

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JULY 14, 2016

1. 6:00 p.m. Commencement.

Present: Mayor Katie Hoertkorn; Mayor Pro Tempore Elizabeth Robbins; Council Member Elizabeth Brekhus; Council Member P. Beach Kuhl; Council Member Rupert Russell; and Town Attorney Greg Stepanicich.

2. Posting of agenda.

Town Manager Joe Chinn reported that the agenda was posted according to government requirements.

3. Swearing-in ceremony for Elizabeth Brekhus, Beach Kuhl, Katie Hoertkorn, and Rupert Russell as Ross Town Council Members.

Elizabeth Brekhus, Katie Hoertkorn and Beach Kuhl were sworn into office to begin their second four-year term as Council members. Former Council member Rupert Russell was sworn in as a Council member to serve a two-year term filling the seat vacated by Carla Small.

4. Town Council consideration of adoption of Resolution No. 1958 commending the outstanding service of Council Member Carla Small.

Former Council Member Carla Small was honored with a reception at Town Hall attended by many members of the community. Following the reception, she was formally recognized at the July Council meeting and presented with a Resolution and commemorative gifts from the Town. Small served on the Council for six years, and as Mayor from July 2011 to July 2012. She will be remembered for her leadership, energy, and perseverance in spearheading the campaign for the public safety tax measure in 2012 and its successful passage, her commitment to open government transparency and fairness, her diligence in serving on numerous boards and committees, and for her thoughtfulness and commitment to the Town. She will especially be remembered for her generosity in providing a box of chocolates at every Council meeting. She will definitely be missed!

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to adopt Resolution No. 1958 commending the outstanding service of Council Member Carla Small. Motion carried unanimously.

5. Minutes - June

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to approve the Regular Meeting Minutes of June 14, 2016 as submitted. Motion carried 4-0. Russell recused.

6. Demands.

The demands were met.

7. Open Time for Public Expression - None

8. Mayor's Report.

What a great 4th of July parade! While it may not be long, it is full of enthusiasm, and truly reflective of our Town spirit. They loved the Marin Golden Gate Barbershop Quartet and the Shady Lane singers (*AKA the Shady Ladies*). Many thanks to Mike Armstrong and Ross Recreation for the parade, picnic, entertainment, and games! And thanks to a grant, our lovely canvas Town of Ross bags were a hit too. Our next event will be our Town Dinner on September 30th. This year's dinner will be on the Ross Commons, so please plan to join the fun!

They are pleased to be proceeding with the renovation of the Sir Francis Drake Boulevard/Bolinas intersection, which will improve the road, sidewalk, pedestrian crossing, and traffic signal. Work will start in August and finish by mid-October. A portion of the sidewalk along Sir Francis Drake is also being replaced, and will be done by the end of September. Mayor Hoertkorn thanked everyone for their patience during the recent MMWD improvements as they replaced pipes that were up to 100 years old. This fall the sewer district will begin replacing pipes, starting with Shady Lane. They will send out weekly notices to the community keeping everyone updated as work progresses.

At our June meeting, the Council voted on the extension of the Safety Tax measure to be placed on the ballot in November. Since our principal source of revenue is a small percentage of our Town's property tax (*the Town receives less than 19% of the property tax*), and since the Town lacks any meaningful sales tax and does not have a lodging tax base, the Town depends upon the Safety Tax measure to fund full time police and fire protection services.

And they also recognized tonight the extraordinary community service and dedication of Carla Small, who served as Council member from July 2010 to June 2016, and as Mayor from July 2011-July 2012. They will miss her wisdom, experience, and knowledge, and so much appreciate the time she gave to Ross. Mayor Hoertkorn will be in front of the Ross Post Office, August 10th from 10-11 a.m., just before next month's Council meeting. She looks forward to hearing any of your concerns or questions, or simply having the opportunity to meet you.

9. Council Committee & Liaison Reports - None

10. Staff & Community Reports

a. Town Manager.

Town Manager Joe Chinn reported that they had a grand Fourth of July parade. He added that they are a tiny Town with a big heart as reflected in the Ross Valley Reporter newspaper. Mike Armstrong, Recreation Manager, presented the Council with a few slides of the Fourth of July celebration. He thanked everyone who came out and participated in the celebration. It was truly appreciated.

Town Manager Chinn noted that they held a workshop on Winship Bridge and the contractor has a potential alternative design to address some of the neighbor concerns. Also, staff has put out a recruitment for a Public Works Director.

b. Marin Art & Garden Center - None

c. Ross Property Owners Association.

