

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, MAY 8, 2025
Held In-Person and Teleconference via Zoom

1. 6:07 p.m. Commencement.

Mayor Julie McMillan; Mayor Pro Tem Elizabeth Robbins; Council Members Teri Dowling; Bill Kircher, Jr., Mathew Salter; Town Manager Christa Johnson; Town Attorney Ben Stock.

2. Posting of agenda/changes to agenda.

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

3. Open Time for Public Expression.

Ross Haseltine, San Anselmo, referred to his correspondence sent to the Town on risks and liabilities relating to funding of maintenance or lack thereof regarding the Flood Zone. He asked for the Town to support San Anselmo in pushing for answers. The second letter was addressed to the CEO's of Ross and San Anselmo regarding his advice to avoid any rush for a flood project and asked to carefully undertake the work in drafting the document.

Diane Rudden, 39 Willow Avenue, thanked the Council for their hard work, said she moved her Camilia at her house as have a few more plants, and they are trying to put clay pots next to the house and remove most vegetation against the house.

4. Presentation of 10-year service award to Donna Redstone.

Town Clerk Cyndie Martel voiced appreciation and gave praise to Donna Redstone for her 10 years of service with the Town of Ross and she presented her with a 10-year service award. A round of applause followed.

Mayor McMillan and Council Members thanked Ms. Redstone for her 10 years of service with the Town.

5. Presentation of 20-year service award to Danny Moy.

Police Chief Pata voiced appreciation and provided an overview of Sergeant Danny Moy, thanking him for his 20 years of service with the Town of Ross. Chief Pata then presented him with a 20-year service award. A round of applause followed.

Mayor McMillan and Council Members thanked Sergeant Moy for his 20 years of service with the Town.

6. Presentation by Cedars.

Council Member Dowling provided an overview of Cedars of Marin, a remarkable organization located in Ross. She reported Cedars is launching a countywide campaign called, "Choosing Kindness." She introduced Chuck Greene, Executive Director and Katie Ladouceur, Development

Director, KC Coco, Director of Strategic Planning, and Client Advisory Council members Rose Gordon and Theresa Pardella.

Director of Strategic Planning, KC Coco invited the Council to kick-off a townwide and soon to be Countywide "Choose Kindness" campaign. She provided a background of Cedars which was founded in 1919 and provided an overview of their day programs which serves adults with developmental disabilities, their fine arts studios, community connections with volunteer opportunities, their textile art collaborative, supportive services in Ross and in Novato in 10 homes, and described how they are empowered with creative, joyous, and healthy lives because they are empowered to express the best version of themselves.

The "Choose Kindness" campaign was created by the Client Advisory Council. The campaign is one of Cedars' proudest expressions of self-advocacy and community leadership, and Ms. Gordon and Ms. Pardella shared the inspiration behind the campaign. They hope to expand the campaign, would love the Town's support in officially recognizing the campaign by adopting a proclamation, to help spread the message in Ross, and to lead by example and choose kindness every day.

Mayor McMillan and Council Members thanked Cedars representatives, saying choosing kindness is so appropriate today and every day, and the proclamation will be approved under the Consent Calendar and provided to Cedars of Marin.

7. Mayor's Report.

Our sincere and heartfelt thanks to Bill Kircher for serving as Mayor in 2024-25. By my count, Bill presided at 20 regular and special council meetings, attended weekly meetings with the Town Manager and me, attended monthly Ross Property Owners' Association meetings, fielded calls and emails from residents, and represented the Town at numerous county events. We thank you, Bill, for all your time and efforts!

I am excited to undertake this role. My prior tenure as Mayor was during COVID, when all our meetings and events were held via Zoom. I know it will be more rewarding now!

Last month, the Council held our annual budget meeting. We began with a review of our Town goals and agreed to add a new goal to ensure that we are providing effective and timely communication with residents.

Along these lines, we will be changing how we update residents after Council meetings. Tomorrow will be our last *Morning After*. Starting in June, our monthly newsletter will be emailed to residents the week after our Council meetings. This will allow us time to provide more substantive and detailed information about important Town issues. The newsletter will be called *Ross Review*.

In addition, on the day of our monthly Council meeting, a Council member will be at the Post Office from 11am to 1pm to engage with residents on agenda items or other Town topics. I look

forward to seeing you at the Post Office Thursday, June 12. Please look for a Council member on the day of our regular Council meetings (generally the second Thursday of the month) and stop by to chat.

The Town will also be redesigning its website to modernize it and make it more user-friendly. We will let you know when the new design is launched.

We hope you joined us April 25 at Live on the Common! It was an enormous success with great music, excellent food and drinks, fun events for kids, and terrific company! Huge thanks to the Ross Property Owners' Association for spearheading another tremendous event for our community.

Not only do Council members attend monthly Council meetings focused on the Town, but we also serve as liaisons on various county and regional boards, such as the Ross Valley Fire Department, the Ross Valley Paramedic Authority, Transportation Authority of Marin, Association of Bay Area Governments, and the Marin Wildfire Prevention Authority.

Other dedicated Ross citizens serve as Town liaisons. We thank Tom Gaffney (Marin Emergency Radio Authority), Chris Martin (Flood Zone 9 Advisory Committee), and Diane Doodha (Marin Commission on Aging) for their past and continued service.

Positions are available on the Marin/Sonoma Mosquito and Vector Control District, and Ross Ready (disaster preparedness). If you are interested, please let us know!

