

To: Mayor and Ross Town Council  
From: Elise Semonian, Senior Planner  
Re: Maxwell, 57 Laurel Grove, Demolition Permit, Hillside Lot and Design Review,  
File No 1758  
Date: July 1, 2010

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**I. Project Summary**

Owner: Jennifer Maxwell  
Location: 57 Laurel Grove Avenue  
A.P. Number: 72-181-08  
Zoning: R-1:B-A (Single Family Residence, 1-acre minimum lot size)  
General Plan: Very Low Density (.1 - 1 units per acre)  
Flood Zone: Zone X (outside 1-percent annual chance floodplain)

**II. Project Description:**

Design review of a new catchment wall, up to 4 feet tall, with a stone finish to match the existing columns and walls, on the uphill side of the roadway below the residence and for a 6-foot tall, front yard, fence and gate. The applicants propose modified exterior materials for the project including grey black slate roof shingles with a royal purple slate accent, black painted wood trim, and cut stone. The applicant will also present a construction management plan for the project. The approved project allows demolition of the existing 5,746 square foot residence and construction of a new residence consisting of 3,978 square feet of living area on two stories over a 1,800 square foot basement/storage level and an attached, 593 square foot, two-car garage. Total development of 6,371 square feet of floor area is approved.

Gross lot area	52,609 sq. ft.	
Effective lot area	44,721 sq. ft.	
Existing Floor Area	12.9%	
Approved Floor Area	14.3%	(15% permitted)
Existing Lot Coverage	7.5%	
Approved Lot Coverage	7.2%	(15% permitted)

\* The slope of the site is 38%, the hillside lot design standards would recommend a guideline floor area of 3,592 square feet.

**III. Background**

The applicant received approval to demolish the existing residence and construct a new house and attached, two-car, garage in February 2010. The staff report and minutes of that meeting are attached. The proposed front yard fence and gate, and a catchment wall for the roadway downhill of the residence, were not approved. The applicant has filed amended plans for the fence and catchment wall. The applicant is also requesting minor modifications to the approved materials to allow black trim instead of dark green trim, to change the roof material from black composition roofing to black slate tiles with a dark purple slate tile accent, and to change the design of the entry columns from wood to stone.

The materials and a plan for a fence, entry gate structure and wall were considered by the ADR Group on June 22, 2010 (see ADR Plan and minutes, attached). The ADR Group approved the modified materials and recommended changes to the gate and wall design, which have been incorporated into the plans presented to the Council.

#### IV. Discussion

##### *A. 6 foot tall front yard fence and gate*

The applicant requests design review approval to allow the construction of a fence and entry gate up to 6 feet tall. The fence would be solid wood and the gate would be lattice. Landscaping would be provided in front of the fence.

Design review is required for a gate greater than forty-eight inches in height in any yard adjacent to the street. (RMC §18.41.020(a)). The design review guidelines provide:

Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically attractive and not create a “walled-in” feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance. (RMC §18.41.100(g))

Historical Council policy requires front yard fences and gates to be at least 50% transparent in order to ensure they do not create a walled in feeling at the street and permit views of residences in Town. The only exception has been made for lots on Sir Francis Drake Boulevard, due to noise concerns.

The site is unusual since it is located at the top of a private roadway. The two adjacent residences at the top of this road have solid fences. In addition, the front yard fence would provide privacy for the primary yard area of the site, since the back yard area is a steeply sloping hillside. The gate would be somewhat transparent to offer a glimpse of the yard and house beyond. Landscaping is proposed in front of the wall and fence. Neighbors have not expressed a concern with the fence proposed.

Based on the unusual site circumstances, the surrounding tall fencing, and landscaping proposed, staff has no objection to the proposed fence and gate. A condition of approval requires the gate to be located in the same area as the existing gate.

##### *B. Catchment wall*

A catchment wall up to four feet tall (some areas may be lower) is proposed for the roadway below the residence. The applicant has submitted a report by E. Vincent Howes, a State licensed civil engineer and geotechnical engineer, to confirm that a wall is not necessary to stabilize the hillside, but a catchment wall is recommended to retain periodic sloughing of rock pieces. The applicant has reduced the height of the wall to 4 feet, as recommended by the ADR Group, to minimize its appearance. The wall would be faced with stone to match the existing rock wall and pillars.

The wall and the drainage for the wall must be designed by an engineer. The conditions of approval allow the Town to require a peer review of the engineering plans and reports by a Town-retained expert, at the applicant's expense, prior to issuance of a building permit for the wall. Staff has included a condition to require planting above the wall prior to project final, as recommended by the ADR group.

The rock wall will prevent the nuisance of debris falling on the roadway and, as designed, will blend in as much as possible with the natural surroundings.

### *C. Construction management plan*

The project involves construction of a new house at the end of a private road and will involve significant excavation and off haul. The applicant was required to provide a construction management plan for Town review prior to issuance of a building permit. The project architect has submitted the construction management plan to allow Council and the neighbors to review and comment on the plan prior to issuance of a building permit for the project.

