

**REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, NOVEMBER 10, 2016**

1. 5:00 p.m. Commencement.

Mayor Katie Hoertkorn; Mayor Pro Tempore Elizabeth Robbins; Council Member Elizabeth Brekhus; Council Member Beach Kuhl; Council Member Rupert Russell; and Attorney Trisha Ortiz (for 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 - October

Mayor Hoertkorn asked for a motion.

Mayor Pro Tempore Robbins moved and Council Member Kuhl seconded, to approve the Special Meeting Minutes of October 10, 2016 as amended. Motion carried 3-0. (Hoertkorn/Brekhus absent from October 10 meeting)

Council Member Brekhus moved and Mayor Pro Tempore Robbins seconded, to approve the Regular Meeting Minutes of October 13, 2016 as submitted. Motion carried unanimously.

7. Demands.

The demands were met.

8. Open Time for Public Expression.

Mimi Lapeyre, Allen Lane resident, noted that the Ross School District has been broadcasting to the Town and neighborhood an intrusive and rude introduction to the soundscape. Ross School district now broadcasts its bell schedule, numerous public announcements, and student achievement recognition announcements. Most often students and staff are inside Ross School when these announcements are being publicly broadcasted across the Ross Common. Two new loud speakers are mounted on the roofline at the south wall adjacent to the black top playground.

November 10, 2016 Minutes

She has complained to the school numerous times, but these amplified sounds continue. She further asked if the students need this excessive and unnecessary noise that is ruining the small town atmosphere.

Barbara Call, Redwood Drive resident, expressed concern for the Ross School's new public address system. The sounds are not in compliance with the Ross noise ordinance. If the school has messages to broadcast to their students and faculty, it should be done internally. She stated that the loud speaker should be used only during an emergency. If broadcasted daily, people become immune to the sound and will no longer pay attention. Her quality of life has been impacted from these sounds and hopes the problem can be addressed.

Randy Orr, Allen Lane resident, stated that he also complained to the School Superintendent about the sound. This is a very dense neighborhood. Ross Common is a public park that should be shared. The announcements are louder at the Post Office and the majority of the time students are inside when such announcements occur. He has contacted the police department about this matter as well.

9. Mayor's Report.

Mayor Hoertkorn reported that Ross is a unique, charming, small town that has attracted devoted residents for generations. As the Mayor rereads the history of our region, and particularly of the Town of Ross which emerged in 1908, the Mayor is reminded how much has stayed the same. By the 1930s, the Town had 1,800 residents, and 86 years later they are at 2,500 residents. Our Post Office was established in 1887, as well as Fire and Police Departments in 1910. Thank you to all of you who supported Measure K. Thanks to its vote of over 75%, these preliminary results indicate they have secured both our Fire and Police protection for the next eight years, a history of 108 years for our Police and Fire of non-stop service! Thank you to Elizabeth Robbins for running the campaign.

The Mayor thanked RPOA for their constant vigilance with the Post Office. Just a reminder to please pick up your mail at the Post Office as often as possible. As they all know, many of the packages they order online are now delivered through the Post Office. If the packages and mail are not picked up regularly, the logistics of sorting the mail become increasingly difficult and slow down our deliveries. Besides frequent pick up, please remember to notify the Post Office when you are on vacation so that they know to hold your mail. Mail that is not picked up can be returned to the sender. Also, as they all know, you cannot use Post Offices Box addresses for packages from some online sites or financial institutions. The easiest remedy is to write your physical address followed by a slash, then a number sign and then the number of your post office box. For example: 1213 Garden Lane/#1050; Alternatively, if a second address line is available, having "P.O. Box 1050" or "#1050" on the line below the address line works as well. For anyone who has experienced delivery issues with their mail, the Post Office personnel, under Roosevelt Sergeant III, are more than willing to help, just ask. RPOA will be sending out more information.

