

**REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JULY 13, 2017**

1. 5:30 p.m. Commencement.

Mayor Elizabeth Robbins; Mayor Pro Tempore Beach Kuhl; Council Member Elizabeth Brekhus; Council Member Katie Hoertkorn; Council Member Rupert Russell; and Attorney Trisha Ortiz.

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.

a. 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.

b. Conference with Legal Counsel-Initiation of Litigation

Government Code Section 54956.9(d)(4)

One Potential Case

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

6. Town Council recognition of previous Mayor Katie Hoertkorn.

The Council and staff recognized former Mayor Katie Hoertkorn for her leadership, wisdom and courage. They indicated that it has been an absolute pleasure serving with her and presented her with a bouquet of flowers.

7. Minutes – May/June

Mayor Robbins asked for a motion.

Mayor Pro Tempore Kuhl moved and Council Member Brekhus seconded, to approve the Special Meeting Minutes of May 24, 2017 as submitted. Motion carried 4-0. (Hoertkorn recused)

Mayor Pro Tempore Kuhl moved and Council Member Brekhus seconded, to approve the Special Meeting Minutes of June 8, 2017 as amended. Motion carried unanimously.

8. Demands.

The demands were met.

9. Open Time for Public Expression - None

10. Mayor's Report.

Mayor Robbins announced that the Town's annual Fourth of July parade and picnic was a great success. Thanks go to Ross Recreation Manager Mike Armstrong and his team – they've been planning the event for months, and worked tirelessly throughout the day to make sure that everything was perfect. Highlights of the day included a beautiful rendition of the national anthem sung by Ross School students Katherine B. (*8th Grade*) and her brother Alex B. (*5th Grade*); the Shady Ladies singers; the Marin Golden Gate Barbershop Chorus, hot dogs from "Let's Be Frank", Marc Smith and the Lost at Home Drum Line leading the parade along with John Lil (*Uncle Sam*), and, as always, special games on the Common for the children. I also want to thank the Ross Property Owners Association for their generous donation towards this event. The summer is typically a quiet time in Ross. The Town, however, takes advantage of the quiet days to do much-needed road and drainage repairs. This summer work will be done on Brookwood Lane, Redwood Drive and Allen Lane. There will be unavoidable noise and inconvenience, but the projects are expected to be completed within 25 working days, before the end of August. Ross Valley Sanitary District and Marin Municipal Water District are also busy in various parts of town making sewer line and water line improvements.

The Ross community will be receiving updates from leaders of the County flood control district, which is currently developing plans for flood mitigation using a \$7.7 million grant from the State. The flood control district had initially intended to use the grant money for a flood mitigation project at Phoenix Lake, but issues with that project prompted the district's board to migrate the grant money to a different project. The new project involves Corte Madera Creek improvements in Ross and Kentfield. The Ross improvements include (1) removing the fish ladder behind the post office (2) replacing sections of the concrete channel with a widened natural creek channel and (3) creating a park-like setting with native vegetation in the creek channel areas that are widened. The bike path would likely be moved further west with this plan, with the tennis courts remaining as is. The flood control district will be studying this option in more detail in the upcoming months, and will be seeking input from the Ross community. Save the date: the annual Town Dinner will take place on Friday September 29.

11. Council Committee & Liaison Reports.

Council Member Hoertkorn asked if there was a discussion on the response to the Grand Jury in regard to CalPERS at the Ross Valley Fire Department meeting last night. Council Member Brekhus reported that there was a discussion on the proposed response to financial classes directors might take, but there were no other modifications. Town Manager Joe Chinn stated that basically it is as written and the one question was modified.

12. Staff & Community Reports.

a. Town Manager & July 4th Highlights

Town Manager Joe Chinn and Ross Recreation Manager Mike Armstrong presented a slideshow for the Council in regard to the Fourth of July highlights. They indicated that it was a fun-filled event with 700 people attending the festivities. Thanks to everyone who volunteered and participated (*parade, musical entertainment, food, games*), and helped make this event such a special annual celebration!

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Town Manager Chinn noted that an email was sent out to residents in regard to the sewer project occurring at Shady Lane.

