



Staff Report

Date: July 9, 2020
To: Mayor McMillan and Council Members
From: Matthew Weintraub, Planner
Subject: Stevens Residence, 5 Madera Avenue

Recommendation

Town Council approval of Resolution No. 2172 approving a Nonconformity Permit to allow for the construction of a new shade structure over an existing house deck within the existing deck footprint.

Property Information

Owner: Ann & Chuck Stevens
Applicant: Stacey N. Ford
Location: 5 Madera Avenue
A.P. Number: 072-072-31
Zoning: R-1: B-20
General Plan: L (Low Density)
Flood Zone: X (Minimal risk area outside the 1% and 0.2%-annual-chance floodplains)

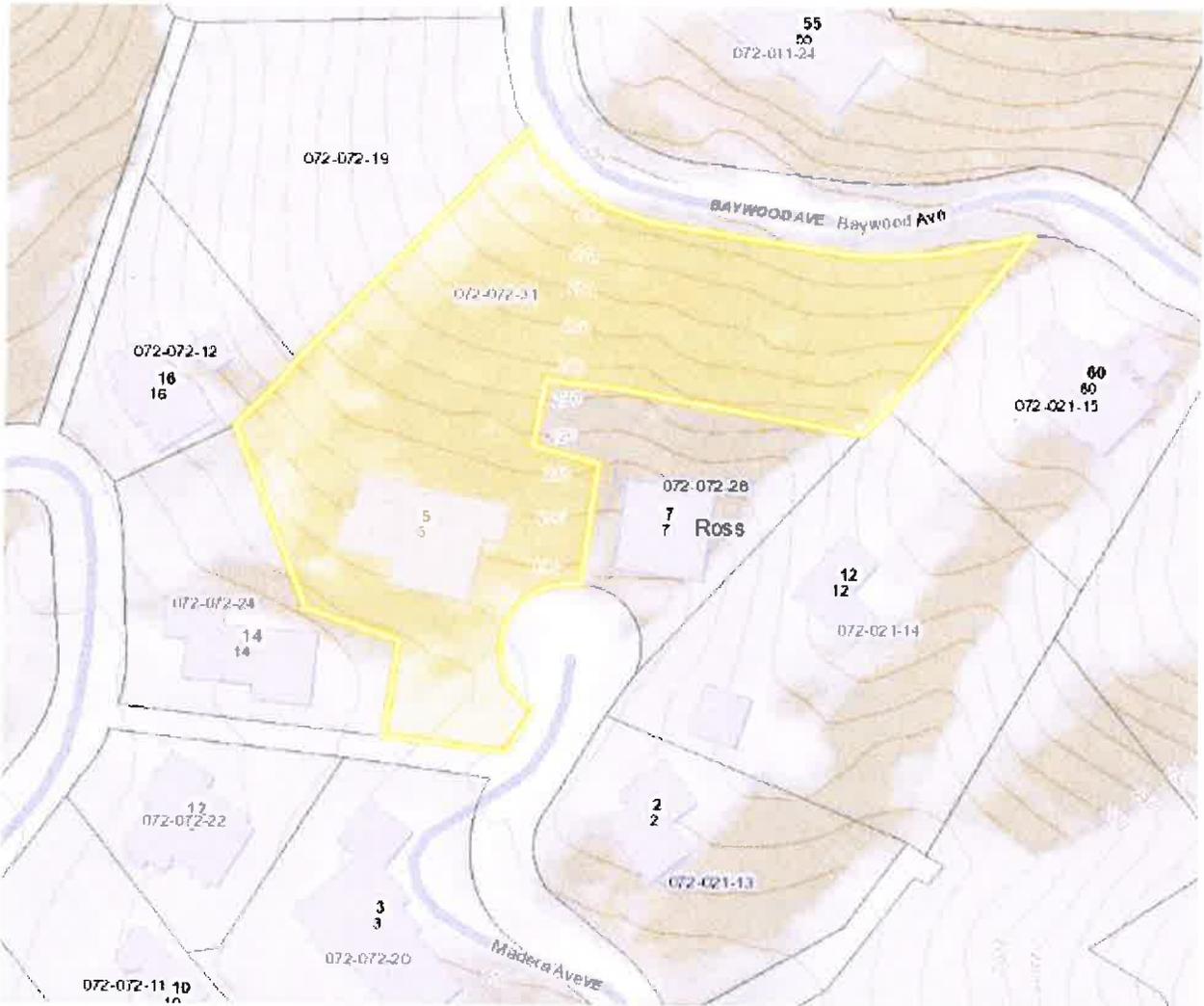
Project Summary Data

Project Item	Code Standard	Existing	Proposed
Lot Area	20,000 sq. ft. min.	38,921 sq. ft.	No change
Floor Area	1,385 sq. ft. max. *	3,670 sq. ft. (9%)	No change
Building Lot Coverage	5,838 sq. ft. (15%) max.	2,944 sq. ft. (8%)	No change
Front Yard Setback	25 ft. min. *	61 ft.	No change
Side Yard Setback, East	45 ft. min. *	30+ ft.	No change
Side Yard Setback, West	45 ft. min. *	Not applicable	Not applicable

Project Item	Code Standard	Existing	Proposed
Rear Yard Setback	70 ft. min. *	18 ft.	No change
Building Height	30 ft. (2 stories) max.	40 ft. (3 stories)	No change
Off-street Parking	3 spaces (1 covered) min.	4 (2 covered)	No change
Impervious Surfaces **	---	1,794 sq. ft. (5%)	No change

* Per Hillside Lot Regulations (RMC Section 18.39.090).

** Per Low Impact Development for Stormwater Management, Design Review Criteria and Standards (RMC Section 18.41.100 (t)).



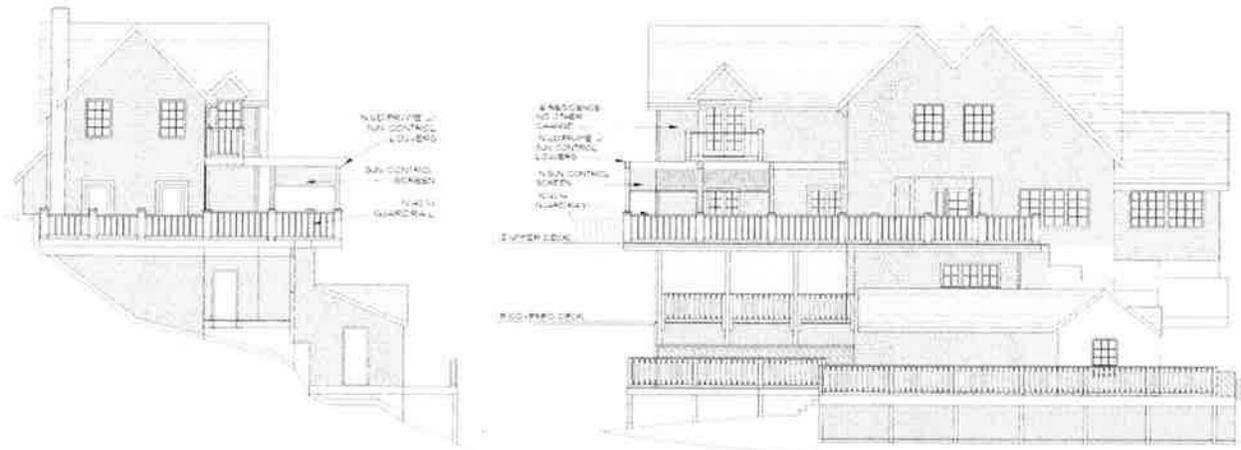
Vicinity Map. (Courtesy of MarinMap.)

Project Description

The proposed project would construct a new shade structure over an existing exterior house deck. The existing deck is located at the main living level at the southwest corner of the house, facing the southwest edge of the property. The proposed new “trellis” shade structure would be constructed within the footprint of the existing deck. The new open, wood frame shade structure

would be approximately 11 feet tall, 15'-8" deep and 26'-7" wide. It would include a partial roof of wood louvers and three side panels of adjustable roll-down screens, two panels facing south and one panel facing west. The proposed new shade structure would conform to the 30-foot maximum allowed building height at its highest point.

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



Elevation Drawings from the Project Plans. Submitted by the Applicant.

The proposed project is subject to the following permit approvals pursuant to the Ross Municipal Code (RMC):

- **A Nonconformity Permit is requested pursuant to RMC Section 18.52.030 (c)** to allow for the construction of a new shade structure as an enlargement and expansion of an existing nonconforming deck, which is nonconforming with respect to the minimum required rear yard setback, without increasing the existing nonconforming setback. Approval of a Nonconformity Permit is subject to a finding that the project substantially conforms to relevant Design Review criteria and standards in RMC Section 18.41.100, even if Design Review is not required.

Background

The project site is a 38,921-square-foot "through" lot with an irregular shape and street frontage on Madera Avenue to the south and Baywood Avenue to the north. The lot has vehicular access on Madera Avenue. The lot slopes upward from south to north with an average slope of approximately 60%. The existing residential property, which is approximately 40 feet tall and three stories at its highest point, is nonconforming with respect to the maximum allowed building height for the Zoning District. The existing residential property is also nonconforming with respect to the maximum allowed floor area and the minimum required yard setbacks for the Hillside Lot. The Project History is included as **Attachment 4**.

Advisory Design Review

The Advisory Design Review (ADR) Group reviewed the project on June 16, 2020 (see Attachment 7). At the meeting, the ADR Group received a presentation from the applicant, allowed public comments, and provided a recommendation regarding the merits of the project as it relates to the purpose of Design Review and the Design Review criteria and standards per Section 18.41.100 of the Ross Municipal Code (RMC) and the Town of Ross Design Guidelines. There were no public comments received.

The ADR Group Members recommended that exterior lighting be omitted and also suggested that the new shade structure could be more stylistically similar to the traditional architectural style of the existing residence. The applicant considered the comments of the ADR Group Members and agreed to omit exterior lighting. The proposed project architecture remains the same as reviewed by the ADR Group.

In summary, the ADR Group recommended that the revised project design as described above was consistent with the Design Review Criteria and Standards per RMC Section 18.41.100 and the Town of Ross Design Guidelines. The project design submitted to the Town Council is consistent with the project design reviewed and recommended by the ADR Group on June 16, 2020.

Key Issues

Nonconforming Deck

Many residential structures in the town do not conform to the requirements of this Zoning Code because they were established before the adoption of zoning or before residential floor area limits were established in 1967. The purpose of a Nonconformity Permit is to allow for the continued existence, reconstruction and modification of nonconforming residential structures, subject to limitations set forth in this section. The intent of these regulations is to protect historic buildings and those that contribute to the Town's small town character; to permit floor area nonconformities to be retained on site redevelopment where the design is appropriate; and to allow other nonconformities to be maintained when reasonable and where they create the same or fewer impacts than strict conformance with town regulation.

Staff suggests the project is in keeping with the purpose and mandatory findings for a Nonconformity Permit with respect to the proposed construction of a new shade structure which is considered to be an enlargement and expansion of the existing nonconforming deck. The existing deck is nonconforming with respect to the minimum required rear yard setback. The proposed project would improve the existing deck while maintaining and not increasing the existing nonconforming front yard setback, and while also complying with the maximum allowed building height.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. As of the writing of the staff report, no public comments have been received.

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 on 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 net funding impacts associated with the project.

Alternative actions

1. Continue the item to gather further information, conduct further analysis, or revise the project; 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 Guidelines Section 15301 (Existing Facilities), because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Attachments

1. Resolution No. 2172
2. Project Plans
3. Project Description
4. Project History
5. Neighborhood Outreach
6. ADR Group Meeting Minutes (Draft), June 16, 2020

ATTACHMENT 1

THIS PAGE IS INTENTIONALLY BLANK.

TOWN OF ROSS

RESOLUTION NO. 2172

A RESOLUTION OF THE TOWN OF ROSS APPROVING A NONCONFORMITY PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW SHADE STRUCTURE OVER AN EXISTING DECK WHICH IS NONCONFORMING WITH RESPECT TO THE MINIMUM REQUIRED REAR YARD SETBACK AT 5 MADERA AVENUE, APN 072-072-31

WHEREAS, property owners Ann and Chuck Stevens have submitted an application requesting approval of a Nonconformity Permit to allow for the construction of a new shade structure over an existing house deck within the existing deck footprint which is located within the minimum required rear yard setback of an existing single-family residence (herein referred to as “the project”) at 5 Madera Avenue, APN 072-072-31.

WHEREAS, the project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and

WHEREAS, on July 9, 2020, the Town Council held a duly noticed public hearing to consider the 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 a Nonconformity Permit to allow the project, 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 9th day of July 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie McMillan, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
5 MADERA AVENUE
APN 072-072-31

A. Findings

I. In accordance with Ross Municipal Code (RMC) Section 18.52.030 (c), Nonconformity Permit is approved based on the following mandatory findings:

- 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 nonconforming residence was originally constructed in approximately 1923 per the County Assessor.

- 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.**

A demolition permit is not required pursuant to per RMC Chapter 18.50.

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

As described in the Design Review findings in Section II below, the project is consistent with the Design Review criteria and standards per RMC Section 18.41.100.

- d) Total floor area does not exceed the greater of: a) the total floor area of the existing conforming and/or legal nonconforming structure(s); or b) the maximum floor area permitted for the lot under current zoning regulations. The town shall apply the definition of floor area in effect at the time of the application for a nonconformity permit.**

The project will not result in any change to the existing nonconforming floor area.

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

The project will add an open shade structure to an existing house deck within the existing deck footprint, without increasing the existing nonconforming rear yard setback, and while

conforming to the maximum allowed building height.

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

The property is not located within a special flood hazard area (SFHA) which would be subject to the Flood Damage Prevention regulations in RMC Chapter 15.36, and therefore it complies.

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 Marin County Fire Department has reviewed and approved the project, including with respect to adequate access and water supply for firefighting purposes.

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

Condition of Approval No. 10 requires indemnification pursuant to RMC Section 18.40.180.

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). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided. The Town Council may consider the size of the residence and number of bedrooms and may require additional parking up to the following:

Total site floor area (excluding covered parking)	Required off street parking
1,300 square feet to 3,300 square feet	3 spaces
Over 3,300 square feet	4 spaces

The project complies with the minimum required off-street parking capacity.

II. In accordance with Ross Municipal Code (RMC) Section 18.41.070, Design Review is approved based on the following special conditions and findings:

a) The project is consistent with the purpose of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010.

As recommended by the Advisory Design Review (ADR) Group, the project is consistent with the purpose of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010. It provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhances the area in which the project is located; and promotes and implements

the design goals, policies and criteria of the Ross general plan.

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

As recommended by the Advisory Design Review (ADR) Group, the project is in substantial compliance with the design criteria of Ross Municipal Code Section 18.41.100. It provides a design that is consistent with the architecture, materials, and colors of the existing residence and that is compatible with nearby residences in the vicinity of the project. The project is also compatible in mass and bulk to existing development patterns in the neighborhood. The project would be sufficiently distanced from adjacent properties and would not adversely impact any light, air, and/or privacy associated with the surrounding properties due to the project design and site orientation.

c) The project is consistent with the Ross General Plan and zoning ordinance.

The project is consistent with the allowed uses and general development standards associated with the Low Density land use designation of the General Plan and the Single Family Residence zoning regulations, therefore the project is found to be consistent with the Ross General Plan and Zoning Ordinance.

EXHIBIT "B"
CONDITIONS OF APPROVAL
5 MADERA AVENUE
APN 072-072-31

1. This approval authorizes a Nonconformity Permit to allow for the construction of a new shade structure over an existing house deck within the existing deck footprint which is nonconforming with respect to the minimum required rear yard setback at 5 Madera Avenue, APN 072-072-31.
2. The building permit shall substantially conform to the plans entitled, "TRELIS FOR CHUCK & ANN STEVENS, 5 MADERA AVENUE, ROSS, CA.", dated 5/5/20, and reviewed and approved by the Town Council on July 9, 2020.
3. 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.
4. 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.
5. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
6. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the project.
7. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
8. A Tree Permit shall not be issued until the project grading or building permit is issued.
9. 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 (i.e., temporary seeding and 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.
- 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. The plan shall demonstrate that on-street parking associated with construction

workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.

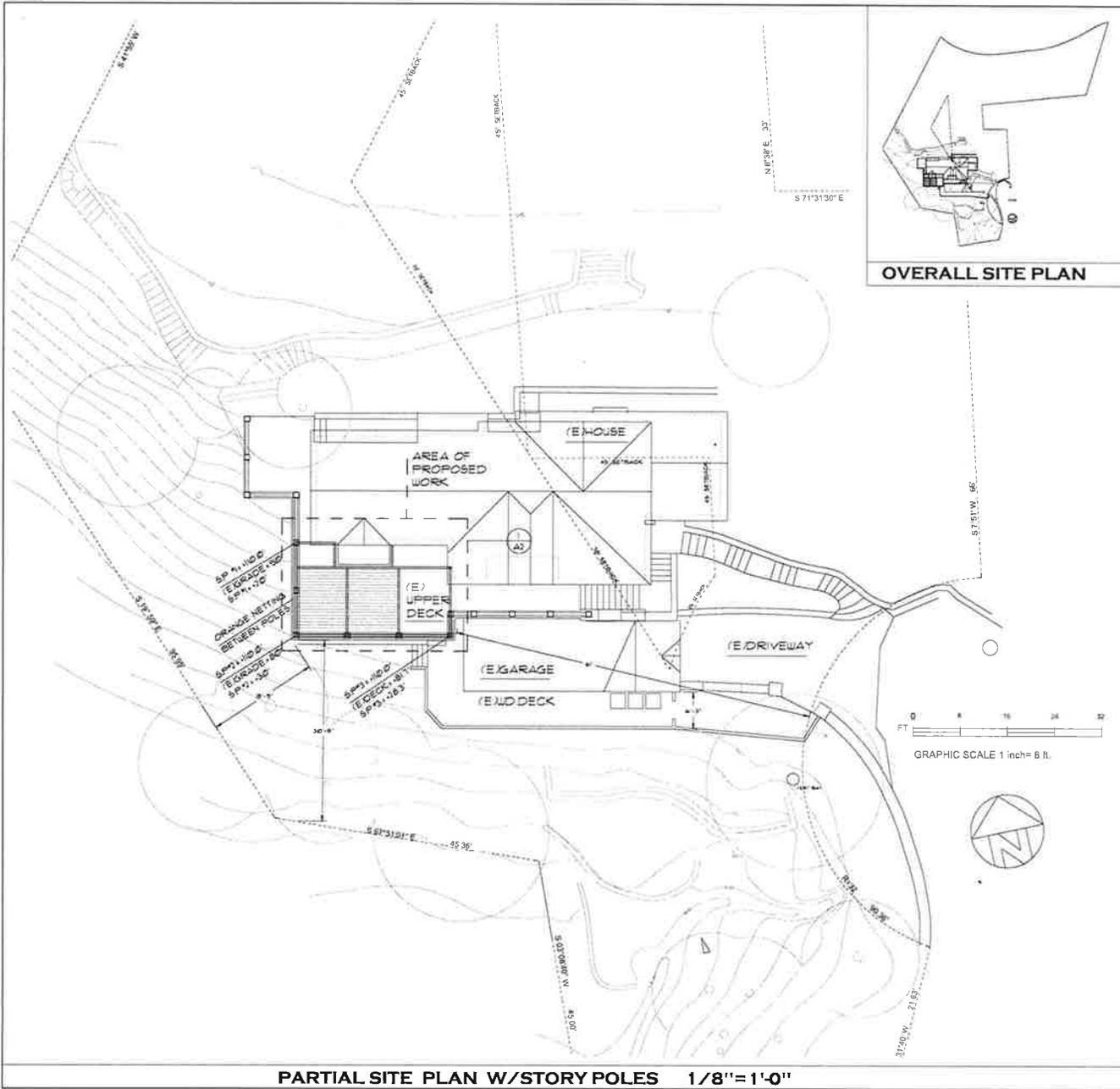
- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction 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 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.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. 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.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. 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).
- o. 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.

- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way 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.
- q. 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.
- r. 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.
- s. 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.
- t. 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.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. 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.
- w. BEFORE FINAL INSPECTION, 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.

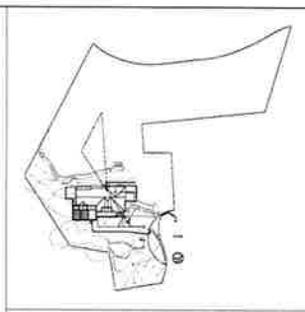
- ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
 - 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.
10. 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 attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

ATTACHMENT 2

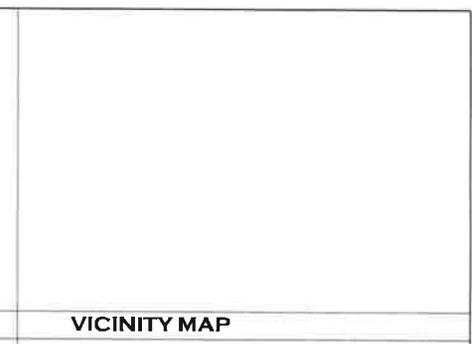
THIS PAGE IS INTENTIONALLY BLANK.



PARTIAL SITE PLAN W/STORY POLES 1/8"=1'-0"



OVERALL SITE PLAN



VICINITY MAP

SITE DATA TABLE			
	Allowed	Existing	Proposed
Lot Size		18,971 sf	18,971 sf
Zoning	R-1 B-20	R-1 B-20	R-1 B-20
House		3,258 sf	3,258 sf
Garage		412 sf	412 sf
Total Floor Area	Hillside= 1,385 sq-ft	3,670 sf	3,670 sf
Lot Coverage	15%	5,838 sf	2,964 sf
Impervious sf		1,296 sf	1,296 sf
Permeous sf		1,150 sf	1,150 sf
Hillside Setbacks			
Front Yard Setback	25'	0'	0'
Side Yard Setback	45'	30'	30'+
Side Yard Setback	45'	NA	NA
Rear Yard Setback	70'	18'	18'
Height	30'	22'-2"	30'
Cut/Include Footing/Joists/Deck		NA	0 cut w/s
Fill		NA	0 cut w/s
Import/Off Haul		NA	0 cut w/s Off Haul

SITE DATA

INDEX	SCOPE OF WORK
A1	Site Plan, Vicinity Map, Data
A2	Upper & Lower Level Deck Plans
A3	Proposed Elevations, Section, Detail Section
SCOPE OF WORK	
Wood Structure with sun control louvers addition to existing Upper Deck	

DIRECTORY	OWNER
ARCHITECT	Stacey N Ford 20 Corte Toluca Greenbrae, CA 94904 415-375-0112 sford@bcglobal.net

DIRECTORY	OWNER
OWNER	Chuck & Ann Stevens 5 Madera Ave Ross, CA 94951 chuckastevens@gmail.com 916/798-9111

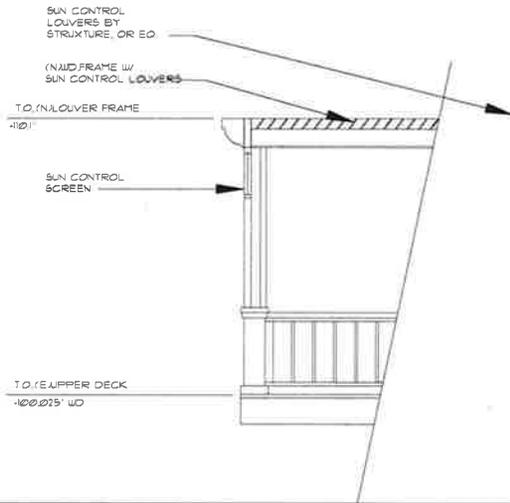
REVISIONS	BY

STACEY NICHOL FORD
ARCHITECT
20 Corte Toluca
Greenbrae, CA 94904
415-375-0112
stnord@bcglobal.net

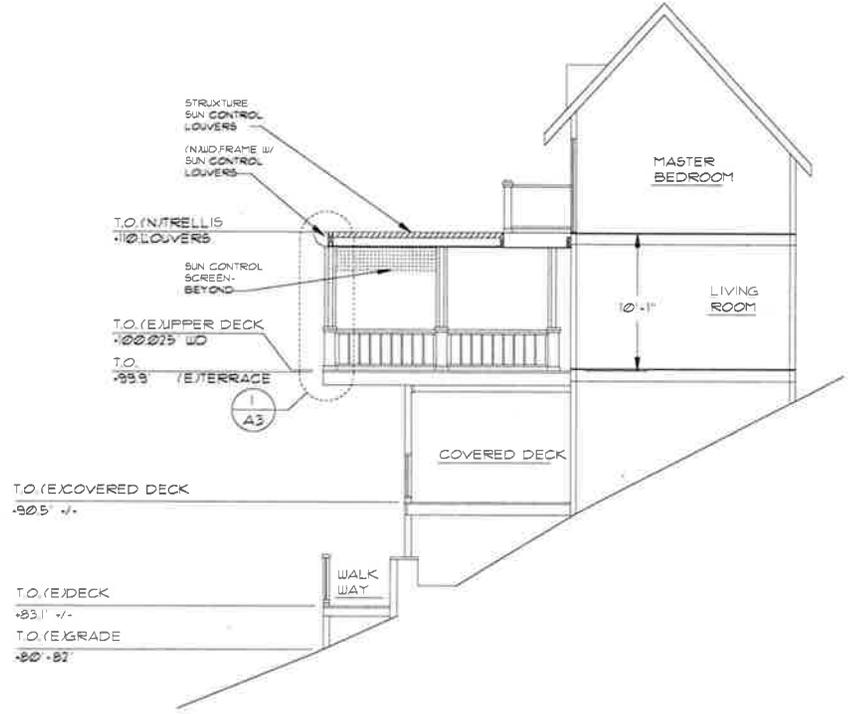
ROSS, CA

TRELLIS FOR:
CHUCK & ANN STEVENS
5 MADERA AVENUE
APN: 072-072-31





1/A3 SECTION THROUGH WOOD SHADE FRAME 1/2"=1'-0"



2/A3 SECTION THROUGH DECK & SHADE FRAME 1/4"=1'-0"



ELEVATIONS 1/8"=1'-0"

REVISIONS	BY

STACEY NICHOL FORD
ARCHITECT
300 Corte Tavera
Corte Tavera
P.O. Box 4112
San Jose, CA 95128
stnford@bigpoint.net

ROSS, CA

TRELIS FOR:
CHUCK & ANN STEVENS
5 MADERA AVENUE
APN: 072-072-31

1/3/2010
VARS

A3

ATTACHMENT 3

THIS PAGE IS INTENTIONALLY BLANK.

STACEY NICHOL FORD
◆
ARCHITECT

Application for Non Conformity Permit
5 Madera Avenue AP # 072-072-31
Owners: Chuck & Ann Stevens

May 6, 2020

Written Project Description: Trellis to Shade Upper Deck

One of the attractive features of our home is the upper deck which faces south and enjoys fabulous sun for most of the day. Indeed, we fled the foggy and cool San Francisco weather to enjoy the warmth and sun in Ross. But, as they say, one can get too much of a good thing, and it turns out that the sun is so intense in the afternoons for many months of the year that the deck is not really useable. We have tried multiple portable sunshades and umbrellas but nothing is very effective. Plus, the sun pounds on the deck doors that adjoin our living room, which makes the room very hot and necessitates constant air conditioning. We have concluded that the only long term and truly effective solution is a trellis with shades and louvers to permit natural light most of the time and to block the sun when it is too intense. And although the trellis is not readily visible to any neighbors, it is designed to blend in with the existing style of the house and would be painted white to match the existing guardrail to be aesthetically pleasing.

The proposed trellis will sit above the existing guardrail, on the Upper Deck. The top of this framework is at the 30' height limit, and will be made of white clad frame, matching the white guardrails surrounding the decks. The narrow lane is lined with abundant plants and trees when approaching this house, making it difficult to see the proposed frame and louvers until you have arrived at the driveway apron. Aesthetically, the frame and louvers are designed to harmonize with the historic character of the existing house by end beam details and matching white trim. The frame and louvers will be screened from the street approach by an existing mature bay tree and other flowering vegetation. The view from immediate neighbors and Ross will be negligible, as this frame is very minimal and located in a difficult to see area.

The trellis will have no impact on the existing Bioswales to the south, and will maintain the existing drainage pattern on the site.

Special Circumstances:

While the original house fits nicely within the original setbacks, as time passed, the updated Ross Ordinances minimized the available square footage for development.

See Site Plan to for this unique parcel shape. The area left for development is only 2 rather small triangles located mid parcel (see site plan). These 2 triangles add up to 1,820 sf on a parcel of 38,921 sf. This is only 4.7% of lot. The area of the parcel that this Upper Deck is located within is right in the middle of the now exceptionally large 70' rear setback. The existing house maintains privacy from neighbors by the central location on the property, and the abundance of mature plantings on each property.

Substantial Property Rights: Describe why this Variance is necessary for the preservation and enjoyment of substantial property rights.

The wonderful sunny weather that brought the people of San Francisco to Ross for their summer homes in the 1900s provides a scorching heat to this existing Upper Deck during the afternoons and evenings, from early spring through fall.

Adding this operable sun control system will allow them to enjoy their Upper Deck throughout the year, which is currently very limited.

Public Welfare: Describe why this Variance will not be harmful to or incompatible with other nearby properties.

This frame and louver sun control system is minimal and not visible from nearby properties, so there won't be any privacy or light impacts to the neighbors. It also doesn't make any changes to the existing drainage pattern or Bioswales.

ATTACHMENT 4

THIS PAGE IS INTENTIONALLY BLANK.

Lot Area	51,401 sq. ft.	
Present Lot Coverage	10.1%	
Proposed Lot Coverage	10.9%	(15% permitted)
Present Floor Area Ratio	6.0%	
Proposed Floor Area Ratio	6.6%	(15% permitted)

The existing residence and garage are nonconforming in north side yard setback.

Town Planner Broad said that the proposed plans were modest modifications and it was the residence of former Mayor Fred Allen.

Architect Strauss introduced Mr. & Mrs. Kenney and explained the plans.

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

1. The Town Council reserves the right to require landscape screening for up to one year from project final.
2. Any new exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. This project shall meet all Ross Public Safety Department requirements.
4. 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.
5. Any portable chemical toilets shall be placed off the street and out of public view.
6. 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.

This was seconded by Councilmember Hart and passed unanimously.

23. VARIANCE.

Dennis and Patricia Burke, 5 Madera Avenue, AP 72-072-25 and 26, R-1: B-20 (Single Family Residence, 20,000 square foot minimum). Variance to allow the addition of 170 square feet to an existing sunroom.

Lot Area	18,330 sq. ft.	
Present Lot Coverage	14.2%	
Proposed Lot Coverage	15.1%	(15% permitted)
Present Floor Area Ratio	22.6%	
Proposed Floor Area Ratio	23.5%	(15% permitted)

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

Mr. Broad stated that these plans would eliminate the lack of privacy between this parcel and the neighbor. He noted that because of the slope of the property, 5 percent of the FAR is devoted to deck and step areas. He recommended approval. After consideration, Councilmember Curtiss moved approval with the findings in the staff report and the following conditions:

1. The Town Council reserves the right to require landscape screening for up to one year from project final.
2. Any new exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. This project shall meet all Ross Public Safety Department requirements.
4. The applicant shall file necessary paperwork with the Ross Planning Department, and pay requisite notary and County recording fees, to merge these two legal lots into a single parcel.
5. Because of the proximity of the addition to an existing coast live oak tree, a licensed arborist shall review construction plans and make recommendations to ensure tree preservation.
6. 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.
7. Any portable chemical toilets shall be placed off the street and out of public view.
8. 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.

This was seconded by Councilmember Hart and passed unanimously.

24. VARIANCE.

Janell Denler and Harrison Hobart, 1 Thomas Court, AP 73-232-15, R-1: B-10 (Single Family Residence, 10,000 square foot minimum). Variance to allow the construction of a 40 foot X 10 foot lap pool within the rear yard setback (40 feet required, 22 feet proposed.)

Lot Area	9,983 sq. ft.
Present Lot Coverage	14.2%
Proposed Lot Coverage	14.2% (20% permitted)
Present Floor Area Ratio	23.9%
Proposed Floor Area Ratio	23.9% (20% permitted)

The existing garage and residence are nonconforming in side yard setbacks.

Town Planner Broad referred to his staff report and recommended approval. There were no comments from the audience.

Mayor Pro Tempore Goodman expressed concern about the location of the pool equipment and asked that a condition of approval be that it be installed in the garage and appropriately sound proofed. Also, that the bathroom be removed.

In response to a question by Councilmember Brown, Mrs. Hobart said that they did not have any plans to add a cabana.

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

Council Member Martin is willing to move forward but has some ambivalence. One issue is the amount of trucks generated from this project and the distress on the road. He wanted to make sure that they have a proper procedure of handling the truck traffic along with the traffic that they will have in Town due to construction projects including the school that are underway.

Acting Mayor Cahill stated that Landscape Architect Yandle has made a great effort to address his original concern with the projects relationship to the natural grade.

The Council unanimously supported the site improvements at 2 Upper Road and agreed to execute a settlement agreement in which property owner Alan Grujic will dismiss his existing court action against the Town. The new plan relocates the pool and driveway closer to the residence, lower the elevation of the pool area, and reduces the length and height of the retaining walls so that none are over 5 ft. tall. Staff advised the Council that Upper Road between Upper Road West and Woodhaven Road might not be able to support large construction vehicles. The Council agreed to include a condition of approval that prohibits trucks on this stretch of the road unless an engineer certifies the road for such use. The project contains a stormwater detention system that will collect and detain stormwater until a storm passes and rainwater can safely be discharged without exacerbating peak flows into the creeks. Permeable pavers will also help to reduce runoff from the driveway.

Acting Mayor Cahill asked for a motion.

Acting Mayor Cahill moved and Council Member Skall seconded, to approve the project subject to the findings and conditions in attached to the staff report, as amended as proposed by staff as noted before; approve the settlement agreement; and approve Resolution No. 1703 with the following changes made by Town Attorney Hadden Roth:

- Page 2 of the third “Whereas” should state, “Whereas, the Town and Grujic have approved a Settlement Agreement in which Grujic agrees to dismiss the Grujic Action if the Town Council approves the Alternative Design”
- After the words, “as follows” state, “Now Therefore, Be it Resolved, by the Town Council of the Town of Ross as follows, when the Settlement Agreement is signed by Grujic and delivered to the Town Attorney:”
- Item No. 1 - Remove the word, “hereby”
- Item No. 2 - After the phrase, “The Alternative Design for the project,” strike the word “hereby” and insert “shall be”
- Remove “hereby” from the second line

Motion carried unanimously. Strauss/Hunter absent.

Town Attorney Hadden Roth excused himself from the Town Council meeting at 8:18 p.m.

17. 5 Madera Avenue, Design Review and After-the-Fact Encroachment Permit No. 1775
Jeremy and Wendy Coon, 5 Madera Avenue, A.P. No. 72-072-25, 26, 29 and 30, R-1:B-20 (Single Family Residential, 20,000 sq. ft. lot size), Low Density (1-3 Unit/Acre).

Application for design review for 995 linear feet of stone-faced landscape retaining walls up to 5 feet in height. After-the-fact request for an encroachment permit and watercourse design review to construct a curb and replace a wall partially within the Madera Avenue right of way and within 25 feet of a watercourse. The project also involves construction of a new deck and spa area above the existing residence, new landscaping, drainage improvements, facing the base of the residence with stone, 85 cubic yards of cut, and merger of the 5 Madera Avenue lot with the 54 Baywood Avenue lot.

Lot area	38,400 sq. ft.	
Existing Floor Area	9.1%	
Proposed Floor Area	9.2%	(15% permitted)
Existing Lot Coverage	7.5%	
Proposed Lot Coverage	8.3%	(15% permitted)

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report. The Council should consider the ADR's recommendations that the materials and colors for the new railings be modified so that the overall development is more subdued and blends better with the hillside setting and that the material for the proposed paths be pervious.

Acting Mayor Cahill noted that ADR had several recommendations for the walkway railing and asked staff if that is called out in the conditions of approval. Senior Planner Semonian responded that it is not called out in conditions of approval, but it could be added. Acting Mayor Cahill stated upon merger, the earlier house approval would be rescinded for the Parmenter house, so it must be added to the conditions as well. Senior Planner Semonian responded in the affirmative.

Council Member Martin asked staff if Town Hydrologist Matt Smeltzer reviewed the applicant's recommendations from their hydrologist. Senior Planner Semonian responded in the affirmative.

Kurt Zeigler, project manager, stated that the Building Department required engineered walls, so as a result, there was a great deal of excavating and it made the project appear larger than it is. They have a landscaping project on a hillside. This project requires paths to access the hillside. It cannot be maintained without a path, which adds to overall enjoyment. First issue, the project is currently red tagged from an encroachment of a short wall along the curbside in the Town right-of-way. That wall mirrors a wall existing in the Town right-of-way already approximately 21-in. tall to be cobblestone faced. A benefit of that wall is to strengthen the edge of the roadway. The wall will slow the travel of water and filter down into drainage more slowly. At the end of that wall is an existing wooden retaining wall that has failed and the parking area is starting to migrate toward the Coon's property and there is a drainage ditch that must be replaced. They are asking to have the red tag removed to continue work. Design review discussed how this wall is covered, which is a cobblestone that mirrors the original walls. This wall is very short and will be unnoticeable at 21-in. tall. It will connect the north edge element of the cul-de-sac and appear as a border. They were issued permits to remove diseased trees, so six large oak trees were removed. One of the trees that bordered the lower neighbor was diseased and is recommended for removal. Neighbors

were not notified of this and many were upset, which they will correct through landscape. They lost another tree that was engineered out and the valley oak had to be removed, which will be replaced. In design review, more native landscaping was discussed. The landscape plan is fairly extensive. The upper lot was cleared of scotch broom and understory will be planted with natives, redwoods and toyons. The steep area has a mixture of California natives. A primary issue is the vantage point being opened due to the removal of the tree. Now there is a large house that looks down into the neighborhood, so they developed a plan to correct. They created a greenbelt with redwoods and taller hedges and propose a lower boardwalk and railing. They developed a plan to put in California native hedges. Photographs were provided showing five years of projected growth. They are adding another oak that is evergreen along with a hedge to grow quickly and block out the structure below. They propose a mixture of 36 and 24-in. box trees. They will create a natural grove effect. 24 and 36-in box trees will run between 12 to 18 ft. when planted. The scaffolding should be removed early next week. He then discussed the hardscape plan showing the pathways around the backyard to the spa area. All of this construction by the time this project is finished will not be visible from any vantage point. The only public space is down at the cul-de-sac. The spa deck will be invisible from down below or up above due to the thick greenbelt. In terms of drainage, originally the plan dealt with capturing 500 gallons of water. The new numbers are 1400 gallons, capturing that water is not a problem. The trick is how to disperse that water to not impact the neighbor. It is an interesting problem. They must figure out where to place this water in a very tight and steep lot. Irv Schwartz is on board working on the drainage plan and several engineers are working on the situation. The original plan dissipation lines dissipated above Alice Reeve's property, so they are still working on a design. The railing design is very simply 1 x 8 to mimic the existing decks. As far as the finish of the railing, it is not appropriate to paint white at this time to match the existing railings since there is no visual screen. Adding more white at this time would be more disturbing to the neighbors. He proposed a cedar or redwood railing, leave natural until such time the screening fills in and blocks the views from the neighbors in order to blend into the building. He further noted that the elevated boardwalk with railing would be blocked out by a hedge.

Council Member Martin asked the project manager about the bamboo. Project Manager Ziegler noted that they are willing to work with the neighbors. He added that the bamboo was installed as a quick screen.

Council Member Martin asked how many years out is the full maturity of growth. Project Manager Ziegler imagined three years with 15-gallon plants.

Acting Mayor Cahill opened the public hearing on this item.

Cindy Downing, 12 Baywood resident, stated that the situation has improved, but wanted the drainage plan completed before the work begins as well as an opportunity to provide input.

Linda Brown, 7 Baywood resident, thanked the Coon's for buying this property. She appreciated the offer of merging the lots. She has watched the ditch in 1982 where the street was covered and hoped the drainage plan addresses the 100-year flood that occurs every 10 years.

April 8, 2010 Minutes

Jacqueline Ryan, 50 Baywood resident, approved the plans as submitted.

Alice Reeve, 14 Baywood resident, noted that the architect explained the plans earlier this afternoon and she is confident that she will be safe in her home with the plans as submitted.

Vincent Conrad, 7 Madera resident, believed they did a fabulous job on the wall and landscaping. It would behoove everyone to move forward. The wall is an exact match. He is very happy with what the Coon's are doing and the Council should focus on the facts. He further noted support for the application.

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

Council Member Martin is glad to see that the concerns of the neighbors have been addressed. In terms of drainage, toward the lower part of the property before it goes into Alice Reeve's property is a challenge. There are some retaining walls and planting areas that might be an opportunity to add a retention area to slow down the water flow before entering Ms. Reeve's property. Getting rid of the bamboo and keeping the rail natural is a good measure. Overall, he commended the applicant on coming up with a way to solve the dilemma. This may be a win/win. He recommended looking at alternative plantings instead of the bamboo. He further added that the Town Hydrologist must review the drainage plans. Senior Planner Semonian indicated that it is a condition of approval.

Council Member Skall agreed that the drainage calculations must be resolved. He recommended keeping it natural in terms of the railing. He agreed that the bamboo in the Town right-of-way should be removed. He further appreciated the communication that the architect had with the neighbors.

Acting Mayor Cahill commended the Coon's and the architect in terms of approaching these issues correctly, particularly with the drainage plan. In a way this can be a model in terms of stormwater detention. He also agreed the bamboo must be removed since it is in the Town right-of-way, and that bamboo is not native. He recommended, as a condition, to use alternative native plants for screening. He further believed the wall is an improvement to the cul-de-sac and matches the existing wall.

Acting Mayor Cahill asked for a motion.

Acting Mayor Cahill moved and Council Member Martin seconded, to approve the application of the Coon's at 5 Madera Avenue with the findings and conditions outlined in the staff report; that the bamboo in the right of way be removed and replaced with native plants; that the approval of the house for the Parmenter's project is rescinded as part of the merger; and that the rail remain a natural finish and not painted white until screening blocks the view from any effected downhill neighbors. Motion carried unanimously. Strauss/Hunter absent.

5 Madera Avenue Conditions:

The following conditions shall be reproduced on the first page(s) of the plans submitted for a building permit:

April 8, 2010 Minutes

1. The approval of the house for the 54 Baywood site, the former Parmenter site, is rescinded since the lots shall be merged.
2. The new railings shall have a natural finish and shall not be painted white until landscape screening has grown to block views from any effected downhill neighbors.
3. The applicant shall record a revocable encroachment permit in a form similar to the form attached to the staff report, prior to issuance of a building permit for the work within the right of way. No bamboo shall be permitted in the right of way and native plants more appropriate to the natural hillside setting should be installed.
4. Proof of merger of the parcels shall be submitted prior to project final.
5. Except as otherwise provided in these conditions, the project shall comply with the approved plans. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
6. All costs for town consultant, 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.
7. The landscape plan shall be modified to eliminate bamboo in the right of way. The plan should incorporate new evergreen screening plants that are more appropriate for the character of the natural hillside setting. Exotic plants may be incorporated near the house and new retaining walls, but the upper slope of the site and perimeter landscaping should be left more natural. The landscape plan shall be revised and submitted for review and approval of the planning department and installed prior to project final.
8. The Town Council reserves the right to require additional landscape screening for up to five (5) years from project final.
9. A copy of the building permit shall be posted and emergency contact information shall be up to date at all times.
10. Working Hours shall adhere to Ross Muncitpal Code sections 9.20.035 and 9.20.060.
11. The applicant shall submit building permit plans for the project to the Town for review and approval, including peer review as necessary, to verify that the plans conform to the most recent adopted Uniform Building Code.
12. This project must comply with all engineering reports prepared by the applicants engineering professionals and all peer review recommendations. Any conflict in the recommendations shall be resolved by staff, the town engineer or the town hydrologist.
13. Grading is prohibited between October 15 and April 15. No winter grading is authorized for this site and a construction management plan shall be submitted 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.
14. Preparation of a single geotechnical engineering report, containing all recommended geotechnical design criteria for the project, shall be submitted with the building

permit plans. This report shall be submitted to the Town for peer review and acceptance by the Town Engineer. All geotechnical aspects of the proposed project, and preliminary development of plans shall continue to be evaluated by the project geotechnical consultant. A letter from the project geotechnical consultant shall be prepared that approves all geotechnical aspects of the proposed site development layout, verifies project geotechnical feasibility, and verifies conformance with the geotechnical consultant's design recommendations.

15. A revised stormwater drainage plan shall be submitted for review and approval by the Town Hydrologist with the building permit plans. The drainage plan shall result in no net increase in site runoff and shall be designed so that no runoff is directed where it will impact the downslope and downstream sites.
16. 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.
17. The project shall incorporate a back up method to distribute run off in the unlikely event that the level spreader fails. A "failure analysis" shall be completed both to (1) predict the specific modes of failure and the resulting locations of potential concentrated runoff if the drainage system performance is reduced due to failed maintenance, and, by extension, (2) promote revisions to the drainage system design to reduce the potential negative consequences of failure, through specific inspection and maintenance requirements and/or revising the design to include more system redundancy.
18. The surface and subsurface drainage facilities and catchment areas shall be inspected frequently and maintained throughout the project life. The applicant shall enter into a maintenance agreement for the facilities with terms substantially similar to the City of San Rafael's Stormwater Management Facilities Agreement and the Marin County Department of Public Works Stormwater Treatment Measures Maintenance Agreement, copies of which are in the project file. The Town Attorney shall review the agreement, at the applicant's expense. This agreement shall be recorded prior to issuance of the building permit for the project. The Town may request the applicant to provide a performance bond, security or other appropriate financial assurance providing for the maintenance of the drainage system.
19. 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 nighttime character. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners.
20. Applicants shall comply with all requirements of the Marin Municipal Water District. Water shall be available at the site prior to the start of any construction. Evidence that the Water District has reviewed and approved the landscape plan shall be submitted prior to project final.
21. Project development shall comply with the requirements of the Ross Valley Sanitary District.
22. The project arborist shall review final construction-level drawings for the deck and spa plan, including utility plans, and written evidence of the project arborist review

- and approval shall be provided to the Town. All tree protection conditions recommended by the project arborist shall be included on those plans to ensure compliance with the conditions. A certified arborist shall be on site during all trenching and excavation work near protected trees.
23. 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.
 24. 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.
 25. 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 PLANNER 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.
 26. Failure to secure required building permits and/or begin construction by April 8, 2011 will cause the approval to lapse without further notice.
 27. FAILURE TO COMPLY IN ANY RESPECT WITH THE CONDITIONS OR APPROVED PLANS CONSTITUTES GROUNDS FOR THE TOWN TO IMMEDIATELY STOP WORK RELATED TO THE NONCOMPLIANCE UNTIL THE MATTER IS RESOLVED. (RMC §18.39.100). THE VIOLATIONS MAY BE SUBJECT TO ADDITIONAL PENALTIES AS PROVIDED IN THE ROSS MUNICIPAL CODE AND STATE LAW.
 28. 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.
 29. 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.

18. 2 Glenwood Avenue, Variance, Design Review and Demolition Permit No. 1771 Ed and Betsy McDermott, 2 Glenwood Avenue, A.P. No. 73-131-29, R-1:B-A (Single Family Residential, 1-acre min. lot size), Very Low Density (.1-1 Unit/Acre). Design review, demolition permit and variances associated with a significant remodel of and addition to the existing 13,803 square foot residence, built in 1906 for Henry Bothin. The project includes removal of the 3-story wing to the north of the residence, excavation of a new garage below the residence, and addition to the east of the residence partially within the side yard setback (25 feet required, 18.3' proposed). A new 70 by 18 foot pool and 996 square foot detached pool house are proposed. Watercourse design review is requested for a new driveway and garage approach, grading, landscape retaining walls, and first floor addition within 25 feet of Ross Creek. The project includes 1,000 linear feet of retaining walls up to 13 feet in height. The applicants request approval of a tree permit to remove seven significant trees, including five California bay laurel, ranging from 12 to 30 inches in diameter. 3,000 cubic yards of cut and 3,000 cubic yards of fill are proposed. The total floor area of the project would be 17,625 square feet.

Lot area	118,135 sq. ft.	
Existing Floor Area	11.7%	
Proposed Floor Area	14.9%	(15% permitted)
Existing Lot Coverage	5.2%	
Proposed Lot Coverage	7.9%	(15% permitted)

The existing residence is nonconforming in covered parking, setbacks, number of stories and height.

This item has been continued at the request of the applicant.

19. 88 Laurel Grove Avenue, Variance and Design Review No. 1773 Courtney and Nicole Haslett, 88 Laurel Grove Avenue, A.P. No. 72-201-02, R-1:B-A (Single Family Residential, 1-acre min. lot size), Very Low Density (.1-1 Unit/Acre). Design review and variance associated with a remodel and 542 square foot addition to the existing residence. The project would include enclosure of deck areas and removal of one deck. Total floor area of 5,678 square feet is proposed, which is 253 square feet over the maximum permitted floor area for the site.

Lot area	36,127 sq. ft.	
Existing Floor Area	14.2%	
Proposed Floor Area	15.7%	(15% permitted)
Existing Lot Coverage	8.4%	
Proposed Lot Coverage	8.5%	(15% permitted)

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

ATTACHMENT 5

THIS PAGE IS INTENTIONALLY BLANK.

Matthew Weintraub

From: stacey <snford@sbcglobal.net>
Sent: Monday, June 15, 2020 9:27 AM
To: Matthew Weintraub
Subject: Fwd: New Trellis on Our Deck

Hi Matt-

Here is the response from the neighbor regarding the Shade trellis under review at 5 Madera Ave. The other neighbor, Alice at 14 Baywood met with Ann Stevens, and has no problem with the Trellis installation. No one else has any view of the trellis story poles.

I'll be sending you some photos and plans this morning for the Zoom meeting tomorrow evening.

Thank you Matt, Stacey Ford 415/925-0112

Begin forwarded message:

From: Chuck Stevens <chuck.stevens3@gmail.com>
Subject: Fwd: New Trellis on Our Deck
Date: June 13, 2020 at 3:51:48 PM PDT
To: Ford Stacey <snford@sbcglobal.net>

Stacey—Here is the reply from Dr. Rick Newton at 7 Madera. Thanks. Chuck

Chuck Stevens
chuck.stevens3@gmail.com

Begin forwarded message:

From: Rick Newton <rick.newton1@gmail.com>
Date: June 13, 2020 at 2:55:47 PM PDT
To: Chuck Stevens <chuck.stevens3@gmail.com>
Subject: Re: New Trellis on Our Deck

sounds like a great idea!
I'm all for it.
Enjoy your house!!!

On Jun 13, 2020, at 14:37, Chuck Stevens <chuck.stevens3@gmail.com> wrote:

Hi Rick—It's Chuck from next door. I hope that you are fully recovered and the planning for your transition is going well. We are planning to install a trellis over our front deck to provide protection from the pounding afternoon sun. It will be white wood to blend in with the existing deck guardrails and trim. As part of the permit process, the

Town of Ross requests that we ask neighbors if they have any objections to the trellis. Although I don't think it will even be visible from your house, we would appreciate your input on whether you have any objections so that we may report back to the town. Our contractor has installed "story poles" where the frame of the new trellis would be. They are depicted in the photos below, and they will be up for the next week or so if you want to just look over. Please let me know if you have objections, concerns, questions. Thanks very much. Best, Chuck

Chuck Stevens

chuck.stevens3@gmail.com

<IMG_3217.JPG>

<IMG_3218.JPG>

Sent from my iPhone

ATTACHMENT 6

THIS PAGE IS INTENTIONALLY BLANK.

MINUTES
Meeting of the
Ross Advisory Design Review Group

Tuesday, June 16, 2020

Video and audio recording of the meeting is available online at the Town's website at:
townofross.org/meetings.

1. 7:00 p.m. Commencement

Chair Mark Kruttschnitt called the meeting to order. Josepha Buckingham and Mark Fritts were present. Stephen Sutro and Dan Winey was absent. Planning and Building Director Patrick Streeter and Planner Matthew Weintraub representing staff were present.

2. Open Time for Public Comments

No public comments were submitted.

3. Old Business

a. Sweeny Residence – 70 Ivy Drive

Applicant: Imprints Landscape Architecture

Owner: Charlotte & Doug Sweeny

DESCRIPTION: The applicant is requesting approval of a Variance and Design Review to construct a new pool measuring 16 feet by 46 feet (736 square feet) and associated coping, a new 7-foot-tall fence, new stone patios, walkways, and stairs, and a new house deck located within the minimum required yard setbacks for an existing single family residence. The proposed project also includes: constructing new low fences and retaining walls; replacing a decomposed granite patio with a new low-water turf area; replacing the existing driveway; installing new landscape plantings; and removing five trees.

The item was previously continued at the June 4, 2020 meeting.

Planner Weintraub introduced the project and summarized public comments received including: 1 written comment stating objection primarily based on concerns about potential privacy impacts (Melinda & Ward Ching at 102 Ivy Drive); and 1 written comment stating objection based on concerns about pool impacts as well as a lack of inclusivity in neighborhood outreach on the part of the applicant (Betty & Jerry Cruse 65 Ivy Drive). Property owner Charlotte Sweeny described the revised project, including background and intent. Landscape Architect Brad Eigsti further described the revised project. Ward Ching at 102 Ivy Drive provided public comment stating objection regarding concerns about potential privacy impacts. ADR Group Members discussed the merits of the project.

ADR Group Members provided the following comments:

Josefa Buckingham:

- Wanted to see more dramatic changes from previous design review on June 4.
- No one is impacted by the front yard setback encroachment because it abuts a street.
- Proposed new pool conforms to the side yard setback and 102 Ivy Drive patio is nonconforming. 70 Ivy Drive has made efforts to minimize impacts.
- Further accommodations would be needed to mitigate pool noise because pools are noisy.
- Prefers to see pool moved 5-8' further to the right (east).
- Recommends flipping orientation of pool and spa so that the spa is further away from 102 Ivy Drive.

Mark Fritts:

- Although he understands Mr. Ching's issues, the side yard setback is conforming. The applicant has moved the pool a significant distance away from the side property line.
- No concerns with the front yard setback encroachment abutting the street.
- Would support moving the spa to the opposite side of the pool for sound mitigation.
- Variances for nonconforming setbacks seem to be needed for many properties not originally designed for pools, with unusual shapes, or steep slopes.

Mark Kruttschnitt:

- Side yard setback adjacent to 102 Ivy Drive is conforming. Front yard setback encroachment is not affecting 102 Ivy Drive. The front yard setback encroachment issue should be considered and decided by the Town Council.
- Would like to see the spa moved to the opposite side of the pool, and the pool moved 10' further to the right (east), to better address privacy and noise concerns.
- The Variance issues begs the design questions; otherwise, design is fine.

Chair Summary:

The design is fine and would not even be a question except for the Variance request, which is subject to the Town Council's approval. Greater consistency with Design Review standards and guidelines may be achieved by implementing the following revisions:

- Move the pool further to the right/east (recommended by Buckingham and Kruttschnitt).
- Move the spa to the opposite side of the pool (recommended unanimously).

The Chair closed the hearing.

4. New Business

a. Stevens Residence – 5 Madera Avenue

Applicant: Stacey N. Ford

Owner: Ann & Chuck Stevens

DESCRIPTION: The applicant is requesting approval to construct a new shade structure and new guardrail over an existing house deck within the existing deck footprint. The new open, wood frame shade structure would be approximately 11 feet tall, 15'-8" deep and 26'-7" wide. It would include a partial roof covering of wood louvers over an area measuring 11'-7" by 17'-5", and three panels of adjustable roll-down side screens.

Planner Weintraub introduced the project. Project Architect Stacey N. Ford described the project. No public comments were received. ADR Group Members discussed the merits of the project.

ADR Group Members provided the following comments:

Mark Fritts:

- No particular issues or concerns with the project; will make the deck more usable space.
- Cautions that landscape screening can be removed over time.

Josefa Buckingham:

- No objection to the overall project.
- Recommends no exterior lighting.
- The new structure could be more consistent with the vintage nature of the home.
- Cautions that the deck should not be fully enclosed as a room.

Mark Kruttschnitt:

- No problem with the project.
- Better without lighting.
- Posts should echo the style of the railings.

Chair Summary:

The ADR Group recommends Design Review approval subject to no exterior lighting and maintaining the existing architectural style as much as possible.

The Chair closed the hearing.

b. Tracy Residence – 33 Bolinas Ave

Applicant: Rodgers Architecture

Owner: Tracy Family Trust (Libby Tracy)

DESCRIPTION: The applicant is requesting approval to lift the existing two-story single-family residence 5 feet above its existing elevation in its current location, thereby creating a new crawlspace level enclosed in smooth cement plaster beneath the existing home. The project would involve replacing the existing separate front entrances to the first and second stories with a new single-level covered entry porch at the new first floor elevation, and replacing the existing back stairs with new stairs and landings that access both stories at the new floor elevations. The project would also update the fenestration at the first and second stories with new and

modified windows and doors. The project would increase the building height from 24'-3" to 29'-3", while reducing the existing nonconforming floor area.

Planner Weintraub introduced the project. Project Architect Andrew Rodgers described the project. No public comments were received. ADR Group Members discussed the merits of the project.

ADR Group Members provided the following comments:

Mark Fritts:

- Recommends moving rear deck to the east away from western neighbor.
- Recommends noise-mitigating surface on spiral stairs (not metal).
- Supports shifting living spaces to lower level for greater privacy.
- Front elevation is improved; window scale is appropriate; covered side porch is respectful in terms of massing.
- West elevation: overly fenestrated; window height could result in privacy impacts, although lower level living space requires natural illumination; suggests greater consistency in window style at first and second floors.
- East elevation: no particular issues; suggests raised belly-band at first level.
- Advised applicant to consider pursuing FEMA grant for project construction.
- Fully supportive of the project to lift the house out of the flood plain.

Josefa Buckingham:

- Project is an opportunity to correct flaws of existing house, not just lift existing home by 5 feet.
- Suggests reconfiguring shallow roof to have more relief in order to be more compatible with increased building height.
- Recommends shifting the primary architectural elevation and entrance to the front rather than the side; provide more relief to the front elevation.
- Concerned about lifting the large rear deck with respect to neighbors; deck and related activity should be minimized (rear stair is acceptable for egress).
- Prefers that building base be stone veneer or heavily planted, not plain plaster.

Mark Kruttschnitt:

- Fully supportive of raising building out of flood plain.
- Recommends using project as an opportunity to make the building more attractive from the street side.
- Make a front entrance that faces the street.
- Make rear deck smaller.
- Make upper and lower floor windows match.

Chair Summary:

The ADR Group should review a revised project design before making a recommendation to the Town Council.

The Chair continued the hearing.

5. Communications

a. Staff

Director Streeter reported on the June 18, 2020 Town Council meeting agenda; and reported on the upcoming application process for ADR Group membership.

b. Advisory Design Review Group – None.

6. Approval of Minutes

a. May 21, 2020

b. June 4, 2020

The ADR Group Members requested that the June 4, 2020 minutes be revised to include more detail on the comments made by ADR Group Members. The Chair continued approval of the June 4, 2020 minutes.

The ADR Group unanimously approved the May 21, 2020 minutes.

The Chair adjourned the meeting at 8:52 PM.