Finally, the Winter Sing Along/Tree Lighting Ceremony, hosted by the Ross Auxiliary, will be Sunday, December 4th beginning at 4:30 pm. The setup will be the same as last year with the added component of a Toy Drive sponsored by Toys for Tots. Please bring a toy! This is a lovely community tradition, and they thank Ross Auxiliary for all their wonderful efforts. The Branson School has also invited the entire Town to their Open House on December 4th.

10. Council Committee & Liaison Reports

Mayor Hoertkorn reported that the Finance Committee would be making recommendations at their December meeting.

11. Staff & Community Reports.

a. Town Manager.

Town Manager Joe Chinn thanked the public for their support of Measure K. Also, due to the rainy season, staff continues to ask the public to clean the creeks and drainageways around their properties and check their culverts.

As reported in September, the Council approved a temporary portable modular building to house the Building, Planning and Public Works Department staff, as an interim solution to the Town's office space challenges. Preparations are currently underway for the arrival of the building, which is scheduled to be delivered November 16th. You will see activity around Town Hall during this time as some of the area is cleared to make room for the new building. A large Bay tree and a few small trees and bushes will be removed, and a new ADA ramp for the building will be constructed. It's important to note that during the inspection of the area, the Town Arborist discovered the Bay tree had large pockets of decay in the tree trunks as well as other signs of the tree dying, and thus recommended it be removed. It was not the intent to remove this tree as part of preparing for the modular building until this discovery.

Landscaping will be installed to provide adequate screening of the building, which will also be painted a darker color to blend in with the landscaping. The Building, Planning and Public Works Departments provide development services to the Town and frequently interact with each other. Currently these departments are spaced far apart from each other in spatially ineffective and inadequate office space, with Council Chambers serving as temporary office space as well. Locating these departments together will improve the efficiency of service delivery to our customers. The new Public Works Director will be housed in the modular building whereas past Public Works Directors have used the Council Chambers for their office. If all goes as planned and the weather cooperates, the new offices should be open starting Monday, December 5th which is when the new Director starts.

b. Marin Art & Garden Center - None

c. Ross Property Owners Association.

Diana Hammer, RPOA representative, reported that staff would be increased at the Post Office to handle the December mail. Their kiosks are in the late stages of construction. RPOA has done extensive clean up and tree work around Town and they are discussing phase 2 of that job. Also, the Holiday decorations will be installed shortly.

d. Branson School

Chris Mazzola, Head of Branson School, stated this is her 27th year in schools and believes Ross is the most delightful place to live. They invited everyone to the open house at Branson following the tree lighting ceremony. She is eager to get involved with the Town of Ross with the various auxiliary and school activities. The goal is to be the best neighbor going forward. Their future is

uncertain at this point, but they care about the greater good of the Town and she looks forward to getting to know everyone.

e. **Ross School - None**

12. Consent Agenda.

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

a. **Town Council acceptance of FY17 Q1 Investment Report.**

b. **Town Council acceptance of FY17 Q1 Financial Summary Report.**

c. **Town Council consideration of adoption of Resolution No. 1972 in support for the National Park System.**

Mayor Hoertkorn 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.

End of Consent Agenda.

13. Public Hearings on Planning Projects – Part I

Public hearings are required for the following planning applications. Staff anticipates that these items may be acted upon quickly with no oral staff report, Council discussion, or public comment. If discussion or public comment is requested for any item, the Council may consider the item later in the agenda. The Council will act on each item separately.

Council Member Brekhus recused herself from Item No. 13a because she lives within 500 feet of the property.

a. **1 El Camino Bueno, Exception to Attics and Basement Permit No. 2016-042, and Town Council consideration of adoption of Resolution No. 1973.** David Bilsker, 1 El Camino Bueno, A.P. No. 072-162-14, R-1:B-A (Single Family Residence, 1 acre min. lot size), Very Low Density (.1-1 unit/Acre). The applicant is requesting an Exception to the Attics and Basement regulations in order to allow the interior remodel and use of an existing attic space located above a garage. The project would convert an unimproved 387 square foot attic space into habitable space. Other site improvements would include the installation of an exterior stair to provide access to the improved habitable space, in addition to the installation of skylights on the north side of the existing roof and new windows.

