

**REGULAR MEETING of the ROSS TOWN COUNCIL**  
**THURSDAY, JUNE 10, 2021**

*Held by Teleconference*

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

Mayor Elizabeth Robbins; Mayor Pro Tempore Beach Kuhl; Julie McMillan; Council Member Elizabeth Brekhush; Council Member William Kircher; and Town Attorney Benjamin Stock

**2. Posting of agenda.**

Town Clerk Lopez reported that the agenda was posted according to government requirements.

**3. Minutes – Special Meeting of April 29, 2021**

**Council Member Brekhush moved and Council Member McMillan seconded, to approve the April 29 Special Meeting Minutes, as amended. Motion carried unanimously (5-0).**

**Minutes – Special Meeting of May 13, 2021**

**Council Member McMillan moved and Mayor Pro Tempore Kuhl seconded, to approve the May 13 Meeting Minutes, as amended. Motion carried unanimously (5-0).**

**5. Demands.**

The demands were met.

**6. Open Time for Public Expression**

There were no public comments.

**7. Mayor's Report.**

The Marin Wildfire Prevention Authority held a community workshop last week to help residents prepare for a wildfire. The risk of fire in Marin is extremely high. Here is a summary of the recommendations:

1. Register for alerts at Alert Marin at <https://www.marinsheriff.org/services/emergency-services/alert-marin>

2. Plan where you'll go: Plan your route and destination. Practice opening your garage door without power or purchase a battery backup opener. Choose someone outside the area to serve as a contact for your family.

3. Plan what you'll take: Set aside long-sleeved shirts and long pants made of cotton or wool; sturdy shoes/boots; leather gloves - needed to move smoldering branches. Pack a "Go Bag;" include food, water, extra clothes, medicines, first aid kit, flashlight, glasses, contact lenses, sanitary supplies, baby wipes, diapers, phone, laptop, chargers, wallet, extra cash, pet crate, pet

food and a battery-powered radio. Bring important documents including passports, birth certificates, insurance policies. Have these ready in one place. Keep a list with the last-minute items to add - wallet, phones, computers, chargers, documents, medicines.

4. On leaving: Close all doors (including garage doors) and windows to prevent embers from blowing in. Leave the door unlocked and garden hoses attached to spigots for firefighters. Move flammable items away from house - patio furniture, jute doormats, BBQs and heaters with propane tanks.

5. Harden your home with fire-resistant roofing, siding and vents. Install dual-pane windows. Replace fences within 5 feet of your dwelling with non-combustible products. Keep roof and gutters clear of debris. Create 5 feet of defensible space immediately around your home: plants should not be adjacent to the house. Cut lower tree limbs. Store firewood away from your house.

6. When Red Flag Warnings are first announced, make sure your car has a full tank of gas, or charge your EV.

For more detailed information, please go to: <https://www.firesafemarin.org/>

#### **8. Council Committee & Liaison Reports**

Council Member McMillan reported on her attendance at the Marin Wildfire Prevention Authority Board meetings and at the end of May they approved their Work Plan for FY 2021/2022. She also reported she and the Board President will review trees at the Indian Valley College of Marin campus which are dying due to drought conditions.

Mayor Robbins reported on her attendance at the Marin Economic Recovery Committee meeting where she learned there will be an interesting discussion in upcoming months on the parklets, or restaurant street spaces, and how long they should remain.

#### **9. Staff & Community Reports**

##### **a. Town Manager**

Joe Chinn, Town Manager, referred to wildfire season preparedness and said the Town encourages residents to sign up for Chipper Days through Fire Safe Marin. He reported that on Friday, June 18<sup>th</sup> at 4:00 p.m. through Saturday at 9 p.m. the Town will hold its next Outdoor Dining event by the Ross Common. The Town is partnering with RPOA and Ross Auxiliary to add live music on Friday and Saturday from 5:00 to 8:30 p.m. Lastly, he reported that "Coffee with the Chief" will be held on August 13<sup>th</sup> at the Crown and Crumpet with Police Chief Pata.

