



Staff Report

Date: October 8, 2020
To: Mayor McMillan and Council Members
From: Matthew Weintraub, Planner
Subject: Berry Residence, 5 Allen Lane

Recommendation

Town Council approval of Resolution No. 2183 (see **Attachment 1**) approving a Variance to construct a new combination pool/spa with mechanical equipment and associated enclosure located within minimum required yard setbacks.

Property Information

Owner:	Berry Living Trust (Chris and Nadine Berry)
Applicant:	Chris and Nadine Berry
Street Address:	5 Allen Lane
Assessor Parcel No.:	073-261-40
Zoning:	R-1: B-10
General Plan:	ML (Medium Low Density)
FEMA Flood Zone:	AE (Areas subject to inundation by the 1-percent-annual-chance flood event)

Project Description

The applicant is requesting approval to construct a new combination pool/spa with mechanical equipment and associated enclosure. The new rectangular pool/spa would have dimensions of 40' x 17', inclusive of 2' coping, and it would cover 680 square feet. It would feature bluestone coping, dark gray glass pool tile, and an automatic cover. The pool would be located in the south yard of the existing single-family residence. It would be set back 13.62' from the front (west) property line and 23' from the rear (east) property line. The proposed new mechanical equipment and enclosure would be located within the existing dense landscaping between the pool and the front property line, set back 3.5' from the property line. The 4' x 8' equipment enclosure would be constructed of horizontal redwood board siding with a height of 4'-4". Except for new climbing fig to screen the new equipment enclosure, no new landscaping is proposed.

No new exterior lighting is proposed. Project application materials are included as follows: Project Plans as **Attachment 2**; Project Description as **Attachment 3**; Neighborhood Outreach Description as **Attachment 4**.

The proposed project is subject to the following permit approval pursuant to the Ross Municipal Code (RMC):

- **Variance is required pursuant to RMC Section 18.48.010** to construct the new pool/spa within the minimum required front and rear yard setbacks, and to construct the new mechanical equipment and associated enclosure within the minimum required front yard setback.

The project location is shown in Figure 1.



Figure 1. Location Map. (Courtesy of MarinMap.)

Project Data

Project Item	Code Standard	Existing	Proposed
Lot Area	10,000 sf min.	26,200 sf	No change
Floor Area	20% max.	Not calculated/ no change	Not calculated/ no change
Building Coverage	20% max.	Not calculated/ no change	Not calculated/ no change

Project Item	Code Standard	Existing	Proposed
Front Yard Setback (West)	25' min.	House: 17'	House: No change Pool: 13.62' Equip./Enclosure: 3.5'
Side Yard Setback #1 (North)	15' min.	House: 43'	House: No change
Side Yard Setback #2 (South)	15' min.	House: 156'	House: No change Pool: 85.85'
Rear Yard Setback (East)	40' min.	House: 23' Accessory: 3'	House: No change Accessory: No change Pool: 23'
Building Height	30' (2 stories) max.	Not calculated/ no change	Not calculated/ no change
Off-street Parking	3 spaces (1 covered) min.	Not calculated/ no change	Not calculated/ no change
Impervious Surfaces *	---	7,208 sf (26.7%)	7,950 sf (29.5%)

* Per Low Impact Development for Stormwater Management, Design Review Criteria and Standards (RMC Section 18.41.100 (t)).

Background

The project site is a 26,200-square-foot lot located on the east side of Allen Lane. The lot is gently sloping with an average slope of 9%. The lot is irregular in shape with nonconforming lot depth along most of its frontage. The lot generally narrows from north to south. The northern portion of the lot is occupied by the existing single-family residence and associated accessory structures; the southern part of the lot does not include structures. The northern portion of the property is located within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Zone AE (see Figure 2, Vicinity Map), which is defined as an area subject to inundation by the 1-percent-annual-chance flood event (also referred to as the base flood or 100-year flood).

Since 1984, the Council has considered the configuration of the subject property and made the findings necessary to grant Variances to approve development and/or improvements with nonconforming setbacks a total of six times, including for construction of the existing residence, as follows:

- Variance, 11/8/84: New deck with nonconforming setbacks; remove play structure.
- Variance, 1/9/92: Demolish existing house and construct a new house with nonconforming setbacks.

- Variance, 10/8/92: HVAC with nonconforming setbacks.
- Variance, Design Review, 11/12/98: Play structure with nonconforming setbacks.
- Variance, 5/13/99: Play structure with nonconforming setbacks.
- Variance, 4/26/00: Alter existing residence with nonconforming setbacks.

The Project History is included as **Attachment 5**.

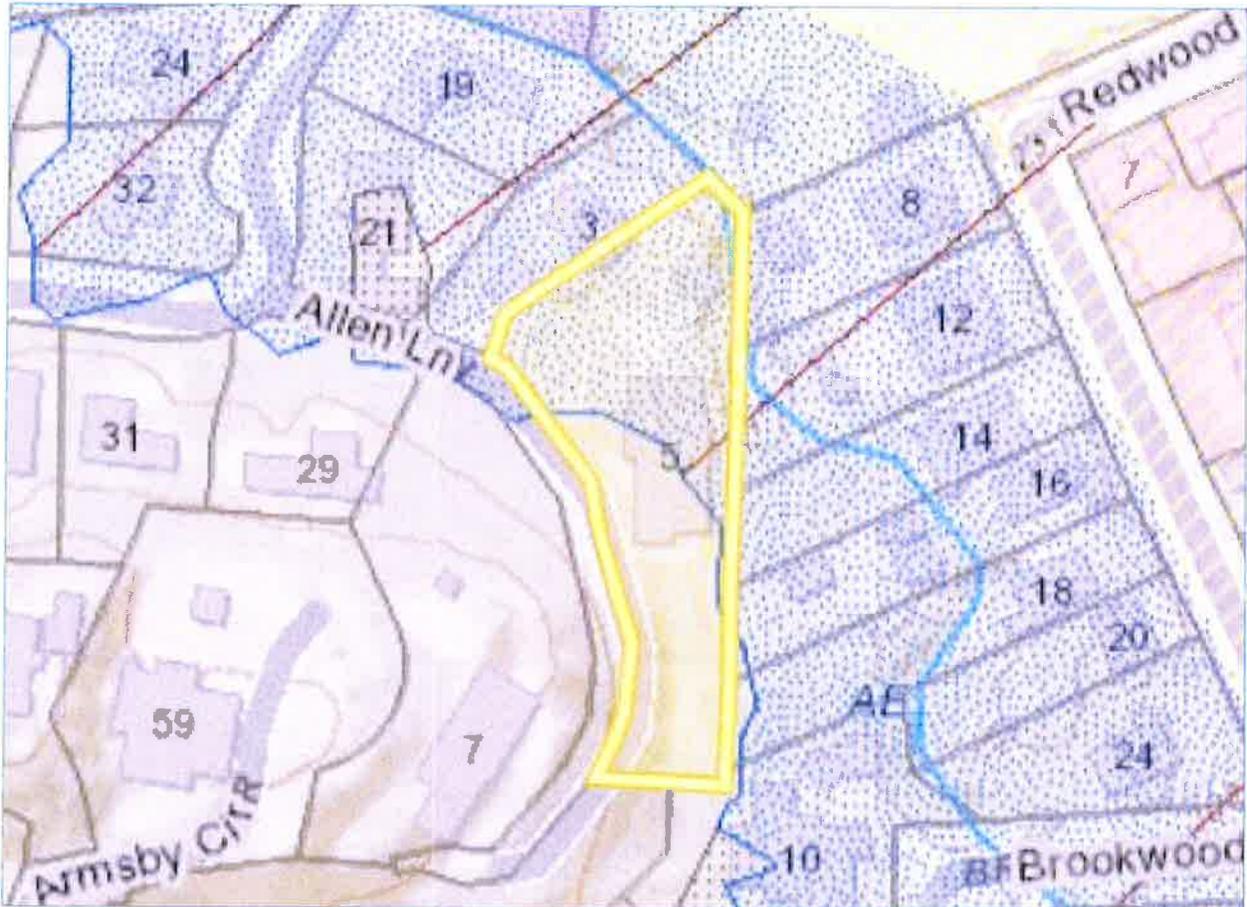


Figure 2. Vicinity Map with FEMA Flood Zones. (Courtesy of MarinMap.)

Advisory Design Review

Pursuant to Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions to Attics, a Hillside Lot Permit, and/or a Variance.

The Advisory Design Review (ADR) Group reviewed the project on September 15, 2020. At the meeting, the ADR Group received information from the applicant, allowed public comments, and provided recommendations regarding the merits of the project as it relates to the purpose of Design Review and the Design Review criteria and standards per Section 18.41.100 of the Ross Municipal Code (RMC) and the Town of Ross Design Guidelines.

At the September 15, 2020 meeting, written public comments in support of the project were received from: Bruce Potter, 10 Brookwood Lane; Dick Bobo, 16 Redwood Drive; and Don Kelleher, 61 Bridge Road. Written comments objecting to the project were received from Jeff and Cate Babcock at 14 Redwood Drive, who objected to the originally proposed location of the mechanical equipment based on close proximity to their property, and expressed concerns about noise impacts from pool usage. At the meeting, Jeff and Cate Babcock stated that they withdrew their previous written objections because the mechanical equipment was relocated away from their property and away from other nearby properties, and their concerns regarding how the pool would be used had been addressed by the applicant. After the meeting, written public comments in support were received from Sara Milani, Allen Lane (house number not provided), and Robyn and Warren Luhning, 24 Allen Avenue. A neutral comment was received from Angela (Ann) Cognato, 12 Redwood Drive.

The ADR Group unanimously recommended that the project is consistent with the purpose of Design Review and the Design Review criteria and standards per RMC Section 18.41.100. ADR Group Members suggested that implementing the project with specific minor design revisions would also be compatible with Design Review, as follows: shift the pool to the west to better align with the existing residence; switch the proposed locations of the pool steps and spa for increased privacy; and make the pool longer to better fit within the site. In consideration of the ADR Group Members' suggestions, the applicant prepared and submitted a modified project design. Planning staff reviewed the final revised project design and recommends that it is consistent with the ADR Group's recommendation.

The September 15, 2020 ADR Group Meeting Minutes (draft) are included as **Attachment 6**. Comments received prior to the final staff report are included as **Attachment 7**.

Key Issues

Privacy

Pursuant to RMC 18.41.100 (m), outdoor areas should be sited to minimize noise to protect the privacy and quietude of surrounding properties, and landscaping should be provided to protect privacy between properties. The applicant originally proposed to locate the new mechanical equipment in the existing accessory structure (play house) located along the east property line within the rear yard setback, which was objected to by the adjacent neighbor at 14 Redwood Drive due to the close proximity to their property. In consideration, the applicant revised the project to relocate the proposed new mechanical equipment and enclosure to the opposite side of the pool, adjacent to the street, and as far from all adjacent neighbors as possible. Consequently, the neighbor's objections were withdrawn. The applicant also revised the project to shift the location of the proposed pool 3 feet to the west, and to switch the location of the proposed spa and pool steps, such that the proposed outdoor activity areas would be further away from adjacent neighbors. The existing property is well screened around the perimeter by 6-foot-tall privacy fencing and layered landscaping. The new equipment enclosure would be in an area that is currently densely planted with new climbing fig for increased visual screening. The grade difference to Allen Lane would provide screening from the public right-of-way. The ADR

Group did not recommend that additional screening was necessary. For these reasons, staff recommends that the project would not impair the privacy of adjacent properties.

Stormwater Management

Pursuant to RMC 18.41.100 (t), development should manage stormwater runoff to maintain natural drainage patterns and infiltrate runoff to the maximum extent practical given the site’s soil characteristics, slope, and other relevant factors. According to subsection (1), projects should maximize permeability and reduce impervious surfaces. The existing impervious surfaces are limited to the building roofs, concrete driveway, and patios at the front and back of the house. Construction of the proposed new pool/spa and associated mechanical equipment enclosure and walkway would increase the impervious surface coverage on the site from 26.7% to 29.5%. The project includes the minimum amount of new pool coping, decking, and walkways that is necessary, while retaining the maximum amount of existing pervious lawn area as possible. Staff does not recommend requiring existing buildings to be removed or the existing driveway to be replaced with new permeable materials in order to reduce existing impervious surfaces, due to the expense and inconvenience that would be incurred by the owner. Furthermore, the ADR Group recommended not removing the existing curved, masonry rear patio to retain it as a characteristic design feature of the property, and that the overall project design justified the proposed increase in impervious surface coverage. For these reasons, staff recommends that the proposed 742-square-foot increase in impervious surface coverage may be approved with appropriate stormwater management, as described below.

Pursuant to RMC 18.41.100 (t), to the maximum extent possible, the post-development stormwater runoff rates from the site should be no greater than pre-project rates. According to subsection (2), projects should design the landscaping to function as part of the stormwater management system. Projects should include vegetative and landscaping controls, such as vegetated depressions, bioretention areas, or rain gardens, to decrease the velocity of runoff and allow for stormwater infiltration on-site. The project proposes to construct a new rock energy dissipator to decrease runoff velocity and a new 44-square-foot bioretention area to provide on-site infiltration at the north end of the property behind the existing house. Runoff from around the new pool would be conveyed to the dissipator and bioretention area. The new bioretention area would be oversized by 47% to more than mitigate for the increased runoff that could result from the proposed increase in impervious surface coverage.¹ For these reasons, staff recommends that the proposed passive stormwater control system and bioretention area would meet the Low Impact Development (LID) for Stormwater Management standards.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. Comments received prior to the final staff report are included as **Attachment 7**.

¹ As part of the proposed project, the applicant has agreed to upsize the new bioretention area to 44 square feet (11’ x 4’) to increase the onsite infiltration capacity (see Attachment 3, Project Description updated with written correspondence). The Project Plans (Attachment 2) currently show a new bioretention area of 33 square feet (11’ x 3’) which the applicant proposes to upsize as described. The larger bioretention area would be included on plans approved for building permit.

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 on 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 item to gather further information, conduct further analysis, or revise the project; or
2. Make findings to deny the application.

Environmental Review

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Attachments

1. Resolution No. 2183
2. Project Plans
3. Project Description
4. Neighborhood Outreach Description
5. Project History
6. ADR Group Meeting Minutes, September 15, 2020 (draft)
7. Public Comments

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2183

A RESOLUTION OF THE TOWN OF ROSS APPROVING A VARIANCE TO CONSTRUCT A NEW COMBINATION POOL/SPA WITH MECHANICAL EQUIPMENT AND ASSOCIATED ENCLOSURE AT 5 ALLEN LANE, APN 073-261-40

WHEREAS, property owner Berry Living Trust (Chris and Nadine Berry) has submitted an application requesting approval of a Variance to construct a new combination pool/spa with mechanical equipment and associated enclosure located within minimum required yard setbacks (herein referred to as "the project") at 5 Allen Lane, APN 073-261-40.

WHEREAS, the project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and

WHEREAS, on October 8, 2020, the Town Council held a duly noticed public hearing to consider the 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 a Variance to allow the project, 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 October 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie McMillan, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
5 ALLEN LANE
APN 073-261-40

A. Findings

I. In accordance with Ross Municipal Code (RMC) Section 18.48.010 (c), Variance is approved based on the following mandatory findings:

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

The special circumstances and conditions applicable to the land include the irregular, narrow shape of the subject lot which has nonconforming lot depth along most of the street frontage, resulting in minimum required front yard and rear yard setbacks that are very close together and/or overlapping. Due to the irregular lot shape and nonconforming lot depth, the strict application of the minimum required setbacks in the front yard and the rear yard would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications, such as lots with regular shapes and conforming lot depths. The Town Council has previously granted setback variances to make improvements on the subject property based on the irregular lot shape.

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

Granting of the application is necessary to allow for the construction of a new pool/spa which is a feature that is commonly enjoyed by owners of residential properties with open yards in Ross. There are no other feasible locations on the property to accommodate a new pool other than in the open yard area south of the existing single-family residence. Granting of the application is also necessary for the preservation and enjoyment of property rights of neighboring owners, by allowing for the new pool/spa and associated mechanical equipment and enclosure to be located in the minimum required front yard setback, as far from adjacent neighbors as possible.

c) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The pool/spa and associated mechanical equipment and enclosure would be located as far from adjacent residential properties as is feasible. They would be visually screened from neighbors and from the public right-of-way by the existing 6-foot-tall property line fences and dense landscape plantings around the property perimeter. The enclosed mechanical equipment, located between the pool and the street, would operate well below the Town's

maximum noise standard.

- II. Pursuant to Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions to Attics, a Hillside Lot Permit, and/or a Variance. In accordance with Ross Municipal Code (RMC) Section 18.41.070, the project meets the requirements of Design Review based on the following special conditions and findings:**

- a) The project is consistent with the purpose of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010.**

As recommended by the Advisory Design Review (ADR) Group, the project is consistent with the purpose of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010. It provides excellence of design consistent with the scale and quality of existing development; maintains the serene, quiet character of the town's neighborhoods; enhances the area in which the project is located; promotes and implements the design goals, policies and criteria of the Ross general plan; and preserves natural hydrology and drainage patterns and reduces stormwater runoff.

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

As recommended by the Advisory Design Review (ADR) Group, the project is in substantial compliance with the design criteria of Ross Municipal Code Section 18.41.100. Colors and materials are compatible with those in the surrounding area. High-quality building materials are used. Landscaping includes appropriate plantings to soften or screen the appearance of structures as seen from off-site locations. Structures in front yards are sited where they will not visually detract from the public view of the residence. Outdoor areas are sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping is provided to protect privacy between properties. The post-development stormwater runoff rates from the site are no greater than pre-project rates. A bioretention area is included to decrease the velocity of runoff and allow for stormwater infiltration on-site.

- c) The project is consistent with the Ross General Plan and zoning ordinance.**

The project is consistent with the allowed uses and general development standards associated with the Medium Low Density land use designation of the General Plan and the Single-Family Residence zoning regulations; therefore, the project is found to be consistent with the Ross General Plan and Zoning Ordinance.

EXHIBIT "B"
CONDITIONS OF APPROVAL
5 ALLEN LANE
APN 073-261-40

1. This approval authorizes a Variance to construct a new combination pool/spa with mechanical equipment and associated enclosure located within minimum required yard setbacks (herein referred to as "the project") at 5 Allen Lane, APN 073-261-40.
2. The building permit shall substantially conform to the plans entitled, "SITE IMPROVEMENTS, BERRY RESIDENCE, 5 ALLEN LN, ROSS CA 94957, APN: 073-261-40" dated September 23, 2020, and reviewed and approved by the Town Council on October 8, 2020.
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. 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.
5. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
6. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the project.
7. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
8. A Tree Permit shall not be issued until the project grading or building permit is issued.
9. 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. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
- e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
- f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the 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. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.

- i. 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).
- j. 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 is required prior to issuance of the building permit to review conditions of approval for the project and the construction management plan.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. 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.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. 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).
- o. 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.
- p. 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.

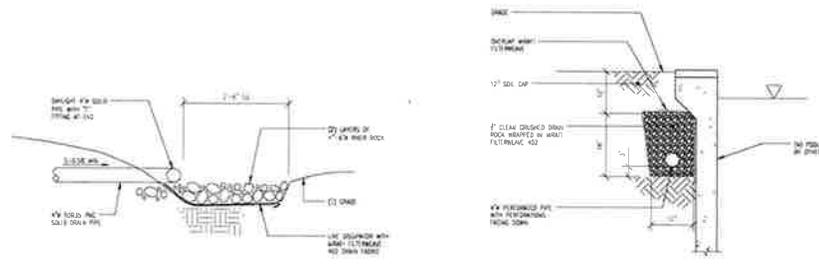
- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- r. All electric, communication 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.
- s. 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.
- t. 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.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. 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.
- w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
 - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.
 - ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department

of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

- iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.

10. 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 fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

ATTACHMENT 2



2	ROCK ENERGY DISSIPATOR	1	PERFORATED DRAIN
C2		C2	

TECHNICAL SPECIFICATIONS

CONTRACTOR

1. ALL MATERIALS AND WORKMANSHIP SHALL BE AS SHOWN ON THE PLANS AND SPECIFICATIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS WITH THE ARCHITECT PRIOR TO CONSTRUCTION.
2. ALL DIMENSIONS SHOWN ON THESE PLANS AND FOR REFERENCE SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.
3. ALL MATERIALS SHALL BE OF THE QUALITY AND TYPE SPECIFIED IN THE PLANS AND SPECIFICATIONS. THE CONTRACTOR SHALL VERIFY THE QUALITY AND TYPE OF ALL MATERIALS PRIOR TO CONSTRUCTION.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE, 2018 EDITION.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR IS REQUIRED TO NOTIFY INTERFERING UTILITIES AT LEAST 14 DAYS PRIOR TO CONSTRUCTION AND PROTECT THE LOCATION OF ALL UTILITIES UTILITIES ANY DAMAGED UTILITIES DURING CONSTRUCTION SHALL BE COMPLETELY RESTORED TO THE SATISFACTION OF THE LOCAL UTILITY AGENCIES AT THE SOLE EXPENSE OF THE CONTRACTOR.
6. THE CONTRACTOR SHALL SECURE ALL REQUIRED CONSTRUCTION PERMITS FROM THE BUILDING DEPARTMENT OF JURISDICTION PRIOR TO THE START OF WORK.
7. THE CONTRACTOR SHALL NOTIFY THE BUILDING DEPARTMENT AT LEAST 48 HOURS PRIOR TO POURING ANY CONCRETE.
8. THE MEANS OF THE CIVIL WORK SHALL BE TO CORRELATE WITH THE STRUCTURAL PLANS AND DETAILS TO CORRELATE WITH BUILDING CODE REQUIREMENTS. THE FOLLOWING WORK IS SPECIFICALLY NOT INCLUDED:
 - a. ELECTRICAL ENGINEERING
 - b. MECHANICAL ENGINEERING
 - c. PLUMBING ENGINEERING
 - d. STRUCTURAL ENGINEERING
 - e. GEOTECHNICAL AND SOIL ENGINEERING
 - f. STRUCTURAL ENGINEERING
9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO RETAIN LICENSED PROFESSIONALS TO DESIGN AND CONTRACT ALL WORK NOT PART OF THE CIVIL PLANS.

INSTALLATION AND TESTING

1. ALL INSTALLATION AND TESTING SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS PROVIDED BY THE MANUFACTURER'S LITERATURE.
2. NOTIFY THE SUPERVISOR/ENGINEER PRIOR TO INSTALLING THE ITEMS THAT LOCAL SOIL CONDITIONS ARE UNUSUAL.
3. ALL EXCAVATED MATERIAL SHALL BE REMOVED AND REPOSITED OFF-SITE IN A LEGAL MANNER.

SOIL DRILLING

1. ALL SOIL PIPS TO BE 50025 PVC PIPE.
2. ALL PERFORATED PIPES TO BE 50025 PVC PIPE WITH (2) RINGS OF PERFORATIONS (INSTALL PERFORATIONS FACING DOWN).
3. DO NOT USE BE TESTED (TENSILE) WHEN POSSIBLE, USE (2) (4) RINGS (TENSILE).

CONTRACTOR'S RESPONSIBILITY

CONTRACTOR SHALL VERIFY THAT ALL MATERIALS AND WORKMANSHIP SHALL BE AS SHOWN ON THE PLANS AND SPECIFICATIONS. THE CONTRACTOR SHALL VERIFY THE QUALITY AND TYPE OF ALL MATERIALS PRIOR TO CONSTRUCTION. THE CONTRACTOR IS REQUIRED TO NOTIFY INTERFERING UTILITIES AT LEAST 14 DAYS PRIOR TO CONSTRUCTION AND PROTECT THE LOCATION OF ALL UTILITIES UTILITIES ANY DAMAGED UTILITIES DURING CONSTRUCTION SHALL BE COMPLETELY RESTORED TO THE SATISFACTION OF THE LOCAL UTILITY AGENCIES AT THE SOLE EXPENSE OF THE CONTRACTOR.