- b. **Marin Art & Garden Center – No report.**
- c. **Ross Property Owners Association – No report.**

13. Consent Agenda.

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

- a. **Town Council selection of members to Town Council Committees and Town Representatives for FY 2017-18.**
- b. **Town Council consideration of adoption of Resolution No. 2013 approving the regular Council meeting dates and annual Special Council meeting dates for 2018.**
- c. **Town Council consideration of adoption of Resolution No. 2014 awarding the construction contract for 2017 Storm Drainage and Roadway Project.**
- d. **Town Council approval of funding of temporary covered parking structure behind Public Safety Building for Ross Valley Fire vehicles.**
- e. **Town Council authorization of letter opposing Senate Bill 649 Wireless Telecommunication Facilities.**

Mayor Robbins asked for a motion.

Council Member Brekhus moved and Council Member Hoertkorn seconded, to adopt the Consent Agenda as submitted. Motion carried unanimously.

End of Consent Agenda.

Administrative Agenda

14. Presentation by Marin/Sonoma Mosquito & Vector Control District (MSMVCD) District Manager Phil Smith.

Paul Sagues, Trustee, Town representative, introduced District Manager Phil Smith to the Council.

District Manager Phil Smith with the Marin/Sonoma Mosquito & Vector Control District (MSMVCD) provided an update on the District's efforts in vector control. As reported in a previous town wide email sent to residents, mosquito season is upon us. The rainy winter created pools of standing water and with the warm weather we have had, the mosquitoes are thriving. Backyards are the number one source for mosquito production. It's important to eliminate any standing water on a regular basis, as mosquitoes need as little as a 1/2 inch of water to complete their life cycle. The MSMVCD provides free vector control services throughout Marin County, including the Town of Ross. "Vector" means any animal capable of transmitting the causative

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agent of human disease or of producing human discomfort or injury. Mosquitos, flies, mites, ticks, and rodents are all examples of vectors. MSMVCD provides periodic sprayings of some of the seasonal wet spots within the Town's roadside ditches. The MSMVCD website (www.msamosquito.com) is an excellent resource for mosquito and other vector control.

Mayor Robbins believed it is important to highlight the importance of control of rodents since they carry diseases that can be very devastating.

Council Member Brekhus thanked their Ross representative for serving and noted their appreciation. The Council concurred.

15. Town Council review and direction of conceptual design plans and rehabilitation of 3 Bear Hut and Natalie Coffin Greene Park.

Town Manager Joe Chinn summarized the staff report and recommended that the Council review the conceptual drawings, plans and methods of rehabilitation and provide input and recommendations to finalize the project scope and develop accurate cost estimates.

Rich Simonitch, Public Works Director, provided a conceptual site plan and 3-dimensional renderings to the Council for their consideration. Phase One of the total project is the rehabilitation of the Three Bear Hut structure itself. Rehabilitation methods for the wood members of the structure will consist of removal and replacement of the deteriorated sections combined with epoxy injection. Phase Two will be the rehabilitation of the Natalie Coffin Green Park area, including the restoration and installation of the picnic tables, improved pedestrian accessibility, group seating, and interpretive signage. Because of the diverse labor trades and specialty contractors needed for the project, the two phases will likely be bid under separate contracts. The parking lot area is a stand-alone project that may qualify for storm water grant funding and is therefore not included within the scope of this site plan.

Mike Garavaglia, architect, explained that the Town contracted with Ver Plank Historic Preservation Consulting in 2016 to prepare a Historic Resource Evaluation Report (*HRER*) to analyze Three Bear Hut for its historical significance and eligibility for listing in the California Register of Historic Resources. Ver Plank found the structure to be eligible due to its association with the Civilian Conservation Corps (*CCC*) and its rare and intact example of the "*Park Rustic*" style of architecture. In general the posts have centers that appear to be still solid structurally sound wood since there is no obvious signs of settlement or shifting of the roof structure. All posts have soft spots behind the solid shell of the log. The beginning of the deterioration varies in depth from the shell. Each post that has a split in the side had deterioration a short distance behind shell. The two plates have deterioration at tops due to the penetration of rafter attachments being exposed to water from roof assembly damage. The braces are typically deteriorated at two ends where it is in contact with a plate, a collar tie or a post. The damage is likely due to the exposure after failure of the roofing assembly. There are two spacer logs between the eastern pair of posts with the one on the north side showing deterioration at both ends, more substantial on the west end. The spacer log on the south side is missing but left a round deteriorated void in side of easternmost post. The ridge is in two sections with each sitting is a stone pocket on east and west sides of the chimney. It was not obvious whether there was any deterioration of the pocketed end. The collar tie logs are notched over the tops of the plate logs and beveled to fit below the roof sheathing. The rafters are typically notched over the ridge

