



Staff Report

Date: August 9, 2018
To: Mayor Kuhl and Council Members
From: Heidi Scoble, Planning Manager
Subject: Narbutas Residence, 7 Walter Road, File No. 2018-020 BAE

Recommendation

Town Council approval of Resolution 2065 to allow the conversion of 685 square feet of uninhabitable floor area used for storage into improved habitable floor area at 7 Walters Road.

Property Information:

Owner: Kes and Laura Narbutas
Applicant: Same as Owner
Location: 7 Walters Road
A.P. Number: 072-222-02
Zoning: R-1:B-A(Single Family Residence, One Acre min. lot size)
General Plan: Low Density (1-3 Units/Acre)
Flood Zone: Zone X (Outside 1-percent annual chance floodplain)
Project Application No.: 2018-020 BAE

Project Summary

Lot Area	23,827 sq. ft.	
Existing Floor Area/Ratio	3,735 sq. ft.	15.6% (15% FAR Permitted)
Proposed Floor Area/Ratio	4,420 sq. ft.	18.5%
Existing Lot Coverage	No Change	
Proposed Lot Coverage	No Change	
Existing Impervious Surfaces	No Change	
Proposed Impervious Surfaces	No Change	

Project Description

The applicant is requesting an Exceptions to Basements and Attics Permit to allow for the interior remodel and renovation to an existing basement. The project would convert 685 square feet of

uninhabitable floor area used for storage into improved habitable floor area. The existing basement is considered to have a finished floor and an existing ceiling height of 7 feet 2 inches (see Sheet IA2.0).

No exterior modifications to the residence or other site improvements would result as part of the project.

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

Per Section 18.46.030(d)8, Design Review is not required if the project can be found to substantially conforms with the Town's Design Review Criteria and Standards of Section 18.41.100 of the Ross Municipal Code.

Background and Discussion

The Marinmap.org website identifies that the project site has an average slope of 28% and located within the Town's Slope Hazard Stability Zone 2 (Hillside Lot Regulations do not apply to the project site). Access to the site is from Walters Road via Laurel Grove Avenue. The existing residence was originally constructed circa 1940. The residence is considered to be legal nonconforming relative to setbacks, floor area, and building/lot coverage. The project history records provide information regarding a variety of variances that have previously been granted at the project site.

Advisory Design Group Review

The Advisory Design Review (ADR) Group have previously reviewed the project on July 24, 2018. The ADR Group supported the scope of the project and did not provide any recommendations beyond supporting the approval of the project as proposed.

Key Issues

Exceptions to Basement and Attics

Pursuant to Section 18.46.030(a), Review and Approval Authority, of the Ross Municipal Code, the Town Council is able to approve, conditionally approve, or deny the applicant's request to allow for the floor area to exceed the maximum permitted provided that the floor area is located within either an attic or basement space and that the requisite findings can be achieved.

Staff suggests the Exceptions to Basement and Attics findings can be achieved as the project would meet the intent and purpose of the regulations as follows:

1. The existing residence was originally constructed circa 1940. The existing residence was constructed with a basement that has a finished concrete floor and a ceiling height of 7 feet, 2 inches in height.
2. The scope of the project would not result in the increase of exterior dimensions of the buildings.

3. The scope of the project would not result in any exterior modifications to the existing project.
4. The project site can provide a minimum of four on-site parking spaces.
5. The project would be required to comply with the Town's Building Code and Fire Code requirements prior to issuance of any building permit and prior to final sign off of the completed building permit.
6. The project would not result in any on-site grading.

Public Comment

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

Fiscal, resource and timeline impacts

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

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301 –*additions to existing structures*, because it involves the remodel of a basement within the footprint of the existing residence where there would be no potential impacts to surrounding properties. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project 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.

Attachments

1. Resolution 2065
2. Project plans
3. Project History

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2065

A RESOLUTION OF THE TOWN OF ROSS APPROVING AN EXCEPTIONS TO BASEMENT AND ATTICS TO ALLOW FOR THE CONVERSION OF A BASEMENT INTO HABITABLE SPACE AT 7 WALTERS ROAD, APN 072-222-02

WHEREAS, property owners Kes and Laura Narbutas have submitted an application to allow the conversion of 685 square feet of uninhabitable floor area used for storage into improved habitable floor area at 7 Walters Road at 7 Walters Road, (the “project; and

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

WHEREAS, on August 9, the Town Council held a duly noticed public hearing to consider the proposed project; and

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

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit “A” and approves the Exception to Basement and Attics subject to the Conditions of Approval attached as Exhibit “B”.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 9th day of August 2018, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

P. Beach Kuhl, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
7 WALTER ROAD
APN 072-222-02

A. Findings

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

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

The existing residence was previously approved by the Town Council, as shown in the public records, as inhabitable floor area for the purposes of storage. The project would consist of the conversion of the existing uninhabitable storage area within the footprint of the residence into improved inhabitable floor area. Therefore the project is consistent with the intent and purpose of this finding.

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

The finding is nonapplicable to the project as the project would not involve an attic.

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

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

The project would neither result in any modification to the exterior of the residence, nor require any grading. A building permit would also be required to include the project would be in conformance with the California Building Code or California Residential Code. Therefore the project is consistent with the intent and purpose of this finding.

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

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

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

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

The project site can accommodate more than 4 off street parking spaces, therefore the project is consistent with the intent and purpose of this finding.

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

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

- (7) Excavation, grading or cutting shall not exceed 35 cubic yards for newly created basement floor area. The excavation limit shall apply to excavation required to lower the floor to the finished floor and shall not include up to one foot of over excavation for the floor and foundation or any removal of existing foundation or flooring. Additional excavation is permitted for construction of stairs counted as floor area on an upper floor and for existing areas that meet the definition of floor area. If the project involves excavation, grading or cutting for a basement space, new floor area shall not exceed 20% of the existing floor area.**

The finding is nonapplicable to the project as the project would not include any grading.

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

The Town's Advisory Design Review Group has reviewed the project on July 24, 2018 and the project was found to be consistent with the design review criteria and standards of the Ross Municipal Code. The project would result in an interior remodel with no exterior modifications to the residence. Therefore, the project is consistent with the intent and purpose of this finding.

EXHIBIT "B"
CONDITIONS OF APPROVAL
7 WALTER ROAD
APN 072-222-02

1. This approval authorizes an Exception to Basement and Attics to allow the conversion of 685 square feet of uninhabitable floor area used for storage into improved habitable floor area at 7 Walters Road. No modifications to the exterior of the residence would occur as a result of the project.
2. The building permit shall substantially conform to the plans entitled, "Narbutas", consisting of 11 sheets prepared by Mead Quinn Design date stamp received June 11, 2018.
3. Except as otherwise provided in these conditions, the project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit. The property owner shall certify on the building permit plans that they have read and agree to the following conditions.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of all necessary Building Permit plan sets to list all standard and project specific conditions of approval as notes.
6. The applicant/owner shall pay any deferred Planning Department's fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Planning Manager.
7. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney's fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

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

SPECIAL CONDITIONS

10. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
 - a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
 - b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
 - c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.
 - d. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
 - e. BEFORE ISSUANCE OF A BUILDING PERMIT, a construction and traffic management plan shall be submitted. The construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.
 - f. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the project will be completed

within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).

- g. BEFORE ISSUANCE OF A BUILDING PERMIT, a preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector. The preconstruction meeting would review the conditions of approval for the project and the construction management plan.
- h. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- i. 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.
- j. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- k. 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).
- l. 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.
- m. 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.

- n. 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.
- o. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- p. The project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- q. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- r. Final inspection and written approval of the applicable work by Town Building Department, Planning Department, and the Ross Valley Fire Department staff shall mark the date of construction completion.
- s. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.

ATTACHMENT 2

NARBUTAS RESIDENCE 7 WALTERS ROAD ROSS, CA 94957

RESIDENTIAL INTERIOR REMODEL

PLANNING REVIEW SET MAY 23, 2018

CONSTRUCTION MANAGEMENT PLAN

DRIVEWAY AT 7 WALTERS LANE CAN ACCOMMODATE PARKING OF A. CONSTRUCTION VEHICLES.
SITE PLAN ON IA 1.0 SHOWS 4 FULL SIZE TRUCKS WITH AMPLE ROOM FOR OTHER EQUIPMENT.

PHOTOS OF EXISTING CONDITIONS



MASTER BEDROOM



MASTER BEDROOM



BASEMENT



MASTER BATHROOM



MASTER BATHROOM



BASEMENT - LAUNDRY ROOM

GENERAL NOTES

1. CODES, REGULATIONS AND STANDARDS
ALL MATERIAL AND WORKMANSHIP SHALL CONFORM TO THE:
2013 CALIFORNIA BUILDING STANDARDS CODE

2013 CALIFORNIA RESIDENTIAL CODE
2013 CALIFORNIA ELECTRICAL CODE
2013 CALIFORNIA MECHANICAL CODE
2013 CALIFORNIA PLUMBING CODE
2013 GREEN BUILDING CODE
2013 CALIFORNIA ENERGY CODE

NOTE: 2013 CALIFORNIA ENERGY CODE EFFECTIVE JULY 1, 2014

ALONG WITH THE LATEST ADOPTED EDITION OF THE HEALTH AND OTHER APPLICABLE CODES, AMENDMENTS, REGULATIONS, GOVERNMENT STANDARDS AND APPLICABLE STANDARDS REFERENCED IN THE CONTRACT DOCUMENTS, IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONSTRUCT THIS PROJECT ACCORDING TO THESE CODES, REGULATIONS AND STANDARDS. THESE CONTRACT DOCUMENTS DO NOT RELIEVE THE CONTRACTOR OR HIS SUBCONTRACTORS FROM THE RESPONSIBILITY OF KNOWLEDGE OF CODE, HIDDING PER CODE AND/OR BUILDING TO CODE. THE CONTRACTOR SHALL NOTIFY THE DESIGNER OF ALL ITEMS CONTAINED IN THE CONTRACT DOCUMENTS THAT, IN HIS OPINION, DO NOT MEET CODE REQUIREMENTS. CONTRACTOR WILL INFORM HIS SUBCONTRACTORS OF THEIR MUTUAL RESPONSIBILITY AS LICENSED CONTRACTORS TO BID AND CONSTRUCT ACCORDING TO THESE DOCUMENTS AND CODE REQUIREMENTS. CONTRACTOR SHALL VERIFY THAT ANY WORK PERFORMED AFTER JULY 1, 2014 COMPLES WITH CURRENT ADOPTED BUILDING CODES. CONFLICTS SHALL BE BROUGHT TO THE DESIGNER'S ATTENTION PRIOR TO COMMENCEMENT OF THE WORK. DESIGNER SHALL BE NOTIFIED IF ANY CHANGES ARE MADE TO THE DRAWINGS AND IF WORK IS PERFORMED UNDER APPLICABLE CODES OTHER THAN SPECIFIED ON THESE DRAWINGS.

2. AGREEMENT WITH DRAWING CONVENTION AND LEVEL OF DETAILING THE CONTRACTOR AGREES, BY PROCEEDING WITH CONSTRUCTION AND USING THESE CONSTRUCTION DOCUMENTS, THAT HE/SHE HAS REVIEWED THEM IN DETAIL, UNDERSTANDS THEM AND AGREES THAT THE DRAWING CONVENTIONS EMPLOYED, THE AMOUNT OF DETAILING AND LEVEL OF DETAILING ARE APPROPRIATE AND ADEQUATE TO ALLOW HIS/HER SATISFACTORY CONSTRUCTION OF THE PROJECT.

3. CONFLICTS IN THE EVENT OF A CONFLICT BETWEEN THE PLANS, SPECIFICATIONS, AND/OR MANUFACTURERS' LITERATURE, THE MORE STRINGENT REQUIREMENT SHALL GOVERN.

4. EXISTING CONDITION DISCREPANCIES REPORT TO THE DESIGNER ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS AND THE DRAWINGS, PRIOR TO PROCEEDING WITH THE WORK.

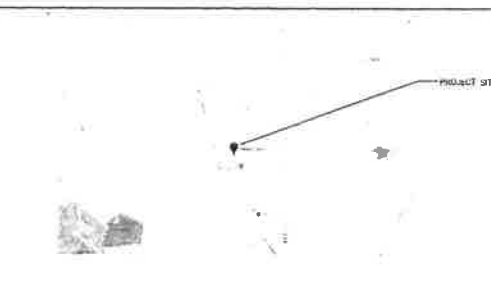
5. DIMENSIONS THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE STARTING WORK. THE DESIGNER SHALL BE NOTIFIED OF ANY DISCREPANCIES, DO NOT SCALE THE DRAWINGS. FIELD-VERIFY ALL DIMENSIONS, CONDITIONS NOT SHOWN OR FORESEEN MAY ALTER NEW WORK SHOWN AND MAY REQUIRE ADDITIONAL WORK. CONTRACTOR SHALL PROVIDE VERIFICATION OF DIMENSIONS AND CONDITIONS SHOWN PRIOR TO COMMENCEMENT OF NEW WORK.

6. REPLACEMENT OF DECAYED AND DAMAGED ITEMS THE CONTRACTOR SHALL REMOVE AND ASSESS THE CONDITION OF ALL ITEMS EXPOSED TO VIEW AFTER DEMOLITION, INCLUDING, BUT NOT LIMITED TO, FRAMING MEMBERS, JOISTS, STUDS, BLOCKING, BEAMS, PLATES, CONCRETE ELEMENTS, CONNECTORS, FASTENERS, SUBSIDIARY BRACING, FLASHING, GUTTERS, RAINWATER LEADERS, BUILDING PAPERS, TRIM, UTILITY ELEMENTS, ELECTRICAL, PLUMBING AND OTHER ITEMS, TO DETERMINE EXISTENCE OF DECAY, DETERIORATION, DAMAGE OR OTHER UNSUITABILITY. REPLACE OR REPAIR SUCH ITEMS AS DIRECTED BY THE DESIGNER.

PROJECT STATISTICS

SQUARE FEET TO BE REMODELED: 1,990.5 SQ FT
SCOPE OF WORK:
RESIDENTIAL INTERIOR REMODEL OF MASTER SUITE & BASEMENT

VICINITY MAP



GENERAL NOTES

7. DETERMINATIONS AND STATEMENTS BY BUILDING INSPECTOR DETERMINATIONS AND STATEMENTS BY THE BUILDING INSPECTOR OR OTHER AUTHORITIES SHALL NOT IMPLY PERMISSION TO DEVIATE FROM THE CONTRACT DOCUMENTS. REFER ANY SUCH DISCREPANCIES TO THE DESIGNER FOR INTERPRETATION OR CLARIFICATION.

8. TEMPORARY BRACING/SAFETY THE DESIGN ADEQUACY AND SAFETY OF THE ERECTION BRACING ABHORRING AND TEMPORARY SUPPORTS IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. OBSERVATION VISITS TO THE JOB SITE BY THE DESIGNER SHALL NOT INCLUDE INSPECTION OR APPROVAL OF ABOVE ITEMS. SITE SAFETY, SAFETY TRAINING AND OSHA-REQUIRED PROVISIONS ARE THE CONTRACTOR'S RESPONSIBILITY. THE DESIGNER HAS MADE NO PROVISION IN THESE DOCUMENTS FOR CONSTRUCTION TECHNIQUE OR OSHA REQUIREMENTS DURING CONSTRUCTION.

