training Officer as soon as possible to provide training to all street and police department personnel. He recommended, after Chief Casson's retirement, that Police Chief Sciutto will become Director of Public Safety. Fire training officer will work two 24-hour shifts in a row with two off. Bruce Selfridge and Tom Vallee will continue to work on the shifts when Chief Casson is on duty because he has no backup regular fireman. Bruce Selfridge will be offered the position of policeman/fireman at a salary of \$1400 when the training officer is hired. Salary for the training officer will be \$1512 monthly, plus an apartment next March at \$150 rent, including utilities. All policemen and street department employees will be offered 12 1/2% salary increases and dental insurance, effective July 1, 1981, providing they obtain an Advanced First Aid and CPR Certificate within one year and complete all fire training. One currently employed policeman will obtain an

3 months

surrounding property and community or the quiet and peaceful enjoyment thereof." The Council directed that this item be on the February agenda.

9. Discussion of Approval Process for Hillside Lot Applications.

Mr. Stafford suggested that the Council allow two meetings to approve hillside lot applications rather than grant an application subject to certain conditions to be completed in the future. All Council agreed that every application is difficult and needed to be thoroughly studied. Mr. Brekhus moved that the following wording be added to the guide lines for a hillside lot application:

In the normal situation, hillside lot applications will be initially reviewed by the Council at a meeting, followed by a subsequent meeting for final approval.

Mr. Stafford seconded the motion, which was unanimously passed.

10. Review of Use Permit No. 44 - Lagunitas Country Club.

1-8-81
Mr. Lunding reported that the landscaping around the paddle tennis courts reveals that, four years later, it has not met the expected standards for which the permit was issued. Mr. Robert Menzies from the Club reported that the ground cover which was smothering the root system of the pittosporum has been removed and that with adequate fertilizer and cultivation he feels that within a six months period, the screening will be accomplished. Mayor Chase directed the Clerk to put this matter on the June agenda for a report on the growth.

11. Other Business.

1. Agreed that Mayor Chase would write to the City of Larkspur, with copies to the County Planning Dept. and the Board of Supervisors, suggesting that before approving extensive use at the Greenbrae interchange, existing problems should be solved.

2. Agreed to invite Jeffery Morshead, Chairman of Marin Coalition, to the February meeting to discuss additional rentable units in R-1 areas.

3. Expressed appreciation to Ross residents who donated \$550 to the police department for the purchase of three police scanners to be used on patrol cars.

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recommended by staff with modification to the personnel rules to allow Linda Lopez to receive administrative leave instead of overtime. Motion carried unanimously. Hunter absent.

Mayor Carla Small recused herself from the next agenda item in order to avoid the appearance of a conflict.

Item No. 15 f - 205 Lagunitas Road, Use Permit No. 1845

Lagunitas Country Club, 205 Lagunitas Road, A.P. Nos. 73-211-40, 73-221-01, R-1:B-A (Single Family Residence, 1-acre minimum lot size), RC (Limited Specialized Recreational/Cultural). Request to delete use permit condition that requires biannual review of use permit.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council delete the use permit condition requiring biannual review of the conditional use permit.

Mayor Pro Tempore Russell asked staff in order for the Council to have a resolution that gets passed, do they need to have unanimity among Council members. Town Attorney Greg Stepanicich responded in the affirmative.

Council Member Martin asked staff the amount of time it takes to prepare this review. Senior Planner Semonian noted that they must prepare notice and staff report, so it is not a tremendous amount of staff time, but if there were problems it would take more time.

Town Attorney Stepanicich clarified the earlier question from Mayor Pro Tempore Russell. There is no resolution attached, so it is strictly a decision by motion. Senior Planner Semonian indicated that it is a regular use permit, so it could be approved on a 2:1 vote, since no resolution is being adopted. Town Attorney Stepanicich agreed that it is simply by motion.

Mayor Pro Tempore Russell opened the public hearing on this item.

