



Staff Report

Date: February 11, 2016

To: Mayor Kathleen Hoertkorn and Council Members

From: Heidi Scoble, Planning Manager

Subject: O’Hara/Weldon Design Review, Variance, and Minor Exception
198 Lagunitas Road/ File No. 2015

Recommendation

Town Council approval of Resolution 1932 conditionally approving Design Review, a Variance, and a Minor Exception to allow the construction of a deck, a 7.5 foot tall retaining wall with guard rail within a side yard setback and 40 square foot detached accessory structure to be utilized for a refuse shed structure at 198 Lagunitas Road, APN 073-131-01.

Project Summary

Zoning: R-1:B-A (Single Family Residence, 1 Acre min. lot size)

General Plan: Very Low Density (.1-1Unit/Acre)

Flood Zone: Zone X (outside 1-percent annual chance floodplain)

PROJECT DATA			
	Zoning Requirements	Existing	Proposed
Lot Area	43,560 square feet	34,375 square feet	No change
Floor Area (FAR)	15%	5,713 sq. ft. (16.6 %)	No change
Lot Coverage	15%	3,575 sq. ft. (10.4%)	3,684 sq. ft. (10.7%)
Impervious Surface	-	9,847 sq. ft. (28.7%)	9,822 sq. ft. (28.6%)

Project Description

The applicant is proposing to construct a retaining wall and guardrail in order to accommodate an expanded parking area adjacent to the existing detached two-car garage. The deck and retaining wall would be located approximately 5 feet from the easternmost side yard setback. The maximum height of the deck and solid railing would be 10.33 feet tall and the maximum

height of the retaining wall would be 7.5 feet. The applicant is also proposing to construct a 40 square foot refuse shed structure to be located along the east elevation of the existing detached two-car garage. The refuse shed structure is proposed to be 4 feet wide by 10 feet long, have a maximum height of five feet three inches tall, and be located approximately 10 feet from the easternmost property line. Lastly, the applicant is proposing to install a door along the east elevation of the detached two-car garage to access the existing crawl space. No improvements to the existing crawl space are being proposed.

The project requires the following permit:

1. Design Review is required to allow the construction of a retaining wall that exceeds 48 inches in height.
2. A Variance is required to allow a portion of the retaining wall to exceed six feet in height and to allow the retaining wall structure with guardrail to be located within the side yard setback.
3. A Minor Exception is required to allow the refuse shed structure to be located within the easternmost side yard setback.

The installation of a door to access an unimproved crawlspace within the footprint of the detached two-car garage does not trigger any permit per the requirements of Title 18 of the Ross Municipal Code because the scope of this element of the project is below the thresholds to trigger a permit.

Project Background

The project site is developed with an existing single family residence, detached two-car garage, and a swimming pool. Access to the project site is via Lagunitas Road. The project site is nonconforming relative to the main residence being located within the 40-foot rear yard setback (18 feet existing), the detached garage being located within the 25 foot side yard setback (14 feet existing), and the floor area ratio (FAR) exceeding 0.15 (.166 existing FAR). The project history demonstrates that the project site has received previous approvals from the Town Council to allow Variances and Design Review to allow for the floor area additions and encroachments into the requisite setbacks (see attached history).

Project Discussion

The project consists of three project components. The first component is to provide an increased parking area adjacent to the existing detached two-car garage in order to accommodate an additional on-site parking space. Based on the built conditions and the topography of the site, the deck and retaining wall would be necessary to accommodate an additional parking area, as well as a concealed location for a refuse enclosure.

As specified in the zoning ordinance, no buildings or structures are permitted to be located within any setbacks. Accordingly, a Variance is required to allow the deck and retaining wall to

be located within the side yard setback. Due to the special circumstances associated with the topography of the site relative to building code fall protection requirements, staff suggests the Variance findings can be achieved as discussed in the attached draft resolution for the project. Staff also suggests the Design Review findings to approve the retaining wall can be achieved due to the design, materials, and nominal site impacts associated with the wall.

The second component of the project consists of the construction of the refuse shed structure. As stated previously, a Minor Exception is required to allow the refuse shed structure to be located within the setback. Staff suggests the findings to support the Minor Exception can be achieved as discussed in the attached resolution subject to a condition of approval that would require the maximum ceiling height of the structure to be reduced to less than five feet in height so that the structure does not count as floor area. A Variance for relief from floor area would be required for the refuse shed structure if the ceiling height of the structure exceeds five feet.

The third component of the project is to install a door along the east elevation of the detached two-car garage to allow access to the unimproved crawlspace. Although the installation of a door to access an unimproved crawlspace does not trigger any permit, if the crawlspace were improved, then a Variance from floor area would be required since the existing residence and associated structures already exceeds the maximum floor area ratio. Therefore, to ensure the crawlspace is not improved, a condition of approval is recommended to prohibit the improvement of the subject crawlspace unless a Variance is approved accordingly.

Advisory Design Group Review

Due to the limited scope of the project and limited visibility from the Lagunitas public right-of-way, the applicant did not opt for review by the Advisory Design Group.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. Other than the Neighbor Acknowledgement Form signed by the property owner at 196 Lagunitas Road approving the project, staff has not received any comments as of the distribution of this report.

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 the reasonable expected cost of providing the associated services and facilities related to the development. 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. Lastly, there would be no operating or funding impacts associated with the project as the project applicant would be required to pay the necessary fees for Town staff's review of future building permit plan check and inspection fees.

Alternative actions

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

Environmental review

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303(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; No exception set forth in Section 15301.2 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 1932
2. Project History
3. Applicant project information
4. Project plans
5. Neighbor Acknowledgement Form

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 1932

A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, A VARIANCE, AND A MINOR EXCEPTION TO ALLOW THE CONSTRUCTION OF A RETAINING WALL AND 40 SQUARE FOOT DETACHED ACCESSORY STRUCTURE AT 198 LAGUNITAS ROAD, APN 073-131-01

WHEREAS, John Clarke Architects, on behalf of property owners Jamie O'hara and Cynthia Weldon, submitted an application for Design Review, a Variance, and a Minor Exception pursuant to Title 18 of the Ross Municipal Code to allow the construction of a deck, retaining wall with guard rail with a maximum height of 7.5 feet tall within a side yard setback and 40 square foot detached accessory structure to be utilized for a refuse shed structure at 198 Lagunitas Road, Assessor's Parcel Number 073-131-01 (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 January 14, 2016 and 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, a Variance, and the Minor Exception for the project described herein, located at 198 Lagunitas Road, 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 11th day of February 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
Findings
198 Lagunitas Road
APN 073-131-01

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 would meet the purpose of the Design Review chapter through its high quality design and materials. The project is designed with the same architectural style and materials of the existing residence and detached two car garage. 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. Additionally, the project would not impact any unique environmental resources due to the location of the project site relative to any sensitive wildlife habitat, species, and/or creeks. Lastly, the project would be required to address drainage and stormwater prior to issuance of any building permit to allow for the construction of the project.

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 main residence and detached two car garage, providing enhanced parking and circulation, and consideration of privacy relative to surrounding properties. Lastly, 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.

II. In accordance with Ross Municipal Code Section 18.48.020, a Variance is approved based on the following findings:

1. That there are special circumstances or conditions applicable to the land, building or use referred to in the application;

The special circumstances associated with the Variance request result from the project location relative to the development patterns of the project site and building code requirements. The existing detached two car garage is located approximately 14 feet to the easternmost side property line. The only feasible location to construct an additional parking

area would be adjacent to the garage. However, due to the built conditions and the topography of the project site, a retaining wall would be required to be constructed. Because of the above special circumstances associated with the project site, the project is consistent with this finding.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights;

As discussed in the above finding, the special circumstances associated with the project site are driving the need for a Variance. The granting of the Variance would be consistent with other Variances that have been granted for similar projects relative to the construction of retaining walls on developed properties, therefore the project would be consistent with this finding.

3. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The project would not adversely affect health and safety of nearby residents as the project would be constructed in compliance with the building code and fire codes, therefore the project is consistent with this finding.

III. In accordance with Ross Municipal Code Section 18.45.050, a Minor Exception is approved based on the following findings and criteria:

1. If the site is in a Special Flood Hazard identified on the town Flood Insurance Rate Map, that the Town Floodplain Administrator has indicated that the project will comply with the requirements for a development permit under Chapter 15.36, Flood Prevention Ordinance.

The project site is not located within a Special Flood Hazard zone.

2. The building official has indicated the project complies with building code requirements for separation, even if a building permit is not required.

The project would be setback more than three feet from the side property line, therefore the project would comply with the building code.

3. If the structure is proposed in a required yard setback, that each property owner adjacent to the yard area where the structure or equipment will be located has consented in writing to the installation of the structure.

The property at 196 Lagunitas Road would be adjacent to the refuse shed enclosure. The property owner at 196 Lagunitas Road has signed a Neighbor Acknowledgement Form approving the project plans dated December 2, 2015.

4. No more than two exceptions shall be allowed on any lot.

The installation of the refuse shed enclosure is the only minor exception being requested.

5. If the project involved mechanical equipment that generates noise, such as an air conditioner or generator, that operation of the equipment will comply with any decibel (db) recommendations, regulations, guidelines and policies in the Town of Ross General Plan and zoning code.

The project does not include the installation of any mechanical equipment.

6. No practical alternative exists to the proposed exception. For this section, the town may consider factors such as site topography, existing landscaping, aesthetics and noise impacts.

Based on the development patterns of the project site, the project would be located in the most suitable location for the construction of a refuse shed structure.

7. There will be no detrimental impact (aesthetically or otherwise) to the site, adjacent properties or neighborhood.

The project is designed with a solid railing to ensure no negative impacts on the adjacent property owner relative to privacy and/or light and glare impacts related to vehicles. The project would also be required to receive authorization from the adjacent property owner prior to issuance of any building permit, thus further ensuring no detrimental impacts on the neighbor.

EXHIBIT "B"
Conditions of Approval
198 Lagunitas Road
APN 073-131-01

1. This approval authorizes Design Review, a Variance, and a Minor Exception to allow the construction of a deck, retaining wall with guard rail with a maximum height of 7.5 feet tall within a side yard setback and 40 square foot detached accessory structure to be utilized for a refuse shed structure at 198 Lagunitas Road.
2. The building permit shall substantially conform to the plans entitled, "O'Hara/Weldon Residence consisting of 5 sheets prepared by John Clarke Architects dated January 25, 2016.
3. 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.
4. 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.
5. Prior to Building Permit Issuance, the applicant shall provide a drainage study and on-site drainage and stormwater runoff prevention facilities and improvements to ensure the project would not result in any increase in stormwater runoff from its existing (pre-project) 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. Prior to issuance of any building permit, the plans shall show that the maximum ceiling height for the refuse shed structure is below five feet in height, unless a Variance from floor area is approved by the Town Council.
8. The crawlspace within the footprint of the detached two car garage is not permitted to be improved unless a Basement Exception has been approved by the Town Council.
9. Prior to Building Permit Issuance, the applicant shall submit proposed exterior lighting fixtures if any new lighting will be installed as a result of the project. All 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. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
11. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
 - a. 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.
 - b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
 - c. 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.
 - d. 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 signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (ie temporary seedin nd mulching or straw matting).
 - e. 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.

- f. 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.
- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. 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.
- i. 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).
- j. A Final construction management plan shall be submitted in time to be incorporated into the job.
- k. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to

issuance of the building permit to review conditions of approval for the project and the construction management plan.

- l. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- m. 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.
- n. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- o. 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).
- p. 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.
- q. 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.

- r. 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.
- s. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- t. The project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit, including but not limited to the following:
 - i. Verify that all new windows and doors with glass shall be tempered in compliance with Wildland Urban Interface (WUI) and chapter 7A of the 2013 California Fire Code. All windows and glazed doors shall comply with Safety Glazing requirements due to locations near stairways per 2013 CRC R308.
 - ii. Verify that roof and roof venting complies with WUI requirements for Class A rated roof assembly.
 - iii. Verify all exterior stairways shall be properly illuminated, have approved handrails (if more than four steps) and comply with 2013 CRC R311
 - iv. Verify all gutters with downspouts drain into a storm drain system or onto a splash block. Downspouts shall have clean out prior to entering horizontal drainage pipe of a storm drainage system.
- u. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- v. Prior to Issuance of a Building Permit, a qualified engineer shall prepare a report on the condition of Lagunitas Road for construction vehicles. The Town Engineer may limit the size and/or weight of construction vehicles and may require the applicant to make any repairs necessary to ensure road stability for construction vehicles or to post a bond, in an amount to be fixed by the Town Engineer, guaranteeing that the applicant will repair damage to the roadway. The Town may require bonding to protect the public infrastructure in case of contractor damage, depending on the method of hauling and likely impact on the street. The Town may also require the applicant to submit a certificate of responsible insurance company showing that the applicant is insured in an

amount to be fixed by the Town against any loss or damage to the persons or property arising directly or indirectly from the construction project.

- w. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- x. The Public Works Department may require submittal of 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.
- y. 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).
- z. 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.
 - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented.
 - ii. 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.
 - iii. 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.

12. 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

Project History for 198 Lagunitas Road

- 9-14-78: Permit type unknown. Family room and bath addition.
- 1-12-84: Variance and Design Review. Breakfast room addition. Variance to allow rear yard setback encroachment.
- 11-14-91: Lot Line Adjustment
- 10-9-97: Variance and Design Review. Remodel and additions. Approved a floor area and rear setback Variance.
- 3-9-2000: Design Review. Allowed a 6 foot tall wood gate at the driveway.
- 4-10-2009: Variance. Remodel and addition to add a laundry room, and outdoor shower, and a bathroom addition. Variance to allow increased floor area and an encroachment into the rear yard setback.

like to add a new entry and enlarge the kitchen and dining area. All the neighbors are in favor of the upgrading of the property, which has been allowed to deteriorate. Mr. Maginis questioned the additional lot coverage.

On motion by Mrs. Osterloh, seconded by Mr. Brekhus, Variance No. 407 was granted by a three to one vote, Mr. Maginis dissenting.

2. Mr. and Mrs. Fredric J. Null, 98 Laurel Grove Ave. (72-211-14) Acre Zone.

Request to add 12' x 12' deck to non-conforming house 1 1/2' from property line.

Put over to the October meeting at applicant's request

3. No. 508 Steve Schneider, 159 Shady Lane (73-091-23) 10,000 sq. ft. zone.

Request to add master bedroom, study and bath in attic area and deck attached thereto. Non-conforming house 3' from sideline.

	Lot Area	9,079 sq. ft.	
Without attic -	Present floor area ratio	19%	
	Proposed " " "	26%	

Mr. Schneider explained that the stairwell exists although the attic has never been used for anything but storage. He plans to enlarge the existing upstairs windows and the deck will not alter the profile of the house. No neighbor objected.

On motion by Mr. Maginis, seconded by Mr. Brekhus, Variance No. 508 was unanimously granted.

4. Mr. and Mrs. Alfred S. Wilsey, Jr., 202 Lagunitas Road (73-131-01) Acre Zone.

Request for addition of family room and bath in area between kitchen and garage 20' from sideline. Non-conforming house 31' from rear.

	Lot Area	34,240 sq. ft.
	Proposed floor area ratio	12%

Put over to the October meeting at applicant's request

7. Continued Discussion on Real Estate Open House Signs.

Following discussion, it was decided to leave the ordinance as it stands, with an admonition to patrolmen that open house signs should be confiscated.

8. Discussion of Letter from State regarding Housing.

Mayor Allen was authorized to advise the State Department of Housing and Community Development that the Town cannot comply with its request for an up-dated housing element because it has no planning consultant and a very limited staff and that the request is against the spirit of Proposition 13.

9-14-78

9-14-78

MINUTES OF THE REGULAR MEETING OF THE ROSS TOWN COUNCIL
HELD ON JANUARY 12, 1984.

1. Roll Call.
Mayor Scales opened the meeting with a call for the roll at 8:00 P.M.
Present: Mayor Scales, Councilmen Stafford, Chase, Poore, Brekhus and Town Attorney Elliott.
2. Minutes.
Minutes of the Regular Meeting of December 8, 1983 were approved as mailed.
3. Demands.
Finance Chairman Chase reported he and Mr. Stafford reviewed Demands 1802 through 1871 and PR 542 through 570, found them to be in order and authorized signing the warrants. (\$35,000 salaries, \$28,000 operations)
4. Committee Head Reports.
 1. Mr. Stafford reported the Ross Valley Paramedic Unit has been in residence in Ross since January 1st and responds to two or three calls each day. An OPEN HOUSE will be held on January 28th from 2:00 to 5:00 P.M. with the dedication ceremony at 3:00 P.M. Refreshments will be served.

Six qualified paramedics have been hired, and a manager; all started working two weeks before January 1. Mr. Stafford said it was great to have the unit in our fire-house.
 2. Mr. Brekhus reported having written a letter to the Ross School District regarding a 1/13, 1/3, 1/3 split on the Common maintenance. He has copies of all the bills for last year. There is also money from the 100 Year celebration and at a meeting on January 25th, the use of those funds will be discussed. Mayor Scales said he has suggested consideration of renovating the Town Hall facilities.
5. Variance No. 689, Mr. and Mrs. Peter Van Alyea, 198 Lagunitas Road (73-131-01) Acre Zone
Request to make family and breakfast room addition to non-conforming house 26' from rear property line. Remodeled kitchen will extend 15 sq. ft. into rear set-back area.

Lot Area	34,909 sq. ft.
Present lot coverage	9%
Proposed " "	12%
Present floor area ratio	13%
Proposed " " "	15%

1-12-84 X

Mr. Van Alyea explained that the existing kitchen is outdated, the circulation patterns are inefficient and wasteful of space, the area is dark and it is necessary to go through the kitchen to reach the only bathroom on the lower floor. His architect, H. C. Bruce, Jr., endeavored to correct the problems in other ways but nothing worked that did not intrude into the rear yard setback.

Mayor Scales suggested installation of windows above the visual line of the neighboring house owned by Tom Tusher. Mr. Van Alyea stated that he has purchased two redwood trees which he will plant to give visual blockage of the new construction. He also promised to extend the burglar and fire alarm systems to the new area.

Mr. Brekhus moved approval of the variance request subject to approval by the Public Works and Public Safety Depts. Mr. Poore seconded the motion, which was unanimously passed.

6. Special Hazard
Variance No. 690, Use Permit No. 01 and Hillside Lot Permit

Carla Roth and David Nasaw, Prospective purchasers
Cordelia Cameron, owner, 120 Winding Way (72-031-24)
Acre Zone

Requests to construct garage structure and 2nd story master bedroom wing (3,000 sq. ft.) to non-conforming house in hazard zone 3 on lot having a slope greater than 30%.

Lot Area	48,532 sq. ft.
Present lot coverage	6.9%
Proposed " "	11.9%
Present floor area ratio	6.4%
Proposed " " "	12.6%

Mr. Nasaw presented the plans, which will connect all existing buildings and add a two-story master bedroom wing and a two-car garage. Off-street parking is provided for 8 to 10 cars. He agreed to install a 24-hour monitored fire alarm system and replace the Warf-type standpipe with two outlet hydrant and the single outlet hydrant fronting the residence with a three outlet hydrant, as requested by the Public Safety Dept.

Architect Jerry Smania explained the desire to take advantage of the view of San Francisco and to build without removing any trees.

Geotechnical Engineer Don Hillebrandt stated that he inspected the existing residence and access roadway in early December and found no evidence of any significant stability problems or settlement problems in the house. The access roadway and along the down-slope side of the access driveway show some signs of creeping and will need proper maintenance.

will submit a measure for the April election to extend the current special tax. The current measure provides a maximum of \$350 per household. The Council will determine the dollar figure for the 1992 election at the December meeting. Councilman Reid and Town Attorney Roth will submit the ballot wording for approval at the December Meeting.

21. Public Hearing Re: Consideration of an Amendment to the Town of Ross Zoning Map. The Zoning Map is proposed for amendment such that 1150 Sir Francis Drake Boulevard (Assessor's Parcel Number 072-241-22) shall be rezoned from R-1:B-A (Single Family Residence, One acre minimum) to R-1:B-15 (Single Family Residence, 15,000 square foot minimum.)

Introduction of Ordinance No. 500 - An Ordinance of the Town of Ross Amending the Zoning Map.

Town Planner Broad gave a summary of the ordinance which had been approved by the Council sitting as a Planning Commission at the last meeting.

There were no comments from the audience.

Councilman Reid moved waiver of the reading, seconded by Councilman Barry and passed with four affirmative votes. Councilman Lill abstained.

Councilman Barry moved introduction of Ordinance No. 500, seconded by Councilman Reid and passed with three affirmative votes. Councilman Brekhus voted against and Councilman Lill abstained.

22. Lot Line Adjustment.

Thomas Tusher, Peter Van Alyea, Donlon Gabrielsen.

198 Lagunitas Road, AP 73-131-13, R-1:B-A

200 Lagunitas Road, AP 73-131-01, R-1:B-A

2 Glenwood Avenue, AP 73-131-14, R-1:B-A

a. Lot line adjustment to convey 205 sq. ft. of property from Van Alyea to Tusher. Transfer of 207 sq. ft. of property from Tusher to Van Alyea.

b. Lot line adjustment to convey 2,013 and 34 sq. ft. of property from Gabrielsen to Tusher. Transfer of 1,152 sq. ft. of property from Tusher to Gabrielsen.

This application has been filed to remedy an existing condition in which present lot lines divide a carport and driveway.

Mr. Tusher addressed the Council stating that this subdivision was granted in 1962 at which time, he felt, the Town did not properly survey and stake the property. Thus, he was asking the Council to waive the application fee. After reviewing the application and after a brief discussion, it was the consensus of the Council that this

1-14-91

November 14, 1991

-7-

new application had incurred expenses for the Town and therefore the fee would not be waived.

Councilman Brekhus moved approval with the findings as outlined in the planner's report of November 5, 1991. This was seconded by Councilman Barry and passed unanimously.

23. Hillside Lot Permit, Use Permit for Construction in a Hazard Zone, and Variance. Thomas Weisel, Upper Road, AP 73-011-25, R-1:B-A, Single Family Residence, One Acre Minimum. Request is to allow: Construction of a 3,278 square foot two-story addition with stair and bridge connection to existing residence. Addition to contain exercise room, art studio, bike and ski storage and repair, bath and dressing room.

The existing garage is nonconforming in front and side yard setbacks. The slope of the lot and the proposed building site are 38%. The parcel lies within Hazard Zones 3 and 4.

Lot Area	178,596 sq. ft.
Present Lot Coverage	4.0%
Proposed Lot Coverage	5.3% (15% allowed)
Present Floor Area Ratio	7.8%
Proposed Floor Area Ratio	9.6% (15% allowed)

Mr. Fred Jacobsen, attorney for Mr. Weisel, said he had just received the staff report and did not have enough time to review it. He said that as asked by the Council at the last meeting, they had meet with the Town arborist and the neighbors. He was concerned about the expense for the required water main, although he said Mr. Weisel would pay his fair share. Captain Vallee said that he sympathized with the application but the addition of 3000 sq. ft. would represent another house which would exacerbate an existing condition. He said that this had been required in the past and mentioned the Thalheimer property and the Mudd subdivision.

Mr. Webber, AIA, stated that they had not used balloons on the storey poles as requested by the Council because they would have appeared higher; instead they used dayglow on the top of the poles. He said they would agree to the Fire Department regulations concerning roof and sides. He said that the variance is required because of a nonconforming garage but the proposed structure would be conforming.

Mr. John Gray of Upper Road referred to his letters of October 8 and October 24, in which he expressed concern over fire safety and loss of privacy. He also was concerned that the neighboring structures would be too clustered.

Mayor Goodman said that in order to grant a variance, certain finding must be made. He said Council would need to

Councilmember Reid moved approval of the mud room and the recreation room but that it not include the bathroom area, and that everything be brought up to code, including the stairs, as per the Public Works Director. This was seconded by Councilmember Gray.

Councilmember Goodman said that the property goes up into a sloped area and the deck is required for the benefit and enjoyment of the property. If the deck and stairs were removed, the FAR would be approximately 20%. He felt that this justified a hardship.

After consideration, Councilmember Reid withdrew his motion and Councilmember Gray his second.

Councilmember Curtiss then moved approval of the application as submitted with the findings of the staff report and the added finding of hardship based on the hillside topography and the following conditions:

1. The inside staircase be brought up to Town Code as per the Public Works Director.
2. The Town Council reserves the right to require additional landscaping for up to one year from project final.
3. The lower level window treatment shall be modified as shown on the revised plans submitted at this Council meeting.
4. All requirements of the Ross Public Safety Department shall be complied with.
5. Any portable chemical toilets shall be placed off of public property and out of public view.
6. No changes from the approved plans shall be permitted without prior Town approval.

This was seconded by Councilmember Reid and passed unanimously.

22. VARIANCE AND DESIGN REVIEW.

Brad and Elizabeth Nicholson, 198 Lagunitas Road, AP 73-131-01, R-1:B-A (Single Family Residence, One acre minimum) Variance and design review to allow modifications to an existing residence, including: 1) the replacement of an existing front porch with a new front porch; 2) the addition of an 80 square foot second story balcony on the south elevation; 3) the modification of an existing third story, reducing the floor area by 181 square feet, and converting approximately 80 square feet of interior space to a covered porch; and 4) the construction of new swimming pool with walkway and terrace areas, including approximately 108 square feet of terrace area up to 4 feet above existing grade.

10-9-97

Lot Area	34,375 sq. ft.
Present Lot Coverage	10.1%
Proposed Lot Coverage	10.1% (15% permitted)
Present Floor Area Ratio	16.4%
Proposed Floor Area Ratio	16.4% (15% permitted)

The existing residence is nonconforming in rear yard setback and number of stories (3 existing, 2 permitted.)

Mr. James Zak, AIA, represented Mr. & Mrs. Nicholson and explained the project. He said that there was some neighborhood concern about noise from the pool but they proposed heavy landscaping in that area.

Town Planner Broad felt that the proposed plans were a nice upgrade to the property.

Councilmember Goodman said that in the past the Council has required that the landscaping be installed prior to construction and he recommended that this be done. He felt this might help with the neighborhood concerns.

Mayor Brown was concerned about the installation of French doors and the added traffic in the area.

Mr. Zak said that the French doors are mainly for light and cross ventilation.

Councilmember Gray said that if the applicants plant dense fast-growing plants as soon as possible between the

Tushers/Gabrielsen/Nicholsons properties, he did not have a problem. Accordingly, he moved approval with the findings in the staff report and the following conditions:

1. Applicant shall submit a landscaping plan 30 days from date of issuance of building permit and shall show type, height and size of the screening along the entire property lines of the Tusher/Gabrielsen/Nicholsons properties. Landscaping shall be installed as soon as possible, prior to the start of construction.
- 2. The Town Council reserves the right to require landscape screening for up to one year from project final.
3. Applicant shall comply with all requirements of the Ross Public Safety Department.
4. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting shall be shielded and directed downward.
5. No change from the approved plans shall be permitted without prior Town approval.
6. Portable toilets shall be off the street and out of public view.

This was seconded by Councilmember Curtiss and passed unanimously.

23. VARIANCE AND DESIGN REVIEW.

Geoff and Sandy Barnet, 92 Laurel Grove Avenue, AP 72-211-17, R-1:B-A (Single Family Residence, One acre minimum) Variance and design review to allow modifications to an existing residence, including: 1) adding a 1,497 square foot second story with a roof encroaching within the east side yard setback (16 feet proposed, 25 feet required); 2) converting the attached garage into living space; 3) replacing the main level porch with a den within the side yard setback (16 feet proposed, 25 feet required; 4) adding a covered walkway, covered terrace and stairway at the main level. A 768 square foot 3-car garage is proposed to the rear of the residence. A play structure is proposed in the rear and side yard setbacks.

Lot Area	45,850 sq. ft.
Present Lot Coverage	6.7%
Proposed Lot Coverage	10.0% (15% permitted)
Present Floor Area Ratio	6.7%
Proposed Floor Area Ratio	13.9% (15% permitted)

The existing residence is nonconforming in side yard setback.

MAYOR DELANTY BROWN HANDED THE GAVEL TO MAYOR PRO TEMPORE GRAY, STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

Architect Hank Bruce presented the plans and mentioned that Mr. Bruce Chatley, the adjoining neighbor, was concerned about viewing the proposed addition from his property. The applicants proposed landscaping to screen the area. Mr. Chatley said that it was a one-story home and a two-story is proposed, 20 ft. from his front door. He said that his daughter's bedroom window would look directly into the window of the proposed bedroom and he asked that the window be relocated. He asked what type of trees would be planted and that they not be deciduous. Mr. Chatley said that he did not want to see skylights and Mr. Bruce responded that no skylights were proposed. Mr. Bruce said that it would not be feasible to relocate the bedroom window.

There was some discussion concerning the play structure within the setbacks and the applicant withdrew this portion of the application. There was also further discussion concerning the type and height of trees. After consideration, Councilmember Goodman moved approval with the findings in the staff report and the following conditions:

7. The applicant shall be responsible for the removal of all equipment and antennae upon use permit expiration or upon abandonment of use for more than 3 months.
8. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
9. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
10. The applicants shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Seconded by Councilmember Curtiss and passed unanimously.

24. DESIGN REVIEW.

Brad and Elizabeth Nicholson; 198 Lagunitas Road, A.P. No. 73-131-01, R-1:A (Single Family Residence, One acre minimum). Design review to allow after-the-fact approval for the construction of a 6-foot high wood gate at the driveway. Town Planner Broad noted that this was an after-the-fact approval of a 6-foot high driveway gate. He said that the Council has been fairly consistent in its opposition to solid gates in the past. Based on this, he felt that Council would like to see a more open gate.

Mrs. Nicholson said that she understood that the Council had strong feelings about solid gates but she said that not too long ago the Council did approve them. She argued that anyone walking on foot or bike could see the entire house because it is on a knoll. She said that they can see the front porch, the lawns and portions of the swimming pool. Further, Ms. Nicholson said that groups of ten have come and stared at her property. She explained that the gate is set back 23 feet from the property line and people would have to trespass to get to the gate. She was very concerned about privacy and said that they do not have the use of their back yard. She noted the letter of support from the Van Buskirks.

Mayor Goodman felt that this gate was different in that it opens inward and is set back from the street. Councilwoman Delanty Brown agreed with Ms. Nicholson. She felt that she had every right to her privacy.

Councilmember Gray asked if she could make the gate more open. Mayor Pro Tempore Curtiss moved that the application be denied and that the gate be taken down in 30 days. This was seconded by Councilmember Hart and passed with three affirmative votes. Mayor Goodman and Councilwoman Delanty Brown voted against.

25. VARIANCE AND DESIGN REVIEW.

Charles and Claire McBride; 3 Wellington Avenue, 72-152-09, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min.) Variance and design review to allow an existing upper level 196 square foot deck to be enclosed for a master bedroom/closet addition. The addition is located within the side yard setback (15 feet required, 3 feet proposed) and rear

3-9-00

1345

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To: Mayor and Ross Town Council
 From: Elise Semonian, Senior Planner
 Re: O'Hara/Weldon, Variance Application, 198 Lagunitas Road, File 1732
 Date: April 10, 2009

I. Project Summary

Owner: Jamie O'Hara and Cynthia Weldon
 Location: 198 Lagunitas Road
 A.P. Number: 73-131-01
 Zoning: R-1:B-A (Single Family Residence, 1 Acre Minimum Lot Size)
 General Plan: Very Low Density (.1-1 Units/Acre)
 Flood Zone: Zone C (flood area outside the 100-year floodplain)

II. Request is for approval of:

Variances for the following: 1.) conversion of an existing covered rear entry and storage shed to a mudroom within the rear yard setback (40 feet required, 32 feet proposed) and addition of 104 square feet to add a laundry room and storage room; 2.) construction of an outdoor shower within the rear yard setback (40 feet required, 26.5 feet proposed); and 3.) addition of 88 square feet for a bathroom on the west side of the second floor.

Lot area	34,375 square feet
Existing Floor Area Ratio	16.1%
Proposed Floor Area Ratio	16.6% (15% permitted)
Existing Lot Coverage	10.1%
Proposed Lot Coverage	10.4% (15% permitted)

The existing residence is nonconforming in setbacks and number of stories.

III. Discussion

The applicants request Council approval of variances to allow an outdoor shower within the rear yard setback, adjacent to the restroom at the back of the house, and modifications to the floor area that would bring the site further over the floor area ratio regulations. The modifications would permit the lower level to be remodeled to function better for the existing residents and would permit a much-needed bathroom addition for three second floor bedrooms. The applicants reviewed the plans with the closest neighbor and modified the design in response to their concerns to remove an outdoor fireplace and barbecue originally proposed within setbacks and also to eliminate windows that faced the neighbors' site.

The Town definition of floor area includes "porches which have a depth greater than ten feet." (RMC §18.12.130) The existing residence has a large front porch that is approximately 12 feet deep. The porch contributes 483 square feet to the existing floor area. If the applicants reduce the dept of the porch to 10 feet by extending the living area into the porch by 2 feet, they would eliminate 403 square feet of floor area, bringing the

home into compliance with the floor area ratio regulations. This, however, would be at odds with the benefit of preserving large, open, front decks.

The town council may grant variances, exceptions and adjustments to the provisions of the zoning code where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of the zoning code may result from the strict application of the provisions. (RMC Section 18.48.010) This floor area ratio variance prevents a result that is inconsistent with the intent of the zoning code. It would be unfortunate to require the applicants to modify the character of the residence and the existing front porch area in order to accomplish the minor additions proposed.

The proposed outdoor shower is screened from neighbor view and is a minor encroachment into the rear yard area.

IV. Recommendation, Findings, & Conditions

Staff recommends approval of this application with the following findings and conditions:

1. This project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 15301, existing facilities.
2. There are special circumstances or conditions applicable to the land, building or use referred to in the application. The existing residence was built prior to current zoning regulations and was sited in the center of the lot, limiting the developable area at the site. The unusual circumstances at this site would permit more bulk and mass if the lower level living space is increased into the front porch area.
3. Granting of the application is necessary for the preservation and enjoyment of substantial property rights to allow minor remodeling and additions to the residence and a shower for the pool area.
4. Granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. The project has been designed to be sensitive to the neighbor.
5. The project is consistent with the purpose of the Design Review Chapter as outlined in RMC Section 18.41.010 and the design criteria of Section 18.41.100. The project preserves the mass and character of the traditional structures and is designed to relate to the existing design.

Conditions

The project shall be subject to the following conditions, which shall be reproduced on the first page(s) of the project plans:

1. No changes from the approved plans, before or after project final, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval prior to any change.

2. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
3. This project shall comply with all requirements of the Department of Public Safety.
4. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
5. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
6. Failure to secure required building permits and/or begin construction by April 16, 2010 will cause the approval to lapse without further notice.
7. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

ATTACHMENT 3

198 Lagunitas Road:

Project Description:

The proposed project includes the construction of a parking apron, a trash enclosure, exterior stairs and a storage area under the existing garage.

The parking apron is designed to increase the width of the parking area in front of the garage to accommodate three cars. The additional width will simplify the use of the driveway from its current configuration. This parking apron will flare off of the central turnaround in the existing driveway and will be surfaced with permeable concrete pavers. The parking space will be retained by a new concrete retaining wall to the east and north of the apron. Due to existing elevations at both the driveway and grade, this retaining wall will be a maximum of 4 feet in height from grade to drive surface.

To the north of the parking apron is the proposed trash enclosure and exterior stairs. Currently, the trash cans are uncovered and placed behind a planting screen along the east side of the driveway. Although conveniently located, they are not well concealed from view or protected from animals or weather. The new enclosure is sized to accommodate the cans behind a pair of painted wood bypass doors. There is an access aisle that runs the full length of the trash enclosure, as well as slightly past to create a small storage alcove at the end of the shed. This access aisle will be surfaced with the same pavers as the parking apron for consistency in material as well as to make the aisle a pervious surface. This shed is designed to satisfy the requirements of a minor exception. It is not located within the side yard setback for the garage – 10 feet (see I/A1 for setbacks), it is less than the 64 square foot maximum area and it is less than six feet tall. We have reviewed these requirements with the planning staff and they are in agreement that the trash shed as designed satisfies the minor exception requirements.

The entire trash shed area is designed to be at the same elevation as the existing driveway. At the corner of the garage, where the parking apron terminates and the trash shed starts, there will be a retaining wall of approximately four feet in height from existing grade. To satisfy the requirements of the California Building Code, a guardrail is required at the top of the wall. The guardrail will be 3'-6" tall, making the combined height of the wall and railing 7'-6" above grade. This height will require a variance because it is over the maximum permissible height of 6'-0". We have reviewed this with the planning staff and they agree that the proposed wall height will require a variance. The guardrail is proposed to be clad in wood siding to match the existing house so that it is integrated into the surrounding exterior materials of the house and garage. In addition, there will be a painted wood trim guardrail cap to match the existing rail cap at the rear entrance to the house.

From the elevated trash enclosure platform there is a proposed set of exterior stairs. These stairs are designed to replace the existing stairs that were constructed to allow PG&E access to the existing electrical service at the northeast corner of the garage. The stairs will be constructed as rain-through steps so they do not contribute to additional impervious surface.

The space under the existing garage is partially excavated, but not finished to be a usable storage area. The proposed storage area would be approximately 125 square feet with a maximum clear height of 5'-5". There would be a concrete slab on grade with new walls at the extents of the slab to separate the storage space from the remaining unfinished crawl space. Access to the space would be from a new door at the east side of the existing garage (see 3/A3). The proposed storage area is not considered additional floor area, lot coverage or impervious surface. The soil that is excavated from the existing crawlspace will be used as fill at the parking apron so that this is a net zero cut/fill project. We are anticipating the quantity to be 5 cubic yards.

impact any adjacent neighbors and improves a property while preserving the Ross scale and neighborhood context which benefits every Ross resident.

Application # 2015

RECEIVED
Planning Department

DEC - 4 2015

Staff Use Only
Received By: <u>HS</u>
Date: <u>12-4-15</u>
Fees Paid: <u>11436.74</u>
Date: <u>12-4-15</u>



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Phone (415) 453-1453, Ext. 121

Web www.townofross.org

Town of Ross

Fax (415) 453-1950

Email esemonian@townofross.org

\$448 - Admin DR
\$291 - Variance
\$9774 - Tech Fee

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

ck# 828

Parcel Address and Assessor's Parcel No. 073-131-01

Owner(s) of Parcel VAMIE O'HARA & CYNTHIA WELDON

Mailing Address (PO Box in Ross) P.O. Box 1525

City ROSS State CA ZIP 94957

Day Phone 415-378-3186 Evening Phone 415-785-4601

Email cynthia@weldonohara.com

Architect (Or applicant if not owner) JOHN CLARKE ARCHITECTS

Mailing Address 4000 BRIDGEWAY, SUITE 313A

City SAUSALITO State CA ZIP 94965

Phone 415-332-1122

Email john@jcarcls.com

RI-BA

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

Gross Lot Size	<u>34,375</u> sq. ft.	Lot Area	<u>34,375</u> sq. ft.
Existing Lot Coverage	<u>3,575</u> sq. ft.	Existing Floor Area	<u>5,713</u> sq. ft.
Existing Lot Coverage	<u>10.4</u> %	Existing Floor Area Ratio	<u>16.6</u> %
Coverage Removed	<u>0</u> sq. ft.	Floor Area Removed	<u>0</u> sq. ft.
Coverage Added	<u>109</u> sq. ft.	Floor Area Added	<u>0</u> sq. ft.
Net Change- Coverage	<u>109</u> sq. ft.	Net Change- Floor Area	<u>0</u> sq. ft.
Proposed Lot Coverage	<u>3,684</u> sq. ft.	Proposed Floor Area	<u>5,713</u> sq. ft.
Proposed Lot Coverage	<u>10.7</u> %	Proposed Floor Area Ratio	<u>16.6</u> %
Existing Impervious Areas	<u>9,847</u> sq. ft.	Proposed Impervious Areas	<u>9,822</u> sq. ft.
Existing Impervious Areas	<u>28.7</u> %	Proposed Impervious Areas	<u>28.5</u> %
Proposed New Retaining Wall Construction	<u>29'4"</u> ft. (length)	<u>4'0"</u> ft. (max height)	
Proposed Cut	<u>5</u> cubic yards	Proposed Fill	<u>5</u> cubic yards

25 Front
25 Side
40' Rear

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).

