

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, FEBRUARY 9, 2017

1. 5:30 p.m. Commencement.

Mayor Katie Hoertkorn; Mayor Pro Tempore Elizabeth Robbins; Council Member Elizabeth Brekhus; and Council Member Rupert Russell. *(Council Member Kuhl & Town Attorney Stepanicich absent)*

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 items 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.**

Conference with Legal Counsel—Existing Litigation

Government Code Section 54956.9(d)(1)

**In the Matter of the Appeal Regarding Membership Eligibility of Patricia M. Riley, PERS
Case No. 2016-005, OAH Case No. 2016080840.**

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

6. Minutes – January

Mayor Hoertkorn asked for a motion.

Mayor Pro Tempore Robbins moved and Council Member Brekhus seconded, to approve the Regular meeting minutes of January 12, 2017 as amended. Motion carried unanimously. (Kuhl absent)

7. Demands.

The demands were met.

8. Open Time for Public Expression - None

9. Mayor's Report.

Mayor Hoertkorn congratulated Ross resident, Diane Doodha, who is the recipient of the Marin Center for Volunteer & Nonprofit Leadership's award for Excellence in Board Leadership. The annual Heart of Marin Awards honors local leaders and their causes. The Excellence in Board

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Leadership Award is presented to an exceptional volunteer member of a Marin non-profit board of directors. Diane has been a tireless advocate for the Marin Art & Garden Center (*MAGC*) and has played a crucial role in developing *MAGC* into the organization it is today. She was selected from 10 nominees for this prestigious award due to her efforts in turning *MAGC* around after a near closure. Thank you Diane for your outstanding dedication and work!

As you may have read, the Branson School will no longer participate in the proposed project at the former Golden Gate Baptist Theological Seminary in Mill Valley. After several years of exploration and collaboration with North Coast Land Holdings, Branson has announced that they will be staying in Ross. They look forward to learning about Branson's future plans, and thank them for their commitment to Ross. It is not your imagination if you think that Ross has had an abundance of rain! Since October we have had 60 inches of rain, 20 inches more than the surrounding Towns and Cities! This week again, both Sir Francis Drake and Bolinas were closed for periods due to flooding. Also, they had to evacuate some homes on Sir Francis Drake when the Corte Madera Creek overflowed its banks. Thanks again to our excellent, devoted staff. Please continue to monitor your home and yard, keeping culverts free of debris. With the ground so saturated, a weakened tree can easily fall. If anyone is aware of a dead, or newly leaning tree, please let Town staff know.

Over the past few years, the Council has discussed the growing popularity of Airbnbs in Ross. There are generally 12-18 listings of Ross property on the site. They would like to know what you think. A survey will be going out via email to all residents regarding Airbnb. They would appreciate your feedback on this emerging issue.

10. Council Committee & Liaison Reports – No report

11. Staff & Community Reports

a. Town Manager

Town Manager Joe Chinn reported that the survey on short-term rentals will be emailed out tomorrow and the Town looks forward to receiving feedback from the community. The Building, Planning, and Public Works Departments have relocated to the portable building (behind Town Hall). They opened for business in their new location on Monday, February 6th and it is great that all three development related departments are now in one place. The portable building will house Simone Jamotte, Building and Public Works Secretary, Heidi Scoble, Planning Manager, Richard Simonitch, Public Works Director/Town Engineer, and the Town's Building contractors Sal Lucido, Building Official, and Tom Thompson, Building Inspector. The visitor's entrance to the building is accessed on the Lagunitas Road side of Town Hall.

b. Marin Art & Garden Center.

Diane Doodha, *MAGC* representative, stated that *MAGC* is a beautiful place and it was a pleasure and honor to receive such award and thanked the Town for all their support. The Livermore Room will be open again in March after the kitchen fire damage is repaired. *MAGC* is beginning a historical research project. *MAGC* conservation series continues on Friday, February 17th with "*Owls of Marin.*" Also, *MAGC* continues their partnership with the Bay Area Discovery Museum.

c. Ross Property Owners Association – No Report

- d. **Ross School – No Report**
- e. **Ross U.S. Post Office – No Report**

12. Consent Agenda.

The following five items will be considered in a single motion, unless removed from the consent agenda: *Agenda Items a. and d. were removed from consent.*

- b. **Town Council acceptance of FY17 Q2 Investment Report.**
- c. **Town Council acceptance of FY17 Q2 Financial Summary Report.**
- e. **Extension of Advisory Design Review Group member terms**

Mayor Hoertkorn asked for a motion.

Mayor Pro Tempore Robbins moved and Council Member Brekhus seconded, to adopt the Consent Agenda as amended with Items b, c and e. Motion carried unanimously. (Kuhl absent)

End of Consent Agenda.

Item a. Town Council consideration of adoption of Resolution No. 1984 approving 205 Lagunitas Road, A.P. Nos. 73-21140, 73-221-01, Amendment to Use Permit No. 1997.

Mayor Pro Tempore Robbins felt permitting live music for nine events per year turns the Club into an event venue and she did not believe it is appropriate for a residential area.

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 Russell seconded, to approve Resolution No. 1984 approving 205 Lagunitas Road, A.P. Nos. 73-21140, 73-221-01, Amendment to Use Permit No. 1997. Motion carried 3-1. (Robbins opposed) (Kuhl absent)

Item d. Town Council acceptance of Grant of Easement and Easement Agreement with Marin Art and Garden Center for public sidewalk purposes on Laurel Grove Avenue.

Council Member Brekhus had a few questions about the plot map, and asked if the MAGC signature by the Executive Director would be sufficient. Diane Doodha, MAGC representative, noted that she was not available to sign and that is why the Executive Director signed. If there is a legal issue, she would be happy to sign, but the Executive Director was authorized by the full Board to sign the document.

Council Member Brekhus expressed concern for the pathway. Richard Simonitch, Public Works Director, responded that the pathway would be a concrete sidewalk with curb and gutter. Portions of the rock wall that conflict with the sidewalk will be removed. The brick wall is not

impacted. The pathway ends at the driveway on Laurel Grove Avenue near the existing crosswalk. Town Manager Joe Chinn pointed out that this project ties to the grant received. They can look for future grants to extend the sidewalk further on Laurel Grove.

Mayor Hoertkorn opened the public hearing on this item.

Peter Nelson, Circle Drive resident, noted that the crosswalk is existing and ends in the driveway of MAGC. It would be important for public safety to review because the pathway is directing kids to walk directly into vehicles exiting.

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 Hoertkorn asked for a motion.

Council Member Brekhus moved and Mayor Pro Tempore Robbins seconded, to accept Grant of Easement and Easement Agreement with Marin Art and Garden Center for public sidewalk purposes on Laurel Grove Avenue. Motion carried unanimously. (Kuhl absent)

Public Hearings on Planning Projects

13. 124 Winding Way, Design Review, Hillside Lot Permit, Nonconformity Permit, and Exception to Basements and Attics Permit No. 2016-050, and Town Council consideration of adoption of Resolution No. 1987.

Rich and Leslie Tincher, 124 Winding Way, A.P. No. 072-091-27, R-1:B-5A (Single Family Residence, 5 Acre min. lot size), Very Low Density (.1-1 Units/Acre). The applicant is requesting Design Review, a Hillside Lot Permit, and an Exceptions to Basements and Attics for a remodel and a 586 square foot floor area addition to an existing single-family residence (299 square feet of floor area would be located within the basement). Other improvements would include hardscape improvements, such as the demolition and new construction of an existing swimming pool.

Existing and proposed conditions:

Lot Area	76,200 square feet	
Existing FAR	3,879 sq. ft.	5.1% (15% permitted)
Proposed FAR	4,498 sq. ft.	5.9%*
Maximum FAR per HLO	4,210 sq. ft.	Based on a 43% slope
Maximum FAR per R-1:5A	11,430 sq. ft.	15%
Existing Lot Coverage	2,380 sq. ft.	3.1% (15% permitted)
Proposed Lot Coverage	2,380 sq. ft.	3.1%
Existing Impervious Surfaces	6,850 sq. ft.	8.9%
Proposed Impervious Surfaces	6,458 sq. ft.	8.4%

**The applicant is requesting an exception to floor area per Section 18.46.020 of the Ross Municipal Code in order to allow a 299 square foot basement addition. The other floor area addition would be permitted by the Municipal Code subject to Design Review approval.*

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Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 1987 approving a design review, a nonconformity permit, a hillside lot permit, and an exception to basements and attic regulations to allow for a remodel and a 586-square-foot area addition to an existing single family residence. Other improvements would include hardscape improvements, such as the demolition and new construction of an existing swimming pool at 124 Winding Way.

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.

Mayor Pro Tempore Robbins moved and Council Member Brekhus seconded, to approve 124 Winding Way, Design Review, Hillside Lot Permit, Nonconformity Permit, and Exception to Basements and Attics Permit No. 2016-050, and adopt Resolution No. 1987. Motion carried unanimously. (Kuhl absent)

End of Public Hearings on Planning Projects

14. No Action Items:

a. Council correspondence - None

b. Future Council items

- Tree on Bolinas
- Sir Francis Drake Blvd property

15. Adjournment.

Mayor Hoertkorn moved to adjourn the meeting at 6:35 p.m.

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk