

REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, SEPTEMBER 8, 2016

**1. 6:00 p.m. Commencement.**

Present: Mayor Pro Tempore Elizabeth Robbins; Council Member Elizabeth Brekhus; Council Member P. Beach Kuhl; Council Member Rupert Russell; and Town Attorney Trisha Ortiz. (*Hoertkorn absent*)

**2. Posting of agenda.**

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

**3. Minutes - August**

Mayor Pro Tempore Robbins asked for a motion.

**Council Member Kuhl moved and Council Member Brekhus seconded, to approve the Meeting Minutes of August 11, 2016 as submitted. Motion carried unanimously. (Hoertkorn absent)**

**4. Demands.**

The demands were met.

**5. Open Time for Public Expression**

John Martin, Bolinas Avenue, submitted a letter to the Council in regard to the encroachment permit process and added that staff has been cooperative throughout this process. He hopes to have more trees planted throughout the Town. He further would appreciate the Council's continued support on public safety projects.

Willie Martin, Bolinas Avenue, pointed out that he's a skater and asked the Council to consider building a skate park in Ross.

**6. Mayor's Report.**

Mayor Pro Tempore Robbins is filling in on behalf of Mayor Hoertkorn while she is on medical leave, and they look forward to her returning soon. Although there are still two more weeks before the official end of summer, Ross School students have already been in class for several weeks. As always, residents should drive carefully, especially during the morning and afternoon drop-off and pick-up. Erik Masterson, Ross Chief of Police, or one of his officers is usually in front of the school during these times, helping to ensure the children's safety. The annual Town Dinner is scheduled for Friday September 30 from 5:30-9:00 pm. This year the dinner returns to the center of Town, in front of the post office. Last year over 500 residents attended last year's Town Dinner, and we're expecting even more people this year! Come join your neighbors for a fun, informal evening. See article below for details on how to register to attend the event. Ross residents will soon be voting on Measure K, which would renew the Town's public safety funding, at essentially the same level, for an 8-year period. The tax, which was first approved in the 1980s, provides funding for police and fire services. The Town keeps only 18.6 cents of every dollar that residents pay in property taxes; the rest goes to the county, state, and other government

**September 8, 2016 Minutes**

agencies. The Town's operating expenses, including those for police and fire services, exceed the revenue from property taxes, and Ross, unlike many towns, doesn't have significant sales tax revenue to cover these expenses. Without Measure K, the Town may need to close the Ross police station and contract with the county or another government agency for police services or may need to close the Ross fire station which is currently staffed 24/7. Measure K requires a 2/3 vote to pass.

The first part of the repair work to Lagunitas is complete and the current schedule calls for a slurry seal of Lagunitas between Sylvan Lane and Glenwood Avenue to occur the beginning of next week. Thank you for your patience while they get the infrastructure repaired which will improve the useful life and reduce maintenance costs of the facilities in the future.

**7. Council Committee & Liaison Reports - None**

**8. Staff & Community Reports.**

**a. Town Manager.**

Town Manager Joe Chinn reported that the Recreation Department is currently registering for soccer and basketball. They have been working closely with the school district and should be able to open up more space and times if the wait list develops this year. The Town Dinner is scheduled for September 30<sup>th</sup>, 2016; it is a fun and great event for the entire community that will be located on the Common. They are recruiting for the public works director and they hope for a successful recruitment. Information will be sent out tomorrow in regard to the slurry seal on Lagunitas and there will be traffic delays. They encourage all to stay off of Lagunitas as much as possible. The following weeks the road will be repaved and striped. The Bolinas paving project will start next week in regard to removing sidewalks and curbs and the paving will occur in October. They will have a new intersection at Sir Francis Drake and Bolinas along with pedestrian improvements. They are getting ready for their annual "*Get Ready for the Wet Season*" and the Corte Madera Creek cleanup will occur next month. Residents are encouraged to clean up drainage ways and creek ways and remove all obstruction to water flow.

**b. Marin Art & Garden Center.**

Diane Doodha, MAGC representative, completed their landscape inventory and felt it is important to understand the history and events that shaped this marvelous place. They uncovered and rediscovered many fascinating pieces of history. On Sunday, October 2<sup>nd</sup> they will be discussing birds of prey. On October 14<sup>th</sup> they will have a harvest dinner fundraiser for the edible garden and they will be partnering with Ross Auxiliary. On November 8<sup>th</sup> they will celebrate the newly renovated studio with a gallery presentation.