##### **b. Ross Property Owners Association**

Mike Gilfillan, RPOA representative, reported RPOA is halfway through the year and membership numbers are positive due to improved communication efforts and the addition of the Ross Auxiliary Board members that have helped to improve numbers. He then provided an update on projects.

**10. Consent Agenda.**

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

- a. Town Council consideration of adoption of Resolution No. 2202 approving the Ross Valley Paramedic Authority tax levy for fiscal year 2021-22.**
- b. Town Council consideration of approval of the Town of Ross Investment Policy.**
- c. Town Council consideration of adoption of Resolution No. 2203 approving the regular Council meeting dates and annual Special Council meeting dates for 2022.**
- d. Town Council selection of members to Town Council Committees and Town Representatives for FY 2021-22.**
- e. Town Council consideration of adoption of Resolution 2204 appropriating Road Repair and Accountability Act (SB 1) funding to the FY 2021-22 Annual Operating Budget and adopting a list of projects to be funded by SB 1 in FY 2021-22.**
- f. Town Council consideration of adoption of Resolution No. 2205 revising the Ross Personnel Manual.**

Mayor McMillan asked if any Council Members or public members wish to remove an item from the Consent Agenda or had public comments, and there were none.

**Council Member Brekhus moved and Council Member McMillan seconded, to approve the Consent Agenda. Motion carried unanimously (5-0).**

**End of Consent Agenda.**

**Administrative Agenda**

**10. Presentation by Marin Municipal Water District on “Conserving Water During Drought”.** Carrie Pollard, Water Conservation Manager, provided a PowerPoint presentation regarding current water conditions, the water shortage emergency action taken by the Board on April 20<sup>th</sup> for a 40% reduction district-wide, limitations on irrigation and various MMWD programs supporting the drought response.

Council Member Brekhus asked and confirmed with Ms. Pollard that MMWD will be presenting to the League of Women Voters regarding trees stressed from drought conditions. She said maintaining tree limbs is very important for fire safety and encouraged hand-watering to maintain tree health.

Council Member McMillan said she is a master gardener. They emphasize slow deep watering for trees and she suggested obtaining tips from the master gardener website. They also offer free

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water walks where two master gardeners will visit a resident's home, inspect irrigation systems and offer tips to reduce water usage. Those interested can call 415-473-4204 to make an appointment or fill out a form on-line.

She asked for more information about the League of Women Voters presentation and Ms. Pollard agreed to send the flyer to the Town Clerk for distribution.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins and Council Members thanked Ms. Pollard for her presentation.

- 11. Public Hearing: Town Council consideration of adoption of Resolution No. 2206 adopting the Fiscal Year Ending (FYE) 2022 Budget, setting the Parcel Tax Assessment for FYE 2022, and amending the Town's Salary Schedule; and Town Council consideration of adoption of Resolution No. 2207 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2022.**

Joe Chinn, Town Manager, provided an overview of the FYE 2022 Budget as outlined in the staff report. He described the California Department of Finance's release of The Federal American Rescue Plan (ARP) allocations to non-entitlement cities and towns of \$586,331 to Ross 50% of which will be released in coming weeks and then 50% in June 2022. These funds are not included in the Town's budget and the funding needs to be obligated by December 31, 2024 and spent by December 31, 2026.

The US Department of Treasury is continuing to refine and issue guidance of how the federal administration interprets the statutory language in ARP. In coming months, staff will get a clearer picture and can determine how to modify the budget due to ARP funding.

Before the Council is Resolution No. 2206 approving the FYE 2022 Budget and setting the Public Safety Parcel Tax Assessment and amending the Town's Salary Schedule, as well as consideration of Resolution No. 2207 making findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY 2022.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member McMillan asked if there was any appetite to revisit the electric vehicle (EV) charging station which was discussed in April's budget meeting. She believes this is important for the Town and said Ross is one of the few jurisdictions that does not have an EV charging station.

Council Member Kircher said the Council had talked about putting in conduit and thinks it will be something increasingly important in the future. MCE is always talking about vehicle electrification efforts, and he voiced his support.

