



Agenda Item No. 16.

### Staff Report

**Date:** September 10, 2020  
**To:** Mayor McMillan and Council Members  
**From:** Matthew Weintraub, Planner  
**Subject:** Tracy Residence, 33 Bolinas Avenue

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#### Recommendation

Town Council approval of Resolution No. 2180 (see **Attachment 1**) approving a Variance, Nonconformity Permit, and Design Review to elevate the existing two-story single-family residence 5 feet above its existing elevation in its current location.

#### Property Information

Owner:	Tracy Family Trust (Libby Tracy)
Applicant:	Andrew Rodgers/Rodgers Architecture
Street Address:	33 Bolinas Avenue
Assessor Parcel No.:	073-051-10
Zoning:	R-1
General Plan:	M (Medium Density)
FEMA Flood Zone:	AE (Areas subject to inundation by the 1-percent-annual-chance flood event)

#### Project Description

The applicant is requesting approval to elevate the existing two-story single-family residence 5 feet above its existing elevation in its current location. The project involves creating a new enclosed crawlspace under the house; constructing a new covered entry porch and main entrance; replacing and reconfiguring the rear decks; replacing windows and altering fenestration; and installing new front yard fences, gates, and landscaping. The project would increase the building height from 24'-3" to 29'-3". The project location is shown in Figure 1. Project application materials are included as follows: Project Plans as **Attachment 2**; Project Description as **Attachment 3**; Neighborhood Outreach Description as **Attachment 4**.

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

- **Variance is requested pursuant to RMC Section 18.48.010** to construct a new entry porch that encroaches into the front yard setback.
- **Nonconformity Permit is requested pursuant to RMC Section 18.52.030 (c)** to increase the existing nonconforming building coverage and to increase the height of a structure with existing nonconforming setbacks.
- **Design Review is requested pursuant to RMC Section 18.41.020** to increase an existing roof height.



Figure 1. Location Map. (Courtesy of MarinMap.)

**Project Summary Data**

Project Item	Code Standard	Existing	Proposed
Lot Area	5,000 sq. ft. min.	7,750 sq. ft.	No change
Floor Area	1,550 sq. ft. (20%) max.	4,027 sq. ft. (52%)	3,887 sq. ft. (50%)
Building Coverage	1,550 sq. ft. (20%) max.	2,454 sq. ft. (30%)	2,496 sq. ft. (32%)
Front Yard Setback (North)	25 ft. min.	28'-4"	22'-6"
Side Yard Setback #1 (West)	15 ft. min.	5'-3"	No change
Side Yard Setback #2 (East)	15 ft. min.	4'-7"	No change

Project Item	Code Standard	Existing	Proposed
Rear Yard Setback (South)	40 ft. min.	54'-11"	No change
Building Height	30 ft. (2 stories) max.	24'-3" (2 stories)	29'-3" (2 stories)
Off-street Parking	2 spaces (1 covered) min.	2 (none covered)	No change
Impervious Surfaces *	---	4,570 sq. ft. (59%)	3,745 sq. ft. (48%)

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

### Background

The project site is a 7,750-square-foot, generally rectangular lot on the south side of Bolinas Avenue. The lot is flat with no recorded slope. The existing residential property is nonconforming with respect to the maximum allowed floor area and building coverage, the minimum required side yard setbacks, and the minimum required covered off-street parking requirement for the Zoning District. The Project History is included as **Attachment 5**.

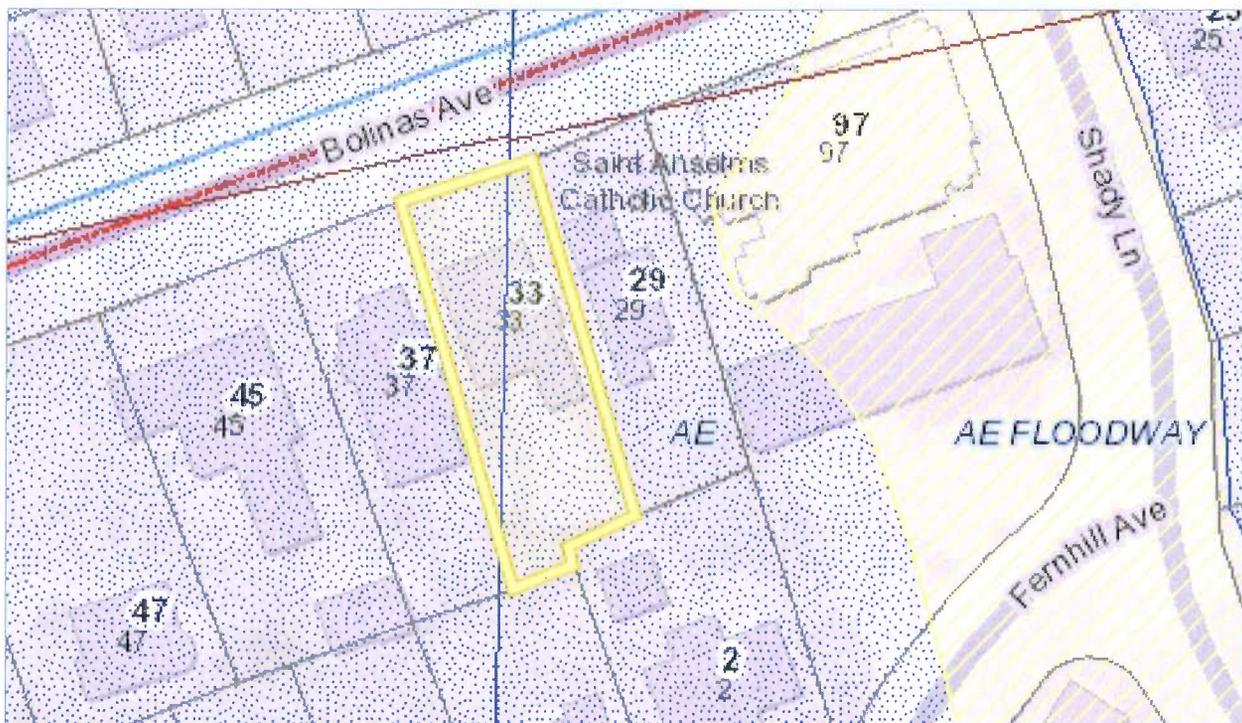


Figure 2. Vicinity Map with FEMA Flood Zones. (Courtesy of MarinMap.)

The property is located within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Zone AE (see Figure 2, Vicinity Map), which is defined as an area subject to inundation by the 1-percent-annual-chance flood event (also referred to as the base flood or 100-year flood). The existing lower floor of the residence is currently located below the Base Flood Elevation (BFE) and the existing residence is prone to flooding. The primary goal of the proposed

project is to elevate the livable space above the BFE in order to avoid impacts from flood events. The project would lift the existing residence a total of 5 feet so that the top of the new finished floor would be located approximately 1.2 feet above the BFE, in accordance with FEMA requirements that require new construction and substantial remodels of livable space to be located at least 1-foot above BFE.

### **Advisory Design Review**

The Advisory Design Review (ADR) Group reviewed the project on June 16 and July 21, 2020. At the meetings, the ADR Group 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. Excerpts of the June 16 and July 21, 2020 ADR Group Meeting Minutes are included as **Attachment 6**.

At the June 16, 2020 meeting, no public comments were received. The ADR Group reviewed the proposed project design and provided comments and suggestions, particularly with respect to providing a new primary architectural elevation that is more in character with the surrounding neighborhood, and a rear building elevation that maintains greater privacy between adjacent properties. The ADR Group unanimously recommended that the applicant revise the project design in accordance with ADR Group comments and resubmit a revised project design for further ADR Group review and recommendation. In consideration of the ADR Group's recommendation, the applicant prepared and submitted a modified project design.

At the July 21, 2020 meeting, no public comments were received. The ADR Group reviewed the revised project design, noted that the applicant's revisions were in keeping with the previous recommendations, and provided further comments and suggestions, particularly with respect to greater overall consistency of the architectural elevations and improvements to the front yard landscape. The ADR Group unanimously recommended that the project is consistent with the purpose of Design Review and the Design Review criteria and standards per RMC Section 18.41.100, subject to further minor revisions which could be administered by Planning staff. In consideration of the ADR Group's recommendation, the applicant prepared and submitted a modified project design. Planning staff reviewed the final revised project design and recommends that it is consistent with the ADR Group's recommendation.

### **Key Issues**

#### ***Rear Deck Railing Design***

The project would replace the existing rear decks with new decks and railings. The applicant has presented for Town Council consideration two design alternatives for the new upper story rear deck railing: a glass panel railing which resembles the existing deck railing and which is preferred by the applicant; and a wood guardrail which matches the proposed front porch railing and which is recommended by the ADR Group. In either case, the new upper story rear deck and railing would have no visibility or minimal visibility to the general public from Bolinas Avenue and to adjacent properties to the sides, and would be visible primarily only from the rear of the properties that back up to the subject property. Furthermore, there are minimal view

perspectives in the vicinity of the project, if any, that would allow for both the front porch railings and rear deck railings to be seen at the same time. For these reasons, staff recommends that either of the project design alternatives for the rear deck railing is in keeping with the purpose and mandatory findings for Design Review.

### ***Building Height***

The project would increase the existing building height by 5 feet from 24'-3" to 29'-3", which requires approval of Design Review. The project would comply with the maximum allowable building height of 30 feet. The increased visual bulk and mass that could result from an elevated building would be mitigated by an improved architectural design and by new landscape screening. The project would mitigate the potential privacy impacts of an elevated building by reducing the sizes of the projecting decks at the rear elevation; by locating the primary interior living areas below the second story; and by maintaining existing privacy fencing and window offsets between adjacent properties. For these reasons, staff recommends that the project is in keeping with the purpose and mandatory findings for Design Review to allow for an increase in the height of an existing roof.

### ***Building Coverage***

The project would increase the existing nonconforming building coverage from 30% to 32%, which requires approval of a Nonconformity Permit. The increase in building coverage would result largely from the proposed addition of a new front entry porch to the lifted structure, which was specifically recommended by the ADR Group as a design improvement that would be in character with the surrounding neighborhood. Even including the proposed increase in building coverage due to the new front porch, the project would decrease the overall impervious surface coverage on the property by replacing existing impervious paving with new pervious materials as part of the proposed front yard landscape rehabilitation. For these reasons, staff recommends that the project is in keeping with the purpose and mandatory findings for a Nonconformity Permit to allow for an increase in nonconforming building coverage.

### ***Front and Side Setbacks***

The project would construct a new entry porch and front steps that encroach 2.5' into the minimum front yard setback of 25', which requires approval of a Variance. The proposed new entry porch was specifically recommended by the ADR Group as a design improvement that would be in character with the surrounding neighborhood and which would result in a superior design. Accordingly, the proposed front setback encroachment would enable the construction of the recommended new entry porch without requiring the entire building to be moved backwards by at least 2.5' in order to comply with the front yard setback. For these reasons, staff recommends that the project is in keeping with the purpose and mandatory findings for a Variance to allow for the construction of an entry porch within a front setback.

The project would increase the height of an existing structure with existing nonconforming side yard setbacks, which requires approval of a Nonconformity Permit. The project would maintain the existing nonconforming side yard setbacks, and it would not extend or exacerbate the existing nonconforming setbacks, thereby avoiding new impacts to the general public or to properties in

the neighborhood. For these reasons, staff recommends that the project is in keeping with the purpose and mandatory findings for a Nonconformity Permit to allow for the alteration of an existing building with nonconforming setbacks.

#### **Public Comment**

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

#### **Fiscal, Resource and Timeline Impacts**

If approved, the project would be subject to one-time fees for a building permit and associated impact fees, which are based on the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no net funding impacts associated with the project.

