Agenda Item No. 3a

Memorandum

Date: August 18, 2020

To: Advisory Design Review (ADR) Group

From: Matthew Weintraub, Planner

Subject: Shouger Residence, 34 Poplar Avenue

Summary

Staff requests ADR Group review and recommendation of the revised project plans submitted on August 7, 2020 for the Design Review application at 34 Poplar Avenue. The revised project plans are included as **Attachment 1**. The proposed design revisions include:

- Increasing the setback distance between the pool and the south property line from 5' to 10';
- Switching the spa location from the south side of the pool to the north side of the pool; and
- Increasing the size of the privacy screening hedge on the south property line from 15-gallon to 24" box.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site at least 10 days prior to the meeting date. Prior to finalization of this memorandum, 8 public comments were received in opposition to the currently proposed project. Written comments were received from the following parties:

- Sue Johnson and Kenneth Dale, 25 Redwood Drive
- Charlotte Levin, 38 Poplar Avenue
- Margaret Francis, 20 Redwood Drive
- Barbara L. Gately, 19 Redwood Drive
- Jeff and Catherine Babcock, 14 Redwood Drive
- Jeff Babcock, 14 Redwood Drive
- Dick Bobo, 16 Redwood Drive
- Ann C. Morrissey, 36 Poplar Avenue

Public comments received prior to the finalization of this memorandum are included as **Attachment 2**. Public comments received after the finalization of this memorandum are transmitted separately to the ADR Group as late correspondence.

Background

The project at 34 Poplar Avenue proposes to construct a new pool/spa, arbor structure, and outdoor kitchen in the side and rear yards, and a new stone patio and fountain in the front yard, of the existing single-family residence. The proposed project also includes: replacing existing fences, patios, walkways, and paving, and installing new landscape plantings and artificial turf. The.

The ADR Group reviewed the project at the July 21, 2020 meeting. For reference, the July 21, 2020 ADR Group staff report is included as **Attachment 3**. At the meeting, ADR Group Members received public comments and provided recommendations including suggested design revisions and the majority of the ADR Group recommended that the project as proposed was not consistent with the Design Review criteria and standards of RMC Section 18.41.100. For reference, the July 21, 2020 ADR Group meeting draft minutes are included in the August 18, 2020 ADR Group meeting packet; and the recording of the July 21, 2020 ADR Group meeting is available online at the Town of Ross YouTube channel at https://www.youtube.com/watch?v=T1ATQ0HSlHA.

The applicant considered the public comments and the ADR Group recommendations received at the July 21, 2020 meeting. The applicant submitted a revised project design on August 7, 2020 for ADR Group consideration.

Recommendation

That the ADR Group discuss the merits of the project and provide a formal recommendation to the Town Council regarding the merits of the project consistent with the Design Review criteria and standards of RMC Section 18.41.100. A majority vote of the ADR Group is necessary to provide a recommendation to the Town Council. The vote count of the recommendation will be forwarded to the Town Council.

Attachments

1. Project Plans (Revised), submitted August 7, 2020
2. Public Comments
3. Staff Report, July 21, 2020 ADR Group

ATTACHMENT 1

PROJECT DESCRIPTION

THE SCOPE OF THIS PROJECT IS TO INSTALL A NEW SWIMMING POOL, CUSTOM OUTDOOR KITCHEN, BBQ, REPLACEMENT OF EXISTING FENCING, PERMEABLE STONE PATIOS (TO REPLACE PAVER AND DG PATIOS), TURF (TO REPLACE LAWN) , PERMEABLE PAVER DRIVEWAY (TO REPLACE CONCRETE) AND NEW PLANTINGS, AS SHOWN.

NO DRAINAGE IMPROVEMENTS ARE PROPOSED WITH THE EXCEPTION OF REPAIR / RELOCATION OF THE EXISTING DRAINAGE SYSTEM AS NECESSARY.

A TOTAL OF **70** CUBIC YARDS OF SOIL IS PROPOSED TO BE REMOVED FOR THE SWIMMING POOL EXCAVATION. NO OTHER SIGNIFICANT GRADING IS PROPOSED.

POOL EQUIPMENT ENCLOSURE IS TO BE LOCATED IN THE CRAWL SPACE, AS SHOWN.

NO CHANGES TO THE HOUSE OR GARAGE ARE PROPOSED. ALSO, EXISTING WOOD DECK, FRONT PORCH AND STEPS ARE PROPOSED TO REMAIN.

IRRIGATION SYSTEM IS TO REMAIN, WITH REPAIRS MADE AS NECESSARY.

GRADING CALCULATIONS:

A TOTAL OF 70 CUBIC YARDS OF SOIL IS REQUIRED FOR THE POOL EXCAVATION. NO OTHER SIGNIFICANT GRADING IS PROPOSED.

DESIGN REVIEW NOTES

GENERAL NOTES

1. THE LANDSCAPE PLAN IS BASED ON DRAWINGS PROVIDED BY THE OWNER, SITE MEASUREMENTS AND A PROFESSIONALLY SURVEY. ANY MAJOR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT IMMEDIATELY.
2. ALL WORK SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS AND UNIFORM CONSTRUCTION STANDARDS (UCS) OF THE COUNTY OF MARIN AND THE TOWN OF ROSS.
3. THIESE DRAWING ARE FOR DESIGN REVIEW APPLICATION PURPOSES ONLY. THIS DRAWING IS NOT EXTENSIVELY DETAILED AND IS NOT TO BE USED FOR PERMIT APPLICATION AND / OR CONSTRUCTION.
4. SWIMMING POOL IS TO MEET POOL SAFETY CODES AND REQUIREMENTS.

CONSTRUCTION NOTES

1. ALL PATIOS, STEPS AND POOL COPING IS TO BE ITALIAN BLUESTONE . ALL NEW PATIOS ARE TO BE PERMEABLE.
2. ALL WALLS ARE TO CONCRETE WITH STUCCO FINISH. COLOR TO BE "WHITE DOVE" OR APPROVED EQUAL.
3. CUSTOM BBQ AND ARBOR STRUCTURE ARE TO BE CONSTRUCTED AS SHOWN.
4. ALL FENCES ARE TO BE REMOVED AND REPLACED AS SHOWN.

A PERIMETER FENCE SEVEN FEET HEIGHT AND TWO ADDITIONAL DROWNING PREVENTION BARRIERS SHALL BE INSTALLED AS WELL AS AUTO SAFETY COVER.

LIGHTING NOTES

1. LIGHTING IS LIMITED TO PATHLIGHTS , ARBOR DOWNLIGHTS AND UNDERWATER POOL LIGHTS.
2. THE LIGHTING FIXTURES ARE SHOWN DIAGRAMMATICALLY AND TO COMMUNICATE DESIGN INTENT.
3. SEE LIGHTING CUT SHEET FOR EXACT FIXTURE SPECIFICATIONS.

IRRIGATION NOTES

1. ALL PLANTING TO BE IRRIGATED IN ACCORDANCE TO THE PROVISIONS OF ORDINANCE 421 OF THE MARIN MUNICIPAL WATER DEPARTMENT. ALL PLANTING AREAS ARE TO BE IRRIGATED UTILIZING DRIP METHODS.

PLANTING NOTES

1. ALL EXISTING PLANT MATERIAL IS TO BE REMOVED AND REPLACED AS SHOWN.
2. NO PYROPHYTIC PLANT MATERIAL IS PROPOSED FOR THIS PROJECT.
3. ALL PLANTING IS TO CONFORM TO MMWD AND RVFD VEGETATION MANAGEMENT ORDINANCES AND REQUIREMENTS.

PRELIMINARY PLANT LIST (SHOUGER RESIDENCE)

TREES

ABBR.	BOTANIC NAME	COMMON NAME	SIZE	Q	HT. / WDTH	NOTE
AU	ARBUTUS "MARINA" (TRANSPLANT 4 CURRENTLY ON SITE)	STRAWBERRY TREE	24" B	1	20 X 15'	E F
ML	MAGNOLIA "LITTLE GEM"	MAGNOLIA	24" B	1	20 X 15'	E F

REPRESENTATIVE SHRUB / PERENNIALS / GRASSES / GROUND COVER LIST

ABBR.	BOTANIC NAME	COMMON NAME	SIZE	HT. / WDTH	NOTE
ED	ELEAOCARPUS DECIPENS (COLUMN FORM)	J. BLUEBERRY	24" BOX	12 X 4'	E F
LP	LOMANDRA "PLATINUM BEAUTY"	MAT RUSH	1 G	2 X 2'	E W F
OL	OLEA "LITTLE OLLIE"	DWARF OLIVE	5 G	3 X 3'	E W F
PI	PODOCARPUS "ICEE BLUE"	FERN PINE	15 G	6 X 4'	E F
PB	POLYGALA "PETITE BUTTERFLIES"	SWEAT PEA	1 G	3 X 3'	E W F
PL	PRUNUS LAUROCERASUS	ENGLISH LAUREL	15 G	10 X 10'	E F
WR	WESTRINGA "BLUE GEM"	COAST ROSEMARY	5 G	6 X 6	E W F

LEGEND
E = EVERGREEN
D = DECIDUOUS
N = CALIFORNIA NATIVE
W = LOW WATER USE REQUIREMENTS
F = LOW FIRE / NON - PYROPHYTIC

NOTE:
ALL PLANTS ARE TO BE IRRIGATED UTILIZING DRIP IRRIGATION METHODS.
ALL PLANTS ARE NON-PYROPHYTIC

PROJECT DATA

ADDRESS: 34 POPLARE AVENUE
ZONING: R1-B7.5
ASSESORS PARCEL #: 073-272-05
SITE AREA: 7,500 SF

BUILDING COVERAGE: 2,616 SF (34.88%)
(NO CHANGES PROPOSED)

IMPERMEABLE SURFACES:

INCLUDES ALL BUILDING FOOTPRINTS + ALL IMPERMEABLE AND SEMI-PERMEABLE SURFACES BEYOND.

EXISTING

HOUSE	1,737
GARAGE:	305.9
DRIVEWAY:	325 (TO BE REMOVED)
PRECAST PAVERS:	815 (TO BE REMOVED)
FRONT ENTRY WALK:	75 (TO BE REMOVED)
TOTAL:	3,258 SF

PROPOSED

HOUSE	1,737
GARAGE:	305.9
POOL :	500
FRONT PATIO :	180
PAVER PATH :	150
BBQ:	60
FRONT FOUNTAIN: (BY OWNER)	28
TOTAL:	2,961 (-297 SF)

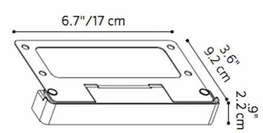
NOTE: NEW PAVER DRIVEWAY AND ALL STONE PATIOS ARE TO BE PERMEABLE

LIGHTING LEGEND

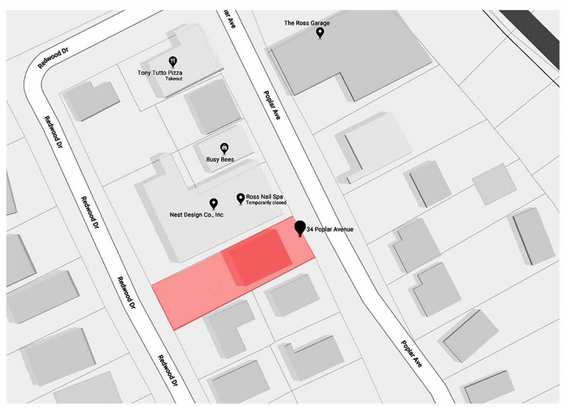
SYMBOL	MANUFACTURER	DESCRIPTION MODEL#	Q
	FX LUMINAIRE	STEP LIGHT / DOWN LIGHT (LF-ZD-1 LED-BZ)	12
	FX LUMINAIRE	PATH LIGHT (HC-ZD-1LED-BZ)	12
	FX LUMINAIRE	TRANSFORMER VERIFY W/ MANUFACTURER	3

WWW.FXL.COM

PATHLIGHT



DOWNLIGHT



VICINITY MAP

NEIGHBORHOOD MAP
(EXISTING POOLS HIGHLIGHTED)

SHEET INDEX

L1 LANDSCAPE DEMOLITION PLAN (EXISTING CONDITIONS)
L2 LANDSCAPE CONCEPT PLAN
L3 LANDSCAPE DETAILS
L4 EXISTING CONDITIONS PHOTOS
L5 STAKING PLAN
L6 IMAGES & MATERIALS

BUILDING & PLANNING CODE

ALL CONSTRUCTION, REGARDLESS OF DETAILS SHOWN ON THE PLANS, SHALL COMPLY WITH THE FOLLOWING:

APPLICABLE BUILDING CODES:
2019 California Building Code (CBC)
2019 California Electrical Code (CEC)
2019 California Mechanical Code (CMC
2019 California Plumbing code(CPC)
2019 California Fire Code (CFC)
2019 Green Building Standards
2019 California Energy Code
2019 California residential Code (CRC)
Town of Ross Local Codes

"ALTHOUGH OUR PLAN REVIEW IS COMPREHENSIVE AND INTENDED TO BE COMPLETE, NON-COMPLIANT ELEMENTS AND CONDITIONS MAY OCCASIONALLY BE OVERLOOKED, OR SOME ELEMENTS MAY LACK CLARITY, OR AN ELEMENTS MAY BE MISREPRESENTED ON THE SUBMITTED PLANS. PLEASE BE AWARE NON-COMPLIANT ELEMENTS AND CONDITIONS NOT ADDRESSED IN PLAN REVIEW ARE SUBJECT TO FIELD REVIEW, AND COMPLIANCE WITH ALL APPLICABLE CODES AND LAWS WILL BE REQUIRED."

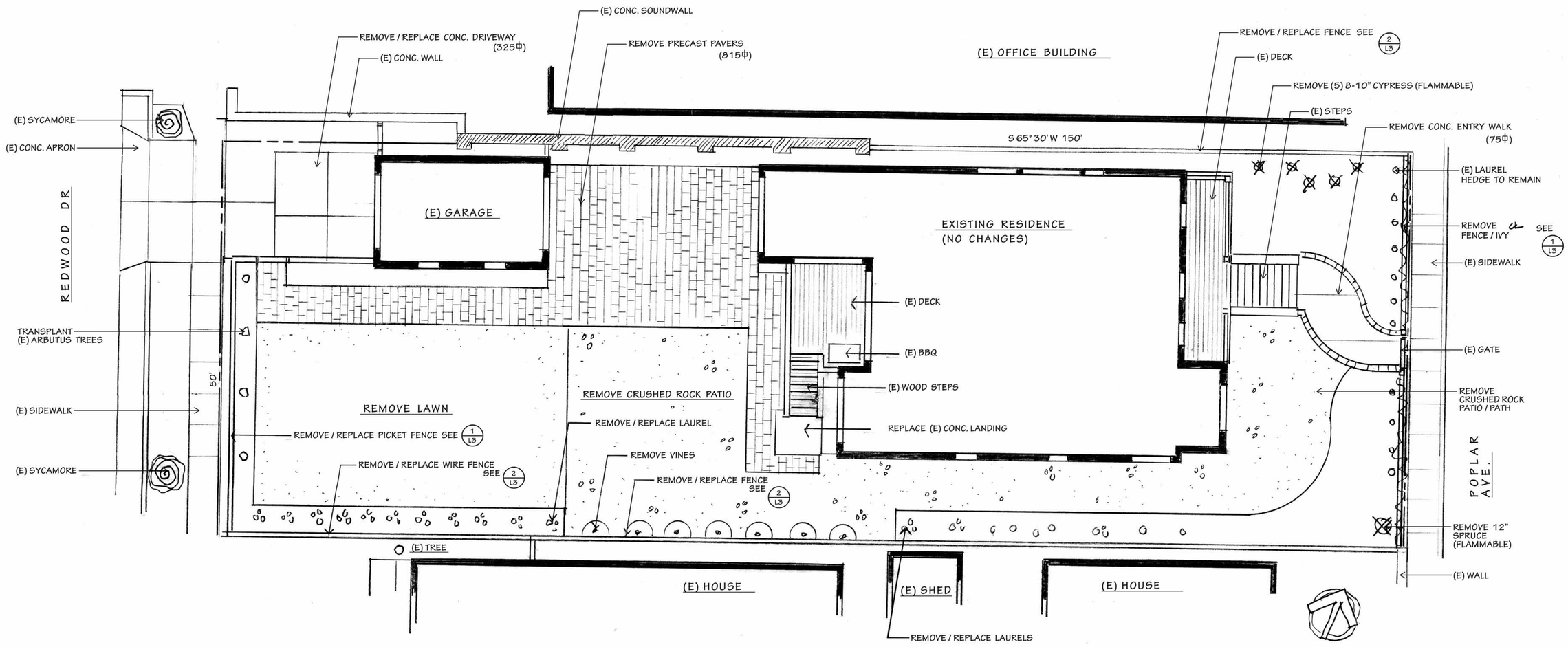
Shouger Residence

34 Poplar Avenue **Ross, CA.**
Date: 08/04/2020
AP#: 073-272-05

COVER SHEET

REVISED: 7 / 28 / 2020

IMPRINTS LANDSCAPE ARCHITECTURE
202 Rosemont • Mill Valley, CA 94941
(415) 380-0755
brad@imprintsgardens.com
www.imprintsgardens.com



Shouger Residence

34 Poplar Avenue **Ross, CA.**
Date: 5 / 22 / 2020 **Scale: 3/16" = 1'-0"**
AP#: 073-272-05

LANDSCAPE DEMOLITION PLAN (EXISTING CONDITIONS)
SHEET L1

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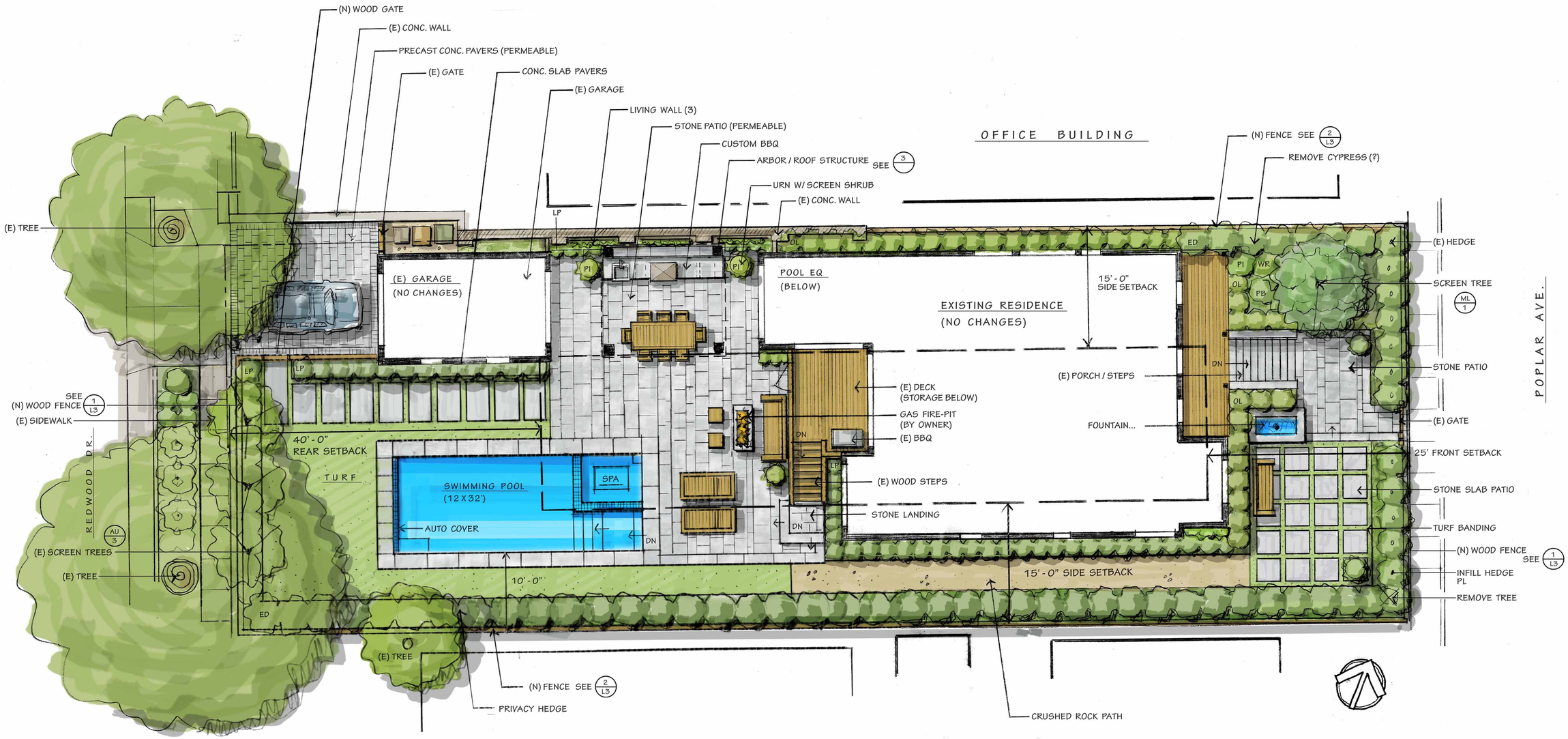

Shouger Residence

34 Ponlar Avenue **Ross, CA.**

Date: 08/ 04/ 2020 **Scale: 3/16" = 1'-0"**

AP#: 073-272-05

LANDSCAPE CONCEPT PLAN

SHEET L2

REVISED: 7 / 28 / 2020

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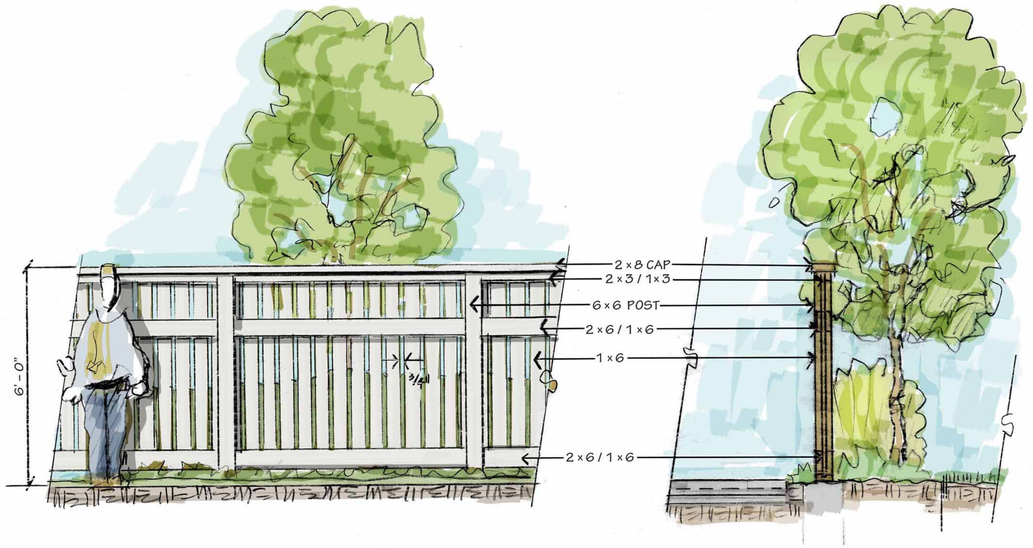
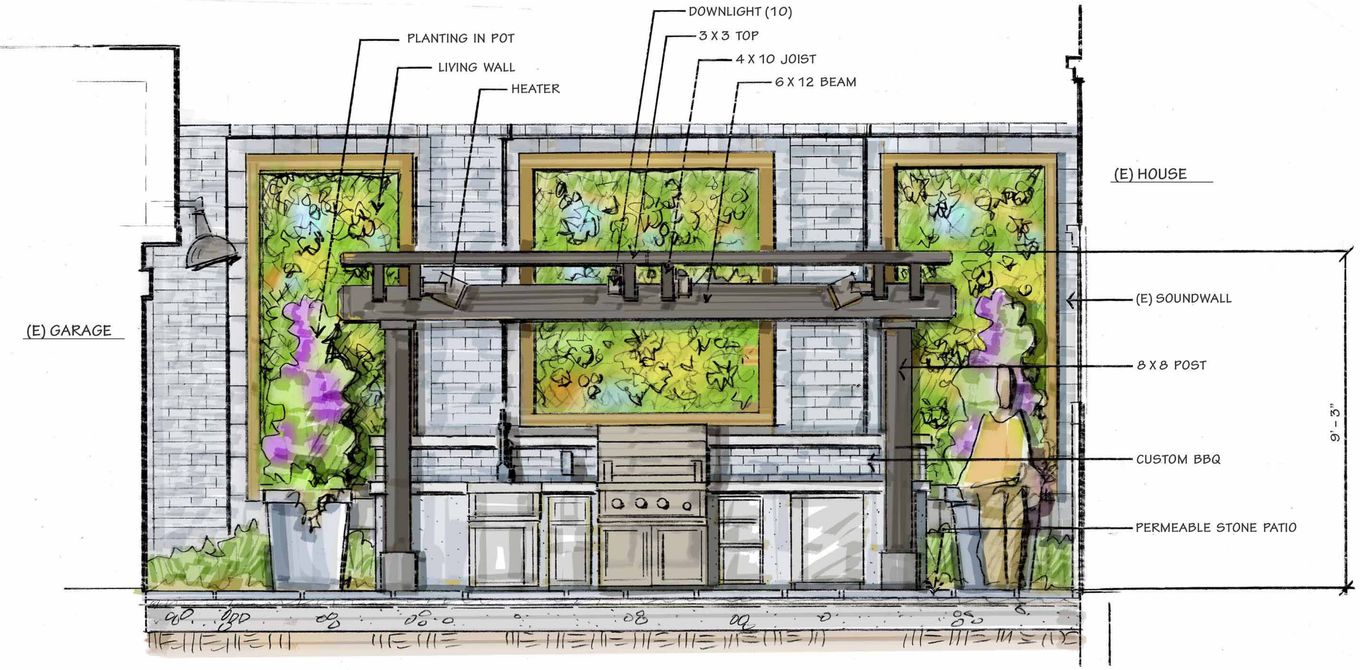


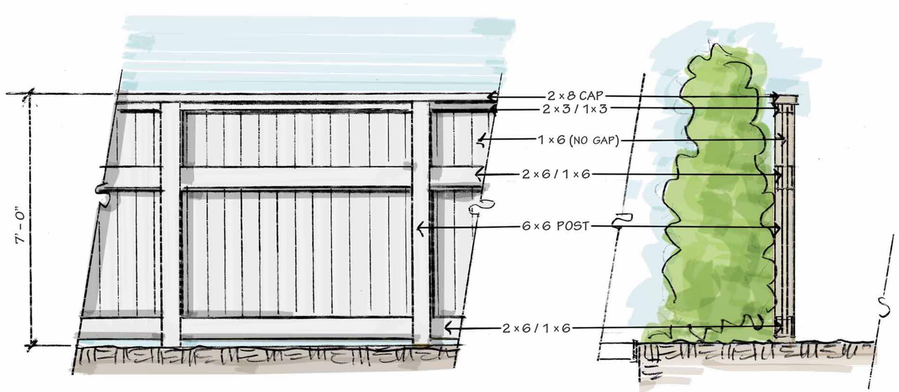
1 – 6' WOOD FENCE (FRONT / REAR)

SCALE: ½" = 1' – 0"



3 A ELEVATION @ ARBOR / CUSTOM BBQ / SOUNDWALL

SCALE: ½" = 1' – 0"



2 – 7' WOOD FENCE (SIDE PROPERTY LINE)

SCALE: ½" = 1' – 0"

3 B ELEVATION @ ARBOR / CUSTOM BBQ / SOUNDWALL

Shouger Residence

34 Poplar Avenue **Ross, CA.**
Date: 5 / 22 / 2020 **Scale: 1/2" = 1'-0"**
AP#: 073-272-05

LANDSCAPE DETAILS
SHEET L3

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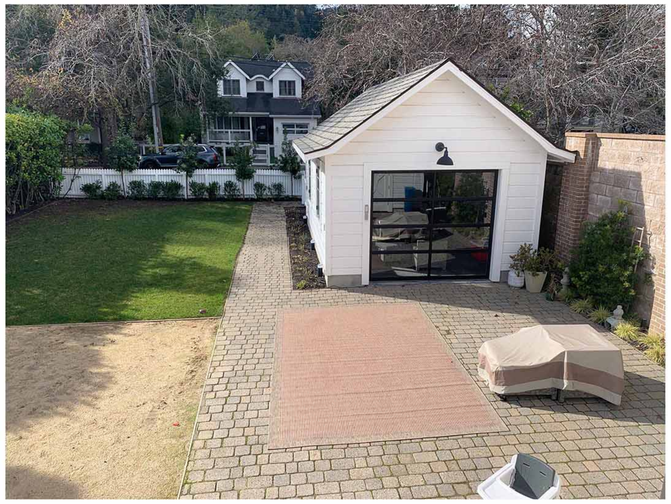

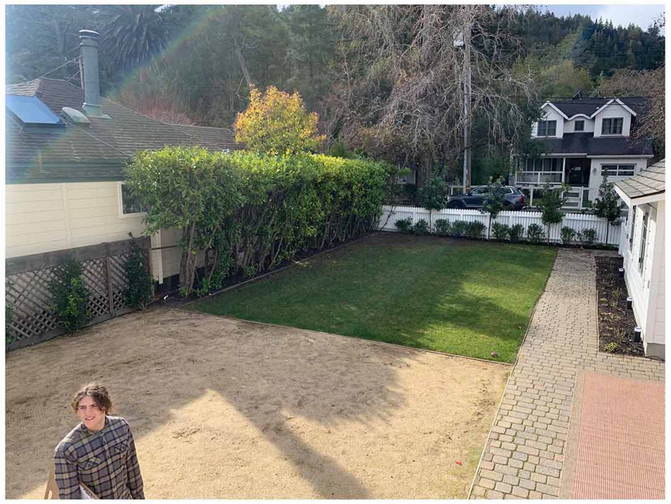

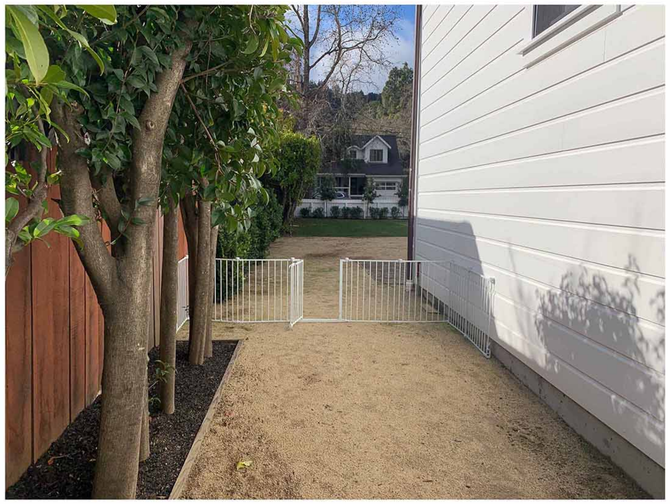

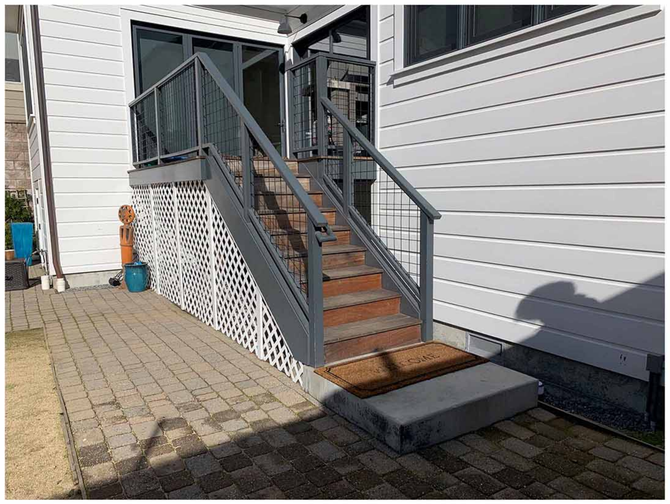

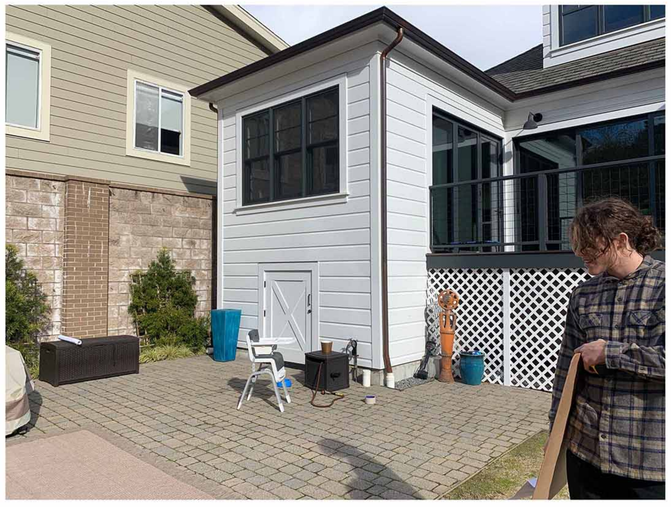

Shouger Residence

34 Poplar Avenue **Ross, CA.**

Date: 5 / 22 / 2020 **Scale: 3/16" = 1'-0"**

AP#: 073-272-05

EXISTING CONDITIONS PHOTOS

SHEET L4

IMPRINTS LANDSCAPE ARCHITECTURE

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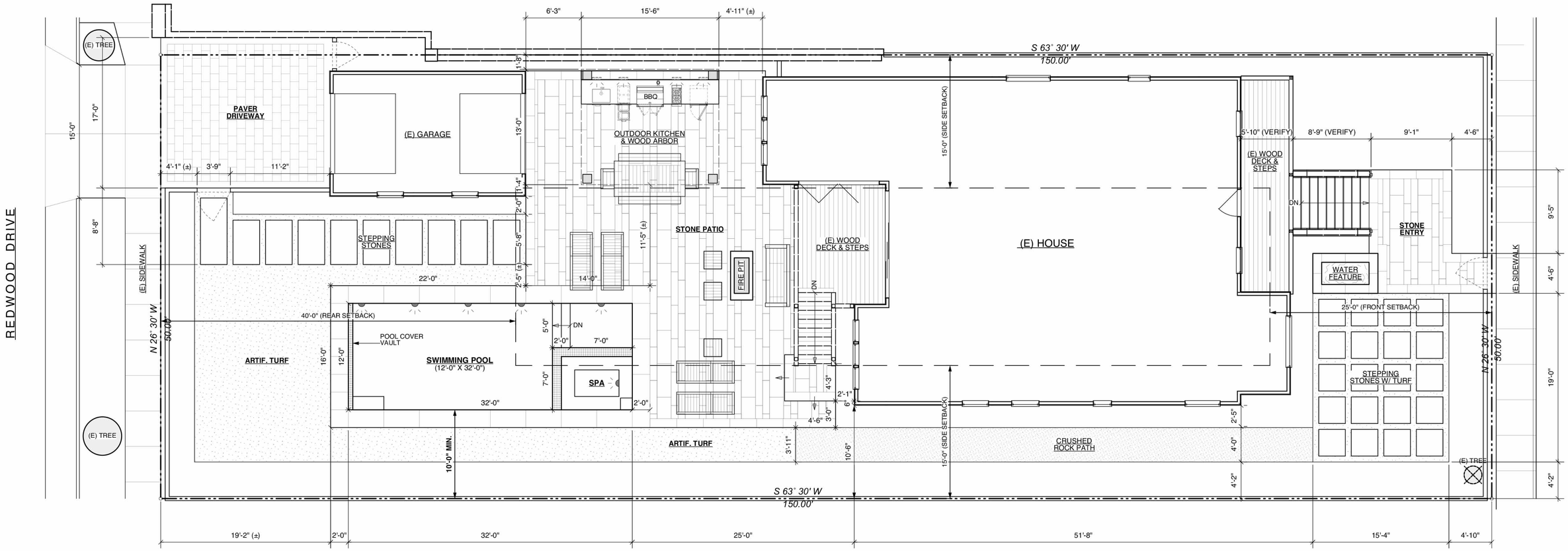

Shouger Residence

34 Poplar Avenue **Ross, CA.**

Date: 08/04/202 **Scale: 3/16" = 1'-0"**

AP#: 073-272-05

STAKING PLAN

SHEET L5

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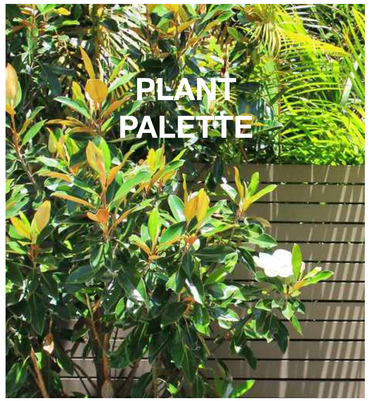
TURF

BLUESTONE PAVERS

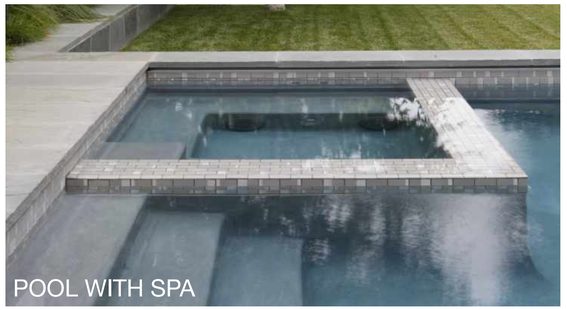
IPE DECKING

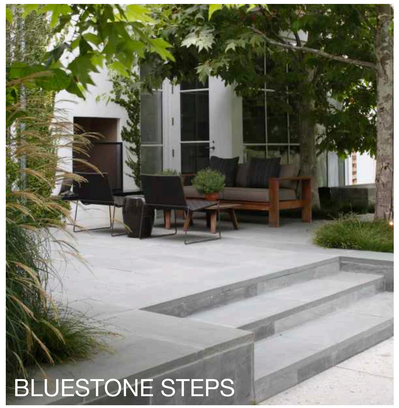
PERMEABLE PAVERS

TURF WITH PAVERS



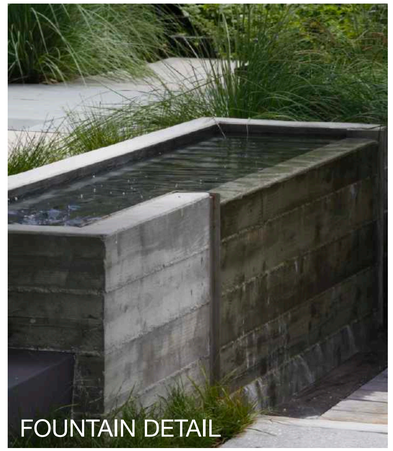
BLUESTONE PAVERS AND POOL


POOL WITH SPA


BLUESTONE STEPS

VERTICAL LIVING WALL

SIMPLE FOUNTAIN


FOUNTAIN DETAIL

Shougher Residence

34 Ross Commons Ross, CA.
AP#: 073-272-05
Date: 05/ 29 / 2020

IMAGES AND MATERIALS
L6

IMPRINTS
LANDSCAPE ARCHITECTURE

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ATTACHMENT 2

From:	Sue Taylor LAST_NAME
To:	Matthew Weintraub; Barbara Gately
Cc:	Bobo Dick and Ann; Ann Morrissey; Charlotte Levin; Cate and Jeff Babcock; Margaret Francis; Patrick Streeter
Subject:	RE: New hearing on the Shouger application for a pool
Date:	Tuesday, August 11, 2020 9:40:12 AM

Dear Mr. Weintraub and ADR members:

I have been a resident at 25 Redwood Drive (2 houses away from the proposed pool) for over 40 years. I object to any pool being constructed on the property. My main objection is that we are in a flood zone and having another large body of water so close to all our homes is not helpful in a flood. The other objection is that the pool is simply too close to the property line of the Kemp property, as well as too close to Redwood Drive street. Ross has usually honored the set-back laws that the City proposed for property owners. This proposed pool should be no exception. The pool would be an obnoxious invasion of privacy for the Kemp property, where the kitchen and bedroom are directly impacted.
Such a pool would invade the total intimacy (as Ms. Kemp stated) of the whole neighborhood on Redwood Drive with screaming people, etc. The lot is simply too small and too open for any size pool.
Thank you,
Sincerely Sue Johnson and Kenneth Dale

From: Charlotte Levin
To: Matthew Weintraub
Subject: New hearing on the Shouger pool application 34 Poplar Avenue
Date: Tuesday, August 11, 2020 10:51:12 AM

Dear Mr Weintraub,
My name is Charlotte Levin and I am the homeowner of 38 Poplar Avenue since 1975. I am writing in regard to the new proposed application for a pool and new landscaping at 34 Poplar Avenue. (It is very distressing that I have not yet received the notification about the proposal and only learned of it yesterday from my neighbors. This late notification occurred in the Shouger's original application.)
I vehemently oppose this new application for the reasons I expressed in my objections to the original application! Moving the pool several feet away from Barbara Gately's property does not mitigate the negative impact on her property nor does a 7 foot fence on the property line! In fact, the new landscaping shows the tree limbs growing onto her property.
A pool at 34 Poplar Avenue not only negatively affects Barbara Gately's quality of life but the surrounding neighbors as well.