8. Council Committee & Liaison Reports.

Council Member Dowling reported on TAM, stating there is funding available for the Town in FY 2025-26--the State Local Streets and Roads funding of \$132,000 and Measure AA funds for local infrastructure and funding available of \$64,000. She announced that the 52 miles on Hwy 101--the Marin Sonoma Narrows project--should be completed towards the end of summer and the commuter lanes in Marin traveling north and south will be changed from 5:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m.

Mayor McMillan reported that she spoke at a new Firewise group forming on the Laurel Grove side of Ross and Kentfield.

9. Staff & Community Reports.

a. Town Manager

Two new standard parking stalls were created; one new 15-minute parking stall near the EV stations in the post office parking lot and another angled parking stall on Ross Common near the playing field.

Also, under a new pilot program, Public Works will also be installing 2 parking boxes on Upper Road to prevent cars from blocking both the fire lane and DPW's access to a town-maintained drainage culvert.

Senior Building Inspector Eric Robbe has accepted a job with San Anselmo as their Chief Building Official. It's a great promotion for Eric so great for him, sad for Ross. Fortunately, we have a contract with CSG for inspection services so there should no disruption to customer service while we recruit for a new inspector. Eric's last day is May 22. We're glad he'll be working close by Ross and wish him the very best!

We are putting Fire Awareness messaging on the back of our 4 patrol cars. 2 - with "HI LO time to GO" messaging, and 2 - with ALERT MARIN and QR codes in English and Spanish to sign up.

Chief Pata is hosting a pop-up police station / Coffee with the Chief in front of Ross School next Wednesday May 14th from 8 to Noon. He will have some Alert Marin literature and will encourage and help people to sign up.

A new Traffic Trailer was ordered and will be delivered soon. This is part of staff's initiative to calm traffic in town.

And finally, speeding citations are up to 44 YTD compared to 7 last year. Our total cites this year are at 144 compared to 55 last year. This over 100% increase is because of the PD's focus on driver safety and slowing traffic on Ross streets, particularly Sir Francis Drake Blvd.

b. Ross Property Owners Association

Peter Scolari, Treasurer of RPOA, thanked the Town for the recent approval of \$25,000 to RPOA, reported working with Firewise on how to create Neighborhood Watch Groups, stated RPOA held a successful Live on the Common event on April 25th, will hold a May 30th event geared towards youth, and held a Global Fair last Friday on the Common. The Ross Auxiliary hosted a Spring Fling in April; RPOA is proposing to install lighting in the front and back of the Post Office, and they collaborated with a kindergartener's class that planted flowers in front of the Post Office.

10. Consent Agenda

The following items will be considered in a single motion, unless removed from the Consent Agenda. Items removed were: Item 10d. (Salter/Robbins) and 10i. (Salter/Robbins), Item 10e. (Dowling), Item 10k. (McMillan). There were no additional requests to remove an item or public comments.

Mayor Pro Tem Robbins moved and Council Member Dowling seconded, to approve Consent Calendar Items a, b, c, f, g, and h. Motion carried unanimously (5-0).

a. Minutes:

Regular Meeting, April 3, 2025

Special Meeting, April 3, 2025

Special Meeting Budget Workshop, April 24, 2025

b. Demands for March 2025 and April 2025

- c. **Declaration of Kindness.**
- f. **Town Council to consider adoption of Resolution No. 2522 appropriating Road Repair and Accountability Act (SB 1) funding to the FY 2025-26 Annual Operating Budget for Fiscal Year (FY) 2025-26, estimated as of January 2025 to be \$61,289, to fund portions of various pavement rehabilitation projects for the FY 2025-36 Roadway fund budget and adopting the list of projects to be funded by SB 1 in FY 2025-26.**
- g. **Town Council to consider accepting the Investment Report for the nine-month period ended March 31, 2025.**
- h. **Town Council to review and consider accepting the fiscal year 2024-25 third quarter, nine-month, Financial Summary Report.**

Item Removed from Consent Agenda:

- d. **Town Council to waive the second reading, read by title only and consider adoption of Ordinance No. 728 amending various Chapters of the Ross Municipal Code (RMC) to reflect clean-up amendments to Town holidays, job titles, gendered language, scrivener's errors, grammatical corrections, errors and omissions, and other administration provisions, which was introduced at the April 3, 2025 Town Council meeting.**

Town Manager Johnson said last month, the Town Council introduced an ordinance to reflect clean-up amendments and minor edits to the RMC. One edit introduced was to Chapter 12.24 entitled, Planting Alteration, Removal, or Maintenance of Trees. The edit added the phrase, "Zone Zero" to the definition of a fire hazard. Staff recommends pausing any revisions to this chapter in the RMC until the State of California has finalized its rules regarding what, if any, trees will be allowed in Zone Zero, which is the distance of 5 feet to a home.

It is anticipated that the State will finalize its rules in the coming year and staff will return with recommended edits to the chapter that will also comply with the new State rules. After consulting with the Town Attorney, staff is asking the Town Council to re-introduce the item this evening without the edits to that chapter. A revised staff report and ordinance have been placed on the dais for consideration and are on the Town's website. This re-introduced ordinance will be brought back to the Town Council for final adoption at the June 12th Council meeting.

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

Mayor Pro Tem Robbins moved and Council Member Dowling seconded, to waive the second reading, read by title only and re-introduce Ordinance No. 728 amending various Chapters of the Ross Municipal Code (RMC) to reflect clean-up amendments to Town holidays, job titles, gendered language, scrivener's errors, grammatical corrections, errors and omissions, and other administration provisions, which was introduced at the April 3, 2025 Town Council meeting. Motion carried unanimously (5-0).

- e. **Town Council to waive the second reading, read by title only and consider adoption of Ordinance No. 729 designating Fire Hazard Severity Zones in the Ross Local Responsibility Area, which was introduced at the April 3, 2025 Town Council meeting.**

Mayor Pro Tem Robbins said she heard from concerned residents that approving the ordinance is setting in motion a plan for subsequent restrictions on landscaping and planting that need widespread vetting and agreement before it is enacted. She asked and confirmed with RVFD's Rob Bastianon, Senior Fire Inspector, that this reading does not commit the Town to any particular plan but that this is simply the zone. If there are to be future guidelines about building materials or landscaping, that will be considered separately.

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

Mayor Pro Tem Robbins moved and Council Member Dowling seconded, to waive the second reading, read by title only and consider adoption of Ordinance No. 729 designating Fire Hazard Severity Zones in the Ross Local Responsibility Area, which was introduced at the April 3, 2025 Town Council meeting. Motion carried unanimously (5-0).

- i. **Mayor McMillan recommends that the Town Council ratify the appointments to Town Council committees, subcommittees, and liaison assignments for Fiscal Year 2025-26.**

Council Member Salter said he removed this item and criticized Mayor McMillan for bypassing established procedures and traditions in making committee appointments. Traditionally, the Mayor consults with the Council and assignments are made collaboratively, preserving continuity and institutional knowledge. However, the Mayor unilaterally removed him from the MCE Board and reassigned him without discussion, making him feel unheard. He urged the Council not to approve the assignments and to restore the collaborative process.

Mayor Pro Tem Robbins said typically changes to the liaison appointments occur when there are new Council Members who are seated and there are open positions that need to be filled. She was not in favor of shuffling positions every year unless it needs to be done. She is currently one of the Town's representatives to the Fire Board and would enjoy continuing in that role, and supported keeping the list of assignments as they are or waiting a month to reconsider them.

Mayor McMillan explained that she placed the item on the Consent Calendar to avoid public conflict and based her actions on what is outlined in the procedures manual, which gives the Mayor authority to appoint Council Members to committees and regional boards. She emphasized that her decisions aim to serve the best interests of the Town of Ross, particularly by maintaining effective, collaborative relationships on external boards. Citing damaged relationships that hinder influence, she argued that changes in representation are necessary. As a result, she recommended reassigning Council Member Salter to serve as MCE Alternate and to replace Mayor Pro Tem Robbins with herself as Fire Board representative.

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

Council Member Salter suggested if people are complaining or if they are having an issue with certain board members it should be made in public and at those boards for the boards to deal with.

Mayor McMillan stated she and Council Member Salter have discussed this change and the reason she is making the change is that she has received four separate complaints from MCE board members beginning in December to as recently as April. She circled back with those individuals and their concerns have become more significant, which she described. Therefore, she would like to do what is in the best interests of the Town of Ross. She asked that Alternate Member Salter relay any comments to Council Member Kircher who is the MCE liaison and for Council Member Salter to use his housing expertise to be on ABAG.

Council Members Dowling and Kircher agreed and spoke about the main delegation of authority given to the Mayor and the procedures manual which states appointees serve at the pleasure of the Mayor, which implies the Mayor has the ability to make changes and sensitive decisions, and discretionary actions.

Council Member Dowling moved and Council Member Kircher seconded, to ratify the appointments to Town Council committees, subcommittees, and liaison assignments for Fiscal Year 2025-26. Motion carried (3-2; Salter and Robbins opposed).

- j. Town Council to consider adding an eighth goal to the Town Goals: "Provide effective and timely communication with residents."**

Council Member Dowling asked to change one word and instead of saying "provide effective and timely communication ~~to~~ with residents." Town Manager Johnson apologized for the inconsistency in her staff report, noting that the agenda reflects the word, "with" and she thanked Council Member Dowling.

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

Council Member Dowling moved and Council Member Kircher seconded, to add an eighth goal to the Town Goals: "Provide effective and timely communication with residents." Motion carried unanimously (5-0).

- k. Town Council to consider authorizing the Town Manager to execute an agreement with Marin IT in the amount of \$131,000 for cybersecurity implementation and information technology managed services for the period July 1, 2025 through June 30, 2026.

Mayor McMillan stated she pulled this item because she did not understand from the staff report what the delta was because the cost of the contract is going up by about 50%. Town Manager Johnson provided her with that information and suggested an explanation be provided of the additional items being covered.

Town Manager Johnson explained that the Town has expanded its contract with Marin IT to improve service quality, efficiency, and cybersecurity in response to growing demands and recommendations from the Marin County Grand Jury. The increase includes a higher hourly rate for on-site tech support and key projects: \$21,000 for a workstation replacement initiative (a best practice every three years), \$4,000 for implementing a password manager (endorsed by cybersecurity advisors), and \$13,600 for an infrastructure refresh to upgrade cabling, enhance wireless connectivity, and install a secure on-site backup system. She emphasized that while the Town has historically spent little on IT, investing in secure, modern technology is now essential.

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

Mayor Pro Tem Robbins moved and Council Member Dowling seconded, to authorize the Town Manager to execute an agreement with Marin IT in the amount of \$131,000 for cybersecurity implementation and information technology managed services for the period July 1, 2025 through June 30, 2026. Motion carried unanimously (5-0).

End of Consent Agenda.

11. Public Hearings on Planning Projects – Part 1.

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, the Council may consider the item later in the agenda.

- a. **51 Loma Linda, Design Review, a Demolition Permit and Town Council consideration of adoption of Resolution No. 2517 approving the project, subject to conditions.**
Kristin and Jim Robillard, 51 Loma Linda, A.P. No. 072-121-01, Zoning: R-1: B-10, General Plan: M (Medium Density), Flood Zone: X

Project Summary: The applicant requests approval from the Town Council for a Design Review and a Demolition Permit. The project proposes to remodel the exterior detached garage with guest house structure by removing the existing plywood boards and replacing them for new cedar shingles.

Recusal: Council Members Salter and Kircher recused themselves from the matter due to their proximity of their residences, and left the dais.

Assistant Planner Lopez-Vega gave the staff report and overview of the request for a Demolition Permit and Design Review at 51 Loma Linda. On April 15, 2025, the ADR Group expressed support for the project. Staff requests the Town Council adopt Resolution No. 2517 and approve the project for a Demolition Permit and Design Review at 51 Loma Linda, subject to conditions.

Mayor McMillan called upon the applicant for a presentation.

Peter Brockman, Architect, said he represents the owners of the project and said he was available to answer any questions.

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

Mayor Pro Tem Robbins moved and Council Member Dowling seconded, to adopt Resolution No. 2517 and approve a Demolition Permit and Design Review at 51 Loma Linda, subject to conditions. Motion carried (3-0-2; Kircher and Salter recused).

Noted as Present:

Council Members Kircher and Salter returned to the dais to participate in the remainder of the Council meeting.

- b. 313 Upper Toyon Road, a Hillside Lot Permit, a Variance and Town Council consideration of adoption of Resolution No. 2518 approving the project, subject to conditions.**

Alex Shalavi, 313 Upper Toyon Road, A.P. No. 072-061-18, Zoning: R-1:B-5A, General Plan: VL (Very Low Density), Flood Zone: X

Project Summary: The applicant requests approval from the Town Council for a Hillside Lot permit, and a Variance. The project proposes to construct a 493 square foot open parking deck within the side yard setback. The parking pad will feature a stainless-steel cable guardrail, and the exiting mechanical equipment will be screened by a 5-foot-tall fence. A Variance is required to construct the parking deck within the side yard setback.

Assistant Planner Lopez-Vega gave the staff report and overview of the request for a Hillside Lot Permit and a Variance at 313 Upper Toyon Road. During the ADR Group hearing on April 15, 2025, with a vote of 4-1, the majority of members supported the variance and all supported the design of the project. Staff requests the Town Council adopt Resolution No. 2518, approving a Hillside Lot Permit and a Variance at 313 Upper Toyon Road, subject to conditions.

Mayor Pro Tem Robbins said she listened to the ADR meeting and they all said they would support the variance but they seemed to not be able to make the findings for the variance. Therefore, she asked what are the findings for the variance and hardship.

Planning Director Roberta Feliciano explained that Exhibit A of the resolution outlines findings supporting a variance request for a parking deck. The applicant and architect cited physical hardships due to the lot's irregular shape, topography, and circulation challenges. The proposed parking deck would improve site maneuverability and safety, especially given that the existing driveway also serves as an Emergency Vehicle Access (EVA). The parking deck would also help remove delivery and guest vehicles from the access aisle, relocating them onto the property. With support from the adjacent neighbor and these site-specific constraints, she stated that the Council could reasonably make the findings to grant the variance.

Mayor McMillan asked if the Town has approved a similar structure under similar circumstances in the past. Ms. Feliciano stated that staff researched whether there was a precedent for a parking deck and the only ones they could find were historic and non-conforming along Baywood and confirmed none were found under the Hillside Lot ordinance. They could not find any records or permits for those parking decks, but they do exist.

Mayor McMillan called on the applicant for a presentation.

The owner/applicant, Alex Shalavi, explained that their request for a parking deck stems from practical challenges related to site access, safety, and limited parking options. The applicant described an easement for a neighbor and a small turn-around area outside their gate that delivery and service vehicles commonly use. While temporary, these vehicles could block emergency access. The Fire Department had previously expressed concerns about the driveway's width and the adequacy of the turn-around, unrelated to this application but relevant to site safety.

The applicant sees the proposed parking deck as a solution that improves emergency access, helps neighbors navigate the easement more easily, and shifts guest and delivery parking off the shared turnaround and onto their property. Anticipating an increase in household vehicles—especially with a teenage daughter soon to drive—they noted that the existing setup would eventually force tandem parking. Although the site plan may appear to offer sufficient space, the actual layout doesn't accommodate permanent parking well, prompting the variance request.

In response to Council Member Salter's question, the applicant confirmed that most of Upper Toyon does not allow parking. The road is narrow and steep, and while a few homes have designated turnouts, they are private and do not provide public parking.

Council Member Salter asked and confirmed with staff that keeping cars off that very narrow road for fire or emergencies seems like something the Town would want to do if they could create parking at the residents' home.