#### **Alternative actions**

1. Continue the item to gather further information, conduct further analysis, or revise the project; or
2. Make findings to deny the application.

#### **Environmental Review**

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

#### **Attachments**

1. Resolution No. 2180
2. Project Plans
3. Project Description
4. Neighborhood Outreach Description
5. Project History
6. Excerpts of ADR Group Meeting Minutes, June 16 and July 21, 2020

# ATTACHMENT 1

# TOWN OF ROSS

## RESOLUTION NO. 2180

### A RESOLUTION OF THE TOWN OF ROSS APPROVING A VARIANCE, NONCONFORMITY PERMIT, AND DESIGN REVIEW TO ELEVATE THE EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE 5 FEET ABOVE ITS EXISTING ELEVATION IN ITS CURRENT LOCATION AT 33 BOLINAS AVENUE, APN 073-051-10

**WHEREAS**, property owner Tracy Family Trust (Libby Tracy) has submitted an application requesting approval of a Variance, Nonconformity Permit, and Design Review to elevate the existing two-story single-family residence 5 feet above its existing elevation in its current location, creating a new enclosed crawlspace under the house; constructing a new covered entry porch and main entrance; replacing and reconfiguring the rear decks; replacing windows and altering fenestration; installing new front yard fences, gates, and landscaping; and increasing the building height from 24'-3" to 29'-3" (herein referred to as "the project") at 33 Bolinas Avenue, APN 073-051-10.

**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 September 10, 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 10<sup>th</sup> day of September 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Julie McMillan, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk

**EXHIBIT "A"**  
**FINDINGS**  
**33 BOLINAS AVENUE**  
**APN 073-051-10**

**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.**

The special circumstances include the need to lift the existing flood-prone residence out of the floodplain while complying with the ADR Group's recommendation to add a new front entry porch on a small, narrow lot. In order to comply with the ADR Group's recommendation to add a new front porch, as well as comply with the minimum required front yard setback of 25', the applicant would need to move back the entire structure at least 2.5' from its current location, which would reduce the existing rear yard space on one of the smallest lots in Ross. This may be considered a special condition.

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

Granting of the application is necessary to avoid reducing the limited amount of available rear yard space on the subject property, which is one of the smallest lots in Ross, as well as to maintain the established spatial relationships between the subject property and adjacent residential properties, which preservation and enjoyment of may otherwise be affected by requiring the applicant to move back the entire structure at least 2.5'.

**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.**

Granting of the application would allow for new front porch entry steps to encroach 2.5' into a street-facing front yard setback, with sufficient distance maintained from the right-of-way (22.5') to guarantee privacy and safety, and while avoiding encroachment adjacent to another residential property. Granting the application would allow for a superior architectural design that would positively affect the public welfare without materially affecting it.

**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 1938 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 total floor area would not exceed, and would be less than, the existing nonconforming structure.

- 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.**

Although the project would increase the nonconforming building coverage on the property, it would decrease the total impervious surface coverage on the property, which would promote the public health, safety and welfare. The project would maintain, and not extend or exacerbate, the existing nonconforming side yard setbacks which have been established and incorporated into the development pattern of the neighborhood and neighboring properties.

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

The project would elevate an existing nonconforming property within a special flood hazard

area (SFHA) in order to conform to the Flood Damage Prevention regulations in RMC Chapter 15.36.

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

The 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:**

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

The project has existing nonconforming parking capacity of two uncovered off-street parking spaces that has been determined adequate for the neighborhood and which would be maintained by the project.

**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. Structures and additions are in character with their setting or with other dwellings in the neighborhood and avoid monumental or excessively large size. Colors and materials are compatible with those in the surrounding area. High-quality building materials are used. Lighting is shielded and directed downward. Fences and walls are designed and located to be architecturally compatible with the design of the building. Landscaping is integrated into the architectural scheme to accent and enhance the appearance of the development. Building placement and window size and placement are 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. Where nonconformities are proposed to be retained, the proposed structures and landscaping do not impair the primary views or privacy of adjacent properties to a greater extent than the impairment created by the existing nonconforming structures. Permeable materials are used for driveways, parking areas, patios and paths. Pre-existing impervious surfaces are reduced.

**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 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**  
**33 BOLINAS AVENUE**  
**APN 073-051-10**

1. This approval authorizes a Variance, Nonconformity Permit, and Design Review to elevate the existing two-story single-family residence 5 feet above its existing elevation in its current location, creating a new enclosed crawlspace under the house; constructing a new covered entry porch and main entrance; replacing and reconfiguring the rear decks; replacing windows and altering fenestration; installing new front yard fences, gates, and landscaping; and increasing the building height from 24'-3" to 29'-3", at 33 Bolinas Avenue, APN 073-051-10.
2. The building permit shall substantially conform to the plans entitled, "ALTERATIONS TO: 33 BOLINAS AVENUE, ROSS, CA 95957" dated 08.26.20, and reviewed and approved by the Town Council on September 10, 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. HISTORIC STRUCTURES REPORT.  
Prior to issuance of a building permit, the Planning Division shall review and approve a Historic Structure Report (HSR) prepared by a qualified architectural historian. The subject of the HSR shall be the existing "bomb shelter" structure which is proposed to be partially demolished, filled, and/or sealed over. The HSR shall document dates and periods of construction; compile information on the history, significance, and existing conditions; summarize known information; and make treatment recommendations. The HSR shall substantially conform to the National Park Service Preservation Brief 43 (see <https://www.nps.gov/tps/how-to-preserve/briefs/43-historic-structure-reports.htm>).

# ATTACHMENT 2





**PROJECT SCHEDULE**

CONSTRUCTION PHASE	START	END
MOBILIZATION	18.0	18.0
PERSON CONDO (BETWEEN 10/15-11/15)	18.0	18.0
SITE DEMOLITION	18.0	18.0
ROUGH DOUBING	18.0	18.0
ROUGH REPAIR/UPHILL	18.0	18.0
HOUSE RAISING	18.0	18.0
FOUNDATION	18.0	18.0
ROUGH FRAMING	18.0	18.0
ROUGH ELECTRICAL/PLUMBING/MECHANICAL	18.0	18.0
ROUGH WINDOW/DOORS	18.0	18.0
SHOOTING	18.0	18.0
FIRST WORK	18.0	18.0
LANDSCAPING	18.0	18.0
FINAL INSPECTION	18.0	18.0

**CONSTRUCTION MANAGEMENT NOTES**

- SEQUENCING PLAN STRATEGY HAS BEEN DEVELOPED IN AN ATTEMPT TO MINIMIZE UTILIZATION OF PUBLIC RIGHT OF WAY (BOLINAS AVE). EQUIPMENT THERE WILL BE LOCATED IMMEDIATELY ADJACENT TO THE RIGHT OF WAY SUCH AS DELIVERIES OF EQUIPMENT AND MATERIALS, SHORT TASK-SPECIFIC WORK AND ACCESS FOR WORK.
- CONTRACTOR SHALL CONTACT THE DEPARTMENT OF PUBLIC WORKS TO OBTAIN A LANE CLOSURE ROAD CLOSURE AND/OR A TRANSPORTATION PERMIT IF CONSTRUCTION VEHICLES EXCEEDING 28 FEET IN LENGTH ARE REQUIRED AT ANY TIME DURING THE CONSTRUCTION PERIOD.
- CONSTRUCTION SHALL BE LIMITED TO THE FOLLOWING SCHEDULE:
  - 8 AM - 5 PM, MONDAY THROUGH FRIDAY
  - 10 AM - 4 PM, SATURDAY
  - CONSTRUCTION SHALL NOT BE PERMITTED ON SUNDAYS AND HOLIDAYS
  - DELIVERIES/ OFF-HAUL SHALL BE LIMITED TO THE FOLLOWING SCHEDULE:
    - 9 AM - 4 PM, MONDAY THROUGH FRIDAY
    - DELIVERY AND OFF-HAUL (INCLUDING EQUIPMENT, MATERIALS, REMOVAL OF SOIL, REUSE, OR DUMPING DEBRIS) IS LIMITED TO THIS TIME FRAME
    - DELIVERIES/ OFF-HAUL SHALL NOT BE PERMITTED ON SUNDAYS AND HOLIDAYS
- REPAIRMENT OF PUBLIC WORKS, CONSISTENT WITH THE TOWN'S ROAD CLOSURE POLICY.
- WORKER VEHICLES SHOULD PARK AT THE JOB SITE OR CARPOOL.
- STOCKPILE AND STAGING OF MATERIALS SHALL BE RELOCATED AS NECESSARY DURING CONSTRUCTION TO MINIMIZE IMPACT ON ADJACENT PROPERTIES. THE CONTRACTOR IS ADVISED TELEPHONE CALLS AND TRUCKS TO FACILITATE CONSTRUCTION.

**CONTACT INFORMATION**

GENERAL CONTRACTOR & SUPERVISOR: CONSULT  
18.0.

**CONSTRUCTION TRAFFIC AND TRUCK ROUTE**

**REVISIONS**

DATE: 08.26.20  
SCALE: 1/8" = 1'-0"  
DRAWN: SW

**A0.2**

PLANNING SUBMITTAL

CONSTRUCTION MANAGEMENT PLAN



REVISIONS:

rodgers architecture  
 415 098 8612  
 www.rodgersarchitecture.com

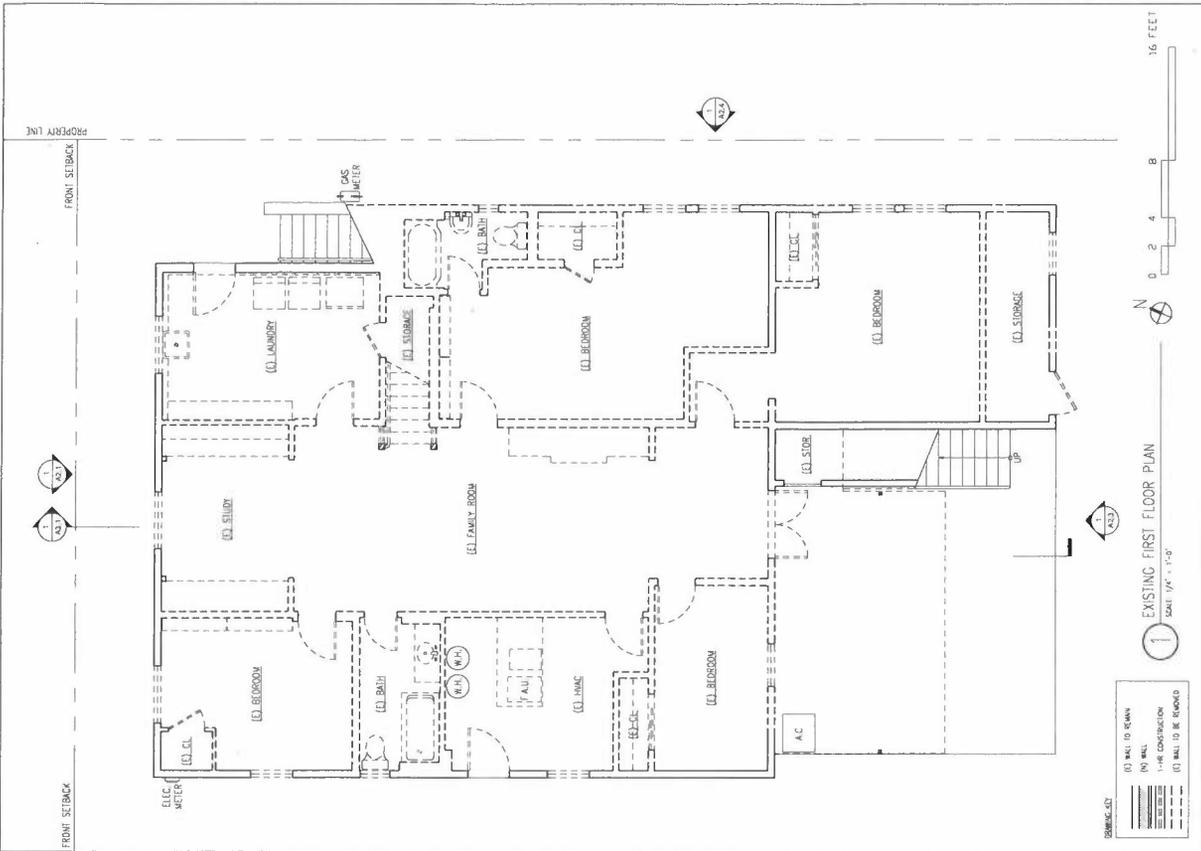
ALTERATIONS TO:  
 33 Bolinas Avenue  
 ROSS, CA 94957

