



Agenda Item No. 8a.

Staff Report

Date: June 3, 2014
To: Mayor P. Beach Kuhl and Council Members
From: Elise Semonian, Senior Planner
Subject: Council consideration of Ordinance 652 to permit temporary signs

Recommendation

Council adopt proposed Ordinance No. 652, an Ordinance of the Town of Ross amending Title 18 "Zoning" Of The Ross Municipal Code Chapters 18.12, 18.16, 18.20, 18.24, 18.28, and 18.40 to permit signs in the Residential, Local Service Commercial, Community Cultural and Civic Districts. The ordinance would allow certain permanent signs and temporary signs for special events

Council adopt Resolution 1860 establishing fees for sign permits.

Background and Discussion

The Council, sitting as Planning Commission, discussed proposed ordinance 652 at the March meeting and as Town Council at the April meeting. The council introduced the ordinance in May. Staff recommends adoption of the ordinance as introduced. Staff recommends the following fees for sign applications:

Banner Fee	Cost of Installation
Master Sign Program Fee to cover the cost of processing a Town Council review	\$1,155

Fiscal, resource and timeline impacts

Fiscal impact includes senior planner time to draft notices, draft and revise ordinance, prepare staff reports, attend Advisory Design Review and Council meetings, draft forms and establish fees. In addition, Town Clerk time to post and publish ordinance. There may also be costs for town attorney time to review the ordinance drafts and attend the Council meetings.

Attachments

Ordinance 652

TOWN OF ROSS

ORDINANCE NO. 652

AN ORDINANCE OF THE TOWN OF ROSS AMENDING TITLE 18 "ZONING" OF THE ROSS MUNICIPAL CODE CHAPTERS, 18.12, 18.16, 18.20, 18.24, 18.28 AND 18.40 TO PERMIT SIGNS IN THE RESIDENTIAL, LOCAL SERVICE COMMERCIAL, COMMUNITY CULTURAL AND CIVIC DISTRICTS

The Town Council of the Town of Ross does ordain as follows:

SECTION 1: Title 18, Chapter 18.12 "Definitions" is amended to add the following definitions:

Ross Based Nonprofit. "Ross-based nonprofit" means an organization that occupies a parcel of property within the Ross town limits and does not declare a profit and instead uses all revenue available after normal operating expenses in service to the public interest for charitable, educational, scientific, religious or literary purposes.

Special Community Event. "Special community event" means an event by a Ross-Based Nonprofit or Ross School District that takes place within the Ross town limits that is open to the Ross community and does not take place more than once per year. Special Community Events include, but are not limited to, parades, holiday house tours, garden tours, town dinners, book fairs, or any other similar events. The Town Council may designate events that take place more than once per year as Special Community Events.

Town Event. "Town event" means any event sponsored in whole or in part by the Town of Ross.
SECTION 2: Title 18, Chapter 18.16 "Single Family Residence (R-1) District", Section 18.16.100 is amended to read as follows:

18.16.100 Sign and outdoor advertising regulations. No sign, or signs, or outdoor advertising shall be permitted, except the following:

(a) One permanent sign, per building, up to 6 square feet in size, to identify a public or private school, church, religious institution, nonprofit social and recreational club or residential care facility.

(b) A public or private school, church, religious institution, nonprofit social and recreational club or residential care facility may post temporary banner signs for special events up to six times per year. One temporary banner sign may be displayed for up to thirty days prior to a special event. Signs shall not exceed 28 square feet in area and shall be removed within one day following the event. The banners shall not be illuminated, shall be securely fastened to a building wall or posts, and shall be maintained in good condition.

(c) A name or identification sign not exceeding one square foot in area shall be permitted on any building, lot or parcel of land within this district. Such sign shall be limited to the identification of either the house or its occupant.

(d) An owner of real property or his agent may display or have displayed on the owner's real property or on real property owned by another with that person's consent, a sign, not

exceeding one square foot in area, which is reasonably located, in plain view of the public, advertising the following:

- (1) That the property is for sale, lease or exchange by the owner or his or her agent;
- (2) Directions to the property;
- (3) The owner or agent's name; and
- (4) The owner or agent's address and telephone number.

