

**AGENDA**  
**REGULAR MEETING of the ROSS TOWN COUNCIL**  
**THURSDAY, MARCH 9, 2006**

- 1. 6:00 P.M. Commencement**
- 2. Posting of Agenda.**
- 3. Minutes.**
- 4. Demands.**
- 5. Open Time for Public Expression.**  
Limited to three minutes per speaker on items not on agenda.
- 6. Report from Mayor Tom Byrnes.**
- 7. Report from Committee Heads.**
  - General Government - Council member Strauss
    - Update/Discussion Town Office Consolidation Project
  - Finance - Council member Barr
  - Public Works - Council member Durst
  - Public Safety - Council member Hunter
- 8. Flood Update Report.**
- 9. Report from Ross Property Owners Association.**
- 10. Town Council Consideration of Adoption of Resolution No. 1591  
Commending Town Staff for their Efforts During and Following the 2005  
New Year's Eve Flood and Presentation of a Token of Appreciation. (Broad)**
- 11. Town Council Introduction of Ordinance No. 594 Amending Municipal Code  
Section 9.20, Unnecessary Noise. (Heying)**
- 12. Town Council Introduction of Ordinance No. 595 Setting the Town of Ross  
Election to Coincide with the State of California Consolidated Primary  
Election. (Broad)**
- 13. Town Council Consideration of Adoption of Resolution No. 1592 - Making  
Certain Findings and Determinations in Compliance with Section XIII B of  
the California Constitution (GANN Initiative) and Setting the Appropriation  
Limit for the Fiscal Year Ending June 30, 2006.) (Broad)**

*For information as to which item the Council is hearing, please call 415-453-1453, option 6,  
after 7:00 p.m. on the night of the meeting.*

**14. Consent Agenda.**

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

- a. **Town Council Consideration of Adoption of Resolution No. 1593, Office of Emergency Services Designation of Applicant's Agent Resolution. (Broad)**
- b. **Town Council Award of Contract and Authorization for Expenditures for Chestnut Avenue Slide Repair. (Jarjoura)**
- c. **Town Council Adoption of Ordinance No. 593 to Prezone Property Belonging to Harvey Glasser at the End of Upper Toyon Road in San Rafael, Known as A.P.Nos. 012-121-21, 012-121-03 and 012-081-07. (Broad)**

**d. Commercial Use Permit**

Vesper Investment Company (tenant) & Peter Maguire (owner), 23 Ross Common, Suite 9, A.P. No. 73-273-10, C-L (Local Service Commercial.) A merger and acquisition and strategic advisory company in 207 square feet of tenant space. Hours of operation will be Monday through Friday from 8am to 6pm, with one on-site employee and an estimated customer traffic of one person per month.

**e. Variance and Design Review**

Chris and Jennifer Kostanecki, 99 Chestnut Avenue, A.P. No. 73-302-12, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum.) Amendment to approved plans to allow the following modifications to a variance and design review application approved by the Town Council on October 19, 2005: 1.) the addition of 59 square feet of floor area to an approved upper floor dining room and 2.) the addition of 52 square feet of floor area to an approved upper floor kitchen.

<b>Lot area</b>	<b>41,453 square feet</b>	
<b>Approved Floor Area Ratio</b>	<b>8.1%</b>	
<b>Proposed Floor Area Ratio</b>	<b>8.4%</b>	<b>(15% permitted)</b>
<b>Approved Lot Coverage</b>	<b>12.5%</b>	
<b>Proposed Lot Coverage</b>	<b>12.5%</b>	<b>(15% permitted)</b>

*The existing residence and paddlecourt are nonconforming in setbacks.*

**f. Design Review**

Mitch and Susan Cohen, 150 Lagunitas Road, A.P. No. 73-201-08, R-1:B-A (Single Family Residence, One Acre Minimum.) Design review to allow a 338 square foot first floor rumpus room addition to the east of the existing garage and the addition of a spa to the north of the pool.