DATE: 06.20.19  
 SCALE: 1/8" = 1'-0"  
 DRAWN: SWM

WORKING SUBMITTAL

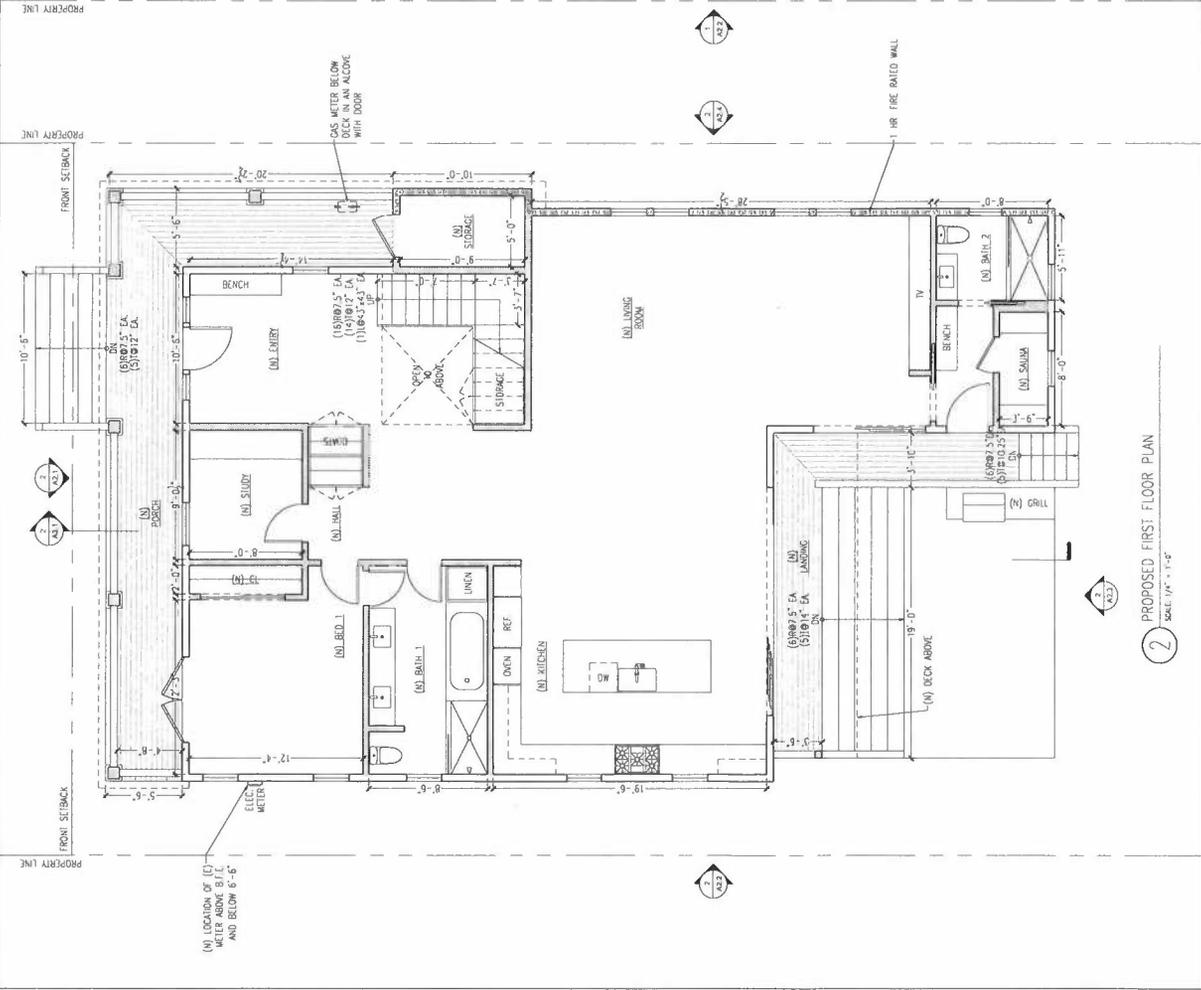
FIRST FLOOR PLANS

A1.2



16 FEET  
 0 2 4 8  
 N  
 1 EXISTING FIRST FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

- SYMBOL KEY
- (E) WALL TO REMAIN
  - (N) WALL TO BE CONSTRUCTED
  - (D) WALL TO BE DEMOLISHED



2 PROPOSED FIRST FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

(N) LOCATION OF WALL TO BE CONSTRUCTED AND BELOW 6'-6"

REVISIONS

www.rodgersarchitecture.com  
rodgers architecture  
#15 099 9612



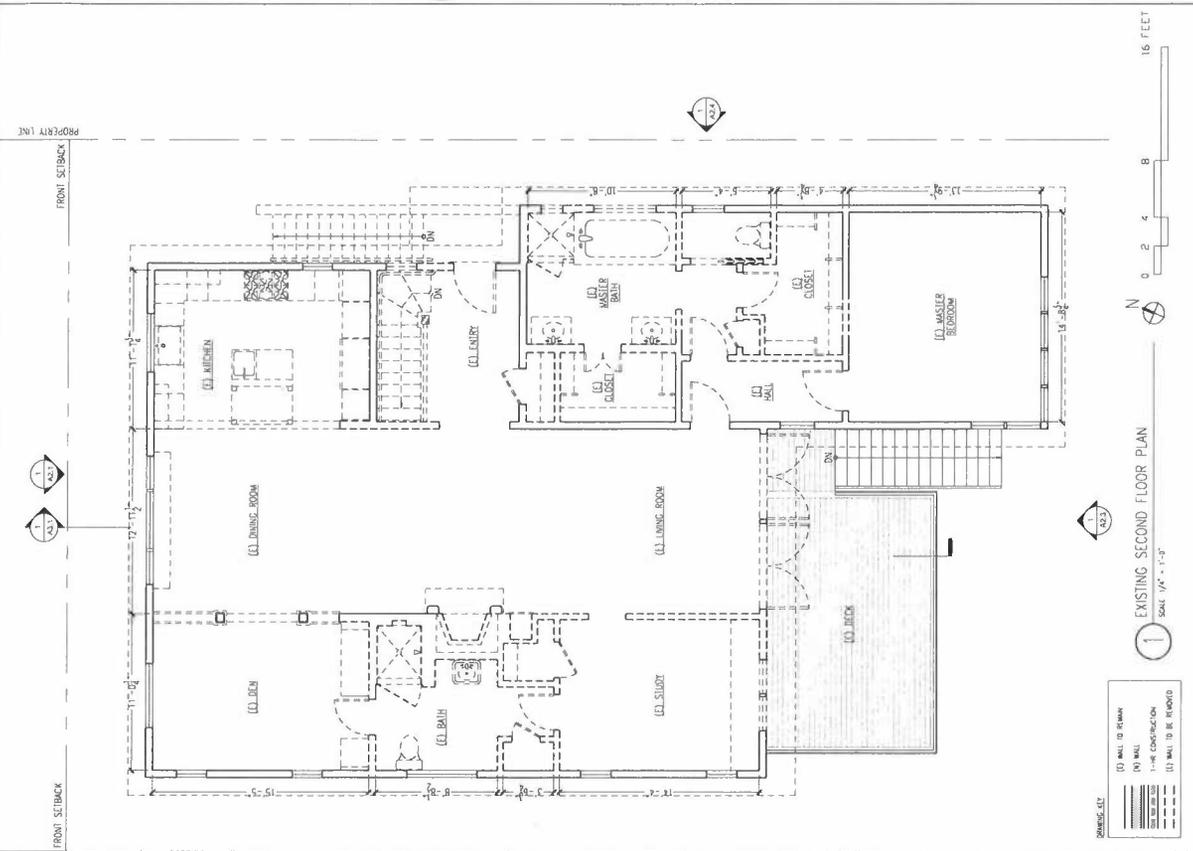
ALTERATIONS TO:  
33 Bolinas Avenue  
ROSS, CA 94957

PLANNING  
SUBMITTAL

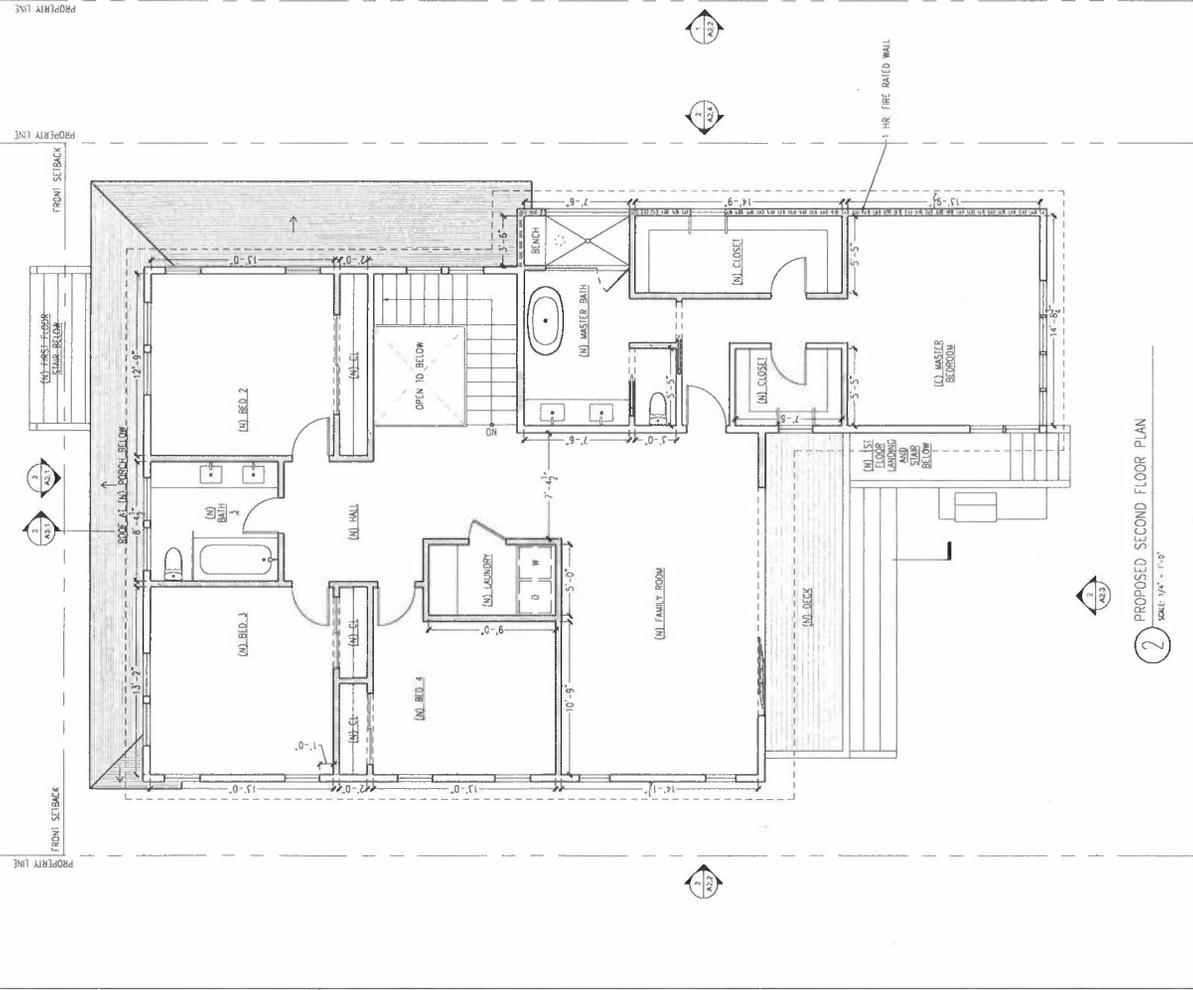
SECOND  
FLOOR  
PLANS

DATE: 09.25.10  
SCALE: 1/4" = 1'-0"  
DRAWN: SW

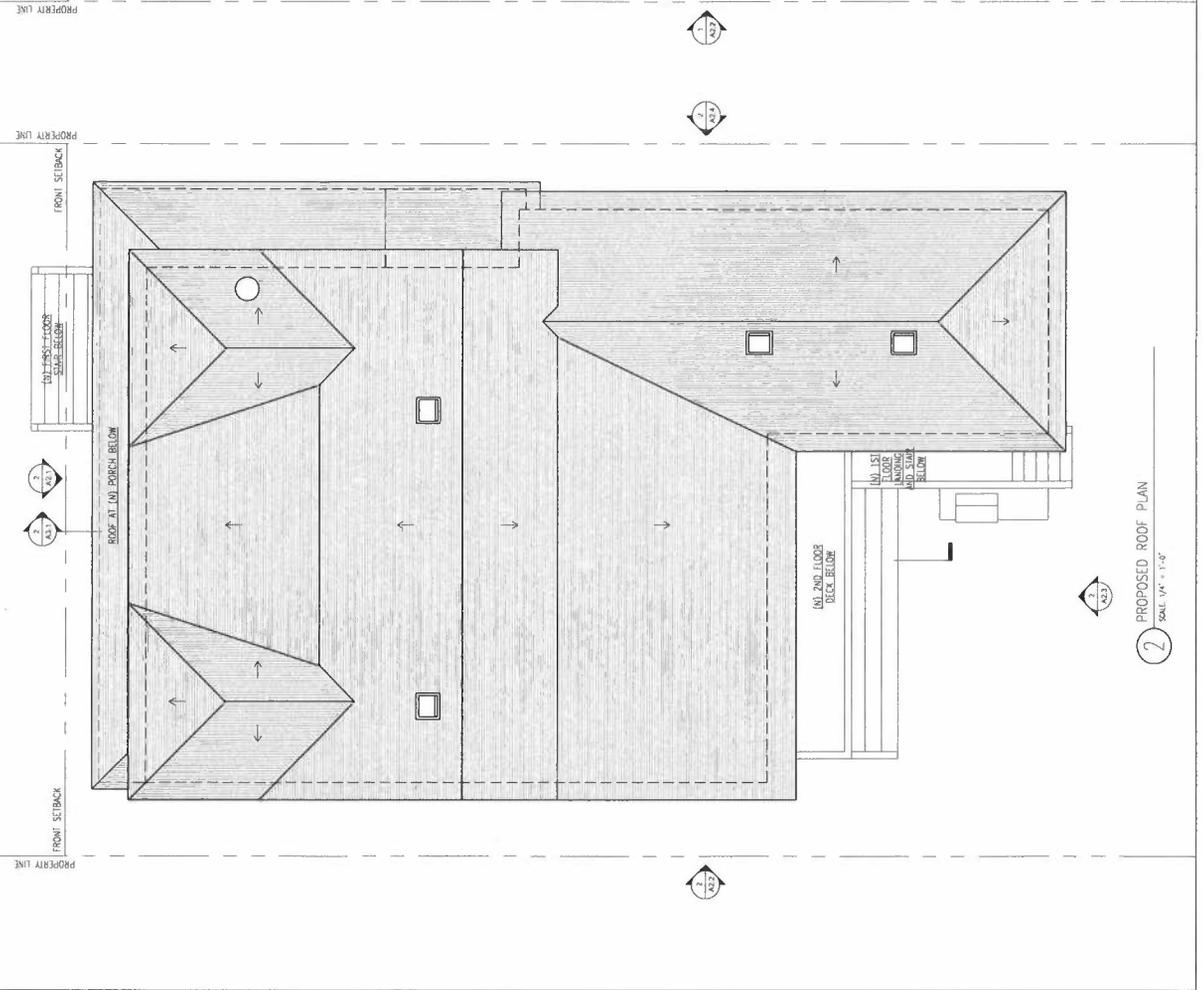
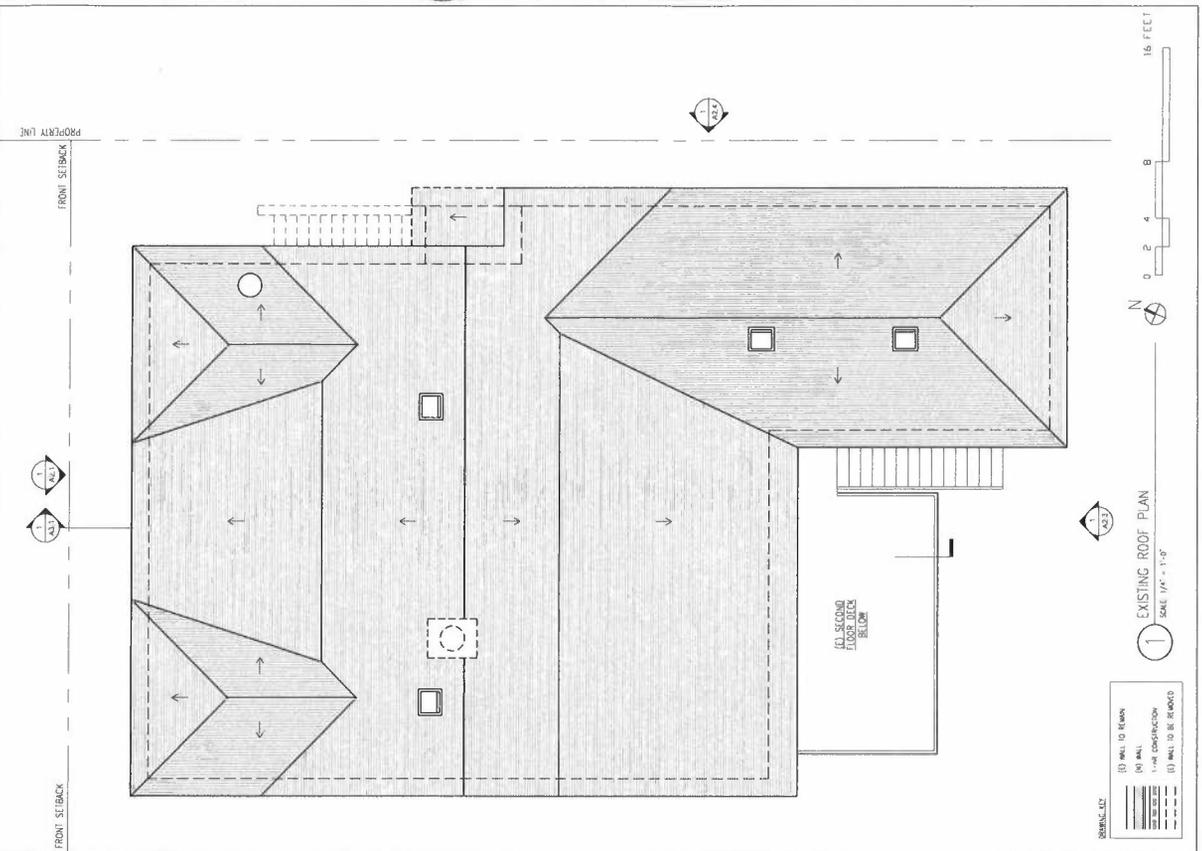
A1.3



1 EXISTING SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



2 PROPOSED SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



REVISIONS:

rodgers architecture  
415 209 9612  
www.rodgersarchitecture.com



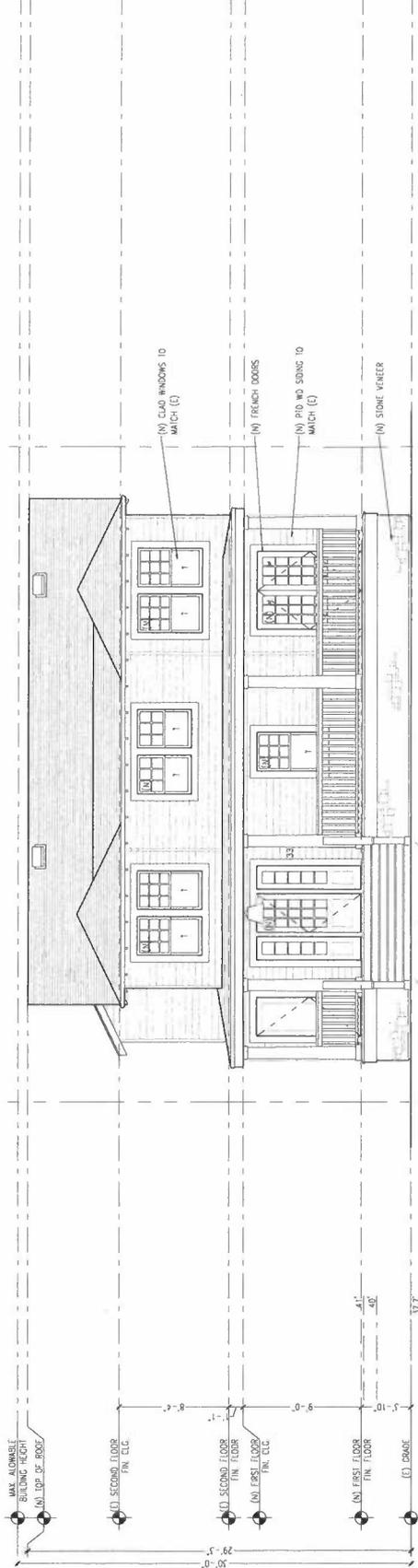
ALTERATIONS TO  
33 Bolinas Avenue  
ROSS, CA 94957