(e) Any sign in violation of this section may be summarily removed and retained by the director of public safety. Any such confiscated sign may be redeemed by the owner within five days upon the payment of a fee established by resolution to cover the costs and expenses of enforcement.

SECTION 3: Title 18, Chapter 18.20 "Local Service Commercial (C-L) District" is amended to add the following subsection:

18.20.100 Temporary signs. The town or the Ross School District may install banners on town light poles. The banners must meet the size standards developed by the Department of Public Works and the Department of Public Works may limit the time banners may be posted. The banner sponsor organization is responsible for the cost of installation and removal. No other temporary signs are permitted.

SECTION 4: Title 18, Chapter 18.24 "Civic (C-D) District", Section 18.24.040 "Regulations" is amended to add the following subsection:

- (c) Signs. The following signs are permitted:
 - (1) Government and school building identification signs.
 - (2) Signs required by law or regulation.
 - (3) Temporary banners complying with this section:
 - (a) One banner promoting a Town Event or Special Community Event may be affixed to any structure owned by the town. The banner must meet the size standards developed by the Department of Public Works. The banner may be affixed no more than two weeks prior to the event it promotes and shall be removed within three days after the event. The banner sponsor organization is responsible for the cost of installation and removal.
 - (b) The town or Ross School District may install banners on town light poles. The banners must meet the size standards developed by the Department of Public Works and the Department of Public Works may limit the time banners may be posted. The banner sponsor organization is responsible for the cost of installation and removal.
 - (c) Up to three temporary banners may be installed at the Ross School site to promote school events or recreation programs. Each banner shall not exceed 12 square feet in size. The banners shall not be illuminated, shall be securely fastened to a building, fencing or a railing, and shall be maintained in good condition.
 - (4) Any sign in violation of this section may be removed and retained by any employee of the town. Any confiscated sign will be turned over to the Chief of Police and placed at the Public Works corporation yard. The confiscated sign may be redeemed by the

owner within 30 days upon the payment of a fee established by resolution to cover the costs and expenses of enforcement.

SECTION 5: Title 18, Chapter 18.28 "Community Cultural C-C District" is amended to add the following section:

18.28.110 Signs. (a) Permanent signs such as monument signs are permitted with town council approval of a master sign program, a coordinated sign plan which includes elevations, details and materials for all signs which are or will be placed at the site. Any individual signs shall comply with the approved master sign program. Any sign which conform to an approved master sign program may be approved by the Town Manager or his or her designee.

(b) Temporary banners for special events occurring within the Community Cultural zoning district are permitted up to three times per year if the event meets the requirements of Section 18.28.030(a). One temporary banner sign may be displayed for up to thirty days prior to a special event. Signs shall not exceed 28 square feet in area and shall be removed within one day following the event. The banners shall not be illuminated, shall be securely fastened to a building wall, wall, or posts, and shall be maintained in good condition.

(c) Temporary A-frame signs for special events occurring within the Community Cultural zoning district are permitted if the event meets the requirements of Section 18.28.030(a), occurs no more than once per week, and if all of the following criteria are met:

(1) Only one sign is permitted per street frontage, per special event.

(2) The signs may have no more than two sides and may not exceed 12 square feet in area, per side.

(3) Signs shall be limited to the identification of the organization and event, and the date and time of the special event.

(4) Signs shall be located on site or any adjacent right-of-way area. Signs shall not be placed in such a manner as to obstruct or interfere with traffic or endanger the health or safety of people. Signs are not permitted on a sidewalk or walkway unless a 4-foot path of travel is maintained.

(5) Signs may be installed on the day of the event and must be removed after the event.

(6) Signage for up to two special events is permitted at any given time.

(7) Signs shall not be animated, flashing or illuminated.

(d) Any sign in violation of this section may be removed and retained by any employee of the town. Any confiscated sign will be turned over to the Chief of Police and placed at the Public Works corporation yard. The confiscated sign may be redeemed by the owner within 30 days upon the payment of a fee established by resolution to cover the costs and expenses of enforcement.

SECTION 6: Title 18, Chapter 18.40 "General Regulations" is amended to delete Sections 18.40.130 and 18.40.140 and to add the following section:

18.40.115 Signs.

(a) Posting of signs. It is unlawful to post, stick, stamp, paint, or otherwise affix, or cause to be done by another, any notice, placard, bill, poster or advertisement, to or upon any sidewalk, crosswalk, curbing, hydrant, shade tree or tree box, fence, enclosure, or building, or upon any telegraph, telephone or electric lighting pole, except as otherwise permitted in this section.

(b) Temporary signs. Temporary directional A-frame signs, not to exceed 6 square feet in size (per side), are permitted in every zoning district, provided the activity which the sign promotes is a Town Event or Special Community Event. An encroachment permit approved under Chapter 12.08 is required for any temporary signs in the right-of-way. No balloons shall be tethered to any sign in the right-of-way. Signs may be installed 2 hours in advance of the special event and must be removed within one hour of the close of the event. In no case shall special event signage be in place for more than 12 hours. Signs shall not be placed in such a manner as to obstruct or interfere with traffic or endanger the health or safety of people. Signs are not permitted on a sidewalk or walkway unless a 4-foot path of travel is maintained. Any person erecting an A-frame sign shall indemnify and hold harmless the Town along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim arising out of the presence of the sign on Town property or a public right-of-way.

(c) Political signs. Political signs may be erected in any district within the town in addition to all other signs permitted by this code without complying with such other provisions of this section as follows:

(1) As used in this section, a "political sign" means a temporary sign, placard, poster, banner or similar device used for outdoor advertising of an election, including advertising of a candidate, an issue, a measure or election headquarters.

(2) Political signs shall not be maintained for a period in excess of sixty days, and in no event shall such signs be maintained more than ten days after the election to which the sign refers.

(3) No political sign shall be permitted on or to extend over any landscaped public property or park on or in a public building.

(4) No political sign shall exceed ten square feet in area nor shall the aggregate area of all such signs placed or maintained on any parcel of real property in one ownership exceed eighty square feet.

(5) Political signs shall be constantly maintained in a state of security, safety and good repair. Any such sign that is not so maintained or is unsafe or insecure so as to be a menace to public safety or unsightly shall be deemed to be a public nuisance and subject to removal as provided in subsection (6) of this section.

(6) Any political sign not posted in accordance with, or existing in violation of, the provisions of this section shall be deemed to be a public nuisance and shall be subject to removal by the candidate, the property owner, or, when a proposition is involved, by the person advocating the vote described on the sign and, after notice to such person and their failure to do so, by the town building official. Any such sign remaining posted after the ten-day post-election period set forth in subsection (1) of this section, shall be subject to summary removal by the building official, without notice.

SECTION 7: CEQA. The Town Council has determined that the ordinance is categorically exempt from the requirement for the preparation of environmental documents under the

California Environmental Quality Act (CEQA). The Town Council finds the project categorically exempt under the CEQA Guidelines, which include classes of projects that the Secretary for Resources has determined not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA. The project is exempt under CEQA Guideline Section 15311, accessory structures (*14 Cal. Code Regs. §15301*). No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (b), which relates to cumulative impacts and Subsection (c) which relates to unusual circumstances) applies to the project (*14 Cal. Code Regs. §15300.2*).