Thank you,
Charlotte Levin
38 Poplar Avenue
P.O. Box 631
Ross, CA 94957

From:	Margaret Francis
To:	Matthew Weintraub
Cc:	Dick Bobo; Barbara Gately; Sue Johnnson; clret@comcast.net; annmorrissey@comcast.net; Cate Babcock
Subject:	Feedback on Proposed Pool Design for 34 Poplar/ Schougar Residence
Date:	Tuesday, August 11, 2020 11:07:12 AM

August 11, 2020

Dear Mr. Weintraub, ADR Committee Members and Ross Town Council:

My name is Margaret Francis and I am the owner of 20 Redwood Drive in Ross. I have owned my house here for 15 years, and my children attend Ross School. I love the Town, and my unique little neighborhood, which has fairly small houses and lots by Ross standards.

I think the Schougars as a family are a wonderful addition to our Town and neighborhood and welcome new families like theirs to the neighborhood. I hope their time raising a family here will be as good as mine has been. I love many of the design elements of the current plan such as the green wall against the unsightly commercial wall on their north side and addition of an overhead arbor for some shade, and the front yard fountain treatment.

And I wish I could support their desire for a pool on the lot at 34 Poplar, but I don't, because the proximity of the pool shown in the design, the noise it will generate and the likely times of its use would substantially interfere with the value, appearance, and quality of life for the occupants of the house at 19 Redwood. Barbara Gately's letter to the Town is spot on and I support the points she makes in it.

If the houses were aligned such that the backyards matched up, instead of the front to back mismatch, so that the pool and entertainment area were on the Poplar side, I might feel differently about it. But the neighbor at 36 Poplar might not want a pool next to their front door and living room also. The way the house is situated on this modest downtown lot just makes it difficult to see how to accommodate their desire for a pool with enough setbacks to insulate the residential neighbors from the sizable negative impact this would create.

I am very pro-property rights and have a odd little lot that I will likely someday need all of your support to do anything with, if I do anything other than let it gently subside and decay in place. So it is uncomfortable to me to hold this opinion. But the spacing and setbacks between the lots don't support this design without material impact to 19 Redwood. I would invite the members of the ADR/ Town Council to walk or drive by in advance of the review meeting, to see how the plan as presented might look in situ.

Sincerely,

Margaret Francis
P.O. Box 645
20 Redwood Drive
Ross CA 94957

--
margaret francis
mobile 415 260 8476
margaretfrancis@gmail.com

From:	Barbara Gately
To:	ADRGroup; Matthew Weintraub
Subject:	Comments on the Shougers" reapplication for a pool, August 18 ADR Hearing
Date:	Tuesday, August 11, 2020 4:29:48 PM
Attachments:	2020-08-11 Letter to Ross ADR.docx 2020-07-15 Letter to Ross ADR.docx

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Dear Mr. Weintraub and Members of the Advisory Design Review Group,

You may recall that I am the neighbor whose house is next to the Shougers and, therefore, the party most directly impacted by their revised application. In response to the notice that the Shougers have submitted a second application for the construction of a pool on their property, I attach my August 11, 2020 letter. For convenience, I also attach a copy of my July 15, 2020 letter as I believe the points there might help guide the ADR's hearing in this matter. Thank you for your hard work,

Barbara Gately

Barbara L. GATELY
ATTORNEY AT LAW
P. O. BOX 1772
ROSS, CALIFORNIA 94957

(415) 464-7874 barbgately@gmail.com

August 11, 2020

Matthew Weintraub, Planner
Planning Division
Town of Ross
31 Sir Francis Drake Blvd.
Ross, CA 94957

Re: August 18, 2020 ADR Meeting re Shouger's Renewed Application for Approval to Construct Pool/Spa

Dear Mr. Weintraub and Advisory Design Review Members:

First, I want to thank you, Mr. Weintraub, for your incredibly rapid and thorough response to the deluge of emails following news that the Shougers were seeking to revive their bid to construct a pool on their property. Since the ADR members had so convincingly denied the Shougers' initial application, I hope you can understand the neighborhood's rush for explanations. Now that I have had an opportunity to absorb the procedural posture of the renewed bid, I have a number of observations. For the sake of convenience, and in order to avoid duplication, I attach a copy of my July 15, 2020 correspondence which details the barricades I believe the Shougers will continue to face in attempting to secure a variance.

Patrick Streeter, in response to a neighbor's phone call, explained the town's post-ADR hearing policy as follows: "It is not uncommon for a project to be redesigned after a design review meeting. If the changes are substantial enough or if the applicant requests additional review from ADR members, we hold a follow-up hearing." As I understand it, the revised application reflects three changes: first, the setback for the southern boundary of the pool has been increased from five to ten feet (I believe it is more accurate to say from three to eight feet); second, the spa has been switched from the south to the north side of the pool; and the size of the privacy screening hedge on the southern property line was increased. Viewed in the context of the July 22, 2020 ADR discussions, the revised plan reflects no substantive, let alone "substantial," changes.

The four ADR members who voted against the Shougers' original application made it plain that the narrow lot simply did not support the addition of a pool. Though a number of board members shared my alarm that the original plans placed the pool within three feet of my bedroom and living room, no one suggested that pushing the southern

border of the pool back another five feet would resolve their baseline concerns with the plan. The five-foot extension is best viewed in the context of our six-foot social distancing lives—a very narrow space as we all know too well. At best, two ADA members suggested that the Shougers could explore the possibility of situating a small pool or spa along the northern boundary of the property. Those suggestions prompted another member to caution that the "sound barrier wall" between the Shougers' property and the office building would end up amplifying the pool noise—an anomalous result that I have to assume eliminated the northern boundary as an option.

The switch in the placement of the spa was in apparent response to one of the member's observations that the Shougers' plan aggravated the already egregious placement of the pool so close to my home by placing the spa right next to my bedroom. I scarcely think the Shougers can offer this "change" as anything but the correction of a thoughtless plan in the first instance. And, finally, the increase in the size of the privacy hedge is merely dressing in the context of the underlying issues the Shougers' renewed bid provokes. It is certainly not a "substantial change" warranting a rehearing that needlessly impinges on the time of so many—including the Town of Ross employees, members of the ADR and the many neighbors who are invested in halting this application and maintaining the intimate character of this neighborhood.

I have tried hard to remain courteous throughout this process as I firmly believe that the Shougers have a statutory right to be heard. And they were. I am less sanguine now that I have had to jettison a day of deadlines at work in order to oppose the Shougers' quest to be heard a second time, when the underlying reason for the first determination was that the narrow lot does not support a pool. I believe that one of the goals of our legal system is to provide dueling parties a level of repose once they have had an opportunity to be heard. If the members were to deny the revised application, what would prevent a third application based upon the pool boundaries moving north another five feet? The size of the lot or its shape cannot be changed. Enough.

On a very personal level, this dispute has been very emotionally taxing for me. I lost my husband a few years ago, and I am therefore handling many issues for the first time on my own. I consider my home my sanctuary and, as I mentioned before, a substantial investment. The proposed pool threatens both. As one of my neighbors observed, if the Shougers were so interested in a home with a pool and entertainment area, why didn't they buy one with those features already in place? Their attempts to shoehorn their vision into a completely disparate neighborhood context are incongruous, and do not warrant a reversal of the Board's earlier action.

Sincerely,
/s/
Barbara L. Gately

Barbara L. GATELY
ATTORNEY AT LAW
P. O. BOX 1772
ROSS, CALIFORNIA 94957

(415) 464-7874 barbgately@gmail.com

July 15, 2020

Matthew Weintraub, Planner
Planning Division
Town of Ross
31 Sir Francis Drake Blvd.
Ross, CA 94957

Re: July 21, 2020 Advisory Design Review Meeting re Shougar Residence (34 Poplar Avenue) Application for Approval to Construct Pool/Spa

Dear Mr. Weintraub and Advisory Design Review Members:

I have lived at 19 Redwood Drive, the property directly contiguous to the Shougars' proposed pool/spa, for almost 40 years. During that time, I have never opposed my neighbors' plans to improve their property. When Cassie and Jeff Shougar recently sent me their design plans for developing the lot next to mine, however, I explained that I could not support the installation of a pool that was approximately three feet from my living room, kitchen and bedroom. The Shougars offered to propose alternative plans but it appears that the original plans are those presently before the Advisory Design Review (ADR) members. Given the configuration of their lot, I do not see a sustainable alternative in any event.

As the members undoubtedly know, Redwood Drive is a community of houses on generally undersized lots that are unusually close to their neighbors. Those of us who have lived here for many years treasure the intimacy and sense of community that this historical anomaly invites. It nevertheless should be an essential consideration when a landscaping project with potentially profound implications is proposed. To make the point, I invite the ADR members to look at the Shougars' Slide 2. It clearly depicts the two houses bordering the southern boundary of their property—my house on the left and Ann Morrisey's house on the right. The wire fence depicted on Slide 2 is just two feet from our houses. The Shougars' Slide 3 is a drawing of the proposed pool, which runs almost the entire length of my house, and is located about a foot away on the other side of the wire fence. I am not aware of another lot in the neighborhood where the "backyard" butts up against a house rather than another backyard—a circumstance that leads to the current friction between the interests of our respective properties.

In order to construct the pool, the Shougars would require a variance. I understand that it is not the province of the ADR to determine whether or not the proposed plan meets the requirements needed for a variance. But it is impossible to evaluate these plans in a vacuum and, if the pool project seems unlikely to meet those requirements, I believe the members should look at the plans with a more critical eye. I therefore offer a brief analysis of the criteria for a variance.

Under the Ross Municipal Code, a variance will only be granted if four findings can be made. First, the applicant must establish that "**special circumstances** . . . deprive[] the property of privileges enjoyed by other properties in the vicinity." The only pool in the vicinity that I am aware of (with the exception of two very old, unused structures) is across the street from the Shougars, at 18 Redwood Drive, and is located in the far rear of that substantial lot where the closest house is approximately 120 feet away—unlike the 3-foot "buffer" being proposed here. As Dick Bobo, my neighbor at 16 Redwood Drive, pointed out in his letter to the members, even the 120-foot distancing has not prevented pool-related noise that detracts from the enjoyment of his property.

Second, the variance must be necessary to preserve "**substantial property rights**." As far as I know, there is no inherent "right" to construct a pool on one's property. As stated, I am not aware of any pools (other than the one at 18 Redwood Drive) in the vicinity, possibly because there has been a general recognition of the intimate character of this neighborhood.

Third, it must be shown that the granting of a variance "**would not be** detrimental to the public or **injurious to other property in the area**." It does not take an expert to conclude that the installation of a pool approximately three feet from my living room, kitchen and bedroom would be "injurious" to my property as it would negatively affect the enjoyment of my property. Furthermore, I have consulted with two real estate agents who confirm that the proposed pool/spa would also negatively affect my property's value. I am 71 years old. My house is not only my home but is a substantial investment that I look to protect and grow.

Fourth, the applicant must show that the granting of a variance would not represent a "**special privilege"** inconsistent with the limitations upon other properties in the area. I do not believe that the Shougars could overcome this, or any of the other three requirements needed to obtain a variance.

I maintain a friendly relationship with the Shougars and I do not offer these comments in a personally negative way. Indeed, I welcome the Shougars as new neighbors and do not take specific issue with any of their proposed landscaping but I cannot responsibly sign off on the pool.

Sincerely,
/s/
Barbara L. Gately

From: Cate Babcock
To: Matthew Weintraub
Subject: Proposed construction at 34 Poplar Ave
Date: Tuesday, August 11, 2020 4:58:14 PM

As neighbors of the residents at 34 Poplar Ave. we oppose the proposed construction. The extensive project, particularly the pool, will either severely impact the next residence or, if moved closer to Redwood Drive, will create more noise for the neighborhood. The issues of setbacks and parking for guests are also salient variables we hope you will consider in your decision.

Sincerely,
Jeff and Catherine Babcock
14 Redwood Dr, Ross, CA 94957

From:	Jeff Babcock
To:	Matthew Weintraub
Cc:	Cate Babcock
Subject:	Shouger"s Renewed Application
Date:	Tuesday, August 11, 2020 5:32:18 PM

Dear Mr. Weintraud:

After reviewing the Shouger's proposed changes to their Pool/Spa ADR application, I do not see any material improvements which transform this request into a viable project. By shifting the dimensions by a few feet, it does not remedy the overarching issue of fitting the pool/spa into a narrow lot which doesn't come close to addressing the setback requirements. I remain opposed to this application.

Jeff Babcock
Senior Partner

STRATMOR GROUP

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From:	dickbobo
To:	Matthew Weintraub; ADRGroup
Subject:	Re-do of Shouger"s proposal for pool, entertainment center, etc. - 34 Popular Ave
Date:	Tuesday, August 11, 2020 8:58:37 PM

I'm unsure of the protocol for who gets what, so to cover the bases I'm sending it to both Matthew Weintraub and the ADR Group which may end up with some duplication down the line for some people.

Matthew warrants kudos for his very responsive and helpful responses to questions to do with this re-do project.

It was quite a surprise to me and other neighbors to learn that the Shougers are proposing another design for putting a pool in their property, especially after it was turned down 4-1 during the previous ADR meeting.

By the time the previous ADR discussion ended, it seemed the general consensus among most of the ADR members was that placing the pool anywhere on that rear property wouldn't eliminate the problems which had been discussed. Now they want to move the pool so it's 10' to the north of the property line, apparently thinking that will overcome previous objections.

The comment I was going to make during that meeting was the problem of sound bouncing off the 10' wall on the north side of the property, but then a member brought that up, so I didn't address it.

Note that the noise reflected by the wall, and bouncing toward Barbara Gately's house would be added to the noise also coming directly to her home from the activity in the pool. You may recall that when they put the sound walls up along US-101 thru San Rafael, people to the east of the road became upset because the sound was then being bounced to them. So, walls reflecting sound can be a problem in many situations, including here.

Added to it being a small lot, having the 10' concrete block wall, the hardscape will help in transmitting sound everywhere. Also, having the large entertainment center and accompanying partying on Redwood Drive will impact all the nearby neighbors with their parties. It would be the only property on Redwood Drive with an entertainment center on the street, whereas all the others are behind the houses, away from the street.

Ann and I enjoyed our property on a narrow lot among others here because we ended up conversing across the fences with neighbors fairly regularly, which I still do. However, these small lots don't lend themselves to being appropriate for some of the benefits of being on larger lots where people can easily have pools, privacy, etc.

Reiterating from my July 14 email, if the Gorham house was located at the rear of their property, and they wanted to put a pool in by our house, we would have fought that tooth and nail.

It's my hope that y'all again will not approve the pool on the narrow property, which if approved, among other things would greatly impact Barbara Gately's quality of life, as well as the value of her property.

Sincerely,

Dick Bobo
16 Redwood Drive

My email for the previous ADR meeting.

From: dickbobo <dickbobo@comcast.net>
Date: July 14, 2020 at 9:37:33 PM PDT
To: ADRGroup@townofross.org
Subject: Pool, spa, kitchen, etc. at 34 Poplar Avenue

A pool and other elements proposed by the Shougers at 34 Poplar Avenue wouldn't be much of a problem for me, but I'd pity poor Barbara Gately (19 Redwood Drive) if they put in a pool.

Our experience with a pool has been with Mike and Lisa Gorham family's pool (18 Redwood Drive). Their pool is at the rear of their lot, and ~120' from my house.

When their girls were younger, they'd have 6-8 or more girls back there yelling and screaming, which is what that age does when they're ages 10-12. Since we mostly live in the back part of our house, with the family room downstairs, and the bedroom upstairs, we heard everything. We found it to be a bit annoying, but just accepted it. However, Cate Babcock (14 Redwood Drive) found the noise caused her problems with her vertigo.

I realize that the Shougers don't have teenage children, but friends there for party can bring them. That's currently the case with the Gorhams when they have parties with several families who have young children, as the noise sometimes gets a bit loud.

My principle concern about the proposed pool is that it would be alongside Barbara Gately's front room, kitchen, and ground floor bedroom, all of which are along the wall adjacent to the Shouger property. From Barbara's standpoint, that's a terrible place to locate a pool.

I'm pretty sure that having a pool that close to Barbara's house would certainly negatively affect her property's value.

Going back to the Gorham's pool as an example, if their house were at the back of their lot, and they wanted to put a pool next to our house, we would have strenuously objected to it. This example parallels the problem with a pool being proposed right alongside Barbara Gately's house.

It's important to also look ahead as to what the situation might be. I've lived at 16 Redwood Drive for over 40 years, and during that time, the Shougers are the 6th family that has lived in their house. It's thus a possibility that within a couple years, another family with two or three young teenagers would live there, and the dynamics of living next to them would change greatly as they had their young friends over for pool parties.

Dick Bobo
16 Redwood Drive
Mobile: 415-722-3214

Ann C. Morrissey
P.O. Box 1427
36 Poplar Ave.
Ross, CA 94957
415 686-6544
AnnMorrissey@comcast.net

August 11, 2020

Re: Shouger Residence at 34 Poplar Ave. Ross
2nd Design Review Hearing scheduled on August 18, 2020

Members of the Ross Advisory Design Review Group
Ross Town Planning Division

Dear Members of the ADR Group and the Ross Town Planning Division,

WE'RE BACK to review the Shougers' resubmittal for their 11 approvals before the Ross Advisory Design Review to "improve" their landscaping.

I am the Shougers' other neighbor directly impacted by the years of incremental overdevelopment of what is now the Shougers' property at 34 Poplar Avenue. Perhaps even more so as they added more and more to the property very often under the radar without neighbor knowledge or input and over the counter. I, too, started out being highly adverse to passing judgment on what one's neighbors want to do on or with their property. But where the line must be drawn is when your neighbor's actions will impose upon or detract from your property rights and enjoyment of your property.

So here we are again, a sizeable group of thoughtful and sincere neighbors spending their time and trying the best they can to honestly express why much of the Shougers' application is not an appropriate or a good fit for this dense little neighborhood of downtown Ross.

As the property owner of 36 Poplar, the next-door neighbor to 34 Poplar, for some 38 years, I again reiterate my acceptance or opposition to each of the Shougers' requested approvals from the ADR Group and ultimately from the Ross Town Council.

First, I must point out their designer's drawings are not to scale and are not accurate. It should be a requirement that they are accurate and to scale. The back deck of Shougers's house as depicted in their drawing is much bigger than the exiting. There is no planting area between the back steps and the house as their drawings indicate. The side setback, at least on their southern side between their house and mine at 36 Poplar is not correct. It is off by at least 5'. They depict the existing fence to be on the side boundary. It is not. The survey which they recently produced was based on boundary information compiled years ago (2016 and 2019) from a title report for insurance purposes and just recorded recently. The survey is of the northerly line, not the southerly line and states, "existing monuments and fence corner locations are not to scale to provide clarity of their locations relative to the calculated boundary position." The Shougers' surveyor, Larry Stevens, has not been cooperative in answering questionsor marking boundary corners and their southern boundary.

I shall briefly go through the Shougers' requested approvals as they appear in the Courtesy Notice of Public Hearing schedule for Tuesday, August 18, 2020 with my approval or objection:

New Pool/Spa: Object. Much too close to neighbor's property. Will deprive neighbors of enjoyment of their property. Will affect value of neighboring properties. Subject property already overdeveloped. Inappropriate for this densely populated area of Ross.

Arbor Structure: No decision at this time.

Outdoor Kitchen: No decision at this time.

New Stone Patio and Fountain the in the Front Yard: Approve.

Replacing Existing Fences: Object. Existing fences don't belong to the Shougers. They are not on boundary line. The dimensions as represented on their plans are way off. If they wish to build new fencing they must build on their property. Conditions of approval must include stipulation that neighbors will not share in the cost of construction or maintenance. Fence height must not block the light and privacy planting must be kept trimmed amd not be allowed to grow higher than gutter height at 36 Poplar.

Replace Patios: Approve provided they do not encroach on property of 36 Poplar.

Replace Walkways: Approve provided they do not encroach on property of 36 Poplar.

Replace Paving: Approve.

New Landscape Plantings: Approve provided it's within the correct setback of 34 Poplar, neighbors are not looked to to share in cost and height of privacy plantings will not exceed height of gutters at 36 Poplar to ensure uniform appearance, health of plants and ample sunlight to 36 Poplar. Revising plans to plant larger privacy trees is much appreciated.

Artificial Turf: Approveassuming artificial turf is an impervious landscape surface.

One more which isn't mentioned in the Notice but appears in the Shougers' drawings are the **Firepits**. Object. This is such a fire hazard so close to the Shougers' house and many of the neighors' houses so close to theirs.

Thank you Members of the ADR Group and the Ross Planning Division and the truly great group of neighbors in our area who have put so much time, effort and heart into this application.

Sincerely,

Ann C. Morrissey

ATTACHMENT 3

Agenda Item No. 4a

Staff Report

Date: July 21, 2020

To: Advisory Design Review Group

From: Matthew Weintraub, Planner

Subject: Shouger Residence, 34 Poplar Avenue

ROLE OF THE ADVISORY DESIGN REVIEW GROUP:
The Advisory Design Review (ADR) Group considers and makes formal recommendations to the Town Planner and Town Council on applications and matters affecting the design of buildings, structures, landscaping, and other site improvements consistent with the purpose of Ross Municipal Code (RMC) Chapter 18.41, Design Review. The ADR Group provides professional review of design-related issues, including site planning, building massing, setbacks, light/air, etc., as well as material selection in architectural and landscape design in the discretionary review process. The ADR Group makes non-binding advisory recommendations regarding consistency of applications with the Design Review criteria and standards per RMC Section 18.41.100.

Recommendation
That the ADR Group discuss the merits of the project and provide a formal recommendation to the Town Council regarding the merits of the project consistent with the Design Review criteria and standards of RMC Section 18.41.100 (see **Attachment 1**). A majority vote of the ADR Group is necessary to provide a recommendation to the Town Council. The vote count of the recommendation will be forwarded to the Town Council.

Project Information

Owner:	Jeff & Cassie Shouger
Applicant:	Imprints Landscape Architecture
Location:	34 Poplar Avenue
Assessor Parcel No.:	073-272-05
Zoning:	R-1: B-7.5
General Plan:	ML (Medium Low Density)
FEMA Flood Zone:	Special Flood Hazard Area (SFHA) AE Floodway (Subject to inundation by the 1-percent-annual-chance flood event)

Figure 1. Location map. (Courtesy of Google Maps.)

Project Description

The applicant is requesting approval to construct a new pool/spa, arbor structure, and outdoor kitchen in the side and rear yards, and a new stone patio and fountain in the front yard, of the existing single-family residence. The proposed project also includes: replacing existing fences, patios, walkways, and paving, and installing new landscape plantings and artificial turf.

The proposed project is subject to the following permit approvals:

- **Variance is required pursuant to RMC Section 18.48.010** to construct new structures within the minimum required yard setbacks, including a new pool/spa, arbor, outdoor kitchen, patios and fountain.

- **Nonconformity Permit is required pursuant to RMC Section 18.52.030 (c)** to replace, reconstruct, and expand existing patios which are nonconforming with respect to the minimum required yard setbacks.

- **Design Review is requested pursuant to RMC Section 18.41.020** to allow for fences greater than 48 inches in height adjacent to the street, and a project resulting in over 1,000 square feet of new or replaced impervious landscape surface.

The project site is a 7,500-square-foot rectangular lot bounded by Poplar Avenue to the east, Redwood Drive to the west, commercial property to the north, and residential property to the south. The primary street frontage is on Poplar Avenue. Vehicular access is gained at the back of the property from Redwood Drive. The lot is flat with less than 1% average slope. The property

is located within the AE Floodway Special Flood Hazard Area as defined by FEMA. The existing residence is nonconforming with respect to the minimum required yard setbacks, maximum allowed floor area, and maximum allowed lot coverage.

Project Data	**Code Standard**	**Existing**	**Proposed**
Lot Area:	7,500 sf min.	7,500 sf	No change
Floor Area Ratio (FAR):	20% max.	33.1% (2,482 sf)	No change
Lot Coverage:	20% max.	34.9% (2,616 sf)	No change
Front Yard Setback:	25‘ min.	22’-4” (House)	4’-6” (Patio)
Side Yard Setback (North):	15’ min.	1’-8” (Garage)	1’-8” (Arbor/outdoor kitchen)
Side Yard Setback (South):	15’ min.	10’-7” (House)	4’-6” (Pool/patio)
Rear Yard Setback:	40’ min.	19’ (Garage)	19’ (Garage) 20’-8” (Pool)
Building Height:	30’/2 stories max.	<30’/2 stories	No change
Off-street Parking Spaces:	2 (1 covered) min.	2 (1 covered)	No change
Impervious Coverage *:	---	3,258 sf (43.4%)	2,961 sf (39.5%)

* Per RMC Section 18.41.100 (t) (1), Low Impact Development for Stormwater Management, Maximize Permeability and Reduce Impervious Surfaces.

The project would replace an existing concrete entry walkway with a new stone patio/entry walkway and water feature; and replace an existing crushed rock patio with a new stone slab patio in the front yard of the existing single-family residence. The new front yard patios would be set back approximately 4-6” from the front property line, and the new water feature would be set back approximately 13’-7”.

Behind the existing single-family residence, the project would replace the existing precast paver and crushed rock patios with a new stone patio. It would construct a new 9-3” tall arbor and outdoor kitchen structure located 1’-8” from the north side property line. At the south side of the rear yard, the project would construct a new 408-square-foot pool/spa with associated coping. The new pool/spa would have dimensions of 34’ x 12’. The edges of the pool coping would be set back 4’-2” from the south side property line and 20’-8” from the rear property line. Also, in the rear yard, the project would replace an existing precast paver walkway with stepping stones; replace existing lawn with artificial turf; and replace the existing concrete driveway with new pavers.

The project would remove the existing property line fences and replace them with new 6’ tall semi-open wood fences at the front and rear property lines, and 7’ tall solid wood fences at the side property lines; and install new screening trees and privacy hedges around the property edges.

The proposed project materials and colors include the following:

- Bluestone pavers
- Stone pavers
- Concrete fountain structure
- "Living wall" landscape structure
- Wood board fences
- Artificial turf

The project would result in the net removal of 297 square feet of impervious surface coverage, which would largely result from the proposed replacement of existing impervious and semi-pervious patios, walkways, and driveway with new pervious pavers, and which would more than offset the proposed addition of the new impervious pool surface and associated coping.

The applicant's Project Plans are included as **Attachment 2**. The applicant's Project Description is included as **Attachment 3**. The applicant's Neighborhood Outreach Description is included as **Attachment 4**.

Background

According to the County Assessor, the subject property was constructed in 1901. In 1995, a Variance was granted to allow for the construction of the north side property line wall adjacent to commercial property to exceed 6 feet in height. In 2013, a Variance and Design Review were granted to allow for the construction of new bedroom additions within the minimum required north and south side yard setbacks and a new deck. In 2015, an amendment to the previously approved Variance and Design Review was granted to allow for the construction of a new dormer addition and the relocation of an existing nonconforming garage. The Project History is included as **Attachment 5**.

Figure 2. Vicinity Map. (Courtesy of MarinMap.)

Discussion

The overall purpose of Design Review is to guide new development to preserve and enhance the special qualities of Ross and to sustain the beauty of the town's environment. Other specific purposes include: provide excellence of design consistent with the scale and quality of existing development; preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhance important community entryways, local travel corridors and the area in which the project is located; promote and implement the design goals, policies and criteria of the Ross general plan; discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression; preserve buildings and areas with historic or aesthetic value; upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site; and preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development. The Design Review criteria and standards per Ross Municipal Code (RMC) Section 18.41.100 are included as **Attachment 1**.

Staff suggests that the following specific criteria and standards for Design Review are applicable to the proposed project:

(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. Transparent front yard fences and gates over four feet tall may be permitted if the design and landscaping is compatible and consistent with the design, height and character of fences and landscaping in the neighborhood.

(j) Landscaping.

(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.

(l) Visual Focus.

(1) 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, taking into consideration runoff impacts from driveways and impervious surfaces.

(m) Privacy.

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. Where nonconformities are proposed to be retained, the proposed structures and landscaping should not impair the primary views or privacy of adjacent properties to a greater extent than the impairment created by the existing nonconforming structures.

(t) Low Impact Development for Stormwater Management.

Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors.

(1) Maximize Permeability and Reduce Impervious Surfaces. Use permeable materials for driveways, parking areas, patios and paths. Pre-existing impervious surfaces should be reduced. Projects should include appropriate subsurface conditions and plan for future maintenance to maintain the infiltration performance.

(2) Disperse Runoff On Site. Use drainage as a design element and design the landscaping to function as part of the stormwater management system. 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. Avoid connecting impervious areas directly to the storm drain system.

The Town of Ross Design Guidelines provide a basis for making consistent decisions about the appropriateness of new development and improvements to existing properties that are subject to the Town's Design Review process. According to the Design Guidelines, the subject property is located in the "Strong Street Relationship/Flat" Design Context, which is defined as follows:

> In these areas, entries to homes are highly visible and houses have a consistent pattern of uniform setbacks and street orientation. A walkway typically provides a physical connection to the public realm. In some cases, on-street parking creates a somewhat more formal road edge.
>
> Sometimes a home may not be sited parallel to the street, but it is connected to it with a pathway. Landscaping may highlight that path.
>
> These areas exist along Bolinas, Poplar and Wellington Avenues.

Staff suggests that the following specific Town of Ross Design Guidelines are applicable to the proposed project:

4.13 Maintain a visual connection from the street into a property.

- Incorporate low-scale plantings along a street edge to maintain views into the property. *

  * This is especially important for the Constrained Grid Neighborhood, Strong Street Relationship/Flat, and Moderate Street Relationship/Flat and Mild Slope contexts.

4.14 Incorporate plantings along the length of the property line to create depth and visual interest.

4.16 Layer the landscaping through the depth of the front yard.

- Layering the landscaping is particularly important in contexts where the primary building is visible from the street. This includes the Constrained Grid Neighborhood and Strong Street Relationship/Flat contexts.

4.17 Vary design elements of a fence to enhance visual interest and provide a sense of scale. This is especially important for a long length of fence along a street edge.

4.19 Minimize the potential barrier effect of a tall fence.

- Where a tall fence is necessary, include a high degree of visual permeability in the top portion.
- Also use low plantings along the front to soften its appearance and reduce the perceived height.

4.34 Maintain a landscaped front yard.

- Maintain visibility from the street to the house. *

  * While this is crucial for context areas including the Constrained Grid Neighborhood and the Strong Street Relationship/Flat, it may be more difficult for context areas such as the Entry Element Street Relationship/ Significant Slope.
- Minimize the amount of hard surface in a front yard, to the extent feasible. Where a hard surface is needed, incorporate permeable paving techniques such as open-joint paving.

4.39 Incorporate a planted buffer, fence or wall between properties to provide privacy.

- Avoid creating an impermeable buffer that obscures all views between properties by limiting the height of the buffer to 6' and/or using a material(s) that is partially transparent. *

  * This is especially important for properties in the Constrained Grid Neighborhood, Strong Street Relationship/Flat and Moderate Street Relationship/ Flat and Mild Slope contexts where lots are smaller and homes are closer to one another.

4.46 Minimize the amount of hardscape materials used in a front yard.

4.47 Where a hard surface is needed, incorporate permeable techniques such as open-joint paving.

6.39 Screen pool-related mechanical equipment (such as pool pumps) to minimize their visibility.

Public Comment
Public Notices were mailed to property owners within 300 feet of the project site at least 10 days prior to the meeting date. Comments received prior to finalization of the staff report are included as **Attachment 6**.

Attachments
1. RMC Section 18.41.100, Design Review Criteria and Standards
2. Project Plans
3. Project Description
4. Neighborhood Outreach Description
5. Project History
6. Public Comments

ATTACHMENT 1

18.41.100 Design Review Criteria and Standards.

This section provides guidelines for development. Compliance is not mandatory but is strongly recommended. The Town Council may deny an application where there are substantial inconsistencies with one or more guidelines in a manner that is counter to any purpose of this ordinance.

(a) Preservation of Natural Areas and 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 the amount of native vegetation clearing, grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelands 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, considering zones of defensible space appropriate to prevent the spread of fire.

(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.(3) Lot coverage and building footprints should be minimized where feasible, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, forested areas, and steep slopes shall be a priority for preservation and open space.

(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. When nonconforming floor area is proposed to be retained with site redevelopment, the Council may consider the volume and mass of the replacement floor area and limit the volume and mass where necessary to meet the intent of these standards.

(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.

(3) Incorporate natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, percolation and absorption.

(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. Transparent front yard fences and gates over four feet tall may be permitted if the design and landscaping is compatible and consistent with the design, height and character of fences and landscaping in the neighborhood. Front yard vehicular gates should be transparent to let light and lines of sight through the gate.

Solid walls and fences over four feet in height are generally discouraged on property lines adjacent to a right-of-way but may be permitted for properties adjacent to Poplar Avenue and Sir Francis Drake Boulevard based on the quality of the design, materials, and landscaping proposed. Driveway gates should be automatic to encourage use of onsite parking. Pedestrian gates are encouraged for safety, egress, and to encourage multi-modal transportation and pedestrian-friendly neighborhood character.

(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 (ridgelands, 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.

(4) Landscape plans should create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire.

(5) Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

(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. Development on hillside areas should adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. 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, taking into consideration runoff impacts from driveways and impervious surfaces. 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. Where nonconformities are proposed to be retained, the proposed structures and landscaping should not impair the primary views or privacy of adjacent properties to a greater extent than the impairment created by the existing nonconforming structures.

(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.

(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 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. Where two or more contiguous parcels are merged into one legal parcel, the Town Council may consider the total floor area of the existing conforming and legal nonconforming structures and may reduce the permitted floor area to meet the purposes of these standards.

(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.

(t) Low Impact Development for Stormwater Management. Development plans should strive to replicate natural, predevelopment hydrology. To the maximum extent possible, the post-development stormwater runoff rates from the site should be no greater than pre-project rates. Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. An applicant may be required to provide a full justification and demonstrate why the use of Low Impact Development (LID) design approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

(1) Maximize Permeability and Reduce Impervious Surfaces. Use permeable materials for driveways, parking areas, patios and paths. Reduce building footprints by using more than one floor level. Pre-existing impervious surfaces should be reduced. The width and length of streets, turnaround areas, and driveways should be limited as much as possible, while conforming with traffic and safety concerns and requirements. Common driveways are encouraged. Projects should include appropriate subsurface conditions and plan for future maintenance to maintain the infiltration performance.

(2) Disperse Runoff On Site. Use drainage as a design element and design the landscaping to function as part of the stormwater management system. Discharge runoff from downspouts to landscaped areas. 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. Avoid connecting impervious areas directly to the storm drain system.

(3) Include Small-Scale Stormwater Controls and Storage Facilities. As appropriate based on the scale of the development, projects should incorporate small-scale controls to store stormwater runoff for reuse or slow release, including vegetated swales, rooftop gardens or "green roofs", catch-basins retro-fitted with below-grade storage culverts, rain barrels, cisterns and dry wells. Such facilties may be necessary to meet minimum stormwater peak flow management standards, such as the no net increase standard. Facilities should be designed to minimize mosquito production. (Ord. 653 (part), 2014; Ord. 641 (part), 2013; Ord. 619 (part), 2010; Ord. 611 (part), 2008; Ord. 575 (part), 2003; Ord. 555, 2000; Ord. 543-1 (part), 1998; Ord. 514 §1 (part), 1993).

ATTACHMENT 2

PROJECT DESCRIPTION

THE SCOPE OF THIS PROJECT IS TO INSTALL A NEW SWIMMING POOL, CUSTOM OUTDOOR KITCHEN, BBQ, REPLACEMENT OF EXISTING FENCING, PERMEABLE STONE PATIOS (TO REPLACE PAVER AND DG PATIOS), TURF (TO REPLACE LAWN) , PERMEABLE PAVER DRIVEWAY (TO REPLACE CONCRETE) AND NEW PLANTINGS, AS SHOWN.

NO DRAINAGE IMPROVEMENTS ARE PROPOSED WITH THE EXCEPTION OF REPAIR / RELOCATION OF THE EXISTING DRAINAGE SYSTEM AS NECESSARY.

A TOTAL OF **70** CUBIC YARDS OF SOIL IS PROPOSED TO BE REMOVED FOR THE SWIMMING POOL EXCAVATION. NO OTHER SIGNIFICANT GRADING IS PROPOSED.

POOL EQUIPMENT ENCLOSURE IS TO BE LOCATED IN THE CRAWL SPACE, AS SHOWN.

NO CHANGES TO THE HOUSE OR GARAGE ARE PROPOSED. ALSO, EXISTING WOOD DECK, FRONT PORCH AND STEPS ARE PROPOSED TO REMAIN.

IRRIGATION SYSTEM IS TO REMAIN, WITH REPAIRS MADE AS NECESSARY.

GRADING CALCULATIONS:

A TOTAL OF 70 CUBIC YARDS OF SOIL IS REQUIRED FOR THE POOL EXCAVATION. NO OTHER SIGNIFICANT GRADING IS PROPOSED.

DESIGN REVIEW NOTES

GENERAL NOTES

1. THE LANDSCAPE PLAN IS BASED ON DRAWINGS PROVIDED BY THE OWNER, SITE MEASUREMENTS AND A PROFESSIONALLY SURVEY. ANY MAJOR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT IMMEDIATELY.
2. ALL WORK SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS AND UNIFORM CONSTRUCTION STANDARDS (UCS) OF THE COUNTY OF MARIN AND THE TOWN OF ROSS.
3. THIESE DRAWING ARE FOR DESIGN REVIEW APPLICATION PURPOSES ONLY. THIS DRAWING IS NOT EXTENSIVELY DETAILED AND IS NOT TO BE USED FOR PERMIT APPLICATION AND / OR CONSTRUCTION.
4. SWIMMING POOL IS TO MEET POOL SAFETY CODES AND REQUIREMENTS.

CONSTRUCTION NOTES

1. ALL PATIOS, STEPS AND POOL COPING IS TO BE ITALIAN BLUESTONE . ALL NEW PATIOS ARE TO BE PERMEABLE.
2. ALL WALLS ARE TO CONCRETE WITH STUCCO FINISH. COLOR TO BE "WHITE DOVE" OR APPROVED EQUAL.
3. CUSTOM BBQ AND ARBOR STRUCTURE ARE TO BE CONSTRUCTED AS SHOWN.
4. ALL FENCES ARE TO BE REMOVED AND REPLACED AS SHOWN.

A PERIMETER FENCE SEVEN FEET HEIGHT AND TWO ADDITIONAL DROWNING PREVENTION BARRIERS SHALL BE INSTALLED AS WELL AS AUTO SAFETY COVER.

LIGHTING NOTES

1. LIGHTING IS LIMITED TO PATHLIGHTS , ARBOR DOWNLIGHTS AND UNDERWATER POOL LIGHTS.
2. THE LIGHTING FIXTURES ARE SHOWN DIAGRAMMATICALLY AND TO COMMUNICATE DESIGN INTENT.
3. SEE LIGHTING CUT SHEET FOR EXACT FIXTURE SPECIFICATIONS.

IRRIGATION NOTES

1. ALL PLANTING TO BE IRRIGATED IN ACCORDANCE TO THE PROVISIONS OF ORDINANCE 421 OF THE MARIN MUNICIPAL WATER DEPARTMENT. ALL PLANTING AREAS ARE TO BE IRRIGATED UTILIZING DRIP METHODS.

PLANTING NOTES

1. ALL EXISTING PLANT MATERIAL IS TO BE REMOVED AND REPLACED AS SHOWN.
2. NO PYROPHYTIC PLANT MATERIAL IS PROPOSED FOR THIS PROJECT.
3. ALL PLANTING IS TO CONFORM TO MMWD AND RVFD VEGETATION MANAGEMENT ORDINANCES AND REQUIREMENTS.

PRELIMINARY PLANT LIST (SHOUGER RESIDENCE)

TREES

ABBR.	BOTANIC NAME	COMMON NAME	SIZE	Q	HT. / WDTH	NOTE
AU	ARBUTUS "MARINA" (TRANSPLANT 4 CURRENTLY ON SITE)	STRAWBERRY TREE	24" B	1	20 X 15'	E F
ML	MAGNOLIA "LITTLE GEM"	MAGNOLIA	24" B	1	20 X 15'	E F

REPRESENTATIVE SHRUB / PERENNIALS / GRASSES / GROUND COVER LIST

ABBR.	BOTANIC NAME	COMMON NAME	SIZE	HT. / WDTH	NOTE
ED	ELEAOCARPUS DECIPENS (COLUMN FORM)	J. BLUEBERRY	15 G	12 X 4'	E F
LP	LOMANDRA "PLATINUM BEAUTY"	MAT RUSH	1 G	2 X 2'	E W F
OL	OLEA "LITTLE OLLIE"	DWARF OLIVE	5 G	3 X 3'	E W F
PI	PODOCARPUS "ICEE BLUE"	FERN PINE	15 G	6 X 4'	E F
PB	POLYGALA "PETITE BUTTERFLIES"	SWEAT PEA	1 G	3 X 3'	E W F
PL	PRUNUS LAUROCERASUS	ENGLISH LAUREL	15 G	10 X 10'	E F
WR	WESTRINGA "BLUE GEM"	COAST ROSEMARY	5 G	6 X 6	E W F

LEGEND
E = EVERGREEN
D = DECIDUOUS
N = CALIFORNIA NATIVE
W = LOW WATER USE REQUIREMENTS
F = LOW FIRE / NON - PYROPHYTIC

NOTE:
ALL PLANTS ARE TO BE IRRIGATED UTILIZING DRIP IRRIGATION METHODS.
ALL PLANTS ARE NON-PYROPHYTIC

PROJECT DATA

ADDRESS:	34 POPLARE AVENUE
ZONING:	R1-B7.5
ASSESORS PARCEL #:	073-272-05
SITE AREA:	7,500 SF
BUILDING COVERAGE: (NO CHANGES PROPOSED)	2,616 SF (34.88%)

IMPERMEABLE SURFACES:

INCLUDES ALL BUILDING FOOTPRINTS + ALL IMPERMEABLE AND SEMI-PERMEABLE SURFACES BEYOND.

EXISTING

HOUSE	1,737
GARAGE:	305.9
DRIVEWAY:	325 (TO BE REMOVED)
PRECAST PAVERS:	815 (TO BE REMOVED)
FRONT ENTRY WALK:	75 (TO BE REMOVED)
TOTAL:	3,258 SF

PROPOSED

HOUSE	1,737
GARAGE:	305.9
POOL :	500
FRONT PATIO :	180
PAVER PATH :	150
BBQ:	60
FRONT FOUNTAIN: (BY OWNER)	28
TOTAL:	2,961 (-297 SF)

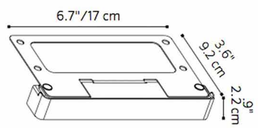
NOTE: NEW PAVER DRIVEWAY AND ALL STONE PATIOS ARE TO BE PERMEABLE

LIGHTING LEGEND

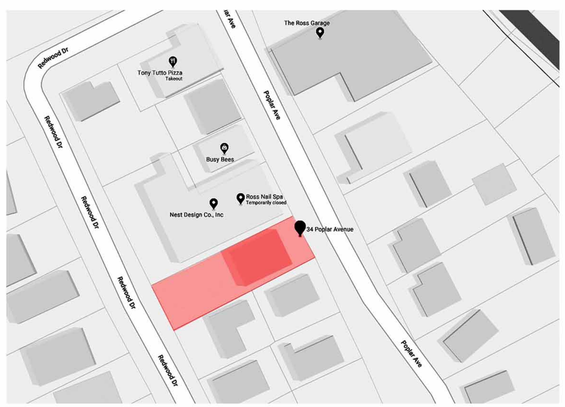
SYMBOL	MANUFACTURER	DESCRIPTION MODEL#	Q
	FX LUMINAIRE	STEP LIGHT / DOWN LIGHT (LF-ZD-1 LED-BZ)	12
	FX LUMINAIRE	PATH LIGHT (HC-ZD-1LED-BZ)	12
	FX LUMINAIRE	TRANSFORMER VERIFY W/ MANUFACTURER	3

WWW.FXL.COM

PATHLIGHT



DOWNLIGHT



VICINITY MAP

NEIGHBORHOOD MAP
(EXISTING POOLS HIGHLIGHTED)

SHEET INDEX

L1 LANDSCAPE DEMOLITION PLAN (EXISTING CONDITIONS)
L2 LANDSCAPE CONCEPT PLAN
L3 LANDSCAPE DETAILS
L4 EXISTING CONDITIONS PHOTOS
L5 STAKING PLAN
L6 IMAGES & MATERIALS

BUILDING & PLANNING CODE

ALL CONSTRUCTION, REGARDLESS OF DETAILS SHOWN ON THE PLANS, SHALL COMPLY WITH THE FOLLOWING:

APPLICABLE BUILDING CODES:
2019 California Building Code (CBC)
2019 California Electrical Code (CEC)
2019 California Mechanical Code (CMC
2019 California Plumbing code(CPC)
2019 California Fire Code (CFC)
2019 Green Building Standards
2019 California Energy Code
2019 California residential Code (CRC)
Town of Ross Local Codes

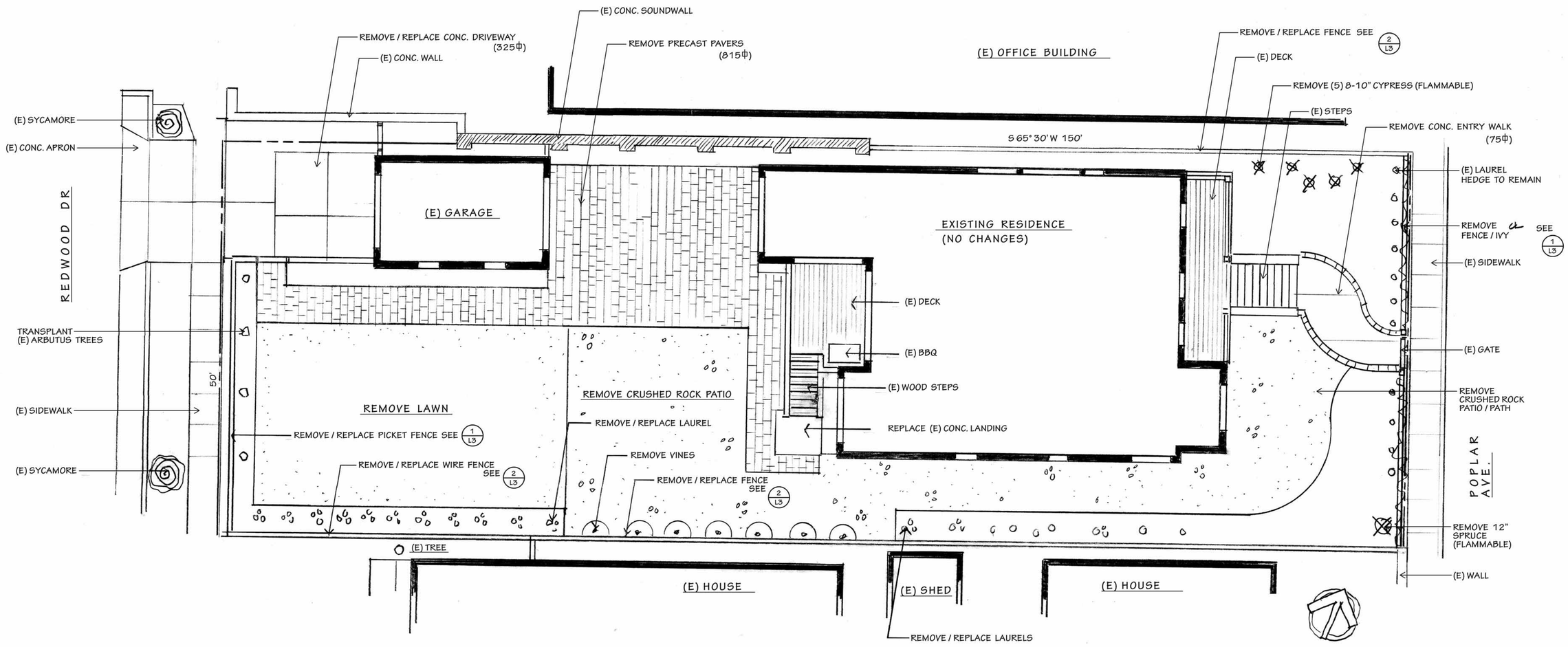
"ALTHOUGH OUR PLAN REVIEW IS COMPREHENSIVE AND INTENDED TO BE COMPLETE, NON-COMPLIANT ELEMENTS AND CONDITIONS MAY OCCASIONALLY BE OVERLOOKED, OR SOME ELEMENTS MAY LACK CLARITY, OR AN ELEMENTS MAY BE MISREPRESENTED ON THE SUBMITTED PLANS. PLEASE BE AWARE NON-COMPLIANT ELEMENTS AND CONDITIONS NOT ADDRESSED IN PLAN REVIEW ARE SUBJECT TO FIELD REVIEW, AND COMPLIANCE WITH ALL APPLICABLE CODES AND LAWS WILL BE REQUIRED."

Shouger Residence

34 Poplar Avenue **Ross, CA.**
Date: 5 / 22 / 2020
AP#: 073-272-05

COVER SHEET

IMPRINTS LANDSCAPE ARCHITECTURE
202 Rosemont • Mill Valley, CA 94941
(415) 380-0755
brad@imprintsgardens.com
www.imprintsgardens.com



Shouger Residence

34 Poplar Avenue **Ross, CA.**
Date: 5 / 22 / 2020 **Scale: 3/16" = 1'-0"**
AP#: 073-272-05

LANDSCAPE DEMOLITION PLAN (EXISTING CONDITIONS)
SHEET L1

IMPRINTS LANDSCAPE ARCHITECTURE
202 Rosemont • Mill Valley, CA 94941
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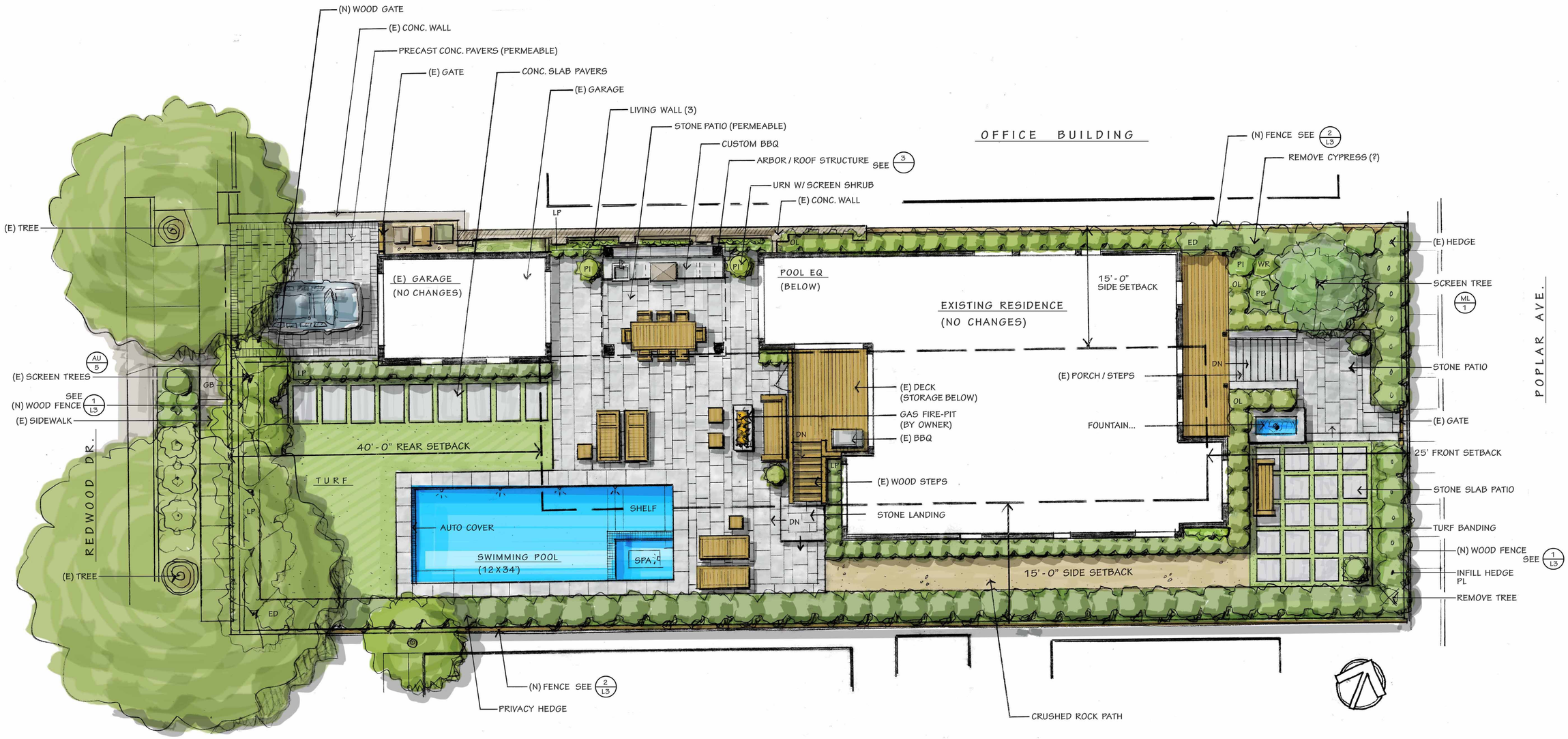

Shouger Residence

34 Poplar Avenue **Ross, CA.**
Date: 5 / 22 / 2020 **Scale: 3/16" = 1'-0"**
AP#: 073-272-05

LANDSCAPE CONCEPT PLAN
SHEET L2

IMPRINTS LANDSCAPE ARCHITECTURE
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(415) 380-0755
brad@imprintsgardens.com
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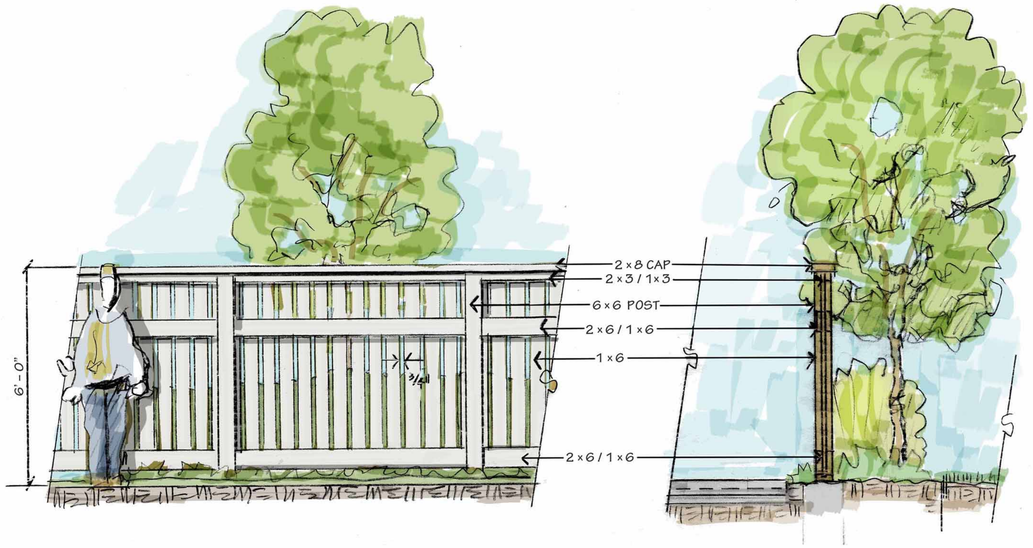
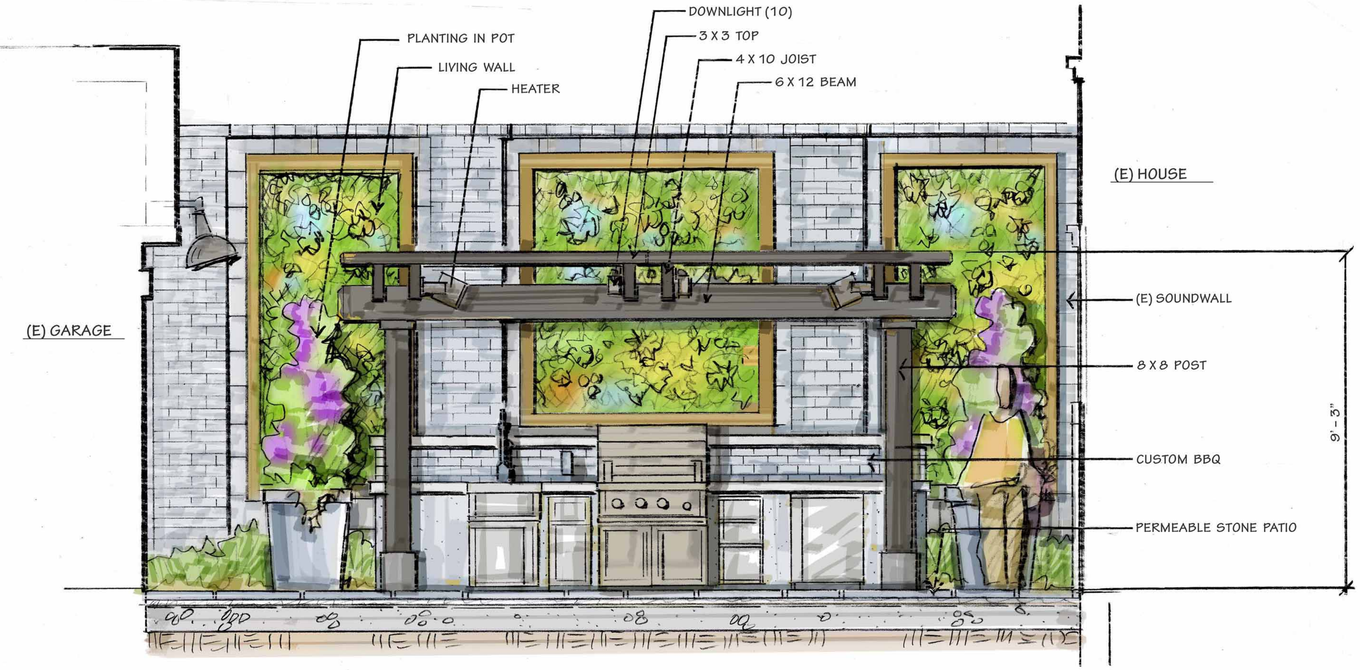


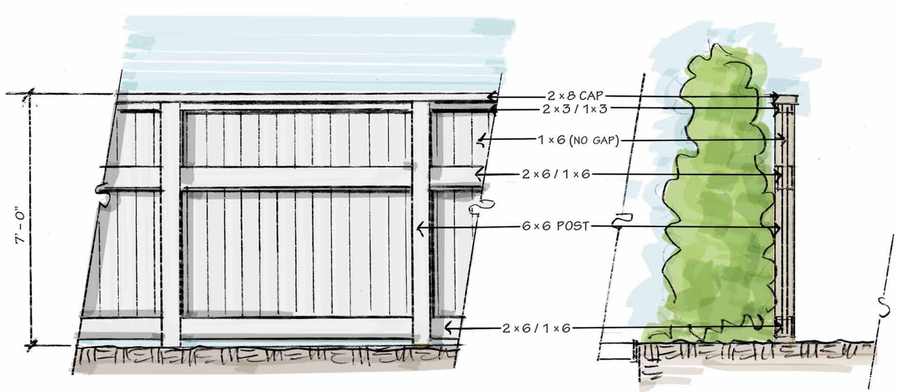
1 – 6' WOOD FENCE (FRONT / REAR)

SCALE: ½" = 1' – 0"



3 A ELEVATION @ ARBOR / CUSTOM BBQ / SOUNDWALL

SCALE: ½" = 1' – 0"



2 – 7' WOOD FENCE (SIDE PROPERTY LINE)

SCALE: ½" = 1' – 0"

3 B ELEVATION @ ARBOR / CUSTOM BBQ / SOUNDWALL

Shouger Residence

34 Poplar Avenue **Ross, CA.**
Date: 5 / 22 / 2020 **Scale: 1/2" = 1'-0"**
AP#: 073-272-05

LANDSCAPE DETAILS
SHEET L3

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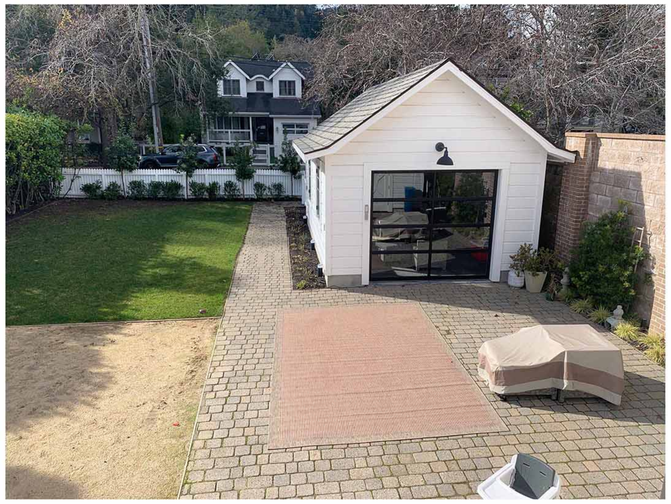
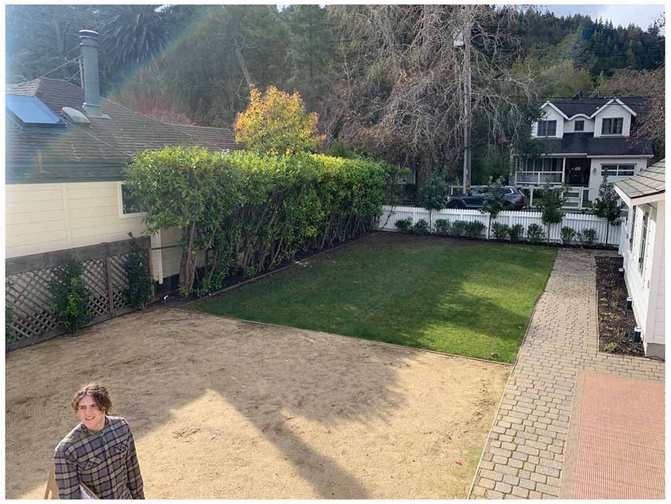
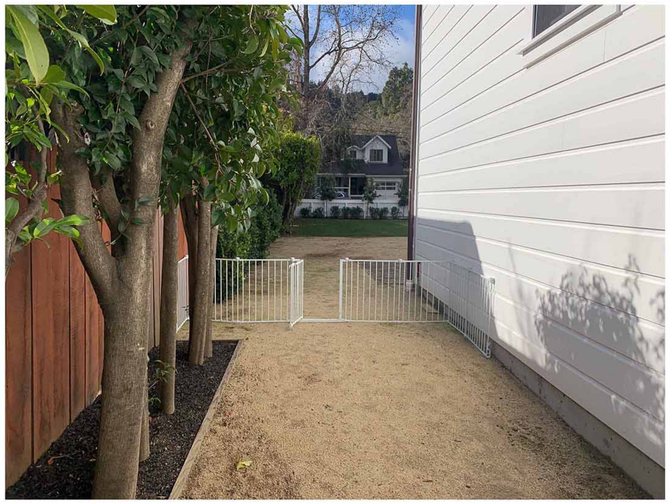
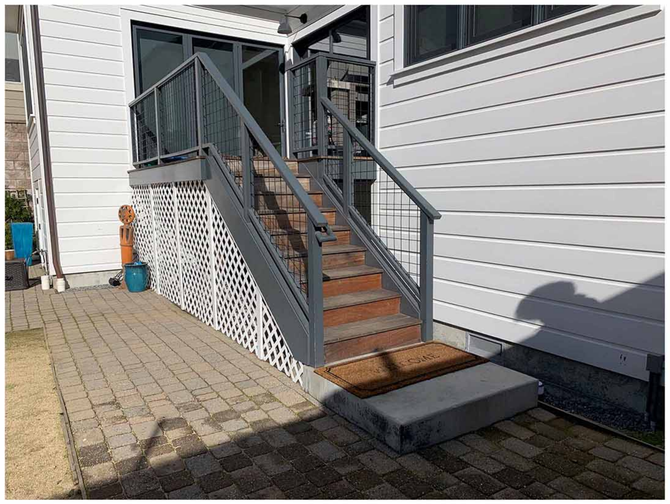
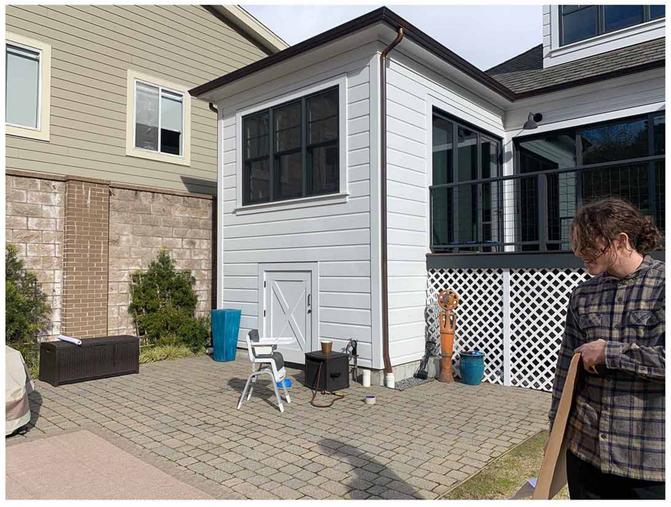










Shouger Residence

34 Poplar Avenue **Ross, CA.**

Date: 5 / 22 / 2020 **Scale: 3/16" = 1'-0"**

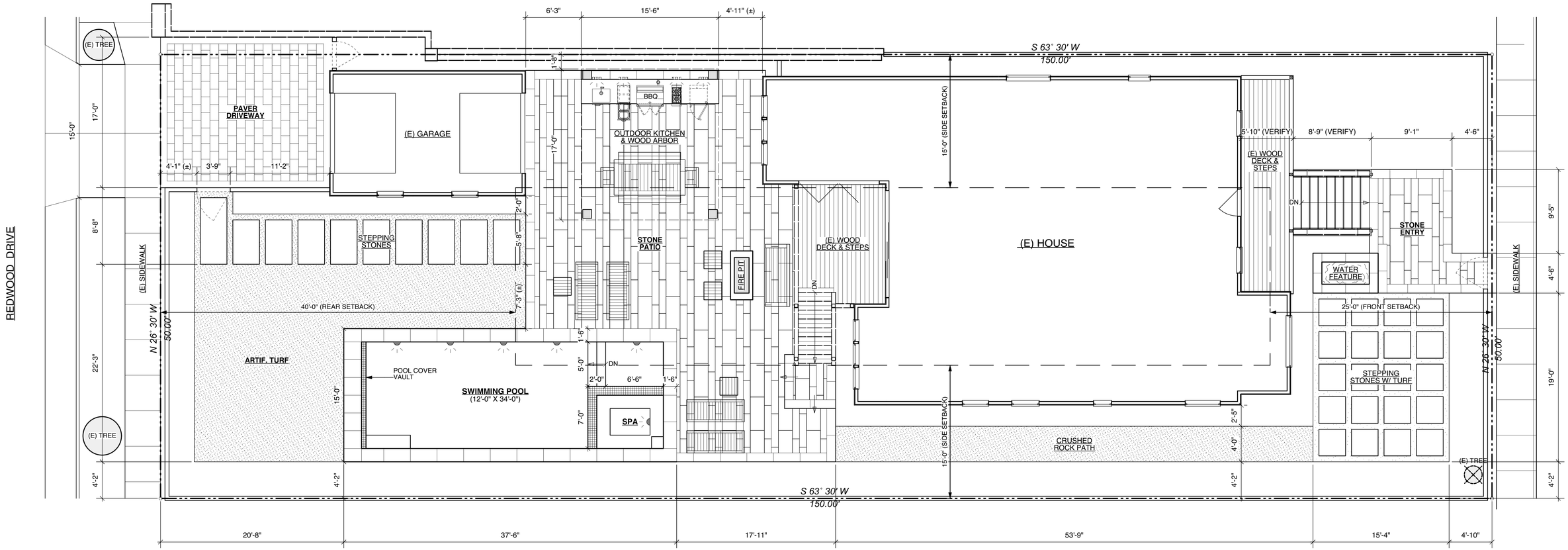
AP#: 073-272-05

EXISTING CONDITIONS PHOTOS

SHEET L4

IMPRINTS LANDSCAPE ARCHITECTURE

202 Rosemont • Mill Valley, CA 94941
(415) 380-0755
brad@imprintsgardens.com
www.imprintsgardens.com



Shouger Residence

34 Poplar Avenue **Ross, CA.**
Date: 5 / 28 / 2020 **Scale: 3/16" = 1'-0"**
AP#: 073-272-05

STAKING PLAN

SHEET L5

IMPRINTS LANDSCAPE ARCHITECTURE
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N

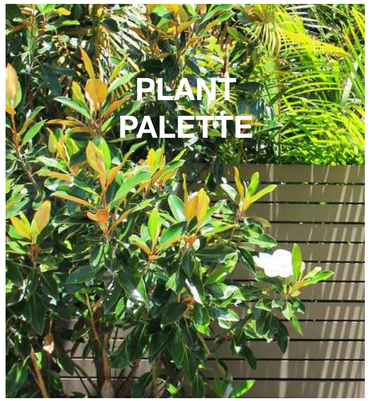
TURF

BLUESTONE PAVERS

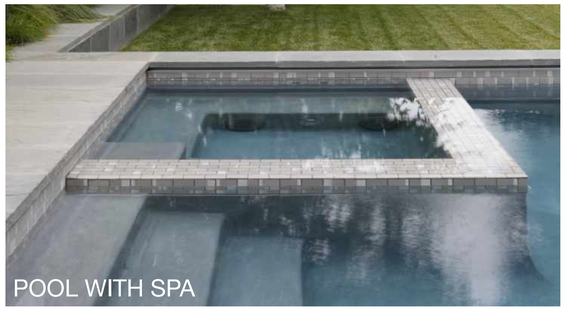
IPE DECKING

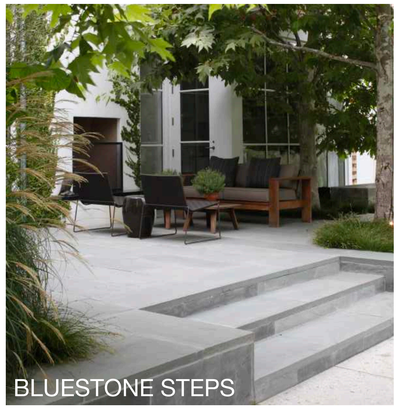
PERMEABLE PAVERS

TURF WITH PAVERS



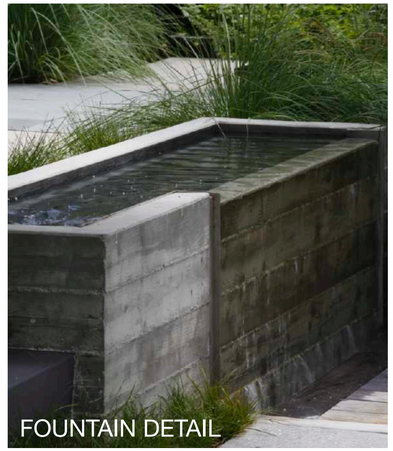
BLUESTONE PAVERS AND POOL


POOL WITH SPA


BLUESTONE STEPS

VERTICAL LIVING WALL

SIMPLE FOUNTAIN


FOUNTAIN DETAIL

Shougher Residence

34 Ross Commons Ross, CA.
AP#: 073-272-05
Date: 05/ 29 / 2020

IMAGES AND MATERIALS
L6

IMPRINTS
LANDSCAPE ARCHITECTURE

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ATTACHMENT 3

PROJECT DESCRIPTION

THE SCOPE OF THIS PROJECT IS TO INSTALL A NEW SWIMMING POOL, CUSTOM OUTDOOR KITCHEN, BBQ, REPLACEMENT OF EXISTING FENCING, PERMEABLE STONE PATIOS (TO REPLACE PAVER AND DG PATIOS), TURF (TO REPLACE LAWN) , PERMEABLE PAVER DRIVEWAY (TO REPLACE CONCRETE) AND NEW PLANTINGS, AS SHOWN.

NO DRAINAGE IMPROVEMENTS ARE PROPOSED WITH THE EXCEPTION OF REPAIR / RELOCATION OF THE EXISTING DRAINAGE SYSTEM AS NECESSARY.

A TOTAL OF **70** CUBIC YARDS OF SOIL IS PROPOSED TO BE REMOVED FOR THE SWIMMING POOL EXCAVATION. NO OTHER SIGNIFICANT GRADING IS PROPOSED.

POOL EQUIPMENT ENCLOSURE IS TO BE LOCATED IN THE CRAWL SPACE, AS SHOWN.

NO CHANGES TO THE HOUSE OR GARAGE ARE PROPOSED. ALSO, EXISTING WOOD DECK, FRONT PORCH AND STEPS ARE PROPOSED TO REMAIN.

IRRIGATION SYSTEM IS TO REMAIN, WITH REPAIRS MADE AS NECESSARY.

Mandatory Findings for Variance Applications
In order for a variance to be granted, the following mandatory findings must be made:

Special Circumstances
That because of special circumstances applicable to the property, including size, shape, topography, location, and surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. **Describe the special circumstances that prevent conformance to pertinent zoning regulations.**

In review with Ross Planning, we ascertained that many neighbors have pools, arbors and BBQs within setbacks. These would not be considered special circumstances by our understanding.

Substantial Property Rights
That the variance is necessary for the preservation and enjoyment of substantial property rights.
Describe why the project is needed to enjoy substantial property rights.

Simply, this project is for a family who would like to be able to enjoy the outdoor beauty of their space.

Public Welfare

That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the neighborhood in which said property is situated. **Describe why the variance will not be harmful to or incompatible with other nearby properties.**

We feel that there would be no impact on public welfare. These improvements cannot be seen from the street and are screened from neighbors. Neighbor to the north is an office complex with a sound wall between the properties.

ATTACHMENT 4

NEIGHBORHOOD OUTREACH

How you informed neighbors of your project, and how have they responded? Were there any issues, and how were those issues resolved?

Date of Outreach and How:

Initial: June 2, 2020 through a verbal conversation.

Neighbor and Address: Michael and Lisa Gorham 18 Redwood Drive Ross Ca 94957
How I informed them of the project: I talk to them multiple times in person and showed them pictures of the project.
Comments: They are very supportive of the improvements we want to make to our backyard including the addition of a pool.

Concerns: None
Mediations: None

Neighbor and Address: Barbara Gately 19 Redwood Drive, Ross, CA 94957
How I informed her of the project: I talk to her in person, exchange text messages and emailed her.
Comments: She was initially supportive of the pool, but then become concerned about it.
Concerns: She has some concerns on the potential noise the pool would create and if it would affect the value of her property.
Mediations:

Neighbor and Address: Margaret Francis 20 Redwood Drive, Ross, CA 94957
How I informed her of the project: I talk to her in person, and emailed her.
Comments: No concerns
Concerns: No concerns
Mediations: No concerns

Neighbor and Address: Ann Morrisry 36 Poplar Avenue, Ross, CA 94957
How I informed her of the project: emailed her.
Comments: No comments yet.
Concerns: None as of 6/12/20
Mediations: None

ATTACHMENT 5

This was seconded by Councilwoman Brown.

Mayor Goodman called for a vote and the motion passed with four affirmative votes. Councilmember Reid voted against.

Mayor Goodman said if the neighbors have a problem, they should take photographs or contact one of the Councilmembers.

17. **Resolution No. 1365 - Findings in Support of Denial - Variance Application for David Ross, 29 Makin Grade, Ross, AP No. 72-061-02.**
Mr. Ross referred to his attorney's letter addressed to the Town Council. Town Planner Broad said that the letter was received by fax today and requested two items: one is that the Resolution fails to acknowledge the unsuccessful (3-2 vote) motion for approval of the retaining wall only, after Mr. Ross withdrew his request for the pool during the hearing. The other request was to delete the reference to Mr. Ross' submission of a building permit application for a retaining wall design because this was done after the hearing. Mr. Broad said that the Resolution is not intended to be a full detail of the events of that meeting. He said the minutes would reflect more detail whereas a resolution is intended to have enough information to characterize the events of the meeting. After talking to the Town Attorney, it was determined that they should accede to Attorney Gold's request concerning the building permit and delete the last sentence on Page Two.

Mr. Ross felt the vote was a very pertinent point and it would be important information in the future. He referred to the staff's suggestion that the landscaping proposed could not reflect concealment of the retaining wall. Mr. Ross said that there was no supporting documentation for this. He asked that the Council review the information presented for adoption to make sure it is accurately expressing his feelings as well as the context of the meeting, prior to the adoption of the resolution.

Councilmember Reid moved approval with the deletion of the reference to the permit on Page Two, as recommended by staff. This was seconded by Councilmember Barry and passed unanimously.

18. **USE PERMIT.**

11.9.95
U.P.# 205

a. **Jean Burnett and Kathleen Truax (tenants), Daniel and Susan Ohlson, James and Christine Howey (owners), 23 Ross Common, AP 73-273-10, Local Commercial District. Counseling, art and play therapy/workshops in 375 square feet of office space. Two employees with six clients anticipated each day. The office will be open Monday through Friday 7:00 a.m. to 9 p.m., with occasional Saturday use.**
Councilmember Scott moved approval with the findings in the staff report and the condition that a business license shall be obtained from the Town of Ross prior to commencement of use. This was seconded by Councilmember Reid and passed unanimously.

U.P. #206

b. **Zach McReynolds, 34 Poplar Avenue, AP 73-272-05, R-1:B-7.5 (Single Family Residence, 7,500 square foot minimum). A use permit for a management consulting and computer modeling home occupation, typically for cities or water agencies in California. The home occupation consists of a sole employee (the homeowner) and typically involves 4 to 8 hours of work per week at home, with no customer or client visits.**

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

a. A business license shall be obtained from the Town of Ross prior to commencement of use.
b. This use shall adhere to the ten required criteria for home occupations. Failure to comply shall be grounds for Council use permit revocation or modification as per Municipal Code Section 18.44.050.

This was seconded by Councilmember Reid. There were no comments from the audience. The motion passed unanimously.

COUNCILMEMBER SCOTT STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

USE PERMIT NO. 207

c. David and Ann Peterson, 307 Upper Toyon, AP No. 72-061-14 and 16. A use permit to allow a caretakers' quarters (servants' quarters). A servants' quarters is a secondary dwelling designed for and used only by persons regularly employed on a property.

Lot Area	**84,506 sq. ft.**
Present Lot Coverage	**10.1%**
Proposed Lot Coverage	**10.1% (15% allowed)**
Present Floor Area Ratio	**12.8%**
Approved Floor Area Ratio	**12.9% (15% allowed)**

The existing covered carport is nonconforming in side yard setback.

Mr. James Fondel, attorney for Mr. Peterson addressed the Council. He said he reviewed all the documents and thought there were many issues that were not related to the use permit. He said the Callaghan's were present to answer any questions. He did not feel there were any health/safety concerns and he did not feel there were any other issues other than an interpretation of the ordinance.
He said there was a question whether Mr. Callaghan was conducting his business from the property.

Mr. Jacobs, attorney for Mr. Michael Kane, did not feel the application met the requirement of the Ordinance. He felt that the unit should be designed for regularly employed caretakers. He did not feel that the Callaghans' employment met this condition. He asked that the application be denied.

Mr. Callaghan said he does not run a painting business out of his home nor does he store tools and supplies there. He said that he keeps his tools in his truck with a camper shell and also shares a warehouse in San Rafael.

Councilmember Brown said that the truck is parked outside his garage and there is hazardous material stored in the truck. She was concerned that the Town did not receive full taxes on the property and that this could set a bad precedence for the community. Councilmember Brown felt that the bedroom should be removed and the area should be used as a garage.

In response to a question by Councilmember Reid, Town Attorney Roth said that the Council has discretion on the interpretation of the Code but that interpretation would have to apply to all cases. He said that the code refers to regularly employed and does not say full-time employed.

25. **VARIANCE AND DESIGN REVIEW.**
Herbert and Nancy Tully, 19 Woodside Way, AP 73-252-03, R-1:B-6 (Single Family Residence, 6,000 sq. ft. minimum.) Variance and design review to allow the removal of an existing deck and construction of an expanded deck with built-in benches and a pool patio expansion with a built-in bench within the rear yard setback from Spring Road (40 feet required, 2 feet proposed.) An existing storage shed will be removed. An existing fence that extends beyond the property line into the 4 feet into the Spring Road right-of-way will be rebuilt at a height of 6 feet.

Lot Area	**23,516 sq. ft.**	
Present Lot Coverage	**16.9%**	
Proposed Lot Coverage	**18.2%**	**(20% permitted)**
Present Floor Area Ratio	**16.9%**	
Proposed Floor Area Ratio	**18.2%**	**(20% permitted)**

The existing residence, pool and patio are nonconforming in setbacks.

The Council heard from Mr. Tully who introduced his architect, James McDonald. Mr. McDonald noted the irregular shape of the parcel and the limitations of sunlight on the site. He said they planned to remove the playhouse.
Mr. Broad noted the letter received from Mr. and Mrs. Leonard Stafford expressing concerns regarding the projections of the patio above Spring Road, opposite their property.
Councilmember Brown was concerned that this would be visually intrusive to the Stafford property.
Councilmember Scott felt that it would have a visual effect from Spring Road and asked that the deck be pulled back.
Mr. James Wilcox of Woodside Way spoke in favor of the plans, adding that any visual impact could be landscaped with trees.
Mr. Stafford said that he objected to the triangle projection, only. He asked that he be shown any proposed landscaping plans.
Mrs. Wilcox said that all the other neighbors had approved the plans and spoke in favor of the project.
Councilmembers Reid was concerned about the bulk and mass of the project and the invasion of privacy on Mr. Stafford's property.
Architect McDonald asked for a continuance so that the contractor could re-stake the storey poles and pull the deck directly behind the landscaping.
Mayor Goodman asked that the contractor re-stake the area in different colors to show the project with the elimination of the triangular area. He further asked that the dimensions be shown on the drawings.
Councilmember Brown moved to continue the matter, displaying the two different plans as outlined by Mayor Goodman. This was seconded by Councilmember Reid and passed unanimously.

26. **VARIANCE.**
Zach and Alexandra McReynolds, 34 Poplar Avenue, AP 73-272-05, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum). Variance to allow the construction of a wall above 6 feet in height along the side property line contiguous with the commercially developed parcel at 32 Poplar Avenue. The 99 foot long concrete block wall will have brick pilasters and a brick cap. It will be 6 feet tall for the first 19 feet extending back from the property line on Redwood Drive, increasing to 8 feet tall for the next 9 feet of length, and 10 feet 4 inches tall for a length of 70 feet.

Doc. #1150

Architect Kathy Strauss presented the plans including a sample of the concrete blocks and bricks. She noted that all neighbors supported the plans.
Councilmember Scott expressed concern as to whether the fence would accommodate the water flow during heavy storms.

Public Works Director Elias said that building codes and ordinances regulate construction in flood areas.
Councilmember Scott moved approval with the findings in the staff report and the following conditions:
1. That the lower portion of the fence be constructed as per the Public Works Director.
2. Landscaping shall be provided along the wall on the 34 Poplar side. The Town Council reserves the right to require landscape screening for up to two years from project final.
3. Drainage shall be reviewed and approved by the Town Public Works Director prior to wall construction.
4. A certified arborist shall review and approve of final wall design proximate to the trees at the edge of the parking lot on 32 Poplar Avenue.

This was seconded by Councilmember Brown and passed unanimously.

24. **DESIGN REVIEW AND VARIANCE AMENDMENT.**
Stephen Cooper and Ildiki Oberhammer-Cooper, 41 Willow Avenue, AP 73-261-28, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. minimum). Request for Variance and design review approval to allow the following amendments to Council approved plans:

Amend No. 1151
Design Review No 80

1. **A 24 square foot bay and a 24 square foot balcony were approved within the north side yard setback (15 feet required, 14 feet proposed.) An amendment to instead permit a 44 square foot addition with a 44 square foot balcony within the side yard setback (15 feet required, 11 feet proposed) is requested.**
2. **A 2 X 6 foot fireplace was approved. An amendment to instead permit a 3 X 9 foot fireplace/water heater closet is requested.**
3. **Elimination of steps from the guest bedroom to the rear deck is proposed, reducing floor area by 40 square feet.**

Lot Area	**11,250 sq. ft.**	
Present Lot Coverage	**19.7%**	
Proposed Lot Coverage	**18.3%**	**(20% permitted)**
Present Floor Area Ratio	**19.7%**	
Proposed Floor Area Ratio	**18.3%**	**(20% permitted)**

Items 1 and 2 would increase the approved floor area by 52 square feet. The net floor area increase from the three requested modifications is a 12 square feet, increasing previously approved lot coverage and floor area ratios by .1%.
Mayor Goodman said that this application is a situation where the construction did not conform to the plans approved by the Council. He said that he made it very clear to the applicants that any changes would have to come back before the Council. The neighbors informed the Town of the nonconformities and the project was red tagged.
The applicants' contractor explained that the architect made a mistake in the elevation and he had to alter the plans to allow for this error.

jj. 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.

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

Council Member Hoertkorn reconvened her position on the Town Council.

16. **34 Poplar Avenue, Variance and Design Review No. 1933**

Dante and Mouna Ghilotti, 34 Poplar Avenue, A.P. No. 73-272-05, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. min lot size), Medium Low Density (3-6 units per acre), Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage). Continued public hearing to consider a revised application for design review and variances for the following: 1.) demolition of shed along the south property line; 2.) 254 square foot addition to the residence, including a new bedroom within the required north side yard setback (15 feet required, 2.5± feet proposed) and master bedroom extension partially within the required south side yard setback (15 feet required, 10.5 feet proposed); and 3.) 128 square foot deck and stairs to grade. One new tandem parking space is proposed behind the garage, within the north side yard setback.

Lot Area	**7,500 square feet**	
Existing Floor Area Ratio	**2,092 sq. ft.**	**27.9%**
Proposed Floor Area Ratio	**2,091 sq. ft.**	**27.9% (20% permitted)**
Existing Lot Coverage	**2,545 sq. ft.**	**33.9%**
Proposed Lot Coverage	**2,616 sq. ft.**	**34.9% (20% permitted)**
Existing Impervious Surfaces	**2,362 sq. ft.**	**31.5%**
Proposed Impervious Surfaces	**2,362 sq. ft.**	**31.5%**

Existing residence is nonconforming in setbacks and parking.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report.

Jared Polsky, architect, believed it is better to leave the historic garage with tandem parking in back. It is better for the site. Widening the garage would take away one on-street parking, so this proposal seems the least obtrusive solution to the parking problem.

Mayor Kuhl opened the public hearing on this item.

Charlotte Levin, Poplar Ave. resident, expressed concern for the impact on the potential higher density, noise and quality of life. She further appreciated the Council's consideration on such matters in the future.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Small supported the project, but believed it is important to try and make the garage as functional as possible. These small garages end up being used for storage rather than parking. The current garage is not functional. If the door is not widened, the garage will never be used as a garage. Architect Polsky stated to widen the garage they must add a steel frame, which is not very simple. It is not just the door, but the header must be widened as well.

Council Member Hoertkorn noted support for the project, but agreed with Council Member Small's comments in regard to the garage.

Mayor Pro Tempore Brekhus supported the project.

Mayor Kuhl asked for a motion.

Council Member Small moved and Council Member Hoertkorn seconded, to approve 34 Poplar Avenue, Variance and Deign Review No. 1933 subject to the findings and conditions outlined in the staff report, including widening the garage door opening as deemed appropriate by staff for an average size vehicle. Motion carried 4:1. Mayor Kuhl opposed.

34 Poplar Avenue Conditions:

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. The project shall substantially comply with the plans approved by the Town Council dated 10/28/13.
2. The property owner shall maintain existing perimeter screening.
3. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. All garage doors shall be automatic and one additional onsite parking space shall be created prior to project final. The garage door openings shall be widened as deemed appropriate by staff for an average sized vehicle.
5. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.
6. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
7. 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.

8. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum "cut-off" appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

9. Applicants shall comply with all requirements of PG&E prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

10. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance or exemption. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance shall be submitted to the building department prior to project final.

11. Applicants shall comply with the requirements of the Ross Valley Sanitary District No. 1 letter dated September 25, 2013, prior to project final.

12. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD) in the memo dated September 24, 2013.

13. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

kk. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any roof projections that are not identified on the plans submitted for Town Council review. Where a roof area is visible from off site, roof projections shall be located to minimize their appearance. Exposed galvanized material is discouraged. All vents and flue pipes shall utilize a finish to blend into adjacent surfaces. If possible, vents may be concealed from view in forms compatible with the structure. Vents for cooking appliances should be located or directed to avoid noise and odor impacts to adjacent sites and shall be located out of required setback areas.

ll. The plans submitted for the building permit shall detail the gutter and downspout design and location for review and approval by the Town. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for Town Council review. A specification sheet shall be provided and the proposed color and finish material shall be specified. Downspouts should be located to minimize their appearance from off site locations. Gutters and downspouts should have a finish to blend into adjacent surfaces or underlying trim. Exposed galvanized material is not permitted.

mm. Exterior plumbing shall be removed and replaced with plumbing within the walls of the structure.

nn. 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.

oo. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.

pp. 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.

qq. 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.

rr. 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 for review by the Building Official. 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.

ss. 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, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). 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). 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 building department prior to project final.

i. The property owner shall repair the driveway approach over the gutter pan on Redwood Avenue prior to project final.

tt. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.

uu. 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.

vv. 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).

ww. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

xx. 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.

yy. Inspections shall not be provided unless the Town-approved building permit plans are available on site.

zz. 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).

aaa. 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.

bbb. A single geotechnical engineering report, containing all recommended geotechnical design criteria for the project, shall be submitted with the building permit plans for review by the building official. All geotechnical aspects of the proposed project and preliminary development of plans shall continue to be evaluated by the project geotechnical consultant. A letter from the project geotechnical consultant shall be prepared that approves all geotechnical aspects of the proposed site development layout, verifies project geotechnical feasibility, and verifies conformance with the geotechnical consultant's design recommendations.

ccc. Materials shall not be stored in the public right-of-way. 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. 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.

ddd. 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.

eee. The director of public works may require all electric, communication and television service laterals to be placed underground.

fff. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.

ggg. Carbon monoxide alarms shall be provided outside of each dwelling unit sleeping area in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit.

hhh. Address numbers at least 4" tall shall be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. The address numbers shall be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

iii. The applicant shall work with the Public Works Department to repair any road damage caused by the 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.

jjj. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). 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 the Town of Ross 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.

kkk. Flood resistant materials shall be used below the finished floor. All structural and non-structural building materials at or below the base flood elevation must be flood resistant. A flood-resistant material is defined as any building material capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Flood-resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the base flood elevation or sealed from floodwaters. (See FEMA Technical Bulletins 2-93 and 11-01 at http://www.fema.gov/ for more information)

lll. A FEMA elevation certificate shall be submitted to the Town with the building permit plans and prior to project final.

mmm. The Department of Public Works may require 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.

nnn. 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 a signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediments controls as a "back-up" system. (Temporary seeding and mulching or straw matting are effective controls.).

ooo. 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.

ppp. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented

qqq. All cracked, broken or uplifted sidewalk fronting the property shall be replaced.

rrr. The construction management plan shall be submitted in time to be incorporated into the job set of plans. The construction management plan shall become a binding document, and failure to adhere to the plan may result in stoppage of the project.

sss. Trees and vegetation shall be trimmed according to the Ross Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide clearance required by the Department of Public Works. Bushes and other vegetation shall be trimmed so no portion hangs over the sidewalk, or the road if no sidewalk is present.

ttt. 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.

uuu. 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.

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

variance to permit the walls to exceed the six foot height limit, approve a floor area variance to permit the pool equipment room to have a ceiling height over 7 feet, and approve other site wall modifications, based on the findings submitted by the applicant, the findings in Resolution 1832, and subject to the following conditions:

1. The venting for all pool equipment shall be permanently relocated to the area northwest of the pool and shall be constructed in a manner to minimize the direction of noise towards the property at 10 Canyon Road including, but not limited to, doubling the vent output size as compared to the original location in the pool room. Furthermore, any and all venting from the existing pool room that exits the west wall shall be permanently decommissioned and removed via a masonry seal over the existing vent hole.

2. Prior to project final, the applicant shall remove the stone and concrete stairs and railings to Winding Way, located in the north corner of the site and partially within the right-of-way, and shall restore the area to a natural and unimproved state.

3. The pool equipment room is permitted to have a ceiling height in excess of 7 feet but shall not be used for habitable space and cannot be traded off for other floor area in the future.

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

21. 34 Poplar Avenue, Amendment to Variance and Design Review Permit No. 1933

Dante and Mouna Ghilotti, 34 Poplar Avenue, A.P. No. 73-272-05, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. min lot size), Medium Low Density (3-6 units per acre), Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage) and within Floodway. Public hearing to consider amendments to an application for design review and variances approved November 14, 2013. The proposed project includes the following: 1.) demolition of shed along the south property line; 2.) 189 square foot addition to the first floor of the residence, including a new den within the required north side yard setback (15 feet required, 2.5± feet proposed) and master bedroom extension partially within the required south side yard setback (15 feet required, 10.5 feet proposed); 3.) interior remodel; 4.) rear deck and stairs to grade; and 4.) new dormer on west facing roof and improvement of 439 square feet of attic area for a bedroom. A nonconformity permit is requested to relocate the garage, which is nonconforming in setbacks, approximately 11.5' to the east to permit development of two uncovered parking spaces between the garage and Redwood Avenue. If the dormer addition is not supported, the applicants request an Attic Exception to permit improvement of 390 square feet of the attic area as floor area, without the 49 sq. ft. dormer addition.

Lot Area	**7,500 square feet**	
Approved Floor Area Ratio	**2,092 sq. ft.**	**27.9%**
Proposed Floor Area Ratio	**2,482 sq. ft.**	**33.1%* (20% permitted)**
Approved Lot Coverage	**2,616 sq. ft.**	**34.9%**
Proposed Lot Coverage	**2,616 sq. ft.**	**34.9% (20% permitted)**
Approved Impervious Surfaces	**2,362 sq. ft.**	**31.5%**
Proposed Impervious Surfaces	**2,362 sq. ft.**	**31.5%**

*Additional 390 floor area is for improvement of existing attic space
The existing residence is nonconforming in setbacks and parking.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report.

Jared Polsky, architect, explained that if they keep the same depth size with the smaller addition they will have less lot coverage than previously approved. The master bedroom is actually narrow. He wanted to keep the 10 ft., but it will be slightly more than 128 sq. ft. because the deck is wider. He wanted to have a deep enough deck to provide a table and chairs. Senior Planner Semonian had no objection because it will be essentially the same.

Mayor Brekhus pointed out that the staff report states, *"approved floor area ratio 2092."* Senior Planner Semonian noted that it included the garage space (1785 for living space, plus the garage. 390 sq. ft. of additional living space is in the attic). Prior approval for all that space was at the lower level because the garage is the same size on both. The difference is the 390 sq. ft. of attic area.

Council Member Robbins felt the decks should remain as approved. It is above grade. A large elevated deck is not appropriate. She did not support a curb cutout, which takes away neighborhood property.

Mayor Brekhus opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Mayor Brekhus noted that it is 128 sq. ft. vs. 140 sq. ft. , it is next to the commercial district and houses all along that street are over built. She felt being able to have a usable deck with a table and chairs is reasonable. She had no objection because the neighbors are getting such an improved condition.

Council Member Small agreed with the 128 sq. ft. The shed structure has been a buffer and when that is gone it will open the area up. This is turning a very small home into a four-bedroom home. This will be an impact.

Council Member Robbins did not understand why story poles were not erected because it is a larger deck and they have no idea of the appearance. She felt an elevated deck will be impactful when the homes are so close together. She reiterated that the deck should remain as approved.

Mayor Brekhus asked for a motion.

Council Member Robbins moved and Mayor Pro Tempore Hoertkorn seconded, to approve 34 Poplar Avenue, Amendment to Variance and Design Review Permit No. 1933 subject to the findings and conditions outlined in the staff report; with the deck to remain as approved at 128 sq. ft.; with no curb cut; and the driveway to remain as sited.

34 Poplar Avenue Conditions of Approval:

Underline and strikethrough indicate modifications made to the conditions recommended by staff by the Town Council at the public meeting.

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. The project shall substantially comply with the plans approved by the Town Council on April 9, 2015, except otherwise approved by the Town Council.
2. The lot coverage of the site shall be maintained at the existing level by reduction of the proposed rear deck area. No increase in lot coverage is permitted, even if roof eaves were counted in 2013.
3. An encroachment permit is required from public works for any modification to the curb and curb drainage. The property owner shall repair the driveway approach over the gutter pan on Redwood Avenue prior to project final. The width of the curb cut on Redwood Drive and garage approach shall be ~~minimized~~ maintained ~~as necessary to prevent the loss of any street parking~~.
4. The property owner shall maintain existing perimeter screening. Additional landscape screening shall be required to replace cypress trees removed for fire clearance.
5. The garage doors shall be automatic and two additional onsite parking space shall be created prior to project final. The garage door openings shall be widened as far as practically feasible for an average sized vehicle.
6. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.
7. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
8. No changes from the approved plans, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.
9. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum

"cut-off" appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

10. Applicants shall comply with all requirements of PG&E prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

11. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance or exemption. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance shall be submitted to the building department prior to project final.

12. Applicants shall comply with the requirements of the Ross Valley Sanitary District No. 1 prior to project final. The applicants are responsible for contacting the District and ensuring that all conditions are met prior to project final.

13. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department during their review of the building permit plans.

14. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

a. 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.

b. Prior to any demolition or issuance of a building permit, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department for review by the Building Official. 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.

c. The drainage design shall comply with the Town's stormwater ordinances (Ross Municipal Code Chapters 15.54 and 12.28).

d. 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.

e. 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).

f. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

g. 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.

h. Inspections shall not be provided unless the Town-approved building permit plans are available on site.

i. 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).

j. Materials shall not be stored in the public right-of-way. 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. 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.

k. Flood resistant materials shall be used below the finished floor. All structural and non-structural building materials at or below the base flood elevation must be flood resistant. A flood-resistant material is defined as any building material capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Flood-resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the base flood elevation or sealed from floodwaters. (See FEMA Technical Bulletins 2-93 and 11-01 at http://www.fema.gov/ for more information)

l. A FEMA elevation certificate shall be submitted to the Town with the building permit plans and prior to project final.

m. The Building Department may require a No Rise Certification prior to issuance of a building permit.

n. All cracked, broken or uplifted sidewalk fronting the property shall be replaced.

o. Trees and vegetation shall be trimmed according to the Ross Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide clearance required by the Department of Public Works. Bushes and other vegetation shall be trimmed so no portion hangs over the sidewalk, or the road if no sidewalk is present.

p. 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.

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

22. 32 Allen Avenue, Variance, Design Review and Demolition Permit No. 1982

Courtney Lynch, 32 Allen Avenue, A.P. No. 73-261-39, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. minimum lot size), Medium Low Density (3-6 units per acre), Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage) and Zone X (west side outside of High Risk Area). Review of application for demolition permit, design review, variance and nonconformity permit. The proposed project involves a significant remodel (potentially full demolition) and addition to the existing residence and modifications to the landscaping including: 1.) replacement of windows and doors on each elevation; 2.) modification of siding from painted horizontal siding to cedar shingles with a semi-transparent grey stain; 3.) elevating the residence 9" to prevent flooding; 4.) modification to the roof form, including an increase in the maximum ridge height; 5.) demolition of structures at the rear of the property (carport, covered patio, shed and cottage); 6.) new landscaping including a new pool within the rear yard setback, patios, arbors, fencing, gates, lighting and planting; and 7.) removal of four trees.

Lot Area	**11,071 square feet**		
Existing Floor Area Ratio	**2,596 sq. ft.**	**23.4%**	
Proposed Floor Area Ratio	**2,595 sq. ft.**	**23.4%**	**(20% permitted)**
Existing Lot Coverage	**2,573 sq. ft.**	**23.2%**	
Proposed Lot Coverage	**2,209 sq. ft.**	**20.0%**	**(20% permitted)**
Existing Impervious Surfaces	**4,775 sq. ft.**	**43.1%**	
Proposed Impervious Surfaces	**4,035 sq. ft.**	**36.5%**	

ATTACHMENT 6

From: Cate Babcock
To: ADRGroup
Subject: 34 Poplar Ave.
Date: Tuesday, July 14, 2020 3:30:52 PM

Good afternoon, Group,

As neighbors of the residents at 34 Poplar Ave. we oppose the proposed construction. The extensive project, particularly the pool, will either severely impact the next residence or, if moved closer to Redwood Drive, will create more noise for the neighborhood. The issues of setbacks and parking for guests are also salient variables we hope you will consider in your decision.

Sincerely,
Jeff and Catherine Babcock
14 Redwood Dr, Ross, CA 94957

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Ann C. Morrissey
P.O. Box 1427
36 Poplar Ave.
Ross, CA 94957
June 14, 2020

Town of Ross
Planning Department
P.O. Box 320
Ross, CA 94957

Shougar Residence Application for Landscape Improvement
34 Poplar Ave.

Attn: Planner Matthew Weintraub via mweintraub@townofross.org

Dear Mr. Weintraub and Members of the Advisory Design Review Group,

As one of the three adjacent neighbors to the Shougar residence at 34 Poplar, I have the following comments on the plans prepared and submitted by Imprints Landscape Architects and the approvals they are requesting:

The plans reference a “professionally survey” and their landscape architect told me and emailed he has a survey and he would send but has not done so. He later stated his dimensions were based on previous measurements by someone else. The south side boundary needs to be surveyed and marked before new fences are built.

The planting material along the fence between 34 Poplar and 36 Poplar needs to be tall enough to serve as a privacy barrier now, not in 10 years from now, as per the condition of approval for the remodel of 34 Poplar.

I don’t believe the side setback between 36 Poplar and the house at 34 Poplar is 15’. Their house is sited at an angle on their lot and the house no overhang as the drawings suggest. Their dimensions need to be verified as does the side boundary line.

The plan disclaimers state these plans are not in detail and not suitable for permits. That is indeed true; they are not accurate in many respects and, in fact, distort the actual size of existing and proposed improvements. Please see 2 photos attached which will show you just how close the surrounding properties are.

The proposed gas firepits are a fire hazard

The small outbuilding on my property at 36 Poplar which their plans describe as a shed is not a shed; it is a laundry/sewing room rebuilt several years ago with permits.

The proposed pool/spa is unacceptably close to the side boundary and on that basis alone, I object to the granting of a variance. Again, the surrounding properties, mine included, are far too close in proximity to one another to accommodate such an amenity

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without unfairly robbing the peace and enjoyment of the surrounding properties. A pool, firepits, even the outdoor kitchen do not qualify as necessary or essential to justify the granting of a variance as the mandatory findings require.

Ann Morrissey

4 properties. Taken from 36 Poplar. White house is 34 Poplar.

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34 Poplar (white house) taken from 36 Poplar. 3 windows at 34 Poplar overlooking 36 Poplar. Plant materials need to be tall enough to serve as privacy barrier. Shougars' landscape architecht agreed but plans do not reflect his agreement. Note: windows, skylights and chimney flue were not part of initial 34 Poplar remodel approval.

From:	Sue Taylor LAST_NAME
To:	Matthew Weintraub
Subject:	Proposal at 34 Popular, Ross
Date:	Tuesday, July 14, 2020 6:06:56 PM

Today, July 6, 2020 I received a "courtesy notice of public hearing" for the above-mentioned property. Therefore the hearing is less than two weeks away? I live at 25 Redwood Drive, two houses away from the property, and would appreciate your distributing this late latter to the ADR.

I object to a pool for the following reasons:

N oise. For example, Across the street (18 Redwood Dr) is a pool that is extremely noisy, late at night and during the day. The owners of 18 Redwood Dr. put their house on airbnb and those people also have no regard for the neighborhood. Parties go on late into the night.

Parking. The party goers crowd the street. The Shougers have a one car garage that they do not use for parking, but park in front of the garage with one car. Other car is in the street..

Flood Zone. We are in a flood zone and having ground that does not absorb water is not helpful.

Our quiet neighborhood would be impacted with more noise (we already have the noise from 18 Redwood Dr), and possibly rental with airbnb? More cars in the neighborhood and no help with flooding.
Sincerely.
Sue and Ken Dale

From: dickbobo
To: ADRGroup
Subject: Pool, spa, kitchen, etc. at 34 Poplar Avenue
Date: Tuesday, July 14, 2020 9:37:58 PM

A pool and other elements proposed by the Shougers at 34 Poplar Avenue wouldn't be much of a problem for me, but I'd pity poor Barbara Gately (19 Redwood Drive) if they put in a pool.

Our experience with a pool has been with Mike and Lisa Gorham family's pool (18 Redwood Drive). Their pool is at the rear of their lot, and ~120' from my house.

When their girls were younger, they'd have 6-8 or more girls back there yelling and screaming, which is what that age does when they're ages 10-12. Since we mostly live in the back part of our house, with the family room downstairs, and the bedroom upstairs, we heard everything. We found it to be a bit annoying, but just accepted it. However, Cate Babcock (14 Redwood Drive) found the noise caused her problems with her vertigo.

I realize that the Shougers don't have teenage children, but friends there for party can bring them. That's currently the case with the Gorhams when they have parties with several families who have young children, as the noise sometimes gets a bit loud.

My principle concern about the proposed pool is that it would be alongside Barbara Gately's front room, kitchen, and ground floor bedroom, all of which are along the wall adjacent to the Shouger property. From Barbara's standpoint, that's a terrible place to locate a pool.

I'm pretty sure that having a pool that close to Barbara's house would certainly negatively affect her property's value.

Going back to the Gorham's pool as an example, if their house were at the back of their lot, and they wanted to put a pool next to our house, we would have strenuously objected to it. This example parallels the problem with a pool being proposed right alongside Barbara Gately's house.

It's important to also look ahead as to what the situation might be. I've lived at 16 Redwood Drive for over 40 years, and during that time, the Shougers are the 6th family that has lived in their house. It's thus a possibility that within a couple years, another family with two or three young teenagers would live there, and the dynamics of living next to them would change greatly as they had their young friends over for pool parties.

Dick Bobo

16 Redwood Drive
Mobile: 415-722-3214

From: Charlotte Levin
To: Matthew Weintraub
Subject: 34 Poplar Avenue
Date: Tuesday, July 14, 2020 9:58:36 PM

My name is Charlotte Levin and I am the owner of 38 Poplar Avenue, Ross, CA.

I am writing in regard to the Planning Design I received in the mail today. I understand from several of my neighbors that the notice postmarked 7/10 San Francisco arrived in their mailboxes on Monday. Because of Covid 19 , I only go to the Post Office every other day, and it was only today that I received the notice. Because the notice came so late, I was unable to review the Project Plans of 34 Poplar Avenue. Fortunately, several of our neighbors informed my husband and me of the Project Plans and we were able to review them.

Following are some of our main concerns:

1) "medium low density": Medium low density is not an accurate description of this area of Ross. Medium to high density would be a more accurate description.

2) swimming pool: We oppose the installation of a pool because its close proximity to surrounding neighbors would negatively impact our quality of life.

3) fire pit: We oppose the construction of a fire pit because of the severe fire danger in the area.

Thank you for your consideration of our main concerns.

Respectfully,

Charlotte Levin
38 Poplar Avenue
P.O. Box 631
Ross, CA 94957

From: Lisa Gorham
To: ADRGroup
Subject: Shouger pool proposal
Date: Wednesday, July 15, 2020 2:40:30 PM

> To the town of Ross,
> We live across the street from the Shouger's at 18 Redwood. We are thrilled to see young
> Families moving on to our street. We fully support their desire to put a pool in their yard. We love to hear kids & families playing outside and enjoying their yards. It's very important that we keep young families wanting to move to our town. I know some of the older neighbors do not like change or any noise what so ever (even kids talking in the yard at 1pm on a Sunday)
> I know Ross is getting a reputation of the "older" population dictating what is allowed. I hear over & over that families do not move to our town because of it. I think it's important for the town to allow families to utilize their yards how they see fit. We have a pool and our property would not be the same with out it. It is only used for about 3-4 months out of the year. It is never used daily. The amount of noise from a pool is just not a big deal. It sounds like happiness, joy & fun. Why shouldn't we all be able to have that?

L I S A Gorham
18 Redwood Dr

Barbara L. GATELY
ATTORNEY AT LAW
P. O. BOX 1772
ROSS, CALIFORNIA 94957

(415) 464-7874 barbgately@gmail.com

July 15, 2020

Matthew Weintraub, Planner
Planning Division
Town of Ross
31 Sir Francis Drake Blvd.
Ross, CA 94957

Re: July 21, 2020 Advisory Design Review Meeting re Shougar Residence (34 Poplar Avenue) Application for Approval to Construct Pool/Spa

Dear Mr. Weintraub and Advisory Design Review Members:

I have lived at 19 Redwood Drive, the property directly contiguous to the Shougars' proposed pool/spa, for almost 40 years. During that time, I have never opposed my neighbors' plans to improve their property. When Cassie and Jeff Shougar recently sent me their design plans for developing the lot next to mine, however, I explained that I could not support the installation of a pool that was approximately three feet from my living room, kitchen and bedroom. The Shougars offered to propose alternative plans but it appears that the original plans are those presently before the Advisory Design Review (ADR) members. Given the configuration of their lot, I do not see a sustainable alternative in any event.

As the members undoubtedly know, Redwood Drive is a community of houses on generally undersized lots that are unusually close to their neighbors. Those of us who have lived here for many years treasure the intimacy and sense of community that this historical anomaly invites. It nevertheless should be an essential consideration when a landscaping project with potentially profound implications is proposed. To make the point, I invite the ADR members to look at the Shougars' Slide 2. It clearly depicts the two houses bordering the southern boundary of their property—my house on the left and Ann Morrisey's house on the right. The wire fence depicted on Slide 2 is just two feet from our houses. The Shougars' Slide 3 is a drawing of the proposed pool, which runs almost the entire length of my house, and is located about a foot away on the other side of the wire fence. I am not aware of another lot in the neighborhood where the "backyard" butts up against a house rather than another backyard—a circumstance that leads to the current friction between the interests of our respective properties.

In order to construct the pool, the Shougars would require a variance. I understand that it is not the province of the ADR to determine whether or not the proposed plan meets the requirements needed for a variance. But it is impossible to evaluate these plans in a vacuum and, if the pool project seems unlikely to meet those requirements, I believe the members should look at the plans with a more critical eye. I therefore offer a brief analysis of the criteria for a variance.

Under the Ross Municipal Code, a variance will only be granted if four findings can be made. First, the applicant must establish that "**special circumstances** . . . deprive[] the property of privileges enjoyed by other properties in the vicinity." The only pool in the vicinity that I am aware of (with the exception of two very old, unused structures) is across the street from the Shougars, at 18 Redwood Drive, and is located in the far rear of that substantial lot where the closest house is approximately 120 feet away—unlike the 3-foot "buffer" being proposed here. As Dick Bobo, my neighbor at 16 Redwood Drive, pointed out in his letter to the members, even the 120-foot distancing has not prevented pool-related noise that detracts from the enjoyment of his property.

Second, the variance must be necessary to preserve "**substantial property rights**." As far as I know, there is no inherent "right" to construct a pool on one's property. As stated, I am not aware of any pools (other than the one at 18 Redwood Drive) in the vicinity, possibly because there has been a general recognition of the intimate character of this neighborhood.

Third, it must be shown that the granting of a variance "**would not be** detrimental to the public or **injurious to other property in the area**." It does not take an expert to conclude that the installation of a pool approximately three feet from my living room, kitchen and bedroom would be "injurious" to my property as it would negatively affect the enjoyment of my property. Furthermore, I have consulted with two real estate agents who confirm that the proposed pool/spa would also negatively affect my property's value. I am 71 years old. My house is not only my home but is a substantial investment that I look to protect and grow.

Fourth, the applicant must show that the granting of a variance would not represent a "**special privilege"** inconsistent with the limitations upon other properties in the area. I do not believe that the Shougars could overcome this, or any of the other three requirements needed to obtain a variance.

I maintain a friendly relationship with the Shougars and I do not offer these comments in a personally negative way. Indeed, I welcome the Shougars as new neighbors and do not take specific issue with any of their proposed landscaping but I cannot responsibly sign off on the pool.

Sincerely,
/s/
Barbara L. Gately