PLANNING  
SUBMITTAL

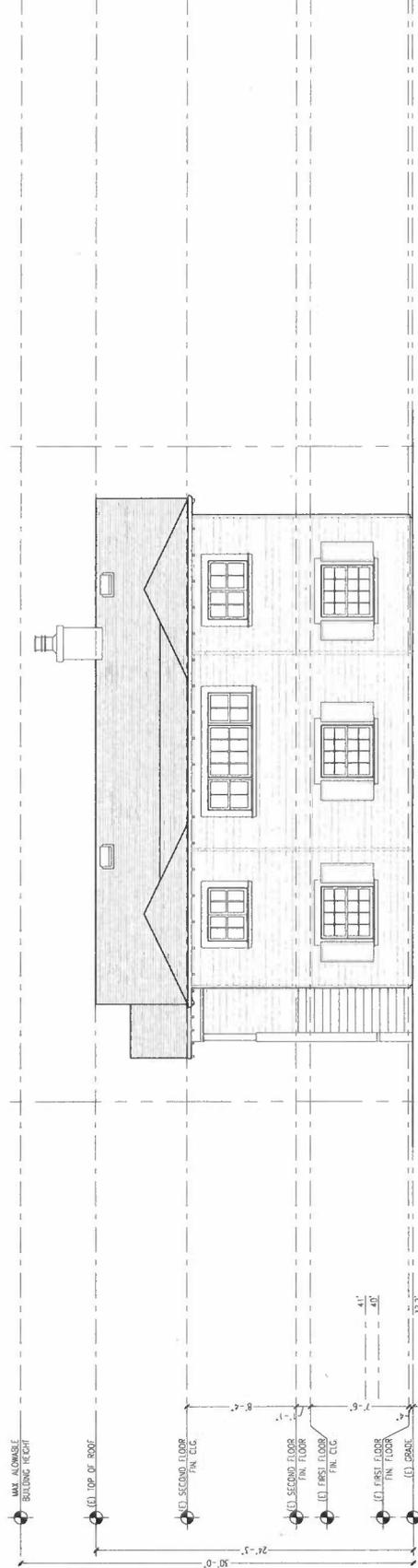
NORTH  
ELEVATIONS

DATE: 08.20.20  
SCALE: 1/4" = 1'-0"  
DRAWN: SW

A2.1



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



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

REVISIONS:

rodgers architecture  
415 309 9612  
www.rodgersarchitecture.com



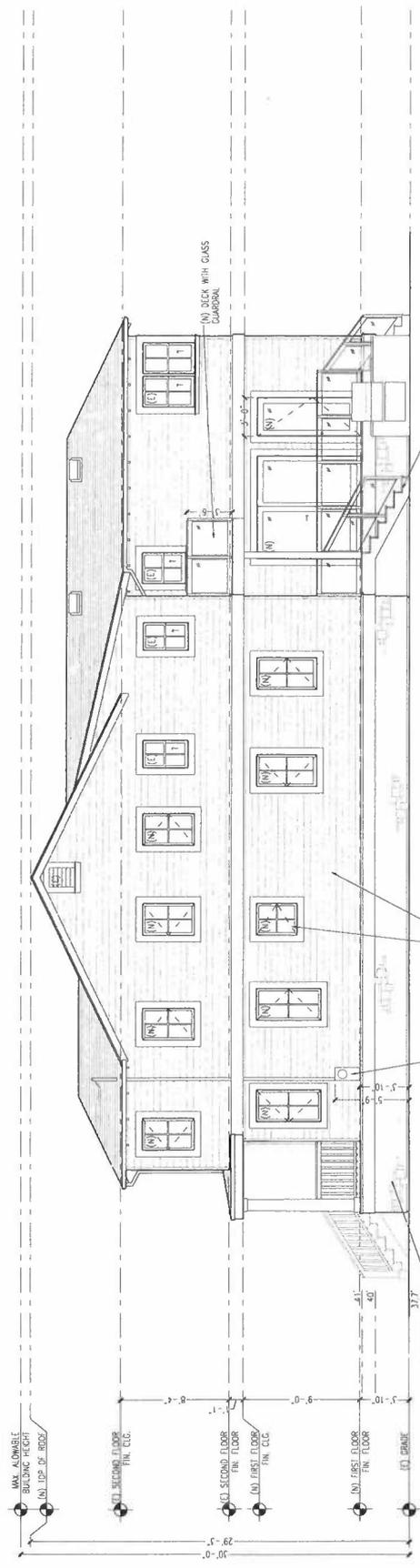
ALTERATIONS TO:  
33 Bolinas Avenue  
ROSS, CA 94957

PLANNING  
SUBMITTAL

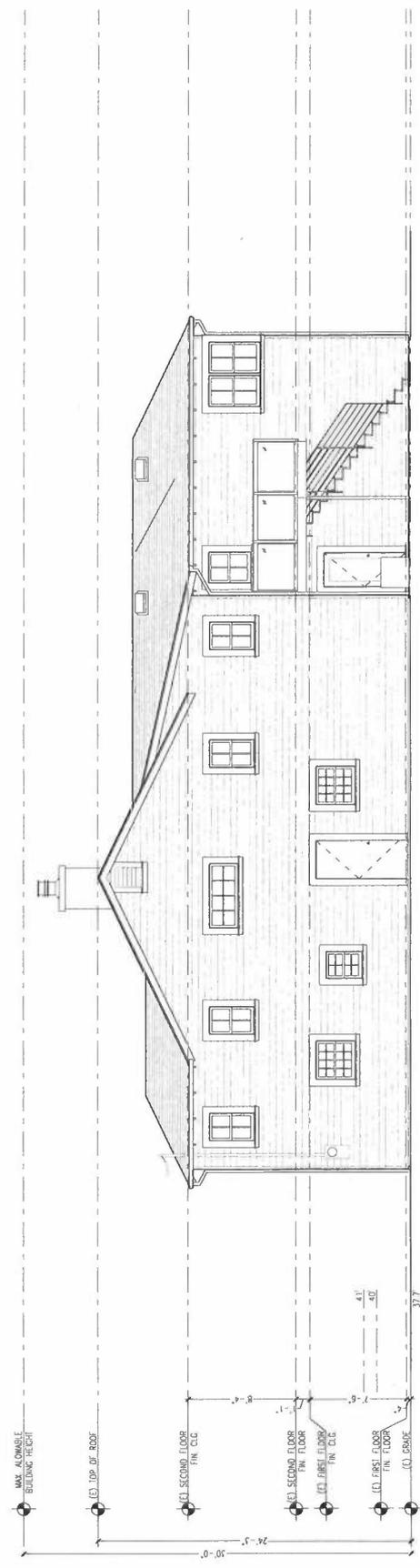
SOUTH &  
EAST  
ELEVATIONS

DATE: 08.26.20  
SCALE: 1/4" = 1'-0"  
DRAWN: SWW

A2.2



2 PROPOSED WEST ELEVATION  
SCALE: 1/4" = 1'-0"



1 EXISTING WEST ELEVATION  
SCALE: 1/4" = 1'-0"

REVISIONS

rodgers architecture  
415 309 8612  
www.rodgersarchitecture.com



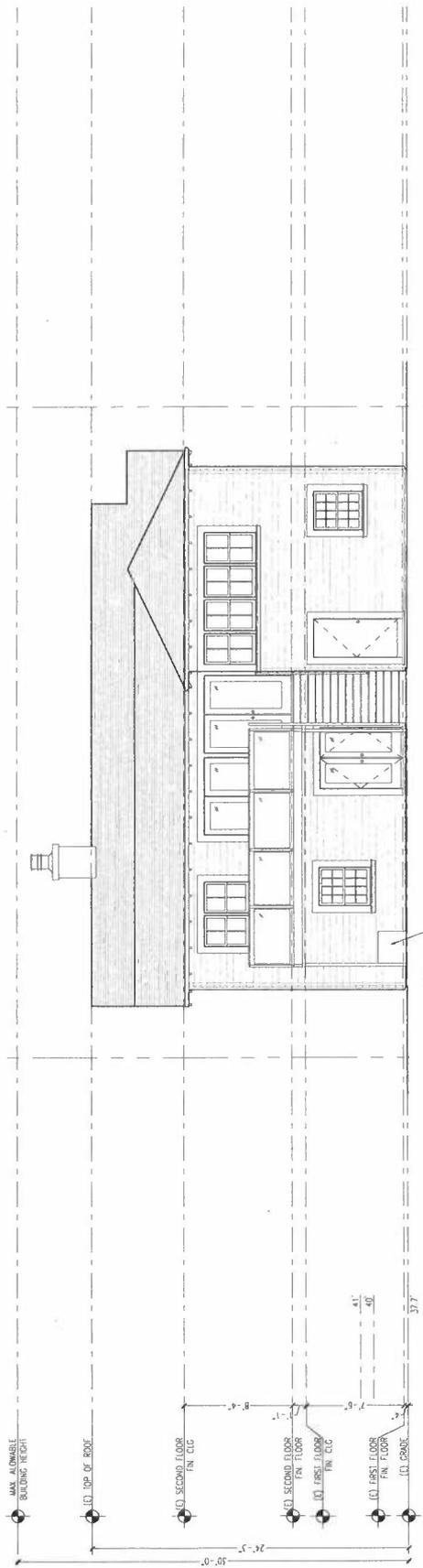
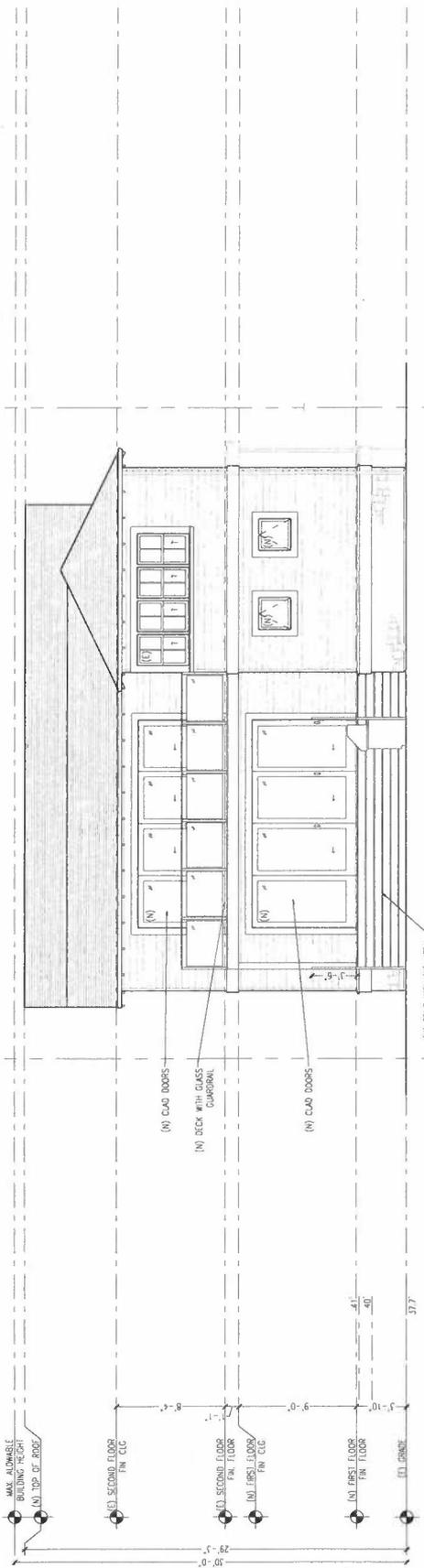
ALTERATIONS TO  
33 Bolinas Avenue  
ROSS, CA 94957

PLANNING  
SUBMITTAL

WEST  
ELEVATIONS

DATE: 08.20.20  
SCALE: 1/4" = 1'-0"  
DRAWN BY:

A2.3



SECTIONS:

rodgers architecture  
415 308 9612  
www.rodgersarchitecture.com



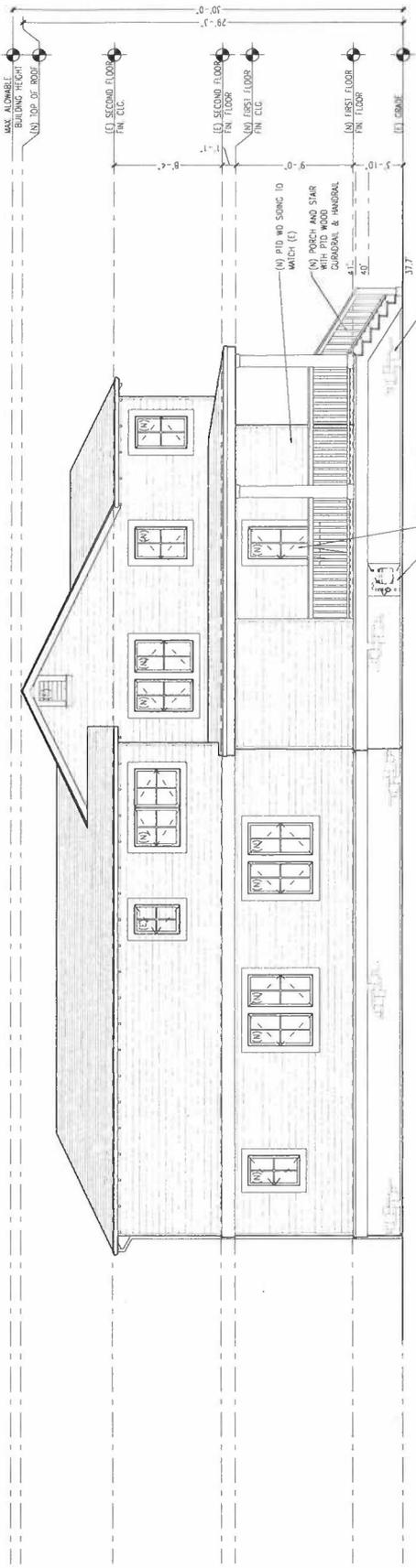
ALTERATIONS TO  
33 Bolinas Avenue  
ROSS, CA 94967

