

**REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, OCTOBER 13, 2016**

1. 5:15 p.m. Commencement.

Mayor Hoertkorn, Mayor Pro Tempore Robbins, Council Member Elizabeth Brekhus, Council Member 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. Open time for matters pertaining to the closed session item in agenda item 4 - None

4. Closed Session.

Conference with Legal Counsel—Existing Litigation

Government Code Section 54956.9(d)(1)

In the Matter of the Appeal Regarding PERS Membership Eligibility of Gary Broad,

PERS Case No. 2014-914, OAH Case No. 201520995.

5. 6:00 p.m. Open Session. Council will return to open session and announce actions taken, if any. No reportable action.

6. Minutes - September

Mayor Hoertkorn asked for a motion.

Council Member Kuhl moved and Council Member Brekhus seconded, to approve the Meeting Minutes of September 8, 2016 as submitted. Motion carried 4-0. (Hoertkorn absent from the September Town Council meeting)

7. Demands.

The demands were met.

8. Open Time for Public Expression - None

9. Mayor's Report.

Mayor Hoertkorn reported that as one walks or drives around Town, they are reminded of the unique characteristics of our charming, small Town. Ross doesn't enjoy a major retail sale tax presence, nor does Ross realize lodging taxes from hotels, but the Council has strived over the years to perpetuate the small town character that has attracted our devoted residents for generations. In order to provide the basic services expected by all, they depend upon significant additional annual contributions from our residents. Our annual budget is relatively simple; the single largest expenditures are for Public safety, both Fire and Police protection. They are all aware of the high cost of housing in Ross, therefore residents often confuse their real estate taxes with Town revenues, in actuality Ross only receives 18.6% of the real estate taxes paid, the balance goes to the county, state, and other government agencies. Measure K, which is on the November 8th ballot is critical to funding our Ross community's police and fire services. This

October 13, 2016 Minutes

Measure supports maintaining the current level of services in providing public safety services to the community.

On October 24th at 7:00 p.m. there will be a special meeting for the Winship Bridge Project. Based on the input from neighbors, the project engineers and Moe Engineering will be presenting a new design. Please provide your feedback at the meeting. The Bolinas/Sir Francis Drake intersection is nearing completion. With winter and the rainy season approaching, Town staff is checking the creek bed, ditches and catch basins. Please check your property, including the right-of-way, to clean out debris now or take down dead or diseased trees.

Discussions about Measure K have prompted conversations about the overall quality of life in Ross. Residents clearly value living in our small enchanting town, but concerns about noise are often raised. The Town has several ordinances that address noise, which generally prohibits gasoline powered leaf blowers and limits the use of power-driven yard maintenance machinery. Town Code section 9.20.035 limits construction companies to working 8:00-5:00 p.m. weekdays, except for work done inside a building that creates no noise. The Ross Police are available anytime to enforce these ordinances. The Ross Police can be reached at 415-453-2727. They want to make sure that everyone feels that our quality of life is indeed protected.

Finally, the recent Town Dinner had an excellent turnout of over 600 people, making it our largest dinner. Thank you to Mike Armstrong and Ross Recreation for organizing and putting on such a superb event, where they can be such a true community.

10. Council Committee & Liaison Reports.

Council Member Kuhl announced this Saturday from 10 a.m. to 11:30 a.m. County Supervisor Katie Rice would be available at the Post Office to discuss projects and answer any questions.

11. Staff & Community Reports.

a. Town Manager

Town Manager Joe Chinn reported that the Town had a very successful Town Dinner with over 600 individuals present. He added that the pavement improvement project at Sir Francis Drake and Bolinas is near completion. There will be a series of sanitary district improvements along Sir Francis Drake that will start in the coming month.

Also, a public meeting will be held on Monday October 24, 2016, at 7:00 p.m. in Ross Town Hall, to provide an update and to elicit input from the Council and the public regarding a proposed alternative bridge alignment for the Winship Avenue Bridge replacement project. Staff and engineers (*John Moe and Quincy Engineering*) will be on site at the Winship Bridge prior to the evening meeting between 4:30-6:00 p.m. on Monday, to provide an opportunity for the public to view the site and get an understanding of the proposed bridge project. Both Quincy Engineering and staff will be available to answer questions and discuss the bridge project.

