



Staff Report

Date: January 16, 2024
To: Advisory Design Review (ADR) Group
From: Alex Lopez-Vega, Assistant Planner
Subject: 18 Canyon Road

Recommendation

ADR Group consideration and recommendation to the Town Council regarding the merits of the project and consistency with the Design Review criteria and standards of Ross Municipal Code (RMC) Section [18.41 Design Review](#).

Project Information

Property Owner: Robert and Sandra Ludlow
Applicant: Robert Ludlow, Architect
Street Address: 18 Canyon Road
Parcel Number: 072-031-55
Zoning: R-1: B-5A
General Plan: VL (Very Low Density)
Flood Zone: X (Moderate Risk)

Project Data

	Code Standard	Existing	Proposed
Lot Area	5 Acres	61,044 SF	No change
Floor Area (FAR)	10%	3,099 SF (5%)	No Change
Building Coverage	10%	2,391 SF (4%)	No Change
Rear Setback	70'	15'	No Change
Impervious Surface Coverage	Minimize and/or mitigate for any increase.	2,418 SF	No Change

Project Description

The applicant requests a recommendation to the Town Council for Design Review and a Hillside Lot Permit. The project proposes to legalize the existing nonconforming hot tub located within the rear yard setback and the hot tub equipment located in the side yard setback. The existing hot tub is made up of cedar and is integrated into the wood deck attached to the single-family residence. The required rear setback is 70-feet, and the existing hot tub is located 15-feet from the rear property line.

Project plans are included as **Attachment 1**; Project Application and Materials are included as **Attachment 2**.

The proposed project is subject to the following permit approval:

- **Variance is required pursuant to RMC 18.48.010** to allow for the construction of the hot tub and hot tub equipment in the side and rear yard setbacks.
- **Hillside Lot Permit is required for lots with a slope of 30 percent or more, pursuant to RMC Section 18.39.020.**

Background

The project site is a 61,044 square-foot steeply sloping lot on Canyon Road. The lot has a single-family residence which includes an easement. The subject site has an average slope that is greater than 30%.



Discussion

The overall purpose of the 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 individuals 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 RMC Section 18.41.100 can be found here: [18.41 Design Review](#).

Public Comment

At the time of writing this report, no comments were received from the public regarding the project.

Attachments

1. Project Plans
2. Project Application & Materials

ATTACHMENT 1

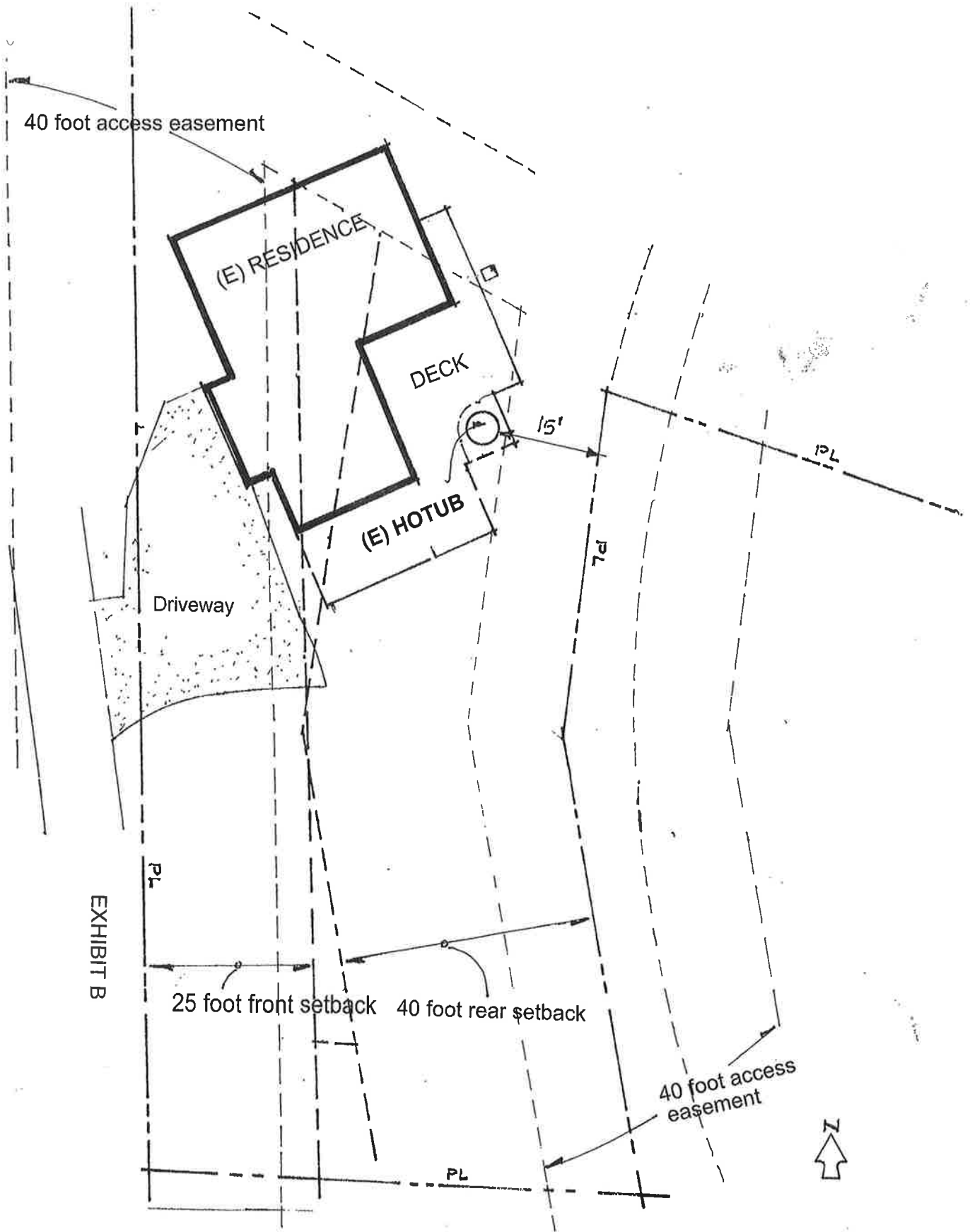


Figure 4. **PROPERTY SETBACKS** SCALE 1" : 20'-0"