PLANNING  
SUBMITTAL

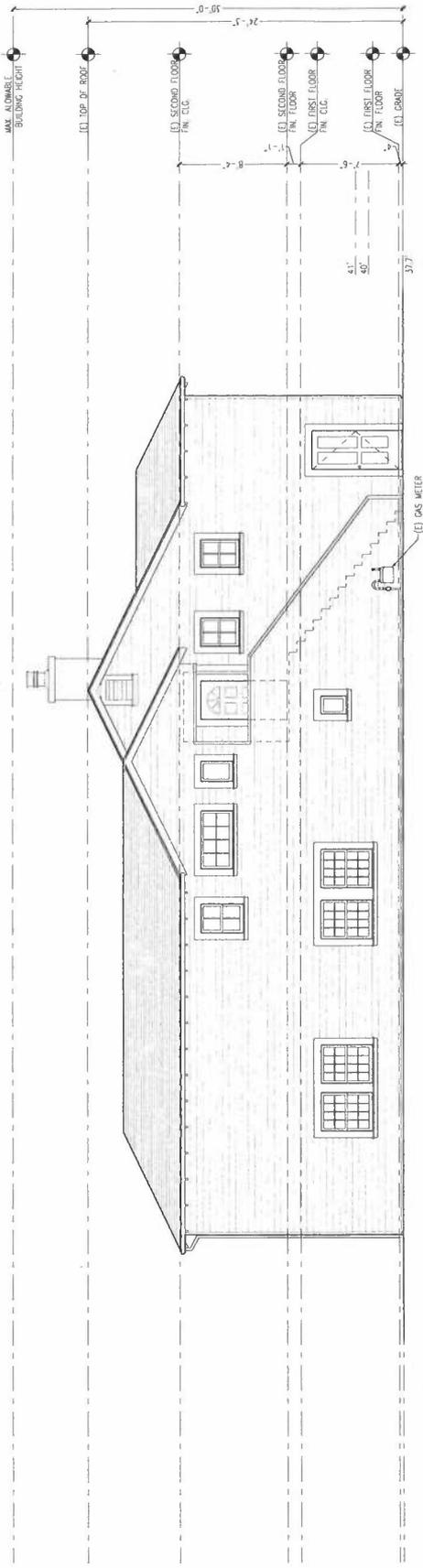
WEST  
ELEVATIONS

DATE: 08.26.20  
SCALE: 1/4" = 1'-0"  
DRAWN: SM

A2.4



2 PROPOSED EAST ELEVATION  
SCALE: 1/4" = 1'-0"



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



REVISIONS

rogers  
architecture  
415 309 8812  
www.rogersarchitecture.com



ALTERATIONS TO:  
33 Bolinas Avenue  
ROSS, CA 94957

PLANNING  
SUBMITTAL  
WEST & SOUTH  
ELEVATIONS  
W/  
ALTERNATE  
GUARDRAIL

DATE 08.26.20  
SCALE 1/4" = 1'-0"  
DRAWN SW

A2.5



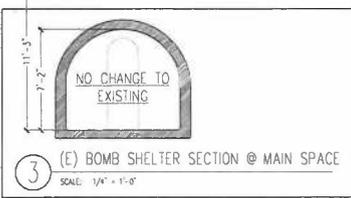
2 PROPOSED SECTION FACING EAST  
SCALE: 1/4" = 1'-0"



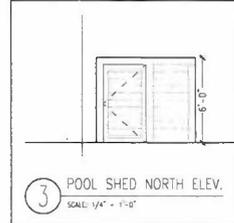
1 EXISTING SECTION FACING EAST  
SCALE: 1/4" = 1'-0"

5 (N) BOMB SHELTER SECTION @ ENTRY  
SCALE: 1/4" = 1'-0"

4 (E) BOMB SHELTER SECTION @ ENTRY  
SCALE: 1/4" = 1'-0"



3 (E) BOMB SHELTER SECTION @ MAIN SPACE  
SCALE: 1/4" = 1'-0"



3 POOL SHED NORTH ELEV.  
SCALE: 1/4" = 1'-0"

REVISIONS:

rogers  
architecture  
415 309 9612 www.rogersarchitecture.com



ALTERATIONS TO:  
33 Bolinas Avenue  
ROSS, CA 94967

PLANNING  
SUBMITTAL

BUILDING  
SECTIONS

DATE: 08.26.20  
SCALE: 1/4" = 1'-0"  
DRAWN: SW

A3.1





Bowman Outdoor Pendant Light  
MFR ID: 7000PBOW92718HUNV

**Front Door and Porch Lights**

**Finish:** Charcoal  
**Size:** 46.6"L x 18.7"W x 16.5"H  
**Dimmer:** Low Voltage Electronic  
**Labels:**  
 ETL  
 Wet location  
 Title 24

Body made of die-cast aluminum in a marine-grade powder coat finish with a UV stabilized frosted acrylic lens which diffuses the LED light to create an even glow.

Recessed square lights  
 in front of each door on  
 the porch - Here is one  
 from Halo 3" square



TRACY EXTERIOR BUILDING LIGHTS

ROBIN BARNATO  
 DESIGNS

309 G Street  
 San Rafael, CA 94901  
 415-412-5013  
 Robin@BarnatoDesigns.com



Tracy Exterior Lights at Front

REVISIONS:

ALTERATIONS TO:  
 33 Bolinas Avenue  
 ROSS, CA 94957

PLANNING  
 SUBMITTAL

PROPOSED  
 EXTERIOR  
 LIGHTING

DATE: 09.26.20

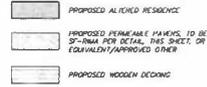
SCALE: N 1/8"

DRAWN:

**A6.2**



**LEGEND**



**ABBREVIATIONS**

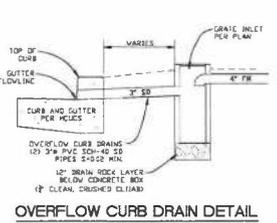
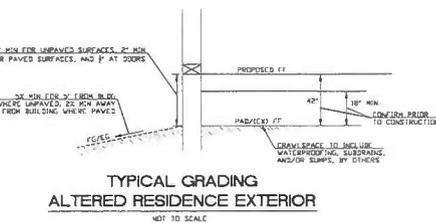
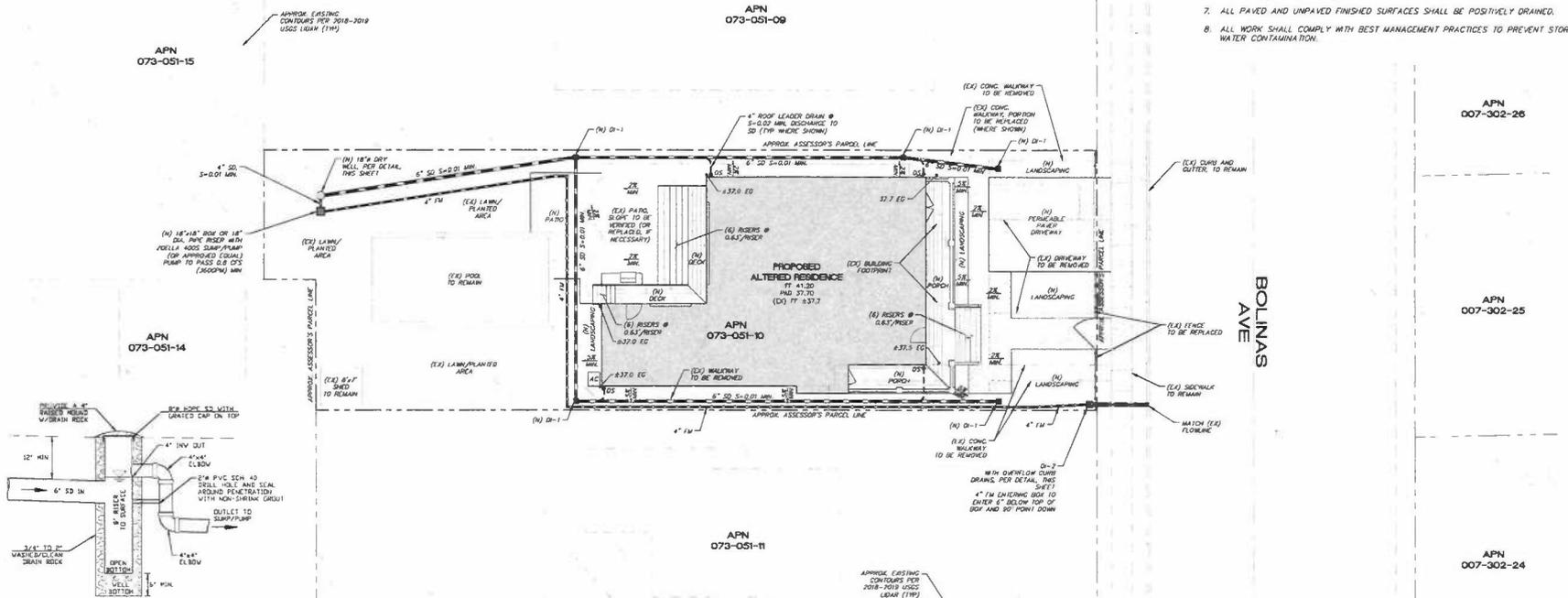
AB	AGGREGATE BASE	ELLY	ELEVATION	PVC	POLYVINYLCHLORIDE PIPE
AC	ASPHALT CONCRETE	EP	EDGE OF PAVEMENT	R	RADIUS
ACH	ARCHITECTURAL	EX	EXISTING	SA	SLOPE
BC	BEGIN CURVE	FG	FINISH GRADE	SD	STORM DRAIN
BL	BOTTOM OF WALL	FL	FLOWLINE	SD31	STORM DRAIN DROP INLET
CL	CENTERLINE	GB	GRAND BREAK	SS	SANITARY SEWER
CNC	CONCRETE	GR	GRADE ELEVATION	SS03	SANITARY SEWER CLEANOUT
CP	CORRUGATED PLASTIC PIPE	HDR	HIGH DENSITY POLYETHYLENE	STA	STATION
DI	DROP INLET	HP	HIGH POINT	TV	TOP OF WALL
DIA	DIAMETER	INV	INVERT ELEVATION	TYP	TYPICAL
DW	DRAINAGE	LP	LOW POINT	V	WATER
EC	END CURVE	PC	POINT OF CURVATURE		
EG	EXISTING GRADE				

**DRAINAGE SCHEDULE**

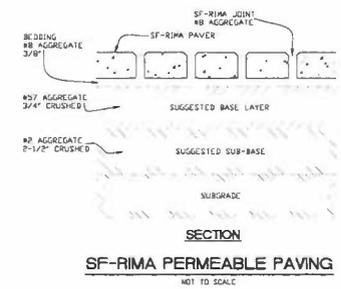
- D1-1 9"x9" ADS A TRIUM GRATE WITH PVC RISER, OR EQUIVALENT OTHER
  - D1-2 15"x15" OLDCASTLE PRECAST CONCRETE INLET WITH OPEN BOTTOM, OR APPROVED EQUAL
- ALL 6" STORM DRAIN PIPE TO BE HDPE DUAL WALL. ALL 3" AND 4" STORM DRAIN, SUBDRAIN, AND/OR ROOF LEADER DRAIN PIPE TO BE PVC SCHEDULE 40.