Existing and proposed conditions:

Lot Area	29,568 square feet
Existing Floor Area/Ratio	4,348 sq. ft. 14.6%
Proposed Floor Area/Ratio	4,735 sq. ft. 15.9%* (15% permitted)

Existing Lot Coverage	4,446 sq. ft.	14.9%
Proposed Lot Coverage	4,416 sq. ft.	14.8% (15% permitted)
Existing Impervious Surfaces	13,241 sq. ft.	44.5%
Proposed Impervious Surfaces	13,211 sq. ft.	44.4%

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 1973 conditionally approving a Basements and Attics exception to allow for the conversion of a second story attic space located above the existing garage.

Mayor Pro Tempore Robbins would approve if the skylights were moved. In the future, the Council should discuss, when talking about attic fill-ins, do they intend to include garages and other structures such as storage structures, which is not addressed in the code.

Council Member Kuhl is satisfied with the project as submitted. He recognized that it would be nice to move those skylights to the other side, but he is not sure they are visible from the neighbors due to the amount of greenery in the area. Council Member Rupert concurred.

Mayor Hoertkorn asked if a garage is eligible for attic and basement exception, further discussion is needed since garages do not have the same setbacks as residential spaces. Planning Manager Scoble responded that in looking at the regulations it is unclear if attics should be applicable to this. There is an opportunity to make modifications to make it clear. In 2013 at Laurel Grove the Council reviewed a similar project and it was approved under an attic and basement exception. Moving forward this is a great opportunity to schedule a future discussion. Mayor Hoertkorn agreed because they do not allow residential development within 10 ft. of the property line due to the noise issues.

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 Russell moved and Council Member Kuhl seconded, to approve 1 El Camino Bueno, exception to Attics and Basement Permit No. 2016-042, and adopt Resolution No. 1973. Motion carried 4-0. (Brekhus recused)

Council Member Brekhus resumed her seat at the dais.

End of Public Hearings on Planning Projects – Part I.

Administrative Agenda

- 14. Town Council consideration of adoption 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 Fire 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.

Mayor Hoertkorn summarized the staff report and recommended that the Council hold a public hearing and adopt 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 Fire 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.

Mayor Hoertkorn opened the public hearing on this item.

Peter Nelson, Circle Drive resident, asked if this has anything to do with the Wildland-Urban Interface (WUI) maps and will there be a separate presentation. Mayor Hoertkorn noted that this does not include the WUI maps.

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 Council Member Russell seconded, to adopt Ordinance No. 675. Motion carried unanimously.

- 15. Town Council consideration of adoption 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.**

Mayor Hoertkorn summarized the staff report and recommended that the Council:

1. Holds a public hearing and second reading of the proposed ordinance 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.
2. Adopts the ordinance 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 Town Council schedules a public hearing, second reading, and adoption of the ordinance at the November 10, 2016 Town Council meeting.

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 adopt Ordinance No. 676. Motion carried unanimously.

- 16. Town Council consideration of authorizing the Town Manager to execute a contract for up to \$25,000 to hire a qualified historical architect to prepare an existing conditions assessment, repair plan, general cost estimate, and biddable construction documents for the rehabilitation of the Three Bear Hut.**

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council authorize the Town Manager to execute a contract for up to \$25,000 to hire a qualified historical architect to prepare an existing conditions assessment, repair plan, general cost estimate, and biddable construction documents for the rehabilitation of the Three Bear Hut.

Council Member Kuhl appreciated the staff report. He learned a lot about the entities and the history and felt the staff report was a very interesting read. The Council concurred.

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 discussion and action.

