



Staff Report

Date: July 9, 2020
To: Mayor McMillan and Council Members
From: Matthew Weintraub, Planner
Subject: Sweeny Residence, 70 Ivy Drive

Recommendation

Town Council approval of Resolution No. 2171 approving a Variance, Nonconformity Permit, and Design Review to allow for the construction of a new pool and spa located within the minimum required front yard setback of an existing single-family residence. The proposed project also includes a new 7-foot tall fence along Ivy Drive; new and reconfigured patios, walkways, stairs, and decking located within minimum required yard setbacks; new low fences and retaining walls; driveway and hardscape replacement; and new landscape plantings.

Property Information

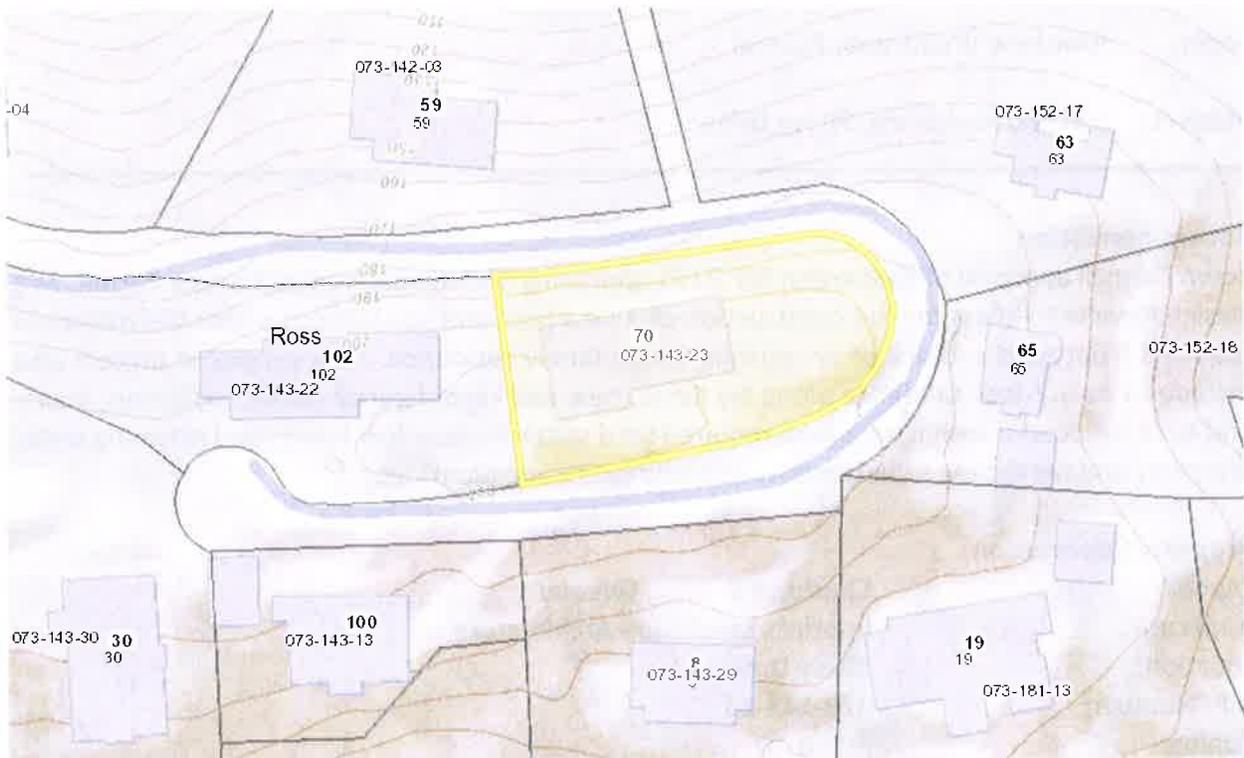
Owner: Charlotte & Doug Sweeny
Applicant: Imprints Landscape Architecture
Location: 70 Ivy Drive
A.P. Number: 073-143-23
Zoning: R-1: B-10
General Plan: ML (Medium Low Density)
Flood Zone: X (Minimal risk area outside the 1% and 0.2%-annual-chance floodplains)

Project Summary Data

Project Item	Code Standard	Existing	Proposed
Lot Area	10,000 square feet min.	15,206 sq. ft.	No change
Floor Area	3,041 sq. ft. (20%) max.	3,982 sq. ft. (26%)	No change
Lot Coverage	3,041 sq. ft. (20%) max.	3,222 sq. ft. (21%)	3,254 sq. ft. (21%)
Front Yard Setback	25' min.	Deck: 22'	Deck: 22'; Pool: 10'

Project Item	Code Standard	Existing	Proposed
Side Yard Setback, West	15' min.	Deck: 25'	Deck: 21'; Pool: 23'
Side Yard Setback, East	15' min.	Not applicable	Not applicable
Rear Yard Setback	40' min.	Deck: 16'	No change
Building Height	30' (2 stories) max.	19' (1 story)	No change
Off-street Parking	3 spaces (1 covered) min.	3 (1 covered)	No change
Impervious Surfaces *	---	4,760 sq. ft. (31%)	5,474 sq. ft. (36%)

* 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 rectangular pool with dimensions of 42' x 13' (546 square feet) with integrated spa located in front of the existing residence at the south side of the property. The project would also construct a new stone paver patio, a new entry walkway and stairs, and a new 7-foot-tall wood fence at the front of the property. At the existing residence, the project would replace and reconfigure existing nonconforming decks at the front, back, and west side of the building. The project would also construct a new pool equipment shed between the existing residence and carport near the center of the property; replace existing brick and decomposed granite patios with a new stone patio and a new low-water turf area in the west side yard; construct new low fences and retaining walls; replace the existing driveway; remove five existing trees; and plant new screening trees along the front and west side of the property.

- **Nonconformity Permit is requested pursuant to RMC Section 18.52.030 (c)** to allow for the reconfiguration and expansion of existing decks which are nonconforming with respect to the minimum required front and rear yard setbacks without increasing the existing nonconforming setbacks.
- **Design Review is requested pursuant to RMC Section 18.41.020** to allow for fences greater than 48 inches in height adjacent to the street, and a project resulting in over 1,000 square feet of new impervious landscape surface.

Background

The project site is a 15,206-square-foot lot with an irregular shape and configuration, bounded by Ivy Drive road frontage to the north, east, and south along most of the property's perimeter. The lot is accessed from the south on Ivy Drive. The west side property line abuts the adjacent residential property at 102 Ivy Drive. The subject lot generally slopes down from the front (south) to the back (north) with an average slope of approximately 24%. The lot is steeper at the back than at the front. The existing residence is nonconforming with respect to the minimum required yard setbacks, maximum allowed building floor area, and maximum allowed building lot coverage. The Project History is included as **Attachment 4**.

Advisory Design Review

The Advisory Design Review (ADR) Group reviewed the project on June 4 and June 16, 2020 (see **Attachment 6**). At the meetings, the ADR Group Members received presentations from the applicant, allowed public comments, and provided recommendations 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.

June 4, 2020 Meeting

At the June 4, 2020 meeting, the ADR Group received comments in support of the proposed project from neighboring property owners at 59 Ivy Drive, 63 Ivy Drive, and 8 Hill Road; and comments from the neighboring property owners at 100 Ivy Drive stating both general support for the project, and concern about potential construction impacts on circulation and the road surface. The ADR Group also received comments objecting to the proposed project from the adjacent neighboring property owners at 102 Ivy Drive, primarily on the grounds of potential impacts to privacy. The ADR Group Members provided comments and suggestions, particularly in regard to the proposed location and size of the new pool. At the June 4 meeting, the ADR Group was unable to provide a recommendation, effectively continuing the item. The applicant considered the comments, suggestions, and concerns voiced by the project neighbors and the ADR Group Members and prepared a modified design concept for the project.

June 16, 2020 Meeting

At the June 16, 2020 meeting, the ADR Group reviewed the modified design concept. The ADR Group received further comments objecting to the proposed project from the adjacent neighboring property owners at 102 Ivy Drive, primarily on the grounds of potential impacts to

privacy. The ADR Group also received comments objecting to the project from neighbors at 65 Ivy Drive based on concerns about pool impacts as well as a lack of inclusivity in neighborhood outreach on the part of the applicant. The ADR Group Members provided comments and suggestions. They noted that the applicant's proposed modifications, which included reducing the size of the proposed pool and increasing the distance to the west side property line, were in keeping with the previous suggestions. The ADR Group Members noted that the modified design concept made use of the privacy measures recommended by the Town of Ross Design Guidelines and the Design Review criteria and standards, including conforming to and exceeding the minimum required west side yard setback and providing dense landscape screening adjacent to 102 Ivy Drive. The ADR Group Members further suggested that the applicant might consider reversing the pool and spa configuration so that the spa was located further away from the adjacent neighbor at 102 Ivy Drive, and moving the entire pool further to the east away from 102 Ivy Drive.

In summary, on June 16, 2020, the ADR Group recommended that the modified project design was generally 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

Variance for Front Yard Structures

Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the Ross Municipal Code may result from the strict application of certain provisions thereof, variances, exceptions and adjustments may be granted, by the Town Council in appropriate cases. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Staff suggests the project is in keeping with the purpose and mandatory findings for a Variance with respect to the proposed new improvements within the minimum required front yard setback, which include a new pool and spa, patio, walkways greater than 4 feet in width, and 7-foot tall fence to be located within the area between the setback line and the street line. Special circumstances exist on the property that effectively make areas other than the existing front yard area infeasible for new improvements, including steep topography and numerous trees located at the back and east side of the lot, existing buildings and structures which currently occupy the central part of the property, and the existing residential front entry configuration. Granting of a Variance for the proposed front yard setback encroachment is necessary for the preservation and

enjoyment of the substantial property rights which are common and expected in the Town of Ross. The proposed new pool and patio in the front yard would be well-screened by the new fence and landscaping and would be located 10 feet from the dedicated edge of Ivy Drive and several feet further from the existing edge of pavement, which would not materially affect adversely health or safety or be materially detrimental to the public or injurious to property or improvements in the neighborhood.

Nonconforming Front and Rear Decks

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 reconfiguration and expansion of existing decks which are nonconforming with respect to the minimum required front and rear yard setbacks. Specifically, the project would reconfigure an existing L-shaped front deck as a new rectangular front deck without increasing the existing nonconforming front yard setback. Similarly, the project would add a new deck return to the existing rear deck at the west side of the residence without increasing the existing nonconforming rear yard setback and while conforming to the minimum required west side yard setback. The reconfigured decks would slightly increase the existing nonconforming lot coverage by 32 square feet.

Design Review

The overall purpose of Design Review is to guide new development to preserve and enhance the special qualities of Ross and to sustain the beauty of the town's environment. Other specific purposes include: provide excellence of design consistent with the scale and quality of existing development; preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhance important community entryways, local travel corridors and the area in which the project is located; promote and implement the design goals, policies and criteria of the Ross general plan; discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression; preserve buildings and areas with historic or aesthetic value; upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site; and preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development.

Consistent with the ADR Group discussion, staff suggests the project is in keeping with the purpose and mandatory findings for Design Review. Specifically, staff suggests the project is consistent with the following Design Review Criteria and Standards per RMC Section 18.41.100:

- (m) Privacy. Building placement and window size and placement should be selected with consideration given to protecting the privacy of surrounding properties. Decks, balconies and other outdoor areas should be sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping should be provided to protect privacy between properties. Where nonconformities are proposed to be retained, the proposed structures and landscaping should not impair the primary views or privacy of adjacent properties to a greater extent than the impairment created by the existing nonconforming structures.

The proposed project includes multi-layered landscape plantings to screen the new pool and patio area from the street and from the adjacent neighboring property. At the front of the property, the project proposes a row of evergreen trees up to 12' high and 4' wide located behind the 7'-tall fence and a dense bed of smaller dwarf olive trees located in front of the fence. Along the western property line adjacent to 102 Ivy Drive, the project proposes a row of approximately seven magnolia trees up to 20' high and 15' wide in combination with "little ollies".

In order to mitigate potential noise impacts to the adjacent neighbor at 102 Ivy Drive, the proposed new pool is sited 23 feet away from the western property line, which exceeds the minimum required yard setback of 15 feet. The project also proposes to install multi-layered side yard landscaping which could partially mitigate potential pool noise, and a decorative fountain sculpture that could partially cover pool noise with "white noise".

- (t) Low Impact Development for Stormwater Management. Development plans should strive to replicate natural, predevelopment hydrology. To the maximum extent possible, the post-development stormwater runoff rates from the site should be no greater than pre-project rates. Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors.

Low Impact Development (LID) guidelines include:

- (1) Maximize Permeability and Reduce Impervious Surfaces.
- (2) Disperse Runoff On Site.
- (3) Include Small-Scale Stormwater Controls and Storage Facilities.

To manage stormwater runoff associated with approximately 1,934 square feet of newly created or replaced impervious surfaces (including the pool, patios, walkways, and driveway), the project proposes to install piped drainage to a 108-square-foot bio-retention basin and 20-foot-long level spreader for dispersal onsite. The proposed bio-retention basin and level spreader, located at the east side of the property, are sized to accommodate runoff from

approximately 2,700 square feet of impervious surfaces, which is approximately equal to half of the house roof, half of the carport roof, and the new pool; and which exceeds the amount of newly created or replaced impervious surfaces. This would be consistent with LID subsection (2), which recommends dispersing runoff onsite by discharging it from downspouts to landscaped areas, and using vegetative and landscaping controls such as bioretention areas. Consistent with LID subsection (3), additional small-scale stormwater controls and storage facilities would not be required in order to meet the minimum stormwater peak flow management standards.

The proposed project would result in a net increase in impervious surfaces of 714 square feet. This would not be entirely consistent with LID subsection (1), which recommends using permeable materials for driveways, parking areas, patios and paths, and reducing pre-existing impervious surfaces. Staff recommends that additional opportunities to reduce existing and proposed impervious surfaces be incorporated to result in no net increase and preferably a net decrease in stormwater flow as a result of this project. Staff's recommendation is included as Condition of Approval No. 11 in Resolution No. 2171 (see **Attachment 1**).

Consistent with the ADR Group discussion, staff suggests the project is consistent with the following Town of Ross Design Guidelines:

- 4.39. Incorporate a planted buffer, fence or wall between properties to provide privacy.
- 6.39. Screen pool-related mechanical equipment (such as pool pumps) to minimize their visibility.