**GRADING AND DRAINAGE NOTES**

- REFER TO ARCHITECTURAL AND/OR STRUCTURAL PLANS FOR FOUNDATION DETAILS.
- FINISH FLOOR AND PAD ELEVATIONS SHOWN BASED ON PRELIMINARY INFORMATION PROVIDED TO THE ENGINEER AT THE TIME OF GRADING PLAN DEVELOPMENT. PRIOR TO THE COMMENCEMENT OF GRADING OPERATIONS, CONTRACTOR SHALL VERIFY THAT FINISH FLOOR AND PAD ELEVATIONS CORRESPOND WITH CURRENT ARCHITECTURAL AND STRUCTURAL PLANS.
- DOWNSPOUT LOCATIONS SHALL BE VERIFIED WITH ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.
- INSTALL GRASS/SPACE SUBDRAINS, WATERPROOFING, AND/OR SUMPS AS SHOWN ON THE ARCHITECTURAL AND STRUCTURAL PLANS AND AS REQUIRED BY THE GEOTECHNICAL ENGINEER. DO NOT CONNECT SUBDRAINS TO THE STORM DRAIN OR ROOF LEADER DRAINAGE SYSTEMS.
- BASE FLOOD ELEVATION = 40 FT (ZONE AE, NAVD83) PER FEMA FIRM MAP NO. 05044D0545F.
- EXISTING FINISH FLOOR AND ASSUMED FINISH GRADE ELEVATIONS SHOWN BASED ON FLOOD ELEVATION CERTIFICATION BY GJ HARMON, DATED 5/1/2020. DROP INLET GRATE ELEVATIONS ARE TO BE DETERMINED, BUT SHALL NOT EXCEED ELEV = 37.45 FT (NAVD83).
- ALL PAVED AND UNPAVED FINISHED SURFACES SHALL BE POSITIVELY DRAINED.
- ALL WORK SHALL COMPLY WITH BEST MANAGEMENT PRACTICES TO PREVENT STORM WATER CONTAMINATION.



**DRAINAGE INTENT PLAN**



DVC GROUP INC.  
 CIVIL ENGINEERING & SURVEYING  
 LAND PLANNING SERVICES & CDM  
 HEAD OFFICE: 10000 BAYVIEW BLVD, SUITE 100, SAN DIEGO, CA 92122  
 (619) 444-0888

33 BOLINAS AVE ALTERATIONS  
 DRAINAGE INTENT PLAN

AUGUST 26, 2020  
 JOB NO. 44-20  
 SHEET NO. 01  
 OF 2 SHEETS

P:\DVC\JOBS\2020\14-20 33 BOLINAS AVE (DVC)\DWG\14-20 DR GRADING & DRAINAGE.DWG 8/26/2020 2:50 PM DT



# ATTACHMENT 3



To whom it may concern,

We have been Ross residents since 1997. We moved from San Francisco just prior to our fourth child's birth. While we had some initial trepidation leaving the city, the allure of the Ross School helped mitigate those fears. Within hours of moving into a rental property on Shady Lane we knew we had made the correct decision. We ended up buying our current residence at 33 Bolinas Ave. a couple of years later and have been happy Ross residents the past 21 years. All four of our children graduated from Ross School. Ross School far exceeded even our lofty expectations.

When applying for a mortgage for 33 Bolinas we were mildly surprised to learn we needed flood insurance as the house is located in a flood zone. As it turned out, we were pretty happy we had it. Our downstairs was fully flooded in the New Year's Day flood back in 2005/2006. The water level got to about 22 inches downstairs where our four children's bedrooms were located. Our insurance company sent Restoration 911 to handle the immediate issues. According to a recent report, they did not do that good of a job. We have recently discovered some major mold problems. Improper cleaning and drying by Restoration 911 is believed to be the probable cause.

We have since moved out and begun our mold remediation work. We were planning on just renovating our kitchen but are now asking to do a more extensive project. For the past 15 years, heavy rains have been enormously stressful. Any time Bolinas Ave. started to flood, which was usually several times per year, we would worry about another house flood downstairs. We would like to remove this anxiety from our lives and raise the house effectively mitigating any chance of future flood damage as well as the toxicity from the mold that we have experienced.

Our four kids have moved out. However, we would like to remain Ross residents for many years to come. Perhaps even a few grand kids will be able to enjoy Ross School. Ross truly is one of the premiere towns in the US. Thank you for your consideration on this project.

Adam and Libby Tracy.

# ATTACHMENT 4

Rodgers Architecture  
156 South Park  
San Francisco, CA 94107  
415.309.9612

Neighborhood Outreach Statement  
RE: 33 Bolinas Ave, Ross CA 94960

May 8, 2020

To Whom It May Concern:

The subject property owner, Libby Tracy, discussed the project with the owners of the immediately adjacent neighbor properties at 37 Bolinas Ave and 29 Bolinas Ave. Both neighbors were supportive of the project and had no particular issues to address.

Best,

Meg O'Halloran  
Rodgers Architecture

# ATTACHMENT 5

MINUTES OF THE REGULAR MEETING OF THE TOWN OF ROSS COUNCIL  
HELD ON MAY 10, 1956

-----

Just prior to the opening of the meeting Councilman Cockburn was sworn into office by Town Clerk Cole.

The meeting was called to order by Mayor Cockburn at 8:07 PM.

Present: Councilmen- Cockburn, Kanzee, McNab, Selfridge, Wolcott

Absent : Councilman- None

The minutes of the regular meeting of April 12, 1956, the adjourned regular meeting of April 17, 1956 and the newly constituted Council meeting of April 17, 1956 were approved as mailed to the Councilmen and the reading thereof waived.

The Variance request of Wm. S. Pier, Lagunitas Road, Carried forward from the last meeting was reviewed. The Council advised Mr. Pier that in view of the objections of Mr. E. G. Lohmann and the fact that the addition would exaggerate the present non-conforming structure, the Variance could not be granted. Mr. Pier asked to withdraw his request, which the Council granted. Variance No. 52 was, therefore cancelled.

Wilton Smith, architect, representing the Roman Catholic Church requested the granting of a variance for the replacement and construction of a new rectory. A review of the plans disclosed that while the new structure would occupy almost the exact site the present structure occupies, it did not have the required rear or front yard area.

The Council ordered Variance No. 53 carried forward to allow time for the applicant to secure the approval of the neighbors.

Alice Gatterdam, 33 Bolinas Avenue, requested the granting of a variance as to side and rear yard areas for the addition to the existing dwelling. All the neighbors had agreed to the plans. On motion of Councilman Kanzee, seconded by Councilman Selfridge and by unanimous vote of the Council, Variance No. 54 was granted.

June S. Haseltine, Skyland Way, requested the granting of a variance for the construction of a bath house. The plans disclosed that the front yard area conformed but because of the angle to the rear property line, the bath house would be less than ~~was~~ 40' from the rear line. All the neighbors had agreed to the plan. On motion of Councilman Kanzee, seconded by Councilman McNab and by unanimous vote of the Council, Variance No. 55 was granted.

Mayor Cockburn announced that the Council would now hold the public hearing on the application of the Ross Valley School for a Land Use Permit. The Clerk advised that the notice of hearing had been published in the Independent-Journal and notification sent all property owners within 500' of the parcel involved. Mayor Cockburn then invited the petitioners to present their side in the matter.

Robt. E. Burns stated that he was the attorney representing the proponents. He said the school was being organized by local ~~residents~~ residents and the directors were Messrs Allen, Gatterdam, Jacks, Holter, Lewis, Painter and Pomeroy. There was a great need for further educational facilities, he added, so that a young man could go to a private day school and prepare for college. Too, this would help

February 8, 2001

Town Planner Broad explained the plans, noting for the record that there is a parking deck that is 420 sq. ft., resulting in an existing FAR of 11.2. Thus, the proposed FAR would be 11.4, still well within the allowable 15%. The application does not trigger a hillside application because of the limited scope. Mayor Pro Tempore Hart was concerned about the narrow road and construction trucks blocking the traffic. Ms. Julie Dowling, the project architect, explained that the driveway is large enough to accommodate six to eight cars and she would be happy to accept the condition that all vehicles be parked on site. Accordingly, Mayor Pro Tempore Hart moved approval with the findings in the staff report and the following amended conditions:

1. This project shall comply with all Public Safety Department conditions.
2. The Town Council reserves the right to require landscape screening for up to two years from project final.
3. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
4. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
5. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. **All construction vehicles shall be parked on site.**
6. Exterior materials and colors shall be as identified in the approved plans. Roof material and color shall be approved by the Town Planner prior to the issuance of a building permit.
7. Any portable chemical toilets shall be placed off the street and out of public view.
8. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Councilmember Delanty Brown and passed unanimously.

21. **VARIANCE #1386**  
**Adam and Libby Tracy; 33 Bolinas Avenue, A.P. No. 73-051-10, R-1 (Single Family Residence). Variance to allow the addition of a 60 square foot landing and stairway from the upper level to the rear yard and to allow the existing sunroom roof to be raised within the west side yard setback (15 feet required, 5 feet proposed and existing.)**

<b>Lot Area</b>	<b>7,750 sq. ft.</b>
<b>Present Lot Coverage</b>	<b>30.5%</b>
<b>Proposed Lot Coverage</b>	<b>31.0% (20% permitted)</b>
<b>Present Floor Area Ratio</b>	<b>52.5%</b>
<b>Proposed Floor Area Ratio</b>	<b>53.3% (20% permitted)</b>

**The existing residence is nonconforming in side yard setbacks.**

Mr. Broad explained that the main living area is on the upper level and has no direct access to the back yard. He felt that this was a reasonable request because of the ingress/egress safety issue to the upper level. The stairway would conform to the setback requirements. He said that the proposed plans would result in a minimum change to the structure. Mayor Pro Tempore Hart asked if the property had a garage in the past and Mr Broad said that he saw no evidence of a previous garage. Councilmember Zorensky moved approval with the finding in the staff report and the following conditions:

1. This project shall comply with all Public Safety Department requirements.
2. The Town Council reserves the right to require landscape screening for up to two years from project final. Existing vegetation screening the proposed stairway from the parcel to the west shall be retained and replaced as necessary to provide continued screening.
3. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
4. The floor area of the stairs/landing shall not be traded-off to allow additional living space.
5. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
6. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
7. Any portable chemical toilets shall be placed off the street and out of public view.
8. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Seconded by Councilwoman Delanty Brown and passed unanimously.

Mayor Curtiss reminded the applicant that any changes would have to come back before the Council.

22. **VARIANCE.**

David and Janet Mourning; 65 Wellington Avenue, AP 72-071-08, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum). Variance to allow a 6 foot by 9 foot trash enclosure within the side yard setback (15 feet required, 3 feet proposed) and within the rear yard setback (40 feet required, 2 feet proposed). The enclosure is 5.5 feet in height and replaces a similar enclosure.

Lot Area	12,254 sq. ft.
Present Lot Coverage	19.8%
Proposed Lot Coverage	19.8% (20% permitted)
Present Floor Area Ratio	29.2%
Proposed Floor Area Ratio	29.2% (20% permitted)

The existing residence and garage are nonconforming in setbacks.