## **IV. Recommendation, Findings, & Conditions**

Staff believes that the revisions to the materials and the fence and wall project are, on a whole, in substantial compliance with the design review guidelines, the hillside design standards, and complies with the policies and programs in the *Ross General Plan*. Staff recommends approval with the findings of the original approval and the following additional findings and conditions:

### **Findings**

That the Town Council, after carefully reviewing the facts and the arguments presented at the Council meeting, site visits, staff report, correspondence, engineering report, and other information contained in the project file, makes the following findings to approve the modified materials, 6 foot tall front yard fence and catchment wall at 57 Laurel Grove:

1. The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303, construction of a new single-family residence in a residential zone. (14 Cal. Code Regs. §15303). No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to historical structures, cumulative impacts or unusual circumstances) applies to the project.
2. The project is in substantial compliance with the relevant hillside standards:  
18.39.090 (b)(3) Materials and colors shall be of subdued tones to blend with the natural landscape. *The proposed materials will be compatible with the natural setting by use of dark trim colors, natural stone and dark slate, and natural finish wood shingles.*  
  
18.39.090 (c)(7) Fences and walls enclosing a parcel are not recommended. All fences and walls are subject to review as part of the landscaping plan or design review as mandated. *The fencing design has been submitted for review and is limited to the front yard area where it will enclose the primary yard space, will provide privacy from the adjacent roadway, is compatible with adjacent tall fences, and adequate landscaping will be provided to soften the appearance of the fence.*  
  
18.39.090 (f)(2) Development shall avoid unstable areas on the site, such as slides, severe

creep areas and debris flows. Locating improvements in such areas shall be grounds for project denial. All unstable areas on the site, such as slides, severe creep areas and debris flows, both in the immediate area of the proposed development and elsewhere on the site including any roadways traversing undeveloped areas, shall be repaired to the satisfaction of the town. *The engineering report does not identify the project area as unstable and only recommends the catchment wall proposed. The Town may retain an expert to peer review the plans and reports for the wall.*

3. The project is consistent with the purpose of the Design Review Chapter as outlined in RMC Section 18.41.010.

4. The project is in substantial compliance with the relevant design criteria of Section 18.41.100.

d. Materials and Colors.

Buildings should use materials and colors that minimize visual impacts, blend with the existing land forms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Colors and materials should be compatible with those in the surrounding area. High-quality building materials should be used.

Natural materials such as wood and stone are preferred, and manufactured materials such as concrete, stucco or metal should be used in moderation to avoid visual conflicts with the natural setting of the structure.

Soft and muted colors in the earthtone and woodtone range are preferred and generally should predominate.

*The proposed materials include natural finish wood, stone, dark trim and dark slate roofing to blend with the surroundings.*

g. Fences and Screening. Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically attractive and not create a “walled-in” feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance.

*The proposed wood fence and gate would be located above an existing rock wall and would be limited to a height of 6 feet tall. Landscaping is proposed to soften the appearance of the fencing. Adjacent houses have solid fencing to provide privacy to yard areas from the private road.*

5. As conditioned, the project is consistent with the Ross general plan and zoning ordinance, including the following Ross General Plan policies for Excellence in Design:

3.3 Buildings on Sloping Land. New buildings and additions to existing residential buildings constructed on sloping land should be designed to relate to the current landforms with the goal of integrating the building with the site (e.g., step with the slope). Low retaining walls are encouraged where their use would minimize uphill cutting, and large single-plane retaining walls should be avoided. Cut and fill areas and on/off-hauling should be minimized, especially in locations

of limited or difficult access. Special care should be taken to final grade all disturbed areas to a natural appearing configuration and to direct stormwater runoff to areas where water can naturally infiltrate the soil. *The project avoids a large single-plane retaining wall and a low wall, up to four feet tall, is proposed to catch debris along the road leading up to the site.*

3.7 Materials and Colors. Buildings should be designed using high-quality materials and colors appropriate to their neighborhood and natural setting. *The proposed shingle siding, natural wood fencing, dark black trim, black slate roof material and natural stone are high quality and appropriate for the setting.*

### **Conditions**

The following conditions of approval shall be reproduced on the first page(s) of the plans submitted for a building permit:

1. The project shall be built in substantial conformance to the plans approved by the Town Council on February 11, 2010, as amended on July 15, 2010.
2. The front gate shall be located in the area of the existing gate.
3. The Town shall retain an engineer to peer review the reports and plans for the construction of the house and wall, at the applicant's expense, prior to issuance of a building permit.
4. A native ground cover shall be planted on the slope above the proposed catchment wall to provide additional soil stability to the hillside and improve the natural appearance of the hillside above the wall.
5. Below-ground basement areas, which are included in the floor area, shall not be traded off in the future for above-ground living space without prior Town Council approval.
6. All costs for town consultant, such as the town hydrologist and engineer, review of the project shall be paid prior to building permit issuance. 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.
7. At least three 24" box native trees shall be planted on site to replace the oak tree removed.
8. A preconstruction meeting with the property owner, project contractor, project architect, representatives of the Town Planning, Building, Public Works and Fire Departments and the Town building inspector shall be required prior to issuance of the building permit to review conditions of approval for the project and the construction management plan.
9. The applicant shall review the project with PG&E prior to submitting for a building permit. The project shall include specifics on the electric meter and the applicant shall coordinate with PG&E to secure a connection prior to project final.
10. The construction and traffic management plan and schedule, construction routes, and rules shall be attached to the project plans and submitted to the building department for review and approval prior to the issuance of a building permit. The plan shall include the work schedule, storage, travel routes, washout areas, parking and any other relevant

information required by Town staff. All construction materials, debris and equipment shall be stored off street or on site. Road closures and delays are not permitted. The applicants shall provide sufficient area off street for all construction related vehicles and shall keep the circle drive area (which provides access to the adjacent residence and is located around a protected oak tree) clear of vehicles and construction materials. Staff shall provide neighbors with the opportunity to review and comment on the construction management plan and construction routes prior to issuance of the building permit.

11. The applicant shall repair any damage to the Town streets or the private roadway prior to project final. A videotape log, DVD format, clearly showing the existing condition of Laurel Grove from Sir Francis Drake to the project site shall be presented to the Department of Public Works prior to the start of construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment will be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
12. Grading is prohibited between October 15 and April 15. No winter grading is authorized for this site and a construction management plan shall be submitted that outlines the scheduling of the site development. This should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan.
13. Prior to any demolition or issuance of a building permit for the new structure, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department. If asbestos-containing materials are determined to be present, the materials should be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and state construction worker health and safety regulations should be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it should be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.
14. A drainage plan shall be submitted with the building permit application for review and approval by staff and the Town Hydrologist. The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Specific drainage plan requirements are available from the building department.
15. A copy of the building permit shall be posted and emergency contact information shall be up to date at all times.
16. Working Hours shall adhere to Ross Municipal Code sections 9.20.035 and 9.20.060.

17. This project must comply with all engineering reports prepared by the applicants' engineering professionals.
18. Project development shall comply with the requirements of the Ross Valley Sanitary District, Marin Municipal Water District and PG&E.
19. An arborist shall review the health of all trees that have the potential to fall and block roadways on the site. The owner shall be required to apply for a tree removal permit and remove any trees the arborist recommends for removal (and the Town arborist approves for removal) prior to project final.
20. The applicants shall submit written evidence that the project arborist has reviewed the final construction-level drawings, including grading, drainage and utility plans (they should note the dates of the plans reviewed). All tree protection conditions recommended by the project arborist shall be included on those plans to ensure compliance with the conditions.
21. A certified arborist shall be on site during all trenching and excavation work near protected trees.
22. Tree protection fencing should be installed prior to permit issuance to minimize damage to root systems of preserved trees.
23. 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.
24. A licensed land surveyor shall string the location of the foundations. Evidence confirming that the improvement comply with the plan shall be provided to the Planning Department.
25. Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town prior to project final.
26. The applicants shall provide written evidence to the town planner, prepared by a licensed land surveyor, confirming the floor elevations of the structures comply with approved plans and that the roof ridge elevations comply with the approved plans. No portion of the residence shall exceed 30 feet in height from natural grade.
27. 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 Planner for review and approval prior to any change. The applicants are advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.
28. Certified as-built drawings of the constructed drainage facilities and a letter of certification shall be provided to the Town prior to project final.
29. Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final.
30. This project shall comply with all requirements of the Department of Public Safety, as

outlined in their ongoing project review, including the following:

- a. sprinklers are required (a 13R system is required);
  - b. a 24-hour monitored alarm system is required with smoke/water flow;
  - c. all dead or dying flammable material shall be cleared and removed per Ross Municipal Code Chapter 12.12 from the subject property;
  - d. the street number must be posted (minimum 4 inches on contrasting background);
  - e. the roadway must have a vertical clearance of 14 feet;
  - f. all brush impinging on the access roadway must be cleared as determined necessary by Public Safety.
  - g. a reliable fire flow water supply shall be established as determined by the Fire Marshal.
  - h. Clearance of brush or vegetative growth from structures and driveways shall be in accordance with the California Fire Code and approved by the fire official. Defensible spaces around each building and structure shall be created in accordance with the vegetation clearance requirements prescribed in California Public Resource Code 4291 and California Government Code 51182.
  - i. Development shall adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. The applicants shall provide a vegetative management plan to be complied with annually.
31. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners.
  32. 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. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
  33. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. (RMC §18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law.
  34. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall

file for a business license. A final list shall be submitted to the Town prior to project final.

35. 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.