SECTION 8: Severability. The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 9: Inclusion in the Ross Municipal Code. It is the intention of the Ross Town Council that the text in Sections 1 to 6 be made a part of the Ross Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 10: This Ordinance shall go into effect thirty (30) days from its adoption, and shall be posted in three public places in Town.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Ross Town Council on the 8th day of May, 2014, and was adopted at a regular meeting of the Ross Town Council on the ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

P. Beach Kuhl, Mayor

ATTEST:

Linda Lopez, Town Clerk

being a full-time working corporate law attorney (and among the busiest at his law firm in the City), he has been able to serve and be fully committed to the interests of Ross at the same time. The standard of commitment and achievement of Mayors of our Town prior to him have been extremely high, and the immediate former Mayors that he has served with, Carla Small and Chris Martin, set the bar very high indeed, but he would like residents in the Town as a whole to know that it is possible to be both a committed hard-working professional and carry on the public duties of a member of our Council and Mayor. Indeed, he would encourage others that are interested in serving our Town to be willing to step forward in the future and get involved, without being deterred by the fear that the responsibilities of the Town are too distracting or too time-consuming. Since the last regular Council meeting the big news for the Town was that at a Special Meeting the Council passed by a 4-1 majority a balanced budget, including suspending the fire apprentice program. This last item generated a lot of discussion, especially with the firefighters' union writing to residents to encourage a different outcome. This was not an easy decision, but the cost of the fire apprentice program alone was \$228 per household and there was not the ability to fund that additional expense at the present time. No firefighters lost their jobs as a result of the decision; it was merely a decision not to fill vacant positions. Ross now has the same standard of fire service as all other municipalities within the Ross Valley Fire Department. If the Town's finances improve, the Town may consider restoring this program in the future. However, in the near term maintaining a balanced budget is ever more challenging, as already the Town is in active negotiations with respect to the Town's police and is part of the current negotiations with the firefighters being conducted by the Ross Valley Fire Department, and the outcome of these two negotiations could well have a significant negative impact on the Town's finances. However desirable a location Ross is, our Town remains financially constrained, so it will continue to be important that our Council be willing to make the hard decisions in order to be prudent and responsible stewards of the funds available to provide services to the community.

 **12. Town Council consideration/action to give staff policy guidance to either allow or not allow "temporary" signage for special events hosted by various organizations in the community.**

Town Manager Rob Braulik summarized the staff report and recommended the Council consider giving staff policy guidance to either allow or not allow organizations to post "temporary" signage not currently allowed under the Ross Municipal Code. The Council is also asked to consider whether the Council wants staff to come back with an ordinance in the future allowing special event signage on a permanent basis subject to various requirements.

Council Member Small recommended a one-year moratorium. She suggested two signs per event, but allow one year to develop a better entrance sign for MAGC and work on a temporary sign ordinance.

Council Member Brekhus believed this is a great idea. MAGC has its own unique situation, and suggested discussing at the committee level.

Council Member Hoertkorn agreed to a moratorium.

Mayor Pro Tempore Kuhl favored the signage, but wanted all to understand it has been referred to as a “moratorium” and that does not mean that anything goes. There must be some conditions and limits in terms of size and number. Town Manager Braulik noted the size is not to exceed 3 ft. in width and 4 ft. in height.

Mayor Russell opened the public hearing on this item.

Elizabeth Robbins, Norwood Avenue resident, favored all the signs and believed the signs help the community.

Wendy Posard, Shady Lane resident, believed it is charming to see the signage throughout Town, which provides a sense of community activity.

Lynn Bagley, Ross Valley Farmers Market Director, explained they are not located on Sir Francis Drake, so additional directional signage is desperately needed to promote the farmers market. She further desired the Council’s support on this matter.

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 Small desired a recommendation from the police department in regard to the use of balloons on major intersections. Council Member Brekhus agreed to the use of balloons. However, if it is a problem with the police department in terms of distraction, then the matter should be agendized for further discussion.

Council Member Small wanted to refer the matter to the Public Works Committee in regard to real estate and open house signs. Town Manager Braulik pointed out they are discussing non-profit organizations tonight and this will not be applied to real estate signs.