Bill Cahill, President of Lagunitas Club, apologized to the Council for sending an email late this afternoon, which he sent after he received an email from Tom Weisel. He believed this condition is really unnecessary. It should work as it did with the Owens' when they asked the Club to evaluate the pool equipment and they immediately worked out a solution. He respectfully asked that the Council delete this biannual review of the conditional use permit. He pointed out that there is no other major organization in Town that has a similar requirement. He felt it would work better to have neighbors talk to one another.

Deborah Quick, Attorney representing Mr. Weisel, explained that she is familiar with this use permit going back a number of years, which Mr. Weisel outlined in his correspondence. There is a connection between having a biannual review actually happening and it being as low key as it is. The detail about surrounding noise issues and the biannual review are meant to work together. Due to the changing nature of the leadership within the Club that has not always occurred in the past, so this comes under the category of penny wise vs. pound-foolish. She further stated that if it is not broke then do not try to fix it.

Council Member Strauss agreed with staff's recommendation.

Council Member Martin believed it is working the way it is. The Club is located in a residential area. When reviewing the record there have been a number of issues that have come before this Council from glaring lights, to pool equipment, to the Club wanting more nights of

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amplification and parties. There have been issues. He did not think the biannual review has been a predatory policy, but rather kind of a bookmark to come up every two years. At the same time it is good working neighbor-to-neighbor. He personally would be in favor of having a similar policy for Branson, which is also located in a residential community and there are issues of parking and speeding that are not always resolved. He sees some merit to the argument that Lagunitas Club President Cahill brought as to why should they be handled differently. The Council and staff must review where there are situations where biannual review might benefit neighbor relations.

Mayor Pro Tempore Russell is a believer in consistency. It should be applied equally or that similar types of institutions should be subject to the same requirements. He is not sure what they need to do if they are going to have a similar kind of review process, and asked staff what would that involve. Senior Planner Semonian noted they must wait until Branson comes in for a modification of their use in order to consider any new condition on their use permit. Branson does not want a similar condition. Unless they asked for something, no condition can be placed on their use permit. If the Town receives complaints we can bring the use permits to the Council for review, so they are monitored by complaint. Council Member Strauss wanted to review immediately rather than biannual review in order to treat them fairly.

Mayor Pro Tempore Russell asked if they could do it by ordinance. Town Attorney Stepanicich stated in this case, a conditional use permit has been granted, so it cannot be unilateral imposed. That permit is vested at that time. If there is a request for additional entitlement or modification to that permit then conditions could be added. The Council cannot add conditions to a conditional use permit. Council Member Strauss believed there are enough watchdogs in Town. The Lagunitas Club has been good neighbors for a long time, so there is a lot of history.

Ann Hickey, representing RPOA, asked if there has ever been a situation that needed resolution as a result of this biannual review. Lagunitas Club President Cahill has been to all reviews. One happened when he served on the Council. They never had any complaints with non-compliance with the actual CUP (*conditional use permit*). The problem is that if there is a biannual review with passage of time, memories get fuzzy and memories devolve to fit their points of view. He believed immediate feedback is best. Neighbors should come to the Club and express their concerns. The Club wants feedback and wants to comply with the CUP. They would rather resolve issues immediately, and if they do not, then neighbors can bring matters to the Council. He felt that is a much better process for the Town rather than a biannual review.

Attorney Quick pointed out that there is nothing that prevents any time sensitive issue from being brought to the Council under code enforcement powers. The fact that they have a biannual review requirement does not preclude the Council addressing any code compliance or CUP issues. If there was a critical situation it would not get placed in a file and wait for the next biannual review. Again, those conditions all working in concert with each other and the requirement for the biannual review is a critical component.

Lagunitas Club President Cahill stated that Mr. Weisel's Attorney is talking about coming at any time on a complaint. The fact is that Mr. Weisel has never called the Club about any complaint and the only time Mr. Weisel has made a complaint is at a biannual review. This neighbor-to-neighbor effort the Town is trying to promote is discouraged by the biannual review because Mr. Weisel will wait and present to the Council, which is what should be avoided.

May 10, 2012 Minutes

Mayor Pro Tempore asked if there has been a history of complaints by Mr. Weisel. Lagunitas Club President Cahill responded that Mr. Weisel has never called the Club and made a complaint, which is the point. Mr. Weisel waits for the biannual review to express concerns.

Council Member Martin pointed out that Mr. Weisel came before the Council concerning the Club when there was an issue of more parties and more evenings of amplified music. That was not a biannual review that happened to be a discussion of a permit amendment. Mr. Weisel has not been present during a biannual review to protest or bring up any issues. Beach Kuhl, former Lagunitas Club President from 2005-06, stated that Mr. Weisel was present for the biannual review and he presented all his contact information to address issues and Mr. Weisel never called.

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 stated the last biannual review for compliance passed unanimously with Mayor Small recused. The issues will come from the neighbors, calling the Town or Club, so this is an unnecessary step.

Council Member Martin is comfortable with the way it is now because it is working. Neighbors are still communicating and if Mr. Weisel rather come before the Council every two years to express concerns, the Council should accommodate neighbors who rather approach Council directly. Clearly, there are no pending issues and the Club is doing what it should be, so it is working well, but that is no reason for change.

Mayor Pro Tempore Russell recommended every three years in regard to review. Lagunitas Club President Cahill believes it is an unnecessary requirement. He asked if the Council would require the Cedars or Marin Art & Garden Center to have the same requirement. Mayor Pro Tempore Russell stated when larger institutions come before the Council, then the Council will consider imposing, so it is consistent. Council Member Strauss objected to imposing more levels of review. Those who live next to country clubs must understand that there is activity. If there is a problem, neighbors will complain. He further believed it is an unnecessary step.

Mayor Pro Tempore Russell does not have a strong view one way or another. Council Member Strauss believed this is ridiculous. Council Member Martin stated that in 1987 after Council discussion it was moved that review of this occur every three years, which did not pass by the Council. He suggested changing the review from every two years to every three years. The Council believed it is a reasonable compromise.

Mayor Pro Tempore Russell asked for a motion.

Council Member Martin moved and Council Member Strauss seconded, to change the review period for the Lagunitas Country Club from every two (2) years to every three (3) years. Motion carried unanimously. Small/Hunter absent.

Mayor Carla Small reconvened her position as Mayor on the Town Council.

Item No. 15h. - Town Council consideration/approval of implementation of Street Smarts Educational Banners Program.

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Lagunitas Country Club Use Permit Review
Date: May 2, 2012

I. Project Summary

Owner: Lagunitas Country Club
Location: 205 Lagunitas Road
A.P. Number: 73-211-40 and 073-221-01
Zoning: R-1:B-A (Single Family Residence, 1-acre minimum lot size)
General Plan: RC (Limited Specialized Recreational/Cultural)
Flood Zone: Zone X (area outside the 1-percent annual chance floodplain)

II. Project Description

Request to delete use permit condition that requires biennial review of use permit.

III. Discussion

The Lagunitas Country Club is a private recreational club located in a residential zoning district that operates under a conditional use permit approved by the Town Council in September 1997. The use permit requires the Town Council to review the permit every two years. The Club requests the Town to delete the condition that requires the regular use permit review.

The Town Council last reviewed the use permit in December 2011 and no concerns were raised by the public or the Town Council. In years past, there have been complaints about the Club's use, as detailed in the minute history attached.

Staff may informally review compliance with the conditions and may also respond to any complaints regarding the use. The Town regulations permit the Council to revoke or modify the use permit if the Club violates any of the conditions of the permit or other law or ordinances. Town staff has not charged the applicant for the use permit review, as it is not at their request. Therefore, elimination of the condition will result in a cost savings to the Town.

IV. Recommendation

Staff recommends that the Town Council delete the use permit condition requiring biannual review of the conditional use permit.

Heidi Scoble

From: Caroline Lurie <clurie1021@aol.com>
Sent: Thursday, December 10, 2015 3:40 PM
To: Heidi Scoble
Subject: Lagunitas club meeting

From: Caroline Lurie <clurie1021@aol.com>
Date: December 10, 2015 at 3:34:56 PM PST
To: hscoble@townofross.com
Cc: BRIAN Lurie <blurie821@gmail.com>
Subject: Lagunitas club meeting

From: Caroline Lurie <clurie1021@aol.com>
Date: December 10, 2015 at 3:28:20 PM PST
To: hscoble@townofross.com
Subject: Lagunitas club meeting

Hi heidi, we will be coming home from ny this evening & unfortunately cannot be at the town meeting.

My husband & i would like to register our concerns via e-mail about the club's wish to have unlimited parties with music until 11:00.

One of the reasons we chose to live in ross is because of the quiet it offers. We live only 2 houses away from the club on lagunitas road & would feel very imposed on with inevitably loud & potentially frequent music played so close by. As it is, we can already hear the club's parties when they happen -- the noise is really a disturbance of the peace here.

We do not agree that one of the most treasured aspects of ross should be sacrificed to meet the club's financial needs.

Thank you for reading this.

Caroline & Brian Lurie
199 lagunitas rd.

Heidi Scoble

From: Cathy Munneke
Sent: Wednesday, December 09, 2015 4:59 PM
To: Heidi Scoble
Cc: Linda Lopez
Subject: Fw: Town Council Hearing regarding Lagunitas Club Permit Requests

FYI

From: Yvonne Fisher <ykfisher@gmail.com>
Sent: Wednesday, December 9, 2015 3:07 PM
To: Cathy Munneke
Cc: Greg Fisher
Subject: Town Council Hearing regarding Lagunitas Club Permit Requests

Dear Cathy,

We received the notification of the town council hearing this Thursday, December 10th regarding The Lagunitas Club's request to amend and expand their use permit for events.

We live at 6 Duff Lane and purchased our home about 18 months ago. We love our neighbors and neighborhood and we have not had any issues with the Lagunitas Club. We were concerned when we purchased our home about events and noise and inquired about their regulations during our due diligence. We were told that the events were limited to two events per year and found that satisfactory.

The request to have unlimited events is very concerning. We have great reservations about how this could negatively impact our neighborhood with the increased noise and flow of traffic. It seems that they are possibly attempting to turn this from a small private club to a high yielding catering business. That is not what we envisioned our neighborhood to look and feel like when we purchased our home.

We are open to allowing them to hold a few more events per year but certainly not unlimited and not more than five (5) events per year.

In addition, the Lagunitas Club asked that the requirement for the use permit to be reviewed every three years be removed. We feel that this requirement is imperative and fair.

My husband cannot attend the hearing due to a work conflict. I am going to try to attend though.

Please do not hesitate to contact Greg or me if you have any questions or concerns. We truly appreciate all the work you do to keep Ross a special neighborhood.

Best regards,

Yvonne Fisher

THOMAS W. WEISEL

December 8, 2015

Via E-Mail

Town Council
Town of Ross
31 Sir Francis Drake Boulevard
Ross, CA 94957

Re: Lagunitas Country Club Use Permit Amendment Applications

Dear Mayor Hoertkorn and Council Members:

I write to oppose the Lagunitas Country Club's application to amend the conditions on the use permit that governs this non-conforming use. My opposition stems from the simple fact that the Club's non-residential activities already impose an unacceptable burden on the surrounding residential neighborhood, principally from the noise associated with their very frequent, large and boisterous events. The two conditions the Club seeks to eliminate are critical to maintaining some semblance of balance between the surrounding residents' reasonable expectations of peace and quiet and the Club's desire to maximize use of their facilities.

I have lived at my home at 7 Upper Road for over 40 years. During that entire time the Club has been a constant source of noise, traffic and general disturbance distinctly out of keeping with the otherwise exclusively residential neighborhood. As an example, the Club's Wednesday night barbecues regularly prevent my very young children (two and four years old) from falling asleep until well after 10 p.m. at night from Spring through Fall of each year. Any Council members who think of the Club as a low-impact tennis club should imagine trying to get a two year old to sleep under these circumstances.

Regarding the amendments sought by the Club, as a preliminary matter I was surprised that the Club did not itself reach out to neighbors to let us know of its application. I believe the Town typically strongly encourages applicants to reach out to their neighbors. Once I received the Town's notice, I contacted Councilmember Kuhl, who is a member of the Club. That conversation was not reassuring. From the application materials, it appears the Club intends to expand the use of amplified music to *fourteen or more events per year*.

As described in the numerous letters from other Ross residents opposing this application, the two conditions the Club seeks to delete were imposed as a direct result of the Club's aggressive disregard of its neighbors. For example, the staff report and draft conditions admit that the Club currently regularly violates its conditions of approval, noting that due

THOMAS W. WEISEL

to the Club's failure to install air conditioning it does not abide by the condition requiring that all doors and windows remain closed when amplified music is playing. Violation of the current conditions of approval cannot support deleting those conditions.

Were the application to be approved, we have no reason to believe the Club would restrain itself in the future. If air conditioning is required in order for the Club to abide by its current conditions of approval, a responsible neighbor would have installed air conditioning. It should not be the neighbors' burden to micromanage the Club's operations merely to achieve a reasonable level of residential peace and quiet. Sadly, it appears that the use permit should be amended to require that air conditioning be installed. But until the Club can demonstrate that it can abide by the current conditions of approval, any amendment to allow additional events with indoor amplified music should be out of the question.

Given the circumstances, the requirement that the Club's compliance with all of the conditions of its use permit be reviewed by the Council every three years remains essential.

The unavoidable fact is that the Club is an inappropriate commercial use in a residential neighborhood. I look forward to answering any questions the Council may have regarding how to better balance the neighborhood's reasonable expectations of peace and quiet with the Club's ongoing operation.

Sincerely,



Thomas W. Weisel

Frank, Rimerman + Co. LLP

December 7, 2015


Ms. Cathy Munneke
cmunneke@townofross.org

Dear Cathy:

I am the trustee for the trust that owns the property at 660 Goodhill Road. I am writing to express our serious objections to the request by the Lagunitas Country Club to amend their use permit. We have reviewed the request and have met with our neighbors to understand the issues in the past that resulted in the current restrictions and have concluded that the request to remove the limitation on the number of parties permitted with indoor, amplified music, as well as the elimination of the condition requiring review of the use permit every three years are unreasonable. It is clear that the current restrictions were the result of numerous public complaints regarding frequent loud parties at the club and a failure by the club to follow the rules that were then in place. It makes no sense for the Counsel to rescind the restrictions and expect that the result will be any different.

We urge the Counsel to deny the applicants requests and retain the current conditions on the Club's Use Permit.

Thank you,



Karen A. Valladao
Trustee, The Serenity Trust

Certified
Public
Accountants



Palo Alto
San Francisco
San Jose
St. Helena
New York

Cregg Baumbaugh
658 Goodhill Road
Kentfield, CA 94904

December 3, 2015

Attn: Mayor and Ross Town Counsel

RE: Lagunitas Club – Amendment to Use Permit

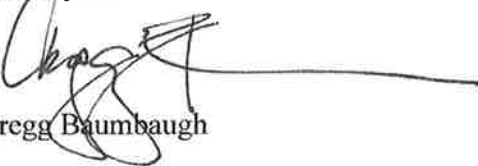
Dear Mayor and Counsel:

My family and I own and reside at 658 Goodhill Road which is located in both Ross and Kentfield.

I am writing to express concern about the proposed change to the Lagunitas Club Use Permit. It is my understanding that the current restrictions were as a result of numerous public complaints regarding frequent loud parties at the Lagunitas Club. If the prior problems were such that the then Counsel deemed it necessary to enact restrictions it makes no sense for the current Counsel to now recreate the problematic condition.

The Lagunitas Club is located in a quiet residential community and I urge the Mayor and Counsel to deny the applicants requests and retain the current conditions on the Club's Use Permit.

