



Agenda Item No. 11.

Staff Report

Date: November 9, 2017 Town Council Meeting

To: Mayor Robbins and Councilmembers

From: Sal Lucido, Contract Building Official
Joe Chinn, Town Manager

Subject: 73 Winship Avenue (APN 072-162-15), Appeal of Construction Penalties Assessment

Staff Recommendation

Hold a public hearing for the appeal of construction penalties against 73 Winship Avenue, as calculated per the Town's "Time Limits for Completion of Construction Ordinance" (Ross Municipal Code, Chapter 15.50) and provide a decision of the appeal to be brought back in a resolution to the next regular Council meeting.

Project Summary

Owners:	Brian and Erica Hunt
Location:	73 Winship Avenue (APN 072-162-15)
Project:	Renovation/Addition of a Historic SFD with a new 2,640 square foot unfinished basement. Project also includes reconstruction of the attached garage to the east of the residence with grading and new landscaping including a new swimming pool south of the main residence.
Town File Number:	Variance, Design Review and Demolition Permit No. 1890
Permit Number(s):	17997
Project Valuation:	\$814,318
Permit Issued Date:	6/3/14
Construction Completion Deadline:	12/3/15 (18 months)
Project Final date:	2/5/17 (440 days past deadline)
Calculated Penalties:	\$357,500
Remaining Construction Deposit:	\$32,572.72

Background

The duration of construction projects in Ross is governed by the Time Limits for Completion of Construction Ordinance (Ross Municipal Code, Chapter 15.50). The ordinance establishes

procedures, timelines, and penalties to ensure that projects are completed in a timely fashion with the least amount of impact on the surrounding neighborhoods. Under the Ordinance, a project of this building permit valuation has 18 months to complete construction.

On January 10, 2013, Council approved Variance, Design Review and Demolition Permit No. 1890 for the following improvements:

1. Modifications to the main residence with limited window and exterior door replacement and to add a new 2,640 square foot, unfinished, basement for storage and mechanical.
2. Reconstruction of the attached garage to the east of the residence.
3. New landscaping is proposed including a new swimming pool south of the main residence.
4. Design review is required for grading to distribute soil from the basement and pool excavation to create a landscaped, soil berm, up to 24 inches tall, within the west and north yard setback areas. 630 cubic yards of cut and 630 cubic yards of fill are proposed.
5. A fence height variance was requested to allow an 8-foot-tall concrete fence along Sir Francis Drake Boulevard. The fence would be buried 2 feet in the soil berm, for an apparent height of 6 feet.

Please refer to Attachment A for an overall timeline with notable milestones.

Construction documents were submitted in May of 2013. After several submittals to address corrections, the plans were ready for approval in November of 2013. The applicant requested and was granted a one-year extension on the permit approval. Subsequently, Building Permit 17997 was issued as an Owner-Builder permit for construction by the Hunts on June 3, 2014. Work commenced immediately, but a portion of the construction was stopped three months into the project on the accessory dwelling unit (cottage) due to a scope change that triggered fire sprinklers. Work continued while revised plans were submitted and approved, and the stop work order was lifted 6 weeks later. Construction proceeded in a steady manner. The Hunt appeal letter states, "We had between eight and fifteen workers on the project at any time."

The Town did receive some complaints during construction such as: excessive dirt on the roadway due to improper washdown; loud music; several complaints of construction vehicles blocking access on Oak Way; and a general email complaint that "The ongoing project has caused hardship on our current tenants for the past two years and is presenting rental challenges for our property". However, the Hunts quickly resolved specific complaints received about the project.

On October 1, 2015, the applicant notified the Building Official via email that they were not going to meet the construction deadline. The Town Manager and Building Inspector met with the Hunts on January 22, 2016, where they explained why the project was off track with respect to meeting deadlines. The majority of issues were related to unanticipated foundation work, rot repair and the nature of the historic renovation challenges for this structure. At that time, the Hunts thought the project would be completed in late summer or early fall of 2016.

The project received final construction approval on February 15, 2017. On April 11, 2017, the Town sent a letter to the owner (Attachment B) advising that the project completion of

construction was 440 days beyond the 18-month time limit specified in the Ordinance and thus is subject to construction penalties in the amount of \$357,500.

On April 20, 2017, the Town received a properly filed letter of appeal from the appellant (Attachment C). Staff contacted the appellant to schedule a meeting date to discuss the appeal. Staff met with the applicant over the next several months answering questions and granting extensions for more time to prepare the appeal. A council meeting date was set for November of 2017.

On June 6, 2017, the Town received an additional appeal letter, provided in Attachment D. Staff met with the applicant to discuss options and answer questions.

On October 19, 2017, the Town received a revised final appeal document, provided in Attachment E.

Historic Analysis and Review

The Hunt's contend the delay in meeting the construction time limits resulted primarily due to the substantial efforts necessary to restore a historically significant resource. It is common for the rehabilitation of historic properties to take longer than new construction due to having to work with an existing built structure with dry rot, dated plumbing and electrical, and insufficient structural members, in addition to having to implement special building techniques, practices, and materials in keeping with the historic nature of the property.

In order to determine the merits of the Hunt's appeal, one must determine if the property at 73 Winship Avenue is considered a historic resource. As defined in Section 5020.1(j) of the California Resources Code, a "Historical resource" is "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Under California Environmental Quality Act (CEQA) and the Guidelines for Implementing CEQA (State CEQA Guidelines, Section 15064.5) direction and guidance for the evaluation of "Historic Resources" are given. The term "Historical Resource" in the CEQA context is used when the property meets the terms of the definitions in Section 21084.1 of the CEQA Statute and Section 15064.5 of the CEQA Guidelines. Specifically, "Historical Resources" include properties listed in or formally determined eligible for listing in the California Register of Historical Resources, or listed in an adopted local historic register. The term "local historic register" or "local register of historical resources" means a list of resources that are officially designated or recognized as historically significant by a local government pursuant to resolution or ordinance. "Historical Resources" also includes resources identified as significant in an historical resource survey meeting certain criteria (e.g., associated with notable persons, events, architecture, and/or having archeological significance). Additionally, properties, which are not listed but are otherwise determined to be historically significant, based on substantial evidence, would also be considered a "Historical Resource."

If a property is considered to be a “Historic Resource” under CEQA, then a project would need to meet the National Park Service Secretary of the Interior (SOI) Standards for the Treatment of Historic Properties to be considered Categorically Exempt (e.g., no further environmental review, such as a Negative/Mitigated Negative Declaration or Environmental Impact Report, would be required). The SOI Standards offer four distinct approaches to the treatment of historic properties—preservation, rehabilitation, restoration, and reconstruction and provides a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations.

Although the Town of Ross does not have a local historic register that lists notable buildings or structures, the Town does rely on the book titled, Ross, California: The People, the Places, the History, prepared by the Joe Moya del Pino Library-Ross Historical Society. As described in the preface, the book is a culmination of decades of research and historic preservation prepared by the Ross Historical Society. The book described the history of Ross, notable people that have contributed to the founding of Ross, and the unique architectural styles associated with Ross.

The Hunt’s residence is listed in the book and is described as the “Gray House” that was constructed circa 1892. The residence was designed by architect Maxwell G. Bugbee for William and Elizabeth Barber in the “Shingle-style” as a luxury summer rental. William and Elizabeth’s primary residence was at 1 Garden. Elizabeth Barber moved to the Gray House in 1905 as a widow. She lived at the residence until she died in 1908. The Barber family sold the Gray House in 1922.

Furthermore, although the residence is not listed or deemed to be eligible for listing on the California Register of Historic Resources or National Register of Historic Places, based on the historical evidence provided in the January 10, 2013 Staff Report (see Attachment F for Staff Report and Minutes), the Town Council voted 4-0-1 (Brekhus recused) to approve the historic rehabilitation of the property. The project was deemed Categorically Exempt on the basis that the project would be rehabilitated consistent with the SOI Secretary Standards for the Treatment of Historic Properties. Accordingly, conditions of approval 7 through 14 related to the historic rehabilitation of the house.

Discussion

An owner may appeal a construction completion penalty, “on the grounds that the property owners were unable to comply with the construction time limit for reasons beyond the control of themselves and their representatives.” The grounds for appeal include, but are not limited to, “labor stoppages; acts of war or terrorism; and natural disasters.” Grounds for appeal do not include, “delays caused by the winter-rainy season; the use of custom and/or imported materials; the use of highly specialized subcontractors; significant, numerous, or late design changes; access difficulties associated with the site; failure of materials suppliers to provide such materials in a timely manner; or by delays associated with project financing.” (RMC §15.50.090(a))

The construction completion ordinance further provides, "When appealing penalties ... the appellant shall submit documentary and other evidence sufficient to establish that design decisions, construction drawings and documents, bids and construction contracts, permit applications, and compliance with all required permit conditions were undertaken in a diligent and timely manner. Required documentary and other evidence shall demonstrate to the town council's satisfaction that construction delays resulted from circumstances fully out of his or her control and despite diligent and clearly documented efforts to achieve construction completion within those time limits established in this chapter. Penalties made pursuant to this section shall not be modified or cancelled unless the evidence required in this section is submitted at the time of appeal."

The Town received a properly and timely filed appeal. Staff met with the applicant on several occasions to help clarify the Town's procedures and to establish a council meeting date. The applicant requested adequate time to prepare a formal, well documented appeal, which is included in Attachments C-E.

Town staff reviewed the appellant's letter and supporting documentation and generally concurs with the material presented. Because the project was considered to be a historic resource and because the Hunts were required to rehabilitate the residence with special conditions of approval that most properties in Ross are not required to adhere to, it is reasonable for the Town Council to grant an exception to the construction time limits on the basis of preserving a historic resource that contributes to the heritage of the Ross community. Staff agrees that preserving a historic home is of value to the community and more time is needed to historically restore a home than to tear down and rebuild. There is some precedence for this action – the Council approved waiving the construction time limit penalty for 126 Winding Way (an original "Maybeck" home) on February 13, 2014. One difference from that case is 126 Winding Way was only over the time limit by 6 months versus this project being over by 15 months (the Staff Report for 126 Winding Way is included in Attachment E, Exhibit F).

The Council can also consider and make a finding that the Hunts employed careful manual recycling techniques throughout the duration of the project. It should be noted that the Town's recently amended ordinance gives consideration to this aspect of the time limits under RMC 15.50.050(g)(2) and grants up to 60 additional days to complete construction depending upon the difficulty and amount of demolition.

Another item Council could choose to grant additional days of construction for is the unfortunate severe eye injury to the foreman, which left him blinded. The injury did delay the project some though it would likely be difficult to quantify by how much. The Hunt appeal says, "We took measures to make sure the project continued forward by having others step in and redirect work but we did lose significant time caused by his absence."

Construction does cause increased noise, traffic and associated impacts by nature. We did receive some but not a lot of complaints related to this project during construction. That being said, the Hunts remedied the specific complaints in a timely manner. Another impact of going

over the timeline by 440 days is that it causes the building inspector to have to go by the project site many more times over the course of construction than would a project completed in 18 months – typically the building inspector is going to the project site on a weekly basis to inspect the site. In addition, this project went through three winter seasons – during and after each qualifying rain event, a staff member goes by every construction site to ensure the proper erosion control measures are in place.

Town Staff received over 90 letters and emails of support for the project and requests for a reduction in fines in consideration of the historic rehabilitation effort provided in Attachment G.

Fiscal, resource and timeline impacts

If the Town Council upholds the penalties, a portion of the penalties will be deposited into the General Fund to offset the additional staff costs associated with processing the appeal and the remaining portion will be deposited into the Facilities and Equipment Fund.

Alternative actions

The Town Council has the full range of options available from waiving the entire penalty to not granting the appeal and keeping the construction penalty at \$357,500.

Environmental Review

Not Applicable.

Attachments:

1. Attachment A – Project Time Line Overview
2. Attachment B – Town letter of Construction Penalty Determination dated 4/11/17
3. Attachment C – Appeal documentation from Brian and Erica Hunt dated 4/20/17
4. Attachment D – Appeal documentation from Brian and Erica Hunt dated 6/6/17
5. Attachment E – Appeal documentation from Brian and Erica Hunt dated 10/19/17
6. Attachment F – 73 Winship Staff Report and Minutes from January 10, 2013
7. Attachment G – Letters and Emails in support of the Hunts

Referenced Documents:

1. RMC §15.50 – Time Limits for Completion of Construction Ordinance:
[http://www.townofross.org/sites/default/files/fileattachments/administration/page/247/15.50 time limits for completion of construction.pdf](http://www.townofross.org/sites/default/files/fileattachments/administration/page/247/15.50%20time%20limits%20for%20completion%20of%20construction.pdf)
2. Staff Report and Meeting Minutes (2/13/14) for 126 Winding Way:
http://www.townofross.org/sites/default/files/fileattachments/town_council/meeting/650/agenda-item-16-126-winding-way-report.pdf
http://www.townofross.org/sites/default/files/fileattachments/town_council/meeting/650/february-13-2014-adopted-minutes.pdf

ATTACHMENT A

Attachment A – Permit Timeline Overview

Date	Town Council or other Permit Activity (with associated Valuation)
	Town Council Approval with Conditions
5/24/2013	Plans submitted and distributed to Building, Planning, RVFD. (306533)
7/9/2013	Planning: 1 st Submittal comments issued
6/14/13	Building: 1 st Submittal comments issued
6/14/13	RVFD: 1 st Submittal Approved w/ conditions
7/10/2013	Town formally issued all departmental comments on 1 st Submittal
9/5/2013	2 nd Submittal distributed to Building, Planning, RVFD.
9/11/2013	Planning: 2 nd Submittal Approved w/ condition: tree protection
9/12/2013	RVFD: 2 nd Submittal Approved
9/20/2013	Building: 2 nd Submittal Approved
10/10/2013	Building: 1 st Submittal comments on the deferred pool submittal issued
11/14/2013	1-year permit approval extension requested (and granted by Rob B.)
4/3/2014	Owner-Builder Permit Application and acknowledgment signed.
4/18/14	RVSD: sewer permit required, request placing a hold on final for project.
4/14/2014	Construction timeline estimate submitted (4/2014 through 10/2016)
6/3/2014	PERMIT #17997 ISSUED (\$814,318)
9/2/2014	Stop Work Order issued on cottage only (scope change requires fire sprinklers)
9/11/2014	Erosion Control Plans submitted (306533-D)
9/12/2014	Planning: 1 st Submittal comments from Planning
9/30/2014	Building: 1 st Submittal comments on ECP issued
10/1/2014	Cottage Plans Submitted (as-built and revised plans, 306533-R1)
10/3/2014	Building: 1 st Approved Cottage
10/13/2014	Resubmitted erosion control plans
10/14/2014	Stop work order on Cottage lifted, Planning approved Cottage Plans
10/15/2014	Building: Erosion Control Plans Approved
10/24/2014	Garage elevation issue raised by planning (plans not approved by building)
10/31/2014	RVFD: Approved Cottage Plans
11/6/2014	Plans submitted for Revised Garage Plans (306533-R2)
11/11/2014	Building: Approved revised garage plans
11/16/2014	Drainage plan resubmittal to address planning department comments
11/17/2014	RVFD: Approved revised garage plans
11/25/2014	Planning: Approved revised garage plans
4/28/2015	Issues regarding the "stone" wall (resolved within several days)
10/1/2015	Applicant notified Building Official that they will not meet time limits
12/3/15	TLCO Deadline based on 18 Months
4/19/2016	Driveway Plans Submitted
4/21/2016	Planning: approved w/ conditions
5/10/2016	DPW: comments issued on driveway
5/5/2016	Grading and Drainage Plan Revisions Submitted (306873-D)
5/15/2016	Building: approved revised grading and drainage

<i>Date</i>	<i>Town Council or other Permit Activity (with associated Valuation)</i>
1/19/2017	RVFD Final Approval
2/2/2016	RVSD
2/15/2017	Building Final Approval (date used for penalty determination)
2/28/2013	MMWD (Permit 2013-19, exempted)
2/15/2017	Planning Final Approval

ATTACHMENT B



April 11, 2017

Mr. and Mrs. Brian Hunt
P. O. Box 1407
Ross, CA 94957

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

SENT VIA EMAIL TO:
iam8rian@gmail.com

RE: 73 Winship Avenue (APN 072-162-15) – Permit: 17997
Time Limits For Completion of Construction Penalty Determination

Dear Mr. and Mrs. Brian Hunt:

Per the Town's "Time Limits for Completion of Construction Ordinance" (Ross Municipal Code, Chapter 15.50, attached), you were allowed **18 months** to complete the project based on a project valuation of **\$814,318**. The permit was issued on **6/3/14**, which means that the deadline for completion was **12/3/15**. For the purposes of penalty determination, your project received final approval (for construction) on **2/15/17**, a total of 440 days past the completion date. A penalty for **\$357,500** is due the Town based on the following calculation, less your deposit of **\$32,572.72** as follows:

Tier	Days Past Deadline	Start Range	End Range	Days	Daily Fine	Penalty
1	1st 30 Days (grace period)	12/3/2015	1/1/2016	30	\$ -	\$ -
2	Day 31 to the 60th Day	1/2/2016	1/31/2016	30	\$ 250	\$ 7,500
3	Day 61 to the 120th Day	2/1/2016	3/31/2016	60	\$ 500	\$ 30,000
4	Day 121-Completion	4/1/2016	2/15/2017	320	\$ 1,000	\$ 320,000
				Totals:	440	\$ 357,500
				Less Remaining Deposit:		\$ 32,572.72
				Total Amount Due:		\$ 324,927.28

As per Ross Municipal Code Section 15.50.100(a), any penalty amount in excess of the construction completion deposit shall be paid within 30 days of the date of mailing the letter by first class mail to the property owner and any penalty amount not paid within 30 days shall be subject to additional 10% (ten percent) penalty on the unpaid balance remaining after this 30 day period and monthly interest shall accrue on this unpaid balance at an annual rate of 12% (twelve percent). **To avoid paying additional late payment penalties and interest, your payment is due within 30 days of the date of this letter.**

The penalties and interest due are a personal debt of the property owner, and also an obligation that runs with the land to all subsequent owners of the property. **If payment of the amounts due, including any additional penalties and interest, is not received within 45 days the total amount shall become a lien on the subject property pursuant to Section 15.50.100 of the Ross Municipal Code.**

After a confirmation hearing on the amount of the proposed lien, your property will be assessed these costs. This assessment shall be a lien upon the property owned by you until paid in full and discharged of record. The lien will be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes.



April 11, 2017
Mr. Brian Hunt
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This penalty may be appealed to the Town Council within 10 days according to the process specified in Ross Municipal Code Section 15.50.090. Please note that an administrative fee of **\$1,654** is required to appeal this determination and must be paid prior being scheduled for a regular Town Council meeting.

Please notify the Town whether you will accept the penalty determination or will file an appeal by contacting Simone Jamotte at (415) 453-1453, extension 106 or by the email below.

Sincerely,
TOWN OF ROSS

Salvatore A. Lucido, P.E.
Contract Building Official

CC: Joe Chinn, Town Manager (jchinn@townofross.org)
Simone Jamotte, Building Department Secretary (sjamotte@townofross.org)

Encl.: Time Limits for Completion – Chapter 15.50 Muni. Code, Acknowledgement

ATTACHMENT C

April 20, 2017

Brian & Erica Hunt
PO Box 1407 73 Winship Avenue
Ross, CA 94957

HAND DELIVERED
4-21-17

Joe Chinn, Town Manager, Town of Ross
Sal Lucido, Contract Building Official, Town of Ross

We respectfully submit our protest to the fines imposed upon us by the administration of the Town of Ross. Our project is unique in that it is considered historically significant to the Town of Ross. Due to its age and dilapidated condition, this project presented numerous facets that involved input, details, discovery, and unique remedies to restore, structurally fortify, and repair to the standards merited for such a project.

Below you will find our high level list of reasons the project at 73 Winship Avenue exceeded the 18 month time limit the Town of Ross allows for a project of our size.

- * Delay in original start date regarding no earth work during October to April
- * Injured Forman
- * Historic Rainfall
- * Red Tag on Guest House
- * Sprinkler addition to Guest House
- * Prolonged Foundation work
 - * Dirt removal misinformation
- * Historic Nature of Residence
 - * Unforeseen structural issues
 - * Rock wall preservation/reconstruction
 - * Additional support for leveling residence
 - * Additional Steel/structural work
 - * Salvaging of wood and/or re milling to match existing wood
 - * Restoration and replication of architectural elements
 - * Discovery of additional work needed once walls were open
- * Drainage plans & tree preservation visits
- * Anonymous neighbor(s) and Town Manager complaints resulting in focus off of the project, harassment and unnecessary stress.

We will prepare a more extensive calendar in a timeline and elaborate on these details and more to help delineate the reasons for the time overage for the project at 73 Winship Avenue. Please inform us of the next steps in the process and also please let us know if you have any additional questions at this time. Enclosed is our check in the amount of \$1654 for appealing the penalties.

Thank You,

Erica and Brian Hunt

ATTACHMENT D

June 6, 2017

Brian & Erica Hunt
PO Box 1407 73 Winship Avenue
Ross, CA 94957

Joe Chinn, Town Manager, Town of Ross
Sal Lucido, Contract Building Official, Town of Ross

Dear Joe & Sal

We have submitted our more precise outline to help further describe and layout the extended work time needed to complete our remodel / restoration project at for our home at 73 Winship Avenue. This timeline follows our inspection log with Thomas Thompson (who has been our inspector throughout the entirety of our project) and shows that at no time did work halt over the roughly 2.5 years of effort at the building site. Our timeline, notes, and inspection log show that at all times our progress was noted and that we have, in fact, completed our project to the standards required by the town of Ross within a "reasonable" time period. In addition, per the town's requirement, we did hire a historical architect/engineer, who has monitored this project from its inception to completion who can further verify the timeline needed in order for this historically significant restoration to be completed to the high standards one would expect for such a project.

We implore you to keep in mind, as you consider imposing fines upon us, that we have worked tirelessly to restore, renovate, and reconstruct our property to high standards and with high quality and longevity of construction imposed at every step. Ross is our community. Our home is a prominently placed and historically significant structure to the Town of Ross. We have spent years of time and effort and hundreds of thousands of dollars to make it the best that we can for years to come. The Grey House has been deteriorating without upkeep for 50+ years. It is unquestionably a safer, sounder and better looking home than it was before we started. We ask that you please refund us our deposit in full, and rescind your demand for the additional nearly \$330,000 you have requested from us for not finishing this massive project in under 18 months. We assert that 2.5 years has not been excessive at all for the scope of our project given its stated historical significance to the Town of Ross. We do not feel that we, or any other members of the community who undertake historically significant remodels to task, should be penalized for our heartfelt and sincere efforts and actions. Doing so discourages these projects in the future and that serves as a disincentive for future members of the community to undertake them. We believe, in the end, we all want the town to be continually improving. These punitive fines are at odds with progress and good will in our community.

This process has been wrought with emotional trauma and difficult financial and personal sacrifices within our family. We ask that the Town of Ross recognize and acknowledge the actual effort and challenges we have endured by not imposing additional financial punishment as an expression. We ask for your understanding and empathy, if not appreciation for what we have accomplished at our property at 73 Winship Avenue. We are proud and happy to have finally completed this large, arduous undertaking. We submit that in doing so, we have not caused damage or hardship to the community of Ross. We ask that you relieve all fines for these reasons among others.

Thank You,

Brian & Erica Hunt

ATTACHMENT E

10-19-17

Dear Joe and Sal

Attached is our report outlining explanations for our time overages on our project at 73 Winship Avenue, the "Gray House". As you will see, we have taken great effort to explain the reasons why this historically significant restoration differs from a ground up construction build. The report will help distill our project into a series of descriptions to help the Town Council understand the nuances involved in such an undertaking that render an 18 month time limit unrealistic.

We appreciate the time you both have taken thus far to meet and discuss this situation with us. We hope to continue to receive your support in this matter to help us succeed in convincing the Town Council members not to impose fines of \$357,000 or any portion of that amount for having completed our restoration project. This reality is especially hard to process knowing that we did all we could to continually make work progress at every time we were able. Inspection records and inspector Tom Thompson can verify the fact that work did not abate during our entire project. We explain challenges in this report that we faced during our unique project, as well as what we did to overcome them.

We show in this report as clearly as we can how our historical building renovation needs to attain special review as the time completion ordinance is at odds in our case with the greater purpose and intent of the relevant town goals as written.

Please do not hesitate to contact us in the event that you have questions. We appreciate your support in this frightening predicament. We have never in our lives encountered such a financial threat to our family as this.

Thank you,

Brian and Erica Hunt
Brian- 415-377-4090
iam8brian@gmail.com

Brian & Erica Hunt
The Gray House
73 Winship Avenue
Ross, CA

October 9, 2017

Re: Penalty Appeal for 73 Winship Avenue / The Gray House
Council Meeting: November 9, 2017

Dear Town Council:

We are appealing the \$357,000 penalty imposed by the Town of Ross relating to the construction time limit for the renovation of our residence at 73 Winship Avenue ("the Gray House") and the cottage located at 5 Oak Way.

We want to explain the circumstances that resulted in construction delay, and the inequities of the Construction Completion Chapter, Town Ordinance Chapter 15.50 upon which the penalty was imposed, as applied to our unique project.

Our Decision to Move to Ross

When our boys were ten, eight and five, we decided that we needed to move to a smaller community where they would have access to outdoor activities as well as an excellent school system. Although it was twice as much as we had originally planned to spend on a family home, from the minute we saw The Gray House, we knew that we could make it our home. We recognized that this unique property would require a significant investment in order to address major repairs; however, the accompanying rental properties allowed it to work financially. We also recognized that this particular renovation would be a long haul emotionally and financially, but because Brian is a builder specializing in renovating historic, architecturally significant homes, we felt strongly that fit between our family and The Gray House was mutually beneficial. The Gray House, in all of its disrepair, was an ideal project for our family, and the Town of Ross, where the school PTA puts cookies on your doorstep to welcome new students and the Ross Property Owners Association delivers welcome baskets to new families was our dream town. We had no doubts that this was the absolute right move for us and our children.

The Gray House sat for more than nine months on the market after having been vacant for two years prior to that; for good reason. The yard was overgrown after decades of neglect. The inside of the home was outdated and chopped up in traditional Victorian style. Our very first week in the house, there was a major water leak in the main water line. The heating system did not function. We had to heat the house with one external unit for the downstairs and space heaters in the bedrooms. Each time you turned on a space heater, you had to make sure all other lights were

turned off or the electrical circuit would trip. We had ideally hoped to have the plans passed and start construction quickly, and estimated 3 - 6 months. We lived in the main house at 73 Winship, which was barely livable, for two years before construction began.

We knew that the acquisition of 73 Winship was a huge financial stretch for us, but we loved the house, the neighborhood, and the Ross School, where our three sons were already thriving. From the very beginning, despite struggles with the original state of the house, we felt fully integrated into the Ross Community—this was where we belonged.

Professionally, Erica works outside the home as a professional organizer, but has also served as the PTO Executive Board as President for 2 years, Vice-President for 2 years, and she now sits on the Ross School Endowment. She has served on the Ross Leadership Council, volunteered or spearheaded the Wine Fest, classroom events, Margie Burke Speech Tournament, Bear Wear, Fun Run, Friends of the Library Book Fair and Author Coffee and has chaired Ross School Family Day, Garden Tour, and the Ross School Auction. She has coached community soccer teams. She took over organizing the Winship Book Club. Brian began his career in architecture after getting his degree. Some years later, his career became more hands on as he delved into the renovations of primarily Victorian buildings. Before purchasing the Gray House, he had made a career of renovating and building in San Francisco for the past 25 years. He works full-time but has also helped advise neighbors in construction matters, coached various sports, and volunteered for community events like the Margie Burke Speech Tournament and 4th of July parade. This is our community and we are people who believe in giving to the community.

The Historical and Dilapidated Gray House

Before we made our offer to buy the Gray House we consulted with Elise Semonian, the Ross Town Planner, about the provision in the listing realtors' disclosures about the three rental units on Oak Way (which were part of the property at 73 Winship) stating that the units had to be removed when the property was transferred to the next owner. The Town Planner assured us that the Town of Ross was interested in small rental units and would be interested in keeping the units. We were told she could remove that condition without any paperwork on our part. And if the seller accepted our offer, the Town of Ross would not require us to eliminate the units. This was a make or break deal for us in purchasing the Gray House as we would only be able to buy the property if the rental income could offset the large mortgage we were about to take on. We were impressed by the fact that Elise was able to eliminate a conditional use restriction on the property, without any paper work, and when we discussed the obstacles relating to remodeling the home, we felt reassured by town staffs' statements that the Town of Ross wanted to work collaboratively with the next owner to make a historic renovation happen.

Neighbors and Ross residents repeatedly told us how relieved they were that

someone finally bought the Gray House, as it had been a major eyesore to Town residents given its prominent frontage along Sir Francis Drake.

The planned renovation would be significant, and subject to compliance with the US Secretary of Interiors Standards given the Gray House's historical significance to the Town of Ross. The Gray House, built in 1892 by William Barber designed by architect Maxwell Bugbee. See Exhibit G. When we embarked on this project, in 2013, we asked staff for an extension of time to rebuild this home prior to starting the project. The remodel involved rebuilding the carriage house behind the main house, a detached and attached garage and the main house. The square footage being remodeled was 7807 and of that the 5884 square footage was remodeled to meet historic standards. We estimated we needed 30 months because Brian was experienced with historic home renovation and was certain that we would run into problems that take extra time, and cannot be predicted accurately in advance. There was no way that a project of this magnitude could be completed in 18 months. We explored the option of splitting the permits and completing the cottage and garages first but were discouraged by the Sr. Town Planner who stated that approvals would lapse if we did. We were informed that this strategy would have nearly doubled our permit fees and extended the project time a minimum of nine months between the closing of one permit and opening another as mandated by the Town rules. This would have been a huge imposition to our neighbors and further delayed the completion of the house. Furthermore, she indicated that the permission for project features would be jeopardized if we were to split permits.

We raised our concerns about the time limits with staff at the outset. We were told there was no procedure to obtain an extension for a historic remodel but that the Town was looking at the Construction Time Limit ordinance and would probably be amending the ordinance. We were even told that the Town Manager at the time, Rob Braulik, was aware of our unique situation and would be reaching out to us as he investigated changing these limits.

When we applied for the project, and were approved, we held faith in the unanimous comments of encouragement by Council Members Carla Small, Katie Hoertkorn, Beach Kuhl, Elizabeth Brekhus, and Rupert Russel. We felt confident that a group of reasonable, intelligent public servants would take into account the unique circumstances involved in renovating a prominently located historic property in advanced stages of disrepair. Feeling confident in the rationality of the town process, we moved ahead with the project, trusting that reason, compassion, logic, and understanding would ultimately prevail.

Standard Permit Time Limit Penalizes Historic Projects

We want to assure you that had we torn down the Gray House and rebuilt it as a new build, we could have met the 18-month time frame. It is not an unreasonable time frame for a brand new construction project. Currently, the system of setting a time limit for a project is based upon the expected value of the

construction improvements alone. The maximum length of time for any project under the Town's Ordinance is 18 months if the project value is over \$500,000. However, this default fails to take into account any special circumstances such as a historical renovation and preservation. Unfortunately, if without discretion or concern for truly unique circumstances, this ordinance penalizes projects such as ours.

We did not run over the construction time because we mismanaged this project or because we had insufficient funds to embark on this project. We had between eight and fifteen workers on the project at any time. We could not turn to interior work until foundation work was completed on the main home. Foundational work alone took nine months, and it was not possible to do interior work before the foundational work was done.

Ross does not have a historic building code, but if you look at the State of California Historic Code, it encourages preservation of historic buildings. (See California State Historic Building Code "Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost effective approach to preservation, and to provide for the safety of the building occupants.") In San Francisco, the City's Codes are drafted to strongly encourage rehabilitation of old homes and the provisions take into consideration the special circumstances that relate to such projects, including added construction time.

We feel very strongly that the benefits that our neighbors received from our renovation of The Gray House far outweigh any impacts from the project's construction period. The project itself was fully contained on our property, was screened to minimize viewing, and nearly 80% of the work over the construction period was interior work. The work was as discrete as possible, notwithstanding that it was on a major Town artery. And the resulting home is, we believe, exceptional.

We note that in our years living in Ross, we saw only one project (9 Woodside Way) that was approved after being required to obtain a report on whether the home was historic. There is no indication that in the five years since we moved to Ross, the Town has had a project rebuilt to preserve the historic architecture. The Abrams' project at 126 Winding Way is the closest example of what our project resembled and it too went way over the construction time limit. See Exhibit F.

In the attached Exhibit A & B, we have detailed the complexities of our project that were due to compliance with the Secretary of Interior's Standards for historical projects and calculated the "delay" in days that it caused in the completion of our project. We also have attached, as Exhibit C, a letter from the Historical Architecture Consultant, Lawrence Karp, who specializes in the preservation and

renovation of historic buildings. He explains why meeting these standards take more construction time. We had no way to control or reduce the amount of time reasonably needed to complete the project within the default time limits for The Town of Ross Completion of Construction.

Other Circumstances Beyond Our Control

In addition to the challenges of rebuilding historic home, our project was delayed due to two extraordinary circumstances.

First, we experienced an “act of god” when our foreman suffered a severe injury to his eye, which left him blinded. There is a precedent for allowing additional construction time caused by this kind of an incident. The property at 27 Upper Road’s design professional passed away during his project, and the Town recognized the incident as an “act of God” when that project exceeded construction time limits. See Exhibit D. We ask for the same consideration here.

After the initial injury we were uncertain as to how long he would be unable to work on the project. We could not have known that he would need multiple corneal transplants and lens replacements and would be unavailable for 9 months. His extended period of recuperation, and additional surgeries caused an unexpected delay in project oversight and management. We took measures to make sure the project continued forward by having others step in and redirect work but we did lose significant time caused by his absence from the project. See Exhibit E.

Second, our project timeline spanned what can only be described as a historically wet winter in 2016. Although rain delays are expected in any construction project, one cannot compare the typical rainy season with the extraordinary rainy season of 2016. We note the construction time limit ordinance does not allow delays caused by weather to be considered, because with a normal project you can schedule exterior work during the dry season. But when exterior work for a historic project necessitates nine (9) months of outdoor work, the delay caused by the rain does impact the construction schedule. Historically, Town Council has given allowances to projects due to excessive rainfall or water issues (i.e. flooding from 2005).

Imposing the Penalty Does Not Serve the Purpose of the Ordinance

Penalties imposed under the Construction Time Limit Ordinance should further the purpose of the Ordinance. Section 15.50.010, entitled, “Purpose” provides:

It is the intent of this chapter to:

- (a) Implement the goals and purposes of the Town of Ross General Plan by maintaining the Town’s high quality and fragile natural environment and the existing small town qualities and feeling of the community.

- (b) Assure the safety of construction practices, structures, and other improvements, through encouragement of completion inspections on all construction requiring building permits.
- (c) Set and enforce reasonable time limits for the completion of all construction requiring building permits.

The ordinance, as applied to this project, did not set a reasonable time frame for completion. In the context of a historic home, it applies competing purposes. On the one hand, the Town wants high quality construction but on the other hand, it imposes an unrealistic deadline that limits construction to 18 months. This may be reasonable for a ground up construction project, but it is not reasonable for a massive historic project like The Gray House.

We do appreciate that the purpose behind the ordinance is to avoid harm to neighbors from prolonged construction. Our neighbor behind us on 5 Camino Bueno was doing their project at the same time and was not harmed by our project. Our other immediate neighbors have provided strong letters in support and describe no harm from our project. Our crew always parked on the property and never interfered with the street or neighbors' properties as often happens with other projects. We believe our project benefited our neighbors and they have been understanding about the length of the project because they understood and saw we were working diligently to complete construction.

Conclusion

These penalties are threatening to ruin us financially. We simply do not have the money to pay them. We are at the end of a long, exhausting, emotionally and financially draining process of living on site, with our three children, through the renovation of 100-year old property that was in a state of significant disrepair. We believe that we have successfully accomplished not just a renovation or a preservation, but, in fact, a complete transformation of this historic home from the original state in which it was acquired. And despite the effort it has required of us, we still firmly believe that it is a property truly worthy of the care and commitment required of us to do so. We do not expect any recognition for having completed this renovation—after all it we knew that it would be a major undertaking from the very beginning. However, we certainly do not think it is fair to punish us beyond the inherent suffering that we have already experienced by living through a renovation of this magnitude. And despite the extraordinary circumstances of this historic renovation, we have done no additional harm than one might expect from a standard renovation. We feel strongly that any negative impact that can be associated with our construction process is far outweighed by the benefit to the community the renovation of a “historically significant” home in the Town of Ross. As our neighbors, community members, and elected council members, we ask that you do not punish us with fines.

The time limit ordinance permits the Council to reduce the penalty when

circumstances that caused the delay are out of the control of the owner, and despite diligent and clearly demonstrated efforts to achieve construction completion, the owner was unable to meet the time limits. All of those circumstances are demonstrated here.

While we are fighting for our family's financial health in our appeal, our plight also involves a bigger issue of using your influence to support other important historical gems in the Town of Ross. If the Town wants to preserve the few homes in Ross that are of unique interest, it is imperative that there be relief from these penalties so that owners are not afraid to fix up historical homes. We ask you to consider, for example, the project at 20 Glenwood. The property owners first wanted to save a beautiful old home (originally built in 1902), and applied to renovate it. When they determined that the foundation was less stable than they believed, they decided to build a brand new home. We don't know if the construction time limits played into their decision, but we think it is a powerful disincentive to retain that which is there when people consider buying older homes.

We have cherished living in the unique and in many ways bucolic Town of Ross. We have invested heavily already to be here. We have actively engaged in school, clubs, volunteering, and helping neighbors. Our house purchase and subsequent renovation has been a huge financial and time consuming undertaking. We have had many ups and downs since we've lived here, but we both agree that moving to Ross has and continues to be a positive life experience and environment in which to raise our children. That said, this looming threat of being fined by the Town is at odds with the Town we believe we live in. For that reason, we ask you to exercise compassionate and sensitivity to our plight, and eliminate the penalties being levied on us.

Exhibit A

Historic Projects are far more complicated than new buildings of like size. The Historic Gray House was built by William Barber in 1892, designed by architect Maxwell Bugbee and sits at 73 Winship Avenue.



Projects including historical preservation and that are to comply with Secretary of Interior Standards inherently require extra attention through all phases. Our project is no exception. Examples of this include deconstruction at historical sites merits extra care so as to not damage other areas that are not being addressed at the same time or in the same manner. Contrary to new construction situations, the protection of structures or elements of a structure require extra attention and reinforcement to maintain existing structure stability. Unique to restoration of historic buildings are the disassembling and reassembling of areas where work is needed to repair, structurally reinforce, or rebuild an area and to reconstruct details so as to appear as it did when built in 1892. The implementation of structural upgrades are important and mandated to bring historic buildings up to current building codes. In the case of the Gray House, thorough restoration involved addressing multiple areas of siding, roof structures, flooring structures, architectural design details, and structural upgrades to meet current engineering codes and requirements. These upgrades and changes were always under the supervision and consult of an architectural historian to meet or exceed the Secretary of Interior Standards. Our specific project revealed a plethora of challenges as a result of extreme deferred maintenance over multiple years. These items included situations such as house the settling as much as eight inches out of floor level. Multiple areas of earthquake damage and unstable masonry required extra care to remove and repair while keeping work crew safe. Many areas of rot were found both visible and not visible until revealed during demolition phase requiring extra effort and care. Some areas of fire damage were also discovered in roof areas that merited extra time and attention to repair. Below are the details, photographs and time differentials of a Traditional Ground Up Build vs. the Historic Renovation of The Gray House.

I. Demolition & Foundation

A. House Demolition and Removal

Traditional House can be torn down and removed offsite with 2 weeks.

Traditional Ground Up Build: 15 days

Historic Renovation Gray House: 0 days

B. Shoring of Existing Brick Chimneys

Excavate underneath chimney bases to ensure that weight of chimney's did not give way and collapse. Procedural excavation of existing dirt underneath chimney and shore

existing chimney in sections while stabilizing chimney as to not damage main structure while maintaining worker safety.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 4 days

C. Excavation and Shoring

Carefully dismantle, label, and store in protected area the stone wall elements to create entry point for excavation. Created tunnel east/west and north/south, per shoring requirements. Remove dirt from under structure and relocate onsite. Abate excavation while shoring cribs were installed as needed. Continue excavation until additional cribs could be installed to safely support entire structure. Some additional hand digging work needed to safely remove original brick foundation structural elements. Depending on conditions of some excavation necessitated hand digging to protect existing structure.

Traditional Ground Up Build: 25 days

Historic Renovation Gray House: 58 days



D. Chimney Removal

Hand dismantling of exiting chimneys from starting from roofline to underneath existing structure. Attempts were made to preserve original bricks for later repurposing.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 6 days

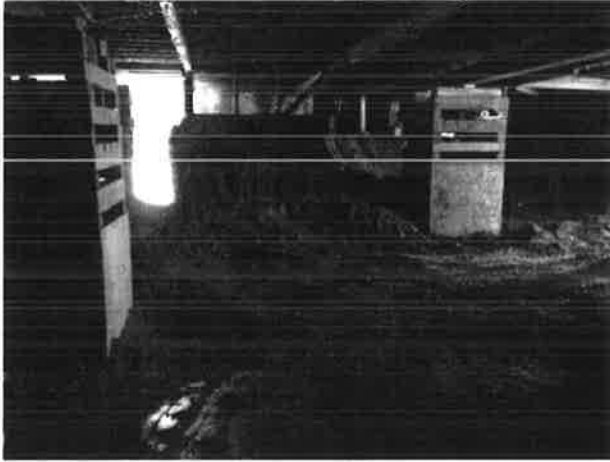


E. House Leveling

Set up multiple site points on property and evaluate low points within structure to determine best locations to pinpoint leveling and what amounts. Create new cribbing under areas where leveling needed to support jack force and lift house to level point for that region. Increase shims on all cribs in area to maintain leveling from jacks so that jacks can safely be removed. Additional precaution was taken to protect original windows during house excavation and leveling.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 5 days



F. Utilities- Underground Placement

Structure included multiple overhead lines that were old, unsightly, and crossed over the "Oak Way" easement on our property. Lines also crossed through branches of a mature oak tree on property. PG&E agreed with our assessment of poor current wiring conditions and implemented plan to move utility underground for better appearance and safety. The Gray House was built before electrical lines were installed, moving the electrical lines underground created a look in keeping with the original building.

Traditional Ground Up Build: 15 days

Historic Renovation Gray House: 18 days

G. Joist Support

Various conditions found at sub-floor level after soil excavation of inconsistent, unsafe, and non-structurally sound floor joists. Each of these conditions were addressed and repaired as needed to meet engineer and code requirements. In some cases new joists were installed and attached to old joists as reinforcement, in others entirely new joists were installed.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 10 days



H. Porch Collapse

In the rainstorms portions of the porch collapsed- effecting the porch floor, columns and stone wall. The masonry and wood needed to be dismantled, labeled, protected and for restoration.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 10 days



I. Foundation Forming & Pours

Different than a new build construction, the Gray House foundation had to be poured in sections to maintain safe conditions for work and avoid collapse. Some conditions merited supporting parts of the existing structure before additional demolition continued where we needed temporary structure support using posts and beams in lieu of cribbing.

Traditional Ground Up Build: 35 days

Historic Renovation Gray House: 46 days



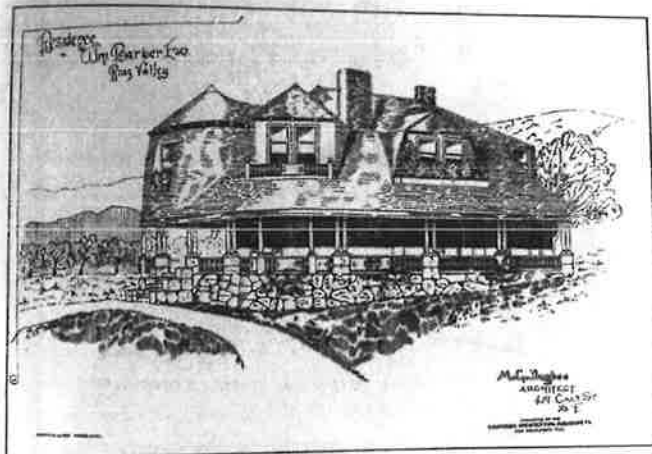
J. Restoration of Stone Wall

After forming foundation under porch it was advised by Historical Architect that the original stone wall was hindering proper foundation forming and rocks were removed and marked to reconstruct stone wall after foundation was poured as decorative and not integrated into the foundation. Stone construction began after foundation was completed. After waterproof steel structural columns were installed, the rock columns

bases were reconstructed. As much original rock as possible was conserved and labeled, the same type of stone was sourced from (what we believe) was the original rock quarry that still operates.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 116 days



Original drawing of "Gray House" by Architect Maxwell Bugbee.



II. Framing

A. Floor and Ceiling structures

Second and third ceiling and floor joists- numerous discoveries where original joists were missing, inadequate, deteriorated, spliced, or non supportive. Large variances were found in framing wood dimensions, which is likely the result of the wood having been milled 125 years ago. As needed problem areas were addressed by replacement and reinforcement.

Traditional Ground Up Build: 7 days

Historic Renovation Gray House: 14 days

B. Wall Framing

Numerous instances were discovered upon removal of siding and lath & plaster where existing studs were found to be undersized, missing or not within required current building code tolerance. Replaced and filled in missing studs as needed, using either

original lumber found onsite or sourced recycled lumber to maintain structural consistency. (For example: a 2"x4" stud at the store today is actually 1.5"x3.5").

Traditional Ground Up Build: 14 days

Historic Renovation Gray House: 28 days



C. Attic Framing

Evidence of damage from prior fire found upon ceiling removal at attic level. Removed and replaced existing framing as to not leave damaged ceiling rafters and collar ties.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 14 days



D. Main House Framing

To accommodate steel beams and posts required, preparations were made by addressing the existing wood framing conditions where steel was integrated. When a beam was to be installed over a span, the joists on either side of that span needed first to be supported, then carefully cut to accommodate the joist hangers for each joist that would eventually become the primary support for each joist. After insertion of beam using manual chain hoists, frame blocking was inserted between each joist for added structural integrity per engineering specifications and current building codes requirements. After steel installed and additionally welding on site as required, temporary framing of joists could be removed. Some conditions of existing wood detail that needed repair or replacement in kind needed. This required extra attention and time in carefully dismantling wood pieces to save as much as possible and re-construct with replacement pieces as needed. Some plaster details also carefully removed and protected until they could be re-installed at a later date. Details that were missing or damaged were copied and replaced using on site details and re-installed.

Traditional Ground Up Build: 30 days

Historic Renovation Gray House: 14 days

E. Sheer Walls

Multiple sheer walls inserted per engineer requirements in conjunction with multiple areas where hold down with threaded rods were required to fortify structure to meet current building code.

Traditional Ground Up Build: 7 days

Historic Renovation Gray House: 25 days

F. Terraces

Full reconstruction of support joists on two second level north facing terraces that were found to be structurally unsound. This includes refabricating current code height terrace railing to match original railing found on property site.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 10 days



III. Structural Steel

A. Porch Columns

The porch columns were not adequately supporting the front of the main structure which was the cause of the partial porch collapse and the significant settling of the main structure over 125 years. It was determined that the front of the main structure needed additional weight bearing support to accommodate dead loads from above. Custom weatherproof steel columns were constructed and installed to bear the weight of the structure above the porch.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 12 days



B. Foundation Posts Bases

Insertion of foundation posts was complicated upon installation with structure overhead. This necessitated additional engineered structural requirements to support posts which in turn supports new steel structure within existing timber structure.

Traditional Ground Up Build: 3 days

Historic Renovation Gray House: 10 days



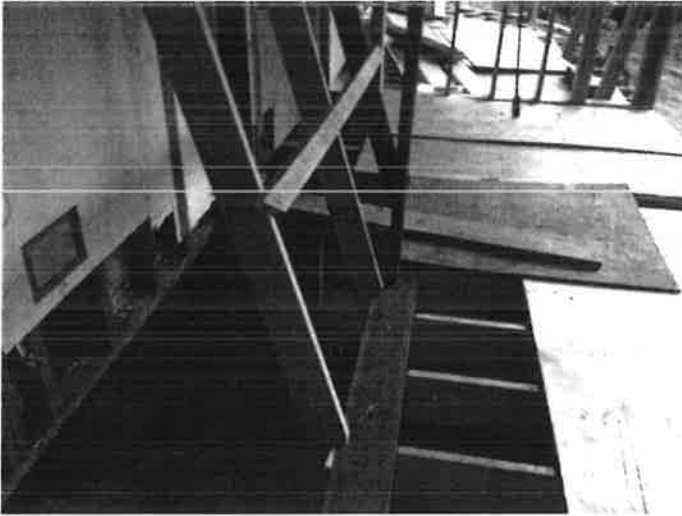
C. Steel Support Beams

Complicated shoring necessitated partial shoring in sections while foundations was formed and poured in phases. Significant house leveling needed, extensive preparation work to ensure safety on work site. Existing structure was out of level as much as eight inches on east and south sides. Engineering plans address overall structure and inherent weaknesses of timber frame conditions. Network of steel beams plan created

to span distances adequately while strengthening overall structure to meet today's earthquake and building codes.

Traditional Ground Up Build: 14 days

Historic Renovation Gray House: 21 days

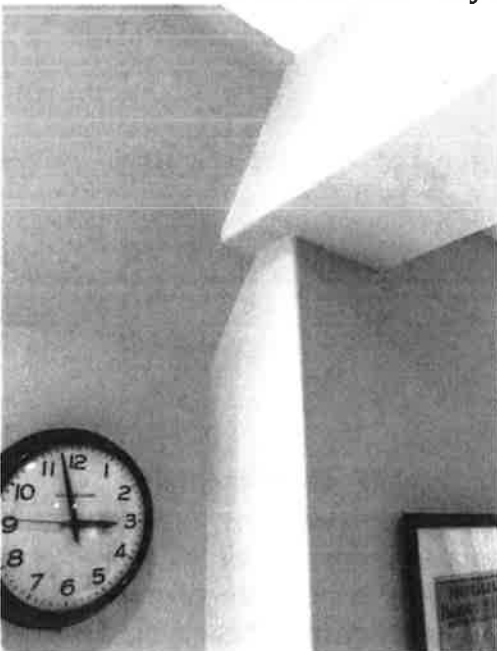


D. Second & Third Level Beams

Insertion of beams into tight spaces on 2nd and 3rd level warranted addition attention. Removed framing to prepare for beam and then reframed support surrounding beam/post. Multiple conditions where steel installation was halted while framing was altered to accommodate steel in structure. Some structural alterations needed as a result of unique graduating floor condition inherent in design. Additional steel structural support once existing joist systems were revealed.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 7 days



IV. Roofing

A. Main House

Roof work had to be completed in partial increments because of weather delays and the difficult/steep roofline. Scaffolding needed around perimeter for safety and planks set on roof slopes. Cupola required extensive additional time to repair, reinforcement and reroofing. Roofing on attic was delayed when fire damage was discovered from an attic fire many years ago.

Traditional Ground Up Build: 8 days

Historic Renovation Gray House: 17 days



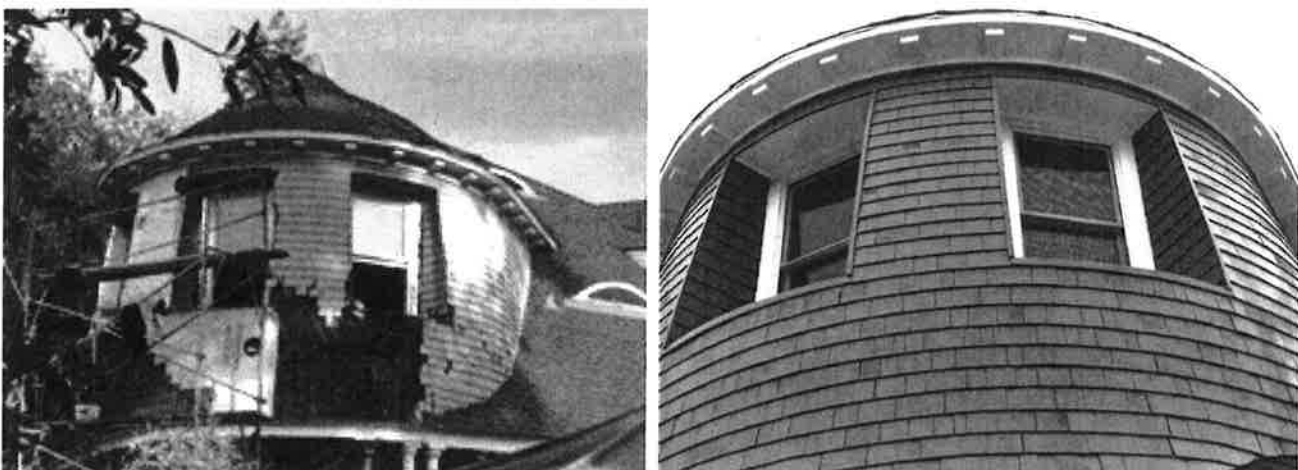
V. Exterior Elements

A. Main House Shingles

Multiple areas of deteriorating shingles or poorly installed shingles throughout exterior siding. Often, the extent of poor install was found to be a bigger problem when repairs to an area began, including water damage/infestation to existing wood studs. Multiple areas above exterior window fenestration needed eyebrow detail wood detail to be exposed from shingles, removed, repaired or replaced, reinstalled, and shingles replaced over and around it.

Traditional Ground Up Build: 30 days

Historic Renovation Gray House: 25 days

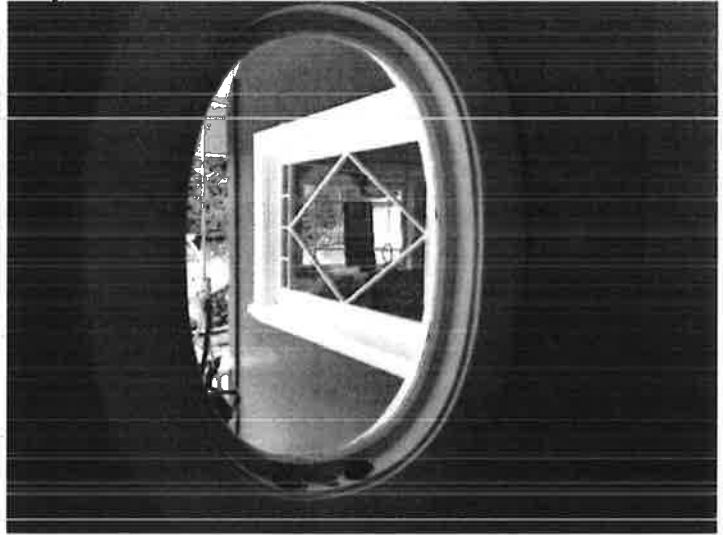


B. Main House Siding & Trim

Existing siding showed poor condition. Extensive siding repair needed with multiple areas of rot, weathering, and termite damage that needed repair, restoration and/or re-fabrication and replacement. Substantial waterproofing and flashing needed under existing siding which required removal, tagging, installation and repair of original siding. Installation restoration for existing and new handrails according to current safety codes. At base of wood trim where stone foundation originally met, extensive effort made to install or repair base trim material and wood sill material as transition of stone base to wood siding.

Traditional Ground Up Build: 30 days

Historic Renovation Gray House: 44 days

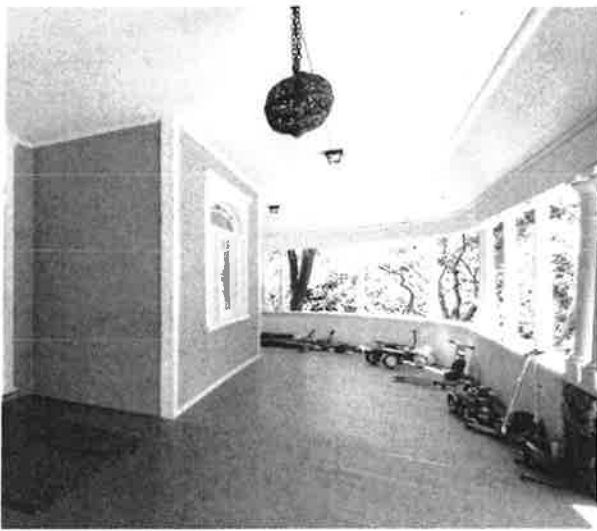


C. Main House Porch

Main entry porch columns found in poor condition. Prior to removing every column on porch for restoration, temporary structures were built to support areas around each column set. Each column was carefully removed and repaired of rot and deterioration. Each column base and cap were remilled with hardwood inserts to give waterproof steel structure a harder contact point and re-inserted in original 1892 location. Complete restoration of exterior porch. Extensive waterproofing repair needed, significant rot of ceiling moldings wood, trim, floor and original columns, marking of each wood piece, requiring each slat of 1x4 to be removed, labeled, repaired, patched and reinstalled in original location. Where wood was not repairable it was re-milled and replaced to match original historical elements. Support framing on porch ceiling veneer attached to found to be extensively damaged by rot caused by water intrusion and evident of some termite damage over many years.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 32 days



VI. Electrical Systems

A. Main House

Complete new electrical, low voltage systems installed. Steel members installed per engineer specifications required substantial difficult electrical routing. Cascading roof wall/structure necessitated complicated electrical routing throughout the structure.

Traditional Ground Up Build: 20 days

Historic Renovation Gray House: 24 days

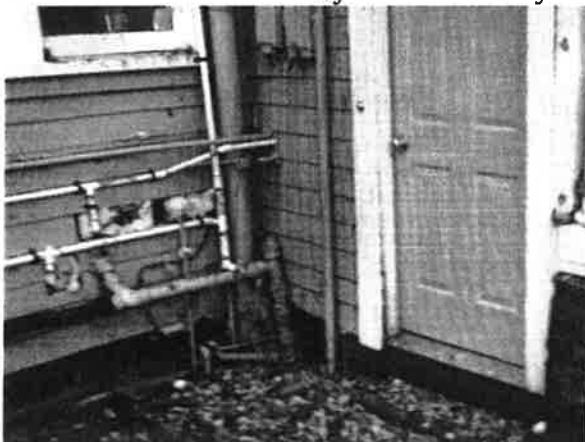
VI. Plumbing Systems

A. Drainage Plan

Developed property drainage plan and reviewed plan with Building Inspector. Inspector required review of drainage plan created by consultant engineer. We experienced a lengthy delay in getting these additional drainage plans back from Planning Department. Drainage plan was not required for our overall project but we decided in was prudent to address for our project and surrounding area. Plans were ultimately accepted without any changes although we had lengthy delay in getting plans reviewed.

Traditional Ground Up Build: 10 days

Historic Renovation Gray House: 22 days



B. Drain Lines/Sewer

Some reconfiguration needed to ensure proper sewer flow. Existing lines found by Sewer official to be of insufficient slope and required replacement at proper slopes in addition to expected sewer line upgrades to code.

Traditional Ground Up Build: 7 days

Historic Renovation Gray House: 14 days

C. Main House

Cascading roof structure necessitated complicated plumbing routing throughout the structure. At times steel I-beam placement necessitated work around for plumbing lines to satisfy necessary slope for adequate drainage.

Traditional Ground Up Build: 15 days

Historic Renovation Gray House: 20 days

D. Upgrading Lines

MMWD required upgrading and relocation of meter off of SFD. Moratorium of work on Sir Francis Drake Blvd meant needed work around to find different way and place to find location for new, larger meter. MMWD allowed meter to be installed on Winship Avenue to avoid moratorium restriction. Once new and acceptable location was determined by MMWD, alternate trenching was needed to accommodate new location. Trenching was hand dug to minimize threat to Heritage Oak in path of plumbing.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 8 days

VII. HVAC Systems

A. HVAC

Unique graduating roof levels introduced difficult challenges to route duct works throughout structure, some additional soffitting needed, starting and stopping based on soffitting completion.

Traditional Ground Up Build: 20 days

Historic Renovation Gray House: 24 days

VIII. Sprinkler System

A. Main House

Some additional difficulty in routing of fire sprinklers lines into graduated rooflines to meet current fire codes.

Traditional Ground Up Build: 10 days

Historic Renovation Gray House: 10 days

IX. Fireplaces

A. Fireplaces

Removal and reinstallation of fireplaces and tile restoration-preservation of original tile mantle work was ultimately abandoned due to poor condition and outcome of existing tile. New tile was sourced and installed in keeping with original style.

Traditional Ground Up Build: 5 days

Historic Renovation Gray House: 7 days



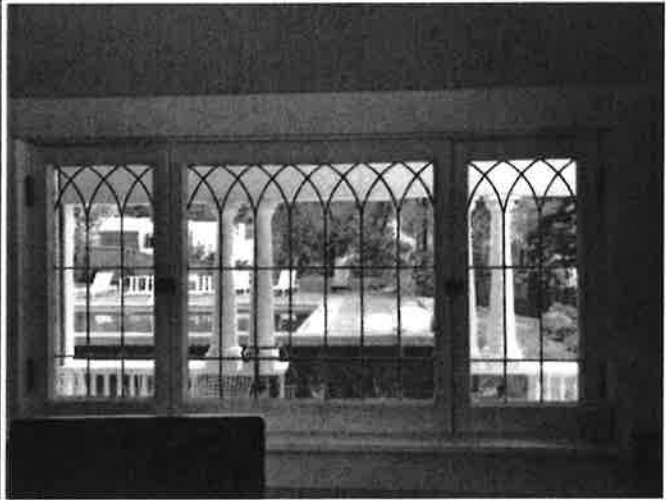
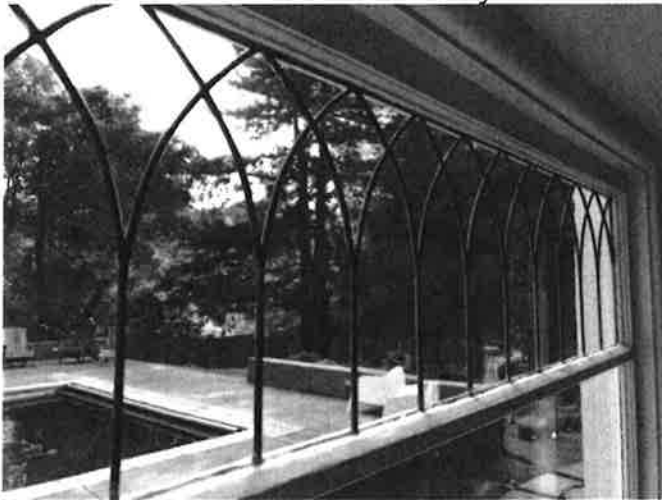
X. Exterior Windows & Doors

A. Main House- Gothic Revival Leaded Windows

Two Gothic Revival leaded glass windows required removal and reconstruction offsite, temporary framing measures were taken while windows were offsite to stabilize wall. Reinstalling Gothic Revival leaded glass windows, window bay on largest leaded window was deteriorated, cantilevered and sagging due to inadequate structural support. Window bay frame was repaired to support weight of windows themselves. Posts and beam over bay window were found to be weakened as a result of deteriorated structural conditions. Entire bay was supported and restored and windows were carefully installed and then protected.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 7 days



B. Main House- Historic Windows

Careful repair, replacement, restoration and sourcing of 125 year old glass to match original windows in unique shapes. Extreme preservation measures were taken to protect windows and original glass during house leveling. Large old glass piece on front window was broken on replacement install. Ultimately the large piece was fabricated using restoration glass (a special fabricated new glass with intentional imperfections to appear as antique glass). Windows were removed when possible to install additional waterproof barriers.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 7 days



C. Main House- Eyebrow Windows

Seven “eyebrow” windows that emerge from the roof structures, a detail is particular to Shingle Style Victorians. Every window required extensive reframing on the window sash and on the exterior window jamb. All eyebrow windows had been poorly repaired or replaced that allowed water intrusion over many years. Each window ultimately had to be reconstructed and reinstalled based on original eyebrow window found on the property.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 10 days



D. Main House- Front Door

Repair and restoration on original front door and hardware to implement modern day weather standards.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 2 days



E. Main House- Double Hung Windows & Doors

Ordering and installation of new double hung windows and doors.

Traditional Ground Up Build: 15 days

Historic Renovation Gray House: 15 days

XI. Insulation & Dry Wall

A. Main House – Insulation

Unique graduating roof levels introduced difficult challenges for insulation installation. Insulation in graduated roofline to meet code was changed from planned fiberglass to spray insulation by outside subcontractor to meet Title 24 requirements. The residence needed to be completely vacated during and after application to avoid toxicity while material set-up.

Traditional Ground Up Build: 3 days

Historic Renovation Gray House: 7 days



B. Main House – Dry Wall

Attempts made to preserve lath and plaster. Condition of interior and leveling of house necessitated complete removal of all lath and plaster. Unique and uncharacteristic

ceiling details extended taping times as well as drying times. Damp weather increased drying times.

Traditional Ground Up Build: 30 days

Historic Renovation Gray House: 35 days

XII. Interior Trim & Stairs

A. Main House – Floors

Extensive repair to underlayments needed some replacement to subfloor. Substantial re-leveling of floors once house was leveled. Various inconsistencies in floor transitions between rooms needed to be addressed. Multiple underlayments needed to be removed to expose floor framing.

Traditional Ground Up Build: 14 days

Historic Renovation Gray House: 21 days

B. Main House – Stairs

All unique banisters, newel posts and balustrades were reconstructed for current building codes on interior stairwells with original design of main house structure. All interior stairwells were reconfigured, repaired and reconstructed. After attempting to extend balustrades, balustrades were re-milled to match original detail to meet current building codes.

Traditional Ground Up Build: 20 days

Historic Renovation Gray House: 30 days

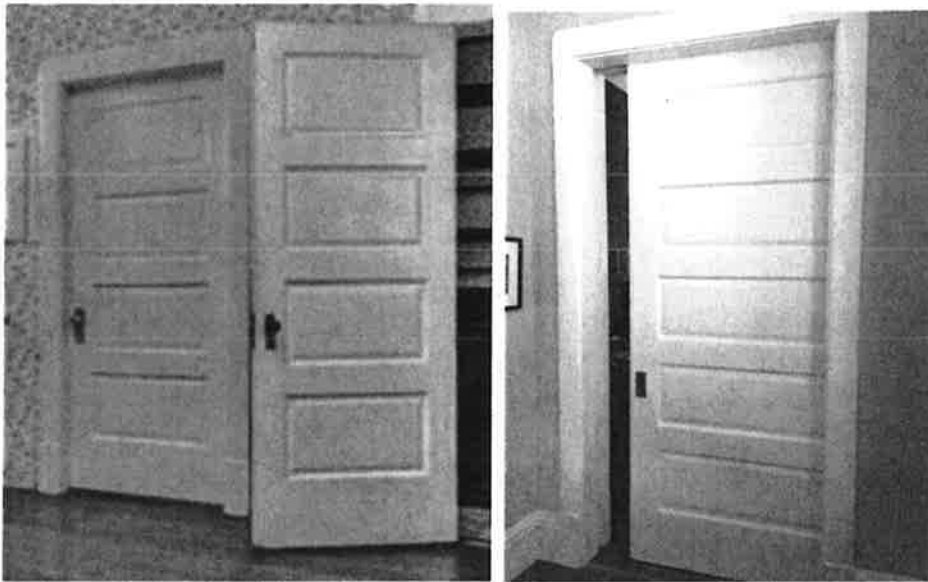


C. Main House – Doors

Doors in main structure are unique and not available elsewhere. All molding on interior doors had to be sanded, patched and repaired to match original design. All doors were removed, hinges repaired and/or replaced as needed and re-hung with period hardware to retain originality.

Traditional Ground Up Build: 15 days

Historic Renovation Gray House: 25 days



D. Main House – Trim

Extensive restoration of uniquely milled trim, fabrication and replacement of trim where it was not salvageable.

Traditional Ground Up Build: 20 days

Historic Renovation Gray House: 45 days

E. Main House – Ceiling Details

Removed and restored original ceiling medallion and cofferings, and reinstalled coffering centered on rooms around ceiling centerpieces.

Traditional Ground Up Build: 0 days

Historic Renovation Gray House: 4 days



XIII. Painting

A. Main House – Exterior

After restoration of trim, shingles and siding, building was primed in sections and extensive rain delays prolonged the exterior painting of main structure. After priming,

some additional restoration was required to completely restore each original piece of wood. Rain delay and dry outs made completing the exterior difficult and it had to be completed in fits and starts.

Traditional Ground Up Build: 14 days

Historic Renovation Gray House: 30 days

B. Main House – Interior

No change to painting for interior of home.

Traditional Ground Up Build: 20 days

Historic Renovation Gray House: 20 days

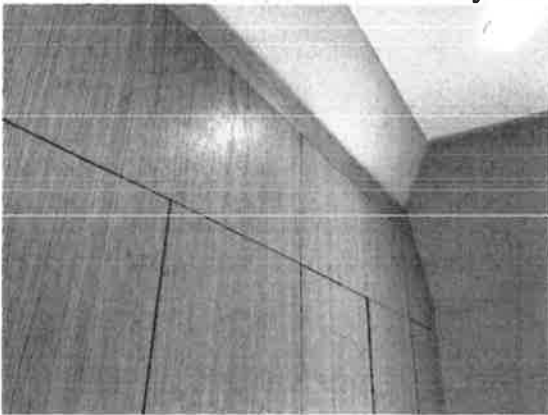
XIV. Cabinetry

A. Main House

Assembly and installation of cabinetry required onsite fabrication because of exterior graduated angels and structural posts and I-Beams which presented complicated interior fittings.

Traditional Ground Up Build: 20 days

Historic Renovation Gray House: 25 days



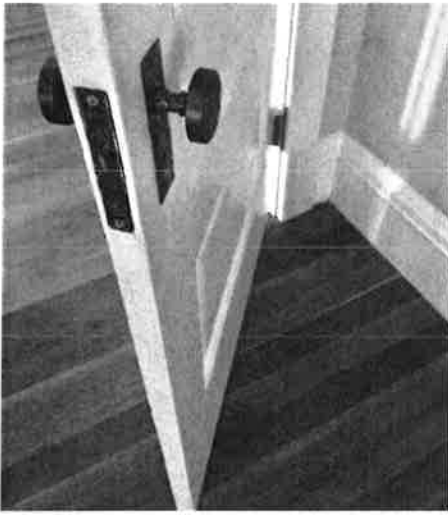
XV. Door & Closet Hardware

A. Main House

All existing door hardware removed, stripped, cleaned and restored and/or repaired and reinstalled in original doors. All mortise locks mechanisms adjusted and re-polished. Inadequate number of hardware was salvaged and sourced from multiple vendors across the country to match original style. Reproductions were used sparingly.

Traditional Ground Up Build: 2 days

Historic Renovation Gray House: 8 days



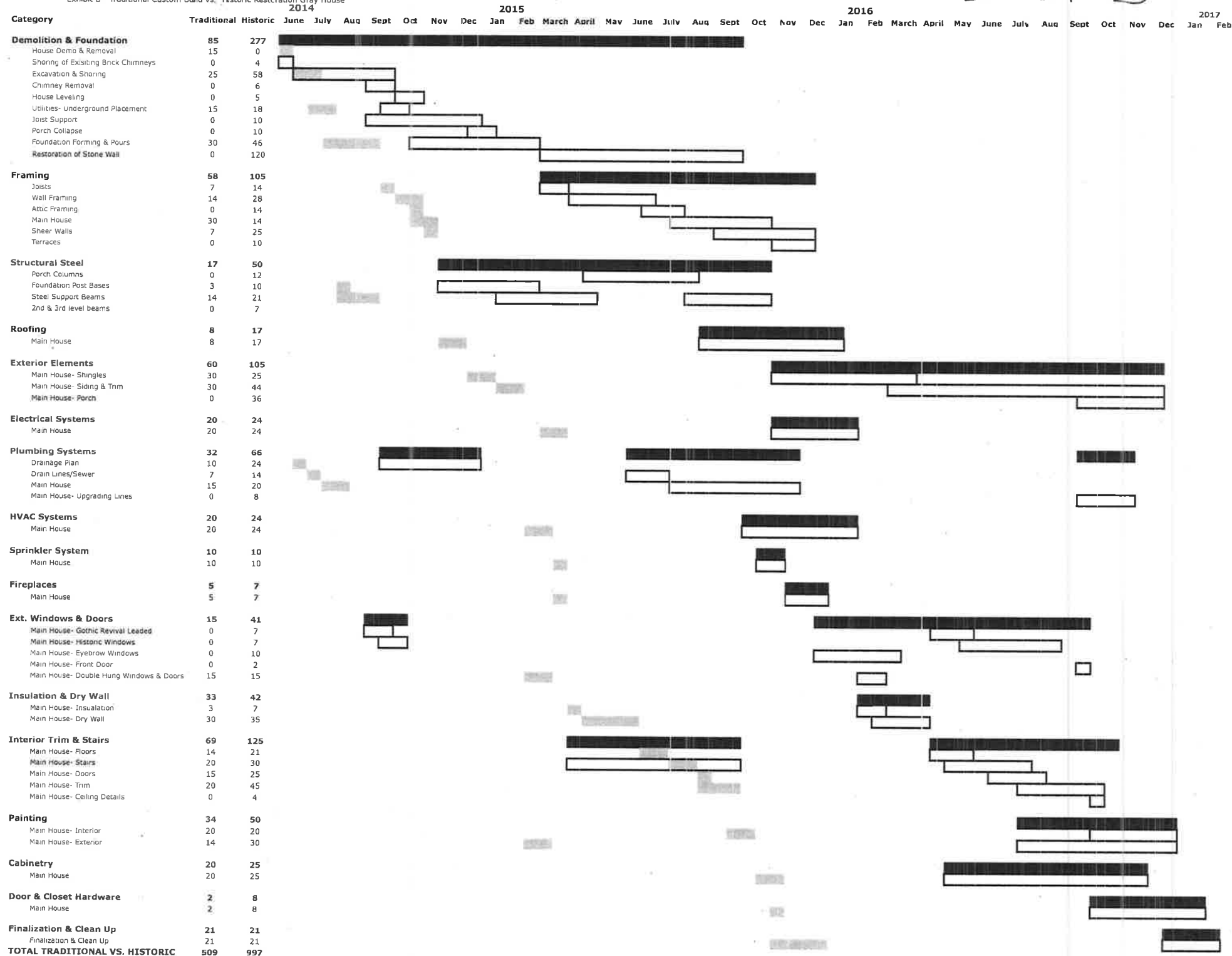
XVI. Finalization & Clean-Up

A. Main House

Clean up site after final pre-inspection, multiple meetings with Building Inspector, Planner, etc. before final permit sign-off.

Traditional Ground Up Build: 21 days

Historic Renovation Gray House: 21 days



LAWRENCE B. KARP
Architect & Engineer

EXHIBIT C

October 18, 2017

Town of Ross, Town Council
31 Sir Francis Drake Boulevard
Ross, CA 94957

Attention: Joe Chinn, Town Manager
Sal Lucido, Town CBO

Subject: Barber's "Gray House" Restoration
73 Winship Avenue, Ross
Appeal of Penalties for Construction Delays

Gentlemen:

This correspondence is in support of the Hunt family's appeal of the Town's unreasonable assessment of hundreds of thousands of dollars in penalties for not completing a very difficult, comprehensive, and by the way excellent restoration of the massive Barber House, now the personal home of the Hunt family, originally built entirely by hand in 1892 to the unusually complicated design by master architect Maxwell Bugbee, within unreasonable, arbitrary and capricious, time periods set by the Town of Ross.

Introduction

The Hunt family was issued building permit 17997 on 6/3/14 for reconstruction of their home (this was not a speculative venture, which Chapter 15.50 "Time Limits for Completion of Construction" seems to indicate was the Ordinance's purpose). *The Ordinance does not allow any time consideration for the Town's Planning Department imposing additional requirements for historical restoration reasons dictated by the National Standards (Department of Interior Regulations 36 CFR 67), which is the gravamen of the construction delays necessitating an appeal of penalties.* This oversight effectively voids the "Time Limits" because of the inherent nature of rebuilding an historical 5,884 square foot architecturally complicated wood residence built entirely by hand in 1892.

The Hunt family retained historical consultants, which duties were provided by the undersigned, so we are very familiar with the unusual circumstances that profoundly affected theoretical construction time tables. On 10/11/13, in our letter to Elise Semonian, the Town's Senior Planner, we agreed to the daunting task of monitoring the project's key and associated points to ensure that the project adhered to standards required by the Secretary of Interior, so we are familiar with the huge effort to comply with the obstacles set up by the Town along with the extreme difficulties involved in restoration of a great hand fashioned Shingle Style house built in 1892. Significantly, there is no acknowledgment in the Ordinance of the value to the Town of an excellent restoration project in such a prominent location.

Historical Restoration Requirements

To begin with, in 1892 there were no trucks or motorized vehicles, all materials had to be brought to the site by hand or horse drawn buggy and all construction was by hand because there were no electric tools. Historical restoration for repair of pest and rot damage required careful deconstruction, making new parts, and reassembly.

Such tasks are not anticipated in the Ordinance which does include imposition of extraordinary demands of the Planning Department based on National Standards, which the Hunt family had to comply with. Therefore, the time it took for historical construction under National Standards should be subtracted from the Time Limits in the Ordinance. Construction ways and means in 1892 have to be understood to realize how time consuming it was to deconstruct, repair termite damage, and reconstruct a large house originally built by hand that had to not only be historically restored but had to comply with current codes. Not only were all the historic architectural features required by the Town to be preserved, at the same time Town's building code had to be followed for electrical, plumbing, and HVAC. For instance, complicating the interface with new but concealed utilities, the original steam heating system for the house had to be replaced with a current building code compliant HVAC system, a huge undertaking. It is incomprehensible that the Town never even considered adjusting construction time schedules for the period it would take to restore a 5,884 square foot historical wood building for the benefit of the Town.

Unreasonable Time Limits & Unforeseen Circumstances

The Ordinance imposes unreasonable time limits for projects that include historical restoration. For example, one of the most pronounced architectural features of the "Gray house" that had to be restored to National Standards were seven (7) unique "eyebrow" roof windows that emerged from the roof framing. Every one of these windows required extensive reframing around custom jambs and wood sash. Over the past 120 years most of these windows had been superficially and poorly replaced in a manner that allowed water penetration and moisture intrusion to be trapped in areas causing rot, which complicated restoration. These 'eyebrow' roof windows also required design and construction new and improved roof framing. Originally, attempts were made to form new foundation wall inside of the existing stone wall; after site visits by professional and deliberation it was decided that was not a reasonably achievable goal. A team of four (4) stone masons worked for seven (7) months to recreate the stone wall using remaining stone while supplementing with local quarry stone of the same composition. Another significant unforeseen circumstance was the necessity of inserting structural steel framing into existing walls to provide Code resistance to gravity and lateral loads; and extremely complicated process to implement in a multi-story residence more than 120 years old.

Summary

The Hunt family's restoration of the Gray House is outstanding and a credit to the Town of Ross. The time limit in completing construction was completely beyond the control of the owners. I am very pleased with the results and proud to be a part of this preservation and restoration project. I hope that the Town of Ross appreciates this excellent restoration and prudently waives all penalties in fairness and to encourage Historic Preservation for the Town as well.

Yours truly,

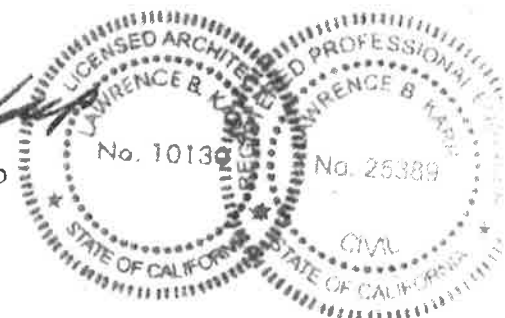


Carol L. Karp AIA





Lawrence B. Karp



LAWRENCE B. KARP Architect & Engineer



Agenda Item No. 9c.

Staff Report

Date: September 8, 2016

To: Mayor and Ross Town Council

From: Sal Lucido, Contract Building Official
Joe Chinn, Town Manager

Subject: 27 Upper Road, Appeal of Construction Penalties Assessment

Staff Recommendation

Town Council approval of Resolution 1965 accepting the reduced penalty of \$25,000 as negotiated between Town staff and the appellant for the appeal of construction penalties-against the real property at 27 Upper Road.

Project Summary

Owner:	Eric Greenberg
Location:	27 Upper Road, (APN 073-11-11)
Project:	Basement Exception Application and Hillside Lot Permit
Town File Number:	Planning File Number 1876
Permit Number(s):	Building Permit Number 17908
Project Valuation:	\$1,000,000
Permit Issued Date:	12/12/13
Construction Completion Deadline:	6/12/15 (18 months)
Construction Substantially Complete	12/3/14 (less than 12 months)
Project final date:	5/11/16 (the date of RVFD Conditional Approval Letter)
Calculated Penalties:	\$251,500 (334 days past deadline)
Negotiated Penalty:	\$25,000

Background

Construction projects in Ross are covered by the Time Limits for Completion of Construction Ordinance (Ross Municipal Code, Chapter 15.50). Under the Ordinance, a project of this building permit valuation has 18 months to complete construction.

In 2012, the applicant applied for a basement exception to legalize a basement area that had

been improved as a theater, storage and wine cellar (cave) without permits sometime before 2003, under the Town's amnesty program of the attic/basement ordinance (RMC §18.46.040).

On July 3, 2013, Council approved the Basement Exception Application and Hillside Lot Permit 1876 for the subject project, with Conditions (see list of referenced documents on the Town's web site at the end of this staff report). Staff recommended that the Town Council require the applicant to obtain a building permit by December 31, 2013 to legalize the work and allow the applicant 18 months from the date of permit issuance to complete any necessary work. The applicant submitted plans for plan review and approval and Permit 17908 was issued 12/12/13.

Work began in February of 2014 and was substantially completed by December, 2014. The Building Department performed 10 inspections during that period of time, however, final approval was not granted on 12/3/14 due to outstanding Fire Department requirements.

Between the end of December, 2014, and the final walkthrough conducted on 6/1/16, the appellant's contractor and design team worked diligently in an attempt to properly document and legalize the fire suppression, alarm and communications systems to the satisfaction of Ross Valley Fire. This proved to be a difficult task due to numerous circumstances beyond the appellant's control (e.g. the death of the design professional in charge of the fire suppression system and the unique nature of the fire suppression system in the house).

On May 11, 2016, Ross Valley Fire issued a letter outlining their Final Determination and acceptance of the pre-existing system with limitations (Attachment 2). For the purposes of the penalty determination, staff utilized the date of this final determination letter as the formal completion of the project. A final walk through was conducted on June 1, 2016.

The project completion of construction was 334 days beyond the 18 month time limit specified in the Ordinance and thus is subject to construction penalties. On June 30, 2016, the Town sent a letter to Mr. Greenberg (Attachment 3) advising him of construction penalties in the amount of \$251,500 with the following breakdown of the calculation:

Tier	Days Past Deadline	Start Range	End Range	Days	Daily Fine	Penalty
1	1st 30 Days (grace period)	6/13/2015	7/12/2015	30	\$ -	\$ -
2	Day 31 to the 60th Day	7/13/2015	8/11/2015	30	\$ 250	\$ 7,500
3	Day 61 to the 120th Day	8/12/2015	10/10/2015	60	\$ 500	\$ 30,000
4	Day 121-Completion	10/11/2015	5/11/2016	214	\$ 1,000	\$ 214,000
				Totals:	334	\$ 251,500
				Less Remaining Deposit:		\$ -
				Total Amount Due to the Town:		\$ 251,500

On July 7, 2016, the Town received a properly filed letter of appeal from the appellant's architect (Attachment 4). Staff contacted the appellant to schedule a council meeting date for public hearing and set up a meeting between staff and the appellant to discuss the points outlined in the appeal and to review the supporting documentation referenced.

On Tuesday, August 9th, 2016, Town staff (Chinn & Lucido) met with the appellant (Greenberg), his contractor (Steve Selover w/ SASCO), his architect (Jared Polsky), and with Ross Valley Fire (Bastianon) to go over the appeal letter.

Discussion

An owner may appeal a construction completion penalty, "on the grounds that the property owners were unable to comply with the construction time limit for reasons beyond the control of themselves and their representatives." The grounds for appeal include, but are not limited to, "labor stoppages; acts of war or terrorism; and natural disasters." Grounds for appeal do not include, "delays caused by the winter-rainy season; the use of custom and/or imported materials; the use of highly specialized subcontractors; significant, numerous, or late design changes; access difficulties associated with the site; failure of materials suppliers to provide such materials in a timely manner; or by delays associated with project financing." (RMC §15.50.090(a))

The construction completion ordinance further provides, "When appealing penalties ... the appellant shall submit documentary and other evidence sufficient to establish that design decisions, construction drawings and documents, bids and construction contracts, permit applications, and compliance with all required permit conditions were undertaken in a diligent and timely manner. Required documentary and other evidence shall demonstrate to the town council's satisfaction that construction delays resulted from circumstances fully out of his or her control and despite diligent and clearly documented efforts to achieve construction completion within those time limits established in this chapter. Penalties made pursuant to this section shall not be modified or cancelled unless the evidence required in this section is submitted at the time of appeal."

Town staff reviewed the appellant's letter and supporting documentation during the 8/9/16 meeting. Staff generally concurs that compliance with the time limit was beyond the control of the appellant. In addition, there was very little construction that occurred after December 2014 – the construction consisted of a portion of a day's work adding insulation and weather stripping as requested by the Fire Department. The main activity after December 2014 was providing documentation, calculations, and other information related to the fire suppression system that was installed roughly a decade earlier. In the end, the Fire Department's final determination on May 11, 2016, is that they will accept the pre-existing non-conforming fire suppression system, but will limit access to all emergency personnel within the wine cellar and storage area, home theater, and projection room due to the unique entrance and egress to these areas.

There were only occasional meetings and little construction on-site after the 18 month period that could impact the neighbors and neighborhood quality of life. Although a construction penalty is warranted due to the completion of construction being late, staff believes that that given the circumstances described above only a low percentage of the calculated potential construction penalty is appropriate given the purpose of the Ordinance which is to prevent

excessively long construction activity. Staff and the appellant believe that \$25,000 is a fair amount of construction penalty in this very unique case.

The Town Council must hold a hearing on the appeal and may affirm the negotiated penalty or otherwise modify or cancel the penalty. If Council chooses to modify the negotiated penalty, it will likely be necessary to continue the hearing so that Council can review the full breadth of documentation provided by the appellant and in addition have the Town and Fire Department staff provide additional information.

Fiscal, resource and timeline impacts

If the Town Council upholds the penalties, a portion of the penalties will be deposited into the General Fund to offset the additional staff costs associated with processing the appeal and the much larger remaining portion will be deposited into the Facilities and Equipment Fund.

Alternative actions

The Town Council may increase or reduce the construction completion penalty though any modification to the agreed to amount will likely require a new hearing date for the full breadth of documentation to be presented by the appellant, Town staff, and Fire Department staff.

Environmental Review

Not Applicable.

Attachments:

1. Resolution No. 1965
2. Ross Valley Fire Letter of Determination dated 5/11/16 (R. Martin)
3. Town letter of Construction Penalty Determination dated 6/30/16 (S. Lucido)
4. Greenberg letter of appeal dated 7/7/16 (J. Polsky)

Referenced Documents:

1. RMC §15.50 – Time Limits for Completion of Construction Ordinance:
[http://www.townofross.org/sites/default/files/fileattachments/administration/page/247/15.50 time limits for completion of construction.pdf](http://www.townofross.org/sites/default/files/fileattachments/administration/page/247/15.50%20time%20limits%20for%20completion%20of%20construction.pdf)
2. RMC §18.46 – Exceptions for Basements and Attics:
[http://www.townofross.org/sites/default/files/fileattachments/administration/page/249/18.46 exceptions for basements and attics.pdf](http://www.townofross.org/sites/default/files/fileattachments/administration/page/249/18.46%20exceptions%20for%20basements%20and%20attics.pdf)
3. Council Meeting minutes 6/14/12 - Basement Exception and Hillside Lot Permit No. 1882 – continued to next public hearing:
http://www.townofross.org/sites/default/files/fileattachments/town_council/meeting/604/june-14-2012-adopted-minutes.pdf

4. **Basement Exception Application, 27 Upper Road Staff Report dated 7/3/13:**
http://www.townofross.org/sites/default/files/fileattachments/town_council/meeting/636/agenda-item-13-27-upper-road-staff-report.pdf

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 1965

A RESOLUTION OF THE TOWN OF ROSS DETERMINING THE FINAL AMOUNT OF CONSTRUCTION DELAY PENALTIES FOR 27 UPPER ROAD, ROSS, CALIFORNIA (APN 073-11-11)

The Town Council of the Town of Ross hereby finds, determines, orders and resolves as follows:

Section 1. Findings.

1. Ross Municipal Code, Chapter 15.50, Time Limits for Completion of Construction requires property owners seeking to improve their properties to complete construction in a reasonable amount of time as provided in the Code in order to ensure that neighborhood quality of life is maintained and that activities associated with construction, such as increased noise, traffic and associated impacts, are managed in a reasonable way.

2. There exists certain real property within the Town of Ross known as 27 Upper Road, Ross, California 94957 (APN 073-11-11) (the "Property") which is owned by Eric Greenberg (the "Owner").

3. In 2012, the Owner applied for a basement exception pursuant to Ross Municipal Code Section 18.46.040 to legalize a basement area that had been improved as a theater, storage and wine cellar without permits prior to 2003. On July 3, 2013, the Town Council approved the Basement Exception Application and Hillside Lot Permit No. 1876 (the "Project") with the requirement that a building permit to legalize the improvements be obtained by December 31, 2013. The required building permit was issued on December 12, 2013. Based on the valuation of the Project at \$1 million, construction was required to be completed within 18 months under Chapter 15.50 of the Municipal Code. This deadline was June 12, 2015.

4. Construction work began in February 2014 and was substantially completed by December 2014. Final approval of the completion of construction was not granted at that time primarily due to Ross Valley Fire Department requirements that remained unsatisfied. The unsatisfied conditions related to the adequacy of the fire suppression, alarm and communications systems. The only physical construction work performed on the property after the December 3, 2014 inspection was the installation of insulation and weather stripping requested by the Fire Department which took about ½ day of work. The remaining issues related to providing adequate documentation to ensure that the fire suppression, alarm and communications systems met Fire Department requirements.

5. On May 11, 2016, the Ross Valley Fire Department provided its final determination and acceptance of the fire safety systems in the basement area. Staff has accepted this determination as the date of final completion of the Project which was 334 days beyond the 18 month construction completion deadline.

6. On June 30, 2016, the Town sent a letter to the Owner advising him that the construction penalties under Chapter 15.50 amounted to the sum of \$251,500. On July 7, 2016, the Town received a timely filed appeal of this penalty determination.

7. Staff has concluded that the sum of \$25,000 is the appropriate construction delay penalty amount. Except for the installation of a minor amount of weather stripping and insulation which took ½ day to install, the construction work was substantially completed by December 3, 2014. The delay in final approval of construction completion was caused by the need for adequate documentation to be received, reviewed and approved by the Ross Valley Fire Department related to the adequacy of the fire suppression, alarm and communications systems in the basement area. This delay did not adversely impact the surrounding neighborhood. The Owner agrees that the proposed penalty amount of \$25,000 is appropriate and it is willing to pay this amount without objection.

8. The appeal hearing before the Town Council was properly set for the September 8, 2016 Town Council meeting. The Owner agreed that the appeal could be heard on the consent calendar if the Council determined after reviewing the staff report and related documents that the appropriate amount of the penalty is \$25,000 as recommended by staff and agreed to by the Owner.

Section 2. Decision.

1. The facts and findings set forth in Section 1 of this Resolution are true and correct and hereby adopted by the Town Council.

2. The Town Council hereby determines that the construction delay penalties shall be in the sum of \$25,000 for the Project.

3. The Town Clerk is directed to certify to the adoption of this Resolution and transmit copies of this Resolution by certified mail, return receipt requested to the Property Owner, and to cause a certified copy of this Resolution to be placed permanently in Town records.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 8th day of September, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Robbins, Mayor Pro Tempore

ATTEST:

Linda Lopez, Town Clerk

ATTACHMENT 2



Ross Valley Fire Department

777 San Anselmo Avenue, San Anselmo, CA 94960

Mark Mills
FIRE CHIEF

May 11, 2016

Steve Selover
Site Security USA, Inc
P.O. Box 1758
Lafayette, CA 94549

RE: 27 Upper Road, Ross CA 94957

Dear Steve,

In September of 2012, the Ross Valley Fire Department began the plan review process, at the request of the applicant, to legalize an after the fact addition of a 1414 square foot control room, a subterranean wine storage room and wine cellar, a new hallway, and a home theater. Along with the aforementioned construction, there was an unpermitted (installed in 2003) non-conforming clean agent fire suppression system (FM 200) protecting the control room and home theater projection equipment.

During a Fire Department walk through of the residence, it was discovered that the emergency radio coverage signal was not able to transmit in or out of the wine cellar and storage rooms, which is a safety concern for responding emergency personnel.

The following Conditions of Approval were given to the property owner:

1. Submit plans for the FM 200 fire suppression system.
2. Install Emergency Radio Coverage system (to boost the emergency radio signal).

FM 200 Systems

1. In November of 2015, plans were submitted for the FM 200 system for review and approval by the Ross Valley Fire Department. The plans were approved on February 3, 2016, after plan resubmittals. On March 16, 2016, I witnessed a final inspection on the FM 200 system, which was conducted by Sabah International. The final inspection did not pass because of several visual air gaps within the room. A second final inspection, which included, a room integrity test, was conducted in the control room and protection/AV room on April 27, 2016, by Sabah International. The projection/AV passed the integrity test (see attached report); the control room did not pass the integrity test (see attached report). Sabah International and AAA Fire Protection (the

Committed to the protection of life, property, and environment.

SAN ANSELMO • FAIRFAX • ROSS • SLEEPY HOLLOW



Ross Valley Fire Department

777 San Anselmo Avenue, San Anselmo, CA 94960

Mark Mills
FIRE CHIEF

installers), have both reassured that the amount of clean agent (FM 200) protecting the control room is approximately 2 times the amount needed for the size of the room, which in turn should extinguish a fire in the control room.

Emergency Radio Coverage

2. The emergency radio system has not been installed, which causes communication problems within the wine cellar and storage areas. Being unable to communicate to the exterior of the building, along with the unique construction features and layout of the residence poses a significant risk to emergency personnel.

Final Determination

1. The Ross Valley Fire Department will accept the pre-existing non-conforming Clean Agent (FM 200) Fire Suppression System.
2. The Ross Valley Fire Department will limit access to all emergency personnel within the wine cellar and storage area, home theater, and projection room due to the unique entrance and egress to these areas, which increases the potential risk for firefighter entrapment and/or injury.

Regards,

Ruben Martin
Fire Inspector

Committed to the protection of life, property, and environment.

SAN ANSELMO • FAIRFAX • ROSS • SLEEPY HOLLOW

HEADQUARTERS: 777 San Anselmo Avenue, San Anselmo, CA 94960 TEL: (415) 258-4686 FAX: (415) 258-4689 www.rossvalleyfire.org

ATTACHMENT 3



June 30, 2016

Mr. Eric Greenberg
27 Upper Road
PO BOX 1023
ROSS, CA 94957

SENT BY CERTIFIED MAIL

RETURN RECEIPT REQUESTED

RE: 27 Upper Road, Ross CA 94957 (APN: 073-111-11) – Permits: 17908
Time Limits For Completion of Construction Penalty Determination

Dear Mr. Greenberg;

Per the Town's "Time Limits for Completion of Construction Ordinance" (Ross Municipal Code, Chapter 15.50, attached), you were allowed **18 months** to complete the project based on a project valuation of **\$1,000,000**. The permit was issued on **12/12/13**, which means that the deadline for completion was **6/12/15**. However, your project received final approval on **5/11/16** (the date of the Fire Department Conditional Approval letter), a total of **334** days past the completion date. Accordingly, a penalty in the amount of **\$251,500** is due the Town based on the following calculation, less your deposit of \$0 as follows:

Tier	Days Past Deadline	Start Range	End Range	Days	Daily Fine	Penalty
1	1st 30 Days (grace period)	6/13/2015	7/12/2015	30	\$ -	\$ -
2	Day 31 to the 60th Day	7/13/2015	8/11/2015	30	\$ 250	\$ 7,500
3	Day 61 to the 120th Day	8/12/2015	10/10/2015	60	\$ 500	\$ 30,000
4	Day 121-Completion	10/11/2015	5/11/2016	214	\$ 1,000	\$ 214,000
				Totals:	334	\$ 251,500
				Less Remaining Deposit:		\$ -
				Total Amount Due to the Town:		\$ 251,500

This penalty may be appealed to the Town Council within 10 days according to the process specified in Ross Municipal Code Section 15.50.090. Please note that an administrative fee of **\$1,598** is required to appeal this determination and must be paid prior being scheduled for a regular Town Council meeting.

Please contact us if you have any questions.

Sincerely,
TOWN OF ROSS

Salvatore A. Lucido, P.E.
Contract Building Official

CC: Joe Chinn, Town Manager (jchinn@townofross.org)
Simone Jamotte, Building Department Secretary (sjamotte@townofross.org)
Steve Selover <steve@steveselover.com>

Encl.: Time Limits for Completion – Chapter 15.50 Muni. Code

ATTACHMENT 4

July 7, 2016

Sal Lucido
Building Official
Town of Ross
P.O. Box 320
Ross, CA 94957

Dear Mr. Lucido,

On behalf of Mr. Greenberg, we would like to appeal the penalty assessed on Mr. Greenberg's property at 27 Upper Road. The final sign off of the construction permit was delayed for reasons beyond Mr. Greenberg's or his representatives' control. We want to point out that in fact, the CONSTRUCTION was completed within 10 ½ months of the start of construction---well before the 18 month period allowed for the construction of this project. The only reason for the late sign off from the building department was the untimely and ultimately inapplicable requests for information from the Ross Valley Fire Department.

The following is a timeline for the construction of the Greenberg Amnesty project:

After much deliberation from 2012 to the end of 2013 the planning approval was granted and the building permit was ready for pick-up on December 12, 2013. The contractor, Mr. Steve Selover of SASCO took out his Town license and picked up the building permit on February 18, 2014. Construction started shortly thereafter.

The first inspection was called on February 24, 2014 and passed on February 27, 2014. The second inspection passed on March 19, 2014. Building inspections passed on March 21, April 4, April 23 and June 13, June 25, July 9, 2014. The Fire Department asked for a roll down fire door on the March 20th then reversed their decision on July 14 realizing it would be unsafe and asked for swinging fire doors instead. It took almost 5 months to get the fire doors because they had to be custom made to meet the Fire Department's requirements. These doors were installed and the penultimate final inspection was approved on December 3, 2014.

To be clear, all building items were approved and signed off on December 3, 2014. At this time the only remaining item for final sign off and approval was the Fire Department sign off. On December 4, 2014 the town manager Mr. Braulik noted that there was no requirement for the town planner to sign off on the work. On February 10, 2015 Mr. Selover again called Simone, the building inspector, and the town manager asking for a final inspection but could still not get the Fire Department to sign off on the permit.

From December 3, 2014 to the final sign off from the Fire Department on June 1, 2016 NO construction work was performed on the site except for an approximate ½ day of insulation and weatherstripping as requested by the Fire Department. The almost 2 ½ year delay was caused by Fire Department requests for more information. Throughout this process Mr. Selover kept Mr. Braulik informed notifying him of further requests for information from the Fire Department. Mr. Selover kept detailed notes and logs and can demonstrate the nature of the process to finally gain the Fire Department sign off. We will produce documents to show the requests for information and the responses to these requests.

The following quickly summarizes the information requests from the Fire Department:

1. The contractor received disparate requests for information from the Fire Department throughout the project. Instead of receiving one comprehensive list of additional information, he would be asked for

bits and pieces of additional items throughout the process. There would be long delays, sometimes as much as four or five months between requests for information and adequate responses to questions from the contractor.

2. The Fire Department asked for full documentation of the existing CEMCO fire suppression system-- wet stamped sign offs from AAA, the company that had supplied and installed the fire suppression system. They also requested complete drawings of the suppression and alarm systems. The company that installed the system no longer installs this system so Mr. Selover hired another company to fully document this process. Ultimately the Fire Department agreed that the massive amount of documentation that was gathered at great expenses-- both time and money-- was not necessary for their sign off. Again Mr. Braulik was informed of the stop and start nature of the requests.

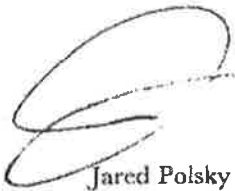
3. The Fire Department also delayed their sign off noting that their radio system would not work throughout the underground building. After much investigation and expense, Mr. Selover found out that a supplemental radio system would be complicated and extremely expensive. After a long delay he noted to the Fire Department that this requirement seemed more applicable to a commercial or institutional buildings. Upon further review the Fire Department agreed that they should not have required this radio upgrade for a residential facility and that this would no longer be mandatory or delay the final sign off.

Again, all these Fire Department requests for information were given piece meal with long delays between requests for information. Ultimately none of the documentation requested was applicable or used for the final sign off. The request for this information caused an almost 2 1/2 year delay.

For construction projects of this size, applicants and contractors are allotted 18 months to complete their projects. The Town wants construction finished in a timely manner. Clearly the intent of this ordinance is to minimize the impact of construction on neighbors. It is our strong contention that in this case the intent of the ordinance was met. The construction was entirely interior work with no noise impacts to the neighbors. Ultimately all the construction work was performed and signed off within 10 1/2 months from the start of construction. In fact the contractor essentially performed NO construction work for almost 2 1/2 years from the final building department sign off in early December, 2014 to the final sign off from the Fire Department in late May, 2016. All the delays were for reasons beyond Mr. Greenberg's or his contractor's and representatives' control.

We are therefore appealing this penalty and feel that no penalty should be assessed.

Yours truly,



Jared Polsky
Polsky Perlstein Architects
CA License 14125

EXHIBIT E

St. Joseph Health

Medical Group

FACSIMILE TRANSMITTAL

To: Brian	Fax #: 415-457-8923
From: Brookwood Ophthalmology	Fax #: (707) 838-3232
Pages: 6 w/ cover	Date: 10/18/2017
Re: Notes requested for patient: Mckenzie, Dean DOB:08/12/1965	

NOTICE: The document(s) transmitted herewith contain(s) confidential patient identifiable medical information and may only be disclosed in accordance with the California Civil Code Section 56 et seq. If you are not entitled to receive this information, if you are not the addressee of this message or a person responsible to deliver this message to the addressee, or if you have received this facsimile in error, please observe the following:

1. Do not read the accompanying document(s).
2. Immediately contact the sender at the telephone number printed above to safeguard the confidentiality of the document(s).
3. Do not copy or disclose the document(s) without the sender's direction.

If you are a health care provider, this information is being provided to you exclusively for the purpose of diagnosing and/or treating this patient. In accepting this information, you agree to maintain the information as confidential patient medical information. Law forbids disclosure of this information to any other person or entity without the patient's authorization.

85 Brookwood Ave, Suite 10
T: (707) 838-3400

• Santa Rosa, CA 95404
• F: (707) 838-3232

Patient's Name: McKentie, Dean

DOB: 8.12.65

10	20	15
----	----	----

$$\pi/v$$

Eye is sore - pain level 6-7/10

Val —

✓ 20/4/60

Med.

fred and son

Cô/oxan và 00

Isup to 0 ghs

76 p.

Te p. Alt organizing. Whole corner wing.

Name: Mokenzie, Dean

DOB: 8/12/65

Date of Service: 10-13-15

cc: Follow up 100
Having logit Sensitivity

HPI: (need 4 elements)

Location:

Size:

Duration:

Severity: hurting really bad. 7/10 pain

Other:

Relevant Meds:

med. gid 00

colokangid on

Isoproterenol

BP:

WT

lbs HTS

BMI:

ROS:

Positive for:

All other systems are negative.

PFSH: Reviewed patient form dated: / /

Examination:

Constitutional: Patient is alert, normally developed, ___in distress / ___not in distress

Skin:

Eyes:

Lids:

Lashes:

Conjunctiva:

Cornea:

Anterior Chamber:

Lens:

Impression & Plan:

Risk: Low / Mod / ~~High~~

Signature:

Total Times:

Name: Mckenzie, Dean DOB: 8/12/65 Date of Service: 12/8/15

CC:

slp exploration of ruptured globe OD Re

Relevant Meds:

HPI: (need 4 elements)

Location:

Size:

Duration:

Severity:

Other:

BP: 110/70

WT: _____ lbs HT: _____ BMI: _____

ROS:

Positive for:

All other systems are negative.

PFSH: Reviewed patient form dated: ___/___/___

Examination:

Constitutional: Patient is alert, normally developed, ___in distress / ___not in distress

Skin:

Eyes:

$V_A < L_P$? pH to 29/400

 $Ta < .14$

Lids:

Lashes:

Conjunctiva:

Hyphens 100% OK

Cornea:

Iterations 05

Anterior Chamber:

Lens:

Impression & Plan:

refer to Dr. Carkey for v/s to eval post pde
of OD.

Risk: Low / Mod / High

Signature:

Total Time:

Patient's Name:

DINO Mackenzie

DOB: 8/12/65

10/3/15

VA

LP vs Base HM

Hot in right eye - rubber ball
(molecular)

SLE - conj. chemosis - preventing eye from closing
of conjunctival syndrome

8 ball hyphema - no view

Older doesn't seem threatened

mobility - intact

Plan: cont. ice. Tylenol for pain
pressure patches & Discontin

10/4/15

VA / LP

conj still protruding but lower lashes visible (clears
swollen conj.)

TRP / 10

SLE - 8 ball hyphema. No view.

(PRAPD)

Plan: Atropine placed. Cont. ice + Lukew
return Tues 9 am.

JLH

10/6

Follow up

TA / 15

SLE - Conj - smaller. Lid almost able to close
8-Ball hyphema

Plan: CT orbit & axial able. No view + it
appears intact but want to be 100%
Kester

JLH

10/15/15

Santa Rosa Memorial
1165 Montgomery Drive
Santa Rosa, CA 95405

Consultation Report

Patient Name: MCKENZIE, DEAN R
Account #: SV0084896837
Unit #: SM02141270

DOB: 08/12/1965
Age/Sex: 50 / M
Location: NSMOPMOR /

Admitting Dr:
Ordering Dr:
Dictating Dr: James E Hunt MD
Primary Dr: Southwest Community Health Cll

Admit/Service Date: 10/06/15

DATE OF CONSULTATION: 10/06/2015

TRAUMA CONSULTATION

REASON FOR CONSULTATION: The patient sustained a traumatic injury to his right eye with a rubber ball. He is monocular due to a previous injury to his left eye.

PHYSICAL EXAMINATION:

EYES: The patient has extreme conjunctival chemosis with conjunctiva protruding outside of his lower lid. The eye appears formed. His intraocular pressures were 15 by Tono-Pen, but there is 100% hyphema and I was suspicious for a ruptured globe that was not visible to my naked eye. Radiographic findings revealed a fairly normal-appearing globe on a CAT scan, but neither the radiologist nor I could rule out an open globe. An MRI was then ordered which shows apparent anterolateral rupture of the globe with egress of aqueous. Visual acuity is light perception.

ASSESSMENT: The patient is scheduled to attempt repair of the ruptured globe in his right eye this evening.

Job: 94438800 / 49515591 / 40972
xc:

<Electronically signed by James E Hunt MD> 10/15/15 1144

Signed

James E Hunt MD

Consultation Report
Report Status: Signed
Unit #: SM02141270
Report #: 1006-0400
Page 1 of 2

Patient Name: MCKENZIE, DEAN R
Account #: SV0084896837
Dictating Dr: James E Hunt MD

**Agenda Item No. 16.****Staff Report**

Date: February 13, 2014
To: Mayor P. Beach Kuhl and Council Members
From: Rob Braulik, Town Manager
Subject: 126 Winding Way, A.P. No 72-091-14 Construction Penalty and Property Owner request for waiver of penalties due

Recommendation

Staff seeks Council direction on what action, if any, the Council wants to take on the property owner's request to refund the construction penalties now on deposit and not impose additional penalties due.

Background and discussion

This project started construction more than two years ago. Based on discussions with the property owner and his design professional prior to the Christmas holidays a date of April 11th 2011 was established as the start of construction. Based on applicant information and review of the data a date of April 11th, 2013 was determined as the completion date. The actual official completion date was in July 2013. However, one of the main items outstanding between April and July was documentation from the Marin Municipal Water District (MMWD) the property owner/applicant had completed the necessary paperwork to get MMWD sign off (e.g., Certificate of Completion) on the water irrigation systems installed. This did not occur until July 2013.

Staff met with the owner after the holidays and indicated the April 2013 date for completion notwithstanding the MMWD matter referenced above. The property owner responded he wanted to go to the Council to request relief from the construction penalty due. Ordinance 579 (attached for reference) which has since been updated by Ordinance 643 applies to this project. The appeal provisions are provided here:

15.50.090 Appeal of Penalties

(a) A penalty imposed pursuant to this section may be appealed to the Town Council on the grounds that the property owners were unable to comply with the construction time limit for reasons beyond the control of themselves and their representatives.

- (1) For purposes of this section, the grounds for appeal shall include, but not be limited to: labor stoppages; acts of war or terrorism; and natural disasters.

- (2) For purposes of this section, the grounds for appeal shall not include: delays caused by the winter rainy season; the use of custom and/or imported materials; the use of highly specialized subcontractors; significant, numerous, or late design changes; access difficulties associated with the site; failure of materials suppliers to provide said materials in a timely manner; or by delays associated with project financing.

A primary consideration for the property owner appeal is the project involved restoration of an historic "Maybeck" home, one of the few left in the Bay Area. The requirements associated with this "historic restoration" caused project construction delays. Staff is not disputing there may have been construction delays associated with such construction given the complexity and requirements of maintaining the historic integrity of this original "Maybeck" home. However, Ordinance 579 does not provide staff the authority to grant a reduction of the applicable construction penalty based on this factor. The Town currently has on deposit \$45,995. Adding in the construction penalty due brings the total to \$83,000 leaving the net amount due \$37,005. The property owner is requesting refund of the construction deposit, additional amount due plus refund of the appeal fee.

Fiscal, resource and timeline impacts

If the Council grants a waiver in part or in-full there is no Town operational impact. Construction penalties are not included in the General Fund per action taken by the Council last year. There will be an fiscal impact on funds placed in the Facilities Fund. This is a capital fund used to fund capital improvements.

Alternative actions

- Council can reduce the penalty due; or
- Council can eliminate the penalties due in total

Environmental review (if applicable)

N/A

Attachments

- Ordinance 579, Chapter 15.50 Time Limits for Completion of Construction
- Documentation from property owner regarding appeal including Nancy Goldberg August 20th, 2013 email correspondence; June 19, 2013 Hardie letter; June 18, 2013 Muren letter; May 24, 2013 Shimek letter; March 11, 2013 Carey & Co. Inc. Architecture letter; Grayoaks documents including photos before and after, neighbors of Grey Oaks letter

TOWN OF ROSS
ORDINANCE NO. 579

AN ORDINANCE OF THE TOWN OF ROSS AMENDING CHAPTER 15.50 OF
THE ROSS MUNICIPAL CODE REGARDING TIME LIMITS FOR COMPLETION
OF CONSTRUCTION

The Town Council does ordain as follows:

Section 1. Chapter 15.50 of the Ross Municipal Code is hereby amended as follows:

Chapter 15.50

TIME LIMITS FOR COMPLETION OF CONSTRUCTION

Sections:

15.50.010	Short Title.
15.50.020	Purpose.
15.50.030	Application.
15.50.040	Construction Completion.
15.50.050	Time Limits for Construction Completion.
15.50.060	Other Time Limits.
15.50.070	Penalties for Failure to Complete Construction.
15.50.080	Construction Completion Deposit.
15.50.090	Appeal of Penalties.
15.50.100	Administration and Enforcement.

15.50.010 Short Title.

This chapter shall be known as the "Construction Completion Chapter."

15.50.020 Purpose.

It is the intent of this chapter to:

(a) Implement the goals and purposes of the Town of Ross General Plan by maintaining the Town's high quality and fragile natural environment and the existing small town qualities and feeling of the community.

(b) Assure the safety of construction practices, structures, and other improvements, through encouragement of completion inspections on all construction requiring building permits.

(c) Set and enforce reasonable time limits for the completion of all construction requiring building permits.

15.50.030 Application.

This chapter shall apply to all construction, including all additions, alterations, modifications, repairs, and improvements, which requires a building permit; hereafter referred to as "applicable work."

15.50.040 Construction Completion.

For the purposes of this chapter, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and approval of the applicable work by Town Staff shall mark the date of construction completion.

15.50.050 Time Limits for Construction Completion.

The maximum time for completion of construction shall not exceed the following:

(a) For new construction, the estimated value of which, as determined by the Town Building Official, is less than or equal to five hundred thousand dollars (\$500,000), the maximum time shall be 15 months from the issuance of a building permit.

(b) For new construction, the estimated value of which, as determined by the Town Building Official, is greater than five hundred thousand dollars (\$500,000), the maximum time shall be 18 months from the issuance of a building permit.

(c) For additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the Town Building Official, is less than or equal to fifty thousand dollars (\$50,000), the maximum time shall be 9 months from the issuance of a building permit.

(d) For additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the Town Building Official, is greater than fifty thousand dollars (\$50,000) and less than or equal to two hundred thousand dollars (\$200,000), the maximum time shall be 12 months from the issuance of a building permit.

(e) For additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the Town Building Official, is greater than two hundred thousand dollars (\$200,000) and less than or equal to five hundred thousand dollars (\$500,000), the maximum time shall be 15 months from the issuance of a building permit.

(f) For additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the Town Building Official, is greater than five hundred thousand dollars (\$500,000), the maximum time shall be 18 months from the issuance of a building permit.

15.50.060 Other Time Limits.

No building permit shall be issued within nine months of final inspection or expiration of an antecedent building permit.

15.50.070 Effect of Failure to Comply with Time Limits for Construction Completion.

(a) Upon failure of a property owner to complete construction by those time limits established in this chapter, the following penalties shall apply:

(1) For the first 30 days that the project remains incomplete there shall be no penalty.

(2) For the 31st through 60th days that the project remains incomplete, the Town shall impose a penalty of two hundred dollars (\$200) per day.

(3) For the 61st through the 120th days that the project remains incomplete, the Town shall impose a penalty of four hundred dollars (\$400) per day.

(4) For the 121st day, and any additional days thereafter that the project remains incomplete, the Town shall impose a penalty of one thousand (\$1,000) dollars per day.

(b) Penalties, fees, and costs due to the Town pursuant to this Chapter are due each day as the penalties accrue.

(c) It is declared that any violation of the provisions of this Chapter shall, in addition to any other remedy, constitute a public nuisance, and such nuisance may be abated as provided by law.

15.50.080 Construction Completion Deposit

(a) Before a building permit may be issued, the property owner shall deliver to the building department a refundable deposit in the amount of two percent of the estimated value of the work as determined by the Town Building Official, but not less than five hundred dollars (\$500.)

(b) When construction is completed within the time limits provided herein, and after a final inspection has been made and approved by Town Staff, the construction completion deposit shall be refunded to the property owner.

(c) Upon failure of a property owner to complete construction by those time limits established in this chapter, the deposit shall be incrementally forfeited to the Town.

15.50.090 Appeal of Penalties

(a) A penalty imposed pursuant to this section may be appealed to the Town Council on the grounds that the property owners were unable to comply with the construction time limit for reasons beyond the control of themselves and their representatives.

(1) For purposes of this section, the grounds for appeal shall include, but not be limited to: labor stoppages; acts of war or terrorism; and natural disasters.

(2) For purposes of this section, the grounds for appeal shall not include: delays caused by the winter rainy season; the use of custom and/or imported materials; the use of highly specialized subcontractors; significant, numerous, or late design changes; access difficulties associated with the site; failure of materials suppliers to provide said materials in a timely manner; or by delays associated with project financing.

(b) An appeal of penalties made pursuant to this section shall be filed in writing with the Town Clerk within 10 calendar days from the date of construction completion, with payment of an appeal fee as established by Town Council resolution. The Town Council will hold a hearing on the appeal and shall affirm, modify, or cancel the penalty.

(c) When appealing penalties assessed pursuant to this chapter, the appellant shall submit documentary and other evidence sufficient to establish that design decisions, construction drawings and documents, bids and construction contracts, permit applications, and compliance with all required permit conditions were undertaken in a diligent and timely manner. Required documentary and other evidence shall demonstrate to the Town Council's satisfaction that construction delays resulted from circumstances fully out of his or her control and despite diligent and clearly

documented efforts to achieve construction completion within those time limits established in this chapter. Penalties made pursuant to this section shall not be modified or cancelled unless the evidence required in this section is submitted at the time of appeal.

(1) For the purposes of this section, documentary evidence shall include dated design contracts, date stamped plans, dated construction contracts and material orders, and proof of timely payment of any deposits or fees required pursuant to any of the forgoing items.

15.50.100 Administration and Enforcement.

(a) All applicable work started after the effective date of this ordinance shall be completed within the time limits provided herein. All applicable work in progress as of the effective date of this ordinance shall be completed within the time limits, and shall be subject to those ordinances and construction completion requirements, in place at the time of said work's initiation.

(b) Any amount in excess of the sum deposited with the Town as a construction completion deposit and due to the Town by property owner(s) as a result of violation of the provisions of this chapter is a personal debt owed to the Town by the owner(s) of the subject property and, in addition to all other means of enforcement and collection, shall become a lien against the subject property, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

Section 2. The Ross Town Council hereby declares as follows:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance for any reason is held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Town Council further declares that it would have passed this and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared unconstitutional on their face or as applied.

PASSED AND ADOPTED at a regular meeting of the Ross Town Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

David F. Zorensky, Mayor

ATTEST:

Laura Thomas, Town Clerk

----- Forwarded message -----

From: **Nancy Goldenberg** <nancy@careyco.com>

Date: Tue, Aug 20, 2013 at 5:37 PM

Subject: 126 Winding Way

To: bach.kuhl@sedgwicklaw.com, elizabethb@brekhus.com, khoertkorn@gmail.com,
trussel@sflaw.com, carlasmall@aol.com

Cc: Charles Theobald <chartheo@gmail.com>

Dear Council Member:

The owner and architect for Greyoaks (126 Winding Way) asked me to send you an email pertaining to the proposed time-of-completion penalties for this project.

As expressed in my final compliance letter dated March 11, 2013, I was happy to confirm that compliance had been achieved for this historic rehabilitation. The scope and effort outlined in that letter demonstrates the extra effort necessary to complete a major renovation/rehabilitation for a historically significant home of this stature. The exterior 3' redwood shingles, roofing, and gutters and downspouts were all removed and replaced, and the exterior openings were carefully restored to give the Maybeck designed portions of the project, a new and extended life. My understanding was that there also were structural, electrical, plumbing and mechanical upgrades to ensure the building structure and systems were sound. This work had to be delicately performed, to ensure that the original Maybeck designed portions were respected. Also, the new additions to the project were sensitively integrated with the original historic structure. And finally, and perhaps even more important, was the careful, hand crafted interior work of the two significant spaces, the 1906 living room, and the 1926 banquet hall (master bedroom). This included a piece by piece restoration of the vintage redwood paneling and ceiling; and an artisan quality refurbishment of the stone and brick fireplace. To have the new interior spaces relate and harmonize with these historical rooms, the owner and architect elected to continue the hand crafted construction techniques to avoid jarring transitions between the spaces of the residence.

As you know, this is the only Maybeck-designed home in Ross. In addition, this project featured a Maybeck addition 20 years after the original home, which adds to its historical value and uniqueness.

I understand that the town has a policy that requires homes to be completed within a certain time period. I also understand the extra effort in design, finances and time, that is required for a project of this nature. I would trust and hope that the council uses their discretion and understanding to appropriately assess what penalties, if any, would be warranted for the effort that was needed for this project.

Finally, your review and conclusions, on this matter have implications beyond just this project. The notion that historic residences that require this effort, are not undertaken by new owners based on the town's policy, might lead to our heritage homes being demolished. The specter of completion penalties in concert with the already high cost of construction, may unfortunately dissuade such rehabilitation to take place.

Nancy Goldenberg, LEED AP

Principal



CAREY & CO. INC.

ARCHITECTURE

460 Bush Street

San Francisco, CA 94108

T [415.773.0773](tel:415.773.0773) x225

F [415.817.9886](tel:415.817.9886)

nancy@careyco.com

Why the council is empowered to address the exceptions to the town policies...

As clearly stated throughout the Town of Ross General Plan, it is a major goal of the town to protect historical places and resources (Goal 4 of the 2007-2025 General Plan).

From the General Plan:

"The architectural and environmental ambiance that attracted caring residents to Ross since the Town's Incorporation in 1908 have been preserved through a tradition of stewardship that has guided the decisions of the Town Council. "

4.1 Historic Heritage.

Maintain the historic feel of Ross by preserving and maintaining historic buildings, resources and areas with recognized historic or aesthetic value that serve as significant reminders of the past.

4.2 Design Compatibility with Historic Resources.

Require new construction to harmonize with existing historic buildings and resources, and ensure a compatibility of landscaping with Ross' historic character.

The Town lists as one of its Accomplishments, with respect to historical structures...

"Before 1993, we were losing residences that contributed to the charm and character of our community. As a result, the Demolition Ordinance was adopted requiring property owners to obtain Town approval before tearing down a residence. A welcome consequence of the ordinance has been to encourage people to purchase houses because they want to retain them and enhance their historic character, rather than raze them. The Demolition Ordinance has helped to protect historic homes from demolition, but the Town has not had specific regulations or design standards for historic homes"

Per the Town's implementation of the general plan, additional processes and scrutiny were required by the town which the Owner engaged at great cost. A town recommended Historical Preservationist (Carey & Company, SF) began work in 2009 and completed their report in March of 2013.

While the Town General Plan conveys this emphasis, and reinforces the concept by requiring an Historical Preservationist, the policies as conveyed in the permitting process and time of completion does not.

Town policy promotes and recognizes historical projects through the 1988 Housing Element:
Housing Goals and Policies of the 1988 Housing Element

The themes of the Ross General Plan are to: (1) retain Ross's small-town character; (2) protect the high quality and fragile natural environment; and (3) preserve and enhance the historical character and design scale of the Town's residential areas.

Comments on how the policies of the town aren't able to accommodate the exceptional homes in Ross.

From Chapter 15.50

15.50.050 Time limits for construction completion.

The maximum time for completion of construction shall not exceed the following:

(a) For new construction, the estimated value of which, as determined by the town building official, is less than or equal to five hundred thousand dollars, the maximum time shall be fifteen months from the issuance of a building permit.

(b) For new construction, the estimated value of which, as determined by the town building official, is greater than five hundred thousand dollars, the maximum time shall be eighteen months from the issuance of a building permit.

(c) For additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the town building official, is less than or equal to fifty thousand dollars, the maximum time shall be nine months from the issuance of a building permit.

(d) For additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the town building official, is greater than fifty thousand dollars and less than or equal to two hundred thousand dollars, the maximum time shall be twelve months from the issuance of a building permit.

(e) For additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the town building official, is greater than two hundred thousand dollars and less than or equal to five hundred thousand dollars, the maximum time shall be fifteen months from the issuance of a building permit.

(f) For additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the town building official, is greater than five hundred thousand dollars, the maximum time shall be eighteen months from the issuance of a building permit. (Ord. 579 §1(part), 2003

For both new construction and renovations/additions, the maximum time is 18 months if over \$500,000...

Although the policy makes a distinction in the two approaches to developing a site, the time allowed is the same.

We believe that it is the council's prerogative and duty, to identify which projects exemplify special circumstances that would warrant a longer construction schedule, and therefore, the forgiveness of these penalties.

Restoration of house as driven by historical constraints involved materials and methods that are not common, and therefore cost in time and money.

In addition, the town's requirement for an historical preservationist to monitor the project from initial design, to final construction added cost in time, money and process for the team.

Norman & Mette Hardie
128 Winding Way
Ross, CA 94957

19 June 2013

Town of Ross
Town Council
Ross, CA 94957

Re: Douglas and Miranda Abrams, 126 Winding Way

Dear Mayor and Council Members,

We own and reside at the property immediately adjoining 126 Winding Way to the northwest. We are writing in regards to the building renovation by Douglas and Miranda Abrams.

We have found the Abrams to be exceptionally considerate and we have not once been disrupted or inconvenienced by the work that has taken place at 126 Winding Way.

Several years back, we took on the task of the complete renovation of our Victorian era home in London. Such projects on older properties take considerably more time and effort when compared to a tear-down and rebuild. It is our view that we owe the Abrams a debt of gratitude for the work done at their property which has restored an historically significant building. This project has improved the enjoyment and value of our own home and delivered a direct benefit to the neighborhood and the Town of Ross.

We understand that the Council has levied a fine against the Abrams due to delays in their project completion and the disruption caused to the neighborhood. In your assessment we ask that you take into consideration the benefit that we have all received from the renovation and that you make note that we, as their adjoining neighbor, have not in any way been inconvenienced by the over-run in time.

Best regards,



Norman Hardie



Mette Hardie

Town of Ross
Town Council

June 18, 2013

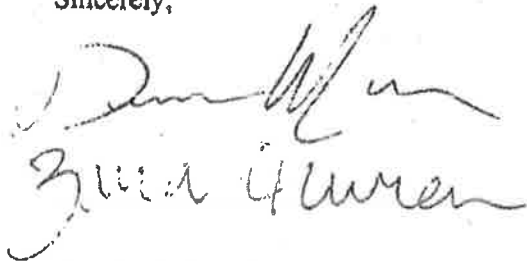
Dear Mayor and members of the Council,

We write to ask you to reconsider the penalties that have been imposed on our neighbors, Douglas and Miranda Abrams at 126 Winding Way. My (Dennis) one experience inside the home while the Schwabs were living there left an impression of age, gloom and darkness. Though a beautiful building, designed by Bernard Maybeck, it had fallen into disrepair. The Abrams' construction has substantially renovated and brightened the home while maintaining its architectural integrity, contributing to the historically textured environment of Ross. This has taken time, which we feel should be respected rather than penalized.

We know from the experience of remodeling our own 1905 property on Canyon Road twelve years ago that it is extremely challenging to complete a quality historic house remodel within an 18 month permit. We were stretched to complete our project within the two years that we were allowed (at that time the Town was prepared to consider a six month extension to the 18 month building permit, which we applied for and were granted). It is a much larger undertaking to remodel than to demolish and rebuild, and more time should be allotted accordingly.

We were not personally inconvenienced by the Abrams' construction due to the fact that our home is not on Winding Way. We certainly enjoy seeing how it turned out whenever we walk the neighborhood, and we are very pleased Doug & Miranda remodeled it respectfully and did not choose to destroy it.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dennis & Zara Muren". The signature is fluid and cursive, with the first name "Dennis" being more prominent and the last name "Muren" written in a similar style.

Dennis & Zara Muren
10 Canyon Road
Ross, CA

Ben and Patti Shimek
2 Canyon Road
Box 681
415.456.5981

May 24, 2013

Re: Abrams Residence
126 Winding Way
Construction Late Fee

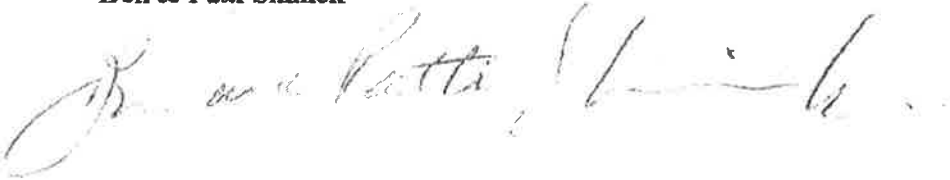
To the Town of Ross:

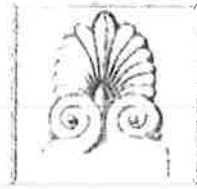
The last thing Patti and I want to do is scrutinize the Town's decisions regarding construction late fees. We have confidence in the present group of Council members and Town Staff.

When we remodeled our 100 year old home and were focused on doing it well and retaining much of the original period, we found that time restrictions and fine levies made our goal challenging.

Please give the Abrams all the consideration available. As neighbors, their impact on us has been negligible as our properties are not contingent. Also, we are not privy to details and/or construction challenges. It appears to us the end result of the extensive remodel is consistent with the town's goals.

Ben & Patti Shimek

A handwritten signature in cursive script, appearing to read "Ben & Patti Shimek", written in dark ink.



CAREY & CO. INC.
ARCHITECTURE

March 11, 2013

Elise Semonian
Senior Planner
City of Ross
31 Sir Francis Drake Boulevard
Ross, CA 94957

RE: 126 Winding Way
Secretary of the Interior's Standards Evaluation – Completion Report

Dear Elise,

On February 12, 2013, I visited 126 Winding Ways. Carey & Co. had earlier performed preservation design review on the project to ensure that the work complied with the *Secretary of the Interior's Standards for the Treatment of Historic Properties - Rehabilitation*. The work on the house now being complete, the purpose of my visit was to confirm that the completed project is still in compliance with the Standards. I am happy to confirm that this compliance has been achieved.

126 Winding Way, constructed in 1906, was designed by Bernard Maybeck for J. H. Hopps, a lumber baron. Grayoaks, as it was known, is considered one of Maybeck's most picturesque chalet-style houses. It rises two stories, with walls clad in three-foot-long redwood shakes (typically used on barns) above a stone base. Board and batten siding clads the top floor. In 1925, Maybeck designed a stucco-clad addition, containing a grand room and a small bathroom, sited northeast of the main house. A bridge joins the addition to the house at the second floor stair landing. The connection is via an outdoor passageway and, inside, through a bathroom. Other less sympathetic alterations to the house occurred in the 1960s.

The current project, designed by architect Charles Theobald, remodeled the house for Douglas Abrams and his family. This project alters the building as described below:

1. Addition of a great room at the north side of the house. The addition of this wing was done quite successfully. The cladding here is board and batten. While the upper level of the main original house is also board and batten, the battens on the new wing are discernibly wider than the original. This creates a subtle, but distinct differentiation. Per our letter report of March 18, 2011, there is no deck at this addition.
2. Addition of a master bathroom off the north side of the 1925 wing. The master bath addition is partly hidden behind the great room addition. It is stucco over a stone wainscot, with steel doors and windows and a shingled roof. Both this addition and the great room addition are held away from the original Maybeck portions of the house by narrower connectors. This addition is consistent with the Standards and with our previous recommendations.
3. Expansion of the connection between the main house and the 1925 wing. The 1906 and 1925

portions of the house were originally joined primarily via an exterior deck; on the interior, the wings connected somewhat tenuously via a bathroom. In the current project, this connection was expanded to include a corridor, from which a dressing room is accessed. The historic connector was not a significant character defining feature, it was at the rear of the building, and its modification does not alter the character of the property. The alteration is consistent with documents previously reviewed.

4. Removal of the carport and other features from 1963. The carport was removed and replaced with one that is more compatible. The carport was constructed per the documents we reviewed previously.
5. Re-shingling of the entire house with new redwood shakes to match the existing original. All portions of the building except the 1925 Master Bedroom were roofed or reroofed with redwood shakes (see below). This is consistent with documents previously reviewed.
6. Re-roofing the 1925 Master Bedroom wing with copper shingles as shown in the original Maybeck drawings. The 1925 Master Bedroom was reroofed with copper shingles. This is consistent with Maybeck's drawings for the wing, as well as previous discussion regarding this issue.
7. Reconfiguration at the west elevation including modification to the projecting window. The west elevation featured an angled bay off of the dining room, originally part of a semi-recessed porch that was altered in the 1960s. This feature has been replaced with French windows leading to a porch.

The new porch was constructed with a simple wood railing as recommended in our previous evaluation. This railing consists of plain boards rather than the jigsaw railing seen at the 1925 Master Bedroom wing. In addition, all other new porch railings were constructed in this simpler vernacular. This design is therefore consistent with Standard 3, which cautions against creating a false sense of historical development, as well as with our previous recommendations.

8. Reconfiguration of entry and stairs.

A new portico feature was initially proposed for the east entry – the building's original main entry. Our recommendation was to simplify and/or differentiate this new feature from the original language of the house. This new feature was omitted, so the issue disappeared.

The entry stairs at the southwest corner of the house were also reconfigured. These stairs were not a significant character defining feature, and their replacement is simply detailed, complying with the Standards.

9. Addition and/or relocation of some windows

Most of the building's existing windows were identified in the construction drawings as "Existing window refurbished," while some were identified as "Existing window relocated/refurbished. This complies with Standard 5.

In addition, new windows were called out in a few locations on the historic portion of the building. We recommended, if possible, salvaging and relocating windows from the north elevation that were to be removed for the great room addition."

Both of these recommendations were followed.

Previously, construction document showed the replacement of an original window above the east

entry with a row of three casements. We recommended retaining the original window and supplementing in with a new or salvaged casement window. This was constructed as recommended.

10. Landscaping modifications including lowering of the rear patio and the addition of a swimming pool. Landscaping was in progress at the time of our visit. Our evaluation focused on the building, rather than the landscape; however, new landscape features, such as a swimming pool and terracing, are located at the rear of the property and would not be visible from public right-of-ways.

In summary, we find the completed house largely consistent with our previous recommendations. Where changes have been made during construction, we find that the results are still in compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation*.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Nancy Goldenberg".

Nancy Goldenberg, Principal
415-773-0773 ext. 225

Grayoaks

The Journey of an Architectural Icon in the Town of Ross, California

The residence on 126 Winding Way in Ross, CA is one of Ross' most prized architectural gems and serves as an example of the historical restoration process and partnership that is required to preserve the architectural character of Ross.

Preface

Bernard Maybeck, February 7, 1862–October 3, 1957

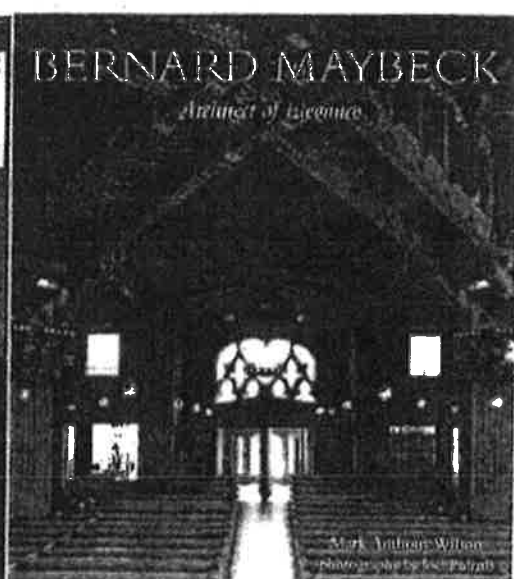
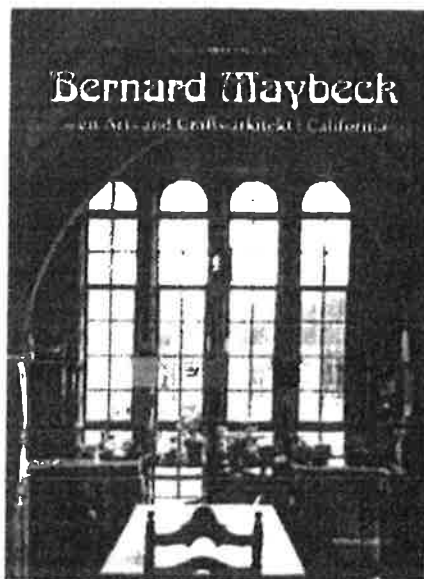
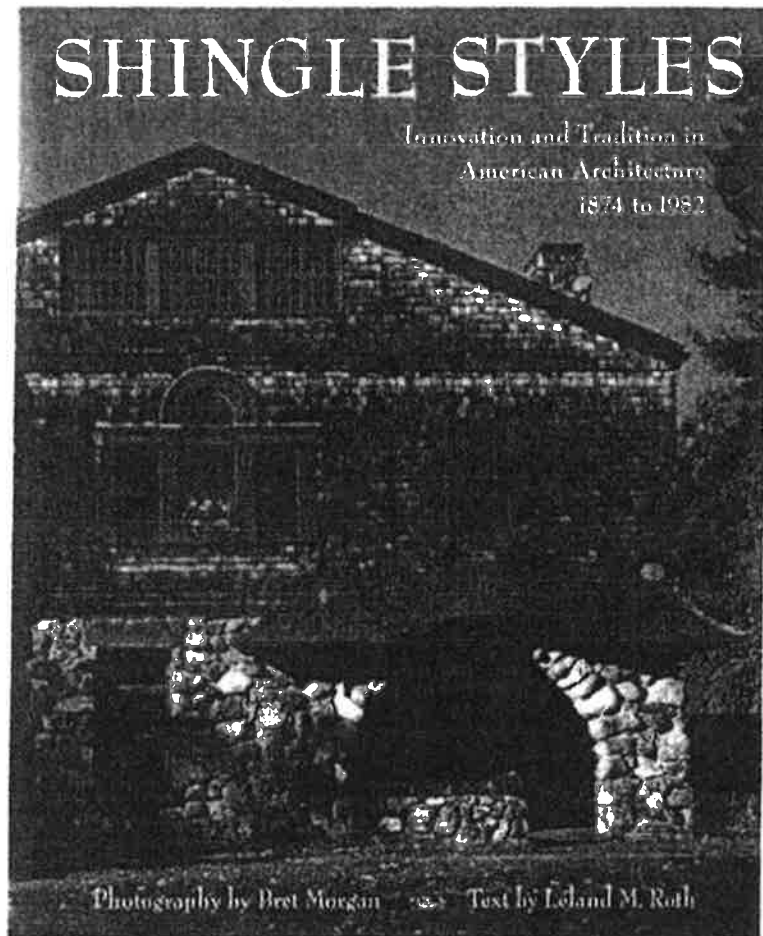
"Independent, visionary, dramatic, eclectic — Bernard Maybeck is a luminary of American architecture whose work is particularly prized in the San Francisco Bay Area, where the majority of his masterworks can be found..."

Brief notes on Bernard Maybeck

- *Background on Maybeck and his significance in the architectural world and bay area...on par with the American Greats*
- *Maybeck designed and built 108 homes...27 have subsequently been destroyed and 81 remain standing. These homes were built from 1892 (Maybeck's own home) through 1940.*
- *Grayoaks is one of only four homes were constructed in Marin, and Ross' only true Maybeck home.*
- *The rest were mostly found in the bay area – with 10 in San Francisco, a handful in the south bay (Los Gatos, Woodside, San Mateo, Burlingame, and Pebble Beach, and the rest in the east bay*

Some of the Publications that Greyoaks is featured...

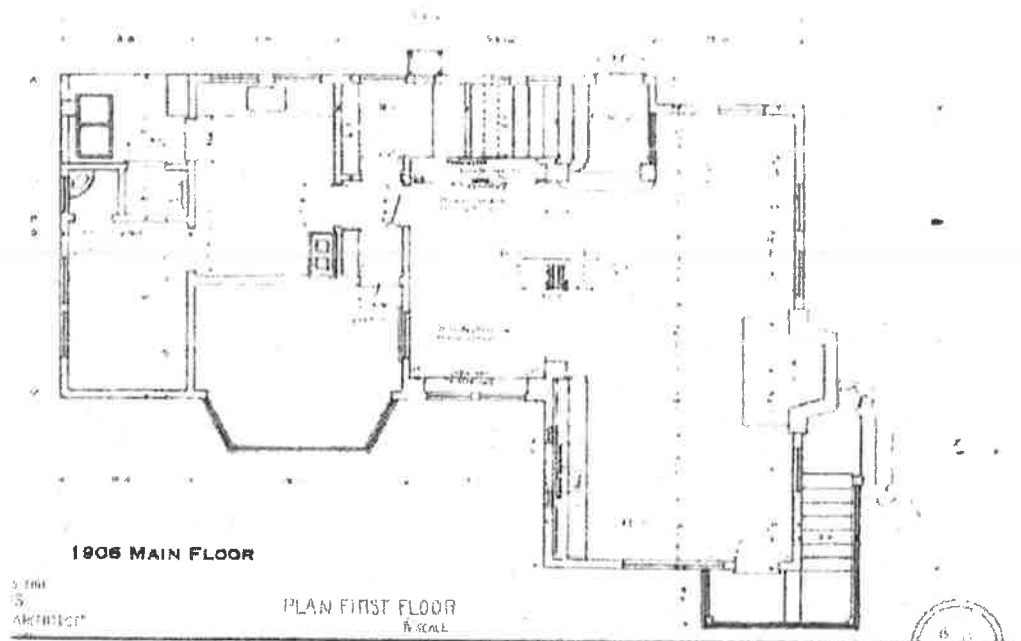
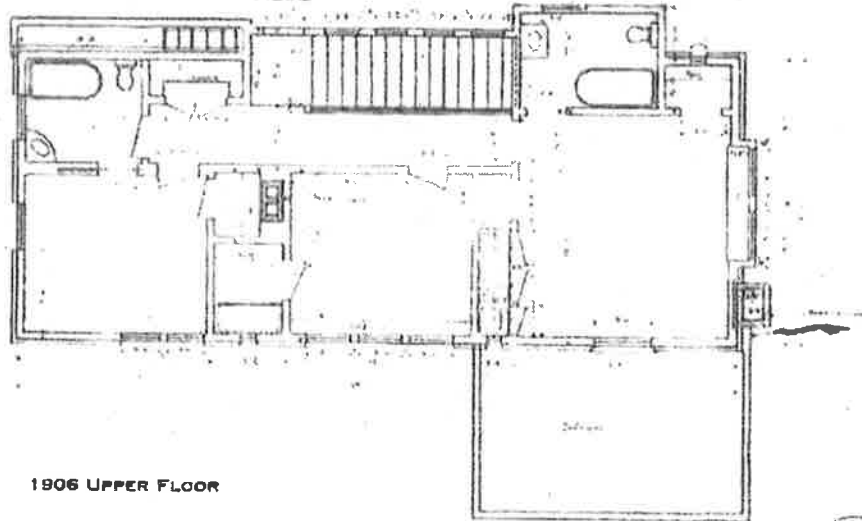
FIRST UNITARIAN CHURCH, Berkeley, California A. C. Schweinfurth, 1898	140
GIGNOUX COTTAGE, Portland, Maine John Calvin Stevens, 1905-6	144
GRAYOAKS, Ross, California Bernard Maybeck, 1906	150
GAMBLE HOUSE, Pasadena, California Greene & Greene, 1908-9	156
"THE AIRPLANE HOUSE," Woods Hole, Massachusetts Purcell & Elmslie, 1911-12	166
JOHN GALEN HOWARD HOUSE, Berkeley, California John Galen Howard, 1912	172
JOHN S. THOMAS HOUSE, Berkeley, California William C. Hays, 1914	176
GUY HYDE CHICK HOUSE, Oakland, California Bernard Maybeck, 1914	180
SAUSALITO WOMAN'S CLUB, Sausalito, California Julia Morgan, 1917	186
TIMBERLINE LODGE, Mount Hood, Oregon William Turner, 1936-38	192
THE FOUREST, Kentwoodlands, California Joseph Escherick, 1937	201
FLINN HOUSE, East Hampton, New York Jaquelin Robertson, 1978-79	206
LAWSON HOUSE, East Quogue, New York Robert A. M. Stern, 1979-81	212
PETRIE HOUSE, Wainscott, New York Robert Venturi, 1982	216
KRAGSYDE, Swan's Island, Maine Beyor & Goodrich, after Peabody & Stearns, 1982-	224



Historical Timeline of Grayoaks

1906 - Origins

J.H. Hopps, a lumber baron from San Francisco commissioned Bernard Maybeck in 1906 to design his country home on his oak studded land in Ross Valley. They rode by horseback the 300 acres of land on which the new home would be placed to select the ideal site. Of all of the possible locations, 126 Winding Way was selected. The views of the layered Ross valley, culminating in the majestic Mt. Tamalpais, must have been the compelling factor...and this can still be enjoyed in the home today.



Original plan drawings of 1906 home by Bernard Maybeck

Original Hand Written Bill from Bernard Maybeck to John Hopps

10/17/17
Aug 34 1917
John H. Hopps
to Maybeck White D.
For architectural services
on house in Rose Valley
2 1/2 % on 5193.21 389.47
For plans for Barn
5 % on 520 26.00
Rice on acct.
Paid April 26 415.47
150.00
464.87

10/17/17
Contract price 4750
Additional work 69.25
Wiring 114.00
Furniture 138.00
Hardware 121.96
5193.21

Grayoaks is an perfect example of Maybeck's chalet style homes.

"The two-story house, with walls clad in three-foot-long redwood shakes (typically used on barns) above a stone base, is not as large as the spread of its roof suggests. In 1925 Maybeck designed an addition to it (plates 39, 40), which contained a grand room for entertaining and a lavatory, on the hillside above the main house. A bridge joins the addition to the main house and forms an ell that protects a terrace and stone pathways leading up and down the slope."

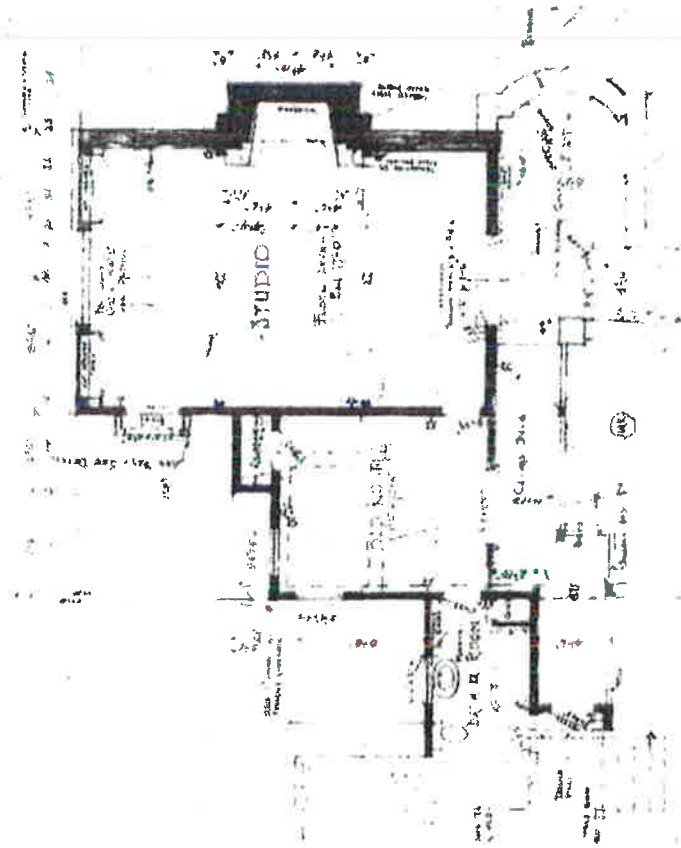
The residence features classic examples of Maybeck's approach to interiors.

"The heavy, rough-sawn boxed beams with visible blade marks add to the primitive quality of the room. Like many of the great living rooms that Maybeck designed in the course of his career, the room demonstrates his talent for using traditional materials in ways that heightened their emotional impact."

"Even though the Hopps family had servants and a Chinese butler, Maybeck introduced a pass-through from the kitchen to the dining room that reflected his interest in the modern, servantless house..."

1925 – An addition to reflect the changing of the times...

Maybeck was asked to return to Grayoaks to design an addition which was to act as the ballroom for the wedding of one of J. H. Hopps' daughters. A lot had happened since the early 1906 effort, most notably the great earthquake and fire of 1906. The approach to fire resistive construction led Maybeck to use stucco as the main exterior material for the addition, though he maintained the same gothic influenced interiors, and relied on the full expression of beautiful redwood that was still available.



Original plan drawing of 1925 addition by Bernard Maybeck

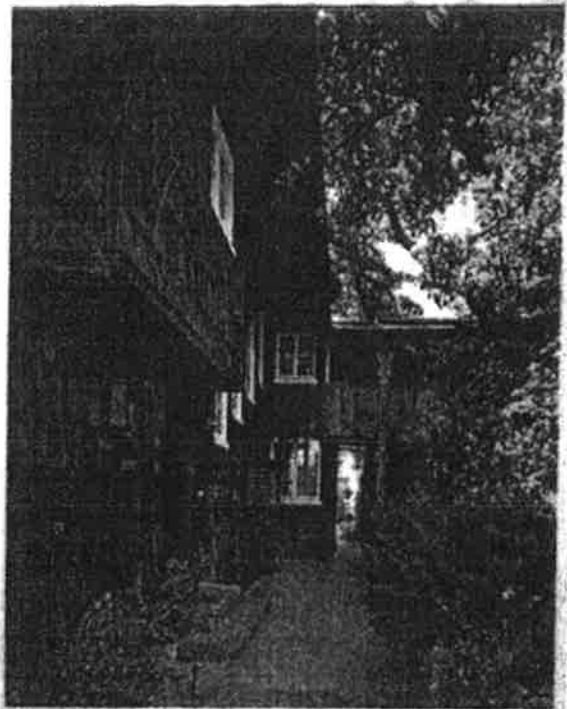
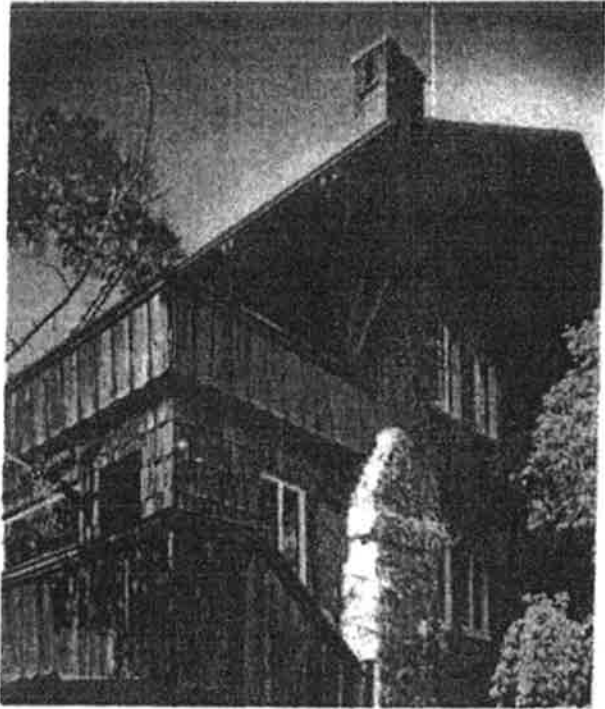


Exterior Photograph of Addition (constructed In 1925).

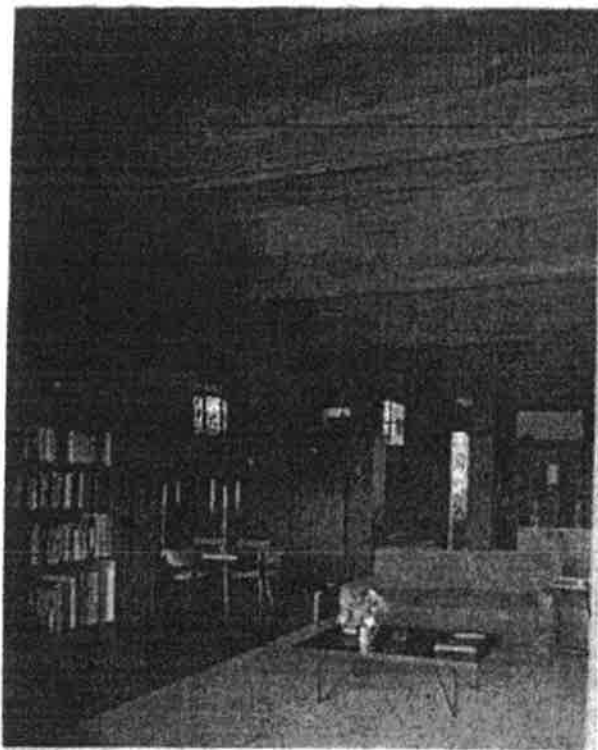
1930's to 1960's

Not much is known about the history and modifications to the home during this era, but the modernization of homes with respect to electrical systems, home heating, and the evolution of the kitchen, surely influenced the home during this time.

Photos from the 1950's



Exterior Photographs



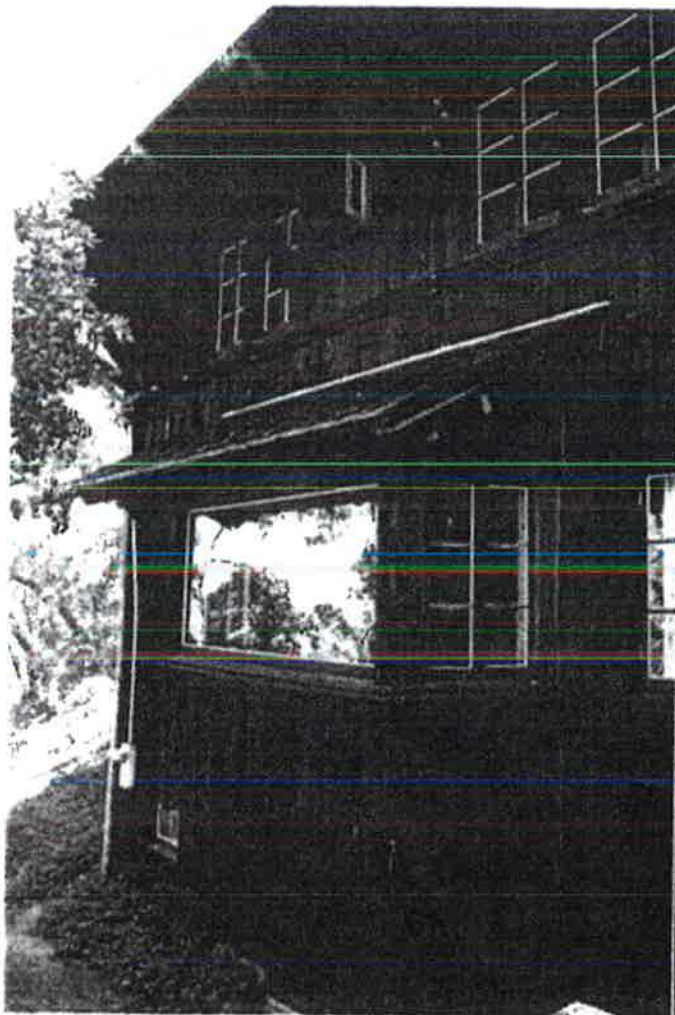
1963 Renovation to 2008

In 1963, to address the current times, the home experienced a renovation that altered much of Maybeck's original design. The project undertaken in 2008, not only had to meet the scrutiny of protecting and showcasing Maybeck's work from the 1906 and 1925 designs, but also to skillfully remove the 1963 alterations that contradicted the intent of the original effort.

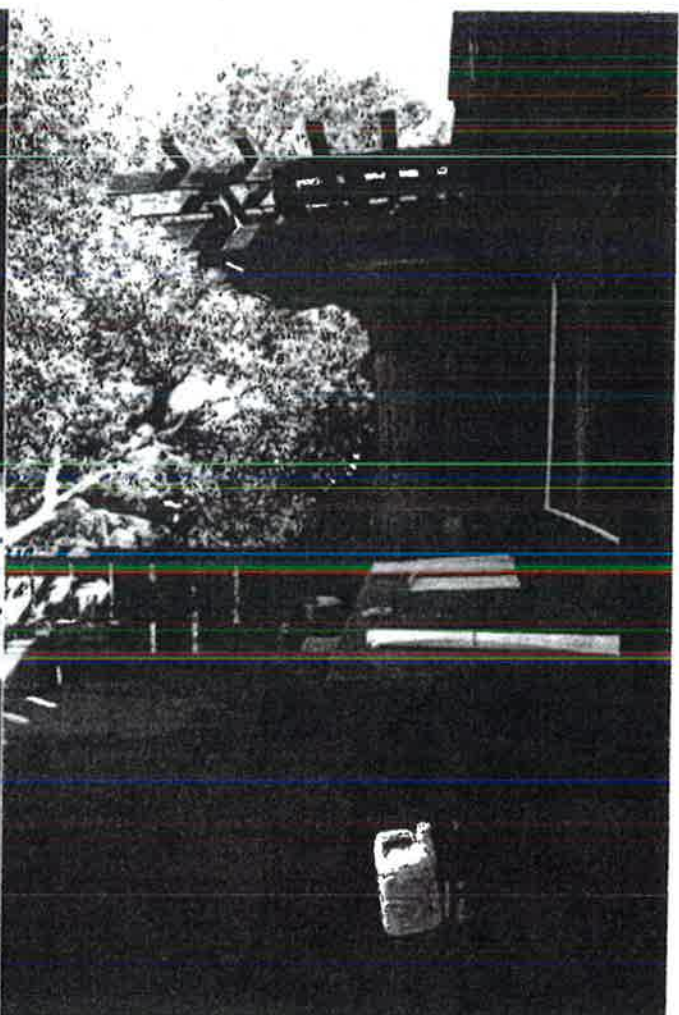
Here are some of the modifications that occurred:

- The kitchen was renovated and enlarged, with current appliances of the day.
- The exterior porch that was just off of the original kitchen and dining room was enclosed, and an out of character bay window was added to the south elevation.
- Internally, a hodge podge of rooms was added on the upper level to create a small kitchen area.
- A carport was added to the south / front elevations. This included a dumbwaiter from the carport to the main floor.
- The bathrooms were renovated with the tiles found common in the 60's. There was no effort to acknowledge Maybeck's original intent or the materiality, scale, and proportions of the arts & crafts era.

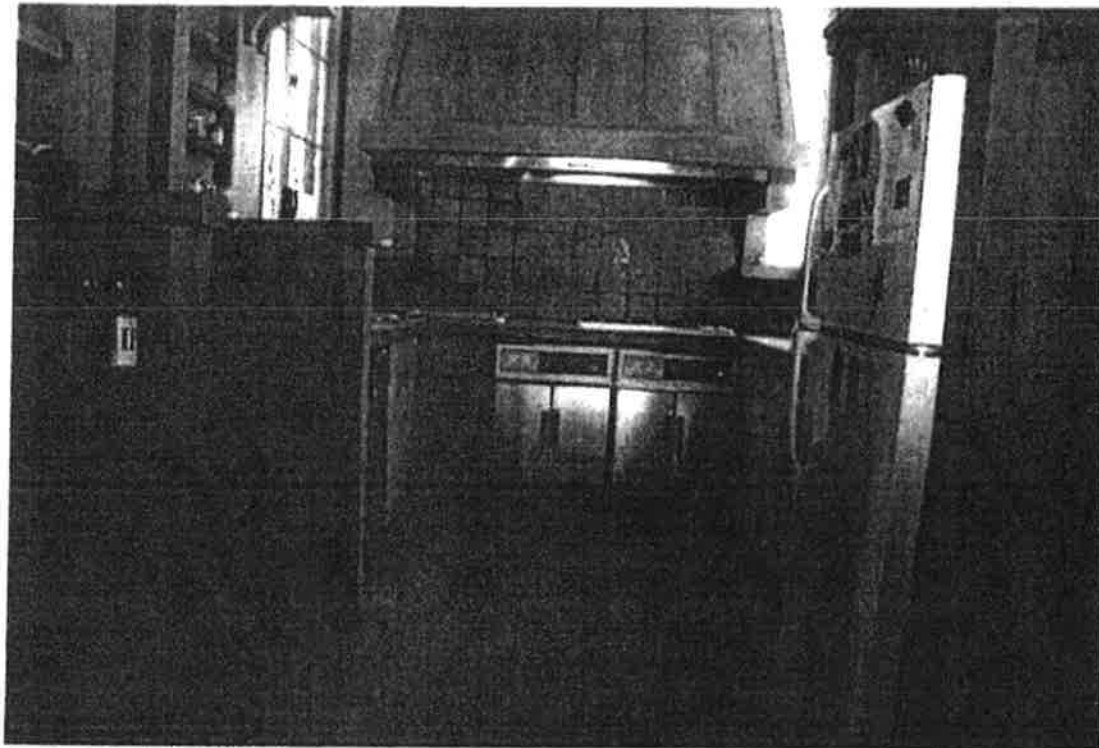
Thankfully, the significant main interior spaces (living, dining, and banquet hall) were all left primarily intact.



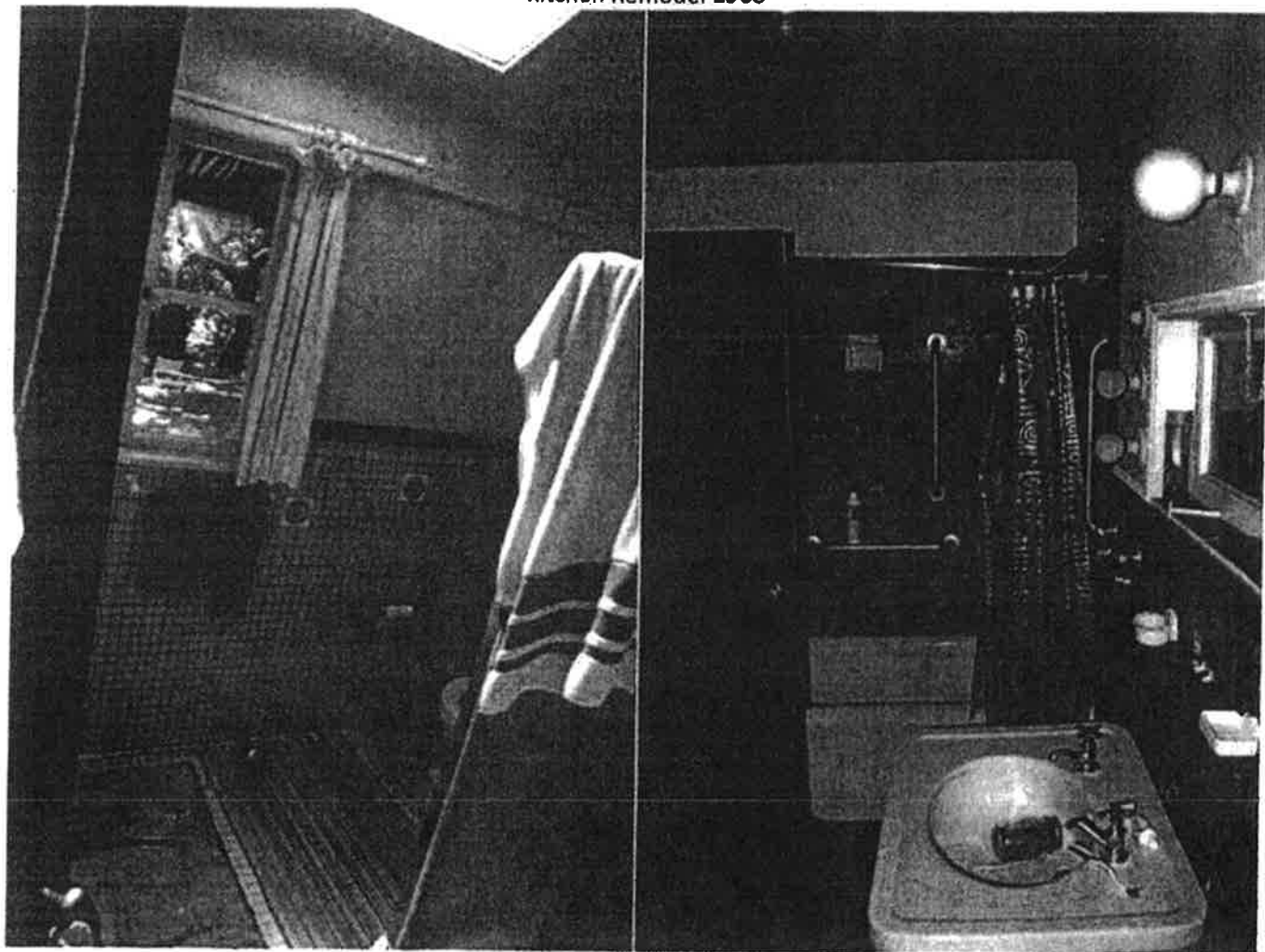
Enclosure of exterior porch



Addition of carport and dumbwaiter



Kitchen Remodel 1963



Bathroom Remodels 1963

2008, the next leg of the journey...

Grayoaks found its new owner Douglas Abrams in the fall of 2008, and the plans for the restoration and addition took shape later that fall under the care of Star 7 Architects.

The opportunity to own a piece of Maybeck's legacy did however come at a great cost in money and time as this was not a typical remodel.

Based on the condition of the house, many would have simply demolished the home.

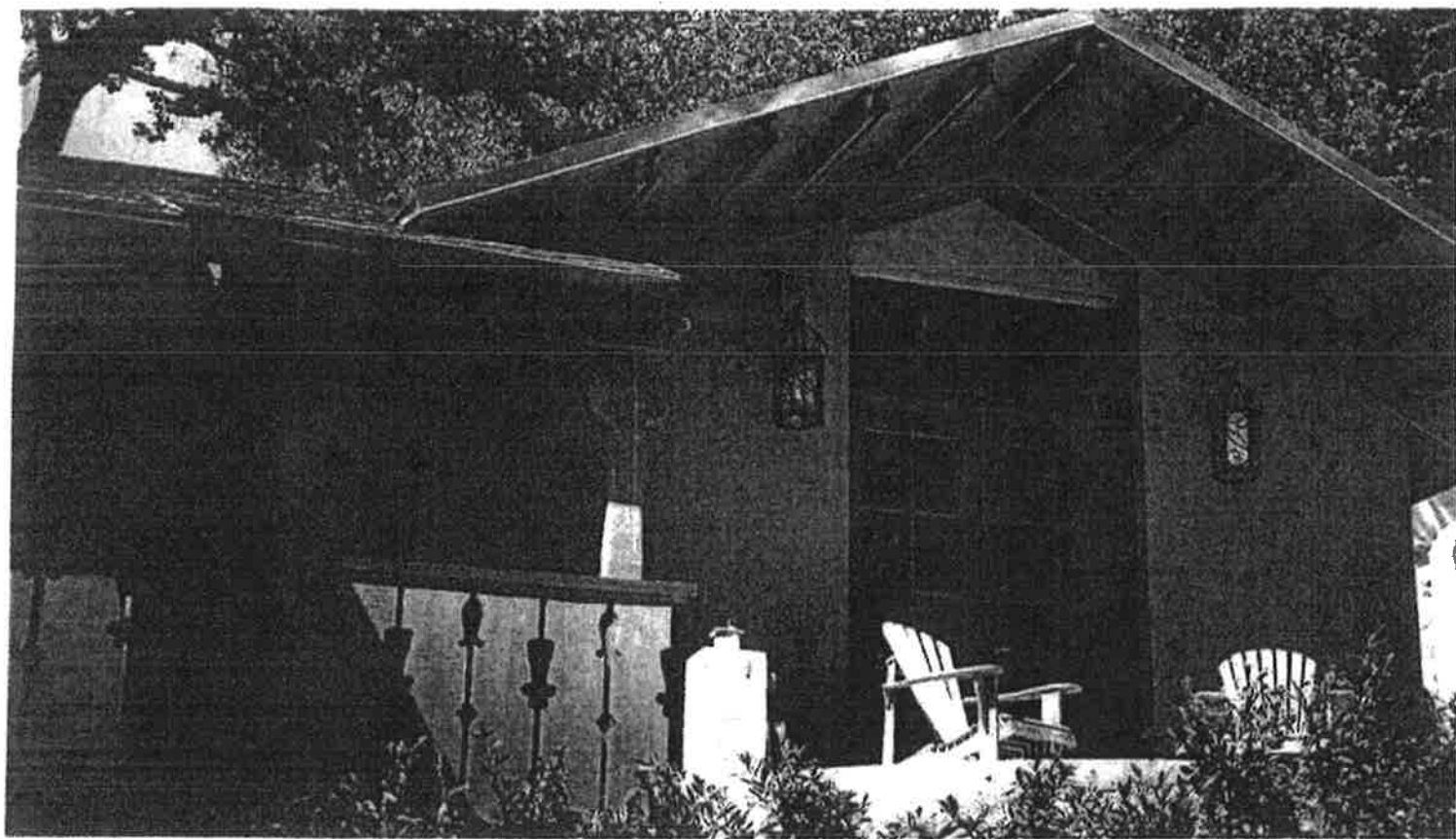
Grayoaks at this time was in a precarious state. Decades had passed since even the most basic maintenance had occurred. There was a lone caretaker for the last few years as the previous owners had transitioned into a skilled care facility. Nature had taken its toll, and the home had a variety of inhabitants, from the rat infested attic, to the termite cities found in the basement.

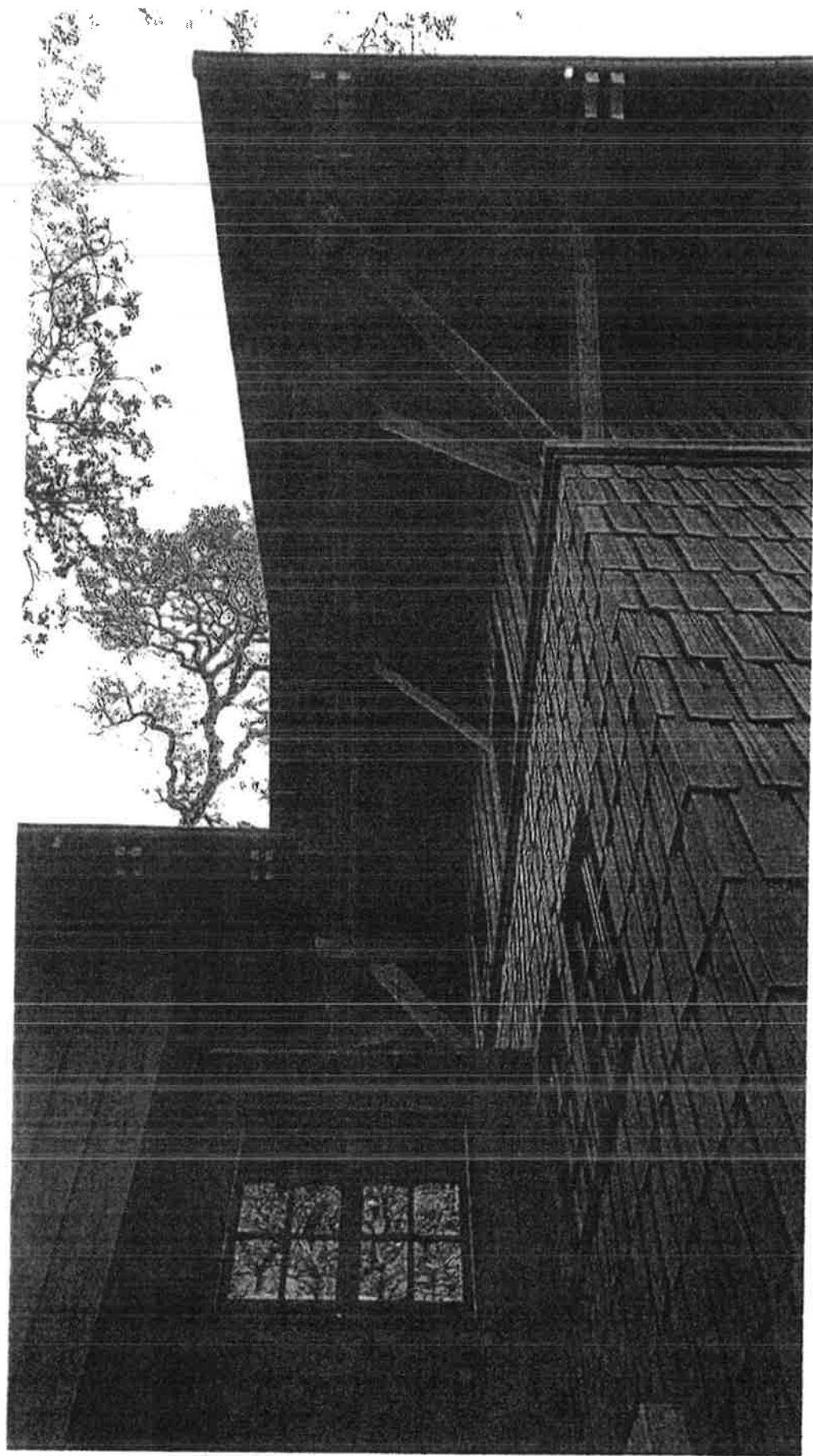
The Town of Ross also required that a historical preservationist was to be consulted at every stage of the project to ensure the project maintained and maximized its authenticity to the home the Maybeck originally designed. Carey & Company were charged with this task, and made multiple site visits and reviews to ensure the project complied with the Owner and Towns joint goal of preserving Maybeck's intent.

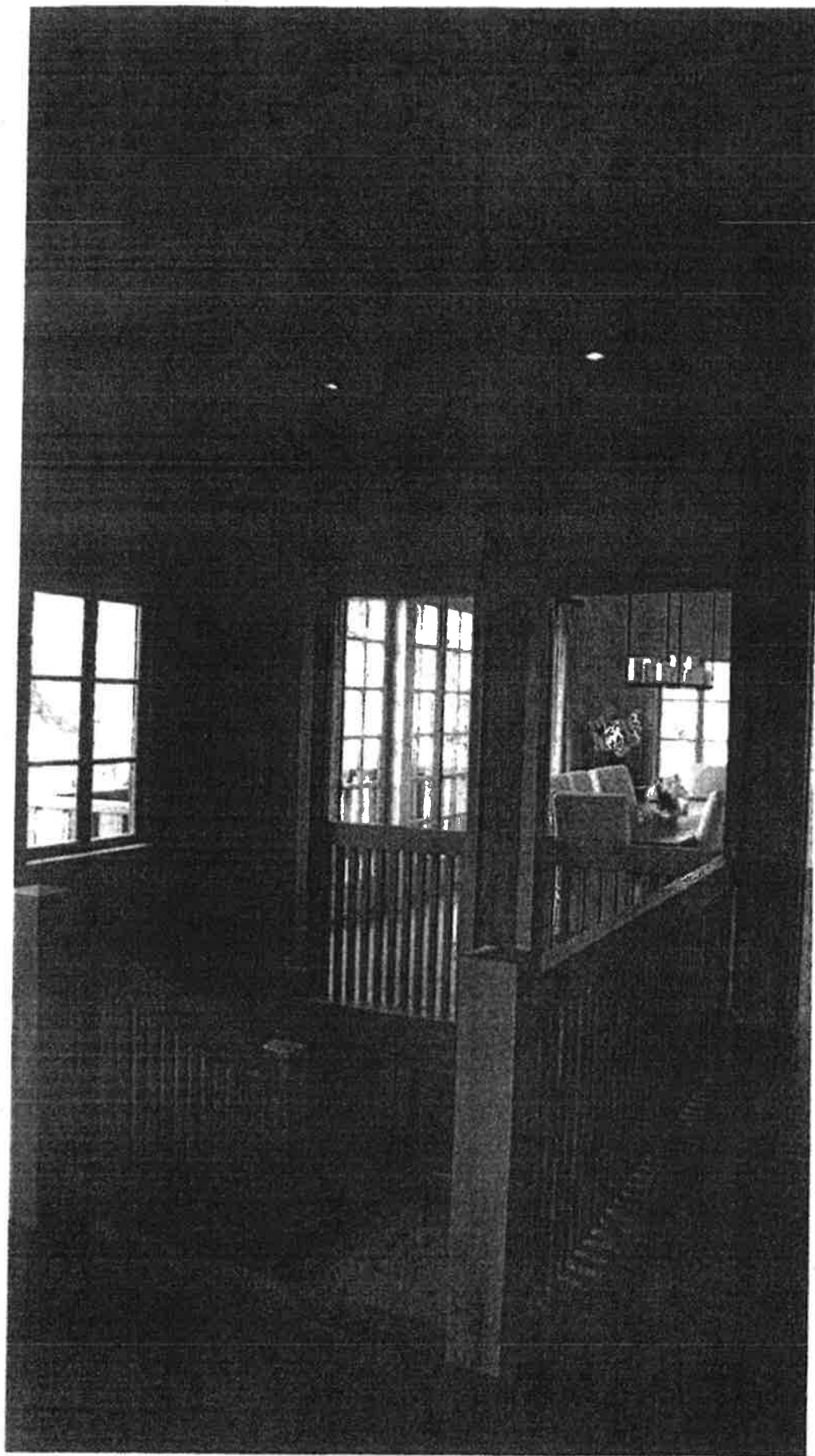
The landscape architect, Michael Yandle, accommodated the family's site program requirements and integrated the spaces into the hill side.

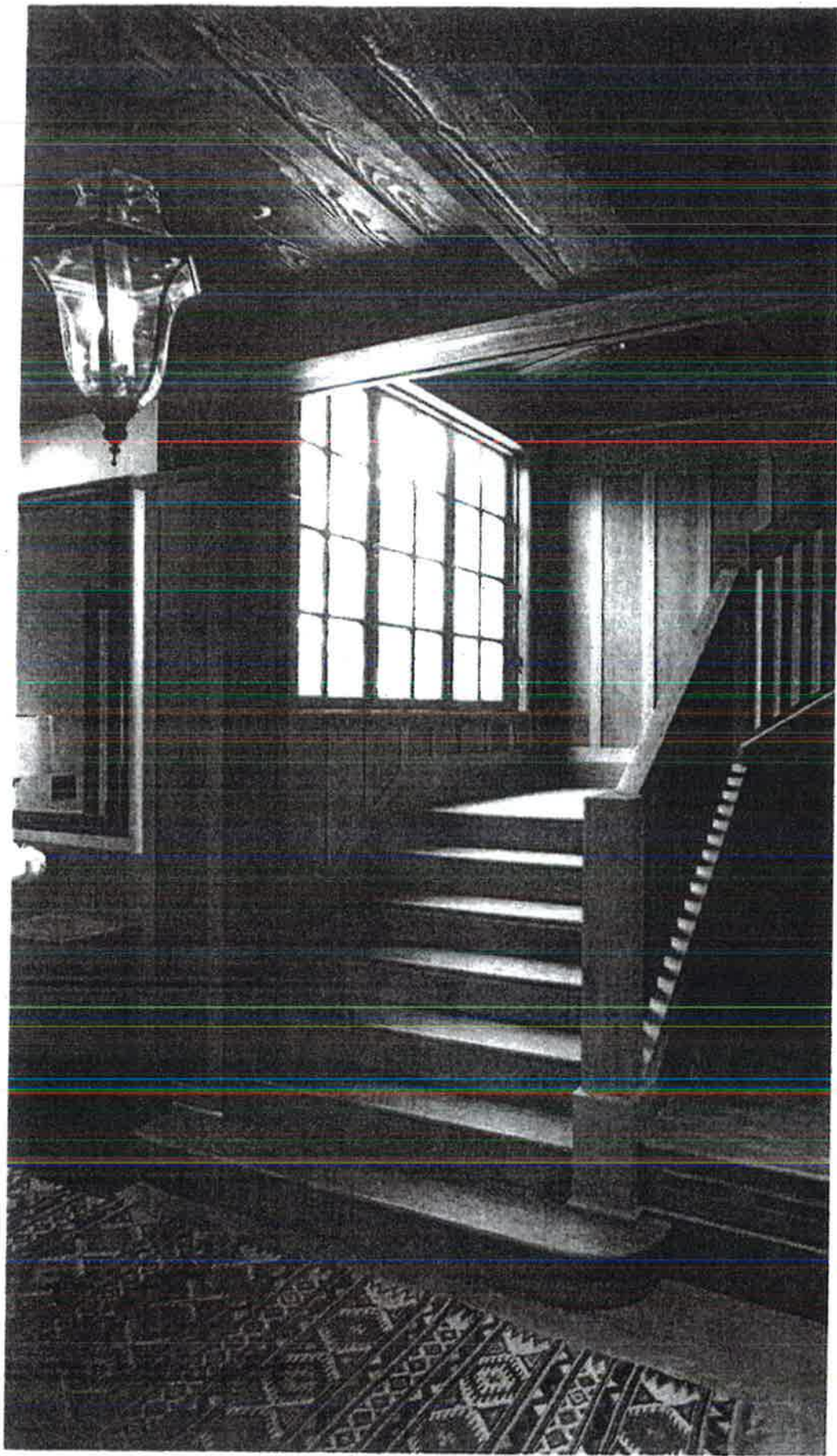
The restoration and addition to the home were completed in the fall of 2012.

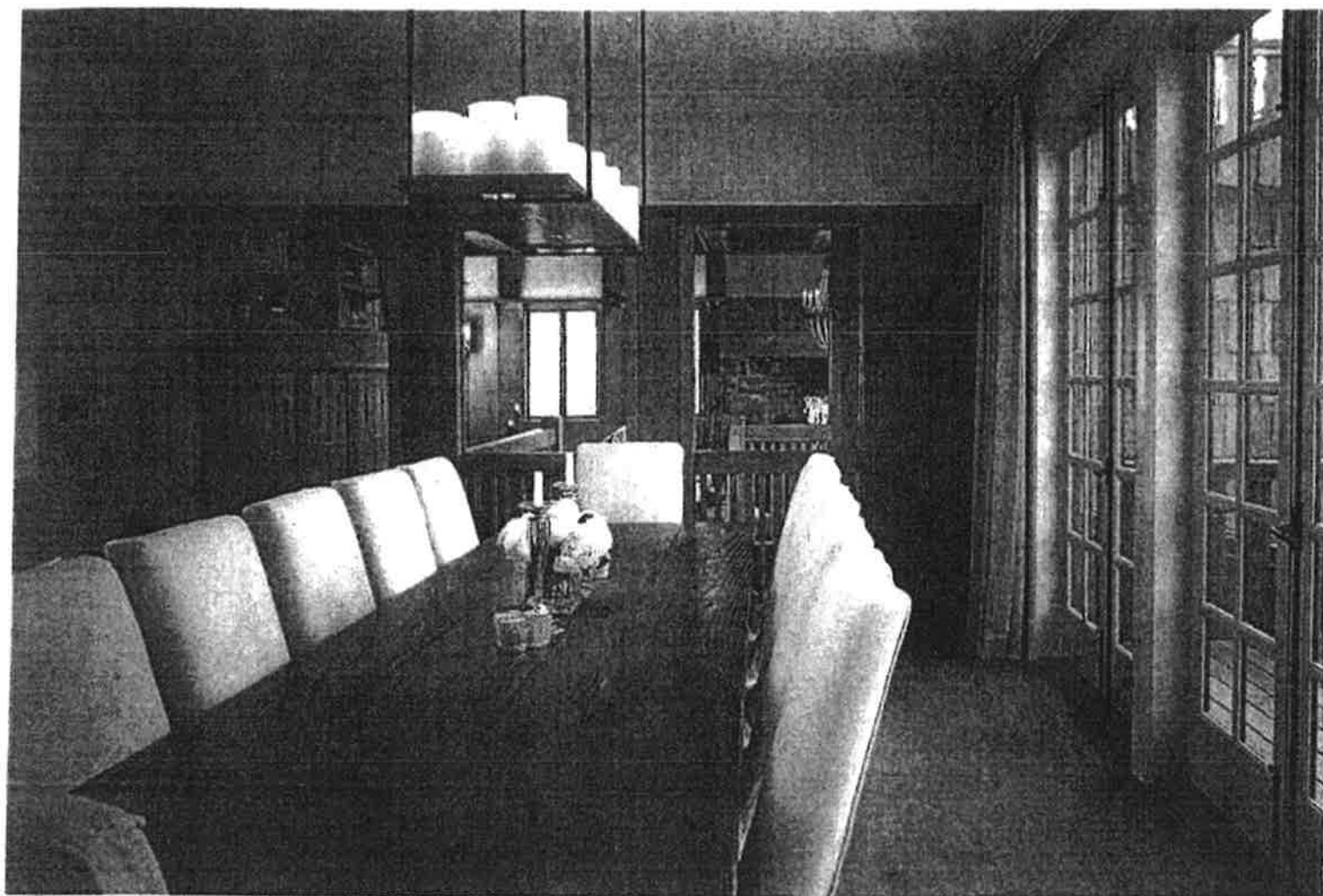
Current photos

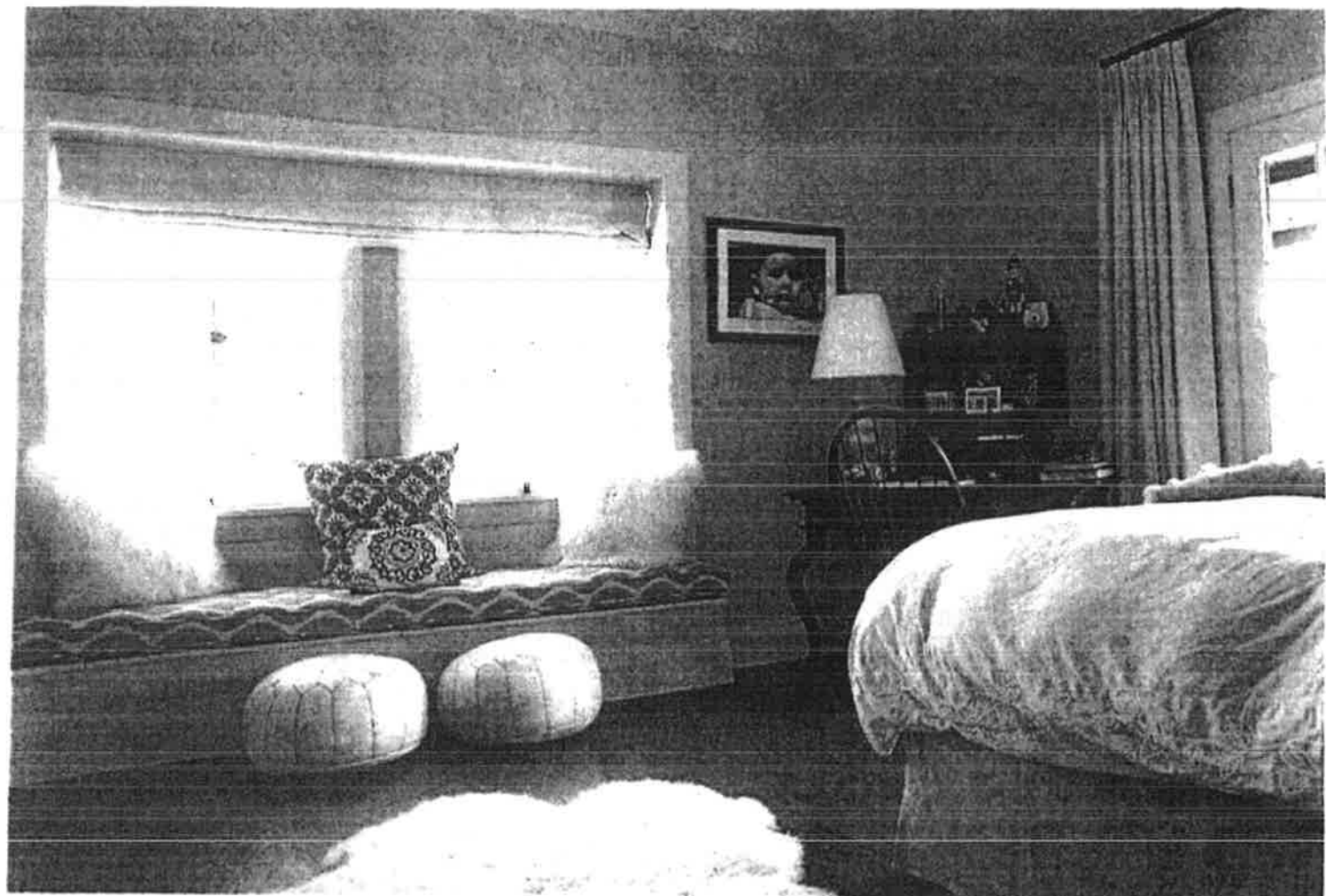


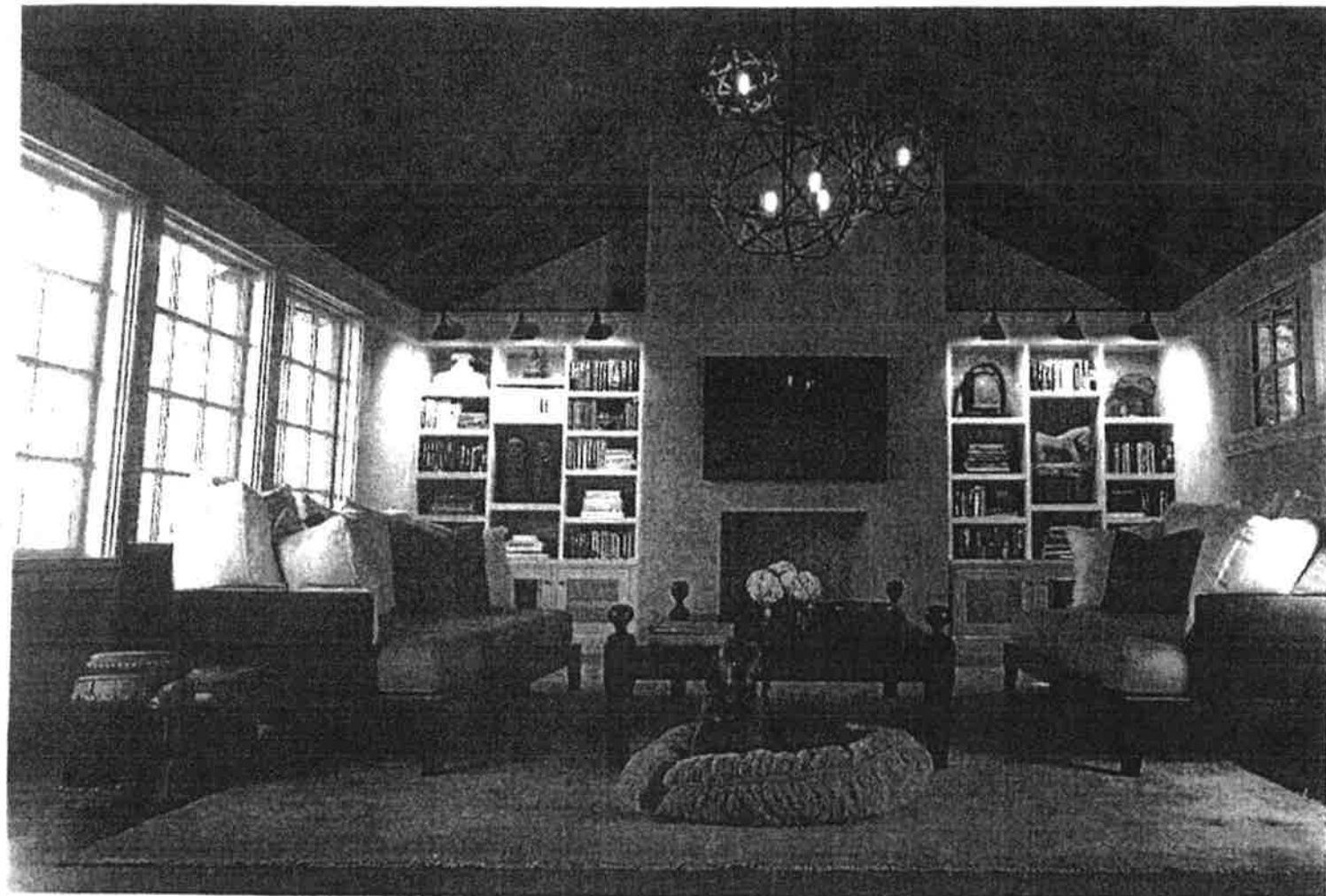












Adjustments to the timeline to reflect the actual project building timeline...

- Process with the town
- How the process with the town affected the timeline
- When the project actually should start...
- Planning process and the intent of the planning reviews
- Cite General Plan and Compliance letter
- Permit process
- Delays due to the approval process
- 3 different building reviewers

Other aspects that affected the timeline

- Sites unique character (the driveway was based on a horse, not a car)
- Staging the hillside lot to minimize impact on street
- Phased approach as driven by Mel

How the historical nature affected this time line...

Historical Aspect of the project as it added the following:

- Carey and Co., was signed up in June of 2009 to serve as the reviewing historical preservationist as required by the town and the project's prominence...
- Coordinating and accommodating the brief stops in the construction for their review
- Typical cycles of review

Additional burdens of a heritage house to meet their approval

- Material and craftsman sourcing
- Copper shingles – meeting Maybeck's original design
- 3' redwood shingles...from Eureka, custom made at 3x the cost, limited options
- Fireplace restorations...relined flues, replaced firebrick, re pointed,
- Old growth redwood,
- Slumped glass, delays due to the limited nature of options
- hardware,
- Lead glass window restoration
- Combination of old world
- Beyond normal alteration and addition
- structural restoration
- re-leveling the home
- re pointing
- Landscape reparation
- Delays due to the slumped glass production

Also, **upgrading an historic home to new energy standards** requires a step by step analysis, as opposed to a prescriptive approach.

Variety of materials and details....due to the historical nature of distinguishing the different efforts...added complexity in that 3 different construction materials and details were used.

Efforts above and beyond that affected the timeline...

- Utility to be underground, 25k and time
- Assessed was 5k to 40k increases to town...

- Walls for two different neighbors...were repaired...
- Discovery of unique conditions
- Rat infestation
- Sill plate repair and foundation re-enforcement at entry area
- Hand dig and remove all the soils under the master bedroom due to radon infestation
- Requested to put in 6 more trees in for the view up to the house...
- Hand digging due to the the protection of heritage trees...

Town of Ross
Town Council

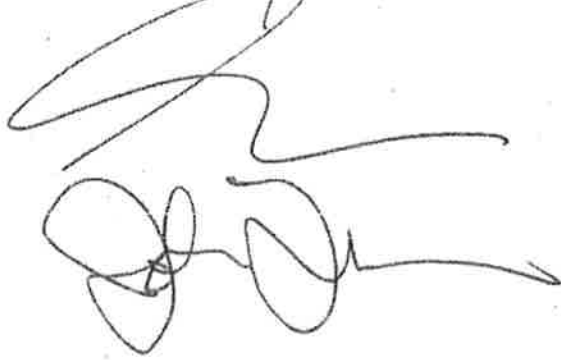
We are not supportive of enforcing any penalties on the property located at 126 Winding Way, historically known as Grey Oaks, for failure to meet the time limits for completion of construction. The minor inconvenience of an extended construction period is more than compensated for by the positive impact this iconic home will have on the neighborhood and town for years to come. As cited in chapter 15.50.020 the purpose of the code is to "implement the Ross General Plan by maintaining the town's high quality and fragile natural environment with the existing small town qualities and feeling of the community". The preservation of Grey Oaks and the recent improvements exemplifies the intent of the code. The use of rigorous construction practices and building standards ensures the existence of Grey Oaks for future generations of Ross citizens and architectural historians and students to enjoy.

The Abrams Family's dedication to complete the exacting restoration of one of Maybeck's most recognized and published residences should be honored rather than admonished.

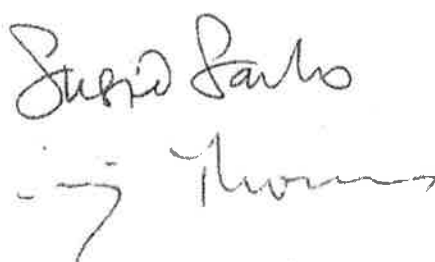
Sincerely,

Neighbors of Grey Oaks


4 CANYON RD


26 Canyon Rd.


128 Winding Way


112 Winding Way
101 Winding Way



SAN ANSELMO HISTORICAL MUSEUM

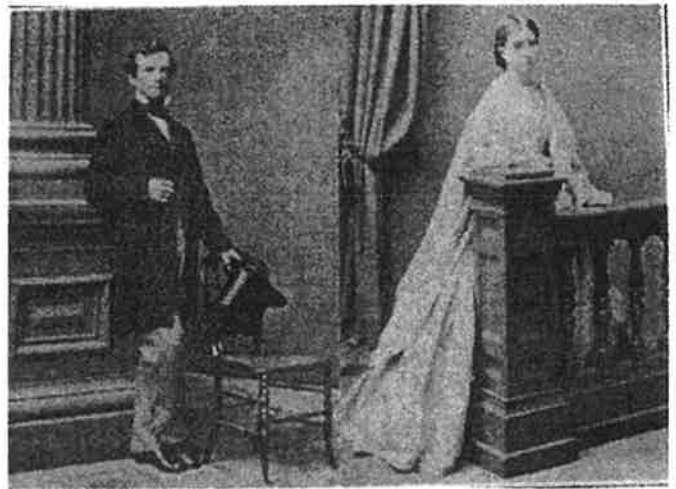
PRESERVING AND SHARING OUR TOWN'S UNIQUE HISTORY



HOME > HISTORICAL ARTICLES & RESEARCH > BARBER TRACT > THE BARBER FAMILY

THE BARBER FAMILY

William Barber was born in June 1819 in London, England, the second son of Henry Barber, a well-known physician in London. He came to the United States when he was eighteen and was naturalized in New York in June 1843. He studied law in New York and was admitted to the bar in that state. He came to California in 1851-52 and established one of the first law practices in San Francisco. He was listed with offices on Clay Street in the 1852 San Francisco Directory. In 1863, Barber's offices were in the Wells Building at the corner of Clay and Montgomery and his residence was 321 Geary. He joined in partnership with John T. Doyle, and the firm of Barber and Doyle became well-known in San Francisco, specializing in admiralty and insurance law. William Barber was at one time the district attorney of San Francisco.

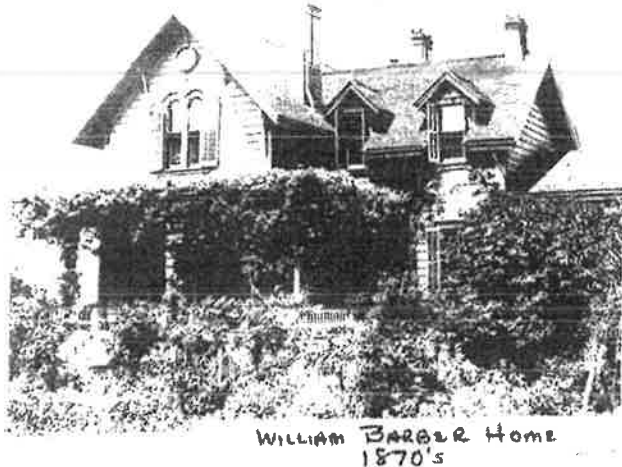


William & Elizabeth Barber

In 1862, William Barber visited the East and met and married Elizabeth Bartlett Jackson. Elizabeth was born April 2, 1837 in Boston, Massachusetts to Charles Thomas Jackson and Susan Bridge. She was a descendant of Abraham Jackson, one of the early colonists of Plymouth and of the Puritan divine, John Cotton. Her father was a Harvard-trained doctor and Boston scientist whose laboratory for research in analytical chemistry was the first of its kind in the United States. He was one of the discoverers of ether and is credited with numerous other notable scientific achievements. Elizabeth's aunt, Lydian Jackson, married Ralph Waldo Emerson.

The Barbers had two daughters: Alice Jackson Barber, born April 21, 1867, and Mary (Mamie) Dunkin

Barber, born March 20, 1869. Two sons, William and Henry, died in infancy.



Original Barber Home

Shortly after purchasing their initial 71 acres in Ross Valley in 1866, the Barbers built a home on a portion of the property and made it their primary residence. The site is now in the town of Ross (1 Garden Way in Winship Park). In the 1870 U.S. Census, William Barber is listed with Elizabeth, Alice, age 3, and Mary age 1. In the household were also two domestic servants and a laborer. The real estate was valued at \$80,000 and their personal property at \$10,000.

Ross Valley was scarcely populated in the 1870s, and the girls attended school in the little school house which Minthorne Tompkins built on his property in 1874. Miss Emma Burhans taught the Tompkins children as well as Alice and Mamie. Ralph Waldo Emerson, while traveling in California in April 1871, visited his niece Elizabeth Barber and wrote to his wife describing a day he spent with the Barbers:

"But I have not said what was on my mind when I began, that we three went to San Rafael Tuesday, to Mr. Barber's, and spent the day and night there. It is a charming home, one of the beauties of this beautiful land. All shone with hospitality and health. They showed us every kindness. The house is new and perfectly well built and appointed. His place has seventy-one acres of plain and wood and mountain, and he is a man of taste and knows and uses its values. Three or four wild deer still feed on his land, and now and then come near the house. The trees of his wood were almost all new to us—live-oak, madrona, redwood, and other pines than ours; and our garden flowers wild in all the fields." (James Elliot Cabot, A Memoir of Ralph Waldo Emerson, 1887).

In an article in the *Daily Alta California*, June 21, 1885 the house is described as follows:

"Among city people who took up their residence in the valley was William Barber, a San Francisco lawyer of the firm Doyle & Barber, a gentleman of English birth and quiet and scholarly manner whose home is situated at the lower entrance to the valley near the narrow gauge railroad. The house is an old-fashioned building with many gables, crossed by

a veranda in front, whose entire length is overhung with vines, which run up the light pillars and trail over the balustrade above. The place is not built for show and indeed is artfully withdrawn from public observation, approached by a long road winding through a grain field, and sheltered by gentle rises of ground on every side. It is an idyllic residence for a poet and a scholar and the grounds at the rear are elaborately and artistically laid out, with tangled wood paths, rustic bridges and solitary retreats, which suggest the home of N. P. Willis, Idlewild."

Furnished homes in Ross Valley were in great demand as summer rentals by wealthy San Franciscans and the Barbers frequently rented their home while they were traveling to Santa Barbara, east to visit Elizabeth's relatives, or to Europe. In 1892, they built another home on their property to rent during the summer months. The architect was Maxwell G. Bugbee, and the house exists today at 73 Winship. The house was illustrated in the April 1892 edition of California Architect and Building News noting that a "deep veranda extends along three sides, and halls and rooms are spacious and arranged for comfort and convenience."



Architect's drawing of the 1892 summer rental (73 Winship)

On July 9, 1896, the Barber's original 30 year old home burned to the ground.

The fire started in the kitchen chimney, and fortunately a large group of volunteers were able to save furniture, silver and an extensive library of rare

books from the downstairs rooms before the fire destroyed the home. The barn was also saved. The Barber's camped out for the summer while a new home was built on the original site (1 Garden Way). The architect was again Maxwell G. Bugbee. Viewed from the front today, the house looks very much as it did in early photographs with its steeply-pitched roofs.



73 Winship (known as Gray House), c. 1901



c. 1901

In 1900, the Barber household included William, Elizabeth, Alice, and Mary as well as Helen Flaherty, a 28 year old Irish housekeeper, Agnes Morrison, a 29 year old nurse, Ah Ling, a 24 year old Chinese cook, and John Harlan, a 32 year old Irish coachman.

William Barber died on April 7, 1901. Even though he continued to be listed as an attorney in the San Francisco Directory up until 1899, he spent his last years in quiet retirement in Ross Valley, perhaps fishing for steelhead and salmon in the San Anselmo creek which ran through his property. He became interested in his father-in-law's discovery of ether and the controversy that ensued and wrote an article "Dr. Jackson's Discovery of Ether" which appeared in the National Magazine in October 1896. Elizabeth Barber died from complications of heart and lung disease on December 27th, 1908 at the age of 73.

On October 30, 1910, at the age of 43, Alice J. Barber married Edwin Floyd Jones, an auto dealer. The wedding took place at the "Barber Place" which was at this time at 73 Winship. Mary was maid of honor. Sadly the marriage was to last less than three years, as Edwin Floyd Jones died of a heart attack on August 13, 1913 while eating a meal with friends at a restaurant in San Rafael. Alice never remarried.

She lived in a home at Rocky Point on land that her mother had deeded to her in 1905. For many years her gardener and driver, James Reynolds, lived on the property. Alice died on April 22, 1942, the day after her 75th birthday.

Mary D. Barber never married. She built a home at 78 Alta Vista in about 1908 on land deeded to her by her mother. The house was described as a beautifully designed craftsman house with a side gable and an exterior faced with vertical tongue and groove boards. The original entrance was at the back with a curving garden walk leading to second story entry stairs.

Mary Barber was a talented painter and writer and seems to have been of adventurous spirit as well. In an article, "Salvage", published in the Overland Monthly in December 1909, she wrote about the salvage of the steamer R. D. Inman which ran aground near Duxbury Reef in Bolinas. Mary also had a home in Bolinas (she acquired the land in 1907) and from there she watched the progress of the salvage effort. She and a female companion were the first women to board the ship and on one visit they donned a 140 lb. diving suit. In 1918 Mary published a small booklet, "Winter Butterflies in Bolinas."

In January 1929, at age 59, Mary suffered a nervous breakdown and, while undergoing treatment at Stanford Hospital, committed suicide. The Marin Journal reported that she fashioned a noose out of clothing and hung herself from the door hinge. A very sad ending! She bequeathed her home to Malcolm S. Edgar, the doctor who attended her during her three years' illness, and another \$40,000 (described as 1/4 of her estate) to Stanford Hospital for benevolent medical and surgical work. She left her Bolinas property to Mary D. (Stearns) Burke, the niece of Adeline E. Kent and a friend since childhood. Donald E. Perry was the executor of her estate.

BARBER TRACT HISTORY



A Notable Neighborhood

The Barber Family

Sale of the Barber Lands

Barber Tract – Lots 4 & 5

Barber Tract – Lots 6 & 7

Barber Tract – Lot 8

Barber Tract – Lot 9

Barber Tract – Lot 10

Barber Tract – Lot 11

Barber Tract – Lots 16 & 17

Barber Tract – Lots 18 & 19

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ATTACHMENT F

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Hunt, 73 Winship Ave., Variance, Design Review, Demolition Permit, File 1589
Date: January 3, 2013

I. Project Summary and Description

Owner: Brian and Erica Hunt
Location: 73 Winship Avenue
A.P. Number: 72-162-15
Zoning: R-1:B-A (Single Family Residence, 1 acre minimum lot size)
General Plan: Very Low Density (.1-1 units per acre)
Flood Zone: Zone X (outside 1-percent annual chance floodplain)

Project Description:

Design review, variance and demolition permit for modifications to the main residence, a nonconforming structure, for limited window and exterior door replacement and to add a new 2,640 square foot, unfinished, basement for a storage and mechanical room. The project also includes reconstruction of the attached garage to the east of the residence. New landscaping is proposed including a new swimming pool south of the main residence. Design review is required for grading to distribute soil from the basement and pool excavation to create a landscaped, soil berm, up to 24 inches tall, within the west and north yard setback areas. 630 cubic yards of cut and 630 cubic yards of fill are proposed. A fence height variance is requested to allow an 8 foot tall concrete fence along Sir Francis Drake Boulevard. The fence would be buried 2 feet in the soil berm, for an apparent height of 6 feet.

Gross Lot Area	58,000 square feet
Lot Area (less Ivy road easement)	49,850 square feet
Existing Floor Area Ratio	20.3%
Proposed Floor Area Ratio	20.3% (15% permitted)
Existing Lot Coverage	15.9%
Proposed Lot Coverage	15.9% (15% permitted)
Existing Impervious Surfaces	11.1%
Proposed Impervious Surfaces	5.8%

The attached garage, cottage and rental unit building are nonconforming in setbacks.

II. Background

The Town Council considered a project for this site in October 2012. That project included modifications to the cottage structure and detached garage. Consideration of the modifications proposed to the main residence was deferred for issues related to its status as a historic structure.

The main residence dates to 1892. The house was built by the Barber family, a notable Ross

Valley family, and designed by architect Maxwell G. Bugbee. According to local historian Susan Nielsen, the residence is "one of the oldest and most historically significant house in Ross." The Coddington family purchased the home in 1922, directly from William Barber's daughters and heirs (Alice and Mary). In the 120 years since its construction, only three families have owned the house: the Barbers for 30 years, the Coddington family for 89 years, and now the applicants. According to preliminary research by a Town-retained architectural historian, the main residence would qualify for listing on State and Federal historic registers due to the association with the Barber family, the architect, and since the structure retains its historic "integrity."

The applicants have submitted plans to restore and remodel the main residence on the site. The project will also involve construction of a new pool and pool house and excavation of a basement under the main residence.

The project was considered by the Advisory Design Review Group in July 2012. The project was well received by the Advisory Design Review group and those that attended the ADR meeting. A couple of residents supported the basement work since the applicants are restoring the historic building, which is a benefit to the Town. The applicant has made modifications to the design that respond to the ADR Groups concerns, including eliminating modifications to visible eyebrow windows. Minutes for the meeting are attached.

Exterior changes are proposed to each elevation of the residence. Some modifications remove prior alterations. Most of the original structure and details are proposed to be retained. If the project "may cause a substantial adverse change in the significance of a historical resource" an Environmental Impact Report must be prepared for the project. The proposed plans have been reviewed by the applicant's architectural historic consultant, who indicates that the project will comply with the Secretary of Interior Standards and will not result in a substantial adverse change to its historic significance. Due to conflict of interest, staff has asked the Town's historic consultant to peer review the applicant's report to advise the town regarding the historic issue. As of the date of this report, staff has not yet received an opinion from the Town consultant. However, staff has included conditions of approval to reflect anticipated concerns that will be raised by the Town's consultant. Any further recommendations will be presented to the Town Council prior to or at the public meeting on the project.

III. Discussion

The intent of the project is to restore the residence and bring it up to modern standards. See the applicants' project description, attached. Putting aside issues of CEQA and historic structures, staff has no objections to the improvements proposed to the existing residence and believe it will result in a residence, attached garage and landscape that are improved in appearance, safety and quality.

Oak Way

Residents of Oak Way have expressed concerns regarding the poor condition of the road. The road is entirely on the applicants' site and is a private road. Adjacent neighbors have road easements over the project site. Staff recommends a condition of approval, similar to the condition the Council recently included for the project at 2 Upper Road West, which requires the applicant to restore the road to the existing condition after construction, but does not place the full cost of road repair on the applicant. Neighbors could participate in the private road

maintenance and improvement as outlined under State law.

Historic Structure Issues

Staff anticipates that the Town's historic consultant will want to minimize exterior changes as much as possible. Staff has included conditions of approval to address anticipated concerns, which may be amended at the Council meeting if necessary.

Variance for Front Yard Wall Over 6 Feet Tall

The applicants propose a new 8-foot tall concrete wall with a simulated stone finish along Sir Francis Drake Boulevard and Winship. Up to two feet of the wall would be buried in soil from the pool/basement excavation and the wall is proposed to be landscaped with 1-gallon creeping fig plants and 5-gallon shrubs to soften the appearance of the wall from the public vantage points. Story poles will be installed to reflect the top and bottom of the wall.

Design review and a fence height variance are required for the wall. The Town's design review ordinance states that fences and walls "should be aesthetically attractive and not create a walled-in feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back a sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance" (R.M.C. §18.41.100(g.)) As a result, the Town Council has not traditionally been supportive of solid fencing or walls along most roadways in excess of four feet in height. Six foot tall solid fences have, however, been approved along Sir Francis Drake Boulevard due to the noise concerns associated with the heavy traffic flow along that right-of-way.

Staff did not have the opportunity to review story poles for the proposed fencing prior to preparation of the staff report. The proposed landscaping will eventually grow to cover the fence. A tree report submitted by the applicant recommends tree protection in association with the berm and wall construction.

A similar variance for a wall on Sir Francis Drake was approved by the Council in May 2008 for 18 Ross Terrace (former Marin General Hospital site). However, that wall was set back and uphill from the roadway. That project included 5-gallon creeping fig, which now cover the wall. A height variance was also granted for Sean and Robin Wright Penn, (corner of Laurel Grove and Sir Francis Drake, to allow a taller wall along Walters Road. The Penn's wall along Sir Francis Drake Boulevard may be bermed as the applicants propose.

Staff is concerned regarding maintenance of the bermed soil, which would be located adjacent to a watercourse area at the side of the roadway and would like to have additional time to consider the location and story poles. A condition of approval clarifies that the property owners are required to maintain the waterway. Staff is also wary of any potential traffic noise impacts the concrete wall may generate for other sites if sound waves are reflected or bounced off the wall. If the wall is approved, staff would recommend at least 5-gallon size climbing vines to give the vines a head start to cover the wall and possibly absorb sound.

Since staff was unable to review the story poles for the fencing. At this time staff recommends a standard (or sound insulated) 6 foot tall wood fence, on existing grade, located at least five feet back from the property line to allow for adequate screening landscaping, to minimize traffic

related noise impacts.

Revised detached garage design

The applicant has modified the design of the detached garage that Council considered in October and staff is in support of the new design proposed for that structure.

Basement Area

The applicant is proposing to excavate under the residence for a new basement. Since a portion of the residence is already elevated above grade, most of the basement area will only be partially below-grade. The basement would have up to 7' 6" of floor to ceiling height and, if not finished, would not be considered new floor area. Council has discouraged creation of new basement areas, which typically result in construction impacts including dust, extended construction time, modification to natural drainage patterns, and concerns with increased site runoff. In addition, the Town has experienced issues with basements finished during or after construction for additional living area.

The applicants indicate that a consultant confirmed that the water table is not low at the site and that the basement will not impact natural runoff. Staff does not have a copy of this report. There is much room on site to disperse any water that may be collected around the perimeter of the basement on site.

To be consistent with other decisions, staff would recommend denial of the basement. There is sufficient floor area available to locate mechanical equipment at the rear of the oversized garage or in another area of the residence. Since site development exceeds the guideline maximum of 10,000 square feet, staff recommends that, if any basement area is approved, the Council consider limiting the ceiling height of the area to preclude its future conversion to living space.

IV. Recommendation

That the Town Council, after carefully reviewing the facts and the arguments presented after a public hearing, site visits, review of story poles, staff reports, correspondence, and other information contained in the project file approve the remodel of the residence, reconstruction of the garage, new pool, approve a fence up to 6 feet tall on grade and deny the basement, with the following Findings and subject to the following Conditions of Approval:

A. Findings

1. **CEQA** Based on the historic resource evaluation prepared by Courtney Damkroger, and as conditioned, 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 a remodel of a single family residence and accessory structures, under CEQA Guideline Section 15331, historical resource restoration/rehabilitation, as a project limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. 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.

2. Demolition Permit

a) The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.

b) The proposed redevelopment of the site protects the attributes, integrity, historical character and design scale of the neighborhood and preserves the "small town" qualities and feeling of the town.

c) The project is consistent with the Ross general plan and zoning ordinance.

d) The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposed project is intended to preserve a structure of historic significance. As conditioned, demolition is limited.

3. Variance

a) Special Circumstances. That there are special circumstances or conditions applicable to the land, building or use referred to in the application. There are 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.

b) Substantial Property Rights. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.

c) Public Welfare. 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.

[If height variance approved for fence] The variance allows a new fence to be constructed at the site which is over 6 feet tall. The site is adjacent to Sir Francis Drake Boulevard, which creates traffic noise impacts. See applicant's statement, attached.

The variances allow preservation of a historic structure. Existing setbacks would be maintained and do not create detriment to the closest neighbors or the public.

4. Design Review

a) The project is consistent with the purposes of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010:

(1) To preserve and enhance the "small town" feel and the serene, quiet character of its neighborhoods are special qualities to the town. The existing scale and quality of

architecture, the low density of development, the open and tree-covered hills, winding creeks and graciously landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environment co-exist in harmony and to sustain the beauty of the town's environment.

(2) 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. Promote high-quality design that enhances the community, is consistent with the scale and quality of existing development and is harmoniously integrated with the natural environment;

(3) 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 through maintaining historic design character and scale, preserving natural features, minimizing overbuilding of existing lots and retaining densities consistent with existing development in Ross and in the surrounding area;

(4) 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. Ensure that site design and intensity recognize site constraints and resources, preserve natural landforms and existing vegetation, and prevent excessive and unsightly hillside grading;

(5) Enhance important community entryways, local travel corridors and the area in which the project is located;

(6) Promote and implement the design goals, policies and criteria of the Ross general plan;

(7) Discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression;

(8) Preserve buildings and areas with historic or aesthetic value and maintain the historic character and scale. Ensure that new construction respects and is compatible with historic character and architecture both within the site and neighborhood;

(9) Upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site.

(10) Preserve natural hydrology and drainage patterns and reduce storm water runoff associated with development to reduce flooding, streambank erosion, sediment in storm water drainage systems and creeks, and minimize damage to public and private facilities. Ensure that existing site features that naturally aid in storm water management are protected and enhanced. Recognize that every site is in a watershed and storm water management is important on both small and large sites to improve storm water quality and reduce overall runoff.

The project will preserve an existing residence and involves construction of a new garage to replace a dilapidated structure. The project will upgrade the appearance of the structure and is compatible with the surroundings.

b) The project is in substantial compliance with the design criteria of Ross Municipal Code Section 18.41.100.

(1) Preservation of Natural Areas and Existing Site Conditions.

(a) The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum. Development should minimize the amount of native vegetation clearing, grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses, considering zones of defensible space appropriate to prevent the spread of fire.

(b) Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.

(c) Lot coverage and building footprints should be minimized where feasible, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, forested areas, and steep slopes shall be a priority for preservation and open space.

The site was previously disturbed and contains little native vegetation. Significant trees will be preserved.

(2) Relationship Between Structure and Site. There should be a balanced and harmonious relationship among structures on the site, between structures and the site itself, and between structures on the site and on neighboring properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site.

The project would maintain the existing site configuration.

(3) Minimizing Bulk and Mass.

(a) New structures and additions should avoid monumental or excessively large size out of character with their setting or with other dwellings in the neighborhood. Buildings should be compatible with others in the neighborhood and not attract attention to themselves.

(b) To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single-plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety and to break up building plans. The development of dwellings or dwelling groups should not create excessive mass, bulk or repetition of design features.

The massing proposed is very similar to the existing structures.

(4) Materials and Colors.

(a) Buildings should use materials and colors that minimize visual impacts, blend with the existing land forms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Colors and materials should

be compatible with those in the surrounding area. High-quality building materials should be used.

(b) Natural materials such as wood and stone are preferred, and manufactured materials such as concrete, stucco or metal should be used in moderation to avoid visual conflicts with the natural setting of the structure.

(c) Soft and muted colors in the earthtone and woodtone range are preferred and generally should predominate.

Existing siding materials are proposed to be replaced in kind and new finishes are proposed.

(5) Drives, Parking and Circulation.

(a) Good access, circulation and off-street parking should be provided consistent with the natural features of the site. Walkways, driveways, curb cuts and off-street parking should allow smooth traffic flow and provide for safe ingress and egress to a site.

(b) Access ways and parking areas should be in scale with the design of buildings and structures on the site. They should be sited to minimize physical impacts on adjacent properties related to noise, light and emissions and be visually compatible with development on the site and on neighboring properties. Off-street parking should be screened from view. The area devoted to driveways, parking pads and parking facilities should be minimized through careful site planning.

(c) Incorporate natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for storm water infiltration, percolation and absorption.

No modifications to the existing parking are proposed. The project would improve covered parking at the site by making the garage structure a functional garage.

(6) Exterior Lighting. Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.

No exterior lighting is proposed. A condition of approval addresses lighting.

(7) Fences and Screening. Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically attractive and not create a "walled-in" feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance.

See discussion above.

(8) Views. Views of the hills and ridgelines from public streets and parks should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.

The project does not affect public views.

(9) Natural Environment.

(a) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgeland, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

(b) Development in upland areas shall maintain a setback from creeks or drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards.

(c) Development in low-lying areas shall maintain a setback from creeks or drainageways consistent with the existing development pattern and intensity in the area and on the site, the riparian value along the site, geologic stability, and the development alternatives available on the site. The setback should be maximized to protect the natural resource value of the riparian area and to protect residents from geologic and flood hazards.

(d) The filling and development of land areas within the one-hundredyear flood plain is discouraged. Modification of natural channels of creeks is discouraged. Any modification shall retain and protect creekside vegetation in its natural state as much as possible. Reseeding or replanting with native plants of the habitat and removal of broom and other aggressive exotic plants should occur as soon as possible if vegetation removal or soil disturbance occurs.

(e) Safe and adequate drainage capacity should be provided for all watercourses.

The site is not near a natural watercourse and has little native vegetation. The project would only disturb previously disturbed areas of the site.

(10) Landscaping.

(a) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

(b) Landscaping should include appropriate plantings to soften or screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers and transformers.

(c) Landscape plans should include appropriate plantings to repair, reseed and/or replant disturbed areas to prevent erosion.

(d) Landscape plans should create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire.

(e) Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

Limited new landscaping is proposed. Mature trees will be protected.

(11) Health and Safety. Project design should minimize the potential for loss of life, injury or damage to property due to natural and other hazards. New construction must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire-preventive site design, landscaping and building materials, and fire-suppression techniques and resources. Development on hillside areas should adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. New development in areas of geologic hazard must not be endangered by nor contribute to hazardous conditions on the site or on adjoining properties.

The project must comply with the current Fire and Building Codes.

(12) Visual Focus.

(a) Where visibility exists from roadways and public vantage points, the primary residence should be the most prominent structure on a site. Accessory structures, including but not limited to garages, pool cabanas, accessory dwellings, parking pads, pools and tennis courts, should be sited to minimize their observed presence on the site, taking into consideration runoff impacts from driveways and impervious surfaces. Front yards and street side yards on corner lots should remain free of structures unless they can be sited where they will not visually detract from the public view of the residence.

(b) Accessory structures should generally be single-story units unless a clearly superior design results from a multilevel structure. Accessory structures should generally be small in floor area. The number of accessory structures should be minimized to avoid a feeling of overbuilding a site. Both the number and size of accessory structures may be regulated in order to minimize the overbuilding of existing lots and attain compliance with these criteria.

The existing residence will remain the primary structure on the site. The cottage and garage structure maintain the size of structures that have been in place at the site for over 80 years.

(13) Privacy. Building placement and window size and placement should be selected with consideration given to protecting the privacy of surrounding properties. Decks, balconies and other outdoor areas should be sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping should be provided to protect privacy between properties.

The project will not create new views towards adjacent sites.

(14) Consideration of Existing Nonconforming Situations. Proposed work should be evaluated in relationship to existing nonconforming situations, and where determined to be feasible and reasonable, consideration should be given to eliminating nonconforming situations as a condition of project approval.

The structure is historic and the Town seeks to maintain the existing site development.

(15) Relationship of Project to Entire Site.

(a) Development review should be a broad, overall site review, rather than with a narrow focus oriented only at the portion of the project specifically triggering design review. All information on site development submitted in support of an application constitutes

the approved design review project and, once approved, may not be changed by current or future property owners without town approval.

(b) Proposed work should be viewed in relationship to existing on-site conditions. Pre-existing site conditions should be brought into further compliance with the purpose and design criteria of this chapter as a condition of project approval whenever reasonable and feasible.

The project maintains the historic development pattern at the site and will improve the appearance of existing structures that are in disrepair.

(16) Relationship to Development Standards in Zoning District. The town council may impose more restrictive development standards than the standards contained in the zoning district in which the project is located in order to meet these criteria.

The project maintains the size of existing structures. There is no need to impose more restrictive development standards to meet the design criteria.

(17) Project Reducing Housing Stock. Projects reducing the number of housing units in the town, whether involving the demolition of a single unit with no replacement unit or the demolition of multiple units with fewer replacement units, are discouraged; nonetheless, such projects may be approved if the council makes findings that the project is consistent with the neighborhood and town character and that the project is consistent with the Ross general plan.

The project does not reduce housing stock and will result in the preservation of housing stock.

(18) Maximum Floor Area. Regardless of a residentially zoned parcel's lot area, a guideline maximum of ten thousand square feet of total floor area is recommended. Development above guideline floor area levels may be permitted if the town council finds that such development intensity is appropriate and consistent with this section, the Ross municipal Code and the Ross general plan. Factors which would support such a finding include, but are not limited to: excellence of design, site planning which minimizes environmental impacts and compatibility with the character of the surrounding area.

The total existing floor area is 10,111 square feet. The proposed project maintains the existing floor area. The floor area is divided between 5 structures for 5 residential units. Since the project maintains existing structures within their current massing and footprint, the existing floor area is part of the existing character of the surrounding area.

(19) Setbacks. All development shall maintain a setback from creeks, waterways and drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards. A minimum fifty foot setback from the top of bank is recommended for all new buildings. At least twenty-five feet from the top of bank should be provided for all improvements, when feasible. The area along the top of bank of a creek or waterway should be maintained in a natural state or restored to a natural condition, when feasible.

There is no creek at the site.

(20) Low Impact Development for Storm water Management. Development plans should strive to replicate natural, predevelopment hydrology. To the maximum extent possible,

the post-development stormwater runoff rates from the site should be no greater than pre-project rates. Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. An applicant may be required to provide a full justification and demonstrate why the use of Low Impact Development (LID) design approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

(a) Maximize Permeability and Reduce Impervious Surfaces. Use permeable materials for driveways, parking areas, patios and paths. Reduce building footprints by using more than one floor level. Pre-existing impervious surfaces should be reduced. The width and length of streets, turnaround areas, and driveways should be limited as much as possible, while conforming with traffic and safety concerns and requirements. Common driveways are encouraged. Projects should include appropriate subsurface conditions and plan for future maintenance to maintain the infiltration performance.

(b) Disperse Runoff On Site. Use drainage as a design element and design the landscaping to function as part of the stormwater management system. Discharge runoff from downspouts to landscaped areas. Include vegetative and landscaping controls, such as vegetated depressions, bioretention areas, or rain gardens, to decrease the velocity of runoff and allow for stormwater infiltration on-site. Avoid connecting impervious areas directly to the storm drain system.

(c) Include Small-Scale Storm water Controls and Storage Facilities. As appropriate based on the scale of the development, projects should incorporate small-scale controls to store stormwater runoff for reuse or slow release, including vegetated swales, rooftop gardens or "green roofs", catch-basins retro-fitted with below-grade storage culverts, rain barrels, cisterns and dry wells. Such facilities may be necessary to meet minimum stormwater peak flow management standards, such as the no net increase standard. Facilities should be designed to minimize mosquito production.

A drainage plan is required to be submitted with the building permit application. Impervious surfaces are limited to existing levels.

c) The project is consistent with the Ross general plan and zoning ordinance.

(1) Ross General Plan Policy (RGP) 1.1 Protection of Environmental Resources. Protect environmental resources, such as hillsides, ridgelines, creeks, drainage ways, trees and tree groves, threatened and endangered species habitat, riparian vegetation, cultural places, and other resources. These resources are unique in the planning area because of their scarcity, scientific value, aesthetic quality and cultural significance.

(2) RGP 1.2 Tree Canopy Preservation. Protect and expand the tree canopy of Ross to enhance the beauty of the natural landscape. Recognize that the tree canopy is critical to provide shade, reduce ambient temperatures, improve the uptake of carbon dioxide, prevent erosion and excess stormwater runoff, provide habitat for wildlife and birds, and protect the ecosystem of the under-story vegetation.

(3) RGP 1.3 Tree Maintenance and Replacement. Assure proper tree maintenance and replacement.

(4) RGP 1.4 Natural Areas Retention. Maximize the amount of land retained in its natural state. Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

(5) RGP 2.1 Sustainable Practices. Support measures to reduce resource consumption and improve energy efficiency through all elements of the Ross General Plan and Town regulations and practices, including:

(a) Require large houses to limit the energy usage to that of a more moderately sized house as established in design guidelines.

(b) Choose the most sustainable portion of a site for development and leaving more of a site in its natural condition to reduce land impacts on the natural environment.

(c) Use green materials and resources.

(d) Conserve water, especially in landscaping.

(e) Increase the use of renewable energy sources, including solar energy.

(f) Recycle building materials.

(6) RGP 2.2 Incorporation of Resource Conservation Measures. To the extent consistent with other design considerations, public and private projects should be designed to be efficient and innovative in their use of materials, site construction, and water irrigation standards for new landscaping to minimize resource consumption, including energy and water.

(7) RGP 2.3 Reduction in the Use of Chemicals and Non-Natural Substances. Support efforts to use chemical-free and toxic free building materials, reduce waste and recycle building waste and residential garbage. Encourage landscape designs that minimize pesticide and herbicide use.

(8) RGP 2.4 Footprints of Buildings. Utilize smaller footprints to minimize the built area of a site and to allow the maximum amount of landscaped and/or permeable surfaces.

(9) RGP 3.1 Building and Site Design. Design all structures and improvements to respect existing natural topographic contours. Open areas and buildings shall be located to protect land forms and natural site features, including cultural places and resources, wherever possible. Where feasible, site development must avoid intact or previously disturbed cultural resources during excavation and grading.

(10) RGP 3.2 Landscape Design. Where appropriate, encourage landscape designs that incorporate existing native vegetation, enhance the cohesiveness of the Town's lush, organic landscape and integrate new planting with existing site features. Plans shall recognize the importance of open space on a lot and shall address the look and feel of the space between structures so as to avoid overbuilding.

(11) RGP 3.3 Buildings on Sloping Land. New buildings and additions to existing residential buildings constructed on sloping land should be designed to relate to the current landforms with the goal of integrating the building with the site (e.g., step with the slope). Low retaining walls are encouraged where their use would minimize uphill cutting, and

large single-plane retaining walls should be avoided. Cut and fill areas and on/off-hauling should be minimized, especially in locations of limited or difficult access. Special care should be taken to final grade all disturbed areas to a natural appearing configuration and to direct stormwater runoff to areas where water can naturally infiltrate the soil.

(12) RGP 3.4 Bulk, Mass and Scale. Minimize the perception of building bulk and mass so that homes are not out of scale, visually or structurally, with neighboring residences and their setting. Consider building bulk and mass during the design review process, and when applying requirements and guidelines addressing Floor Area Ratio (FAR), maximum home floor area and other development standards. Building heights should stay in scale with surrounding vegetation and buildings.

(13) RGP 3.5 View Protection. Preserve views and access to views of hillsides, ridgelines, Mt. Tamalpais and Bald Hill from the public right-of-way and public property. Ensure that the design look and feel along major thoroughfares maintains the "greenness" of the Town.

(14) RGP 3.6 Windows, Roofs, and Skylights. Window and skylight size, placement and design should be selected to maximize the privacy between adjacent properties. To the extent consistent with other design considerations, the placement and size of windows and skylights should minimize light pollution and/or glare.

(15) RGP 3.7 Materials and Colors. Buildings should be designed using high-quality materials and colors appropriate to their neighborhood and natural setting.

(16) RGP 3.8 Driveways and Parking Areas. Driveways and parking areas should be designed to minimize visibility from the street and to provide safe access, minimal grading and/or retaining walls, and to protect water quality. Permeable materials should be used to increase water infiltration. Driveways and parking areas should be graded to minimize stormwater runoff.

(17) RGP 4.1 Historic Heritage. Maintain the historic feel of Ross by preserving and maintaining historic buildings, resources and areas with recognized historic or aesthetic value that serve as significant reminders of the past.

(18) RGP 4.2 Design Compatibility with Historic Resources. Require new construction to harmonize with existing historic buildings and resources, and ensure a compatibility of landscaping with Ross' historic character.

(19) RGP 4.4 Preservation of Existing Housing Supply. Discourage the demolition or combining of existing residential units that will reduce the supply of housing in Ross.

(20) RGP 4.5 Archaeological Resources. Implement measures to preserve and protect archaeological resources. Whenever possible, identify archaeological resources and potential impacts on such resources. Provide information and direction to property owners in order to make them aware of these resources. Require archaeological surveys, conducted by an archaeologist who appears on the Northwest Information Center's list of archaeologists qualified to do historic preservation fieldwork in Marin County, in areas of documented archaeological sensitivity. Develop design review standards for projects that may potentially impact cultural resources.

(21) RGP 5.1 Location of Future Development. Development will only be

permitted in areas where risks to residents can be adequately mitigated.

(22) RGP 5.2 Geologic Review Procedures. At the time a development is proposed, Ross geologic and slope stability maps should be reviewed to assess potential geologic hazards. In addition, suitability for development must be based on site-specific geotechnical investigations.

(23) RGP 5.3 Fire Resistant Design. Buildings should be designed to be fire defensive. Designs should minimize risk of fire by a combination of factors including, but not limited to, the use of fire-resistant building materials, fire sprinklers, noncombustible roofing and defensible landscaping space.

(24) RGP 5.4 Maintenance and Landscaping for Fire Safety. Ensure that appropriate fire safety and landscaping practices are used to minimize fire danger, especially in steeper areas. Due to the high fire hazard in the steeper areas of Town, special planting and maintenance programs will be required to reduce fire hazards in the hills and wildland areas, including removal of invasive non-native vegetation such as broom, acacia and eucalyptus.

(25) RGP 5.5 Fire Safety in New Development. New construction will adhere to all safety standards contained in the Building and Fire Code. Hazards to life and property shall be minimized by such measures as fire preventive site design, fire resistant landscaping and building materials, and the use of fire suppression techniques and resources.

(26) RGP 5.6 Noise/Land Use Compatibility Standards. The Land Use/Noise Compatibility Standards (see Figure 8) apply to the siting and design of new structures and substantial remodels. Any project that is located in a "conditionally acceptable" or "normally unacceptable" noise exposure area will be required to prepare an acoustical analysis. Noise mitigation features may be required by the Town.

(27) RGP 5.7 Noise Standards for Exterior Residential Use Areas. The noise standard for exterior use areas (such as backyards) in residential areas is 55dB (decibels) Ldn (a day-night weighted 24-hour average noise level). All areas of Ross meet this standard except for those properties located along Sir Francis Drake Boulevard. General Plan policy requires that any new residential construction meet this standard.

(28) RGP 5.8 Interior Noise Standards. Protect the community against the effects of intrusive and unhealthy exterior noise sources. Establish interior noise standards for new residential and residential health care projects of 40dB (Ldn) for bedrooms and 45dB (Ldn) for other rooms — decibel levels determined based on a day-night weighted 24-hour average noise level.

(29) RGP 5.10 Traffic and Construction Noise. Require mitigation of construction and traffic noise impacts on the ambient noise level in the Town.

(30) RGP 5.12 Access for Emergency Vehicles. New construction shall be denied unless designed to provide adequate access for emergency vehicles, particularly fire fighting equipment.

(31) RGP 6.1 Flood Protection in New Development. All new construction and substantial remodels within the 100-year floodplain must comply with the Town's floodplain regulations.

(32) RGP 6.4 Runoff and Drainage. Storm water runoff should be maintained in its natural path. Water should not be concentrated and flow onto adjacent property. Instead, runoff should be directed toward storm drains or, preferably to other areas where it can be retained, detained, and/or absorbed into the ground.

(33) RGP 6.5 Permeable Surfaces. To the greatest extent possible, development should use permeable surfaces and other techniques to minimize runoff into underground drain systems and to allow water to percolate into the ground. Landscaped areas should be designed to provide potential runoff absorption and infiltration.

(34) RGP 6.6 Creek and Drainageway Setbacks, Maintenance and Restoration. Keep development away from creeks and drainageways. Setbacks from creeks shall be maximized to protect riparian areas and to protect residents from flooding and other hazards. Encourage restoration of runoff areas, to include but not be limited to such actions as sloping banks, providing native creek access vegetation, protecting habitat, etc., and work with property owners to identify means of keeping debris from blocking drainageways.

(35) RGP 6.7 Riparian Vegetation. Protect existing creek and riparian vegetation and encourage the use of native species during creek restoration. Assure that modification of natural channels is done in a manner that retains and protects creekside vegetation, integrates fish passage and includes habitat restoration in its natural state.

The project improves the Town housing supply. The project preserves existing mature trees. The site is accessible and is not located in a hillside area. The project results in retention of an existing residence, which preserves materials and resources. Town regulations require building materials to be recycled and limit construction days and hours. The proposed design does not expand the footprint of the structures. A drainage plan is required. The project preserves a historic resource. The bulk and mass of the structures maintains existing bulk and mass. No excavation is proposed. No changes to the existing parking are proposed.

A. Conditions of Approval, 73 Winship

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. Except as otherwise provided in these conditions, the project shall comply with the plans dated December 18, 2012, approved by the Town Council on January 10, 2013. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

2. The basement is not approved.

3. The fencing along Sir Francis Drake and Winship Avenue shall be set back at least 5 feet from the property line and shall be limited to 6 feet tall. The proposed wall landscaping is approved except one gallon plants shall be increased in size to 5 gallon plants.

4. The property owner is responsible for maintaining the watercourse between the site and Sir Francis Drake Boulevard in a free flowing condition and for removal of any weeds or other obstructions to water flow.

5. Prior to project final, the applicants shall restore Oak Way to the same condition that it is in at the time the building permit is issued.

6. A detailed plan shall be submitted with the building permit application that demonstrates that impervious surfaces will be maintained at the existing level and details impervious areas that will be removed in order to add new impervious surfaces, such as the pool. The applicants shall not receive a final on their building permit and may accrue penalties if impervious surfaces are not removed to maintain existing impervious surface levels.

7. The structure is an important historical resource for the Town of Ross and therefore it shall be mandatory that the project follow special procedures during the construction process in order to preserve, repair, and reconstruct the existing building features in accordance with the recommendations outlined in the US Department of the Interior: The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

8. It is essential that all the proposed Work performed on this historic building follow the CALIFORNIA HISTORICAL BUILDING CODE (CHBC). This code which is contained within the California Building Code (CBC) as Chapter 34, shall be the governing building code used on this Project. (Note by state law CHAPTER 34, The California Historical Building Code, Part 8 of Title 24, takes precedence over all other portions of the CBC and all other building codes that may apply to this Work).

9. Special precautions must be taken during all phase of the construction process to avoid further damage to the historically important portions of this Project which are not being renovated, reconstructed and/or restored. Where possible, these existing materials and features must be clearly marked and identified on the drawings identified in the field in order to protect them from further damage during the construction process. Some of these items shall include but not necessarily limited to the following: Existing masonry and stone features, wood trim, shingle siding, wood millwork, moldings, columns, railings, metal work, windows, doors along with other similar materials.

10. The historic character of the residence shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

11. The project includes replacement of eyebrow windows with those of a different style. Prior to issuance of a building permit for this modification, the applicant shall be substantiated by documentary, physical, or pictorial evidence that the proposed windows are more historic features than the existing eyebrow windows, or the existing eyebrow windows shall be retained.

12. New skylights shall have the minimal possible projection from the roof to minimize their observed presence on the roof. Specifications for the skylights shall be included on the plans submitted for building permit for review and approval by staff.

13. The applicant shall retain a historic resource consultant to perform inspections during critical phases of construction as specified by the Town historic resource consultant to ensure that the project complies with the approved plans. Written reports shall be provided to the Town planner. The Town planner may stop work at the site if the project exceeds demolition specified on the approved plans.

14. As proposed by the applicant, the following techniques shall be utilized

for the rehabilitation project:

a) The existing stone perimeter currently functioning as a partial foundation will be mitigated in service due to a newly proposed reinforced concrete foundation to be placed just inside the plane of the existing perimeter so as not to be visible from the exterior. Stone perimeter is to be preserved as a historical element and nothing further. Where necessary, stone will be mortared in place to match existing with a simple, common, non-expanding brick mortar material. Some of the foundation is visible and does not include stone works but does include brick. All brick will be replaced at foundation with new, reinforced concrete foundation with natural soil covering up to the last 6" or less of new foundation. Current areas of foundation that include concrete will be replaced with new foundation and same rules will apply as aforementioned brick conditions.

b) Existing siding includes some amount of cedar shingles. Said shingles are to remain as existing and if necessary, new shingles of like kind cedar shall be replaced as needed using galvanized fasteners or better weather resistant hardware such as stainless or coated deck screws. Any new replacement shingles, if needed, will be stain lock prime in oil base primer, and then painted to match the siding color.

c) Any window replacement will be with wood clad windows to match existing yet take advantage of advancements in insulation, operability, and functionality of high quality window production today.

d) Any replacement trim to be of appropriate exterior-use wood material and will match existing wood trim in profile and size.

e) All upper decking handrail to be of wood material to match original.

f) New skylights shall be of metal, weather resistant material with wood interior to be painted to match interior trim. They shall be installed in a manner that they mirror slope of roof and new curb construction of wood can be removed if desired at a later date to restore roof to a pre-skylight installation condition.

g) Existing, attached garage to be constructed with a similar roofline to the Victorian era structure. Siding of garage to be of a channel or v-rustic exterior finger joint cedar wood to be painted a shade of color that compliments but does not duplicate original Victorian structure. Eyebrow roof ventilation elements for garage structure to be installed similar to the original eyebrow fenestrations of the Victorian structure. No glass shall be utilized in the garage roof ventilations. Roof ventilation elements to be constructed of unpainted redwood in horizontal pattern with galvanized or better exterior material to prohibit pest entry. The garage roof ventilation details and the roofline of the garage; will be used as characterizations of the Victorian structure to which it is attached and will use these design reference motifs with a clear differentiation from the historic structure. Composition shingle roofing shall be utilized in a different yet complimentary color from the historic structure to further show differentiation of the ages of the two adjoining structures.

15. 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.

16. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum "cut-off" appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

17. The Town recommends that the applicant encapsulate any lead or asbestos material if removal will result in demolition that exceeds what is permitted by the approved plans. Prior to any demolition or issuance of a building permit for the new structure, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department along with a plan for encapsulating or removing any hazards.

18. 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, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town prior to project final.

19. A Tree Protection Plan that complies with Ross Municipal Code Section 12.24.100 is required for all protected trees on or near the project site. The Tree Protection Plan shall be submitted with the building permit application.

20. Tree protection fencing shall be installed prior to permit issuance as recommended by the project arborist. The project arborist shall inspect the site prior to issuance of a building permit to determine if tree protection fencing has been properly installed and shall submit written confirmation to the town planner that the tree protection is in place prior to permit issuance.

21. The applicant shall be responsible for securing an encroachment permit from the Department of Public Works prior to any encroachment within a public right-of-way.

22. 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 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.

23. The applicant shall submit a schedule that outlines the scheduling of the site development. This 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).

24. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

25. 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.

26. Inspections shall not be provided unless the Town-approved building permit plans are available on site.

27. 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).

28. 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.

29. 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.

30. 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.

31. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final, including compliance with any applicable MMWD water-conserving landscape ordinance. Prior to project final, the applicant shall submit written evidence to the town planner that the landscaping plan has been approved by MMWD, or that it is exempt from their requirements. Any modifications to the planting and/or tree removal presented to the Town Council shall be reviewed and approved with staff prior to modification. Prior to project final, the project landscape professional shall certify that the landscaping and irrigation was installed in accordance with the approved plans.

32. The director of public works may require all electric, communication and television service laterals to be placed underground.

33. The project shall comply with all requirements of the Fire Code:

a) All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.

b) Carbon monoxide alarms shall be provided outside of each dwelling unit sleeping area in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit.

c) The applicant shall maintain an effective firebreak around the structure by removing and clearing all flammable vegetation and/or other combustible growth. Consult the Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan available online at Rossvalleyfire.org.

d) Address numbers at least 4" tall shall be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. The address numbers shall be illuminated by an adjacent light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

34. Based on the scope of the remodel, the planning department shall require sprinklers to be installed in the residence.

35. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in the Town of Ross Municipal Code Section 15.50.040, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

36. 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.

**REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JANUARY 10, 2013**

16. 73 Winship Avenue, Variance, Design Review and Demolition Permit No. 1890

Brian and Erica Hunt, 73 Winship Avenue, A.P. No. 72-162-15, R-1:B-A (Single Family Residence, 1 acre minimum lot size), Very Low Density (.1-1 units per acre). Design review, variance and demolition permit for modifications to the main residence, a nonconforming structure, for limited window and exterior door replacement and to add a new 2,640 square foot, unfinished, basement for a storage and mechanical room. The project also includes reconstruction of the attached garage to the east of the residence. New landscaping is proposed including a new swimming pool south of the main residence. Design review is required for grading to distribute soil from the basement and pool excavation to create a landscaped, soil berm, up to 24 inches tall, within the west and north yard setback areas. 630 cubic yards of cut and 630 cubic yards of fill are proposed. A fence height variance is requested to allow an 8 foot tall concrete fence along Sir Francis Drake Boulevard. The fence would be buried 2 feet in the soil berm, for an apparent height of 6 feet.

Gross Lot Area	58,000 square feet
Lot Area (less Ivy road easement)	49,850 square feet
Existing Floor Area Ratio	20.3%
Proposed Floor Area Ratio	20.3% (15% permitted)
Existing Lot Coverage	15.9%
Proposed Lot Coverage	15.9% (15% permitted)
Existing Impervious Surfaces	11.1%
Proposed Impervious Surfaces	5.8%

The residence and carport are nonconforming in setbacks.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project, except for the basement, subject to the findings and conditions outlined in the staff report including the additional conditions provided to the Council at the meeting.

Brian Hunt, owner, stated that the only issue is the elevation on the east that is visible, and they are removing an eyebrow window. He further noted that he is present to answer any questions.

Courtney Damkroger, project consultant, pointed out that as stated in the letter to staff, the proposal on a balance meets the Secretary of Interior standards. In regard to the chimney, she has become much more flexible due to seismic and liability concerns. Mr. Hunt noted not all chimneys will be removed. He stated that he could maintain the appearance of the chimney on the exterior.

Mayor Russell opened the public hearing on this item.

Susan Nielsen, Sir Francis Drake Boulevard resident, indicated that she was the co-author and editor of the History of Ross book, and noted that one of the founding fathers and a very

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important architect built this house, so it is the most important house historically in Ross. Other surrounding cities and less prestigious towns have historic guidelines. In the general plan, it is to protect the historic appearance. They wanted to make sure that the Town gave forewarning that it is a historic building. Her concerns deal with the exterior. Several historic homes must be updated, but this is a huge renovation inside and wanted to know that the gray house, which is the most important historic home, appear the same from all visible aspects. Since it is such an important historic home it should remain the same. She also expressed concern for the proposed 8-foot front wall. She further supported the fact that the Hunt's purchased the historic home and are trying to renovate. Mr. Hunt pointed out that the exterior changes are very minor and the wall proposed is a 2-foot berm with a 6-foot wall.

J.D. Abouchar, El Camino Bueno resident, has a very similar layout and is the most impacted than any neighbor and noted strong support. He had no objection to the 8-foot wall and noted that a wall is needed for safety and privacy.

Neighbor, Ross resident, stated that the eyebrow window in question is dead center to her living room window and from everything that has been shown it will not make any difference. It will be an improvement. She is very excited that this beautiful, old house is being returned to its former splendor. She further believed the Council should support wholeheartedly.

Elizabeth Brekhus, on behalf of her parents, stated that she grew up with that house in a very dilapidated condition and they are all very delighted that the Hunt's moved in and have taken on this project. She, along with her parents, have no objection to the wall in regard to safety and privacy. They very much supported what the Hunt's propose.

Peter Nelson, Circle Drive resident, believed the wall should be commended due to the concrete nature in terms of sound from Sir Francis Drake Boulevard, so the wall is very important. He further believed the idea is to get active growth to screen the wall, so the fence can have wires to facilitate growing vines.

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

Council Member Small watched the Council over many years in regard to fencing. She walked across the street and the Brekhus' property has a 2-foot berm and a 6-foot fence and the same application was done across the street, so she had no objection in regard to the fencing proposed. She further agreed with all the conditions outlined in the staff report as well as the additional conditions provided by staff. Mr. Hunt also agreed with the additional conditions provided by staff.

Council Member Small added that since the Hunt's are taking on a property like this, she would allow a basement. She further noted that this is a major project and historical homes are extremely costly.

Council Member Hoertkorn congratulated the Hunt's for taking on this project and looks forward to seeing the project completed.

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Mayor Pro Tempore Kuhl felt the Hunt's are the perfect individuals to take on this project. In looking at this project, the external changes requested will not affect the basic character and nature of this house. In terms of the fence, he had no objection. Mayor Russell concurred with the previous comments.

Mayor Russell asked for a motion.

Council Member Hoertkorn moved and Mayor Pro Tempore Kuhl seconded, to approve 73 Winship Avenue, Variance, Design Review and Demolition Permit No. 1890, subject to the findings and conditions outlined in the staff report, including the additional conditions provided by staff, and with the basement being approved. Motion carried 4-0-1. Brekhus recused.

73 Winship Conditions:

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. Except as otherwise provided in these conditions, the project shall comply with the plans dated December 18, 2012, approved by the Town Council on January 10, 2013. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
2. The proposed wall is approved as designed except one gallon plants shall be increased in size to 5 gallon plants and additional tall shrubs shall be included in the plan to screen the wall
3. The property owner is responsible for maintaining the watercourse between the site and Sir Francis Drake Boulevard in a free flowing condition and for removal of any weeds or other obstructions to water flow.
4. Prior to project final, the applicants shall restore Oak Way to the same condition that it is in at the time the building permit is issued.
5. A detailed plan shall be submitted with the building permit application that demonstrates that impervious surfaces will be maintained at the existing level and details impervious areas that will be removed in order to add new impervious surfaces, such as the pool. The applicants shall not receive a final on their building permit and may accrue penalties if impervious surfaces are not removed to maintain existing impervious surface levels.
6. The structure is an important historical resource for the Town of Ross and therefore it shall be mandatory that the project follow special procedures during the construction process in order to preserve, repair, and reconstruct the existing building features in accordance with the recommendations outlined in the US Department of the Interior: The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.
7. It is essential that all the proposed Work performed on this historic building follow the CALIFORNIA HISTORICAL BUILDING CODE (CHBC). This code which is contained within the California Building Code (CBC) as Chapter 34, shall be the governing building code used on this Project. (Note by state law CHAPTER 34, The California Historical Building Code, Part 8 of Title 24, takes precedence over all other portions of the CBC and all other building codes that may apply to this Work).
8. Special precautions must be taken during all phase of the construction process to avoid further damage to the historically important portions of this Project which are not being

renovated, reconstructed and/or restored. Where possible, these existing materials and features must be clearly marked and identified on the drawings identified in the field in order to protect them from further damage during the construction process. Some of these items shall include but not necessarily limited to the following: Existing masonry and stone features, wood trim, shingle siding, wood millwork, moldings, columns, railings, metal work, windows, doors along with other similar materials.

9. The historic character of the residence shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

10. No exterior features proposed to be retained and restored, including foundation, windows, siding and other details, shall be altered until the applicant has submitted drawings, photographs and descriptions of proposed rehabilitation and restoration work, methods, means and materials to be used that clearly details that the work will match the visual and structural characteristics of the original structure.

11. The Applicant should provide the Town as part of the building permit application process a complete temporary shoring and building stabilization plan including all design calculations and details that has been prepared by a registered Structural Engineer. This plan must fully outline all means, methods, and assemblies needed to adequately protect the structure and the safety of persons working in and around the structure, from potential movement and/or collapse during the entire course of the Project's construction process and completion. The design of each support systems should be done to ensure that precautions be in place to avoid further disruption or damage to historically important portions of the Project that are not being renovated, reconstructed and/or restored.

12. The project includes replacement of eyebrow windows with those of a different style. Prior to issuance of a building permit for this modification, the applicant shall be substantiated by documentary, physical, or pictorial evidence that the proposed windows are more historic features than the existing eyebrow windows, or the existing eyebrow windows shall be retained.

13. New skylights shall have the minimal possible projection from the roof to minimize their observed presence on the roof. Specifications for the skylights shall be included on the plans submitted for building permit for review and approval by staff.

14. The applicant shall retain a historic resource consultant to perform inspections during critical phases of construction to ensure that the project complies with the approved plans. Written reports shall be provided to the Town planner. The Town planner may stop work at the site if the project exceeds demolition specified on the approved plans. Prior to issuance of the building permit, the applicant shall submit evidence that a historic consultant has been retained to periodically monitor the project to ensure that the work is actually carried out in the field consistent with the approved procedures represented in the final permitted drawings and specifications as it relates to the Secretary of the Interior Standards at least at the following stages of construction:

Prior to Demolition Phase

After the erection installation of all the temporary shoring and structure bracing and stabilization systems

After the completion of the Demolition Phase

Prior to Foundation Inspection

Prior to Rough Framing, Roof Sheathing, Exterior Shear wall Nailing

Inspection

Periodically to visually inspect the installation of certain parts of the work (e.g., stone work installation, millwork and exterior trim, shingle siding installation at new window heads, etc.) to ensure that methods and procedures outlined in the Secretary of the Interior Standards are correctly interpreted and fully observed.

Prior to Final Permit Inspection

15. As proposed by the applicant, the following techniques shall be utilized for the rehabilitation project:

a) The existing stone perimeter currently functioning as a partial foundation will be mitigated in service due to a newly proposed reinforced concrete foundation to be placed just inside the plane of the existing perimeter so as not to be visible from the exterior. Stone perimeter is to be preserved as a historical element and nothing further. Where necessary, stone will be mortared in place to match existing with a simple, common, non-expanding brick mortar material. Some of the foundation is visible and does not include stone works but does include brick. All brick will be replaced at foundation with new, reinforced concrete foundation with natural soil covering up to the last 6" or less of new foundation. Current areas of foundation that include concrete will be replaced with new foundation and same rules will apply as aforementioned brick conditions.

b) Existing siding includes some amount of cedar shingles. Said shingles are to remain as existing and if necessary, new shingles of like kind cedar shall be replaced as needed using galvanized fasteners or better weather resistant hardware such as stainless or coated deck screws. Any new replacement shingles, if needed, will be stain lock prime in oil base primer, and then painted to match the siding color.

c) Any window replacement will be with wood clad windows to match existing yet take advantage of advancements in insulation, operability, and functionality of high quality window production today.

d) Any replacement trim to be of appropriate exterior-use wood material and will match existing wood trim in profile and size.

e) All upper decking handrail to be of wood material to match original.

f) New skylights shall be of metal, weather resistant material with wood interior to be painted to match interior trim. They shall be installed in a manner that they mirror slope of roof and new curb construction of wood can be removed if desired at a later date to restore roof to a pre-skylight installation condition.

g) Existing, attached garage to be constructed with a similar roofline to the Victorian era structure. Siding of garage to be of a channel or v-rustic exterior finger joint cedar wood to be painted a shade of color that compliments but does not duplicate original Victorian structure. Eyebrow roof ventilation elements for garage structure to be installed similar to the original eyebrow fenestrations of the Victorian structure. No glass shall be utilized in the garage roof ventilations. Roof ventilation elements to be constructed of unpainted redwood in horizontal pattern with galvanized or better exterior material to prohibit pest entry.

The garage roof ventilation details and the roofline of the garage; will be used as characterizations of the Victorian structure to which it is attached and will use these design reference motifs with a clear differentiation from the historic structure. Composition shingle roofing shall be utilized in a different yet complimentary color from the historic structure to further show differentiation of the ages of the two adjoining structures.

16. 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.

17. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum "cut-off" appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

18. The Town recommends that the applicant encapsulate any lead or asbestos material if removal will result in demolition that exceeds what is permitted by the approved plans. Prior to any demolition or issuance of a building permit for the new structure, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department along with a plan for encapsulating or removing any hazards.

19. 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, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town prior to project final.

20. A Tree Protection Plan that complies with Ross Municipal Code Section 12.24.100 is required for all protected trees on or near the project site. The Tree Protection Plan shall be submitted with the building permit application.

21. Tree protection fencing shall be installed prior to permit issuance as recommended by the project arborist. The project arborist shall inspect the site prior to issuance of a building permit to determine if tree protection fencing has been properly installed and shall submit written confirmation to the town planner that the tree protection is in place prior to permit issuance.

22. The applicant shall be responsible for securing an encroachment permit from the Department of Public Works prior to any encroachment within a public right-of-way.

23. 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 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.

24. The applicant shall submit a schedule that outlines the scheduling of the site development. This 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).

25. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

26. 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.

27. Inspections shall not be provided unless the Town-approved building permit plans are available on site.

28. 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).

29. 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.

30. 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.

31. 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.

32. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final, including compliance with any applicable MMWD water-conserving landscape ordinance. Prior to project final, the applicant shall submit written evidence to the town planner that the landscaping plan has been approved by MMWD, or that it is exempt from their requirements. Any modifications to the planting and/or tree removal presented to the Town Council shall be reviewed and approved with staff prior to modification. Prior to project final, the project landscape professional shall certify that the landscaping and irrigation was installed in accordance with the approved plans.

33. The director of public works may require all electric, communication and television service laterals to be placed underground.

34. The project shall comply with all requirements of the Fire Code:

a) All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.

b) Carbon monoxide alarms shall be provided outside of each dwelling unit sleeping area in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit.

c) The applicant shall maintain an effective firebreak around the structure by removing and clearing all flammable vegetation and/or other combustible growth. Consult the Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan available online at Rossvalleyfire.org.

d) Address numbers at least 4" tall shall be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. The address numbers shall be illuminated by an adjacent light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

35. Based on the scope of the remodel, the planning department shall require sprinklers to be installed in the residence.

36. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in the Town of Ross Municipal Code Section 15.50.040, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

37. 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

January 10, 2013 Minutes

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.

Council Member Brekhus reconvened her position on the Town Council.

ATTACHMENT G

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, November 2, 2017 8:06 AM
To: Linda Lopez
Subject: FW: Erica & Brian Hunt: 73 Winship

From: Ron Abta [mailto:rabta@polaris-lp.com]
Sent: Thursday, November 02, 2017 7:18 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Allison Abta ICE <allisonabta@gmail.com>
Subject: Erica & Brian Hunt: 73 Winship

Dear Ross Town Council,

We are writing regarding upstanding members of the Ross community: Erica and Brian Hunt. We are actually relatively new to town, having lived here for 3 years. We fell in love with the town and its beautiful old homes, warm community and the Ross School, which led us to buy our home here just recently.

When we lived in Winship Park, we often drove by 73 Winship and marveled at its beauty. We definitely felt that it would be even more incredible some day if it were to be restored to its original state. There's honestly nothing worse than a home cheaply and quickly renovated with only "turnover" value in mind.

Erica was so warm and welcoming towards our family from the beginning of our time here. As we have gotten to know her, we have realized more and more what a huge pillar to the community she is. Committed to the school and the town, you can depend on seeing her name on an email or invitation involving fundraising to benefit the school and Marin County. If one needs to know about any possible way to get involved, Erica is the one to call. She is constantly giving her time to keep Ross and Ross School a wonderful place for ourselves and our children.

Erica and Brian have taken the time needed to renovate their beautiful home properly and should not be penalized for this. The home is now a beautiful landmark in the town of Ross and helps make all of us proud to call Ross our home. They both clearly love this town and respect its history as shown by their hard work renovating a very special home. Don't discourage others from doing the same.

Thank you,
Allison and Ron Abta

(letter mailed as well)

Ron Abta
Polaris Real Estate Partners
Cell: 415-595-7661
rabta@polaris-lp.com

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:19 PM
To: Linda Lopez
Subject: FW: On behalf of owners at 73 Baywood

From: Meg Adelman [mailto:meg@navitasorganics.com]
Sent: Wednesday, October 25, 2017 7:50 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Zach Adelman <zach@navitasorganics.com>
Subject: On behalf of owners at 73 Baywood

Dear Ross Town Managers,

I live at the top of Baywood and Crest at 1 Crest Rd. where we have an extensive construction project going on slated to end soon. However, I am writing on behalf of Erica and Brian Hunt and their home at 73 Winship. Since moving to the area in November 2012, I have watched as the Hunt's transformed what was a neighborhood eyesore into a beautiful Victorian, a significant improvement to the entrance of our quaint neighborhood. In doing this, they have increased the value of all the homes north of Sir Francis Drake and instead of seeing a dilapidated, overgrown property with no fence line, we can now appreciate the historic architecture and pleasant curb appeal on our drive up the hill. Although this project may have exceeded the amount of time the town allows for such renovations, a policy I personally appreciate as it protects homeowners and neighbors from enduring exceptionally long construction headaches, exorbitant financial penalties on top of what we already pay in permit fees is unfair and unjust, especially in their situation. We were advised by many builders that the best manner to deal with our less complicated 1930's renovation when all aspects of the home needed updating to align with current code would be to knock the structure down and start from scratch because it is a much more efficient process and would be considered reasonable to do within the 18-month time frame. However, the Hunt's home is an entirely different story. In restoring a historic property of that magnitude, working around the many complications that have been uncovered throughout, it is completely reasonable that it took longer than the allotted 18 months and there should be a process by which the town negotiates those stipulations on a case by case basis. Wouldn't it be better for the funds the town is asking for to be re-allocated to help finish the landscape work and make final improvements to the property? If the goal of the 18-month policy is to protect neighbors it seems that these fees detract from the possibility of swift completion of the project in a way that neighbors would like to see it completed. Ultimately, no one was harmed or significantly put out by the extended nature of this restoration and therefore the punishment does not fit the crime in this case. The Hunt's are ardent supporters of this neighborhood, school and town in a variety of ways and will continue to do so as their boys get older.

Please consider this letter in support of their request to eliminate the fees imposed on them for needing the extra time to complete the restoration of their historic property.

Best,

Meg Adelman, RN, BSN, MPH | Wellness Program Director

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 24, 2017 7:49 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Conner, Baird (EchelonPrint) [mailto:bconner@echelonprint.com]
Sent: Tuesday, October 24, 2017 8:42 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: erica@order-sf.com
Subject: 73 Winship

Dear Ross Town Council:

While I can't speak for all Ross residents, I think the construction project completed at 73 Winship is tasteful and complements the neighborhood. I would assume that the Town Manager, Town Council, and neighbors would agree that the restoration project has succeeded in preserving the historical integrity of the original structure.

I was privileged to participate in a walk-through of 73 Winship before the project started. Knowing the condition of the original structure, I am not surprised that a project of this scope would take longer than the 18 months granted by the town. It would seem logical for the Town to grant specific projects a longer construction time where applicable. The fact that there was no procedure for additional time allowances seems unfair and shortsighted; especially for the preservation of a Historical Structure. I hope the Town Council considers this when reviewing the appeal to the fine for not completing 73 Winship within the 18 month time frame.

As a Ross Resident I'd like to see a change in protocol for projects of this nature. If construction experts agree that a Town mandated time limit is not attainable, there should be recourse to apply for an extension before the project is started.

For years 73 Winship was a dilapidated, paint-peeling, eyesore. It is now a gem signally the entrance to Winship Park. The transformation is noteworthy and the owners who are credited with the renovation should not be punished unfairly.

Respectfully,
Baird A. Conner
Ross Resident

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 3:53 PM
To: Linda Lopez
Subject: FW: 73 Winship Construction Fines-Baker

From: chris Baker [mailto:petercb3@hotmail.com]
Sent: Friday, October 27, 2017 1:07 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship Construction Fines-Baker

RE: fine on 73 Winship Construciton/Hunts

Ross Town Council,

I am a resident of Ross for 12 years and have known this property – until several years ago—to be an eye sore. Now, after some diligent work and craftsmanship by the Hunts, this historic property is a proud beacon in Ross.

I understand the necessity of time limits on construction as per the ordinance (15.50.02)as a guideline. While the timelines and fines laid out in this ordinance are thoughtful and address the desire to hasten projects and improve the town's environment, they cannot always apply strictly to all projects since 'reasonableness' can vary with situation. 73 Winship is a prime example of this:

This historic Victorian restoration project could only be performed by those with the ability to perform the construction and the intimate knowledge of this period architecture. The Hunts have those abilities and took on this ambitious project.

While they were given 18 months to complete this per the town, they were also tasked with staying within historic design guidelines. I would submit they were given that time without keen insight into details that might emerge that would/could delay the time course. Such was the case with this project where details, particular to such a historic renovation, came up that necessitated more time.

On behalf of the Hunts and their beautiful restoration, I would implore that the fines be dropped. These are enormous and prohibitory to such fine craftsmanship in future such cases in Ross. If indeed the ordinance's overall purpose is to improve the environment of Ross, I

would say that the Hunt's have more than satisfied that goal. Further, they have sunk much time and money into this project. To subject them to \$300,000+ more in fines is overtly unreasonable and ludicrous.

Thank you for considering.

Chris Baker
55 Bolinas Avenue

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, November 1, 2017 7:36 PM
To: Linda Lopez
Subject: FW: Letter of support for Hunt Family at 73 Winship
Attachments: HUNTletter.docx

From: Kimberly Bakker [mailto:kimberlybakker@yahoo.com]
Sent: Wednesday, November 01, 2017 1:23 PM
To: Sal Lucido <slucido@townofross.org>
Cc: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Letter of support for Hunt Family at 73 Winship

Please see my attached letter for your review prior to the council meeting on 11.9.
Thank you, Kimberly

Kimberly Bakker

www.kimberlybakkerevents.com

<http://theprojectforwomen.com/the-moms/kimberly-bakker/>

Business Consulting, Events & Marketing

P.O. BOX 783

Ross, CA 94957

415.971.3608

10.30.17

Dear Ross Town Council Members and Town Manager Joe Chinn,

I am writing to support Brian and Erica Hunt and plea that the town reconsider their overage penalties. Their home was built in 1892, likely, around the time my great great grandparents came to live at 68 Bridge Road. their home was deemed "historically significant" to The Town of Ross and from the exterior looks as it did 125 years ago. This home is the Entrance to Ross' Winship Park neighborhood and thought to be one of the oldest homes in Ross- many original Ross Victorian homes have been replaced by more contemporary homes. As you know that home was in horrible disrepair for years, and often called "haunted".

As a fifth generation Ross resident, I am grateful that we have residents who are willing to preserve the original charm and grace of this town, rather than simply demolish and overbuild, as seems to be the trend these days. I think we have to make special considerations for historic homes, On a traditional teardown- it takes two weeks to demolish and remove the existing home. Historic home projects take much longer to complete than new construction. For example, it took them 9 months of continuous work to excavate, support, form and pour their foundation.

The Hunt's have poured their heart and soul into this project, which is their "Forever home" with their 3 boys. They have been restoring Victorian Homes for the past 25 years and this is Brian's second restoration of a Victorian Era home by the same Architect Maxwell Bugbee.

During renovation they followed Secretary of the Interior Standards in historically restoring 73 Winship- taking painstaking efforts to restore the wooden exterior, wrap around porch & columns, original window restoration, supporting stone wall, similar shingled roof design, and maintaining the architectural uniqueness of our shingle style Victorian.

On the Interior, they restored the original balustrades, newel posts, all door and baseboard trim, doors, hardware and integrated the historic interior to accommodate modern living.

Ultimately, our renovation did not cause damages or harm The Town of Ross. Furthermore, it has improved the town.

Lastly, while perhaps unrelated, I would like to add that Erica Hunt has been a tireless volunteer at Ross School, the center of our town and driving force for so many families moving here. She has volunteered hundreds of hours in her capacity as PTA President and Chair or committee member of

every event held. Brian, is a model neighbor, always checking on people during flood scares and generously offering assistance. The Hunts are model citizens, and a great asset to our community.

I sincerely hope this fine amount will be reconsidered.

Kimberly Quinlan Bakker

5Th Generation Ross Resident

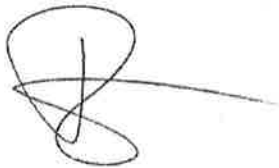
25 October 2017

Ross Town Council
P.O. Box 320
31 Sir Francis Drake Boulevard
Ross, California 94957

To Whom It May Concern,

We are direct neighbors of the Hunt property and live at 61 Sir Francis Drake Blvd. The inconvenience of their remodel and restoration has been minimal for us compared to the improvement to the neighborhood. We are grateful to see that someone was willing to purchase and repair that property. It is a great asset to Winship Park and we are in agreement that any fines, much less a demand of \$357,000 for having done what they did are completely unreasonable given the circumstances of the historical requirements they adhered to while renovating 73 Winship Ave.

Best,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line extending to the right.

rb

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 8:23 PM
To: Linda Lopez
Subject: FW: Hunt Residence-73 Winship (The Gray House)

From: Maryam Barrett [mailto:maryambarrett@gmail.com]
Sent: Monday, October 30, 2017 7:45 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Hunt Residence-73 Winship (The Gray House)

Dear Madam/Sir:

I am writing in regards to Brian and Erica Hunt's renovation of The Gray House in Winship. We too are residents of Winship and have witnessed the careful and painstaking restoration of this historically significant house over the last few years. This has truly been a labor of love for the Hunt family. They have done a tremendous job in restoring the property to its original splendor and at the same time have created a new home for their family. We enjoy the property when entering and exiting Winship Park and never did the work cause us any inconvenience or issues.

We hope you will take our feedback into consideration.

Sincerely,

Maryam and Chris Barrett

MARYAM BARRETT

Busy Bees + Miss b

e.\ maryam@busybeeskids.com p.\ 917-796-9771

w.\ www.busybeeskids.com w.\ www.missbtween.com

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, October 26, 2017 5:08 PM
To: Linda Lopez
Subject: FW: Hunt Residence - 73 Winship (The Gray House)

From: Bergholt, Jeffrey [mailto:jbergholt@tweisel.com]
Sent: Thursday, October 26, 2017 8:13 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>; Leslie Bergholt <lesliebergholt@yahoo.com>
Subject: Hunt Residence - 73 Winship (The Gray House)

To: Salvatore Lucido, Town of Ross, Building Official
Joe Chinn, Town of Ross, Town Manager

RE: Hunt Residence, 73 Winship (The Gray House)

We are writing in support of Brian and Erica Hunt as they look to eliminate their overly punitive building fine of \$357,000. We feel this isn't appropriate for a number of reasons, including:

- They took on the enormous project of restoring 73 Winship, a "historically significant" home in Ross, this wasn't a standard remodel project typical of the area
- The high-quality and painstaking work the Hunt's executed to both the exterior and interior of this historic home added significant value to the entrance of Winship Park and the town of Ross as a whole
- A typical teardown takes two weeks to demolish the home and remove debris – this "historically significant" teardown/rebuild took much longer and this should be considered in assessing any fines. For example, regarding their foundation alone, it took 9 months of continuous work to excavate, support, form and pour the foundation.
- As a couple, Brian and Erica Hunt have been restoring Victorian Homes for 25 years – this is their passion and core expertise. Fines should be used as the "stick" in town to regulate incompetent or lazy building behavior – this clearly isn't the case here. They are builders – they know what they are doing.
- No one has a greater incentive to buy, build and complete a home than the owners!

We think a larger point should be made, and it is one that concerns us as homeowners in Ross. We need to create incentives for people like the Hunt's to take the substantial economic risk of home ownership in our community, particularly when it comes to purchasing dilapidated historic homes. If we maintain a "one rule fits all" mentality with regard to home development and redevelopment (e.g. 18 month permits) in Ross, it will have a materially negative impact on potential homeowners desire to buy and build in our community. If that mentality continues to occur, we will be the poorer for it.

Thank you in advance for your consideration in this matter.

Regards,

Jeff & Leslie Bergholt
1 Southwood Avenue

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 5:35 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Bonnie Bibas [mailto:bbibas60@gmail.com]
Sent: Sunday, October 22, 2017 4:03 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship

Dear Town Council

I am writing to express my support and appreciation for the Hunt family and the work they have undertaken to restore and repair their home at 73 Winship Avenue. Ever since I have lived here, that home has looked abandoned. I am happy to drive by now and see that someone undertook what was clearly a large project and made it into a revitalized and occupied home.

I understand the Town is now fining the Hunts \$357,000 for having taken well over 18 months to finish their project. I can not believe this is the response from the representatives of our town to fine this family for having helped our town.

I am strongly opposed to this fine. I urge the council to use their influence and forcefully renounce these fines with prejudice.

Sincerely,

Bonnie Bibas

97 Wellington Ave

Ross

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 2:54 PM
To: Linda Lopez
Subject: FW: Regarding 73 Winship

From: Avi Downes [mailto:avidownes@gmail.com]
Sent: Saturday, October 28, 2017 6:32 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Regarding 73 Winship

To the Town of Ross,

We live at 1 El Camino Bueno here in Ross. We are neighbors of Erica and Brian Hunt. We share a property line.

We are supporting them in their efforts to eliminate their fines with the town for many reasons.

When we were looking to purchase our current home in Ross in 2013, we were intrigued by the beautiful old victorian home, and extensive open land next-door.

We were happy to hear that a family with young kids had bought it the year before. And instead of tearing the home down as others had wanted to do - they were going to restore it to it's former beauty.

It spoke to us on many levels about how this town wanted to preserve one of the oldest homes here, and was interested in finding buyers who would respect that.

Clearly, Ross found those wonderful buyers in the Hunts, who painstakingly took the time to make that home what it is today. Every time we drive by - it makes us happy.

The Hunts also could not have been more respectful of their neighbors while doing construction; constantly concerned about noise, dust, and every other inconvenience.

We understand why this is such a difficult situation. But we feel it is one that needs very careful examination as this was a construction project like no other we have heard of locally. The quick fix was clearly tearing down the home and re-building. The long fix was preserving that home with love and care.

Yes - it took longer than anyone would have wished, but we believe the end result will benefit this town and help others not be afraid to preserve older homes simply because the project timelines will leave them with unaffordable fines.

As we all know every project is unique. And we find, in this particular situation, these fines to be completely unreasonable.

Living in the Bay Area with a family tends to stretch all of our finances.

Keeping young, vibrant families coming here to Ross who are involved like the Hunts in every aspect of the community must be a priority!

Thank you for your consideration.

David and Avi Bilsker

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, October 26, 2017 5:10 PM
To: Linda Lopez
Subject: FW: 73 Winship Ave. - request for allowance of removal of fine

From: Ozlem Peksoy Bishop [mailto:obishop@comcast.net]
Sent: Thursday, October 26, 2017 1:37 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: 73 Winship Ave. - request for allowance of removal of fine

Dear Town of Ross,

As I understand, our neighbors across the street has been informed to pay a substantial fine for not being able to complete their historical renovation project earlier.

I've been a resident of Ross since March 2013 living right across the street of 73 Winship and has never observed any negative impact of their project in our neighborhood. They seem to have achieved great results preserving the beauty of their Victorian design and improved the surrounding of our neighborhood. They have been very respectful and thoughtful towards their neighbors including us throughout their project which did not cause any disruption in our environment during all these years.

I'd like to take this opportunity to ask for our town to make an allowance for this wonderful family who improved their property immensely to benefit our overall neighborhood and whom I believe have done everything in their power and abilities to complete the project as fast as they possibly could. I do hope that they will not be penalized for the time it took to restore the property to meticulously and successfully. Many thank in advance for your consideration and generosity and leadership to address their predicament and receive them given their best intentions and efforts.

Respectfully,
ÖZLEM PEKSOY BISHOP
415-246-3256

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 5:32 PM
To: Linda Lopez
Subject: 73 Winship Appeal

From: Amy Blake <amy@blakemail.com>
Sent: Oct 23, 2017 7:50 AM
To: Sal Lucido; jchinn@townofross.org; mailtoloc
Cc: Erica Hunt
Subject: The Hunt's

Amy Blake
PO Box 1618
Ross CA 94957
415-456-2555

To Whom It May Concern,

I am writing you a letter of support for our neighbors the Hunt's. It is my understanding that they have incurred fines from the town due to the time it took for them to complete their construction. It is my hope, you will consider waiving the fees.

My name is Amy Blake and I live at 171 Lagunitas Road. After growing up in Marin myself, my husband and I decided to move back with our two young boys fifteen years ago. It was after purchasing our home we began to receive unsolicited advice from many family friends and neighbors.

We should live in our house for at least a year and then try to go to the town for revisions. That is the best way to garner support.

My house hadn't been touched in a very long time. Although a beloved family homestead, it retained some of the less charming qualities including knob and tube electrical, horsehair ceilings and a daunting rat infestation. We decided to go ahead with our remodel plans, the house, as it was, felt pretty unlivable. All the while our contractor was telling us knocking it down and starting over would be much more timely and cost effective.

I know this is true for most of the older homes in Ross. Many have not been updated. Our town is known for making things difficult on the construction side. The general feeling concerning new townies coming in and making changes is a known issue. It was confusing to me then and it's confusing to me now.

There was this sense of historic relevance that permeated through the zip code that anyone coming in to update, was ruining the charm of the town. All the while we slowly watched things crumble to dust. I have lusted after properties that I can spot are beyond repair, which is

heartbreaking for most of us. This leads me to 73 Winship (The Gray House).

I remembering hearing that the Gray House had been purchased. When it went on the market, I looked at it longingly, thinking what an incredible opportunity to return it to its glory or at the very least, not have what looked like a deserted crack house be the entrée to Winship Park.

I also remember being worried for what could possibly be deemed 'Historical' and the enormous headache that could entail. I have many friends who have struggled through the enormous costs related to 'historically significant' homes and how desperate they all universally felt going through that process. The costs are known to be untenable. The timing, unjustifiable.

Any sane person would tear down and start new. If the Hunts had done that, their house would have been built quickly and most definitely for less money. The questions of penalties would be moot. So here we are now at an important crossroad.

I am writing this to implore you to drop these illogical fines. We as a town can not make it impossible to save our

old historic homes. Who I ask, will follow and purchase the next one. And there are many.

I find it illogical to mention what incredible members of our community the Hunts are. But they are. It feels ugly that just because they contribute so much to our town and school that this should make a difference. But they do.

So to end this plea, I will say even less remarkable Ross community members deserve to have this dropped. For the other beautiful old gems in town, a possibility that someone will be willing to fix them up. And for those of us who drive down Sir Francis Drake everyday, an enormous thank you to both the Hunts and the town of Ross for getting to the other side of this unfortunate debate.

My fingers are crossed you do the right thing.

Best, Amy Blake

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:14 PM
To: Linda Lopez
Subject: FW: 73 Winship - The Gray House

-----Original Message-----

From: Alison Borland [mailto:alison.borland@mac.com]
Sent: Sunday, October 29, 2017 5:51 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica <erica@order-sf.com>; Bo Borland <bo.borland@gmail.com>
Subject: 73 Winship - The Gray House

To the Town of Ross -

I am writing in support of the Hunts' request to waive the penalty resulting from the extended timeline of the renovation of their lovely home at 73 Winship.

The renovation of their home was extensive, complicated, and done with exceptional quality, taste, and attention to detail. Sitting on such a visible and important lot within our town, in a busy neighborhood, the Hunts have done the town a huge service with the renovation, and they managed to do it with minimal disruption, noise or inconvenience. With two daughters, I have the pleasure of doing multiple carpools, play date driving, and visiting through the area, and have been amazed as I have watched the home transform.

The fine being levied seems unjust and unreasonable given the improvement in the property and the care and attention with which it was done. While I support the spirit of the rules that encourage speed and quality, I believe the Hunts clearly followed the spirit of the rules - and that effort and result should be recognized. Furthermore, I worry that such a fine will discourage other homeowners from moving forward with similar renovation or improvements, and create incentive to move to nearby towns with less risk of financial punishment in spite of excellent and careful execution.

Thank you for considering our request, and thank you for caring of the quality of life in our town and our residents.

Respectfully,

Alison Borland
7 Upper Road West

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, November 1, 2017 12:10 PM
To: Linda Lopez
Subject: FW: Hunt Appeal

From: sandy brekhus [mailto:sandybrekhus@gmail.com]
Sent: Wednesday, November 01, 2017 9:30 AM
To: CouncilAll <towncouncil@townofross.org>
Cc: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Hunt Appeal

We write to express our full support for the Hunts' appeal and request that the Council waive all fines against them for restoring the beautiful old home across the street from our house at 66 Winship. This house was in terrible disrepair. We are familiar with it and the grounds as we have lived in Ross on Winship since 1973 and watched with great sadness as the home fell into disrepair.

We were delighted to learn they purchased 63 Winship and were taking on the difficult job of remodeling the residence with care to preserve the architecture and historical design. As the owners of an "old home", we want to assure you we are familiar with doing maintenance and repair on our home and finding "unforeseen conditions" that result in a more expensive and longer repair than experienced contractors understood at the outset. When we did our own remodel, in approximately 1984, the time took twice what we were told by very qualified contractors. To ignore these facts seems very unfair to us.

We love the outcome and we totally understand why the project took longer than the time allowed by the Code. We hope the Town will allow the Hunts and other owners of historical homes a longer time so that more old homes are restored.

The Hunts ran their project in a very respectful way. Their workers parked on site and we had no problems with their construction project. They have been excellent neighbors to us and we believe the Town should eliminate the fines that they are facing.

Peter and Sandy Brekhus

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 24, 2017 7:51 PM
To: Linda Lopez
Subject: FW: Hunt house (73 Winship Ave)
Attachments: The Hunt House.docx

From: winshipave@aol.com [mailto:winshipave@aol.com]
Sent: Tuesday, October 24, 2017 3:02 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Hunt house (73 Winship Ave)

Attached is a letter we have written expressing our concerns with the fine imposed upon the Hunts for their house restoration. Thank you for your consideration. Ann and Paul Brenner

October 24, 2017

We are writing concerning the fine that has been put on the Hunt house (73 Winship Ave) for having taken longer than 18 months to complete. This historic house was in almost teardown condition (we were in it) before the Hunts bought it. It hadn't had any work done on it for at least 50 years or maybe longer and was in an utter state of disrepair. Not many people could have taken on this Herculean task and restored it with the thoroughness, detail and attention to the historic aspects of the house that the Hunts have.

Yes, there is a reason for having time limits on house restoration projects, but to make the rule "one size fits all" is unreasonable and unfair. Individual circumstances and needs must be considered. A project of this size and in such a state of disrepair, with a main house, a guest house, 2 garages, and a new pool is obviously going to take longer than a small house on a small parcel. The redoing of the foundation alone took 9 months. We watched as we are residents of Winship Ave also. The outside has been both beautifully rebuilt and maintained its historic character. It's a lovely sight to drive into my neighborhood now and to know that this wonderful old house is going to be around for many years to come.

Due to the large size of the property most of the trucks and building materials were inside the property walls and had only a small impact on the neighborhood. Even if they had had more of an impact it would have been fine -the house needed to have work done.

To place an unwarranted and punitive fine on this project serves no purpose, shows a complete lack of consideration for the magnitude of the project and a complete lack of appreciation for what the Hunts have done in restoring this house and thereby bringing one of Ross' oldest and grandest houses back to life. It is an asset to our town.

Sincerely,

Ann and Paul Brenner

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 24, 2017 7:53 PM
To: Linda Lopez
Subject: FW: 73 Winship support letter
Attachments: 73 Winship support-Chinn.docx

From: Jay Cahan [mailto:jcahan@hcmcommercial.com]
Sent: Tuesday, October 24, 2017 3:17 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: FW: 73 Winship support letter

Dear Mr. Chinn,

Attached is a letter of support for Brian and Erica Hunt at 73 Winship, whose appeal will be heard on November 9th at the next Town Council hearing. Thank you for consideration of my letter in this appeal process.

Best regards,

Jay Cahan
HC&M Commercial Properties, Inc.
Direct: (415) 865-6102
Cell: (415) 867-4040
DRE #: 01005130

Proud board member/donor of Sunny Hills Services
<https://www.sunnyhillsservices.org/about-sunny-hills>



October 24th, 2017

Re: Letter of support for 73 Winship appeal

Dear Mr. Chinn,

I am writing in support of our neighbors, Brian & Erica Hunt, residing at 73 Winship who are seeking reprieve from the town of Ross for penalties incurred due to exceeding the maximum allowable timeline of 18 months in restoring their historic property.

As CEO of HC&M Commercial Properties, Inc., a real estate services company specializing in the brokerage of commercial properties here in San Francisco since 1994, and a resident of Ross for nearly ten years, I wholeheartedly support the current regulations stipulating all building needs to be completed within 18 months as often times people abuse unlimited construction timeframes. Construction projects can cause noise and nuisance to neighborhoods and times should be restricted so that we can all enjoy the peace and tranquility of Ross.

However, as there are exceptions to such rules on a case-by-case basis, I strongly believe that this property in this particular instance should be considered for an exemption to this rule. Originally built in 1892, 73 Winship is considered a "historically significant" home that brings great value to the town of Ross. Over the years, we have seen many historical Victorian homes demolished to build contemporary homes, changing the natural environment of Ross forever. Restoring 73 Winship to its original form incurs far more expense and significantly more time than razing a home and building it brand new. The Hunts should be commended for bringing more value to our community, not fined for it.

While I agree with the intent of the current regulations to limit disturbance to the neighborhood, this project is an exception that we hope the town council will address, as there are no current protocols in the existing regulations. The reason for the regulation is to protect parking, reduce noise, and shorten construction blight. This property is recessed from the street, has parking onsite, and has no real effect on the neighborhood. Additionally, the fines create economic hardship for a family that clearly embraces the historic qualities of a flagship Ross property.

Recognizing that full historical restoration will benefit the town of Ross, and that current regulations do not address unique cases such as this, I respectfully urge the town council to provide reprieve for the Hunts and ideally adopt regulations that provide relief for homeowners seeking to preserve Ross' historical significance. Thank you for your consideration of this request.

Best regards,

A handwritten signature in dark ink, appearing to read "Jay Cahan", with a long, sweeping horizontal line extending to the right.

Jay Cahan
80 Wellington
Ross, CA 94957
jcahan@hcmcommercial.com
(415) 867-4040

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 24, 2017 7:50 PM
To: Linda Lopez
Subject: Letter of Support for Brian and Erica Hunt (73 Winship)

From: Megan Calhoun [mailto:megan@meganmedia.com]
Sent: Tuesday, October 24, 2017 12:51 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: erica@order-sf.com; jim@meganmedia.com
Subject: Letter of Support for Brian and Erica Hunt

Dear Town Council,

We are writing in support of Brian and Erica Hunt to ask that the Town of Ross eliminate the \$357,000 fine. The property at 73 Winship was deemed "historically significant" to the Town of Ross which made the maximum allowable 18 month time frame to renovate impossible to meet.

Because the Hunt's took the utmost care to ensure the property held onto its historical significance, this caused delays, transforming a run-down, unmaintained property from an eyesore to a town treasure.

Specifically, the Hunt's did the following to ensure the renovation was done properly and followed the Secretary of the Interior Standards including taking painstaking efforts to restore the wooden exterior, wrap around porch and columns, restored the original windows, supporting stone wall, similar shingled roof design, and maintaining the architectural uniqueness of the shingle style Victorian.

The exterior of the home now looks as it did 125 years ago, the Hunt's even chose a gray paint color to honor the house name -- The Gray House. Interior features that were restored included the original balustrades, newel posts, all door and baseboard trim, doors, hardware and integrated the historic interior to accommodate modern living.

A non-historical home teardown/rebuilt takes two weeks to demolish and remove the existing home. Historic home projects take much, much longer to complete than new construction. The Hunt's foundation alone took 9 months of continuous work to excavate, support, form and pour. As residents of Ross, we fully support the extra time it took the Hunt's to make sure the renovation met the extensive standards set for historically significant homes.

Furthermore, we believe the Hunt's renovation of 73 Winship has significantly improved our real estate value, the aesthetic look and feel of the neighborhood and the quality of the architecture in the town -- especially in a time when most victorians are torn down and rebuilt with modern architecture. We would much rather have neighbors take extra time to ensure renovations are done properly and add value to our town versus cutting corners to meet an unreasonable timeframe.

In this light, these unreasonable fines are an outrageous embarrassment to our community and serve as a serious disincentive to invest the proper time, money and care into taking on historical restorations in our town.

Regards,

Megan and Jim Calhoun

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, November 2, 2017 8:25 PM
To: Linda Lopez
Subject: FW: Council Hearing Thursday, 11/9

From: Tyler Child [mailto:tylerbchild@gmail.com]
Sent: Thursday, November 02, 2017 4:57 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: Council Hearing Thursday, 11/9

Greetings,

My name is Tyler Child and I live with my husband and three children at 29 Poplar Avenue in Ross. Whenever giving directions to my home my tag line is: the little yellow house in downtown Ross, next to the restaurant Marche.

We moved to Ross approximately 3 years ago after a long search for a home where we could be involved in an active community and our children could walk to school. We loved our home from first sight, it was built in approximately 1905, and has the character we were looking for in a home.

As is the case in most older homes we acquired a home with the real estate term "deferred maintenance". As we've gone about trying to fix and restore our homes beauty, we've encountered unexpected feedback from sources such as an architect, a contractor and builders. Some samples of summarized conversations are below:

"This house is too old. It would be cheaper to tear it down and rebuild what you want then to try to restore anything."

"I'd love to work on a house like this, but I'm booked out until at least next year and even then I'm not sure I could get a crew to just do a kitchen."

From someone outside of Marin in hopes to get traction:

"Why would I send a crew to you when we have all if the work we need here in Sonora?"

Overwhelmingly the feedback we have received is to try to tear down and rebuild because it's more cost effective and faster. This isn't what we want to do as a family. We love our home, it's story and what it has to offer.

Saying that, with construction bids coming in around \$800-\$1000 a square foot, and timelines we aren't comfortable with, we are constantly exploring all options.

I write you this letter to give you a little inside color on what it's like to try and get work done on an older home in Marin. The lack of qualified workers and their availability is an issue. Surely only to be heightened with the rebuild of Sonoma/Napa county. Getting a call back from reliable companies is tough unless you are doing an entire tear down/rebuild.

Thank you for your time,

Tyler Child

[REDACTED]

Brian and Torie Clancy
PO Box 2003
Ross, CA 94957

October 27, 2017

Sal Lucido, Building Official
Town of Ross
Building Division
PO Box 320
31 Sir Francis Drake Blvd.
Ross, CA 94957

Dear Mr. Lucido et al:

We are writing on behalf of Brian and Erica Hunt regarding 73 Winship, a.k.a., "The Gray House," to share our input on the heavy penalty incurred upon completion of its extensive renovation.

While it's clearly in everyone's best interest to ensure construction and renovation projects are completed by town residents in a timely fashion, this should not be a one-size-fits-all policy, but rather be tailored to each individual situation.

Further consideration to the individual nature of the project should allow for situations that could justify extensions beyond 18 months. 73 Winship, given its extensive project scope and historical significance, is a prime example of an instance in which special accommodations ought to be given with respect to the amount of reasonable time to reach completion.

An endeavor of this magnitude could well be viewed by The Town of Ross as an investment, as it helps to increase the attractiveness and desirability of Winship Park, while preserving Ross's rich history. Moreover, a Victorian house is architecturally significant, bringing diversity to the types of housing available, adding value to the town.

We ask that The Ross Town Council please reconsider the penalty assessed to the Hunt family.

Sincerely,

Brian and Torie Clancy

[REDACTED]

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 7:09 PM
To: Linda Lopez
Subject: FW: Hunt Property at 73 Winship Ave

From: Julie Compagno [mailto:juliecompagno2@gmail.com]
Sent: Monday, October 30, 2017 1:14 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: erica@order-sf.com
Subject: Hunt Property at 73 Winship Ave

Dear Town Council of Ross,

We are writing to express our support for the waiving of all penalties imposed upon the Hunt's property at 73 Winship Avenue.

Throughout their project, we were their neighbors while we lived at 15 Oak Way for the last 3.5 years. We were not inconvenienced in access to our home at any time during all phases of the project in spite of being directly across the street from their driveway located on Oak Way.

Quite simply, the Hunt's work has greatly improved the neighborhood and we want to express our views that they should not be at all burdened financially with punishment via fines for having helped the Town.

Thank you for your consideration in this matter,

Julie and Steve Compagno

(415) 298-1210

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:14 PM
To: Linda Lopez
Subject: FW: Brian and Erica Hunt restoration project

From: Mark Converse [mailto:converse.mark@gmail.com]
Sent: Sunday, October 29, 2017 9:58 AM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Brian and Erica Hunt restoration project

Joe,

We are writing on behalf of Brian and Erica Hunt in support of the petition before the Town Council by the Hunts to eliminate the excessively punitive penalty for the construction time overage on their house renovation project. .

The painstaking restoration process for a house of this type and condition is something that isn't realistically feasible in 18 months. And it seems the Hunts and this project are not in violation of the intent nor the spirit of the 18 months restoration timeline, namely to minimize neighborhood disruption. We live in Ross on Sir Francis Drake and frequently passed by the house during the renovation period and were never inconvenienced nor did the project appear to be having any sort of negative impact.

The Town has a stated objective to "Maintain and enhance existing housing" per the Town of Ross's own Housing Element document. We believe the Hunts have done that in the spirit of the Town of Ross charter. It's odd that the Town doesn't have a framework for exceptions or allowance for unforeseen circumstances in the 18 month timeframe ordinance, especially when the owners are working in concert with the Town's goals and are restoring historically significant structures.

This fine is an incentive for future project owners to not act in such a complaint manner and look for ways to effectively subvert the towns overall objectives in order to meet the 18 month timeline.

We support the petition to remove the penalty.

Thank you

Mark and Lisa Converse

Linda Lopez

From: Sal Lucido
Sent: Monday, October 30, 2017 10:03 AM
To: Joe Chinn - Town Manager
Cc: Linda Lopez
Subject: FW: Brian and Erica Hunt restoration project

In case you didn't get this one,

Sal

From: Mark Converse [mailto:converse.mark@gmail.com]
Sent: Sunday, October 29, 2017 9:56 AM
To: Sal Lucido <slucido@townofross.org>
Subject: Brian and Erica Hunt restoration project

Dean Sal,

I am writing in behalf of Brian and Erica Hunt in support of the petition before the Town Council by the Hunts to eliminate the excessively punitive penalty for the construction time overage on their house renovation project. .

The painstaking restoration process for a house of this type and condition is something that isn't realistically feasible in 18 months. And it seems the Hunts and this project are not in violation of the intent nor the spirit of the 18 months restoration timeline, namely to minimize neighborhood disruption. We live in Ross on Sir Francis Drake and frequently passed by the house during the renovation period and were never inconvenienced nor did the project appear to be having any sort of negative impact.

The Town has a stated objective to "Maintain and enhance existing housing" per the Town of Ross's own Housing Element document. I believe the Hunts have done that in the spirit of the Town of Ross charter. It's odd that the Town doesn't have a framework for exceptions or allowance for unforeseen circumstances in the 18 month timeframe ordinance, especially when the owners are working in concert with the Town's goals and are restoring historically significant structures.

This fine is an incentive for future project owners to not act in such a complaint manner and look for ways to effectively subvert the towns overall objectives in order to meet the 18 month timeline.

We support the petition to remove the penalty.

Thank you

Mark and Lisa Converse

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 5:33 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: jendalbozzo@comcast.net [mailto:jendalbozzo@comcast.net]
Sent: Monday, October 23, 2017 4:02 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: erica@order-sf.com
Subject: 73 Winship

To whom it may concern,

This email is in regards to the restoration of the Victorian home located at 73 Winship in Ross. Our residence borders this property from the West.

I am writing to state that my husband and I are positively impressed with the restoration of this Ross historical landmark. The project did not cause any disruption for us. It also seems that a restoration project of this magnitude would require additional time than is generally granted by the Town permit process.

Therefore, we support any consideration that the Town is willing to provide towards the elimination/reduction of the over-allotment penalty which is being imposed on Erica and Brian Hunt.

Sincerely,
Jennifer and Jerry Dal Bozzo
3 El Camino Bueno,
Ross, CA 94957

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 24, 2017 7:52 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Mike DeFrino [mailto:Mike.Defrino@kimptongroup.com]
Sent: Tuesday, October 24, 2017 3:14 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Subject: 73 Winship

Ross Town Council,

I'm writing in reference to the permit violation for 73 Winship.

My family and I have lived in Winship (9 Baywood) for 11 years, my 3 daughters have grown up in the neighborhood and have always enjoyed the safety and tranquility of our community.

The big gray house on the corner of Winship and Sir Francis Drake has been a symbol of the neighborhood and Ross to us for all these years.

That said, the house has been dilapidated and crumbling for the majority of our time in Ross.

Not until the recent restoration by the Hunts has the house become a proud part of the neighborhood and a beacon for me each night on my way home from work.

I'm not sure what constitutes a permit violation or expiration in Ross, but I will say that the work has been perpetual, clean, orderly and without neighborhood disruption since it started.

The finished product is a beautiful renovation and restoration of an historically significant structure without taking shortcuts or an easy less authentic approach.

I hope the Town of Ross appreciates the painstaking efforts the Hunts have taken to get to this point and give the allowances that appropriately reflect these efforts.

I've personally been involved in the conversion of more than 10 commercial historic landmark buildings to hotels (The Hotel Gray, Hotel Monaco Washington DC and Baltimore, Hotel Burnham; to name a few), and I can tell you the work, though rewarding, is considerably more difficult and expensive than scraping the earth and starting from scratch. It takes courage, vision and faith to take on a project like 73 Winship and the Hunts shouldn't be penalized for the quality of their work and their conviction to the aesthetic of their property and character it lends to Ross.

Thank you for considering my opinion,

Mike DeFrino

Mike DeFrino

Chief Executive Officer

Kimpton Hotels & Restaurants

222 Kearny Street - Suite 200

San Francisco, California - 94108

T - (415) 955-5433

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, October 26, 2017 5:12 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: melanie deitch [mailto:melaniedeitch@gmail.com]
Sent: Thursday, October 26, 2017 4:41 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: William Hawthorne <whawthorne93@gmail.com>
Subject: 73 Winship

Dear Town of Ross,

We have lived in Ross for over 4 years and love our community. We have watched many homes be razed and/or redone over the years both large and small scale. We understand that the community/town needs to hold home owners accountable for these projects so that disruption is kept to a minimum. We also believe that home owners should not be penalized for doing great work to improve their home, therefore improving the community.

We believe that Brian and Erica have done an amazing job restoring 73 Winship. They went to great expense to keep the exterior as close to the historical look as possible while doing extensive restoration and foundation work. They painstakingly looked at architectural details to maintain the integrity and spirit of such an historically significant home in Ross. The entire community is going to benefit from their work and their home is now a magnificent entrance to the charming Winship Park neighborhood.

We drive by the property all of the time and given the size of the property all of the equipment was kept onsite and did not present any type of issue for us. We feel they did an excellent job to minimize the impact of their project on neighbors. In fact many other projects have been much more intrusive in their use of the street, sidewalks, and noise level.

We believe that Brian and Erica should not be penalized for their hard work. We would like to town to focus on the project outcome and how Brian and Erica did the best they could in a very difficult situation. We don't believe it is right to penalize a family for doing the right thing to build their forever home for their three boys. Any type of fine or penalty would seem very punitive and uncalled for.

Warm regards,

Will Hawthorne
Melanie Deitch

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 5:33 PM
To: Linda Lopez
Subject: FW: 73 Winship Ave

From: Stephen Devereux [mailto:sedevereux@aol.com]
Sent: Monday, October 23, 2017 5:56 AM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship Ave

Dear Town Council

I am writing to express my support and appreciation for the Hunt family and the work they have undertaken to restore and repair their home at 73 Winship Avenue. Ever since I have lived here, that home has looked abandoned. I am happy to drive by now and see that someone undertook what was clearly a large project and made it into a revitalized and occupied home.

I understand the Town is now fining the Hunts \$357,000 for having taken well over 18 months to finish their project. I can not believe this is the response from the representatives of our town to fine this family for having helped our town. I am strongly opposed to this fine. I urge the council to use their influence and forcefully renounce these fines with prejudice.

Sincerely,
Stephen Devereux
97 Wellington Ave
Ross

Begin forwarded message:

From: Erica Hunt <erica@order-sf.com>
Subject: A Plea for HELP from Brian & Erica Hunt (Bonnie)
Date: October 22, 2017 at 11:33:46 AM PDT
To: bbibas@comcast.net
Cc: erica@order-sf.com

Bonnie-

I'm sorry I haven't seen you at Book Club lately, we've been absolutely consumed with the fines from the Town of Ross, making our case, etc. I also hope you got your backend technology portion of your business figured out. I know you guys have lived in Winship for a long time and we'd love it if you would be willing to write a letter in support of our project and what it has meant for you for transformation into the neighborhood. LMK if you have any questions! xx Erica

As you know, we are being fined by the Town of Ross for going over the maximum allowable building timeline of 18 months by an additional 14 months. Our time overage has resulted in a penalty from the Town of Ross of \$357,000.00. <—Sadly, that is NOT a typo. Beyond the enormous emotional toll this renovation has had on our lives, the financial impact a fine of even half that amount would have on our family is devastating. We are asking The Ross Town Council to eliminate our fine.

We are trying to garner as much neighborhood support in the form of emails and appearances by community members at the Town Council meeting to speak on our behalf. Specifically, we are seeking friends and neighbors who would be willing to write an email to the Town Council & Town Manager by Monday, October 30th to ensure it's included in the public record for our Town Council hearing on Thursday, November 9th. We have included a few bullets that might help you get your letter started. Ideally, we would have a full Town Hall with people supporting our penalties appeal on Thursday, November 9th. In addition to your written support, and if possible, we would love to also have your physical support at the Council meeting on 11/9 to just fill a seat or even speak on our behalf.

Facts about 73 Winship (The Gray House)

- Our home was deemed "historically significant" to The Town of Ross
- Our home was built in 1892 and from the exterior looks as it did 125 years ago - we even chose a gray paint color to honor the house name
- During renovation we followed Secretary of the Interior Standards in historically restoring 73 Winship- taking painstaking efforts to restore the wooden exterior, wrap around porch & columns, original window restoration, supporting stone wall, similar shingled roof design, and maintaining the architectural uniqueness of our shingle style Victorian.

- The project scope included: Restoration of the entire main house, renovating 2 bed/2 ba guest house, reconstruction of attached & detached garages and installation of pool.
- Interior features- we restored the original balustrades, newel posts, all door and baseboard trim, doors, hardware and integrated the historic interior to accommodate modern living.
- On a teardown/rebuilt- it takes two weeks to demolish and remove the existing home. Historic home projects take much longer to complete than new construction. For example, regarding our foundation alone, it took us 9 months of continuous work to excavate, support, form and pour our foundation.
- Our home is the Entrance to Ross' Winship Park neighborhood and thought to be one of the oldest homes in Ross- many original Ross Victorian homes have been replaced by more contemporary homes.
- Due to our ample lot size and off street parking, project work vehicles and deliveries were on-site with little to no impact to our neighbors and roads.
- We have been restoring Victorian Homes for the past 25 years and this is Brian's second restoration of a Victorian Era home by the same Architect Maxwell Bugbee.
- Ultimately, our renovation did not cause damages or harm The Town of Ross. Furthermore, it has improved the town.
- We are active community members having made 73 Winship in Ross our forever home for our three boys.

Emails due to Town of Ross: Friday, October 27th

Council Hearing: Thursday, November 9th (6:00PM- actual agenda time TBD)

Please email letters to each of the

following: slucido@townofross.org; jchinn@townofross.org; erica@order-sf.com

We are very pleased with how our family home turned out. We still feel lucky that our home's location is in our sweet, quaint, and special town. We weren't happy our project took so long but it was no surprise to us. Brian has 25+ years of experience working on mostly Victorian era buildings. We knew this house was a big project. We also knew that it was important to take the added time, effort, expense, and attention if the end result was to be of high quality restoration and renovation.

We told the Town we estimated it would take at least 2.5 years. We were told extensions were not an option under any circumstances but allowances could be given after projects were finished. For us, there was no procedure for additional time allowances. We received a certified letter (outlining fines totaling \$357,000) and responded by requesting an appeal before Town

Council to make our case. Currently, this is the only protocol to address our predicament.

We do not expect much from our Town, but we are in disagreement with the time completion ordinance written "to provide incentive for completion" that ultimately triggers a punitive measure for having repaired our house, without extra time allowance given, in light of the unique challenges our "historically significant" house presents. There is no one on the planet that wanted to finish this project faster than we did. Our inability to finish in the allotted maximum "reasonable amount of time not to exceed 18 months" is at odds with the reality of restoring our historically significant home. The Town of Ross states in the purpose of the ordinance is to "maintain the Town's high quality and natural environment", "assure the safety construction practices / through the encouragement of completion inspections on all construction requiring permits", "set and force reasonable time limits for completion of projects".

While your first instinct may be to write about our personal relationship (Thank you for that!), we have been advised to focus on the historic nature of our project. We have also been advised to steer away from criticizing town officials in matters such as our stop work order (red tag), and other delays caused by town employees. We hope that you agree with us that the renovation of our home is in better condition than it was when we purchased it, has been a benefit to the town, and did not cause you personally or the town any harm.

We want you to know how much we appreciate your friendship and willingness to take time and help. This predicament has been and continues to be incredibly stressful for us and we appreciate your support beyond words. A silver lining for us is that we do have you as friends for that needed support - both during the negative experience over the past several years and now through this looming financial threat to our family.

We are available at any time to answer any questions you might have about the project, etc.

We are happy to call you a forever friend who is always welcome in our forever home!

Brian & Erica Hunt
Brian 415-377-4090
Erica 415-845-4090

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:18 PM
To: Linda Lopez
Subject: FW: Domet Support for 73 Winship Project Penalties Appeal

-----Original Message-----

From: Beverley [mailto:beverleydomet@gmail.com]
Sent: Wednesday, October 25, 2017 11:00 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Domet Jack <jack@domet.net>
Subject: Domet Support for 73 Winship Project Penalties Appeal

Hello Sal and Joe;

I am writing to express my support of the appeal requested by Brian and Erica Hunt to waive the penalties that were levied against them due to the extended time it took to complete the 73 Winship project. There is no doubt that the Hunts exceeded the 18 month time limit but I take issue with both the unrealistic time limit put on this project and other projects involving a historic home and the punitive nature of the existing fine structure.

In 2011, when we began looking for a home to purchase in Ross, we were faced with few choices. We considered buying 73 Winship and were scared off by the fact that it was considered a Historically Significant home. We had spoken to several people who had developed historic homes in Ross and decided that the extra expense and hassle of taking on such a project was prohibitive for us. We knew that the only people who could have done that project justice were professionals in the building and restoration industry. You may not have seen the house when it went on the market but it was in an unlivable condition. We did see it and, thought that it probably should have been torn down. Had it been torn down, a local treasure would have been lost. At great expense and personal hardship, this historic home was loved back to life by the Hunts and now stands as an example of Architect Maxwell Bugbee's work and a beautiful entrance to Winship Park. It is a jewel in Ross' crown.

If historic homes are held to the same standards as regular remodels, you will not find home owners who are willing to take on these project and they will stand in disrepair for years. That is not good for the town or for neighbors.

Make an example of the Hunts and their project and take this opportunity to let the community know that these projects are important to the beauty and historic nature of this town and that home owners who go the extra mile to preserve a historic home will not be penalized for doing the right thing.

I appreciate your attention to this matter.

Kind regards;
Beverley and Jack Domet
1 Ridgeview Drive, Ross
415 279 7020

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:13 PM
To: Linda Lopez
Subject: FW: 73 Winship Avenue / Penalty Reconsideration
Attachments: Ed Dong letter 102917.pdf

From: etstp@comcast.net [mailto:etstp@comcast.net]
Sent: Sunday, October 29, 2017 10:53 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: etstp <etstp@comcast.net>; Edward Dong <ed@koardevelopment.com>
Subject: 73 Winship Avenue / Penalty Reconsideration

Joe Chinn
Town Manager
Town of Ross

Dear Mr. Chinn,

Please find attached a letter with our comments regarding 73 Winship Avenue. We wish our letter to be distributed to Town Council Members, and our comments to be included in the public comment record at the Nov 9th Council hearing.

Sincerely,

Ed & Tia Dong
23 Sir Francis Drake Blvd
Ross, CA 94957

Ed & Tia Dong

23 Sir Francis Drake Blvd, Ross, CA 94957 | (415) 454-6585

Ross Town Council
Joe Chinn, Town Manager
P.O. Box 320
Ross, CA 94957

Re: 73 Winship Avenue Renovation

Dear Sirs and Mesdames,

We are community neighbors at 23 Sir Francis Drake Blvd about ½ mile south of the Hunts by the Marin Art and Garden Center. We disagree with the levy of the overtime penalty pertaining to the Hunt's building permit, and recommend that you consider a more equitable resolution.

I have been a developer and a builder of residential homes, and commercial apartments, condominiums, office and retail projects for over 40 years throughout California and British Columbia, including new construction as well as renovations.

In my experience, renovations of existing buildings take considerably longer than new construction as the complications and complexities of preservation, restoration and reconstruction of a home or building impact schedule and costs of completion. Moreover, renovation of vintage buildings often involves additional purview of State and Federal agencies that compound the requirements of local authorities. Since different construction projects have different completion schedules, the Town's non-extendable permit requirement does not account for the possible impacts of State and Federal involvement, force majeure delays and the prolonged restoration of heritage homes.

Despite residing ½ mile south along Sir Francis Drake Blvd we have not been impacted at all from the renovation of the Hunt home. Our family has not been inconvenienced by the extended construction so we do not feel that the Hunt's project has been burdensome to the neighborhood.

We respectfully recommend that you reconsider the penalty to the Hunts, as the permit requirements and penalty seems inconsistent with the good work by the Town of upgrading the housing stock and yet not having an administrative mechanism to accommodate the complexities and extended schedule of renovating historically significant buildings within our community.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ed & Tia Dong', with a stylized flourish at the end.

Ed & Tia Dong

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:20 PM
To: Linda Lopez
Subject: FW: Letter Re: 73 Winship Ave.

From: Tori Eichleay [mailto:tori.eichleay@gmail.com]
Sent: Tuesday, October 24, 2017 9:56 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Letter Re: 73 Winship Ave.

October 24, 2017

Town of Ross
P.O. Box 320
Ross, CA 94957

To Whom it May Concern:

We write today in full support of Brian and Erica Hunt's request to have their exorbitant fines rescinded for the beautiful and historically significant renovation of their home located at 73 Winship Ave. As past neighbors of the Hunts, we were grateful that they kept us informed of everything that they were doing, and admire the way in which their home, constructed in 1892, was restored back to its original glory. Their painstaking efforts have done nothing to harm the Town or any nearby properties; in fact, their efforts have dramatically improved the neighborhood by improving "curb appeal" and we will likely all benefit from their willingness to take on the monumental task of renovating what previously could only be described as a blighted and massively neglected eyesore at the entrance to the quaint and otherwise pristine Winship Park neighborhood.

We first met Brian and Erica when they moved into their newly purchased home, as we were their neighbors on 19 Oak Way. From the beginning, we were amazed and overjoyed to not only hear that someone had purchased the house, but that the couple who bought it had the desire to preserve as much of its original character as possible. In fact, we had dreamed ourselves of possibly submitting an offer for the home and doing what they did, but decided against it, as the cost was too extreme and the scope of work too daunting. As their neighbors, we were much less concerned with a lengthy and involved construction project than we were with a dilapidated house sitting on the corner of a beautiful neighborhood that nobody wanted to purchase because they feared an impossible task lay ahead of them.

What the Hunts managed to accomplish with their renovation is simply astounding. They meticulously restored the entire wooden exterior, the enveloping wrap around porch, and the stunning columns. In addition, they took painstaking steps to restore the original windows, they added a supporting stone wall, and purposely installed a shingled roof design similar to the original. On the interior of the house, they restored the entire main house with extreme attention to architecturally significant details, renovated the 2 bed/2 bathroom guest house, reconstructed the attached and detached garages, and installed a gorgeous pool. Given the scope of this project and their absolute desire to "do it right," it is not surprising at all that this project took longer than the absurdly allotted amount of time. As a person in the engineering and construction business and with a contractor's license of my own, it was apparent from the beginning that an 18 month timeline for project completion was an impossible ask. The magnitude of this historic renovation is virtually unprecedented in the Town of Ross and is so far above and beyond the norm that it is ridiculous to apply customary requirements for

such a large and complex undertaking. Whereas most buyers would have cut corners and ruined the house by implementing cheap fixes, the Hunts chose to do exactly the opposite, and the neighborhood has benefitted greatly from their painstaking attention to detail.

We encourage you to take these considerations into account and withdraw the aggressive and punitive measures that have been initiated against the Hunts. They are truly one of the kindest and most involved families in the community and they should not have to endure such absurdity for doing nothing more than taking a reasonable amount of time to do the job right.

Sincerely,

George & Tori Eichleay

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 7:11 PM
To: Linda Lopez
Subject: FW: Unreasonable Fine of Brian and Erica Hunt

From: Mary Jane Elliott [mailto:mjelliott@sbcglobal.net]
Sent: Tuesday, October 31, 2017 6:33 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Re: Unreasonable Fine of Brian and Erica Hunt

We are writing in support of Erika and Brian Hunt. We believe that the Ross Town council must eliminate their fine for going over the 18 month building timeline for 73 Winship for the following reasons:

- Their home was deemed "historically significant" to the Town of Ross.
- They followed Secretary of the Interior Standards in restoring 73 Winship, a house built in 1892 that now looks as it did 125 years ago.
- The house is at the entrance to Ross' Winship Park neighborhood and thought to be one of the oldest homes in Ross- many original Ross Victorian homes have been replaced by more contemporary homes.
- The renovation did not cause any damage to the Town of Ross. Furthermore, it has improved the town.

The Hunts alerted the town at the outset of the project that it would take longer than 18 months. They were informed that the town would make allowances where justifiable after the completion of the project. If there is any instance where extension without fine is justifiable, it is this one--where a family has painstakingly and lovingly restored a grand old house for the benefit of all. This town should be in service of its citizens not sitting in judgement and meting out punishment. They took exceptional care to restore a historically significant house, which is in the interests of the all the residents and the town of Ross.

Sincerely,

Mary Jane Elliott and Mohammad Diab
24 Upper Road West, Ross

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 6:06 PM
To: Linda Lopez
Subject: FW: Letter of Support for 73 Winship Ave.

From: Sheri Ericksen [mailto:sher_i_kuhnert@rocketmail.com]
Sent: Tuesday, October 31, 2017 3:53 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>
Subject: Letter of Support for 73 Winship Ave.

Hi -- Please find our letter of support for 73 Winship below. If you have any questions, please don't hesitate to email or call my cell (917-734-7046).

Thank you,

Sheri Ericksen

October 31, 2017

Town Council, Town of Ross

Dear Mayor and Members of the Council,

We write in regard to the penalties assessed to the Hunt family over their renovation of 73 Winship Avenue. Though the work exceeded the Town's standard time allotment, we feel they approached the remodel with the utmost respect for the needs of their historic home, in addition to the Town's regulations. We believe the Hunts began the project with a clear understanding its scope and an accurate estimate of the likely time to completion, but faced an unfortunate circumstance with respect to the code's inflexibility in such situations. While the Town of course requires some penalty mechanism to keep construction jobs within a reasonable length, there are going to be projects from time to time that require longer windows, be they related to historic renovations, building on challenging hillside lots, or otherwise. 73 Winship clearly fits that criteria, in our view.

We agree with the Ross Historical Society's assessment of 73 Winship as one of the "most historically significant homes" in the Town, and it is obvious that the Hunt family took great pains to restore it to the beautiful Victorian that Maxwell Bugbee designed 125 years ago. It's in the Town's interest to work with families to help preserve these historic homes that so enhance the character of Ross. These are big, complex, expensive projects, and when done right, they enhance quality of life for everyone in town. We want to encourage this as much as we

reasonably can, rather than discourage it via penalty. Therefore we ask that the Council take a lenient posture with respect to its final penalty assessment. We further ask that the Council consider modifying the code to allow Staff discretion to grant longer timelines when appropriate, thereby removing a potential impediment to the next family considering a lengthy -- but worthwhile -- project.

Thank you for your consideration.

Sincerely,

Chris & Sheri Ericksen, owners, 200 Hillside

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, November 2, 2017 8:08 AM
To: Linda Lopez
Subject: FW: Hunt Residence Fines

-----Original Message-----

From: Andrena Felger [mailto:andrena.felger@icloud.com]
Sent: Wednesday, November 01, 2017 10:05 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Hunt Residence Fines

Dear Town of Ross,

I am writing this letter as a resident of Oak Way for three of the past four years, and to express my support of the removal of the fines levied against the Hunts with regard to the restoration of their residence.

Though the project continued past the specified period permitted, the value which they have added to the surrounding neighborhood, and extended community far exceeds any inconvenience caused to neighboring properties.

Further, I very much appreciate that they preserved the integrity of the structures, and maintained the historic detail of the architecture. As someone who has restored historic homes, I understand the time and expense involved with undertaking a project of this magnitude.

I would also like to add that they were always respectful of the town code in terms of construction hours, and went beyond in order to ensure that neighbors were not inconvenienced.

Not only is it a pleasure to have the Hunts as neighbors, it is also a pleasure to enjoy their lovely historic home as a part of the neighborhood. It offers the architectural integrity and unique character that makes Ross the gem that it is.

Many thanks for your consideration.

Warmly,

Andrena Felger
19 Oak Way and
23 Oak Way

Sent from my iPhone

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 3:52 PM
To: Linda Lopez
Subject: FW: 73 Winship - Letter of Support

From: Tallie Fishburne [mailto:tallie.fishburne@gmail.com]
Sent: Friday, October 27, 2017 10:18 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: 73 Winship - Letter of Support

Dear Ross Town Council and Ross Town Manager,

We have lived in Ross for 9 years, love our small town feel, seeing neighbors at the post office, and imagining life in Ross a hundred years ago. There are only a few homes in Ross that require no imagination — they simply have been restored to look very much as they were when they were built. We believe The Gray House at 73 Winship is one of these and it is truly a gem in our town.

We are writing because we believe the time completion ordinance for restoring historic homes is unfair and punitive. Our understanding is that all construction projects must be completed within 18 months for the benefit and tranquility of the town. While we do appreciate this guideline in most circumstances, we feel there needs to be another guideline for historic renovation which requires more time.

Unlike many home renovation projects which demolish and start construction in a matter of weeks, the owners of 73 Winship spent months excavating and pouring a new foundation. Then they painstakingly renovated and restored the wooden exterior, porch, columns, and historic windows on the exterior as well as interior balustrades, newel posts, doors, baseboards and trim.

With 25 years experience restoring Victorian-era homes (including another home by the very same architect who designed 73 Winship), Brian and Erica Hunt never imagined they could complete this project within 18 months. However, there was no alternate process to follow to allow the time necessary for historic preservation. This is what we would like to see changed. We ask the Town to create a new ordinance allowing more time for historic preservation projects. The longer time allowance would respect the historic preservation we want to encourage in this town.

We also ask the Town to waive the penalty of \$357,000. The owners of 73 Winship contained construction vehicles and deliveries on their own property with as little inconvenience as possible to the neighbors and Town. They worked as quickly as possible while still respecting the detailed work of historic preservation. And most of all, they have done the Town a great service by buying an abandoned, neglected house, returning it to its Victorian-era beauty and transforming it into a vibrant family home.

Thank you for your consideration and our deepest gratitude for your service to our treasured town.

Best,
Tallie and Tom Fishburne

111 Bolinas Ave, PO Box 74, Ross
tallie.fishburne@gmail.com
tom.fishburne@gmail.com
415-342-5281

Gilbert M. Fleitas
Kelli D. Fleitas

86 Glenwood
Ross, CA 94957
(415) 425-2300

October 31, 2017

To the Ross Town Council:

As a member of the Ross community, I am respectfully writing to express my serious concerns and reservations over the enormous fine/penalty the Town is seeking to collect in connection with the renovation of 73 Winship.

Under the facts as I understand them to be, I find the proposed penalty to be excessive, unfair, and even *counter-productive* to what the time-limitation ordinance seeks to achieve. It certainly sends a chilling message to the town's residents considering just about any project. Moreover, it lends credence to perceptions outside of Ross that the Town is an unfriendly and unreasonable place to buy a home requiring any degree of renovation. (I *completely* disagree with that overall perception, but, as a former local real estate agent, I do understand how these perceptions have arisen and persist.)

Since late 2009, my wife, two small kids, and I have lived at 86 Glenwood, during which time we have successfully lived thru at least two major nearby home renovation projects, including immediately next door at 84 Glenwood. I can absolutely appreciate, *and fully support*, Town regulations aimed at incenting renovation or new-build projects to be completed expeditiously and in a reasonable amount of time.

Similarly, and even more so, I also fully support our Town's overall regulations aimed at ensuring the quality and character of our Town, which in particular should include *encouraging* the renovation of historically significant homes. I believe 73 Winship is one of those homes, and it pains me to see anyone penalized for doing the right thing with such a lovely home, especially where no apparent harm was created in the process other than exceeding what appears to be an inflexible 18-month time limitation ordinance that is completely disconnected to the particular realities/requirements of any specific project.

It was only two months ago that I even realized that the Hunts were the owners of 73 Winship. But I do recall feeling very relieved years ago when it became apparent to me that the home was being *renovated* and not torn down. Having at that time recently completed a relatively small renovation in our own home, I recall being impressed (even heartened) that someone would be willing to undertake the to-be-expected required extra time, work, and risk/uncertainty associated with a renovation project of that scale *versus* a complete tear down/rebuild. In this project, the foundation work alone took 9 months to complete,

substantially more time than would have been required if this had been a straight teardown and rebuild.

In my opinion, our Town's regulations should encourage, certainly not disincentivize, homeowners to preserve historically significant structures, accommodating the special and unavoidable circumstances and uncertainties associated with renovating such homes. I believe and am concerned that the imposition of a fine for 73 Winship's renovation runs completely counter to what we should all want, and in fact creates a disincentive to anyone considering a historical renovation, especially short of a clear finding that true harm was created by the project.

Part of the Hunt project included the renovation of a small 2 bed/2bath guest house, in which Erica and Brian, and their 3 children, all lived during the renovation of the larger home. It is reasonable to conclude that that alone was a big enough incentive for them to complete their project as soon as possible. Also, in full disclosure, on September 5th (approximately when I learned for the first time that the Hunts owned 73 Winship), I rented the guest cottage for my 87- and 84- year old parents, both of whom were literally days away from being moved into the Drake Terrace assisted-living facility in San Rafael. My whole family, and especially my parents, are so thankful that that cottage still exists and available as a rental unit, and that it was renovated with the care and quality that makes it perfectly suitable for elderly residents with physical challenges. (You may not be aware, but the prior residents of the cottage were an out-of-state couple who needed temporary housing while one of them underwent experimental medical cancer treatment.)

I plan to attend the meeting on November 9th, curious to hear what mistakes, damages, or other factors would justify a penalty being proposed. Our Town has retained a historically significant home, and the application of our Town's regulations shouldn't do anything that provides a disincentive to homeowners attempting such future project. To do so, garners a short term "benefit" at the expense of a longer, and more meaningful, benefit to the overall character and beauty of our lovely Town and its residents.

Over the years, I have seen firsthand and heard how hard the job of a Ross Town Councilperson can be (and even myself previously worked for a local planning commission), requiring that you balance the full panoply of opinions and interests of the town's residents. Some want virtually no changes to the Town, while others would welcome a wild west approach. As always, it's a tough job, requiring discernment and understanding. I appreciate and thank you for your service, and respectfully ask that the proposed fine be eliminated unless the record can clearly show that the town was harmed, or that the Hunts unnecessarily delayed or abandoned the project and could have completed it in 18-months.

Our collective communal agreement to abide by the law is only sustainable as long as we all continue to believe that our laws are fair, proportionate, flexible, equitable, and ultimately truly making our lives better. I'm concerned that the current situation doesn't meet that standard.

Respectively,

Gilbert (and Kelli) Fleitas

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:14 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Meghan Forman [mailto:megforman11@gmail.com]
Sent: Sunday, October 29, 2017 12:19 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: 73 Winship

Hello-

I am writing in regards to the fine issued against the Hunt's pertaining to the permit timeline overage on 73 Winship.

I know that great care and attention to detail was given to restoring the home to exactly how it looked when it was built 125 years ago. The Hunt's took ownership of the responsibility given to them as owners of what must likely be the oldest home in Ross. I admire the outcome of their home as well as the attached structures. I appreciate the fact that they took the time necessary to give the proper attention and respect to the historical significance of the home. Given the prominent location of the house I believe the time taken and the preservation of the home are an added value to the town of Ross.

I have noticed a lot of homes in Ross being town down and new homes being built, while this may allow them to work within your permit timeline and avoid fines, it saddens me to see and wonder if preservation could have been possible. **I fear that this fine will scare others away from the preservation process and more beautiful homes will be torn down as a result.**

I would like to support the Hunts in their request to have their fine reduced greatly or eliminated due to the above and other extenuating circumstances such as the perception given by the town that allowances would be given. Myself or my family nor anyone I know or have heard of has been harmed by the length of time it took the Hunts to restore their home.

I have personally witnessed the Hunt's add significant financial value to the Ross School, the value being more than the fine. This in turn adds value to the entire town and all it's citizens.

Please take my email of support into account at the Nov 9 board meeting.

Kind regards,

Meghan (and William) Forman
106 Laurel Grove Ave., Ross

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 5:17 PM
To: Linda Lopez
Subject: FW: 73 Winship Construction penalties

From: Mark Fritts [mailto:mark.fritts.ca@gmail.com]
Sent: Monday, October 30, 2017 10:50 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Erica Hunt <erica@order-sf.com>
Subject: 73 Winship Construction penalties

Town of Ross,

I have included comments regarding this issue in an additional email along with my wife, but I wanted to provide an additional voice as a member of the Advisory Design Review committee.

Over the past 9 years serving on the ADR, I have had the pleasure to review most of the design and construction projects undertaken by our residents. Over that time, it is apparent that the town fabric is suffering from the removal of architecturally significant structures in the town. The character that we love and cherish so dearly is being slowly chipped away at right before our eyes.

There have been numerous significant homes that have been demolished and replaced with new homes and this is occurring due to two primary factors: One, we grant these new structures the same square footage as the existing, regardless of current maximum allowed so there is no penalty for removing the existing, and two, we have no designation for what is a significant architectural structure within the Town other than what the state declares historic, which is a bar that is too high for maintaining our home fabric.

The project at 73 Winship came before the ADR while during my time on the committee. We commended the Hunts for working with the structure and maintaining the character of one of the most significant and publicly visible homes in our town. The town needs to do whatever it can to encourage the renovation and not demolition of these structures.

It is my experience as a practicing architect and a homeowner myself, that renovating buildings is more time consuming and laborious than new construction. We need to take this into account in our ordinances and allow for homeowners who choose this route to have more time to complete their projects.

I would recommend that the town recognize the significant value that the Hunts have maintained for the town in your consideration of this matter.

Mark Fritts
Ross ADR Chairman

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 5:17 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Mark Fritts [mailto:mark.fritts.ca@gmail.com]
Sent: Monday, October 30, 2017 10:31 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Erica Hunt <erica@order-sf.com>
Subject: 73 Winship

Town of Ross

As we understand, the owners of 73 Winship are being fined by the Town of Ross for not completing construction before their building permit expired. As neighbors of the Hunts, we would like to state that we support the work they have been doing to renovate their historically significant home and feel the amount they are being fined is exuberant.

The home is being renovated with great attention to historical architectural details, which as architects, we understand takes more time than a new construction project. Much of the work is being done by the owners themselves, which is unusual, (and refreshing), in the Town of Ross. The family has also been living in the home during much of the work, which again is unusual, extends the construction time, and speaks to the minimal disruption of the work. We live on the divided section of Sir Francis Drake Blvd. and have to make a loop through Winship Park anytime we want to exit our driveway and head North. In driving by the Hunt's residence daily we have never encountered traffic disruption due to the construction. This project did not ever appear to be an environment causing nuisance due to noise, dirt, or traffic for the neighborhood or the town.

We are very happy to see this significant Ross home being lovingly restored and therefore contributing to the historic charm of the Town of Ross. For the reasons stated, we encourage the Town of Ross to reconsider or reduce the fine imposed on the Hunts and/or allow extensions to the permit so they may complete the renovation of 73 Winship.

Thank You,

Mark Fritts and Orna Meyer

79 Sir Francis Drake Blvd.

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 5:17 PM
To: Linda Lopez
Subject: FW: Request to approve allowance for extra time needed for remodel of 73 Winship

From: Whit Gaither [mailto:whitgaither@gmail.com]
Sent: Monday, October 30, 2017 10:05 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Teri Gaither <terigaither@yahoo.com>; Erica Hunt <erica@order-sf.com>
Subject: Request to approve allowance for extra time needed for remodel of 73 Winship

Dear Town Council & Manager,

We strongly recommend and request that you grant a complete allowance for the extra time needed for this remodel. 73 Winship is an iconic property located at the entrance to one of the most prized neighborhoods within our town. For years it sat neglected, an eye sore for the community and surely detracting for our collective property values.

The Hunt's have taken the time required to respect the historic nature of the property without impacting or causing harm to us personally, the town, the immediate or greater community.

We believe the extra time is warranted for such a historically significant home. The alternative (demolition and construction of a new home) does not honor the quality construction we aspire to see in our town and new construction would certainly require extensive changes to the landscape and natural environment - further disrupting the tranquility and consistency of our historic community.

It should also be noted that the privacy and ample parking thoroughly obscured the fact that construction was underway - eliminating any impact to the community.

We should celebrate this project as an example for others, and we formally request that you waive all penalties.

Thank you,

Teri & Whit Gaither

--
Whit Gaither
C: 415.259.7229
E: whitgaither@gmail.com

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 6:04 PM
To: Linda Lopez
Subject: FW: In Support of the Hunts

From: Hope Garbo [mailto:hopegarbo@gmail.com]
Sent: Tuesday, October 31, 2017 9:56 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Erica <erica@order-sf.com>
Subject: In Support of the Hunts

Hello:

I wanted to send a note in support of Erica and Brian Hunt. As a Winship resident, we all love the beautiful restoration they have done on the "gateway" to our neighborhood.

They have truly added value to the Town of Ross and should be commended for their painstaking efforts and attention to detail. Hopefully the town see this as well, and will not punish them for this.

Thank you in advance for your consideration.

Hope Garbo
16 Baywood Ave.

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 5:36 PM
To: Linda Lopez
Subject: The Hunt 73 Winship Appeal

From: Kara Goldin [mailto:kara@drinkhint.com]
Sent: Sunday, October 22, 2017 3:06 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: The Hunt home

Dear Town Council

We are writing to express our support for the complete dismissal of fines imposed on the Hunt family in the amount of \$357,000. The Hunts bought and restored what must be one of the oldest home in Ross that also sits on a prominent visual location. It is of benefit to the Town and it's residents that the Hunts decided to invest money and great effort in making their old Victorian home livable and in turn, improving our community. So they were late in finishing. Seems a bit excessive to charge them what you are proposing??

Please eliminate all punitive measures toward the 73 Winship Avenue project and help send a message within and outside our community that historic preservation matters and is important to promote when relevant.

Thank you,

Kara

Kara Goldin
Founder & CEO
hint inc.
www.drinkhint.com
[917.593.5974](tel:917.593.5974)

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 5:35 PM
To: Linda Lopez
Subject: FW: Brian & Erica Hunt Construction Penalty.

From: Michael Gorham [mailto:mrmgorham@aol.com]
Sent: Sunday, October 22, 2017 5:40 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Subject: Brian & Erica Hunt Construction Penalty.

I
Hello Town,

I think the penalty for the Hunts late completion needs an exemption. I don't believe there is any other way to refurbish a historical site than the time consuming process the Hunts have been through. I also think this penalty will set a precedent for future (old) dwellings getting torn down. I'd rather see many old homes sprinkled among the new ones throughout our beautiful town.

Regards,
Mike Gorham
Resident 18 Redwood DR Ross CA
direct: 415-602-6669
President FOAM ORDER
General Manager Rostov Supplies
V.P. Natural Sense Mattress

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 8:27 AM
To: Linda Lopez
Subject: FW: 73 Winship

From: Kimberly Hodges [mailto:hodges.khh@gmail.com]
Sent: Friday, October 27, 2017 8:20 AM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>; Hardy Hodges <hodges_h@yahoo.com>
Subject: 73 Winship

Dear council members

We are a family of four who live in Winship Park at 48 Loma Linda Ave. We have resided in Ross since 2012 and moved here after deciding it seemed an ideal place to raise our two girls.

We are writing to offer our support to the Hunt family in asking you to reconsider and waive any and all fines for their restoration/renovation of their property at 73 Winship Avenue. Since we moved here and apparently for many years prior, that home existed in an extremely poor state. It really served as nothing more than a reminder of eras passed that evoked curiosity of what was the real story of how it got to the state it had then. Fortunately, after many months on the open market, we heard that someone decided to buy it. Some weeks later, we met the Hunts and were happy to learn that they both had experience in homes of this sort, and they were interested in making this their long term home to raise their three boys.

We have watched the property transform in vast ways as the construction has taken place. As neighbors who drive by multiple times every day, it is a pleasure to have that house "brought back from the brink" and become an integral part of the neighborhood again rather than the weird and mysterious outlier property that it used to be. We are grateful that the Hunts chose to spend the money, time, and effort they have to restore that entrance to Winship Park.

We respectfully request that you please reconsider any fines for their investment and effort that cause or imply that we as a town respond to their undertaking with punishment. This simply is not a proper response in this situation and we ask you to remedy that response.

Thank you for your consideration.

Kim and Hardy Hodges

Kim cell: 201-362-0626

Hardy cell: 415-747-4577

Sent from my iPhone

Kim

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 3:54 PM
To: Linda Lopez
Subject: FW: Brian and Erica Hunts Victorian House

From: Gypsy Horsted [mailto:gypsyprincessofross@gmail.com]
Sent: Friday, October 27, 2017 1:30 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Subject: Brian and Erica Hunts Victorian House

I bought my house at 20 Winship Ave , Ross in 1988.

On the corner of Winship and Sir Francis Drake(73 Winship) was an old very large Victorian. I could tell it had once been a beautiful home and originally owned by one of the first Ross families.

But in 1988 it was in need of a lot of repair!

For years it didn't look like there was a caretaker on the property. It was completely running down.

All the neighbors were so happy when we heard the Hunts bought the house and Brian Hunt was a contractor. We hoped he would restore it.

And restore it he did! He kept it looking original and made it beautiful!

Because it was so run down and needed so much work, plus being an historical house, I am sure it took a lot of time to get permits and permissions to fix it up.

I do not think it is fair to punish the Hunts in a \$357,000 fine for taking time to finish this historical house! They have made it beautiful and kept with the original house style.

The city of Ross and the people on Winship should be proud the Hunts took on this huge project! They made the house beautiful and I am sure increased the value of the Winship Park houses.

To have a newly renovated, historic Victorian on our street and in our town is a real asset.

I cannot believe the town is fining them for restoring this once run down house and turning it into a town asset,

Why would the town punish someone for enhancing our community? It makes me very sad that our town cannot support them and would fine someone for trying to better our neighborhood.

Please do not fine them.

I cannot believe the town of Ross would fine someone so much money (\$350,000) for trying to better our community and restoring an historic house.

I think the town of Ross is being very unfair to punish the Hunts!

Please reconsider your penalties!

Sincerely,
Gypsy Horsted
20 Winship Avenue
Ross, Ca

PO Box 642
Ross, Ca 94957

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 2:45 PM
To: Linda Lopez
Subject: FW: 73 Winship - Fine Appeal

From: wendy huck [mailto:wendy.huck@gmail.com]
Sent: Friday, October 27, 2017 10:11 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship - Fine Appeal

Dear Mr. Lucido and Mr. Chinn,

We are writing with regards to the Hunt property and the monetary fine assigned to them. The Hunts are incredibly active in the Town of Ross and have done a phenomenal job renovating their historic home. While we didn't know the house before the Hunt's transformation, we've heard that it was in disarray and an eyesore for the neighborhood. The Hunts pain-stainkenly took the house apart little by little and then meticulously restored it to its historical beauty. Obviously, this had time-line ramifications which, we believe, should be taken into consideration by the Town Council.

While we disagree with the Town's penalties for construction extending beyond 18 months, in this case the situation is extreme. This wasn't a typical house, and we don't believe it would have been possible to complete this level of historic renovation within that time-frame. Surely if any house and project should be exempt from the 18 month limits, this is one of them.

The Hunts are whole-heartedly good people and constant volunteers in our community. They deserve to be treated with appreciation for the time, effort and considerable money they have invested in their home, as well as the community. If you punish them with the extreme monetary amount proposed, who will step up to restore other historic homes in our community? Please consider making an exception given these most unusual circumstances.

Many thanks for your time and consideration.

Kind Regards,

Wendy & Jay Huck
147 Lagunitas Road

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 5:33 PM
To: Linda Lopez
Subject: FW: Objection to penalties at Hunt House-73 Winship

From: Marianne Jacobson [mailto:mjacobson@mixonix.com]
Sent: Sunday, October 22, 2017 11:57 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>
Cc: Bob Jacobson <bjacobson@mixonix.com>
Subject: Objection to penalties at Hunt House-73 Winship

10/21/17

To Ross Town Council and Town Management,

It has come to our attention that the town would like to impose significant penalties related to the house construction and restoration of Brian and Erica Hunt at 73 Winship. We were extremely disappointed to hear this for several reasons.

First, prior to the Hunt's purchase and restoration, this house was a complete mess and major eyesore. It was close to a tear down and was overgrown with brush and bushes. It was an unsightly doormat and gateway to Winship Park and brought down both the impression and value of nearby properties. What the Hunts have done with that house is nothing short of a miracle. It is now beautiful and grand, it is stately and historic, and it unquestionably raises the value of all properties in Winship Park and the entire area! Indeed, for this reason alone the town of Ross owes a debt of gratitude to the Hunts rather than seeking to penalize them. The time, investment and care they put into the restoration benefits all of us.

Secondly, with respect to the construction, we drive by the property 5 to 15 times every single day so we are very familiar with the property and the construction. During the entire period in which that construction and restoration was being done, there was never any inconvenience to us. There were never any road blockages or traffic delays, there was never an eyesore, never any loud noise nor obstructions or other things to disturb or disrespect us. Among the many many projects we have witnessed in the town of Ross and Winship Park in particular, this was probably among the least disruptive!

Thirdly, Erica and Brian are upstanding and involved Ross community members who add a lot of value to the fabric of Ross. They are not selfish or ignorant of their impact on neighbors. Erica has served as PTA president for a number of years and has chaired many many fundraising events including the Ross Garden Tour, which benefits Ross School and thus the Town of Ross.

So, we sincerely hope that town management and the town council will eliminate any and all fines being imposed on the Hunts for their renovation. Instead, the townspeople and the town council of Ross should be thanking the Hunts for restoring this historically significant Ross gem to it's former splendor. We urge you to put this matter to rest immediately so that instead of feeling beaten down and punished, the Hunts can feel welcome and appreciated in their home and in our unique and special town of Ross.

Thank you kindly for your attention to this matter!

Sincerely,
Bob and Marianne Jacobson
50 Loma Linda Avenue
Ross and Winship Park residents for 13 years

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:16 PM
To: Linda Lopez
Subject: FW: Hearing November 9th, 73 Winship

From: Michell Kawaja [mailto:michellkawaja@gmail.com]
Sent: Wednesday, October 25, 2017 2:48 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Subject: Hearing November 9th, 73 Winship

Dear Town Staff,

I write from a space of heart and big picture, in support of the Hunt's renovation of 73 Winship. I believe the fine that they are facing is unfair punishment and does not fit the "crime".

This town is brilliantly beautiful, community minded, and a bit of a utopia.

I want this town to thrive.

I want to recommend others move here, dream big, build, improve their property and be supported by all.

I believe that residents of Ross want the best--for their town, their home, their families, their lives.

I feel the Hunts are in good faith.

I believe they sweated bullets, bled their savings, and tried to finish their project as soon as humanly possible. They did their best AND were honest up front about their home taking longer than normal as they wanted to preserve the **historical integrity**.

Once again, I feel the punishment of \$350k does not fit the "crime".

Let's support our community, the Hunt family.

And reduce, minimize and (my vote) vanish their fines.

Thank you for your time!

~Michell and Chris Kawaja

188 Lagunitas Rd.

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 2:54 PM
To: Linda Lopez
Subject: FW: Letter in support of 73 Winship Avenue
Attachments: Hunt Project_10_28_17.pdf; ATT00001.htm

From: Ruth Krueger [mailto:ruth@lookmanohands.com]
Sent: Saturday, October 28, 2017 1:51 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: Letter in support of 73 Winship Avenue

October 28, 2017

Joe Chinn, Town Manager
Sal Lucido, Building Official
Town of Ross
Ross, CA 94957

We are writing in support of Brian and Erica Hunt's project at 73 Winship Avenue.

We have not been personally inconvenienced by this project and we feel that meticulous restoration of historic homes benefits the town.

Our understanding is that the town does not grant exceptions beyond 18 months for time extensions to complete renovations, but that allowances are possible after project completion. We feel that special consideration should be given to owners willing to undertake quality restoration of Victorian homes and believe the town should reconsider its 18-month rule for completion with regard to the expert craftsmanship required to renovate homes of this type.

We are in favor of efforts to reach an equitable solution to the Hunt's construction penalties.

Sincerely,



Ruth Krueger and Kevin Buckholtz
91 Glenwood Avenue
Ross, CA 94957

415-458-1740

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 3:53 PM
To: Linda Lopez
Subject: FW: 73 Winship Way -November 9 Town Council Meeting

From: Mark Kruttschnitt [mailto:mark.kru@gmail.com]
Sent: Friday, October 27, 2017 1:22 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; CouncilAll <towncouncil@townofross.org>
Cc: Heidi Scoble <hscoble@townofross.org>
Subject: 73 Winship Way -November 9 Town Council Meeting

Mayor Robbins, Ross Town Council, and Joe Chinn,

I am writing to you regarding 73 Winship Way, which I believe will be an Agenda item at the November 9 Town Council Meeting. While this is not official ADR business, I am writing to you based on my experiences from being on the ADR for the past 7 years.

Many families in Ross, including my own, have torn down existing homes and built new homes. It is both less expensive and less time consuming than restoring an old house. It also leaves families with home setups which are more suited to today's lifestyle than homes built in a time before the Golden Gate Bridge was built. I know that several Town Council Members, and a majority of the ADR, would like to see more existing Ross homes, especially those which are architecturally and historically significant, restored instead of torn down. As you are all aware of, the State of CA historical designation is a very high bar and there are only a handful of homes in Ross which legally qualify for preservation. This issue came up as recently as last Tuesday's ADR meeting, when one of the ADR members wrote an impassioned email from China (where he was receiving an architectural award) imploring Ross to do more to save the unique architectural character of the Town.

One of the ways that the Town of Ross can encourage this preservation is by not punishing those who choose to restore properties. These homeowners almost always take longer to restore something than it would to build something new. My personal residence took a full 19 months (18 months plus the one month grace period) to build. Almost any complete renovation will take longer than the allotted 19 months. I believe that the Town of Ross should give homeowners longer for such projects if the Town wants to encourage renovations rather than teardowns. It is my understanding that in the current system the property owners take on lengthy restorations at their own peril and then have to ask the Town to forgive the fines after the fact. I believe this should be changed and the time limit should be extended depending upon the preservation goals of the owners. Along the same lines, I believe that the fines assigned to this one particular project at 73 Winship should be dismissed, or at least reduced to a small fraction of the current amount. Instituting such a large fine will surely discourage future homeowners from restoring their old homes. In my opinion, the home in question has turned out very nicely and helps with the overall architectural character of the Town

Regards,

Mark Kruttschnitt
Town Resident and ADR Member.

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 2:46 PM
To: Linda Lopez
Subject: FW: Regarding Erica and Brian Hunt's home at 73 Winship

-----Original Message-----

From: Karen Kuwatani [mailto:karen@kuwatani.com]
Sent: Friday, October 27, 2017 8:00 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Regarding Erica and Brian Hunt's home at 73 Winship

Dear Joe Chinn and Sal Lucido,

We live just down the street from Brian and Erica Hunt. Please be open to hearing and acting in a fair manner to their response to this exorbitantly high fine regarding their renovation and restoration of their historically significant special home at 73 Winship.

Living just a few doors down from 73 Winship - my husband, daughter and I have not been impacted by their renovation in any form. We admire what they've achieved. We've been enamored of this home for quite some time and appreciate that the character of the Victorian remains intact.

Erica and Brian are active community members who care about what's important - their family, neighbors, their boys education (they've been incredibly supportive at Ross School) and this beautiful quaint special town.

Thank you for your time.

Karen Kuwatani and Greg Finch

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 8:28 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Stephanie Lamarre [mailto:stephanie@stephanielamarre.com]
Sent: Monday, October 30, 2017 8:25 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: erica@order-sf.com
Subject: 73 Winship

Dear Town Council members and Town Manager Chinn,

I am writing to support Erica and Brian Hunt's appeal of the town's \$357,000 fine. I urge you to reconsider and either drastically reduce or eliminate this excessive fine.

I have lived in Ross for nearly 18 years, and I've been a residential realtor in the community for nearly 10 years. During that time, as both a resident and a realtor, I've seen many building projects in our community. The \$357,000 fine is inappropriate for a project that has only improved one of the oldest and most historic homes in Ross.

- 1) I toured 73 Winship, inside and out, before the Hunts purchased it. I also saw the disclosures for the property. It was virtually uninhabitable and frankly an eyesore. When it was listed for sale, it was difficult to sell. Most buyers would not touch it because it is a historic home, subject to additional requirements (making its renovation much more difficult and costly), and because there are multiple buildings on the property (all of which needed work). The Hunts were the rare buyers willing to take on this large-scale project. We should thank them for doing so.
- 2) Rarely have I seen a historic renovation project as well done as the Hunt's renovation of 73 Winship. Clearly, they put an enormous amount of time and money into this project. As a member of the community, I applaud the Hunts for their meticulous renovation, and I appreciate the value that it brings to our community as a whole. This home is now, once again, a jewel of our town. I do not believe that the town (meaning our collective community) should penalize them for doing excellent work.
- 3) The fine is excessive. No family of average means could afford to pay this type of fine without losing their home. If the town insists on levying this fine, it's very likely we will lose the Hunts and other families of average means from our community. And we will dis-incentivize owners from taking on renovations of older homes (meaning we could lose a lot of historic homes in the process – those that aren't deemed protected will become victims of the bulldozer).
- 4) The Hunts' project did not harm anyone. Far from it! In fact, their excellent work on this landmark has transformed a dilapidated home into a showpiece true to its architectural roots.
- 5) This was not an average project, and it should not have been given an average time-table. As I understand it, the Hunts told the town up front that the project would take 2.5 years (the foundation alone took 9 months), and yet there was no process for them to obtain the time needed to complete this project in the way that conformed to the historic requirements. There should be a special procedure for additional time for renovating historic homes like this, especially given our design review goals of encouraging historic preservation. Yes, it would have been less costly and more expeditious to tear down the house, but no one wanted that, least of all from a perspective of preserving town history.
- 6) As a real estate professional, I have been involved in many different building projects in towns throughout Marin (and at the county level). Ross' building permit fees alone (aside from potential fines) are substantially higher

than any surrounding jurisdiction. Those types of fees are more than sufficient to cover the cost of any additional administrative oversight required due to the length of this project.

Thank you for considering my letter and point of view.

Kind regards,

Stephanie Lamarre

Stephanie Lamarre, J.D.

Broker Associate

Golden Gate Sotheby's Int'l Realty

415.806.3176

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Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, November 1, 2017 12:11 PM
To: Linda Lopez
Subject: FW: Hunt remodel in Winship: supporting statement [Langenberg Shlager]

From: Andria Langenberg [mailto:andrialyle@comcast.net]
Sent: Tuesday, October 31, 2017 8:18 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: Hunt remodel in Winship: supporting statement [Langenberg Shlager]

Dear Ross Town Council,

We send this email communication in strong support of the Hunts' meticulous restoration of their classic and historic Ross home. This was a complex remodel and restoration, beyond any recent comparator. Due to the unique detailed nature of the restoration, extension beyond 18 months was reasonable in order to effect the beautiful outcome which enhances our neighborhood and town. Neither we nor our neighbors were inconvenienced by the period of the restoration.

In this unique situation, we consider that fines for extension of the restoration period do not seem warranted.

Andria Langenberg and Lyle Shlager
77 Wellington Avenue
Box 643
Ross, CA 94957

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 24, 2017 7:49 PM
To: Linda Lopez
Subject: FW: Letter of support for the Hunt family

From: Dana Lee [mailto:dcmlee@gmail.com]
Sent: Tuesday, October 24, 2017 11:27 AM
To: Erica Hunt <erica@order-sf.com>; Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>
Subject: Letter of support for the Hunt family

Dear Joe, Sal, and members of the Town Council,

My family and I have been Ross residents since 2014 and have enjoyed seeing the Hunt family's painstaking restoration of their home. The home is one of the most prominent in the community, and the Hunts have obviously gone to great lengths to maintain the historic integrity of the home. It is a gracious, classic structure complemented by gorgeous landscaping, and quite simply, it beautifies the Town.

I am grateful to the Hunts for taking on such an extensive, expensive, and frankly painful project. By contrast, there is a large home on my street, on a similarly prominent lot, which has been largely abandoned and an eyesore to the community for years. Every time I pass by it, with its overgrown shrubs, occasional caution tape hung across the front steps, and woodpeckers drilling holes in its siding, I wish it would be restored. I'm certain that such a project would be an enormous undertaking and that it would probably be easier and less expensive to simply tear it down and start over. Other projects in Ross have demonstrated that even teardown projects can be a challenge to complete within the Town's 18-month timeline; the Hunts' renovation was clearly not that straightforward.

We should all be appreciative of the Hunts' efforts to restore a home that represents Ross in many ways: traditionally beautiful, tasteful, and charming in a verdant garden setting. This project was clearly not a typical one due to the historic significance of the home, and as such, it warrants an exception. I would love to see the Hunt family's efforts rewarded with a complete removal of the fine associated with the extended timeline on the project.

Sincerely,
Dana Lee

To: Town of Ross

Re: Hunt residence time extension

I am writing in support of not fining the Hunt family for the extended time required to restore their historic house.

I value and appreciate the extra work it takes to restore an old house as compared to scrape and rebuild. Older homes normally require more time and attention to detail. I believe saving these old houses helps our community maintain its history and character and we should support their efforts.

By using the following example, I believe consideration can be made to adjust the time limit/fine schedule policy to benefit the Hunt family and our Town's reputation. For example, we have a policy to charge patients who "no show" for their appointments. We don't enforce it unless they have become a problem patient. We demonstrate good will through leniency and exercise penalties on a case-by-case basis. Our goal is to live in a co-operative and supportive community. I don't believe the extra time it took to restore that old house harmed anyone and we win by saving a wonderful older home.

Thank you for your consideration.

Sincerely,

Dr. Little

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 6:03 PM
To: Linda Lopez
Subject: FW: Hunt residence

From: Robyn Luhning [mailto:rluhning@gmail.com]
Sent: Tuesday, October 31, 2017 8:29 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: Hunt residence

Dear Town Council,

I have been informed that the Hunt family is facing fines of \$357,000 for failing to meet the 18 month maximum deadline for large projects. I am writing to express my dismay about these fines being levied. It seems counter to our ethos as a town, which I understand is to foster the preservation and restoration of the few older homes that remain in Ross. The Hunts have taken an old, dilapidated residence and restored it to what it was and more. We are aware of their project and enjoyed watching its restoration. It serves as a stately entrance to Winship Park now which is a far cry from before the Hunts took on the project.

Thank you for your representation of our town. We hope you embrace this opportunity to revisit the decision to levy this massive fine.

Best regards,
Robyn Luhning
24 Allen Ave

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 8:42 AM
To: Linda Lopez
Subject: FW: Letter to Town Council re: The Hunts' Assessment

From: Betsy McDermott [mailto:mcdermottbetsy@yahoo.com]
Sent: Friday, October 27, 2017 8:36 AM
To: fslucido@townofross.org; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>; Ed McDermott <ehmcdermott@gmail.com>
Subject: Letter to Town Council re: The Hunts' Assessment

To Whom It May Concern,

We recently learned that Erica and Brian Hunt are being assessed a \$357,000 fine for not completing the renovation of their home at 73 Winship Avenue within the 18-month window the Town of Ross allots property owners. As community members and a family who went through a similar remodel, we wanted to raise our strong objection to this fine and the "one size fits all" application of the 18-month policy.

The Hunts purchased a 125 year old historically significant home. It would have been much easier, timelier and considerably less expensive to simply tear down the house and build a new one. However, the Hunts chose to painstakingly restore the house to bring it up to modern day standards while keeping the integrity of the house intact. This is a gift to the community. Quite frankly, we believe there should be incentives, not penalties, for homeowners who take on a project of this scope.

The town's "one size fits all" 18-month policy fails to take into account the practical realities of certain projects. Painstakingly remodeling a large, historic home simply requires significantly more time and financial investment than brand new construction (or a much smaller project). We believe the town policy should take these project-specific factors into account. The current policy further incentivizes the tearing-downs of older homes. Shouldn't our policy seek to encourage the preservation of older homes which add to the unique charm and character of Ross rather than providing even greater financial incentive to tear them down?

We speak from first-hand experience. We remodeled our home at 2 Glenwood Avenue seven years ago. Because we chose to retain and restore a 1906 home, the project took longer and cost substantially more money than had we simply knocked the original house down and started from scratch. Despite the greater time and cost involved, we chose to renovate because it was important to us to preserve a piece of Ross' character and history. It is clear to us the Hunts felt the same way.

Erica and Brian are involved and valuable members of the Ross community. Erica recently completed a multiple year stint as head of the Ross School PTO. Our understanding is that their project did not significantly inconvenience their neighbors or town. They simply were trying to do the "right thing." How lucky for the town of Ross that the Hunts chose to take this project on.

Thank you for your consideration.

Sincerely,

Betsy and Ed McDermott

2 Glenwood Avenue

Ross, California

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:13 PM
To: Linda Lopez
Subject: FW: Brian and Erica Hunt (73 Winship) - Fee Appeal

From: Miriam Manning [mailto:manningmiriam@gmail.com]
Sent: Sunday, October 29, 2017 7:08 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Hunt <erica@order-sf.com>
Cc: Manning, Drew <Drew.Manning@fisglobal.com>; Miriam Manning <manningmiriam@gmail.com>
Subject: Brian and Erica Hunt (73 Winship) - Fee Appeal

Dear Town Council and Town Manager,

We are writing to express our support for the appeal filed by Erica and Brian Hunt challenging the fees assessed against them for their purported failure to complete the restoration/renovation project within an 18 month period. It is inconceivable that the Town would not have made accommodations to the homeowners at the outset of the project in light of the scope and nature of their undertaking or toward the end of the project when they requested additional time to complete the work. The square footage and historical nature of the property made it very difficult, if not impossible, to complete the necessary work within the allotted time and we are shocked that the Town refused to make any reasonable accommodations. We are concerned that the Town was aware of the complicating factors but made no effort to extend the completion deadline.

As we understand, no neighbors were inconvenienced during the construction and the Hunts did nothing but enhance the value of the Town by restoring their historic home to its original glory. They should be commended for their undertaking, not penalized. For these reasons we believe that the Town's decision to assess fees was in error and should be reversed.

Sincerely,

Andrew and Miriam Manning
(8 Woodside Way)

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, November 1, 2017 7:38 PM
To: Linda Lopez
Subject: FW: 73 Winship Avenue

From: Cammeron McLaughlin [mailto:cammeronmclaughlin@gmail.com]
Sent: Wednesday, November 01, 2017 3:18 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>; George McLaughlin <georgebmclaughlin@gmail.com>
Subject: 73 Winship Avenue

To Ross Town Council and Town Manager,

We reside at 23 Wellington Avenue in Winship Park. We are writing to support the Hunt Family and urge members of the council to revisit the time completion ordinance as it relates to construction projects on homes deemed historically significant.

We believe strongly in respecting architecture and taking great care when it comes to preserving historically significant structures. Having gone through extensive renovations of a home in Napa, we know that getting labor is proving more difficult in recent years and projects of scale take time to complete. On top of that, when considering the extra care and hurdles one must overcome when renovating a historically significant home ...the timeline inevitably would be longer than that of a home that was not of historical significance.

Therefore, we believe that the Town should take into consideration the type of home that is being renovating (ie: if of historical significance) and allow for timeline adjustments as a result. The fact that is not taken into consideration when establishing timeline ordinance limitations seems like an oversight and should be considered. Knowing historic structures take longer to renovate, I would hate to see a timeline imposed on a project that is unreasonable and force the work to be less than perfect as a result of an unreasonably short timeline - I realize the ordinance is meant to incent a homeowner to complete a project timely, but when it comes to a historic structure the circumstances are different and should be taken into consideration when establishing timelines.

The fine that is being imposed on the Hunt family as a result seems excessive in light of this fact. In addition, as a Winship Park homeowner since 2009, having the entrance to our neighborhood beautified and renovated has been a significant upgrade compared to the state of that property for many years prior to their project. In addition, the Hunts have been a key contributor to our community and the Ross School for many years and we are grateful for their many contributions.

Given the circumstances as it relates to the historical significance of their property and the upgrades they have made to Winship Park's "entrance" by renovating their property, we urge the town to reconsider the hefty fine that has been placed on them. It seems extremely excessive in light of the circumstances.

Please don't hesitate to reach out with any questions.

Best,
Cameron and George McLaughlin
23 Wellington Avenue

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 5:35 PM
To: Linda Lopez
Subject: 73 Winship appeal

From: robert momsens [mailto:bmomsens123@gmail.com]
Sent: Sunday, October 22, 2017 6:27 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: letter in preparation for the Nov 9 Town Council Meeting

Robert Momsens
bmomsens123@gmail.com

To: Town of Ross

From: Bob and Carol Momsen, residents/owners of 59 Winship Ave

Date: October 22, 2017

Re: 73 Winship—the Gray House, November 9 Town Council Meeting

We are long time happy residents of Ross, having lived at 15 Fernhill previously, and 59 Winship currently.

We have always looked at the round old run down house at 73 Winship with curiosity and always hoped that somebody would buy it and restore it. While it was an eccentric eyesore prior to the Hunt's work, it also seemed to be a fire hazard for the community. We are ecstatic with the restoration that the Hunt's have done and very pleased that they honored the original lines and design of the house.

Regarding the Town of Ross building timeline of 18 months, this seems like a very well intended rule to ensure that projects reach a conclusion in a reasonable amount of time. It also seems unavoidable that there will be projects too large or too complicated to complete in the allowed time. The project at 73 Winship seems to us to embody many of the characteristics that you would expect to cause the project to take longer than simpler projects:

- it was designated historically significant to Ross
- it required significant foundation work, without disturbing the house
- it required the renovation of two homes, sequentially(maybe there should have been two consecutive 18 month permits??
- In spite of the size of the project, the contractors and vendors were able to minimize the impact on the community and on Winship Road by parking on site—not on the road.
- all remodels are more difficult than new construction to estimate time and costs—the contractors can not know what problems they will find when they open the walls.

Some closing thoughts:

- there was no inconvenience to other homeowners on Winship
- this project caused less disruption than any of the other remodels on the street(because of on site parking and staging)
- the result is a beautiful, historic, restored home that improves our community

We hope that the Town can recognize the unique features of this project which required more time to resolve in an elegant way. We hope the Town will waive or significantly reduce the imposed penalties for overrunning the 18 month completion deadline.

Robert Momsen Carol Momsen

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 5:16 PM
To: Linda Lopez
Subject: FW: Hunt Home

-----Original Message-----

From: Bettina [mailto:bettina@jfmoores.net]
Sent: Monday, October 30, 2017 9:37 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Hunt Home

Hello,

I am writing to share my feelings about the renovation and restoration of 73 Winship (Brian and Erica Hunt's home). I feel that they have saved a town treasure, and I am grateful. The Hunt family has resurrected the elegance of this historic home, and their family has been wonderful in this community.

I hope that the Town of Ross will reconsider the fine for the delay in completion, and instead reflect the feeling of gratitude in the community for this labor of love; for I believe that short-cuts would have affected the integrity of the restoration.

Best regards,
Bettina Moore

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, November 1, 2017 7:40 PM
To: Linda Lopez
Subject: FW: Letter in Support of Brian & Erica Hunt (11/9/17 Town Council Meeting)

From: Monica Nelson [mailto:monica.o.nelson@gmail.com]
Sent: Wednesday, November 01, 2017 3:23 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Letter in Support of Brian & Erica Hunt (11/9/17 Town Council Meeting)

Dear Town of Ross Council,

We are writing in support of Brian and Erica Hunt of 73 Winship Avenue. Our family has lived at 55 Sir Francis Drake Blvd, close to the Hunt's Victorian era home, for nearly 6 years.

We understand that their restoration project was completed outside of the town's allowed time completion ordinance. Despite the length of time, as neighbors we are extremely pleased with the outcome of the renovation to their family home as it is exponentially in better condition than it was prior to the Hunts taking on project of this magnitude. The length of their project has not caused our family any harm and surely it has only increased property values for neighboring homes and our special town.

Although we are unable to attend the Town Council meeting on November 9th, please include this letter in support of the Hunt's penalty appeal.

Thank you,
Monica & David Nelson
(650) 353-0725

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:13 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Rebecca Nessel [mailto:rnessel@gmail.com]
Sent: Sunday, October 29, 2017 7:47 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Hunt <erica@order-sf.com>
Subject: Fwd: 73 Winship

Hello,

We are writing to express our support for Erica and Brian Hunt in appealing their \$357,000 fine for going over their allotted renovation time on 73 Winship. As residents of Ross, we feel a debt of gratitude to people like the Hunts who are willing to put in the time and expense to renovate historical properties such as these. There aren't that many people who would be willing or able to undertake this large of a project. What a gift to our town to have this historical property renovated in such a beautiful way. We were not at all inconvenienced by their construction and hope that others will not be deterred from undertaking such large projects that preserve the character of our town. In fact we worry that by not allowing exceptions to rules in cases of historical restoration we will quickly lose much of what we love about living here. We truly hope this issue can be remedied and are happy to speak with anyone from the Town if that is helpful.

As a real estate developer, Ari has renovated thousands of apartments and understands the complexities of the work the Hunts did. We are both incredibly impressed by their undertaking and only hope others like them continue to make our town so wonderful.

Please let us know if we can ever be of service.

Rebecca and Ari Nessel
14 Upper Ames Ave.
415-595-6982

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:14 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Sally Newson [mailto:sallynunn@comcast.net]
Sent: Sunday, October 29, 2017 3:03 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: 73 Winship

Hi Joe and Sal,

I'm writing today in protest of the \$357,000 in penalties assessed by the Town on 73 Winship in Ross. As the previous neighbor directly across the street at 63 Sir Francis Drake (also a historical home, one of the first eight properties built in town) during construction time, there was no impact at all on us. I'm calling "foul" on the Town's decision for the following reasons:

1) It was the Town who deemed the property "historically significant" and placed extensive renovation restrictions to maintain the look and demanded a complete historical restoration consistent with Secretary of the Interior Standards. This caused the Hunts to take painstaking efforts to restore the wooden exterior, wrap around porch & columns, original window restoration, supporting stone wall, similar shingled roof design all while maintaining the architectural uniqueness of a shingle-style Victorian. The Hunts were dedicated to following the mandates of the Town, despite the significant increase in cost and time to do so.

2) As a result, the Town is penalizing the Hunts for going over their time limit, instead of, in my opinion, rewarding them for undergoing such a laborious and costly renovation. The final result is stupendous and one that all of Ross can appreciate, as it is at the gateway to Winship Park. I often had tea with the longtime previous owner, Marguerite, in the living room of the then-dilapidated home. Just walking on the front porch was treacherous and I thought surely would be a tear-down when the time came. I am appreciative of the incredible workmanship that went into restoring this beauty, but very disappointed with the Town's penalizing the same efforts that they demanded.

3) I am advising the Hunts that if the Town does not waive the penalty as they should, that they should apply for Historic Status through the Mills Act, which would allow them to pay no or heavily reduced property taxes, which over the many years the family plans to live in the home would help them to recoup at least some of outrageous and financially devastating \$357,000 fine. This would be detrimental financially to the Town in lost revenue.

More than anything, my hope is that the Town will do the right thing and act in a human and dignified way to resolve this, instead of like a profit-driven corporation. Ross is such a special small town, as all who live and work here know. Please "right" this "wrong" and take the steps necessary to waive the penalty in full. I look forward to hearing from you soon.

Thanks -

Sally

Sally Newson
MindTank Work Club
23 Ross Common, Suite 5
P.O. Box 351
Ross, CA 94957
415.847.2534



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WORK CLUB

www.mindtank.com

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 3:53 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: NicholsonHome@aol.com [mailto:NicholsonHome@aol.com]
Sent: Friday, October 27, 2017 12:44 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: erica@order-sf.com
Subject: 73 Winship

We are William and Carland Nicholson and have lived at 19 Garden Road since 1974. We drive past 73 Winship ten to twelve times per week and have not been disturbed by the re-construction and repair at 73 Winship. The property is large enough for all the reconstruction to be within its boundaries and is shielded from Winship Avenue and Sir Francis Drake by a wall and vegetation. The only exception to this point to our knowledge was repair on the wall. We visited the property before the project began and were astonished at how much work would be required to restore the property to its Victorian elegance. We are very pleased that the property has been restored.

The primary house on the property is of historic significance to the Town of Ross and to Winship Park in particular. Without the restoration the house likely would have been torn down and a modern building erected with the associated loss to the neighborhood and Town. The proposed fine of \$357,000 for exceeding the eighteen month construction limit is extremely excessive given the improvement to the property and the continuation of an historic structure in the Town.

We recommend that the fine be significantly reduced or eliminated. A fine of no more than \$10,000 would be appropriate to acknowledge the extended construction period beyond the eighteen month limit. Frankly, we would not charge a fine given the importance of the historic restoration that has been achieved.

William and Carland Nicholson

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 2:46 PM
To: Linda Lopez
Subject: FW: 73 Winship Town Council_Letter.pdf
Attachments: 73 Winship Town Council_Letter.pdf; ATT00001.htm

From: Pedro F Nogueiro [mailto:pnogueiro@icloud.com]
Sent: Friday, October 27, 2017 5:18 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>
Subject: 73 Winship Town Council_Letter.pdf

Please include this for the Nov 9 meeting.

Pedro Nogueiro
Elizabeth Nogueiro
5 Locust Ave.
Ross, CA 94957
October 26, 2017

Ross Town Council
P.O. Box 320
Ross, CA 94957

Dear Ross Town Council:

I am writing on behalf of my wife, Liz, and myself to express our opinion regarding the fines the Town of Ross is imposing upon the Hunt family relating to the restoration of their home at **73 Winship**. I will get right to the point and say that Liz and I feel very strongly that the fines are excessive and inappropriate and that we are fully supportive of the elimination of those fines.

I could hardly believe my ears when I heard that our town was levying, upon its own residents, an outrageous \$357,000 in fines and penalties due to the delay in completion of their restoration project.

Anyone who has ever undertaken a home restoration, remodel, or home construction of any kind knows all too well that there is no joy in having such a project take longer than absolutely necessary. I know the Hunt family did everything they could to simultaneously comply with building codes, ensure minimal disruption to the neighborhood, build a home they could keep forever, and stay true to the beauty and originality of the Gray House that has stood on that site since 1892.

I realize that the Town has processes and regulations in place to protect all of us from disruption to the quiet enjoyment of our property, and I understand that projects that drag on well beyond their projected completion date can become an eyesore and a public nuisance. But none of this has been the case with this project. It took longer than the allocated 18 months because of the extra care and consideration required to faithfully restore a treasured landmark. This is not a case of a developer playing games to maximize profits, nor of an owner making frivolous changes to plans in mid-stream because they

“couldn’t decide”, nor even a situation of inexperienced homeowners being unrealistic. This is a case of a family, with experience restoring Victorian homes, taking on a huge project in order to build a home for themselves in our community, and in doing so, also preserving an important element of historical significance to our beautiful town.

Expecting to complete a project of this magnitude inside of 18 months is simply unrealistic. The homeowners expressed this to the Town and were told there were no options for extensions, but that allowances could be given after the project was finished. **Now that the project is finished we are respectfully requesting that the Town Council do what is right, and waive these absurd fines.**

Sincerely,

Pedro Nogueiro
Elizabeth Nogueiro

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 7:09 PM
To: Linda Lopez
Subject: FW: 73 Winship, Ross

From: Stephanie D. Notowich [mailto:Stephanie.Notowich@dodgeandcox.com]
Sent: Monday, October 30, 2017 12:45 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt (erica@order-sf.com) <erica@order-sf.com>
Subject: 73 Winship, Ross

Dear Town of Ross,

As a longtime resident of the Town of Ross, I would like to express my support of Brian & Erica Hunt's request for the elimination of their penalty.

The home that they have remodeled is exactly in keeping with the character of Ross. It is a historic beauty that required painstaking remodeling with care, consideration and a huge investment. The town should applaud families (NOT DEVELOPERS!) who intend to plant roots for many years, improve their family home and become a part of the Ross community.

Brian & Erica are wonderful, involved parents at Ross School and participate in many of the town's events. The established time limit is in place for a traditional new build or straightforward remodel. This was simply not the case with a home as old as theirs and in-need of as many repairs.

Please consider the financial devastation that your current fine would impose on a well-respected, honest and upstanding family that intends to remain in our community for very long time.

And please add my letter of support to the public record.

Kind regards, Stephanie Notowich
7 Woodside Way, Ross

Stephanie D. Notowich
Dodge & Cox
555 California Street | 40th floor | San Francisco, CA 94104
415-274-9321 T | 415-986-5471 F

Stephanie.Notowich@dodgeandcox.com
www.dodgeandcox.com

Please follow the hyperlink to important disclosures.
https://www.dodgeandcox.com/disclosures/email_disclosure_funds.html

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 7:08 PM
To: Linda Lopez
Subject: FW: Hunt Residence

-----Original Message-----

From: kathy o'brien [mailto:ebclay@comcast.net]
Sent: Monday, October 30, 2017 10:22 AM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>
Cc: erica@order-sf.com
Subject: Hunt Residence

Dear Joe, Sal and Town Council:

When we first came to Ross many years ago, we thought it was a really nice town with a great school. It wasn't until we ventured toward the hills within the town that we understood what all the "fuss" was about, what made it so special. 73 Winship Avenue, which lies at the corner of one of the most charming parts of Ross, is a prime example of the grace and grandeur of Old Ross, singular for its prominent location at the entrance to our town; that said, the property was in terrible disrepair until the Hunt family recognized its potential and decided to restore it.

It would have been much easier, and probably less costly, to tear it down and rebuild. Many Ross residents have taken this option, resulting in new homes that, for better or worse, have changed the historic look and feel of our town. The alternative might have been for the house to remain as it was before the Hunts took it on- empty and somewhat forlorn. Instead, they have brought it back to its former glory while improving it, making it safer with updated codes, ensuring that this taste of Ross's past would be here in the future, not just as a building, but as a thriving part of our community and home to a family, as it was meant to be.

The town council has, in the past, publicly recognized disparities in various town building codes that provide unequal benefits to citizens (garage and attic exception, grandfathering numerous FAR ratios to new construction after the teardown of old homes built before current limits were set, etc.) By far the most egregious rule is the 18-month time constraint for all permitted work, regardless of its scope. Major renovations, especially those that must include sensitivity to historical significance and restoration of artisanal features originally created by craftsmen in a time long gone, are especially problematic and time-consuming. Considering the amount of work required, the Hunts' progress was impressive. They could never have (and never stipulated that they could) complete the work in the standard time allotted. It borders on the cruel and insane to apply this rule to their project and penalize them so harshly. This practice is a huge disincentive for anyone contemplating a similar undertaking. The Town of Ross General Plan waxes poetically about the importance and merit of preserving our "historic places and resources" and the rules and restrictions enacted to curb the rapid loss of the charming character of Ross due to demolition and rebuilding of properties that ignore those attributes. It is obvious that the Hunts took the idyllic description of our town and the proscribed methods of maintaining it to heart. Does the town leadership prefer that future construction projects choose speed and expediency over quality and "maintaining the town's high quality and natural environment"? That is the logical result of this thinking, and one has only to look at charming areas of surrounding towns that have been sullied in this way.

We are currently preparing plans for permits to make a modest addition to our house. Part of our learning curve has involved the many requirements, including a number of new ones, that add complexity, time and expense to any building project. We have also been exasperated by town codes that allow exceptions for some projects and not others,

in ways that seem to defy logic and fairness. We've been told more than once throughout the years that these inequities are recognized but 'will probably not be dealt with in time to help us". The Hunts say there is no process for appealing their penalty and that is why they have turned to their neighbors for help. We are their neighbors, and we think they should be rewarded for their dogged determination to see this project through, the sensitive, unobtrusive manner in which they did it, and great result they have achieved. If there is no exemption from the time limit on the books, the council should enact one now, in the interest of encouraging others to resist destroying our legacy homes in favor of new, more expeditious alternatives.

The Hunt family has done a major service to the town of Ross by taking on the monumental project of restoring this grand, but rather derelict, property. Through their labor and dedication to its history, the whole community benefits.

Sincerely,

Kathy O'Brien and James Meyer

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, November 1, 2017 12:10 PM
To: Linda Lopez
Subject: FW: Hunt Family Home: 73 Winship

From: Jacquie Osterman [mailto:jacquie.o@comcast.net]
Sent: Wednesday, November 01, 2017 8:22 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>; Garth Osterman <garth.osterman@me.com>; Jacquie <jacquie.o@comcast.net>
Subject: Hunt Family Home: 73 Winship

To Whom It May Concern,

We are writing to support the work that the Hunt family completed at their **historically** significant home at 73 Winship, Ross. We believe that their home, as completed, is an enormous improvement over the condition of the house that stood before the Hunt's renovation and, not only benefits the Winship neighborhood, but the Town of Ross itself. Although we do not live near the Hunt's family home, we often drove by their home and never felt that their construction had an adverse impact on the neighborhood or the Town. Rather, we were excited to see the house being so beautifully restored and contributing to the historic charm of the Town.

We have learned that the Hunt family is being fined in excessive of \$350,000. We were shocked at this amount of this fine. We believe the amount that they are being fined is financially devastating.

Because of the benefit of the house as renovated to the Winship neighborhood and the Town, and because the amount of the fine is financially devastating, we encourage the Town to reconsider or reduce the fine imposed on the Hunts and/or allow extensions to the permit so they may complete the renovation of 73 Winship.

Best,

Jacquie & Garth Osterman
3 Hill Rd., Ross

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 7:09 PM
To: Linda Lopez
Subject: FW: Ross Town Council & Manager // Hunt Property

From: Erik Pavelka [mailto:erikpavelka@gmail.com]
Sent: Monday, October 30, 2017 2:24 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Ross Town Council & Manager // Hunt Property

Dear Ross Town Council / Manager:

This letter is in regards to the upcoming Town Council meeting where the Hunt's house on Winship will be discussed. We live at 15 El Camino Bueno and have direct access to Oak Way and the Hunt's property via our easement as well as the property boundary onto El Camino Bueno.

We'd like to share some thoughts regarding their project and what it means for the town of Ross.

1. Historical Property - When we first set foot inside the Hunt's house in 2012, it was like going back in time over 100 years. I joked that they had a locomotive in their kitchen (it was the old boiler).

We also recollect thinking that the Hunts were "crazy" for taking on this project. It was going to be a massive project that would be made so much more difficult given the historical nature of the property and how to improve the fundamentals of the house yet retain the details that gives this house so much character.

We surmised that Brian and Erica were truly a one in a million type of buyer that would be able and willing (!) to buy this house and do this historical preservation. Most other buyers of this property would have simply leveled the house and started over. Brian's expertise in restoring many old Victorian houses was an amazing find for our town.

2. Duration - This project was known from the start that it was a big one that was going to take longer than the normal project timeline that Ross allows. From improving the foundation with a multi-thousand sq. ft. 100+ year old house on top of it to finding layers and layers of dry rot throughout the house, this was going to be no small task.

In our town, I'm not aware of any assessment for the type of work that needs to be done when considering its overall timeline. It's certainly a heck of a lot harder to fix an old historical house from the ground up than it is building a new house.

We had an interesting look at this with the building of a new house on El Camino Bueno over these last five years. Demolishing the old house on the site took about 1 day and the preparation of the foundation / ground to building the new house took about 18 months and they had put about as much money and people against this project as you could imagine.

Comparing this new house construction on El Camino Bueno to the Hunts is like comparing apples and oranges. The Hunts is clearly more difficult, more time consuming, and likely under increased scrutiny given the size of the project, the historical nature of it, and the constraints of converting a very old house to modern engineering and design requirements.

3. Neighborhood Improvement - Without the Hunts, we would very likely continue to have an eyesore in our community versus the now amazing property entering Winship. This improvement will not only improve the value of the Hunts property, but will help bolster the value of all of the neighboring properties as well.

If or when one of our houses sell, the increased value and taxes that will be received by the sellers and the town of Ross will be partially based on the hard work done by the Hunts.

4. Nuisance - Importantly with any project, the impact to the neighborhood should be reviewed. With the way in which the Hunts went about this project, the impact to the neighbors was negligible, if any at all. The Hunts have been total pros at limiting the amount of impact to the community by staging the work done on the property, blocking it from view, and doing so within the confines of the Town's rules.

5. Town Revenues - The Town of Ross has increased its revenue base because of the improvements and the increased value of the Hunts property. Not only does the Town of Ross have the annuity in increased taxes, but it has also received tens of thousands of dollars in revenue from permit fees throughout the life of the project.

6. Fess - We understand that there is contemplation for a large fee to be assessed to the Hunts due to the duration of the project. We feel that this is completely wrong to assess a fee on their property and project for many of the reasons noted above.

First, the town has increased revenues in perpetuity due to the larger tax base. Second, penalizing someone for taking on this herculean task does not take into account the size, scope and nature of the project at hand.

Fundamentally, had it not been for the Hunts, we would have likely lost a Town of Ross treasure and a house that makes living in Ross so unique and frankly increases our property values and our Town revenues because of the existence of such treasures. Let us not penalize those that take on these types of projects but instead encourage others to do the same and keep Ross unique and a great place to live.

Thank you,
Erik & Megan Pavelka
15 El Camino Bueno, Ross

Erik Pavelka
650-814-8020 mobile
erikpavelka@gmail.com

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:14 PM
To: Linda Lopez
Subject: FW: 73 Winship - Support for Abatement of Fine

From: David Peterson [mailto:dpeterson307@aol.com]
Sent: Sunday, October 29, 2017 3:33 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Subject: 73 Winship - Support for Abatement of Fine

To the Honorable Members of the Ross Town Council. I write to you in hopes that you will abate the fine imposed on 73 Winship for exceeding the maximum time to complete construction.

I have lived in Ross for 49 years. The first 18 years on Baywood Ave traveling through Winship Park and passing by 73 Winship, the Grey House, on a daily basis. In more recent times I continue to pass by this Grand Old House multiple times per week. Grand as it was, over the years it became run down and quite over grown, a real eye sore. At one point, we were solicited for a "Hard Money Loan" by the then owners who inherited the house. The loan was for them to fix it up to sell. We declined, knowing what a big project it would be. I think they sold it pretty much as it was.

I learned the Hunts had just bought the house when I met Erica on the Ross Garden Tour a few years ago. I introduced myself and ask where she lived. She told me her husband was a contractor and of their plans to restore the house. Having some familiarity with the house, I assumed their plan was to "flip" it when completed, thinking it would likely be a lucrative project. She replied that they hoped to stay in the house and community, although they knew it would be a long and expensive project.

Knowing a bit of history of the house, I was very pleased to hear someone was willing to take on such a daunting project. As such I casually watched the project's progress. I noted that early in the project they added a wall along Sir Francis Drake and up Winship. Knowing it would be a long project, I thought this was a good plan, both for the ultimate privacy and noise reduction and to hide the ongoing construction. This is especially true given that it would likely be a lengthy project. I had understood from Erica that her husband, Brian, planned to do much of the work himself with only a small crew.

I personally did not make note of a date when the project started, nor could I tell when it was completed. However I did take note that I never saw a pickup truck or other signs of construction on the neighborhood streets. It appeared that most all of the construction was hidden from view along Sir Francis Drake and also for those on Winship.

In more recent times, I came to know Brian when he joined Marin Beekeepers Association. We are both beekeepers. When I learned that he was the other half of the family that purchased the Grey House, I asked how the project was coming and how he was dealing with the lengthy construction time with the Town. He said it was difficult and that he had not been allowed any extensions on the 18 month limit. I have now learned of the fine levied by the Town.

I believe that 73 Winship is the kind of restoration project that should be encouraged by the Town and not punished. The Town should have some ability to give extensions for completion of certain projects based on the nature of the construction and disruption to the neighborhood. Projects involving major restoration of some of our older houses should be giving consideration. Projects being done by the owner/occupier should be given consideration. Projects making efforts to minimize neighborhood impacts should be given consideration.

I hope the Town Council will give consideration to the significant benefit to the Town and in particular, the entrance to the Winship Park neighborhood when considering the abatement of the this fine. And further consideration to the minimal impact to neighbors and the fact that much of the work was done by the owner/occupant of the home during the construction period.

Such fines should not become a "Profit Center" for the Town. It would not be unreasonable to tack on any additional cost associated with additional inspections, or clerical work necessary to allow extensions of time to complete deserving projects. Likewise, it would not be unreasonable to impose conditions to minimize disruption to the neighbors or damage to Town infrastructure, such as parking restrictions and general appearance of the project site including view lines from the street and neighboring homes.

It is unreasonable to impose a fine of several hundred thousand dollar on someone making their "Forever Home" when there is no comparable damage to the Town or Community.

Thank you for your deliberations on this issue and for all the other work you do for our Town.

David Peterson
dpeterson307@aol.com
(415) 596-7124 Cell
307 Upper Toyon Rd.
PO Box 1445
Ross, CA 94957

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 7:08 PM
To: Linda Lopez
Subject: FW: 73 Winship- request for fine reversal

-----Original Message-----

From: T P [mailto:tpiliero@gmail.com]
Sent: Monday, October 30, 2017 12:07 AM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>
Cc: Deb <dpiliero@gmail.com>; Erica Hunt <erica@order-sf.com>
Subject: 73 Winship- request for fine reversal

To members of the Town Council and the Town Manager of Ross,

We are writing on behalf of our friends and neighbors, Erica and Brian Hunt and requesting that you eliminate the fine currently assessed to them for the delay on the completion of their house renovation.

We understand the rationale for the fine's existence- to dissuade homeowners from having lingering projects that would inconvenience other residents and also negatively impact the aesthetics of our beautiful little town. In this case, for several reasons including the following, we feel strongly that the fine is egregious and misplaced, and should therefore be rescinded.

The delays to the building that the Hunt's faced were almost entirely due to the nature of their "historically significant" home. Special care is required to restore such a home, painstaking detail that necessarily extends the required time for completion. Demolishing a newer home might take two weeks. Being careful with the artifact they were working with, they took around nine months for this part of the process alone! Would it have been better for them to rush through and potentially damage something historically significant? Or was it more in keeping with the town's objectives to handle the process such care?

Given the nature of their lot and all of the off street parking, they were able to keep all of the construction vehicles off the main streets in our neighborhood. We live at 66 Wellington, so drive by their property multiple times every day. We cannot think of a single time where we felt inconvenienced by their construction- it was always out of sight, out of mind. In fact, if anyone at all was inconvenienced by the length of this project, it was the Hunt family themselves!

Our family has felt first hand the love and support and sense of community we have here in Ross. It is truly a special place of which we know no equal. It would seem entirely counter to that sense of community to impose this fine on the Hunt's. They worked so hard on this project and have delivered a beautifully restored piece of history for us all to admire. While it understandably took longer to complete than the traditional mandate, no harm or inconvenience was levied upon anyone during the process. Why penalize them for a job well done? We strongly suggest that the council waive this fee.

Thank you in advance for your consideration of this matter.

Best regards,

Tom and Debbie Piliero

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 5:16 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Jeff Qvale [mailto:jeff@qvalemanagement.com]
Sent: Monday, October 30, 2017 9:09 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship

Dear Ross Town Council,

I am writing regarding the historic renovation project at 73 Winship. This home is of interest to me as we had once looked at it for our own project. It is a beautiful and historical Ross property, but it was in desperate need of a full renovation. We ultimately decided not to pursue the project as it was so daunting in its scope.

Subsequently, the Hunts purchased the property and took on the renovation task. They have done a wonderful job bringing this iconic lot and structure to a high level. Due to its visible location, it was wonderful to see the progress being made. We are grateful to the Hunts for improving the property and feel the renovation has only added to the charm of Ross. So, I was alarmed to learn that the Town had applied a penalty to the Hunts for extending past the 18 month construction timeline. I find it unacceptable for our town to impose these arbitrary fines on its own citizens. These types of historical renovations are difficult and expensive enough without the added pressure of time constraints.

Any house renovation in this county is challenging, but one with the details required of a historical house is overwhelming. No one wants remodels to take the time they do, but to impose fines on top of the monetary and emotional expense is unwarranted.

Please take my thoughts into consideration as you review the situation of our fellow Ross homeowners, the Hunt's.

Regards,

Jeff Qvale
Qvale Management
PO Box 667
Ross, Ca 94957
415-244-6663

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 2:54 PM
To: Linda Lopez
Subject: FW: 73 Winship - Ross

From: Scott Raskin (gmail) [mailto:sdraskin@gmail.com]
Sent: Saturday, October 28, 2017 5:06 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship - Ross

Dear Mr. Lucido and Mr. Chinn,

We are Ross homeowners and live at 55 Winship Avenue.

After hearing the Town was considering a possible penalty as a result of the time it took to complete the renovation at 71 Winship Avenue, I felt compelled to write.

I am sure you are receiving a lot of communication regarding this topic, so I will make it short but hopefully impactful.

When we purchased our home at 55 Winship, the home at 73 Winship was vacant and in a dilapidated condition. This house brought down our property values was an eyesore, and we continually worried about our children getting hurt in and around the home given its state.

When the Erica and Brian Hunt purchased the home and began working on their plans to restore this historically significant Ross landmark, everyone I knew in Ross, including our family, was ecstatic. We knew the project would be substantial and applauded the Hunt's for taking on such an endeavor.

To get to our home at 55 Winship, we turned onto Winship Avenue from Sir Francis Drake and had a bird's eye view of the project the Hunt's undertook. As a Ross resident and neighbor of the Hunt's, I would like to point out things for your consideration:

1. Never were we inconvenienced during the time of the project due to construction work, traffic or parked vehicles.
2. We never heard excess noise (our home and our bedroom backs up to the property adjacent to 73 Winship) and were never disturbed during the project.
3. The Hunt's took on a project that many would not. The Hunt's made a significant financial investment in addition to their time and energy to bring back to life an incredible piece of this communities history.
4. Not only did they restore and renovate the main house, but they also renovated two additional guest houses and surrounding structures.

We should be applauding Erica and Brian Hunt and providing them some recognition from the city for the work they did at 73 Winship and not financially penalize them for increasing our home values and bringing back some of our town's history in such a glorious form.

I would be happy to speak further.

Best,
Scott Raskin
55 Winship Avenue
Ross, CA 94957

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:20 PM
To: Linda Lopez
Subject: FW: 73 Winship Construction fines

From: Seth Reicher [mailto:seth.reicher@gmail.com]
Sent: Wednesday, October 25, 2017 7:14 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: 73 Winship Construction fines

To the Town of Ross:

We are writing to request a waiver of fines incurred during the construction of 73 Winship.

Our names are Seth and Susan Reicher. We have a child who is a graduate of Ross School and another who is currently attending 7th grade. Seth has been involved in committees within the Ross School for the better part of a decade, is the most recent Past Chair of the Ross School Financial Advisory Committee, and was originally appointed by the Ross School Board. Susan's father and mother are from Ross, her father attended Ross School and her historic family home is on Oak. In these and other capacities, we are active participants of the Ross community and care deeply about what it has to offer current and future generations (including our children and potentially their children).

The current construction/building time limit is appropriate for many projects but certainly not all. The 73 Winship project is an example of such an exception due to the difficulty, and resulting additional time requirement, not to mention expense, of restoring an historic home to its former grandeur. The Hunts have done exactly this, with less disruption than anticipated to the neighborhood, and with full consideration of their neighbors. The finished result is a substantial, and visible, improvement over the structural disrepair, and general neglect, that dominated the site prior to their involvement. In other words, the result was well worth the wait.

We respectfully request, given the circumstances, that The Town of Ross waive the fine on 73 Winship in its entirety. By doing so you are simply acknowledging that not all situations are identical, and that exceptions need to be made when situations warrant it.

Thank you in advance for your time and decision.

Best regards,

Seth & Susan Reicher
321 Palm Ave
Kentfield, CA 94904
(Ross School District)

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, October 26, 2017 5:24 PM
To: Linda Lopez
Subject: FW: Opposition to the penalty assessed against Brian and Erica Hunt at 72 Winship

From: Bill Reilly [mailto:billreilly@gmail.com]
Sent: Thursday, October 26, 2017 11:30 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Jenny Reilly <jennyrossi@gmail.com>
Subject: Opposition to the penalty assessed against Brian and Erica Hunt at 72 Winship

To: Sal Lucido slucido@townofross.org and Joe Chinn jchinn@townofross.org

Dear Mr. Lucido and Mr. Chinn;

We have been informed that Brian and Erica Hunt have been assessed \$357,000 for exceeding the maximum allowable building timeline. We are strongly against the imposition of this burden on the Hunts for the many reasons we state below.

The blind application of an 18-month time limit to all projects, regardless of complexity, is both unfair and contrary to the interests of the Town and its community. With no upfront waivers for special circumstances, homeowners have to wait until the renovation is complete before they know the extent of their penalty. This is grossly unfair.

A fine of this amount defies all sense of fairness when the same 18-month time limit applies to both the renovation of a home like we recently renovated and a historic home like the Hunts. According to the Secretary of the Interior Standards followed by the Hunts, it takes a significantly longer time to properly renovate a "historically significant" home to those exacting standards.

Forcing homeowners into an artificial 18-month one-size-fits-all renovation requirement is actually *against* the interests of the Ross community because owners of historically significant homes will be less likely to renovate them properly, or be reluctant to buy them altogether if they anticipate any extensive renovation will almost certainly involve significant and punitive fines. Ross needs to nurture and encourage the preservation of our history, not punish it.

Also, the amount of \$357,000 is arguably an excessive fine or penalty under the 8th Amendment's Excessive Fines Clause, where "excessive" is defined as the amount of the fine exceeding the "crime's" gravity. The Town actually refers to the RMC Sec 15.50 fines as "penalties" in its formal Council material. Under a long line of 9th Circuit and US Supreme Court cases, the imposition of \$357,000 is arguably punitive in nature because there is no credible argument that their penalty amount reflects the actual damage caused to the Town. In other words, the \$357,000 penalty is "grossly disproportionate" to the severity of the impact on the Town. To the contrary, in this case, the Hunts have actually increased the financial and aesthetic value of the neighborhood and community.

The excessive fine amount is even more unfair when the Town has a potential conflict of interest in delaying projects which are subject to so many subjective plan check and review dependencies that are solely within the Town's control, as has happened with the Hunt's renovation.

At least in cases that involve historically significant homes, the Town should not impose punitive sanctions for exceeding the impractical 18-month time limitation. To the contrary, the Town should do the opposite and dramatically *extend* the amount of time it takes to properly renovate historic properties in the interest of encouraging other current and prospective homeowners to undertake significant historic renovations to preserve Ross's heritage.

Sincerely,

Bill and Jenny Reilly

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:19 PM
To: Linda Lopez
Subject: FW: 73 Winship (the Grey House)

From: David Riley [mailto:DRiley@criterionmgt.com]
Sent: Wednesday, October 25, 2017 10:17 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Cc: Sarah Friar (sarahf@squareup.com) <sarahf@squareup.com>
Subject: 73 Winship (the Grey House)

Dear Town Council,

As long time Ross residents, thank you for all that you do to ensure that the town of Ross continues to be extraordinary. We are all very lucky to live here. I know that one of the many things that you do is oversee renovations and new buildings in the town so that the look and feel stays consistent and beautiful. One such example of a historically significant house is 73 Winship. I believe it was built over 125 years ago and the Hunt family has done an amazing job renovating it in such a way that it has maintained its historical style and thus significance to our community. It is a perfect example of upgrading and improving the town of Ross while keeping consistent with its amazing history. My wife and I walk by it regularly and it is truly a wonderful looking home.

I understand that due to the Hunt's desire to maintain as much of the historical look and feel of the original house, that the renovation took more time than expected and has run over the town allotted "time" for renovations. I also realize that, often for good reasons, the town has a maximum allowable building time in order to incentivize people to complete their building quickly to minimize disruption to the town and neighborhood and that there are fines for those who run over. In this case, I would like to let you know that we did not find the extra time needed to complete the home to be a burden or an inconvenience and we are in fact extremely happy with the outcome of the finished home and love seeing it as we walk by. I think it was the right decision to take their time to renovate the home the right way versus the fast way. Thus, I would urge you to consider eliminating the fine associated with the extra time it took to complete the project. It seems like this project was an exception, and fortunately for all of us, it ended with the renovation of an exceptional looking home.

Thank you for your consideration.

Sincerely,

David Riley

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Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:17 PM
To: Linda Lopez
Subject: FW: 73 Winship (The Gray House)

From: Roeder, Chris [mailto:Chris.Roeder@am.jll.com]
Sent: Wednesday, October 25, 2017 2:02 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Stephanie Fazeli <Fazelis@aol.com>
Subject: 73 Winship (The Gray House)

Ross Town Council:

My wife Stephanie, our children Jack and Emerson, and I, live in Ross at 15 Fernhill, and we are writing to express our support and admiration for the renovation of 73 Winship.

We had looked at the house when it was up for sale, as we loved the land and location. But, we passed as it was going to be way too much of a project for my wife and I to handle, renovating one of the oldest houses in Ross built in 1892 and "historically significant".

I drive past their house at least twice a day, and I must say, I barely knew it was under construction. Seems as if they were very fairly inconspicuous and unobtrusive.

We think that what the Hunts have done is spectacular and such a major improvement for what is considered the "front door" of our town. The renovation and restoration of the house looks fantastic, and, myself being in real estate and knowing how difficult it is to renovate versus building ground up, I can't imagine how difficult of a project it was.

I understand their project took longer than anticipated. This is no surprise. Hopefully you are taking the above into consideration as you assess the amount of time it took them to complete. I am so happy they restored what was there rather than tear down and build a new house.

Thanks,

Chris

Christopher T. Roeder – Lic. # 01190523

International Director

Tel: (415) 395-4971

Mob: (415) 939-4806

Linked  profile



Jones Lang LaSalle

1 Front Street, Suite 1100

San Francisco, CA 94111

[JLL Video](#)

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Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 2:46 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Sue Rogers [mailto:suerogers106@gmail.com]
Sent: Friday, October 27, 2017 5:32 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Erica Hunt <erica@order-sf.com>
Subject: 73 Winship

To Whom it May Concern,

It has been brought to our attention that the Town of Ross is assessing fines of over \$350,000 against the Hunt Family for not completing the full restoration of 73 Winship within the 18 months required under Ross town ordinance. While we understand and support this time limitation for more normal remodel projects, the scale and historical importance of 73 Winship deserves special consideration.

We have lived in Winship Park for 16 years and, for most of that time, 73 Winship has been a blight and eyesore at the entrance to our beautiful neighborhood. We were very excited when this parcel sold to the Hunts and we learned that they planned to fully restore the property. It was obvious this would be a significant project as there was a large freestanding garage, separate two bedroom house and the main house to be completely redone. Over the years, as the town was undoubtedly aware, the property had deteriorated and become completely overgrown.

The 73 Winship project proceeded steadily and deliberately with a minimum of disruption and inconvenience to the neighborhood (in marked contrast to a number of the projects that have been underway in Winship during the last few years). To our knowledge there were no delays in the project that were not caused by circumstances beyond the Hunt's control.

The finished project is stunning and stands as a true improvement to the neighborhood that is faithful to the original design and maintains the intricate and classic details that are not seen in modern construction.

During the years we have lived in Ross, we have personal knowledge of a number of projects that have run well over the permit time with no obvious reasons for the delays. While the Town of Ross initially sought large fines from these homeowners, our understanding is that all fines were ultimately forgiven. We believe it is important that the Town acts consistently in these situations and gives full consideration to the circumstances surrounding that project.

73 Winship has added significant ongoing property tax dollars to the town and the duration of the project did not inconvenience the neighborhood or town that we are aware of. It is necessary to have rules to manage construction and remodel projects but the Town should expect that with a one size fits all approach to project duration, there needs to be a mechanism to work with the town council to grant exceptions for larger or more complex projects that simply require more time. A per diem fine is a blunt tool that creates long lasting hard feelings between the Town and homeowners. This issue is consistently discussed at dinners and cocktail parties

as one of the negatives of living in Ross and we should find a solution. 73 Winship would be an excellent place to start.

Sue and John Rogers
34 Baywood Avenue

Linda Lopez

From: Doug Ryan <dougryan999@gmail.com>
Sent: Tuesday, October 24, 2017 8:24 PM
To: Joe Chinn - Town Manager; Linda Lopez; Sal Lucido; Simone Jamotte
Subject: 73 Winship Avenue, Ross, CA = input provided by resident

I am submitting this for consideration by the town council and for inclusion in the record for the November 9 meeting. Please confirm receipt and that it will be included in the official records.

October 23, 2017

VIA EMAIL

To: Ross Council Members

Subject: 73 Winship Ave, Ross CA

My name is Doug Ryan. I have lived at 74 Sir Francis Drake Blvd since 2004. I am writing to request approval of the request for abatement of penalties related to the construction of the property at 73 Winship Avenue.

Before the current owners purchased the property and rebuilt the house, we referred to it as the "haunted house". It looked abandoned and in disrepair. I had the opportunity to go in the house before the current owners purchased it. As run down as it looked from the outside, the inside had more obvious challenges. The floors were sloping so much a ball set down would run from one side of the room to the other. I didn't see how the home could be structurally sound.

My expectation when the house was purchased was it would be a complete tear-down and a McMansion would go in its place.

From our perspective, the house now looks like a welcoming entrance to Winship Park. The period details have been maintained. I am sure that doing restoration that is historically accurate is much more time-consuming than new construction. Maintaining the integrity of the property and its features is very important to me as a homeowner. (Our house was built in 1930). I believe the town suffers every time a historic structure is demolished and replaced with a new (albeit well-built) structure. To me it is part of the attraction of Ross as a place to live.

I believe the new owners followed appropriate guidance in terms of the renovation. It sounds like they performed their due diligence to make sure they were following appropriate protocols to ensure the historic integrity (numbering stones as they were removed, etc.).

Given the scope and magnitude of the project, and the owners' efforts to maintain the historical accuracy of the project, I am not surprised the construction project took longer than the town deadline of 18 months (an artificial deadline in my opinion). I see the need to have a deadline for projects so they are not open-ended, or that the project doesn't go through unnecessary stops and starts and delays. I also see the need for flexibility based upon specific circumstances. Had this been a "simple" tear down to the studs and all new construction, I doubt it would have taken the full 18 months. Given the historic nature of the house, and the fact that it is now back to its initial splendor, I am glad the owners made that more expensive choice.

Even though we live in close proximity, the work never bothered or affected us. We didn't hear any construction noise nor have any issues with workers working outside of approved hours.

I believe the project was a plus not just for our property but for the entire town of Ross. I hope and pray the Town Council sees it that way also and eliminates the fine in its entirety. I think anything less will have negative consequences the next time a homeowner looks at restoring a historically significant home.

Please feel free to contact me to directly for any followup questions you may have.

Regards,

Doug Ryan

PO Box 1151

74 Sir Francis Drake Blvd

Ross, CA 94957

415.297.8402

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:20 PM
To: Linda Lopez
Subject: FW: 73 Winship Ave, Ross

From: julie ryan [mailto:julriyan0462@gmail.com]
Sent: Tuesday, October 24, 2017 8:49 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship Ave, Ross

Please include this in the citizen comments for the upcoming meeting regarding 73 Winship Ave.

I have lived in town 13 years. During that time, I have seen many houses either rebuilt from the ground up or substantially altered.

The house at 73 Winship Ave used to be an eyesore. An old, rundown eyesore. I assumed the people living there were elderly and either didn't have the means or the energy to maintain the property. I assumed when it was sold it would be yet another teardown with a new home in its place.

The people who bought the house have renovated it while keeping the historic nature of the house intact. It was obviously a labor of love. Now it is a welcoming entrance to Winship and a reminder of the types of homes that existed so long ago.

I feel it is unfair to apply the same standard (timeframe) that would apply to brand new construction to this type of renovation. The level of craftsmanship involved and the resulting time it took were (in my opinion) necessary to maintain the historic nature of the property.

I work at nights, so I am home most days. At least once a day I would pass by that property on my errands. I never noticed any noise, dust, or disturbance from any of the work being done there. I don't feel the value of my house was negatively impacted by an elongated construction schedule. To the contrary, I think the restoration will increase the value of my property and am glad the owners took a more arduous path.

I am requesting the Town Council to eliminate any penalties and/or fines associated with this project. The homeowners should be commended for their undertaking, not penalized.

Regards,
Julie Ryan
74 Sir Francis Drake Blvd, PO Box 1151
Ross CA 94957
415-460-5369

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 3:54 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Howard Schomer [mailto:hschomer@gmail.com]
Sent: Friday, October 27, 2017 2:40 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Erica Hunt <erica@order-sf.com>
Subject: 73 Winship

Hello,

We are writing in support of the renovation work that has been done to improve 73 Winship, and to request that the Town relieve the Hunt family from the burden of the very substantial proposed penalty for time overages.

We drive by this home nearly every day for the past eleven years. Having lived in the Bay Area for even longer than that, we'd often drive by and covet the Victorian style, the large, flat front yard and the general space and location of the house. We would comment how wonderful it would be to buy and renovate this house into a home as it was not in good shape. It truly is the gateway to our neighborhood with only a few roads in and out, and has added to the welcome.

We were glad when the Hunts took up this project, especially given their expertise in such things. Doubly glad that it was not a flip, but a renovation for a family looking to live there for the long-term.

This is an historic home. Living in Upper Winship, we see many projects and have seen the degree of change they can cause, not always for the better --- with sometimes the loss of many trees, landscape, canopy and character.

The Hunts, in our view, did a wonderful job to keep this house and the landscape true to form. There are still many beautiful trees there. The home continues to be a beautiful Victorian -- they obviously worked hard to maintain the nature of this classic. The work done did not destroy the road (and thus the neighbors' cars) or clutter the roads with long delays and a dozen work trucks daily, as many other projects have done. They were very careful throughout the process to keep neighbors informed and unaffected. This should be highly valued and rewarded, in taking our request into account. They did a stellar job both in process and in end result.

Any excess time taken that was in the Hunts' control, I have no doubt whatsoever was used to insure that the project was done correctly and in top quality -- and thus for the benefit of the neighborhood and the entire Town as well.

Please give due consideration in reassessing this penalty, in light of the quality of process and end result, as well as the reasonableness of the time frame to achieve this unique end goal.

Thank you.

Kimberly Roachat

Howard Schomer

11 Crest Rd.

415.785.7869

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 7:08 PM
To: Linda Lopez
Subject: FW: Letter Regarding 73 Winship Park
Attachments: Hunt Letter.pdf

From: Sally Shekou [mailto:sally.shekou@gmail.com]
Sent: Monday, October 30, 2017 7:24 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Letter Regarding 73 Winship Park

Please see attached letter in support of the Hunt's appeal.
Best Regards,
Sally Shekou

October 27, 2017

Town of Ross
P.O. Box 320
Ross, CA 94957
Attention: Mr. Sal Lucido

RE: Brian and Erica Hunt; 73 Winship, Ross, CA

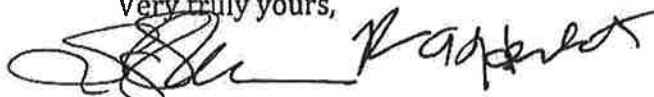
Dear Mr. Lucido:

We are writing in support of our friends and neighbors, Brian and Erica Hunt to ask that the town reconsider the high penalties that they are being charged for their remodel of 73 Winship, Ross. We understand that they are being subject to a very high fee for the delays in completing the project and while we understand the need for penalties to incentivize owners to complete their projects, we do not think that this high a penalty on the Hunt's project is justified given the circumstances.

Given that their home is historical, the Hunts went through painstaking efforts to restore a beautiful Victorian home that was in the state of complete disrepair. It would have been so much easier and faster for them to simply build a new house, but the Hunts undertook a project that most people would shy away from, and spent so much time and effort to lovingly restore the home to its former glory, even honoring the original paint color of the house. The result is a beautiful Victorian home that stands as a wonderful welcoming entrance to the neighborhood of Winship Park. What the Hunts did with their home is truly exemplary, and given their ample off-street parking and proximity to Sir Francis Drake Boulevard, the additional time that it took to complete this monumental project did not appear to have any negative impact on the neighborhood parking or noise issues. Instead, the town has benefitted from a beautiful home reminiscent of the early days of the Town of Ross, in harmony with the neighborhood, in place of a property that had become a terrible eyesore for everyone to see. It's been wonderful to see the transformation and we are so grateful to the Hunts for everything they did to beautify this very visible property.

We sincerely hope that our lovely town would encourage people like the Hunts to take on the tremendous effort and expense of restoring historical homes to their former glory rather than replacing them with ill-conceived modern monstrosities that seem to be popping up everywhere in Marin. In the Hunt's case, the penalty that is being assessed is so high that we are concerned it will serve to deter other residents from taking on such a project in the future. While it is reasonable to assess penalties to make sure that construction projects continue for unreasonable periods, we ask that the town reconsider the amount of the Hunt's penalty, given the unique aspects of this project and the actual limited impact, if any, the longer duration of this project actually had on concerned parties. Thank you for your consideration.

Very truly yours,



Robert Herbst and Sally Shekou
7 Laurel Grove Avenue, Ross

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 3:53 PM
To: Linda Lopez
Subject: FW: 73 Winship Ave

From: Collin Shewey [mailto:collinmshevey@gmail.com]
Sent: Friday, October 27, 2017 12:04 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Erica Hunt <erica@order-sf.com>
Cc: Shewey, Matt <matt.shewey@am.jll.com>
Subject: 73 Winship Ave

Town of Ross,

We are writing this letter in support for our neighbors Erica and Brian Hunt.

It has come to our attention that The Hunt's are being charged with an exorbitant fine for exceeding the allowable building timeline of 18 months. This fine is absolutely egregious and, given that each project is different and comes with a unique set challenges, the town needs to strongly consider ALL factors before making its decision on how to handle. The Hunt's home was considered to be a historic project so it was necessary to take careful steps to maintain the integrity and style of the house. Not only did this include restoring the wooden exterior, wrap around porch, columns and original window but also the complex task of raising the house to excavate, support and pour a new foundation. The foundation alone took 9 months to build. Since the Hunt's beautified a distressed property, we are all able to enjoy their house as fixture on Sir Francis Drake and is considered a landmark for the entrance to the Winship Park neighborhood. My family is lucky enough to drive by their house everyday and enjoy and appreciate the charming style that compliments many of the other homes in Ross. We should mention that during the Hunt's construction period, to my knowledge, my family nor any of our neighbors were negatively impacted by the project running over in its time. We were also never was aware or impacted by any road closures, power outages or traffic on Sir Francis Drake. In fact, due to the size of their lot, its wide entrance to the property and ample off street parking for materials, trucks etc., the impact to the neighbors and community was significantly less impactful than many of the other construction projects happening right now in the Town of Ross.

As you know, our project (45 Bolinas) was approved by the town earlier this year. Following approval, we have been meeting with contractors, foundation specialists, soil engineers, etc. to review costs and understand timelines. What we quickly learned from talking with these very experienced and local groups is that a project of our size (similar to The Hunt's) would take at least 18 months to complete. Keep in mind, 18 months assumes no unforeseen delays or surprises. The Hunt's project is significantly more complicated than ours, since their home is considered historic. The 18 month timeline is certainly reasonable for small renovations or additions. However, with properties the size of the Hunt's, the distressed condition their house was in and the fact it was considered historic, the 18 month timeline is completely unrealistic and needs to be revisited. The town needs to establish parameters to complete projects by taking into consideration the size/scope of each project and any unique set of challenges. The towns position on this issue will weigh

heavily on many people's willingness to renovate their properties. As I am sure the council has heard before, the Town of Ross has a very negative reputation in the local and greater community as it pertains to construction/permitting/planning approvals. For example, yesterday our general contractor (who has completed a number of projects in Ross) mentioned that he is struggling to get bids from many of his subs because "they just don't want to deal with the Town of Ross." He shared a few horror stories from other projects he had worked on in Ross. Our towns inflexibility to work with its very small community is disturbing, short-sighted and something needs to change.

Finally, we would like take a moment to address the actual members of the Hunt family and mention their involvement in the Ross School and its community. Erica and Brian are both fixtures at the Ross School. I see them almost daily at pick up and drop off. They contribute to the Ross School Foundation and Erica spent at least one year as President of the Ross PTO. The amount of hours she has spent towards fundraising for the Ross School cannot be quantified. She is involved in the wine auction, the golf tournaments and the school auction. Their son is on my husbands soccer team and Erica and Brian attend every game with all their children and clearly love to spend time as a family. All three of their boys are nice kids. I can assure you that the entire Ross School community is watching, waiting and supporting the Hunt family. We are hopeful that the town council will make the right decision regarding the Hunt's project and will revisit the time limits and penalties in the existing Construction Completion Ordinance (Section 15.50). This is an opportunity to demonstrate to our community that the council is reasonable, flexible and understanding.

Sincerely,

Matt and Collin

45 Bolinas Ave

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 6:03 PM
To: Linda Lopez
Subject: FW: The Hunt's home

-----Original Message-----

From: Judy Siebel [mailto:judysiebel@me.com]
Sent: Tuesday, October 31, 2017 5:48 AM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: The Hunt's home

In every part of the country there are beautifully kept homes that are historic treasures that have been painstakingly preserved. In order to do keep our history and heritage alive we are lucky that many have taken these home projects on in a day and age that costs more money, time and patience. It is not the same world it was and there are few carpenters and contractors that understand and have the ability to do historic work. We applaud the Hunt's for the restoration that they did to their home and which has become as a result, a house that Ross has to be very proud of and it is all due to their diligence...and great cost. We understand that they are now being financially penalized for lateness in accomplishing this feat? We only know that in CA today, a person has to "make" almost 3 times more in order to pay for anything ...What the Hunts did in our mind was a gift to Ross and tho we don't know the parameters in construction fees, it did not harm Ross but has benefited it, and we know of many historic buildings, that have endured and gone over time constraints but were not penalized for the timing.

With respect....

Judy Siebel

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 2:45 PM
To: Linda Lopez
Subject: FW: 73 Winship Avenue letter
Attachments: SingerLetter.RE.73.Winship.docx

From: Evan Singer [mailto:evan@smartbizloans.com]
Sent: Friday, October 27, 2017 8:40 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Subject: 73 Winship Avenue letter

Dear Town of Ross - Please see attached letter regarding 73 Winship Avenue Penalty.

Regards,
Evan Singer



Evan Singer
Chief Executive Officer
SmartBiz Loans
www.smartbizloans.com
evan@smartbizloans.com
415 233 2528 (mobile)

Evan and Michelle Singer
47 Winship Avenue
Ross, CA 94957

Town Council
Town of Ross
Ross, CA 94957

RE: 73 Winship Avenue Penalty Waiver

Dear Town Council Members,

We are writing this letter on behalf of Erica and Brian Hunt, and ask that you please forgive their \$357,000 penalty for the additional time it took to finish construction on their home at 73 Winship Avenue.

We are neighbors of the Hunt's, and have lived at 47 Winship Avenue since 2005. Prior to that, we lived at 83 Shady Lane. Ross has been our home for nearly 20 years, and during that time we've witnessed beautiful home construction projects (and some not as beautiful).

Regarding our request that the town forgives penalty fees, it is important that the Council understands first and foremost how positive the impact the Hunt's construction project has had on the Winship Park community. For years, we (and our neighbors) felt that the dilapidated home at 73 Winship hurt the home values in all of Winship Park, was a huge eye-sore for the community, and potentially was a safety hazard. Now, the home is one of the most beautiful on the street. It welcomes us home after a long day at work as we turn onto Winship Avenue. We love how the Hunt's maintained the charming character of their gorgeous turn of century Victorian home. When we moved into Winship Park years ago, we had hoped someone would restore 73 Winship one day. We are literally just so thankful that the Hunt's decided to move into Winship Park and restore the home.

Frankly, we would have been happy to have the Hunt's take 60 months to restore the home. Their construction crew wasn't a bother for neighbors; we knew that they were focused on keeping the home's historic nature; that it was a very large project; and they just did such a beautiful job on the house. To a degree, we feel the town should pay them \$357,000 as a thank you for taking on such a Herculean task and making such a wonderful upgrade for the community. We all benefit from the Hunt's work. Imagine if they were forced to finish the project in 18 months and the community ended up with a sub-par restoration. Thankfully that shame did not happen. It really seems completely ridiculous to penalize the Hunt's for making the community better and taking the necessary time to restore the home correctly. Going forward, we hope the town gives others who purchase an historic home in Ross the extra time needed to restore their home properly as the Hunt's did.

Perhaps 18 months for non-historic homes and 36 months for historic homes (or an historic home more than 3000 square feet) is reasonable.

On a separate note, the town is lucky the Hunt's have joined our community. They work tirelessly to help improve our school and community. Erica has supported the Ross School Auction and Garden Tour and has led the school PTA, and Brian has coached kid's sports teams, among many other volunteer activities. We are blessed to have them in town. They are exactly the type of family that Ross should want to attract: good, honorable, kind, and family focused with high integrity.

If you have any questions, please contact us directly. Our contact information is below.

Thank you for the consideration.

Warmest regards,

Michelle and Evan Singer

evansinger@stanfordalumni.org 415.233.2528

michellesinger8@gmail.com 415.342.5633

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, October 26, 2017 5:09 PM
To: Linda Lopez
Subject: FW: 73 Winship

From: Craig Slayen [mailto:cslayen@gmail.com]
Sent: Thursday, October 26, 2017 9:01 AM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; eliz.robbs@gmail.com; Sal Lucido <slucido@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: 73 Winship

Dear Joe,

We are writing to you on behalf of our Winship neighbors, Erica and Brian Hunt.

As residents of Winship Park for the last 15 years, we were so excited when we heard that a family was buying the property at 73 Winship with the intent of keeping this historically important home in our neighborhood and in the Town of Ross.

Throughout town we have seen so many historically special homes get razed as a new generation of families moves in. We hope that the Town Council and your office understands the importance of these older homes in Town and determines a way of encouraging buyers to restore them vs. razing them.

This is what the Hunts did and unfortunately they seem to be getting penalized by this choice. A decision by the Town Council to keep the fines that have been levied against them is going to only discourage, not encourage, new buyers in town to make the "restoration" decision.

It is so sad to see historically significant homes in town, like 38 Fernhill, get taken down. We hope that more homeowners take the route the Hunts took. It was not the easiest/quickest route and we know it must not have been the cheapest route - but it was the best route to have been taken for those of us who care about the history and architectural character of this town.

We would be very supportive of the Town Council's decision to waive all fees that were tallied against the Hunts. We think this would send a message to all homeowners in Ross that the Town encourages preservation and restoration and understands the impact of these building decisions on the character of our town.

Warmly,

Craig & Melissa Slayen
51 Wellington Avenue

Linda Lopez

From: Chris Solle <csolle@terramb.com>
Sent: Wednesday, October 25, 2017 5:59 PM
To: Joe Chinn - Town Manager
Cc: Linda Lopez; Marney Solle
Subject: 73 Winship Ave., Ross - Brian & Erica Hunt
Attachments: 73 Winship - Hunt - Chinn.pdf

Christopher & Marney Solle
PO Box 1551 - 30 Walnut Avenue
Ross, CA 94957
(415) 456-1644
chris@sollewines.com
October 25, 2017

Joe Chinn
Town Manager
Town of Ross
31 Sir Francis Drake Boulevard
Ross, CA 94957

RE: 73 Winship Ave., Ross, CA 94957

Dear Joe Chinn:

My wife and I are long-time residents of Ross, and we are writing to express our concern about the excessive penalties being assessed against the Hunt Family as a result of the extensive remodel of their residence at 73 Winship Avenue, Ross.

Let me begin by saying, I understand why the town maintains strict time limits on the completion of construction of projects. Living in Ross can sometimes feel like one is living in a perpetual state of construction. I cannot think of a weekday in Ross that I do not hear hammers, saws, or some form of construction machinery in the distance. Therefore, I am in agreement with the Council there need to be rules.

However, I adamantly believe the Hunts remodel of their historic home is something very different than the usual remodels we witness in our town.

Brian and Erica are passionate and proud of their work restoring historic period homes with distinguished architecture and history. And the 125 year old Gray House at 73 Winship squarely fits that bill. Mind you this remodel was no small undertaking. I am sure many investors and contractors toured the home when it was for sale. And I recall it sat on the market for some time because most concluded the project was too onerous an undertaking, but not the Hunts. They were brave enough to accept the challenge.

And now that the project is complete, I believe they should be rewarded and not penalized for going over the construction time limit imposed upon projects like these. The Hunt's remodel is unique and their meticulous

craftsmanship and attention to detail is something that can't be rushed. They have recreated a legacy piece of architecture. The likes of which citizens of Ross, today and in the future, should be proud. Make no mistake. We are better as a community for the Hunts efforts at 73 Winship Lane and I hope you and the council will see your way to make an exception in their case and eliminate the penalty previously assessed them.

Thank you for your time and consideration and please do not hesitate to contact me with any questions you may have regarding my request.

Sincerely,

Christopher & Marney Solle

Christopher N. Solle

Managing Director
80 East Sir Francis Drake Blvd, Suite 3B
Larkspur, CA 94939
415.464.1370
csolle@terra-mb.com



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Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 30, 2017 3:14 PM
To: Linda Lopez
Subject: FW: Town Council hearing 11/9/2017: 73 Winship Restoration Work

From: Albert Stoll [mailto:astoll@stoll-law.com]
Sent: Sunday, October 29, 2017 9:19 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Cc: Mrs Julie Stoll <julstoll@gmail.com>
Subject: RE: Town Council hearing 11/9/2017: 73 Winship Restoration Work

Dear Ross Town Manager & Town Building Official:

As town of Ross residents and property owners, my wife and I write in support of Brian and Erica Hunt's request to have any time completion penalty related to the restoration work at 73 Winship in Ross waived.

73 Winship is a "historically significant" home built in 1892. We are grateful that the Hunt's have taken the time and invested the money to restore one of the few remaining Victorian homes in Ross.

It is very hard to understand why the Town of Ross would want to penalize the type of commitment the Hunt's have made to preserve, and then live in, a historical home in our town. Their project has significantly benefited our town. Any additional time taken to complete the work caused no harm.

When a historic home is renovated, circumstances are likely to arise that necessitate taking additional time to complete the project in a safe way, using high quality workmanship. Does the Town of Ross allow citizens who are improving a historic home to apply for additional time allowances and present facts that justify the need for additional time?

My wife and I both support the Hunt's request to have any time completion penalty waived.

Sincerely,

Albert and Julie Stoll
10 Fernhill, Ross

--



GS

ALBERT G. STOLL, JR. | A LAW CORPORATION

Albert G. Stoll, Jr.

astoll@stoll-law.com

Main: 415.576.1500 / Direct: 415.762.0039 / Mobile: 415.716.2933

stoll-law.com



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Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, October 27, 2017 3:52 PM
To: Linda Lopez
Subject: FW: Support Letter for 73 Winship
Attachments: Hunt Support Letter.docx; ATT00001.txt

-----Original Message-----

From: Nancy A Svendsen [mailto:nancy.svendsen@gmail.com]
Sent: Friday, October 27, 2017 10:03 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: Support Letter for 73 Winship

Please accept our letter in support of Erica and Brian Hunt and their project at 73 Winship.

October 27, 2017

To the Ross Town Council:

When the Hunt family moved to Ross in 2012, our son and Otis became fast friends in the 2nd grade. Since that time, we have come to know the entire family and consider them to be good friends. Because Otis and Tor were often playing together, we've watched the project of rebuilding their home from a close vantage point. We visited as they lived in the existing structure while planning their remodel, moved into the guest house and finally moved into the beautifully restored architectural gem that now graces the entrance to Winship Park. We regularly drive down Sir Francis Drake past their home – and remember vividly what it looked like prior to them buying the property.

It was actually a source of conversation in our family, “who would take on that project??” It was the scary abandoned house that my kids were afraid of at Halloween and truly an eyesore for such a prominently featured lot in Ross. When Brian and Erica described what they were going to do to the house – and how Brian was going to do the work himself – I remember my deep impression of how this family had committed to this community. They took on a project no one else had wanted to take on (in the 3 years we'd lived here prior to them moving in) and they were going to LIVE in the community and become a part of the community while they painstakingly restored this home to its original beauty.

And the Hunts **do** contribute to this community. I have served on the PTA/PTO with Erica for 4 years including both her years as President. She is an invaluable asset to the school and the community – taking leadership roles in everything from community events to school events. This work she does at the school is all about community building. Helping make Ross School the best it can be and creating opportunities for the community and school to work together to make our town stronger. Both Brian and Erica have fully invested themselves in all that our lovely community has to offer – and have given back in a myriad of ways.

We submit that their beautiful restoration of 73 Winship is part of that giving back. The fine they've been assessed for taking too long to complete it is outrageous. It does not equitably balance the perceived harm for exceeding the ordinance's arbitrary 18-month deadline, against the public benefit to the town. We **want** people like the Hunts to take on difficult restoration projects like this and preserve Ross's beauty and charm. This huge fine will have a chilling effect on all who follow in their footsteps. Who will ever take on similar projects knowing of such a pecuniary completion risk? Our community would prefer that exceptions be made on the timeline for complicated projects, than have abandoned and unoccupied homes. Based upon the foregoing, we respectfully request that the fine be eliminated.

Sincerely,

Sean and Nancy Svendsen
84 Shady Lane

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, October 26, 2017 5:10 PM
To: Linda Lopez
Subject: FW: 73 Winship

-----Original Message-----

From: Angelic Taube [mailto:angietaube@me.com]
Sent: Thursday, October 26, 2017 11:52 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship

Dear Joe and Sal,

I am writing on behalf of the Hunt Family, whose property is located at 73 Winship in Ross. I am a homeowner at 43 Shady Lane. We completed our home construction project in November 2014.

I hope that you will consider removing the fines being applied to the Hunt family. While I do understand that the Town of Ross has rules and regulations that exist in order to create a fair process and set expectations, my opinion is that this project was very complicated due to the historically significant nature of the home. In this particular case, I believe that the 18 months normally allowed to complete a project of this nature, is simply not enough. I have built seven high-end, new construction homes and remodeled three over the last ten years, so I am very familiar with the building and renovation process. Any home that is deemed "historical," is much, much more complicated, and as a result, often costs more to build and takes much longer than a "new construction" home. I am certain that most architects and contractors in the Bay Area would agree.

In addition, I have found that because of the rise in demand for homes in the Bay Area over the last 5+ years, and resulting demand for contractors and sub-contractors, most home-remodeling and new construction projects are taking at least 25% longer to build than they did prior to this increase in demand.

I believe that the Hunt family acted with integrity and did a remarkable job in preserving the original appeal of the home. As a result, this home enhances the charm and character that exists in the Town of Ross.

While I do appreciate that the Town of Ross must set timelines, in addition to other rules and regulations around the building process, I hope that you will consider this to be a very unique case that deserves special consideration. I personally feel that the Hunt family should not be fined, and that if anything, they should be acknowledged for their efforts.

Thank you for your time and consideration. I appreciate all of your efforts in trying to create a fair and reasonable building process in our Town.

Sincerely,
Angie Taube

Sent from my iPhone

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 6:05 PM
To: Linda Lopez
Subject: FW: 73 Winship, Brian and Erica Hunt

From: Pilar Torresi [mailto:pilar12@gmail.com]
Sent: Tuesday, October 31, 2017 11:10 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Erica Hunt <erica@order-sf.com>
Subject: 73 Winship, Brian and Erica Hunt

Dear Joe Chinn and Salvatore Lucido,

I am writing with regards to Erica and Brian Hunt's home restoration project. Their property at 73 Winship holds a prominent position at the head of our neighborhood. Personally, I pass the property each and every time I exit and enter Winship Park. Despite that fact, the Hunt's project had no negative impact on us, in fact we were grateful as we watched the process unfold and are ultimately impressed by how beautifully the home was restored.

When we moved into Winship Park in 2010, we were told about the historical significance of the "The Gray House". We were pleased that the Hunts chose to restore the home and keep the Victorian facade rather than tear it down like so many other home owner's do. Certainly that choice was less cost effective and would take more time, but considering we are interested in maintaining the history of our quaint town whenever possible, we truly appreciate the sacrifice. The attention they paid to details during the restoration process is clearly evident today. The roof, columns, wrap around porch, and windows were lovingly refurbished and their historical home looks beautifully alive once again.

Choosing to renovate such a grand home is not only costly, it clearly takes more time and patience from everyone involved. Although the restoration of their home took more time, the construction did not negatively impact us. We were impressed by their ability to maintain such order and cleanliness during the entirety of the project. The trucks were able to park on site and we actually enjoyed watching the home slowly come back to life again. Because of the Hunts willingness to respect and mend their home over time, everyone who now enters Winship Park is first greeted by the renewed beauty of The Gray House.

Erica and Brian Hunt have been welcome members of our community in general. Not only have they restored one of the most prominent properties in Ross, they are also active volunteers, both within the neighborhood and at the school. We greatly appreciate what they have done and hope the Town of Ross will consider eliminating their fine.

Sincerely yours,

Pilar Torresi

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 5:17 PM
To: Linda Lopez
Subject: FW: Hunt property at 73 Winship Avenue

From: Alexandra Treene [mailto:atreene@sbcglobal.net]
Sent: Monday, October 30, 2017 10:09 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Hunt property at 73 Winship Avenue

Dear Ross Town Council and Mr. Chinn,

We are writing to voice our strong support of the fine job Erica and Brian Hunt have done with their historic home at 73 Winship Avenue. We have lived in Winship Park for 13 years and have driven by the property for many more years than that. Before the Hunts bought the house the corner was an eyesore. Both the house and the property were in an obvious state of neglect. It was a sad and some said almost haunted looking house. But it had good bones. Erica and Brian have done a tremendous job in restoring the house to a special and historical property. Thanks to them, no longer does the entrance to our charming neighborhood look downtrodden, but absolutely welcoming. They were very respectful of keeping their work within the gates and not impacting the neighborhood. I drive in and out of the neighborhood frequently at their corner so experienced their consideration firsthand throughout the project.

The Hunts were truly the ideal candidates to restore this historically significant house to its original state. As you very likely know, Brian has considerable experience restoring Victorian houses. Considering this is one of the oldest houses in Ross, it deserved the time and the attention they gave the project. They took painstaking efforts to honor the tradition of the house and renovating details. This was no ordinary job and the Town of Ross is better for the attention they gave the restoration and improvements. It's beautiful now and a welcome reminder of our local history.

Both my husband and I know about remodeling. We finished a much smaller job last year, thinking it would take 6 months or less. No such luck. We thought there would be absolutely no concern finishing in under one year. Well, near the end we got nervous as we got hit with delays and extra costs. We have a much smaller home which is not deemed historical and therefore did not have the extra hurdles and expense that the Hunts faced, yet our project still took 15 months to get sign off. Their job was exponentially more complex and costly and yet they had the same amount of time allotted to complete it. (Their foundation alone took 9 months to complete!) It is perplexing to think that their big project wasn't given additional time from the beginning. Given the extra requirements a historical property needs and the tremendous improvements they have accomplished, we ask that you waive their exorbitant penalty.

Let's celebrate their beautiful home and not penalize them with a \$357,000 fine. They are incredibly generous and active members of our small town. We are so very lucky to have them in our community and that they had the determination to complete the quality and attentive restoration that the property deserved.

It is a job well done and we fully support and request that the entire fine being dropped.

Thank you for your special attention to this special project and for serving our Town.

Respectfully yours,

Alexandra and Jeff Treene
18 Baywood Avenue
415-454-8323

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Monday, October 23, 2017 7:01 PM
To: Linda Lopez
Subject: FW: Letter of record, on behalf of 73 Winship, Ross

From: Alison Bedard Wais [mailto:alibedard123@gmail.com]
Sent: Monday, October 23, 2017 6:58 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: Letter of record, on behalf of 73 Winship, Ross

To: Sal Lucido, Contract Building Official, slucido@townofross.org
To: Joe Chinn, Town Manager, jchinn@townofross.org

We're writing to acknowledge how pleased we are with the historical renovation of 73 Winship. For over twenty years, we've owned the house across the street. For many of these years, 73 Winship was neglected and begging for extensive renovation. Without question, this project required extraordinary efforts and additional time to preserve the uniqueness of one of Ross's first wooden homes, circa 1892.

In consideration of the above, we support Erica and Brian Hunt's pursuit to repeal the associated overtime building penalties based on the uncommon necessity to maintain all aspects as they relate to the historical preservation of 73 Winship.

Thank you,

ALISON BEDARD AND PETER WAIS
15 OAK WAY, PO BOX 1444
ROSS CA 94957
[415-717-3270](tel:415-717-3270)

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, October 26, 2017 5:11 PM
To: Linda Lopez
Subject: FW: Regarding 73 Winship

From: Kevin Weston [mailto:kevin_weston@yahoo.com]
Sent: Thursday, October 26, 2017 4:04 PM
To: slucidio@townofross.org; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: Regarding 73 Winship

To whom it may concern,

I am a long time resident of the town and am writing regarding the fine being levied on the owners of 73 Winship relating to the renovation of their property over the last few years. I have to open by saying that I was truly shocked by the magnitude of the fine and that caused me to write to you.

My family and I live in one of the older homes in Ross - 15 Bolinas Ave. Speaking from experience, I am more than aware of the unique nature of these older homes and the costs incurred with their maintenance and upgrade. We have many friends who have attempted to remodel similar homes in Ross and the surrounding towns, and almost all have run into significant unforeseen difficulties (for example, in almost all cases discovering that the foundation needs to be replaced in its entirety, which I understand was the case relating to 73 Winship). Any remodel is made harder and more risky when attempting to maintain the original essence of the property. In addition, the nature of our winters, especially as we have seen in the last 2 years, makes any major remodel timeline subject to the unpredictable nature of our unique micro-climate.

The personal financial burden to the family aside, I fear that a fine of this magnitude and nature, being levied on a family that has attempted to truly maintain and restore a house of historical significance to its original form, will result in a major disincentive to anyone attempting similar projects in the future. Worse, it encourages shortcuts or adaptations that are both less aesthetically pleasing, could raise safety issues or encourage outright non-compliance with the town ordinances and building code. Ross has some truly magnificent properties - many of which are over and approaching 100 years old - and it seems to me that special circumstances should be applied to anyone who attempts to restore such properties to their intended design.

I understand that this matter is being raised at an upcoming town meeting. I intend to attend that meeting, but also wanted to put my concerns on the record and in writing for your consideration in advance,

Respectfully,

Kevin Weston

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, October 26, 2017 5:11 PM
To: Linda Lopez
Subject: FW: Erica and Brian Hunt

-----Original Message-----

From: Tess Williams [mailto:tesser888@gmail.com]
Sent: Thursday, October 26, 2017 4:07 PM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Erica Hunt <erica@order-sf.com>
Subject: Erica and Brian Hunt

Please accept this email as support for the wonderful renovation that the Hunts succeeded in accomplishing. I have live at 25 Oak Way since 1999, and have lived with the mansion in such disrepair and constant eyesore and embarrassment for years...But then the Hunts purchased it and we have the enjoyment of seeing the gorgeous Home brought to her majestic presence. The time spent bringing this mansion to her full potential is greatly appreciated. No longer do our friends refer to turning onto our street by going right after the 'shack'; they now say...turn right after The Ross Mansion. The Hunts brought integrity to the home and the entire Winship entrance. To penalize the time, love, and beauty that went into bringing this home up to it's historical level is so unfounded. We are grateful for what they accomplished.

Thank you for your time.

Tess Williams

Sent from my iPhone

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:18 PM
To: Linda Lopez
Subject: FW: 73 Winship, Ross and the request they not be fined.

From: Tim Wood [mailto:twood@terramb.com]
Sent: Wednesday, October 25, 2017 11:53 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Ashley Wood <amjwood@comcast.net>; erica@order-sf.com
Subject: 73 Winship, Ross and the request they not be fined.

Dear Town of Ross,

My wife Ashley and I are hoping that the Town of Ross will not fine Brian and Erica Hunt for exceeding the 18 months' time restriction to complete the construction of 73 Winship, Ross.

It is my understanding that the home was deemed "historically significant" to the Town of Ross. As a result, they followed the Secretary of the Interior Standards in historically restoring the home's wooden exterior, wrap around porch and columns, original window restoration, supporting stone wall, similar shingled roof design, and maintaining the architectural uniqueness and integrity of the shingle style Victorian.

As a 20+ year Town residence, I feel we are fortunate the Hunts took on this massive project for our benefit. The finished project is spectacular. As a primary residence for their family of five, I am confident they did their very best to complete the construction as quickly as possible while not rushing or cutting corners that would have diminished the quality of the finished project.

Please take into consider the massive scope of work required to complete the restoration of the main house, renovation the guest house, reconstruction of the attached and detached garages and installation of pool when considering a the fine.

Thank you,

Tim and Ashley Wood
42 Fernhill Avenue
Ross, CA

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, October 25, 2017 3:17 PM
To: Linda Lopez
Subject: FW: 73 Winship Avenue

From: Anne Wooster [mailto:awooster2001@yahoo.com]
Sent: Wednesday, October 25, 2017 2:26 PM
To: Joe Chinn - Town Manager <jchinn@townofross.org>; Sal Lucido <slucido@townofross.org>; erica@order-sf.com
Subject: 73 Winship Avenue

Dear Mr. Chinn & Mr. Lucido

My husband Peter and I are neighbors of Brian & Erica Hunt. We live across Winship from 73 Winship (The Gray House). We have lived in our home at 54 Winship Avenue since 2008 and we're so happy when the property sold because we were hopeful that someone would address its long dilapidated state. I am writing to share my experience and thoughts on the historic restoration that occurred at 73 Winship Avenue.

We were thrilled that the project results came out as they did and happy to see life and attention infused into that property. It now serves as a stately introduction to Winship Park.

We understand that the construction time limits of 18 months as set by the Town were exceeded in this endeavor and the owners are now being fined for this reason. We strongly urge you to include our voice in opposing punitive measures for this project.

It is important to note that the project impact on the neighborhood was minimal and the end result is remarkable. We trust that the Council leaders will employ fair judgement in tossing out fines for a job well done and encourage future restorations of the older homes in Ross.

Thank you so much,

Annie & Peter Wooster
54 Winship Avenue

Best,

Annie Bransten Wooster
Coldwell Banker Previews International
01402654 (License Number)
Cell: 415-637-8156
awooster2001@yahoo.com
www.annieandhoney.com

I have not verified any of the information contained in documents prepared by other people.

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Tuesday, October 31, 2017 6:04 PM
To: Linda Lopez
Subject: FW: 73 Winship Avenue Ross, (The Gray House)

From: Zampa, Brad @ San Francisco [mailto:Brad.Zampa@cbre.com]
Sent: Tuesday, October 31, 2017 10:53 AM
To: Sal Lucido <slucido@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; erica@order-sf.com
Cc: Lisa Zampa <lisazampa@comcast.net>
Subject: 73 Winship Avenue Ross, (The Gray House)

Dear Town of Ross;

As a longtime resident of our town, I am writing you today regarding the \$357,000 penalty the town has placed on the Hunt family for their home restoration at 73 Winship Avenue. We understand there are town rules in place to encourage families to finish their construction projects on time, so as not to be a burden on the town and their immediate neighbors, however I feel this is a highly unique situation and therefore an unfair and unnecessary tax for the following reasons;

- 1) The house is historically significant and therefore, requires a family and its contractors to take a far more careful and methodical approach to its restoration.
- 2) The house, built in 1892, was preserved inside and out, and was restored following the specific rules laid out by the Secretary of Interior Standards.
- 3) The house was beautifully restored and looks the same as it did (if not better) than it did 125 years ago.
- 4) The impact of the restoration on our neighborhood was minimal, due to the size of the lot and driveways minimizing vehicular parking and traffic.
- 5) The house acts as the entrance, or the "Gran Dame" to Winship Park, one of the best kept secrets and unique historic neighborhoods of our town.
- 6) We are lucky that a family with the such vast experience in restoring Victorian Homes had the time, money, experience, patience and passion to take on a project of this magnitude.
- 7) To penalize them for such a unique restoration will place an unnecessary burden on the family.

As an owner of 11 Wellington, and a close friend and neighbor of the Hunt family, I strongly urge you to reconsider this egregious penalty. We should be giving them a round of applause rather than penalizing them for doing such outstanding work that benefits our town and immediate neighborhood.

Please confirm receipt.

Respectfully,

Brad Zampa
Executive Vice President
CBRE Capital Markets | Debt & Structured Finance
101 California Street, 44th Floor | San Francisco, CA 94111
T 415 772 0225 | F 415 772 0459 | C 415 602 7676
Brad.Zampa@cbre.com | www.cbre.com/brad.zampa
RE License # 01174366

Please consider the environment before printing this email.

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Friday, November 3, 2017 11:51 AM
To: Linda Lopez
Subject: RE: 73 Winship Avenue

-----Original Message-----

From: susan ohlson [mailto:susanohlson@comcast.net]
Sent: Thursday, November 02, 2017 9:25 AM
To: Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: 73 Winship Avenue

Dear Joe and Sal.

Our home at 63 Winship Avenue looks directly across Oak Way at 73 Winship, The Gray House. In the 45 years we have lived here, we have only once seen repairs or upkeep to the home one time. We met Brian and Erica when they first moved into 73 Winship...which was pretty dilapidated at that point. They moved in with their 3 young boys while they waited permitting to restore the Gray House. We were elated that they were not going to tear the house down but restore it to its original splendor....They have done that and more. They have made the entrance to Winship Park beautiful and saved one of the first homes in Ross. Selfishly, they have increased our property value as well as the other homes in Winship Park.

The construction site itself had ample parking for workmen and equipment, and we were never inconvenienced with workmen parking in or near our access to our home. The Hunts invited us on many tours of the site, and we would check each day to see what had been updated. We watched them take down each piece of wood on the exterior, refinish and reinstall it. We watched for many months as the stone wall at the perimeter of the entrance was reconstructed using the original rock.

Brian and Erica are the kind of neighbors we and anyone would welcome to their neighborhood. They are kind and considerate, and their boys are polite and delightful. We enjoy hearing them tell their perspective of their new home.

We have come to know the family quite well and understand that a fine of any magnitude would be a financial hardship that they might not ever recover from. The 18 month construction time limit was never feasible for 73 Winship given the historical significance to the Town of Ross. We do appreciate that the Town Council and the Town Employees work tirelessly to make our town a lovely and welcoming place. However, we implore you to make the right decision in rescinding all fines levied against Brian and Erica as a message that we honor and respect the original structures still existing that make Ross so unique. Thanks you for your consideration.

Sincerely,

Susan and Dan Ohlson...63 Winship Avenue