At the request of several organizations, the Council agreed to allow temporary signage to be posted for the Ross Valley Farmers Market, the Marin Community Farm Stand, and the Summer Concert Series held at the Marin Art & Garden Center. The signage is currently not allowed under the Ross Municipal Code. Since these events are taking place now, the Council decided to put in place a moratorium for these organizations’ signage. As part of the moratorium, the Council agreed to: allow the organizations up to five signs; signs cannot be placed in the public right-of-way and if they are, they will be removed; and referred this matter to the Public Works Committee for future review and consideration of a permanent solution including a new ordinance for review by the Council.

Mayor Russell asked for a motion.

Council Member Brekhus moved and Council Member Hoertkorn seconded, to allow temporary signage for special events hosted by various organizations in the community. Motion carried unanimously.

April 10, 2014 Minutes

Finance indicated in 2014 the number of persons over the age of 60 in Marin is 68,174 or 26.7% of Marin total population (245,873), with 12.4% being minorities (8,507). 13,000 older adults are living alone and 1/3 of all older adults in Marin have a disability.

- In 2013, a nationally publicized report by the Institute for Health Metrics and Evaluation at the University of Washington compared life expectancy across the nations 3,143 counties. Marin women had the longest life expectancy nationally at 85 years, five years longer than the national average for women. Marin males ranked fifth for male life expectancy at 81.4 years. (What may be of most interest to the residents of Ross, is that the Town of Ross, had the very highest life expectancy in Marin County – an average of 88 years of age.) Place matters, and areas with the higher per capita incomes corresponded with longer life expectancy. Note within Marin, there is a 17-year difference in life expectancy between the most and least healthy neighborhoods. The leading cause of death in communities where people live short lives is preventable cardiovascular events – primarily heart attack and stroke. In longest-living communities, the leading cause of death shifts toward less preventable cancers.
- According to a recent study (March 2014) by the Robert Wood Johnson Foundation and the Wisconsin Population Institute, Marin County is the healthiest county in California. (due in large part to the county’s physical and social environment).

7. Consent Agenda.

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

- a. **Town Council consideration of adoption of Resolution No. 1855 proclaiming April 2014 to be Fair Housing Month.**

Mayor Kuhl asked for a motion.

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

- b. **Town Council acceptance of FY 2014 third quarter investment report.**

Mayor Kuhl asked for a motion.

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

End of Consent agenda.

- 9. **Town Council consideration of introduction of Ordinance No. 652, an Ordinance of the Town of Ross amending Title 18 “Zoning” Chapters 18.16, 18.24, 18.28, and 18.40 of the Ross Municipal Code to permit signs in the Residential, Community Cultural and Civic Districts. The ordinance would allow certain permanent signs and temporary signs for special events.**



April 10, 2014 Minutes

Senior Planner Elise Semonian summarized the staff report and recommended that the Council introduce the first reading for Ordinance No. 652 and read by title only and waive first reading of the entire ordinance, an Ordinance of the Town of Ross amending Title 18 "Zoning" Chapters 18.16, 18.24, 18.28, and 18.40 of the Ross Municipal Code to permit signs in the Residential, Community Cultural and Civic Districts and proposed a modification recommended by the Town Attorney under Sections 18.20.100 and 18.24.040 to add "Ross School District or a Ross based nonprofit organization". The proposed ordinance also includes recommendations made by the Advisory Design Review group.

Mayor Kuhl opened the public hearing on this item.

Lynn Bagley, Golden Gate Farmers Market, clarified with staff that balloons are no longer permitted. Senior Planner Semonian responded balloons would not be permitted on signs within the right-of-way. The reasoning is they create a traffic safety liability for the Town. Ms. Bagley desired a banner for part of their season to make up for their loss. Senior Planner Semonian noted the farmers market is a Ross Town event, so banners would be permitted only on the arbor or Post Office building. Mayor Pro Tempore Brekhus did not believe it is appropriate to have a banner from spring to fall. Ms. Bagley noted they are at a disadvantage because they do not have an actual location. They are operating on a weekly basis using a public space. Senior Planner Semonian noted the banners must be related to a specific event.

Council Member Small stated some of the existing banners have been problematic and there have been complaints. She agreed balloons are not acceptable.