9. SUPERINTENDENT THE OWNER AND THE CONTRACTOR, BY THEIR MUTUAL CONTRACT FOR CONSTRUCTION, SHALL PROVIDE FOR AND INSURE THAT THERE IS A FULL-TIME, QUALIFIED SUPERINTENDENT AT THE JOB SITE AT ALL TIMES DURING CONSTRUCTION AND UNTIL FINAL WALKTHROUGH OR UNTIL THE DESIGNER AND OWNER AGREE, IN WRITING, THAT NO ON-SITE SUPERVISION IS REQUIRED OF THE CONTRACTOR.

10. UTILITIES UNDERGROUND UTILITIES AND OTHER ITEMS ARE TO BE COORDINATED WITH THE LOCAL POWER COMPANIES, AS REQUIRED. VERIFY ALL UTILITY DATA AND LOCATIONS PRIOR TO COMMENCING ANY WORK. THE LOCATIONS OF THE UTILITIES WHICH MAY BE SHOWN ON THESE PLANS ARE BASED ON THE BEST INFORMATION AVAILABLE. HOWEVER, THE DESIGNER AND OWNER ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF SUCH INFORMATION, OR FOR THE OMISSION OF ANY INFORMATION. THE CONTRACTOR SHALL COOPERATE WITH ALL UTILITY COMPANIES AND OTHER CONTRACTORS WORKING WITHIN THE LIMITS OF CONSTRUCTION. THE CONTRACTOR SHALL TELEPHONE THE APPROPRIATE UTILITIES BEFORE BEGINNING ANY UNDERGROUND WORK. THE CONTRACTOR SHALL BE AWARE OF THE POSSIBILITY OF UNKNOWN UNDERGROUND ITEMS AND TO EXERCISE CARE.

11. NOTE TO BUILDING INSPECTOR ACCEPT NO INK OR PENCIL CORRECTION TO THESE DRAWINGS. ALL CHANGES SHALL BE MADE TO THE CONTRACT DOCUMENTS BY THE DESIGNER, WITH PRINTS SUBMITTED BY THE ARCHITECT/DESIGNER OF RECORD FOR FINAL BUILDING DEPARTMENT STAMPS AND ISSUANCE. (THIS INCLUDES HANDWRITTEN NOTES BY THE BUILDING DEPARTMENT). THE DESIGNER AND OWNER ASSUME NO RESPONSIBILITY FOR ALTERATIONS TO THESE DOCUMENTS NOT IN ACCORDANCE WITH THIS REQUIREMENT.

12. CHANGES TO CONSTRUCTION DOCUMENTS THE DESIGNER AND OWNER SHALL BE HELD HARMLESS FOR ALL CHANGES NOT IN ACCORDANCE WITH GENERAL REQUIREMENTS/GENERAL CONDITIONS PROCEDURE. ALL USERS OF THESE DOCUMENTS AGREE, BY USING SAID DOCUMENTS, TO HOLD THE DESIGNER, ARTISTIC DESIGNS FOR LIVING, AND THE OWNER, HARMLESS FOR ANY AND ALL WORK THAT DOES NOT CONFORM SPECIFICALLY TO THESE DOCUMENTS, THE CALIFORNIA BUILDING CODE, APPLICABLE LOCAL ORDINANCES AND ACCEPTED STANDARDS OF GOOD CRAFTSMANSHIP. ONLY DOCUMENTS APPROVED BY THE BUILDING DEPARTMENT HAVING JURISDICTION ARE TO BE USED FOR CONSTRUCTION, ON THIS PROJECT ONLY. (SEE ITEM #1 AND #11 ABOVE, AND THE GENERAL REQUIREMENTS AND GENERAL CONDITIONS OF THE SPECIFICATIONS).

13. USE OF DOCUMENTS THESE DOCUMENTS SHALL NOT BE USED IN WHOLE OR IN PART FOR ANY WORK OTHER THAN AT THE LOCATIONS INDICATED IN THE DOCUMENTS.

14. WORK HOURS CONSTRUCTION ACTIVITIES THROUGHOUT THE ENTIRE DURATION OF THE PROJECT SHALL BE LIMITED TO THE HRS OF 8AM TO 5PM, MONDAY THROUGH FRIDAY. THERE WILL BE NO START UP OF MACHINES NOR EQUIPMENT PRIOR TO 8AM, MONDAY THROUGH FRIDAY; NO DELIVERY OF MATERIALS NOR EQUIPMENT PRIOR TO 8AM NOR PAST 5PM, MON. THROUGH FRI.; NO SERVICING OF EQUIPMENT PAST 5PM, MON. THROUGH FRI.; AND CONSTRUCTION ON WEEKENDS OR LEGAL HOLIDAYS SHALL BE PROHIBITED. SEE NOISE CONTROL REGULATION CITY OF SAN FRANCISCO.

16. ENGINEER STAMPING THESE PLANS UNCONDITIONALLY DISCLAIMS THE FOLLOWING ISSUES: A) SOILS / SUBSURFACE CONDITIONS, B) POTENTIAL HAZARDOUS MATERIALS, C) JOB SITE SAFETY / METHODS OF WORK, D) WATERPROOFING, E) DRAINAGE, F) UTILITIES, G) EXISTING ELEMENTS ADEQUACY AND THEIR INTERFACE WITH NEW ELEMENTS. IT SHALL BE THE OWNERS' AND / OR THEIR CONTRACTORS' RESPONSIBILITY TO ADDRESS THESE ISSUES AS MAY BE APPLICABLE FOR THIS PROJECT AND OBTAIN CONSULTATION OF QUALIFIED PROFESSIONALS IF SO REQUIRED.

PROJECT DIRECTORY

PROJECT / OWNER ADDRESS
NARBUTAS RESIDENCE
7 WALTERS ROAD
ROSS, CA 94957
CONTACT: KES & LAURA NARBUTAS

DESIGNER
MEAD QUINN DESIGN
PRINCIPAL: MEAD QUINN
5875 DOYLE STREET SUITE 12
EMERYVILLE, CA 94608
TELEPHONE: 510.858.7338
CONTACT: HALLEY DEBRANS
EMAIL: HALLEY@MEADQUINDESIGN.COM

STRUCTURAL ENGINEERING
COMPANY NAME:
ADDRESS 1:
ADDRESS 2:
TELEPHONE:
CONTACT:
EMAIL:

GENERAL CONTRACTOR
COMPANY NAME:
ADDRESS 1:
ADDRESS 2:
TELEPHONE:
CONTACT:
EMAIL:

ELECTRICAL CONTRACTOR
COMPANY NAME:
ADDRESS 1:
ADDRESS 2:
TELEPHONE:
CONTACT:
EMAIL:

SHEET INDEX

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IA-2.0 EXISTING / DEMO PLAN
IA-2.1 PROPOSED PLANS
IA-2.2 PROPOSED LIGHTING PLAN
IA.3.1 EXTERIOR ELEVATIONS
IA.3.2 EXTERIOR ELEVATIONS
IA.3.3 EXTERIOR ELEVATIONS
IA.3.4 EXTERIOR ELEVATIONS
IA.3.5 INTERIOR ELEVATIONS
IA.3.6 INTERIOR ELEVATIONS