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and over the plate. All of the rafters, including the rafter four tails at the chimney, have deterioration at the ends that extends back beyond the plate. The ends over the ridge do not appear to have any obvious damage. The fireplace structure appears sound with exception of oxide jacking cracks in mortar and two stones adjacent to firebox opening. He felt it is a simply project that will take some TLC, but it will not be too difficult.

Mayor Pro Tempore Kuhl discussed the historical status of this building and asked if that limits the techniques that can be used. Architect Garavaglia responded that it is a philosophy approach. They take the more cautious approach and use what is structurally sound and the aesthetics are unique.

Council Member Russell asked what has happened in the past due to flooding. Public Works Director Simonitch stated there is no evidence of flooding other than erosion from run off.

Council Member Brekhus clarified with staff the cost estimates. Town Manager Chinn explained that construction costs for both Three Bear Hut and the Natalie Coffin-Greene Park rehabilitation projects are expected to be in the \$300,000-\$400,000 range over FY17-18 and FY18-19. Funding for construction costs will be made up by donations and fundraising efforts. Funding for the HRER, architectural design development, engineering, and other "soft" costs for the project is provided by \$78,000 allocated by the Town under the Town facilities and equipment account.

Mayor Pro Tempore Kuhl clarified with staff that what is desired tonight is input from the Council and public on this concept. Then they can get firm on pricing once they have adopted a concept and start with fundraising. Public Works Director Simonitch responded in the affirmative.

Council Member Brekhus asked staff how would they fundraise, since the Town has never done fundraising before. Town Manager Chinn suggested forming a Town Council subcommittee to help determine the best way to proceed with the fundraising effort.

Mayor Pro Tempore Kuhl asked staff what is the function of the Town subcommittee. Town Manager Chinn believed it would help for the subcommittee to help find a point person or small group of people that could lead the fundraising effort and also help with the logistics around the effort. Also, how best to recognize and memorialize those who contribute to the park. Staff felt a subcommittee would be the best approach.

Mayor Robbins opened the public hearing on this item.

Ford Greene, grandson of Natalie Coffin Greene, stated this is thrilling and exciting. He felt this is a wonderful project. The approach of preserving the soul of the structure is appreciated. He is willing to contribute time and focus in terms of fundraising. In the flood of 1982 and in 2005, the water never reached the park. The hillsides gave away around the parameter of the parking lot, but the hut was fine. Related historical notes, in the early 60s part of his allowance money went to pay for the sign at the park. His aunt was the first woman to be elected to serve on the San Anselmo Town Council. He further added that this is a great project and he is very excited that the Town found a great architect and consultant for this project.

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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.

As part of the public outreach for the long-awaited renovations to Three Bear Hut and Natalie Coffin Greene Park, Town staff and architectural consultants presented a conceptual site plan and 3-dimensional renderings for the proposed improvements to the picnic area at Natalie Coffin Greene Park. The Three Bear Hut is a rare and intact example of a Park Rustic-style public building constructed in Marin County in 1936 under Franklin D Roosevelt's "New Deal" Civilian Conservation Corps. The Hut is indeed a unique and valuable public resource for the citizens of Ross. Phase One of the total project is the rehabilitation of the Three Bear Hut structure itself. Rehabilitation methods for the wood members of the structure will consist of removal and replacement of the deteriorated sections combined with epoxy injection. Phase Two will be the rehabilitation of the Natalie Coffin Greene Park area, including the restoration and installation of the picnic tables, improved pedestrian accessibility, group seating, and interpretive signage. Construction is scheduled to start in the summer of 2018.