REVISIONS



JOSEPH H. ROGER
STRUCTURAL
ENGINEER

3 Palm Ct
Larkspur, CA 94939
Tel: 415-272-2305
E-mail:
jhr@hrgcf@yahoo.com

TECHNICAL SPECIFICATIONS - DETAILS

SITE IMPROVEMENTS
BERRY RESIDENCE
5 ALLEN LN, ROSS CA 94957
APN: 073-261-40

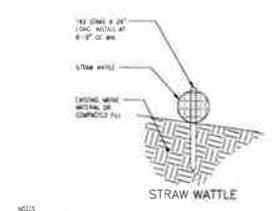
DATE: SEPTEMBER 23, 2020
JOB NUMBER
DRAWN: CAD CHECKED: JH
SCALE: AS NOTED
FULL SIZE: 24"x36"

SHEET NUMBER
C2
OF 5 SHEETS

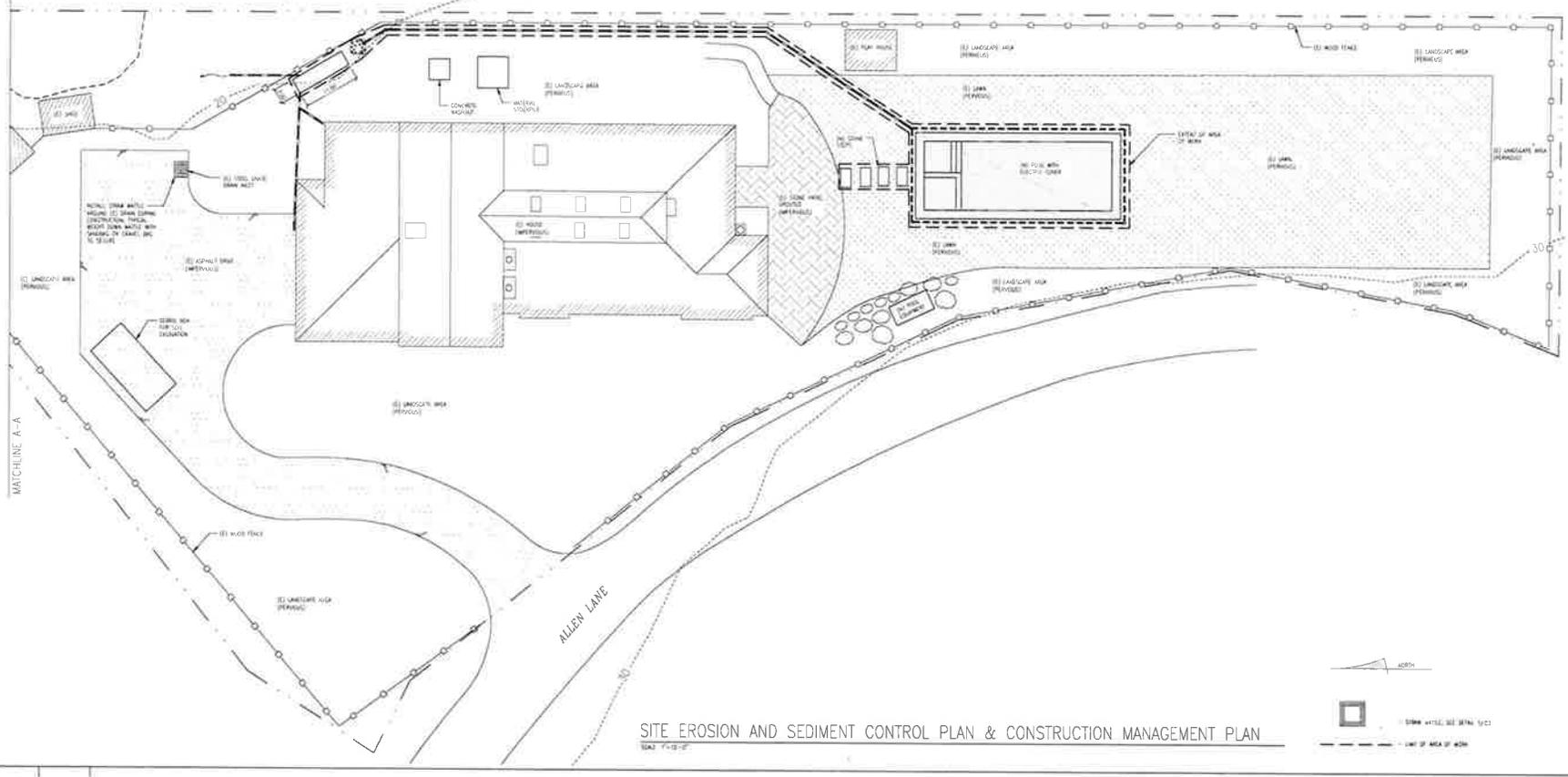
EROSION CONTROL AND STORMWATER POLLUTION MANAGEMENT NOTES:

- STORMWATER BEST MANAGEMENT PRACTICES:**
1. PREVENT EROSION PREVENTION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES IN ACCORDANCE WITH THE COUNTY OF MARIANA AND TOWN OF ROSS REGULATIONS.
 2. THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR PREVENTING STORM WATER POLLUTION GENERATED FROM THE CONSTRUCTION SITE AT ALL TIMES.
 3. THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MONITORED DAILY FOR PROPER FUNCTIONALITY AND REPAIRS NOT FUNCTIONING SHALL BE FIXED IMMEDIATELY.
 4. THE LIMIT OF CONTROL SHALL BE MARKED ON SITE TO PREVENT DAMAGE TO SURROUNDING VEGETATION.
 5. **CONSTRUCTION MATERIALS:**
 6. LOGS, STOCKPILED MATERIALS THAT ARE NOT ACTIVELY BEING USED SHALL BE COVERED AND BENT.
7. EXPOSURE OF CONSTRUCTION MATERIALS TO PRECIPITATION SHALL BE MINIMIZED.
 8. ALL CHEMICALS SHALL BE STORED IN WATER TIGHT CONTAINERS ON A DRAINAGE SLAB.
 9. BEST MANAGEMENT PRACTICES TO PREVENT THE OFF-SITE TRANSPORT OF LOGS, CONSTRUCTION AND LANDSCAPE MATERIALS SHALL BE IMPLEMENTED.
 10. **WASTE MANAGEMENT:**
 11. DISPOSAL OF ANY BRINE OR WASH WATER OR MATERIALS ON IMPERVIOUS OR PERVIOUS SURFACES OR INTO THE STORM DRAIN SYSTEM SHALL BE PROHIBITED.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING ALL CONSTRUCTION VEHICLES LEAVING THE SITE ON A DAILY BASIS OR MORE FREQUENTLY AS REQUIRED ANY VEHICLES EQUIPPED SHALL BE CLEANED UP IMMEDIATELY.
 13. SANITATION FACILITIES SHALL BE CONTAINED AND CLEANED REGULARLY TO PREVENT DISCHARGE OF POLLUTANTS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATERBODIES SHALL BE LOCATED A MINIMUM OF 25 FEET AWAY FROM A DRAINAGE FACILITY.
 14. SANITATION FACILITIES SHALL BE INSPECTED REGULARLY FOR LEAKS AND SPILLS AND MAINTAINED AS NECESSARY.
 15. CONCRETE CURING COMPOUNDS AT THE USE OF CURING COMPOUND SHALL BE LIMITED TO ONE APPLICATION PER SURFACE.
 16. STOCKPILED WASTE MATERIALS SHALL BE CONTAINED AND SECURELY PROTECTED FROM WIND AND RAIN. WASTE SHALL BE ACTIVELY USED.
 17. PROTECTIVE CURTAINING SYSTEMS SHALL BE IN PLACE TO PREVENT WIND-DRIVEN SPILLS FROM BEING RE-APPLIED.
 18. EQUIPMENT AND MATERIALS FOR CLEANUP OF SPILLS SHALL BE AVAILABLE ON SITE AND SHALL BE USED TO CLEAN LEAKS OR SPILLS IMMEDIATELY. RESIDUAL WASTE SHALL BE IMMEDIATELY CLEANED AND DISPOSED OF.
 19. WASTE-OIL RESIDUAL WASTE SHALL BE IMMEDIATELY CLEANED AND DISPOSED OF.
 20. **VEGETATION PROTECTION AND MAINTENANCE:**
 21. VEGETATION SHALL BE TAKEN TO PROTECT DRILLS, CRACKS, OR GULLS TO LEAK INTO THE SURROUNDING STORM DRAINS OR SURFACE WATERS AND COMPACT OR EXPOSED SOILS SHALL BE TO BE REVEGETATED, AND COVERED ON SITE SHALL BE IN A DESIGNATED AREA WITH APPROPRIATE SOFT.
 22. LEAKS SHALL BE IMMEDIATELY CLEANED AND LEAKED MATERIALS SHALL BE DISPOSED OF PROPERLY.
 23. **DISCONTINUED APPLICATION OF ANY (EXCESS) LANDSCAPE MATERIAL WITHIN 2 DAYS BEFORE A FORECASTED RAIN EVENT OR DURING PERIODS OF PRECIPITATION:**
 24. CONSUME STOCKPILED MATERIALS SUCH AS MULCHES AND TOPSOIL WHEN THEY ARE NOT BEING USED.
 25. CONSUME TOPSOILS AND OTHER LANDSCAPE MATERIALS WHEN THEY ARE NOT BEING USED.
 26. APPLY TOPSOILS LANDSCAPE MATERIAL AT QUANTITIES AND APPLICATION RATES ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.
 27. STORE EXCESS LANDSCAPE MATERIALS IN PALLETS AND COVERING WHEN NOT BEING USED OR APPLIED.

- STORMWATER POLLUTION MANAGEMENT AND CONSTRUCTION MANAGEMENT PRACTICES:**
- EROSION CONTROL:**
1. THE STORM CONTROL SYSTEM SHALL BE PREPARED AND THE DESIGN AS SHOWN ON THE PLAN. NO MODIFICATIONS SHALL BE MADE WITHOUT THE OWNER'S APPROVAL.
 2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED ON SITE AS SHOWN ON THE PLAN.
 3. CONSTRUCTION SHALL PREVENT WATER SURPLUS DURING CONSTRUCTION TO AS IN COMPACTOR OF SOIL, AND TO PREVENT RUNOFF FROM BECOMING A PROBLEM.
 4. A STABILIZED STONE PAD SHEET WITH A FILTER FABRIC UNDERLAYER SHALL BE PROVIDED AT POINTS OF VEHICULAR ACCESS AND CORNERS TO PREVENT TRANSPORT OF SEDIMENT/POLLUTANTS INTO PAVED PUBLIC ROADS BY CONSTRUCTION VEHICLES OR WINDUP.
- LANDSCAPE MAINTENANCE:**
1. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 2. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 3. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 4. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 5. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 6. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 7. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 8. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 9. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 10. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 11. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 12. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.



1 EROSION CONTROL DETAILS



SITE EROSION AND SEDIMENT CONTROL PLAN & CONSTRUCTION MANAGEMENT PLAN

REVISIONS



JOSEPH H. ROGER
STRUCTURAL
ENGINEER

3 Palmy CT
 La Jolla, CA 92039
 Tel: 415-272-2315
 E-mail: jhr@jhr.com

SITE EROSION AND SEDIMENT CONTROL PLAN,
CONSTRUCTION MANAGEMENT PLAN

SITE IMPROVEMENTS
BERRY RESIDENCE
5 ALLEN LN, ROSS CA 94957
APN: 073-261-40

DATE: SEPTEMBER 23, 2020
 JOB NUMBER:
 DRAWING CAD CHECKED BY:
 SCALE: AS SHOWN
 FULL SIZE: 24"x36"

SHEET NUMBER
C3
 OF 5 SHEETS

ATTACHMENT 3

Chris and Nadine Berry
5 Allen Lane, Ross CA
Nadine – 415 205-0670, Chris – 415 999-1456
nadinecberry@icloud.com, c_berry@mac.com,
Designer – Jennifer Tippet 415 722-4344 jentippet@comcast.net
Engineer – Alex Ireland 415 302-2601 alexireland@gmail.com
Pool Contractor - Aqua Gunite (925) 960-9075

New Pool Application

Description of Work:

Application for a permit to install a new 17'x 38' pool in the backyard of 5 Allen Lane, Ross. Pool to include integrated spa. Pool inset in existing lawn. Coping is Connecticut Bluestone. 24" x 48" Bluestone pavers inset in lawn to access pool. Pool equipment to be stored in existing shed structure.

No changes to existing, mature and densely planted garden. Due to the location of the pool, no plants or trees will be affected. Location of the pool will be in the center of the grass area shown below.



August 9, 2020

Chris & Nadine Berry
5 Allen Lane
PO Box 1741
Ross, CA 94957

Project Description: The proposed landscaping project at 5 Allen Lane includes removal of existing lawn and dirt while adding a new swimming pool with automatic safety cover in the fully gated rear yard. The ample, mature natural privacy screening will be maintained around the property and the existing landscaping will be preserved in its current state with no tree or vegetation removals.

The project would not impact the "small town" character of Ross because the project would be designed to maintain the overall style of the existing residence. Additionally, the project would not impact any unique environmental resources due to the location of the project site relative to any sensitive wildlife habitat, species, and/or creeks. Lastly, the project would be required to address drainage and storm water prior to issuance of any building permit to allow for the construction of the project. The project is in substantial compliance with the design criteria of Ross Municipal Code.

The project would be consistent with the design review criteria and standards relative to architectural design, materials, colors, landscaping, drainage and storm water pollution prevention. 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.

There will be a minimal change to impervious surfaces. Upon further investigation of recently approved pools, we found the following important information to be relevant to our pool addition. We prefer not to disrupt the existing well-positioned patio that is in excellent condition. This would require unnecessary demolition and cost. The findings below give us hope that we will not need to change the existing patio:

- 45 Bolinas decreased their impervious area by 236 SF, but they have 4998 SF of impervious on a total lot area of 12,800 SF so they are at 39% of impervious coverage, much more than our 29.2%.
- 74 Shady Lane increased their impervious by 359 SF. Shady lane has a total lot area of 14,020 SF which means they have a total new Impervious area of 29.4% which is higher than our total impervious percentage of 29.2%.

There will be no net increases in lot coverage or floor area ratios.

Special Circumstances: We are requesting a variance pursuant to Ross Municipal Code to allow the proposed swimming pool and to be located within 25-feet of the east rear property line (20 feet from the property line at its closest point) and a portion to be located within 20-feet of the west side property line (15 feet from property line at its closest point) in order to be able to recognize similar privileges enjoyed by other properties in the vicinity under identical R-1:B-10 zoning classifications.

Referencing the Town of Ross Zoning Map all other surrounding properties to the north, south, east, and west are also zoned R- 1:B-10. Using Google Earth, we would like to note that 6 other neighboring properties have similar sized swimming pools and it appears some were likely granted a variance for location within one or more of their respective setbacks.

While most would establish the back yard of 5 Allen Lane as the yard space to the south of the property (the only open space on the property), it is in fact considered a side yard, as per the Town's definition. The front of the property is the property line that faces Allen Lane. The lot's configuration and orientation does establish special land related circumstances that would warrant support of a Variance.

Special circumstance does exist based on the constraints associated with the existing development of the site. The only reasonable area to locate a swimming pool within the project site would be within the area of the proposed swimming pool. Even if the pool were slightly shifted from the side and rear property lines, a Variance from the setbacks would be required due to the shape and the only available location to construct a swimming pool.

Substantial Property Rights: The 27,000+ square foot lot is an irregular shape but offers an idyllic setting for a swimming pool. As the property owners, we have fully complied with all Town of Ross ordinances regarding creek vegetation management and clean up and continuously perform on-going maintenance. The proposed landscape project will allow for the use of the expansive backyard while preserving its natural, dense surroundings.

Public Welfare: The area where the pool is proposed is level and will not require extensive grading other than the minimum necessary to accommodate the swimming pool. The proposed construction will not impact views or access to adjoining lots. Furthermore, due to extensive vegetative screening, the pool will not be visible to any of the surrounding neighbors. The proposed mechanical pool equipment will be located in a existing playhouse, sound proofed and further screened from view. The plans suggest a Pentair Intelliflo Variable Speed Pump which runs at 45 decibels. IntelliFlo VS Variable Speed pump uses variable-speed pump technology. With energy savings up to 90%* versus conventional pumps, near-silent operation and advanced programming capabilities.

It is important to note that the nearest homes on Redwood have extensive back yards with the nearest home approximately 100 feet from the property line.

Proposed Area for the New Pool:



Mature Screening on the west side of the property to Allen Lane to remain as is:



Mature screening from the east side of the property (with 14 Redwood Ave in the background) to remain as is:





Matthew Weintraub

From: Nadine Berry <nadinecberry@icloud.com>
Sent: Tuesday, September 29, 2020 12:08 PM
To: Matthew Weintraub
Cc: Patrick Streeter; Richard Simonitch; Christopher Berry; Alex Ireland
Subject: Re: 5 Allen Lane - Berry Pool - 9.23.20

Thank you so much Matthew! Your thoughtful attention to every detail has made this a very smooth process.

I have roped in Alex and he too has approved the recommendation for the increase.

Looking forward to hopefully getting started!

Cheers!
Nadine and Chris

Sent from my iPhone

On Sep 29, 2020, at 10:29 AM, Matthew Weintraub <Mweintraub@townofross.org> wrote:

Hi Nadine,

Thank you for taking my call today to discuss the proposed stormwater management. I appreciate that you've been very responsive in addressing every comment made by the ADR Group, community members, and staff throughout the project review process, including revising plans to address concerns. It's my understanding that you're agreeing to increase the new bioretention area to 44 square feet, which would be 47% larger than the minimum required to offset the increased impervious surface, consistent with staff's recommendation to oversize the bioretention area to allow for a factor of safety. Please let me know if this is not accurate or if you have any information to add or clarify. No plan revisions are needed for Council review. Assuming the project is approved by Council, the revision can be implemented on building permit plans. Please feel free to contact me with any questions or comments.

Best,
Matthew
<image001.png>
Matthew Weintraub
Planner
Town of Ross | Planning
P.O. Box 320 | 31 Sir Francis Drake Blvd.
Ross, CA 94957-0320
415.453.1453 x116 (Planning)
415.453.1950 fax
mweintraub@townofross.org
[Municipal Code](#) | [MARINMAP](#)

ATTACHMENT 4

Neighborhood Outreach: The 9 direct neighbors surrounding 5 Allen Lane were shown the plans in person and were walked through the location of the proposed new pool. Listed below are the names and addresses of the neighbors contacted and their support.

In favor of the new pool:

8 Redwood Ave – Barbara Cull
12 Redwood Ave – Ann Cognato
16 Redwood Ave – Dick Boho
18 Redwood Ave – Mike and Lisa Gorham
20 Redwood Ave – Margaret Francis
10 Brookwood – Bruce and Bonnie Potter
12 Bridge – Don Kelleher
3 Allen Lane – Andy and Alea Dodge

Not in favor of the new pool:

14 Redwood Ave - Jeff and Kate Babcock

Neighbor Accommodations: We are open to additional landscaping to help diffuse any noise that may be an issue for the Babcock's. Additionally we propose soundproofing all pool equipment. As you will see in the photo below, a mature and well-planted garden with plenty of screening and a professionally constructed playhouse exist today. While recognizing the dense and private nature of the existing screening, we remain open to suggestions of additional plantings to further abate any noise concerns.

ATTACHMENT 5

-2-

Jerome Gayle, from April 4, 1984 to June 6, 1984 at an agreed compensation of \$99. He actually worked only seven weeks for two hours each week and earned \$77. At the end of the summer, he made application for unemployment insurance and although Mr. Gayle was not entitled to unemployment insurance, the Unemployment Insurance Office determined that Ross Rec was his last employer and that he was not a part-time independent contractor. Ross Rec appealed the decision and received an adverse judgment.

The local office of the State Unemployment Insurance Board has set November 20 for a review of Ross Rec records.

Town Attorney Roth has requested a transcript of the hearing, which may take six weeks for receipt. After studying the transcript he will be in a position to make a recommendation to Ross Rec as to whether or not he feels an appeal should be pursued. The Clerk was directed to provide copies of Council meeting minutes relating to the establishment of the Ross Recreation Advisory Board and the Streets and Parks Committee (Flemming and Brekhus) were asked to meet with Mr. Roth and the Board and to reaffirm the Town's position that the Committee is a separate entity.

6. Parcel Merger Law Discussion.

Mr. Roth asked that this discussion be continued to the December 13 meeting.

7. Variances.

1. No. 720 William and Mary Poland, 5 Allen Lane (73-261-33) 10,000 sq. ft. zone
Request to construct 10' x 21' deck 16" above grade, 9' from rear property line. Non-conforming 12' x 12' playhouse to be removed from property.

Lot Area	26,200 sq. ft.
Present lot coverage	16.30%
Proposed " "	16.45%
Present floor area ratio	14.22%
Proposed " " "	14.47%

(20% allowed)

Project Director Robert Strand displayed plans and explained the deck will not be visible from any neighboring property nor from the road and it will provide an additional fire exit. The configuration of the property is a definite hardship. On motion by Mr. Dirkes, seconded by Mrs. Flemming, the variance was unanimously granted.

This was seconded by Councilman Lill. There was further discussion on the feasibility of testing for carbon monoxide and Mayor Goodman did not feel that this was cost effective for 24 cars. He felt the issue was being blown out of proportion.

Mr. John Scott of Allen Avenue said that most problems with carbon monoxide are with cold starts and this would not be an issue by the time the students reached the parking lot. Mayor Goodman called for a vote and the motion passed unanimously.

COUNCILMEMBER BREKHUS LEFT THE MEETING.

b. USE PERMIT AND VARIANCE. Bill and Mary Poland, 5 Allen Lane, AP 73-261-33 and 73-261-34, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum). Request is to allow:

- (1) Use permit to allow demolition of existing house.
- (2) Variance to allow a reduced rear yard setback of 20 feet (40 required) for the construction of a house and garage totalling 4,607 square feet of floor area. A 3 X 9 foot rear landing will encroach an additional three feet into the rear yard setback. A roof overhang of 2.5 feet will encroach into portions of the rear and front yard setbacks. A corner of the structure will encroach approximately one foot into the front yard setback.

Lot Area	27,000 sq. ft.
Present Lot Coverage	18%
Proposed Lot Coverage	15.8% (20% allowed)
Present Floor Area Ratio	13%
Proposed Floor Area Ratio	17.1% (20% allowed)

USE PERMIT NO. 156 & VARIANCE NO. 1013

Richard Hunt, Architect, stated he had scaled back the plans and worked out the drainage plans with Mr. John Scott, the adjoining neighbor. He showed the drainage and landscaping plans and requested permission to move the house back seven feet and he had decreased the height to 23.5 ft. He said he had reduced the size of the two windows on the second elevation in the rear.

Town Planner Broad called attention to the Public Safety Department's requests for hydrants and that the applicants not use shake roofs. Mr. Poland said he would not use shake roofs. Mr. Broad said that the request to move the house back would normally require renoticing; however, if the Council was comfortable with this and all adjoining neighbors were present, he did not object. He did not feel that this was a significant change to the project.

Mr. Elias said that the drainage would have to be approved by the Town Engineer.

Mr. Henry Wykowski of Allen Avenue felt the new plans shifted the bulk of the structure to the northern elevation and he suggested lowering the height or moving it back further.

Mayor Goodman said he is always sympathetic to neighbors' concerns; however, he felt Mr. Wykowski was being over zealous and he pointed out that he was not an adjoining neighbor. Mayor Goodman felt the hardship was in the topography of the lot.

Councilman Lill said he had difficulty in seeing the storey poles from Mr. Wykowski's home.

Mayor Goodman said that the neighbors agreed to do work on Murphy Creek during demolition and he wanted this to be part of the condition of approval.

Mrs. K. Adler of Allen Avenue requested that the ceiling height of the house be lowered to nine feet.

Mayor Goodman responded that it would spoil the design.

After further discussion, Councilman Lill moved approval with the following conditions:

1. The applicants agree to allow the neighbors access to Murphy Creek during demolition to allow creek improvements.
2. Approval is based on the mutual agreements concerning drainage with Messrs. Scott and Poland.
3. The applicants must address Mr. Scott's letter of January 8, outlining the four vital agreements between the Polands and Scotts which Mr. Poland has agreed to; i.e., protection of trees along property line; revised driveway and turning access to the proposed garage; visual screening based on vegetation on present fence; landscaping and maintenance.
4. This project shall comply with the recommendations of the Ross Public Works Director and Public Safety Department as stated in Section IV of the January 3, 1992 staff report.
5. Design details shown in the submittal package, such as the window mullions in the entry perspective, shall be included in the plans submitted for a building permit.
6. All tennis court lighting shall be removed in conjunction with the redevelopment of this site.
7. The two 3 X 6 foot windows within the second story study/nursery shall be reduced in size to a maximum size of 3 X 4 feet.
8. No additional "hardscape improvements" shall be permitted between the residence and the rear property line.
9. A revised landscape plan shall be submitted for Council review and approval. The plan shall provide a minimum tree size of 15 gallon, a minimum shrub size of 5 gallon, and should include additional plantings within the "public view area" in the front of the residence. Plantings shall be provided to the rear of the residence and between the driveway and the parcel to the north. Landscaping shall be installed prior to the issuance of a final occupancy. The Council reserves the right to request additional landscape screening for up to one year from the installation of landscaping.
10. The existing chain link fencing along the north property line shall be reduced to a maximum height of six feet. An additional two feet of height may be permitted if necessary to retain existing vegetation and if agreed upon by the northern property owner.

- 11. Removal of demolition debris from the site and heavy truck traffic to the site shall occur outside of periods when traffic is picking up/dropping off students at the Ross School. All construction and demolition activity shall comply with Town ordinances regulating the hours of operation.
- 12. Prior to the issuance of a demolition permit for this site, building plans shall be filed with the Town of Ross Building Department. Construction of the new residence shall be pursued with diligence upon the demolition of the existing residence.
- 13. Removal of the tennis courts in proximity to existing trees shall be done through "scraping" off the surface rather than through excavation to minimize damage to existing tree roots.
- 14. All construction and demolition activity shall avoid the drip line of existing trees to the greatest extent possible to avoid compaction of soil.
- 15. Final drainage plans shall be subject to the review and approval of the Town Engineer prior to the issuance of building permits.
- 16. Drainage must conform to the approved drainage plans and is subject to Planning and Public Works review and approval. Any neighbors requesting notification of plan submittal shall be contacted.
- 17. House shall be moved seven feet to the south. Revised plans shall be submitted subject to staff review and approval.
- 18. Ceiling height will be ten feet on the first floor and nine feet on the second floor.

Councilman Reid seconded the motion and it passed unanimously.

Councilman Lill moved approval of the Use Permit with the findings in the report. Councilman Reid seconded the motion.

Mrs. Anne Hickey of Allen Avenue was concerned about traffic during the demolition process. The Council agreed that there would be no parking on Allen Avenue during construction and there will be no heavy construction nor demolition traffic until 8:40 a.m. and from 2:30 p.m. to 3:30 p.m.

Mayor Goodman called for a vote and the motion passed unanimously.

17. VARIANCES.

- a. Richard Moran, 7 Laurel Grove Avenue, AP 72-222-04, R-1:B-A (Single Family Residence, One acre minimum). Request is to allow the construction of a wall along Sir Francis Drake Boulevard up to 9 feet in height (6 feet above height of adjacent roadway.) The wall will be setback one (1) foot from the property line.

Lot Area	96,703 sq. ft.
Present Lot Coverage	9.7%
Proposed Lot Coverage	9.7% (15% permitted)
Present Floor Area Ratio	6.4%
Proposed Floor Area Ratio	6.4% (15% permitted)

Mr. Moran addressed the Council stating that the fence was needed for noise and privacy. He introduced his landscape architect, Ms. Linda Novy. She said they proposed to remove 26 of the 130 trees.

At the request of the applicant, this matter was put over.

- d. Craig and Jackie Thomas, 51 Shady Lane, AP 73-151-18, R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum). Request is to allow:
- (1) Enclosure of a 128 square foot portion of an existing wrap-around front porch. The enclosure will create 128 square foot addition to the existing living room.
 - (2) Improvement of additional parking areas within the side yard setback on Southwood Avenue.

The existing house is nonconforming in height (33 existing, 30 permitted), number of stories (2 permitted, 3 existing), floor area and lot coverage. The existing "cottage" is nonconforming in setback.

Lot Area	19,906* sq. ft.
Present Lot Coverage	16.0%*
Proposed Lot Coverage	16.0%* (15% permitted)
Present Floor Area Ratio	35.8%*
Proposed Floor Area Ratio	35.8%* (15% permitted)

*(figures obtained from 1988 variance application.)

VARIANCE NO. 1035. Mr. Craig Thomas presented the plans. He said he wanted to make sure his neighbors, Mr. & Mrs. Bill Niccolls, are in agreement with the landscaping.

Town Planner Broad felt the enclosure of the porch would be at odds with the General Plan for preserving the historic design of the house and he recommended denial of the project. He noted that the new driveway design plans were turned in the day before the meeting.

Bill Niccolls, 1 Southwood Avenue, was concerned about the driveway. He said he would like to see plans; how far from the fence the driveway will be; how much parking; what type of plants would be used. He was not satisfied as it showed on the drawing. He said there had been a loss of a tree and it is no longer very private; too exposed.

Councilman Goodman moved approval of the addition to the northside of the house and enclosure of the wrap-around front porch with the following conditions: Applicant must bring back landscaping plans next month, showing specific designation of the driveway, location of parking areas and number of cars. Town arborist must approve the plans. A smoke detector be installed as per the Building Department. This was seconded by Councilman Barry and passed unanimously.

- e. Bill and Mary Poland, 5 Allen Lane, AP 73-261-33 and 73-261-34, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum). Request is to allow:

10-8-92-

- (1) Construction of a 15 foot by 30 foot swimming pool within the rear yard setback (20 feet proposed, 40 feet required) and front yard setback (20 feet proposed, 25 feet required.) Construction of pool deck within rear (20 feet proposed) and front (5 feet proposed) setbacks. Placement of pool equipment within front yard setback (10 feet proposed.)
- (2) Interior ceilings above 10 feet in height (no change to approved exterior elevations) resulting in 364 square foot floor area increase.
- (3) Construction of an air conditioner condenser pad/unit within the rear yard setback (26 feet proposed, 40 feet required.)

- (4) Addition of six 2 X 3 foot skylights to a second story loft and two 3 X 4 foot sky lights to an existing nonconforming residence.

Lot Area	27,000 sq. ft.
Present Lot Coverage	16%
Proposed Lot Coverage	18% (20% permitted)
Present Floor Area Ratio	18%
Proposed Floor Area Ratio	19% (20% permitted)

A variance was previously granted to allow a reduced rear yard setback of 20 feet for the residence currently under construction.

VARIANCE NO. 1036. Mr. Poland addressed the Council. In response to a question by Councilman Brekhus, Mr. Elias stated that the staff does not check the elevations; a surveyor is needed to do this. Councilman Brekhus stressed the importance of checking this now before the house is completed. He received a letter from a concerned neighbor re additional encroachments into the 20 ft. rear setbacks. A landscaping plan was not submitted because the applicant had been waiting to resolve the Murphy Creek problem. Mr. Brekhus said he was concerned about the drainage on the property during the original hearing and is concerned. Mr. Poland said all skylights would be the non-glare type.

Charles Goodman said that the Building Inspector, David Smith, would get a certification that the elevation was checked. He said he did not vote on this original variance contingent upon any work being done on Murphy Creek.

There was some discussion concerning the latest requirement of fencing of pools and Mr. Elias was directed to look into the matter.

Councilman Brekhus moved approval of the interior ceiling change, the air conditioner, rear skylights, which are not visible and elimination of the three skylights on the street side of the second story and the one on the north second story and elimination of the pool subject to the following conditions:

- (1) All conditions of approval of January 9, 1992, shall remain in full force and effect.
- (2) The a.c. condenser unit/pad be screened on two sides with insulated wall, subject to the approval of Town staff.
- (3) A certified arborist shall be retained immediately by the project applicants to periodically monitor, and mitigate, the impact of construction, including material stockpile locations, on-site and adjacent trees. Fencing should be installed immediately as deemed appropriate by the arborist to avoid additional impact on trees.
- (4) A revised landscape plan shall be submitted prior to the issuance of building permits for the items included in this variance.

Councilman Brekhus said he would have voted against the original proposal as he is sympathetic to a quiet cul de sac. He felt this was a large addition that changed the character of the neighborhood. Councilman Barry seconded the motion for purposes of discussion, expressing concern because it was a variance on a variance.

There was some discussion concerning the pool and neighborhood objection and Councilman Brekhus pointed out that he was not approving the pool.

Mayor Reid called for a vote and the motion passed with four affirmative votes. Councilmember Scott abstained.

November 12, 1998

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 Councilmember Delanty Brown and passed unanimously.

21. **VARIANCE AND DESIGN REVIEW.**

Robert and Erin Becker, 5 Allen Lane, A.P. Nos. 73-261-33 and 34, R-1: B-10 (Single Family Residence, 10,000 square foot minimum). Variance to allow a play structure to encroach within the rear yard setback (16 feet requested, 40 feet required.) The play structure has already been placed 12 feet from the rear property line.

Town Planner Broad said that this matter was continued from last month and the applicant has since proposed some modifications: eliminate the upper play areas, resulting in a 3 to 3 1/2 foot height reduction; install landscape screening around the property line and move the structure further away from the rear property.

Mayor Gray said that if the Council were to approve this, an additional condition should be to limit the number of years the structure can be used or that it be removed upon sale of the property, whichever comes first.

Mr. Broad said that he received a call from the prior owner, Mrs. Riesenber, who indicated that they had the same play structure for several years.

Mrs. Becker said that the prior structure was located right next to the play house. They were told, she continued, that it was previously located in the rear but was moved to allow the grass to grow.

Mr. Potter, the adjoining neighbor, said that the structure was built without a permit, is very close to his house and they hear all the noise. He said that the previous owners did not have a structure in this location. He felt that the structure should be closer to the Beckers' residence.

Mrs. Becker said that they would install vegetative screening and they would reduce the bulk of the structure. She said that after the neighbors moved the structure to allow the grass to grow, it was moved closer to the house but this location blocks access to the back yard. Further, the swing would bang into the fence.

Mrs. Potter said that there has not been a swing set in that location for the last 15 years.

Councilmember Hart said that if the applicants came in prior to installing this structure, he would understand the neighbors being concerned about noise and visual impact. He said he would have advocated a smaller structure further away from the common property line. He asked if the structure could be moved 30 or 40 feet closer to the Becker's house.

Councilmember Goodman said that there have been several instances in Town where play structures had to be removed. He noted the Ruddens who had to remove the fort structure and the Ostlers on Lagunitas Road who were allowed to install a play structure with certain conditions. Also, the Murlocks on Ames Avenue were denied their application. Councilmember Goodman felt that the structure is too large for the back yard.

Mrs. Becker said that she would eliminate the top portion - the penthouse and the castle.

Councilmember Curtiss said that he was impressed with the efforts made by the applicant to reduce the bulk. He noted the many variances the neighbors received on their property

November 12, 1998

and now they are complaining about impact. He felt one had to give and take.

Mrs. Potter said that she could not see why it could not be moved closer to the Becker's home.

Mrs. Becker responded that this would make the back yard inaccessible.

After further discussion, Councilmember Curtiss moved approval with the findings and conditions in the staff report and that the applicant eliminate the penthouse and the castle and install appropriate landscaping to screen the structure from the neighbors' property. Also that the structure be removed after 10 years or when the property changes ownership, whichever comes first.

This was seconded by Councilmember Hart but he asked that the motion be amended to move the structure a minimum of 30 feet towards the Beckers' home from its present location making it 48 feet from the sideyard property line.

Councilmember Curtiss did not accept the amendment.

Mayor Gray called for a vote on the original motion and the motion failed with Councilmembers Goodman, Hart and Delanty Brown voting against.

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

1. The King Kong Penthouse atop the structure shall be removed. The redwood castle, both canopy and framing for the canopy shall be eliminated, subject to staff approval. Both areas shall be removed within 30 days from project approval. The structure shall be moved a minimum of 30 feet towards the Becker residence from its present location making it 48 feet from the sideyard property line.
2. The structure shall be removed in ten years or upon sale of the property whichever comes first.
3. Additional evergreen plantings, such as a pittosporum hedge, shall be planted along the west and south perimeters of the play area to screen the structure from off-site vantage points. The size, spacing, location and type of planting shall be submitted for staff approval prior to installation. Plantings shall be installed within 60 days of project approval, weather permitting.
4. The Town Council reserves the right to require additional landscape screening for up to two years from project final.
5. 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.

Councilmember Delanty Brown seconded the motion.

Councilmember Goodman asked that approval be conditional on the Morans, located to the right of the property, giving their

November 12, 1998

approval in writing. Councilmembers Hart and Delanty Brown accepted this amendment. Mayor Gray called for a vote and the motion passed unanimously.

22. DESIGN REVIEW.

Samuel and Cynthia Livermore, 2 Ames Avenue, A.P. No. 73-181-04, R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum).

Design review to allow the construction of 6-foot high fence and gates along the Ames Avenue south property line. The project will include the following: 1.) construction of wrought iron vehicular and pedestrian gates with stone columns approximately 3 feet back from the property line; 2.) construction of a 35 foot long wrought iron fence on the south property line; and 3.) extension of the existing redwood fence for 27 feet along the south property line, then turning north and running to the residence.

Town Planner Broad said that the fence would be 27 feet on the front property line and would be solid behind the existing vegetation.

Councilmember Curtiss objected to the solid fencing.

Mrs. Livermore said that it would be a continuation of the existing fence to screen the newly constructed master bedroom and master bath. They planned to use the wood from the back yard so that it would blend in with the existing.

Councilmember Goodman asked that there be ample shrubbery installed to cover the fence.

Councilmember Curtiss said that he is disturbed about the increased use of solid fencing unless there is a compelling reason.

Mrs. Livermore said that this would be the least intrusive and would eliminate the use of multi fences across the front.

The Council reviewed the fence and Mrs. Livermore explained that this would replace what was pulled down during construction

After further review, Councilwoman Delanty Brown moved approval with the findings in the staff report and the following conditions:

1. The project proponents shall plant additional vegetation, as necessary, within the right-of-way to further screen the fence from public view, subject to Town staff approval. A landscape plan shall be submitted for Town Planner approval prior to the installation of any additional plantings within the right-of-way. Landscaping between the fence and roadway shall be maintained by the property owner and replaced as necessary and retained in perpetuity.
2. The Town Council reserves the right to require additional landscape screening for up to two years from project final.
3. Any new exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
4. All Public Safety Department requirements shall be complied with. A Knox Lock box shall be provided and a minimum 12-foot clearance provided for the vehicle gate.
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. 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

there was illegal work being performed on the property to the rear of the home. After viewing the site from the neighboring property, he noted that plumbing had been mounted on the back of the garage. This work had been done without a permit. He could not see what was inside. Mr. Elias contacted the owners to ask if he could enter the premises and Doctor Cooper told Mr. Elias to set an appointment. Mr. Elias did this but Mr. Cooper called four minutes before the appointment time to cancel. Mr. Elias said that he has tried to set a new appointment but has not been successful. He said that everything has been logged.

Town Attorney Roth said that the Council would have to schedule a public nuisance abatement hearing at its next regular meeting on June 10, 1999.

Ms. Kathy Strauss of Willow Avenue thanked the Council for pursuing this issue. She said that Redwood trees have been planted in the driveway to the garage. Ms. Strauss said that they would like to see them maintain their off street parking. Councilmember Gray moved that the Council schedule a public nuisance abatement hearing for the June 10, 1999 meeting and authorize the Town Attorney to obtain an inspection warrant pursuant to the Code Civil Procedure. This was seconded by Councilmember Hart and passed unanimously.

MAYOR GOODMAN CALLED FOR A RECESS AT 9:00 P.M. THE MEETING RE CONVENED AT 9:08 P.M. WITH EVERYONE IN ATTENDANCE.

MAYOR GOODMAN CALLED FOR A BREAK AT 9:00 P.M. AND RETURNED AT 9:08 P.M. WITH EVERYONE IN ATTENDANCE.

17. **VARIANCE. #1298**
Robert and Erin Becker, 5 Allen Lane, A.P. Nos. 73-261-33 and 34, R-1; B-10 (Single Family Residence, 10,000 square foot minimum). Variance to allow a play structure to encroach within the rear yard setback (12 feet requested, 40 feet required.) The play structure has already been placed 12 feet from the rear property line and 17 feet from the side property line. It will be relocated 18 feet to the north, resulting in a 35 foot setback from the south side yard property line (15 feet required.)

Town Planner Broad stated that this is the fourth Council hearing on this issue. Three ago months the Council held a hearing to reconsider and clarify the conditions of approval. At that meeting, the Council asked that the applicants file a new application to be considered at this meeting at which time the Council would vote up or down. Mr. Broad then reviewed the conditions of the earlier approval and the specific setbacks that were requested for the play structure.

The current application seeks a reduction in the side yard setback from the required 48 feet to 35 feet. The applicants established the proposed side yard setback in consultation with Mr. Jeff Schwartz, owner of Rainbow Play Systems. Mr. Schwartz assessed that 35 feet would be a safe distance for the play structure.

Mr. Broad said that the Council did request a smaller structure and at the last meeting were shown pictures of smaller structures. The King Kong play structure which the applicants presently have, is the largest of all the structures.

Councilmember Hart asked what would be a safe distance from the setback.

Mr. Schwartz said that they would need 20 feet in each direction. He said that he was concerned about the retaining wall.

Councilwoman Delanty Brown asked that they install a smaller structure that would be safer.

Councilmember Gray agreed and suggested that it be turned 90 degrees.

Councilmember Hart said that the prior owners had a play structure by the same manufacturer that was closer to the home

than the two proposals. He said that the current owners installed this structure without a variance and caused an objection by an adjoining property owner where there was no prior objection. Further, the current owner installed landscaping with pathways, planters and rock retainers where the previous play structure was located.

Mr. Becker said that he could move planters and rocks but the issue is the use of their back yard. He said that they have a stretch of lawn that is important to him to play with his children.

Mr. Raghianti, attorney for the applicants, said that they are trying to achieve reasonable accommodations. He said that the direction from the Council was to move the structure toward the Beckers' residence and make it smaller. He said that it is now 31% smaller and has been moved back 18 feet. He said that they could not satisfy the adjoining neighbors who live in a house with six variances which have been approved right near the fence of his client and now they are being asked to move it back 48 feet to accommodate them.

Mr. Schwartz said that they have taken a lot of play value out of the structure in order to accommodate the neighbor.

Mr. Becker said that if it is a matter of reducing the size and leaving it where it is, he would be happy to do this but he did not want to loose the stretch of lawn.

Mrs. Wykowski said that many of the neighbors who have visited the applicants felt this is a great compromise on their part and they hoped the Council could resolve the issue at this meeting.

Mr. Bruce Potter said that when they bought the property they knew about the restrictions - the realtors should have told them. He said that all the neighbors approved his variances. He said that the structure at the Ross School is slightly more than twice the size of this structure and that accommodates 200+ children whereas this is going to accommodate three children, plus friends. He felt that it was a reasonable proposal to move the structure 30 feet closer to the house.

Mrs. Wykowski said that her home is within 20 feet of the school structure and it does not bother her. She said that the children are asleep at a reasonable hour.

Mr. Becker said that they cannot prevent their children from playing in that area and the Potters should have known this when they built the house up to the fence line. He tried to plant trees to block the view but he cannot prevent the noise of the children playing.

Mr. Penner said that he lives next door and said that the Beckers have tried to resolve the matter to everyone's satisfaction. He felt that they were very thoughtful and fantastic neighbors.

Ms. Stella Fisher said that parents need to keep their children at home and Ross is a family place.

Mrs. Joan Dunn supported the Beckers and agreed with Mr. Becker that you cannot stop children from playing in their yard and it will only be for a couple of hours a day.

Mayor Goodman then closed the public comments.

Mayor Goodman said that it is not fair to put all the blame on the Potters. The Council is addressing a Town issue for a variance and the Council has to make the findings for approving a structure in a setback. Everyone wants our children to have swing sets but there is some point where we need a size limitation and we have to decide what to put in our backyards. The previous owners were denied a swimming pool in that same area.

Councilwoman Delanty Brown said that her grandchildren have a swing set that is much smaller and they and their friends have a good time. She felt that the structure should be moved so that the children would be jumping on to the lawn, be back from everyone's view and much safer for the children.

Councilmember Gray said that this lot is long and narrow. He said that the bottom line is the set is too large unless all that yard is going to be a swing set - he questioned why the set could not be smaller and turned the other way so that they

do not have to deal with the wall. He felt that both the Potters and Beckers have legitimate concerns. Councilmember Hart said that he could not visualize it without a full site plan and he was not previously aware of the safety issue. The Council then approached the plans and reviewed the issue further.

MAYOR GOODMAN ANNOUNCED THAT THE APPLICANTS ASKED FOR A BREAK TO REVIEW THE ISSUE FURTHER AND WOULD RETURN TO THE COUNCIL LATER IN THE MEETING.

Mr. Raghianti and applicants returned at 10:15 p.m. and announced that they would remove the King Kong and substitute a Sunshine Castle structure. The canopy would be green, the structure would be 13 feet high, and measure 12 feet by 25 feet, resulting in a 60% cutback in size. It will be moved back 40 feet from the sideyard setback and the King Kong structure will be donated to the Pixie Park. The new structure shall be placed in a way that is safe according to the manufacturer's directions.

Accordingly, Councilmember Gray moved approval of a Sunshine Castle Play structure with a dark green canopy or no canopy 40 feet from the south property line. This motion will supersede the former variance granting a play structure at the November meeting. A resolution of findings will be submitted at the next Council meeting. The structure is to be removed within 45 days and will be offered to Pixie Park at the Marin Art and Garden Center. Councilwoman Brown seconded the motion which passed unanimously.

Mr. Raghianti said that he appreciated the Council's time and courtesy.

18. CONSTRUCTION COMPLETION EXTENSION.

Thomas Byrnes, 96 Shady Lane, AP No. 73-052-02. Building Permit No. 14211. Issued: 04/24/98. Expired: 4/24/99. Request Extension to 12/31/99.

Mr. Byrnes asked for an extension due to the wet winter. Councilmember Gray moved approval, seconded by Councilwoman Delanty Brown and passed unanimously.

19. VARIANCE AND DESIGN REVIEW.

Joe and Christine Ramos, 57 Poplar Avenue, A.P. No. 73-313-05, R-1:10 (Single Family Residence, 10,000 sq. ft. minimum.) Design review to allow after-the-fact approval for the addition of 6-foot high wood gates at the driveway and front walkway. Variance and design review to allow after-the-fact approval for brick pillars with top-mounted lights more than 6 feet in height.

Continued at request of applicant to June meeting.

20. VARIANCE. #1299

Sharon Duvall, 41 Wellington, A.P. No. 72-071-16, R-1:B-10 (Single Family Residence, 10,000 square foot minimum).

Variance to allow the addition of three gable end roof dormers to the upper level of an existing residence. A dormer is proposed on the south elevation within the side yard setback (14 feet proposed, 15 feet required), on the east elevation within the side yard setback 13 feet proposed, 15 feet required) and on the west elevation. No additional floor area will result.

Lot Area	10,742 sq. ft.
Present Lot Coverage	22.1%
Proposed Lot Coverage	22.1% (20% permitted)
Present Floor Area Ratio	31.8%
Proposed Floor Area Ratio	31.8% (20% permitted)

The existing residence and garage are nonconforming in side yard setback.

April 26, 2000

property owners between Willow and Allen Avenue to make contributions of \$60,000 to the project consistent to the terms of their letter of April 26, 2000. This was seconded by Councilwoman Delanty Brown and passed unanimously. Mr. Russ Rudden asked about possible PG&E underground wiring and Councilmember Gray said that this is very expensive and maybe some day a townwide bond will be done to do the entire Town at the same time.

5. Appointment of Councilmember to the Flood Zone Advisory Board and to the Design Advisory Committee.

Mayor Curtiss said that former Mayor Charles Goodman served on the Board and the Council must now elect an official to take his place. Mayor Pro Tempore Hart moved that Councilmember David Zorensky be nominated, there were no other nominations, Councilmember Delanty Brown seconded the motion which passed with three affirmative votes. Councilmembers Gray and Zorensky were absent.

6. Request from Ross School's PTA to use St. Anselm Parking Lot on Bolinas Avenue.

Ms. Laura Tishgart said that the request is for a fundraising dinner for the Ross School music department and parking is not available at the Marin Art and Garden Center. St. Anselm gave their blessing, pending Council approval. It is for May 12 from 5:00 p.m. to 11:00 p.m. A shuttle will be provided to the Winship area. The Public Safety Department said that the Church parking lot would be much easier. Mayor Pro Tempore Hart said that they might need traffic control. Councilwoman Delanty Brown supported the request but hoped that it would not set a precedent. Mayor Curtiss did not think it would, adding that it is for a Ross fundraiser.

Mayor Curtiss said that the Use Permit currently is for church parking only. He said that in the past there has been neighborhood concern and Mr. Cadden gave his approval but Mr. Eglin is in Europe and will return later in the week.

Mayor Pro Tempore Hart moved approval for the granting of a temporary use by the Ross School PTA for the Saint Anselmo parking lot for the evening of May 12, 2000, 5:00 p.m. to 11:00 p.m. and that the PTA representatives meet with the Ross Public Safety Department to work out additional traffic control for which the Town would be reimbursed. He added that this is a benefit for a non-profit organization. Councilwoman Delanty Brown seconded the motion which passed with three affirmative votes.

CONSENT AGENDA

7. VARIANCE

#1351

Robert and Erin Becker, 5 Allen Lane, A.P. Nos. 73-261-33 and 34, R-1:B-10 (Single Family Residence, 10,000 square foot minimum). Variance to allow the removal of an existing 46 square foot landing and stairs and the construction of a new 38 square foot bow window and steps in the same location within the rear yard setback (40 feet required, 18 feet proposed.)

Lot Area	27,000	sq. ft.	
Present Lot Coverage		16%	
Proposed Lot Coverage		16%	(20% permitted)
Present Floor Area Ratio		19%	
Proposed Floor Area Ratio		19%	(20% permitted)

The existing residence is nonconforming in rear yard setbacks.

After a brief presentation by the architect, Wendy Posard, Mayor Pro Tempore Hart moved approval with the findings in the staff report and the following conditions:

April 26, 2000

1. The Town Council reserves the right to require additional landscape screening for up to two years from project final.
2. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. 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.
4. 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.
5. Any portable chemical toilets shall be placed off the street and out of public view.
6. A smoke detector shall be provided as required by the Building Department. The street number must be posted (minimum 4 inches on contrasting background.)
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.

This was seconded by Councilmember Delanty Brown and passed with three affirmative votes. Councilmembers Gray and Zorensky were absent.

- #1352
8. VARIANCE AND LOT LINE.
Paige and Bobby Locke, 98 Shady Lane, 73-052-03, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min.)
Patricia Bruvry, 83 Sir Francis Drake Boulevard, A.P. No. 73-052-34, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min.). Lot line adjustment to allow the transfer of 361 square feet from the Bruvry parcel to the Locke parcel along the west property line. The Locke parcel will be increased from 7,150 square feet to 7,511 square feet in area. The Bruvry parcel will be decreased from approximately 18,409 square feet to approximately 18,048 square feet in area.
The Lockes have filed a variance application from flood ordinance requirements to raise the house.
Mr. Elias said that this project would not increase flood levels, the house is on higher land than the adjacent neighbor and granting of the variance would not increase flooding in the neighborhood.
Mayor Pro Tempore Hart moved approval with the findings in the staff report and the following added findings: (1) The finished floor elevation is above the flood level when compared to adjacent structures because it is on elevated earth; (2) failure to grant the variance will result in exceptional hardship to the applicant (3) granting this variance will not increase flood heights and will not cause any additional

ATTACHMENT 6

MINUTES
Meeting of the
Ross Advisory Design Review Group

Tuesday, September 15, 2020

Video and audio recording of the meeting is available online at the Town's website at:
townofross.org/meetings.

1. 7:00 p.m. Commencement

Chair Mark Kruttschnitt called the meeting to order. Josepha Buckingham, Laura Dewar, Mark Fritts, and Stephen Sutro were present. Planning and Building Director Patrick Streeter and Planner Matthew Weintraub representing staff were present.

2. Open Time for Public Comments

No comments were provided.

3. Old Business – None.

4. New Business

a. Berry Residence, 5 Allen Lane

Applicant: Chris and Nadine Berry

Owner: Berry Living Trust (Chris and Nadine Berry)

DESCRIPTION: The applicant is requesting approval to construct a new pool/spa within a minimum required yard setback, and to install new pool equipment within an existing structure that is located within a minimum required yard setback. The proposed new pool with integrated spa would be rectangular in shape with dimensions of 38' x 17', inclusive of 2' coping, and it would cover 646 square feet. It would feature bluestone coping, dark gray glass pool tile, and an automatic cover. The pool would be located in the south yard of the existing single-family residence. It would be set back 17' from Allen Lane and the front (west) property line, 20' from the rear (east) property line, and 88' from the south side property line. The proposed new pool equipment would be enclosed within an existing "play house" accessory structure that is located 3' from the rear (east) property line. No new landscaping is proposed.

Planner Weintraub introduced the project and provided an update on the revised location for the proposed new mechanical equipment and enclosure. Planner Weintraub summarized written comments received in support of the project (Bruce Potter, 10 Brookwood Lane; Dick Bobo, 16 Redwood Drive; and Don Kelleher, 61 Bridge Road), and written comments received in objection to the project based on concerns about potential noise and privacy impacts (Jeff and Cate Babcock, 14 Redwood Drive). Chris and Nadine Berry provided an update on neighborhood outreach.

Mark Fritts asked staff for clarification of the minimum required yard setbacks. Planner Weintraub clarified the minimum required yard setbacks.

Josepha Buckingham asked staff for clarification of the proposed landscaping. Planner Weintraub clarified that no new landscaping was proposed.

Jeff and Cate Babcock, 14 Redwood Drive, stated that they withdrew their previous written objections because the mechanical equipment was relocated away from their property and away from other nearby properties, and their concerns regarding how the pool would be used had been addressed by the applicant.

ADR Group Members discussed the merits of the project. ADR Group Members provided the following comments:

Mark Kruttschnitt:

- Pool may be moved further west to align better with the house and to provide greater distance to rear property line.
- Recommends locating the mechanical equipment by the road and as far from neighbors as possible.
- Proposed increase in impervious surfaces does not seem significant.
- Supports the project as proposed.

Laura Dewar:

- Project is sited in the best location possible given the configuration of the lot.
- Material selection is appropriate for the existing residence.

Mark Fritts:

- Any proposed exterior lighting should be considered.
- Recommends moving the pool further west to align better with the house and to provide greater distance to rear property line.
- Recommends switching the proposed locations of the pool steps and spa for increased privacy.
- The project is appropriate for the lot given the size of the yard regardless of zoning setbacks.

Stephen Sutro:

- Supports the project as proposed.
- Proposed increase in impervious surfaces does not need a correlating reduction in existing impervious surfaces.

Josefa Buckingham:

- A long narrow pool is appropriate for the lot.

- Recommends moving the pool further west to align better with the house and to provide greater distance to rear property line.
- Recommends switching the proposed locations of the pool steps and spa for increased privacy.
- Recommends pool may be narrower and/or longer to fit the property.
- Recommends locating the mechanical equipment as far from neighbors as possible.
- Suggests adding rear property line landscape screening.
- Generally supports the project.

ADR Group Members unanimously recommended that the proposed design was consistent with the Design Review criteria and standards of RMC Section 18.41.100. Chair Kruttschnitt noted that several ADR Group Members suggested, but did not condition the recommendation upon, shifting the pool to the west and switching the locations of the pool steps and spa.

5. Communications

a. Staff

In response to comments by ADR Group Members, Director Streeter clarified an applicant's right to request application review and/or decision.

b. ADR Group Members

Chair Kruttschnitt provided a summary of his conversation with Mayor McMillan regarding the ADR Group's recent recommendations on applications involving nonconforming lots and setbacks. ADR Group Members discussed examples. The Chair allowed public comment. Council Member Elizabeth Robbins commented on the ADR Group's role to review projects in the context of neighbors input.

6. Approval of Minutes

a. August 18, 2020

The ADR Group unanimously (4-0-1) approved the August 18, 2020 minutes. Stephen Sutro abstained.

7. Election of Officers

a. Chair

b. Vice Chair

The ADR Group unanimously reelected Mark Kruttschnitt as Chair and elected Josepha Buckingham as Vice Chair.

8. Adjournment

The Chair adjourned the meeting at 7:47 PM.

ATTACHMENT 7

Matthew Weintraub

From: Bruce Potter <bpotter@potterinvestments.com>
Sent: Thursday, September 10, 2020 8:51 AM
To: Matthew Weintraub
Subject: RE: Berrys pool plans

Matt,Thx for yr help. We have no questions. And the pool project is fine with us. Bonnie and Bruce Potter

From: Matthew Weintraub [mailto:Mweintraub@townofross.org]
Sent: Wednesday, September 9, 2020 1:04 PM
To: Bruce Potter <bpotter@potterinvestments.com>
Subject: RE: Berrys pool plans

Hi Bruce,

Please find attached the 5 Allen Lane project plans. Please let me know if you have any questions.

Thank you,
Matthew



Matthew Weintraub
Planner

Town of Ross | Planning
P.O. Box 320 | 31 Sir Francis Drake Blvd.
Ross, CA 94957-0320
415.453.1453 x116 (Planning)
415.453.1950 fax

mweintraub@townofross.org

[Municipal Code](#) | [MARINMAP](#)

From: Bruce Potter <bpotter@potterinvestments.com>
Sent: Wednesday, September 09, 2020 12:54 PM
To: Matthew Weintraub <Mweintraub@townofross.org>
Subject: Berrys pool plans

Dear Matt, Thx for yr help. Pls send me the Berrys plans. Thx Bruce

Matthew Weintraub

From: Cate Babcock <catebabcock@gmail.com>
Sent: Friday, September 11, 2020 5:00 PM
To: Matthew Weintraub
Subject: ADR meeting re: Berry Pool application

Dear Mr. Weintraub:

We have lived at 14 Redwood Drive, which abuts the Berry property on the eastern side of their lot, for 21 years. Nadine Berry and her daughter spontaneously approached us at our door with a proposal for an exercise and water-polo pool in their backyard several months ago, assuring us they would only use the pool for exercise. We nevertheless opposed the pool as Cate suffers from debilitating Parkinson's, which causes severe vertigo from noise. We'd assumed that the Berrys had elected not to go forward with the pool as we never heard anything further.

We were therefore surprised to recently receive the Courtesy Notice of Public Hearing for the Berrys' application to construct a new regulation-size pool and spa and install new pool equipment. The Berrys' children are part of the Drake High School Water Polo Team; the members train in the Berrys' home gym. We are now aware that the team may likely use the regulation-size pool for training also. Additionally, the recreational use of family and friends' pool may be very noisy.

In looking at the plans, the pool equipment room will be right on the property line between our two parcels. Quite apart from the anticipated noise generated by those in the pool, the equipment is likely to disturb our peaceful enjoyment of the garden we have labored so long to create and which has become a quiet, and essential retreat for Cate.

We understand that the Berrys will have to obtain a variance in order to move forward with their plans. One of the conditions of granting a variance is proof that its issuance "would not be detrimental to the public or injurious to other property in the area." Because of Cate's medical condition-one that can only be treated by extremely risky surgery and which is not always successful-a pool that is only a little over a foot from our property line, and an equipment room that is on our property line, is more than likely to be detrimental to Cate's well-being.

I ask that the Board members decline the Berrys' application.

Sincerely,
Jeff and Cate Babcock

Matthew Weintraub

From: catebabcock@gmail.com
Sent: Monday, September 14, 2020 1:28 PM
To: Matthew Weintraub; Patrick Streeter
Subject: Berry pool/spa and equipment room

Good morning, Mr. Weintraub, Mr. Streeter and ADR Group,

I've attached photos of the additional two factors weighing our decision to disapprove the Berry's application.

Murphy's Creek flows between the two properties and is documented in the Polands' variance request of October 10, 1992.

The current play structure, intended for the Berry's pool equipment room is 11" from our shared fence.

We're knowledgeable that a variance must have findings supported by substantial evidence in records. The variance must also mitigate a hardship.

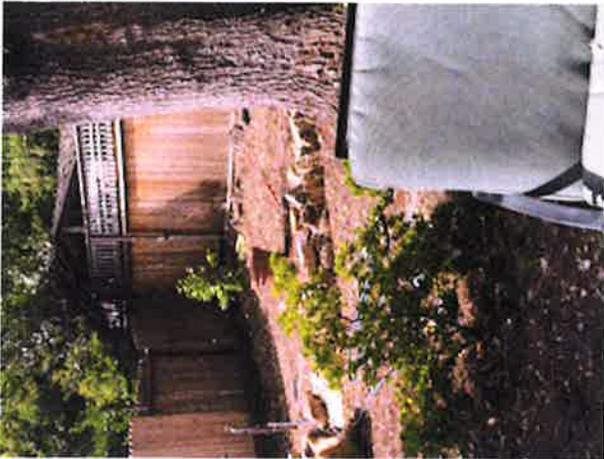
We ask that you consider our three objections: noise, setbacks and Murphy's Creek/Ross setback codes for construction along a creek.

Please forward this letter to the ADR Group as the town website address is still blocked.

Most gratefully,

Jeff and Catherine Babcock





Sent from my iPhone

Matthew Weintraub

From: dickbobo <dickbobo@comcast.net>
Sent: Monday, September 14, 2020 8:17 PM
To: Matthew Weintraub; ADRGroup
Subject: Berry pool proposal - 5 Allen Lane

I hope this information helps you to decide that it's OK for my neighbors, the Berry family to have a swimming pool in their property.

The right edge of the Berry's 38' X 17' pool will be 18' from the fence at the back of the Redwood Drive properties. Although it's not visible, the small structure where the pool equipment will be located is almost up against the fence that runs along the back of Babcock and my properties, with 2' on my side of the fence separating the Babcock property from the Bobo property. The bottom right corner of the picture shows what 20' is on the picture. Double-click the picture to make it full size.



The edge of the pool is going to be quite a ways from any of our houses, and a tad over 100' from where the Babcocks sometimes sit in their yard.

Cate Babcock expressed a concern to me about the noise from their pool equipment. The pump specified in the Berry's plans which Matthew sent me is 1 of the quietest pumps (45 dB) on the market, plus it's going to be soundproofed in the playhouse. The typical refrigerator is 55 dB. In Fountain Valley, my sister-in-law's old, standard pool pump is ~30' from where we sit on the patio, and we never hear it. Thus, I told Cate that she'll not hear the pump running unless she holds your ear to the fence - and likely not then.

When Nadine with her daughter visited homes in the neighborhood to show the pool plans, and ask if it was OK with us, 8 of the 9 homes she visited said yes. The only rejection was by the Babcocks. From what I know, my guess is that they were basing their decision on a problem that Cate sometimes has with vertigo. She has indicated that in the past that it's been aggravated by the Gorham daughters' pool parties especially when the girls were younger, and just like happens at recess at the Ross schoolyard, there was some yelling going on.

More recently, Cate called the police because the girls and friends were playing music by the pool, which bothered her in some manner. In the 11 years that the Gorhams have lived there, I felt the music was too loud twice. Each time I sent a text to 1 of the parents saying cool the music, which happened. It seems like the easy, logical way to resolve a problem. However, once a neighbor complains about a certain sound level, that should be a guide for future sounds from the source, so it's a two-way situation. I say this because if there are ever disliked sounds coming from the Berry's place, which I'm expecting to be rare, if at all, that all it would take would be a text or phone call to end the problem.

My understanding from friends of the Berrys that, generally speaking the Berry family is reasonably quiet. The Berry kids are older than when the Gorham girls and friends were yelling in their younger days, and more involved in a time-demanding sport- water polo. They're very involved with it, and consequently practice in Mill Valley 6 days/week, 4 hrs/day.

The eldest, Nick was a WP star at Drake before he went to Brown University where he is again a star.

<https://brownbears.com/sports/mens-water-polo/roster/nick-berry/11827>

Their daughter is currently a WP star at Drake, and has been offered a position at Brown where she'll probably go.

https://www.maxpreps.com/athlete/siena-berry/TM_Qr6H-EeeT-Oz0u-e-FA/girls-water-polo/stats.htm

Nadine said that it's very likely that their younger son will follow his siblings to play WP at Brown.

Re: vertigo, I'm 4-months shy of being 90, and also have vertigo that comes and goes. Lots of noises bother me, starting in the morning when I grit my teeth when I press the button on my coffee grinder. Nevertheless, I've managed to live with the sounds in our neighborhood. I keep in mind that many of us live on 50' lots, and Ann and I talked once in a while about the activities that are going on all the time in our neighborhood. Kids are yelling at Ross school, or nearby us, dogs are barking, Redwood Drive is a heavily traveled street, often with noisy trucks, etc., all which we felt added to the vitality of the neighborhood. We always hoped that we wouldn't have a health or physical problem that required us to go to an assisted living facility, as we would miss this vitality.

It's my hope that the possible noise problem perceived by the Babcocks if the Berrys have a pool, which I don't think they'll experience, will hold the neighborhood hostage from a family putting in a pool in a large open area, quite distant from their neighbors. It's important that the Babcocks remember that they are on ~1/3 acre amid many other smaller properties, which doesn't offer the luxury of the privacy of living on 3 acres among other large properties.

I think that the Berry family will be good neighbors relative to having a pool in our neighborhood.

Sincerely,

Dick
16 Redwood Drive

Matthew Weintraub

From: Don Kelleher <don@kelleher.com>
Sent: Tuesday, September 15, 2020 2:09 PM
To: Matthew Weintraub
Cc: Nadine Berry
Subject: 5 Allen Lane -Pool

Dear Mr. Weintraub,

My Name is Don Kelleher, my wife and I have been residence of 61 Bridge Road in Ross for many years. On behalf of Mr. and Mrs. Berry I feel very strongly that a swimming pool would be very appropriate on their beautiful property at 5 Allen Lane. My wife and I are 100% in favor of the counsel approving a pool at their residence .

Thank you for your time

Best regards

Don Kelleher

Subject: Chris and Nadine Berry Pool

To Whom it may Concern,

I have been a happy resident in Ross for the last 66 years. I am now 96 years old. Living here has always been peaceful with no problems with any of my neighbors.

I had given Nadine Berry my written permission to put in a pool when she came to my door a few months ago. I saw no problem with this at all.

Apparently my next door neighbor, Cate Babcock, is not. She has been a very helpful neighbor. She suffers from Vertigo and noise bothers her. She has tested me many times to change my mind about changing my mind about my permission.

I have met the Berry's and I couldn't ask for better neighbors. Chris has helped me many times. They live behind my property.

I am changing my original yes to the pool to a neutral vote.

I have hated being brought into this problem. I want both of my good neighbors to be happy. I'd like Chris and his family to have their pool and Cate to have her quiet, which may be difficult if your neighbors have a growing family. That's what it is like in most neighborhoods. Children making noise having fun and dogs barking. All part of living.

I tried sending this letter to:

www.townofross.org/meetings

But it wouldn't send.

It's been difficult writing this long hand since I suffer from Macular Degeneration. I hope it will be received by the right party.

Angela (Ann) Cognato
12 Redwood Dr.
Box 1195



September 17, 2020

Mrs. Ann Cognato
12 Redwood Drive
P.O. Box 1195
Ross, California 94957-1195

Dear Mrs. Cognato,

Thank you very much for your letter to the Town regarding the Berry's application to construct a new pool. I appreciated reading your comments. I understand that you wish to remain neutral with respect to the Berry's application. I'm sure that your neighbors also understand and appreciate your position.

I apologize that there was a problem when you tried to send an email to the Town. I'm glad that you were able to reach me with your letter. It was a pleasure to read a handwritten correspondence. You can also reach me by telephone at (415) 453-1453 ext. 116. I'm enclosing my business card with complete contact information.

I hope we have an opportunity to meet someday. Please feel free to contact me anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Weintraub".

Matthew Weintraub
Planner

cc: Advisory Design Review (ADR) Group

Matthew Weintraub

From: Patrick Streeter
Sent: Thursday, September 17, 2020 8:11 AM
To: ADRGroup; Matthew Weintraub
Subject: FW: 5 ALLEN LANE

Late Correspondence

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

From: sara fiske <sarabfiske@yahoo.com>
Sent: Wednesday, September 16, 2020 8:00 PM
To: Patrick Streeter <pstreeter@townofross.org>
Subject: 5 ALLEN LANE

To whom it may concern:

I am a resident of Allen Avenue. I understand the Barry's, at 5 Allen Lane, would like to build a pool and spa within the setbacks of their property. I fully support their request. I think it would be a lovely (and greatly used!) addition to their property. I see absolutely no disadvantages to the proposed plan. I hope the members of the Design Review agree.

Sincerely,

Sara Milani

Sent from my iPad

Matthew Weintraub

From: Patrick Streeter
Sent: Friday, September 18, 2020 9:34 AM
To: Robyn Luhnig
Subject: RE: Berry pool

Thank you; I will add your comments to the project file and pass along to the appropriate review authorities.

Patrick N. Streeter, AICP
Planning & Building Director
Town of Ross
P.O. Box 320 | Ross, CA 94957
Tel.: (415) 453-1453 ext. 121
Fax: (415) 453-1950
pstreeter@townofross.org

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

From: Robyn Luhnig <rluhnig@gmail.com>
Sent: Friday, September 18, 2020 9:27 AM
To: Patrick Streeter <pstreeter@townofross.org>
Subject: Berry pool

Hi,

We live at 24 Allen Ave and want to express our complete support of the Berry family's pool plans.

Please let me know if you have any questions.

Thanks,
Robyn and Warren Luhnig

Sent from my iPhone