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

David Peterson, a resident at 307 Upper Toyon and immediate neighbor to the applicant, spoke via Zoom in strong support of the parking deck variance. He emphasized the challenges posed by the steep, long driveway and the near-total lack of parking on Upper Toyon. He noted that the shared turn-around area is small and frequently obstructed by parked cars and delivery vehicles, making access difficult for both residents and emergency services. He expressed particular concern about the ability of fire trucks to turn around if the area is blocked, which could also hinder access to a nearby stand pipe serving a neighboring pool. Given these safety and access concerns, he urged the Council to approve the variance to allow additional on-site parking.

Mayor McMillan closed the public comment period and called for Council deliberation.

Mayor Pro Tem Robbins inquired about whether the gate leading to the garage parking area would remain. The owner/applicant confirmed that it would, explaining that the proposed parking deck would shift service vehicles, visitors, and other temporary parkers—who currently use the turn-around area—inside the gate. These individuals already have access to the property, but the new setup would remove their vehicles from the shared turnaround, which is also where a critical stand pipe is located. He noted that while deliveries are typically brief, parked cars in the turnaround force delivery trucks to use the neighbor's driveway, creating congestion and posing a risk in emergency situations when clear access is essential.

Mayor McMillan expressed hesitation about approving the parking deck variance, citing concerns related to the hillside lot ordinance and the difficulty of making the required findings. While she acknowledged the safety arguments in favor of the project, she was uneasy with the proposal to construct a deck supported by 20- to 30-foot piers on a hillside, even with planned screening. She emphasized the potential precedent such a structure could set. Additionally, she pointed out that the property already has substantial parking, including a 3-car garage, space in front of it, the main driveway, and the existing turn-around, leading her to conclude that she could not support or justify the findings needed to approve the variance.

Council Member Dowling echoed concerns and said she can see where the space can be awkward and turning around trucks as well as if cars are parked in the area outside of the fence.

Mayor Pro Tem Robbins asked which specific aspects of the hillside lot ordinance the proposed parking deck violated.

In response, Mayor McMillan explained that her concerns centered on the bulk, mass, and visual disruption of building a large structure extending over a hillside. She noted the lack of any similar precedent since the hillside lot ordinance was adopted, making this proposal especially troubling in terms of setting an example. She emphasized that the Town's General Plan promotes preservation of natural hillsides, and she found it difficult to justify this project under that

principle. While acknowledging the safety concerns, she added that a formal letter from the Fire Department indicating the necessity of the structure might have strengthened the case.

Council Member Salter acknowledged that the proposed parking deck design challenges the Town's goals of preserving natural hillside landscapes, but he also recognized the practical need for additional parking in steep, narrow areas like Upper Toyon. He noted that similar podium-style structures already exist on steep lots in other parts of town, such as Baywood. His primary concern is ensuring fire and emergency access by keeping cars off narrow roads, especially during events when on-street parking becomes problematic. While he agreed with Mayor McMillan that a formal statement from the Fire Department would strengthen the case, he ultimately found the safety and access concerns compelling enough to support the variance.

Mayor McMillan said she thinks the genesis of the hillside lot ordinance was to prevent parking decks like those that exist on Baywood and homes that exist on super steep, small lots.

Council Member Kircher supported the parking deck variance, noting that in many parts of Ross—including his own street—limited space and high traffic from deliveries, residents, and young drivers create daily parking challenges. He emphasized that additional off-street parking is important for safety, helping to reduce congestion on narrow roads. While he acknowledged aesthetic concerns, he felt the proposed structure would be screened and not highly visible, making this particular project a reasonable candidate for approval. For these reasons, he supported granting the variance.

Mayor Pro Tem Robbins shared her agreement with Mayor McMillan regarding concerns about the hillside lot ordinance, particularly noting that there are no similar precedents in town for building parking decks on steep hillsides. She questioned whether the original intent of the ordinance was to allow such structures, and pointed out that while parking decks are common in places like Sausalito, they do not seem to align with the Ross ordinance which emphasizes respect for the natural contours of the land. Though she understood the safety argument, she expressed uncertainty about supporting the project, feeling torn between the practical need for parking and the ordinance's goals.

Council Member Salter moved and Council Member Kircher seconded, to adopt Resolution No. 2518, approving a Hillside Lot Permit and a Variance at 313 Upper Toyon Road, subject to conditions. Motion carried unanimously (4-1; McMillan opposed).

- c. 117 Laurel Grove, Design Review and Town Council consideration of adoption of Resolution No. 2519 approving the project, subject to conditions.**
Jeff and Kim Qvale, 117 Laurel Grove, A.P. No. 072-112-20, Zoning: R-1:B-5A, General Plan: VL (Very Low Density), Flood Zone: X

Project Summary: The applicant requests approval from the Town Council for Design Review to construct a new 6-ft high fence and a 6-ft high stained cedar/redwood auto gate with exterior lighting.

Assistant Planner Lopez-Vega gave the staff report and overview of the request for Design Review at 117 Laurel Grove. During the ADR Group hearing on April 15, 2025, the ADR members all supported the height of the fence and gate, but recommended the gate be 50% transparent. The applicant has revised the plans to reflect this for the gate and fence design. Staff requests the Town Council adopt Resolution No. 2519, approving Design Review at 117 Laurel Grove, subject to conditions.

Mayor McMillan called upon the applicant for a presentation.

Brooks McDonald, applicant, stated he did not have a presentation but they tried to address all ADR comments. He clarified that it is the upper portion of the fence which is 50% open above 4 feet tall.

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

Council Member Kircher moved and Mayor Pro Tem Robbins seconded, to adopt Resolution No. 2519, approving Design Review at 117 Laurel Grove, subject to conditions. Motion carried unanimously (5-0).

d. 78 Shady Lane, Design Review, a Variance and Town Council consideration of adoption of Resolution No. 2521 approving the project, subject to conditions.

Heather Bennett, 78 Shady Lane, A.P. No. 073-101-41, Zoning: R-1:B-10, General Plan: VL (Very Low Density), Flood Zone: AE

Project Summary: The applicant requests approval from the Town Council for Design Review and a Variance. The proposed project includes new landscaping throughout the lot, incorporating a fire pit and water feature in the front yard, and a pool/spa, patio and outdoor kitchen in the rear yard. The pool equipment will be placed inside the garage. A variance is required to allow the outdoor kitchen, patio, pool and spa in the rear yard setback.

Assistant Planner Lopez-Vega gave the staff report and overview of the request for Design Review and a Variance at 78 Shady Lane. The ADR Group met on April 15, 2025 and one member fully supported the project while the other two members supported the design of the project but were uncertain about the variance for the pool. They requested the project move forward to the Town Council for review. Staff requests the Town Council adopt Resolution No. 2519, approving Design Review at 117 Laurel Grove, subject to conditions.

Council Member Salter asked why staff is recommending approval.

Ms. Feliciano explained that the updated meeting minutes addressed public concerns from 1 Locust and highlighted the complexities surrounding the pool variance request. She noted ADR member Joey Buckingham's concerns about the appropriateness of approving a pool on a small lot with setback challenges but also acknowledged that the zoning code may need updating due to the prevalence of non-conforming lots. She identified special circumstances, including the lot's

limited depth and the rear property with a similarly placed pool. In response to ADR feedback, the applicant increased the pool setback from 5 feet to 9 feet, 8 inches. Based on these factors and neighborhood precedent, staff recommended that the Council consider approving the variance.

Mayor Pro Tem Robbins asked what is the water feature in the front, asked if that needs a variance, she asked why it is part of the project. Mr. Lopez-Vega explained that the water feature and fire pit are within the buildable envelope so they do not need a variance.

Mayor McMillan asked for guidance after listening to the ADR meeting, specifically more objective criteria for pools on small lots that require variances.

Ms. Feliciano noted that staff presented this to the ADR at the April meeting. Subsequently, Mr. Lopez-Vega has been working on research for past approvals for pools and is in the midst of streamlining that process and coming up with objective standards and guidelines for variances for pools in setbacks.

Mayor McMillan called upon the applicant for a presentation.

The applicant, Leslie Jones, on behalf of the owner, said the staff report is very thorough, said she had nothing to add about the project, but she was available to answer any Council questions.

Council Member Salter said the lot is very built-out with an ADU, asked where the pool would fit on the property, and questioned why it is being added now and was not part of the original scope of the project.

The applicant replied that the property was purchased after the original variance had been approved for the previous owner, and the pool was not part of the original project. The reason she wanted to add this pool is because she has a child with special needs and sensory issues, and the pool is therapeutic.

Mayor McMillan opened the public comment period.

Cheryl Untermann, 1 Locust, a neighbor to 78 Shady Lane, read a letter she submitted into the record and voiced strong opposition to the proposed additional variances for a pool, spa, and outdoor kitchen on the property. She supported previous comments by ADR members who criticized the overdevelopment and disregard for setback rules.

Ms. Untermann argued that the property, already granted a recent variance, should not receive more simply based on past approvals. She emphasized that the lot is too small for so many structures and that the new ADU configuration, while benefitting one neighbor, significantly harms her own property's privacy and aesthetics. She warned that approving further variances would set a dangerous precedent, effectively undermining the Town's zoning codes and granting of special privileges.

Janet Redfield, a neighbor at 80 Shady Lane, expressed strong support for the pool project at 78 Shady, emphasizing its potential benefits for the applicant's child who has sensory needs. Drawing from her own experience with a child who has similar challenges, she highlighted how even brief time in the water can greatly help with emotional regulation. She also cited safety concerns in the area, stating that having a pool would encourage children to stay on the property rather than being in the streets, which she believes is especially important given the rise of E-scooters and E-bikes. Her family is fully in support of the pool for both health and safety reasons.

Rebuttal – Applicant

The applicant of 78 Shady Lane stated that they have made significant efforts to address concerns raised by their neighbor at 1 Locust Avenue regarding privacy and the impact of their ADU. They reduced the ADU's size by 100 square feet, removed all windows facing the neighbor's property, and complied with her request to eliminate west-facing view windows. Additionally, they doubled the number of screening trees along the shared property line and planted larger trees to enhance privacy. The applicant noted that the neighbor had not voiced any objections to the pool until about a week prior and emphasized their ongoing efforts to be responsive and cooperative throughout the process.

Mayor McMillan closed the public comment period, and turned to Council deliberation.

Mayor Pro Tem Robbins said the Council has approved many pools in small yards and in setbacks. There is a driveway and another pool and driveway on the other side so the request seems reasonable. Unfortunately, the Town has no control over the ADU and she did not see a problem moving forward.

Council Member Dowling cited other lots in the neighborhood with pools that have received variances, and she was not sure how the Council could say "no" to the variance because there are no other guidelines to go by.

Council Member Salter voiced concerns after visiting 78 Shady Lane, finding the lot to be significantly overbuilt. He questioned how a pool could fit in the yard, emphasized the need for community standards, believed the proposal exceeds reasonable limits for the property, and voiced opposition.

Council Member Kircher acknowledged the property at 78 Shady Lane appears overbuilt but felt that adding a therapeutic pool would not significantly worsen that condition. He pointed out that the owners could install a patio and an above-ground pool without seeking a variance, suggesting the pool itself is not a major intensifier, and he did not believe the pool addition in this context would substantially change the existing overbuilt nature of the lot.

Mayor McMillan asked and confirmed with Ms. Feliciano that this is something staff could look at when developing standards, and suggested a motion.

Mayor Pro Tem Robbins moved and Council Member Dowling seconded, to adopt Resolution No. 2521, approving Design Review and a Variance at 78 Shady Lane, subject to conditions. Motion carried (4-1; Salter opposed).

BREAK

Mayor McMillan called for a break at 8:10 p.m. and reconvened the regular meeting at 8:17 p.m.

End of Public Hearings on Planning Projects - Part 1.

Administrative Agenda.

- 12. Town Council to consider adoption of Resolution No. 2503, an update to the Safety Element of the General Plan. The update incorporates updated data and information on natural hazards in Ross and revisions to policies intended to strengthen protections, improve emergency preparedness, and build community resilience to natural and humanmade hazards.**

Andrew Hill, Dyett & Bhatia, gave a presentation regarding an update to the Safety Element of the General Plan, which incorporates updated data and information on natural hazards in town and revisions to policies intended to strengthen protections, improve emergency preparedness, and build community resilience to natural and human-made hazards.

Mayor Pro Tem Robbins referred to a section in the Safety Element and asked what was meant by, "shall be maintained and designed." Mr. Hill explained this is a General Plan policy that sets guidance for subsequent updates to the Zoning Code which is where the specific regulations would be defined. The way this is written provides latitude on how specifically they would be designed to reduce fire danger, and that something practical must be done to reduce fire danger. If the word "shall" may be too strong a word, it could be changed to "should" which becomes more advisory.

Mayor Pro Tem Robbins suggested changing it to "should" until there is an absolute requirement and then change it to "shall." She noted there is a similar instance of this in 5.3; Fire Resistant Design. "Designs shall minimize risk of fire...." She asked that this also be changed to "should" until a new State or local law that states they must use non-combustible shingles, etc.

Mayor McMillan asked if this is not already required. Ms. Feliciano said the nuance with "shall" being a requirement and the "should" being a recommendation or more loosely, a guideline. Her understanding from RVFD is for new construction or substantial remodels there is already a vegetation management plan that is required as part of that which requires defensible space. Again, the Safety Element is a policy document and not what would be used to implement. That would then come with zoning amendments, and she believes the code changes to fire requirements will happen by the end of the year.

Mayor Pro Tem Robbins said therefore it seems reasonable to make them “should” and not “shall” because zoning requirements will be “shall.”

Council Member Dowling said if the Council leaves it as “should” and the code requirements come in at the end of the year, she asked when this would be revised. Ms. Feliciano said it would not be redone. Part of the findings the Council would make for many design review and planning projects needs consistency with the General Plan. So, if these became implemented through the zoning ordinance, some of the findings could then point to these requirements. But, if “shall” is changed to “should” they would not be requirements but recommendations or guidelines.

Consultant Hill said Cal Fire prefers that “shall” be used in policies, but Cal Fire reviews when there is land within a VHFSZ which is not the case in Ross. So, he thinks the use of the word “shall” is coming from Cal Fire best practices. But, since it is not a hard and fast requirement, it may not need to be implemented here, and thinks the Council has discretion.

Council Member Salter agreed that “should” be used, given it provides flexibility. He referred to Section 6.1; flood changes using the language of, “FEMA no-rise certification” he would want to make sure the Council is supportive of this, given there are many homes on the flood plain and it could be very costly to a homeowner to prove they are not adding any rise to the creek.

Mr. Hill said that language was put in to match what was in the Local Hazard Mitigation Plan.

Public Works Director Rich Simonitch confirmed, stating the wording is meant to match what the Town adopted in its Local Hazard Mitigation Plan and it is a federally regulated floodway through Ross, so it is a requirement. They are implementing this on a new project being developed in the floodway. While onerous, the Town needs to do everything it can to keep development out of the floodway. If people insist on building in the floodway, they will need to follow all regulations.

Council Member Dowling referred to 5.15; Post-Disaster Recovery, and asked if it is post-recovery as it relates to fires or if it relates to future fires and “other natural disasters.” She suggested adding those words “other natural disasters.” Mr. Hill confirmed it is not just fire and could be flooding and other natural disasters.

Mayor McMillan thanked Mr. Hill for adding 5.D which is to “Facilitate emergency access in constrained neighborhoods.” This is very important as there has been many extinguishments of easements over time and gates that used to be open or not even there which have morphed into more locked gates and chains. To the extent the Council can help those owners unlock those gates in an emergency and during Red Flag Warning Days, that will be very helpful for residents living in those areas.

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

Mayor Pro Tem Robbins moved and Council Member Dowling seconded, to adopt Resolution No. 2503, as amended to change “shall” to “should” in two locations and to add “other natural disasters” in Section 5.15, an update to the Safety Element of the General Plan which incorporates updated data and information on natural hazards in Ross and revisions to policies intended to strengthen protections, improve emergency preparedness, and build community resilience to natural and humanmade hazards. Motion carried unanimously (5-0).

13. **Town Council to consider approving the recruitment of an appointed Town Treasurer and provide direction to Town Manager regarding the amount of the position’s monthly stipend, if any.**

Town Manager Johnson gave the staff report and overview regarding the recommendation from the Finance Subcommittee (McMillan and Salter) for the Council to consider approving the recruitment of an appointed Town Treasurer and to provide direction to the Town Manager regarding the amount of the position stipend, if any.

One of the items to consider is whether the Council would like to continue the existing stipend. For many years, the stipend has been \$250 per month and the Council receives no stipend for its services. Therefore, an alternative for the Town Council consideration is to adjust that monthly stipend or there is an option that no salary, benefits, or other employment compensation accrues with the position.

Ms. Johnson noted the staff report contains a list of desirable qualifications for the Town Treasurer position and these would be included on the recruitment flyer. The anticipated time commitment is about 2-5 hours per month and it is important to have the required qualifications versus the desired qualifications, which she described.

Council discussion ensued regarding including language in the recruitment flyer, following up on common practices in other cities, insurance requirements where typically any wrong-doing can be covered by the Town’s insurance policy based on the scope of the job description, that making someone provide insurance would be a hurdle, a suggestion for an Errors and Omission policy, and confirmation that a bond would not be considered by the Town.

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

Council Members then discussed the stipend as being very small with suggestions to increase it, cited inconsistency with the policy for Council Members to not receive a stipend wherein the policy could be changed in the future, including the stipend and the potential ability for the Treasurer to participate in the Town’s health insurance program as a benefit, the suggestion to recruit without the provision for a stipend, and practices in other towns and cities where Council Members receive a stipend and benefits.

The majority of support for a recruitment with no stipend included Mayor McMillan, Mayor Pro Tem Robbins, and Council Member Dowling. Council Members Kircher and Salter preferred including a stipend.

Town Manager Johnson confirmed that based upon majority Council consensus, she will conduct a recruitment as soon as possible without a stipend, will include the duties, desired and required qualifications and, assuming they receive a handful of qualified applicants, she can bring those to the Finance Subcommittee for vetting and for recommendation to the Council.

End of Administrative Agenda.

Item Revisited

- i. **Mayor McMillan recommends that the Town Council ratify the appointments to Town Council committees, subcommittees, and liaison assignments for Fiscal Year 2025-26.**

Town Manager Johnson requested clarification on an earlier item; 10.i; Town Council appointments. She realized the item states for FY 2025-26 which would indicate the effective date would be July 1, 2025. But, she recalled appointments were effective immediately last year after the Council made them. If this is what the Council desires, she asked that the Council reconsider the item from earlier because the recommendation is to ratify appointments for FY 2025-26.

Mayor McMillan said her intent was to have these take effect as soon as possible. She asked and confirmed with the Town Attorney that one of the three Council Members who voted in favor can bring a motion to re-consider.

Council Member Dowling moved and Council Member Kircher seconded, to reconsider ratification of appointments to Town Council committees, subcommittees, and liaison assignments. Motion carried unanimously (5-0)

Mayor McMillan opened the public comment period on Item 10.i, and there were no speakers.

Council Member Dowling moved and Council Member Kircher seconded, to reconsider ratification of appointments to Town Council committees, subcommittees, and liaison assignments effective immediately. Motion carried (3-2; Salter and Robbins opposed).

There are no Public Hearings on Planning Projects – Part II.

14. No Action Items: (Mayor)

- a. **Council correspondence – None.**

- b. **Future Council items** – Council Member Dowling made a motion to ask staff to explore the cost and feasibility of tearing down the raised paddle ball court not being used in Frederick Allen Park and to replace it with a bocce ball court or other options. Council Member Salter seconded the motion.

Council Member Salter made a motion for staff to bring an item regarding a stipend for Council Members. Mayor McMillan seconded the motion.

- c. **Council Member participation at the communication table at the Ross Post Office on the next Council meeting day** - Mayor McMillan stated she will be at the Post Office on June 12th from 11:00 a.m. to 1:00 p.m. Mayor Pro Tem Robbins volunteered for the July Council meeting date. Council discussion ensued and Town Manager Johnson confirmed that she will remove this item from future agendas and staff will implement a Google Doc to confirm two slots for Council sign-ups in coming months.

15. Meeting Evaluation.

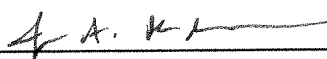
Mayor McMillan stated this item is something the School Board used to have, and Mayor Pro Tem Robbins proposed it. Council Member Kircher stated speaker Cheryl Untermann who was opposing a project, was very difficult to hear. He asked to ensure the audio is turned up and that Council Members or staff make an announcement if they cannot hear a speaker.

Council Member Dowling said what worked well in the meeting is that while the presentation was a little long, it was nice to meet Cedars of Marin representatives and hearing their presentation about what they do.

Council Member Salter suggested including on future agendas how long a particular item is estimated to take, realizing that sometimes presentations or other items will go longer.

16. Adjournment.

The meeting adjourned at 9:21 p.m.



Julie McMillan, Mayor

ATTEST:



Cyndie Martel, Town Clerk