Town Manager Chinn then congratulated Town Attorney Greg Stepanicich who was named the President of the City Attorneys for the State of California League of Cities, which is a huge honor and a testament to his professionalism and dedication to the entire industry.

October 13, 2016 Minutes

Recreation Manager Mike Armstrong added that the Town Dinner was a success. The pre-registration went very well. Most registered on-line, so it was really smooth. The event returned to its original location on the Common and though the evening weather was unusually cold, it did not hamper the fun, merriment and music enjoyed by all. He looks forward to the event next year. He further thanked the Ross Police Department for all their efforts and Town Clerk Linda Lopez for taking such great photos of the Town Dinner.

b. Marin Art & Garden Center.

Antonia Adezio, Executive Director, reported that MAGC completed a big project, which was a research project conducted with staff volunteers and an architectural design firm from Oakland that documented all the features from MAGC. This will be used as a baseline for future planning. MAGC invited Ross residents to celebrate the dedication of their newly-renovated historic building, "*The Studio*" on Friday, October 28th, from 6:30 – 8:30 p.m. There will be refreshments and their inaugural exhibition, "*The Alcatraz Florilegium: Botanical Art from Life on the Rock*" as well as an exhibit about the history of the Marin Art & Garden fair, which was held at the MAGC from 1946-1970.

c. Ross Property Owners Association.

John Kieckhefer, RPOA representative, reported that the RPOA is working on the kiosks. The Kiosk located across the street from San Anselm's church is in question. Bike racks have been ordered as well. RPOA continues to work on the vacant lot across the street from Town Hall. RPOA identified trees and bushes that could be removed. They have approval from MAGC and Town of Ross to do that initial work. Also, issues continue with mail delivery at the post office and there have been a few complaints about overgrown shrubs near driveways.

d. Ross School – No report.

12. Consent Agenda.

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

a. Town Council approval of extension of Preliminary Contract for the Winship Avenue Bridge Replacement Project with Quincy Engineering, Inc.

b. Town Council consideration of adoption of Resolution No. 1968 approving the annual AB 1600 Report for Fiscal Year ending June 30, 2016.

c. Town Council acceptance of Community Rating System Recertification and Progress Report on Local Hazard Mitigation Plan.

d. Town Council acceptance of the Comment Letter to the Metropolitan Transportation Commission regarding the Plan Bay Area 2040 Plan.

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Mayor Pro Tempore Robbins seconded, to adopt the Consent Agenda as submitted by staff. Motion carried unanimously.

End of Consent Agenda.

Administrative Agenda

- 13. Town Council consideration of introduction of Ordinance No. 675 which adopts and amends the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Existing Building Code, the 2016 California Green Building Standards Code, the 2016 California Referenced Standards Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, the 1997 Uniform Housing Code, 2015 International Property Maintenance Code, as codes applicable to all construction within the Town of Ross, with local modifications and other conforming changes to Title 15 of the Municipal Code as highlighted in the Ordinance; and Set Public Hearing for November 10, 2016.**

Building Official Sal Lucido summarized the staff report and recommended that the Council introduce Ordinance No. 675 repealing and adopting portions of Municipal Code Title 15 (*Buildings and Construction*) affecting Chapters 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13, 15.14, 15.15, and 15.19, to adopt and amend the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Code, the 2016 California Fire Code, the 2016 California Existing Building Code, the 2016 California Green Building Code, the 2016 California Referenced Standards Code, and the 2015 international Property Maintenance Code, and make other conforming changes.

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 introduce Ordinance No. 675 and set the public hearing for November 10, 2016. Motion carried unanimously.

- 14. Town Council consideration of introduction of Ordinance No. 676 which adopts the 2016 California Fire Code, portions of the 2015 International Fire Code, and Appendix A of the 2015 International Wildland-Urban Interface Code and amending Chapter 14.04 of the Ross Municipal Code as regulations governing conditions hazardous to life and property from fire or explosion in the Town of Ross; and Set Public Hearing for November 10, 2016.**

Fire Chief Mark Mills summarized the staff report and recommended that the Council hold a public hearing on the proposed Ordinance No. 676; that the Mayor read the title of the attached Ordinance No. 676 to amend, Chapter 14.04 of the Ross Municipal Code and adopt the 2016 edition of the California Fire Code and 2015 international fire code with certain local amendments and additions and Appendix A of the 2015 international wildland-urban interface code; that the Council make a motion to waive further reading and hold a public hearing on

October 13, 2016 Minutes

Ordinance No. 676; and that the Council schedule a public hearing, second reading, and adoption of the ordinance at the November 10, 2016 Council meeting.