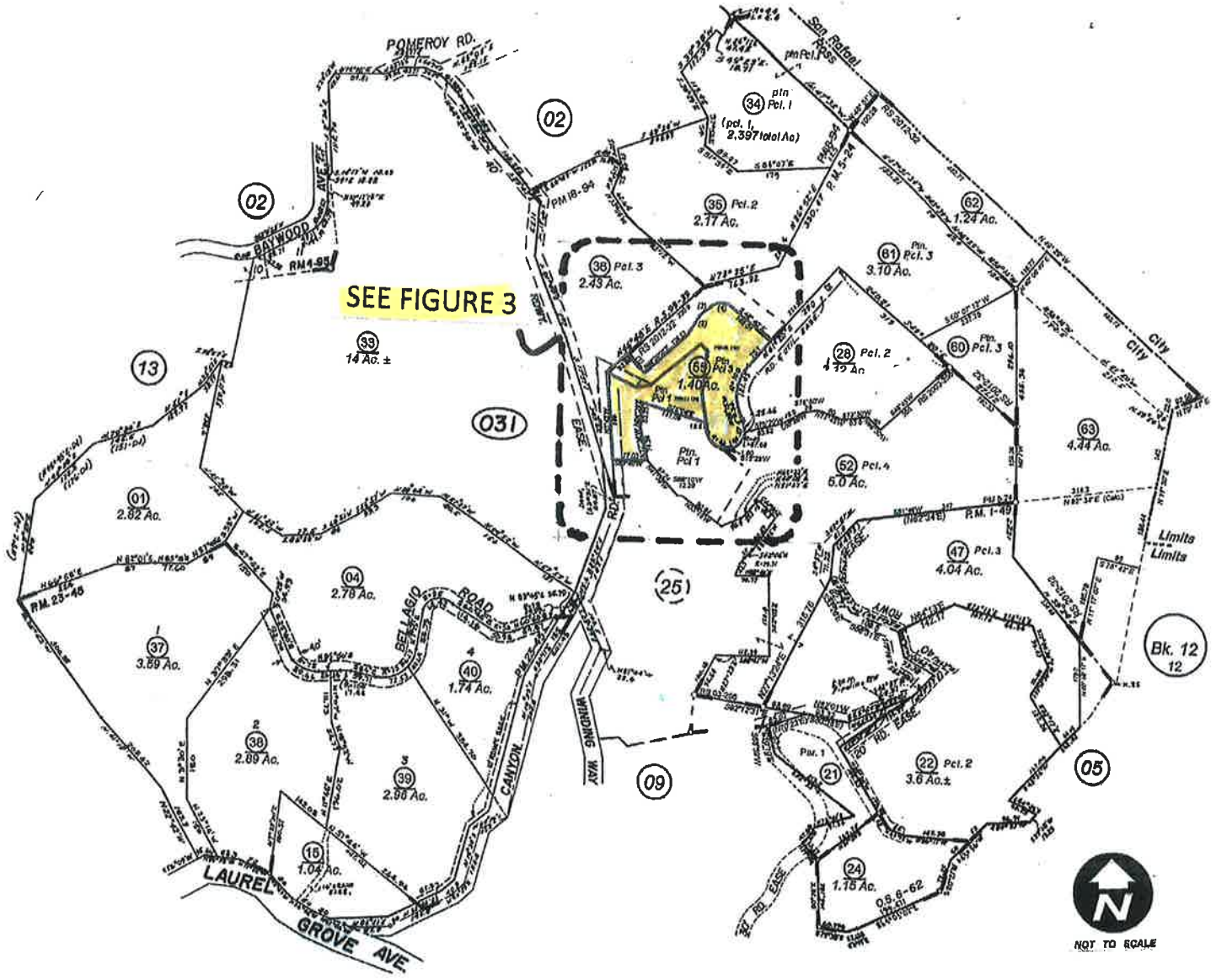


Figure 2. PROPERTY LOCATION (NOT TO SCALE)

(36) Pcl. 3
2.43 Ac.

