



**Agenda Item No. 12.**

**Staff Report**

**Date:** September 8, 2016

**To:** Mayor Hoertkorn and Council Members

**From:** Heidi Scoble, Planning Manager

**Subject:** Bergholt Nonconformity Permit, 1 Southwood Avenue, File No. 2016-031

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**Recommendation**

Town Council approval of Resolution 1963 conditionally approving a Nonconformity Permit to allow for structural alterations and related improvements to an existing legal nonconforming detached garage.

**Background**

The project was continued from the August 11, 2016 meeting to the September 8, 2016 meeting to allow a Town Council quorum be present in order to take action on the project.

**Attachment**

- Town Council Staff Report dated August 11, 2016



**Staff Report**

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**To:** Mayor Hoertkorn and Council Members  
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**Recommendation**

Town Council approval of Resolution 1963 conditionally approving a Nonconformity Permit to allow for structural alterations and related improvements to an existing legal nonconforming detached garage.

**Property Information:**

**Owner:** Leslie and Jeff Bergholt  
**Design Professional:** Locus Architecture  
**Location:** 1 Southwood Avenue  
**A.P. Number:** 073-152-10  
**Zoning:** R-1:B-20 (Single Family Residence 20,000 sq. ft. min. lot size)  
**General Plan:** Medium Low Density (3-6 units per acre)  
**Flood Zone:** Zone X (outside of high risk flood area)

| <b>PROJECT DATA</b> |                            |  |                        |
|---------------------|----------------------------|--|------------------------|
|                     | <b>Zoning Requirements</b> | <b>Existing</b>                          | <b>Proposed</b>        |
| Lot Area            | 20,000 square feet         | 12,502 square feet                       | No change              |
| Floor Area (FAR)    | 15%                        | 3,267 sq. ft. (26.1%)                    | No change              |
| Lot Coverage        | 15%                        | 2,409 sq. ft. (19.3%)                    | No change              |
| Impervious Surface  | -                          | 2,802 sq. ft. (22.4%)                    | No change              |
| Height              | 30 Feet                    | 10.75 Feet                               | 15.65 Feet             |
| Front Setback       | 25 Feet                    | 15.42 Feet- Residence<br>85 Feet- Garage | No Change<br>No Change |

|                    |         |   |                        |
|--------------------|---------|---|------------------------|
| Right Side Setback | 20 Feet | 31 Feet- Residence<br>85 Feet- Garage     | No change<br>No Change |
| Left Side Setback  | 20 feet | 24 Feet- Residence<br>0 Feet- Garage      | No Change<br>No Change |
| Rear Setback       | 40 Feet | 59.5 Feet- Residence<br>7.58 Feet- Garage | No Change<br>No Change |

*The existing garage has legal nonconforming setbacks.*

**Project Description**

The applicant is requesting a Nonconformity permit and related design improvements to allow for structural alterations to the existing a garage in order to make the garage structurally sound and architecturally compatible with the main residence. The project includes a new roofline, new garage door and side door, and arbor on west side elevation to the existing detached garage at the single family residence.

The roofline would change from a flat roof to a sloped roof, increasing the height 5'-0" from 10'-7.65" feet to 15'-7.65" at the roof peak. The roof eave would match the eave design details on the existing residence on the parcel. The garage doors would change from two sliding doors and center post to one wood door without a center post to enable two cars to park inside the garage. A new side door on the west elevation facing the swimming pool and yard would replace the existing side door. This door would be a four panel bi-fold door which matches the window design of the kitchen window of the house. A new arbor located adjacent to the west side of the garage would match the details of the existing arbor at the house. Lastly, six 24-inch pavers would be installed at the between the arbor and the swimming pool. Grass would grow between the pavers.

The exterior garage colors and materials would match that of the existing residence consisting of stucco siding painted to match the residence, wood arbor, and Spanish clay tile roof. No changes to the residence are proposed as part of the project.

The project would not result in an increase in floor area, lot coverage, or new impervious surfaces.

The proposed improvements require a **Non-Conformity Permit pursuant to Ross Municipal Code (RMC) Section 18.52.030** to allow for the structural alterations to a legal nonconforming detached garage that is located within the right side yard and rear yard setbacks.

**Background and Discussion**

The project site is a flat parcel, lot 10 of the Fernhill Tract that was recorded with the County of Marin on July 23, 1904. Access to the site is via Southwood Avenue. The project site is developed with a single-family residence and accessory structure that were built circa late 1920's before the Town's zoning regulations. Accordingly, the project site is developed with legal nonconforming floor area, lot coverage, and right and rear yard setbacks.

On May 15, 2011, the Town Council approved a Variance and Design Review to the existing nonconforming single family residence to allow for a remodel and floor area addition to the residence, as well as landscaping and hardscape improvements, such as a trellis-covered porch and a new pool located within the rear yard setback. No changes to the detached garage were considered at that time.

***Nonconformity Permit***

Section 18.52.030 - Alterations, of the Ross Municipal Code, specifies that a nonconforming structure may be altered so long as the exterior dimensions of the structure are not enlarged by the alteration and all other regulations are in compliance. The garage structure is nonconforming as it is located along the east property line, within the required left side yard setback. As the applicant is proposing a remodel to this nonconforming garage structure, a Nonconformity permit is required pursuant to Section 18.52.040 – Nonconformity Permit. In order to support the Nonconformity Permit, the Town Council needs to determine whether the requisite Nonconformity Permit findings can be achieved.

The subject Nonconformity Permit request meets the purpose and intent of the regulations as it would allow for the continued existence and modification of the nonconforming structure as it would continue the small town character, design remodel of the structure is appropriate, and does not create impacts. While Design Review is not required by, in reviewing the findings of the Nonconformity Permit, architecture and design of the project is considered.

In reviewing the project, staff suggests the requisite findings to support the project can be achieved as follows:

1. The existing garage was constructed prior to any Town zoning regulations; therefore, the garage is considered to be lawfully constructed.
2. The project would not remove a building or structure of historical, architectural, cultural, or aesthetic value.
3. The project is found consistent with the Design review criteria and standards of Section 18.41.100 of the Ross Municipal Code as the project would be architecturally compatible with the project site and the surrounding properties.
4. The project would not result in an increase in existing floor area.
5. The project would be required to comply with the Town's building code regulations to ensure the project would not be detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity.
6. The project is not located within a floodplain and would not result in an increase in new impervious surfaces.
7. The Ross Valley Fire Department has indicated they would approve the project.
8. The conditions of approval would require the applicant to indemnify the Town.
9. The project would comply with the Town's parking regulations.

**Public Comment**

Public Notices were mailed to property owners within 300 feet of the project site. Apart from receiving two Neighbor Acknowledgement Forms, staff has not received 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 (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 Section 15301 –*additions to existing structures*, because it involves an addition to an existing single family residence, including a detached accessory structure with no potential for impacts as proposed. 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 1963
2. Project History – City Council Meeting Minutes of May 15, 2011
3. Applicant's Project Description
4. Project plans
5. Neighborhood Acknowledgement Forms

# ATTACHMENT 1

## TOWN OF ROSS

### RESOLUTION NO. 1963

#### A RESOLUTION OF THE TOWN OF ROSS APPROVING A NON-CONFORMITY PERMIT TO ALLOW STRUCTURAL ALTERATIONS AND RELATED IMPROVEMENTS TO A LEGAL NONCONFORMING DETACHED GARAGE AT 1 SOUTHWOOD AVENUE APN 073-152-10

**WHEREAS**, Property owners Leslie and Jeff Bergholt have submitted an application for a Nonconformity Permit to allow for structural alterations and related improvements to an existing legal nonconforming detached garage at 1 Southwood Avenue, Assessor's Parcel Number 073-152-10 (the "project"); and

**WHEREAS**, on August 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

**WHEREAS**, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15303 *–new construction or conversion of small structures*, because it involves installation of a new garage door and side doors and modification to roofline and related improvements at an existing single family residence with no potential for impacts as proposed. 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.

**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 a Nonconformity Permit for the project described herein, located at 1 Southwood 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 August 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Kathleen Hoertkorn, Mayor**

**ATTEST:**

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**Linda Lopez, Town Clerk**



**EXHIBIT "A"**  
**Findings in Support of Project Approval**  
**1 Southwood Avenue**  
**APN 073-152-10**

**A. Findings**

- I. Non-Conformity Permit (RMC § 18.52.040) - Approval of a Non-Conformity Permit to allow for structural alterations to a legal nonconforming detached garage in accordance with Ross Municipal Code Section 18.52.030, Non-Conformity - Alteration, and is approved based on the findings:**

**The project is consistent with the purpose of the Nonconformity Permit chapter as outlined in Ross Municipal Code Section 18.52.040:**

- a) The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed. The property owner has the burden to prove by substantial evidence the nonconforming and legal status of the structure.**

The existing garage was constructed along the northeast side property line, where a 20 foot setback is required. The garage was also constructed approximately 7.58 feet from the rear property line, where a 40 foot setback is required. The garage was constructed circa late 1920's prior to any Town zoning regulations and therefore considered to be legal nonconforming.

- b) The town council can make the findings required to approve any required demolition permit for the structure: The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.**

This finding is not applicable as no structures are proposed to be demolished.

- c) The project substantially conforms to the relevant design review criteria and standards in Section 18.41.100, even if design review is not required.**

As summarized in the staff report dated August 11, 2016, the project would be consistent with the design review criteria and standards relative to architectural design, materials, colors, and landscaping. 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.

- d) Total floor area does not exceed the greater of the total floor area of the existing nonconforming and/or legal nonconforming structure.**

The project would consist of structural alterations and a remodel within the footprint of the existing 437 square feet detached garage, therefore the project would not result in an increase in existing floor area as the

- e) Granting the permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties improvements in the vicinity.**

The project would be required to comply with the Town's Building Code and Fire Code requirements, therefore ensuring the health, safety, and general welfare of the residence residing in the vicinity.

- f) The project will comply with the Flood Damage Prevention regulations in Chapter 15.36.**

The project site is located outside of a designated flood plain and therefore not subject to a development permit pursuant to Section 15.36.130 of the Ross Municipal Code or other development related regulations associated with Chapter 15.36.

- g) The fire chief has confirmed that the site has adequate access and water supply for firefighting purposes, or that the project includes alternate measures approved by the fire chief.**

The Ross Valley Fire Department has indicated they would approve the project as presented to the Town Council.

- h) The applicant has agreed in writing to the indemnification provision in Section 18.40.180.**

Condition of approval 17 would require the applicant to indemnify and hold harmless from any claim, action, or proceeding ("action") against the Town, therefore the project would be consistent with this finding.

- i) The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered).**

The project would comply with the Town's R-1:B-20 zoning district parking regulations whereby four on-site parking spaces can be accommodated, one of would be enclosed.

**EXHIBIT "B"**  
**Conditions of Approval**  
**1 Southwood Avenue**  
**APN 073-152-10**

1. This approval authorizes the Nonconformity Permit to allow a garage renovation at an existing single family residence at 1 Southwood Avenue, Assessor's Parcel Number 073-152-10.
1. The building permit shall substantially conform to the plans entitled, "Bergholt Garage Renovation", consisting of one (1) sheet prepared by Locus Architecture, Ltd., date stamp received June 16, 2016. The building permit shall also conform to the approved materials listed on Sheet A1 of the project plans.
2. Except as otherwise provided in these conditions, the building permit shall substantially conform to the plans entitled, "Bergholt Garage Renovation" consisting of 1 sheet prepared by Locus Architecture, Ltd. and Planning date stamp received June 16, 2016.
3. 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.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, 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. The applicant/owner shall pay any deferred Planning Department's fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Planning Manager.
6. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.
7. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval

prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

8. The project shall comply with the Fire Code and all requirements of the Ross Valley Fire Department (RVFD).
9. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
10. 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.
11. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
12. 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).
13. 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.
14. 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.

15. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
  
16. 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

31. **1 Southwood Avenue, Variance and Design Review No. 1822**  
Jeff and Leslie Bergholt, 1 Southwood Avenue, A.P. No. 73-152-10, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 units per acre). Application for variances and design review for a remodel and addition to a nonconforming residence that includes the following: 1.) 168 square foot additions to the lower level sunroom and kitchen; 2.) 64 square foot addition to a second floor bedroom; 3.) trellis-covered porch; 4.) new pool within the rear yard area (40-foot setback required, 20 feet proposed); and 5.) demolition of a 140 square foot shed. Total floor area of 3,267 square feet is proposed (including the detached garage).

|                           |                       |
|---------------------------|-----------------------|
| Lot area                  | 12,502 square feet    |
| Existing Floor Area       | 25.4%                 |
| Proposed Floor Area       | 26.1% (15% permitted) |
| Existing Lot Coverage     | 19.7%                 |
| Proposed Lot Coverage     | 19.3% (15% permitted) |
| Existing Impervious Areas | 21.5%                 |
| Proposed Impervious Areas | 24.6%                 |

*The existing garage and shed are nonconforming in setbacks.*

Senior Planner Elise Semonian summarized the staff report and recommended that the Council deny the setback variance for the pool and approve the variances associated with the additions and remodel of the residence with the findings and conditions in the staff report.

Jeff Bergholt, owner, appreciated staff's responsiveness. He is very excited to move from the San Francisco to Ross. He is also excited to invest in this home and Ross School.

Wynne Yelland, architect, is a proponent of reuse and sustainability. They took the lot coverage below where it is today. They removed the non-conforming shed. Landscaping is at least 10 ft. high in every direction, so it is very well screened. They proposed a few additional trees, but not sure what would be done to increase the visual sight lines into the property. They propose locating the pool equipment within the garage to mitigate noise. They looked at drainage and there is an increase, partly because the pool is included in the impervious calculation. The Spanish Mediterranean piece is a big component. The south façade is sort of a motel feel with the flat roof and they want to bring back some of the stucco detailing and character of the front façade to the back façade. In terms of floor plan, it faces the north side and the fireplace and windows will be kept as is. On the south side, they propose some surgical changes and additions to make the house relevant for the next 100 years. In terms of the kitchen, they propose making it larger, 6-foot x 16 sq. ft., which is about half the size of a parking space. The sunroom proposed is an addition of 16 x 6 and stacking above that on the west side is an expansion of the bedroom, which is fairly narrow and long on the floor plan. The mass of the southwestern corner mimics the dining room and bedroom. They presented the plans to the neighbors. In terms of the pool, the outdoor space is a huge benefit. Mr. Bergholt is a swimmer and it is a big part of their family. Four of the six neighbors have a pool. He understands there are rules and neighbor concerns are important, so they come before the Council with mixed emotions. The pool is within the setback, but in the most advantageous position. The garage blocks the pool from the eastern neighbor along with the hedge. They wanted this house to be a place for the next 100 years and a place to bring their family and set down roots.

**May 12, 2011 Minutes**

Mayor Martin opened the public hearing on this item.

Joseph Ciatti, Southwood resident, favored this project. He felt what is proposed will be wonderful. His pool is in a setback and almost every pool in Southwood is in a setback. He further hoped the Council approves the project.

Clay Walker, Hill Street resident, met Mr. Bergholt in college and has been close with his family ever since. In favored what is being proposed and believed it is in good taste and character with the rest of the Town. He further looked forward to spending time in their embellished backyard.

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.

Mayor Pro Tempore Small had no concerns with the house. She appreciated the fact that they took ADR's recommendations and lowered the FAR. She expressed concern for the pool and setback, but understands that several pools are in the setback and wanted to hear input from the Council in that regard.

Council Member Russell is very pleased. This is a magnificent jewel. It is a house that needs work and thinks the Bergholt's will fully enjoy this house. The neighbor most impacted is the DeRuff's and they are fully supportive. He has no problem with the pool, except the impervious surfaces. If there is a way to reduce impervious surfaces elsewhere, then he would be supported of the pool. Architect Yelland responded in the affirmative. He explained that they could place permeable pavers under the trellis in order for water to drain. Mr. Bergholt had no objection.

Council Member Russell discussed the possibility of additional vegetation. Mr. Bergholt is willing to communicate with the neighbor in that regard.

Mayor Martin concurred that this is an outstanding job with the house. It is a jewel. He really appreciated the effort and commitment to preserve and enhance the house. He is having trouble with the pool, but willing to accept it on the condition that more of a landscaped buffer can be created and the fact that the neighbor's pool is on the other side of the fence. Council Member Strauss concurred. He believed it is a terrific design.

Mayor Martin asked for a motion.

**Council Member Russell moved and Council Member Strauss seconded, to approve the project at 1 Southwood Avenue as proposed, including the swimming pool within the rear yard setback, with the conditions and findings outlined in the report. Motion carried unanimously. Hunter absent.**

**Conditions - Bergholt 1 Southwood:**

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



**May 12, 2011 Minutes**

**A. GENERAL CONDITIONS:**

10. The project shall substantially comply with the plans approved by the Town Council, dated May 2, 2011, ~~except that the swimming pool is not approved within the rear yard setback area.~~ Additional planting shall be installed for a landscape buffer in the rear yard area. The level of impervious surfaces should be maintained as much as is feasible.
11. FAILURE TO SECURE REQUIRED BUILDING PERMITS AND/OR BEGIN CONSTRUCTION BY MAY 12, 2012, WILL CAUSE THE APPROVAL TO LAPSE WITHOUT FURTHER NOTICE.
12. 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.
13. 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.

**B. PRIOR TO START OF CONSTRUCTION:**

**6. TREE PROTECTION:**

Measures shall be taken to protect the mature oak tree in the front yard area during construction. An arborist shall be retained to prepare conditions to be complied with during and after construction to protect the tree and prevent compaction of the area within the dripline of the tree. The town may require chain link fencing to prevent construction activity in the dripline of the tree. The conditions shall be submitted to staff and any tree protection shall be installed prior to issuance of a building permit for the project.

**7. LISTING OF ALL CONTRACTORS, AND SUBCONTRACTORS:**

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

**May 12, 2011 Minutes**

file for a business license. A final list shall be submitted to the Town prior to project final.

**8. CONSTRUCTION MANAGEMENT PLAN:**

The selected contractor shall provide a detailed construction and traffic management plan shall be submitted for the review prior to the issuance of a building permit. The submitted plan shall include, but shall not be limited to, provisions ensuring that flag persons shall be present when the roadway will be closed or blocked to ensure that residents on the private driveway may enter and exit their sites whenever road closures or delays occur for any period of time to advise traffic of the road closure or delay. The plan shall include as a minimum:

- work schedule
- phasing of construction
- management of worker vehicle parking
- staging of materials
- traffic control
- method of hauling and haul routes
- size of vehicles, number of trips and haul route
- storage
- travel routes
- washout areas

The applicant shall document the condition of the entire proposed haul route through Ross and by video shall submit the information on a CD to the Public Works department prior to issuance of a building permit. The applicant shall work with the Public Works Department to repair any damage caused by the construction.

Any portable toilets shall be placed off of the street and out of public view. Project development shall comply with the requirements of the Ross Valley Sanitary District.

**9. CONSTRUCTION SCHEDULE:**

The applicant shall submit a schedule that outlines the scheduling of the site development. This 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 Municipal Code (RMC Sec. 15.50)

**10. PRE-CONSTRUCTION MEETING:**

A preconstruction meeting with the property owner, project contractor, project architect, representatives of the Town Planning, Building, Public Works and Fire Departments 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.

C. DURING CONSTRUCTION:

11. POSTING OF BUILDING PERMIT:

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

12. WORKING HOURS:

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).

13. RIGHT OF ENTRY:

The Building Official and other Town staff shall have the right to enter the property at all times during construction to inspect operating procedures, progress, compliance with permit and applicable codes.

14. CHANGES:

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.

15. STOP WORK ORDER:

Should it be determined at any time that the construction project has unreasonably exceeded or violated the scope of the permits, a STOPWORK order shall be issued and an independent site monitor may be retained by the Town, at the expense of the property owner, prior to continuance of any grading and/or construction activities. In addition to standard fines and/or appropriate remedies, the independent monitor will conduct on-site inspections on a daily basis during the grading phase, and on a weekly basis during the construction phase of the project, to assure continued compliance with the permit approvals until final inspection and occupancy.

16. TRAFFIC CONTROL AND ROAD CLOSURES:

**May 12, 2011 Minutes**

Traffic control and vehicular and pedestrian safety is the responsibility of the applicant. Road closures will only be permitted with prior authorization of the Town. The applicant shall provide written notification to affected property owners and neighbors prior to road closures or delays. Signs containing details of the proposed closure or delay must be posted at least 48 hours in advance.

**17. GRADING:**

No grading shall begin during the rainy season from October 15<sup>th</sup> to April 15. For grading work that begins prior to October 15, an erosion control plan approved by the Director of Public Works must be obtained in advance of October 15<sup>th</sup>. If the rainy season is not over by April 15<sup>th</sup> no grading shall commence until two weeks have elapsed since the last rain.

**18. DUST AND DEBRIS CONTROL:**

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. Materials shall not be stored in the public right-of-way without benefit of an encroachment permit. 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. A debris catchment fence shall be installed during construction.