<b>Lot area</b>	<b>43,560 square feet</b>
<b>Existing Floor Area Ratio</b>	<b>14.3%</b>
<b>Proposed Floor Area Ratio</b>	<b>15.0% (15% permitted)</b>
<b>Existing Lot Coverage</b>	<b>14.0%</b>
<b>Proposed Lot Coverage</b>	<b>14.9% (15% permitted)</b>

**g. Design Review**

Denis Henmi and Sylvia Kwan, 16 Sir Francis Drake Boulevard, A.P. No. 72-241-26, R-1:B-A (Single Family Residence, One Acre Minimum.) Design review to allow the following: 1.) construction of a 56 foot long, 6 foot tall, solid wood fence located directly adjacent to the front yard property line on Sir Francis Drake Boulevard and 2.) construction of 6 foot tall solid wood vehicular access gates with 6 foot tall concrete posts directly adjacent to the front yard property line on Sir Francis Drake Boulevard.

**h. Variance and Design Review**

Cindy Fabian Bronson and Rob Bronson, 41 Redwood Drive, A.P. No. 73-312-04, R-1:B-7.5 (Single Family Residence, 7,500 Square Foot Minimum.) Variance and design review to allow the following: 1.) reconstruction of a flood-damaged two car garage including the addition of a new pitched roof and carriage house-style garage doors within the rear yard setback (40 feet required, 6 inches proposed) and north side yard setback (15 feet required, 5 feet proposed) and 2.) repairs to and potential replacement of an existing 6 foot tall solid wood fence located adjacent to Poplar Avenue.

<b>Lot area</b>	<b>7,500 square feet</b>
<b>Existing Floor Area Ratio</b>	<b>21.1%</b>
<b>Proposed Floor Area Ratio</b>	<b>21.1% (20% permitted)</b>
<b>Existing Lot Coverage</b>	<b>26.6%</b>
<b>Proposed Lot Coverage</b>	<b>28.3% (20% permitted)</b>

*The existing garage is nonconforming in setbacks.*

**End of Consent Agenda.**

**15. Continued Variance and Design Review**

P. Rupert and Sylvia Russell, 8 Fernhill Avenue, A.P. No. 73-051-17, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum.) Variance and design review to allow an existing single story residence to be raised 4 feet and 2 inches, resulting in a finished floor level at approximately 5.5 feet above existing grade and a new lower level ridgeline height of 20 feet within the east side yard setback (15 feet required, 11 feet proposed), and west side yard setback (15 feet required, 9 feet proposed.) Variance and design review approval is additionally requested to allow the following: 1.) demolition of the existing 552 square foot attached two car garage and portions of the rear of the residence resulting in the removal of an additional 99 square feet of floor area; 2.) construction of a new 228 square foot detached single car garage at the front of the residence; 3.) construction of a 423 square foot second story master bedroom addition which would result in a new

maximum building height of 26 feet; 4.) removal of an existing rear landing and construction of a 232 square foot raised rear yard deck at a height of approximately 5.5 feet within the east side yard setback (15 feet required, 11 feet proposed) and west side yard setback (15 feet required, 9 feet proposed); and 5.) construction of a landing and stairs within the west side yard setback (15 feet required, 5 feet proposed.)

<b>Lot area</b>	<b>11,750 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>22.0%</b>	
<b>Proposed Floor Area Ratio</b>	<b>22.0%</b>	<b>(20% permitted)</b>
<b>Existing Lot Coverage</b>	<b>28.5%</b>	
<b>Proposed Lot Coverage</b>	<b>25.6%</b>	<b>(20% permitted)</b>

*The existing residence and attached garage are nonconforming in setbacks.*

**16. Variance, Design Review and Use Permit**

Joyce Konigsberg, 58 Wellington Avenue, A.P. No. 72-121-44, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum.) Variance, design review, and hillside lot hazard zone 3 use permit application to allow the following: 1.) construction of an 890 square foot addition to the east of the existing residence including a 350 square foot substandard two-car garage, a 160 square foot storage room, and a 380 square foot indoor pool room within the east side yard setback (15 feet required, 5.5 feet proposed) and guideline watercourse setbacks (50 feet recommended, 29 feet proposed), 3,250 square feet of total floor area is proposed; 2.) construction of a 160 square foot dining room addition on the western elevation of the existing residence within guideline watercourse setbacks (50 feet recommended, 32 feet proposed); 3.) complete redesign of the exterior of the existing residence including changes to window size and location, a new roofline, and deletion of the existing clerestory ridgeline window; 4.) construction of a new deck to the east and north of the existing residence within guideline watercourse setbacks (25 feet recommended, 0 feet proposed); 5.) construction of a new pedestrian bridge within guideline watercourse setbacks (25 feet recommended, 0 feet proposed); 6.) construction of a 116 foot long, 7.5 foot tall, retaining wall to the rear of the residence; 7.) construction of an approximately 116 foot long, 8 foot tall, catchment fence at the rear of the property and upslope from the residence; and 8.) 280 cubic yards of cut and 50 cubic yards of fill.

<b>Lot area</b>	<b>22,046 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>9.9%</b>	
<b>Proposed Floor Area Ratio</b>	<b>14.7%</b>	<b>(20% permitted*)</b>
<b>Existing Lot Coverage</b>	<b>9.9%</b>	
<b>Proposed Lot Coverage</b>	<b>14.7%</b>	<b>(20% permitted)</b>

\*THE SLOPE OF THIS LOT IS 34%. THE HILLSIDE LOT ORDINANCE WOULD RECOMMEND A MAXIMUM FLOOR AREA OF 1,764 SQUARE FEET.

*The property is nonconforming in covered parking (1 space required, 0 existing.)*

**17. Commercial Use Permit**

Marcel Houtzager (tenant) & Diane Kennedy (owner), 15 Ross Common, A.P. No. 73-273-12, C-L (Local Service Commercial) A combined equity investment business and art gallery in 750 square feet of tenant space. Hours of operation will be Monday through Friday from 9 am to 5 pm with additional hours "as needed", with three on-site employees and an estimated customer traffic of two to four people per day.

**18. Variance and Design Review**

Ash and Juliet Wood, 71 Shady Lane, A.P. No. 73-091-32, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum..) Variance and design review to allow the applicants to abandon 602 square feet of existing finished basement space and construct a 699 square foot single story studio addition with a maximum height of 27 feet to the south of the existing residence. A raised deck with a height of 7 feet is proposed at the front elevation of the addition and a raised deck with a height of 5 feet is proposed at the rear. Tree permit approval is additionally requested to allow the removal of a large double-trunked bay located in the footprint of the proposed addition.

<b>Lot area</b>	<b>20,345 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>22.8%</b>	
<b>Proposed Floor Area Ratio</b>	<b>23.2%</b>	<b>(20% permitted)</b>
<b>Existing Lot Coverage</b>	<b>12.2%</b>	
<b>Proposed Lot Coverage</b>	<b>14.9%</b>	<b>(20% permitted)</b>

*The existing garage is nonconforming in maximum height and number of stories.*

**19. Variance, Design Review and Demolition**

Perry and Krista Pavlina, 5 Fernhill Avenue, A.P. No. 73-091-04, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum.) Demolition permit to allow the removal of a 2,838 square foot two story residence, a 682 square foot detached guest house, a 260 square foot attached carport, and associated development including a 48 square foot shed. Variance and design review to allow the following: 1.) construction of a 3,894 square foot two story Mission Revival style residence including an attached 444 square foot two-car garage; 2.) construction of a swimming pool and at-grade pool patio at the rear of the residence; 3.) construction of a raised rear terrace at a height of 3 feet above existing grade; 4.) construction of a raised front yard patio at a height of 3 feet above existing grade which is to be surrounded by a 6 foot tall stucco wall; and 5.) construction of an enlarged drive and parking area within the front yard setback (25 feet required, 9 feet proposed), east side yard setback (20 feet required, 0 feet proposed), and west side yard setback (20 feet required, 15 feet proposed.)

<b>Lot area</b>	<b>25,958 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>14.7%</b>	
<b>Proposed Floor Area Ratio</b>	<b>15.0%</b>	<b>(15% permitted)</b>

<b>Existing Lot Coverage</b>	<b>13.2%</b>	
<b>Proposed Lot Coverage</b>	<b>11.8%</b>	<b>(15% permitted)</b>

*The existing residence and guest house are nonconforming in setbacks.*

**20. Variance, Design Review and Demolition**

Clyde and Janet Ostler, 185 Lagunitas Road, A.P. No. 73-211-20, R-1:B-A (Single Family Residence, One Acre Minimum) Demolition permit to allow the removal of 1,484 square feet of floor area at the rear of the existing residence including a first floor garage and upper level living space. An existing pool, pool deck, tennis court, accessory structures including sheds and patios, and the existing entry drive and gates are also proposed to be removed. Variance and design review to allow the following: 1.) construction of a two story addition resulting in 1,484 square feet of new floor area within the rear yard setback (40 feet required, 31 feet proposed) and including a 420 square foot two-car garage, an 837 square foot unfinished basement with a ceiling height of 6.5 feet, and a second story deck at a height of approximately 12 feet above existing grade; 2.) addition of two third story dormers at the rear of the residence to replace existing skylights; 3.) construction of a 300 square foot pool cabana with an unfinished basement for pool equipment with a ceiling height of 6.5 feet within the east side yard setback (25 feet required, 11 feet proposed when measured from the edge of the roadway easement); 4.) construction of an approximately 565 square foot trellis covered structure with a height of 10 feet within the east side yard setback (25 feet required, 14 feet proposed); 5.) construction of a pool terrace including an outdoor fireplace and barbeque within the east side yard setback (25 feet required, 6 feet proposed); 6.) construction of a pool and pool patio in the front yard proximate to Lagunitas Road; 7.) construction of a new entry drive roughly paralleling the west side yard property line; 8.) construction of new open wood entry gates with a height of 6.5 feet (6 feet allowed) and stone pillars with a height of 6.5 feet (6 feet allowed); 9.) construction of an auto court within the west side yard setback (25 feet required, 8 feet proposed); 10.) construction of a parking pad within the rear yard setback (40 feet required, 20 feet proposed) and west side yard setback (25 feet required, 22 feet proposed); 11.) construction of a terrace and outdoor fireplace adjacent to the residence and within the east side yard setback (25 feet required, 14 feet proposed); 12.) construction of an entry arbor with a height of 9.5 feet adjacent to the proposed auto court; and 13.) new retaining walls in excess of 100 linear feet. Tree removal approval to allow the removal of 10 significant or protected trees including 6 palms, 2 yuccas, a hawthorn, and a locust.

<b>Lot area</b>	<b>50,428 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>14.9%</b>	
<b>Proposed Floor Area Ratio</b>	<b>14.9%</b>	<b>(15% permitted)</b>
<b>Existing Lot Coverage</b>	<b>7.5%</b>	
<b>Proposed Lot Coverage</b>	<b>7.5%</b>	<b>(15% permitted)</b>

March 9, 2006 Agenda

*The existing residence, pool, tennis court, and accessory structures including sheds and patios are nonconforming in setbacks. The existing residence is nonconforming in height and number of stories.*

- 21. Correspondence.**
- 22. Other Business.**
- 23. Adjournment.**

*If any of the matters discussed above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this notice or in written correspondence delivered at, or prior to, the Council meeting at which this matter will be heard. (Government Code Section 65009).*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager at (415) 453-1453, extension 107 or (415) 453-1950 (Fax). Notification at least 48 hours prior to the meeting will enable the town to make reasonable accommodation to help insure accessibility to this meeting.*