As stated in the Town's General Plan, the architectural and environmental ambiance that attracted caring residents to Ross since the Town's incorporation have been preserved through a tradition of stewardship that has guided the decisions of the Town Council. Natalie Coffin Greene Park is among the resources that provide cultural, educational and recreational opportunities. The Park, which includes Three Bear Hut, has historically been and continues to be a great place to explore the outdoors as well as relax and picnic. As a result of being in the weather elements for approximately 80 years with little maintenance, Three Bear Hut is deteriorating and in need of repair.

As part of the Town's due diligence in assessing the existing structure, the Town hired Christopher VerPlanck, an architectural historian, to prepare a Historic Resource Evaluation Report (*HRER*), to determine the historical significance of the structure. The *HRER* for Three Bear Hut identified the structure as being historically significant and eligible for listing in the California Register.

Three Bear Hut was known as the Phoenix Lake Picnic Ground, one of three picnic grounds constructed by the Civilian Conservation Corp (*CCC*) during the Depression circa 1935-1936 on Marin Municipal Water District (*MMWD*) lands. The Three Bear Hut is one of the two remaining *CCC* related structures in Marin County and the only "rock-type" shelter in Marin County. The other *CCC* structure is larger, is a different prototype than the Three Bear Hut, and is located at Lake Lagunitas. In 1967, using a bequest from A. Crawford Greene, the Town of Ross purchased the Phoenix Lake Picnic Ground, a 25-acre site, from the *MMWD*. Due to the historical

November 10, 2016 Minutes

significance of the Three Bear Hut, any rehabilitation of the structure that occurs must comply with the Secretary of the Interior Standards Treatment of Historical Properties. As such, the Town is seeking to hire a qualified historical architect to prepare an existing conditions assessment report, repair plan, general cost estimate, and biddable construction documents for the rehabilitation of Three Bear Hut.

Once the structural assessment and cost estimate has been completed, the Town staff will determine a financing strategy for funding the rehabilitation of Three Bear Hut, as well as associated site improvements in Natalie Coffin Greene park, such as improving access to the structure and new picnic tables. A financing strategy will likely include a significant fund raising effort and possibly the pursuit of grant funds. Once the funds are raised, then the Town will utilize the bid documents to hire a contractor who has experience with the rehabilitation of historic structures.

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to authorize the Town Manager to execute a contract for up to \$25,000 to hire a qualified historical architect to prepare an existing conditions assessment, repair plan, general cost estimate, and biddable construction documents for the rehabilitation of the Three Bear Hut. Motion carried unanimously.

17. Town Council consideration of adoption of Resolution No. 1976 to approve Design Guidelines of Sidewalks and Pathways within the Public Right-of-Way.

Nathan Valles, Moe Engineering, summarized the staff report and recommended that the Council approve Resolution No. 1976, approving design guidelines of sidewalks and pathways within the public right-of-way.

Council Member Brekhus discussed the additional recommendation with respect to the size and width of the right-of-way and asked if the right-of-way is not sufficiently sized such to get 5 ft. or 4 ft. then what happens. Mr. Valles is not aware of any areas in Town where at least a minimum of 4 ft. could be installed. If the right-of-way is sufficiently small now where there is no walking area, it may be a challenge to install a pathway. Where pathways go or where a sidewalk goes is not really the function of this document. They have a Bike and Pedestrian Plan, which would indicate more of where pathways should or should not be installed. The document before the Council tonight is mainly to bring together some guidelines as to what the look and feel should be.

Council Member Brekhus is trying to figure out how the Town provides guidance and makes the determination. Mr. Valles added that if a homeowner presented a set of plans for an addition, if it dealt with the frontage, they would ask for a preliminary title report and might ask the homeowners to survey and verify the property line. Fences are not always built exactly on property lines.

Council Member Brekhus asked what is the threshold or what triggers this to occur. Planning Manager Heidi Scoble responded that an encroachment permit is one of the triggers or during the discretionary review process.

Mayor Hoertkorn noted that on Woodside Way crushed granite is used and there's no maintenance, but in the middle of these granite sidewalks is dark asphalt and she received many calls about the glaring asphalt. It seems granite works just fine, but she is opposed to the unattractive appearance of asphalt. Town Manager Joe Chinn pointed out that the sidewalks and pathways must be ADA compliant. Staff is open to whatever areas the Council feels should be concrete vs. asphalt, but the surface must be ADA compliant.

