

Agenda Item No. 12b

#### **Staff Report**

**Date**: February 11, 2016

To: Mayor Kathleen Hoertkorn and Council Members

From: Heidi Scoble, Planning Manager

Subject: Cypress Trust Design Review Amendment, 38 Fernhill Avenue, File No. 2016-005

#### Recommendation

Town Council approval of Resolution 1936 to allow architectural design modifications, including the use of a cedar roofing material, for the new construction of a single family residence at 38 Fernhill Avenue, APN 073-041-37.

#### Project Summary

Owner:	Cypress Trust
Design Professional:	Ken Linsteadt Architects
Location:	38 Fernhill Avenue
A.P. Number:	73-041-37
Zoning:	R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size)
General Plan:	Low Density (1-3 units per acre)
Flood Zone:	Zone X (outside 1-percent annual chance floodplain)

#### Background, project description and discussion

On May 14, 2015, the Town Council approved the demolition of an existing 10,120 square foot single family residence with a new 9,999 square foot residence. The two-story modern farmhouse residence with attached garage was approved with wood siding and trim that would be painted in a Benjamin Moore White Dove color. The wood porch floor was approved to be painted with Benjamin Moore Thundercloud. A standing seam metal roof was also approved with zinc (grey) color. New landscaping and hardscape elements were also approved, including a concrete driveway and a five foot-tall entry gates and stone faced columns. A building permit for the construction of the residence was issued in December 2016.

Since the issuance of the building permit, the applicant is proposing both interior and exterior design modifications to the residence as follows:

- ✓ Roof Plan modifications
  - ✓ Replace standing seam metal roof with cedar shingles and copper gutters and Downspouts
  - ✓ Install Sonoma Fieldstone cladding at chimneys
  - ✓ Install new chimney
  - ✓ Install two reverse dormers on the north side of the main roof
  - ✓ Modify skylights
  - ✓ Modify stair tower from a pyramid to a gable roof with a lowered ridge
- ✓ Modify Exterior North Building Elevation
  - ✓ Window and door changes
  - Modify master wing second floor building wall and terrace
  - ✓ Installation of two reverse dormers
  - ✓ Installation of third roof top chimney
  - ✓ First level column spacing along the veranda
  - ✓ Install a wood grill on the veranda
  - ✓ Install an exterior gas grill adjacent to the garage.
  - ✓ New roof material
- ✓ Modify Exterior West Elevation
  - ✓ Window and door changes
  - ✓ Roof changes as described above
  - ✓ New roof material
- ✓ Modify Exterior East Elevation
  - ✓ Roof changes as described above
  - ✓ Skylight changes as described above
  - ✓ Master Wing building wall change
  - ✓ New roof material
- ✓ Modify Exterior South Elevation
  - ✓ Installation of third roof top chimney
  - ✓ New roof material
  - ✓ New gable roof instead of pyramid roof for stair tower
  - ✓ Modify windows at stair tower
- ✓ Modify interior floor plans
  - ✓ Relocate the breakfast bay from the south side of the room to the north side of the family room
  - ✓ Relocate the kitchen
  - ✓ Reconfigure the laundry room/stair to garage attic, reconfigure the closets and bath within the master suite, and reduce floor area

Upon review of the project modifications, the proposed designed changes appear to be in substantial compliance with the previously approved residence. The project modifications are in keeping with the mass, scale, and design of the residence. Additionally, the project modifications would not negatively impact any of the surrounding properties due to location of residence, in addition to the lot size and topography of the project site. Furthermore, the proposed materials would also be in keeping with the architectural style of the residence. The

one area that warrants further discussion is the proposed cedar roofing material. The Town requires a Class A roof for all new construction. Although the applicant is proposing a Class B cedar shingles, the shingles would be treated with fire retardant material that would be installed over a 72lb mineral cap sheet over an asphalt-impregnated roofing felt underlayment, thus making Class A roof by assembly. A Class A roof by assembly is permitted by the building codes.

The Advisory Design Review Group reviewed the project modifications its January 26, 2016 meeting and supports the proposed project changes.

#### Fiscal, resource and timeline impacts

If approved, the project would be subject to one-time fees for a building permit, and associated impact fees, which are based in part on the valuation of the work proposed. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

#### Alternative actions

- 1. Continue the project for modifications; or
- 2. Make findings to deny the application.

#### **Environmental review (if applicable)**

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 15303, Class 3 (New Construction). No exception set forth in Section 15300.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources.

#### Attachments

- 1. Resolution 1936
- 2. Town Council Minutes from May 14, 2015
- 3. Project Plans
- 4. Project Information

# ATTACHMENT 1

## TOWN OF ROSS

## RESOLUTION NO. 1936 A RESOLUTION OF THE TOWN OF ROSS APPROVING AN AMENDMENT TO A PREVIOULY APPROVED DESIGN REVIEW TO ALLOW MODIFICATIONS FOR THE NEW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT 38 FERNHILL AVENUE, APN 073-041-37

WHEREAS, Ken Linsteadt Architects, on behalf of property owners Cypress Trust, submitted an application for an amendment to a previously approved Design Review to allow for design modifications for the new construction of a single family residence at 38 Fernhill Avenue, Assessor's Parcel Number 073-041-37 (the "project"); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15303(e), Class 3 – New construction or Conversion of Small Structures, because the project consists of the new construction of a detached accessory structure and a retaining wall; and

**WHEREAS**, on February 11, 2016, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

**NOW, THEREFORE, BE IT RESOLVED** the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A", and approves the Design Review for the project described herein, located at 38 Fernhill Avenue, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 11<sup>th</sup> day of February 2016, by the following vote:

AYES:

NOES:

ABSENT:

**ABSTAIN:** 

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Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

## EXHIBIT "A" Findings 38 Fernhill Avenue APN 073-041-37

- I. In accordance with Ross Municipal Code Section 18.41.070, Design Review is approved based on the following findings:
  - 1. The project is consistent with the purpose of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010:

The project consists of architectural design modifications that would be in keeping with the craftsman architectural design and materials that was approved by the Town Council on May 12, 2015. Additionally, the project would not impact the "small town" character of the Town because the project is designed to minimize visibility from public vantages and would be consistent with the development patterns within the neighborhood to relative to the project site and the neighborhood.

2. The project is in substantial compliance with the design criteria of Ross Municipal Code Section 18.41.100.

The project would be consistent with the design review criteria and standards relative to having a nominal impact on the existing site conditions by providing an architectural design that is compatible with the architecture, materials, and colors of the previously approved residence. Furthermore, the project would address health and safety through the issuance of a building permit to ensure compliance with the building, public works, and fire code regulations.

#### 3. The project is consistent with the Ross General Plan and zoning ordinance.

The scope of the project is consistent with the allowed structures and uses that may be permitted within the Very Low Density land use designation of the General Plan and the single family residence chapter of the zoning ordinance.

## EXHIBIT "B" Conditions of Approval 38 Fernhill Avenue APN 073-041-37

- 1. This approval authorizes a Design Review Amendment an amendment to a previously approved Design Review to allow for design modifications for the new construction of a single family residence at 38 Fernhill Avenue.
- 2. The building permit shall substantially conform to the plans entitled, "38 Fernhill Avenue" consisting of 11 sheets prepared by Ken Linsteadt dated January 14, 2016.
- 3. Any changes to the roofing material other than a metal standing seam roof or cedar shingles consistent with the Town's roofing material requirements per Title 15 of the Ross Municipal Code, shall be approved by the Town Council.
- 4. The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit. The property owner shall certify on the building permit plans that they have read and agree to the following conditions.
- 5. Except as otherwise provided in these conditions, the project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
- 6. 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.
- 7. 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.

# ATTACHMENT 2

## REGULAR MEETING "EXCERPT" of the ROSS TOWN COUNCIL THURSDAY, MAY 14, 2015

#### **Public Hearings on Planning Applications.**

#### 17. 38 Fernhill Avenue, Design Review and Demolition Permit No. 1991

Cypress Trust, 38 Fernhill Avenue, A.P. No. 73-041-37, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 units per acre). Review of new plans for the development of the site that would require Town Council approval of design review and a demolition permit. The project includes: 1.) demolition of the existing residence and all accessory structures; 2.) construction of a new residence and attached garage; 3.) new pool and patio area north of the residence; 4.) 5 foot tall entry gates and stone faced columns; and 5.) removal of 7 Significant trees between 12" and 36" in diameter (more than 40 new trees are proposed).

Existing and proposed conditions:

Lot Area	105,500 squa	re feet	
Existing Floor Area Ratio	10,120 sq. ft.	9.6%	
Proposed Floor Area Ratio	9,999 sq. ft.	9.5%	(15% permitted, 10,000 sq. ft. guideline maximum)
Existing Lot Coverage	7,636 sq. ft.	7.2%	-
Proposed Lot Coverage	8,255 sq. ft.	7.8%	(15% permitted)
Existing Impervious Surfaces	28,650 sq. ft.	27.1%	
Proposed Impervious Surfaces	18,557 sq. ft.	15.7%	

Contract Planner Leann Taagepera summarized the staff report and recommended that the Council approve the design of the residence subject to the findings and conditions outlined in the staff report. Staff further revised Condition No. 9 by removing the following language "memo dated April 2015" and state, "The project shall comply with the Fire Code and comments of the Ross Valley Fire Department."