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. Comments received prior to the June ADR Group meetings are included in **Attachment 5**.

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. 2171
2. Project Plans, including the Revised Preliminary Landscape Construction Plan dated 6/29/20
3. Project Description
4. Project History
5. Neighborhood Outreach
6. ADR Group Meeting Minutes (Draft), June 4 and June 16, 2020
7. Revised Stormwater Control Plan Calculations, July 1, 2020

ATTACHMENT 1

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TOWN OF ROSS

RESOLUTION NO. 2171

**A RESOLUTION OF THE TOWN OF ROSS APPROVING A VARIANCE,
NONCONFORMITY PERMIT, AND DESIGN REVIEW TO ALLOW FOR THE
CONSTRUCTION OF A NEW POOL AND SPA, 7-FOOT TALL FENCE, PATIOS AND
WALKWAYS IN THE FRONT YARD; RECONFIGURATION AND EXPANSION OF
EXISTING FRONT AND REAR DECKS; AND LANDSCAPE AND HARDSCAPE
IMPROVEMENTS AT
70 IVY DRIVE, APN 073-143-23**

WHEREAS, property owners Charlotte and Doug Sweeny have submitted an application requesting approval of a Variance, Nonconformity Permit, and Design Review to allow for the construction of a new pool and spa, 7-foot tall fence, patios and walkways located within the minimum required front yard setback of an existing single-family residence; the reconfiguration and expansion of existing nonconforming decks located within minimum required yard setbacks; new low fences and retaining walls; driveway and hardscape replacement; and new landscape plantings (herein referred to as "the project") at 70 Ivy Drive, APN 073-143-23.

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 Variance, Nonconformity Permit, and Design Review 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
70 IVY DRIVE
APN 073-143-23

A. Findings

I. In accordance with Ross Municipal Code (RMC) Section 18.48.010 (c), Variance is approved based on the following mandatory findings:

- a) That there are special circumstances or conditions applicable to the land, building or use referred to in the application.**

Special circumstances exist on the property that effectively make areas other than the existing front yard area infeasible for new improvements, including steep topography and numerous trees located at the back and east side of the lot, existing buildings and structures which currently occupy the central part of the property, and the existing residential front entry configuration.

- b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.**

Granting of a Variance for the proposed front yard setback encroachment is necessary for the preservation and enjoyment of the substantial property rights which are common and expected in the Town of Ross.

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

The proposed new pool and patio in the front yard would be well-screened by the new fence and landscaping and would be located approximately 10 feet from the dedicated edge of Ivy Drive and several feet further from the existing edge of pavement, which would not materially affect adversely health or safety or be materially detrimental to the public or injurious to property or improvements in the neighborhood.

II. 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 1958 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 III 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 reconfigure an existing L-shaped front deck as a new rectangular front deck without increasing the existing nonconforming front yard setback; and add a new deck return to the existing rear deck at the west side of the residence without increasing the existing nonconforming rear yard setback and while conforming to the minimum required west side yard setback.

- 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.

- III. **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 includes appropriate plantings to soften and screen the appearance of structures as seen from off-site locations, including plantings along the front and west side property lines. Outdoor areas are sited to minimize noise to protect the privacy and quietude of surrounding properties, including providing a west side yard setback that is greater than the minimum required distance. Landscaping is provided to protect privacy between properties. Development includes plans to manage stormwater runoff to maintain the natural drainage patterns and

infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors.

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 Medium 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
70 IVY DRIVE
APN 073-143-23

1. This approval authorizes a Variance, Nonconformity Permit, and Design Review to allow for the construction of a new pool and spa located within the minimum required front yard setback of an existing single-family residence. The proposed project also includes a new 7-foot tall fence along Ivy Drive; new and reconfigured patios, walkways, stairs, and decking located within minimum required yard setbacks; new low fences and retaining walls; driveway and hardscape replacement; and new landscape plantings at 70 Ivy Drive, APN 073-143-23.
2. The building permit shall substantially conform to the plans entitled, "SWEENEY RESIDENCE, 70 IVY DRIVE, ROSS, CA." dated 5/29/20, and as revised by the Revised Preliminary Landscape Construction Plan dated 6/29/20, 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 requirements 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

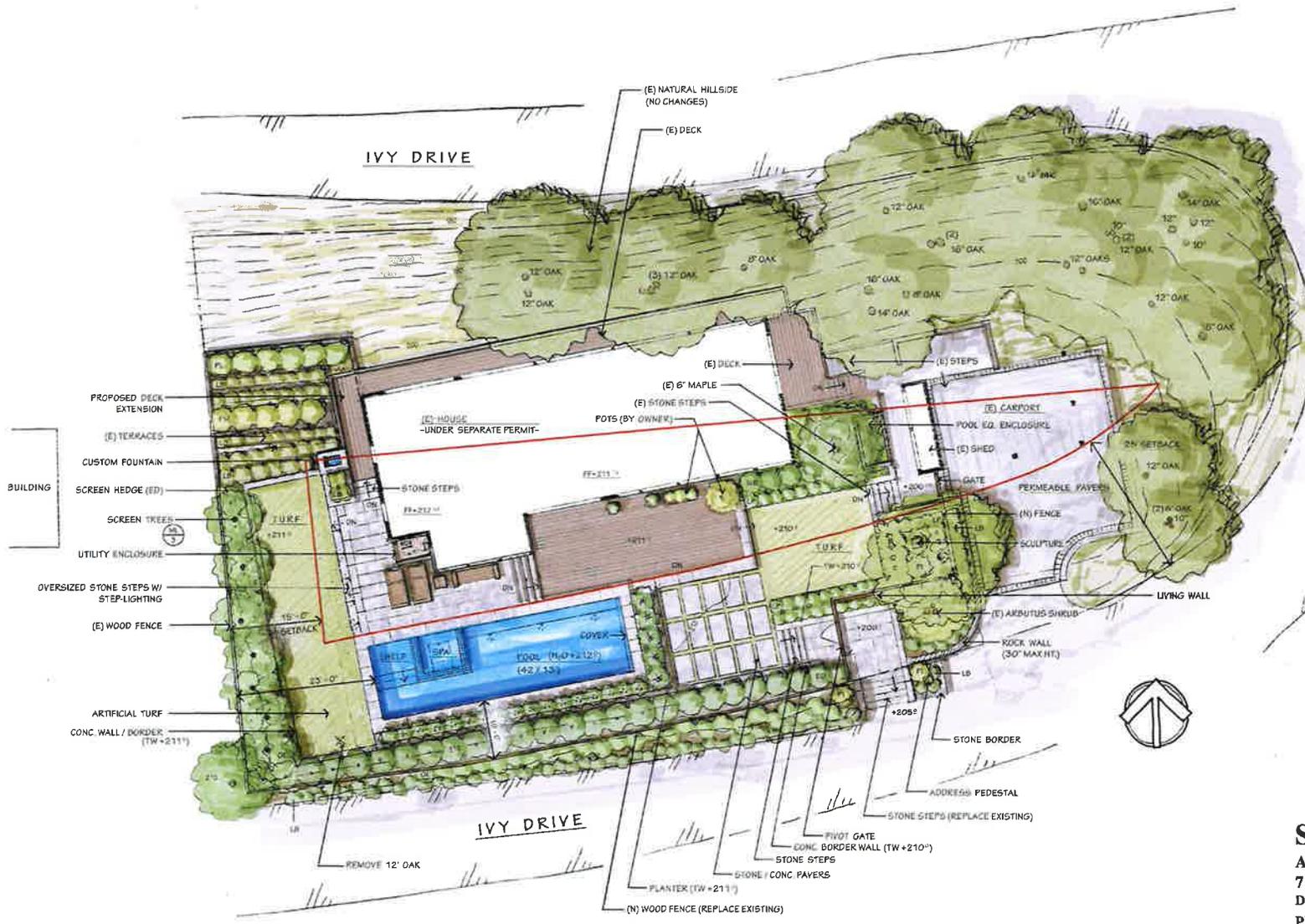
control measures, such as straw matting, hydroseeding, etc., are implemented.

- 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.

11. REQUIREMENT FOR NO NET INCREASE IN IMPERVIOUS SURFACES COVERAGE. Prior to issuance of a building permit, a revised Stormwater Control Plan that proposes no net increase in impervious surfaces as a result of the project shall be reviewed and approved by Town staff; and the project plans shall be revised accordingly to be consistent with the approved revised Stormwater Control Plan. The revised Stormwater Control Plan shall include the bio-retention basin and level spreader designed to accommodate runoff from approximately 2,700 square feet of impervious surfaces.

ATTACHMENT 2

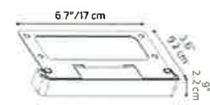


- PROPOSED DECK EXTENSION
- (E) TERRACES
- CUSTOM FOUNTAIN
- BUILDING
- SCREEN HEDGE (ED)
- SCREEN TREES
- UTILITY ENCLOSURE
- OVERSIZED STONE STEPS W/ STEP-LIGHTING
- (E) WOOD FENCE
- ARTIFICIAL TURF
- CONC. WALL / BORDER (TW+211')

LIGHTING LEGEND

SYMBOL	MANUFACTURER	DESCRIPTION MODEL#	Q
FX LUMINAIRE	STEP LIGHT	DOWN LIGHT (24" x 24" x 1.5")	12
FX LUMINAIRE	TRANSFORMER	VERIFY W/ MANUFACTURER	1

WWW.JXL.COM



STEP LIGHT

Sweeny Residence

AP#: 073-143-23

70 Ivy Drive

Ross, CA.

Date: 2 / 10 / 2020

Scale: 1/8" = 1'-0"

PRELIMINARY LANDSCAPE CONSTRUCTION PLAN

Sheet L1.2

Revised: 5 / 29 / 2020

Revised: 6 / 29 / 2020



300 Riverwood + Mill Valley, CA 94041
 (415) 346-0730
 info@imprintslandscape.com
 www.imprintslandscape.com

PROJECT DESCRIPTION

THE GOAL OF THE LANDSCAPE IMPROVEMENT DRAWINGS IS TO UPDATE EXISTING THE EXISTING LANDSCAPE, INCLUDING THE ADDITION OF A NEW SWIMMING POOL.

THE EXISTING LANDSCAPE IS A OVERGROWN AND IN POOR CONDITION. THE INTENT OF THE DESIGN IS TO RETAIN THE EXISTING CONTEMPORARY AESTHETIC AND FOLLOW THE DESIGN INTENT OF THE ORIGINAL LANDSCAPE.

EXISTING TREES ARE PROPOSED TO BE REMOVED AS SHOWN. THE TREES LOCATED AT THE REAR HILLSIDE AREA ARE TO REMAIN, WITH PRUNING TO IMPROVE FIRE SAFETY.

INCLUDED IN THE NEW LANDSCAPE IS THE SWIMMING POOL. THE SWIMMING POOL IS LOCATED WITHIN THE FRONT SETBACK AREA. THROUGH RESEARCH, IT HAS BEEN DETERMINED THAT THERE ARE NUMEROUS SWIMMING POOLS LOCATED WITHIN SETBACK AREAS AT NEIGHBORING PROPERTIES. BASED ON PREVIOUS DISCUSSIONS AND MEETINGS WITH TOWN OF ROSS PLANNING DEPARTMENT, THIS POOL WOULD BE SUPPORTED FOR APPROVAL.

THE EXISTING ASPHALT DRIVEWAY IS PROPOSED TO BE REPLACED WITH PERMEABLE CONCRETE PAVING.

THE PRIMARY NEW FEATURE PROPOSED IS THE SWIMMING POOL. THE SWIMMING POOL IS LOCATED WITHIN THE FRONT SETBACK AREA. THROUGH RESEARCH, IT HAS BEEN DETERMINED THAT THERE ARE NUMEROUS SWIMMING POOLS LOCATED WITHIN SETBACK AREAS AT NEIGHBORING PROPERTIES. BASED ON PREVIOUS DISCUSSIONS AND MEETINGS WITH TOWN OF ROSS PLANNING DEPARTMENT, THIS POOL WOULD BE SUPPORTED FOR APPROVAL.

EXISTING FENCE ALONG THE WEST PROPERTY LINE IS TO REMAIN. NEW FENCING PROPOSED FOR ALONG IVY DRIVE IS TO BE REPLACED TO MATCH THE EXISTING SIDE YARD FENCE. FENCING IS TO BE REPLACED AS SHOWN. ALL NEW FENCING WILL BE LIMITED TO 7'-0" MAXIMUM HEIGHT.

ALL LIGHTING WILL BE LOW VOLTAGE AND DOWN SHIELDED.

ALL PLANTING WILL BE IRRIGATED UTILIZING DRIP IRRIGATION METHODS.

PLANTING WILL BE SIMPLE, DROUGHT RESISTANT AND FIRE RESISTANT.

GENERAL NOTES

1. THE LANDSCAPE PLAN IS BASED ON DRAWINGS PROVIDED BY THE OWNER, SITE MEASUREMENTS AND A PROFESSIONALLY SURVEY. ANY MAJOR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT IMMEDIATELY.
2. ALL WORK SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS AND USIFORM CONSTRUCTION STANDARDS (UCS) OF THE COUNTY OF MARIN AND THE TOWN OF ROSS.
3. THIS DRAWING IS FOR DESIGN REVIEW APPLICATION PURPOSES ONLY. THIS DRAWING IS NOT EXTENSIVELY DETAILED AND IS NOT TO BE USED FOR PERMIT APPLICATION AND/OR CONSTRUCTION.

CONSTRUCTION NOTES

1. ALL PATIOS, STEPS AND POOL COPING IS TO BE PRECAST CONCRETE WITH INTEGRAL COLOR. PRODUCT TO BE "STEPSTONE" OR APPROVED EQUAL.
2. ALL WALLS ARE TO CONCRETE WITH STUCCO FINISH. COLOR DAVIS "PEWTER" OR APPROVED EQUAL.
3. EXISTING ROCK WALLS ARE TO REMAIN. ALL ROCK FROM DEMOLITION IS TO BE INCORPORATED INTO NEW WALLS AS FEASIBLE.
4. ALL FENCES ARE TO REMAIN AS SHOWN. NEW FENCES ARE TO MATCH THE EXISTING STYLE AND DETAILS OF THE EXISTING FENCES. FENCES ARE TO BE 6'-0" MAXIMUM IN HEIGHT.