The Council agreed to form a subcommittee and appointed Mayor Robbins and Council Member Hoertkorn to serve on the Town Council subcommittee.

16. Town Council review and discussion of existing and future telecommunication facilities located on the Town Hall Property.

Town Manager Joe Chinn summarized the staff report and recommended that the Council direct staff to accept and process applications for a telecommunications facility on the Town Hall parcel and direct the Town Manager to negotiate a lease agreement for the relocation and design of existing telecommunications facilities on the Town Hall parcel.

Planning Manager Heidi Scoble explained there is an opportunity to work with existing vendors to identify a co-located site. Staff will solicit proposals from different vendors to see if they would like to submit proposals to construct a telecommunications facility within the corporation yard within the Town Hall parcel. Staff will solicit proposals and at the September or October Town Council meeting, staff expects to present their findings. Staff will identify criteria for the vendors and identify land use compatibility, so minimize land area and maximize co-location. Any type of proposal submitted would be in compliance with the Federal Communications Commission requirements for electromagnetic field compliance. Also, demonstrate public safety compliance and design so the facility would operate in a safe manner.

Mayor Robbins asked staff if the Town should consult with outside agencies. Planning Manager Scoble indicated that staff has been working with the Town attorney's office and staff reached out to Dr. Kramer, an expert in the profession, who could review the lease to protect the Town from any liabilities, including the possible Senate Bill 649 that is currently under review at the Assembly.

Mayor Pro Tempore Kuhl asked staff if the ultimate form of Bill 649 would make it applicable. Planning Manager Scoble stated that the language of the bill is not clear whether it will apply to this type of facility, and if that is the case. Planning Manager Scoble added that it is an organic bill at this point, but if they get a lease agreed upon that protects the Town, then SB 649 would

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not negatively impact the Town. The goal of Town staff is to get this finalized before the law goes into effect.

Mayor Robbins opened the public hearing on this item.

Peter Nelson, Circle Drive, pointed out that there was serious consideration amongst the Council to sell the corporation yard. Any discussion in regard to installing a tower at that parcel should be seriously considered since that site could be used for multifamily housing. He pointed out that if the corporation yard were sold it would not be as valuable with a communication tower.

Town Manager Chinn added that staff does regularly use the corporation yard for construction project staging, storage, and facilities needs. The goal is to continue using the corporation yard for that purpose, but find a little area to be used by the cellular carrier facilities and monopine. He strongly suggested against ever selling the corporation yard since it is needed for Town operations to serve the residents.

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 the Council directed staff to proceed with the project.

End of Administrative Agenda.

Council Member Hoertkorn recused herself from agenda items 17 and 18 because she lives within 500 ft.

Public Hearings on Planning Projects.

17. 177 Lagunitas Road, Design Review and Nonconformity Permit No. 2017-014, and Town Council consideration of adoption of Resolution No. 2015.

Zach McReynolds, 177 Lagunitas Road, A.P. No. 073-231-02, R-1:B-6 (Single Family Residence, 6,000 sq. ft. min. lot size), Medium (6-10 Units/Acre), Zone X (Outside of 100 year floodplain). The applicant is requesting Design Review and a Nonconformity Permit to allow the demolition and the new construction of a garage in addition to a substantial landscape and hardscape project. The project is also requesting an Encroachment Permit to allow for a new driveway encroachment from Lagunitas Road to provide vehicular access and parking adjacent to the front of the house. Driveway and parking access to the project site is currently from Woodside Way.

Project Summary

Lot Area	11,008 square feet	
Existing Floor Area/Ratio	3,698 sq. ft.	33.5% (20% permitted)
Proposed Floor Area/Ratio	No Change	
Existing Lot Coverage	2,334 sq. ft.	21.2% (20% permitted)
Proposed Lot Coverage	No Change	
Existing Impervious Surfaces	4,043 sq. ft.	27%
Proposed Impervious Surfaces	2,786 sq. ft.	25

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council

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approve Resolution 2015 conditionally approving a Nonconformity Permit and a Tree Removal Permit to allow a modification to the existing roofline of the main residence, the demolition and the new construction of a garage, and the landscape and hardscape improvements within the backyard portion of the project (*rear and side yard*), and the removal of three trees, and denial of the Design Review for the new construction of 6-foot tall gate and the new driveway and parking hardscape improvements fronting the façade of the main residence adjacent to Lagunitas Road and denial of the Encroachment Permit to allow a new encroachment from Lagunitas Road.

Mayor Pro Tempore Kuhl believed the vehicle gate must be 16 ft. wide due to the fire code. Planning Manager Scoble explained that the fire department agreed to grant an exception to 14 ft. wide. Staff suggested with a reduced gate the visual impacts of the project would be the same. Mayor Pro Tempore Kuhl stated if granted, it actually would improve the fire safety of this home since a fire truck could now travel up to the house. Planning Manager Scoble responded in the affirmative.

Council Member Brekhus felt the encroachment permit is an issue and there is a drainage way, which should trigger design review. Planning Manager Scoble stated that the modification to the main residence is not more than 25% of the main residence, so design review would not be required. New buildings, extensions, remodeling and modifications require design review, but there's also a provision about adding more than 200 sq. ft. of new floor area and this project is not proposing any new floor area. In terms of the drainage way, Planning Manager Scoble stated that the zoning regulations are unclear as to whether the frontage of the road would classify as a drainage way since there is no definition of drainage way in the zoning ordinance.

Council Member Russell asked staff about the brick structure in the right-of-way as to whether it should be preserved or not. Planning Manager Scoble stated that the project proposes to remove the brick structure and that the Town has no opinion on whether the brick structure should remain or be removed.

Council Member Brekhus added that Woodside has a tricky parking situation. Planning Manager Scoble believed there is a design alternative so access could come from Woodside Way. Planning Manager Scoble stated that the Town could support an additional encroachment on Woodside Way.

Mayor Robbins assumed when these homes were built, all homes had access to their front door from Lagunitas. Planning Manager Scoble agreed and added that on-street parking was once allowed on Lagunitas and that on-site parking was constructed for the residence and accessed from Woodside Way.

Mayor Robbins opened the public hearing on this item

Zach McReynolds, applicant, pointed out that it is not a 6-foot fence, the gate is 6 ft., but the fence around the parameter is 4 ft. Also, the front of the house and front door is facing Woodside and the legal address of that property is 1 Woodside Way. He appreciated the Council's consideration on his project. The issue is the encroachment permit and he will focus his presentation on the encroachment permit. He understands this is a sensitive area. This was built

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around 1908, and over the years parking was taken away. Since 2005, the three elms have died from natural causes. On weekends and holidays there is no parking for guests. With the narrow driveway that only has two spots, which is not enough when no parking is allowed on the street. They request two more spots for a total of four parking spots. Their address on Lagunitas is different from the driveway, and guests are not able to find his property. UPS and deliveries from Amazon as well as pizza deliveries are very difficult. Access to the front of the house is the real issue. The difference is that the entire front of the house is cut off from both streets. The side street is dangerous to get too. This is a huge collateral impact on everyone when guests park on the street. This will benefit the entire street. Safe access to the front of his house is not an unusual request. Neighbors support this project. They went through Advisory Design Review (ADR) Group twice and received their support along with requests. They have serious issues that need to be solved that will benefit the entire street.

Jane Sedonaen, landscape architect, explained that the main idea is entry off of Lagunitas to allow the house to have a grand entry. Driveway was aligned with the stairs and porch for a sense of arrival. They left enough space in the middle of the two spaces for cars to back out. They propose removing the hedges and plant a fast growing hedge that would be much more water-resistant. They did review alternative designs on Woodside and the aesthetics off Lagunitas is much more preferable. The Woodside driveway would not solve the conflicting address issue for deliveries. Woodside is too close to the intersection. Public works stated that the standards are being met in terms of safety on Lagunitas.