Thank you,



Cregg Baumbaugh

cc: Riley Hurd III, Esq.

WYNNE LAW FIRM



100 Drakes Landing Road, Suite 275, Greenbrae, CA 94904
tel (415) 461-6400 fax (415) 461-3900 toll free (877) 352-6400
www.wynnelawfirm.com

December 9, 2012

Ross Town Council
Town of Ross
PO Box 320
Ross, CA 94957

Re: Town Council Agenda item 15
Use Permit for Lagunitas Country Club

Dear Town Council Members:

I am writing to express my strong support for the requested amendments to the use permit for the Lagunitas Country Club ("LCC") related to its use of amplified music. While I am a member, I am also a life-long Town resident and current Trustee of the Marin Art and Garden Center ("MAGC"). The reason for the support is simple: equity.

The Agenda for this meeting designates the LCC as "RC" which is defined as limited specialized recreational/cultural and is apparently taken from the General Plan. This is the identical designation as MAGC. However, MAGC does not have any of the same restrictions to their use permit that the LCC does. Indeed, this past summer MAGC hosted eight outdoor amplified music events in its Summer Concert Series. There is nothing preventing MAGC from hosting amplified outdoor music events every week of the year if it so chooses. Similarly, MAGC also hosts numerous indoor amplified music events in its Livermore Room. MAGC's limitations on its use of amplified music – both indoor and outdoor – is governed by Ross Municipal Code § 9.20.040.

However, in the Town Zoning Map, the LCC is zoned residential along with Branson and the two churches – neither of which I believe have the same restrictions LCC is subjected to. Residents' use of amplified music is also governed by Ross Municipal Code § 9.20.040. While I am not sure why there is this discrepancy between the General Plan and the Zoning Map and which one controls, the point is that both types of uses are subject to Ross Municipal Code § 9.20.040 when it comes to amplified music and LCC is treated differently than any other Town Resident with the same zoning designation.

In my opinion, the Town arbitrarily imposed a limit on the LCC to two events with amplified music a year. This restriction effectively amended Ross Municipal Code § 9.20.040 by imposing greater restrictions specifically on the LCC, and no other organization, without going through the formal amendment process. No other organization in the Town of Ross has any similar restriction on the number of events they may have with amplified music. All of these organizations are governed by § 9.20.040. Indeed, the governing ordinance does not distinguish between Town residents and the Town's other organizations – all of whom retain the right to use

and enjoy their property consistent with the § 9.20.040. There is no good cause for the disparate treatment the LCC is uniquely subject to.

The impact on this unequal and unjustified restriction has been profound. LCC members – many of whom are Town residents – have had to forego their use and enjoyment of the premises because of the restriction. In addition to the effective taking of their property right without due process, this undue restriction has had a significant economic impact on the LCC's finances. For instance, LCC members are no longer able to enjoy the premises for weddings, birthdays or other celebrations where they pay a fee for such use. The LCC has therefore suffered a significant lack of revenue from these events that other organizations in Town, like MAGC, are dependent upon in order to maintain their operations.

As a MAGC Trustee, I am deeply concerned that some future Town Council may decide to arbitrarily limit the number and type of events that MAGC is able to host. Indeed, it would not be unreasonable for such a future Council to point to the restrictions on the LCC as apparent justification. No more than three years ago, MAGC was in serious internal discussions about shuttering its doors because of lack of financing. Through aggressive marketing in the area of short-term rentals for the Livermore Room for events with amplified music, MAGC was able to avert closing its doors. Should MAGC lose the ability to host amplified music events, a critical source of revenue, and MAGC itself, would again be in jeopardy.

I believe the previous Council overstepped its bounds by arbitrarily limiting the property rights of the LCC. Equity dictates that the LCC should be treated in the same manner as all other Town residents. For these reasons, I support the request to reverse the arbitrary restrictions that were placed on the LCC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'EJW', with a long horizontal stroke extending to the right.

Edward J. Wynne
44 Redwood Drive

EJW:
cc: J. Chinn