Mr. Broad explained that this is an after-the-fact variance request and that the structure is mostly built and replaces a prior enclosure in the same general location.

Ms. Linda Brown, the adjoining neighbor, said that the prior structure did not have a slab foundation and was not a formal structure. She said that the old structure blended into the fence line and was unnoticeable. She asked that landscaping be installed to screen the enclosure.

Mr. Mourning said that a garbage shed previously existed and he apologized for not working with his neighbors. He planned to plant English laurel to screen the enclosure.

Ms. Brown said that previously there was a hole in the grape stake fence to access the garbage. She asked that conditions of approval include that the enclosure be maintained and

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- c. The Town may require the property owner or preschool staff to monitor parking and drop off/pick up during scheduled drop-off and pick-up times and direct vehicles, as necessary.
4. Up to eight employees are permitted for the preschool.
5. Any changes to the floor area, use, hours of operation, number of employees, or the number of students, which exceeds the maximums as stated in these conditions, shall require an amendment to this Conditional Use Permit.
6. The outdoor play area is limited to the existing area south of the preschool classes and may not be expanded without prior approval.
7. All other previous conditions of approval for the 14 Lagunitas Road site shall remain in full force and effect.
8. Hours of operation for the preschool shall be Monday through Friday from 8 a.m. to 1 p.m. from September to June, excluding Ross School Holidays. Ross Recreation may continue to offer other programs for children and adults after the preschool is closed, consistent with the historic use of the property.
9. Minor modifications to the Conditional Use Permit consistent with the Town of Ross Municipal Code may be made subject to review and approval of the Planning Department if the modifications are in keeping with the intent of the original approval.
10. Signage is not a part of this review. The applicant shall apply to the Planning Department for a separate sign permit prior to the installation of any permanent signage at the site.
11. The preschool shall obtain and maintain any necessary permits from local, state and federal agencies for operation of the expanded preschool.
12. The property owner is responsible for ensuring all improvements comply with Americans with Disabilities Act, regardless of whether a building permit is required.

*The Council took a short recess at 8:45 p.m. and Town Attorney Stephanicich left the Town Council meeting at 8:51 p.m. Then the Council resumed the Council meeting at 8:55 p.m.*

*Council Member Small recused herself from the next agenda item in order to avoid the appearance of a conflict.*

**18. 33 Bolinas Avenue, Variance No. 1986**

Adam and Libby Tracy, 33 Bolinas Avenue, A.P. No. 73-051-10, R-1 (Single Family Residential, 5,000 sq. ft. min. lot size), Medium Density (6-10 Units/Acre), Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage). Request for lot coverage variance and west side yard setback variance (15 feet required, 7.75 feet proposed) to add 260 square feet of new deck to an existing second floor stair landing.

<b>Lot Area</b>	<b>7,750 square feet</b>
<b>Existing Floor Area Ratio</b>	<b>4,064 sq. ft. 52.4%</b>
<b>Proposed Floor Area Ratio</b>	<b>4,064 sq. ft. 52.4% (20% permitted)</b>
<b>Existing Lot Coverage</b>	<b>2,080 sq. ft. 26.8%</b>
<b>Proposed Lot Coverage</b>	<b>2,340 sq. ft. 30.1% (20% permitted)</b>
<b>Existing Impervious Surfaces</b>	<b>3,825 sq. ft. 49.4%</b>
<b>Proposed Impervious Surfaces</b>	<b>3,884 sq. ft. 50.1% (reduction recommended)</b>

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions in the December 2014 staff report.

Scott Couture, architect, did some preliminary designs along with neighborhood outreach and staff suggested making the deck smaller than originally proposed. The plans were revised and the deck is designed to be a modest outdoor living area that is adjacent to their indoor living area. It will accommodate a small table and sitting area along with a staircase to the lower yard. The deck is located in back of the home, tucked in and setback from the rear of the house. The neighbor to the east, the deck is not visible. The neighbor to the west, there is an existing bamboo screen and they added additional screening, so the deck is screened. They reviewed plans with all neighbors and submitted support letters. This project has very little impact on the neighbors as seen from the letters of support. He is further present to answer any questions of the Council.

Libby Tracy, applicant, indicated that as of February she is an 18 year resident of Ross. The living and kitchen areas are upstairs and she desired outdoor living space to have coffee and dinner. It would nice to have an outdoor living space, and the size proposed would be more beneficial to have dinner. The size recommended by staff is a little small for their needs. She has a great relationship with her neighbors and all are in support. She further appreciated the Council's consideration.

Mayor Brekhuis 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 discussion and action.

Council Member Robbins understands it would be a great pleasure to have indoor/outdoor space. Her concern is with building a fairly large deck on the second floor, which is similar to living space looking into the neighbors yard and close to the neighbors yard since the houses on Bolinas are quite close. A ground level patio is different because there are fences and screening. It is very difficult to have substantial screening of an upper level deck. She is not opposed to the idea, but would certainly not be in favor of anything larger than what staff has recommended. She desired a depth of 10 ft. with staff's setback requirements. She is concerned about having lots of activity on the second floor and being close to the neighbors.

Mayor Pro Tempore Hoertkorn tried to follow staff's lead because they put in all the thought and resources into a project, but she could compromise and go with the width, but not the depth, if there is support.

Council Member Kuhl felt that the size staff is suggested would constrict the amount of activity and use. Due to the fact that the neighbors are supportive, he is inclined to support allowing more width in order to have usable space.

Mayor Brekhuis could also support the deck. She is persuaded about a variance argument about this lot being so narrow. She is willing to agree to the original width along with staff's recommendation on depth. The width would be 18 ft., and the depth would be 12 ft. as proposed by staff.

Architect Couture added that the 18 ft. is more important from a functional standpoint. It is a reasonable size deck. Currently no neighbors are concerned about privacy issues. Mayor Pro Tempore Hoertkorn noted that it is about setting precedent, not the Tracy's individual situation.

Mayor Brekhus asked for a motion.

**Mayor Pro Tempore Hoertkorn moved and Council Member Robbins seconded, to approve 33 Bolinas Avenue, Variance No. 1986, with the stipulation that the deck be reduced from 15 ft. to 12 ft. subject to the findings and conditions outlined in the staff report. Motion carried 3-1-1. Robbins opposed/Small recused.**

**33 Bolinas Avenue Conditions:**

1. Except as otherwise provided in these conditions, the project shall be constructed in substantial conformance with the plans dated November 20, 2014, on file with the Planning Department.
2. The depth of the deck shall be reduced from 15 feet to 12 feet.
3. The proposed bamboo screening is not approved. The bamboo shall be replaced with alternative evergreen trees and/or shrubs that will provide evergreen screening of views from the deck towards 37 Bolinas and that are not a fire prone species (see Ross Valley Fire Department Standard 220 <http://www.rossvalleyfire.org/documents/prevention/standards/220%20-%20Vegetation%20Fuels%20Management%20Plan.doc%20Final.pdf>). The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
4. If the Town floor area regulations change in the future to include deck area, current or future owners of the site shall not trade off the deck area for enclosed area without prior Town Council approval.
5. A building permit is required. The plans submitted for the building permit shall identify how impervious surfaces will be limited to existing conditions prior to project final. Pervious surfaces shall not be converted to impervious surfaces after project final without prior approval of the Town.
6. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded. No up lighting is approved.
7. The applicants shall comply with all requirements of the Marin Municipal Water District and Ross Valley Sanitary District before project final. Landscaping shall comply with the MMWD water-conserving landscape ordinance. Proof that MMWD has approved the plan or that it is exempt from their review shall be submitted to the planning department prior to project final.
8. 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. Before the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town before project final.

9. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
10. No changes from the approved plans, before or after project final, shall be permitted without before Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval before any change.
11. 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.

*Council Member Small resumed her position on the Town Council.*

**19. 5 Crest Road, Variance No. 1989**

Zach and Meghan Adelman, 5 Crest Road, A.P. No. 72-011-15, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 units per acre). Town Council consideration of application for design review and nonconformity permit. The applicants propose to remodel the existing residence and add a dormer within the north side yard setback (20 feet required, 9 feet existing and proposed) in order to construct code-compliant stairs to the upper level. The project also includes modifications to exterior doors and windows and replacement of decorative fascia board with rectangular-section fascia.

<b>Lot Area</b>	<b>15,850 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>2,460 sq. ft.</b>	<b>15.5%</b>
<b>Proposed Floor Area Ratio</b>	<b>2,410 sq. ft.</b>	<b>15.2% (15% permitted)</b>
<b>Existing Lot Coverage</b>	<b>1,964 sq. ft.</b>	<b>12.4%</b>
<b>Proposed Lot Coverage</b>	<b>1,964 sq. ft.</b>	<b>12.4% (20% permitted)</b>
<b>Existing Impervious Surfaces</b>	<b>4,671 sq. ft.</b>	<b>29.5%</b>
<b>Proposed Impervious Surfaces</b>	<b>4,671 sq. ft.</b>	<b>29.5%</b>

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

# ATTACHMENT 6

**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.

**MINUTES**  
Meeting of the  
Ross Advisory Design Review Group

Tuesday, July 21, 2020

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

**1. 7:00 p.m. Commencement**

Chair Mark Kruttschnitt called the meeting to order. Josepha Buckingham, Mark Fritts, and Dan Winey were present. Stephen Sutro was absent at the start of the meeting. 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. Tracy Residence, 33 Bolinas Avenue**

**Applicant:** Rodgers Architecture

**Owner:** Tracy Family Trust (Libby Tracy)

**DESCRIPTION:** The applicant is requesting Design Review 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 beneath the existing home. The project would increase the building height from 24'-3" to 29'-3", while reducing the existing nonconforming floor area. 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.

**Continued from the June 16, 2010 meeting.**

Planner Weintraub introduced the project. No written comments were received. Architect Andrew Rodgers described the revised project. ADR Group Members discussed the merits of the project. No members of the public provided comment.

Stephen Sutro joined the meeting.

ADR Group Members provided the following comments:

Dan Winey:

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- Front elevation is quite nice: porch addition, column proportions, window articulation.
- Recommends thickening the porch fascia, extending the belly band around to the side elevations, omitting the spiral stair, better relating the front and back porch designs, using stone cladding at the base, and further review of landscape plan and colors/materials.

Josefa Buckingham:

- Agrees with masonry (non-stucco) base.
- Front porch is welcoming and neighborhood-friendly.
- Recommends omitting the spiral stair, enclosing pool equipment and locating it away from neighbors, using copper gutters in front, extending the belly band around to the side elevations, using stone cladding at the base, and further review of landscape plan and colors/materials.

Mark Fritts:

- Recommends thickening the porch fascia, omitting the spiral stair, better relating the front and back porch designs, using stone cladding at the base, and further review of landscape plan and colors/materials.
- Supports the proposed front porch setback encroachment for better architectural design.

Mark Kruttschnitt:

- The project looks great from the street.
- Recommends thickening the porch fascia, omitting the spiral stair, better relating the front and back porch designs, locating pool equipment away from neighbors, and further review of landscape plan and colors/materials.

The ADR Group voted to recommend that the project is consistent with the purpose of Design Review and the Design Review criteria and standards per RMC Section 18.41.100, subject to the following conditions:

- Thickening the porch fascia.
- Omitting the spiral stair.
- Better relating the front and back porch designs.
- Extending the belly band around to the side elevations.
- Using stone cladding at the base.
- Further review of landscape plan by staff and/or ADR Group prior to Town Council consideration.

The recommendation was supported unanimously (4-0-1). Stephen Sutro abstained.

The Chair closed the hearing.

The Chair reorganized the agenda to hear Item 4.b next.