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Mayor Robbins said the Council had talked about whether putting in an EV charging station increases electrification or decreases parking which was why she had not been in favor of it.

Mayor Pro Tempore Kuhl said he would assume the ARP money will allow the Town to use it for something like this and would suggest not making any adjustment to the budget now and wait until the Council has information about use of the ARP monies. He would be in favor at that time to adjust the budget to include in some form some EV charging stations.

Council Member Brekhus said she thought they ended up agreeing that they would have a couple of spaces dedicated as long as the spaces were optional for use by any type of vehicle.

Mayor Robbins said the Council agreed to put in the conduit and not take over parking spaces yet. Mr. Chinn confirmed and said the budget includes \$4,000 to run a conduit and nothing else.

Council Member Brekhus again said she thought that some of the spaces could be optional. She is unsure what the ARP money could be used for and would support doing it now or then.

Council Member McMillan pointed out there are fairly robust grants available from TAM and from MCE. She spoke to someone at TAM who said the cost of installing the stations has reduced over the last 5 years and he thought the Town would end up paying almost nothing. Therefore, she was not sure the Town should wait for the ARP funds.

She suggested Rich Simonitch explore the grants and ensure these could be secured as well as Council Member Kircher's idea to have parking available in the spaces even if EV charging was not occurring or maybe during certain hours, and then the item could return later.

Mayor Robbins cited this as reasonable; to adopt the budget now which puts in the conduit and then continue discussions for grant funds or other funds to build the charging stations.

Council Member discussion ensued regarding whether having the EV charging stations available during certain hours is a viable option or not, previous initial discussion about locating the charging station closer to Town Hall and then agreement near the Post Office parking area, setting time limits depending upon the time of day when parking is most busy and least busy and the need to research this by the Town Attorney, potential legal restrictions in allowing both EV and regular parking hours, quick charging versus charging that takes several hours and their costs, setup of the Town working with a third party vendor to recover electricity costs, reserved and current grant funds available from TAM and MCE in the amount of \$13,000 towards the cost for a single charge station with two heads at a cost of \$17,000, the need to research the state statute by the Town Attorney.

Mr. Chinn said if the budget were adjusted tonight by the Council he would suggest adding in the \$17,000 expense and then revenue from TAM and MCE of \$13,000. So it would be a net increase of \$4,000. Staff could alternatively bring back the item.

Mr. Simonitch then provided an explanation of the Post Office parking lot paving project, his work to design for the conduit and choice to select a couple of stalls in between Frederick Allen Park and the Post Office Building along the pathway to run the conduit.

Council Member Brekhus said she could see adding more EV charging stations over time given 2030 is the deadline for EV's. She voiced support to adopt the budget as is and said she is also open to adding more stations after the Council determines the legal components of setting time limits as well as any TAM or MCE grant restrictions. With four spaces, she thought people would realize the spaces were optional.

Council Member Kircher said he would like more information on grant restrictions, whether they were obligated to keep the stations there for 5 years and whether they can implement a plan where it is open certain hours and restricted to EV's at other hours. Assuming there is a third party involved that does the billing or intermediary for this, he would like information about this.

Mr. Simonitch noted that the EV station they currently have in the Town Hall parking lot runs off of the current PG&E meter that is powering the Police station. Employees who are interested in having their cars charged are given a swipe card. They pull up, swipe the card which activates the machine, and they charge their vehicles.

Mayor Robbins said the Council discussed it would not be free to charge at the downtown station.

Mr. Simonitch confirmed and said this is slightly different in that they would set up a third-party credit card vendor similar to Trakit software and it would be done through the Cloud. It is simple to set up through ChargePoint who provide these machines. The Town can negotiate a contract with vendors and the service can be on-going until canceled by either party.

Council Member Brekhus questioned the Town getting reimbursed for the electricity and asked if staff could look into whether it is advisable to consider Tesla versus another company for the charging stations' operations. Council Member McMillan noted some people have accounts with Tesla and do not even have to swipe a credit card because they have charging built into their contracts.

Mayor Robbins said given the interest in pursuing this has changed opinions, she summarized that the Council would like to know a little bit more about the contract and what they are obligated to. She suggested the Council adopt the budget and put in the conduit for the one station with two charging heads tonight and then in the future ask staff to bring back more details on the contract, limitations, restrictions, and at that time approve the installation. They may risk getting grant money but she understands this comes up annually, and they will solve some questions.

Council Member McMillan voiced her support and she thanked the Council for indulging her in this discussion.

Mayor Robbins asked for a motion.

**Mayor Pro Tempore Kuhl moved and Council Member McMillan seconded, to adopt Resolution No. 2206 adopting the Fiscal Year Ending (FYE) 2022 Budget, setting the Parcel Tax Assessment for FYE 2022, and amending the Town's Salary Schedule; and Town Council consideration of adoption of Resolution No. 2207 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2022. Motion carried unanimously (5-0).**

**12. Town Council discussion/direction on future return to in-person Council meetings and protocols as a result of COVID-19, and discussion on videoconferencing for public at-home participation.**

Mayor Robbins said previously the Town was told it had to have video capability and the Council discussed specifics relating to this. It turns out that it is not a requirement unless the City's population is 250,000 or more. The question is whether the Council still wants to move forward with having Council meetings video-taped and have members of the public join in remotely. Or, she asked if the Council would like to return to in-person meetings exclusively.

Mr. Chinn said on April 29<sup>th</sup>, the Council held discussion and AB 339 was going to pass which would have required having video capability and allowing the public to join via internet or telephone. The current bill only mandates cities and counties over 250,000 in population which excludes Ross. Staff has talked and seen what other Marin jurisdictions are doing and those cities that have responded indicate that they are going to provide a remote option for the public once they return to in-person meetings.

Mayor Robbins asked if the Council needed to make a decision tonight.

Mr. Chinn said staff would need to start ordering equipment and it is a matter of how long it would take to get the technology installed to be able to do it. If the Council is interested staff should start working on getting the improvements in place.

Council Member discussion ensued regarding whether only vaccinated individuals should be allowed inside the Chambers along with social distancing, potential risks associated with getting COVID, whether individuals can participate via phone or Zoom, agreement by the Council in April for having multiple cameras and an operator, whether there is an audio-only option for those not wanting to participate in-person, the desire for public participation and requiring vaccinated individuals at in-person meetings, support by a majority of Council Members for the video camera system and non-support from Mayor Pro Tempore Kuhl due to the fact that proper protocols can be put in place and cost justification of the system, participation by Council Members remotely on Zoom, the desire for meetings to be videoed but not to be televised, not wanting Ross to be the only agency without a camera system, OSHA's review on June 17<sup>th</sup>, the current requirement for everyone to wear masks inside the building including Council Members, the Governor's Executive Order sunsetting noticing requirements for teleconferencing, and the cost of the system which is \$5,000 and in the budget.

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Mr. Chinn summarized that the majority of Council Members are supportive of Community Media Center of Marin installing multiple cameras at a cost of \$5,000 a year for an operator, noting non-support by Mayor Pro Tempore Kuhl.

Mayor Robbins opened the public comment period, and there were no speakers.

Mr. Chinn agreed to order the cameras and said the next part is that people could see the Council and could zoom in and talk but the Council will not see their image unless separate screens are installed in the Chamber to show them on. It seems half the time people commenting are not on the screen anyway. The goal is they can be heard; however, if the Council wants to be able to see them, screens will need to be installed on the walls in the Chambers, which is the next level technology.

Mayor Robbins said most people keep their video off when they speak and she would simply allow them to comment.

Council Member Brekhus said if it will be important for Council Members to also participate via Zoom then they may want that.

Mayor Robbins asked if this would be an additional cost or would it be provided for free from Community Media Center of Marin. Mr. Chinn said he is not sure if the Media Center would cover the cost or not but can find out. If screens are added, there will be additional technology to add in the Chambers and they will need to fit two large screens likely between the windows which will potentially reduce some of the charm of the building.

