



Staff Report

Date: December 8, 2016
To: Mayor Hoertkorn and Council Members
From: Heidi Scoble, Planning Manager
Subject: Shimek Residence, 2 Canyon Road, File No. 2016-047

Recommendation

Town Council approval of Resolution 1980 conditionally approving a Nonconformity Permit to allow an existing dormer to be expanded within the footprint of the residence that has a nonconforming roof height.

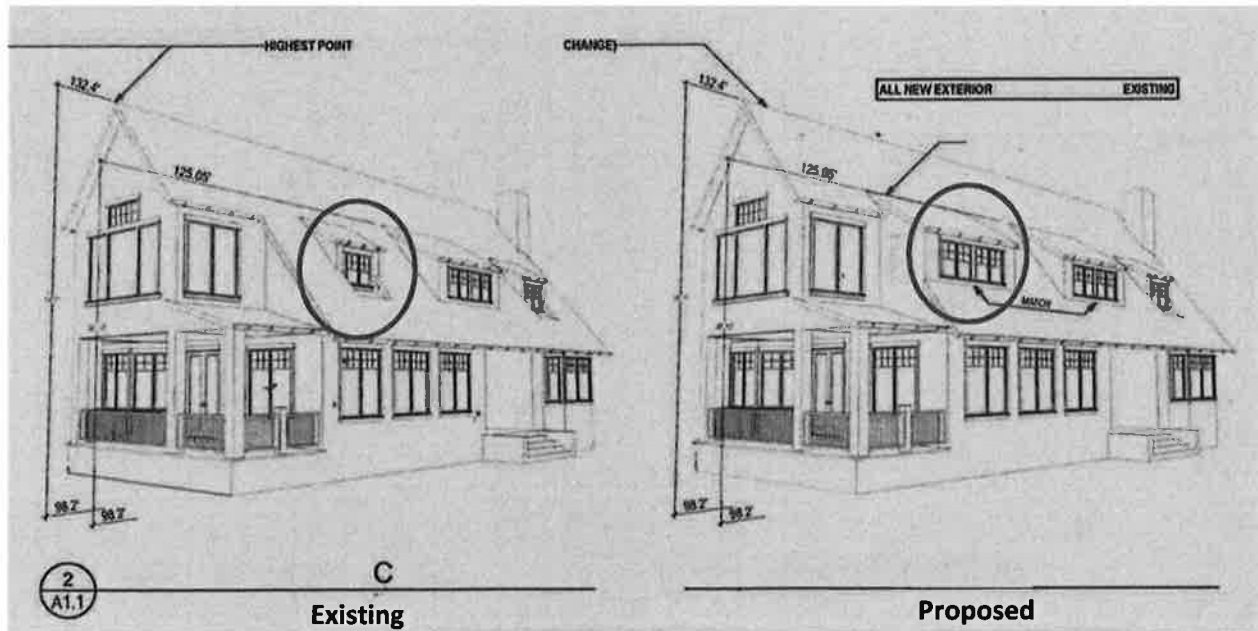
Property Information:

Owner: Ben and Patti Shimek
Design Professional: Polsky Perlstein Architects
Location: 2 Canyon Road
A.P. Number: 072-092-06
Zoning: R-1:B-A (Single Family Residence, 1 acre min. lot size)
General Plan: Very Low Density (.1-1 unit/Acre)
Flood Zone: Zone X (Outside of 100 year flood plain)

PROJECT DATA			
	Zoning Requirements	Existing	Proposed
Lot Area	20,000 square feet	42,646 square feet	No change
Floor Area (FAR)	15%	5,926 sq. ft. (13.9%)	5,969 sq. ft. (14%)
Lot Coverage	15%	4,459 sq. ft. (10.5%)	No change
Impervious Surface	-	No change	No change

Project Description

The applicant is requesting a Nonconformity permit to allow the existing dormer to be expanded within the footprint of the residence that has a nonconforming roof height. The residence has an existing nonconforming roof height of 34 feet 2 inches, where a 30 foot height limit is permitted. The project would also result in a 43 square foot floor area addition. No other changes to the project are proposed.



The Nonconformity Permit is required pursuant to Ross Municipal Code (RMC) Section 18.52.030 to allow for structural alterations to a nonconforming building.

Background and Discussion

The project site is developed with a single-family residence that was constructed circa 1930 before the Town's zoning regulations. Accordingly, the project site is developed with legal nonconforming setbacks and building height.

Nonconformity Permit

Section 18.52.030 - Alterations, of the Ross Municipal Code, specifies that a nonconforming structure may be enlarged, extended reconstructed or structurally altered with a nonconformity permit approved under Section 18.52.040, except that a floor area ratio variance shall be required to increase the square feet of nonconforming floor area. In order to support the Nonconformity Permit, the Town Council needs to determine whether the requisite Nonconformity Permit findings can be achieved.

The subject Nonconformity Permit request meets the purpose and intent of the regulations as it would allow for the continued existence and modification of the nonconforming structure as it would continue the small town character, design remodel of the structure is appropriate, and does not create impacts.

In reviewing the project, staff suggests the requisite findings to support the project can be achieved as follows:

1. The existing residence was constructed prior to any Town zoning regulations; therefore, the residence is considered to be lawfully constructed.
2. The project would not remove a building or structure of historical, architectural, cultural, or aesthetic value.
3. The project is found consistent with the Design review criteria and standards of Section 18.41.100 of the Ross Municipal Code as the project would be architecturally compatible with the project site and the surrounding properties.
4. The project would not exceed the maximum permitted Floor Area Ratio allowances permitted by the R-1:B-A zoning district.
5. The project would be required to comply with the Town's building code regulations to ensure the project would not be detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity.
6. The project is not located within a floodplain and would not result in an increase in new impervious surfaces.
7. The Ross Valley Fire Department has indicated they would approve the project.
8. The conditions of approval would require the applicant to indemnify the Town.
9. The project would comply with the Town's parking regulations.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. As of the writing of the Staff Report, staff has not received comments as of the distribution of this 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 an addition to an existing single family residence, including a detached accessory structure with no potential for impacts as proposed. 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 1980
2. Project History
3. Project Plan

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 1980

A RESOLUTION OF THE TOWN OF ROSS APPROVING A NONCONFORMITY PERMIT TO ALLOW STRUCTURAL ALTERATIONS TO A LEGAL NONCONFORMING SINGLE FAMILY RESIDENCE AT 2 CANYON ROAD APN 072-092-06

WHEREAS, Polsky-Perlstein Architects have submitted an application on behalf of property owners Ben and Patti Shimek for a Nonconformity Permit to allow for structural alterations to an existing legal nonconforming residence at 2 Canyon Road, Assessor's Parcel Number 072-092-06 (the "project"); and

WHEREAS, on December 8, 2016, the Town Council held a duly noticed public hearing to consider the proposed project; and

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

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301 – *additions to existing structures*, because it involves an addition to an existing single family residence with no potential for impacts as proposed. 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.

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 a Nonconformity Permit for the project described herein, located at 2 Canyon Road, 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 8th day of December 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
Findings in Support of Project Approval
2 Canyon Road
APN 072-092-06

A. Findings

- I. Non-Conformity Permit (RMC § 18.52.040) - Approval of a Non-Conformity Permit to allow for structural alterations to a legal nonconforming single family residence in accordance with Ross Municipal Code Section 18.52.030, Non-Conformity - Alteration, and is approved based on the findings:**

The project is consistent with the purpose of the Nonconformity Permit chapter as outlined in Ross Municipal Code Section 18.52.040:

- a) The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed. The property owner has the burden to prove by substantial evidence the nonconforming and legal status of the structure.**

The existing residence was constructed circa 1930 with a nonconforming building height of 34 feet 2 inches, where a 30 foot height is permitted. As the residence was constructed prior to the Town's regulations, the residence is considered to be legal nonconforming.

- b) The town council can make the findings required to approve any required demolition permit for the structure: 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.**

This finding is not applicable as no structures are proposed to be demolished.

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

As summarized in the staff report dated December 8, 2016, the project would be consistent with the design review criteria and standards relative to architectural design, materials, colors, and landscaping. Lastly, the project would address health and safety through the issuance of a building permit to ensure compliance with the building, public works, and fire code regulations.

- d) Total floor area does not exceed the greater of the total floor area of the existing nonconforming and/or legal nonconforming structure.**

The project would result in a 14% Floor Area Ratio (FAR) and would not exceed the maximum permitted Floor Area Ratio allowances permitted by the R-1:B-A zoning district.

- e) Granting the permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties improvements in the vicinity.**

The project would be required to comply with the Town's Building Code and Fire Code requirements, therefore ensuring the health, safety, and general welfare of the residence residing in the vicinity.

- f) The project will comply with the Flood Damage Prevention regulations in Chapter 15.36.**

The project site is located outside of a designated flood plain and therefore not subject to a development permit pursuant to Section 15.36.130 of the Ross Municipal Code or other development related regulations associated with Chapter 15.36.

- g) The fire chief has confirmed that the site has adequate access and water supply for firefighting purposes, or that the project includes alternate measures approved by the fire chief.**

The Ross Valley Fire Department has indicated they would approve the project as presented to the Town Council.

- h) The applicant has agreed in writing to the indemnification provision in Section 18.40.180.**

Condition of approval 17 would require the applicant to indemnify and hold harmless from any claim, action, or proceeding ("action") against the Town, therefore the project would be consistent with this finding.

- i) 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).**

The project would comply with the Town's R-1:B-A zoning district parking regulations whereby on-site parking spaces can be accommodated.

EXHIBIT "B"
Conditions of Approval
2 Canyon Road
APN 072-092-06

1. This approval authorizes the Nonconformity Permit to allow an existing dormer to be expanded within the footprint of the residence that has a nonconforming roof height at 2 Canyon Road, Assessor's Parcel Number 072-092-06.
2. The building permit shall substantially conform to the plans entitled, "Shimek Residence" consisting of 1 sheet prepared by Posky-Perlstein Architects date stamp received October 13, 2016.
3. Except as otherwise provided in these conditions, the building permit shall substantially conform to the plans entitled, "Shimek Residence" consisting of 1 sheet prepared by Posky-Perlstein Architects date stamp received October 13, 2016.
4. 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.
5. 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.
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. 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.
8. 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.

9. The project shall comply with the Fire Code and all requirements of the Ross Valley Fire Department (RVFD).
10. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
11. 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.
12. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
13. 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).
14. 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.
15. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

16. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
17. 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.

ATTACHMENT 2

**MINUTES
REGULAR MEETING OF THE ROSS TOWN COUNCIL
HELD THURSDAY, JANUARY 15, 2004**

1. 7:00 P.M. Roll Call.

Present: Mayor Zorensky, Mayor Pro Tempore Barr, Councilmembers Gray, Curtiss and Byrnes and Town Attorney Hadden Roth.

20. VARIANCE AND DESIGN REVIEW AMENDMENT.

Ben and Patty Shimek; 2 Canyon Road, A.P. No. 72-092-06, R-1:B-A (Single Family Residence, One Acre Minimum). Variance and design review amendment to allow: 1.) retention of an existing 316 square foot wood deck required to be removed in the original approval and located within the rear yard setback (40 feet required, 17.5 feet existing); 2.) retention of an existing 112 square foot wood deck required to be removed in the original approval and located within the rear yard setback (40 feet required, 39 feet existing) and south side yard setback (25 feet required, 0 feet existing) with portions of the deck located on the neighboring property; 3.) retention of an existing 201 square foot pool house required to be removed in the original approval and located within the rear yard setback (40 feet required, 4 feet existing) and south side yard setback (25 feet required, 10 feet proposed); 4.) after-the fact approval for relocation and enlargement of an approved stairway located on the residence's northern elevation and the addition of a deck to the rear of the residence totaling 106 square feet of additional area; 5.) after-the-fact approval of alteration of approved elevations including the deletion of mullions in a number of windows, the addition of sliding glass doors in lieu of windows at the rear of the residence, and the addition of a door on the second floor of the north elevation; and 6.) after-the-fact approval of the addition of 298 square feet of floor area to the second floor of the residence. Request to allow extension of Building Permit No. 14991 (and upgrades) to June 31, 2004. Should the requested building permit extension not be granted, the Council will consider the imposition of penalties for failure to complete construction not to exceed \$1,000 a day to a maximum penalty of \$250,000 exclusive of administrative costs, attorney's fees, and interest.

Lot area	42,646 square feet	
Approved Floor Area Ratio	15.2%	
Proposed Floor Area Ratio	14.9%	(15% permitted)
Approved Lot Coverage	10.5%	
Proposed Lot Coverage	12.4%	(15% permitted)

(The existing guest house and pool patio are nonconforming in setbacks. The existing residence is nonconforming in maximum height.)

Mr. Broad said that the applicants propose to amend their approved plans to allow retention of decks and a pool house currently required to be removed under the original conditions of approval. They also requested after-the-fact approval for deletion of mullions from many of the windows installed on the residence. The fact that the majority of the altered windows were installed on non-public elevation, lessened the negative impact of the unapproved change.

Mr. Shimek apologized to the Council for any problems he might have caused. He said that his wife did an extensive research about the windows and felt that what they did was appropriate to the area and the architecture of the house. When he heard that the Council had changed the FAR ordinance, he thought that he could then save the pool house. He said that it has no negative impact on the neighbors.

Councilmember Curtiss said that a letter was received from Dr. Tenki Davis, an adjoining neighbor, expressing concern over privacy.

Mr. Shimek said that they have a staging area near her property and he would move it to the front of his property.

Councilmember Curtiss asked Mr. Shimek why he needed a six-month extension and Mr. Shimek responded that they are trying to do a good job and anxious to get it completed.

Councilmember Byrnes felt that if the large picture windows had divided light on the sides that would make them consistent with the other windows in the house.

Mayor Zorensky said that he did not have a problem with the windows.

Councilmember Barr said that Mrs. Shimek did research and found that there was historical support with respect to the fenestration.

Mr. Shimek said they wished to keep the flavor of the smaller windows and use the larger windows to enjoy the view of Mount Tam.

Councilmember Gray said that maybe the windows that cannot be seen today, may be seen in the future as things change.

Councilmember Barr said that she was in favor of keeping the windows as they exist. Mayor Zorensky agreed.

Councilmember Gray said that the decks and pool house have to be removed as provided in the original approval. He suggested that Mr. Shimek pursue a lot line adjustment with the neighbors to take the pool house out of the setback. Mr. Shimek responded that he had done this but they were unwilling.

Councilmember Byrnes said that the neighbors called him and said that they would rather the pool house remain and that the unusual property line around the pool house and the elevation changes and location of the neighbors' fencing were possible justification for a variance to allow the pool house to remain... Councilmember Byrnes said that he did not favor a six-month extension but would support a four-month extension to May 15, 2004. Councilmember Gray reminded the applicant that a \$1000/day fine could automatically commence on May 16, 2004, if construction is not completed by May 15, 2004.

Mayor Zorensky said that he could not justify keeping the pool house because of the nonconforming setbacks. He said that neighbor support is not a controlling condition with respect to this decision.

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

1. Except as amended by the Council through this approval, all conditions previously imposed upon this project shall remain in full force and effect.
2. This approval shall allow the addition of 298 square feet to the second story and to relocation and enlargement of the exterior stairs.
3. *Mullions to match the existing window pattern shall be provided in all windows, excepting that picture windows without mullions shall be allowed when located in a group of three windows and flanked by windows having mullions. Final window specifications are subject to Planning Department approval.*
4. *A building permit time extension is approved until May 15, 2004. Civil penalties of \$1,000 a day shall automatically commence on May 16, 2004 if construction is not completed by May 15, 2004.*
5. The two pool decks and pool house, whether located wholly or partly on the applicants' property or on adjoining parcels, shall be demolished no later than March 1, 2004, subject to Town staff approval.

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 extension 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.

Seconded by Councilmember Barr and passed unanimously

b. CONSTRUCTION COMPLETION EXTENSION.

Ben and Patty Shimek, 2 Canyon Road, AP. No. 072-092-06.
Building Permit No. 14991 and Upgrades. Issued: 01/12/02. Expires:
7/24/03. Request Extension to: 12/31/03.

Council member Gray moved approval Seconded by Council member Curtiss and passed unanimously.

c. VARIANCE NO. 1474:

(This matter was removed from the Consent Agenda)

John and Lisa Martin, 73 Bolinas Avenue, A.P. No. 073-041-22, R-1 (Single Family Residence). Variance to allow after-the-fact approval for an air conditioner compressor located within 3 feet of the west side yard setback (15 feet required.)

Mr. Scott Schaefer of 109 Bolinas said that he was representing the neighbors at 77 and 79 Bolinas Avenue. He was surprised that the compressor would be located just 3 feet from the property line and he was concerned that this would set a precedence because all the properties were so close together.

Council member Curtiss said that it was his understanding that the Council could permit them in setbacks if there was no neighborhood objection.

Mr. Broad said that this lot is 40 ft. wide and all development would be limited to a 10-foot wide strip down the middle of the lot in the absence of a side yard setback variance. He said that neighbors on both sides have signed off on the variance.

Mayor Zorensky said that the Council would not be setting a precedence because it deals with each variance on a case-by-case basis.

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

1. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
2. The Town Council reserves the right to require additional landscape screening for up to two (2) years from project final.
3. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Council member Curtiss and passed unanimously

18. VARIANCE AND DESIGN REVIEW.

Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 073-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum) to allow the following: 1) Removal of a 27.5 square foot shed and a 52 share foot shed; 2) pool construction within the rear yard setback (40 feet required, 10 feet proposed); 3) a patio within the side yard setback (20 feet required, 10 feet proposed) and rear yard setback (40 feet required, 5 feet proposed); 4) pool equipment and pad within the side yard setback (20 feet required, 16 foot proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed); 6) relocation of the existing barn within the rear yard setback (40 feet required, 10 feet proposed).

May 9, 2002

the north side yard setback (15 feet required, 3.5 feet proposed) and south side yard setback (15 feet required, 9.5 feet proposed), and 28 square feet of new deck space at the rear of the residence. Tree removal is requested to allow the removal of three rear yard trees.

Lot Area	8,535 sq. ft.	
Present Lot Coverage	32.4%	
Proposed Lot Coverage	32.8%	(20% permitted)
Present Floor Area Ratio	27.9%	
Proposed Floor Area Ratio	34.9%	(20% permitted)

The existing residence is nonconforming in side yard setbacks, the existing garage is nonconforming in side and rear yard setbacks.

Mr. Broad said that staff could not remember any Council over the last decade approving a variance which would allow the type of floor area increase requested. Council member Byrnes said that the Town would like to preserve the old cottages and he could not imagine any circumstance where the Council would approve this plan. He said that if the applicants did not change the front porch, the Council might consider giving credit for the porch if they came back with a quality plan. Mayor Gray felt that they could be given credit for the front porch if they built a master bedroom to the rear of the property which, he felt, is the quietest part of the property.

Council member Curtiss pointed out that the lot is smaller than most of the other sites on Shady Lane.

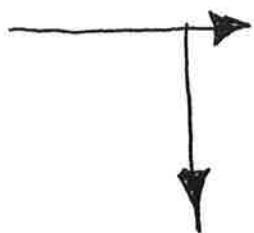
Mr. A. Salzman of 65 Shady Lane referred to his letter and said that he had not been noticed and did not know about the hearing until 6:00 p.m. that evening. Mr. Broad pointed out that a notice had been sent to Mr. Salzman's address in San Bruno.

Council member Byrnes asked that the trees remain and Mr. Adam Posard, the architect/owner, said that he would consult with the Town Arborist.

Upon motion by Council member Byrnes, seconded by Council member Barr the matter was continued to the next meeting.

31. DEMOLITION PERMIT, VARIANCE, AND DESIGN REVIEW.

Ben and Patti Shimek, 2 Canyon Road, A.P. No. 72-092-06, R-1:B-A (Single Family Residence, One acre minimum.) Demolition permit, variance, and design review to allow 1.) removal of 492 square feet of decks, stairways, and accessory structures and a 201 square foot pool house, 2.) removal of more than 1,000 square feet of the existing residence including most of the northern wing and 595 of existing deck at the southern end of the residence, 3.) addition of a new 494 square foot garage and 278 square foot second story office attached to a reconstructed and enlarged northern wing of the residence, 4.) construction of a 215 square foot porch at the southern end of the residence and the addition of 140 square feet to the existing second story master bedroom. The master bedroom addition is proposed to be 34 feet in height (30 feet permitted.)




Lot Area	42,646 sq. ft.	
Present Lot Coverage	11.6%	
Proposed Lot Coverage	10.5%	(15% permitted)
Present Floor Area Ratio	16.3%	
Proposed Floor Area Ratio	15.6%	(15% permitted)

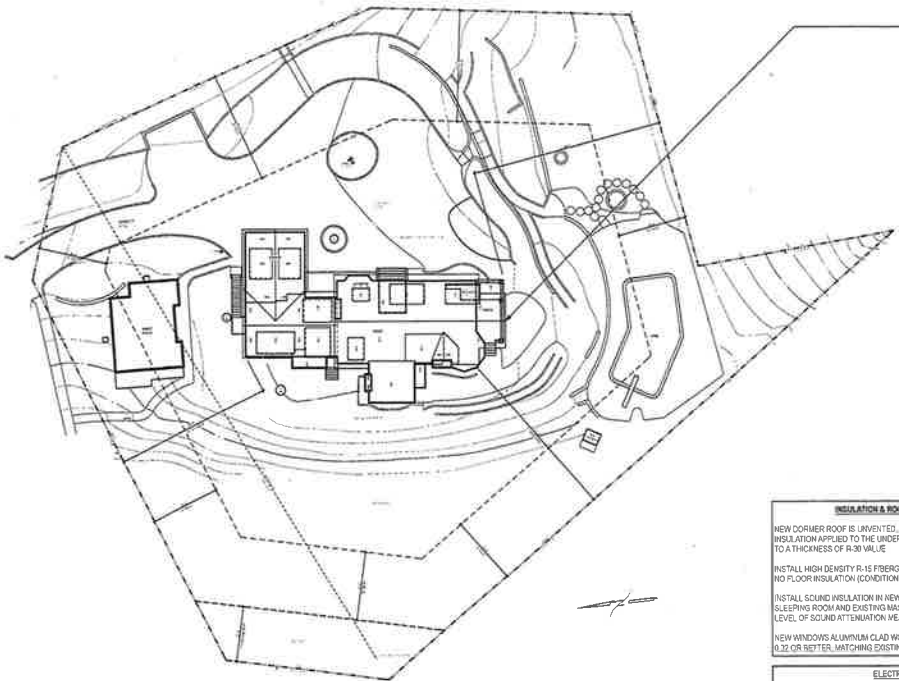
The existing guest house, pool, and accessory structures are nonconforming in setbacks. The property is nonconforming in covered parking (2 spaces required, 0 existing.)

May 9, 2002

Council member Zorensky felt that the topography of the lot is a special circumstance and Council member Byrnes agreed and moved approval with the following conditions:

- 
1. A maximum floor area ratio of 15% is permitted, plus the floor area for an exterior stairway down from the second story above the garage.
 2. Prior to the issuance of a building permit, the applicants shall submit a construction/traffic management plan to the Department of Public Works for review and approval. The plan include, but not be limited to: 1.) location of equipment and material staging areas; and 2.) parking location for construction traffic. **Drainage plan shall be subject to staff approval.**
 3. This project shall comply with the following recommendations from the Ross Public Safety Department: 1.) the street number must be posted (minimum 4 inches on contrasting background; 2.) all brush impinging on the access roadway must be cleared; 3.) all dead or dying flammable materials must be cleared and removed as per Ross Municipal Code Chapter 12.12; and 4.) a 24-hour monitored alarm system is required.
 4. Prior to project final, a landscape plan shall be submitted for Town Planner approval. The plan shall focus on softening areas between site improvements and the adjacent parcels. **Applicants shall provide ~~24~~ screening between the garage and the Goldstein house to their mutual satisfaction.** The landscape plan submitted in conjunction with the design review application is not approved
 5. The Town Council reserves the right to require additional landscape screening for up to three years from project final.
 6. The floor area created by the addition of the approved exterior stairway and its landings shall never be traded for interior floor area.
 7. **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.**
 8. Any portable toilets shall be placed off the street and out of public view.
 9. 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.
 10. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
 11. 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.

ATTACHMENT 3



1 SITE PLAN
SCALE: 1" = 20'



2 EXISTING PERSPECTIVE
NOT TO SCALE



3 NEW PERSPECTIVE
NOT TO SCALE

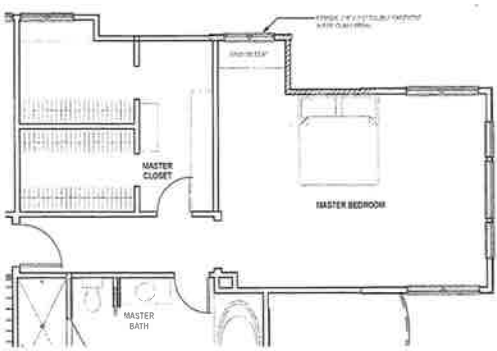
INSULATION & ROOF VENTILATION NOTES:
 NEW CORNER ROOF IS INVENTED, WITH CLOSED CELL FOAM INSULATION APPLIED TO THE UNDERSIDE OF EXTERIOR ROOF SHEATHING TO A THICKNESS OF R-30 VALUE.
 INSTALL HIGH DENSITY R-15 FIBERGLASS BATT INSULATION IN NEW WALLS (NO FLOOR INSULATION) (CONDITIONED SPACE BELOW).
 INSTALL SOUND INSULATION IN NEW WALL BETWEEN NEW SLEEPING ROOM AND EXISTING MASTER BEDROOM. VERIFY WITH OWNER LEVEL OF SOUND ATTENUATION MEASURES.
 NEW WINDOWS ALUMINUM CLAD WOOD, DUAL, GLAZED WITH U FACTOR OF 0.32 OR BETTER, MATCHING EXISTING.

ELECTRICAL NOTES:
 INSTALL APPROVED ARC-FULTY RECEPTILES AT (N) SLEEPING ROOM PER CEC 242.02. INSTALL (N) SMOKE DETECTOR & INTERCONNECT TO (E) SYSTEM. INSTALL (N) DIMMER SWITCH AND (N) PENDANT FIXTURE CENTERED IN ROOM.

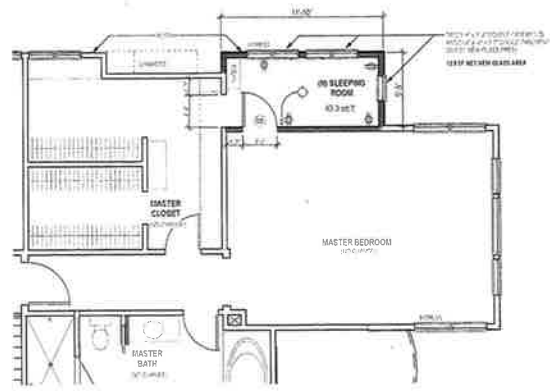
PROJECT DATA

Owners: **Sam & Pat Domen**
 Address: 2 Canyon Road
 Zoning Designation: R-1 B.A.
 Alameda Co Parcel No: 072-092-06
 (N) Site Area (SF): 42,846
 Code Edition Used: 2013 CBC, CRO, CMC, CEC, CPC, CBES, A CPC

	Zoning Req'd	Existing Bldgs.	Proposed Project	Change
Building Area (SF)				
Living Area				
Lower Floor	902	902	902	0
Full Floor	2,347	2,347	2,347	0
Entire Floor	2,010	2,010	2,010	0
Guest House	715	715	715	0
Total Living Area	5,974	5,417	5,417	457
Non Living Area				
Garage	528	528	528	0
Pool Shed Etc.	34	34	34	0
Total Non-Living Area NOT INCLUDING New Exterior Stair	562	562	562	0
Total Floor Areas	5,926	5,909	5,909	17
Floor Area Ratio (F.A.R.)	15% + 6297	13.9%	14.0%	0.1%
Site Coverage (SF)				
Living Area				
Full Floor	2,347	2,347	2,347	0
Guest House	715	715	715	0
Total Living Area	3,062	3,062	3,062	0
Non Living Area				
Garage	528	528	528	0
Pool Shed Etc.	34	34	34	0
Kitchen Porch	28	28	28	0
Living Room Deck	222	222	222	0
Guest House Deck	116	116	116	0
New Exterior Stair	72	72	72	0
Entry Porch	142	142	142	0
Total Non-Living Area	1,132	1,132	1,132	0
Roof Eaves	265	265	265	0
Total Site Coverage	4,459	4,459	4,459	0
Site Coverage (P)	15%	10.5%	10.5%	0.0%
Building Height	30'	34'-2"	34'-2"	0
Sideways				
Southwest (Front)	20'	62'-8"	63'-0"	0
Northwest (Rear)	20'	66'-3"	66'-3"	0
South-house (side)	20'	79'-2"	79'-2"	0
South-deck (side)	20'	69'-0"	69'-0"	0
East (rear)	40'	79'-7"	85'-0"	0



4 EXISTING MASTER BEDROOM PLAN
SCALE: 1/4" = 1'-0"



5 NEW MASTER BEDROOM PLAN
SCALE: 1/4" = 1'-0"

SCOPE OF WORK:
 ENLARGE EXISTING SHED CORNER ON EXISTING HOUSE, CREATING SMALL SLEEPING ROOM OFF EXISTING MASTER BEDROOM AND MASTER CLOSET, MATCHING EXISTING EXTERIOR TRIM DETAILS AND FINISHES.

SHIMEK RESIDENCE

2 CANYON ROAD
ROSS CALIFORNIA
072-092-06



RECEIVED
Planning Department
OCT 13 2016
BEDROOM ADDITION

A1.1