PLEASE SEE ATTACHED

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.**

PLEASE SEE ATTACHED

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.**

PLEASE SEE ATTACHED

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm JANELLE DENLEIL HOBART GARDENS
Project Landscape Architect SCOTT TSECKAVES
Mailing Address P.O. BOX 1207
City ROSS State CA ZIP 94957
Phone 415-518-1653 Fax -
Email stseckaves@earthlink.net
Town of Ross Business License No. _____ Expiration Date _____

Civil/ Geotechnical Engineer

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

Arborist

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

Other

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


Other

Consultant N/A
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
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.



Signature of Architect

12/1/15

Date

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

11/30/15

Date



Signature of Co-Owner (if applicable)

11/30/15

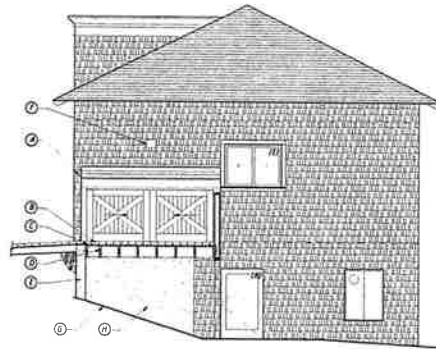
Date

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.

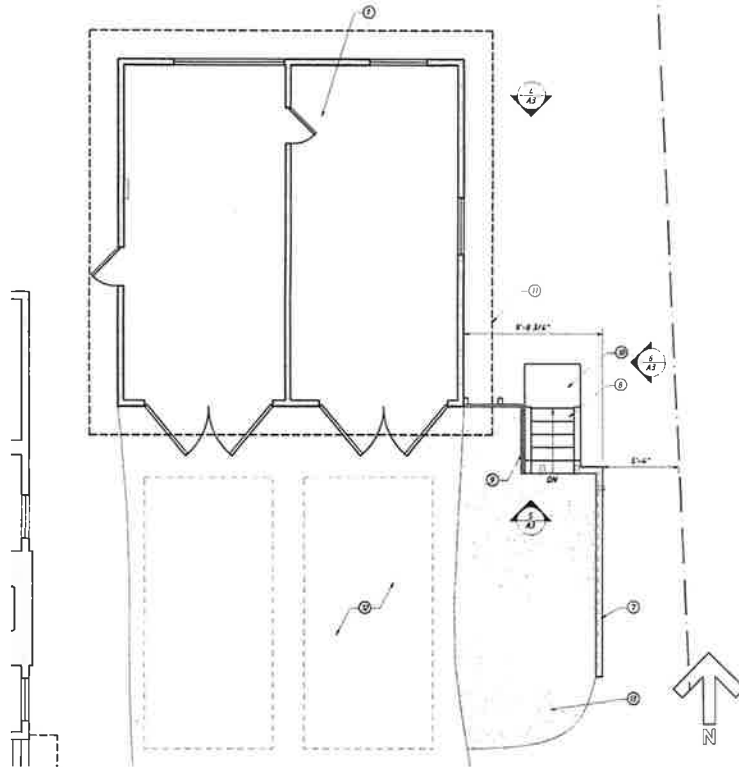
ATTACHMENT 4



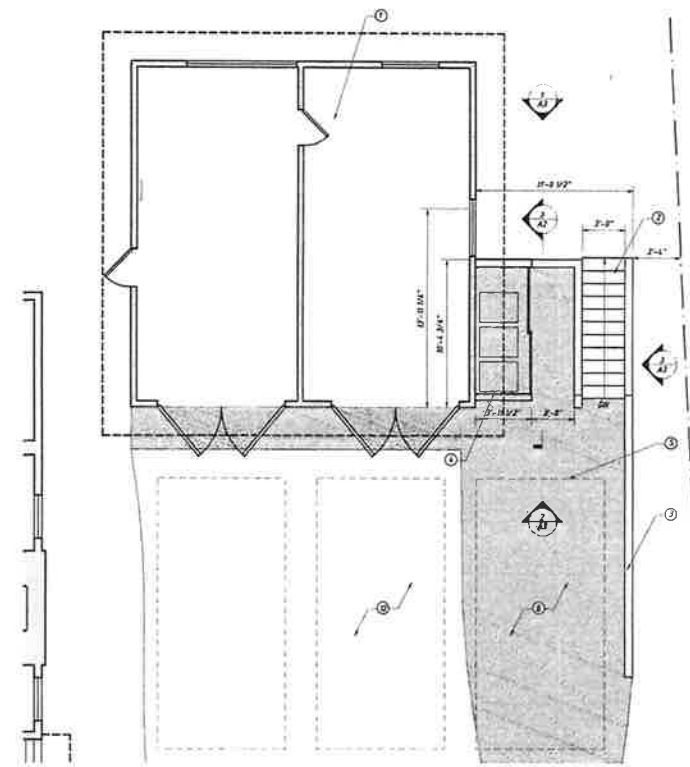
PROPOSED SECTION 2
SCALE 3/4" = 1'-0" A2

GENERAL PLAN NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION IN CONFORMANCE WITH THE APPROVED PLANS, SPECIFICATIONS AND ALL LOCAL REQUIREMENTS UNDER WHICH THE PLANS AND SPECIFICATIONS WERE APPROVED.
2. ALL CONSTRUCTION SHALL COMPLY WITH THE 2018 CALIFORNIA BUILDING CODE (CBC), CALIFORNIA RESIDENTIAL CODE (CRC), CALIFORNIA PLUMBING, MECHANICAL AND ELECTRICAL CODES (CPLC, CME, CEC) AND ALL LOCAL CODES AND ORDINANCES.
3. ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR BEFORE PROCEEDING WITH THE WORK. ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE INDICATED.
4. DO NOT SCALE THESE DRAWINGS.
5. IF THESE DRAWINGS ARE NOT 24" x 36", THEY HAVE REDUCED OR ENLARGED.
6. (1") INDICATES ACTUAL SIZE. (1/2") INDICATES NOMINAL SIZE.
7. REFER TO STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
8. COORDINATE ALL MECHANICAL, PLUMBING AND ELECTRICAL DEVICES WITH ARCHITECTURAL INTERIOR ELEVATIONS AND REFLECTED CEILING PLANS.
9. ALL ENERGY REQUIRED INDICATIONS SHALL MEET TITLE 24 REQUIREMENTS. THE TITLE 24 REQUIREMENTS DESCRIBED IN THE REPORT ARE PART OF THE CONTRACT REQUIREMENTS.
10. ALL PIPING, VENTS AND FLEES THAT PENETRATE THE ROOF ARE TO BE LOCATED PER THE ROOF PLAN AND AS APPROVED BY THE ARCHITECT. VERIFY LOCATION PRIOR TO INSTALLATION.
11. PROVIDE APPROVED BACKERBOARD (MATS AT 3" OR ASTM C 1202) OR PORTLAND CEMENT PER TEST METHOD B411 OR B414, UNDER TILE AT SHOWER TO A HEIGHT OF 70" MINIMUM ABOVE THE DRAIN INLET.
12. PROVIDE 24 GAGE COPPER FLASHING AT ALL EXTERIOR OPENINGS.
13. PROVIDE BATT INSULATION IN ROOF, IN WALLS AND FLOORS PER TITLE 24 REQUIREMENTS.
14. PROVIDE 5/8" TYP. UNDER ALL EXTERIOR SCHEM.
15. ALL NOTES DESCRIBE NEW CONDITIONS UNLESS OTHERWISE NOTED AS EXISTING.
16. PROVIDE FIRE BLOCKING AT ALL CEILINGS, FLOORS, TURNED DOWN CEILINGS, SHOWNERS AND AT CONCEALED DRAFT OPENINGS NOT TO EXCEED TEN FEET MAXIMUM.



EXISTING PARTIAL SITE 3
SCALE 1/4" = 1'-0" A2



PROPOSED PARTIAL SITE 1
SCALE 1/4" = 1'-0" A2

SECTION KEYNOTES:

- ① SLATE ROOF-THE
- ② PERMEABLE PAVERS
- ③ GRANITE/EX OUTDOOR FLOOR SYSTEM
- ④ FRAMING (SSO)
- ⑤ CONCRETE RETAINING WALL (SSO)
- ⑥ EXTERIOR DOWNLIGHT
- ⑦ UNFINISHED GRADE
- ⑧ CONCRETE

PLAN KEYNOTES:

- ① GARAGE
- ② WD. STAIRS
- ③ 42" GUARDRAIL
- ④ TRASH ENCLOSURE
- ⑤ TRASH PARKING SPACE
- ⑥ PERMEABLE PAVERS
- ⑦ GUARDRAIL
- ⑧ WD. STAIRS
- ⑨ WD. STAIRS
- ⑩ WD. STAIRS
- ⑪ CONCRETE LANDING
- ⑫ ROOF EAVE ABOVE
- ⑬ ASPHALT DRIVEWAY
- ⑭ GRAVEL

DIMENSIONS:

- 6'-0" TO FRAMING
- 8'-0" TO CENTER
- 8'-0" TO FINISH
- ALLEN FACE OF FRAMING

LEGEND:

- WD FRAMING TO REMAIN
- NEW PARTITION
- AREA OF PERMEABLE PAVERS

REVISIONS:
 Item Council Approval - December 2, 2015
 Item Council Approval - January 25, 2015

o'hara/weldon residence
 198 lagunitas road
 ross, CA 94957
 apr: 073-131-01



APPROVED BY:



DRAWING TITLE

proposed and existing site plan
 proposed section

JOB NUMBER

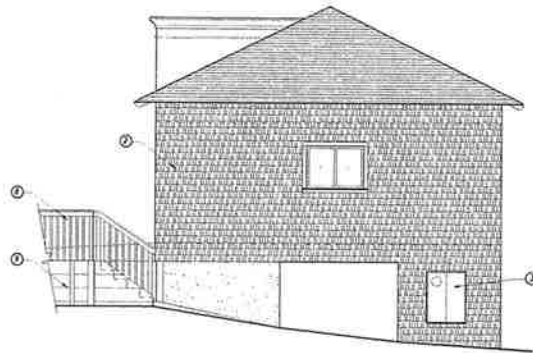
DRAWN BY

SCALE

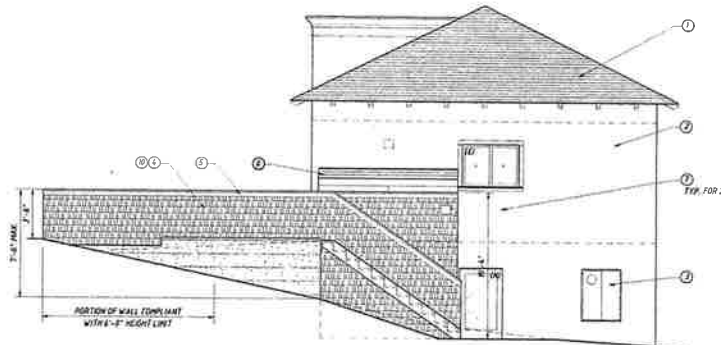
DATE

SHEET NO.

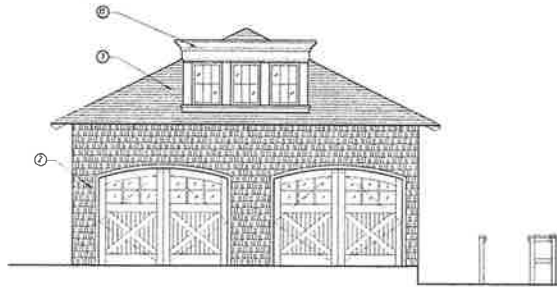
A2



EXISTING EAST ELEVATION 6
 SCALE 1/4" = 1'-0" A3



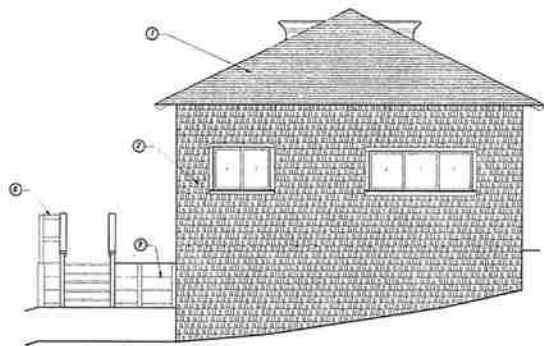
PROPOSED EAST ELEVATION 3
 SCALE 1/4" = 1'-0" A3



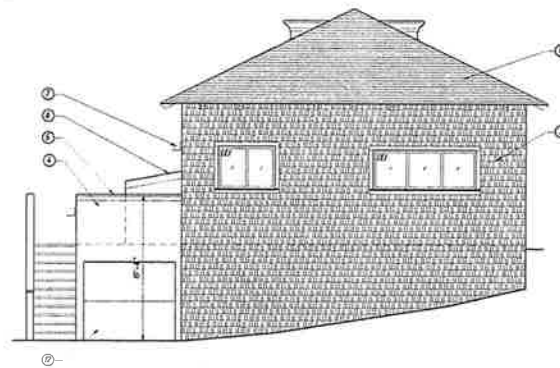
EXISTING SOUTH ELEVATION 5
 SCALE 1/4" = 1'-0" A3



PROPOSED SOUTH ELEVATION 2
 SCALE 1/4" = 1'-0" A3



EXISTING NORTH ELEVATION 4
 SCALE 1/4" = 1'-0" A3

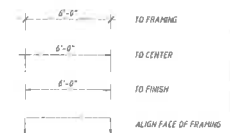


PROPOSED NORTH ELEVATION 1
 SCALE 1/4" = 1'-0" A3

EXTERIOR ELEVATION KEYNOTES

- ① (E) SLATE ROOFING
- ② (E) CEDAR SIDING
- ③ (E) ELECTRICAL PANEL
- ④ CEDAR SIDING THE
- ⑤ PTD. WD. TRIM
- ⑥ SLATE ROOFING THE
- ⑦ EXTERIOR DOWN LIGHTS
- ⑧ (E) GUARDRAIL
- ⑨ (E) WD. RETAINING WALL
- ⑩ PROPOSED GUARDRAIL
- ⑪ (E) PTD. WD. TRIM
- ⑫ UNFINISHED GRADE

DIMENSION KEY



o'hara/weldon residence
 198 lagunitas road
 ross, CA 94957
 apn: 073-131-01



APPROVED BY:



DRAWING TITLE

existing and proposed exterior elevations

JOB NUMBER

DRAWN BY

Jc/mv

SCALE

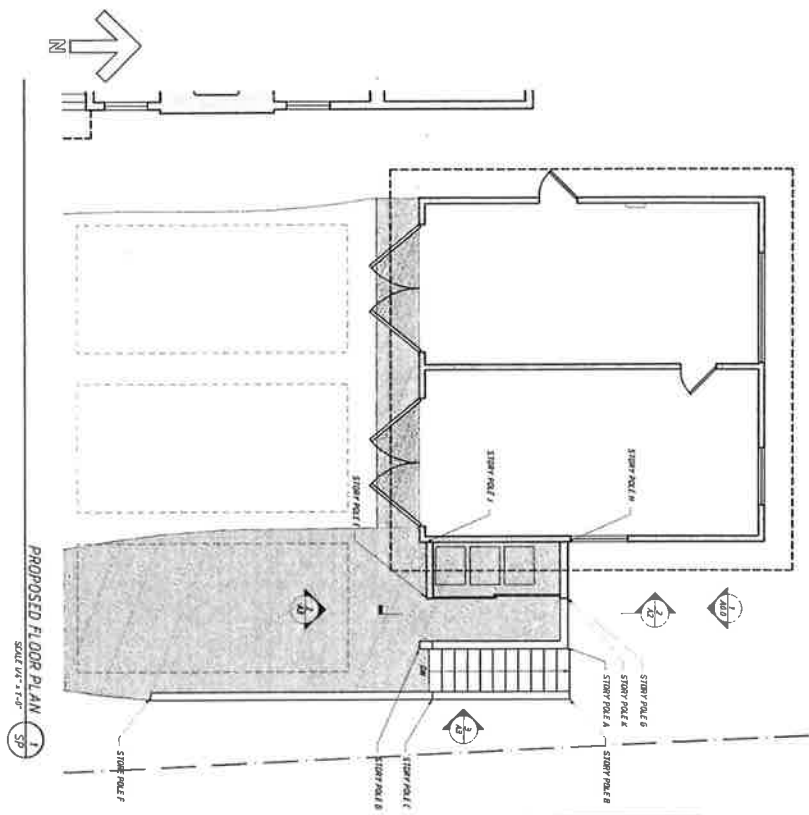
per plan

DATE

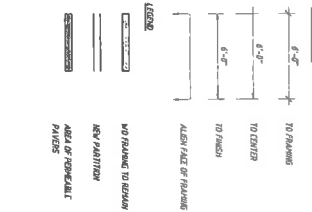
January 25, 2015

SHEET NO.

A3



MARK	LENGTH	APPROX. EQ. F.F. B. GRADE
1	7'-8"	
2	7'-1"	
3	7'-8"	
4	7'-8"	
5	7'-8"	
6	7'-8"	
7	7'-8"	
8	7'-8"	
9	7'-8"	
10	7'-8"	

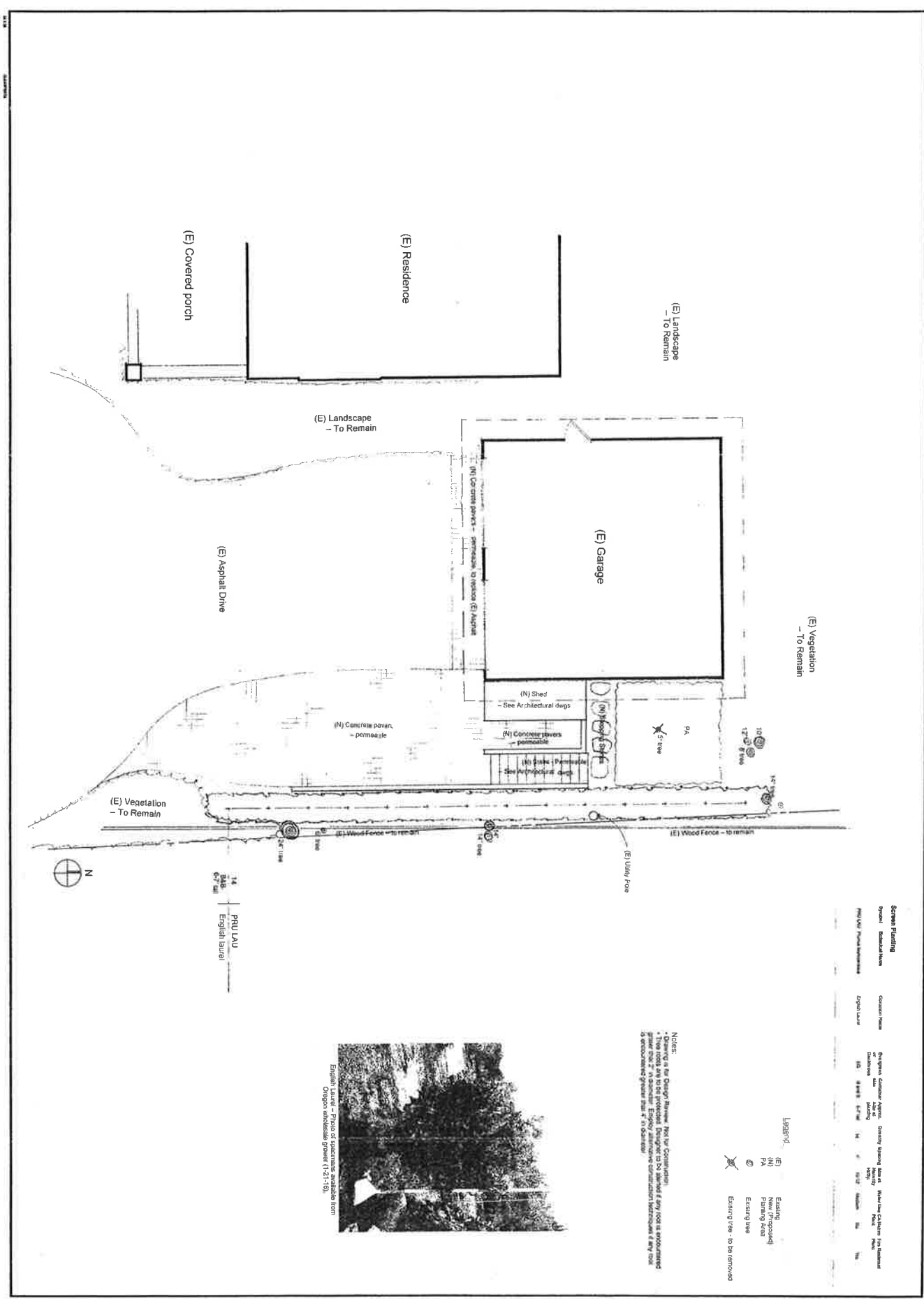


PROPOSED FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 SHEET NO. SP

APPROVED BY: 


o'hara/weldon residence
 198 lagunitas road
 ross, CA 94957
 apn: 073-131-01

REVISION: Final 4/26/15
 Issued 4/26/15
 Issued 4/26/15



Species Shading

Symbol	Common Name	Plant Use
(Symbol)	Common Name	Plant Use
(Symbol)	Common Name	Plant Use

- Legend**
- (E) Existing proposed
 - (N) New
 - PA Planting Area
 - Excavating Area
 - Excavating Area - to be removed

Notes:

- Existing for O'Hara-Weldon Garden, Not for Construction
- Existing for O'Hara-Weldon Garden, Not for Construction
- Existing for O'Hara-Weldon Garden, Not for Construction



Existing site conditions - O'Hara-Weldon Garden

ATTACHMENT 5



Town of Ross

Planning Department
P. O. Box 320, Ross, CA 94957
Telephone (415) 453-1453 ext. 121
www.townofross.org

Fax (415) 453-1950

NEIGHBOR ACKNOWLEDGEMENT FORM

The Town of Ross requires applicants for development projects to review their plans with abutting neighbors prior to submitting the project to the Town. These plans should be considered **PRELIMINARY ONLY** and there may be modifications made by the applicant or required by the Town during the formal review period, including at the public meeting on the project. The Town will mail a notice of any public meeting regarding the project to the owner of your residence at least ten days prior to the meeting. You are invited to contact the Town Planning Department for more information.

Project Address and Assessor's Parcel No. 198 Lagunitas Road, Ross 073-131-01
Owner(s) of Parcel James O'Hara + Cynthia Weiden, Trustees
Date of Plans December 2, 2015

I am a neighbor of the project site identified above. The applicant has reviewed the project plans with me and I understand the scope of work. I understand that the plans may change during the formal review process.

I approve the plans as proposed

I do not approve the plans as proposed for the following reasons (attach additional material if necessary):

Note: the information on this form will become part of the public record for this project and providing personal information is optional. If you have any concerns with the plans, the Town encourages you to discuss them with the applicant. If the concerns are not resolved, please inform the Planning Department and/or the Town Council. Written comments received by the Planning Department by 5:00 p.m. the Thursday (7 days) prior to the Town Council meeting will be included in the Council agenda packet. Other written comments should be submitted at least 48 hours prior to the Council meeting so the Council has ample time to review the comments.

Neighbor Name(s) Marina Petricain

Neighbor Signature(s) Marina Petricain Date 12/17/15

Neighbor Address 198 Lagunitas Road

Neighbor Phone Number and Email 415-498-7434 Marina@ross@yahoo.com