SYMBOL KEY

1 DETAIL
INTERIOR ELEVATION
PROPERTY LINE
NORTH SYMBOL
(E) EXISTING
(N) NEW

MEAD QUINN DESIGN
5875 DOYLE STREET, SUITE 12
EMERYVILLE, CA 94608

NARBUTAS
7 WALTERS ROAD
ROSS, CA 94957

SCALE: VARIES

DRAWN BY: HD

DATE ISSUES

03/09/18 BO SET

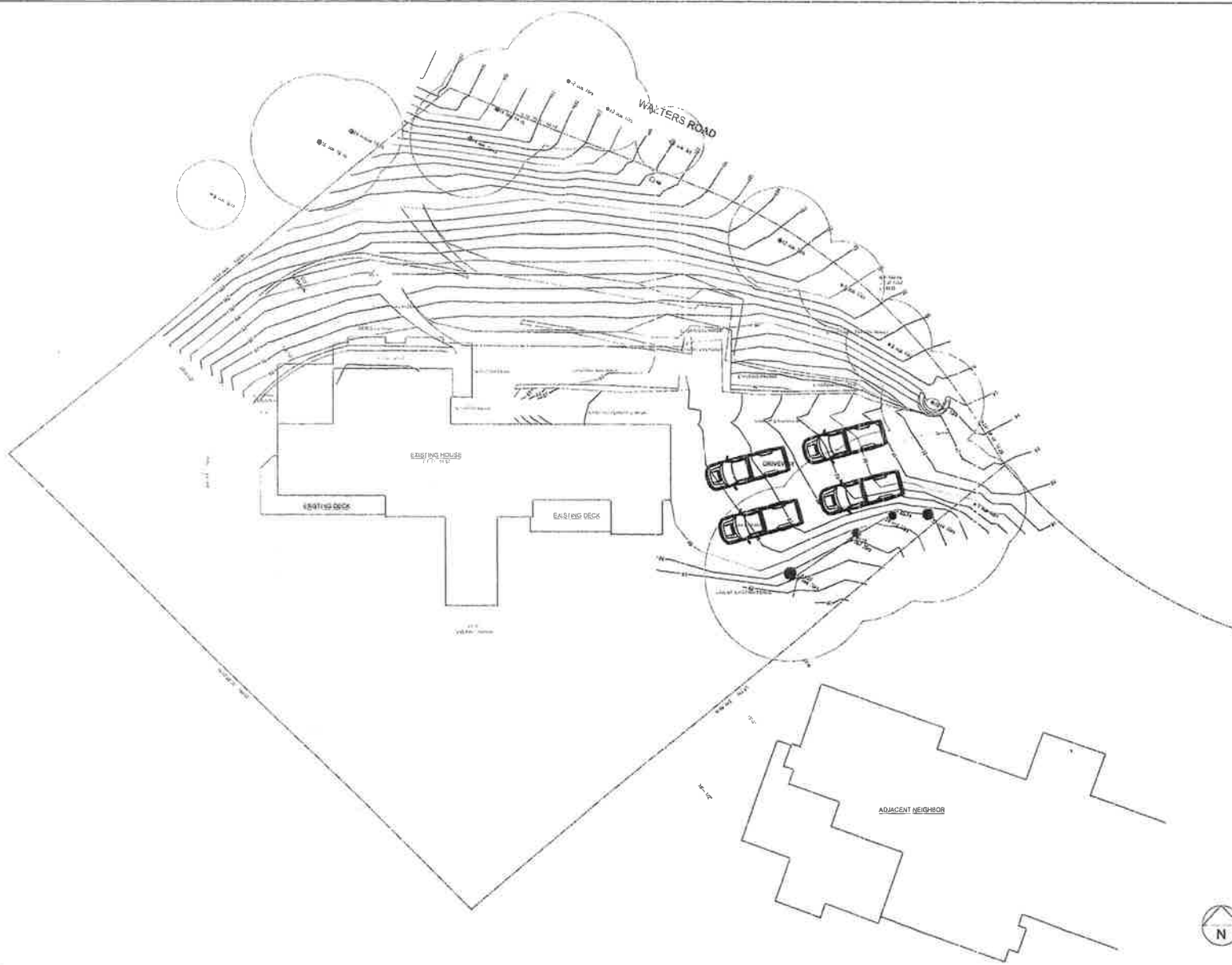
05/23/18 PLANNING REVIEW

SHEET TITLE

COVER SHEET

SHEET NUMBER

IA0.1



1 SITE PLAN
 W1.0 SCALE: 1/2" = 1'-0"

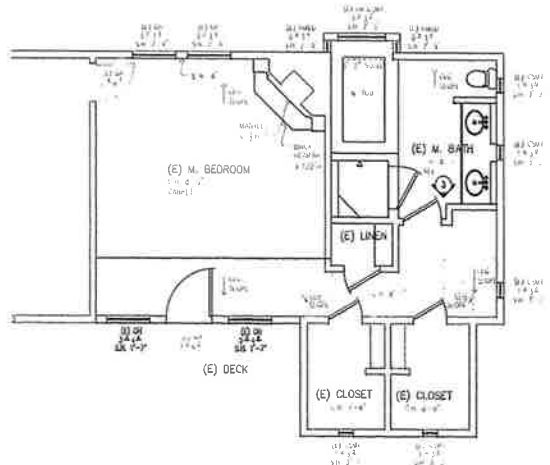
MEAD QUINN DESIGN
 5675 DOYLE STREET, SUITE 112
 EMERYVILLE, CA 94608

NARBUTAS
 7 WALTERS ROAD
 ROSS, CA 94957

SCALE VARIES	
DRAWN BY: HD	
DATE	ISSUES
03/09/18	NO SET
05/23/18	PLANNING REVIEW

SHEET TITLE
 SITE PLAN

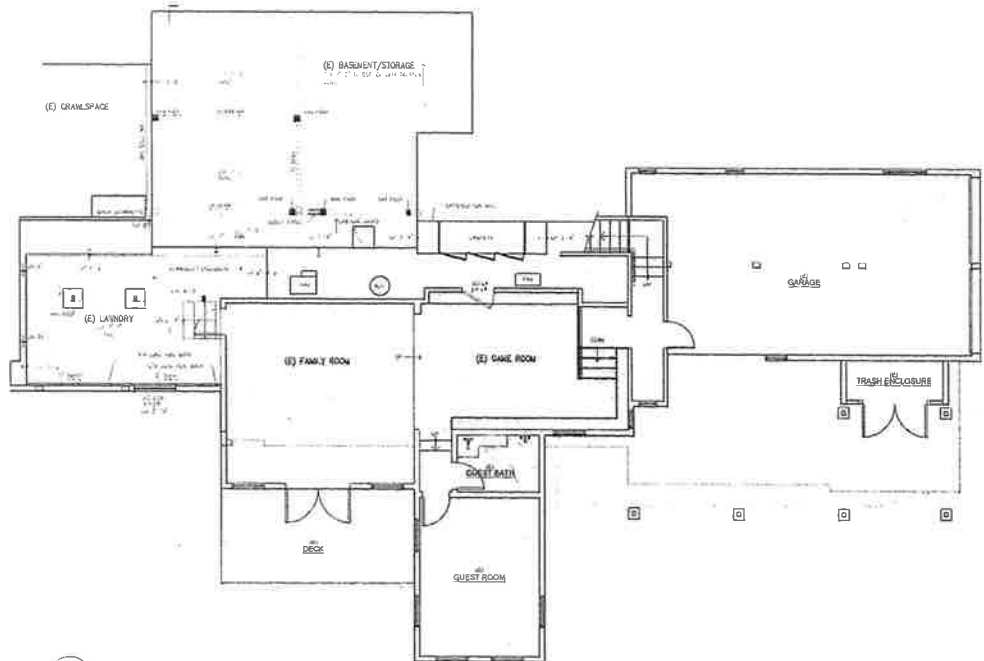
SHEET NUMBER:
 IA1.0



2 DEMOLITION PLAN - MASTER SUITE
SCALE: 1/8" = 1'-0"

DEMOLITION NOTES

1. REMOVE ALL CABINETS, APPLIANCES, FIXTURES, ETC SHOWN DASHED. VERIFY ALL ITEMS TO BE SALVAGED AND DONATED WITH OWNERS. ALL SERVICABLE FIXTURES AND FINISHES NOT RETAINED BY OWNER ARE TO BE CAREFULLY REMOVED AND DONATED TO THE NEAREST HABILITAT FOR HUMANITY. CALL HABILITAT FOR HUMANITY MAIN LINE AT (650) 847-4000 TO COORDINATE DONATION.
 2. ALL (E) OBSTRUCTIONS DISCOVERED IN DEMOLITION TO BE REMOVED AS NECESSARY IN COORDINATION W/ DESIGNER AND OWNER.
 3. ALL (E) ELECTRICAL, PLUMBING, AND MECHANICAL, IF ANY, TERMINATED PER APPLICABLE CALIFORNIA CODE AND DESIGN BUILD DRAWINGS.
 4. CUTTING WORK SHALL BE DONE WITH MINIMUM DAMAGE TO SURROUNDING SURFACES TO BE RETAINED.
 5. EXPOSE FRAMING PRIOR TO ANY DEMOLITION, DO NOT ENDANGER (E) STRUCTURAL SYSTEMS. NOTIFY DESIGNER OF ANY STRUCTURAL CONFLICTS.
 6. ALL ELECTRICAL DATA, AND TELEPHONE WIRING AND CONDUITS FROM PARTITIONS AND CEILINGS ARE TO BE REMOVED BACK TO PANELBOARD TERMINALS.
 7. ALL ITEMS TO BE RE-USED, IF ANY, SHALL BE CAREFULLY REMOVED FREE OF DAMAGE, AND STORED IN ONE AREA.
 8. EXTENT OF SELECTIVE DEMOLITION WORK IS INDICATED ON THE DRAWINGS, REVIEW COMPLETE SET AND AS-BUILT CONDITIONS TO SEE ENTIRE SCOPE OF DEMOLITION AND PROJECT WORK.
 9. DEMOLITION NEG'S SELECTIVE REMOVAL AND/OR DISPOSAL/REUSE OF INDICATED ITEMS. COORDINATE ALL WORK RELATED TO DEMOLITION OF BUILDING SYSTEMS W/ ARCHITECT OR OWNER'S CONTRACTORS/ENGINEERS FOR FIRE ALARM, SECURITY, VOICE COMMUNICATION, DATA TELECOM.
 10. ALL FLOOR AREAS AND DEMO WALL LOCATIONS TO BE CLEANED AND PREPPED FOR (N) FLOOR FINISH SYSTEMS.
 11. REMOVE AND STORE MARKED DOORS FOR (N) LOCATION ON PROPOSED FLOOR PLAN, AS NECESSARY.
 12. CONSTRUCTION AND DEMOLITION DEBRIS
- COVERS DUCT OPENINGS AND PROTECTING MECHANICAL EQUIPMENT DURING CONSTRUCTION:
DUCT OPENINGS AND DIRECT AIR DISTRIBUTION COMPONENT OPENINGS SHALL BE COVERED DURING ALL PHASES OF CONSTRUCTION WITH TAPE, PLASTIC, SHEET METAL, OR OTHER ACCEPTABLE METHODS TO REDUCE THE AMOUNT OF WATER, DUST, AND GIBBS EXTERING THE EXTERIOR.



1 DEMOLITION PLAN - BASEMENT
SCALE: 1/8" = 1'-0"

WALL LEGEND

	EXISTING WALL CONSTRUCTION. REWORK PER PLANS TO SMOOTH TRANSITION BETWEEN EXISTING AND NEW SURFACES.
	EXISTING TO BE REMOVED.
	NEW WALL CONSTRUCTION. PROVIDE 3/4" GYP. SO. INTERIOR FINISH UNLESS OTHERWISE NOTED.
	NOT IN PROJECT SCOPE.



MEAD QUMIN DESIGN
5675 DOYLE STREET, SUITE 12
EMERYVILLE, CA 94608

NARBUTAS
7 WALTERS ROAD
ROSS, CA 94957

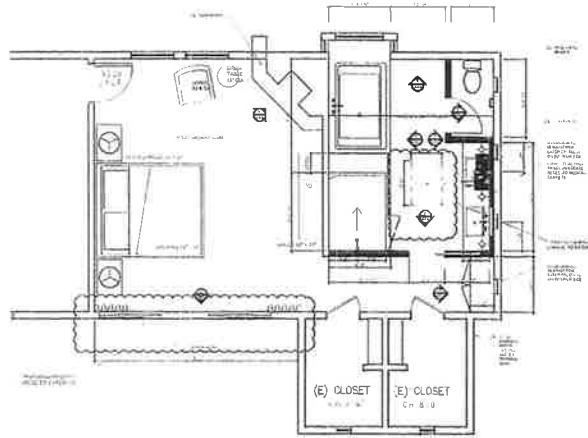
SCALE VARIES

DRAWN BY: HO	
DATE	ISSUES
03/08/18	BID SET
05/23/18	PLANNING REVIEW

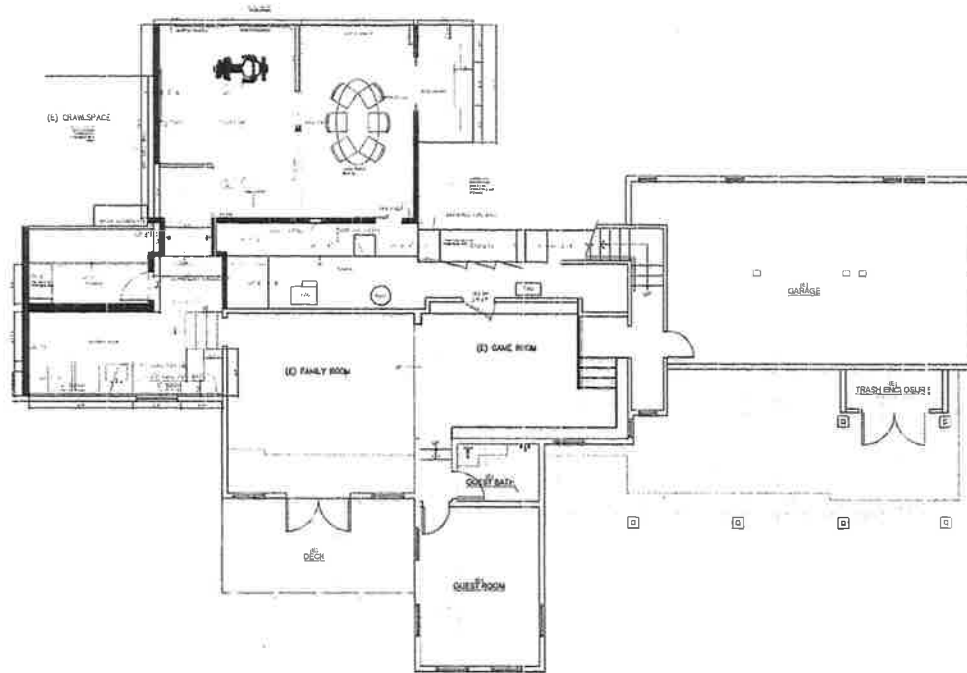
SHEET TITLE
EXISTING /
DEMOLITION
PLAN

SHEET NUMBER

IA2.0



2
IA2.1
PROPOSED PLAN - MASTER SUITE
SCALE: 1/4" = 1'-0"



1
IA2.1
PROPOSED PLAN - BASEMENT
SCALE: 3/16" = 1'-0"

WALL LEGEND	
	EXISTING WALL CONSTRUCTION: REWORK PER PLANS TO SMOOTH TRANSITION BETWEEN EXISTING AND NEW SURFACES.
	EXISTING TO BE REMOVED
	NEW WALL CONSTRUCTION: PROVIDE 3/4" CYRUS INTERIOR FINISH UNLESS OTHERWISE NOTED
	NOT IN PROJECT SCOPE



MEAD QUINN DESIGN
5875 DOYLE STREET, SUITE 12
EMERYVILLE, CA 94608

NARBUTAS
7 WALTERS ROAD
ROSS, CA 94957

SCALE VARIES	
DRAWN BY: HD	
DATE	ISSUES
03/09/15	BID SET
05/23/16	PLANNING REVIEW

SHEET TITLE
PROPOSED PLAN

SHEET NUMBER
IA2.1

ATTACHMENT 3

ACTION: It was M/S/C (Cahill/Skall) to approve the following planning application consent agenda item "b" with the findings and conditions in the staff report. Vote: 5-0.

Conditions, 123 Bolinas Avenue, Barwood Design Review No. 1628

1. At least half of the proposed nandina domestica shall be of a non-dwarf variety to provide year round screening of the fence, or the applicant shall modify the plan to incorporate additional non-dwarf Nandina domestica or other plants that will provide, taller, year round screening of the fence. Landscaping shall be installed as shown on the approved landscape plan after fence construction and shall be maintained in front of the fence area.
2. No encroachment permit is hereby approved; it is the responsibility of the applicant to ensure that no work of any kind occurs within the right-of-way.
3. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
4. Failure to secure required building permits and/or begin construction by January 9, 2007 will cause the approval to lapse without further notice.
5. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) a street number must be posted (minimum 4 inches on contrasting background); 2.) all brush impinging on the access roadway must be cleared; 3.) the roadway must have a vertical clearance of at least 14 feet; 4.) all dead or dying flammable materials must be cleared and removed from the property per R.M.C. Chapter 12.12; and 5.) a local alarm is required; and 6.) a Knox Lock box is required if gated.
6. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
7. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

- 1.9.07 * }
- c. 7 Walters Road, Narbutas, Extension of Time of Variance No. 1574 Kes Narbutas, 7 Walters Road, A.P. No. 72-222-02, R-1:B-A (Single Family Residential, One Acre Minimum Lot Size). A one-year time extension to January 12, 2008, for a variance and design review application approved on January 12, 2006, to allow the construction of a 381 square foot addition to the northern elevation of the existing residence within the north side yard setback (25 feet

required, 23 feet proposed) including a new study and an enlarged kitchen, breakfast room, and entry. 155 linear feet of new retaining walls with a maximum height of 8 feet are additionally proposed.

Lot area	23,827 square feet	
Existing Floor Area Ratio	14.1%	
Proposed Floor Area Ratio	15.7%	(15% permitted)
Existing Lot Coverage	14.3%	
Proposed Lot Coverage	15.9%	(15% permitted)

ACTION: It was M/S/C (Cahill/Skall) to approve the following consent agenda item “c” with the findings and conditions in the staff report. Vote: 5-0.

Conditions, 7 Walters Road, Narbutas Extension of Time, No. 1574

1. Except as specifically amended here, all conditions of this project’s January 12, 2006, approval shall remain in full force and effect.
2. Failure to secure required building permits and begin construction by January 12, 2008, will cause this approval to lapse without further notice.
3. The applicant 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 applicant and/or owners of any such claim, action, or proceeding, tendering the defense to the applicant 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.

- d. **81 Sir Francis Drake, Sherley, Extension of Time of Variance No. 1576**
Harold and Carol Sherley, 81 Sir Francis Drake Boulevard, A.P. No. 73-052-32, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum). A one-year time extension to February 9, 2008, for a variance and design review application approved on February 9, 2006, to allow an existing two story residence to be raised 5 feet, resulting in a new maximum building height of 27 feet within the north side yard setback (15 feet required, 3 feet proposed.)

Lot area	7,876 square feet	
Existing Floor Area Ratio	30.9%	
Proposed Floor Area Ratio	30.9%	(20% permitted)
Existing Lot Coverage	21.3%	
Proposed Lot Coverage	21.3%	(20% permitted)

The existing residence is nonconforming in setbacks.

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.

b. Variance No. 1574 and Design Review No. 477

Kes and Laura Narbutas, 7 Walters Road, A.P. No. 72-222-02, R-1:B-A (Single Family Residence, One Acre Minimum) Variance and design review to allow the construction of a 381 square foot addition to the northern elevation of the existing residence within the north side yard setback (25 feet required, 23 feet proposed) including a new study and an enlarged kitchen, breakfast room, and entry. 155 linear feet of new retaining walls with a maximum height of 8 feet are additionally proposed.

Lot area	23,827 square feet
Existing Floor Area Ratio	14.1%
Proposed Floor Area Ratio 15.7%	(15% permitted)
Existing Lot Coverage	14.3%
Proposed Lot Coverage	15.9% (15% permitted)

Mayor Byrnes asked for a motion.

Mayor Byrnes moved and Council Member Hunter seconded, to approve the Consent Calendar as amended by pulling Item B for a separate motion. Motion carried unanimously by Council.

Mayor Byrnes asked for a motion on Item B.

Council Member Hunter moved and Mayor Pro Tempore Strauss seconded, to approve Consent Calendar Item B as presented. Motion carried by a 3:1 vote with Council Member Durst opposed.

Conditions

1. ANY PERSON ENGAGING IN BUSINESS WITHIN THE TOWN OF ROSS MUST FIRST OBTAIN A BUSINESS LICENSE FROM THE TOWN AND PAY THE BUSINESS LICENSE FEE. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
2. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. This project shall comply with the following requirements of the Department of Public Safety: 1.) A street number must be posted

*
1-12-06

- {minimum four inches on contrasting background}; 2.) The property must be cleared of all dead or dying flammable materials; and 3.) A local alarm system is required.
4. The submitted landscape plan is not approved at this time. A final landscape plan focused on screening the property from neighboring residences and softening the appearance of development from off-site perspectives shall be submitted for the review and approval of the Planning Department prior to project final. The submitted landscape plan shall make use of native species to the greatest extent possible.
 5. All windows must substantially resemble real wood true divided light windows and are subject to Planning Department approval prior to the issuance of a building permit.
 6. Any portable toilets shall be placed off of the street and out of public view. Project development shall comply with the requirements of the Ross Valley Sanitary District.
 7. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. 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.
 8. NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
 9. FAILURE TO SECURE REQUIRED BUILDING PERMITS AND/OR BEGIN CONSTRUCTION BY JANUARY 12, 2007 SHALL CAUSE THIS APPROVAL TO LAPSE WITHOUT FURTHER NOTICE.
 10. 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.
 11. The Town Council reserves the right to require additional landscape screening for up to two (2) years from project final.
 12. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

landscape barrier, except for the one area. They have zero intention to encroach on other properties. They are flexible and desired three windows, but would agree with two windows with obscured glass. He further stated that they have been very careful and asked Council for guidance.

Mayor Byrnes clarified that this is the second story space that desired windows. Architect Holbert responded in the affirmative.

Council Member Barr asked the architect if skylights are possible. Architect Holbert responded that skylights are possible, but a skylight would not compete with a window. They are very flexible in regard to the location of the window in order to provide light into this space.

Town Manager Broad stated that if an alternate window design is desired by the applicant then the alternate design should be provided to staff for review.

Mayor Byrnes stated that 34 Popular is sufficiently over burdened already by this building. This property has had enough done without the addition of these windows. He further observed that this is a 600-square-foot room served by some light, so he could not support the request.

Mayor Pro Tempore Strauss added that there is a prior condition on the use permit and concurred with the Mayor.

Council Member Durst stated that all screening is on 34 Popular, so if those trees died they would be totally exposed.

Mayor Byrnes opened the public hearing on this item, and seeing no one wishing to speak, he closed the public hearing and brought the matter back to the Council for action.

Mayor Byrnes asked for a motion.

Mayor Pro Tempore Strauss moved and Council Member Barr seconded, to deny the application subject to the findings in the staff report. Motion carried unanimously by Council.

21. Variance and Design Review

Kes and Laura Narbutas, 7 Walters Road, A.P. No. 72-222-02, R-1:B-A (Single Family Residence, One Acre Minimum) Variance and design review to allow the construction of a 381 square foot addition to the northern elevation of the existing residence within the north side yard setback (25 feet required, 23 feet proposed) including a new study and an enlarged kitchen, breakfast room, and entry. 155 linear feet of new retaining walls with a maximum height of 8 feet are additionally proposed.

Lot area	23,827 square feet
Existing Floor Area Ratio	14.1%
Proposed Floor Area Ratio	15.7% (15% permitted)

12-8-05 X

Existing Lot Coverage	14.3%	
Proposed Lot Coverage	15.9%	(15% permitted)

The existing residence is nonconforming in setbacks.

Gary Broad, Town Manager, summarized the staff report and recommended that project be scaled back in order not to have a variance and then the project could be considered with both FAR and requirements. Staff would be supportive of such a project and recommended that the Council continue to a future meeting to allow the applicant to redesign the FAR and variance.

Kes Narbutas thanked the Council for visiting the house. He tried to keep with the existing style of the house, architecture, material, and colors as well as tried to address some current deficiencies. The main issue is the need for a variance. He added that staff's conclusion is inappropriate and is at odds with the specific language in the statute that mandates that "*it be judged against properties in the same zoning classification.*" He then discussed topography and pointed out that the site sits on a plateau, which is isolated from the north, west and below. Also, because of the unique nature of the site, they are isolated and any small incursion would not change the character of the area. They are fronted by Walters Road that has a public right-of-way, so he felt they have three of the statutory standards that apply for a variance. He added that the lot line setback is in violation for two square feet and if that is a concern the building could be notched in order to be completely within their setbacks. He felt it is a very minimal incursion into the setbacks. Also, all neighbors support their plan and agreed it is a great design. He further believed that it would not be detrimental to the neighborhood.

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

Mayor Byrnes summarized the findings for the Council to consider:

- Is it a functionally larger lot due to the right-of way?
- Do they consider it significant that the lot is significantly under the zoning calculation minimum?
- Are they comfortable with "*no adverse effects*" on any neighboring properties or the Town?
- Do they view the resulting new house as not too large or bulky for its site or setting and comfortable visually, including new addition?
- Do they think the addition improves the architecture without adverse effects on anyone else?
- Do they think the result is good and should it be accommodated?

Mayor Byrnes indicated that he is satisfied with all findings as he stated. Mayor Pro Tempore Strauss stated that it is really de minimis and agreed with the findings as outlined by the Mayor.

Town Manager Broad recommended that the matter be continued so that conditions can be drafted. Staff felt it would be beneficial to have actual written findings to be adopted by Council at the next meeting.

Mayor Byrnes asked for a motion.

Council Member Hunter moved and Council Member Barr seconded, to direct staff to prepare findings and conditions based on his statements for the next meeting in January for approval. Motion carried by a 4:1 vote with Council Member Durst opposed.

22. Correspondence - Potential use of the Commons

Aloney Grady, Garden Chair, submitted a letter indicating that this is the 10 year anniversary of the PTA Garden Tour and due to the tenth year they want a grander celebration and desired to combine the patrons party with the usual party. Having the party in the center of Town would enable more families and the greater community to attend. She added that they received a proposal from Peter Daly for a tent that is 100 ft. by 100 ft., which would be installed closer to the blacktop with access through the blacktop area. She stated that it would take approximately two days to setup the event and one day to remove, so three days in total the tent would be at the Commons. She further anticipated a larger crowd due to the two events being combined.

Carla Small, Ross resident, stated that Town has been used for the community on many occasions such as the Town Dinner and Family Day, so she did not view this as a problem.

Mayor Pro Tempore Strauss asked Mr. Daily if there would be damage to the lawn. Peter Daly responded that floor would be put down, so the grass would be protected. Weather could be a factor, but he believed there would be no problem.

Wendy Battey, Ross resident, supported the event at the Commons.

Town Manager Broad noted that they would be required to obtain a certificate of insurance and the Town named as an additionally insured.

Mayor Byrnes believed it is a great idea. The majority of the Council concurred.

Mayor Byrnes asked for a motion

Council Member Hunter moved and Council Member Barr seconded, to agree to allow the request of having the two events combined and the use of the Commons. Motion carried by a 4:1 vote with Council Member Durst opposed.

23. Other Business - None

24. Adjournment.

By Order of the Mayor, the Meeting Adjourned at 9:01 P.M.

After a brief discussion, Councilmember Zorensky moved approval, seconded by Councilmember Barr and passed unanimously.

21. **Consent Agenda:**

The following two items will be considered for approval in a single motion, unless removed from the consent agenda by a Council member.

a. **Extension of Time.**

Kes and Laura Narbutas, 7 Walters Road, A.P. No. 72-222-02, R-1:B-A (Single Family Residence, One acre minimum). A one-year time extension to December 13, 2003 for a variance application approved on December 13, 2001 to allow the construction of a 16 foot by 32 foot pool and a spa within the rear yard setback (40 feet required, 19 feet proposed) and a stone patio

Councilmember Curtiss moved approval, seconded by Councilmember Zorensky and passed unanimously.

b. The Town Council will consider only denying the application of Bruce Fonarow and Jeffrey Drawdy, 18 Canyon Road, A.P. No. 72-031-27, R-1:B-5A (Single Family Residence, 5 acre minimum). The Planning Director has denied the demolition permit, design review and hillside lot application for this property. The Council will consider only denying,

2-13-03
X

December 13, 2001

The architect explained the plans and said that the building would be mostly obscured by existing vegetation. However, Mayor Hart did not agree, stating that if one can see up, one can see down.

Council member Gray said that the Council passed an ordinance limiting the height of retaining walls to 6 ft. but these plans showed retaining walls up to 13 ft., and he wondered if the neighbors had seen the model.

Council member Zorensky questioned the use of stucco and the architect said that it could be changed to make it more natural.

Mr. Broad said that the model does not show the full amount of land area because 40 - 50 percent of the land is on the other side of the ravine and because the lot is bifurcated by the creek, the Council should consider whether the proposed amount of development is appropriate.

Council member Zorensky said that because of the natural boundary by the creek, the Council could require a reduction below the FAR guidelines.

Mr. Broad said that he addressed the FAR issue in his report.

Councilwoman Delanty Brown asked if there was another site alternative.

Mayor Hart said that there was no other site of this size.

Mr. Tom Gaffney of Laurel Grove said that this is a very difficult lot. His house looks directly down on the proposed house and he worried about cutting into the hill below his property.

Council member Gray felt that the concerns could be mitigated if the house were smaller and not have a pool.

Mr. Robert Twiss of 45 Laurel Grove said that his wife, Ms. Amy Skewes-Cox, could not attend the meeting. He said that most of the lot is on the other side of the creek and is steep. He was concerned about the issues raised in the staff report and by Mr. Gaffney. He said that he was not supporting or objecting but he did have serious concerns.

Mr. Frankel of 50 Sir Francis Drake Boulevard and the current property owner, said that he felt people were trying to make it so that he could not build on the lot. He said that the Twiss house looms over his property and looks gigantic. He said he did not object to their house when it was being built.

Mr. Rocky Stich said they looked at other alternative sites but they tried to submerge the house into the hillside. He said they are willing to build fences and plant trees to mitigate any visual impacts.

Council member Zorensky said that the Council was not saying the lot is unbuildable but he was concerned about the size of the house because of the limitations of the slope and also about the swimming pool, retaining walls and cuts into the hillside. He felt that the design of the house was attractive.

Mayor Hart urged the applicants to review the design review guidelines and he recited the design review ordinance concerning grading/cutting/retaining walls.

He said that he was not saying that if they reduced the square footage, it would be all right. The structure has to be balanced with the site.

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

31.

VARIANCE. #1418

Kes and Laura Narbutas, 7 Walters Road, A.P. No. 72-222-02, R-1:B-A (Single Family Residence, One acre minimum). Variance to allow the construction of a 16 foot by 32 foot pool and a spa within the rear yard setback (40 feet required, 19 feet proposed.) A stone patio is also proposed.

Mr. Broad, the Town Planner, said that the pool equipment inside the structure would have to be properly vented.

Council member Zorensky moved approval with the findings in the staff report and the following conditions:

1. The pool and spa equipment shall be provided within the pump room of the residence as identified on the submitted plans.

* 12.13.01

2. The street number must be posted (minimum 4 inches on contrasting background.) All dead or dying flammable materials shall be cleared and removed per Ross Municipal Code Chapter 12.12. Exterior lighting shall be shielded and directed downward. Lighting shall not create glare, hazard or annoyance to adjacent uses.
3. Existing screen planting shall be maintained and retained between the pool, spa and patio areas and the property to the west to screen the proposed improvements.
4. The Town Council reserves the right to require additional landscape screening for up to two years from project final.
5. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
6. Any portable toilets shall be located off the street and out of public view.
7. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Councilwoman Delanty Brown and passed unanimously.

COUNCIL MEMBER ZORENSKY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE

32.

VARIANCE AND DESIGN REVIEW.

^{#1419} David Zorensky and Helen Hobart, 7 Willow Hill Road, A.P. No. 73-252-12, R-1:B-5 (Single Family Residence, Five acre minimum). Variance and design review to allow the following modifications: 1.) removal of a rear dormer window over the living room and construction of a 414 square foot dormer addition within the east side yard setback (25 feet required, 20 feet proposed) and above 30 feet in height (33 feet proposed); 2.) construction of a new front hallway/foyer with a new dining room bay window totaling 90 square feet; 3.) construction of a new 67-foot long retaining wall extending 7.5 feet above grade to replace the front deck with a landscaped terrace; 4.) addition of a 47 square foot exterior stairway from the new front terrace to the lower level; and 5.) removal of 619 square feet of raised deck areas on the front and east side of the residence.

Lot Area (net)	34,061 sq. ft.
Present Lot Coverage	13.0%
Proposed Lot Coverage	11.6% (15% permitted)
Present Floor Area Ratio	18.7%
Proposed Floor Area Ratio	18.4% (15% permitted)

The existing residence is nonconforming in height, number of stories and side yard setbacks. The existing garage is nonconforming in setbacks.

Mr. Broad, the Town Planner, explained the plans and noted that neighbor acknowledgment had been received.

Council member Gray said that the FAR and Lot Coverage had been reduced and the plans would improve the front facade, the proposed colors were more complimentary and there is no neighborhood objection.

Councilwoman Delanty Brown pointed out that the lower space cannot be used for living area.

Lot Area	75,503 sq. ft.
Approved Lot Coverage	10.6%
Proposed Lot Coverage	11.1% (15% allowed)
Approved Floor Area Ratio	14.7%
Proposed Floor Area Ratio	14.9% (15% allowed)

This application has been filed to allow changes from the variance approved by the Town Council in June 1991.

VARIANCE NO. 1010. Mr. Dennis Healy, contractor for the project, said the applicant was eliminating items Nos. 5 and 6 above and were requesting the first four items only. He said he had spoken to all neighbors and there was no opposition.

Doctor Newton said he wished to use the shed for storage and would be happy to accept any conditions. Mr. Lourdeaux, the adjoining neighbor, asked that the shed not be used for habitation. He said he did not wish the dormer to be on his side of the structure. Councilman Brekhus moved approval except for retention of the shed. This motion died for lack of a second. Town Planner Broad said that the proposed dormer should match the remainder of the house and he recommended elimination of the shed, explaining that these issues tend to be planning enforcement problems.

Councilman Lill moved approval with the conditions that the Council has the right to request suitable and adequate vegetation; that the applicant submit a landscaping plan within 60 days after completion of the construction and that the shed be eliminated. This was seconded by Councilman Barry and passed unanimously.

- c. Kes and Laura Narbutas, 7 Walters Road, AP 72-222-02, R-1:B-A, Single Family Residence, One acre minimum. Request is to allow: Additions to an existing residence including 103 square foot family room addition, 126 square foot new upper level deck, 96 square foot master bedroom closet addition, and new entry arbor. Demolition of existing 337 square foot deck and reconstruction of existing 130 square foot deck.

The existing house is nonconforming in floor area ratio.

Lot Area	23,827 sq. ft.
Present Lot Coverage	13.4%
Proposed Lot Coverage	15.02% (15% allowed)
Present Floor Area Ratio	16.9%
Proposed Floor Area Ratio	16.9% (15% allowed)

VARIANCE NO. 1011. Town Planner Broad said that he had originally recommended denial based on the FAR but the project had since been redesigned. The applicant said that he had contacted all neighbors.

Councilman Lill moved approval with the following conditions as set forth by staff: That the area to be used for the washer and dryer not be improved beyond its present state and therefore would not represent any change in FAR. Also, that the arbor area be counted as lot coverage but not as floor area; the arbor area must not be enclosed. Smoke detector be installed as per the Building Inspector. This was seconded by Councilman Barry and passed unanimously.

- Joel and Barbara Renbaum, 72 Shady Lane, AP 73-101-37, R-1:B-20, Single Family Residence, 20,000 square foot minimum. Request is to allow:

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12-12-91

19. Jewett Subdivision - Approval of CC&R's.

Mr. Lunding, Public Works Director, suggested the following changes be made to the Jewett CC&R's:

1. Page 3, Section 1.12 to read: "Non Access Strips"...
2. Page 5, Section 3.2 to read: Location of Structures. Construction and erection of the Buildings shall be confined to the Building Envelopes for Lots 2, 3 and 4, except as modified by the Council. Other structures may be placed in any location upon a Lot so long as they comply with governmental requirements and do not interfere with an Easement.
3. Page 10, Section 5.2. Soil. As part of the building permit application process for any Lot, a geotechnical investigation and report pertaining to the proposed construction shall be prepared by a licensed engineer specializing in soils investigation work.
4. Page 10, Section 5.4. Creek Crossing. (Last sentence) the spelling of word "vegetation" be corrected.

After hearing from Town Engineer Hoffman; Mr. Ballard, Engineer for the Jewett Subdivision; and Mr. Steven Wisenbaker of Duff Lane, (who was also the architect for a potential purchaser) on allowing neighbor veto to buildings outside the building envelope, Councilman Poore moved approval of CC&R's with the changes recommended by Mr. Lunding above. This was seconded by Councilman Dirkes and passed with four affirmative votes. Mayor Julien was opposed.

Town Engineer Hoffman reported that he had investigated the request for the guardrail on Skyland Way, and in his opinion he felt it was unnecessary. The sense of the Council was that the guardrail was not wanted.

20. Use Permits.

- a. Mr. Peter H. Behr., Jr., 7 Walters Road (AP 72-222-02) 1 Acre Zone. Request is to allow a residential-home office (financial consulting business) in the Single Family Residence District. There will be no additional traffic.

Mr. Behr reported that he did not intend to have any house clients, and he had received approval from all neighbors. The Public Works Director said Mr. Behr had complied with all ten conditions of the Home Occupation in the Ross Municipal Code. After discussion, Councilman Poore moved approval of the use permit with the condition that it be reviewed in one year. This was seconded by Councilman Dirkes and passed unanimously.

- b. Mr. James Kelly, Potential Buyer, 32 Ross Common (AP 73-272-06) C-L District. Request is for construction of three shops below and six offices above. Legal Owners: T. Rogers, N. Rogers, E. Mayer.

Town Attorney Hadden Roth informed the Council that this use permit is exempt under the guidelines of the Calif. Environmental Quality Act from an environmental assessment, and he explained to the audience that an Ordinance had been passed by the Council requiring all future uses within the C-L District be approved by Use Permit Only. Mr. Roth read the Use Permit Requirements set forth in the Ordinance.

6-12-86*