Diane Rudden, RPOA representative, reported that RPOA held a meeting on Monday night and they discussed the number of dead trees in front of properties and asked how long a homeowner can keep a dead tree before cutting it down. The front playground is now open for all small residents in Town. Their newsletter was predominately about neighborhood associations and they need to find out if residents and the Town want a neighborhood watch since DISCO no longer exists. RPOA thanked Heidi for the tote bags, which were wonderful.

11. Consent Agenda.

The following five items will be considered in a single motion, unless removed from the consent agenda: Council Member Brekhus removed Item 11e from the Consent Agenda.

a. Town Council selection of members to Town Council Committees and Town Representatives for FY 2016-17.

b. Town Council consideration of adoption of Ordinance No. 674, amending Title 18 "Zoning" of the Ross Municipal Code Chapter 18.46, to revise the applicable findings required in order to grant an exception to certain development standards to allow finished basement and attic areas for storage and living space.

c. Town Council designation of voting delegates and alternates for League of California Cities Annual Conference.

d. Town Council consideration of adoption of Resolution No. 1959 awarding the Construction Contract for the Bolinas Avenue and Sir Francis Drake Boulevard Intersection Improvements – Federal Project No. STPL-5176 (009), Town Project No. 9076-45.

End of Consent Agenda.

Mayor Hoertkorn asked for a motion.

Council Member Robbins moved and Council Member Kuhl seconded, to adopt the Consent Agenda a-d as submitted by staff. Motion carried unanimously.

11e. Town Council consideration of adoption of Resolution No. 1960 awarding the Construction Contract for the Sir Francis Drake Blvd Sidewalk Replacement Project – Town Project No. 9125-45.

Council Member Brekhus asked if the cost includes landscaping and wanted to make sure the trees are of significant size. Nathan Valles, Moe Engineering, responded that landscaping is not included. Town Manager Joe Chinn indicated that they would review alternative tree choices and discuss with the Tree Committee. Engineer Valles added that high power lines are present, so PG&E has tree recommendations in terms of the tree selection. Council Member Brekhus noted that PG&E has guidelines, and felt the more significant the tree, the better. Town Manager Chinn noted that staff would come back to the Council in regard to the tree selection.

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to approve Resolution No. 1960 awarding the Construction Contract for the Sir Francis Drake Blvd Sidewalk Replacement Project – Town Project No. 9125-45. Motion carried unanimously.

Administrative Agenda

12. Presentation by The Cedars of Marin.

Chuck Green, Executive Director, The Cedars, stated that Cedars is one of California's original programs for people with intellectual and developmental disabilities, Cedars has provided services to over 2,500 individuals and their families. The organization has consistently been a leader in the field, pioneering the creation of programs in education and work training. Innovative services and programs combine with therapy, recreation and outdoor adventure to bring a full life to all Cedars clients. Cedars was the first residential school in the western United States to serve individuals with intellectual and developmental disabilities and was the first nonprofit organization to provide residential options, including community-based homes for small groups of residents. Cedars continues to create progressive programs. With Arts Interwoven, their master weavers at Cedars Textile Art Center teach their craft to older adults in West Marin. Their hands and earth co-op provides an opportunity for business ownership for participants. As public-private partnerships, disability service providers are known to come and go. Yet, Cedars has thrived since 1919. Their success stems from how they treat their clients - as individuals deserving of respect, personal choice, and the chance to develop interests, skills, and independence. There's a feeling of family among the approximately 100 people served at the residential care homes on their Ross campus and in ten community-based homes in Novato and San Rafael. Their unique and innovative day programs serve up to 150 individuals each weekday. Off-hours are spent enjoying music, art, sports, nature and, above all, friendship.

Jeanne Lipson, Director of Development, The Cedars, welcomed everyone to take a tour of their campus. They help each person they serve to realize their full potential. They want to partner with their local community. Their 100th anniversary is coming up and would love to explore opportunities with the Town of Ross. She then provided the Council with pamphlets on their programs that include day programs, residential programs and enhancement programs and services.

Mayor Hoertkorn recommended that Cedars contact Ross school and St. John's in terms of a partnership within the local community. The Council appreciated the presentation from Cedars.

13. Town Council consideration of adoption of Ordinance No. 671 approving amendment to the contract between the Town Council of the Town of Ross and the Board of Administration, California Public Employees' Retirement System.

Town Manager Joe Chinn summarized the staff report and recommended that the Council waive the second reading and adopt Ordinance No. 671 authorizing an amendment to the contract between the Board of Administrations of the California Public Employees' Retirement System (CALPERS) and the Town of Ross to provide Section 20516 cost sharing of 1% applicable to the classic police unrepresented management group.