Mayor Brekhus discussed the design review guidelines in regard to development should not be clustered; parking pads and parking should be minimized; garages should be sited to minimize visual impact as well as decks and balconies. She felt with this project that concept was not explored and asked staff if ADR (*Advisory Design Review*) Group made any comments in that regard. Contract Planner Taagepera noted that for most of the public right-of-way the house is not visible, so it was more acceptable to have a long linear building than have the garage in the back.

Mayor Brekhus discussed the dense foliage and asked staff if along the street that dense foliage would remain. Contract Planner Taagepera noted that there would be screening in one way or the other that would prevent the public view. There is extensive landscaping proposed.

Mayor Pro Tempore Hoertkorn desired to know the intent of the fence along the street. Contract Planner Taagepera indicated that the project architect would address the fence.

Ken Lindsteadt, architect, explained that the house needed more sense of indoor/outdoor connection. The existing house is big and square and has a specific look. The plan proposed is a more linear design with more connection to indoor/outdoor. The length of the building is to articulate each form. The idea is to have the main house and have the breezeways connect the other forms. There are landscape pockets that read between buildings along with courtyards on either side. The second story of the main house is set back in with porches, which helps the building step in. It is a unique site. The expression of the house is not seen until in the courtyard. The neighbors to the east expressed concern for the story poles, so they developed a plan to maintain all existing screening along with an additional tree. A big component of this project is the landscape and screening.

Contract Planner Taagepera stated that ADR believed the project was acceptable and agreed to move forward to the Council. Council Member Small explained that when ADR feels the project met a certain threshold then it is sent to the Council.

Council Member Kuhl asked the number of garage parking spaces proposed. Architect Lindsteadt indicated it is a three-car garage.

Robert Wiley, landscape architect, explained that due to the significant and beautiful trees that define the site, there is a gigantic diameter of where they cannot place buildings, which impacted the location of the garage in several of the studies.

Mayor Pro Tempore Hoertkorn desired material examples to better understand what is proposed. Architect Lindsteadt provided the Council with materials and renderings for their consideration.

Mayor Pro Tempore Hoertkorn wanted to know the appearance of the fence. Landscape Architect Wiley noted that on Fernhill the intention is to keep all plantings, but clean up the shrubs. The fencing itself would be obscured by green as seen today. There would be a green barrier between Fernhill and the property itself. The fence is a transparent, simple welded wire mesh fence with post. It is basically a deer fence that would disappear in the foliage. The front gate design has been amended since 50% transparency is required. They maintained a simple vocabulary that is keeping with a farmhouse approach. They received approval from MMWD. Currently, there is about 17,000 sq. ft. of lawn, which is being reduced to 6,800 sq. ft. He felt the Council is familiar with the plan and is happy to answer any questions of the Council.

Council Member Robbins asked if the shrubbery along the perimeter where the deer fence is located is that planted on the street side or inside the property. Landscape Architect Wiley responded that the fence would be inside the property, so green would be on both sides. Council Member Small clarified that nothing is planted in the right-of-way. Landscape Architect Wiley responded in the affirmative. Nothing is proposed to be planted in the right-of-way. Evergreen shrubs would remain and weeds and blackberry would be removed. Primarily they are trying to increase the health of the shrubs desired that are being choked by the invasive plants growing around them.

Mayor Pro Tempore Hoertkorn wanted to make sure that what is seen on Fernhill continues to be green and not view a fence. Landscape Architect Wiley stated that is their intention as well.

They propose an orchard type entrance, so there is a layering of tree plantings proposed in front of the house.

Mayor Brekhus opened the public hearing on this item.

Peter Nelson, Circle Drive resident, noted that issues were raised at the ADR meeting and nothing was truly objectionable. It was recommended that they did not need to come back to ADR. Also, he is surprised with the lack of detail in regard to Fernhill. One issue discussed at ADR was other neighbors in the area have been circulating interest of having a path along the short stretch on Fernhill around the curve. Some students, those walking dogs and jogging, use the path. It is a fairly active and dangerous corner. There should be some thought of treatment on that curve.

Landscape Architect Wiley added that the area in question would require an encroachment permit. Also, he expressed concern for liability in terms of creating a sidewalk not on his client's property. They did talk to staff in regard to a path because it is an interesting idea, but very difficult for the scope of this project. Council Member Small felt this is a public works issue. At the corner of Glenwood and Fernhill, public works cut the foliage back because it was overgrown. This is an area to have public works review. Adding a pathway cannot fall on this applicant. It is not only the pathway; it is a drainage issue as well, which is not a homeowner's issue. She felt adding a path that does not extend either way would not make any sense. Council Member Kuhl agreed if a path is needed or some change is needed due to the nature of that curve, it is the Town's problem, not the property owner.

Mayor Brekhus desired a condition of approval that the Council reserves the right to require additional landscaping three years after project approval. Contract Planner Taagepera had no objection with adding that condition. Also, in regard to the path, staff is not in support of such sidewalk or path in that area. There is no master plan for a sidewalk and it would not connect to any other trail or path.

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 Kuhl expressed concern for the idea that since it is not visible it can be done, but if it was visible then it would not be approved. Mayor Brekhus expressed the same concern. She felt this project violates the design review guidelines. This project creates more bulk and mass on the site and is not supportive of the project. It is beautiful design, but she wished it was more clustered and not that enthused by a long vertical building that provides a homeowner all the space they desire in the back at the cost of what is seen from the street.

Council Member Small felt the trees would be protected. She stated prior to her being on Council, they allowed garages. A project that offends her is the garage on Glenwood on a 5-acre site where the back of the garage is visible. If any project were in violation of the design guidelines, it would be that project.

Council Member Robbins expressed concern for the design being massive and bulky.

Mayor Brekhus appreciated the beautiful design, but why have design guidelines if applicants do not have to follow them. The accessory structure is the size of a home and felt it should be located in the back. She is voting against the project.

Mayor Pro Tempore Hoertkorn noted support for the project. She believed structures in the back have been a problem for those on Bolinas. She is very concerned about viewing the fence.

Mayor Brekhus asked for a motion.

Council Member Small moved and Mayor Pro Tempore Hoertkorn seconded, to approve 38 Fernhill Avenue, Design Review and Demolition Permit No. 1991 subject to the findings and conditions outlined in the staff report; omitting the date on Condition No. 9; and adding an additional condition that the Town will have the ability to require more landscaping up to three years after completion of the home. Motion carried 3-2. Brekhus/Robbins opposed.

#### **38 Fernhill Avenue Conditions:**

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

- 1. Except as otherwise provided in these conditions, the project shall substantially comply with the architectural and landscape plans approved by the Council on May 14, 2015, on file with the planning department. Plans submitted for the building permit shall reflect any modifications required by the Council and these conditions.
- 2. The front gate shall be 50% transparent.
- 3. The plan shall comply with the fire code and shall reflect required clearance and canopy separation requirements. The plan shall comply with Ross Valley Fire Department standard 220.
- 4. The privet and plumb tree to the rear of 103 Bolinas Avenue shall be removed and one 24" box native oak tree, or larger, shall be planted higher on the slope behind 103 Bolinas Avenue. The applicants shall discuss removal of one or both of the acacia trees behind 101 Bolinas Avenue with the property owner. If the owner has no objections, the trees shall be removed in order to increase sunlight to 103 Bolinas Avenue.
- 5. Depending on how much screening may be lost to fire clearance, town staff may require preservation of the acacia trees, or replacement screening, along the existing driveway to the rear of the residence (the driveway that is proposed to be removed) in order to provide any necessary landscape screening of the development for Bolinas Avenue sites.
- 6. The Town reserves the right to require additional landscape screening prior to project final. Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town staff reserves the right to require modifications to the landscape to protect mature trees and to comply with MMWD water conserving landscape requirements or fire code clearance requirements. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
- 7. The plan shall be modified to address concerns raised by the project arborist.
- 8. A tree protection plan is required prior to issuance of the building permit.
- 9. The applicant shall submit written evidence that the project arborist has reviewed the final construction-level drawings, including grading, drainage and utility plans (they should note the dates of the plans reviewed). All tree protection conditions

recommended by the project arborist shall be included on those plans to ensure compliance with the conditions.

- 10. Tree protection fencing should be installed prior to permit issuance to minimize damage to root systems of preserved trees. Tree Protection fencing shall designate the Non Intrusion Zones and will be constructed of at least 4-foot high plastic and attached to metal stakes no less than 12 inches into ground and at 6-foot centers. Signs shall be posted to identify the tree protection fencing.
- 11. The Project Arborist shall inspect the site, prior to issuance of a building permit, to determine if tree protection fencing has been properly installed. Special foundations, footing, and pavement designs should be employed to minimize root interference when structures must be placed within the tree protection zone.
- 12. Utilities such as electric, gas, cable TV, telephone, water drains and sewer should be routed outside the tree protection zone.
- 13. Impervious surfaces shall be limited as proposed. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Council approval.
- 14. 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. Redlined 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.
- 15. The project applicant/owner shall salvage as much material as possible from the structures on the site, including architectural features, molding, paneling, flooring, doors, windows, fixtures, wood, historical glass, etc., to avoid placing such materials into landfills. The materials shall be sold or donated. Deconstruction methods shall be utilized that minimize damage to historical features. The applicant is encouraged to offer historical materials and features to owners of other properties in the Town of Ross to be used for rehabilitation or restoration projects, if possible.
- 16. A condition of water service by Marin Municipal Water District (MMWD) requires the applicants to comply with all indoor and outdoor requirements of the District Code Title 13 Water Conservation for water service prior to project final. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. 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 requirements are (415) 945-1559. Questions regarding this condition of approval should be directed towards Joseph Eischens, Engineering Technician, at (415) 945-1531. A letter or email from MMWD confirming compliance shall be submitted to the building department prior to project final.
- 17. Applicants shall comply with the requirements of the Ross Valley Sanitary District No. 1 (RVSD) prior to project final. It is the applicants' responsibility to obtain any required permits from Ross Valley Sanitary District and meet all District requirements prior to project final. A letter or email confirming compliance with RVSD shall be submitted to the building department prior to project final.

- 18. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD).
- 19.

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

a. Applicants may be required to return for additional Council review, which requires payment of additional application fees, for any roof projections that are not identified on the plans submitted for 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.

b. 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 Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for 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.

c. 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.

d. 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.

e. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). 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).

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

g. 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.

h. 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

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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).

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

j. 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.

k. 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).

m. 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.

n. 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.

o. 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.

p. 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.

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q. 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.

r. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at <u>www.townofross.org</u>). 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.

s. 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.).

t. 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.

u. 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.

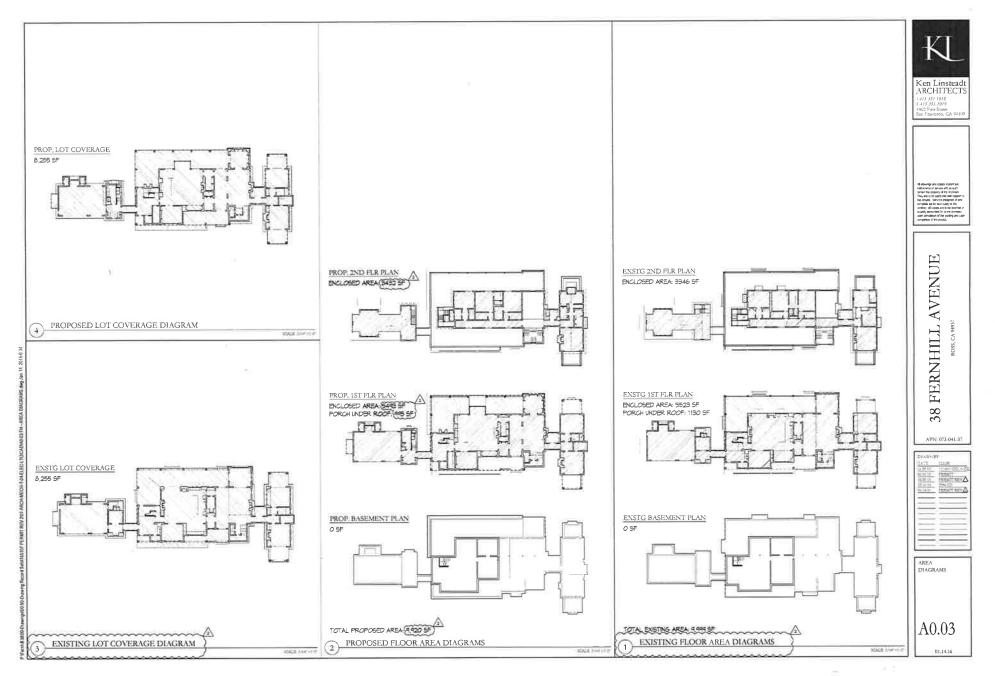
- 20. Prior to any demolition or issuance of a building permit for the new structure, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department. If asbestos-containing materials are determined to be present, the materials shall be abated 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 shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.
- 21. A drainage plan shall be submitted with the building permit application. The plan shall be designed, at a minimum, to produce no net increase in the rate and volume of peak runoff from the site compared to pre-project conditions (no net increase standard). The Town encourages the applicant to reduce peak runoff from the site compared to pre-development conditions. A hydrologic/hydraulic analysis shall be prepared and submitted with the building permit application that demonstrates no increase in the rate and volume of peak runoff to either the Bolinas Avenue or the Fernhill Avenue

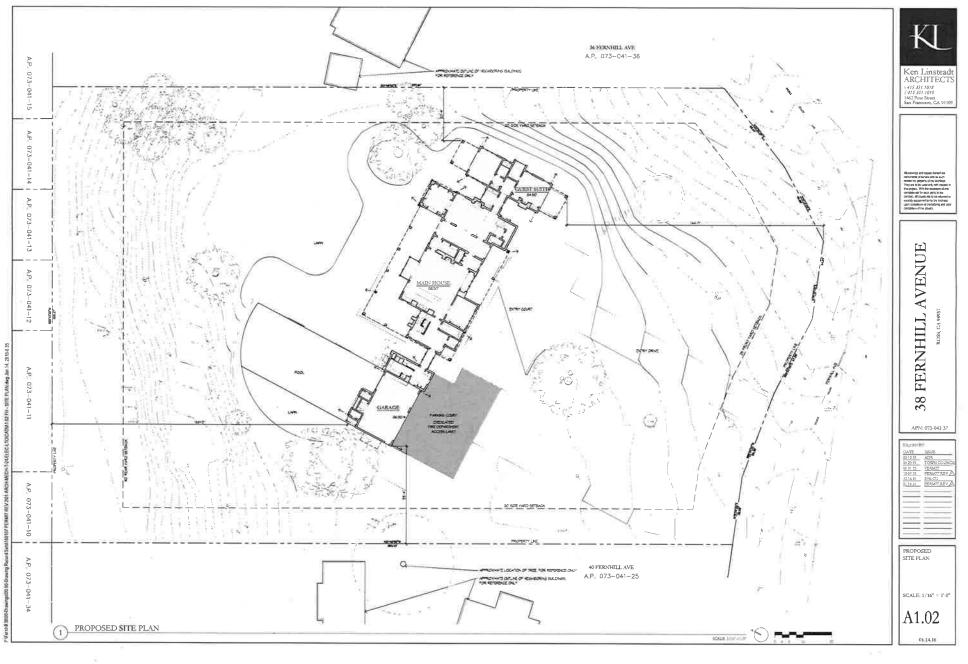
drainage systems. Construction of the drainage facilities shall be supervised, inspected and accepted by a professional engineer, a letter of certification shall be submitted prior to project final. The property owners shall be responsible for inspecting and maintaining the drainage facilities.

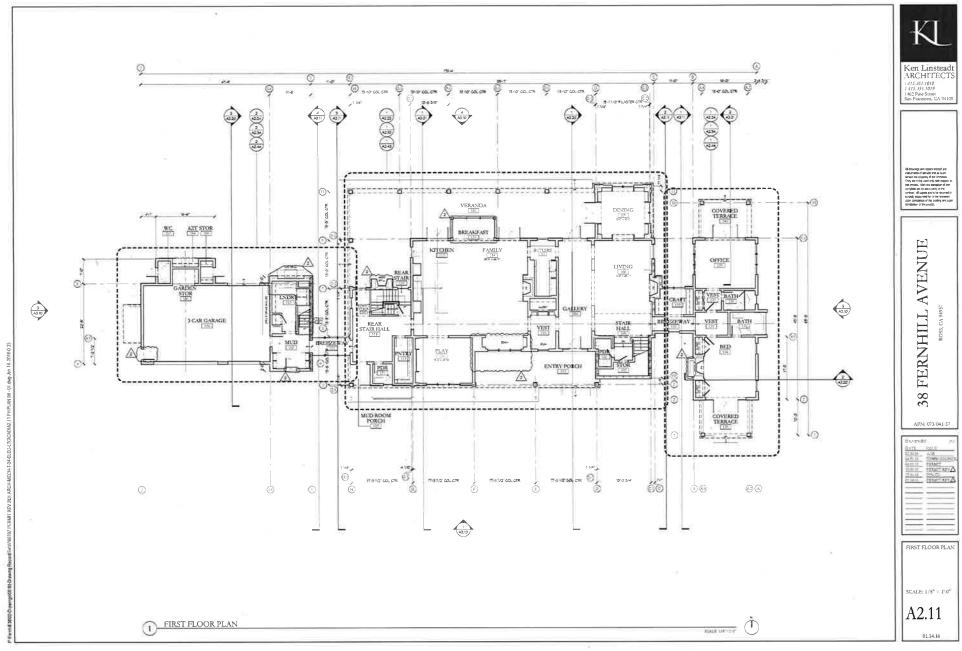
22. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, 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 attorney's fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

# ATTACHMENT 3



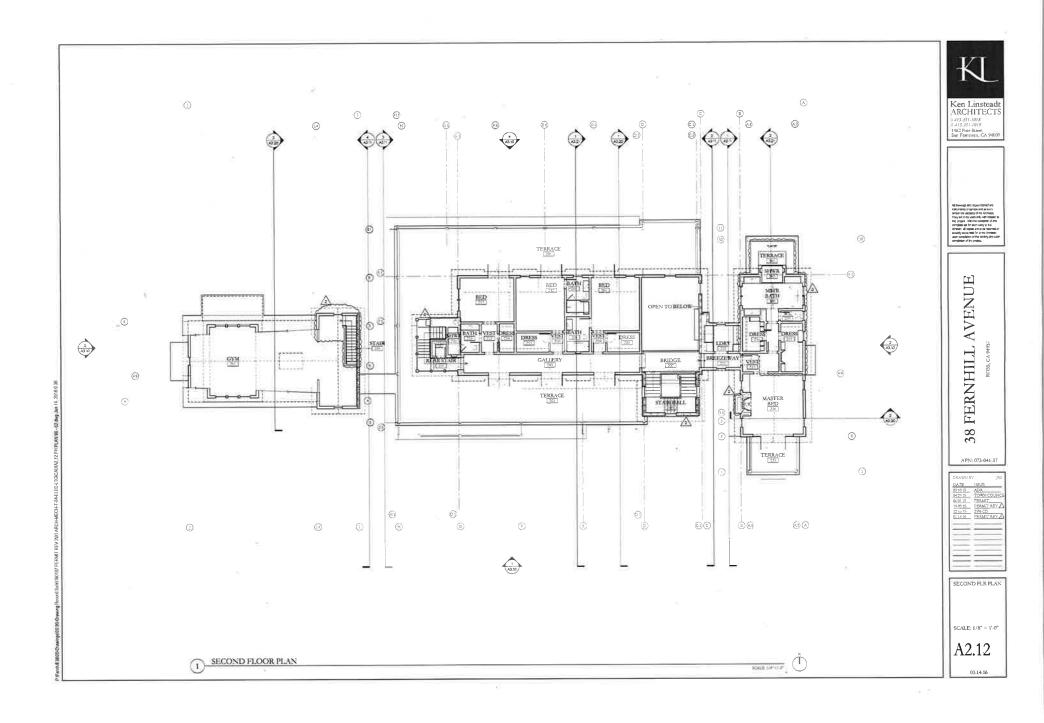


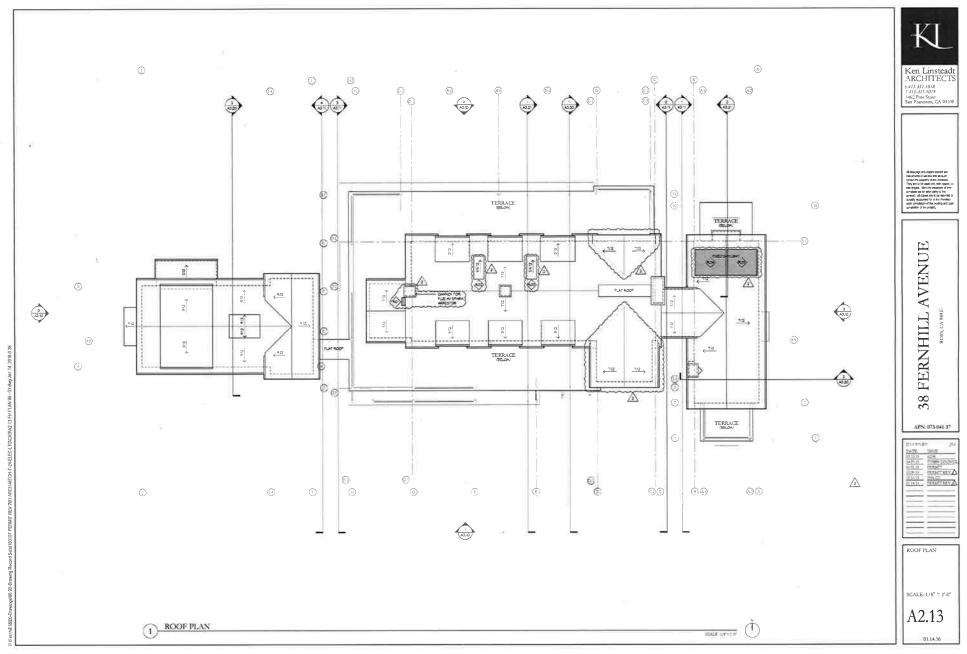


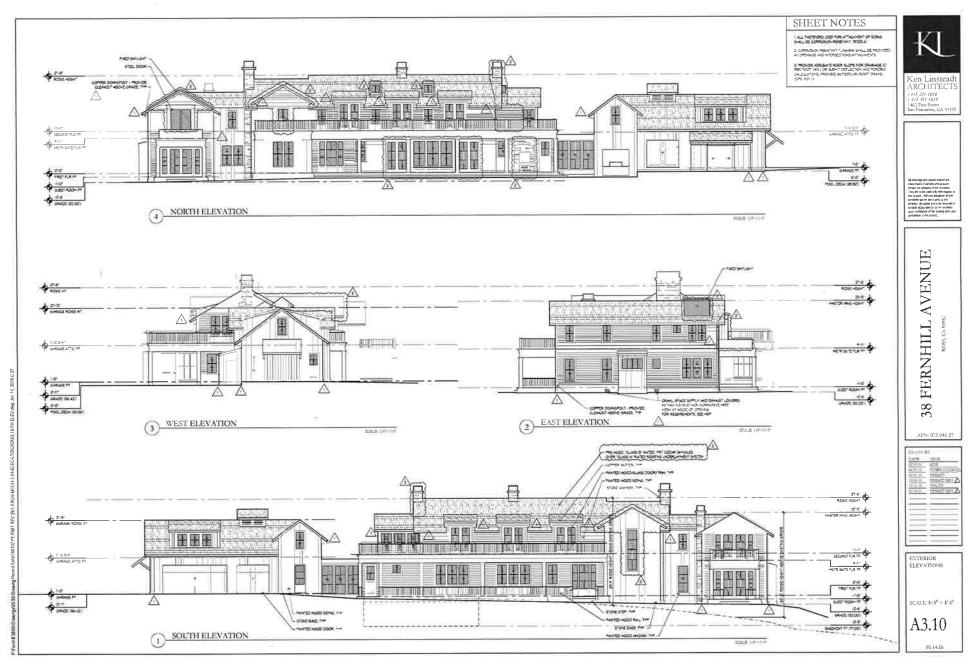


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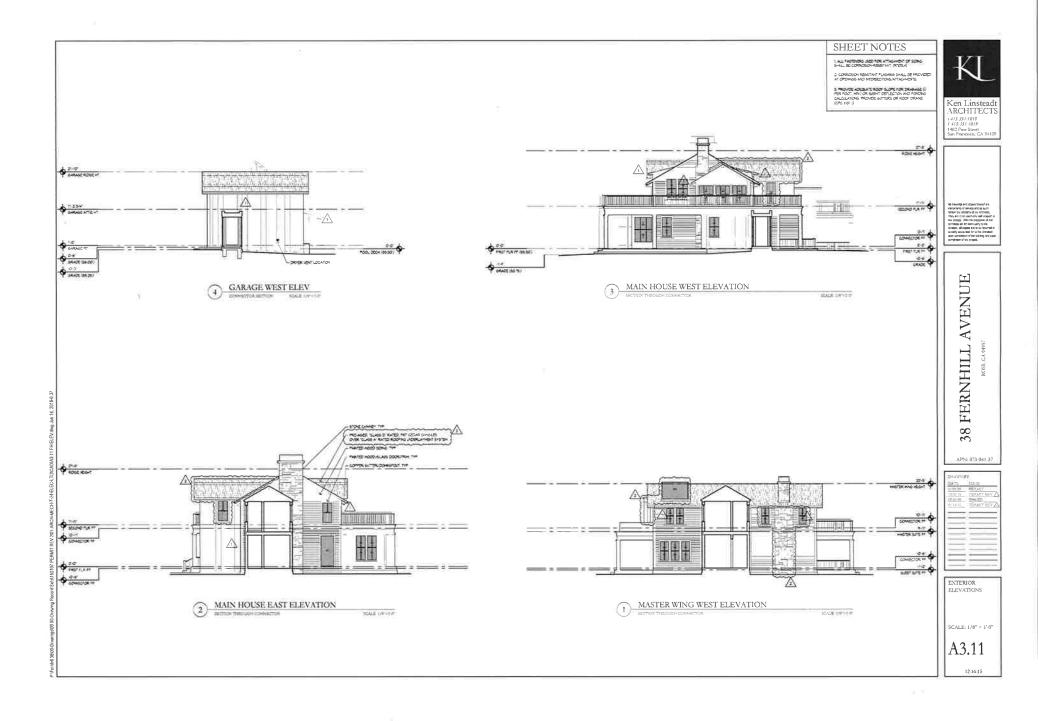
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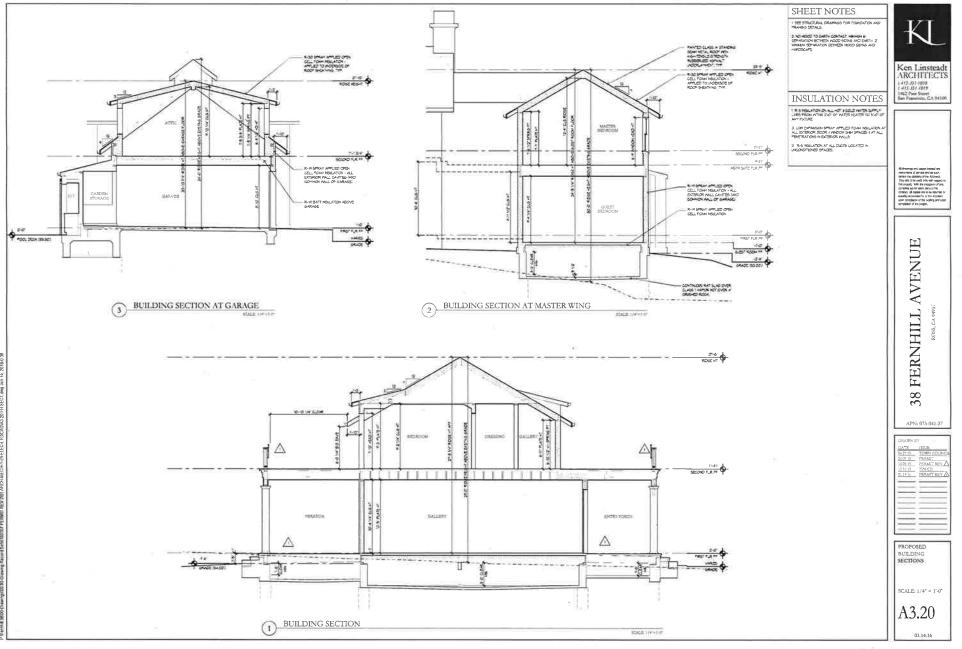


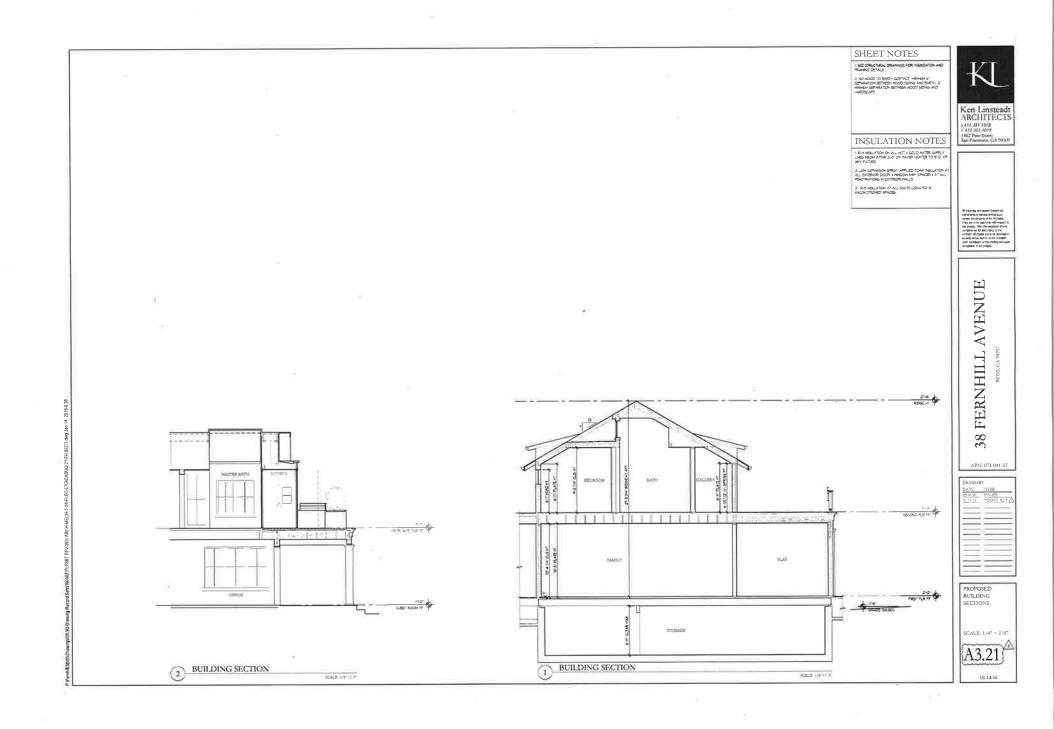


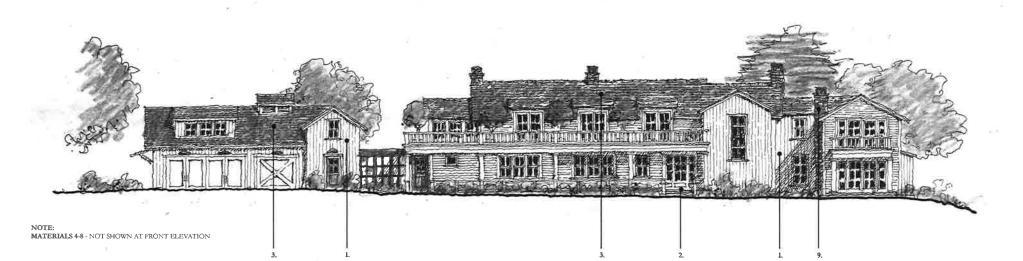


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1. PAINTED WOOD SIDING & TRIM BENJAMIN MOORE WHITE DOVE OC-17



2. PAINTED FORCH FLOOR BENJAMIN MOORE THUNDERCLOUD GRAY 2124-40

OF HER



3. CEDAR SHINGLE ROOF FIRE RETARDANT TREATED CERTIGRADE "PERFECTION" GRADE1



SBI BLUE MIST, BRUSHED



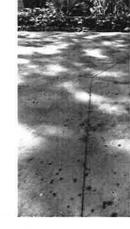
5. SITE WALL STONE VENEER SPECIALTY STONE BUFF FOND DU LAC



6. POOL DECK IPE DECKING



7. GRAVEL PARKING COURT WHEELER ZAMARONI 3/8" YUMA CRUSHED



8. CONCRETE DRIVEWAY DAVIS COLOR COBBLESTONE 860

9. EXTERIOR STONE CLADDING SBI SONOMA FIELD STONE

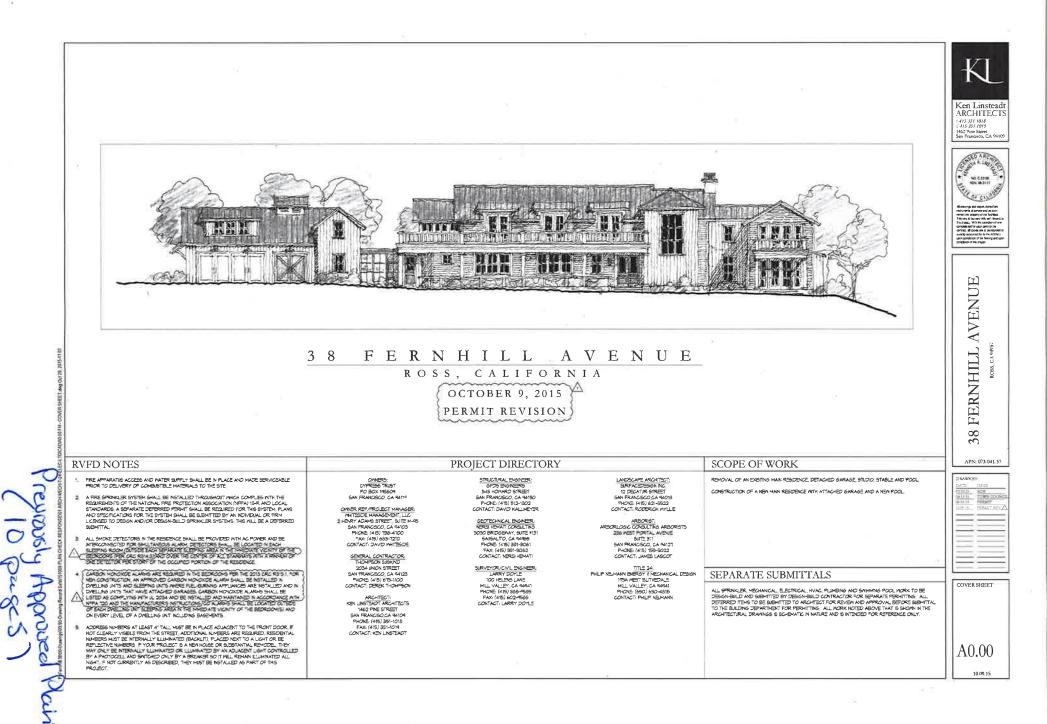
MATERIALS BOARD PROPOSED

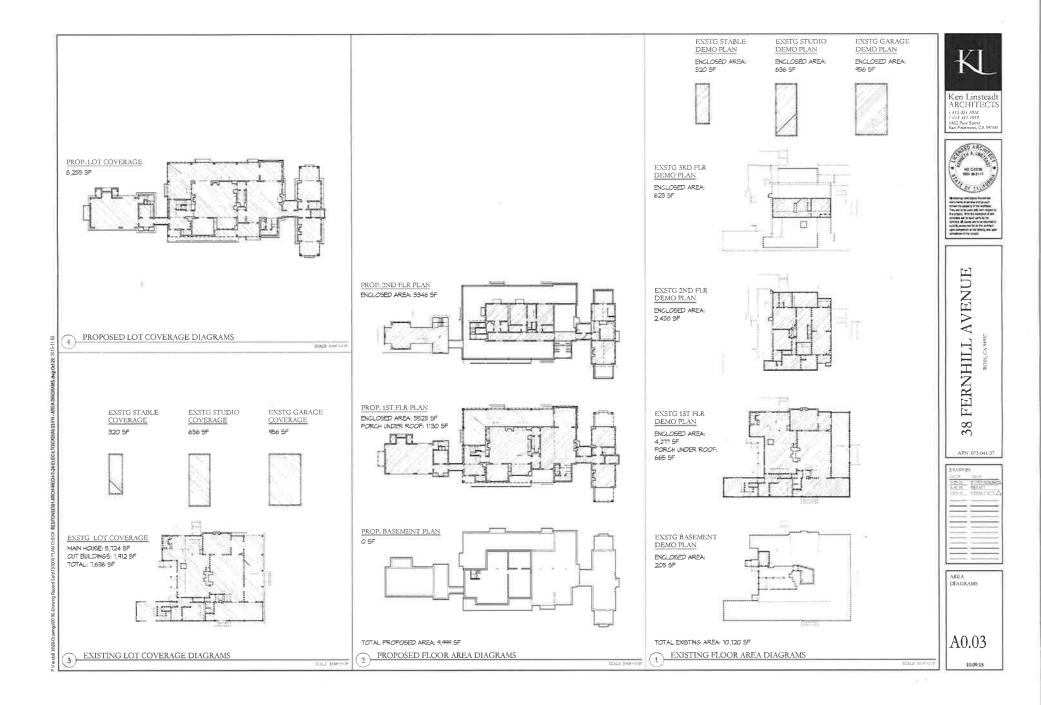
DATE: 01.14.2016

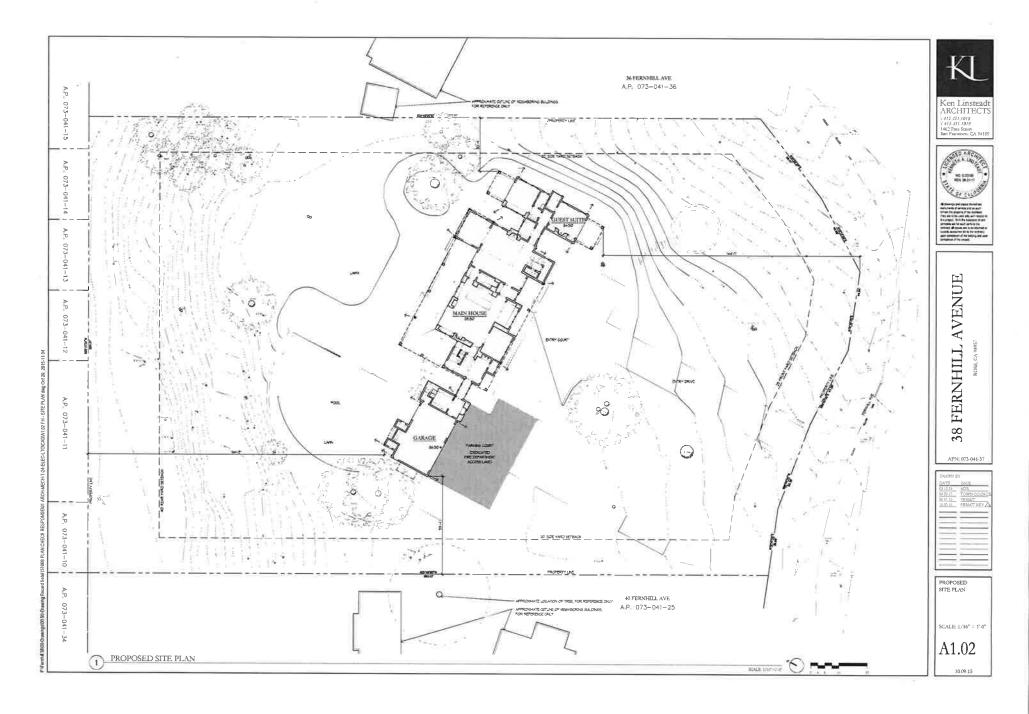
### **38 FERNHILL AVENUE**

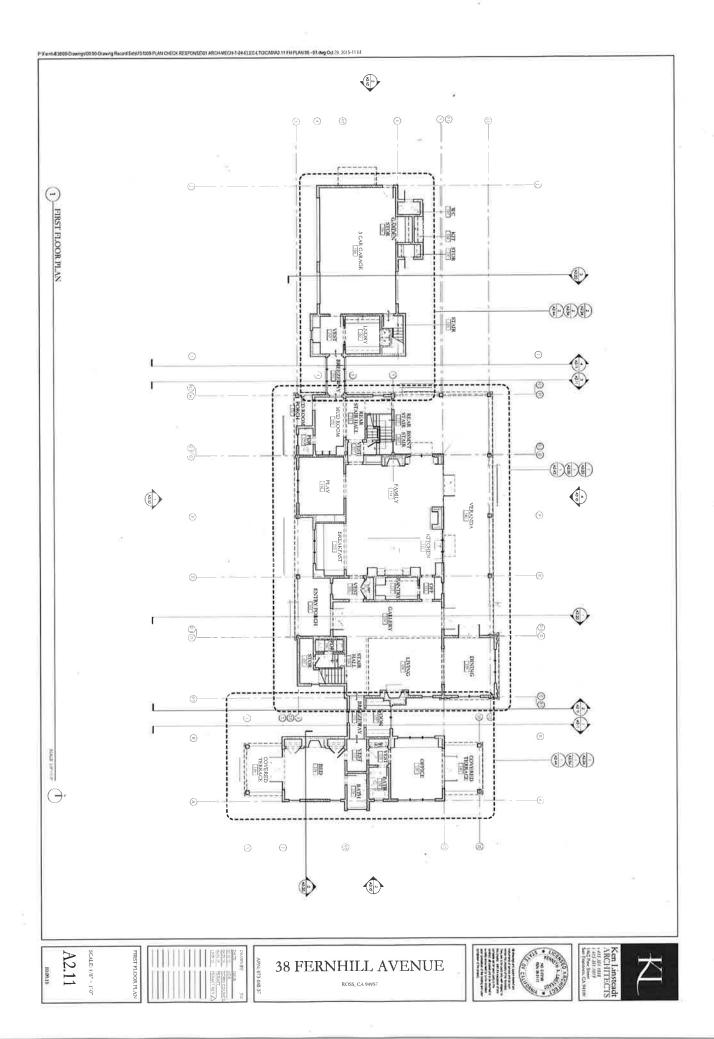
ROSS, CALIFORNIA 94957 APN: 073-041-37

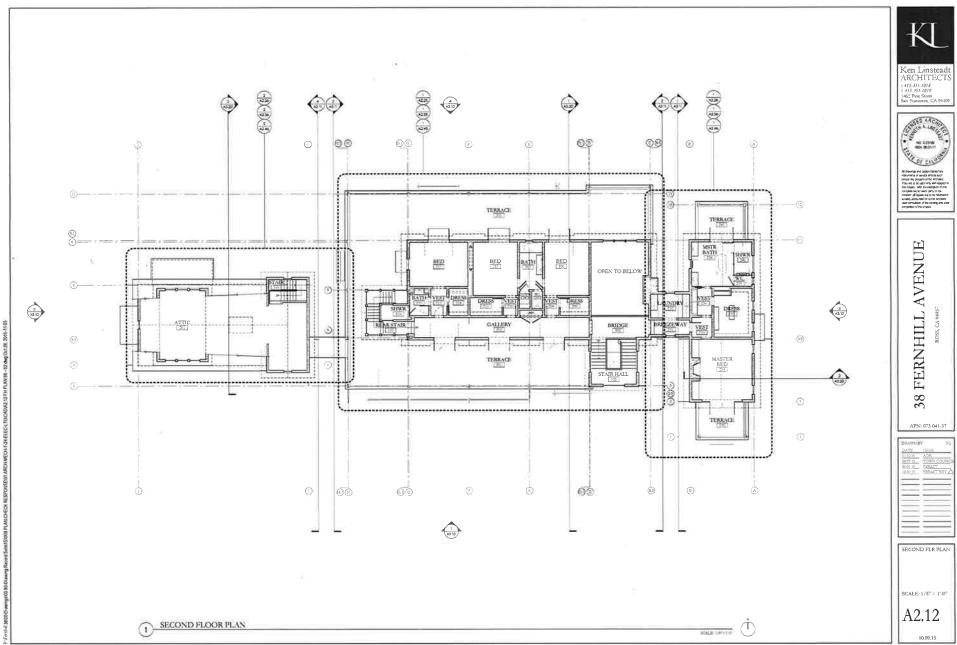
Ken Linsteadt ARCHITECTS

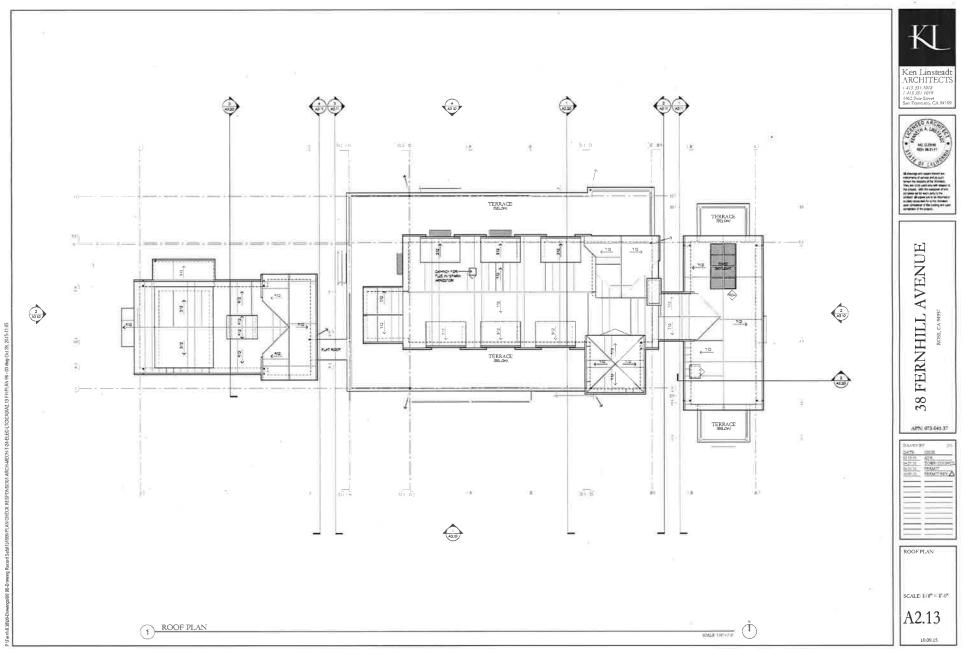


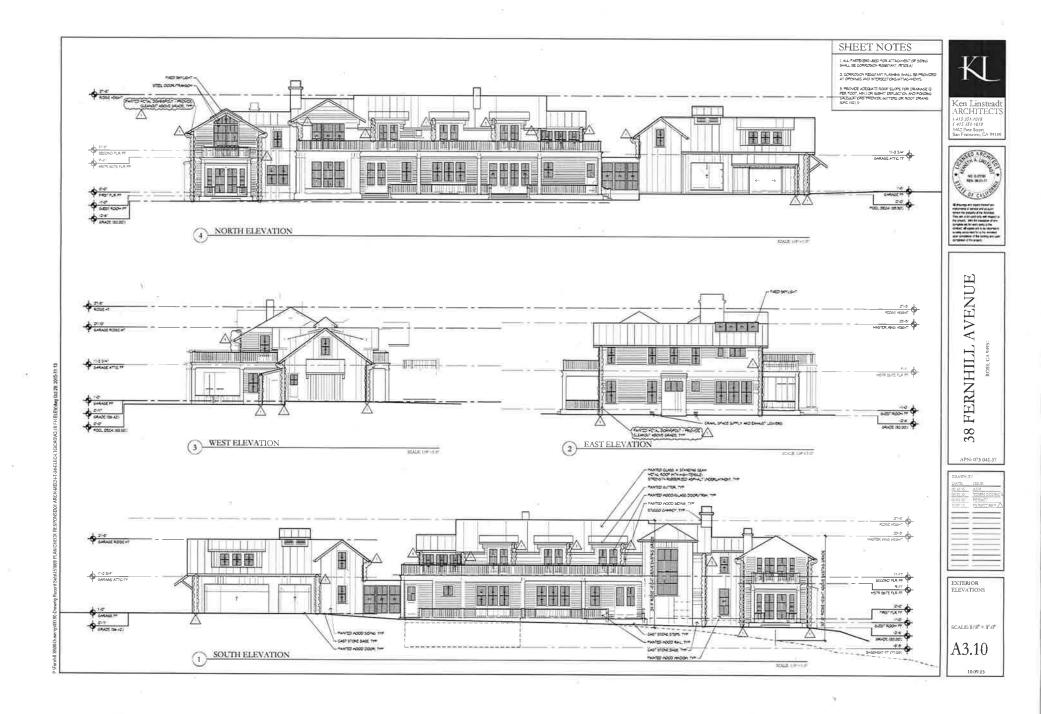


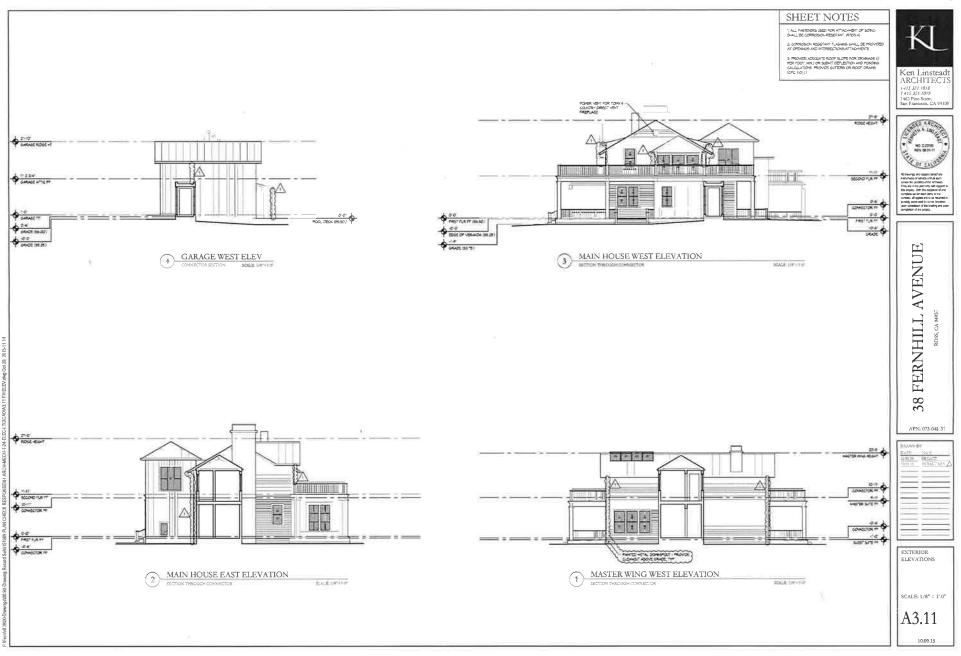




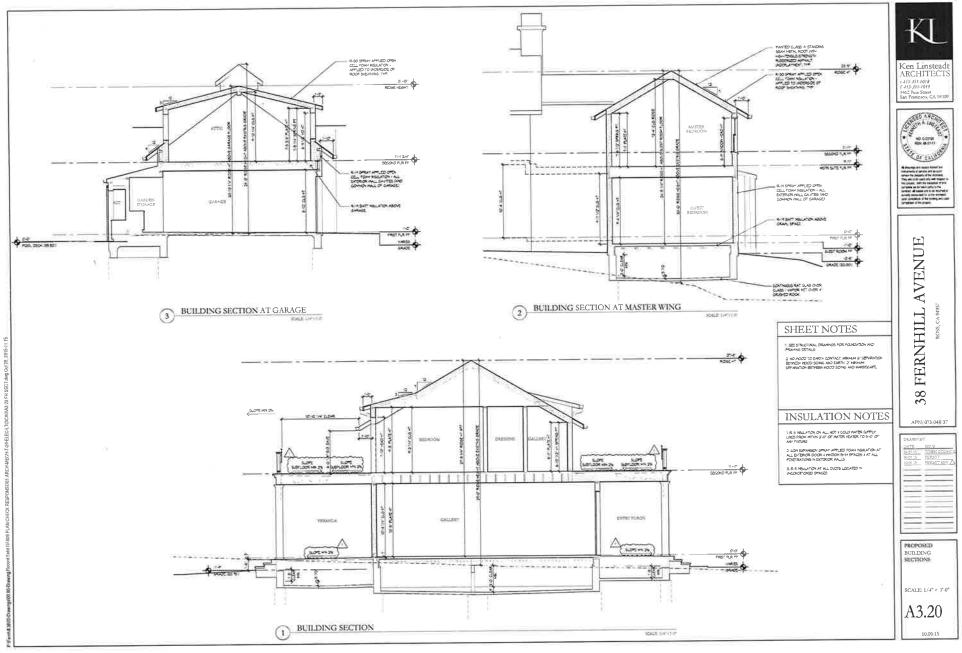


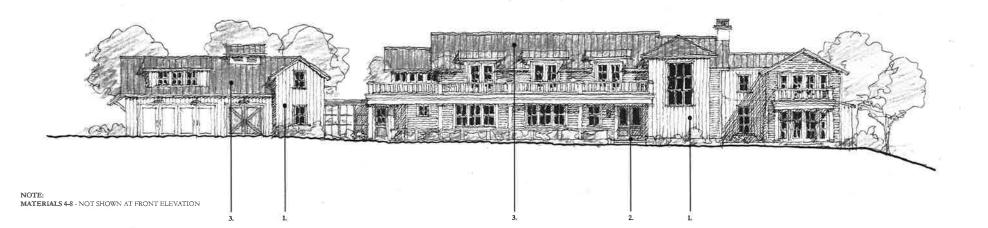






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**I. PAINTED WOOD SIDING & TRIM** BENJAMIN MOORE WHITE DOVE OC-17



2. PAINTED PORCH FLOOR BENJAMIN MOORE THUNDERCLOUD GRAY 2124-40



3. STANDING SEAM METAL ROOF METAL SALES W31 MISTIQUE PLUS



4. STONE STEPS & PATH PAVING SBI BLUE MIST, BRUSHED



5. SITE WALL STONE VENEER SPECIALTY STONE BUFF FOND DU LAC



6. POOL DECK IPE DECKING



WHEELER ZAMARONI 3/8" YUMA CRUSHED



8. CONCRETE DRIVEWAY DAVIS COLOR COBBLESTONE 860

MATERIALS BOARD PROPOSED

DATE: 05.14.2015



## 38 FERNHILL AVENUE

ROSS, CALIFORNIA 94957 APN: 073-041-37

## **ATTACHMENT 4**



Town of Ross **Planning Department** Post Office Box 320, Ross, CA 94957 Phone (415) 453-1453, Ext. 121 Fax (415) 453-1950 Web www.townofross.org

Staff Use Only	and the second
Received By:	HS
Date:	1.14.16
Fees Paid:	1756.50
Date:	1:14.16

Email esemonian@townofross.org

## VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

∬--<sup>1</sup>--

Parcel Address and Assessor's Parcel No	38 FERNHILL AVENUE (073.041.37)
Owner(s) of Parcel CYPRESS TRUST	
Mailing Address (PO Box in Ross) P.O. BC	OX 193809
City SAN FRANCISCO	State_CA 2IP_ 94119
Day Phone 925-788-6539	Evening Phone 925-788-6539
<i>Email</i> cjt828@gmail.com	
Architect (Or applicant if not owner) Ken	Linsteadt Architects
Mailing Address 1462 PINE STREET	
City SAN FRANCISCO	State CA ZIP 94109
Phone 415-351-1018	
Email MOLLY@KENLINSTEADT.COM	

Existing and Proposed Conditions (For definitions please refer to attached fact sheet.)

Gross Lot Size 105,500	sq. ft.	Lot Area105,500	sq. ft.
Existing Lot Coverage		t. Existing Floor Area	9,999 <sub>sq. ft.</sub>
Existing Lot Coverage	7.8_%	Existing Floor Area Ratio	9.5 %
Coverage Removed	0 <sub>.</sub> sq. ft.	Floor Area Removed	79 <sub>sq.</sub> ft.
Coverage Added	0 <sub>sq. ft.</sub>	Floor Area Added	0_sq. ft.
Net Change- Coverage	0 sq. ft.	Net Change- Floor Area	<mark>-79</mark> sq. ft.
Proposed Lot Coverage	8,255 sq. ft.	Proposed Floor Area	9,920 sq. ft.
Proposed Lot Coverage	7.8_%	Proposed Floor Area Ratio	9.4 %
Existing Impervious Areas	sq. ft.	Proposed Impervious Areas	18,557 <sub>sq. ft.</sub>
Existing Impervious Areas	15.7 %	Proposed Impervious Area	as <u>15.7</u> %
Proposed New Retaining Wal	l Construction	ft. (length)6'	ft. (max height)
Proposed Cut1,850	_cubic yards	Proposed Fill1,	055 cubic yards

#### Written Project Description – may be attached.

A complete description of the proposed project, <u>including all requested variances</u>, 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 proposed design revisions include several architectural modifications and refinements to the plans previously approved by the Council on May 14, 2015. The major material changes to the roof and stone chimney cladding have been made with the intention of finding a slightly more traditional farmhouse aesthetic. The various other plan changes, some resulting in exterior opening reconfiguration, are clouded in the attached drawings and outlined below:

#### Proposed Building Material Changes

-Cedar shingle roof with copper gutters and downspouts -Sonoma Fieldstone cladding at chimneys

### Proposed Floor Plan Changes

- Breakfast bay moved from south side to north side of family room
- Family room layout mirrored to move kitchen to west wall
- Column spacing along north edge of veranda reconfigured
- Laundry room/stair to garage attic reconfigured
- Reconfigured closets/bath at master suite bay added for shower
- Doors at master bath terrace reduced, added to bay
- Floor area of house reduced by 79 square feet

#### Proposed Roof Plan Changes

- Stair tower roof changed from pyramid to gable with lowered ridge
- Dormer over living room reduced/ridge lowered
- Skylight R04 reconfigured per master bath plan change
- Three skylights removed from upper terrace floor
- Skylight R01 added above shower 216
- Two small reverse dormers R02, R03 added to north side of main roof

The permit revision 1 drawings, dated 10.09.15, are included for reference. These drawings were approved administratively as part of the plan check process and included the following changes:

- Various minor responses to plan check comments
- Proposed downspout locations added to exterior elevations on A3.10, A3.11

#### Public Welfare

No variances are requested.

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.

2

## Special Privilege

That the granting of this variance shall not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. **Describe why the variance would not be a grant of special privilege**.

No variances are requested.

For more information visit us online at www.townofross.org

## **Consultant Information**

The following information is required for all project consultants.

## Landscape Architect

Firm Surface Design, Inc.			
Project Landscape Architect Roderick	Wyllie		
Mailing Address 12 Decatur Street			
City San Francisco	State CA	ZIP 94103	
Phone 415-621-5522	Fax		
Email kika@sdisf.com			
Town of Ross Business License No.		Expiration Date	
Civil/ Geotechnical Engineer Firm Lawrence P. Doyle, Land Surv	/eyor - Civil Eng	ineer	
Project Engineer Larry Doyle			
Mailing Address 100 Helens Lane			
City Mill Valley	State CA	ZIP 94941	
Phone 415-388-9585	Fax 415-388-0412		
T 1 doulond@col.com			
Email doylepd@aol.com			
Town of Ross Business License No.		Expiration Date	

Arborist Firm ArborLogic Consulting Arborists	S
Project Arborist James Lascot	
Mailing Address 236 West Portal Avenu	ie, Suite 311
City San Francisco	State CA ZIP 94127
Phone 415-753-0522	Fax 415-276-6347
Email jlascot@gmail.com	
Town of Ross Business License No	Expiration Date

## Other Geotechnical Engineer

Consultant Nersi Hemati Consulting (N	lersi H	emati)			
Mailing Address 3030 Bridgeway, Suite 1	131				
City Sausalito	State	CA	ZIP	94965	
Phone 415-331-3061	Fax	415-331-30	)62		
Email nersi@nersihemati.com					
Town of Ross Business License No		E.	xpiration	n Date	

Other	Structural	Engineer
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Consultant GFDS Engineers			_
Mailing Address 543 Howard Street			-
City_San Francisco	State CA	ZIP 94150	
Phone 415-512-1302	Fax		
Email dkallmeyer@gfdseng.com			
Town of Ross Business License No		_ Expiration Date	

#### **Project Architect's Signature**

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I understand that any permit issued in reliance thereon may be declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

#### **Owner's Signature**

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I further consent to any permit issued in reliance thereon being declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Signature of Owner

1/14/16

Signature of Co-Owner (if applicable)

Date

#### 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:

Variance/ Design Review/ Demolition approvals expire 365 days after the granting thereof.

For more information visit us online at www.townofross.org