Council Member Robbins asked if there are particular changes the Town would want to make. Fire Chief Mills responded that the specific amendments are before the Council that the Town of Ross has made over the years and they all coincide with the county.

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 Kuhl moved and Mayor Pro Tempore Robbins seconded, to waive further reading and introduce Ordinance No. 676 and set the public hearing for November 10, 2016. Motion carried unanimously

End of Administrative Agenda.

Mayor Hoertkorn recused herself from agenda item No. 15 because she lives within 500 feet of property.

Public Hearings on Planning Projects

15. 187 Lagunitas Road, Amendment to Demolition Permit, Design Review, Hillside Lot Permit, Use Permit and Tree Removal Permit No. 2016-043, and Town Council consideration of adoption of Resolution No. 1969.

James and Helen Hobbs, 187 Lagunitas Road, A.P. No. 073-211-39, R-1:B-A (Single Family Residence, 1-acre min. lot size), Very Low Density (.1-1 Unit/Acre). The applicant is requesting Town Council approval of an amendment to Demolition Permit, Design Review, a Hillside Lot Permit, a Use Permit, and Tree Removal Permit 2016-018 that was approved by Resolution 1956 to allow the removal of six redwood trees prior to issuance of a building permit related to the approved project.

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council adopt Resolution No. 1969 allowing an amendment to Demolition Permit, Design Review, a Hillside Lot Permit, a Use Permit, and Tree Removal Permit Application No. 2016-018 for the removal of six redwood trees prior to issuance of a building permit.

Council Member Brekhus clarified that the trees are healthy, but must be removed since they are in close proximity to the existing residence and development would be difficult. Planning Manager Scoble responded that the trees are healthy, but must be removed in order to accommodate a driveway turnaround, which is a requirement from the Ross Valley Fire Department. The purpose behind the conditions of approval is to ensure some type of remedy, so if this project does not move forward, there is some type of penalty for the removal of those healthy trees. Council Member Brekhus wondered if legally the Council could require a certain timeframe to pull a permit in regard to removing the trees. Planning Manager Scoble explained that typically the Town would not issue the tree removal permit until the building permit is ready to be issued. Planning Manager Scoble explained that the issuance of the Tree Removal Permit

October 13, 2016 Minutes

could be connected to the construction time limits, but the applicant would lose six months out of the 18 months allowed if the building permit were issued now because of entering into the no-build rainy season.

Mayor Pro Tempore Robbins stated that the area is horribly overgrown and if those six trees were removed it would not even be noticeable in her opinion. She expressed concern for the appraised value of the trees, which she felt is not correct in this setting. Council Member Kuhl explained the reason the Town wants the trees evaluated now, is because the Town wants evidence of the value of those trees in the event the applicant does not proceed, so it is to the Town's benefit as well as the applicant's benefit to know the value of those trees. Planning Manager Scoble noted that the purpose of the condition is if the project does not move forward there is some type of remedy so that new trees can be planted in place of those trees removed.

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.

Council Member Brekhus felt the conditions are appropriate in regard to the appraised value of the trees and requiring the applicant to submit a landscape plan with a tree replacement plan if the building permit is not issued. She felt there should be some mechanism to require an applicant to proceed. Town Attorney Greg Stepanicich explained that the Town is not able to require an applicant to build. Also, the applicant could not pull a building permit now due to the rainy season.

Mayor Pro Tempore Robbins felt what the applicant is requesting is reasonable to start their project. She continued to be shocked with the appraised value of the trees. Council Member Brekhus felt they are setting a bad precedence in regard to removing trees before a building permit is issued. Mayor Pro Tempore Robbins would approve as recommended by staff.

Planning Manager Scoble explained that once the project is approved, the applicant has two years to vest the Design Review approval and they could request to up to one year extension. Those timeframes are embedded into the conditions of approval before the Council.