**19. DRAINAGE AND EROSION CONTROL:**

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 prior to project final.

**D. PRIOR TO FINAL INSPECTION, AND OCCUPANCY:**

**20. AS-BUILT DRAWINGS AND CERTIFICATION BY ALL DESIGN PROFESSIONALS:**

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.

**21. FEES:**

All costs for town consultants, such as the town hydrologist, review of the project shall be paid prior to building permit issuance. 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.

**22. UTILITIES:**

**May 12, 2011 Minutes**

Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E.

The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final, including compliance with any applicable MMWD water-conserving landscape ordinance. Prior to project final, the applicant shall submit written evidence to the town that the landscaping plan has been approved by MMWD, or that it is exempt from their requirements. Any modifications to the planting and/or tree removal presented to the Town Council shall be reviewed and approved with staff prior to modification. Prior to project final, the project landscape professional shall certify that the landscaping and irrigation was installed in accordance with the approved plans.

**23. PUBLIC SAFETY**

This project shall comply with the following requirements of the Department of Public Safety: 1.) A street number must be posted {minimum four inches on contrasting background}; 2.) A 24 hour monitored alarm system is required; 3.) Sprinklers may be required; and 4.) Remove and clear all dead or dying flammable materials per RMC Chapter 12.12.

**24. LANDSCAPING AND VEGETATION:**

Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

The trees should be inspected one year following the construction of the proposed structure's foundation by a Project Arborist and any recommendation followed.

**25. EXTERIOR LIGHTING:**

Any exterior lighting for pathways, driveways, front walks and garages shall be low voltage and down-lit to avoid potential glare towards the street and adjacent properties. Additionally, landscape lighting such as tree uplights shall be directed inward on the property and away from the street and surrounding residences. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners.

**26. REPAIR OF DAMAGE AND RELEASE OF BONDS:**

The applicant shall work with the Public Works Department to repair any 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.

*Council Member Strauss recused himself at 1:25 a.m. from the next agenda item in order to avoid the appearance of a conflict.*

# ATTACHMENT 3

## **Project Description :**

The current garage at 1 Southwood is a 440 foot structure built around the same time of the home (late 1920's). The north side / automobile entrance currently has two sliding doors separated by a post down the center of the structure making it virtually impossible to use to park a car (model T or Mini Cooper withstanding). Garden Access to the garage is limited one small door on the west side of the structure.

We would like to bring the current garage inline with the design of Spanish Mediterranean home which we renovated five years ago.

We propose:

- 1) Replacing the existing unsightly flat tar and gravel ballasted roof with one that is more in keeping with the home a Spanish Med style a traditional red roof tile.
- 2) Replacing the two sliding doors and center post with one functional door for automobile access.
- 3) Rodent proofing the building.
- 4) Repair stucco where needed.
- 5) Beautify the building from the vantage point of the garden.
- 6) Increase access to the structure from the garden.

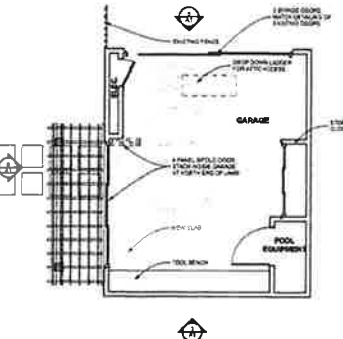
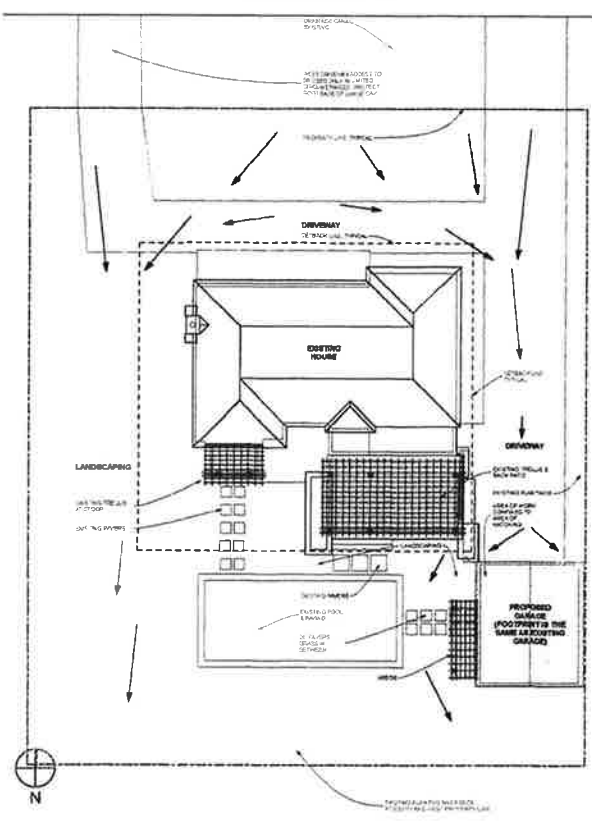
# ATTACHMENT 4