Council Member Russell asked if the alternatives are more or less pervious or impervious surfaces. Mr. Valles responded that generally speaking they are all impervious. There are pervious forms of concrete and asphalt, but not used for a walking path since they can become a trip hazard, so sidewalks and pathways are generally not pervious materials. Planning Manager Scoble stated that there are alternatives to address runoff, so there are treatments where the water can be contained or detained, which can be included in some of these standards. Council Member Russell wanted the criteria to be part of the review as to how they can ensure minimal impact.

Council Member Kuhl noted that above Woodside it is generally a mess and is that because the sidewalks have been built piece-by-piece from property owners. The standard will not fix it until they build the sidewalk. The Town should construct further sidewalks up Lagunitas Road. Town Manager Joe Chinn explained that they need a consistent feel and the Town could look to finish it off. They could look for grants to finish the parts that remain. Currently it is piecemealed at this time, but there is no standard and which is one of the reasons this is before the Council tonight. Council Member Kuhl believed they should discuss Lagunitas and the standard should be concrete.

Mayor Hoertkorn preferred crushed granite, which is permeable. Lagunitas has very old asphalt with major bumps. Woodside is a combination of crushed granite and asphalt, so there are several walking hazards along the path.

Council Member Brekhus agreed with the use of crushed granite along Lagunitas. Another possibility is to look into applying for a grant given that this street is used for recreation. She wanted to preserve the charm along Lagunitas.

Mayor Hoertkorn opened the public hearing on this item.

Peter Nelson, Circle Drive resident, believed crushed granite is interesting, but the cost factor and maintenance along with ADA compliance were the reasons the Advisory Design Review (ADR) Group decided on asphalt.

Woodside resident understands that ADA compliance overrules everything, but in her opinion she would prefer granite in terms of aesthetics.

Planning Manager Scoble must defer to the engineer in terms of ADA compliance, but they must achieve that accessibility standard depending on the services around that road. Mr. Valles noted that if it is a public path or recognized as such the Town must acknowledge that it is being used as a public path. Council Member Brekhus felt this is opening a can of worms. She runs that path

all the time and loves the tree roots, which she jumps over during her run and she is not sure if it is desirable to remove the roots.

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.

Mayor Pro Tempore Robbins is fine with accepting the standards outlined in the staff report for now. Council Member Kuhl agreed that for the moment they should adopt the standards as recommended. Mayor Hoertkorn proposed granite rather than asphalt along Lagunitas. Council Members Russell agreed with the proposed guidelines.

Mayor Hoertkorn asked for a motion.

Council Member Kuhl moved and Mayor Pro Tempore Robbins seconded, to adopt Resolution No. 1976 approving the proposed design guidelines of sidewalks and pathways within the public right-of-way. Motion carried 3-2. (Hoertkorn/Brekhus opposed)

18. This item has been continued.

a. Town Council consideration of adoption of Urgency Ordinance No. 677, an Ordinance of the Town of Ross amending Ross Municipal Code Chapter 18.42 “Residential Second Units” to address development standards for Second Unit/Accessory Dwelling Unit.

b. Town Council consideration of introduction of Ordinance No. 678, an Ordinance of the Town of Ross amending Ross Municipal Code Chapter 18.42 “Residential Second Units” to address development standards for Second Unit/Accessory Dwelling Unit.

End of Administrative Agenda.

Mayor Hoertkorn recused herself from Item No. 19 because she lives within 500 feet of the property.

Public Hearings on Planning Projects – Part II

19. 26 Woodside Way, Design Review and Nonconformity Permit No. 2016-039, and Town Council consideration of adoption of Resolution No. 1974.