Ms. Bagley explained she works in many towns and banners are usually allowed for two to three weeks and then later in the year there is another two or three weeks. If they can have a banner just before they open that would be beneficial. Senior Planner Semonian noted it could be limited to a Town event or school event, and remove Ross based nonprofit.

Council members were concerned of the potential for banners to be posted for long periods in the downtown area and discussed limiting it for Town and school events only. The Council requested definition of the terms "Town event" and "Ross based nonprofit" and suggested "Ross based nonprofit" be limited to organizations with a physical address in Ross.

Mayor Kuhl recommended continuing the matter in order for staff to come back to the Council with appropriate definitions. The Council agreed.

Council Member Hoertkorn left the Town Council meeting at 7:03 p.m.

Peter Nelson, Circle Drive resident, spoke against the temporary signs in total, indicating most towns in Marin do not allow. Also, MAGC right-of-way goes beyond the brick wall, so the right-of-way could be another 10 to 16 ft back from the sidewalk. Support for the nonprofits in Town could be done through the newsletters and signs could be located where the actual event is taking place, rather than throughout the entire Town.

Ms. Bagley noted other Marin towns allow temporary signs through a contract or via an encroachment permit.

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.

The Council agreed to continue the matter to the May 8th Town Council meeting in order for staff make the necessary modifications to the ordinance as discussed.

10. Town Council consideration of introduction of Ordinance No. 653, an Ordinance of the Town of Ross amending Title 18 "Zoning" Chapters 18.12 Definitions, 18.41 Design Review, and 18.52 Nonconforming Structures, to establish a process for the Town Council to permit nonconforming conditions to remain in Single Family Residential Areas.

Senior Planner Elise Semonian summarized the staff report and recommended the Council introduce first reading for Ordinance No. 653, and read by title only and waive first full reading of the entire ordinance, "an Ordinance of the Town of Ross Amending Title 18 'Zoning' of the Ross Municipal Code Chapters 18.12 (Definitions), 18.41 (Design Review), 18.52 (Nonconforming Structures) and to establish a process for the Council to permit nonconforming conditions to remain in single family residential areas" and consider amending the ordinance as recommended by the Advisory Design Review (ADR) Group.

Council Member Russell believed this should be subject to a demolition permit. They must be consistent on how the Council applies rules in this Town.

Mayor Pro Tempore Brekhus said it is true they do not want to take away Council's discretion, but they must focus on the FAR issue, which is not completely clear. Senior Planner Semonian added every house remodel would have a structural modification, which technically requires the house to be torn down. This is designed to address the matter because they are nonconforming. The setback issue is primarily an issue with remodels. The intent is to require new construction to be as conforming as possible with the exception of floor area.

Mayor Pro Tempore Brekhus discussed the Bolinas home torn down, and asked what other jurisdictions identify homes with "*charm*," for example, Larkspur identifies homes that are "*historic*."


Council Member Small attended the ADR Group meeting and her interpretation of the meeting is their concern was not losing some of the homes that add community charm. She was concerned about homes on hillside lots. She is happier when a home stays within the same footprint to minimize the amount of hillside cutting. The Council still has the ability to indicate it is not appropriate, so the Council still maintains flexibility, if limited to existing, but where is the threshold? People have different opinions of what the threshold was thus there was no agreement. This might be a very difficult determination to come up with. If they maintain what was originally written, they have flexibility. They can still work within the spirit without making the ADR change.

Mayor Kuhl opened the public hearing on this item

process for the Town Council to permit nonconforming conditions to remain in single family residential areas with the following changes:

- The Fifth whereas paragraph, the last line should state, *“where they create the same or fewer impacts than strict conformance with Town regulations.”*
- Section 4 – 18.52.040(a), the second sentence should read, *“that the purpose of this section is to allow for the continued existence, reconstruction and modification of nonconforming residential structures.”* The last sentence of that section should read, *“when reasonable and where they create the same or fewer impacts than strict conformance with Town regulations.”*
- Section 4 – 18.52.040 (f)9 –omit the underlined text added since the April introduction of the ordinance and omit new Section 10 under 18.52.040 (f).

Motion carried unanimously.

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15. Town Council consideration of introduction of Ordinance No. 652, an Ordinance of the Town of Ross amending Title 18 “Zoning” Chapters 18.16, 18.24, 18.28, and 18.40 of the Ross Municipal Code to permit signs in the Residential, Community Cultural and Civic Districts. The ordinance would allow certain permanent signs and temporary signs for special events.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council introduce Ordinance No. 652 as drafted.

Mayor Pro Tempore Brekhus questioned if the requirement for a physical presence in Ross was adequate to limit nonprofits that could post large signs. She would like to clarify that, for example, a nonprofit with just a post office box cannot post signs. Town Attorney Greg Stephanicich pointed out that it indicates physical address, which means physical presence at that address.

Mayor Kuhl opened the public hearing on this item.

Peter Nelson, Circle Drive resident, noted that in the last three months the Ross Post Office now has a process where they allow use of their physical address, which is invisible to others looking at the address that it actually is a PO Box. By setting it up this way, they are allowing someone to have a PO Box.

Town Attorney Stephanicich suggested stating, *“an organization that occupies a parcel of property within Town limits.”*

Lynn Bagley, Director, Golden Gate Farmers Market Association, explained that they have been operating in Ross for about five years. They were asked to provide the service to the Town under contract, so she discussed the temporary banner at the last meeting and asked about the PO Box. They are considered a Town event and are jointly run by the Town. She asked if they would be defined under a Town event or temporary banner. Her request is to be allowed a banner. Senior Planner Semonian noted that she should apply to the Town Council with that request. Temporary banners could be considered by the Council when reviewing proposals for Town events.

Council Member Small noted that the farmers market was never a joint venture so this does not fall under the same kind of qualifications. The farmers market is not a Town event. Town Manager Braulik agreed that the farmers market is not a Town event. It is considered a special event permit and there is no co-partnership.

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

Mayor Kuhl asked for a motion.

Mayor Pro Tempore Brekhus moved and Council Member Hoertkorn seconded, to waive further reading and introduce Ordinance No. 652, an Ordinance of the Town of Ross amending Title 18 "Zoning" of the Ross Municipal Code Chapters 18.12, 18.16, 18.20, 18.24, 18.28, and 18.40 to permit signs in the Residential, Community Cultural and Civic Districts, with the change to the definition of Ross based nonprofit as follows: "*any organization that occupies a parcel of property within the Ross Town limits.*" Motion carried unanimously.

Public Hearings on Planning Applications – Part II.

16. 6 Southwood Avenue, Appeal of Town Planner Determination No. 1859

Dr. Elizabeth Robbins and Dr. Steven Hauser, Appellant, Darr and Sandy Aley, Owner, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre). Appeal of town planner determination that modifications to the nonconforming accessory structure within the rear yard setback were consistent with the 2012 Town Council approval of demolition permit, design review, and variance application to permit a remodel of the residence and landscape improvements, and did not require Town Council approval. The modifications include lighting, electrical, interior wall finishes and installation of a window in an existing upper level opening on the north side of the structure.

Lot Area	16,140 square feet	
Existing Floor Area Ratio	4,575 sq. ft.	28.3%
Approved/Proposed Floor Area Ratio	4,575 sq. ft.	28.3% (15% permitted)
Existing Lot Coverage	3,245 sq. ft.	20.1%
Approved/Proposed Lot Coverage	3,220 sq. ft.	19.9% (15% permitted)
Existing Impervious Surface		43.4%
Approved/Proposed Impervious Surface		32.8%

The existing development is nonconforming in setbacks, height, stories and covered parking.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council uphold the staff decision that alterations to the nonconforming accessory barn structure, plans approved by the Building Department on March 31, 2014, were consistent with the conditions of the March 8, 2012, Town Council approval for the residence remodel and landscape project and affirm the agreement made by the appellant and applicant.