Dan Hughes, civil engineer, discussed the safety factor, challenges and hazards in terms of navigating Woodside. There are several challenges, narrowness of the driveway, difficult to navigate. Removing vehicles off Woodside would be a benefit to all. Parking on Woodside is dangerous and challenging. Exiting Woodside is a concern as well. The view triangle has been designed with safety in mind and vehicles will not have to back out to Lagunitas Road. Woodside has an obstructed view, so any vehicle taken off of Woodside is a benefit to the residents. In terms of the driveway as indicated in the staff report that there is a health and safety concern, but the response from the public works director was that he found it acceptable.

A letter from resident Don Delong was submitted and read into the record for the Council's consideration indicating support for the proposal.

Peter Nelson, Circle Drive resident, stated that there would be no change in terms of access, but removing parking from Woodside is a benefit.

Katie Hoertkorn, Lagunitas resident, stated that she does not support the project. She further stated that she walks the street daily and understands the reason for the applicant's proposal, but would rather keep the access on Woodside. There is so much vegetation on Woodside and if trimmed back it would improve vehicle access. She added that too many children walk on Lagunitas.

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.

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Mayor Pro Tempore Kuhl questioned the reason for the gate and the fence along Woodside driveway since it is only a 4-foot fence, so if the purpose is safety it does not believe it accomplishes safety other than aesthetics. Whatever gate is installed, he recommended that the controls be moved sufficiently far away from the gate. Also, the gate must have safety bumpers along the leading edges, so if it does make contact with a person or vehicle it will reverse. He is basically in support of the project. It is not a tremendous addition to the situation on Lagunitas Road as far as a number of entrances interfering with pedestrians. He believed the California vehicle code in regard to an automobile proceeding from private to public right-of-way must stop. This property deserves to have a better entrance that balances better to the entrance to the house so he noted support. Mr. McReynolds stated the reason for the gate is to keep the dogs from running out onto the street.

Council Member Brekhus felt the garage as designed is appropriate, but felt it needs design review standards. Council Member Russell had no issues with the garage. He concurred with staff's recommendations. Council Member Brekhus stated in terms of using the two spots on either end, she appreciated staff's concern, but drives Woodside a lot and it is narrow.

Council Member Brekhus discussed the landscape plan and believed it should be modified and included as a condition of approval. Mayor Robbins felt screening is important to this residence for privacy. Mayor Pro Tempore Kuhl believed the landscaping should be allowed as proposed by the applicants.

Council Member Russell asked staff what would happen to that wall if this access way is built. Mr. McReynolds stated if people felt it is important to preserve it would be worth spending a little extra money to make it safe. Council Member Brekhus would support any modification that could be done to that feature if staff and applicant deems appropriate.

Mayor Robbins asked for a motion.

Council Member Brekhus moved and Mayor Pro Tempore Kuhl seconded, to approve 177 Lagunitas Road, Design Review and Nonconformity Permit No. 2017-014, and adopt Resolution No. 2015, with staff approval to modify the existing stone stair feature if the applicant and staff deem appropriate. Motion carried 3-1. (Russell opposed) (Hoertkorn recused)

18. 195 Lagunitas Road, Demolition Permit, Design Review, Variance, and Accessory Dwelling Unit No. 2017-024, and Town Council consideration of adoption of Resolution No. 2016.

Sarah Rafanelli and Wyeth Goodenough, 195 Lagunitas Road, A.P. No. 073-222-02, R-1:B-A (Single Family Residence, 1 Acre min. lot size), Very Low Density (.1-1 Units/Acre), Zone X (Outside 1-percent annual chance floodplain). The applicant is requesting Demolition Permit, Design Review, Variance, and Accessory Dwelling Unit approval for the demolition of an existing 2,889 square foot single-family residence and new construction of a 4,619-square foot single-family residence. Other project features would include landscape and hardscape improvements, such as a modified automobile court and re-orientation and new construction of a swimming pool. The project also proposes to covert and existing studio into a new Accessory Dwelling Unit. The project has been revised to incorporate

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recommendations made by the Advisory Design Review Group at the May 23, 2017 meeting.

