

**REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, MARCH 9, 2017**

1. 5:30 p.m. Commencement.

Mayor Pro Tempore Elizabeth Robbins; Council Member Elizabeth Brekhus; Council Member Beach Kuhl; Council Member Rupert Russell; and Town Attorney Greg Stephanicich. *(Mayor Katie Hoertkorn absent)*

2. Posting of agenda.

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

3. Open time for matters pertaining to the closed session item in agenda item 4 - None

4. Closed Session.

Conference with Legal Counsel—Existing Litigation

Government Code Section 54956.9(d)(1)

In the Matter of the Appeal Regarding Membership Eligibility of Patricia M. Riley, PERS Case No. 2016-005, OAH Case No. 2016080840.

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

6. Minutes – February

Mayor Pro Tempore Robbins asked for a motion.

Council Member Brekhus moved and Council Member Russell seconded, to approve the Meeting Minutes of February 9, 2017 as submitted. Motion carried 3-0 (Kuhl abstained/Hoertkorn absent).

7. Demands.

The demands were met.

8. Open Time for Public Expression.

Barbara Gaffney, Laurel Grove resident, expressed concern for the traffic light patterns on Laurel Grove. It is a dangerous situation and potential liability for the Town of Ross. She asked the Town to look into this situation so there is a yellow light at the intersection for traffic traveling both directions at the same time.

Amy Skewes-Cox, Laurel Grove resident, reiterated the concern on Laurel Grove with the traffic light and asked the Council to address the situation.

Sarah Lofgren introduced a countywide project to switch to 100% renewable for municipal use and asked the Council to start evaluating the benefits of Ross by scheduling a hearing of their recent greenhouse gas inventory. She recently sent a letter to the Town in this regard.

Christine Aralia, San Anselmo resident, indicated that she commutes daily on the bike trail along San Anselmo Creek and on February 27th, 2017 she was hit by the Town's maintenance vehicle in front of the hospital. She provided the Council with a copy of her collision report and hoped the Town will address the dangerous situation.

9. Mayor's Report.

Mayor Pro Tempore Robbins read into the record Mayor Hoertkorn's report as follows:

The Town Council and staff had their annual Strategic Workshop on February 15. We made great progress on a number of issues as the Town moves forward with specific projects, including the five-year Capital Improvement Plan (CIP) and the budget. Our updated and revised Town Goals are:

- Sustain financial responsibility and stability
- Enhance effectiveness and efficiency of delivery of services
- Maintain a safe community
- Foster and strengthen community involvement
- Improve infrastructure and facilities
- Provide transparency and consistency in government

At the workshop, they discussed priorities for fiscal 2017-18. Some of the next year's projects to be completed include: •Facilities Master Plan development and discussions for Town facilities; •Pavement rehabilitation and drainage improvements for Bolinas Avenue; •Drainage improvements in a couple other locations to assist with nuisance flooding; •Design plan for Three Bear Hut and Natalie Coffin Greene Park; •Implementing new Planning and Building permit tracking software; •Develop detailed Design Guidelines and requirements; •Discuss and possibly revise Downtown zoning; and •Hillside Lot Ordinance amendment (to name a few). They welcome any input you may have on both the goals and priorities; your input will help create and maintain the strength of Ross. While they believe that the Town is on a solid path forward, there is always room for improvement. Your involvement is key to how Ross continues to evolve. Certainly one of our hallmarks is community participation, which is why we feel *"foster and strengthen community involvement"* is such an important goal. As an example one of our community groups is the Leadership Council, which meets quarterly at Ross school. Many Town organizations are represented, and the collaboration has been phenomenal. The group is working on a new Community Calendar, which we are excited to see come to fruition. Another lovely community event coming up is the Spring Fling on April 1st sponsored by the Ross Auxiliary. This is such a fun event, and they hope you will participate.

The Town sent out a survey on short-term rentals. They have received 160+ responses, but they very much want to hear from everyone. If you have not received a survey please contact Heidi Scoble at hscoble@townofross.org to have one sent to you. And they are at last at the end of our very rainy winter! A number of you have asked if the new Lagunitas Bridge made a difference. Yes, it did!! Thanks to the wider and higher span, water did not back up. They had three different days where the Town most likely would have flooded with the old bridge. While we had some flooding of yards and streets, no homes flooded that we know of! So yay for the new bridge!

10. Council Committee & Liaison Reports – No report

11. Staff & Community Reports.

a. Town Manager.

Town Manager Joe Chinn just got back from the Marin County Citizens Disaster Council JPA Board meeting where there was a very good discussion of the recent storm events and follow-up. He also thanked public works, police, fire and administrative staff for such great communication and response in regard to clearing the streets and roadways when flooding did occur. They had a great coordination throughout Ross Valley and acknowledged the County Flood Control and OES staff. He then reported that three Ross School third grade classes received a history and civics lesson when they visited Ross Town Hall on March 7th. Beginning their tour in the Council Chambers, they learned how the Town operates, how decisions are made, and what services are provided. Town staff was on hand to provide information on their departments and to answer questions. The tour concluded with a visit with Police and Fire.

The Ross Police Department is implementing the use of Body Worn Cameras for our officers in the field. Body Worn Cameras are in use in most law enforcement agencies in Marin County as well as other areas in the country. You can expect to see our officers wearing these devices in the coming weeks. It is the policy of the Ross Police Department that all sworn personnel will effectively and responsibly utilize all department provided audio/video recording technology as a tool to collect evidence, as a safe guard for the officer and the Department against false claims of misconduct and to ensure that all personnel are performing their duties to the highest standards of professional integrity.

Dan Mahoney, Ross Valley Fire Department, updated the Council on the recent storm activity. They had no major injuries to firefighters or residents throughout the Town of Ross, Fairfax or San Anselmo. Minor to moderate flooding on Sir Francis Drake and thanked the Town and police for blocking the roadway. They had about 130,000 visitors to their website and they are working on making their website more robust. It is an ongoing process. They are getting more individuals involved, so they are trying to keep up with the demand. Currently only one individual is on disability. They have a type 1 fire engine for sale as part of their apparatus replacement program and they are looking to purchase a type 3 fire engine. No flooding occurred at Station 18. They are moving the workout equipment to accommodate firefighters and paramedics. They are looking at possibly installing a camera behind the station at the bridge to link it to their website by next year.

b. Marin Art & Garden Center.

Diane Doodha, MAGC representative, encouraged everyone to walk across the street and visit the gardens. An exhibit is occurring at the studio with six pieces on display. Their spring event calendar will be posted on their website this week.

c. Ross Property Owners Association.

Frank Doodha, RPOA representative, reported that RPOA purchased a couple kiosks and the one in front of the Post Office arrived. The other is across the street from San Anselmo Church, which is located on the wrong side of the street. The Town is looking into a replacement for the second kiosks. RPOA also purchased a bike rack and the Town is deciding the best location for that bike rack. He further noted that RPOA is cleaning up the vacant lot behind the bus stop.

d. Ross School.

Michael McDowell, Ross School Superintendent, announced that they are hiring a few new teachers and expanding second grade. Open house is scheduled for March 23rd, 2017 and financially they are in a great place. They expanded several electives, which is exciting for the school. They are tremendously grateful for the partnership with the Town of Ross.

12. Consent Agenda.

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

a. Town Council consideration of adoption of Resolution No. 1988 authorizing the Town Manager to submit applications for Zero Waste Marin Grants and execute all necessary documents.

b. Town Council approval of Quincy Engineering Contract Amendment #2 in the amount of \$79,273.10, for additional scope of work items related to the Winship Avenue Bridge Replacement Project.

c. Town Council consideration of adoption of Resolution No. 1991 approving the amended Town's Salary Schedule.

Mayor Pro Tempore Robbins asked for a motion.

Council Member Russell moved and Council Member Kuhl seconded, to adopt the Consent Agenda as submitted. Motion carried unanimously. (Hoertkorn absent)

End of Consent Agenda.

Administrative Agenda

13. Presentation by Transportation Authority of Marin (TAM) on the existing Measure A one-half (½) cent Transportation Sales Tax.

Dianne Steinhauser, Executive Director, discussed transportation funding and explained that they are not looking at a sales tax increase, but they want to talk to all jurisdictions and the county about what does the sale tax cover, future funds, and should they look at renewing the sales tax. She then provided the Council with a brief snapshot and identified their needs and funding sources for the Council's consideration. She further explained that transit, highway projects, local road improvements and safe routes to school is where the sales tax is being used. They will keep talking about what is needed and whether they want to renew or expand their sales tax. She will be back a couple times within the next year to discuss further.

Council Member Brekhus clarified that Ross received \$306,000 for local infrastructure. Executive Director Steinhauser responded in the affirmative. Also, the Town received the transit, safe routes and highway improvement funds. Capital projects include the three projects, plus the \$306,000. Council Member Brekhus desired data specifically on project improvements and monies spent from TAM just to Ross. Executive Director Steinhauser agreed to provide such information to the Council.

Council Member Brekhus discussed the plan to continue to have dialogue with various jurisdictions about extending the tax and asked for an explanation of that plan. Executive Director Steinhauser responded that they would conduct a baseline survey about transportation needs in April/May timeframe. It will take about a six-month process for the expenditure committee to review and finalize an expenditure plan to be brought to the TAM Board.

Council Member Brekhus discussed the current number of crossing guards in the Town of Ross and pointed out that Ross just lost one crossing guard. Executive Director Steinhauser agreed to investigate as to why and what happened to that crossing guard.

The Council thanked Executive Director Steinhauser for her presentation.

14. Town Council consideration of adoption of Resolution No. 1990, approving policies and procedures regarding the purpose, applicability, composition, process, duties of the Advisory Design Review (ADR) Group and amending the Town's existing ADR review process that is established through Town Council Resolution No. 1694.

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council adopt Resolution No. 1990 approving policies and procedures regarding the purpose, applicability, composition, process, duties of the advisory design review (ADR) Group and amending the Town's existing ADR review process that is established through Town Council Resolution No. 1964.

Council Member Kuhl stated that if this is approved and the method and terms are changed, he believed they need to either extend the terms of the current members or start fresh. Planning Manager Scoble noted that the vision is to essentially start fresh, so extend the application process to the entire community and go through a selection process. Council Member Kuhl discussed the language being used, *"all ADR members will serve a three year term limit"* and he assumed it means three-year term. Planning Manager Scoble responded in the affirmative and agreed to clarify.

Council Member Brekhus clarified that the trigger for ADR is when an applicant is seeking a demolition permit or design review. Planning Manager Scoble responded that it would be for most discretionary permits. Each permit has a direct finding related to current design review criteria and standards. The cost for ADR would be through the design review application fee. The processing of application is based on cost recovery and the ADR process would add approximately three to four hours for the process, which includes for noticing neighbors, creating staff report and attending meeting.

Council Member Brekhus recalled a discussion that ADR looks at design improvements, but does not review variances. Planning Manager Scoble noted that variances would not be covered since there are no variances findings that relate to design review. Staff explained that ADR is able to review a project to ensure consistency with the current design review criteria and standards. Also, there is somewhat of a reliance on the Council to allow ADR to review these projects, which are voluntary. Staff encouraged applicants to go through ADR and it would be great to capture the talent with these discretionary projects moving forward.

March 9, 2017 Minutes

Council Member Brekhus added that this is a big evolution and worried about creating a unique situation. She felt ADR has done a lot to resolve issues, but being mandatory seems to be an added expense and time.

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

Peter Nelson, Circle Drive resident, stated this was a very strong opinion of the ADR in general and the possibility of considering one alternate, since many travel and ADR members are very valuable and having one alternate would be beneficial. Streamlining would be great, but practicality of that does not seem reasonable due to the workload. Planning Manager Scoble responded that once the application is submitted they are not automatically getting on the ADR agenda. Once an application is deemed complete, staff schedules for ADR and Town Council meetings. The critical element is having a complete application.

There being no further public testimony on this item, the Mayor Pro Tempore closed the public portion and brought the matter back to the Council for discussion and action.

Planning Manager Scoble explained that ADR wanted formality in terms of process to review and provide advisory recommendations.

Council Member Russell has been advocating for years to be upfront and much more straightforward. It does not help to have uncertainty and discretion. He felt this makes sense to identify the triggers. Council Member Kuhl agreed and is prepared to vote in favor provided they change the language that it is a three-year term. He also wanted to appoint an alternate to help with the situation when members are traveling. Town Attorney Greg Stepanicich pointed out that there are complications to use an alternate, it could be done, but there are complications. Council Member Kuhl withdrew his recommendation to add an alternate.

Council Member Brekhus stated that the intent is advisory and voluntary and she did not understand how they could add a mandatory system that would violate the general plan. She questioned the extent of conflicts and all Brown Act requirements. She found the change to increase the number of members acceptable, but it should continue as voluntary. She further believed a nominal fee should be charged.

Council Member Russell noted this is advisory, input and guidance can be provided, but it is not binding, so nothing is changing in his view.

Town Attorney Greg Stepanicich noted that currently ADR reports to staff and now ADR will report to the Council. He explained that the mandatory part is still consistent with the general plan.

Council Member Kuhl wanted to keep the cost down and asked staff if they are permitted to subsidize the cost. Town Attorney Stepanicich noted that they are not allowed to spread the cost from one fee payer to another fee payer. In this case, if the cost is being subsidized by the general fund that is a Council decision. The Council is allowed to charge up to the full cost incurred, but the full amount does not have to be charged. Council Member Kuhl would be in favor of

recovering the cost. Planning Manager Scoble explained that currently staff is collecting design review fees and capturing ADR costs as part of the review of their overall project.

Mayor Pro Tempore Robbins asked for a motion.

Council Member Kuhl moved and Council Member Russell seconded, to adopt Resolution No 1990, approving policies and procedures regarding the purpose, applicability, composition, process, duties of the Advisory Design Review (ADR) Group and amending the Town's existing ADR review process that is established through Town Council Resolution No. 1694 and clarifying the three-year term. Motion carried 3-1. (Brekhus opposed)(Hoertkorn absent)

End of Administrative Agenda.

Public Hearings on Planning Projects

15. 43 Sir Francis Drake Boulevard, Design Review Permit, Accessory Dwelling Unit, and Variance No. 2016-045, and Town Council consideration of adoption of Resolution No. 1985.

James and Kathy Meyer, 43 Sir Francis Drake Boulevard, A.P. No. 073-161-16, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 units per acre). The applicant is requesting Design Review to allow for the remodel and 865 square foot floor area addition to an existing single-family residence. The project would entail a 649 square foot second floor addition to accommodate a master suite and a 216 square foot first floor addition to accommodate a kitchen and dining area addition. The project would also include the construction of a new accessory dwelling unit and an exception to allow a 500 square foot floor area exception per Section 18.42.065(a) of the Ross Municipal Code. A variance from Section 18.42.065(a) of the Ross Municipal Code is also being requested so that the new accessory dwelling unit can be constructed within the footprint of the existing residence and that 500 square feet of existing floor area can be transferred to the main residence. Other site improvements would include the hardscape improvements to remove existing impervious surfaces with permeable materials.

Existing and proposed conditions:

Lot Area	25,632 square feet	
Existing Floor Area/Ratio	3,474 sq. ft.	13.5% (15% permitted)
Proposed Floor Area/Ratio	4,339 sq. ft.	16.9%*
Existing Lot Coverage	3,586 sq. ft.	14% (15% permitted)
Proposed Lot Coverage	3,835.6 sq. ft.	15%
Existing Impervious Surfaces	7,281 sq. ft.	28.41%
Proposed Impervious Surfaces	5,917 sq. ft.	23.08% (Net Decrease)

The applicant is requesting a 500 square foot floor area exception for the new construction of an accessory dwelling unit per Section 18.42.065(a) of the Ross Municipal Code. Without the new accessory dwelling unit, the FAR for the project would be 14.5%

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 1985 approving a design review, an accessory dwelling unit, an exception

March 9, 2017 Minutes

to accessory dwelling unit, and a variance to an accessory dwelling unit exception to allow for the remodel and 865 square foot floor area addition to an existing single family residence, the new construction of an accessory dwelling unit, and landscape/hardscape improvements at 43 Sir Francis Drake Boulevard.

Council Member Russell asked staff if there are any windows looking onto the neighbor. Planning Manager Scoble responded that there are four windows facing north, but they are associated with a bathroom and bedroom. In terms of usage of the area and functionality of how it is laid out, it would be difficult for a privacy issue to be established.

Council Member Brekhus asked how staff made the determination of this area being under utilized. Planning Manager Scoble responded that there is an opportunity for enhancement when staff viewed. If the Council approves this accessory dwelling unit (*ADU*), moving forward this would be a specific dwelling unit that has a 20-year deed restriction that is recorded against the property. Staff further noted that what is being proposed is a walled off area.

Charles Theobald, architect, stated this project went through ADR in 2013 and drawings were presented not up to ADR standards. He went to ADR in 2014, with the design that is very similar to what is proposed today. After the 2014 ADR meeting, and discussions with the owners and staff, an ADU was proposed. He discussed the privacy issue and the distance between their side yard setback to the windows is 12ft., so this project is well within normal standards. He presented images from the roof based on the story poles for the Council's consideration. Also, he identified on the proposed drawings the existing plants and they are willing to plant two additional trees and increase the planting area between the fence and new driveway from 26 to 42-inches to address the privacy issues between neighbors.

Kathy Meyer, applicant, pointed out that they propose fruit trees, maples and sweet olive trees. The main tree is the English laurel. Architect Theobald felt privacy can be solved and will not be an issue. With respect to the ADU, this is a good candidate for an ADU for this location. This is an opportunity to develop this project that will last over 20 years, and be a low impact for the neighborhood.

James Meyer, applicant, explained that the backyard flooded, but the pool house and main house did not flood.

Mayor Pro Tempore Robbins opened the public hearing on this item, and seeing no one wishing to speak, the Mayor Pro Tempore closed the public portion and brought the matter back to the Council for discussion and action.

Council Members Kuhl and Brekhus found the project acceptable as presented.

Council Member Russell stated this is the third example of where an individual has taken advantage of the second unit ordinance. He wanted to ensure consistency. The spirit of the ordinance is being undermined in his view. This will be another example where the unit will be used by teenagers or elderly parents and not used for the purpose of the ordinance. He is concerned about privacy and wondered if the proposed trees will be a condition of approval. Planning Manager Scoble responded that as presented tonight the landscaping would be

considered as part of the project. Also, there is an additional condition of approval that will require additional screening, if necessary, up to three years after project final.

Mayor Pro Tempore Robbins felt it is a lovely project, but believed this sets a precedent so she is not comfortable with what is proposed. Council Member Russell thought they had enough FAR to move forward. Planning Manager Scoble responded that the primary residence has a 14.7% FAR and the ADU would have 2.2% FAR. They are asking for an exception to that and in order to grant that exception the Council must determine if there is a special circumstance. The Council would be granting a variance to the regulations that would allow them to capture the FAR, but shift the existing FAR and move it to the primary residence.

Architect Theobald believed this is a good response that will allow the Town to have an ADU and due to the housing situation this will not get any easy. The precedence set would be the Town supports what the State supports and is trying to provide low-income housing. He further reiterated that this ADU is deed restricted for 20 years.

Mayor Pro Tempore Robbins asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to approve 43 Sir Francis Drake Boulevard, Design Review Permit, Accessory Dwelling Unit, and Variance No. 2016-045, and adopt Resolution No. 1985 with the addition of the exhibit that was presented as an additional condition of approval. Motion carried 3-1. (Robbins opposed) (Hoertkorn absent)

Council Member Russell recused himself from Agenda Item No. 16 because he lives within 500 ft. of property.

16. 45 Bolinas Avenue, Demolition Permit, Design Review, a Nonconformity Permit, and a Variance No. 2016-049, and Town Council consideration of adoption of Resolution No. 1989.

Matt and Collin Shewey, 45 Bolinas Avenue, A.P. No. 073-051-08, R-1 (Single Family Residence, 5,000 sq. ft. min. lot size), Medium Density (6-10 Units/Acre), Zone AE (1-percent annual chance floodplain). The applicant is requesting a Demolition Permit, Design Review, a Nonconformity Permit, and a Variance to allow the remodel to an existing single-family residence, the remodel of the existing guesthouse, and the new construction of a 388 square foot one car garage. The project would also include raising the main residence's building height by approximately two feet to meet base flood plain regulations. Other project features would include new landscape and hardscape features, including new decks, a new patio and swimming pool. A Demolition Permit and Design Review is being requested to allow the removal of exterior walls and wall coverings associated with the remodel of the residence and guest house, in addition to grading more than 50 cubic yards of soil for the proposed swimming pool. A Variance is being requested to allow for additional lot coverage and setbacks relative to the proposed garage and pool. A Nonconformity Permit would allow for the structural alterations to the existing legal nonconforming residence and guesthouse.

Project Summary:

Lot Area	12,800 square feet
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Existing Floor Area/Ratio	3,737 sq. ft.	28%	(20% permitted)
Proposed Floor Area/Ratio	No Change		
Existing Lot Coverage	4,145 sq. ft.	32%	
Proposed Lot Coverage	4,388 sq. ft.	34%	(20% permitted)
Existing Impervious Surfaces	5,234 sq. ft.	40%	
Proposed Impervious Surfaces	4,998 sq. ft.	39%	

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 1989 conditionally approving a demolition permit, design review, variances, a nonconformity permit, and a tree removal permit to allow the remodel of the existing single family residence and guest house, in addition to the new construction of a swimming pool located within a side and rear yard setback.

Ann Bool, Architect, provided a brief overview of the architectural components and spoke briefly about the neighborhood. They propose lifting the house 2-foot, 4-inches to meet FEMA requirements and out of the floodplain allowing much needed modifications. In addition to interior remodel, the improvements include a new gable roof at the back of the house to replace the existing flat roof and a new front entry canopy to the porch to provide a stronger connection from the house to the street. They propose to add an attached 388 sq. ft. garage. The additional square footage will be off set by eliminating the upper level of the existing cottage and removing the large concrete fireplace from the house. After the ADR meeting they made some revisions to their design. The paint color for the main house is a gray board on board siding with an asphalt shingle roof. There was a request by both ADR and neighbor to reduce the size of the swimming pool. They agree to shorten the pool by 3 ft. They were asked to reduce the amount of pervious surface and by removing the existing concrete driveway and replacing with crushed rock and pervious paving material, they decreased the overall impervious material by 236 sq. ft. They met with ADR and addressed all concerns and comments that were made at the meeting as follows: revised the location and reduced the size of the garage; reduced the size of the swimming pool; removed the second level of the cottage; and agreed to privacy screening. They received the staff report requesting a reduction of the cottage ridge height and they agree to that request as well. They are happy to present a plan that brings the house back to life, improves the neighborhood streetscape and balances the needs of the owners.

Rupert Russell, Fernhill resident, asked the current elevation. Architect Bool responded that it is 8 ft., 6-inches.

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

William Devlin, Bolinas Avenue resident, noted that all their concerns have been addressed and noted support for the project as presented.

Frank Malin, Fernhill resident, believed the project proposed is a great solution to fixing the eyesore that has existed for over 20 years. He noted full support for the project before the Council.

Sylvia Russell, Fernhill resident, presented several photographs for the Council's consideration outlining her privacy concerns. She supported the staff recommendation in regard to additional

landscape screening to ensure privacy. She desired fast growing evergreen plants to screen the guesthouse, pool and reduce the noise impacts.

Rupert Russell, Fernhill resident, explained that he is directly impacted by this proposal. He wants privacy and screening restored. He supported the remodel, but they need to make sure his privacy is not impacted. Increasing the size of the deck and noise impacts from the pool are concerns and his privacy should be maintained.

Margie Ellis, Fernhill resident, submitted a detailed letter to the Council for their consideration. Her concern is the disrepair of the house, not the proposed size. This is a neighborhood, there is noise and all should enjoy the sound of children playing. She supported this project and is willing to help out with screening on her side.

Brad Egstri, landscape architect, noted that in addition to the agreement they will plant two trees on the property line and agreed to plant a total of four trees and agreed to the 12-foot height. They are all on the same page, they all want privacy.

There being no further public testimony on this item, the Mayor Pro Tempore closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Kuhl stated that this sounds as if they are very close to reaching an agreement. Privacy is a two-way street and every reasonable effort is being made to provide privacy. Leaving it to the Planning Manager to decide if ultimately what is being talked about is being adequately provided. He is in favor of the project as being proposed tonight.

Council Member Brekhus pointed out that the house will be raised, so there will be more visibility, so additional trees would be beneficial for screening. Planning Manager Scoble clarified that two trees will fill in that landscape gap between the contiguous properties and two additional trees will screen the guesthouse. Landscape Architect Egstri agreed to plant the two trees, but believed they should add a total of four trees, so plant more trees than what was suggested to ensure privacy. Planning Manager Scoble agreed to add a condition to state, *"four trees as approved by the Planning Manager to ensure privacy."*

Mayor Pro Tempore asked for a motion.

Council Member Brekhus moved and Council Member Kuhl seconded, to approve 45 Bolinas Avenue, Demolition Permit, Design Review, a Nonconformity Permit, and a Variance No. 2016-049, and adopt Resolution No. 1989 with the added conditions that identify adding four 12 ft. tall evergreen trees to be approved by the Planning Manager to address the screening gap that exists between 8 Fernhill and 45 Bolinas Ave. Motion carried 3-0. (Russell recused) (Hoertkorn absent)

End of Public Hearings on Planning Projects.

Council Member Russell resumed his seat at the dais.

17. Town Council review/discussion/revision of Council Procedures Manual for the Town of Ross. *Continued to a later date when all Council members are present.*

18. No Action Items:

a. Council correspondence

- MMWD Fluoridation

b. Future Council items

- Crossing guard near St. Anselms

19. Adjournment.

Mayor Pro Tempore Robbins moved to adjourn the meeting at 9:00 p.m.

Elizabeth Robbins, Mayor Pro Tempore

ATTEST:

Linda Lopez, Town Clerk