Russ Dotter, architect, stated that his client is going to build. They are working on the construction documents and will be submitting in December. They hope to have their permit by the middle of February and want to start on the 15th of April. They are required to install a fire hydrant along with that they have to install a hammerhead turnaround. They looked at many ways to put in that hammerhead and this is basically a redwood grove. They are removing six trees and they immediately thought to cut down the trees, store the trees and then have the trees cured and used for siding on the house. It has been a design of the project from the very beginning. They have every intention in the world to build. They want to start construction on April 15th.

Town Attorney Stepanicich added another condition as follows: *"Construction of the project shall commence within two years after the issuance of the tree removal permit."*

Mayor Pro Tempore Robbins asked for a motion.

Council Member Brekhus moved and Council Member Russell seconded, to approve 187 Lagunitas Road, Amendment to Demolition Permit, Design Review, Hillside Lot Permit, Use Permit and Tree Removal Permit No. 2016-043, and adopt Resolution No. 1969 with the additional conditions as submitted by staff. Motion carried 3-1-1. (Kuhl opposed/Hoertkorn recused)

Mayor Hoertkorn resumed her seat at dais.

16. 147 Lagunitas Road, Design Review Permit No. 2016-032, and Town Council consideration of adoption of Resolution No. 1970.

Jurgen and Wendy Huck, 147 Lagunitas Road, A.P. No. 073-232-44, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size), Medium Low Density (3-6 units/acre). The applicant is requesting Design Review approval for the demolition of an existing shed and arbor and the new construction of a 335 square foot pool cabana. The cabana would be approximately 12 feet 7 inches tall. The project would also include the demolition, relocation, and new construction of a swimming pool. Other components of the project include landscape and hardscape improvements, including the removal of four trees.

Existing and proposed conditions:

Lot Area	53,389 square feet		
Existing Floor Area/Ratio	6,998 sq. ft.	13.4%	
Proposed Floor Area/Ratio	7,333 sq. ft.	14%	(20% permitted)
Existing Lot Coverage	4,227 sq. ft.	8.1%	
Proposed Lot Coverage	4,562 sq. ft.	9%	(20% permitted)
Existing Impervious Surfaces	16,092 sq. ft.	30.8%	
Proposed Impervious Surfaces	13,459 sq. ft.	25.2%	

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 1970 conditionally approving Design Review to allow the demolition of an existing shed and arbor trellis and the new construction of a 335 square foot pool cabana, the relocation of an existing swimming pool, the installation of new landscaping and hardscape improvements, and the removal of four trees at 147 Lagunitas Road.

Barbara Chambers, architect, is present to answer any questions from the Council.

Mayor Hoertkorn opened the public hearing on this item.

Michael Yandell, landscape architect, has been working with the Rosenbaum's and they agreed that the lowest wall on the site is lowered by 18 inches and there are two nuisance trees between the Huck's and Rosenbaum's that drop debris onto their property.

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.

October 13, 2016 Minutes

Council Member Brekhus stated that there are somewhat unusual site conditions on this property.

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Russell seconded, to approve 147 Lagunitas Road, Design Review Permit No. 2016-032, adopt Resolution No. 1970, and deny the request for extension of time on the construction time limit. Motion carried unanimously.

17. 10 Ames Avenue, Minor Exception Permit No. 2016-029, and Town Council consideration of adoption of Resolution No. 1971.

Nina Cohen, 10 Ames Avenue, A.P. No. 073-1810-08, R-1: B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 units per acre). The applicant is requesting a Minor Exception for the construction of a seven-foot tall wood fence to be installed ¼ inch from her rear property line where a maximum of a six-foot tall fence would be typically permitted. The fence would be a picture frame board on board style fence made primarily of Con Heart Redwood with no stain. The bottom rails/baseboards of the fence would be a brown tone pressure treated fir. The fence would run approximately 100 feet in length and would be set in ¼ of an inch from the rear property line. The project would not include any other improvements to the site and no new lot coverage, floor area, or impervious surfaces would be created as a result of the project.

This item was continued to the November Town Council meeting.

End of Public Hearings on Planning Projects.

18. No Action Items:

a. Council correspondence

- Noise Ordinance

b. Future Council items

- Sidewalk and pathway design guidelines
- WUI
- Council procedures
- Marin Clean Energy presentation
- Preserving hedges/landscape screening

19. Adjournment.

Mayor Hoertkorn moved to adjourn the meeting at 7:40 p.m.

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk