



**Agenda Item No. 13a.**

**Staff Report**

**Date:** November 10, 2016

**To:** Mayor Hoertkorn and Council Members

**From:** Heidi Scoble, Planning Manager

**Subject:** Bilsker Residence, 1 El Camino Bueno. File No. 2016-42

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**Recommendation**

Town Council approval of Resolution 1973 conditionally approving a Basements and Attics Exception to allow for the conversion of a second story attic space located above the existing garage.

**Project Summary**

**Owner:** David Bilsker

**Design Professional:** L'oro Designs

**Location:** 1 El Camino Bueno

**A.P. Number:** 072-162-14

**Zoning:** R-1:B-A (Single Family Residence, 1 acre min. lot size)

**General Plan:** Very Low Density (.1-1 unit/acre)

**Flood Zone:** Zone X (Outside of 100 year flood plain)

PROJECT DATA			
	Zoning Requirements	Existing	Proposed
<b>Lot Area</b>	43,600 Square feet	29,568 square feet	No change
<b>Floor Area (FAR)</b>	15% FAR	4,348 sq. ft. 14.6%	4,735 sq. ft. 15.9%
<b>Lot Coverage</b>	15% Lot Coverage	4,446 sq. ft. 14.9%	4,416 sq. ft. 14.8%
<b>Impervious Surface</b>	-	13,241 sq. ft. 44.5%	13,211 sq. ft. 44.4%

### **Project Description**

The applicant is requesting an Exception to the Attics and Basement regulations in order to allow the conversion of 387 square feet of unimproved attic space located above a garage into habitable floor area. Other site improvements associated with the project would include the installation of an exterior stair to provide access to the improved habitable space, in addition to the installation of skylights on the north side of the existing roof and new windows.

The proposed project requires an **Exceptions to Basements and Attics is required pursuant to Ross Municipal Code (RMC) Section 18.46.020** to allow an exception for improvement of an attic or basement in an existing residential structure created prior to the effective date of this chapter in any single-family residence district or special building site district.

### **Background and Discussion**

The project site is a rectilinear 29,568 square foot parcel that was developed with a single-family residence in 1956. The average slope is approximately 5%. Access to the project site is via a private driveway via El Camino Bueno. The project site was developed with the subject attached two-story garage in 2002. The second story of the garage is classified as an attic because it is currently unimproved, and therefore was not counted towards the Floor Area Ratio (FAR).

### **Key Issue**

The project site is currently developed with 4,348 square feet of floor area, or 14.6% FAR, whereas 4,435 square feet of floor area may be permitted for the site based on the R-1-BA zoning district's 15% maximum floor area limitations. The project would exceed the maximum permitted floor area by approximately 300 square feet, and result in 4,416 square feet of floor area, or a 15.9% FAR.

Pursuant to Section 18.46.030(a), Review and approval authority, of the Ross Municipal Code, the Town Council is able to approve, conditionally approve, or deny the applicant's request to allow for the floor area to exceed the maximum permitted provided that the floor area is located within either an attic or basement space and that the requisite findings can be achieved. As supported in the attached draft resolution of approval (see Attachment 1), staff suggests the requisite findings can be achieved and therefore recommends the project be approved as proposed.

### **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 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 operating or funding impacts associated with the project as the project applicant would be required to pay the necessary fees for Town staff's review of future building permit plan check and inspection fees.

**Public Comment**

Public Notices were mailed to property owners within 300 feet of the project site. As of the writing of the staff report, no public comments were received.

**Environmental review (if applicable)**

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301, existing facilities, as an addition to an existing single-family residence in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project.

**Attachments**

1. Resolution 1973
2. Project plans
3. Applicant project information
4. Project History

# ATTACHMENT 1

# **TOWN OF ROSS**

## **RESOLUTION NO. 1973**

### **A RESOLUTION OF THE TOWN OF ROSS APPROVING AN EXCEPTIONS TO BASEMENT AND ATTICS TO ALLOW FOR THE CONVERSION OF A SECOND STORY ATTIC INTO HABITABLE SPACE AT 1 EL CAMINO BUENO, APN 072-162-14**

**WHEREAS**, l'oro Designs on behalf of property owner David Bilsker, has submitted an application to allow for an Exception to Basement and Attics to allow the conversion of 387 square feet of unimproved attic space located above a garage into habitable floor area. Other site improvements associated with the project would include the installation of an exterior stair to provide access to the improved habitable space, in addition to the installation of skylights on the north side of the existing roof and new windows at 1 El Camino Bueno, Assessor's Parcel Number 072-162-14 (the "project"); and

**WHEREAS**, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301, existing facilities, as an addition to an existing single-family residence in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project; and

**WHEREAS**, on November 10 2016, the Town Council held a duly noticed public hearing to consider the proposed 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 the Exception to Basement and Attics 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 10<sup>th</sup> day of November 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Kathleen Hoertkorn, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk

**EXHIBIT "A"**  
**FINDINGS**  
**1 EL CAMINO BUENO**  
**APN 072-162-14**

**A. Findings**

**I. In accordance with Ross Municipal Code Section 18.46.030(D), An exception of Basements and Attics is approved based on the following findings:**

- (1) That the area to be improved is an existing area created prior to the effective date of this chapter in an existing residence built prior to the effective date of this chapter. Existing area shall not include basement space with a ceiling height less than 5.5 feet.**

The existing two story garage was developed prior to the 2011 Exceptions to Basements and Attics regulations. The project would not include the development of a basement, therefore is in compliance with the intent and purpose of the regulations.

- (2) If the project involves improvement of an attic, that the improvements proposed shall not change the exterior appearance of the structure, for example, by addition of dormers or raising the roof ridge. However, the Town Council may approve minor changes to the exterior appearance of an attic, such as the addition of windows or skylights, if they will not create view, light or privacy issues for neighbors.**

The project would convert the existing 387 square foot attic located above the existing garage into a habitable space. The project would also include the installation of two skylights on the north elevation roof. No light or privacy impacts associated with the roof skylights are anticipated due to the location of the garage relative to the surrounding properties, therefore the project is consistent with the intent and purpose of the regulations.

- (3) If the project involves improvement of a basement:**

- a. If the structure is in a Special Flood Hazard Area identified on the town Flood Insurance Rate Map and/or in an area that is known for flooding, that the finished floor level of the improvements shall be above the base flood elevation.**
- b. That modifications proposed to the building exterior do not materially increase the visible mass of the building and that modifications, such as new windows, are compatible with the design of the existing improvements and shall not create privacy issues. The Council may limit the size of light wells to the minimum size necessary to satisfy California Building Code requirements for light, ventilation and emergency egress.**
- c. That any modifications to site drainage have been designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff**

**from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site.**

The finding is nonapplicable to the project as the project would not include any modification to a basement.

- (4) The fire chief has confirmed that there is adequate water supply for firefighting purposes for the site, or that the project includes measures to provide adequate water supply for firefighting purposes.**

The Ross Valley Fire Department has reviewed the project and supports the project as proposed, therefore the project is consistent with the intent and purpose of this finding.

- (5) The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided. The Town Council may consider the size of the residence, number of bedrooms, and the size and use of the proposed attic and/or basement area and may require additional parking up to the following:**

<i>Total site floor area (excluding covered parking)</i>	<i>Required off street parking</i>
<b>1,300 square feet to 3,300 square feet</b>	<b>3 spaces</b>
<b>Over 3,300 square feet</b>	<b>4 spaces</b>

The project site can accommodate more than 4 off street parking spaces (2 enclosed parking spaces and 2 + parking spaces within the driveway), therefore the project is consistent with the intent and purpose of this finding.

- (6) That the project shall comply with the most recent California Residential Code adopted by the Town.**

The project would be required to comply with the Town's Building Code and Fire Code requirements, therefore the project is consistent with the intent and purpose of this finding.

- (7) Excavation, grading or cutting shall not exceed 35 cubic yards for newly created basement floor area. The excavation limit shall apply to excavation required to lower the floor to the finished floor and shall not include up to one foot of over excavation for the floor and foundation or any removal of existing foundation or flooring. Additional excavation is permitted for construction of stairs counted as floor area on an upper floor and for existing areas that meet the definition of floor area. If the project involves**



**excavation, grading or cutting for a basement space, new floor area shall not exceed 20% of the existing floor area.**

The finding is nonapplicable to the project as the project would not include any modification to a basement.

- (8) The project substantially conforms to design review criteria and standards in Section 18.41.100, even if design review is not required.**

The project is consistent with the design review criteria and standards of the Ross Municipal Code in that the project would complement the existing architecture and materials of the existing residence; would not add to the mass and bulk of the main residence as the project would be located within the footprint of the existing garage; and would not negatively impact any adjacent property owners' privacy or light as the project site provides sufficient screening along the side property lines, therefore the project is consistent with the intent and purpose of this finding.

**EXHIBIT "B"**  
**Conditions of Approval**  
**1 EL CAMINO BUENO**  
**APN 072-162-14**

1. This approval authorizes an Exception to Basement and Attics to allow order to allow the interior remodel and use of an existing attic space located above a garage. The project would convert an unimproved 387 square foot attic space into habitable space. Other site improvements associated with the project would include the installation of an exterior stair to provide access to the improved habitable space, in addition to the installation of skylights on the north side of the existing roof and new windows at 1 El Camino Bueno, Assessor's Parcel Number 072-162-14.
2. The building permit shall substantially conform to the plans entitled, Bilsker Remodel, consisting of 11 sheets prepared by L'oro Designs date stamp received September 12, 2016.
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. BEFORE ISSUANCE OF A BUILDING PERMIT, the following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit. The property owner shall certify on the building permit plans that they have read and agree to the following conditions.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of all necessary Building Permit plan sets to list all standard and project specific conditions of approval as notes.
6. The applicant/owner shall pay any deferred Planning Department's fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Planning Manager.
7. 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's fees and litigation costs incurred by the Town

in either case paid for by the applicant and/or owners.

8. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
9. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

### **SPECIAL CONDITIONS**

10. 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. BEFORE ISSUANCE OF A BUILDING PERMIT, 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. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- g. BEFORE ISSUANCE OF A BUILDING PERMIT, a construction and traffic management plan shall be submitted. The 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.
- h. 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).
- i. BEFORE ISSUANCE OF A BUILDING PERMIT, 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. The preconstruction meeting would review the conditions of approval for the project and the construction management plan.
- j. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- k. 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.
- l. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- m. 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).

- n. 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.
- o. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways 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.
- p. 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.
- q. 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.
- r. 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.
- s. 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.
- t. Final inspection and written approval of the applicable work by Town Building Department, Planning Department, and the Ross Valley Fire Department staff shall mark the date of construction completion.

- u. 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.
- v. PRIOR TO ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT, 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 a signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediments controls as a "back-up" system. (Temporary seeding and mulching or straw matting are effective controls).
- 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.

## ATTACHMENT 2

1 El Camino Bueno, Ross CA

1) El Camino Bueno, Ross, CA

~~Town of Ross~~

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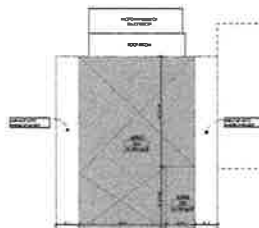




E&B AREA CALCULATIONS				
Room (Stories)	Zone Name	Zone Number	Renovation	Measured Area
<b>First Floor Plan</b>				
	POOL HOUSE		EXISTING	297
	BIRTH	101	EXISTING	83
	INDUL	102	EXISTING	58
	CLDS	103	EXISTING	26
	CLDS	104	EXISTING	11
	LIVING ROOM	105	EXISTING	454
	DINING ROOM	106	EXISTING	365
	KITCH	107	EXISTING	168
	KITCHEN	108	EXISTING	178
	FAMILY ROOM	109	EXISTING	337
	HALL	110	EXISTING	87
	LAUNDRY	111	EXISTING	86
	HALL	112A	EXISTING	824
	HALL	112B	EXISTING	86
	BEDROOM 4	113	EXISTING	202
	CLDS	114	EXISTING	23
	CLDS	115	EXISTING	13
	BATH 3	116	EXISTING	68
	CLDS	117	EXISTING	28
	CLDS	118	EXISTING	11
	BEDROOM 3	119	EXISTING	141
	CLDS	120	EXISTING	23
	CLDS	121	EXISTING	20
	BEDROOM 2	122	EXISTING	173
	BATH 2	123	EXISTING	84
	MASTER BEDROOM	124	EXISTING	234
	MASTER BATH	125	EXISTING	172
	MASTER CLDS	126	EXISTING	26
	GARAGE	127	EXISTING	579
<b>Second Floor Plan</b>				
	ATTIC	201	REWOOD	332
	BATH	202	REWOOD	33

<b>1) EXISTING BUILDING COVERAGE:</b>	
EXISTING FIRST FLOOR AREA TO REMAIN	3,472 S.F.
EXISTING GARAGE TO REMAIN	570 S.F.
POOL HOUSE	207 S.F.
FRONT PORCH (EXTENDING BEYOND 24")	34 S.F.
REAR PORCH (EXTENDING BEYOND 24")	74 S.F.
	<b>4,448 S.F.</b>
<b>PROPOSED BUILDING COVERAGE:</b>	
EXISTING FIRST FLOOR AREA TO REMAIN	3,472 S.F.
EXISTING GARAGE TO REMAIN	570 S.F.
POOL HOUSE	207 S.F.
FRONT PORCH (EXTENDING BEYOND 24")	34 S.F.
NEW EXTERIOR STAIR	44 S.F.
	<b>4,418 S.F.</b>

- 2) ALLOWABLE BUILDING COVERAGE:  
15% X LOT SIZE = FLOOR AREA  
15% X 22,753 SF = 4,462.95 SF
- 5) BUILDING COVERAGE CALCULATION GUIDELINES:  
- LAND AREA COVERED BY ALL BUILDINGS ON A LOT INCLUDING ALL PROJECTS.  
- THE FIRST 24" OF ROOF EAVES, OVERHANGS AND GUTTERS ARE NOT INCLUDED IN BUILDING COVERAGE.  
- THE AREA OF ANY WOODEN, CONCRETE OR MASONRY DECK, PORCH OR PATIO ON LEVEL, OR NOT OVER 18" FROM GROUND LEVEL, SHALL NOT BE INCLUDED PROVIDED STRUCTURE IS NOT ROOFED.



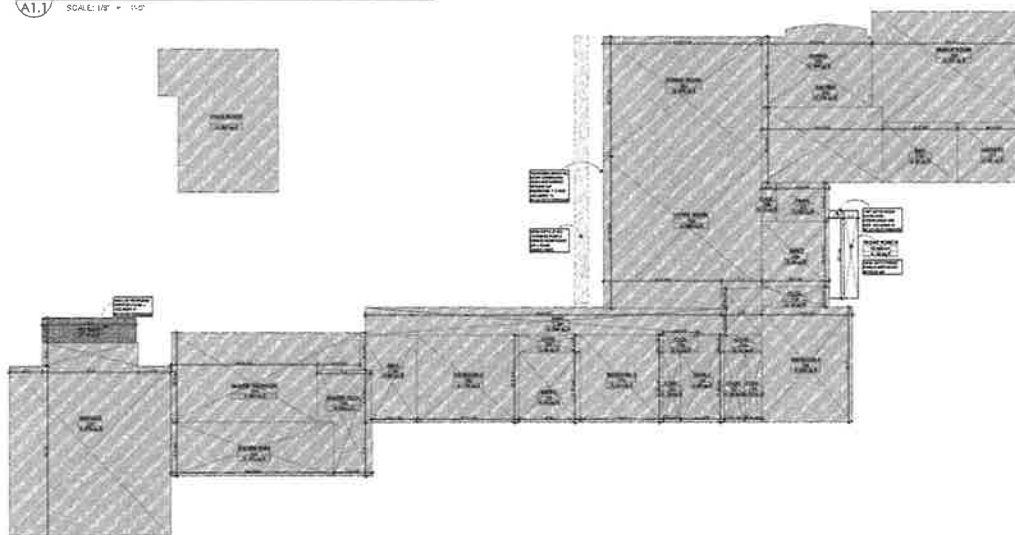
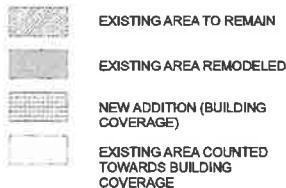
2 Area Calcs - Attic Floor  
A1.1 SCALE: 1/8" = 1'-0"

1) EXISTING FIRST FLOOR AREA TO REMAIN	3,472 S.F.
EXISTING GARAGE TO REMAIN	579 S.F.
EXISTING POOL HOUSE TO REMAIN	297 S.F.
	4,348 S.F.
EXISTING ATTIC FLOOR AREA REMODELED (ALLOWED PER ZONING 18.46 EXCEPTION)	387 S.F.
	4,736 S.F.

- 2) ALLOWABLE FLOOR AREA RATIO:**  

$$15\% \times \text{LOT SIZE} = \text{FLOOR AREA}$$

$$15\% \times 29,730 \text{ SF} = 4,460 \text{ SQ. SF}$$
- 3) FLOOR AREA CALCULATION GUIDELINES:**  
 THE SUM OF GROSS HORIZONTAL AREAS OF THE SEVERAL FLOORS OF THE BUILDING MEASURED FROM EXTERIOR FACES OF EXTERIOR WALLS,  
 INCLUDING MEZZANINES, FINISHED BASEMENTS AND ATTICS,  
 PORCHES, TERRACES, CARPORTS, AND PORCHES ENCLOSED, INCLUDING WITH BENCHMARK GREATER THAN 10',  
 \* STAIRS AND ELEVATORS ON ONE FLOOR,  
 \* DETACHED STRUCTURES WHICH ARE ACCESSORY TO A DWELLING,  
 FINISHED BASEMENT SPACE USED ONLY FOR STORAGE THAT DOES NOT MEET BUILDING CODE REQUIREMENTS FOR HABITABLE SPACE, AND IS NOT ACCESSIBLE BY PERMANENT STAIRS SHALL BE EXCLUDED FROM FLOOR AREA.  
 \* BALCONY PROTRUSIONS WHICH DO NOT PROVIDE FOUNDATION AREA SHALL BE EXCLUDED FROM FLOOR AREA.
- 4) FLOOR AREA EXCEPTIONS:**  
 FOR ZONING 10-40 EXEMPT: TOWN COUNCIL MAY GRANT AN EXCEPTION TO SETBACK, STORY, LOT COVERAGE, FLOOR AREA AND BUILDING HEIGHT REQUIREMENTS FOR IMPROVEMENT OF AN EXISTING RESIDENTIAL STRUCTURE OR FOR A STRUCTURE CREATED PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER IN AN SINGLE-FAMILY RESIDENCE DISTRICT OR SPECIAL BUILDING SITE



1 Area Calcs - First Floor  
A1.1 SCALE: 1/8" = 1'-0"

[illegible]



El Camino Bueno Ross, CA

A2.0



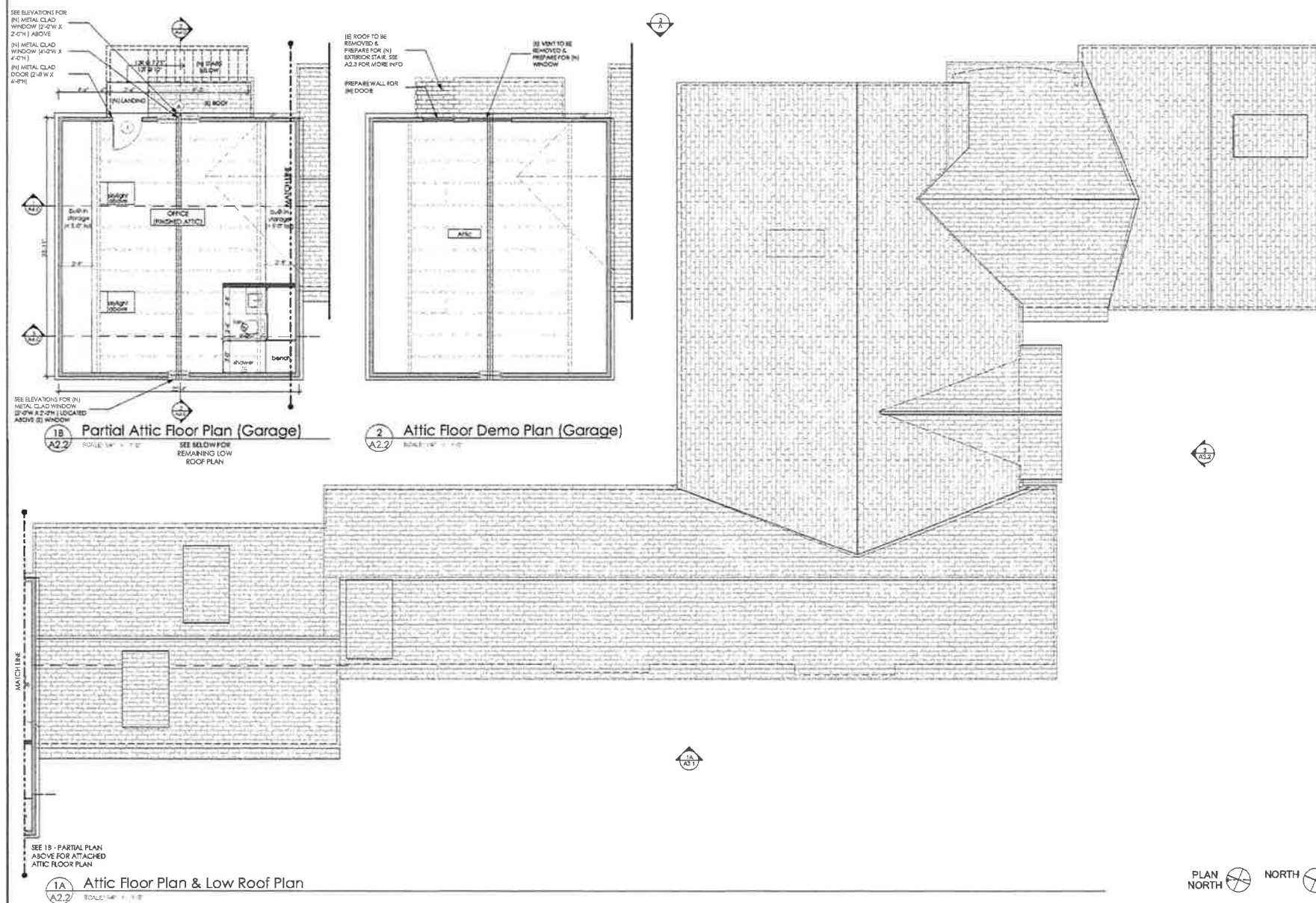
## El Camino Bueno, Ross, CA

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### ATTIC FLOOR PLAN

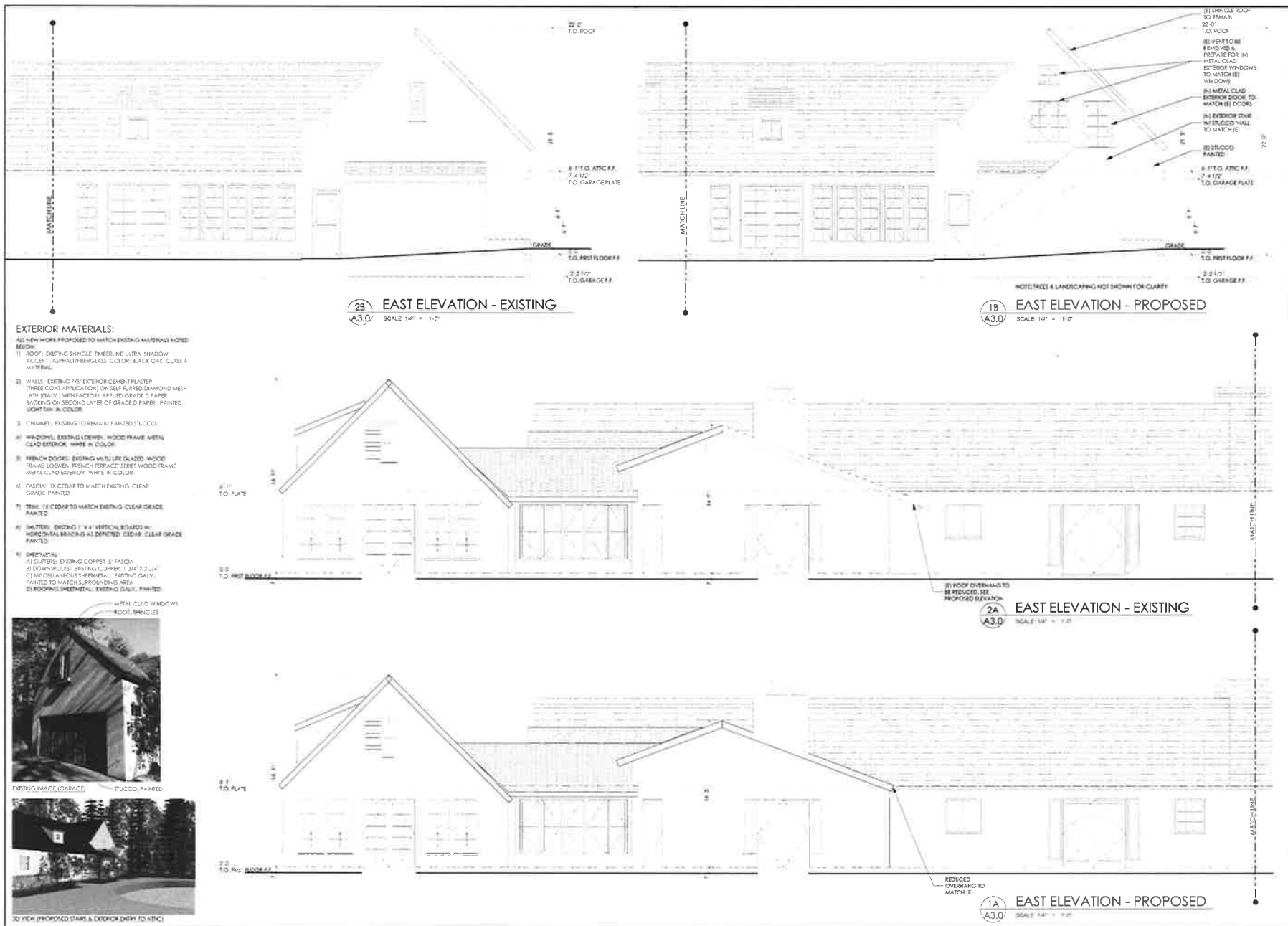
11/20/2015

## A2.2









loro



# Bilsker Remodel

1 El Comino Bueno, Ross, CA

DATE	DESCRIPTION
11-12-24	Final

SHEET 111B  
EXTERIOR ELEVATIONS

A3.0



0101



Bilsker Remodel

1 El Camino Bueno, Ross, CA

[illegible]

### EXTERIOR ELEVATIONS

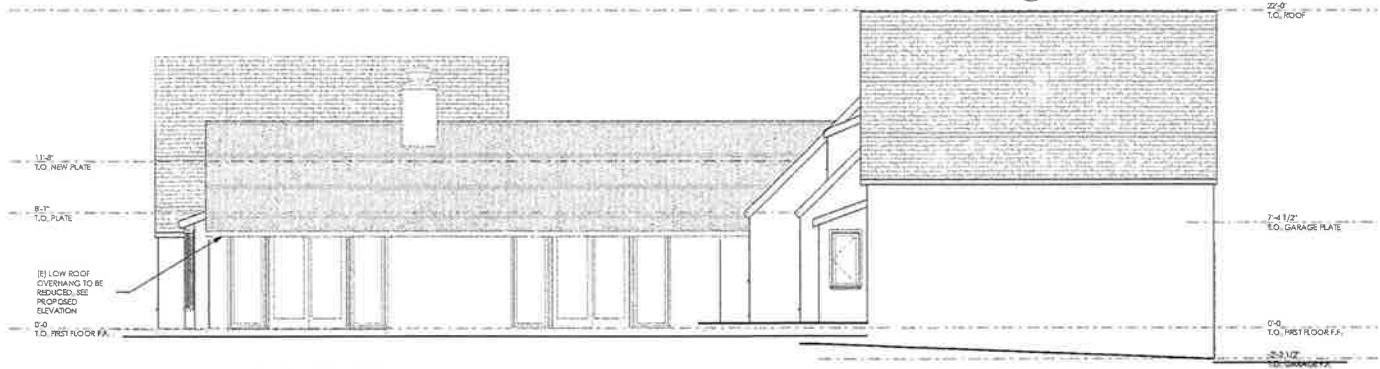
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### A3.1





**3 SOUTH ELEVATION - EXISTING**  
SCALE: 1/8" = 1'-0"  
NO PROPOSED CHANGES



EXTERIOR MATERIALS:  
SEE SHEET A3.0 FOR EXTERIOR MATERIALS

**2 NORTH ELEVATION - EXISTING**  
SCALE: 1/8" = 1'-0"



**1 NORTH ELEVATION - PROPOSED**  
SCALE: 1/8" = 1'-0"

loro



## Bilsker Remodel

1 El Camino Bueno, Rosé, CA

DATE	DESCRIPTION
08.12.2016	Initial Design
09.12.2016	Final Design
10.12.2016	Final Design
11.12.2016	Final Design
12.12.2016	Final Design
01.01.2017	Final Design
02.01.2017	Final Design
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12.12.2017	Final Design

SHOWN IN THE  
EXTERIOR ELEVATIONS

10/10/2016  
**A3.2**



## ATTACHMENT 3

SEP 12 2016

Town of Ross

**Basement / Attic Exception Application – Additional Information**

**Required Findings for Exception Application**

**(3) For attic improvements only:**

The attic improvements include the addition of an exterior stair to allow access to the attic. The exterior stairs run along the side of the garage and blends with the existing conditions by using the same materials and colors, as well as screening with existing and new landscaping. The addition of windows and skylights to allow natural lighting and ventilation are proposed in the finished attic. The higher windows are kept small and with the existing, mature vegetation around the property, it will not create view, light or privacy issues for neighbors.

**(7) The project complies with the most recent California Residential Code adopted by the Town. Submit details on light, ventilation and egress requirements for any habitable space.**

Habitable spaces to have exterior glazing area equal to 8% of the floor area minimum, and 4% minimum of the glazing area is to be operable.

Total Attic Space = 387 sf

8% x 387 sf = 31 sf

4% x 387 sf = 15.5 sf

**Glazing area:**

Existing window glazing =	6.4 sf
Proposed windows glazing =	14.4 sf
Proposed door glazing =	12 sf
Proposed skylights =	10 sf
	<hr/>
	42.8 sf

**Operable glazing area:**

Existing window glazing =	6.4 sf
Proposed operable windows =	14.4 sf
Proposed door glazing =	12 sf
	<hr/>
	32.8 sf

## ATTACHMENT 4

comply with the required set-back, on motion of Councilman Cockburn, seconded by Councilman Figone, and by unanimous vote of the Council, Variance Application No. 32 was granted under the provisions of Section 10116 of the Town Code.

Mrs. Helen Walsh, Camino Buena & Sir Francis Drake Blvd., represented by Edw. Morphy, requested the granting of a variance permitting her to divide her property into two 15,000 square foot parcels, in acre zoning. Since there was no undue hardship present in this case, on motion of Councilman Cockburn, seconded by Councilman Wolcott, and by unanimous vote of the Council, Variance Application No. 33 was denied. The applicant was advised that she could petition for an amendment to the zoning regulations if she so desired. 2-10-55

E. Mula, 75 Bolinas Ave., by letter requested permission to remove an elm tree in the middle of his driveway. This request was carried over from the meeting of January 13 to permit reviewal by the Council. It was the consensus of that the tree did not constitute a hazard and on motion of Councilman Wolcott, seconded by Councilman Figone, and by unanimous vote of the Council, the request was denied. The Town Clerk was asked to so instruct Mr. Mula.

The Town Clerk advised that bids for the furnishing of "ethyl" grade gasoline for the year 1955, in quantities of less than 400 gallons, had been received as follows:

Seaside Oil Co	22.73 ¢ per gallon
Tide Water Assoc. Oil Co	23.55 " " "
Union Oil Co	25.4 " " "
Standard Oil Co	23.83 " " "
Shell Oil Co	24.0 " " "

The Seaside Oil Co bid, being the lowest was, on motion of Councilman Cockburn, seconded by Councilman Figone, and by unanimous vote of those voting, accepted. Councilman Wolcott did not vote.

The Town Clerk stated that a letter had been received from Tax Collector Donohue advising that Norbert G. Hartman of Hill Road had requested the sale of two small tax deeded parcels adjoining his property. The Town was asked to approve the sale.

Mr. Hartman was not present to state his case and the matter was ordered carried over.

A petition signed by six residents was presented, requesting Council approval to designate a private road at the end of Willow Ave. as "Willow Hill". The petitioners were advised that since this was a private road the Town had no jurisdiction and any name desired by the residents could be used.

MINUTES OF THE REGULAR MEETING OF THE TOWN OF ROSS COUNCIL  
HELD ON JANUARY 13, 1955

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The meeting was called to order by Mayor Davidson at 8:05 PM.

Present: Councilmen-Cockburn, Davidson, Figone, Wolcott

Absent: Councilman-Deweese

The minutes of the regular meetings of November 12, 1954, and December 9, 1954, as mailed to the Councilmen, were approved and the reading thereof waived.

Mayor Davidson asked if anyone present wished to address the Council. In response, the following were heard:

D. Cameron of Fernhill Ave., whose case was carried over from the meeting of November 12, 1954, requested a variance as to side yard area for construction of a new residence. The Council had reviewed the site and since the plans showed that side yard areas met the 30% aggregate width requirement, on motion of Councilman Cockburn, seconded by Councilman Figone, and by unanimous vote of the Council, Variance Application No. 27 was granted.

Allan R. Champie of Redwood Ave., represented by Attorney Frank Peebles, requested a variance as to front and side yard areas because of the topography of the land. Variance Application No. 28 was ordered carried over to the next meeting in order to permit the Council to inspect the conditions at the site.

Mayor Davidson then announced that the Council would conduct the Public Hearing in connection with the application of the Seventh Day Adventist Church for the granting of a "Use Permit" for the construction of a church on the property at the corner of Camino Plano Drive and Sir Francis Drake Blvd.

The Town Clerk was then instructed to read the 28 letters of protest sent to the Council. Following the reading of the letters, J. Ets-Hokin presented a petition signed by 25 residents, which was read by the Town Clerk.

Mayor Davidson invited the Church group to present their case. Attorney Harold Fulkerson, representing the Church, presented a "Petition in Support of Application for Use Permit for Church", bearing approximately 60 signatures. The Town Clerk was requested to read the petition and the names of the petitioners. Three names were removed from the petition as requested by letters from the audience, as not representing property owners. A letter in support from Mr. & Mrs. Anthony J. Curro, was then read.

Mr. Fulkerson displayed a sketch of the property and plot plan of the building, together with the proposed parking area. He pointed out that there would be one car space for each three seats. Also, that there would be a separate entrance and exit from and to Sir Francis Drake Blvd.

He stated that the Church had only 63 members and that since services were from 9:30 AM to Noon on Saturdays, there would be no traffic problems as this was a light traffic period.

With regard to noise, he pointed out that this was a dignified and typical Protestant church and that there would be no bells. As to the effect of a church on property values, he felt that this

was an intangible item. He questioned how a church could depreciate values since the appearance would be attractive, there would be no parking or traffic problems and no noise.

Mayor Davidson asked Mr. Fulkerson how many Ross residents belonged to the church. The reply indicated only one.

Councilman Cockburn then inquired as to why Ross was picked as the site. Mr. Fulkerson said that Ross offered a central location, was beautiful and highly desirable from their point of view.

Councilman Wolcott asked if they knew how many members of the church lived in Southern Marin. He was informed that they couldn't say-the members would come from all over the County.

Various residents of Ross who ~~WERE~~ were in attendance and who opposed the granting of the Use Permit were then heard. Their names and main arguments, follow:

J. Ets-Hokin - Ross should be strictly residential and land prices reflect this fact. Traffic would create noise. Taxes are high in Ross but church would be tax free.

Mrs. Chas. Strom - The entrance and exit plan off of Sir Francis Drake Blvd. would require removal of a number of trees.

Chas. Strom - Lives on Sir Francis Drake Blvd. and knows what the traffic is during the summer months. A church at this location would add to an already bad problem.

A. E. Wilson - Lives on west side of Sir Francis Drake Blvd. To turn into property during heavy traffic is very difficult and hazardous.

R. Sciaroni, Jr. - The church's parking and traffic plan is not good.

Robertson Palmer - There would be a problem in the event of a fire. The approach to this location from either direction is primarily blind.

Jas. McNab - There is only one member from Ross so the church will not benefit Ross residents. In spite of Church's statement Ross should be kept strictly residential.

Mrs. A. A. Coddington - Once owned this property and considered that it would only be residential. A church will ruin values of surrounding properties. Also, there can't help but be noise.

Chas. Strom - The houses directly behind this property would look down on parking area and not see the church. There would be constant activity which could not help but lower values.

Mrs. Shirley Roberts - Owns house directly behind this lot. Definitely opposed to a church on the site.

Jas. McNab - Of the 55 names or so on the Church's petition, recognized only 14 as living within 500 feet of the lot.

Lady, name unknown - As the County grows the church too will grow in size and the activities increase, thus adding to the problems.

Members of the Church who were in attendance then expressed their reasons in favor of the Church, as follow:

Mr. Brill - Ross is central, lovely, and we want a beautiful church.

Mr. Renfro - Have been in the homes of many of Ross residents and like the people. Want the church to be an asset to the community.

Wells Ray - Traffic and noise won't be a problem. As to property value effects, that is only a personal opinion. There are many intangible contributions that a church makes, such as curbing delinquency.

Mrs. Renfro - We want our church in the beautiful city of Ross and we hope you will let us build here.



Page 3.

There being no further arguments, on motion of Councilman Cockburn, seconded by Councilman Wolcott, and by unanimous vote of the Council, it was found that applicant failed to show that the granting of a Use Permit would not be detrimental to the health, safety, comfort, convenience, or general welfare of the residents residing in the general neighborhood of such use, and the application was denied.

The public hearing was concluded with remarks by Councilman Wolcott and Mayor Davidson to the effect that the Council understood the viewpoint of the Church group, but it was apparent that the people of Ross want the Town to remain strictly residential.

The Town Clerk advised that the final report had been received from the Bureau of Census showing the official population as 402 residents; also, that the State had advised an increase in Tax Allocations.

The matter of replacing the existing bus shelters and building a new one, as suggested by H. Vandel was discussed. Mayor Davidson advised that the costs to build new shelters, of the kind built at Greenbrae, would approximate \$700 each. It was pointed out that there was no provision in this year's budget for such expenditures, but the matter will be considered for the next budget.

Miss Doris Schmeidell's traffic control suggestion, for the intersection of Lagunitas and Ross Commons was taken under advisement by the Council for further study.

Mrs. Marjory Smith's request for tree ~~xx~~ trimming on Shady Lane was refused on the same grounds as her request of a year ago.

Town Attorney Riede advised the Council that it was his opinion that it would not be within legal grounds to pay the census enumerators an additional amount, as suggested by the Town Clerk.

Mr. E. Mula's request for permission to remove an elm tree in front of his property at 75 Bolinas Ave., was ordered carried over to permit the Council to review the conditions at the site.

The Town Clerk read a letter from Mrs. Irene Malarin, Willow Av., requesting the Fire and Police Departments for prompt action in putting out a fire in her home.

MINUTES OF THE REGULAR MEETING OF THE TOWN OF ROSS COUNCIL  
HELD ON FEBRUARY 11, 1954

---

The meeting was called to order by Mayor Denicke at 8:18 PM.

Present: Councilmen-Cockburn, Davidson, Denicke, Dewees, Figone

Absent: None

The minutes of the regular meeting of January 14, 1954 were approved as mailed to the Councilmen and the reading thereof waived.

Mayor Denicke asked if anyone present wished to address the Council. In response, the following were heard:

James Pressley of Bridge Road requested the granting of a variance as to side yard area for addition to an existing residence. The request was ordered held over pending a review by the Councilmen of the conditions at the premises.

Frederick S. Allen of Sir Francis Drake Blvd requested the granting of a variance as to rear yard area for the purpose of adding to his garage. The Council found the existence of facts sufficient to grant the request and so ordered by unanimous vote subject to Mr. Allen presenting a letter from his neighbor, W. B. Baker, agreeing to the addition.

G. C. McCrillis, representing the Adventist Church, requested information concerning a "Use Permit" for construction of a church at the corner of Camino Bueno and Sir Francis Drake Blvd. The Council advised him of the conditions contained in the Ordinance and suggested that he canvass the property owners in the area within 500 feet of the proposed property site to determine their feelings on the subject. This could be used as a guide for future action on his part. Mr. McCrillis agreed to do this.

The Town Clerk read a registered letter from Albert Nasser, Shady Lane and Norwood Avenue, concerning the dangerous condition of a large bay tree at the corner. Bids from tree removing companies were also read. By unanimous agreement of the Council, it was decided that the low bid of the Sohner Tree Service, amounting to \$130.00, for removal of four large trunks and topping to a height of 30 feet above the ground, be accepted.

Resolution No. 559, "Authorizing Inactive Deposit of Funds" was introduced and read in full. On motion of Councilman Cockburn, seconded by Councilman Davidson, and by unanimous vote of the Council, the Resolution was adopted.

The Town Clerk read a letter addressed to the Council by Ross Elementary School Superintendent Parodi, advising that the State Chapter 47 Funds, allocated to the school had been received, and expressed appreciation for the Council action.

Town Engineer Oglesby advised that he had reviewed the portion of Town property on Winding Way where Hamilton Murray desired to place a sewer line and could see no reason for refusing the request.

November 8, 2001

consolidated on Bolinas Avenue or on Glenwood Avenue in the middle of smaller houses would be different from this proposal. He understood that the applicants intended to build within the allowable 15% FAR and reduce the setback nonconformities. He felt that the plans were consistent with the neighborhood and would minimize any future variances. Councilwoman Delanty Brown complimented Mr. Reinhart on his presentation and said that she supported the plans.

Mayor Hart commended Mr. Reinhart on his presentation but noted that the staff report mentions, very persuasively, a set of findings for denial and the Mayor said that he was hard pressed to support the project. He added that in spite of the applicant's eloquent argument, the staff report significantly overwhelmed the applicant's proposal.

Mr. Broad noted that the Demolition Ordinance requires that the applicants submit replacement plans when applying for a demolition but this was not required because the applicants said that they did not have any plans for development at this time.

Council member Gray said that this is a unique situation because the applicants have no immediate plans to build on the site. He then moved approval of the demolition with the condition that a resolution of findings and conditions be submitted at the next meeting for Council approval. This was seconded by Council member Zorensky and passed with three affirmative votes. Mayor Hart and Council member Curtiss voted against.

33. **VARIANCE, DESIGN REVIEW AND DEMOLITION PERMIT.**

Nancy and John Abouchar, 1 El Camino Bueno, A.P. No. 72-162-14, R-1:B-A (Single Family Residence, One acre minimum). Demolition permit, variance and design review to allow the following: 1.) convert existing garage into a 528 square foot family room; 2.) add a 638 square foot master bedroom and bathroom at the rear of the residence; 3.) raise existing roof lines at the bedrooms and entry to a 12 in 12 pitch; 4.) construct a 585 square foot detached garage at the rear of the residence with a new driveway approach; 5.) construct a 304 square foot pool house to the east of the residence; and 6.) add a 6-foot high, solid wood fence within 3 feet of the Sir Francis Drake Boulevard and a part wood/part wood and wire fence with a wrought iron gate 3 feet back from the El Camino Bueno property line.

Lot Area	29,738 sq. ft.
Present Lot Coverage	12.2%
Proposed Lot Coverage	16.9% (15% permitted)
Present Floor Area Ratio	9.7%
Proposed Floor Area Ratio	15.0% (15% permitted)

Town Planner, Mr. Broad, said that the area of concern focuses on the proposed solid fencing along Sir Francis Drake Boulevard and the proposed garage location and he referred to his staff report. He suggested that the application be continued so that the applicant could submit new plans concerning the garage location and the fence design. Mayor Pro Tempore Gray said that the Councilmembers received phone calls concerning this application and he was sympathetic to the need for a sound barrier but the Council discourages putting fences close to the right-of-way.

Mr. Steve Wisenbaker, AIA, said that the existing fence is behind a row of trees and he would like to keep the fence in the same location but cannot because of the driveway and there is an issue of privacy and security. He felt that he could modify the design in a number of ways; i.e., move the garage back from the property line and give more openness at the entrance, vegetation is proposed with an evergreen hedge - it is their intention that one will never see the fence. He said that there is ample room for landscaping.

Mayor Hart asked that storey poles be installed and that the garage area be staked. Council member Gray asked that the fence be pushed back as far as possible and that they not endanger the trees.

Upon motion by Council member Gray, seconded by Councilwoman Delanty Brown the matter was continued.

December 13, 2001

28. VARIANCE, DESIGN REVIEW, DEMOLITION.

Nancy and John Abouchar, 1 El Camino Bueno, A.P. No. 72-162-14, R-1:B-A (Single Family Residence, One acre minimum). Demolition permit, variance and design review to allow the following: 1.) convert an existing garage into a 528 square foot family room; 2.) add a 638 square foot master bedroom and bathroom at the rear of the residence; 3.) raise the existing roof lines at the bedrooms and entry to a 12 in 12 pitch; 4.) construct a 585 square foot detached garage to the rear of the residence facing Sir Francis Drake Boulevard with a new driveway approach; 5.) construct a 304 square foot pool house to the east of the residence; and 6.) add a 6-foot high, solid wood fence primarily with 3 and 10 foot setbacks from the Sir Francis Drake Boulevard right-of-way and a part wood/part wood and wire fence with a wrought iron gate 3 feet back from the El Camino Bueno property line.

Lot Area	29,738 sq. ft.
Present Lot Coverage	12.2%
Proposed Lot Coverage	16.9% (15% permitted)
Present Floor Area Ratio	9.7%
Proposed Floor Area Ratio	15.0% (15% permitted)

Mr. Broad said that this item was continued from the November 2001 meeting to allow the applicants to address concerns related to the proposed fence and garage locations and the potential impact of construction on nearby trees. In response, the garage has been reoriented to face Sir Francis Drake Boulevard and shifted to the east. The fence has been pulled back 10 feet and it is recommended that there be substantial landscaping provided between the fence and the property line. After talking with the Town Arborist, the architect indicated that the garage could be moved away from the redwood trees and would be attached to the house. This would eliminate the gable end of the residence, resulting in a less visually-prominent roofline.

Mr. Wisenbaker, AIA, said that the proposed fence is a six-foot cedar and he would submit samples for staff approval. Council member Gray asked that a condition of approval be that the definition of a 6 ft. high fence is: The fence is measured from existing grade on both sides.

Mr. Wisenbaker said that the Sir Francis Drake Boulevard area will have a double row of trees and the fence will be approximately four feet from the property line.

Councilwoman Delanty Brown said that she did not have a problem with solid fences on Sir Francis Drake Boulevard and it would be covered with vegetation.

Mr. Broad said that he will require that 15 gallon shrubs will be used on the last section and landscaping will start off with 6 ft. vegetation, completely obscuring the fence. Mayor Hart said that the intent is to fully screen the area so one does not see a fence from day one.

Accordingly, Council member Curtiss moved approval with the findings in the staff report and the following amended conditions.

1. Prior to the issuance of a building permit, the applicants shall submit a construction/traffic management plan to the Department of Public Works for review and approval. The plan include, but not be limited to: 1.) location of equipment and material staging areas; 2.) parking location for construction traffic; and 3.) identification and phone number of the person managing the project.
2. A revised fence plan shall be submitted for Town Planner approval. The wood fencing may wrap around onto El Camino Bueno to the west of the driveway. All fencing on the east side of the driveway shall be wood and wire construction. The transition in setback from a 10 foot to a 4 foot setback be made less harsh through the elimination of the corner by having an angled section of fencing connecting the two fence segments. There shall be a 6 ft. high landscape screen installed directly in front of the fence on Sir Francis Drake Boulevard to the satisfaction of the Town Planner. Fence shall be natural cedar and final

December 13, 2001

- elevations shall be submitted for staff approval not to exceed six feet from existing grade on either side. This shall include the gate, posts and fence.
3. Any exterior lighting shall be fully hooded, shielded and directed downward and shall not spillover to adjacent properties. Lighting shall not create glare, hazard or annoyance to adjacent uses.
  4. As recommended by the Town Arborist to protect the trees adjacent to the fence near the west property line, the fence posts shall be hand-dug with a post-hole digger. The location of any post holes be shifted if roots greater than 2 inches in diameter are encountered - roots less than 2 inches may be cut. A licensed arborist shall inspect the digging of the fence posts.
  5. This project shall comply with the following recommendations from the Ross Public Safety Department: 1.) the street number must be posted (minimum 4 inches on contrasting background; 2.) a Knox lock box is required; 3.) all dead or dying flammable materials shall be removed and cleared per Ross Municipal Code Chapter 12.12; 4.) a 24-hour monitored alarm system is required.
  6. Prior to the issuance of a building permit, a grading and drainage plan shall be submitted for Town review and approval. The plan shall include sufficient detail of existing and proposed grades at the new garage and driveway to verify that construction of these improvements will not adversely impact trees proximate to the west property line. The driveway shall be designed to be at existing grade proximate to these trees, with no grading nor filling required. The driveway surface shall be reinforced concrete. Final location of driveway and back-up areas proximate to existing trees shall be subject to Town Arborist review related to tree protection and preservation.
  7. Prior to project final, a landscape plan for on-site areas between the adjacent roadways and proposed site improvements shall be submitted for Town Planner review and approval. The plan shall provide landscaping to screen the fence from view and screening to soften views of the residence and garage from Sir Francis Drake Boulevard.
  8. Garage and residence attic areas are not included as floor area and may not be finished. **NO SHEET ROCK IS PERMITTED.** A single light is allowed in each attic area. No plumbing, electrical or other improvements which would allow the areas to be finished are permitted. The proposed windows shall be false windows and not allow natural light into attic areas. Access to these areas shall be from a pull-down ladder only. A plywood floor only shall be permitted. As part of the building plan submittal, the project architect shall provide plans to limit the height of all attic areas to a 7-foot maximum height.
  9. The Town Council reserves the right to require additional landscape screening for up to three years from project final.
  10. 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.
  11. Any portable toilets shall be placed off the street and out of public view.
  12. 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.

December 13, 2001

This was seconded by Council member Gray and passed unanimously.  
Mrs. Dutton of Sir Francis Drake Boulevard supported having a fence that people cannot see through.

29. **DESIGN REVIEW.** ~~1/23/01~~  
Francis and Diana Parnell, 38 Sir Francis Drake Boulevard, A.P. No. 72-222-05, R-1:B-A (Single Family Residence, One acre minimum). Design review to allow a 6-foot high stone wall with a solid wood gate to replace an existing brick wall and wood fence and a wrought iron gate along Sir Francis Drake Boulevard.

**COUNCIL MEMBER CURTISS LEFT THE MEETING.**

Mr. Broad explained the application as outlined in his staff report of December 7, 2001. He recommended that an elevation be provided for the gate for staff review, the lighting be amended to reflect the new condition and that the applicant submit an example of the stone for staff review.

Councilwoman Delanty Brown suggested that the stone be the same color as used by the Penn residence.

Council member Gray said that the design review ordinance states that fences and walls should not create a walled-in feeling and he felt that the fence should be pulled back to allow further landscaping. He said that the conditions should reflect modification to the parking area.

Council member Zorensky asked why the wall could not be moved back from the property line and Dr. Parnell said that he hoped to use the existing footings.

Council member Zorensky asked if new footings would be required or not and Mr. Jarjoura said that a structural engineer would have to review the present footings.

Mayor Hart reminded the applicant that any work done on the right-of-way requires an encroachment permit.

Council member Gray felt that the matter should be continued so that a plan could be submitted to determine the location of the fence, driveway, landscaping and the type of gate that will be used.

Mayor Hart said that the Council is requesting a drawing showing the fence, gate and elevations. Plan should show existing impediments which may cause a hardship on why the fence cannot be moved back three feet.

Upon motion by Council member Gray, seconded by Council member Zorensky, the matter was unanimously continued.

30. **HAZARD ZONE USE PERMIT, HILLSIDE LOT, DESIGN REVIEW AND TREE REMOVAL.**

Rocky J. G. Stich (applicant/prospective owner); Ken Frankel (present owner)  
16 Walters Road, A.P. No. 72-171-06, R-1:B-A (Single Family Residence, One acre minimum). Design review, hillside lot application and hazard zone 3 use permit to allow a 3,771 square foot, 2-story, stucco residence with a 557 square foot garage. A total of 4,328 square feet of floor area are proposed.\* 1,790 cubic yards of cut and 1,200 cubic yards of fill are proposed and a series of retaining walls up to 6 feet in height. Tree removal to allow the removal of on-site trees, including oak and bay tree.

Lot area	65,645 square feet
Present Floor Area Ratio	0.0%
Proposed Floor Area Ratio	6.8%
Present Lot Coverage	0.0
Proposed Lot Coverage	4.3%

(\*The slope of this lot is 39%. The hillside lot ordinance would recommend a maximum of 4,374 square feet of floor area.)