Valentin Alexandrov, 26 Woodside Way, A.P. No. 073-251-05, R-1:B-6 (Single Family Residence, 6,000 sq. ft. min. lot size), Medium Density (6-10 Units/Acre). The applicant is requesting Design Review, a Nonconformity Permit, a Hillside Lot Permit, and a Tree Removal Permit to allow for the remodel and addition existing legal nonconforming single-family residence. The residence was originally constructed with a nonconforming rear yard setback. The project would include a 1,756 square foot addition. The addition is comprised of a new two-car garage and an enlarged kitchen/family room, and a new second story loft and reconfigured interior stairway. The project would also include an interior remodel and reconfiguration of the living areas on both floors and the removal of a 14” Maple tree.

Existing and proposed conditions:

Lot Area	26,403 square feet	
Existing Floor Area/Ratio	2,165 sq. ft.	8.1%
Proposed Floor Area/Ratio	4,058 sq. ft.	15.3% (20% permitted)
Existing Lot Coverage	2,348 sq. ft.	8.8%
Proposed Lot Coverage	3,790 sq. ft.	14.3% (20% permitted)
Existing Impervious Surfaces	4,331 sq. ft.	16%
Proposed Impervious Surfaces	5,177 sq. ft.	19.6%

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 1974 approving a Design Review, a Nonconformity Permit, a Hillside Lot Permit, and a Tree removal permit to allow for the remodel and addition to an existing single-family residence at 26 Woodside Way.

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

Patterson, Woodside resident, explained that her house faces north and the proposal being built towards her home. She expressed concern for light impacts from the driveway and garage and asked the Council to give the light impacts serious consideration. After this addition is complete, if trees are trimmed, her home will be exposed. She also expressed concern for noise impacts from the truck traffic.

Valentin Alexandrov, applicant, explained that at the ADR meeting there was a desire to reduce light pollution, which they have done. They reduced the number of windows and they are well below what could be built on this site.

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 Brekhus asked that through the conditions of approval, can staff ensure that the lighting is downward facing and sufficient to light the path of the homeowners, but not so much to impact the neighbor. Planning Manager Scoble responded that there is a condition of approval requiring all lighting associated with the project to be shielded and downward facing. Council Member Brekhus asked staff about requiring additional landscape screening in case the fire department requires trees to be removed. Planning Manager Scoble did not include a condition in regard to additional screening because it is very subjective. Staff did state that the applicant has been working with the Ross Valley Fire Department (RVFD) and RVFD has not required additional trees to be removed as of yet.

Council Member Kuhl did not see how anything being done in terms of constructing the addition would require removal of any trees that would screen the house. Mr. Alexandrov noted that there is no plan to remove additional trees or change the topography. Council Member Russell asked the applicant if he would object to the additional condition in terms of landscape screening. Mr. Alexandrov had no objection since there is no plan to remove additional trees.

Planning Manager Scoble noted the two additional conditions:

November 10, 2016 Minutes

1. After project final if additional screening is necessary providing the property owner at 28 Woodside provide existing photographs showing the pre-condition of screening, and if it demonstrated that the project resulted in loss of that screening, then the Town could require that screening to be replaced.
2. If trees need to be removed as part of the construction of the project, then either the project could come back to Council or discretion could be given to staff to review and approve the tree removal with tree replacement.

The Council agreed with those two additional conditions and giving discretion to staff to be approved at staff level in regard to the tree replacement.

Mayor Pro Tempore Robbins asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to approve 26 Woodside Way, Design Review and Nonconformity Permit No. 2016-039, and adopt Resolution No. 1974 with the additional conditions as outlined by staff. Motion carried 4-0. (Hoertkorn recused)

Mayor Hoertkorn resumed her seat at the dais.

20. 1 Upper Road and 206 Lagunitas Road, Design Review, Hillside Lot Permit, Variance, Lot Line Adjustment Permit, and Tree Removal Permit No. 2016-040, and Town Council consideration of adoption of Resolution No. 1975.

Alan Grujic and Kailey Lewis, 1 Upper Road and 206 Lagunitas Road, A.P. Nos. 073-122-15 and 073-122-16, R-1:BA (Single Family Residence, 1 Acre Min. Lot Size), Very Low Density (.1-1 Units/Acre). The applicant is requesting Design Review, a Hillside Lot Permit, a Variance, a Lot Line Adjustment, and a Tree Removal Permit to allow the reconfiguration of property lines between the contiguous parcels known as 1 Upper Road and 206 Lagunitas Road and the new construction of a swimming pool. The project would result in transferring 13,403 square feet of land from 1 Upper Road (also the location of the existing swimming pool for 1 Upper Road) to the contiguous legal parcel of record known as 206 Lagunitas Road. Accordingly, the applicant is proposing to construct a new swimming pool to be associated with 1 Upper Road. The existing swimming pool would be located within the rear yard setback of 206 Lagunitas Road as a result of the Lot Line Adjustment. The project would also include the demolition of an existing 227 square foot detached accessory structure located at 1 Upper Road. Other improvements include landscaping, the installation of retaining walls, and the removal of nine trees, eight of which requires a Tree Removal Permit.

Existing and proposed conditions:

	1 Upper Road	206 Lagunitas Road
Existing Lot Area	89,325 sq. ft.	42,931 sq. ft.
Proposed Lot Area	75,922 sq. ft.	56,334 sq. ft.
Existing Floor Area/Ratio	11,598 sq. ft. (12.98%)	0 sq. ft. (0%)
Proposed Floor Area/Ratio	11,045 sq. ft. (14.54%)	237 sq. ft. (0.0042%)
Existing Lot Coverage	10,001 sq. ft. (11.19%)	0 sq. ft. (0%)
Proposed Lot Coverage	9,255 sq. ft. (12.19%)	304 sq. ft. (0.0053%)

Existing Impervious Surfaces	14,164 sq. ft. (15.8%)	13,300 sq. ft. (31.3%)
Proposed Impervious Surfaces	13,918 sq. ft. (15.5%)	11,612 sq. ft. (20.6%)

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 1975 conditionally approving Design Review, a Variance, a Hillside Lot Permit, a Lot Line Adjustment, and a Tree Removal Permit to allow the reconfiguration of property lines between the contiguous parcels known as 1 Upper Road and 206 Lagunitas Road and the new construction of a swimming pool at 1 Upper Road (APN 073-122-15) and 206 Lagunitas Road (073-122-16). Other improvements include landscaping, the installation of retaining walls, and the removal of nine trees, eight of which require a Tree Removal Permit.

Planning Manager Scoble noted that since the writing of the staff report the Town received a letter from the property owner at 202 Lagunitas Road identifying her concern that the result of the parcel at 206 Lagunitas Road would potentially lead to a larger home. Staff explained that the future development for 206 Lagunitas Road would require a design review permit and a hillside lot permit and that any future project must be designed to provide adequate screening and not create any adverse impacts to light and air.

Mayor Hoertkorn opened the public hearing on this item.

Peter Nelson, Circle Drive resident, asked if the current plan was 6 ft. measured from dirt to the top of the wall and he is not sure if there will be a series of walls. Planning Manager Scoble responded that the retaining walls as proposed are between 4 ft. and 5 ft. measured from dirt to the top of the wall. There would be no retaining walls that would exceed a 6-foot height limitation

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.

Mayor Pro Tempore Robbins moved and Council Member Kuhl seconded, to approve 1 Upper Road and 206 Lagunitas Road, Design Review, Hillside Lot Permit, Variance, Lot Line Adjustment Permit, and Tree Removal Permit No. 2016-040, and adopt Resolution No. 1975. Motion carried unanimously.

End of Public Hearings on Planning Projects – Part II.

21. No Action Items:

a. Council correspondence

- Barbara Call – Ross School noise

b. Future Council items

- Council meeting change in April 2017 due to spring break
- Garages in setback

22. Adjournment.

Mayor Hoertkorn moved to adjourn the meeting at 8:10 p.m.

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk