

SPECIAL MEETING of the ROSS TOWN COUNCIL
THURSDAY, MAY 31, 2023

Held In-Person and Teleconference via Zoom

1. 6:00 p.m. Commencement.

Mayor Beach Kuhl; Mayor Pro Tem Elizabeth Brekhus; Council Member Bill Kircher, Jr.; Council Member Julie McMillan, Elizabeth Robbins; Town Attorney Benjamin Stock.

2. Posting of agenda.

Town Manager Johnson reported that the agenda was posted according to government requirements.

3. Open Time for Public Expression.

There were no public speakers.

4. Certification of Final Environmental Impact Report, and amendments to the Town of Ross General Plan to adopt a new Housing Element.

Town Manager Johnson introduced the item, thanked the Council for holding a special meeting, and said Planning and Building Director Rebecca Markwick and Andrew Hill, the Town's consultant with Dyett & Bhatia will be giving a presentation.

Andrew Hill, Dyett & Bhatia, stated the Ross Housing Element outlines a plan that would allow for development of up to 135 new housing units incrementally over the next 8 years to help the Town comply with its RHNA obligations. He said there would be development of ADUs, multi-family units at the Branson School and Civic Center, said it was determined that buildout of the inventory could result in one or more significant environmental impacts, and the decision was made to prepare an EIR. Tonight, the Council is being asked to consider certification of the EIR.

Mr. Hill gave a PowerPoint presentation and covered the objectives of an EIR, some of the legal requirements, the environmental review process, an overview of the findings of the Draft EIR, a summary of public comments received, and reviewed the contents of the Final EIR.

After the implementation of all feasible mitigation, the EIR found impacts related to GHG emissions and transportation would remain significant and unavoidable. The Town can approve the project with a Statement of Overriding Considerations that finds the benefits of the projects outweigh the adverse consequences.

The first significant impact relates to Vehicle Miles Traveled (VMT). Buildout of the sites inventory would involve smaller scale housing which has a lower trip generation rate and a lot of the new housing would be on the valley floor centrally located. As a result, the per capita VMT would be reduced over current conditions by about 12%. However, the threshold of significance is a 15% reduction over existing conditions, just short of that threshold. The EIR introduced mitigation to address that impact which involves the provision of 2 bicycles at the Civic Center for use of future residents and Town employees for short trips in and around Ross to reduce VMT. However, with implementation of the mitigation measure they are still not likely to get to that 15% reduction threshold so the impact remains significant and unavoidable.

The second significant and unavoidable impact is also linked to VMT. In this case, because the project would not result in the 15% reduction in VMT it also means that there would be an impact related to Greenhouse Gas (GHG) Emissions. Because there is no mitigation available to reduce the VMT impact further. There is also no mitigation available to reduce GHG emissions from mobile sources, so that impact is linked and it would remain significant and unavoidable.

Mr. Hill then described the availability of the Draft EIR for public comment from March to May 2023 for a 45-day period. One comment letter was received which highlighted the potential impacts of housing development on the Berg site, emphasizing the need for site specific environmental review if housing is proposed on that site. Responses to that comment letter are included in the Final EIR which has 4 main components: 1) an introductory chapter; 2) the letter received and responses to that letter; 3) an errata sheet with some minor corrections and clarifications made to the Draft EIR; and 4) the Draft EIR is incorporated by reference into the Final EIR. A Mitigation, Monitoring, and Reporting program has also been prepared to ensure mitigation measures are implemented.

Council Member Robbins referred to mitigation for the VMT to provide 2 bicycles, and she asked and confirmed this would be provided by the developer and not the Town.

Council Member McMillan asked if this is in perpetuity, and Mr. Hill said yes; however, if the Town prepares or updates a Climate Action Plan and through that identifies other ways to reduce VMT below the 15% threshold, it might not be needed. He also confirmed it would be a total of 2 bikes and not 2 bikes per unit.

Council Member McMillan referred to Attachment 1 on page 1 in the introduction, number 2 which lists Exhibit B as the Mitigation, Monitoring, and Reporting Program, but she thinks this should be Exhibit C and the same is on page 5. She referred to page 24 under number 32, under alternatives it lists 12 units at the Civic Center and uses the word "historic". It states "The historic Town Hall and Fire House would be preserved on site."

Mr. Hill said as part of the EIR process, they put in a records request to the Northwest Information Center which is part of the California Historical Records Project, and they informed him that at some point, a survey was done. It was determined that both the Town Hall and the Public Safety Building had been determined to be historic, so they were citing that information. They do not have a copy of the report and could request this from them.

Council Member McMillan said she would like to know what it means if it is historic and how the Town is limited in terms of development, but she said she can save this question for another time.

Mayor Pro Tem Brekhus said she would also like a copy of the record regarding the buildings' determination of being historic.

Mayor Kuhl confirmed there were no other questions of Council Members and he asked Mr. Hill to continue his presentation on amendments to the General Plan.

Mr. Hill stated over the last 14 months the Town has worked through a multi-phase process to work with extensive community input, develop a draft of the Housing Element, release it for public review, send it to HCD for their 90-day review which ended mid-March, and staff and consultants have been working to address comments. A red-lined version was prepared showing changes to the Draft Housing Element as well as a matrix that goes comment by comment, and explains how HCD's comments have been addressed in revisions.

On May 11th a study session was held with the Town Council to review changes and answer questions, and that brings them to today where the revised Draft Housing Element is before the Council for consideration of adoption.

As part of his presentation, Mr. Hill introduced the 6th cycle Ross Housing Element and said the Council is asked to adopt that Housing Element and authorize the Town Manager to send the Housing Element to HCD for further review and certification.

He provided a summary of the modifications made to the draft Housing Element:

- Based on Council direction at the May 11, 2023 meeting, the Post Office site has been removed from the inventory. He presented a revised map and the inventory was revised accordingly.
- The number of units on the Berg site has been reduced to 4 units because in the draft, it was 4 units and 2 SB 9 units, and HCD commented that this was double-counting. Overall, the inventory maintains the capacity to meet the RHNA obligations at all income levels with a buffer.
- The Housing Action Plan contains revisions to programs to add more specificity about milestones and timing, which were discussed at the May 11th meeting; however, Program 3B which was formerly about the Post Office site has been removed.
- The revisions to Program 3A, adding more specificity and steps about housing at the Civic Center, 3K and more specificity in steps about housing at Branson, a couple of new programs regarding fair housing in an omnibus cleanup of the Town code to ensure compliance with new State law.
- They have included more information about the viability of ADU construction, including a map and some additional data.
- Similarly, they also incorporated additional analysis about the viability of SB 9 housing, including a map that shows the building footprints on the sites to demonstrate there is adequate access to those sites and they could be either developed with additional units pursuant to SB 9 or split for adequate space, so that information has been incorporated into the draft to respond to HCD questions.
- They also introduced more contextual information about regional fair housing trends into the appendix on fair housing, and they introduced a table of quantified objectives which demonstrates Ross will meet its RHNA entirely through new construction, including construction of ADUs.

Mr. Hill said if appropriate, tonight the Council can adopt the Housing Element. Following adoption, the revised draft will be posted on the Town website for 7 days and following the end of that period, they will send the revised Draft Housing Element back to HCD for further review and certification. They will send HCD a red-lined version to show edits made along with the matrix that goes comment by comment and responds how their comments have been addressed.

Mayor Kuhl asked if there were any questions regarding amendments made to the Draft Housing Element.

Council Member McMillan stated at the May 11th meeting, staff and the consultants were going to talk with HCD about what they had discussed, and she asked if HCD was receptive to the suggested changes.

Mr. Hill stated it was an informal consultation, but they had a few questions for them and HCD confirmed the Town was on the right path.

Council Member McMillan referred to Resolution 2310 in the 5th paragraph it states, "The Town of Ross held 6 public meetings." She asked if these were the Town Council meetings because she knows the consultant team has been meeting repeatedly, and wondered if it should have in parenthesis "(6 public Town Council meetings)". If the other meetings were added up it would likely be in the 20's and she suggested this go somewhere in the resolution.

Mr. Hill agreed.

Council Member McMillan referred to Appendix C, page C-27, there is a paragraph that states, "As of June 18, 2021 due to insufficient progress toward our above moderate income RHNA we are 'subject to the streamline ministerial approval process SB 35 for proposed developments with at least 10% affordability. No applications have been received.'" She said she hopes this is an erroneous statement and can be corrected.

Mr. Hill responded that HCD did a statewide determination for every community in California in June of 2021. The full text states, "These 285 jurisdictions had not made sufficient progress towards their above-moderate RHNA or had not submitted an Annual Progress Report. " According to Town records, the Town has made sufficient and substantial progress towards all its RHNA and all income categories. So, they think perhaps at that time they had not received an Annual Progress Report for 2020, and they will confirm whether this is true or not. The paragraph will be clarified before it is submitted.

Council Member Robbins referred to Attachment 2, page 60, where it states "Program 3C-Prepare Downtown Area Plan." In the middle of the section, it states "Through this program, the Town will develop a plan for a special planning area that includes the downtown commercial area, the Post Office site, and Ross Common." She wondered if the Post Office site should be deleted from that because it is no longer a site.

Mr. Hill said yes, it could be removed. The downtown plan does not necessarily have to plan for housing in all those areas because it draws on an action from the General Plan that talks about an Area Plan that is mostly focused on circulation and streetscape improvements. But, he thinks the Post Office reference could be removed.

Council Member Robbins said further down on page 60, it states, "Objectives" and 12 multi-family units constructed in the downtown special planning area, and the revised is "4". She knows 6 were removed from the Post Office site, but she asked where the other 2 were from.

Mr. Hill said the 4 remaining is on 27 Ross Common which is all that is remaining.

Council Member Robbins referred to page 58 where it says "Program 3-A", it states "Sites to be made available at rents affordable to households earning less and 80%" and this should be changed to "less than 80%."

Mayor Kuhl opened the public comment period.

Terri Dowling, Ross resident, thanked the consulting group and Town Council Members who put a lot of time and effort into the Housing Element. Housing is an important issue, more is needed throughout the County, and she is proud of the work done.

Mayor Kuhl closed the public comment period, and returned to the Town Council for action.

Council Members thanked consultants and staff for their extensive work in getting the Town to this process.

Mayor Pro Tem Brekhus moved and Council Member McMillan seconded, to certify the Final EIR. Motion carried unanimously (5-0).

Mayor Pro Tem Brekhus moved and Council Member McMillan seconded, to approve amendments to the Town of Ross General Plan to adopt a new Housing Element. Motion carried unanimously (5-0).

5. Next steps and wrap up.

Andrew Hill, Dyett & Bhatia, stated staff will post the revised Housing Element with any further revisions or clarifications on the Town's website for 7 days. They will then send the adopted Housing Element to HCD with the red-lined version and matrix for their further review and for certification.

Council Member McMillan asked how long HCD will keep it, asked if they will make more comments, and whether the Council will be back to revise it again. Mr. Hill said HCD has 60 days to review and adopt the Housing Element. He will follow-up proactively with their reviewer and he guessed they may have further questions or clarifications and will hear from them in about 30 days, will hold some formal meetings, and HCD will provide a final punch list of things the Town will continue to work through with them informally and until they have agreed that they are ready to certify. If there are any further substantive additions or changes, they will be brought back to the Council.

Mayor Kuhl opened the public comment period.

Mr. Singh said he thinks the Town is supposed to have 100 ADUs and he asked how many the Town has at the present time, and asked whether they will be able to meet the State's requirements.

Director Markwick said she did not have the information, but in doing math from the 2018 to the current Annual Progress Report data, she believes they are in the range of 25 to 30 ADUs currently.

Mayor Kuhl asked and confirmed the Town had established it was adding approximately 10 ADUs per year.

There were no further comments, and he closed the public comment period.

6. Adjournment.

Mayor Kuhl adjourned the special meeting at 6:35 p.m.

P. Beach Kuhl, Mayor

ATTEST:

Cyndie Martel, Town Clerk