



**Agenda Item No. 11a.**

**Staff Report**

**Date:** June 16, 2022  
**To:** Mayor Robbins and Council Members  
**From:** Rebecca Markwick, Planning & Building Director  
**Subject:** 15 Skyland Way

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**Recommendation**

It is recommended that the Town Council consider adoption of Resolution No. 2256 (see **Attachment 1**) approving Design Review, Hillside Lot Permit, and Variance for the subject project as described below.

**Property Address:** 15 Skyland Way  
**A.P.N.:** 072-201-16  
**Applicant:** Polsky Perlstein Architects  
**Property Owner:** Horatio LLC  
**Zoning:** R-1:B-A; Hillside Lot  
**General Plan:** VL (Very Low Density)  
**Flood Zone:** X (Minimal risk area)

**Project Summary:** The applicant is requesting approval of Design Review, Hillside Lot Permit and a Variance for first and second-story additions to an existing attached garage at the west wing of the existing single-family residence. The Variance is required because the addition is proposed to encroach into the front and side yard setbacks.

**Project Data**

	<b>Code Standard</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Area</b>	1 Acre min.	66,096 sq. ft.	No change
<b>Floor Area (FAR)</b>	15% max.	8,086 sq. ft. (12.2%)	9,624 sq. ft. (14.6%)
<b>Building Coverage</b>	15% max.	8,137 sq. ft. (12.3%)	8,559 sq. ft. (13.0%)
<b>Front Setback</b>	25 feet min.	59'-2"	49'-1"
<b>Side Setback *</b> * The more restrictive of the regulations apply.	R-1:B-A: 25 feet min. Hillside: 45 feet min.	South side: 27'-4" (nonconforming for Hillside Lot) North side: Not applicable/no change	South side: 25'-4" (nonconforming for Hillside Lot) North side: Not applicable/no change
<b>Rear Setback *</b> * The more restrictive of the regulations apply.	R-1:B-A: 40 feet min. Hillside: 70 feet min.	Not applicable/no change	Not applicable/no change
<b>Building Height</b>	2 stories; 30 feet max.	House: 24'-0" Garage: 12'-3"	House/garage addition: 25'-5"
<b>Off-street Parking Spaces</b>	4 total (2 enclosed) min.	4 total/enclosed	4 total/enclosed
<b>Impervious Surface Coverage</b>	Minimize and/or mitigate for any increase.	20,429 sq. ft. (30.9%)	20,874 sq. ft. (31.6%)

**Project Description**

The project proposes to add 554 square feet to the existing attached garage level at the west wing of the single-family residence; and to construct a new 984-square-foot second-story residential addition above the existing attached garage. At the garage wing, the roof height would increase from 12'-3" to 25'-5". The proposed exterior materials include slate roof tiles and stucco siding to match the existing exterior building materials; and new stained wood garage doors to match the existing front gate. The existing driveway would be regraded and expanded by approximately 445 square feet.



Project application materials are as follows: Project Plans Attachment 2; Project Description Attachment 3.

**Background**

The project site is an irregularly shaped, 66,096-square-foot lot on the south side of Skyland Way. The lot has an average slope of approximately 28.6%. The property is designated as a Hillside Lot because the north and west edges of the lot are located within Slope Stability Hazard Zone 3; however, it is not subject to Hillside Lot floor area restrictions because the average lot slope does not exceed 30%. The property contains an existing single-family residence with attached garage wing in the middle of the lot; a detached pool house at the east side; and a detached garage at the west side. The west portion of the property is bisected by a vehicular access easement that separates the detached garage from the remainder of the property. The existing garage structures are nonconforming with respect to the minimum required 45-foot south side yard setback for the Hillside Lot, as measured from the edge of the access easement.

According to County of Marin records, development occurred on the site in 1930 and 1981. Previously, the Town approved development projects on the property include the following:

Date	Permit	Description
02/12/1976	Lot Line Adjustment	Transfer 2,370 sq. ft. to A.P.N. 072-201-14.
09/12/1985	Variance	Construct new garage with nonconforming side and rear yard setbacks.
08/13/1998	Variance, Design Review	Add 258 square feet; nonconforming setbacks.
02/11/1999	Variance, Design Review	Add 15 sq. ft. and 88 sq. ft.; roofline change; nonconforming setbacks.
10/14/1999	Variance, Design Review	Add 98 sq. ft.; roofline change; nonconforming setbacks.
01/13/2000	Variance, Design Review	Construct 345-sq. ft. pool house; nonconforming setbacks.

The Project History is included as **Attachment 4**.

### **Advisory Design Review**

Pursuant to Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions for Attics, a Hillside Lot Permit, and/or a Variance.

The Advisory Design Review (ADR) Group reviewed the project on May 17, 2022. The ADR Group received information from the applicant, received public comments, and provided recommendations regarding the merits of the project as it relates to the purpose of Design Review and the Design Review criteria and standards per Ross Municipal Code Section 18.41.100 and the Town of Ross Design Guidelines.

On May 17, 2022, the ADR Group unanimously recommended that project is consistent with the purpose of Design Review and the Design Review criteria and standards per Section 18.41.100, and, therefore, recommended approval of Design Review. The May 17, 2022, ADR Group meeting minutes (draft) are included as **Attachment 5**.

### ***Design Review***

Design Review is intended to guide new development to preserve and enhance the special qualities of Ross and to sustain the beauty of the town's environment. Other specific purposes include: provide excellence of design for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area; preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town's neighborhoods; and preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

The Town Council may approve, conditionally approve or deny an application for design review. The Town Council shall include conditions necessary to meet the purpose of Design Review pursuant to Chapter 18.41 and for substantial compliance with the criteria set forth in this chapter. The Town Council may adopt by resolution standard conditions for all projects to meet.

Pursuant to Section 18.41.20 (a), the proposed project requires a Design Review Permit for exterior remodeling resulting in additions, extensions or enlargements to existing buildings exceeding two hundred square feet of new floor area; and for an increase to the existing roof height.

Staff recommends approval of Design Review, as summarized below and as supported by the findings in Exhibit "A" of the attached Resolution.

The project provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical “small town,” low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhances the area in which the project is located; and promotes and implements the design goals, policies and criteria of the Ross General Plan. The proposed additions are not monumental or excessively large size and are compatible with others in the neighborhood and do not attract attention to themselves. The project proposes materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Exterior lighting is shielded and directed downward to avoid creating glare, hazard or annoyance to adjacent property owners or passersby. Landscaping protects privacy between properties, all proposed lighting is down lit with covered bulbs. The post-project stormwater runoff rates from the site would be no greater than pre-project rates.

***Hillside Lot Permit***

Hillside areas are defined as parcels which have a slope of thirty percent or greater or are wholly or partially within Hazard Zones 3 or 4 as identified on the Town slope stability map. The purpose of Hillside designation includes: preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain; protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources; ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety; protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites; and reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

Pursuant to Section 18.39.20 (b), the proposed project requires a Hillside Lot Permit for exterior remodeling resulting in additions, extensions or enlargements to existing buildings exceeding two hundred square feet of new floor area.

Staff recommends approval of Hillside Lot Permit, as summarized below and as supported by the findings in Exhibit “A” of the attached Resolution.

The proposed project protects and preserves public and private open space; significant features of the natural environment; and steep slopes, creeks, significant native vegetation, wildlife and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety. The project complies with the maximum allowed floor area for a Hillside Lot with an average lot slope that does not exceed 30%, which is the maximum allowed floor area for the zoning district. Architectural design complements the form of the natural landscape. Design is well-articulated to minimize the appearance of bulk. Materials and colors are of subdued tones and blend with the natural landscape. Building design and the placement of driveways conforms to the natural contours of the site. Development minimizes the obstruction of views from surrounding

properties and public vantage points, with particular care taken to protect primary views. Development avoids unstable areas on the site. The design of the circulation system follows the natural contours of the land.

***Variance***

Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the zoning code may result from the strict application of certain provisions thereof, variances, exceptions and adjustments may be granted, by the Town Council in appropriate cases. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

In granting any variance, exception, or adjustment under the provisions of Chapter 18.39, the Town Council shall designate such conditions in connection therewith as will in its opinion, secure substantially the objectives of the regulation or provision to which the variance, exception or adjustment is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. In order to grant any variance, exception or adjustment, the findings of the Town Council shall be that the qualifications under Section 18.48.020 apply to the land, building, or use for which variance, exception or adjustment is sought, and that the variance shall be in harmony with the general purpose of this title.

Pursuant to Sections 18.32.050 and 18.32.060, which establish development standards in the R-1:B-A district for minimum required setbacks and maximum building coverage, and Section 18.39.090 (b), which establishes minimum required setbacks for a Hillside Lot, the proposed project requires a Variance to allow for expansion of the existing building which is nonconforming with respect to the minimum required 45-foot south side yard setback for the Hillside Lot.

Staff recommends approval of the Variances as summarized below and by the findings in Exhibit "A" in the attached Resolution.

The special circumstances and conditions applicable to the land, building, or use include the existing topography, geology, and lot layout and patterns of development on the property and the neighborhood. The existing and proposed structures comply with the minimum required yard setbacks for the zoning district. However, the property is subject to the more restrictive minimum yard setbacks for a Hillside Lot because the north and west edges of the lot are located within Slope Stability Hazard Zone 3; even though the proposed construction would not occur within Slope Stability Hazard Zone 3. The special circumstances and conditions applicable include the existing development pattern, which make it preferable to construct a new, compact addition

to the existing structure with nonconforming setback; rather than constructing a new addition that complies with the more restrictive minimum yard setbacks for a Hillside Lot, and which would result in greater expansion of building footprint. Due to these circumstances and conditions, there are special circumstances or conditions applicable to the land, building, and use with this application.

Due to the special circumstances and conditions mentioned above, the strict application of the more restrictive minimum yard setbacks for a Hillside Lot would deprive the subject property of the ability construct a new, compact addition to the existing residence. The strict application of the Hillside Lot setbacks would result in an inferior design, and greater expansion of building footprint. Granting of the variance request, in a neighborhood where existing nonconforming building setbacks are not uncommon, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights.

Granting of the application would result in a superior design alternative by conforming to and complementing the architecture of the existing residence; by minimizing expansion of building footprint; and by allowing for compact development. The new building addition would be located more than 25 feet away from the south side property line, which complies with the zoning district standard, and which provides for necessary privacy and screening.

#### **Fiscal, Resource and Timeline Impacts**

If approved, the project would be subject to one-time fees for a building permit and associated impact fees, which are based on the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no net funding impacts associated with the project.

#### **Alternative actions**

1. Continue the item to gather further information, conduct further analysis, or revise the project; or
2. Make findings to deny the application.

#### **Environmental Review**

The project has been reviewed under the provision of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On June 9, 2022, the proposed project was determined to be categorically exempt from CEQA pursuant to Section 15301 because the proposed project consists of the project consists of minor alteration of existing private structures, facilities, or topographical features, involving negligible or no expansion of existing or former use.

#### **Public Comment**

Public Notices were mailed to property owners within 500 feet of the project site 10 days prior to the meeting date pursuant to the Ross Municipal Code. No comments were received prior to the finalization of this report.

**Attachments**

1. Resolution No. 2256
2. Project Plans
3. Project Description
4. Project History
5. ADR Group Meeting Minutes, May 17, 2022 (draft)



# ATTACHMENT 1

# TOWN OF ROSS

## RESOLUTION NO. 2256

### **A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, HILLSIDE LOT PERMIT, AND VARIANCE TO CONSTRUCT NEW FIRST-STORY AND SECOND-STORY ADDITIONS TO AN EXISTING ATTACHED GARAGE AT THE WEST WING OF THE EXISTING SINGLE-FAMILY RESIDENCE AT 15 SKYLAND WAY, A.P.N. 072-201-16**

**WHEREAS**, applicant Polsky Perlstein Architects, on behalf of property owner Horatio LLC, has submitted an application requesting approval of Design Review, Hillside Lot Permit, and Variance to construct new first-story and second-story additions to an existing attached garage at the west wing of the existing single-family residence at 15 Skyland Way, A.P.N. 072-201-16 (herein referred to as “the Project”).

**WHEREAS**, the Project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of minor alteration of existing private structures, facilities, or topographical features, involving negligible or no expansion of existing or former use; and

**WHEREAS**, on June 16, 2022, the Town Council held a duly noticed public hearing to consider the Project; and

**WHEREAS**, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

**NOW, THEREFORE, BE IT RESOLVED** the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit “A”, and approves Design Review, Hillside Lot Permit, and Variance to allow the Project, subject to the Conditions of Approval attached as Exhibit “B”.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 16<sup>th</sup> day of June, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elizabeth Robbins, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk

**EXHIBIT "A"**  
**FINDINGS**  
**15 SKYLAND WAY**  
**A.P.N. 072-201-16**

**I. In accordance with Ross Municipal Code Section 18.41.070 (b), Design Review is approved based on the following mandatory findings:**

**(1) The project is consistent with the purpose of Design Review as outlined in Section 18.41.010.**

The project provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhances the area in which the project is located; and promotes and implements the design goals, policies and criteria of the Ross General Plan.

**(2) The project is in substantial compliance with the design criteria of Section 18.41.100.**

Lot coverage and building footprints are minimized, and development clustered, to minimize site disturbance. New structures and additions avoid monumental or excessively large size. Buildings are compatible with others in the neighborhood and do not attract attention to themselves. Buildings use materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Good access, circulation and off-street parking is provided. Exterior lighting is shielded and directed downward to avoid creating glare, hazard or annoyance to adjacent property owners or passersby. Decks, balconies and other outdoor areas are sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping protects privacy between properties. The post-project stormwater runoff rates from the site would be no greater than pre-project rates.

**(3) The project is consistent with the Ross General Plan and zoning ordinance.**

The project is consistent with the allowed uses and general development standards associated with the Very Low Density land use designation of the General Plan, the Single Family Residence and Special Building Site zoning regulations, and the Hillside Lot regulations; therefore, the project is recommended to be found consistent with the Ross General Plan and Zoning Ordinance. Consistent with Chapter 18.48, findings are recommended to support the requested variance to allow for the proposed minor setback encroachments on a Hillside Lot.

**II. In accordance with Ross Municipal Code Section 18.39.60 (b), Hillside Lot Permit is approved based on the following mandatory findings:**

**(1) The project complies with the stated purposes of Chapter 18.39.**

The proposed project protects and preserves public and private open space; significant features of the natural environment; and steep slopes, creeks, significant native vegetation,

wildlife and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety.

**(2) The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance.**

The project complies with the maximum allowed floor area for a Hillside Lot with an average lot slope that does not exceed 30%, which is the maximum allowed floor area for the zoning district. Graded slopes do not exceed 2:1. Development adheres to the wildland urban interface building standards within the California Building Standards Code. The project produces no net increase in peak runoff from the site compared to pre-project conditions. Consistent with Chapter 18.48, findings are recommended to support the requested variances to allow for the proposed minor setback encroachments on a Hillside Lot.

**(3) The project substantially conforms to the hillside development guidelines in Section 18.39.090.**

Architectural design complements the form of the natural landscape. Design is well-articulated to minimize the appearance of bulk. Materials and colors are of subdued tones and blend with the natural landscape. Building design and the placement of driveways conforms to the natural contours of the site. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views. Development avoids unstable areas on the site. The design of the circulation system follows the natural contours of the land.

**III. In accordance with Ross Municipal Code Section 18.48.010, Variance is approved based on the following mandatory findings:**

**18.48.020 (1). That there are special circumstances or conditions applicable to the land, building or use referred to in the application.**

The special circumstances and conditions applicable to the land, building, or use include the existing topography, geology, and lot layout and patterns of development on the property and the neighborhood. The existing and proposed structures comply with the minimum required yard setbacks for the zoning district. However, the property is subject to the more restrictive minimum yard setbacks for a Hillside Lot because the north and west edges of the lot are located within Slope Stability Hazard Zone 3; even though the proposed construction would not occur within Slope Stability Hazard Zone 3. The special circumstances and conditions applicable include the existing development pattern, which make it preferable to construct a new, compact addition to the existing structure with nonconforming setback; rather than constructing a new addition that complies with the more restrictive minimum yard setbacks for a Hillside Lot, and which would result in greater expansion of building footprint and non-compact development. Due to these circumstances and conditions, there are special circumstances or conditions applicable to the land, building, and use with this application.

**18.48.020 (2). That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.**

Due to the special circumstances and conditions applicable to the land, including the existing topography, geology, lot layout and patterns of development on the property and the neighborhood, the strict application of the more restrictive minimum yard setbacks for a Hillside Lot would deprive the subject property of the ability construct a new, compact addition to the existing residence. The strict application of the Hillside Lot setbacks would result in an inferior design, greater expansion of building footprint, and non-compact development. Granting of the variance request, in a neighborhood where existing nonconforming building setbacks are not uncommon, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights. Granting of the variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

**18.48.020 (3). That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.**

Granting of the application would result in a superior design alternative by conforming to and complementing the architecture of the existing residence; by minimizing expansion of building footprint; and by allowing for compact development. The new building addition would be located more than 25 feet away from the south side property line, which complies with the zoning district standard, and which provides for necessary privacy and screening.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**15 SKYLAND WAY**  
**A.P.N. 072-201-16**

1. This approval authorizes Design Review, Hillside Lot Permit, and Variance to construct new first-story and second-story additions to an existing attached garage at the west wing of the existing single-family residence at 15 Skyland Way, A.P.N. 072-201-16 (herein referred to as "the Project").
2. The building permit shall substantially conform to the plans prepared by Polsky Perlstein Architects, entitled, "Private Residence, 15 Skyland Way, Ross CA, AP# 072-201-16", dated 5/19/22; and reviewed and approved by the Town Council on June 16, 2022.
3. Except as otherwise provided in these conditions, the Project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the Project and will not extend the permitted construction period.
5. The Project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
6. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the Project.
7. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
8. A Tree Permit shall not be issued until the project grading or building permit is issued.

9. The Project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
- a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
  - b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
  - c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the Project. Any additional costs incurred by the Town, including costs to inspect or review the Project, shall be paid as incurred and prior to project final.
  - d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
  - e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the Project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
  - f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
  - g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
  - h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout



areas. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.

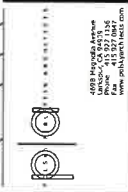
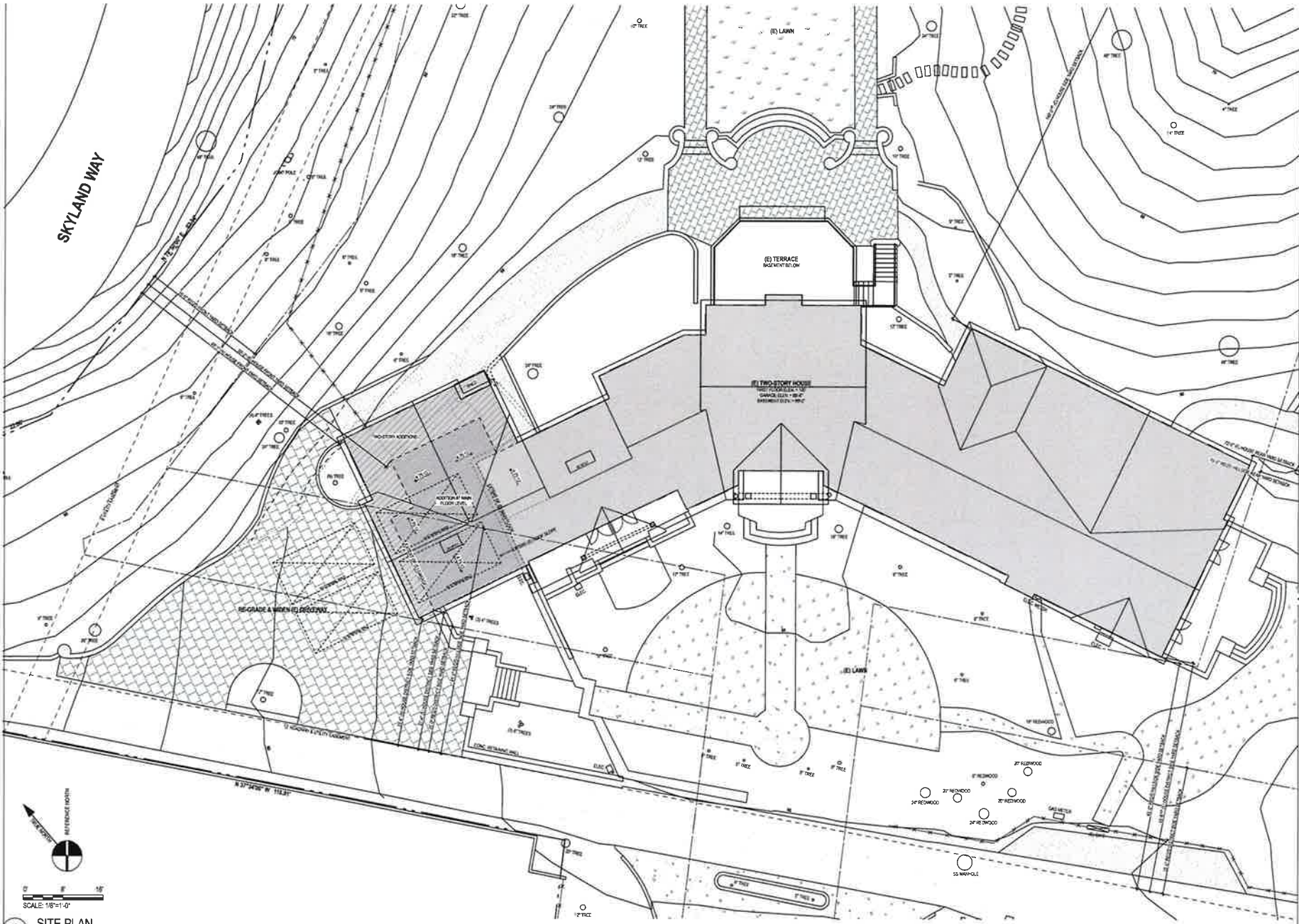
- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the Project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the Project and the construction management plan.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- r. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- s. The Project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
- w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
- i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.

- ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
  - iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.
10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

# ATTACHMENT 2





**PRIVATE RESIDENCE**

15 SKYLAND WAY  
ROSS CA  
APP 072-201-16

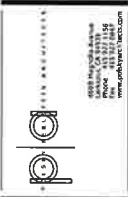
**PRELIMINARY**

REV	DATE	BY	CHKD	DESCRIPTION
1	5/19/22	JSA		ISSUED FOR PERMITS
2	5/19/22	JSA		ISSUED FOR PERMITS
3	5/19/22	JSA		ISSUED FOR PERMITS
4	5/19/22	JSA		ISSUED FOR PERMITS
5	5/19/22	JSA		ISSUED FOR PERMITS
6	5/19/22	JSA		ISSUED FOR PERMITS
7	5/19/22	JSA		ISSUED FOR PERMITS
8	5/19/22	JSA		ISSUED FOR PERMITS
9	5/19/22	JSA		ISSUED FOR PERMITS
10	5/19/22	JSA		ISSUED FOR PERMITS
11	5/19/22	JSA		ISSUED FOR PERMITS
12	5/19/22	JSA		ISSUED FOR PERMITS
13	5/19/22	JSA		ISSUED FOR PERMITS
14	5/19/22	JSA		ISSUED FOR PERMITS
15	5/19/22	JSA		ISSUED FOR PERMITS
16	5/19/22	JSA		ISSUED FOR PERMITS
17	5/19/22	JSA		ISSUED FOR PERMITS
18	5/19/22	JSA		ISSUED FOR PERMITS
19	5/19/22	JSA		ISSUED FOR PERMITS
20	5/19/22	JSA		ISSUED FOR PERMITS

DETAIL SITE PLAN

1 SITE PLAN  
SCALE: 1/8"=1'-0"

A1.1



**PRIVATE RESIDENCE**

15 SKYLAND WAY  
ROSS, CA  
APN 072-201-16

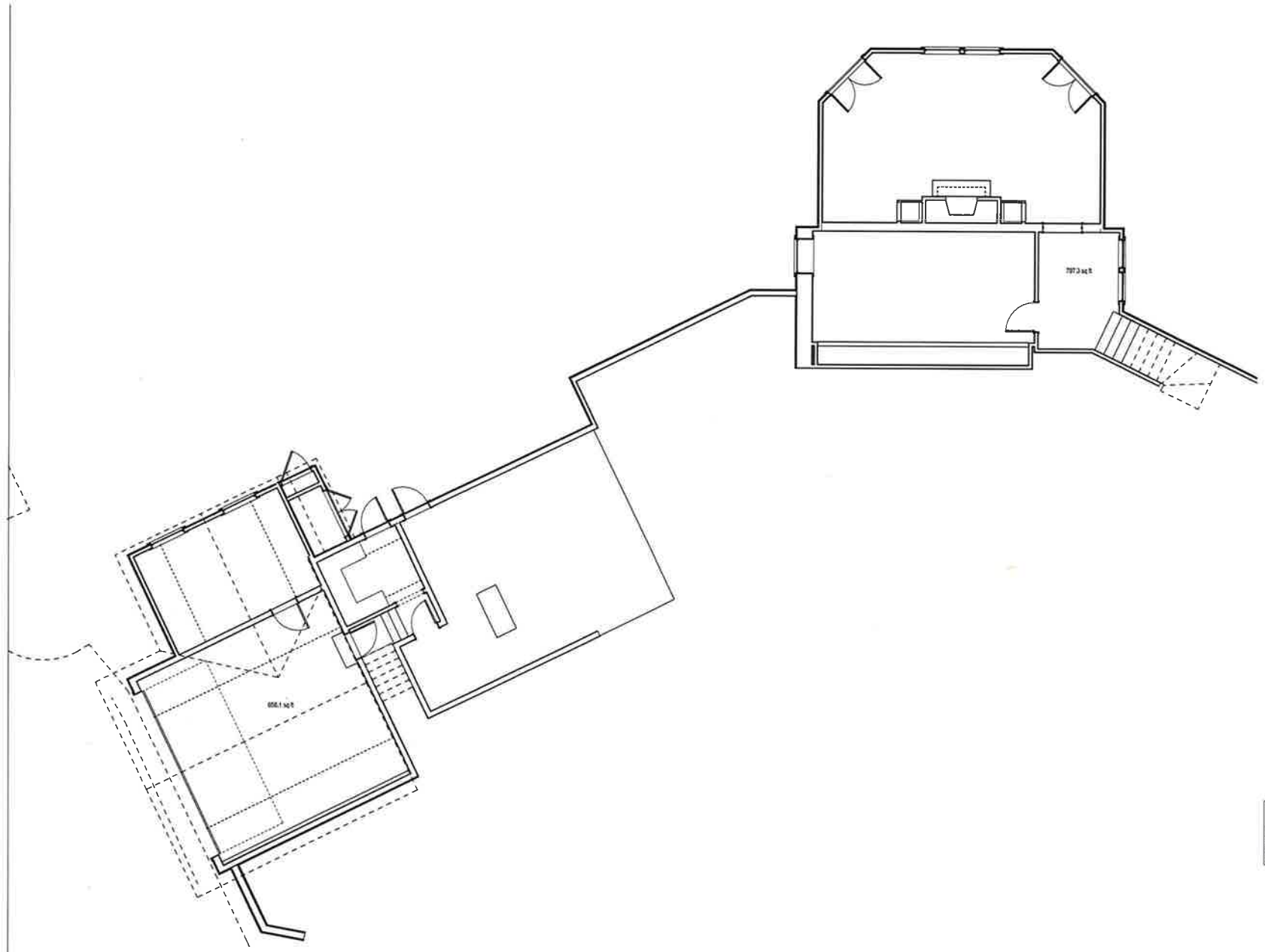
**PRELIMINARY**

NO.	DATE	DESCRIPTION
1	08/20/10	ISSUED FOR PERMITS
2	08/20/10	REVISED
3	08/20/10	ISSUED FOR PERMITS

DATE	08/20/10
SCALE	AS SHOWN
APP	DAH
CHK	NOTED

**EXISTING BASEMENT PLAN**

**A1.2**



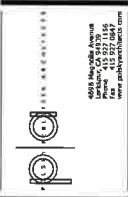
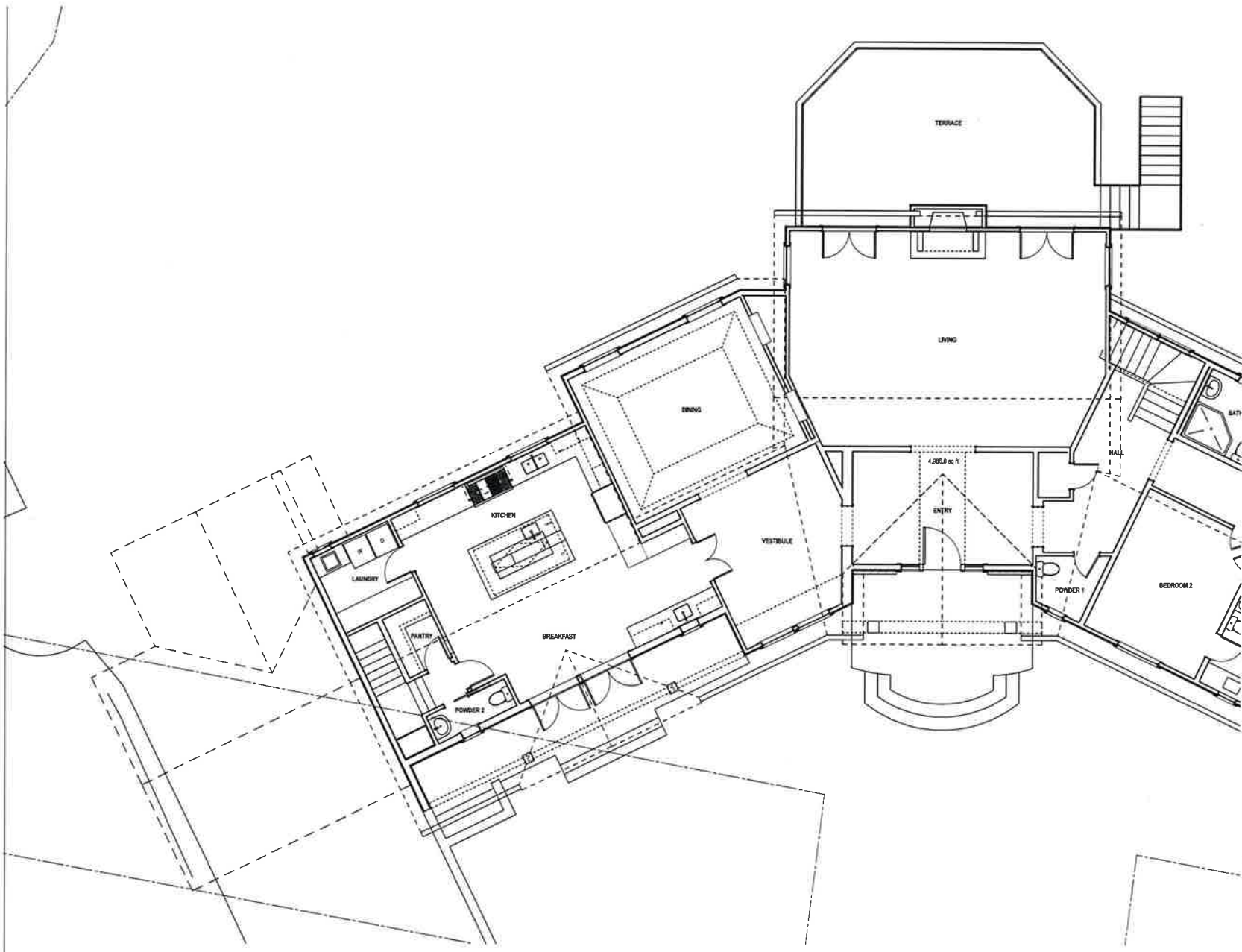
**WALL LEGEND**

(Solid line)	EXISTING WALL TO REMAIN - NO MODIFICATIONS
(Dashed line)	EXISTING WALL - IN RECORD SHEAR
(Dotted line)	EXISTING WALL TO BE MODIFIED FOR NEW CONSTRUCTION
(Thick solid line)	EXISTING WALL TO BE DEMOLISHED
(Thin solid line)	NEW WALL



SCALE: 1/4"=1'-0"

**1** EXISTING BASEMENT PLAN  
SCALE: 1/4"=1'-0"



**PRIVATE RESIDENCE**  
 15 SKYLAND WAY  
 ROSS, CA  
 APN 072-201-16

**PRELIMINARY**

NO.	DATE	DESCRIPTION	BY
1	5/1/2022	ISSUED FOR PERMITS	DA
2	5/1/2022	REVISIONS	DA
3	5/1/2022	REVISIONS	DA

WALL LEGEND	
	EXISTING WALL TO REMAIN - NO MODIFICATIONS
	EXISTING WALL TO BE REMOVED
	EXISTING WALL TO BE ADDED
	EXISTING WALL TO BE MODIFIED FOR NEW OPENING
	EXISTING WALL TO BE DEMOLISHED (NEW WALL)

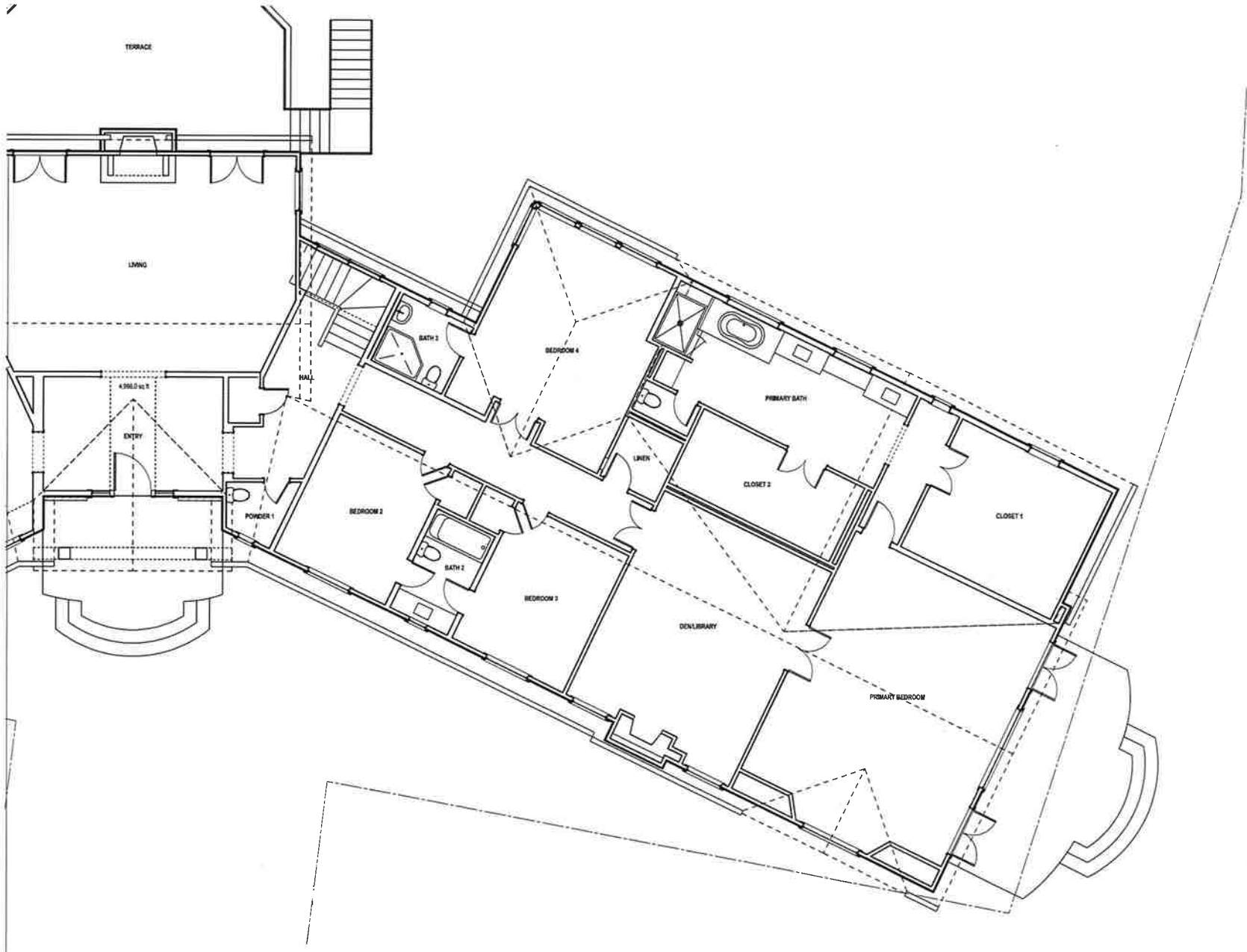


SCALE: 1/4" = 1'-0"

1 EXISTING FIRST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

EXISTING FIRST FLOOR PLAN - NORTH

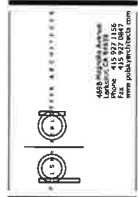




1 EXISTING FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

**WALL LEGEND**

[Symbol]	EXISTING WALL TO REMAIN - NO MODIFICATION
[Symbol]	EXISTING WALL TO BE REMOVED
[Symbol]	EXISTING WALL TO BE MOVED OR NEW OPENING
[Symbol]	EXISTING WALL TO BE DEMOLISHED
[Symbol]	NEW WALL

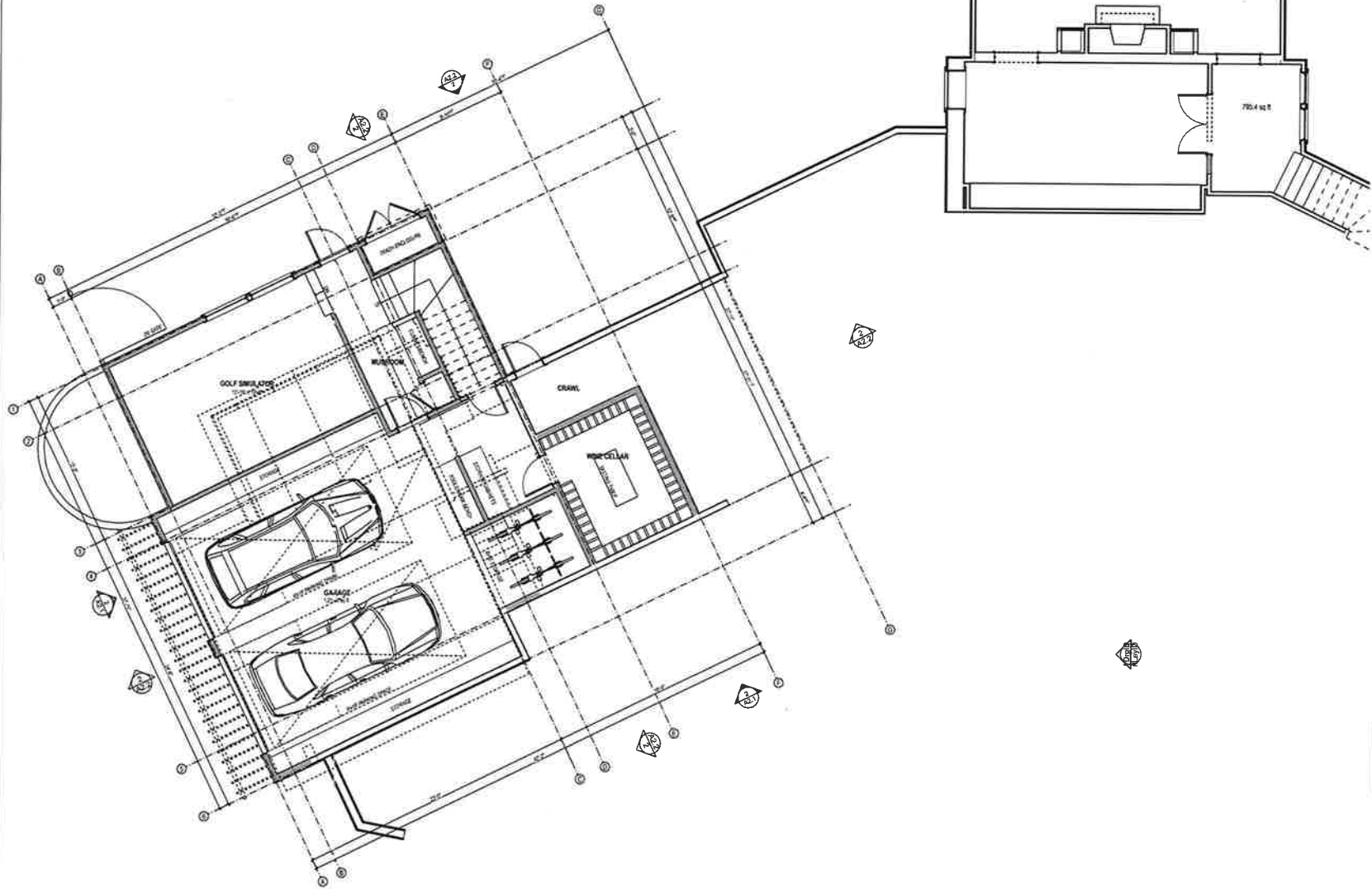


**PRIVATE RESIDENCE**  
15 SKYLAND WAY  
ROSS, CA  
AP# 072-201-16

**PRELIMINARY**

DATE	DESCRIPTION	BY
PLUM 200	DESIGN DEVELOPMENT	JP
MECH 200	MECH. PLAN	JP
PLUM 200	TOP GRADE SET	JP

EXISTING FIRST FLOOR PLAN - SOUTH



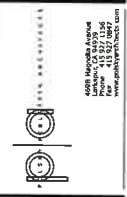
1 PROPOSED BASEMENT PLAN  
SCALE: 1/4"=1'-0"

**WALL LEGEND**

[Solid Line]	EXISTING WALL TO REMAIN - NO MODIFICATIONS
[Dashed Line]	EXISTING WALL TO BE MODIFIED (SEE AR)
[Dotted Line]	EXISTING WALL TO BE MODIFIED FOR NEW OPENING
[Cross-hatched]	EXISTING WALL TO BE DEMOLISHED
[Thin Solid Line]	NEW WALL



SCALE: 1/4"=1'-0"



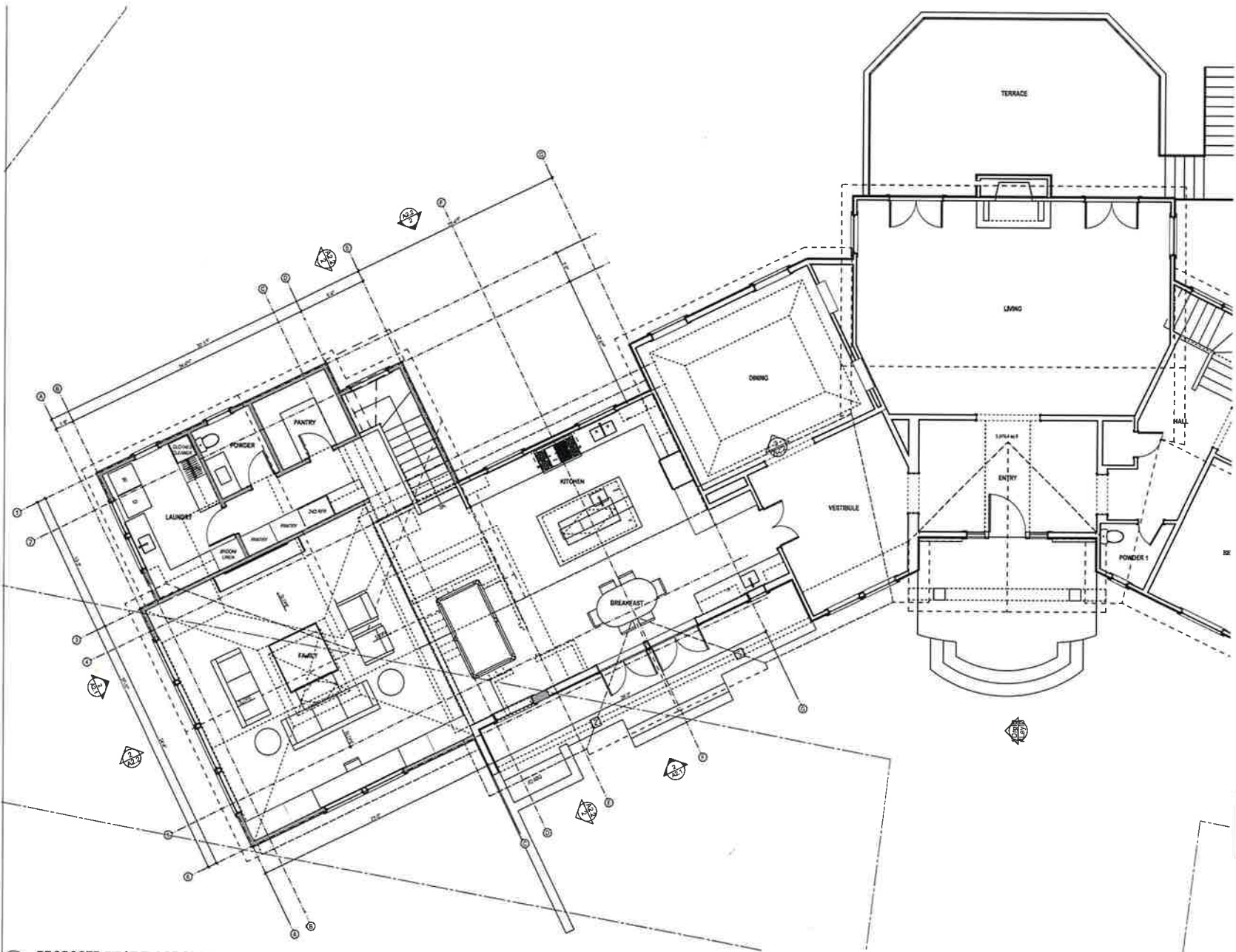
**PRIVATE RESIDENCE**  
15 SKYLAND WAY  
ROSS, CA  
APP 072-201-16

**PRELIMINARY**

DATE	BY	DESCRIPTION
07/28/2016	DAVID M. HARRIS	ISSUED FOR PERMITTING
08/04/2016	J. HARRIS	100%
08/04/2016	J. HARRIS	100%
08/04/2016	J. HARRIS	100%

**PROPOSED BASEMENT PLAN**

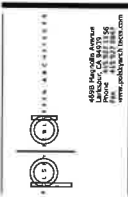
**A1.5**



2 PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

**WALL LEGEND**

[Solid line]	EXISTING WALL TO REMAIN - NO MODIFICATIONS
[Dashed line]	EXISTING WALL TO BE REMOVED
[Dotted line]	EXISTING WALL TO BE MODIFIED FOR NEW OPENING
[Line with dashes and dots]	EXISTING WALL TO BE DEMOLISHED
[Thick solid line]	NEW WALL



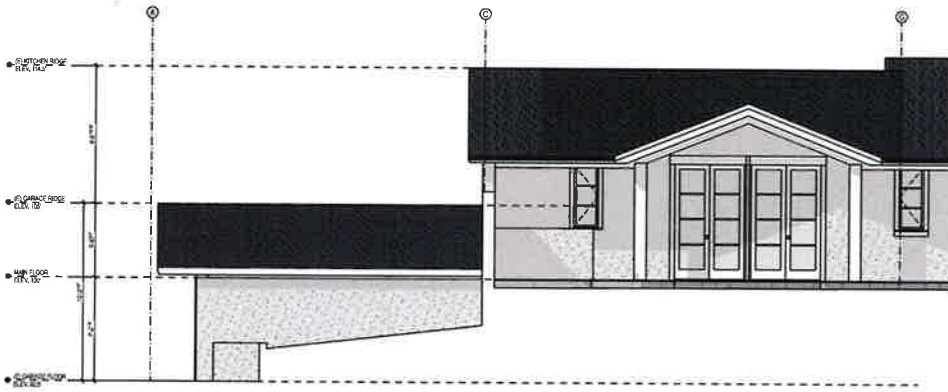
**PRIVATE RESIDENCE**  
15 SKYLAND WAY  
ROSS, CA  
APR 07/2018

**PRELIMINARY**

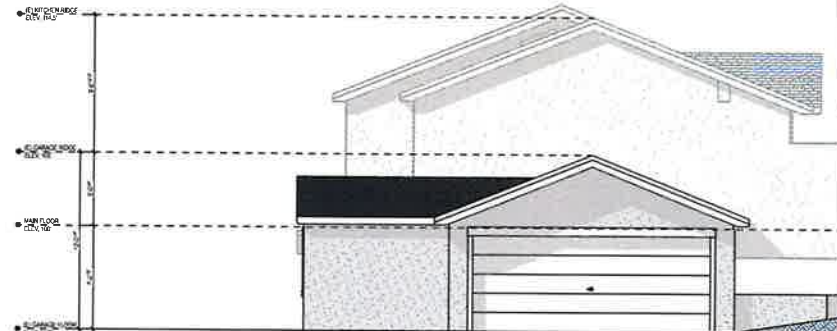
DATE	DESCRIPTION	BY
04/07/18	ISSUED FOR PERMITS	JR
04/07/18	ISSUED	JR
04/07/18	ISSUED	JR

DATE	5/19/22
BY	JR
SCALE	1/4" = 1'-0"
NOTES	NOTED

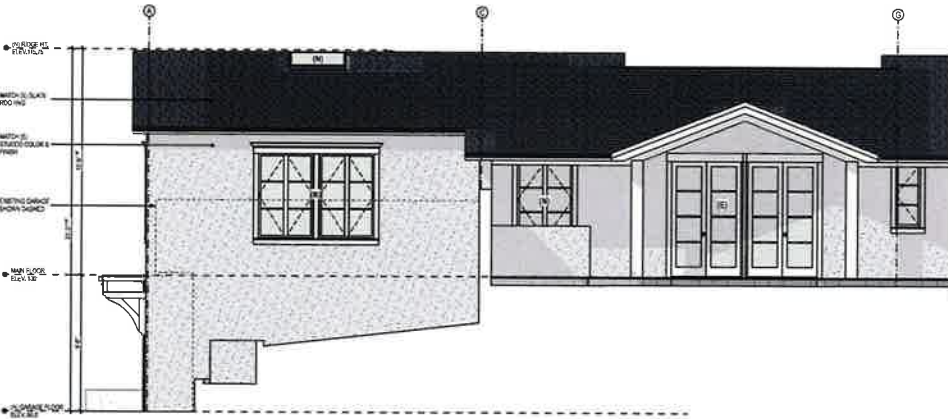
PROPOSED FIRST FLOOR PLAN - NORTH



2 (E) SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



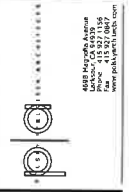
2 (E) WEST ELEVATION  
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

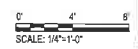


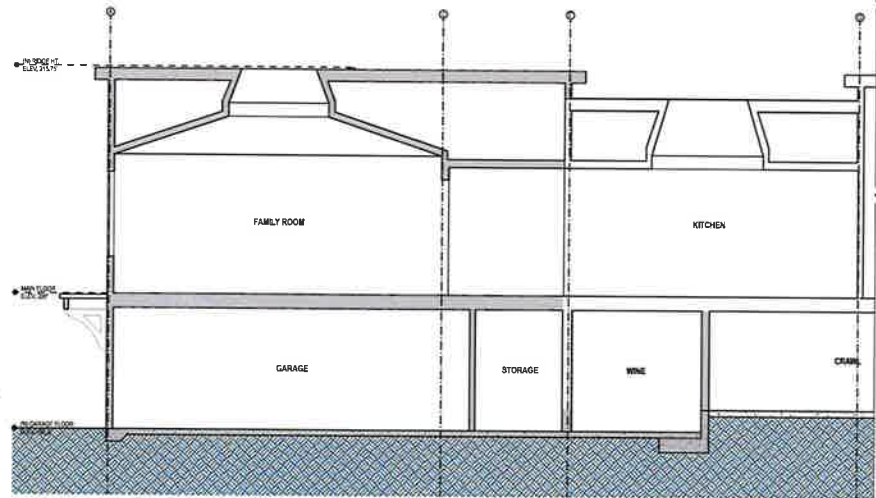
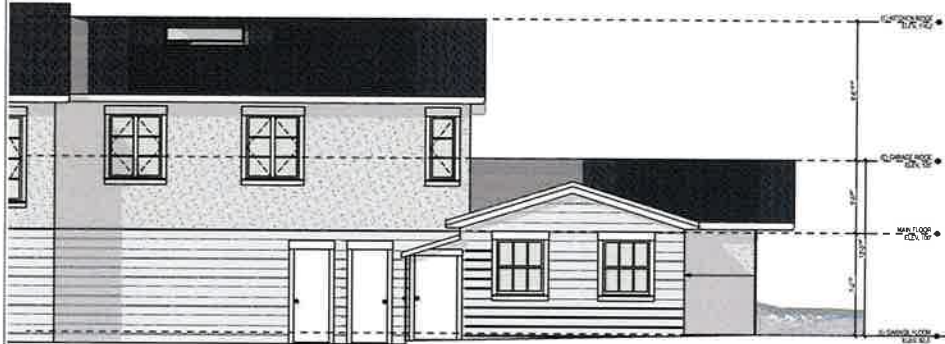
**PRIVATE RESIDENCE**  
15 SKYLAND WAY  
ROSS CA  
APP# 072-201-16

**PRELIMINARY**

REV	DESCRIPTION	BY
1	ISSUED FOR PERMITS	JW
2	ISSUED FOR PERMITS	JW
3	ISSUED FOR PERMITS	JW
4	ISSUED FOR PERMITS	JW
5	ISSUED FOR PERMITS	JW
6	ISSUED FOR PERMITS	JW
7	ISSUED FOR PERMITS	JW
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9	ISSUED FOR PERMITS	JW
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14	ISSUED FOR PERMITS	JW
15	ISSUED FOR PERMITS	JW
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18	ISSUED FOR PERMITS	JW
19	ISSUED FOR PERMITS	JW
20	ISSUED FOR PERMITS	JW
21	ISSUED FOR PERMITS	JW
22	ISSUED FOR PERMITS	JW
23	ISSUED FOR PERMITS	JW
24	ISSUED FOR PERMITS	JW
25	ISSUED FOR PERMITS	JW
26	ISSUED FOR PERMITS	JW
27	ISSUED FOR PERMITS	JW
28	ISSUED FOR PERMITS	JW
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30	ISSUED FOR PERMITS	JW
31	ISSUED FOR PERMITS	JW
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34	ISSUED FOR PERMITS	JW
35	ISSUED FOR PERMITS	JW
36	ISSUED FOR PERMITS	JW
37	ISSUED FOR PERMITS	JW
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39	ISSUED FOR PERMITS	JW
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49	ISSUED FOR PERMITS	JW
50	ISSUED FOR PERMITS	JW

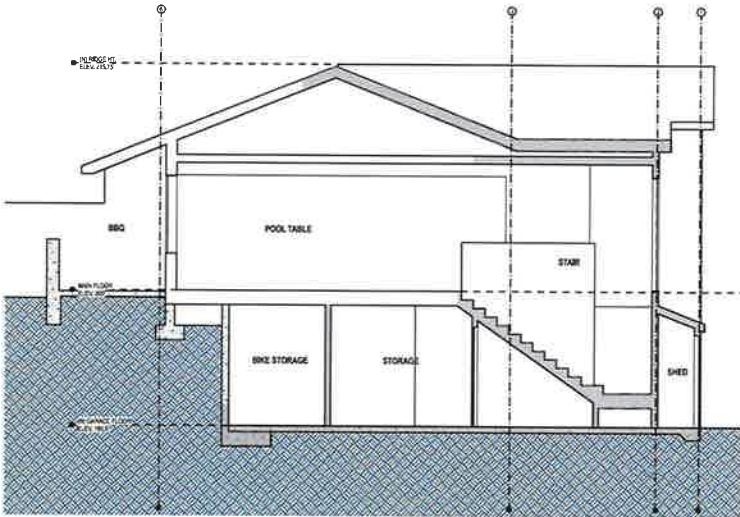
EXTERIOR ELEVATIONS





2 (E) NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

2 SECTION A-A  
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

2 SECTION B-B  
SCALE: 1/4" = 1'-0"

15 SKYLAND WAY  
ROSS CA  
APR 07-2016

PRIVATE RESIDENCE

PRELIMINARY

DATE	DESCRIPTION	BY
07/15/16	CONTRACT SIGNATURE	LA
07/15/16	APR 07	LP
07/15/16	FINAL DESIGN SET	LP

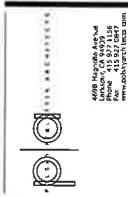
EXTERIOR ELEVATIONS & SECTIONS

SCALE: 1/4" = 1'-0"

A2.2



1 PROPOSED DRIVEWAY VIEW  
SCALE: 1/8" = 1'-0"



PRIVATE RESIDENCE

15 SKYLAND WAY  
ROSS, CA  
APR 07/2016

**PRELIMINARY**

DATE	DESCRIPTION	BY
04/07/2016	ISSUED FOR PERMITS	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN
04/07/2016	REVISED	JAN

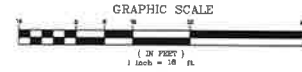
DATE	04/07/2016
BY	JAN
CHK	215P
NOTED	NOTED

PERSPECTIVES

# TOPOGRAPHIC AND BOUNDARY SURVEY

15 SKYLAND DRIVE  
TOWN OF ROSS

MARIN COUNTY - CALIFORNIA  
SCALE: 1 INCH = 16 FEET FEBRUARY 2022



### NOTES:

- CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
- BASIS OF ELEVATION: ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM: MAIN FINISH FLOOR AT THE LOCATION SHOWN, ELEVATION = 100.00 FEET.
- NO TITLE REPORT WAS FURNISHED IN THE COURSE OF THIS SURVEY, THEREFORE ONLY EASEMENTS SHOWN ON THE MAP REFERENCED IN THE LEGAL DESCRIPTION HAVE BEEN PLOTTED.
- 2' CONTOUR INTERVAL.

### LEGAL DESCRIPTION:

THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO HORATIO, LLC, RECORDED AUGUST 14, 2009 AS DOCUMENT No. 2009-047041, AND RE-RECORDED SEPTEMBER 10, 2009 AS DOCUMENT No. 2009-052068, MARIN COUNTY OFFICIAL RECORDS.

### LOT AREA:

82,542 ± SQUARE FEET

### ASSESSOR PARCEL NUMBER:

072-201-18

### SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:

DAVE SOCALLY IN: DECEMBER 2021

I HEREBY STATE THAT THE TOPOGRAPHY AND BOUNDARIES SHOWN ON THIS MAP IS BASED UPON A SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 0475

ON FEBRUARY 23, 2022

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

*Dylan M. Gonsalves*  
DYLAN M. GONSALVES DATE



### ABBREVIATIONS

AREA DRAIN	AD
CLEAN OUT	CO
COLUMN	COL
CONCRETE	CONC
EDGE OF PAVEMENT	EP
EDGE OF ROAD	ER
ELECTRICAL BOX	ELEC
FINISH FLOOR ELEV.	FF
GARAGE FLOOR ELEV.	GF
GAS VALVE	GV
SEWER CLEANOUT	SSCO
SEWER MANHOLE	SSMH
WATER VALVE	WV
LEMON TREE	L
REDWOOD	R
TREE	T

**DMC ENGINEERING, INC.**

30 OAKVUE COURT  
PLEASANT HILL, CA 94523  
PHONE: (925) 787-0463  
FAX: (925) 287-9503

**DISCLAIMER:**  
RESTRICTED TO THE INFORMATION PROVIDED TO THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE INFORMATION PROVIDED TO THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE INFORMATION PROVIDED TO THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE INFORMATION PROVIDED TO THE SURVEYOR.

NO.	DATE	REVISIONS	DESCRIPTION	BY

**TOPOGRAPHIC AND BOUNDARY SURVEY**  
15 SKYLAND DRIVE  
TOWN OF ROSS - CALIFORNIA  
SCALE: 1 INCH = 16 FEET  
FEBRUARY 2022

SHEET 1  
OF 1 SHEET(S)  
ORIG. D.W.C. 3-2-2022  
REV. D.M.G.  
JOB: 21-150

# ATTACHMENT 3





# ATTACHMENT 4

MINUTES OF THE REGULAR MEETING OF THE ROSS TOWN COUNCIL  
HELD ON FEBRUARY 12, 1976

1. Roll Call.

Mayor Allen opened the meeting at 8:00 P.M. with a call for the roll:

Present: Mayor Allen, Councilmen Jones, Osterloh, Maginis and Town Attorney Elliott.

Absent: Councilman Chase.

2. Minutes.

Minutes of the regular meeting of January 8, 1976 were approved as mailed.

3. Demands.

Mayor Allen appointed Councilman Jones temporary member of the Finance Committee in the absence of Councilman Chase. Mr. Maginis reported that he and Mr. Jones reviewed Demands 9029 through 9099 and PR 2434 through 2454, found them to be in order and authorized signing the warrants.

4. Open Time for Public Expression.

1. Mrs. Roy Farrington Jones stated that upon realizing the possible impact of the bicycle route/multi-purpose lane promised plans and costs not being on the February agenda, she had written her reasons for alarm and read the following statement to the Council:

"At the Ross Council meeting of December 11th, the citizenry and I heard you vote unanimously on a motion to accept Pierre Josky's offer on the part of the County Recreation Department to provide matching funds for the creation of a multi-purpose lane on both sides of Sir Francis D Lake. At Mr. Allen's suggestion, also approved by unanimous vote of the Council, Town Engineer Hoffman was directed to prepare engineering drawings and provide cost estimates.

The minutes and my notes carefully taken during the meeting indicate that Mr. Josky was quoted as having said that this money was left over from this past year, and that he and his County Recreation Department would recommend to the Board of Supervisors at their March budget hearings that they match whatever we needed 50/50 -- up to \$5,000 each.

The Independent Journal report write that "the funds may not be available for several months" so the I.J. heard it the same way I did at that December 11th meeting.

-3-

5. Informal Subdivision.George Jewett, Jr., Skyland Way (72-201-15)

Acre Zone.

Request to allow transfer of 2370 sq. ft. from Jewett property to MacKenzie property (72-201-14)., increasing MacKenzie property to 23,089 sq. ft.

Land Surveyor William O. Lockett presented plans and explained that the small piece has been used by the MacKenzie's for many years and it was not until the Jewett property was surveyed that they realized they did not own it.

Mr. Jones moved that the transfer be allowed, subject to the applicant's furnishing a parcel map. Mr. Maginis seconded the motion, which was unanimously passed.

6. Variances.No. 447 Mr. and Mrs. B. H. Ballard Jr.,77 Brookwood Lane (73-261-32) 10,000 sq. ft. zone.

Request to allow relocation of carport 11' from property line.

Mr. Ballard stated the carport was moved to avoid having to cut down a large tree on his property and that only one corner post is 11' from the property line. Drainage of his property will also be improved. Mr. Maginis moved granting the variance, seconded by Mrs. Osterloh and unanimously passed.

No. 448 John and Dorothy Harte, 41 Willow Avenue (73-261-28) 7,500 sq. ft. zone.

Request to allow covered entry and rear porch area (344 sq. ft.) and veranda (210 sq. ft.) to non-conforming house 11'6" from sideline. Greenhouse and metal shed at rear of lot, attached to garage 34" from sideline) to be removed.

Lot Area	11,250 sq. ft.
Present lot coverage	17%
Proposed "	" 19%

Architect James Hahn explained that the house needs major inside remodeling and while so doing the owners also wish to square off a rear porch area and cover the entry. Mr. Jones moved granting the variance request, with the condition that the variance to construct a carport granted on May 10, 1973 be cancelled. Mr. Maginis seconded the motion, which was unanimously passed.

MINUTES OF THE REGULAR MEETING OF THE ROSS TOWN COUNCIL

HELD ON SEPTEMBER 12, 1985

1. Roll Call.  
Mayor Dirkes opened the meeting with a call for the roll at 8:00 P.M.  
Present: Mayor Dirkes, Councilmen Julien and Brekhus, and Councilwoman Flemming  
Absent: Councilman Poore and Town Attorney Roth
2. Minutes.  
Minutes of the regular meeting of August 8, 1985 were approved as mailed.
3. Demands.  
Finance Committee Chairman Julien reported he had reviewed Demands numbered 1436 to and including 1499 (Crocker-San Anselmo) and 935 (Crocker-San Rafael) found them to be in order and authorized signing the warrants. This was seconded by Mrs. Flemming, and passed unanimously.
4. Open Time for Public Expression.  
Mayor Dirkes announced that the Flood Control District would be starting Phase 4 which is the completion of the canal from behind the Ross Post Office to the point where the creek meets Sir Francis Drake Blvd. There is a proposal to replace the bridge on Lagunitas Road. There will be open hearings regarding this project.
5. Report from Public Safety Department.  
Chief Miller reported the following:
  1. The Public Safety Department has installed a new more efficient telephone system. With this new system they expect to save \$14,000 over the next ten years.
  2. All Ross firemen will receive Emergency Medical Technician Training. There will be a trained EMT Officer on duty at all times.
  3. Chief Miller announced that he will again be working on the Cystic Fibrosis Bike-A-Thon which is scheduled for Oct. 6. He asked that the residents support this very worthwhile cause. A public announcement will be placed in the local newspapers. Chief Miller raised \$750.00 at last year's fundraiser.
6. Approval of the Amended Joint Powers Agreement for Major Crimes Task Force.  
Mr. Brekhus moved approval of the Agreement. This was seconded by Mr. Julien and passed unanimously.
7. Report from Public Works and Building Departments.  
Mr. Lunding reported that they are contemplating fixing the potholes on Lagunitas Road by early October, and they are cleaning out the drainage ways in preparation for the winter. He also reported that his Department will be sending out a letter to residents who have drainage ways on their property; this will include the Corte Madera creek. Fish and Game permit has been issued.
8. Tozzi Appeal Requesting the Town Waive Installation of Catch Basin.  
Mayor Dirkes explained that Mr. Tozzi applied for a permit to construct a new entry way to his property and was denied the permit because of a culvert which has been installed on his property without a catch basin. The Building Inspector had informed Mr. Tozzi that a permit would be issued if a catch basin was installed at the street side of the fence. The Town does not clean culverts on private property, and since this culvert has now been tied into the Town system, we do not have the facilities to clean culverts of this size. Mr. Lunding asked that the Town notify Mr. Tozzi that any future requests for permits would carry the condition of the installation of a catch basin.

- (c) Mr. George Georgiou, 5 Makin Grade (72-112-19) 1 Acre Zone. Variance No. 747. Recreation structure (swimming pool) in rear yard; 22 ft. from property line (40 ft. required)

Lot Area	58,237 sq. ft.
Present Lot Coverage	5.5%
Proposed Lot Coverage	7.7%
Present Floor Area Ratio	6.7%
Proposed Floor Area Ratio	8.9%
(15% allowed)	

Mr. Georgiou had additional plans for construction of a basement area; however, the Council had not received these plans, nor had the neighbors been sent Notice of Hearing regarding this additional construction. Therefore, the Council could only approve the plans for the swimming pool. The Council directed Mr. Georgiou to come back at a later date with the completed plans, but Mr. Georgiou chose to have just the swimming pool voted on at this meeting, and he said he would probably return at a future meeting for approval of these additional plans. Mr. Julien said he had difficulty approving variances piecemeal. Mrs. Flemming moved approval of this request, seconded by Mr. Brekhus and passed with three affirmative votes. Mr. Julien abstained.

- (d) Mr. Edward J. Gilmore, 100 Laurel Grove Ave. (AP 72-211-08) One Acre Zone. Variance No. 748. Addition of 8' by 12' room to the north side of the guest house. Non-conforming house with guest house 5' from property line (25 ft. required). New addition will be 19 ft. from property line (25 ft. required).

Lot Area	43,560 sq. ft.
Present Lot Coverage	11.9%
Proposed Lot Coverage	12.1%
Present Floor Area Ratio	9.7%
Proposed Floor Area Ratio	9.9%
(15% allowed)	

There being no comments from the audience, Mr. Julien moved approval, seconded by Mrs. Flemming, and passed unanimously.

- (e) Mr. & Mrs. Jack Clumeck, 15 Skyland Way, Ross (AP 72-201-16) 1 Acre Zone. Variance No. 749. Construction of three car garage with laundry room sink and water closet; addition of 800 sq. ft. Proposed addition to be 21 ft. from side yard (25 ft. required) and 20 ft. from the rear property line (40 ft. required).

Lot Area	83,088 sq. ft.
Present Lot Coverage	7.7%
Proposed Lot Coverage	9.0%
Present Floor Area Ratio	6.9%
Proposed Floor Area Ratio	7.9%
(15% Allowed)	

Mr. Clumeck presented his plans and gave the Council copies of a geotechnical evaluation from Settgest Geo Engineering. Mrs. Anton Holter spoke from the audience and stated she was concerned about the drainage problem which, she felt, is already considerable. She also felt that the weight of the structure should be considered. After a very lengthy discussion, Mr. Julien moved approval with the condition that the drainage be approved by the Public Works Director; that the structure be used only as a garage and not for human habitation nor recreational use; that the toilet not be installed; that the only plumbing permitted is that suitable for bathing a canine. This was seconded by Mr. Brekhus, and passed with three affirmative votes. Councilwoman Flemming voted against.

**MINUTES**  
**REGULAR MEETING OF THE ROSS TOWN COUNCIL**  
**HELD AUGUST 13, 1998**

**7:00 P.M. CLOSED SESSION: Personnel Matters - Government Code Section 54957. Also, Pending Litigation Pursuant to Government Code Section 54956.9 (b) - Claim of Ellen Roseman, 54 Wellington Avenue. AP No. 072-121-28.**

**The Council returned to the Council Chambers at 7:45 p.m. and the Mayor announced that Council discussed the claim of Ellen Roseman at 54 Wellington Avenue. The Council denied the claim.**

1. Roll Call.  
7:45 p.m. Present: Mayor Gray, Mayor Pro Tempore Goodman, Councilmembers Delanty Brown and Curtiss and Town Attorney Hadden Roth. Absent: Councilmember Hart
2. Posting of Agenda.  
The Clerk stated that the agenda was posted according to Government Code.
3. Minutes.  
The Minutes of July 9, 1998, were approved unanimously. Councilmember Hart absent  
The Minutes of August 5 were approved unanimously. Councilmember Hart absent.
4. Demands.  
Councilmember Goodman moved approval of the Demands as follows: Payroll Fund: 1555-1603; General 5774-5937; Permit Deposit Account 5836-5843 and Drainage Fund 5938. This was seconded by Councilmember Delanty Brown and passed unanimously.
5. Open Time for Public Expression.  
Former Councilmember Gary Scales commended Officer Doug Parkhurst for his recent response to an emergency.  
Mr. Scales said he was sorry to hear that Chief Sciutto is leaving Ross. He and former Councilmember Roger Poore interviewed for a new Chief in 1980 and Mr. Sciutto was overwhelmingly selected. Mr. Scales noted that Chief Sciutto was very instrumental in combining the Police and Fire Departments.
6. Report from Mayor.  
Mayor Gray said that it is with deep regret that he must announce the retirement of Chief Roger Sciutto. He has been with the Town for over five years and has done a great job for Ross. The Mayor said that Roger will be missed in many ways, not only for his professional expertise but also for his outstanding friendly personality and his great sense of humor. The Chief is well liked throughout the community and Mayor Gray said that the Ross residents join the Council in expressing sadness at his leaving. Chief Sciutto spearheaded the very successful fundraising drive which resulted in the Town's Fire Station expansion. He also is responsible for the neighborhood Watch Program and he has been a tremendous asset in organizing the July Fourth Parade. Chief Sciutto has taken a position at St. Mary's College. The Mayor and Council wished Roger and his wife, Penny, their very best and warmest

- lots have been legally merged, or shall file an application and filing fees for a voluntary merger of the two lots.
2. The existing wood shake roofing and the new roofing shall be composition shingle.
  3. The Town Council reserves the right to require landscape screening for up to one year from project final.
  4. Any new exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
  5. This project shall connect to the existing 24-hour monitored alarm system.
  6. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
  7. Any portable chemical toilets shall be placed off the street and out of public view.
  8. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Councilwoman Delanty Brown and passed unanimously.

16. VARIANCE AND DESIGN REVIEW.

Gloria and Jack Clumeck, 15 Skyland Way, A.P. No. 72-201-16, R-1:B-A (Single Family Residence, One acre minimum). Variance and design review to allow the addition of a 258 square foot closet at the east corner of an existing residence.

Lot Area (net)	66,096 sq. ft.	
Present Lot Coverage	11.3%	
Proposed Lot Coverage	11.7%	(15% permitted)
Present Floor Area Ratio	9.9%	
Proposed Floor Area Ratio	10.3%	(15% permitted)

The existing garage is nonconforming in setbacks. Councilwoman Delanty Brown moved approval with the findings in the staff report and the following conditions:

1. The Town Council reserves the right to require landscape screening for up to one year from project final.
2. Wood shake roofing is not permitted. An alternate roofing material shall be selected, with material and color subject to Town Planner and Building Official approval.
3. Any new exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
4. A smoke detector shall be provided as required by the Building Department.
5. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
6. Any portable chemical toilets shall be placed off the



- street and out of public view.
7. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Councilmember Curtiss seconded the motion which passed with three affirmative votes. Councilmember Goodman abstained and Councilmember Hart was absent.

MAYOR GRAY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

17. USE PERMIT, VARIANCE AND DESIGN REVIEW.

John and Georgene Tozzi, 36 Glenwood Avenue, A.P. No. 73-131-16, R-1:B-A (Single Family Residence, One acre minimum). Use permit, variance and design review to allow modifications to an existing guest house, including: 1.) conversion of existing 6-car garage, mechanical, utility and storage rooms on the lower level into the guest house's living room, dining room, kitchen and covered terrace; 2.) remodeling of upper level into 2 one-bedroom suites; and 3.) modification of an existing upper level deck into a trellis-covered terrace. The addition of a 12-foot high wall with entry gates within the rear yard setback is proposed (40 feet required, 30 feet proposed).

Lot Area	152,803 sq. ft.	
Present Lot Coverage	7.1%	
Proposed Lot Coverage	7.1%	(15% permitted)
Present Floor Area Ratio	10.1%	
Proposed Floor Area Ratio	10.1%	(15% permitted)

The existing detached garage and storage building are nonconforming in setbacks.

Mr. Broad explained that there is an existing structure to the rear. A use permit is requested to give the rear structure a face lift and convert the existing six-car garage into a guest house. Mr. Tozzi is currently working on a plan to remodel the main house. Their hope is to move into the guest house while this work is being accomplished. There was some discussion about the wall and whether it was visible from the Levinsons' property. The Levinsons' were not contacted by Mr. & Mrs. Tozzi and Mr. Broad recommended that if the Council approved the application, it could be approved subject to an acknowledgement from Mr. and Mrs. Levinson that they have no objections.

The architect said that it is a garden wall and in time will be covered by vines as a privacy screen - there is a bridge and this is the only access across the stream to the other land. He did not feel that the wall would be intrusive. Councilmember Goodman felt that he could approve the structure but not the wall because there were no storey poles. Councilmember Curtiss agreed.

Mr. Broad said that the wall could be submitted when the applicant applies for the main structure. Councilmember Curtiss moved approval of the application with

February 11, 1999

COUNCILWOMAN DELANTY BROWN RETURNED TO THE COUNCIL CHAMBERS.

21. VARIANCE NO. 1289 AND DESIGN REVIEW NO. 196.  
Gloria and Jack Clumack, 15 Skyland Way, A.P. No. 72-201-16,  
R-1:B-A (Single Family Residence, One acre minimum).  
Variance and design review to allow: 1.) the conversion of 15  
square feet of raised deck to a master bath addition; 2.) an  
88 square foot main entry/powder room/breakfast room addition;  
and 3.) roofline modification to allow an overframed gable at  
the existing master bedroom west elevation.

Lot Area (net)	66,096 sq. ft.
Approved Lot Coverage	11.7%
Proposed Lot Coverage	11.8% (15% permitted)
Approved Floor Area Ratio	10.3%
Proposed Floor Area Ratio	10.4% (15% permitted)

The existing garage is nonconforming in setbacks.

COUNCILMEMBER GOODMAN STEPPED DOWN FROM THE COUNCIL CHAMBERS AND  
TOOK A SEAT IN THE AUDIENCE.

Mr. Broad said that the additions comply with the setbacks and  
FAR, he recommended approval.

Councilwoman Delanty Brown moved approval with the findings in  
the staff report and the following conditions:

1. The Town Council reserves the right to require landscape  
screening for up to one year from project final.
2. Wood shake roofing is not permitted. An alternate roofing  
material shall be selected, with material and color  
subject to Town Planner and Building Official approval.
3. Any new exterior lighting shall not create glare, hazard  
or annoyance to adjacent property owners. Lighting shall  
be shielded and directed downward.
4. A smoke detector shall be provided as required by the  
Building Department.
5. No changes from the approved plans shall be permitted  
without prior Town approval. Red-lined plans showing any  
proposed changes shall be submitted to the Town Planner  
prior to the issuance of any building permits.
6. Any portable chemical toilets shall be placed off the  
street and out of public view.
7. The applicants and/or owners shall defend, indemnify and  
hold the Town harmless along with its boards,  
commissions, agents, officers, employees and consultants  
from any claim, action or proceeding against the Town,  
its boards, commissions, agents, officers, employees and  
consultants attacking or seeking to set aside, declare  
void or annul the approval(s) of the project or because  
of any claimed liability based upon or caused by the  
approval of the project. The Town shall promptly notify  
the applicants and/or owners of any such claim, action or  
proceeding, tendering the defense to the applicants  
and/or owners. The Town shall assist in the defense,  
however, nothing contained in this condition shall  
prohibit the Town from participating in the defense of  
any such claim, action or proceeding so long as the Town  
agrees to bear its own attorney's fees and costs and  
participates in the defense in good faith.

This was approved by Councilmember Curtiss and passed  
unanimously.

COUNCILMEMBER GOODMAN RETURNED TO THE COUNCIL CHAMBERS.

October 14, 1999

received from Mr. Thom Weisel's attorney requesting that the General Plan not be changed.

Mr. Don Santa said that the newly acquired acreage would be for recreational purposes; i.e., horses, cabana, tennis court. Councilmember Gray said that Mr. Weisel is concerned that there would be housing development on a very steep hillside. Mr. Don Santa said that the Town can control any future use. There were questions about rezoning the property to 10 acres but Mayor Goodman said that this matter was not on the agenda. Mr. Gary Scales representing the Lagunitas Club said that the sale of the 12 acres has closed and speaking as a resident, he would prefer that the property be low residential rather than cultural.

Councilwoman Delanty Brown said that it is more restrictive keeping the existing. Town Attorney Roth agreed.

Councilmember Gray asked if a house could be constructed on the site and Mr. Scales said that the Lagunitas Country Club studied this for 15 years and there is no access to the property. That is why they made the decision to sell the 12 acres.

Councilmember Gray said that it was impossible to construct a house on the steep hillside.

Mr. Andronico, attorney for Mr. Weisel, said that if they could pick, they would prefer to leave the General Plan as it exists and not modify the zoning.

Councilmember Gray moved to deny the recommendation of the Planning Commission to amend the General Plan, seconded by Councilmember Hart and passed unanimously

#1248 1320 #227

16. VARIANCE AND DESIGN REVIEW MODIFICATIONS.

Gloria and Jack Clumeck, 15 Skyland Way, A.P. No. 72-201-16, R-1:B-A (Single Family Residence, One acre minimum).

Variance and design review modifications to allow: 1.) conversion of 98 square feet of raised deck on the east elevation to office space; 2.) replacement of board and batten exterior siding on the main level of the residence with sand finish stucco; 3.) addition of new gable roof at kitchen on west elevation and 4.) addition of "dutch gutter" windows on east elevation.

10-14-99

Lot Area (net)	66,096 sq. ft.
Approved Lot Coverage	11.8%
Proposed Lot Coverage	11.9% (15% permitted)
Approved Floor Area Ratio	10.4%
Proposed Floor Area Ratio	10.4% (15% permitted)

The existing garage is nonconforming in setbacks.

**MAYOR GOODMAN HANDED THE GAVEL TO MAYOR PRO TEMPORE CURTISS AND STEPPED DOWN FROM THE COUNCIL CHAMBERS.**

Mr. Broad said that the most significant modification is to change the exterior into stucco and wood siding. They showed samples of the color. The residence is not visible from other properties. The architect submitted letters of support from the neighbors.

Councilwoman Delanty Brown moved approval with the findings in the staff report and the following conditions.

1. All previous conditions of approval shall remain in full force and effect. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
2. A stucco color sample (minimum 1 foot square) shall be provided for Town Planner approval prior to stucco application.

October 14, 1999

3. The street number must be posted (minimum 4 inches on contrasting background.) All dead or dying flammable materials shall be cleared and removed. A smoke detector shall be provided.
4. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Councilmember Hart asked if the architect would submit sample colors for staff approval and Councilwoman Delanty Brown accepted this added condition. Councilmember Gray seconded the motion which passed with four affirmative votes.

**MAYOR GOODMAN RETURNED TO THE COUNCIL CHAMBERS.**

**17. VARIANCE # 1219**

William and Liebe Patterson, 51 Glenwood Avenue, A.P. No. 73-071-11, R-1:B-A (Single Family Residence, One acre minimum). Variance to allow the placement of a 7-foot diameter spa within the side yard setback (25 feet required, 21 feet proposed.) A 4.5 foot terrace circling the spa will be located within 15 feet from the side yard setback.

Mr. Broad said that the Council received a message from Mrs. Sher who was concerned that fencing would be removed. The applicants contacted Mrs. Sher and told her that they do not intend to remove the fence. Further, landscaping review is a condition of approval.

Councilmember Gray moved approval with the findings in the staff report and the following conditions.

1. All conditions from the January and June 1998 Council approvals shall remain in full force and effect. No changes from the January 1998 design review approval are authorized by this approval.
2. The Council reserves the right to require landscape screening between the pool/spa and adjacent properties for up to 2 years from project approval.
3. No changes from the approved variance plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
4. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants

**MINUTES**  
**REGULAR MEETING OF THE ROSS TOWN COUNCIL**  
**HELD JANUARY 13, 2000**

1. Roll Call.  
Mayor Goodman called the meeting to order at 7:02 p.m.  
Present: Mayor Goodman, Mayor Pro Tempore Curtiss, Councilmembers Delanty Brown, Gray and Hart and Town Attorney Hadden Roth.
2. Posting of Agenda.  
The Town Clerk reported that the agenda was posted according to Government Code.
3. Minutes.  
The Minutes of December 9, 1999 were approved as mailed.
4. Demands.  
Councilmember Hart approved the following demands: General Fund - Payroll 10235 - 10253 - and 1803 - 1805; General 6467 - 6599; Permit deposit account 6472 - 6476. Seconded by Councilmember Delanty Brown and passed unanimously.
5. Open Time for Public Expression.  
(Time is limited to two minutes for each speaker).  
Ms. Cynthia Zak said that she was the newly appointed representative to the Council for the Ross School Board.  
Ms. Mary Poland of DeWitt Avenue presented a petition to the Council urging the Council to take Officer Bob Besgrove's request for rental of the Town's property on Redwood. Ms. Poland said that Officer Besgrove is a wonderful asset to the Town and had a good influence on the children. She said that the petition was presented independently and no one had urged them to do so.
6. Report from Mayor Charles Goodman.  
Mayor Goodman said that there are five candidates running for Council for the March 7, 2000 election and he introduced Cara Wykowski, David Zorensky and Jane Parkhurst who arrived later in the meeting.  
  
The Mayor expressed sympathy to Councilmember Bruce Hart and his wife, Elizabeth, for the recent loss of his father-in-law, former Councilmember Tom Jones. Mayor Goodman said that the flag was flown at half mast and this meeting would be adjourned in his memory.  
  
Mayor Goodman also expressed sympathy to Town Treasurer Kelley Reid on the sudden loss of his father.  
  
The Ross School Board submitted a resolution of appreciation to the Ross Public Safety Department members.  
Mayor Goodman said that \$2500 in air line credit had been donated for the Ross Post Office refurbishing. He asked if anyone was interested in purchasing the tickets - the money would then be used for the Post Office.  
Mayor Goodman said that the General Purpose Tax is on the March 7 ballot and will be raised by \$125/improved parcel annually. Each year at budget time the Council will determine if the total \$575 will be needed.
7. Report from Ross Property Owners' Association.  
Ms. Anne Hickey from RPOA said that she received complaints on the loading zone in front of Ross School - people park their cars there because there is no place to park. Chief Hinnenberg was directed to look into this matter.  
Mayor Goodman also asked Chief Hinnenberg to make sure the

however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Mayor Pro Tempore Curtiss and passed unanimously.

MAYOR GOODMAN CALLED FOR A RECESS AT 9:45 AND THE MEETING RECONVENED AT 9:55 WITH EVERYONE IN ATTENDANCE

MAYOR GOODMAN HANDED THE GAVEL TO MAYOR PRO TEMPORE CURTISS AND TOOK A SEAT IN THE AUDIENCE.

- 1-13-00
25. VARIANCE AND DESIGN REVIEW #1335 #240  
Gloria and Jack Clumeck, 15 Skyland Way, A.P. No. 72-201-16, R-1:B-A (Single Family Residence, One acre minimum).  
Variance and design review to allow the removal of an existing 345 square foot pool house and the construction of a new 504 square foot pool house with a 123 square foot entry and 29 square feet of "high ceiling floor area."

Lot Area (net)	66,096 sq. ft.
Approved Lot Coverage	11.8%
Proposed Lot Coverage	12.5% (15% permitted)
Approved Floor Area Ratio	10.5%
Proposed Floor Area Ratio	11.1% (15% permitted)

The existing garage is nonconforming in setbacks.

Town Planner Broad said that the Council over the past year approved a couple of projects for the existing residence. The proposed pool house will be in the same location, slightly larger and have a pitched roof, while the existing is flat. Mayor Pro Tempore Curtiss noted the main change is that the structure will be four feet higher because of the pitched roof.

Councilmember Gray said that the structure would not be visually intrusive and he moved approval with the findings in the staff report and the following conditions:

1. All previous conditions of approval from all prior application approvals shall remain in full force and effect.
2. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
3. A local alarm shall be provided as required by the Building Department.
4. This structure shall be used as a pool house and shall not be used as a second unit, guest house or servants quarters without Council approval of a use permit. No cooking facilities are permitted.
5. The understory area of the pool house shall not be further excavated to create living space and shall not be finished.
6. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense,

1-13-00

however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Councilwoman Delanty Brown and passed with four affirmative votes.

**MAYOR GOODMAN THEN RETURNED TO THE COUNCIL CHAMBERS.**

26. DESIGN REVIEW. #241  
Warren and Linda Snodgrass, 1 Skyview, 72-191-09, R-1:B-A (Single Family Residence, One acre minimum). Design review to allow the addition of a detached 484 square foot artist studio with a 484 square foot lower level storage/utility space.

Lot Area	3.6 acres	
Present Lot Coverage		3.1%
Proposed Lot Coverage		3.5% (15% permitted)
Present Floor Area Ratio		4.0%
Proposed Floor Area Ratio		4.6% (15% permitted)

Mr. Broad said that the application was filed to allow the accessory artist studio. The application is exempt from the hillside lot review because the proposed addition is less than 1,000 square feet and less than 20% of the size of the existing residence. He felt that the proposed design would complement the existing residence. The visibility of the studio will be reduced by its location among the oak trees, the excavation into the hillside and its dark gray slate roof. Mayor Pro Tempore Curtiss noted that the very tip is to be a skylight at the highest point. Mr. Broad did not feel there was any problem with the light being visible to the neighbors. After consideration, Councilmember Gray moved approval with the findings in the staff report and the following conditions:

1. A 24-hour monitored alarm system is required subject to Ross Public Safety Department approval.
2. This structure may not be used as a second unit, guest house or servants quarters without Council approval of a use permit.
3. This project shall comply with the recommendations contained within the Moritz Arboricultural Consulting report dated December 17, 1999. A plan for tree protection shall be developed by the Town Arborist and implemented during project construction.
4. The Town Council reserves the right to require landscape screening for up to two years from project final.
5. Any new exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
6. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
7. Any portable chemical toilets shall be placed off the street and out of public view.
8. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense,

# ATTACHMENT 5



## MINUTES

Regular Meeting of the  
Ross Advisory Design Review Group  
7:00 PM, Tuesday, May 17, 2021

Video and audio recording of the meeting is available online at the Town's website at:  
[townofross.org/meetings](http://townofross.org/meetings).

### 1. 7:00 p.m. Commencement

ADR Group Chair Mark Kruttschnitt called the meeting to order.

Present: Mark Kruttschnitt, Laura Dewar, and Stephen Sutro.

Absent: Josefa Buckingham and Mark Fritts

Director Rebecca Markwick and Planner Matthew Weintraub were present representing staff.

### 2. Approval of Minutes.

The ADR Group unanimously approved the April 19, 2022 minutes.

### 3. Open Time for Public Comments

No comments were provided.

### 4. Housing Element Update :

The Town's consultant for the Housing Element Update, Andrew Hill, Principal, Dyett & Bhatia, requests a "Key Informant Interview" with the ADR Group at the regular meeting of May 17, 2022. The Key Informant Interview will be structured as informal discussion meant to elicit input on planning issues and provide a broad sense of the community, major issues of concern, preferences, and practical constraints that may emerge during the preparation of the Housing Element Update.

Andrew Hill, principal at Dyett and Bhatia gave a presentation on the housing element update and the process that the Town of Ross is engaging on.

### 5. Planning Applications.

#### a. 5 Ames Avenue (A.P.N. 073-181-19)

**Property Owner:** Stephen Swire & Jacqueline Neuwirth-Swire

**Applicant:** Catton Design

**Project Summary:** The applicant requests approval of Design Review to construct a new two-story accessory structure containing an accessory dwelling unit at the lower floor and an open-air cabana at the upper floor; remodel and expand an existing pool house above an existing garage; renovate the exterior of the existing main residence; construct new front yard fence and gates; and rehabilitate the landscape. Request for Accessory Dwelling Unit (ADU) Permit to construct a new detached accessory dwelling unit is ministerial in nature and subject to administrative approval. Demolition Permit is required to alter more than twenty-five percent of the exterior walls or exterior wall coverings of a residence

Planner Weintraub summarized the development standards and project characteristics of the revised project.

Architect Ken Catton described the revised project. ADR member Sutro asked about the logic of not changing the roof on the main house. Architect Ken Catton indicated that because the roof is not seen and the cost to replace is a lot.

Chair Kruttschnitt opened the public comment.

Sam Livermore, concerned about the topography as his house is lower than 5 Ames, and the proposed project will be visible from their downhill property. He understands that the project height was reduced, however the new structures will be very visible and will create more mass. Appreciates the Swires addressing their concerns.

Chair Kruttschnitt closed the public comment.

Laura Dewar:

- Great improvements have been made, reduction of eaves, and lowered the pool house roof.
- Material palette and colors have changed, concerned about the white color will stand out more.
- Pool house balcony could create privacy concern for the neighbors.
- Cabana makes the property seem built up creating more bulk and mass, however since it is not in the setback, she supposes it is okay
- Main house roof is okay if it meets the applicants budget.

Mark Kruttschnitt:

- Mark read comments received by Josefea Buckingham provided written comments regarding the roof at the main house. She indicated that the house on the main roof should be changed to match the modern architecture of the cabana and the pool house. Peaked roof should come off in the main house is a modern aesthetic is desired.
- Juxtaposition of both architectural styles do not work.
- Cabana project from the hillside, is visible from the road, suggests removing the cabana roof.

Steve Sutro:

- Design is nice, ADU is really nice, changes are nice
- The roof line of the cabana is too tall. Lowering the cabana roof would help, or removal of the cabana roof.

- Has trouble with the projection of the roof over the streetscape.
- The main house eave changes are great, supports the size of the eaves. Wishes the roof of the main house would change to match, does not meet the criteria of “excellence of design.”
- If the roofline were to change on the main house he could fully support the project. Supports the balcony on the ADU, lowering the cabana roof would be great.

**b. 3 Willow Hill Road (A.P.N. 073-252-13)**

**Property Owner:** Scott Fletcher

**Applicant:** Fischer Architecture

**Project Summary:** The applicant requests approval of Design Review and Hillside Lot Permit to construct a new pool and new decks at the back of the existing single-family residential property. Variances are required to construct new building projections with nonconforming side and rear yard setbacks; and to increase nonconforming building area.

Planner Weintraub introduced the project.

Andrew Fischer described the changes made to the project. Reduced the width of the pool, reduced the walkway around the pool, keeping the terrace planter wall to help mitigate the construction into the hillside. Reduced the rear setback, the pool matches the existing deck.

The public hearing was open.

Scott Fletcher, property owner introduced himself.

Adrienne LaBonte Ligett, concerned with the privacy impacts of the deck and pool. Opposes the project.

Alex Uihlein, supports the project

Michael Rosenbaum does not support the project, the pool near them is very noisy and they are concerned about the noise level given the acoustically situation of the canon. Difficult to mitigate the noise.

Scott Grace, 7 Willow Hill. Fully supports the project.

Stephen Sutro:

- Appreciates design changes, shape of retaining wall and height make it contextually appropriate in turns of topography
- Reduction of deck is appreciated
- Setbacks given the topography is very tricky.

Mark Kruttschnitt:

- Concurs with everything Steven said.

Laura Dewar:

- All changes have made the design less dominant
- All property owners should be able to enjoy their properties, putting restrictions on noise is difficult.
- Design is improved and she supports the design.

c. **15 Skyland Way (A.P.N. 072-201-16)**

**Property Owner:** Horatio LLC

**Applicant:** Polsky Perlstein Architects

**Project Summary:** The applicant is requesting approval of Design Review and Hillside Lot Permit to construct new first-story and second-story additions to an existing attached garage at the west wing of the existing single-family residence. Variance is required to construct new building additions with a nonconforming south side yard setback for the Hillside Lot. (Weintraub)  
Staff report attached.

Planner Weintraub introduced the project.

Jared Polsky summarized the project.

The public hearing was opened.

Mr. and Mrs. Scially, property owners introduced themselves.

ADR Group Members discussed the merits of the project and provided the following comments:

Mark Kruttschnitt:

- Likes the project as designed, likes the trellis above the windows.

Laura Dewar:

- No comments regarding the design, supports the project.

Stephen Sutro:

- Agrees, and supports the project as designed.

Chair Kruttschnitt summarized that the ADR Group unanimously recommended Design Review approval.

**6. Conceptual Advisory Design Review.**

Ken Instead summarized the project located at 40 Madrona Avenue.

**7. Communications**

**a. Staff**

Discussion of in person meetings. ADR would like to conduct hybrid meetings.

**b. ADR Group Members**

Mark Kruttschnitt discussed how to make recommendations clear to planning staff and the public.

**8. Adjournment**

Chair Kruttschnitt adjourned the meeting at 9:08 PM.