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Mayor Hoertkorn 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 Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Robbins seconded, to waive further reading and adopt Ordinance No. 671, authorizing an amendment to the contract between the Board of Administrations of the California Public Employees' Retirement System (CALPERS). Motion carried unanimously.

14. Town Council consideration of the introduction of Ordinance No. 673 amending Title 18 "Zoning" of the Ross Municipal Code Chapter 18.45, to revise the applicable findings required in order for the Town Council to grant a minor exception when neighbors do not provide written consent from neighbors.

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council introduce and first reading of Ordinance No. 673 to amend Ross Municipal Code to allow the Council to approve a minor exception without having to require the written consent of all adjacent property owners.

Mayor Hoertkorn 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 Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to waive further reading and adopt Ordinance No. 673, amending Title 18 "Zoning" of the Ross Municipal Code Chapter 18.45, to revise the applicable findings required in order for the Town Council to grant a minor exception when neighbors do not provide written consent from neighbors. Motion carried unanimously.

15. Town Council consideration on whether to regulate short-term residential rentals and provide policy guidance to staff and the Town Attorney on what actions should be taken, if any.

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council consider whether to regulate short-term residential rentals and provide policy guidance to staff on what actions should be taken, if any.

Mayor Hoertkorn opened the public hearing on this item.

Mike Abel, Berry Lane resident, explained this is a small town with narrow streets and long-term residents are very aware of the neighborhood and small children, which is an important component. He did not move to Ross to have a Motel 6 or a Ritz Carlton. He is quite concerned that within one block of his home there are two properties with transient rentals. Renters are loud and party all hours, so there is no sense of community with short-term rentals and believed this should be regulated.

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Peter Nelson, Circle Drive resident, believed Airbnb and VRBO is an efficient use of a residence on a limited basis. He felt noise could be regulated and noted support for short-term rentals with constraints.

Jeff Babcock, Redwood Drive resident, favored banning short-term rentals because they have no concerns for their neighbors' quality of life. Regulating is not a good idea because the renters will find a way around the rules. Short-term rentals should be banned. The incremental revenue from short-term rentals is not worth it.

Diane Rudden, Willow resident, explained that there are 14 active listings and did not know if there is a major problem or just one or two incidences.

Cate Babcock, Redwood Drive resident, understands the individual right and community right and in Ross, residents want to live in a quiet, safe community to raise their children. With short-term rentals, people are not vested in their community. With short-term rentals there are noise and parking problems. There is noise from morning until late at night with the pool. Short-term rentals will destroy the character of the Town. She favored prohibiting short-term rentals.

Charlotte Levin, Poplar resident, felt short-term rentals would impact the Town in terms of noise and parking issues, which will directly affect the surrounding neighbors. She opposed short-term rentals in Ross.

Barbara Call, Redwood Drive resident, heard rumors that Eddie's is being considered as a bed and breakfast and wondered if this issue is being brought to the forefront because of that possibility.

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 Russell found it very helpful to listen to the views of the community and suggested scheduling a workshop to gather more information. He would hate to make regulations based on 14 homes in Town without having strong input from the community. Before the Council takes action, a broader consensus is needed in his view. Council Member Kuhl concurred with Council Member Russell's comments. He desired additional public input before a decision is made on this matter.

Council Member Brekhus felt torn and suggested they look at possibly limiting parties and require onsite parking. Airbnb is getting pressure from a lot of communities and in the interim she could support regulating because it is appropriate to address the concerns.

Mayor Pro Tempore Robbins believed this is a major topic and agreed the Council should solicit additional public input before a decision is made.

Mayor Hoertkorn agreed to schedule a workshop to receive additional input from the public. She believed this would be extremely difficult to regulate. She is concerned in a small residential community to have commercialization of property.

As the popularity of hosting platform websites such as Airbnb and VRBO grows, cities across the

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country are attempting to address issues associated within short-term and/or home sharing rental regulations in residential neighborhoods. In February 2015, at the request of the Town's Finance Committee, the Council considered whether or not to regulate short-term rentals and if so, what methods should be used. At that meeting, the Council concluded that there did not seem to be many short-term rentals to warrant regulations. Fast-forward a year and a half and the popularity of hosting platform websites such as Airbnb, VRBO, and Homeaway continues to grow. There are currently 14 short-term rental listings (*1.4% of the parcels in Ross*) that can be seen on some or all of the above listed platforms. The short-term rental listings range from the renting of a bedroom or the rental of the entire residence.