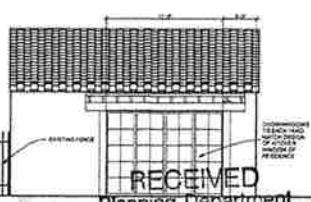
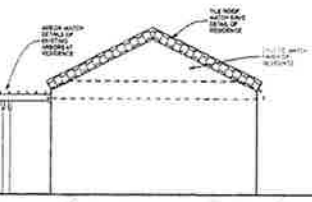
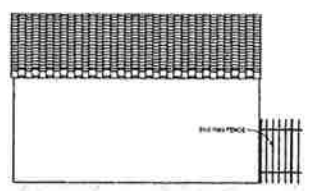
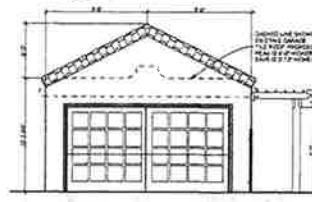
**GENERAL SITE NOTES:**

1. EXISTING DRIVEWAY TO BE REMOVED AND REPLACED WITH NEW DRIVEWAY TO BE CONSTRUCTED TO THE SOUTH OF THE EXISTING DRIVEWAY. THE NEW DRIVEWAY SHALL BE 12 FEET WIDE AND SHALL BE PAVED WITH ASPHALT. THE DRIVEWAY SHALL BE 12 FEET WIDE AND SHALL BE PAVED WITH ASPHALT. THE DRIVEWAY SHALL BE 12 FEET WIDE AND SHALL BE PAVED WITH ASPHALT.

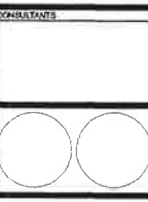
**SOUTHWOOD AVE.**



| Item           | Quantity      | Unit Price | Total         |
|----------------|---------------|------------|---------------|
| Excavation     | 1,500         | 1.00       | 1,500         |
| Concrete       | 1,500         | 1.00       | 1,500         |
| Asphalt        | 1,500         | 1.00       | 1,500         |
| Landscaping    | 1,500         | 1.00       | 1,500         |
| Pool Equipment | 1,500         | 1.00       | 1,500         |
| Tool Room      | 1,500         | 1.00       | 1,500         |
| Storage        | 1,500         | 1.00       | 1,500         |
| <b>TOTAL</b>   | <b>15,000</b> |            | <b>15,000</b> |



LOGUS ARCHITECTURE, LTD  
4403 NICOLLET AVENUE  
MINNEAPOLIS, MN 55419  
PH: (612) 252-3828  
WWW.LOGUSARCHITECTURE.COM



**Bergholt Garage Renovation**  
One Southwood  
Ross, CA 94960  
415.407.3573

Jeff & Leslie Bergholt

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
|     |      |             |

PROJECT NO. 16011  
SHEET NO. 16011-01  
DATE: 08.23.2013

SHEET TITLE: PROPOSED SITE PLAN

**A1**

JUN 16 2016

Town of Ross

# 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. 1 SOUTHWOOD AVE / 073-152-10  
Owner(s) of Parcel LESLIE AND JEFF BEECHOUT  
Date of Plans 6/8/2016

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) MARIA MAJORS Maria Majors  
Neighbor Signature(s) Maria Majors Date 6/11/16  
Neighbor Address 45 SHADY LAKE  
Neighbor Phone Number and Email 415-482-9975 mirn@comcast.net



# Town of Ross

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Neighbor Name(s) Seth + Angie Tabe  
Neighbor Signature(s) [Signature] Date 6/10/16  
Neighbor Address 43 Shady Lane  
Neighbor Phone Number and Email 415 606600 seth@molly.com