A PERIMETER FENCE SEVEN FEET HEIGHT AND TWO ADDITIONAL DROWNING PREVENTION BARRIERS SHALL BE INSTALLED AS WELL AS AN AUTO SAFETY COVER.

LIGHTING NOTES

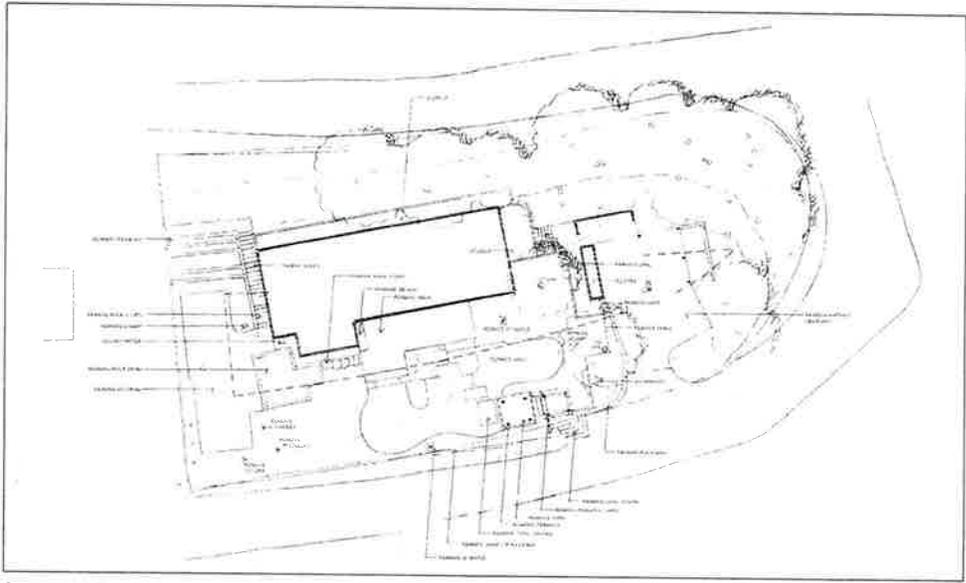
1. LIGHTING IS LIMITED TO STEP LIGHTS AND UNDERWATER POOL LIGHTS.
2. THE LIGHTING FIXTURES ARE SHOWN DIAGRAMMATICALLY AND TO COMMUNICATE DESIGN INTENT.
3. SEE LIGHTING CUT SHEET FOR EXACT FIXTURE SPECIFICATIONS.

IRRIGATION NOTES

1. ALL PLANTING TO BE IRRIGATED IN ACCORDANCE TO THE PROVISIONS OF ORDINANCE 421 OF THE MARIN MUNICIPAL WATER DEPARTMENT. ALL PLANTING AREAS ARE TO BE IRRIGATED UTILIZING DRIP METHODS.

PLANTING NOTES

1. ALL EXISTING PLANT MATERIAL IS TO BE REMOVED AND REPLACED AS SHOWN.
2. NO PHYTOHYTIC PLANT MATERIAL IS PROPOSED FOR THIS PROJECT.
3. ALL PLANTING IS TO CONFORM TO MMWD AND VEGETATION MANAGEMENT ORDINANCES AND REQUIREMENTS.



SITE MAP
SCALE: 1/16" = 1' - 0"

SHEET INDEX

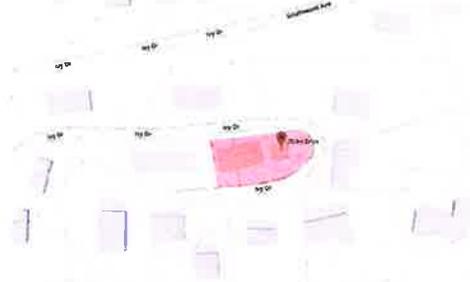
- SHEET L1 Landscape Demo Plan
- SHEET L1.2 Preliminary Landscape Construction Plan
- SHEET L2 Landscape Construction Plan
- SHEET L3 Landscape Cross Sections
- SHEET L3.1 Staking Plan
- SHEET L4 Vegetation MGMT Plan
- SHEET L5 Images and Materials
- C-1 Cover
- C-2 Conceptual Grading & Drainage Plan
- C-3 Details

BUILDING & PLANNING CODE

ALL CONSTRUCTION, REGARDLESS OF DETAILS SHOWN ON THE PLANS, SHALL COMPLY WITH THE FOLLOWING:

- APPLICABLE BUILDING CODES:
- 2019 California Building Code (CBC)
- 2019 California Electrical Code (CEC)
- 2019 California Mechanical Code (CMC)
- 2019 California Plumbing Code (CPC)
- 2019 California Fire Code (CFC)
- 2019 Green Building Standards
- 2019 California Energy Code
- 2019 California residential Code (CRC)
- Town of Ross Local Codes

"ALTHOUGH OUR PLAN REVIEW IS COMPREHENSIVE AND INTENDED TO BE COMPLETE, NON-COMPLIANT ELEMENTS AND CONDITIONS MAY OCCASIONALLY BE OVERLOOKED OR SOME ELEMENTS MAY LACK CLARITY, OR AN ELEMENTS MAY BE MISREPRESENTED ON THE SUBMITTED PLANS. PLEASE BE AWARE NON-COMPLIANT ELEMENTS AND CONDITIONS NOT ADDRESSED IN PLAN REVIEW ARE SUBJECT TO FIELD REVIEW, AND COMPLIANCE WITH ALL APPLICABLE CODES AND LAWS WILL BE REQUIRED."



VICINITY MAP

SITE PHOTOS

Sweeny Residence

70 Ivy Drive Ross, CA.

AP#: 073-143-23

Date: 2 / 10 / 2020

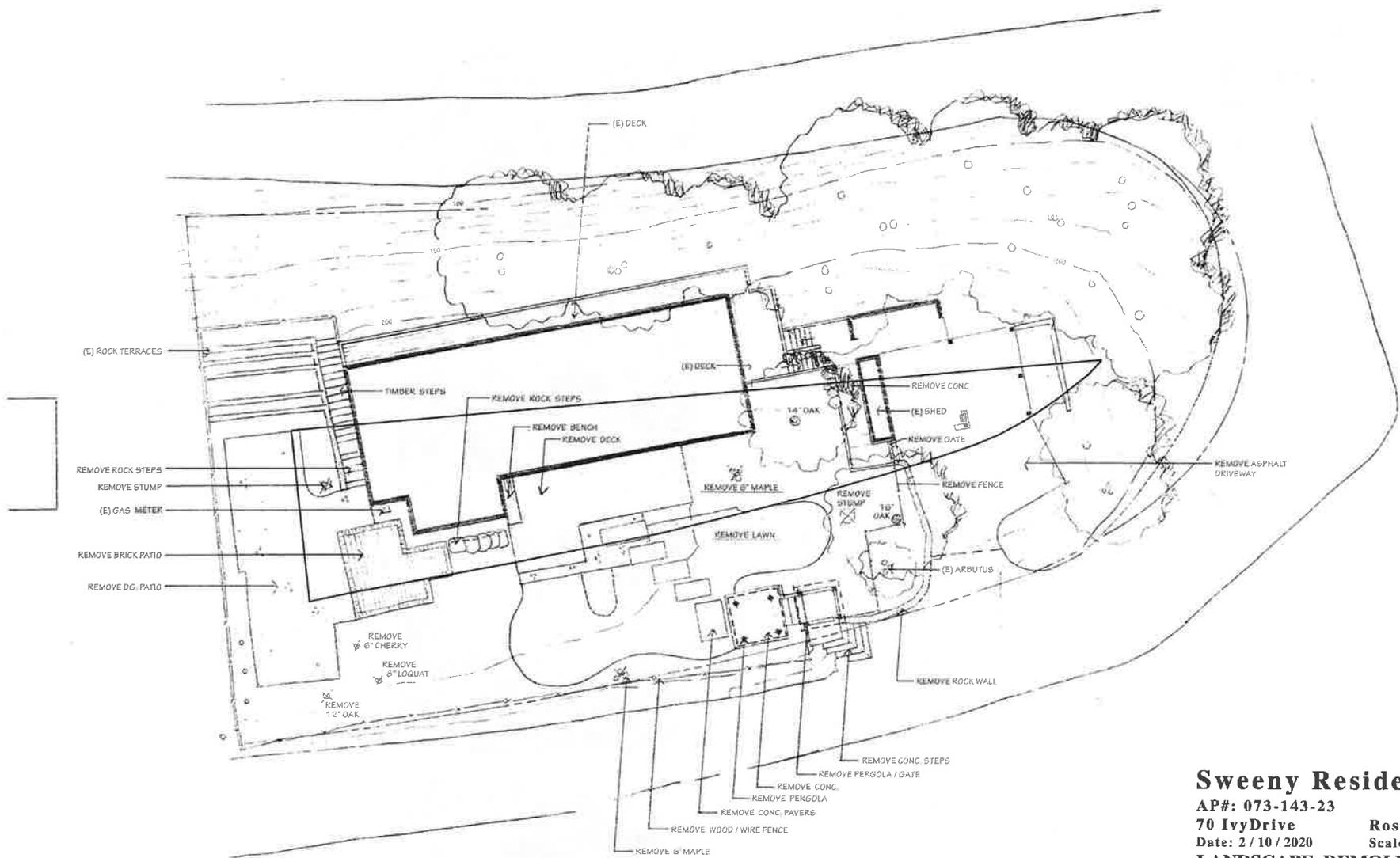
Scale: As Shown

COVER SHEET

Revised: 5 / 29 / 2020



203 Rowlesville • Mill Valley, CA 94041
415.580.4735
bruce@imprintslandscape.com
www.imprintslandscape.com

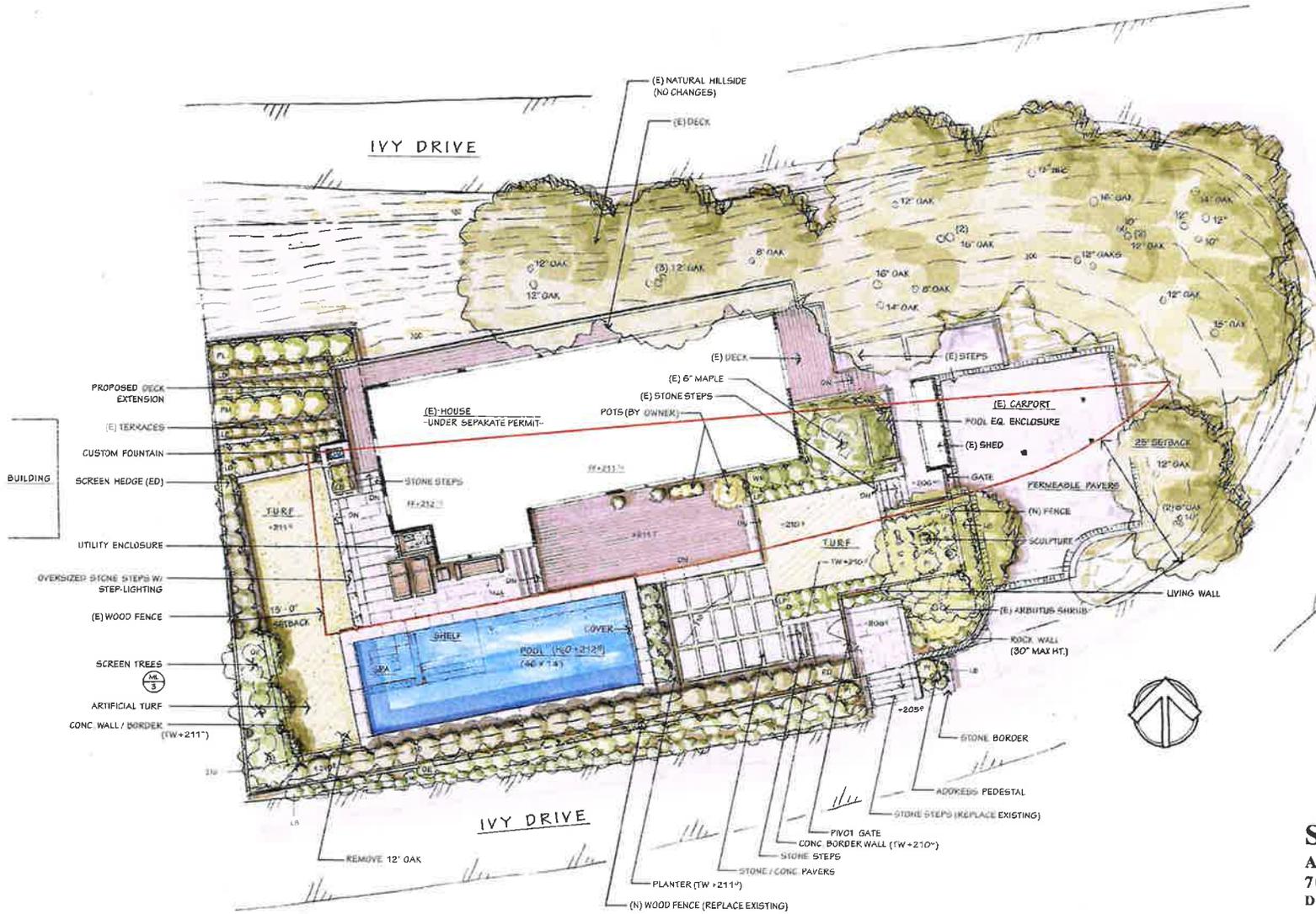


Sweeny Residence
 AP#: 073-143-23
 70 IvyDrive
 Date: 2 / 10 / 2020
LANDSCAPE DEMOLITION PLAN
Sheet L1

Revised: 5 / 29 / 2020



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 (415) 383-0755
 Email: info@imprints.com
 www.imprintsgarden.com



- BUILDING
- PROPOSED DECK EXTENSION
- (E) TERRACES
- CUSTOM FOUNTAIN
- SCREEN HEDGE (ED)
- UTILITY ENCLOSURE
- OVERSIZED STONE STEPS W/ STEP-LIGHTING
- (E) WOOD FENCE
- SCREEN TREES
- ARTIFICIAL TURF
- CONC WALL / BORDER (TW+211')

LIGHTING LEGEND

SYMBOL	MANUFACTURER	DESCRIPTION	Q
(Symbol)	FX LUMINAIRE	STEP LIGHT - DOWN LIGHT (L.F. 20 T LED R2)	12
(Symbol)	FX LUMINAIRE	TRANSFORMER VENDOR W/ MANUFACTURER	1

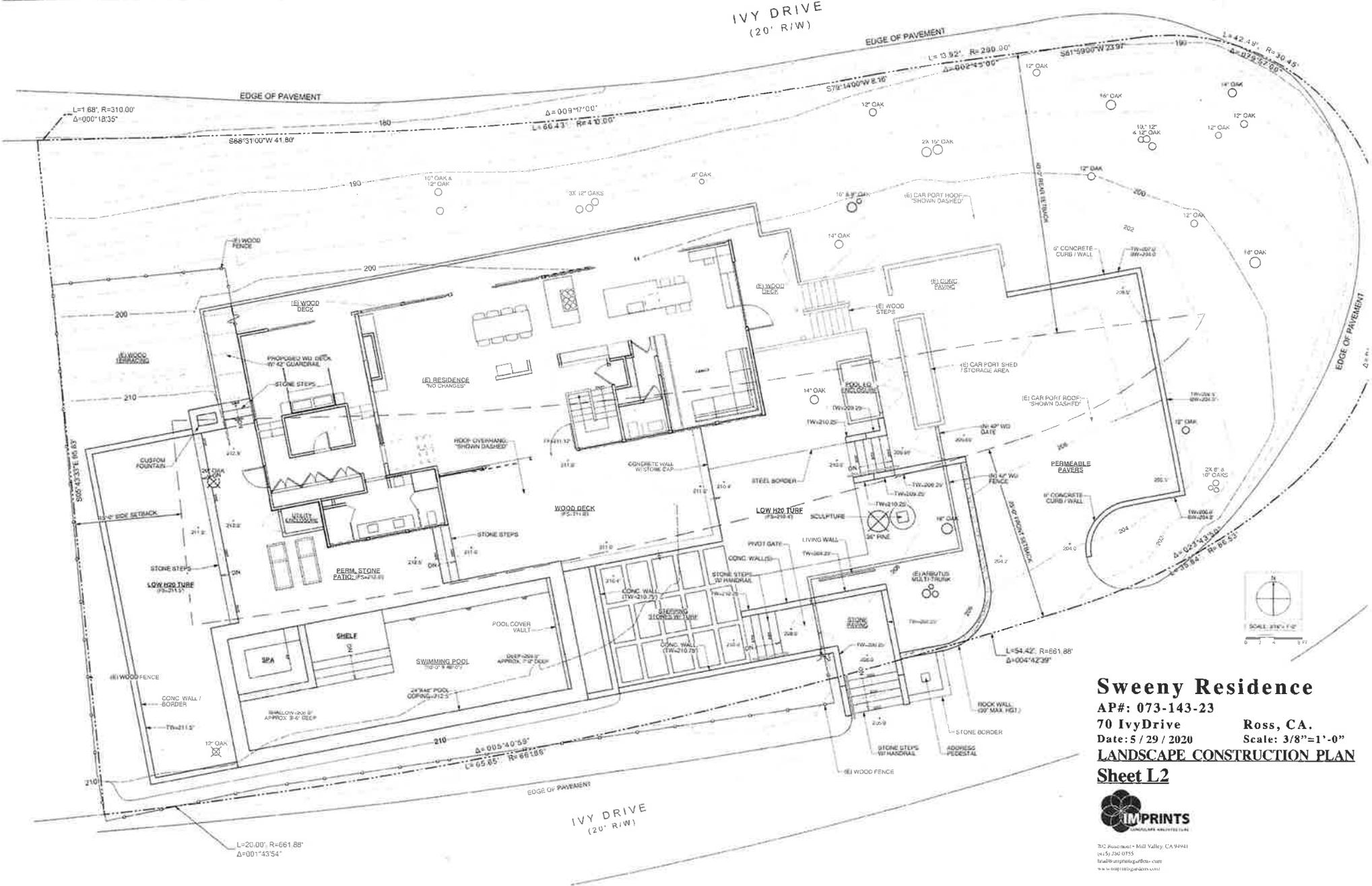
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Sweeny Residence
 AP#: 073-143-23
 70 Ivy Drive
 Date: 2 / 10 / 2020
 PRELIMINARY LANDSCAPE CONSTRUCTION PLAN
 Sheet L1.2
 Revised: 5 / 29 / 2020

IMPRINTS
 LANDSCAPE ARCHITECTURE
 250 Republic • Mill Valley, CA 94041
 415.386.0755
 lead@imprintslandscape.com
 www.imprintslandscape.com

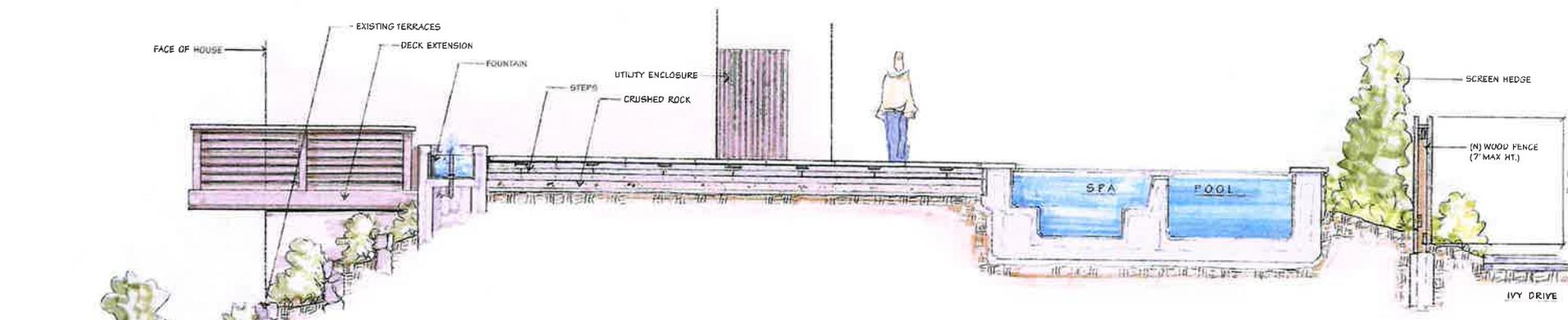
IVY DRIVE
(20' R/W)



Sweeny Residence
 AP#: 073-143-23
 70 Ivy Drive
 Date: 5/29/2020
 Ross, CA.
 Scale: 3/8"=1'-0"
LANDSCAPE CONSTRUCTION PLAN
Sheet L2

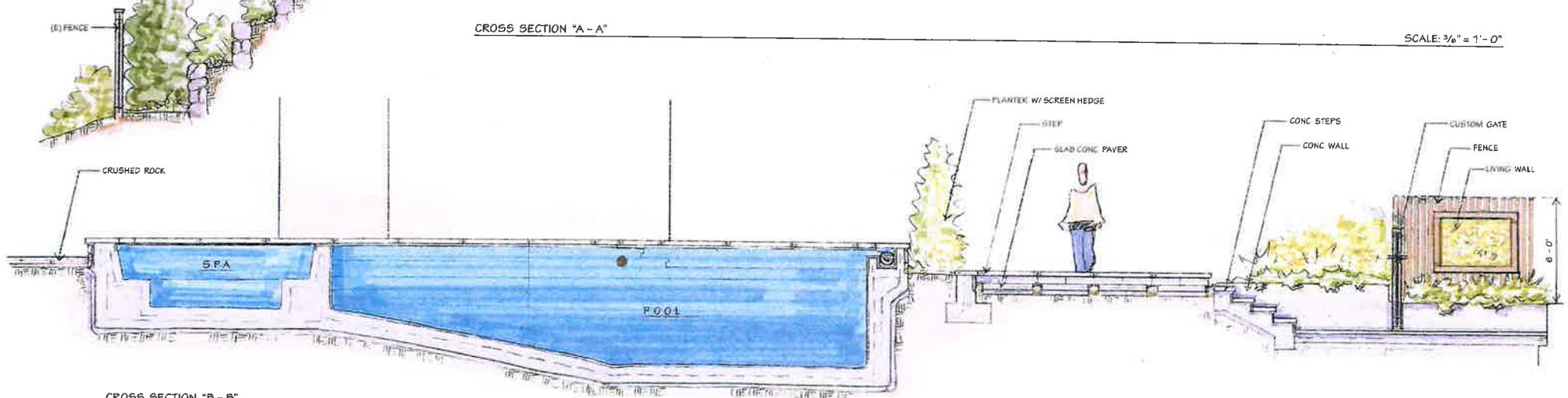


210 Rockwood - Mill Valley, CA 94941
 (415) 250 0155
 trail@imprintgardens.com
 www.imprintgardens.com



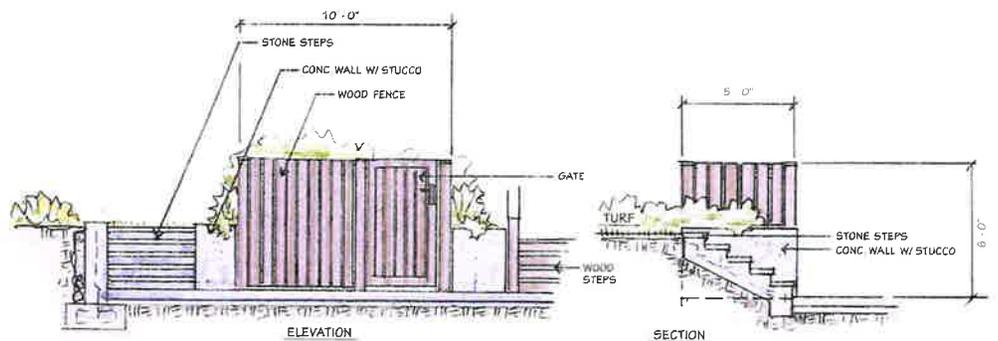
CROSS SECTION "A-A"

SCALE: 3/8" = 1'-0"



CROSS SECTION "B-B"

SCALE: 3/8" = 1'-0"



ELEVATION

SECTION

POOL EQUIPMENT ENCLOSURE

SCALE: 3/8" = 1'-0"

Sweeny Residence

AP#: 073-143-23
 70 Ivy Drive
 Date: 2 / 10 / 2020
 Ross, CA.
 Scale: 3/8" = 1'-0"

LANDSCAPE CROSS SECTIONS

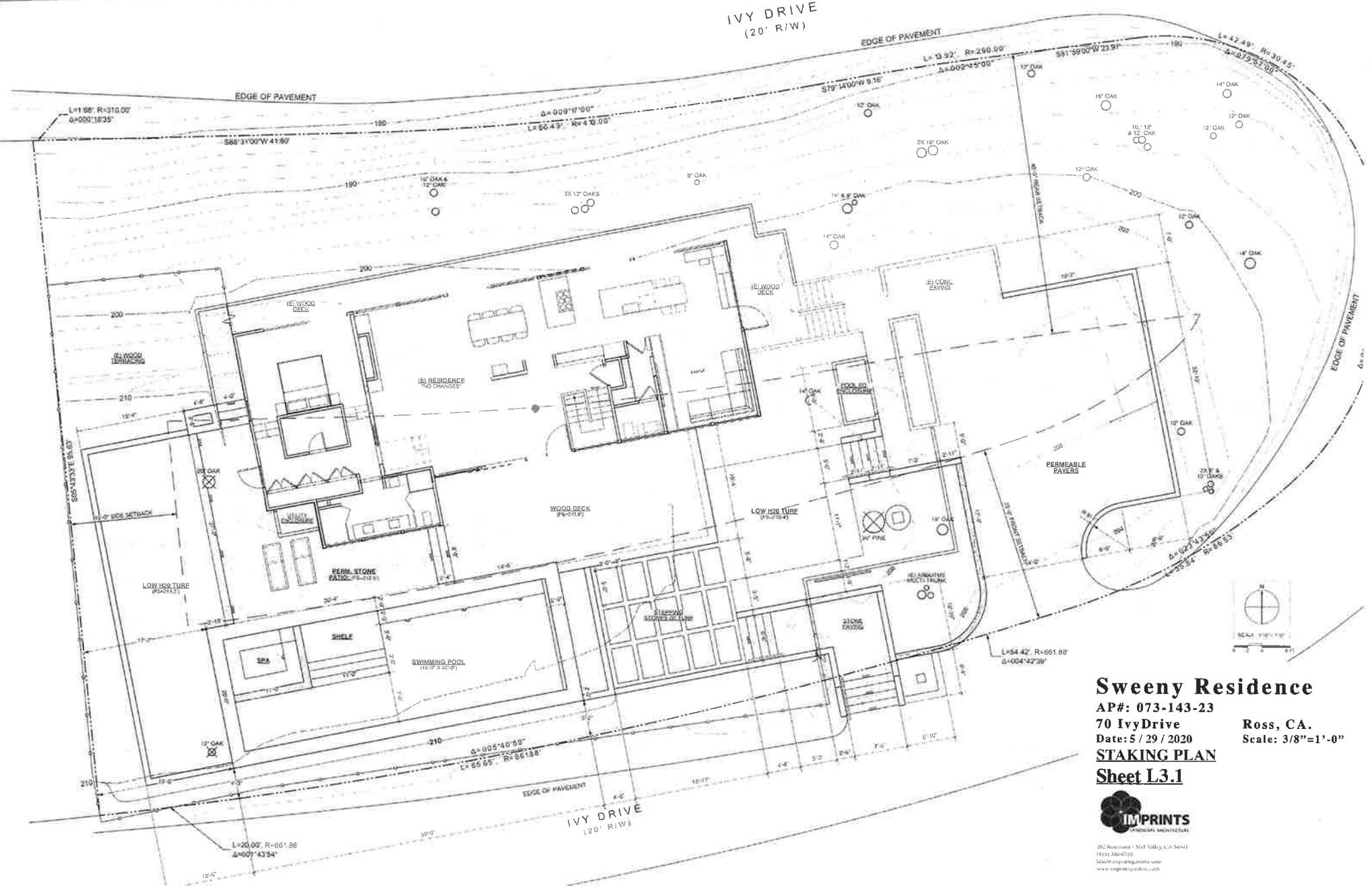
Sheet L3

Revised: 5 / 29 / 2020



203 Rowland • Mill Valley, CA 94941
 (415) 340-0755
 land@imprintslandscape.com
 www.imprintslandscape.com

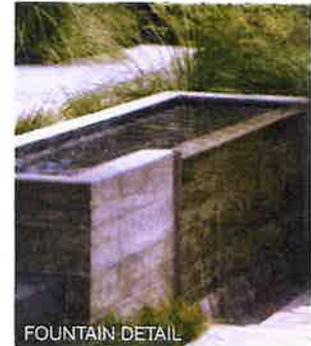
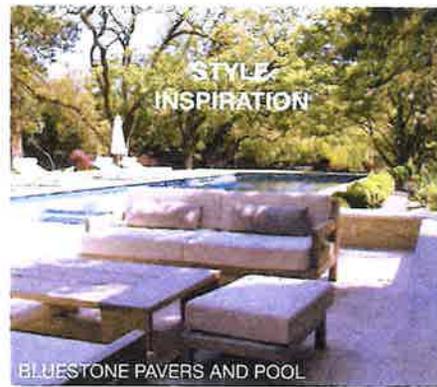
IVY DRIVE
(20' R/W)



Sweeny Residence
 AP#: 073-143-23
 70 Ivy Drive
 Date: 5 / 29 / 2020
 STAKING PLAN
 Sheet L3.1



303 Rosemead • Still Valley, CA 94741
 (916) 381-4725
 info@imprintstake.com
 www.imprintstake.com



Sweeny Residence

70 Ivy Drive Ross, CA.

AP#: 073-143-23

Date: 12 / 15 / 2019 Scale: As Shown

IMAGES AND MATERIALS

L5

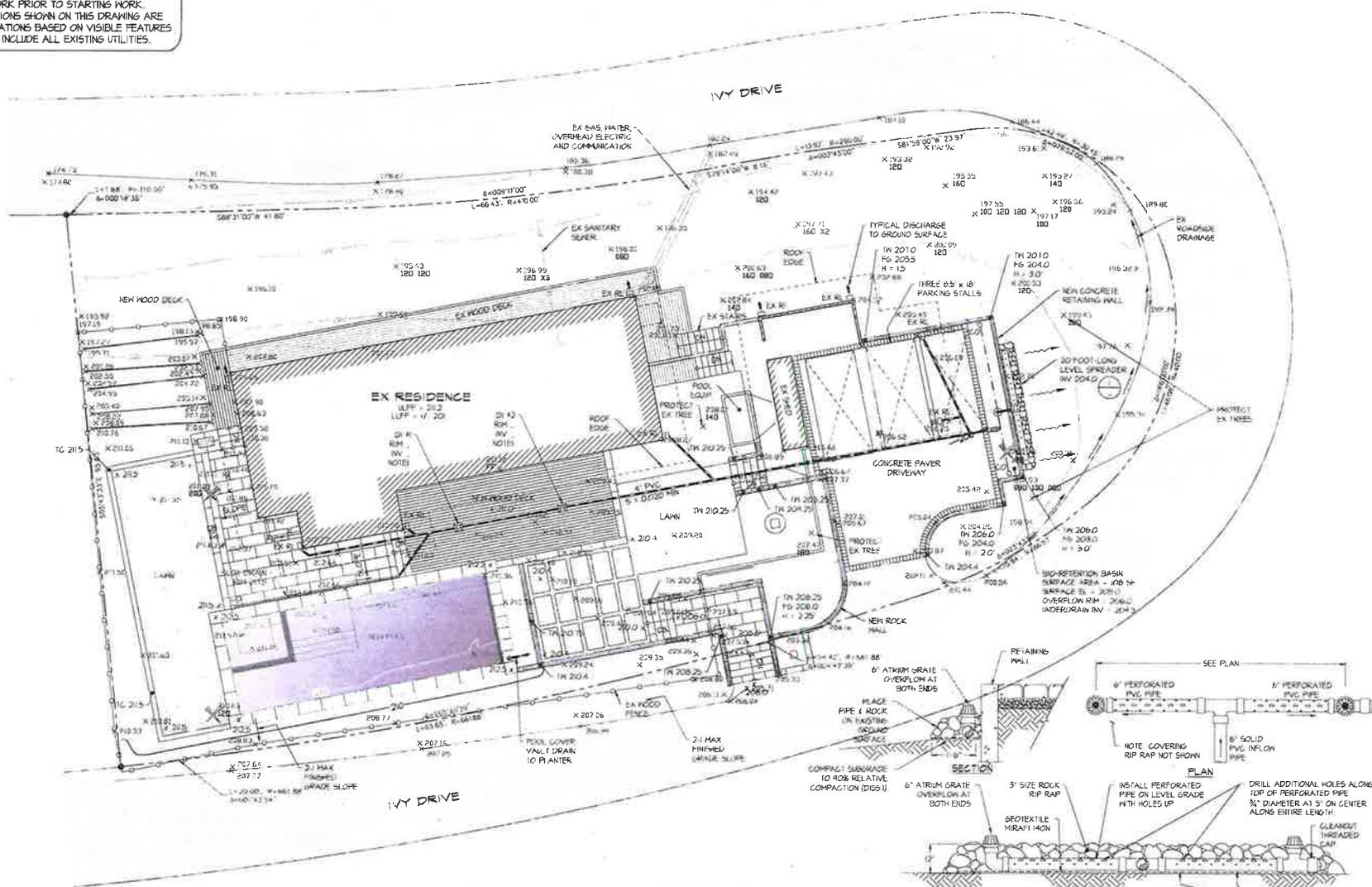


202 Rosemont • Mill Valley, CA 94941
(415) 340-0755
brad@imprintsgarden.com
www.imprintsgarden.com

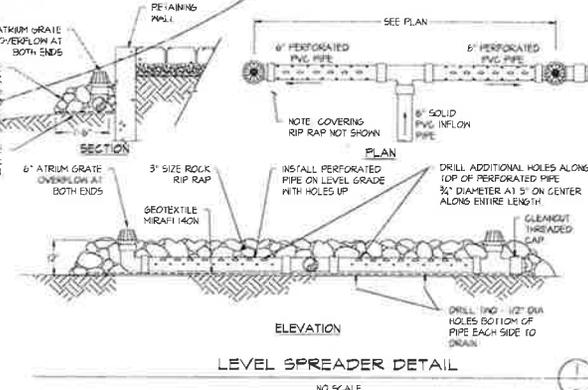
EXISTING UTILITY LOCATION

CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO STARTING WORK. CONTACT THE ENGINEER TO REVIEW UTILITY LOCATION AND ANY CONFLICTS WITH THE PROPOSED WORK PRIOR TO STARTING WORK. UTILITY LOCATIONS SHOWN ON THIS DRAWING ARE ASSUMED LOCATIONS BASED ON VISIBLE FEATURES AND MAY NOT INCLUDE ALL EXISTING UTILITIES.

NOTE:
1 LOCATE DRAINAGE INLETS BELOW WOOD DECK. FINISHED GRADE SLOPE TOWARD INLETS



NOTE: THE DESIGN INTENT OF THE LEVEL SPREADER IS TO DISCHARGE STORMWATER EVENLY ON THE GROUND SURFACE. THE LEVEL SPREADER IS NOT INTENDED TO INFILTRATE WATER. PLACE THE PERFORATED PIPE ON LEVEL GRADE AND NOT IN AN EXCAVATED TRENCH.



LTD Engineering, Inc.
1050 Montgomery Drive, Suite 315
San Rafael, CA 94903
Tel: 415 446 7402 Fax: 415 446 7419
gen@ltdengineering.com

SHEET
NO. 11 OF 12 SHEETS
ROSS, CA 94903
415-423-4561



ISSUED FOR
NO. 11 OF 12 SHEETS
CONSTRUCTION

LTD Engineering, Inc. and its designers, their partners and affiliates are not liable for any damages or loss of property or injury to persons or property resulting from the use of these documents for any other project, in whole or in part, if not written and authorized in advance by LTD Engineering, Inc.

APR 07 2022
7011VY DRIVE
ROSS, CALIFORNIA 94957

NO.	DATE	DESCRIPTION
1	04/07/2022	ISSUED FOR REVIEW
2	04/07/2022	APPROVED FOR CONSTRUCTION

CONCEPTUAL GRADING AND DRAINAGE PLAN

REVISION
1
SHEET NO.
2 OF 3
DRAWING
C-2

ATTACHMENT 3

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PROJECT DESCRIPTION

THE GOAL OF THE LANDSCAPE IMPROVEMENT DRAWINGS IS TO UPDATE EXISTING THE EXISTING LANDSCAPE, INCLUDING THE ADDITION OF A NEW SWIMMING POOL.

THE EXISTING LANDSCAPE IS A OVERGROWN AND IN POOR CONDITION. THE INTENT OF THE DESIGN IS TO RETAIN THE EXISTING CONTEMPORARY AESTHETIC AND FOLLOW THE DESIGN INTENT OF THE ORIGINAL LANDSCAPE.

EXISTING TREES ARE PROPOSED TO BE REMOVED AS SHOWN. THE TREES LOCATED AT THE REAR HILLSIDE AREA ARE TO REMAIN, WITH PRUNING TO IMPROVE FIRE SAFETY.

INCLUDED IN THE NEW LANDSCAPE IS THE REPLACEMENT OF THE EXISTING ENTRY STEPS, REPLACEMENT OF THE STEPPING STONE PATH AND REPLACEMENT OF THE LAWN. THE EXISTING BRICK PATIO IS PROPOSED TO BE CHANGED TO PERMEABLE STONE OR PRECAST CONCRETE MATERIAL.

THE EXISTING ASPHALT DRIVEWAY IS PROPOSED TO BE REPLACED WITH PERMEABLE CONCRETE PAVERS.

THE PRIMARY NEW FEATURE PROPOSED IS THE SWIMMING POOL. THE SWIMMING POOL IS LOCATED WITHIN THE FRONT SETBACK AREA. THROUGH RESEARCH, IT HAS BEEN DETERMINED THAT THERE ARE NUMEROUS SWIMMING POOLS LOCATED WITHIN SETBACK AREAS AT NEIGHBORING PROPERTIES. BASED ON PREVIOUS DISCUSSIONS AND MEETINGS WITH TOWN OF ROSS PLANNING DEPARTMENT, THIS POOL WOULD BE SUPPORTED FOR APPROVAL.

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ALL LIGHTING WILL BE LOW VOLTAGE AND DOWN SHIELDED.

ALL PLANTING WILL BE IRRIGATED UTILIZING DRIP IRRIGATION METHODS.

PLANTING WILL BE SIMPLE, DROUGHT RESISTANT AND FIRE RESISTANT.

ATTACHMENT 4

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2.

the matter be carried over to the December meeting. Mr. Elliott informed Mr. Walter that, if he were not ready to go ahead by the December meeting, he would nevertheless have to appear at the meeting to request a further continuance.

5. Use Permits.

- a. Mr. and Mrs. Henry W. Calvin, Madrona Ave. (73-252-09) Acre Zone. Construction and use of servant's quarters. There were no objections. Mr. Jones moved that the Use Permit be granted. Mr. McAndrew seconded the motion which was unanimously passed.
- b. Mr. Kenneth K. Bechtel, 100 Rock Road, Kent Woodlands. (73-291-03) Acre zone. Construction and use of detached guest house. Mrs. Van Boecop objected from the floor and a letter was read from Dr. and Mrs. Gregory Smith of Kent Woodlands objecting. Mr. Jones asked Mr. Bechtel whether the plans had been submitted to Kent Woodlands for approval. Mr. Bechtel said they had not but that he would certainly comply with any and all restrictions. Mr. Jones moved the permit be granted. Mr. Scott seconded the motion which was unanimously passed.

6. Hillside Construction.

Mr. Kenneth K. Bechtel was given unanimous approval for construction of the above mentioned guest house on a slope in excess of 30%, subject to the recommendations included in the letter from Mr. John C. Oglesby, addressed to the Town Council, and dated October 28, 1964.

7. Variances.

- a. Variance #257. Mr. and Mrs. Roger F. Hooper, 70 Ivy Drive. (73-143-01) 10,000 square foot zone. Construction of master bedroom, dressing room and bath, and enlarging of living room, all on west side of non-conforming house, and resulting in 3' sideline setback. Mr. Hooper maintained that the adjoining lot, owned by the Katharine Branson School and used for water storage, was too small for a building site, that architecturally it was only feasible to add to his house on the west side, and that Mr. Morrison had been granted a 5' variance on the other side of the Katharine Branson School lot. Mr. Roy Jones and Mrs. Anne Jones objected to the granting of a 3' setback. Mr. Scott was of the opinion that the lot would never be built on due to its size. He moved that the variance be granted, Mr. McAndrew seconded the motion which passed with Mr. Jones objecting.
- b. Variance #258. Mr. E. Z. Lewis, Glenwood Ave. (73-031-09) 20,000 square foot zone. Construction of an enclosed entrance and access way between two separate buildings resulting in 19' sideline setback. Mr. McAndrew moved that the variance be granted, noting however that construction had been started without a building permit. Mr. Jones seconded the motion which was unanimously passed.

Walter G. Kennerly
Town Clerk

-3-

Mr. Poore moved that the subdivision be approved, subject to the following conditions:

1. Installation of a fire hydrant, details to conform to the requirements of Chief Casson, to be completed prior to recordation of a Parcel Map.
2. No improvements to be made on Parcel 2 without approval of the Council concerning removal of any trees, exceeding 8" in diameter.
3. Recordation of a Parcel Map within 9 months.

Mr. Scales seconded the motion, which was unanimously passed.

3. Variances.

1. Karin Martin, 6 Berry Lane (72-231-19) Acre Zone
At the request of the applicant, the variance request was withdrawn.

2. Variance No. 563 Stephen and Bonnie Holmes
46 Woodside Way (73-231-10) 6,000 sq. ft. zone
Request to expand entryway 8½' from side setback.

Lot Area	6,560 sq. ft.
Present lot coverage	17%
Proposed " "	18%
Present floor area ratio	28%
Proposed " " "	29%

Mr. Holmes explained that the request for an 8' x 10' redwood deck within the side yard setback will provide a safe and reasonable access to the house. At present the steps are hazardous. Mr. Scales moved approval of the request, seconded by Mr. Poore and unanimously passed.

3. Variance No. 564 Roger F. Hooper Jr.
70 Ivy Drive (73-143-18) 10,000 sq. ft. zone
Request to construct pergola inside entrance gate 5' from front property line.

Lot Area	13,550 sq. ft.
Present lot coverage	31.1%
Proposed " "	31.8%
Present floor area ratio	30.2%
Proposed " " "	32.7%

Mr. Hooper explained that the proposed structure is an open framework intended to support vines and will replace an oak tree which formerly screened the entrance and supported garden lights. The pergola will rise 7'2" above grade, 10' at the peak. On motion by Mr. Poore, seconded by Mr. Scales, the variance was unanimously granted.

January 15, 2009 Minutes

2. This use permit shall expire within one year from the date of approval if not exercised.
3. The applicant is responsible for ensuring that all improvements comply with disabled access regulations, regardless of whether a building permit is required for the work.
4. A sign permit is required from the Town prior to installation of any new signage. Any exterior modifications, including repainting, shall require approval by the Planning Department staff.
5. Any encroachment into the public right of way, such as for installation or replacement of awnings, signage, or seating, requires prior approval of an encroachment permit from the Director of Public Works.
6. NO CHANGES FROM THE APPROVED PLANS AND USE SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL.
7. 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.
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.

b. 70 Ivy Drive and 102 Ivy Drive, Merger and Resubdivision Nos. 1718 and 1719 Ward and Melinda Ching, 102 Ivy Drive, A.P. No. 73-143-18, R-1:B-10 (Single Family Residential, 10,000 sq. ft. minimum lot size), and James and Brett Collins, 70 Ivy Drive, A. P. No. 73-143-12, R-1:B-10 (Single Family Residential, 10,000 sq. ft. minimum lot size). A merger and resubdivision to equally divide an existing 3,382 square foot undeveloped parcel A.P.N. 73-143-19 between the adjacent properties to the east and west on Ivy Drive. One half of the parcel will be added to 102 Ivy Drive and one half will be added to 70 Ivy Drive. This project will result in the elimination of an existing substandard lot.

Council Member Skall noted for the record that he is related to one of the applicants, but there is no financial benefit in regard to this application.

Mayor Cahill asked for a motion.

Council Member Hunter moved and Mayor Pro Tempore Strauss seconded, to approve Consent Calendar Item "b" as submitted by staff. Motion carried unanimously.

Conditions:

1. The Town approves this merger and resubdivision tentative map as submitted except as otherwise provided in these conditions.

2. The final map document shall be submitted to the Planning Department for review for consistency with this approval prior to recordation.
3. Failure to record the tentative map by January 15, 2011 shall cause the approval to lapse without further notice.
4. 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.

c. **59 Bridge Road, Amendment to Variance and Design Review No. 1683**
Jay and Katie Kern, 59 Bridge Road, A.P. No. 73-261-37, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size). Amendment to variance and design review application, approved by the Town Council on May 8, 2008, to allow modifications to the existing residence and landscape improvements. The approved project included modifications to each elevation of the residence and demolition of an existing, detached, garage and remodel of the basement/garage area to create parking for three vehicles. The amendment would permit a 34.5 square foot expansion of a second floor bathroom to cover new floor joists necessary to support the room. The addition would extend the bathroom approximately three feet to the south.

Lot area	32,405 square feet
Existing Floor Area Ratio	38.2%
Approved Floor Area Ratio	38.0%
Proposed Floor Area Ratio	38.1% (20% permitted)
Existing Lot Coverage	15.8%
Proposed Lot Coverage	19.0% (20% permitted)

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

Mayor Cahill asked for a motion.

Council Member Hunter moved and Mayor Pro Tempore Strauss seconded, to approve Consent Calendar Item "c" as submitted by staff. Motion carried unanimously.

Conditions:

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

1. The project shall be subject to all the all project conditions imposed by the Town Council on May 8, 2008.
2. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from

- a. **Town Council consideration of adoption of Ordinance No. 667, an Ordinance of the Town of Ross amending Title 15 "Buildings and Construction" of the Ross Municipal Code, adding Chapter 15.46 "Expedited Review of Small Residential Rooftop Solar Energy System Permits."**

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Robbins seconded, to approve the Consent Calendar as submitted by staff. Motion carried unanimously.

End of Consent Agenda.

11. Public Hearings on Planning Applications.

Public hearings are required for the following planning application. Staff anticipates that this item may be acted upon quickly with no oral staff report, Council discussion, or public comment. If discussion or public comment is requested for any item, the Council may consider the item later in the agenda. The Council will act on each item separately.

a. 70 Ivy Drive, Design Review and Basement Exception No. 2007, and Town Council consideration of adoption of Resolution No. 1916.

James and Brett Collins, 70 Ivy Drive, A.P. No. 73-143-23, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size), Medium Low Density (3-6 Units/Acre). Public hearing for the Town Council to consider Design Review and Basement Exception for a proposed enclosure to be used as habitable space of an existing and previously recognized understory space for the property at 70 Ivy.

Contract Planner Ali Giudice summarized the staff report and recommended that the Council approve Resolution No. 1916, conditionally approving design review to allow an enclosure of 316 sq. ft. of understory space at 70 Ivy Drive.

Mayor Pro Tempore Small knows the difficulty of driving up Ivy Drive and suggested adding more detail to the condition in regard to truck traffic. Contract Planner Giudice explained that the applicant provided a construction management plan, and staff agreed to add such detail as part of their submittal package. Mayor Pro Tempore Small believed it is important since it is a private road that all homeowners have the contact number to all contractors, so the issue can be resolved before it is a problem.

Mayor Hoertkorn opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Mayor Pro Tempore Small seconded, to approve Resolution No. 1916 as revised. Motion carried unanimously.

End of Public Hearings on Planning Applications.

ATTACHMENT 5

THIS PAGE IS INTENTIONALLY BLANK.

NEIGHBORHOOD OUTREACH

Date of Outreach and How:

Initial: "August 24, 2019 we notified neighbors about the imminent start of construction on our house and also mentioned that we were finalizing landscape plans, which included a pool.

Second outreach: Feb 17, 2020/ email with plans and/or hard copy of plans sent

Neighbor and Address:

Julian and Geoff Nichol/ 8 Hill Road

Neighbor and Address:

Judy and Mike Phillips/ 59 Ivy

Neighbor and Address:

Rental / 63 Ivy

Neighbor and Address:

Steve Daane/ 100 Ivy

Neighbor and Address:

Ward and Melinda Ching/ 102 Ivy

From: [Melinda Ching](#)
To: [Matthew Weintraub](#)
Subject: Fw: Advisory Design Review Group, Town of Ross - 70 Ivy Drive Variance Request
Date: Monday, May 25, 2020 4:53:31 PM

Hello Matthew,

Ward tried to email this note to the ADR group using the email on the Town website and it did not go through. Should we email each individual listed in the ADR group using the emails on the Town website?

Thanks,

Melinda

----- Forwarded Message -----

From: Ward Ching <ward.ching@aon.com>
To: ADRGroup@townofross.org <adrgroup@townofross.org>; mweintraub@townofross.org <mweintraub@townofross.org>
Cc: Melinda Ching <melindaching@yahoo.com>; Ward Ching <ward.ching@yahoo.com>
Sent: Monday, May 25, 2020, 4:49:18 PM PDT
Subject: FW: Advisory Design Review Group, Town of Ross - 70 Ivy Drive Variance Request

Date: May 25, 2020

To: Ross Town Planner, Matthew Weintraub and Members of the Town of Ross Advisory Design Review Group

From: Melinda and Ward Ching, Owners, 102 Ivy Drive, Ross, California

Subject: Objections to the proposed 70 Ivy Drive Variance Request

The purpose of this email is to notify the Advisory Design Review Group of significant concerns and opposition to a proposed 70 Ivy Drive Variance Request being sought by Charlotte and Doug Sweeny.

These concerns are being brought to the Town of Ross Advisory Design Review Group by Ward and Melinda Ching.

Project identification:

Owner:	Charlotte and Doug Sweeny
Applicant:	Imprints Landscape Architecture
Street Address:	70 Ivy Drive
Assessor Parcel No.	073-143-23
Zoning:	R-1: B-10 (Single Family Residence/Special Building Site 10,000 square-foot Minimum Lot Size)
General Design:	ML (Medium Low Density – 3-6 Units/Acre)
Flood Zone:	X (Minimum risk area outside the 1% and 0.2% - annual -chance flood

plains)

Melinda and Ward Ching are the owners of 102 Ivy Drive. We have owned the property since 1993. 102 Ivy Drive is the property most impacted by the Sweeny construction project and landscape variance requests. We have been, and continue to be significantly opposed to the installation of a pool, in any configuration, and removal of mature live trees that serve as visual screen between the properties.

We strongly oppose the proposed landscape design for 70 Ivy for the following reasons:

- The placement and construction of a pool may not be legally within the setback of the property and will permanently and adversely impact the quiet and privacy of our property.
 - Historically, there was a significant separation between the two properties which included water storage tanks used to irrigate the Branson athletic fields and a large oak tree. There was both a visual and sound screen between the two properties. Branson School decommissioned the water towers and sold the property to the us and prior owners of 70 Ivy Drive. The parcel was divided into two sections and added to the 102 and 70 Ivy Drive holdings. A simple wooden fence currently separates the two properties. We planted a fruit and vegetable garden and built a patio many years ago and the area is used by us for quiet meditation and outdoor cooking

Our master bedroom and Melinda Ching's office face the 70 property fence. At present, there is no visual or sound barrier between the properties. Throughout the current and previous construction projects at 70 Ivy Drive, all conversations and general construction sound is heard clearly and loudly at 102 Ivy Drive.

- The privacy and tranquility of the 102 Ivy Drive property will be permanently and irreparably destroyed by the installation of a pool and entertainment hardscape. We have been clear and consistent in their opposition to a pool within the setback because it will permanently destroy the private quiet space of the entire front garden at 102 Ivy Drive.
- Our opposition to a pool installation at 70 Ivy Drive predates the Sweeny purchase. The Real estate agent was explicitly told of the our opposition and asked that they make their prospective clients aware of the issue.
- At no time have we been consulted by any landscape architects working with the Sweenys to gather insights into the sound and visual impact that a pool and entertainment hardscape would have on the our privacy and quiet. While the Sweeney's indicated they were interested in the installation of a pool at the

onset of their construction project, the we made it very clear that we were in opposition.

- Removal of trees at 70 Ivy Drive adversely impacts 102 Ivy Drive property by removing the natural screen between the properties which degrades the privacy of our property. We have only seen a draft landscape proposal that was attached to an email from Charlotte Sweeny, and it would appear that an additional tree removal of a particularly a large and healthy oak tree at the adjoining corner area at the dividing fence has been requested. We oppose any tree removal that impacts the privacy and visual screening between the properties.
- A large oak tree near the Ching property was removed in late September or early October 2018. Was there a permit for the removal and why was it removed? This took away a screen between the properties which had been there for over 27 years.

Under current Town of Ross Design review standards:

18.41.100 Design review criteria and standards.

1. (a) Preservation of Natural Areas and Existing Site Conditions

(1) The existing landscape should be preserved in its natural state to keep the removal of trees, vegetation, rocks and soil to a minimum.

(j) Landscaping.

(1) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserve in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

The most important point is that according to Town rules, any changes to building or landscaping should respect neighboring properties and prioritize privacy. The current building project at 70 Ivy has already changed windows, doors and decks that will increase the noise levels directly impacting 102 Ivy Drive property.

- Any plans that are approved should come with strict, enforceable

conditions that the owners of 70 Ivy must make repairs to our private road to bring it back to pre-construction condition, which has been and will continue to be damaged by heavy trucks. There should be strict conditions to manage the construction traffic and parking on the road and enforce the rules that trucks not park on the road before 8 a.m.

Attached also is correspondence between the Ching's and Sweeney's along with other impacted neighbors on Ivy Drive. This set of email strings support the continuous and clear opposition to the Sweeney project request.

Respectfully submitted,

Ward & Melinda Ching

Residents and Property Owners, 102 Ivy Drive, Ross

From: Ward Ching <ward.ching@yahoo.com>
Sent: Saturday, May 23, 2020 2:18 PM
To: Ward Ching <ward.ching@aon.com>
Subject: Fw: 70 Ivy Drive Landscape Revisions

Begin forwarded message:

On Monday, March 9, 2020, 9:09 AM, Ward Ching <ward.ching@yahoo.com> wrote:

Thank you Andrea. The situation has introduced a level of increased stress and discomfort for a extended period of time.

On Sunday, March 8, 2020, 8:52 PM, Andrea Elkort <amielkort@gmail.com> wrote:

Hi Ward,

Thank you for making us more aware of the issues involved in the Sweeney's proposal. I know you and Melinda to be fair minded, generous and terrific neighbors and I appreciate the effort to be transparent and clear. You and Melinda continue to contribute so much to the overall well being of the neighbors on Ivy Drive, it is distressing to think of the negative impact this would have on your quality of life in your home and yard.

Please keep us in the loop as you deem appropriate.

Very best to you,

Andrea

Sent from Andrea's iPhone

415.254.5039

On Mar 8, 2020, at 17:33, Ward Ching
<ward.ching@yahoo.com> wrote:

To All:

I first want to apologise for intruding on the tranquility of your collective weekends to communicate an issue that potentially impacts three families (Cruises, Elkort and Ching) with heightened significance for Melinda and me. I have attached below a set of communications between Charlotte Sweeney and me regarding her proposed landscape plans that include a pool, a spa and hardscape that abuts the Ching/Sweeney property line. Please read this note from the bottom of the email chain.

Melinda and I have opposed the installation of a pool due to setback and noise reasons. We have expressed this position informally to the town dating back to the Collins ownership of the property. Historically I have had discussions with the Hoopers who were the original architects and owners of the property, who clearly expressed that the property footprint was not designed to accommodate a pool.

As you can see from my note to Charlotte, the proximity of our property lines do not permit sufficient visual and noise buffers that prevent permanent and involuntary loss of privacy for Melinda and me.

I recognise that your properties are more removed from the problem than mine is.

Originally there was a separation that included trees and water towers between the Hooper and Ching property lines. With the elimination of live oak trees prior to the start of the Sweeney construction project, only a simple property line fence separates my quiet patio designed for quiet meditation and vegetable gardens from a permanent disruptive noise source. As it stands now, Melinda and I can hear every conversation the work men have from within our master bedroom. Melinda's office faces the Sweeney property and due to the noise generated by the current and past construction project, Melinda has had to overly manage her time in her office and move work elsewhere in the house. Melinda is especially sensitive to loud noise which impacts her health.

My intent in sending you this note and attached correspondence with Charlotte is to simply make you aware of the situation. We plan to continue to vigorously object to the proposed landscape plan. All of you know how much Melinda and I love our road and our neighbours. I have expressed my concerns and objections to the Sweeney's as they started their construction project. They have not involved Melinda or me

their planning. The proposed landscape approach, as I point out in my note to Charlotte, involuntarily and negatively impacts the quality of life we all moved to Ivy Drive to enjoy. However the situation resolved itself, expect the direct and indirect cost cost of the landscape plan will be expensive to Melinda and me.

I hope you will understand my level of concern.

Begin forwarded message:

On Monday, February 17, 2020, 5:50 PM, Ward Ching <ward.ching@yahoo.com> wrote:

Charlotte:

I am expressly disappointed in your intended landscape plans that include a pool and what appears to be a spa installation. Melinda and I have been steadfastly opposed to a pool on your property now that the water tower buffer that significantly separated our properties is gone and our property lines are separated by a simple fence with no tree buffer on your side. We made our views clear to you, the town and to realtors selling the property prior to your purchase. A pool so close to the property line, attempts at sound proofing notwithstanding, will significantly disrupt and deteriorate our privacy and use of our patio garden level and my property value. Your tree removal prior to construction eliminated light of sight between the properties. The plans show lawn approaching the fence area. That will no doubt be entertaining staging space, which means there is little or no sound elimination. Good intentions aside, Melinda and I both know what a pool means in terms of sound and use. There will be unintended consequences that your plans will involuntarily impose on Melinda and me. Least of which, our tranquility will be destroyed.

Because our property is at the high point on Ivy Drive, all sound coming from below and around our property magnifies and lingers. For example, we can hear every conversation your workmen have during construction from our master bedroom. I deliberately moved my spa to the other side of my house to avoid noise transmission in your direction.

As I had clearly pointed out prior to the start of your construction project, the prospect of a pool introduces significant problems for Melinda and me. This, my response should come as no surprise to you.

We appreciate your sharing your plans with us.

Ward Ching
Ross, California

> On Feb 17, 2020, at 3:06 PM, Charlotte
Sweeny <charlottesweeny@gmail.com> wrote:

>

>

> Hi Ward and Melinda,

>

> I hope you are both doing well! It was nice
catching up with you the other day, Melinda.

>

> Enclosed are our revised landscape designs.
We heard your concerns and have adjusted our
plans. We moved the pool off the terrace, out of
the side setback and as far to the east as
possible, while still allowing access to our front
door. The area along our shared fence will have
screening with trees/hedges to provide a sight
and sound barrier. We are also installing turf
which should further dampen sound transmittal.
And while this is not related to the landscape, the
house will also be much more sound-tight, with
new double-paned windows and doors and
insulation in the exterior walls. We hope that
these changes meet with your approval! Please
let us know if you would like to review in person.
Please confirm receipt.

>

> Thanks!

> Charlotte

> <sweeny L1.2.pdf>

> <sweeny L2.pdf>

> <Sweeny L3.pdf>

From: [Steve Daane](#)
To: [Matthew Weintraub](#); [Charlotte Sweeny](#)
Subject: We approve!
Date: Saturday, May 30, 2020 6:49:12 PM

Dear Mr. Weintraub,

We've owned the house across from the Sweeny's at 63 Ivy Drive for 20 years. We've reviewed the Sweeny's landscape & construction plans and I'm writing to support their project.

Coincidentally, we used Brad from Imprints Landscape Design when we obtained the permit to replace our fence 15 years ago and he did great work.

Thank You! Steve Daane & Sheryl Garrett

From: [Julian Nichol](#)
To: [Matthew Weintraub](#)
Subject: 70 Ivy Rd, Ross
Date: Sunday, May 31, 2020 4:04:45 PM

Dear Mathew

This email is to confirm that we support 70 Ivy Road obtaining a variance for the front set back. We are happy with their project and approve changes.

Julian and Geoff Nichol
8 Hill Road
Ross

From: [judy phillips](#)
To: [Matthew Weintraub](#)
Subject: Sweeny Project
Date: Sunday, May 31, 2020 3:39:55 PM

Hello Mr. Weintraub,
Michael and I are neighbors of the Sweenys at Ivy Dr. We wish to support their plans for a pool addition. We live at 59 Ivy Dr., Ross.
Sincerely,
Michael & Judy Phillips

Matthew Weintraub

From: Betty Cruse <bcruse531@comcast.net>
Sent: Monday, June 15, 2020 11:58 AM
To: Matthew Weintraub
Cc: Patrick Streeter
Subject: Fwd: 70 Ivy Dr.Variance Request

To: Matthew Weintraub
Patrick Streeter

When we first reviewed the plans for this project, we felt that since it was so blatantly non-conforming that we did not need to speak out. However after a review of the ADR minutes and a brief talk with Ward Ching we have reconsidered for these reasons :

1. Apparently all the residents on upper Ivy Drive have been approached and asked to sign off on this project except for us...even though we have lived at 65 Ivy Drive since 1982 and are approximately only 36 feet across the street from 70 Ivy Drive. Wonder Why?
2. The parking berm is owned by the road not by 70 & 100 Ivy Drive as claimed.
3. We, as Ross residents, depend on the setback limitations, variances etc. to preserve the value and serenity of our property. We all have a stake in making sure that our rights as property owners are protected.
4. Ward and Melinda are stellar neighbors and have added so much to the cohesiveness of our small 10 home community. They have stated their objections quite clearly. Their concerns directly affect the quality of life that has been afforded them and now is in jeopardy.
5. Most pools on Ivy Drive were already built when we moved here in 1982. To my knowledge these pools were not built close to any neighbor's living space (bedrooms etc.).
6. The new noise element of the pool equipment being relocated to the carport area directly impacts us.

However, the main reason we are opposing the plan to build a new pool is due to the intentional exclusion of us from all the other neighbors who were approached and asked for support. We feel that this shows an un-neighborly and disrespectful attitude toward us.

Betty Cruse & Jerry Cruse

Patrick Streeter

From: Ward Ching <ward.ching@aon.com>
Sent: Friday, June 12, 2020 4:13 PM
To: Patrick Streeter
Cc: Melinda Ching
Subject: RE: 70 Ivy Drive - 102 Ivy Drive ADR Discussion - June 4, 2020

Follow Up Flag: Follow up
Flag Status: Flagged

Patrick:

Thank you for sending the revised 70 Ivy Drive Landscape Plans with accompanying notes to Melinda earlier this afternoon. We are reviewing the documents and preparing a response to what have received.

Upon early review, we notice that revisions really do not in any material way address our critical issues surrounding the violation of the setbacks and the entire issue of privacy. The marginal changes to the dimensions of the pool do nothing to mitigate our original noise and privacy and persistent concerns. Much of the research presented in the revised document regarding other sanctioned setback decisions made by the Town of Ross for other projects is entirely irrelevant. The 70 Ivy Drive project must stand on its own merit. The fact patterns surrounding this project are entirely different to any other project the Town reviewed and are not factually comparable.

The revised plan contains notable inconsistencies and misrepresentations of fact between what my wife and I heard and documented as ADR member project observations (setback violations and landscape features placement) and what has been illustrated in the revised plan discussion. Upon initial reading of the revised plan, we do not see any improvement or recognition of our privacy concerns. Thus, our opposition to the inclusion of a pool at 70 Ivy Drive continues.

Thank you very much for your consideration and communications. Melinda and I really appreciate what you are doing.

Ward Ching | Managing Director

Commercial Risk Solutions | Aon Insurance Managers (USA) Inc.
425 Market Street | San Francisco, CA 94105 USA
Mobile +1 415.314.9878 Mobile +1.415.902.3820
Ward.Ching@aon.com | Aon.com

I'm in | I pledge to support inclusion at Aon every day

From: Patrick Streeter <pstreeter@townofross.org>
Sent: Friday, June 12, 2020 12:01 PM
To: Ward Ching <ward.ching@aon.com>
Cc: Melinda Ching <melindaching@yahoo.com>
Subject: RE: 70 Ivy Drive - 102 Ivy Drive ADR Discussion - June 4, 2020

ALERT: This message originated outside of Aon's network. **BE CAUTIOUS** before clicking any link or attachment.

Hi Ward and Melinda,

Yes all correspondence will be shared with the Council before the public hearing.

We do not yet have a recommendation and the meeting before Council has not been scheduled. Staff's recommendation on design will depend largely on the additional feedback that we get from the ADR Group. The recommendation for the variance will be based on findings that are primarily related to land use and unique circumstances of the parcel.



Patrick N. Streeter, AICP
Planning & Building Director
Town of Ross
P.O. Box 320 | Ross, CA 94957
Tel.: (415) 453-1453 ext. 121
Fax: (415) 453-1950
pstreeter@townofross.org

From: Ward Ching <ward.ching@aon.com>
Sent: Thursday, June 11, 2020 6:33 PM
To: Patrick Streeter <pstreeter@townofross.org>
Cc: Melinda Ching <melindaching@yahoo.com>
Subject: Re: 70 Ivy Drive - 102 Ivy Drive ADR Discussion - June 4, 2020

Patrick:

Another couple of questions: Will the materials that we submitted to the ADR that detailed our concerns and opposition to the pool and other issues be sent as part of your package to the Ross Town Council?

What is your report recommending?

Again, thank you for your note and understanding.

Sent from my iPhone

On Jun 11, 2020, at 5:47 PM, Patrick Streeter <pstreeter@townofross.org> wrote:

ALERT: This message originated outside of Aon's network. **BE CAUTIOUS** before clicking any link or attachment.

Hello Ward and Melinda,

I want to thank you for participating in last week's ADR Group meeting. I recognize how difficult and uncomfortable this situation is for you and for your neighbors. As you know, the final decision on the

proposed design and the variance rests with the Town Council. The Sweeny's have been preparing a response to the comments received from the public and from ADR Group members. I will be bringing the project back before the ADR Group on Tuesday, 6/16, at 7pm to gather feedback from ADR Group Members on the proposed modifications to design. I will send you the agenda and materials as when they are posted and invite your comments. You are also welcome to attend and speak at Tuesday's meeting. No date has been set for the Council public hearing, but you will receive notice of that meeting as well.

Please feel free to contact me if you have any questions.

Thanks,
Patrick

<image001.png>

Patrick N. Streeter, AICP
Planning & Building Director
Town of Ross
P.O. Box 320 | Ross, CA 94957
Tel.: (415) 453-1453 ext. 121
Fax: (415) 453-1950
pstreeter@townofross.org

From: Ward Ching <ward.ching@aon.com>

Sent: Saturday, June 6, 2020 9:39 PM

To: ADRGoup@townofross.org; Matthew Weintraub <Mweintraub@townofross.org>; Patrick Streeter <pstreeter@townofross.org>

Subject: FW: 70 Ivy Drive - 102 Ivy Drive ADR Discussion - June 4, 2020

To the Ross Advisory Design Review Group Members:

Melinda and I wish to thank the members of the Town of Ross Advisory Design Review Group for listening carefully to our concerns surrounding the proposed landscape project at 70 Ivy Drive. We appreciate your thoughtful review of the proposal, the research that you had done regarding the original property use and architecture. We were friends with the Hooper family who were the builders and first occupants of 70 Ivy Drive. Roger Hooper was a famous Marin County architect who designed his house in the classic Mid-Century Modern style. He organized his landscaping to complement unique placement and style of the house. They were thoughtful and gracious neighbors and made it very clear to us when we moved into 102 Ivy Drive that 70 Ivy Drive never intended to include a pool

We thank you for understanding the difficult position we have been put in having to object to a project that the Sweeny's want to complete. You were correct in pointing out that while other properties close to 70 Ivy Drive have pools, the size and location of the pools are below street level or significantly away from neighbor property lines. Sound

and line of sight issues are naturally and appropriately mitigated. This is definitely not the case with the 70 Ivy Drive project. The unmitigated sound of an active swimming pool, spa and hardscape entertainment space, as proposed, presents a permanent and devastating privacy infringement at 102 Ivy Drive. You are correct in pointing out that the proposed screening between out two properties will not help reduce the sound issues.

Melinda and I prepared for tonight's meeting with a significant feeling of trepidation and worry. Ivy Drive is a unique place where the neighbors who have lived "on the hill" for a period of time present a high degree of respect, cooperation and communication with one another. As a private road, the primary and secondary residents voluntarily organize to maintain and protect the road. We meet yearly to discuss budgets, repairs, maintenance assessments, fire protection and disaster management. As a group, we tend to fully support one another's projects and accommodate the congestion that invariably occurs when large construction trucks are on the road. We even have our own FAQs for realtors and new residents for them to understand their role and responsibility as an Ivy Drive owner.

For Melinda and I to register a dissenting opinion to the point where we were compelled to meet with the Town and realtors over the years regarding a prospective pool at 70 Ivy Drive has been exceptionally difficult for us. Unfortunately in this case, we had no choice. We explicitly told the Sweeny's before their current construction project started that we would oppose any pool installation. We made it clear that building a pool on site, within the setbacks, would have a negative impact on our privacy. We realize the meeting this evening may not necessarily be the end of our journey, but we appreciate the opportunity to be officially heard on the record.

Thank you for your consideration and constructive advice to the Sweeny's. We hope they and their landscape architects will take your perspectives to heart and eliminate the pool from their plans.

Respectfully,

Ward and Melinda Ching, Residents, 102 Ivy Drive, Ross

Patrick Streeter

From: Ward Ching <ward.ching@aon.com>
Sent: Monday, June 15, 2020 12:21 PM
To: Patrick Streeter; Matthew Weintraub
Subject: 70 Ivy Drive Revised Landscape Proposal - 102 Ivy Drive revised objection letter.
Attachments: 70 Ivy Drive Revised Plan Objection v 06152020.pdf

Patrick and Matthew:

Again, thank you for giving Melinda and I the opportunity to review the revised 70 Ivy Drive landscape plans submitted by the Sweenys in advance of the June 16, 2020 ADR meeting. We have spent a considerable amount of time carefully examining the revised plan, comparing it against the original plan, reviewing the minutes and video of the previous ADR meeting and listening to the reactions and comments made about the original plan by the ADR Group members. Our review has produced that same set of conclusions: **The revised plan ignores the our concerns regarding setbacks and privacy. We reject the plan on its face and intent.**

Please enter our attached review for the record and for the consideration and use by the entire ADR Group.

Respectfully,

Ward Ching | Managing Director
Commercial Risk Solutions | Aon Insurance Managers (USA) Inc.
425 Market Street | San Francisco, CA 94105 USA
Mobile +1.415.314.9878 | Mobile +1.415.902.3820
Ward.Ching@aon.com | Aon.com

I'm in. I pledge to support inclusion at Aon every day.

June 16, 2020

Prepared by Ward and Melinda Ching, Residents and Owners of 102 Ivy Drive, Ross.

This supplemental **notice of opposition** email is addressed to the Town of Ross Advisory Design Review Group regarding a Notice of Public Hearing pursuant to:

Owner: Charlotte and Doug Sweeny

Applicant: Imprints Landscape Architecture

Street Address: 70 Ivy Drive

Assessor Parcel No. 073-143-23

Zoning: R-1: B-10 (Single Family Resident/Special Building Site 10,000 square foot Minimum Lot Size)

General Design: ML (Medium Low Density – 3-6 Units/Acre)

Flood Zone: X Minimum risk area outside the 1% and 0.2% - annual – chance flood plains

Background and Current Position:

We have received and studied the proposed revised landscape design and justification for setback variances from the Town of Ross ADR.

We reject and oppose the revised plans and justifications as it relates to the installation of a pool and spa complex.

It would appear that the Sweenys and their landscape advisors have not heard the critical issues posed in our original opposition to the landscape design with particular emphasis on the pool. It is also clear that the Sweenys and their landscape advisors did not listen to the key issues voiced on the record by the ADR members regarding the setback violations and clear infractions of the privacy statutes found in the current Town of Ross Design Review Standards.

A review of the meeting notes and video clearly demonstrates that the ADR members were substantively concerned about the location and size of the pool, the extent of the setback variance request, the lack of noise abatement counter-measures and the clear and permanent compromise of privacy between the two properties. They noted that there is a master bedroom and office facing the 70 Ivy Drive property.

Furthermore, the setbacks were designed to keep the noise from neighboring properties. The revised proposed landscape pool and spa continue to be located outside the setbacks and are therefore illegal and not permitted under current Town statute. The property was not sized for a pool. It never was. The fact that the plans were drawn up for a pool should never have been relied upon as a legal certainty. That the Sweenys are now pressing to impose a wrongly

formulated landscape design with unsupportable setback and privacy assumptions is incurred at a huge expense to the privacy property rights attached to 102 Ivy Drive. Our privacy rights will be permanently injured as the single most impacted property if the pool and spa are permitted. We object and will continue to voice our disapproval.

ADR has correctly observed, that the original plan, as it was constructed and proposed, has put us in a very awkward and unhappy position, by being the only neighbor to publicly and formally object to landscape project. It has always been our intention to support the Sweeny house construction project. A compromise to our privacy and the wanton and flagrant misuse of the setback provisions are unacceptable.

We therefore conclude that the revised plan submitted to the ADR is wrong on its face and on its merit. We believe that a workable landscape plan can be developed without a pool and spa and with appropriate sound and privacy mitigation.

Specific Review of the Proposed Revised Landscape Design for 70 Ivy Drive:

We continue to be disappointed that the Sweeny revised landscape proposal does not take into consideration the fundamental problem with their landscape design: That it includes a pool and spa complex that violates and injures our privacy at 102 Ivy Drive.

We have been very clear that we would oppose a pool at 70 Ivy Drive. We cited in our earlier communication to the ADR that we communicated our opposition to the realtor that sold the house to the Sweenys and to the Sweenys themselves just prior to start of their construction project. We have been abundantly consistent and transparent in our concern over privacy and irreversible negative impact a pool would have on the use of our front yard, master bedroom and office that faces the Sweeny property. We view privacy as a critical right of property that should never be taken for granted or involuntarily transferred.

We anticipate that the installation of a pool and spa complex will increase the frequency and severity of the noise and render our front yard and master bedroom unusable, thus forcing us to unfairly redirect the use of our home. Imagine if it were your bedroom constantly subjected to conversations and unwanted sound coming from normal use of a pool or spa throughout the afternoon and evening?

The revised document, specifically the concluding "What we hear" section is ignores all of the critical problems with the plan cited in the first ADR meeting and presumptively seeks to present a case of "well others have done it, so why shouldn't we?"

Specifically:

- The town has very strict rules about setbacks that people try to respect.
- Setbacks were designed to keep the noise from neighboring properties. The proposed pool and spa are located completely outside the setback.

- Everyone agrees that pools are noisy.
- One member of the design review stated that she looked at the property to purchase and never thought a pool could be built on the property.
- When we discovered that the realtor selling 70 Ivy Drive was showing plans for a pool on the property, we made it very clear that we would oppose the building of a pool since it would not fit within the setback.
- Other pools were shown in the neighborhood. None of them affect their neighbors the way that this pool would affect 102 Ivy Drive. Many pools are below the road grade of Ivy Drive or are off Ivy Drive entirely
- As indicated in the revised plan, moving the pool 4ft does not mitigate the noise for 102 Ivy. As we have noted previously, the proposed spa is closest to 102 Ivy and will be noisy.
- Experience tells us that scaling the size of the pool down by a few feet will not change the level of the noise and it still sits outside the setback. The proposed pool has not been moved, just slightly scaled down, ignoring the fundamental setback and privacy issue.
- Previously the west side of 70 Ivy Drive was a quiet part of the property with the master bedroom the Hooper's built within 3 ft of their property line and the master bedroom of 102 Ivy built by a previous owner within 5 ft of the property line.
 - In the current 70 Ivy project, a new traffic pattern for the house was created, enlarging the deck and wrapping it around the house to the west side. If a pool and spa were to be built the noise from this area would increase dramatically.
- The proposed screening will not mitigate the noise and may change the sun light on our property if a tall row of evergreen trees is planted. This may impact our fruit trees, rose garden and raised bed vegetable garden.
- A large oak between our properties was removed in late 2018. This oak provided a screen between our properties while still providing light and transparency between the properties.

- Another large oak on the corner of their property is slated for removal. This is a large healthy native oak that provides screening between our properties.
- Stating that there is a precedent for variances due to our deck is deceptive and contextually irrelevant. The photo shown was shot from the newly extended 70 Ivy Drive deck, leaning out.
- The references to other setback variance granted by the Town for previous projects is both deceptive and irrelevant. The cited properties are different in scope, size, and project rationale. The information presented is incomplete and does not illustrate all of the facts associated with how the projects were conceived, whether there was neighborly cooperation or disapproval, how any conflicts were resolved or why a setback variance was granted. The use of the list appears erroneously to argue that the Sweeny project should be approved simply because other projects with setback requests have been approved, without regard for the specific differences in fact between the listed properties and 70 Ivy Drive. The use of the list disrespectfully ignores the primacy of the privacy issue central to our objection to the original and revised plan.

Concluding Statement of Opposition and Town Citations:

We continue to strongly oppose the proposed landscape design for 70 Ivy Drive which includes a pool and spa.

The placement of the proposed pool and spa are not within the setback of the property and will permanently and adversely impact the privacy and quietude of 102 Ivy Drive. The setbacks have a specific purpose and a landscape plan should be developed without the pool and spa within the current setback provisions.

Removal of trees at 70 Ivy, the large oak removed in late 2018 and the large oak slated for removal with this proposal adversely impacts 102 Ivy Drive by removing the natural screen between the properties and degrades the privacy of our property.

Under current Town of Ross Design review standards: (highlighting for emphasis only)

18.41.100

1. Preservation of Natural Areas and Existing Site Conditions.
 - (1) The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum.
 - (j) Landscaping.
 - (1) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the

development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

(m) Privacy.

Building placement and window size and placement should be selected with consideration given to protecting the privacy of surrounding properties. Decks, balconies and other outdoor areas should be sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping should be provided to protect privacy between properties. Where nonconformities are proposed to be retained, the proposed structures and landscaping should not impair the primary views or privacy of adjacent properties to a greater extent than the impairment created by the existing nonconforming structures.

Respectfully, Ward and Melinda Ching, Residents and Owners, 102 Ivy Drive, Ross.

ATTACHMENT 6

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MINUTES
Meeting of the
Ross Advisory Design Review Group

Thursday, June 4, 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, Mark Fritts, and Stephen Sutro were present. 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 – None.

4. New Business

a. SUBAY, LLC Residence – 1 Upper Road

Applicant: Andrew Mann Architecture

Owner: SABUY, LLC

DESCRIPTION: The applicant is requesting approval of a Design Review Amendment to revise a previously approved project to add a new box dormer to the east elevation of the main house, and to modify the trash enclosure and wall along Upper Road.

Planner Weintraub introduced the project. Project Architect Andrew Mann and Landscape Architect Todd Cole 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:

- Characterizes the dormer as an “interesting little folly” with limited to no impacts on neighbors; prefers a “lighter” design.
- Recognizes necessity of adding mass to accommodate PG&E enclosure; acknowledges shielding and screening efforts; not preferred location, but not overly detrimental.
- No issues with wall extension.

Stephen Sutro:

- Supports all of the proposed changes as designed.
- PG&E vault is an extension of the existing approved wall.
- Confirmed that the front wall will be sinuous.

Josefa Buckingham:

- No problem with trash enclosure and PG&E vault, considering pre-existing condition of house footprint.
- Pulling back the wall is a positive; should be screened with landscaping.
- Dormer would not be visible offsite; no strong preferences though prefers more traditional style.

Mark Kruttschnitt:

- Wall adjustment is a positive; electrical enclosure is a negative; in combination, minimal impact.
- Recommends a more traditional style for the dormer.

Chair Summary:

- Unanimous support for wall adjustment and trash enclosure/electrical vault.
- Majority support for the dormer.

The Chair closed the hearing.

b. 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.

Planner Weintraub introduced the project and summarized public comments received including: 3 written comments stating support (Steve Daane & Sheryl Garrett at 63 Ivy Drive; Julian & Geoff Nichol at 8 Hill Road; Michael & Judy Phillips at 59 Ivy Drive); 1 written comment stating objection primarily based on concerns about potential privacy impacts (Melinda & Ward Ching at 102 Ivy Drive); 1 written comment stating both general support, and concern about potential construction impacts on circulation and the road surface (Andrea & Daniel Elkort at 100 Ivy Drive). Landscape Architect Brad Eigsti described the project and addressed the public comments. Property owners Charlotte & Doug Sweeny described the background and intent of the 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:

Stephen Sutro:

- “Unresolved” on the project.
- There are previous examples of pools being approved in setbacks on constrained lots.
- Setbacks are intended to provide noise and activity buffers for pools (in addition to mitigating for building bulk and mass).
- The side property line is being respected within the tight quarters.
- Concerned about the neighbor’s claim of potential “injury”; would like to see more collaboration on noise mitigation between neighbors.

Mark Kruttschnitt:

- Prefers to avoid new construction within setbacks, primarily for privacy and noise; however, in this case the encroachment is adjacent to a street, not a neighbor.
- The subject lot has an unusual shape that restricts conforming development.
- ADR Group advised on Design Review, not Variances.
- The design is lovely.
- The applicant could move the pool 30 feet to the east and 5 feet to the north, which would involve reconfiguring the entry steps. This would be a more ideal location with respect to impacting the neighbor.

Josefa Buckingham:

- Strict setback rules create many nonconforming situations in Ross.
- Pool sites add value to properties.
- Street setback encroachment does not impact anyone; the concern is potential impacts to the neighbor.
- The applicant could change the residential entry in order to move the pool further east away from the neighbor. The pool dimensions could also be reduced.
- Questions the use of setbacks for pools based on the number of nonconforming situations.
- “Lukewarm” on the project.

Mark Fritts:

- Finds it “difficult to get on board with the proposal”
- There is no other better location on the property for the pool.
- The distance between the pool and the neighbor could be increased.
- Applicant may investigate using berms/walls for noise mitigation
- Recommends moving the west edge of the pool away further from the neighbor
- Does not support in current design due to potential negative impacts; encourages further discussion with the neighbor on potential noise mitigation.

Chair Summary:

The overall recommendation of the ADR Group is to not support the pool in its current configuration due to the setbacks, and to attempt to move the pool to increase setbacks.

The Chair continued the hearing.

5. Communications

a. Staff

Director Streeter announced the June 16, 2020 ADR Group Regular Meeting; and reported ADR Group Member current term end dates and upcoming announcement for open positions.

b. Advisory Design Review Group – None.

6. Approval of Minutes – None.

The Chair adjourned the meeting at 8:29 PM.

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.

ATTACHMENT 7

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Matthew Weintraub

From: Glenn Dearth <gdearth@LTDengineering.com>
Sent: Wednesday, July 01, 2020 1:11 PM
To: Richard Simonitch; Matthew Weintraub; Brad Eigsti; Patrick Streeter; 'Charlotte Sweeny'; 'Doug Sweeny'
Subject: Sweeny Res, 70 Ivy Drive, Stormwater

Following is a summary of the impervious areas and proposed bio-retention basin plan for the subject project.

The existing Impervious area on the site = 4,760 sf

The proposed impervious area = 5,474 sf --- This area includes the new pool and coping with 46 ft x14 ft water surface dimensions as shown on the Imprints Landscape drawing revised 6/29/2020

The proposed increase in impervious area = 714 sf

A bio-retention basin will be included in the project with a surface area of 108 sf as shown on LTD Engineering Drawing C-2 Revision 1 dated 5/29/2020

The bio retention basin collects runoff from approximately half of the house roof, approximately half the garage roof and the pool area. This amounts to 2,,700 sf. The normal bio-retention surface area size for this impervious area is 108 sf.

In summary the proposed project increases the impervious area by 714 sf. The stormwater plan includes a bio-retention basin that collects runoff from 2,700 sf of impervious area. This plan satisfies both BASMAA requirements for on-site stormwater management and the Town of Ross requirements to avoid increasing runoff from the site.

Glenn Dearth

LTD Engineering, Inc.
1050 Northgate Drive, Suite 315
San Rafael, CA 94903

ph 415.446.7402
fax 415.446.7419
cell 415.717.8719

gdearth@LTDengineering.com