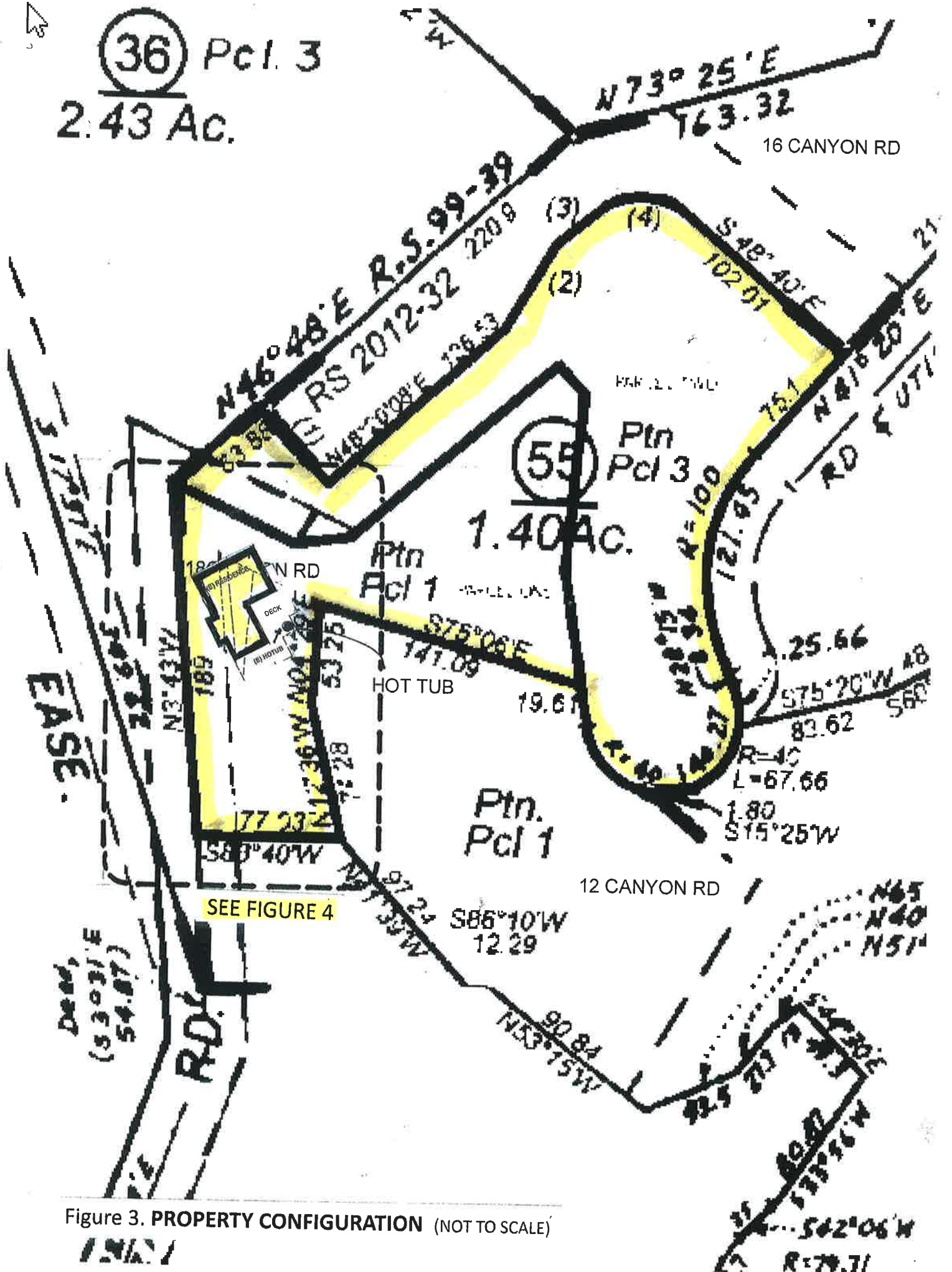
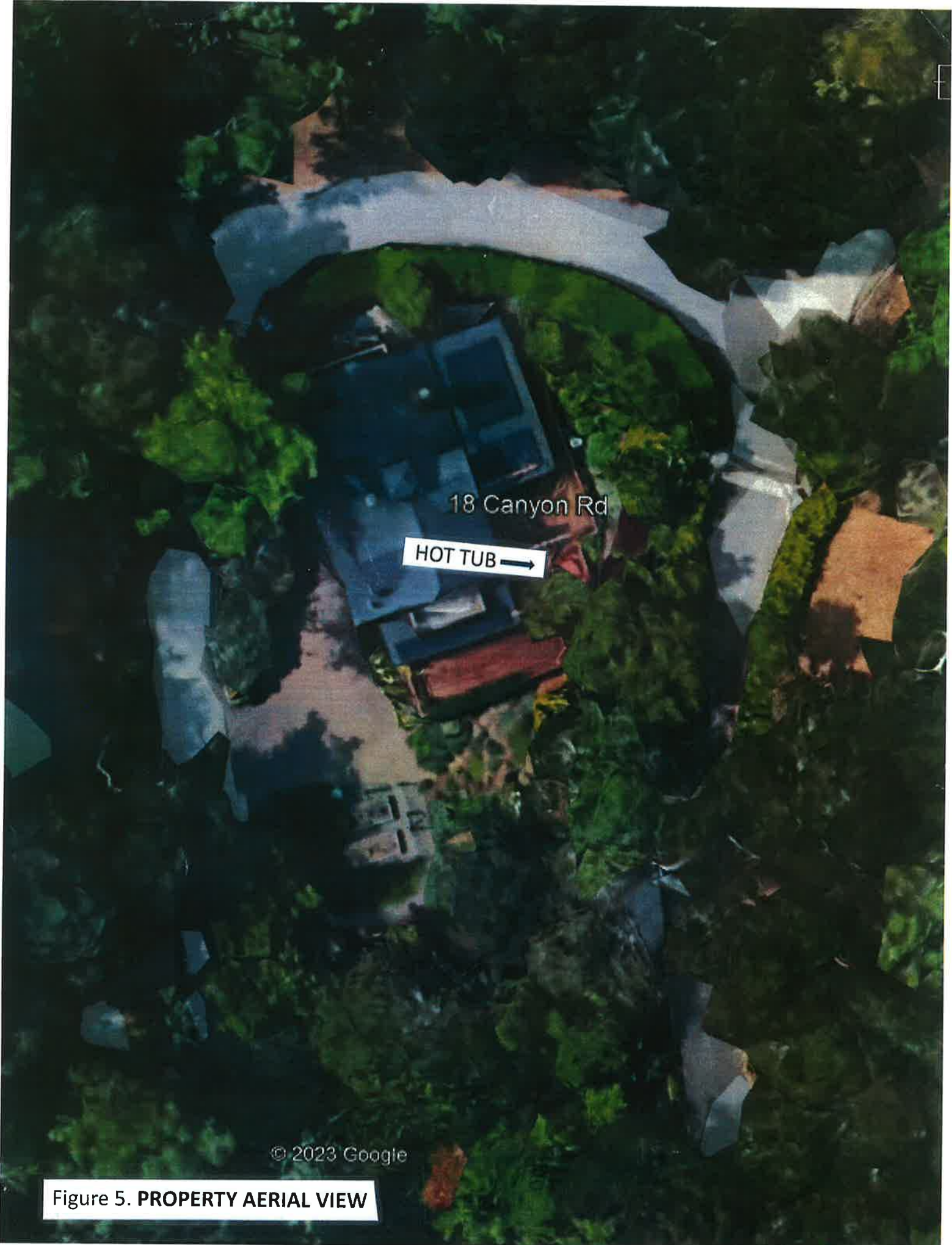