Existing and proposed conditions:

Lot Area	28,362 square feet	
Existing Floor Area/Ratio	3,419 sq. ft.	12% (15% FAR Permitted)
Proposed Floor Area/Ratio	4,649 sq. ft.	16.39%*
Existing Lot Coverage	2,558 sq. ft.	9% (15% FAR Permitted)
Proposed Lot Coverage	4,155 sq. ft.	14.65%
Existing Impervious Surfaces	10,254 sq. ft.	36.15%
Proposed Impervious Surfaces	7,736 sq. ft.	27.28%%

Contract Planner Brett Bollinger summarized the staff report and recommended that the Council approve Resolution 2016 conditionally approving a Demolition Permit, Design Review, and Variances to allow the demolition of an existing 2,889 square foot residence and new construction of a 4,619-square foot of a residence. Other project features would include landscape and hardscape improvements, such as a modified automobile court and re-orientation and new construction of a swimming pool. The project also proposes to covert and existing studio into a new accessory dwelling unit and a variance to an accessory dwelling unit exception.

Council Member Brekhus expressed concern for the plans reflecting the 30-foot height limit. Planning Manager Heidi Scoble stated at its highest point to project would be at the 30-foot height limit. Staff recommended in order to ensure that the project does not exceed the 30-foot height limit, a condition of approval could be imposed on the project to require an elevation certificate prior to closing up the roof.

Council Member Brekhus believed the existing detached structure is a garage, not a studio. Council Member Brekhus also stated that she wished there was more of a detailed discussion regarding the FAR variance findings. Furthermore, Council Member Brekhus stated that she has some concerns with the Advisory Design Review (ADR) Group process and that it appears that there is a perception that if the ADR Group supports the project, then it should get approved. However, the concern is that the ADR Group does not review variances and it puts the Council and the applicants in an unfair position. Furthermore, Council Member Brekhus stated that the Staff Reports need to better reflect the site and the findings. Council Member Brekhus stated that there are a lot of aspects of the project that she likes, but there are several issues that have not been reviewed properly.

Mayor Robbins is not sure what is so unique about this property compared to others. Contract Planner Bollinger explained that the 395 sq. ft. would be concentrated with the subterranean garage proposed. Planning Manager Scoble explained at staff level they discourage FAR variances, but believed this project site requires additional thinking to possibly allow the deviation to the floor area because of its substandard lot size relative to the zoning district. Additionally, Planning Manager Scoble stated that the project site's topography creates a design constraint and in order to address the constraint, the applicant is proposing a unique, compact design that where the additional floor area's visible mass would not be seen or impact any adjacent property owners.

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Council Member Brekhus estimated that 90% of the properties in Ross do not meet this size of classification zoning.

Chris Skelton, representing applicants, understands the frustration and this presentation will focus on the FAR variance. Going back to ADR comments, they considered raising the roof, but there were height limitations. It was suggested to provide a lighter wood siding, and the wood was lightened and a new finish was provided. They were asked to review and reduce permeable surfaces wherever possible and the revised project resulted in a net decrease of over 2,500 sq. ft. of impervious surface. Recognizing the narrow, long shape of this property, the compatible development you will see most homes all share a common design strategy. Ultimately with neighbor input and staff consultation, they decided to utilize the already impacted and disturbed area of the site. In terms of constraints, there is a mature redwood on the property. This property exists with the most awkward grade possible, which became a real challenge in terms of lot coverage and circulation. This has been a long design process with several iterations. The 395 sq. ft. FAR variance, when he talks about the awkward and uniqueness slope, the current finish floor of the first floor as an elevation data point is 111 and the new proposed is 112. There is a crawlspace beneath. The subterranean space, in theory, if this 800 sq. ft. of storage and garage space were removed, the project would stand on its own merits. ADR was supportive of the overall design, materials and of the site. When they look at impacts for the neighbors and community, this space has zero impacts. Having an independent structure with its own parking and access serves the fundamental purpose of an accessory dwelling unit (*ADU*). The applicants have three small kids and having a garage space with internal circulation is very important to them. The 395 sq. ft. floor area for this garage and subterranean space, there are special circumstances. This is not precedent setting. Every application must stand on the merits of the application. This application does stand on the merits and it is a very noble application and he would be pressed if this project does not qualify, then it should be legislated that no FAR variances should be allowed. The owners are willing to deed restrict this space for parking, so it will never be converted to conditioned space. This space will be dedicated for parking and parking only, if so desired by the Council.

Mayor Robbins 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 discussion and action.

Council Member Brekhus is struggling with this project since it was poorly analyzed. Planning Manager Scoble noted that ADR Group's focus was strictly design, and they had site visits with the applicants.

Mayor Pro Tempore Kuhl stated this is basically a new house over the allowed FAR, but felt it is a good project. The one circumstance is the narrowness of the lot and constraints in design. He is not sure what to do, he liked the project and would like to approve it, but it is different from other projects where someone has an existing house. This is starting from scratch and wondered if they continued this matter that something could be worked out.

Mayor Robbins agreed if there was an alternate plan without the 395 sq. ft. FAR variance, she could approve.

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Council Member Russell pointed out that it is the narrowness of the lot combined with the garage structure and making having a second unit are the reasons he could approve. Council Member Brekhus stated the property does not need to have a second unit. She objected to variances for floor area. They should look at exceptions. She added that this is a challenging project.

Mayor Pro Tempore Kuhl noted that due to the narrowness of the lot, he would support the variance. Council Member Russell concurred. Mayor Robbins expressed concern for the findings to support. Council Member Russell explained the findings to approve as follows: it must be a narrow property; it must have a second unit; and it must be deed restricted with respect to the garage.

Contract Planner Bollinger explained the floor area is more for evaluating bulk and mass. The project is not increasing the bulk and mass of what currently exists. With the very narrow lot, the fact that the subterranean garage is not visible and deed restricted ADU is consistent with the variance findings. Planning Manager Scoble noted that every project is reviewed on its own merits. The Town does not have a consistent pattern in terms of floor area. Planning Manager Scoble further stated that in terms of past practice, staff does not have any consistent pattern of when variances are either approved or denied.

Mayor Pro Tempore Kuhl added that this is a unique lot in the sense it is very narrow as seen on Bolinas and Poplar, but very long lot, which provides for opportunities. They would require a deed restriction that it would only be used as parking, which justifies approving this project without setting precedent.

Mr. Skelton stated that FAR is a metric for bulk and mass. The cross section on the garage adds no visible bulk or mass from anywhere. That is a unique feature that will not be seen on 99% of the lots in and around Town. The building envelope is very small. It is 50% of the minimum lot width. The incredibly awkward grade is another feature. This is a dream property for the applicants and they want to raise their three children and be huge contributors to the community.

Council Member Brekhus stated that she looked at the site conditions and it is one she would like to approve. They can still use their same common sense and judgment, but would like the Council consider a future exception process rather than a variance process. Council Member Brekhus stated an exception provides more discretion for the Council. The resolution should be modified to have better conditions to support.

After Council discussion on this matter, Planning Manager Scoble summarized how the special circumstance findings could be achieved and that she would include additional conditions of approval as staff presented regarding elevation certificate, deed restriction for ADU and deed restriction for the garage. The findings would be based on long, narrow lot; the special circumstance for FAR variance is based on metric relative to mass and bulk; this project would not add any visible mass and bulk; include the 50% lot width; awkward grade; and the creation of a second unit.

Mayor Robbins asked for a motion.

July 13, 2017 Minutes

Mayor Pro Tempore Kuhl moved and Council Member Russell seconded, to approve 195 Lagunitas Road, Demolition Permit, Design Review, Variance, and Accessory Dwelling Unit No. 2017-024, and adopt Resolution No. 2016 with the findings and conditions as outlined by staff. Motion carried 3-1. (Robbins opposed) (Hoertkorn recused)

End of Public Hearings on Planning Projects.

Council Member Hoertkorn resumed her seat at dais.

19. No Action Items:

a. **Council correspondence - None**

b. Future Council items

- Building construction late fees
- Corporation yard hedge

20. Adjournment.

Mayor Robbins moved to adjourn the meeting at 10:00 p.m.



Elizabeth Robbins, Mayor

ATTEST:



Linda Lopez, Town Clerk