Short-term rentals would provide both opportunities and challenges for the Town of Ross. Short-term rentals could attract and host tourists to support the local businesses, allow residents to generate some income, as well as potentially being able to collect a transient occupancy tax upon voter approval. The challenges associated with short-term rentals is that without establishing proper regulations, the short-term rentals could adversely impact the Ross community and neighborhood character, such as increased traffic and parking, noise, and trash.

The Council agreed to solicit further input from the community before a decision on this matter can be made. For more info on this topic or to provide input on whether or not you support short-term rentals, contact Planning Manager Scoble at hscoble@townofross.org.

16. Town Council preparation of Ballot Argument in Favor of the Public Safety Tax.

Town Attorney Greg Stepanicich summarized the staff report and recommended that the Council authorize the Council or any member of the Council to prepare and sign the argument in favor of the measure reauthorizing the Public Safety Tax placed by the Council on the November 8, 2016 ballot.

Council Member Russell stated that it might be helpful to remind residents that when the public safety tax did not pass last time, one member of the police force lost his job, Officer Bob, who was dearly loved by the community.

The Council agreed to appoint Mayor Hoertkorn and Mayor Pro Tempore Robbins to prepare and sign the argument in favor of the measure reauthorizing the Public Safety Tax to be placed on the November 8, 2016 ballot.

Mayor Hoertkorn 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 Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to appoint Mayor Hoertkorn and Mayor Pro Tempore Robbins to prepare and sign the argument in favor of the measure reauthorizing the Public Safety Tax placed by the Council on the November 8, 2016 ballot. Motion carried unanimously.

End of Administrative Agenda.

Public Hearings on Planning Projects

17. 24 Redwood Drive, Design Review, Nonconformity Permit, and Tree Removal Permit No. 2016-015, and Town Council consideration of adoption of Resolution No. 1961.

Naa'im Karkabi, 24 Redwood Drive, A.P. No. 073-271-07, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size), Medium Low Density (3-6 units/acre), Zone AE (Inside 1-percent annual chance floodplain). The applicant is requesting a Design Review, a Nonconformity Permit, and a Tree Removal Permit to allow for the remodel and a 851 square foot floor area addition to the existing residence and the new construction of an attached one-car garage. The project would consist of a two-story addition that would maintain a similar architectural style of the existing residence and would include a dark brown composition shingle roof material, natural stained cedar shingles, and a dark green paint color for the fascia and trim. The project would also be increased in height by approximately 3.66 feet to address the base flood plain elevations related to building code and FEMA regulations. Other site improvements would include landscape and hardscape improvements. Tree Removal Permit would allow the removal of two protected Coast Live Oak trees.

Existing and proposed conditions:

Lot Area	13,600 square feet
Existing Floor Area/Ratio	1,862 sq. ft. 13.7%
Proposed Floor Area/Ratio	2,711 sq. ft. 19.9% (20% permitted)
Existing Lot Coverage	1,285 sq. ft. 9.5%
Proposed Lot Coverage	1,822.4 sq. ft. 13.4% (20% permitted)
Existing Impervious Surfaces	1,285 sq. ft. 9.5%
Proposed Impervious Surfaces	1,676 sq. ft. 12.3%

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council adopt Resolution No. 1961 approving a design review, a nonconformity permit, and a tree removal permit to allow for the remodel and addition to an existing single-family residence at 24 Redwood Drive.

Council Member Brekhus discussed Sheet 3 and Sheet 4 in regard to the garage and asked staff if there are two entrances to the garage. Planning Manager Scoble responded that there would be a side deck that would provide an entrance on Redwood Lane.

Jeff Kroot, architect, pointed out that page 4 cuts the house open, so there is only one garage door, not two. He felt this house has a lot of character. They propose a one-car garage. Most negative comment from the public was the color green. They are going to re-shingle the house with natural cedar shingles and replace all windows. They enclosed the deck and used a wrought iron handrail. They moved the addition away from the neighbor and discovered the 25-foot setback. An arborist and soils engineer reviewed the redwood tree. The house has been present for 110 years, and with the addition, the maximum possible damage to the tree is 5%, which would not harm the tree. All landscaping, including walkways and driveways are permeable. He provided material samples along with a color sample board for the Council's consideration. They are in agreement with the conditions of approval and the project will be in conformance with the Town's storm water ordinance.

Shelby Lamotte, landscape architect, explained that the landscape intent is less is more. They are accommodating entry onto the site with a small entry courtyard. There are many mature trees onsite. The intent is to clean up the site and encourage the trees and vines that are present. They respect the neighbors concern for the redwood tree. It is an amazing tree and an amenity for the neighborhood. There is a non-inclusion zone so there a fence around the majority of the root zone to prevent activity within the root zone. If any activity is required within that root zone, then the project arborist must approve such work. Protection of the redwood is the number one priority. In terms of permeable, there are existing paths on the site that are gravel and they will follow those paths as much as possible. They will be using decomposed granite as well as sand stone. The areas under the stone patio will be used as their bio-detention area.

Council Member Russell expressed concern for the appearance of the front yard. He desired some curb appeal. Landscape Architect Lamotte explained there is a wooden wire fence to the south of what use to be the gate off Redwood and they will be rebuilding the fence so it is level and clean. Outside of that is the Town right-of-way, so they will need permission to clean up that area. They will create a small trellis structure to mark an entry and clean up the property. Creating a nice clean path to the front door. There are four small native red bud trees being planted at the entry courtyard. The ground cover will be cleaned up and mulched without over planting since there is so much root zone in that area.

Council Member Russell asked staff to add a condition of approval to monitor the landscaping plan. Planning Manager Scoble noted that the Council could require a final landscape plan and prior to the final inspection could occur for a project final, staff could make sure the property is cleaned up and plantings are installed properly.

Council Member Brekhus asked staff if there are any regulations on the wood trellis. Planning Manager Scoble responded in the affirmative. Staff noted that it is Condition No. 7.

Mayor Hoertkorn opened the public hearing on this item.

Naaim Karkabi, owner, agreed to clean up the landscaping and liked the neighbors landscaping. He thanked the Council for touring the site.

Charlotte Levin, Ross resident, noted that there are palm trees hanging over the street and asked if they are part of this property. Planning Manager Scoble responded that the palms are not part of this property.

Margaret Francis, Redwood Drive resident, favored improvement of this property but asked the Council to continue or deny the permit, as she did not believe it meets the criteria of the Town ordinances such as minimizing bulk and mass and be compatible with the surrounding area. She felt the height is not compatible with the guidelines. This draws so much attention to her property line. She then provided a rendering of what the design would be for the Council's consideration. This project is not balanced and not harmonious and will have an incredible impact on her home in terms of reduced air and light. She further asked the Council to continue or deny this project.

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Peter Nelson, Circle Drive resident, noted that some members of the Advisory Design Review (ADR) Group asked the property owner to consider single-pane glass, which he felt an excessive recommendation since this is not historical in nature, but also the only way to conform to Title 24 would be to have the walls expanded and new insulation put in. He believed the dual-pane windows proposed would be appropriate. He added that the design, encroachment into the side yards and tree was well discussed and added that it was a very successful presentation.

Barbara Call, Redwood Drive resident, expressed concern for the redwood tree. She left the ADR meeting discouraged since not much consideration was given to the neighbor, neighborhood, trees or creek. A detached garage was discussed as possibly solving a few problems, but that was not acceptable, and she was not sure why. She felt something different could be designed to address the concerns of the neighbor, help the neighborhood and save the tree. She is not sure this is the correct plan for this site.

Architect Kroot discussed the elevations and these are narrow lots with houses side-by-side. In terms of screening, they would be happy to add screening to create privacy between the neighbors. Ms. Francis hoped the additional screening plan is realistic. It is very challenging to get sun, light or air to that area where additional screening is needed.

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 Kuhl is pleased to see this decrepit property being fixed up and is prepared to vote for approval as submitted.

Mayor Pro Tempore Robbins is not totally comfortable with the project due to the bulkiness from the neighbor's point of view, but felt it can be approved.

Council Member Brekhus noted that the project meets the Town's guidelines and she is not going to second guess an arborist. She is also comfortable approving the project.

Council Member Russell agreed to approve subject to the additional condition in regard to requiring a final landscape plan to address the front yard.

Mayor Hoertkorn noted that they are within the Town guidelines and indicated that she could approve as well.

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to approve 24 Redwood Drive, Design Review, Nonconformity Permit, and Tree Removal Permit No. 2016-015, and adopt Resolution No. 1961, including an additional condition of approval to require a final landscape plan to address the front of the property. Motion carried unanimously.

End of Public Hearings on Planning Projects.

18. No Action Items:

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a. **Council correspondence** - None

b. **Future Council items**

- Procedures manual
- Town Manager Chinn's performance review
- Sir Francis Drake sidewalk review
- Laurel Grove traffic calming

19. Adjournment.

Mayor Hoertkorn moved to adjourn the meeting at 8:55 p.m.

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk