

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Chase, 15 Woodside Way, Variance and Watercourse Design Review, File 1787
Date: July 1, 2010

I. Project Summary

Owner: Susanne and Peter Chase
Location: 15 Woodside Way
A.P. Number: 73-252-06
Zoning: R-1:B-6 (Single Family Residence, 6,000 sq. ft. minimum lot size)
General Plan: Medium Density (6-10 units per acre)
Flood Zone: Zone X (area outside the 1-percent annual chance floodplain)

II. Project Description

Watercourse design review and variances associated with a 144 square foot, 2-story, addition to the south side of the residence, in the area of an existing deck, approximately 7 feet from the seasonal stream (25-foot setback required). The addition would add a new 8.5' by 8.5' laundry room at the lower level and a new 8.5' by 8.5' dining room at the upper level. The applicants would remove the existing laundry area on the lower level. The roof overhang would extend into the side yard setback (15 feet required, 13.5 feet proposed). Total development of 1,338 square feet is proposed.

Lot area	6,900 square feet
Existing Floor Area	17.6%
Proposed Floor Area	19.4% (20% permitted)
Existing Lot Coverage	19.5%
Proposed Lot Coverage	19.5% (20% permitted)
Existing Impervious Areas	25.0%
Proposed Impervious Areas	26.8%

The residence and carport are nonconforming in setbacks. No uncovered parking provided (1 space required).

III. Discussion

The applicants are requesting the Council to approve a variance and watercourse design review for a small addition to the existing residence on Woodside Way. A seasonal stream runs through the site and the addition is within the guideline watercourse setback. The addition would be located in the area of an existing upper floor deck. The roof eave for the addition would extend into the side setback.

25-Foot Guideline Watercourse Setback

The Town design review guidelines require design review for any construction within 25 feet of a watercourse. The design review criteria recommend the setback “to protect the

natural resource value of riparian areas and to protect residents from geologic and other hazards.” (RMC §18.41.100(s)) There is no natural habitat in the area where the addition is proposed and the site is not subject to flooding. Town hydrologist Matt Smeltzer has reviewed the project plans, has visited the site, and is in favor of the project as proposed (see attached report). Mr. Smeltzer indicates, “The addition alone would not impact the acreage of land supporting riparian vegetation within the setback because it is presently covered by an exterior deck. This is a relatively minor watercourse without regulatory concerns related to special status or threatened species.”

Setback Variance

The Council may grant a variance from the zoning regulations “only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.” (CA Govt. Code §65906 and RMC §18.48.010)

To approve a variance the Town Council must find:

1. That there are special circumstances or conditions applicable to the land, building or use referred to in the application.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.
3. 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. (RMC §18.48.030)

Staff believes there are sufficient facts to make the required findings to approve the minor variance request to allow the roof eave for the addition to extend into the side yard setback. The project site is small, narrow, and developed with an existing structure. The main wall of the proposed addition complies with the setback requirement. Pulling the roof eave back to comply with the setback requirement would have little impact on how the neighbor perceives the addition. Neighbor acknowledgements have been submitted and are attached.

Other Issues

The Advisory Design Review Group did not consider the design of the addition. Design review is required for additions 200 square feet or larger and the proposed addition would not be subject to design review if it were located outside of the watercourse setback area. The applicants indicate that they considered alternative roof forms for the addition, such as a gable roof. Staff believes the design fits in with the character of the small cottage and does not overwhelm the design of the existing structure. The addition would appear much larger with a gable roof connecting to the main roofline.

Only one covered parking space exists on the site (one covered space and one uncovered space are required). The Town regulations do not require the applicant to bring the parking into conformance with the zoning regulations with the proposed addition. The laundry room and dining room addition is not expected to increase parking demand.

IV. Recommendation, Findings, & Conditions

Staff recommends approval of this application with the following findings and conditions:

Findings:

1. There are special circumstances or conditions applicable to the land, building or use referred to in the application that justify the variances requested because the applicant's lot is an unusual, narrow, shape and a creek runs through the site, limiting the area of development.
2. Granting of the application is necessary for the preservation and enjoyment of substantial property rights. Permitting the variances will allow the applicant to bring the residence up to the maximum floor area permitted for the site and allow the addition to have a roof overhang.
3. 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 minor encroachment into the setback area for the roof eave will not impact the adjacent neighbor in a negative way.
4. This project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15304, minor alterations to land.

Conditions:

1. The project shall be constructed in substantial conformance with the plans designed by Millworks Design/Construction, dated April 31, 2010 [sic], approved by the Town Council.
2. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. The applicant shall consider implementing town hydrologist Matt Smeltzer's recommendation that roof runoff from the addition and all or part of the existing roof surface be detained/attenuated with a small-sized low-tech stormwater storage facility if it is practically feasible, rather than discharging directly onto the landscape or via a gravel trench dissipater.
4. This project shall comply with the following requirements of the Department of Public Safety: 1.) A street number must be posted {minimum four inches on contrasting background}; 2.) The property must be cleared of all dead or dying flammable materials; and 3.) A local alarm system is required.
5. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice.
6. 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 for review and approval prior to the issuance of any building permits or construction in conflict with the approved plans.
7. FAILURE TO SECURE REQUIRED BUILDING PERMITS AND/OR BEGIN CONSTRUCTION BY JULY 15, 2011 WILL CAUSE THE APPROVAL TO LAPSE WITHOUT FURTHER NOTICE.

8. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
9. 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.