Figure 3. PROPERTY CONFIGURATION (NOT TO SCALE)



18 Canyon Rd

HOT TUB →

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Figure 5. PROPERTY AERIAL VIEW



Figure 6. PROPERTY LOCATION. AERIAL VIEW

ATTACHMENT 2



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Telephone (415) 453-1453, Ext. 121 Fax (415) 453-1950

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

- Advisory Design Review
- Appeals
- Basement and Attics Exception
- Certificate of Compliance
- Demolition Permit
- Design Review
- Design Review- Amendment
- Final or Parcel Map
- General Plan Amendment
- Hillside Lot Permit
- Lot Line Adjustment
- Minor Exception
- Non-conformity Permit
- Accessory Dwelling Unit
- Tentative Map
- Tentative Map Amendment
- Time Extension
- Use Permit
- Variance
- Zoning Ordinance
- Amendment Other:
- Other:

To Be Completed by Applicant:

Assessor's Parcel No(s): 072-031-55

Project Address: 18 Canyon Road

Property Owner: Robert & Sandra Ludlow

Owner Mailing Address (PO Box in Ross): PO Box 276

City/State/Zip: CA 94957 Owner's Phone: (510) 822-1954

Owner's Email: rhludlow@sbcglobal.net

Applicant: Robert H. Ludlow, Architect

Applicant Mailing Address: 829 Shattuck Ave

City/State/Zip: Berkeley, CA 94707 Applicant's Phone: (510) 822-1954

Applicant's Email: _____

Primary point of Contact Email: Owner Buyer Agent Architect

To Be Completed by Town Staff:

Date Received: _____

Application No.: _____

Zoning: _____

Planning 5300 _____

Tree Permit 5305 _____

Fee Program Administration 5315-05 _____

Record Management 5316-05 _____

Record Retention 5112-05 _____

Technology Surcharge 5313-05 _____

Date paid: _____ TOTAL FEES: _____

Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.

SUBDIVISION INFORMATION ONLY

Number of Lots: _____

LOT LINE ADJUSTMENT ONLY

Describe the Proposed Lot Line Adjustment: _____

Existing Parcel Size(s)	Parcel 1:	Parcel 2:
Adjusted Parcel Size(s)	Parcel 1:	Parcel 2:

PARCEL ONE	PARCEL 2
Owners Signature: _____	Owner's Signature: _____
Date: _____	Date: _____
Owner's Name (Please Print): _____	Owner's Name (Please Print): _____
Assessor's Parcel Number: _____	Assessor's Parcel Number: _____

* If there are more than two affected property owners, please attach separate letters of authorization.

REZONING OR TEXT AMENDMENT ONLY

The applicant wishes to amend Section _____ of the Ross Municipal Code Title 18.

The applicant wishes to Rezone parcel _____ from the _____ Zoning District to _____.

GENERAL OR SPECIFIC PLAN AMENDMENT ONLY

Please describe the proposed amendment: _____

CERTIFICATION AND SIGNATURES

I, the property owner, do hereby authorize the applicant designated herein to act as my representative during the review process by City staff and agencies.

Owner's Signature: _____ Date: _____

I, the applicant, do hereby declare under penalty of perjury that the facts and information contained in this application, including any supplemental forms and materials, are true and accurate to the best of my knowledge

Owner's Signature: _____ Date: _____

SIGNATURE:

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

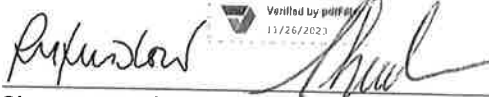

I further certify that I understand the processing procedures, fees, and application submittal requirements.

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at

Berkeley

November 27, 2023

, California on

Robert H. Ludlow, Architect

Signature of Property Owner(s) and Applicant(s) Signature of Plan Preparer

Notice of Ordinance/Plan Modifications

- Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm _____
Project Landscape Architect _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Civil/ Geotechnical Engineer

Firm _____
Project Engineer _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Arborist

Firm _____
Project Arborist _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Written Project Description – may be attached.

A complete description of the proposed project, including all requested variances, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

The variance application is for an existing hot tub located inside a rear yard setback.

The current owners purchased the property on November 15, 2023.

The property contains a cedar hot tub built without a permit in approx. 2008-2013

that is integrated into the wood deck attached to the residence.(Fig.1)

The property is on an irregularly shaped 1.4 acre lot in the R1-A5 Hillside zone (Fig.3)

The existing residence and deck are located in the lower valley portion of the lot.

The back portion of the lot is an undeveloped wooded upslope that includes easements to 12 Canyon Rd. and 16 Canyon Rd.

The original carriage house was built in 1929 and expanded by variance in 2007.

Because of the configuration of the lot, existing construction extends into the setbacks.

The private gated driveway to 12 Canyon Rd. is the only adjacent property adjacent to the hot tub location.

The hot tub is approximately fifteen feet from the eastern property line, and ten feet below the property line where it is screened by established vegetation.

For a summary of how the project relates to the design review criteria, see Appendix A

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.**

See Appendices 1, 2 and 3

The lot is irregularly shaped, steeply sloped and includes access and utility easements. The buildable portion of the lot is in the lower valley.
~~Between the 25 foot front setback and 40 foot rear setback there is no place where a hot tub could be located outside of a setback.~~

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.**

The majority of properties in the neighborhood have swimming pools and hot tubs/spas.

Keeping the hot-tub will allow the property owners the same use and enjoyment of their property as owners of other surrounding properties in the same zone and location.

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.**

The hot tub poses no health or safety risk to the public or neighborhood.

The hot tub is not visible or audible from any surrounding property and not accessible from the street. In accordance with CBC 3109 as amended by the Town of Ross, the hot tub has a locking safety cover that meets ASTM F1846..

The nearest four dwellings are 10, 12, 16 and 20 Canyon Road which are 350 ft, 380 ft, 330 ft and 220 ft distant respectively. (See Attachment 6)

APPENDIX A

18 Canyon Road, Ross CA

Variance Application

Summary of how the hot tub location relates to the design review criteria in the Town zoning ordinance(RMC§18.41.100).

- **Preservation of Natural Areas and Existing Site Conditions.** The hot tub was installed within the footprint of an existing deck. It has no impact on the landscaping, and minimizes the building and deck footprint. The equipment and tub are screened from view by vegetation.
- **Relationship Between Structure and Site.** Not applicable
- **Minimizing Bulk and Mass.** The hot tub is within the existing deck area so the bulk and mass of the building is not increased.
- **Materials and Colors.** The hot and surrounds are made of natural materials (Redwood and C). There is no fiberglass or concrete.
- **Drives, Parking and Circulation.** Not applicable.
- **Exterior Lighting.** There is no additional exterior lighting for the hot tub.
- **Fences and Screening.** The hot tub is screened by established vegetation, and the natural topography of the property which places the hot tub below the nearest adjacent neighboring property.
- **Views.** There are four surrounding residences which are between 220" and 400" from the hot tub location (See attachment, Figure 6) and the hot tub is not visible from any adjoining surrounding properties. The hot tub is screened by vegetation from the driveway to 12 Canyon Road.
- **Natural Environment.** No impact.
- **Landscaping.** The property includes approximately one acre of undeveloped natural vegetation. Landscaping is not reduced or altered by the hot tub.
- **Health and Safety.** No health or safety risk is posed. The hot tub has a locking safety cover that meets ASTM F1846. In accordance with CBC 3109 as amended by the Town of Ross.
- **Visual Focus.** Not applicable.
- **Privacy.** The hot tub is not visible or audible from any neighboring properties.
- **Consideration of Existing Nonconforming Situations.** Because of the unusual lot configuration, there is no alternative location where the hot tub could be located outside of a setback. Eliminating the hot tub would result in no betterment to any adjoining or public property.
- **Relationship of Project to Entire Site.** The hot tub location does not affect other pre-existing conditions.
- **Project Reducing Housing Stock.** Not applicable.
- **Setbacks.** The hot tub is not within a setback from creeks, waterways and drainageways.
- **Low Impact Development for Stormwater Management.** No change to stormwater drainage.



Figure 1. VIEW OF HOT TUB

18 Canyon Variance_OUTREACH TO NEIGHBORS



Robert Ludlow <rhludlow@sbcglobal.net>

To: Alex Lopez-Vega

Cc: 'Sandra Ludlow'



Wed 1/10/2024 1:29 PM

You replied to this message on 1/10/2024 3:55 PM.

Hi Alex,

We (Rob and Sandy Ludlow) have contacted the four neighbors that are adjacent to our property. These are 10, 12, 16 and 20 Canyon Road. There has not been any objection to us retaining the hot tub in the current location. Here is a summary of our outreach to the neighbors.

10 Canyon Road:

Rob visited the property on January 2, 2024 and spoke with staff.

Sandy emailed Dennis and Zara Muren on Jan 4, 2024 to provide background to the variance application.

Zara Muren replied by email on Jan 6 stating that she had no objection.

12 Canyon Road:

Rob had a conversation with Renaud Laplanche on the driveway. Renaud had no objection to the hot tub location.

Sandy emailed Renaud and Nathalie Laplanche on Jan 4, 2024 to provide background to the variance application, and a reminder on January 9, but to date, we have not received an email response.

16 Canyon Road:

Rob visited 16 Canyon Road on January 2, 2024 and spoke with Amanda Mortimer. Amanda stated that she had no objection to the hot tub location, and gave us their email addresses.

Sandy emailed Amanda and Peter Mortimer on Jan 4, 2024 to provide background to the variance application, and a reminder on January 9, but to date, we have not received an email response.

20 Canyon Road:

Sandy emailed the name and email address listed in the Ross Directory. We got a response from Miranda Abrams, but it turns out she is not the resident there.

Rob visited the 20 Canyon Road on January 2, and January 9 and met the big chocolate lab, but no-one answered the door.

Please let me know if you need anything more,

Regards, Rob

Robert H. Ludlow, Architect