Mayor Robbins suggested sticking with the multiple cameras and an operator as discussed and not add in screens. If they need it for some reason they can discuss it and move forward.

Council Members McMillan and Brekhus agreed and also confirmed PowerPoint presentations should be able to be viewed, and the Town Clerk agreed to follow up to see if this would work with Zoom.

Mayor Pro Tempore Kuhl said he does not support having screens at all.

Mayor Robbins opened the public comment period for those wishing to speak about returning to in-person meetings, and there were no speakers.

Mayor Robbins summarized that the Town Council does not wish to have screens, that it supports having multiple cameras and paying for an operator, agreed to wait one month when there is more clarity from the CDC and the State to hold in-person meetings.

### **13. Annual evaluation report on progress towards implementation of the adopted 2018 Multi-Jurisdictional Local Hazard Mitigation Plan.**



Rich Simonitch, Public Works Director, stated in January 2019 the Council adopted the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan which evaluates hazard risk mitigation for 5 primary risk categories of earthquake, flooding, wildfire, landslide and the Phoenix Lake Dam Inundation. The Plan describes the process for assessing hazards, risk and vulnerabilities and identifying and prioritizing mitigation actions for those 5 hazards and provide information to be provided to the public in the form of the plan.

It is important to engage the public to review the plan annually to see how they are doing in their implementation of addressing the hazards in town. Also FEMA has indicated that jurisdictions without this plan will be ineligible for future pre-imposed disaster mitigation funds. The CRS (Community Rating Service) program the Town has through FEMA is an incentive to develop responses and plans to mitigate mainly flooding but also other hazards. It falls under the Flood Plain Management Planning Activity and he described how CRS is structured through a point system. Improving the Town's CRS will provide additional discounts on flood insurance premiums for homeowners.

Noteworthy status updates include regional goals that encompass all Marin County communities, the mitigation measures particular to Ross in the appendix N, and he described various projects and work done to mitigate risk issues, all of which relate to FEMA points and progress for Ross. The plan has a lot of information and he encouraged review of the plan and annual report and to also come up with ideas for next types of mitigation they should vet for the plan which is up for re-adoption in 2024.

Council Member McMillan wondered if sea level rise should be something to consider, and Mr. Simonitch said this is included in the regional mitigation measures and could be considered in Ross and he will look into this.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins and Council Members thanked Mr. Simonitch for his update.

**14. Town Manager update and Council discussion on Town activities in response to COVID.**

Mr. Chinn reported a lot is going on with this topic and in summarizing Dr. Willis's comments, Marin County has a 73% vaccination rate for 12-17 year old children. The next highest county in the State is San Francisco at 54%. Also, as of two or three weeks ago Marin had the highest vaccination rate of any county in the country. The death rate in Marin per thousand people is about half the rate of the State where the State is slightly lower than the country's rate.

Dr. Willis also had a chart listing every area of the County and vaccination rates. They broke down areas and theirs is Ross/Kentfield/Larkspur which had the highest vaccination rate of any place in Marin County at about 93%.

On June 15<sup>th</sup> there will be no more tier systems, all sectors and businesses can fully open, there are no capacity limits outside of mega events, there is no mask requirement for anybody under the CDC guidelines and State public health for outdoors whether vaccinated or unvaccinated.

Cal OSHA rescinded its prior order and is not meeting until June 17<sup>th</sup>. They are determining what can happen indoors and with businesses. Nothing changes with the Ross Town facilities as far as masks and other COVID rules until Cal OSHA adopts any new rules on June 17<sup>th</sup> plus any days until the new rules become effective.

Mayor Robbins opened the public comment period, and there were no speakers.

**15. \*\* THIS ITEM HAS BEEN WITHDRAWN \*\***

**Town Council consideration of introduction of Ordinance No. 709, an Ordinance of the Town of Ross amending Ross Municipal Code Chapter 18.16 "Single Family Residence (R-1) District", Chapter 18.24 "Civic (C-D) District", and Chapter 18.40 "General Regulations" for the purposes of updating sign regulations.**

**End of Administrative Agenda.**

**Public Hearings on Planning Projects**

**16. 187 Prospect Avenue, Design Review and Variance, and Town Council consideration of adoption of Resolution No. 2208.**

Ashley and Andy Stewart, 187 Prospect Avenue, A.P. No. 072-071-30, Zoning: R-1: B-10, General Plan: ML (Medium Low Density), Flood Zone: X (Minimal risk area).

**Project Summary:** The applicant is requesting approval of Design Review and Variance to redevelop the landscape of the existing single-family residence, including: new combination pool/spa, associated patio, shade structure, walls, and mechanical equipment enclosure; new front yard fence; and new landscape plantings for screening and aesthetics. Variance is requested to construct a new patio and arbor structure within the minimum required rear (east) yard setback.

Matthew Weintraub, Planner, gave the staff report and overview of the request for approval of design review and a variance to redevelop the landscape of the existing single-family residence, including a new combination pool/spa, associated patio, shade structure, walls, and mechanical equipment enclosure; new front yard fence; and new landscape plantings for screening and aesthetics. The variance is requested to construct a new patio and arbor structure within the minimum required rear (east) yard setback.

The ADR Group recommended approval on May 18<sup>th</sup> with minor revisions for green screening added in front of the walls, setting back the front yard fence and obscuring it with plantings, and improving screening at the equipment enclosure. The applicant has implemented the ADR Group's recommendations.

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Public comments in support of the project were received from adjacent property owners. Key issues to consider are the variance request which is minor to locate the patio and shade structure in the rear yard area. Staff supports this and findings can be made based on the superior design. Regarding privacy and screening, the project is supported by adjacent neighbors and ADR Group recommendations have been implemented. Lastly regarding hydrology, the bio-detention area was designed at 200% capacity needed to accommodate for increased impervious surface and stormwater run-off would not increase as a result of the project.

Other issues for the applicant to consider are drought restrictions in effect by MMWD which require pools be covered when not in use. Staff recommends adoption of Resolution No. 2208 approving design review and variance for the landscape rehabilitation at 187 Prospect Avenue.

Council Member Brekhus asked if the variance is for the structure in the setback and she asked for the dimensions of the shade structure.

Mr. Weintraub explained that it would be approximately 11 ¼" tall at the top. He deferred to the applicant for the width and depth.

Scott Tseckares, Project designer, said the trellis itself is fairly small at 9 feet deep by 13'5" long.

Council Member Brekhus referred to Sheet A-1.0 and asked if there is a shade structure, then a break and then a shade structure and asked if this was the length for the entire structure.

Mr. Tseckares said actually it is 17'4" by 9' which are the plan dimensions of the outside of the trellis structure.

Council Member Brekhus said the lot is big and she did not see any issue with the pool, but under the Town's definitions, it falls within the definition of a building and a structure, as well as definition of floor area ratio and she questioned whether or not it was counted. This is the only item in the setback but she was unsure if it was analyzed by floor area and lot coverage which she thinks it should be.

Mr. Weintraub said staff sees it as a structure being proposed in the setback. It does not qualify as floor area because it does not have a closed roof. It is a trellis design with open framework so it is not a habitable building or an enclosed living space. Floor area does include covered porches that are greater than 10' in depth whether or not they are enclosed. But this is not a covered porch and clearly a detached landscape structure that avoids the definition of a building. Therefore, it would not represent floor area or count towards the FAR or building coverage on the lot. It does count toward impervious surface coverage.

Mayor Robbins asked if it has power or plumbing and if it did would it change the way the structure is viewed.

Mr. Weintraub said if it had plumbing that would raise some questions as to how it would be used. It currently has no utilities proposed. There is no lighting or illumination and it is essentially just a trellis.

Council Member Brekhus pointed out that the definition of floor area ratio is that the floor area of the building or buildings on a lot divided by the area of that lot. In looking at the definition of building, it does seem to include this and states, "Any structure having a roof supported by columns and/or walls and intended for the use of any persons..." The Council had discussed this in the past relating to a slotted roof or whether it can close. She asked if this roof closes.

Mr. Tseckares said this has no roof whatsoever. There is no closing roof or any structure like that. It is simply a structure to grow vines on for landscaping.

Council Member Brekhus confirmed this has no louvers that can close.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins asked for discussion or a motion.

**Council Member McMillan moved and Council Member Kircher seconded, to approve 187 Prospect Avenue and adopt Resolution No. 2208. Motion carried unanimously (5-0).**

**17. 7 Upper Ames Avenue, Design Review, Accessory Dwelling Unit (ADU) and Nonconformity Permit, and Town Council consideration of adoption of Resolution No. 2209.**

Michael and Emily Millman, 7 Upper Ames Avenue, A.P. No. 073-201-01, Zoning: R-1: B-A, General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

**Project Summary:** The applicant is requesting approval of Design Review, Accessory Dwelling Unit (ADU) Permit, and Nonconformity Permit to convert an existing two-car garage to a new ADU; construct a new two-story addition to the existing single-family residence including a new two-car garage and guest suite; renovate the front façade including alter and raise the roofline; and rehabilitate the existing landscape. ADU Permit Exception is requested to transfer the amount of existing floor area that is converted to an ADU as a floor area allowance for a new addition. Nonconformity Permit is requested to allow for the relocation and reconstruction of existing nonconforming floor area including from existing porches with depths greater than 10' to a new addition.

Matthew Weintraub, Planner, gave the staff report and overview of the request for approval of Design Review, Accessory Dwelling Unit (ADU) Permit, and Nonconformity Permit to convert an existing two-car garage to a new ADU; construct a new two-story addition to the existing single-family residence including a new two-car garage and guest suite; renovate the front façade including alter and raise the roofline; and rehabilitate the existing landscape.

An ADU Permit Exception is requested to transfer the amount of existing floor area that is converted to an ADU as a floor area allowance for a new addition and a Nonconformity Permit is requested to allow for the relocation and reconstruction of existing nonconforming floor area including from existing porches with depths greater than 10' to a new addition.

The ADR Group reviewed the project and recommended approval as proposed on May 18, 2021 without revisions. Public comments have been received from the owner of 3 Upper Ames, adjacent to the property, who indicates they did not receive the ADR Group notice. Staff checked the noticing and found 3 Upper Ames was included with a post office box of record for the owner. The owners have raised concerns about the chimney feature being proposed for the roof which would be on their side of the property and also concerns about raising the second story and roof profile. Staff notes that the roof changes adjacent to 3 Upper Ames are minimal and are actually more on the other side of the property. The owners also raised concerns about window changes on that side of the building which staff believes are fairly minor.

Additional public comments were received from the owner of 14 Upper Ames and 2 Ames Avenue. One requested more on-street parking which is not the responsibility of the applicant or project to provide. The owner of 2 Ames supports the project but requested compliance with construction work rules and requested off-street parking be utilized for construction vehicles. The project will be implemented via the construction management plan through the building permit stage.

Key issues to consider include bulk and mass. The ADR Group does support the new roof profile and the architectural elevations. The floor area results in no increase to non-conforming floor area through the project and this includes the work approved under the previously issued minor non-conformity permit. With respect to off-street parking, the project provides the minimum required off-street spaces including two covered spaces. It actually replaces the garage space that is converted to an ADU which is not required. With respect to hydrology, the project does reduce the total amount of impervious surfaces on the property which would result in no increase to stormwater runoff rates.

Other issues were raised by the adjacent owner at 3 Upper Ames. In terms of views, the Design Review Code states that views of the hills and ridgelines from public streets and parks should be preserved where possible through these measures. It does not protect views from private property. The current project is conforming to setbacks as well as to the height limit and that would appear to provide appropriate protection for the neighbor in terms of views.

In terms of privacy, the new east side facing windows at the front of the house are located at the first story and are offset from the adjacent residence. Again, staff believes that is a fairly minor issue. Other issues the owner should consider are the MMWD drought restrictions requiring a pool cover for all pools.

Staff recommends the Council adopt Resolution No. 2209 approving design review and ADU permit, a non-conformity permit for the residential renovation and landscape rehabilitation at 7 Upper Ames Avenue. He is available for questions as well as the project designer.

Council Member McMillan said she noticed a large area of artificial turf in the middle by the pool and she asked if that is counted as impervious surface.

Mr. Weintraub said he did not know off-hand, said it might be a question for the applicant, but he is looking at the calculations right now.

Mayor Robbins opened the public comment period, and there were no speakers.

Steve Geiszler, architect, provided an overview of what is a well-vegetated parcel with privacy from adjoining neighbors which was one goal in redesigning the structure. They wanted to bring the project up to the new Ross design guidelines which clearly state the garage should not be the major feature of a house; that a front porch and/or an entry sequence should address the street. He then described the work done in removing the driveway and garage doors from the façade to an auto court which is also well vegetated and hides the garage courtyard area. They created a new central front porch and they found this is where the original front porch from the 1950's house was located. They also removed the porch and long walkway that was adjacent to 3 Upper Ames and transferred it to the new garage area and second story which accommodates family and guests of the owners who stay for extended periods. This eliminates pedestrian traffic from the edge of the property and moves it to the central portion of the property for increased privacy to 3 Upper Ames.

Mr. Geiszler then presented a series of photographs showing views from adjoining properties that look at their project. They have added only one window on the side of 3 Upper Ames which is well forward to their house, aligns with their driveway space and is completely hidden on the first floor by existing vegetation. The driveway is located on the west side adjacent to 11 Ames. The owner is providing three new trees on their property to fill in a gap and further screen the new garage and second story guest accommodation from 11 Ames. Lastly, he described the color and materials and use of front gables to bring light to the middle of the house.

Council Member McMillan asked if the artificial turf is counted as impervious surface or not.

Dustin Moore, landscape architect, said they did count the artificial turf in the impermeable counts.

Council Member McMillan said she really does not like artificial turf but cited the drought so she thanked him for counting it as impermeable.

Council Member Brekhus questioned why the chimney structure was so large.

Mr. Geiszler said they wanted to leave the majority of the long ridgeline alone and used the chimney on the back side of that gable. They are also doing a mechanical system in the house that pressurizes the house and acts as a filtration system during wildfire to assist occupants inside who have fairly major allergies and other breathing issues. It is only 11 inches higher than the gable in front of it.

Council Member Brekhus asked if they heard from the neighbor at 3 Upper Ames before they emailed this past week. Mr. Geiszler said no. He spoke of the photos he took from the roof and believes they might have thought they were adding onto the house over the existing long ridgeline that runs north/south close to their property but they are leaving that alone so as not to disturb their views or privacy.

Council Member Brekhus questioned the boulders and asked what is the right-of-way and private property. Mr. Geiszler explained there is a site plan and the boulders are right at the edge of the private property and on the private property. During the ADR meetings, it was clear that they want to keep the area well vegetated to screen the garage from the rest of the street and those up and down the street. He also noted that not only are they putting in the two garage spaces but they have an auto court that will accommodate at least another 4 cars and the entrance to the auto court could accommodate another 1 to 2 cars.

Mayor Robbins asked and confirmed that the boulders are on private property.

Mayor Pro Tempore Kuhl asked if Upper Ames is a private street, and Rich Simonitch, Public Works Director, clarified that it is a privately maintained street.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins asked for a motion.

**Council Member Brekhus moved and Council Member McMillan seconded, to approve 7 Upper Ames and adopt Resolution No. 2208. Motion carried unanimously (5-0).**

#### **End of Public Hearings on Planning Projects**

**18. No Action Items:**

- a. **Council correspondence:** Mayor Robbins stated the Council received a letter about whether the Town allows 6 foot fences in front yards. Mr. Chinn stated that the Mayor should speak to planning staff about the letter.

- b. **Future Council items:** None

**19. Adjournment.**

Mayor Robbins adjourned the meeting at 8:45 p.m.



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Elizabeth Robbins, Mayor

**June 10, 2021 Minutes**

**ATTEST:**

  
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Linda Lopez, Town Clerk