

Chapter 18.41

DESIGN REVIEW

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18.41.010 Purpose. (a) The “small town” feel and the serene, quiet character of its neighborhoods are special qualities to the town. The existing scale and quality of architecture, the low density of development, the open and tree-covered hills, winding creeks and graciously landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environment co-exist in harmony.

(b) This chapter is intended to guide new development to preserve and enhance these special qualities of Ross and

to sustain the beauty of the town's environment. Other specific purposes include the following:

(1) Provide excellence of design for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area. Promote high-quality design that enhances the community, is consistent with the scale and quality of existing development and is harmoniously integrated with the natural environment;

(2) Preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town's neighborhoods through maintaining historic design character and scale, preserving natural features, minimizing overbuilding of existing lots and retaining densities consistent with existing development in Ross and in the surrounding area;

(3) Preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety. Ensure that site design and intensity recognize site constraints and resources, preserve natural landforms and existing vegetation, and prevent excessive and unsightly hillside grading;

(4) Enhance important community entryways, local travel corridors and the area in which the project is located;

(5) Promote and implement the design goals, policies and criteria of the Ross general plan;

(6) Discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression;

(7) Preserve buildings and areas with historic or aesthetic value and maintain the historic character and scale. Ensure that new construction respects and is compatible with historic character and architecture both within the site and neighborhood;

(8) Upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site.

(c) This chapter establishes procedures and criteria for the review of buildings, structures and improvements necessary to meet this purpose. (Ord. 514 §1(part), 1993).

18.41.020 Improvements subject to design review. Design review is required for all new buildings and for all exterior remodeling resulting in additions, extensions or enlargements to existing buildings exceeding two hundred square feet of new floor area, including enclosing existing open areas. Design review is required for all building relocations.

(a) Design review is required for all fences, gates or walls, or a combination of these, greater than forty-eight inches in height in any yard adjacent to the street or right-of-way. Design review is required for the construction of any retaining wall greater than forty eight inches in height as measured from bottom of footing to top of wall or any terraced retaining walls totaling more than forty-eight inches in height. Design review is also required for retaining walls totaling more than one hundred linear feet.

(b) Design review is required for any project resulting in the removal or alteration of more than twenty-five percent of the exterior walls or wall coverings of a residence, as determined by the town planner.

(c) Design review is required for any activity or project resulting in more than fifty cubic yards of grading or filling, whether or not a building permit is required.

(d) Design review is required for any construction, improvements, grading/filling or other site work within twenty-five feet of a creek, waterway or drainageway, whether or not a building permit is required.

(e) Design review is not required for repainting existing structures involving no exterior remodeling resulting in additions, extensions or alterations.

(f) In addition to any design review that may be required pursuant to subsections (a) through (e) of this section, design review of residential second units shall be undertaken in accordance with Chapter 18.42 of this code. (Ord. 578 §7, 2003; Ord. 575 (part), 2003; Ord. 558 (part), 2001; Ord. 557 (part), 2001; Ord. 544 (part), 1999; Ord. 534 (part), 1996; Ord. 514 §1(part), 1993).

18.41.030 Chapter application. No work shall be started or authorized on any matter which is subject to design review on any lot located within the town until a design review application is approved, unless written approval for the work is first given by the town planner. (Ord. 514 §1(part), 1993).

18.41.040 Submittal requirements. Every design review application shall include drawings, plans, specifications and graphic or written material as required by the town planner or town council to clearly and accurately describe the proposed work, its affect on the environment and its relationship to existing improvements. All drawings and plans shall show both existing and proposed elevations and clearly identify all new construction and label all materials as new or existing. A structural engineer's report on the condition of the existing structure and its

ability to meet building code requirements without additional modifications shall be prepared as required by the town planner or town council. An extensive termite, dry rot damage report shall be prepared, as required by the town planner or town council, which shall not only identify areas of damage but shall explore to determine the full extent of the damage, both exposed and concealed. Complete photos and a videotape of the structure's exterior shall be provided as required by the town planner or town council. A project manager, hired by the town at the applicant's expense, shall monitor demolition/construction activity as deemed necessary by the town building official. Standard submittal requirements will be prepared by the town planner. Additional material may be required by the town planner. (Ord. 534 (part), 1996: Ord. 514 §1(part), 1993).

18.41.050 Review authority. The town council will conduct the design review provided for by this chapter. (Ord. 514 §1(part), 1993).

18.41.060 Hearing. Design review applications will be heard by the town council at a public meeting. The town council will review the application at its next available meeting following a determination by the town planner that the application is complete. The town clerk will mail written notice at least ten calendar days prior to the hearing to the applicant and to all owners of property within three hundred feet from the exterior boundaries of the project site. (Ord. 514 §1(part), 1993).

18.41.070 Approval--Special conditions and findings.

(a) The town council may approve, conditionally approve or deny an application for design review. The town council shall include conditions necessary to meet the purpose of this chapter and for substantial compliance with the criteria set forth in this chapter. The council may adopt by resolution standard conditions for all projects to meet.

(b) The town council shall make the following findings in approving any project:

(1) The project is consistent with the purpose of this chapter as outlined in Section 18.41.010.

(2) The project is in substantial compliance with the design criteria of Section 18.41.100.

(3) The project is consistent with the Ross general plan and zoning ordinance.

(c) The town council shall deny any project for which it cannot make the above findings required in this section. (Ord. 514 §1(part), 1993).

18.41.080 Denial of incomplete or inactive applications. Consistent with state law, the town planner may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than ninety days or is continued at the applicant's request for more than sixty days. (Ord. 514 §1(part), 1993).

18.41.090 Minor remodeling--Administrative review. The town planner may administratively approve any alteration found to be minor or incidental in nature and consistent with the intent and criteria of this chapter and with zoning ordinance regulations. Such administrative review may include, but is not limited to, the addition of skylights, greenhouse windows and minor changes from approved design review plans. (Ord. 514 §1(part), 1993).

18.41.100 Design review criteria and standards. Design review projects shall be in substantial compliance with the following criteria. The town council may deny an application for failure to conform to any single criterion:

(a) Preservation of Existing Site Conditions.

(1) The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum. Development should minimize grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses.

(2) Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.

(b) Relationship Between Structure and Site. There should be a balanced and harmonious relationship among structures on the site, between structures and the site itself, and between structures on the site and on neighboring properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site.

(c) Minimizing Bulk and Mass.

(1) New structures and additions should avoid monumental or excessively large size out of character with their setting or with other dwellings in the neighborhood. Buildings should be compatible with others in the neighborhood and not attract attention to themselves.

(2) To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single-plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety and to break up building plans. The development of dwellings or dwelling groups should not create excessive mass, bulk or repetition of design features.

(d) Materials and Colors.

(1) 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.

(2) 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.

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

(e) Drives, Parking and Circulation.

(1) Good access, circulation and off-street parking should be provided consistent with the natural features of the site. Walkways, driveways, curb cuts and off-street parking

should allow smooth traffic flow and provide for safe ingress and egress to a site.

(2) Access ways and parking areas should be in scale with the design of buildings and structures on the site. They should be sited to minimize physical impacts on adjacent properties related to noise, light and emissions and be visually compatible with development on the site and on neighboring properties. Off-street parking should be screened from view. The area devoted to driveways, parking pads and parking facilities should be minimized through careful site planning.

(f) Exterior Lighting. Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.

(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.

(h) Views. Views of the hills and ridgelines from public streets and parks should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.

(i) Natural Environment.

(1) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgelines, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

(2) Development in upland areas shall maintain a setback from creeks or drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards.

(3) Development in low-lying areas shall maintain a setback from creeks or drainageways consistent with the existing development pattern and intensity in the area and on the site, the riparian value along the site, geologic stability, and the development alternatives available on the site. The setback should be maximized to protect the natural resource value of the riparian area and to protect residents from geologic and flood hazards.

(4) The filling and development of land areas within the one-hundred-year flood plain is discouraged. Modification of natural channels of creeks is discouraged. Any modification shall retain and protect creekside vegetation in its natural state as much as possible. Reseeding or replanting with native plants of the habitat and removal of broom and other aggressive exotic plants should occur as soon as possible if vegetation removal or soil disturbance occurs.

(5) Safe and adequate drainage capacity should be provided for all watercourses.

(j) Landscaping.

(1) Attractive, fire-resistant, native species are preferred. Landscaping should be

integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

(2) Landscaping should include appropriate plantings to soften or screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers and transformers.

(3) Landscape plans should include appropriate plantings to repair, reseed and/or replant disturbed areas to prevent erosion.

(k) Health and Safety. Project design should minimize the potential for loss of life, injury or damage to property due to natural and other hazards. New construction must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire-preventive site design, landscaping and building materials, and fire-suppression techniques and resources. New development in areas of geologic hazard must not be endangered by nor contribute to hazardous conditions on the site or on adjoining properties.

(l) Visual Focus.

(1) Where visibility exists from roadways and public vantage points, the primary residence should be the most prominent structure on a site. Accessory structures, including but not limited to garages, pool cabanas, accessory dwellings, parking pads, pools and tennis courts, should be sited to minimize their observed presence on the site. Front yards and street side yards on corner lots should remain free of structures unless they can be sited where they will not visually detract from the public view of the residence.

(2) Accessory structures should generally be single-story units unless a clearly superior design results from a multilevel structure. Accessory structures should generally be small in floor area. The number of accessory structures should be minimized to avoid a feeling of overbuilding a site. Both the number and size of accessory structures may be regulated in order to minimize the overbuilding of existing lots and attain compliance with these criteria.

(m) Privacy. Building placement and window size and placement should be selected with consideration given to protecting the privacy of surrounding properties. Decks, balconies and other outdoor areas should be sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping should be provided to protect privacy between properties.

(n) Consideration of Existing Nonconforming Situations. Proposed work should be evaluated in relationship to existing nonconforming situations, and where determined to be feasible and reasonable, consideration should be given to eliminating nonconforming situations as a condition of project approval.

(o) Relationship of Project to Entire Site.

(1) Development review should be a broad, overall site review, rather than with a narrow focus oriented only at the portion of the project specifically triggering design review. All information on site development submitted in support of an application constitutes the approved design review project and, once approved, may not be changed by current or future property owners without town approval.

(2) Proposed work should be viewed in relationship to existing on-site conditions. Pre-existing site conditions should be brought into further compliance with the purpose and

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design criteria of this chapter as a condition of project approval whenever reasonable and feasible.

(p) Relationship to Development Standards in Zoning District. The town council may impose more restrictive development standards than the standards contained in the zoning district in which the project is located in order to meet these criteria.

(q) Project Reducing Housing Stock. Projects reducing the number of housing units in the town, whether involving the demolition of a single unit with no replacement unit or the demolition of multiple units with fewer replacement units, are discouraged; nonetheless, such projects may be approved if the council makes findings that the project is consistent with the neighborhood and town character and that the project is consistent with the Ross general plan.

(r) Maximum Floor Area. Regardless of a residentially zoned parcel's lot area, a guideline maximum of ten thousand square feet of total floor area is recommended. Development above guideline floor area levels may be permitted if the town council finds that such development intensity is appropriate and consistent with this section, the Ross municipal Code and the Ross general plan. Factors which would support such a finding include, but are not limited to: excellence of design, site planning which minimizes environmental impacts and compatibility with the character of the surrounding area.

(s) Setbacks. All development shall maintain a setback from creeks, waterways and drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards. A minimum fifty-foot setback from the top of bank is recommended for all new buildings. At least twenty-five feet from the top of bank should be provided for all improvements, when feasible. The area along the top of bank of a creek or waterway should be maintained in a natural state or restored to a natural condition, when feasible. (Ord. 575 (part), 2003; Ord. 555, 2000; Ord. 543-1 (part), 1998; Ord. 514 §1 (part), 1993.)

18.41.110 Noncompliance. 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. Such violation will be subject to the enforcement penalties procedures of Chapter 18.64 of this code. (Ord. 514 §1(part), 1993).

18.41.120 Emergency situations. If a condition exists which requires immediate action to protect public health, safety and welfare, the town building official may, after consultation with the town planner, grant emergency approval to temporarily correct or ameliorate such condition without submitting the matter to the Town Council for design review approval or posting written notice. Permanent corrective measures shall require design review approval in accordance with the provisions of this chapter. The building official and town planner may impose conditions on an emergency permit as necessary to ensure compliance with this chapter. (Ord. 514 §1(part), 1993).

18.41.130 Expiration. Failure to secure a building permit and/or commence construction will cause design review approval to expire one year from the date of approval without further notice. The town council may grant an extension of time of up to one year from the expiration date upon determining that the findings made in the original approval remain valid. An application for an extension of time must be filed with the planning department prior to the original expiration date.

A second extension of up to one year may be granted upon submittal of a request prior to the expiration of the first extension if the council determines that the original findings remain valid. (Ord. 534 (part), 1996: Ord. 514 §1(part), 1993).