**c. Ross Property Owners Association.**

Diane Rudden, RPOA representative, complimented the company doing the work along Lagunitas. They have been very accommodating and should be recognized. RPOA has a new kiosk that will be installed in front of the Post Office. They are working on placing one or two bike racks near the Post Office. They are also working on the area across the street from Town Hall in regard to making the area more attractive. RPOA has received several emails regarding dead trees and dead brush, which is an important issue at this time and residents need to know what they can do in terms of fire hazards.

**d. Ross School.**

Michael McDowell, Ross School representative, provided the Council with a few T-Shirts and their community reads book. They will have their first Ross School coffee next Thursday to discuss their test results. Tomorrow at 5 p.m. is "Disco Bingo" at the Common and he will be calling out the first game. Outdoor Ed starts on September 6<sup>th</sup>. Starting on October 24<sup>th</sup> on Mondays and Tuesdays, from 8 to 9 a.m. he will be teaching Marin Mammal Management. He then thanked the Chief of Police for his support and presence at the school.

**e. Ross Historical Society/Moya Library.**

Ed Wynn, President, thanked the Council and staff for their ongoing relationships. They publish the Ross history book, which he hopes everyone purchased. He then introduced all the trustees to the Council.

Fran Cappelletti, Trustee, invited everyone to attend their upcoming event with the retired Fire Chief on September 16<sup>th</sup>, 2016.

**9. Consent Agenda.**

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

**a. Town Council consideration of adoption of Resolution No. 1964 updating and amending Town of Ross conflict of interest code and rescinding Resolution No. 1869.**

**b. Town Council acceptance of FY16 Q4 Financial Summary Report.**

**c. Town Council consideration of adoption of Resolution No. 1965 on appeal of construction penalties for 27 Upper Road. (*Russell recused*)**

**d. Town Council consideration of adoption of Resolution No. 1966 approving Town Manager Employment Agreement.**

**e. Town Council consideration of approval of excused absences for Mayor Hoertkorn (Govt. Code Section 36513).**

Mayor Pro Tempore Robbins asked for a motion.

**Council Member Brekhus moved and Council Member Kuhl seconded, to adopt the Consent Agenda as submitted by staff. Motion carried unanimously. (Russell recused from Item 9c) (Hoertkorn absent)**

**End of Consent Agenda.**

**Administrative Agenda**

**10. Presentation by Resilient Neighborhoods organization.**

Tamra Peters, Director, explained that Ross and Marin's other municipalities are doing their part to assist California's globally significant effort to reduce greenhouse gas emissions (*GHG*). By meeting the goals in Ross' Climate Change Plan the Town can do its part to address the consequences of unchecked climate change. And in Marin County, 60% of the carbon emissions

**September 8, 2016 Minutes**

come from its residents. That's where Resilient Neighborhoods (*RN*) comes in. Since 2012, RN has helped Marin's residents decrease their household carbon footprints. To date, 254 Marin households have reduced 2.85 million pounds of CO<sub>2</sub>. RN has been working with the Ross Property Owners Association to encourage Ross residents to participate.

The Resilient Neighborhoods Program is successful and effective because it's done in a team of five or more households. Each household goes on a 'low-carbon' diet to reduce 5,000 pounds in 60 days. Team members attend five free, facilitated meetings. They start the program by calculating their carbon footprint and then take actions to reduce it. The actions involve simple changes--how they get places, how they use energy and water, how much they waste and even what they purchase and eat - they all make a difference and add up. The program also includes actions on emergency preparedness and supporting local business and agriculture. You can sign up for the program in a class at the San Rafael Community Center or Mill Valley Public Library. There is still some space available but classes start on September 13<sup>th</sup> and September 14<sup>th</sup> respectively. So register at: <http://www.resilientneighborhoods.org/sign-up-for-a-team-or-register-for-a-class.html>. RN can also help organize a team of neighbors or friends. Learn more by going to: [www.resilientneighborhoods.org](http://www.resilientneighborhoods.org).

**11. Town Council consideration of approval of lease for temporary Portable Building for Building, Planning, and Public Works staff.**

Town Manager Joe Chinn summarized the staff report and recommended that the Council authorize the Town Manager to enter into a lease or purchase agreement for the installation of a temporary portable building to act as an interim consolidated office for building, planning, and public works staff.

Council Member Brekhus continued to express concern for installing a temporary building that would not be allowed on any private property in Ross. Also, she did not believe the portable building would be attractive and hopes the planning review occurs quickly.

Council Member Kuhl felt the benefits outweigh the aesthetics and noted support. Council Members Robbins and Russell concurred with Council Member Kuhl's comments.

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

The Council agreed to approve the installation of a temporary portable building next to Town Hall to house consolidated offices for the Building, Planning and Public Works Department staff, as an interim solution to the Town's office space challenges. Over the past decade, modifications to Town Hall to create more space have been considered. Town Hall currently has only four offices to conduct its normal operating functions including an inadequate conference room. The offices are spatially in odd locations relative to each other making it neither efficient nor effective for customers and staff. The Council Chambers has been serving as office space for contract building staff, the Office Assistant, and the prior Public Works Director (*a position which is now being recruited for*). The Building, Planning and Public Works Departments serve the development customers in the Town and have frequent interaction with each other. Locating these departments in one area will assist the effectiveness and efficiency of service delivery for

customers. The portable building will be painted a dark color to blend in with the area and will be heavily screened with landscaping.

Mayor Pro Tempore Robbins asked for a motion.

**Council Member Kuhl moved and Council Member Brekhus seconded, to authorize the Town Manager to enter into a lease or purchase agreement for the installation of a temporary portable building to act as an interim consolidated office for building, planning, and public works staff. Motion carried unanimously. (Hoertkorn absent)**

**End of Administrative Agenda.**

*Mayor Pro Tempore Robbins recused herself from item 12 because she lives within 500 feet of property.*

**Public Hearings on Planning Projects**

**12. 1 Southwood Avenue, Nonconformity Permit No. 2016-031, and Town Council consideration of adoption of Resolution No. 1963.**

Leslie and Jeff Bergholt, 1 Southwood Avenue, A.P. No. 073-152-10, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Medium Low Density (3 - 6 units per acre). Nonconformity Permit to allow for a garage remodel and related improvements at an existing single-family residence. The project includes a different roofline, new garage door and side doors, and arbor on west side elevation.

<b>Effective Lot Area</b>	<b>12,502 square feet</b>
<b>Existing Floor Area Ratio</b>	<b>26.1% (15% permitted)</b>
<b>Proposed Floor Area Ratio</b>	<b>26.1% No Change</b>
<b>Existing Lot Coverage</b>	<b>19.3% (15% permitted)</b>
<b>Proposed Lot Coverage</b>	<b>19.3% No Change</b>
<b>Existing Impervious Areas</b>	<b>22.4%</b>
<b>Proposed Impervious Areas</b>	<b>22.4% No Change</b>

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council adopt Resolution No. 1963 conditionally approving a nonconformity permit to allow for structural alterations and related improvements to an existing legal nonconforming detached garage. In response to an email received by an adjacent neighbor, staff recommended a condition of approval that would require a final lighting plan to be submitted to the Town prior to issuance of a building permit to ensure that all lights would be shielded and downward facing.

Jeff and Leslie Bergholt, applicants, stated that they propose changing the flat roof to a hip roof. They propose a larger door to access their pool equipment mirroring the design of the home. They propose similar window as in their back kitchen and similar trellis to pull the design together.

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

Council Member Brekhus believed this is an attractive garage.

Council Member Russell appreciated the design mirroring the rest of the home, but wanted to hear from the Council in regard to the deed restriction. Council Member Kuhl felt a deed restriction would complicate this simple request. Also, he did not see any need to reduce the size of the doors. Council Member Brekhus concurred. Council Member Russell agreed to approve with the additional recommended condition of approval as suggested by staff. The Council agreed.

Council Member Kuhl asked for a motion.

**Council Member Russell moved and Council Member Brekhus seconded, to approve 1 Southwood Avenue, Nonconformity Permit No. 2016-031, and adopt Resolution No. 1963, including the additional recommended condition of approval requiring a final lighting plan to be submitted to the Town prior to issuance of a building permit to ensure that all lights would be shielded and downward facing. Motion carried unanimously. (Robbins recused) (Hoertkorn absent)**

*The Council took a short recess. Mayor Pro Tempore Robbins resumed her seat at dais.*

**13. 20 Glenwood Avenue, Demolition Permit, Design Review, Nonconformity Permit, Use Permit and Tree Permit No. 2016-034, and Town Council consideration of adoption of Resolution No. 1967.**

Hildene VT, LLC, 20 Glenwood Avenue, A.P. No. 073-131-17, R1-BA (Single Family Residence, 1 acre minimum lot size), Very Low Density (.1-1/Acre). The applicant is requesting a Demolition Permit, Design Review, a Nonconformity Permit, a Use Permit, and a Tree Permit to allow for the remodel of an existing single-family residence that would include the demolition of a previous addition, the interior remodel of the residence, and structural alterations to the existing legal nonconforming roof height. The modifications to the residence would not increase the existing roof height of the residence. The project would also include the demolition of two existing sheds, and the existing guest cottage, in addition to the new construction of a 2,230 square foot two story guest house/cabana. The guesthouse would include two bedrooms, two bathrooms, a kitchen, a gym, and a pool cabana. Other site improvements would include the demolition and new construction of the swimming pool and pool deck, as well as landscape and hardscape improvements. The Tree Removal Permit would allow the removal of two Redwood (34 inch and 26 inch) trees.

Existing and proposed conditions:

<b>Lot Area</b>	<b>87,848 sq. ft.</b>	
<b>Existing Floor Area/Ratio</b>	<b>12,616 sq. ft.</b>	<b>14.4% (15% permitted)</b>
<b>Proposed Floor Area/Ratio</b>	<b>12,417 sq. ft.</b>	<b>14.1%</b>
<b>Existing Lot Coverage</b>	<b>7,678 sq. ft.</b>	<b>8.7% (15% permitted)</b>
<b>Proposed Lot Coverage</b>	<b>6,515 sq. ft.</b>	<b>7.3%</b>
<b>Existing Impervious Surfaces</b>	<b>25,194 sq. ft.</b>	<b>28.6%</b>

**Proposed Impervious Surfaces 27,895 sq. ft. 27.2%**

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council adopt Resolution No. 1967 conditionally approving demolition permit, design review, a nonconformity permit, a use permit, and a tree permit to allow the remodel and structural alterations to an existing legal nonconformity single family residence, the demolition of two sheds and guest house, and the new construction of a two-story guest house/cabana, in addition to on-site landscape and hardscape improvements, such as the regarding of the site, the relocation of the existing swimming pool, the removal of two trees, and the installation of new landscaping at 20 Glenwood Ave.

Council Member Russell asked staff if the 1.4% increase is the correct number based on the current assumptions. Planning Manager Scoble explained that since there is an existing gravel driveway, the applicant assumed that was an impervious surface because it is gravel. After the notice was sent out, staff stated that they had asked the applicant if the gravel driveway was truly an impervious surface since it is highly compacted. The applicant's stated that they had their engineer review and identify that there may have been additives added to the gravel to make it more compact. As such, the gravel driveway is considered an impervious surface and therefore the project would not result in a net decrease in impervious surfaces.

Council Member Brekhus asked staff the difference between a guest cottage and a legal second unit. Planning Manager Scoble indicated that as it relates to zoning regulations, a guest cottage could not be rented, but a second unit could be rented. The intent is that the guesthouse can be used as part of the family unit. Such as a caretaker could live in the guesthouse but not pay rent. Guest cottages can be counted towards the Town's housing element and meeting the housing requirements.

Council Member Russell felt it would be in the Town's best interest to classify this as a second unit. Planning Manager Scoble responded in the affirmative.

Council Member Kuhl clarified that it could be classified as a guesthouse and without any further action it could not be rented. If a kitchen were permitted, then the Town would gain one unit in their housing stock. Planning Manager Scoble responded in the affirmative.

Council Member Russell asked staff if this was a second unit it could be rented. Planning Manager Scoble responded that the applicant would have to apply for a second unit permit and it could be rented. However, based on the design of this unit, the maximum size with an exception granted by the Council would be 1,200 sq. ft., so there would need to be a second entrance to the second unit and the unit must be stand-alone. Also, there would be a potential requirement by the Council to put a deed restriction as a low-income unit.

Council Member Russell asked staff if this was peer reviewed by the Town's hydrologist. Planning Manager Scoble responded that the language indicates that the Town hydrologist may be consulted as part of this final drainage plan. If there is concern, the Council could modify the language to state that the Town hydrologist "*shall*" peer review or the Council could leave it at "*may*" peer review.

#### September 8, 2016 Minutes

Dan Kalafatas, applicant, stated that he and his wife love Ross and are very excited to raise their children in this Town. It is their intention and desire to grow very old together in this home. From this perspective they are taking a really long-term view and are excited to be stewards of this property and neighborhood. They are expecting an aging parent or two. With respect with neighbors, he knocked on doors and introduced himself. They also hosted a cocktail party to discuss the project. They want to express their gratitude to the Council for their time and service to this community and they are very excited to spend many years of their lives in the Town.

Ken Lindsteadt, architect, explained that his clients have a young family and they wanted to make it more user friendly and return to a simple house surrounded by a garden. In essence, they are subtracting elements that are present and consolidating. There is a series of buildings that cascade down the hill. They removed the cascading addition done in the 1990s and designed an old world barn to be more compatible. They want to make the path to the pool more gracious with terraces and gardens. 70% of this project is using the existing landscape, so they are editing what is present. The oak tree is fantastic and will become part of the garden experience. In terms of pervious or impervious surfaces, his thought by doing a two-story structure it does improve the permeability. He then presented the Council with a series of handouts and photographs for their consideration to better understand the proposed project.

Planning Manager Scoble pointed out that this is not allowed as a second unit unless it is redesigned to address the regulations for a second unit. The issue is does the Council want to allow a kitchen, so the Town could count this unit as a dwelling unit for the purposes of the housing element or limit the amount of kitchen facilities.

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

Peter Nelson, Circle Drive resident, supported the kitchen and that the guesthouse could be counted as a second unit for the purposes of adding a unit to the Town's housing stock.

Eric Soiffer, Glenwood resident, state it has been a pleasure working with the applicants and noted his full support.

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 Kuhl liked the idea of increasing their housing stock and is happy to support permitting the type of kitchen being proposed by the applicant.

Council Member Russell concurred with Council Member Kuhl's comments. He liked the idea of the home to be used for elderly parents in the future. Council Member Russell also stated that he would like the drainage plan and stormwater plan to be peer reviewed as it relates to the impervious surfaces related to the project. Council Member Kuhl agreed that there should be a peer review, and found asphalt acceptable. Council Member Brekhus also supported a peer review of the plans related to impervious surfaces/drainage. Mayor Pro Tempore Robbins is not a fan of gravel since it is difficult to walk on.



**September 8, 2016 Minutes**

Glen Dearth, Civil Engineer, discussed the drainage plan with Town Hydrologist Matt Smeltzer and he indicated that it sounded reasonable and consistent with what he reviewed and approved in the past.

Mayor Pro Tempore Robbins asked for a motion.

**Council Member Russell moved and Council Member Brekhus seconded, to approve 20 Glenwood Avenue, Demolition Permit, Design Review, Nonconformity Permit, Use Permit and Tree Permit No. 2016-034; adopt Resolution No. 1967, with the additional condition concerning the hydrologist report to be conducted as discussed by staff; and omit Condition No. 6. Motion carried unanimously. (Hoertkorn absent)**

**End of Public Hearings on Planning Projects – Part II.**

**14. No Action Items:**

**a. Council correspondence**

- Sally Newson – Measure K website

**b. Future Council items**

- 9 Woodside – ignoring Town regulations - fines
- Landscape screening required
- Skate Park

**15. Adjournment.**

Mayor Pro Tempore Robbins moved to adjourn the meeting at 8:06 p.m.

---

Elizabeth Robbins, Mayor Pro Tempore

**ATTEST:**

---

Linda Lopez, Town Clerk