



Staff Report

Date: November 9, 2023
To: Mayor Brekhus and Council Members
From: Alex Lopez-Vega, Assistant Planner
Subject: Dewar Residence, 2 Crest Road

Recommendation

It is recommended that the Town Council adopt Resolution No. 2329 (**Attachment 1**) approving the Design Review, Hillside Lot Permit, and Variance for the subject project as described below.

Property Address: 2 Crest Road
A.P.N.: 072-023-27
Applicant: Imprints Landscape Architecture
Property Owner: Benjamin and Laura Dewar
Zoning: R-1:B-5A
General Plan: VL (Very Low Density)
Flood Zone: X (Moderate Risk)

Project Data

	Code Standard	Existing	Proposed
Lot Area	5 Acres	18,773 SF	No change
Floor Area (FAR)	15%	2,815 SF (15%)	No Change
Building Coverage	10%	2,225 SF (11%)	2,364 SF (12%)
Side Setback (Crest)	25'	25' 3" (House)	No Change

	Code Standard	Existing	Proposed
Front Setback (Baywood)	25'	26' (House)	No Change (House) 14' 9" (Pool) 10' 2" (Outdoor BBQ)
Side Setback	25'	42' 3" (House)	No Change (House) 22' 4" (Pool)
Building Height	30'	30'	No Change
Parking	4 (2 Covered)	4 (2 Covered)	No Change
Impervious Surface Coverage	Minimize and/or mitigate for any increase.	4,770 SF	4,474 SF

Project Description:

The applicant requests approval of Design Review, Hillside Lot Permit, and Variance. The project includes new landscape structures, a new pool/spa, pool equipment and storage enclosure, wood deck, an outdoor BBQ, concrete retaining walls, new fencing and gates over 48" in height, deck structure with metal screen over 6-feet in height, a vegetable garden, and new site plantings. The new pool will measure 14' by 36' with encroachment into the front and side yard setback. No trees will be removed. The height of the existing fence on Baywood Avenue will be increased to a 5' 8" fence to create additional privacy and safety for the homeowners and neighbors. The existing parking on private property along Baywood Avenue will be removed, and the site continues to meet the parking requirement through the existing garage and driveway. A variance is requested to permit the construction of new landscape structures, including the pool and spa within the front and side yard setback, the barbecue area within the front yard setback, and a new deck and metal screen over 6-feet in height.

Project plans are included as **Attachment 2**; Project Application and Materials are included as **Attachment 3**.

The proposed project is subject to the following approvals:

- **Design Review Permit is required pursuant to RMC Section 18.41.010** to allow for construction of ; fences and gates greater than 48" in height adjacent to the street right-of-way; any retaining wall greater than forty-eight inches in height as measured from

bottom of footing to top of wall or any terraced retaining walls totaling more than forty-eight inches in height; and a project resulting in more than 50 cubic yards of grading or filling; a project resulting in over 1,000 square feet of new impervious landscape surface; and redevelopment, rehabilitation, and/or renovation of existing landscape over 2,500 square feet,... and other site modifications that could affect the visual and/or physical character of the site and neighborhood, whether or not a building permit is required.

- **Variations are required pursuant to RMC 18.48.010** to allow for the construction of a new pool and BBQ within the front and side yard setback and the construction of a new deck and metal screen over 6 -feet in height.
- **Hillside Permit is required for lots with a slope of 30 percent or greater or are wholly or partially with Hazard Zones 3 or 4 as identified on the town slope stability map, pursuant to RMC Section 18.39.020.**

Background

The project site is an 18,773 square-foot Irregular shape lot on Crest Road. The lot has a single-family residence which includes an attached ADU. The property is located on the corner of Crest Road and Baywood Avenue. The average slope of the lot is 19.4%; however, due to the project site being located within the Slope Stability Hazard Zone 3, it is subject to the Hillside Lot regulations.

Advisory Design Review

Pursuant to Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits, such as Design Review, Demolition Permit, Nonconformity Permit, Exceptions for Attics, Hillside Lot Permit, and/or Variance.

On January 17, 2023, the applicant took the project to the ADR group for conceptual review. The ADR group indicated they could support the project proposed going forward as long as screening is provided so neighbors won't be impacted and also suggested the applicant reduce the size of the pool.

On July 18, 2023, the Advisory Design Review Group (ADR) unanimously recommended that the project is consistent with the purpose of Design Review and the Design Review Criteria and standards per Section 18.41.100, and, therefore, recommended approval of Design Review. The ADR discussed the project and were pleased with the adjustments the applicant made to the project. The applicant reduced the size of the pool to 14' by 36' and raised the height of the fence on Baywood Avenue to 5' 8".

Since the last ADR meeting, the applicant has worked with staff concerning an initial proposal for lowering the closets and transferring floor area to a new bathroom in the rear yard. The applicant has modified the plans and no longer plans to lower ceiling height of the closets, but instead is

proposing to add a pool equipment and storage shed which will not be counted towards floor area.

Draft minutes of the January 17, 2023 & the July 18, 2023, ADR meetings are included as **Attachment 5**.

Discussion

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

Design Review

Design Review is intended 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 for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area; preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town's neighborhoods; and preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

The Town Council may approve, conditionally approve, or deny an application for design review. The Town Council shall include conditions necessary to meet the purpose of Design Review pursuant to Chapter 18.41 and for substantial compliance with the criteria set forth in this chapter. If Council intends to approve Design Review, staff recommends that the required findings for approval be satisfied for the proposed project, as follows:

- **The project is consistent with the purpose of Design Review as outlined in Section 18.41.010. (Section 18.41.070 (b) (1))**
- **The project is in substantial compliance with the design criteria of Section 18.41.100. (Section 18.41.070 (b) (2))**
- **The project is consistent with the Ross General Plan and Zoning Ordinance. (Section 18.41.070 (b) (3))**

Staff recommends approval of Design Review, as summarized below and as supported by the findings in the attached Resolution (Exhibit "A").

The project provides design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," provides low-density character and identity

that is unique to the Town of Ross; preserves 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. The proposed project is not monumental or excessively large in size and is compatible with other developments in the neighborhood. The project proposes materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Exterior lighting is shielded and directed downward to avoid creating glare, hazard or annoyance to adjacent property owners or passersby. Landscaping protects privacy between properties, all proposed lighting is down lit with covered bulbs. The post-project stormwater runoff rates from the site would be no greater than pre-project rates.

Hillside Lot Permit

Hillside areas are defined as parcels which have a slope of thirty percent or greater or are wholly or partially within Hazard Zones 3 or 4 as identified on the Town slope stability map. The purpose of Hillside designation includes: preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain; protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources; ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety; protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites; and reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

Pursuant to Section 18.39.20 (b), the proposed project requires a Hillside Lot Permit for a project encroaching within the minimum required side yard setback.

Staff recommends approval of the Hillside Lot Permit as summarized below and by the findings in Exhibit "A".

The proposed project protects and preserves public and private open space; significant features of the natural environment, includes steep slopes, creeks, significant native vegetation, and wildlife; and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety. Design is well articulated to minimize the appearance of bulk. Materials and colors are of subdued tones and blend with the natural landscape. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views. Consistent with Chapter 18.48, the findings are recommended to support the approval of the requested pool/spa to be constructed as proposed setback encroachments on a Hillside Lot.

Variance

Pursuant to RMC Section 18.48.010, where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the zoning ordinance may result from the strict application of certain provisions thereof, variances, exceptions and adjustments may be granted, by the Town Council in appropriate cases, after public notice and hearing as provided in the zoning ordinance. 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.

In accordance with RMC Section 18.48.010, a Variance is recommended for approval to construct a pool within the front and side yard setback, an outdoor BBQ within the side yard setback, and a new deck and metal screen over 6-feet in height based on the following mandatory findings.

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

Analysis: The special circumstances and conditions applicable to the land include the substandard lot size of less than an acre, which is much less than the minimum lot size of five acres for the district. The development standards, setbacks, for the subject property are more applicable to lots of size of five acres or more. Accordingly, these development standards are limiting and restrictive to the subject property. The special circumstances and conditions applicable to the land also include the irregular lot shape and the existing development pattern on the property which make it difficult to construct new improvements that are entirely compliant with the minimum required yard setbacks.

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

Analysis: Pools and associated landscape improvements are commonly enjoyed by owners of residential properties in the immediate vicinity. The lot on 2 Crest Road is much smaller than the minimum lot size required for zoning districts R-1: B-5A. 2 Crest Road sits on 18,773 SF, although the minimum lot area for the applicable zoning district is 5 acres. Granting of the Variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

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

Analysis: The proposed new pool, outdoor BBQ, and new deck and metal screen over 6-feet in height would not adversely affect the health and safety of nearby residents as the applicant will construct a 5' 8" fence which will provide additional safety and visual screening from adjacent

properties. The project would also be constructed in compliance with the building code and fire codes and all conditions of approval.

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 impact on the Town 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.

Public Comment

Public Notices were mailed to property owners within 500 feet of the project site 10 days prior to the meeting date pursuant to the Ross Municipal Code. Comments received from the adjacent neighbor at 70 Baywood Avenue are included as **Attachment 4**.

Attachments

1. Resolution No. 2329
2. Project Plans
3. Project Application and Materials
4. Correspondence
5. ADR Meeting Minutes, January 17, 2023 & July 18, 2023

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2329

RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, HILLSIDE LOT PERMIT, AND VARIANCE TO CONSTRUCT NEW LANDSCAPE STRUCTURES WITHIN THE FRONT AND SIDE YARD SETBACK AND CONSTRUCTION OF A NEW DECK AND METAL SCREEN OVER 6 - FEET IN HEIGHT

AT 2 CREST ROAD, A.P.N. 072-023-27

WHEREAS, the applicant, Imprints Landscape Architects, on behalf of property owners, Benjamin and Laura Dewar, submitted an application requesting approval of Design Review, a Hillside Lot Permit, and a Variance to construct new landscape structures, a new pool/spa, pool equipment enclosure, a shed with storage, wooden deck, an outdoor BBQ, concrete retaining walls, new fencing and gates over 48" in height, deck structure with metal screen over 6-feet in height, a vegetable garden, and new site plantings. A Variance is requested to allow for the construction of new landscape structures including a pool/spa within the front and side yard setback, an outdoor BBQ within the front (Baywood) yard setback and a new deck and metal screen over 6 -feet in height at 2 Crest Road APN 072-023-27 (herein referred to as "the Project").

WHEREAS, the Project is determined to be 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 November 9, 2023, 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; making the findings set forth in Exhibit "A", and conditionally approves the Design Review, Hillside Lot Permit, and Variance 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 November 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Cyndie Martel, Town Clerk

Elizabeth Brekhus, Mayor

EXHIBIT "A"
FINDINGS
2 Crest Road
A.P.N. 072-023-27

A. Findings

I. In accordance with Ross Municipal Code (RMC) Section 18.41.070, Design Review is approved based on the following mandatory findings:

a) The project is consistent with the purpose of the Design Review chapter as outlined in RMC 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 RMC Section 18.41.010. It provides excellent design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," provides very low-density character and identity that is unique to the Town of Ross; preserves 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 RMC Section 18.41.100.

As recommended by the Advisory Design Review (ADR) Group, the Project is in substantial compliance with the design criteria of RMC Section 18.41.100. The site would be kept in harmony with the general appearance of neighboring landscape. Lot coverage and building footprints would be minimized, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. New buildings constructed on sloping land are designed to relate to the natural landforms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site. Buildings would use materials and colors that minimize visual impacts and blend with the existing landforms and vegetative cover, including wood and stone. Good access, circulation and off-street parking would be provided consistent with the natural features of the site. Open fencing would be aesthetically attractive and not create a "walled-in" feeling or a harsh, solid expanse. Landscaping would be integrated into the architectural scheme to accent and enhance the appearance of the development, including attractive, fire-resistant, native species and replacement trees for trees removed by development. Landscaping would create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire. The Project would maximize permeability and reduce the overall impervious surface coverage on the property, by removing existing impervious surfaces to more than offset the new development, so that the post-development stormwater runoff rates from the site would be no greater than pre-project rates.

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 Very Low-Density land use designation of the General Plan, the Single-Family Residence and Special Building Site zoning regulations. It preserves the desirable single family residence character of the town; therefore, the Project is found to be consistent with the Ross General Plan and Zoning Ordinance.

II. In accordance with Ross Municipal Code Section 18.39.060, Hillside Lot Permit is approved based on the following mandatory findings:

(1). The project complies with the stated purposes of Chapter 18.39.

The proposed project protects and preserves public and private open space; significant features of the natural environment; includes steep slopes, creeks, significant native vegetation, and wildlife; and, other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety.

(2). The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance.

Graded slopes do not exceed 2:1. Development adheres to the wildland urban interface building standards within the California Building Standards Code. The project would produce no net increase in peak runoff from the site compared to pre-project conditions. Consistent with Chapter 18.48, findings are recommended to support the requested Variance to allow for the proposed setback encroachments on a Hillside Lot.

(3). The project substantially conforms to the hillside development guidelines in Section 18.39.090.

Architectural design complements the form of the natural landscape. Design is well-articulated to minimize the appearance of bulk. Materials and colors are of subdued tones to blend with the natural landscape. The existing nonconforming residence and the placement conform to the natural contours of the site. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.

III. In accordance with Ross Municipal Code (RMC) Section 18.48.010(c), a 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 and conditions applicable to the project include the substandard lot size of less than an acre, which is less than the minimum lot size of five acres for the district. The property is subject to development standards that are intended to be applicable

to five-acre lots, setbacks which are more restrictive than would typically apply to an equivalent lot located in a conforming zoning district. The irregular lot shape, and the existing development pattern on the property including setbacks make it difficult to construct new improvements that are entirely compliant with the minimum required yard setbacks.

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

Pools and associated landscape improvements are commonly enjoyed by owners of residential properties in the immediate vicinity. The lot on 2 Crest Road is smaller than the minimum lot size required for zoning districts R-1: B-5A. 2 Crest Road sits on 18,773 SF, although the minimum lot area for the applicable zoning district is 5 acres. Granting the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

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, outdoor BBQ, and new deck and metal screen over 6-feet in height would not adversely affect the health and safety of nearby residents as the applicant will construct a 5' 8" fence which will provide additional safety and visual screening from adjacent properties. The project would also be constructed in compliance with the building code and fire codes and all conditions of approval.

EXHIBIT "B"
CONDITIONS OF APPROVAL
2 Crest Road
A.P.N. 072-023-27

1. The building permit shall substantially conform to the plans entitled, "Dewar Residence" dated 7/18/2023, and reviewed and approved by the Town Council on November 9, 2023.
2. 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.
3. 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.
4. The Project shall comply with the Fire Code and all requirements of the Ross Valley Fire Department (RVFD).
5. 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.
6. 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.
7. A Tree Permit shall not be issued until the project grading or building permit is issued.
8. The Project shall comply with the following conditions of the Town of Ross Planning and 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 a 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. No additional landscaping shall be permitted within the 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 8n.

- 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 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, Juneteenth, 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

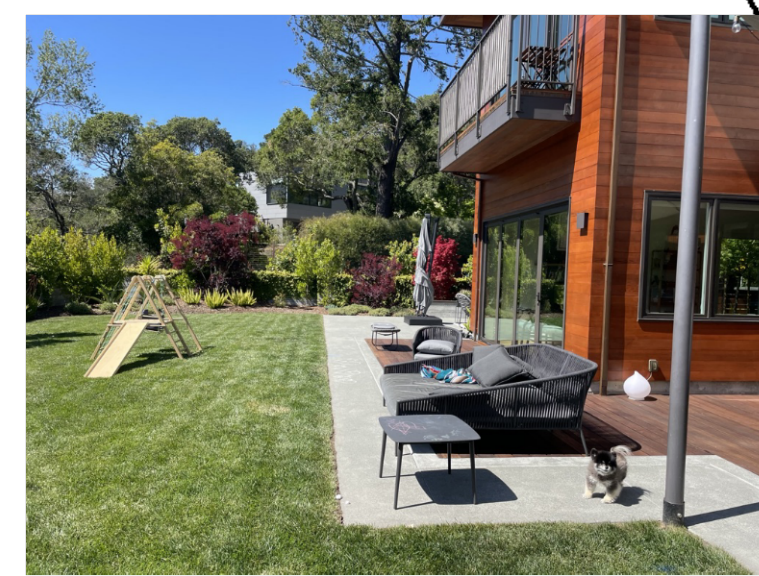
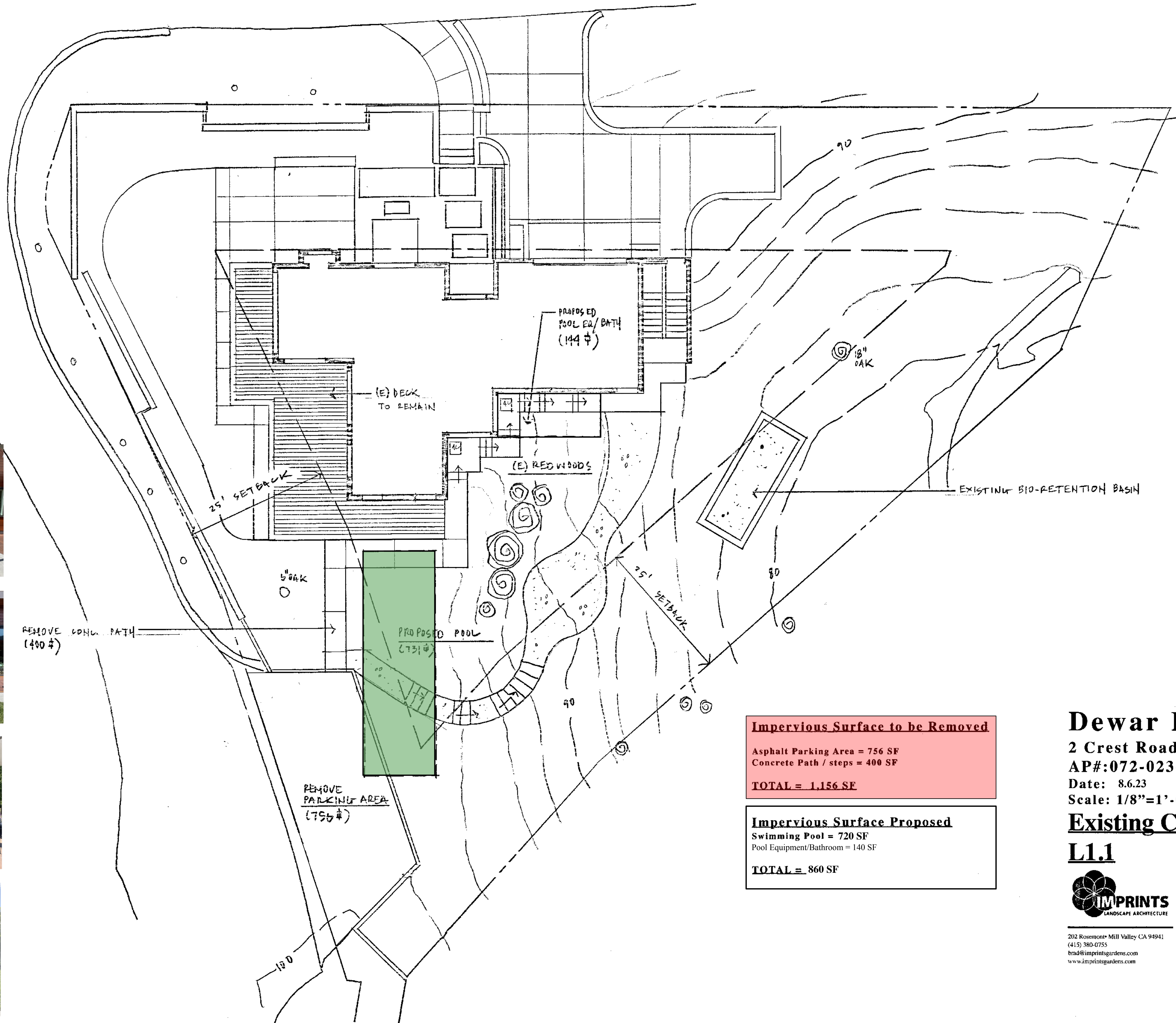
of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

- 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.
9. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

ATTACHMENT 2

CREST AVE.

DAYWOOD AVE.



Impervious Surface to be Removed

Asphalt Parking Area = 756 SF
 Concrete Path / steps = 400 SF

TOTAL = 1,156 SF

Impervious Surface Proposed

Swimming Pool = 720 SF
 Pool Equipment/Bathroom = 140 SF

TOTAL = 860 SF

Dewar Residence

2 Crest Road Ross, CA.

AP#: 072-023-27

Date: 8.6.23

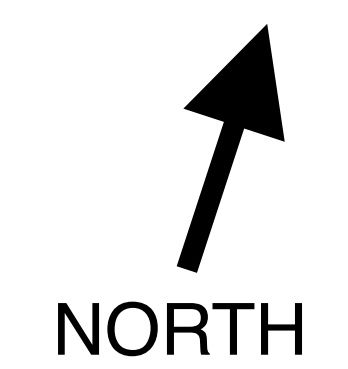
Scale: 1/8" = 1'-0"

Existing Conditions Plan

L1.1



202 Rosemont Mill Valley CA 94941
 (415) 380-0755
 brad@imprintsgardens.com
 www.imprintsgardens.com



NORTH



PRELIMINARY PLANT LIST (DEWAR)

TREES						
ABBR.	BOTANIC NAME	COMMON NAME	SIZE	O	HT./WDTH	NOTE
AU	ARBUTUS UNEDO "MARINA"	STRAWBERRY TREE	36" B	1	20 X 20"	EN W F
SHRUB / PERENNIALS / GRASSES / GROUND COVER LIST						
ABBR.	BOTANIC NAME	COMMON NAME	SIZE	HT./WDTH	NOTE	
AD	AGAVE DESMATIANA	AGAVE	15 G	4 X 4"	EWF	
BB	BUXUS "GREEN BEAUTY"	BOXWOOD	5 G	3 X 3"	EWF	
CE	CAREX "EVERGOLD"	SEDGE	1 G	18" X 18"	EWF	
CT	CHONDROPETALU TECTORUM	CAPE RUSH	1 G	4 X 4"	EWF	
LB	LOMANDRA "BREEZE"	MAT RUSH	1 G	3 X 3"	EWF	
MS	MAHONIA "SOFT CARESS"	MAHONIA	5 G	4 X 4"	EWF	
MC	MYRICA CALIFORNICA	WAX MYRTLE	15 G	10 X 10"	EN W F	
OL	OLEA "LITTLE OLLIE"	DWARF OLIVE	5 G	3 X 3"	EWF	
PD	POLYGALA DALMASSIANA	SWEAT PEA	5 G	4 X 4"	EWF	
PL	PRUNUS LAUROCERASUS	ENGLISH LAUREL	15 G	15 X 15"	EF	
RA	RHAMNUS ALATERNUS (STAKED)	BUCKTHORN	15 G	12 X 6"	EN W F	
RC	RHAMNUS CALIFORNICA	COFFEEBERRY	1 G	4 X 6"	EN W F	
SR	SARCOCOCOA RUSCIFOLIA	SARCOCOCOA	5 G	4 X 4"	EWF	
VD	VERBENA DE LA MINA	VERBENA	1 G	3 X 3"	EN W F	

LEGEND
 E = EVERGREEN
 D = DECIDUOUS
 N = CALIFORNIA NATIVE
 W = LOW WATER USE REQUIREMENTS
 F = LOW FIRE / NON - PYROPHYTIC

NOTE:
 ALL PLANTS ARE TO BE IRRIGATED UTILIZING DRIP IRRIGATION METHODS.
 ALL PLANTS ARE NON-PYROPHYTIC (NON-FLAMMABLE)
 ALL PLANTS ARE LOW WATER

DESIGN REVIEW NOTES

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 UNIFORM CONSTRUCTION STANDARDS (UCS) OF THE COUNTY OF MARIN AND THE TOWN OF ROSS.
 3. THESE DRAWING ARE 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 AND STEPS ARE TO BE CONCRETE WITH INTEGRAL COLOR. CONCRETE IS TO MATCH THE EXISTING CONCRETE.
 2. ALL WALLS ARE TO BE BOARD FORM FINISH TO MATCH EXISTING CONCRETE WALLS.
 3. CRUSHED ROCK PATHS ARE TO BE 3/8" SIERRA TAN OR APPROVED EQUAL.
 4. NEW PRIVACY SCREEN FENCING TO BE TUBULAR STEEL. COLOR TO BE DARK BRONZE TO MATCH HOUSE WINDOW AND DOOR TRIM COLOR.
 5. NEW WOOD DECK TO MATCH THE EXISTING WOOD DECK.

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.

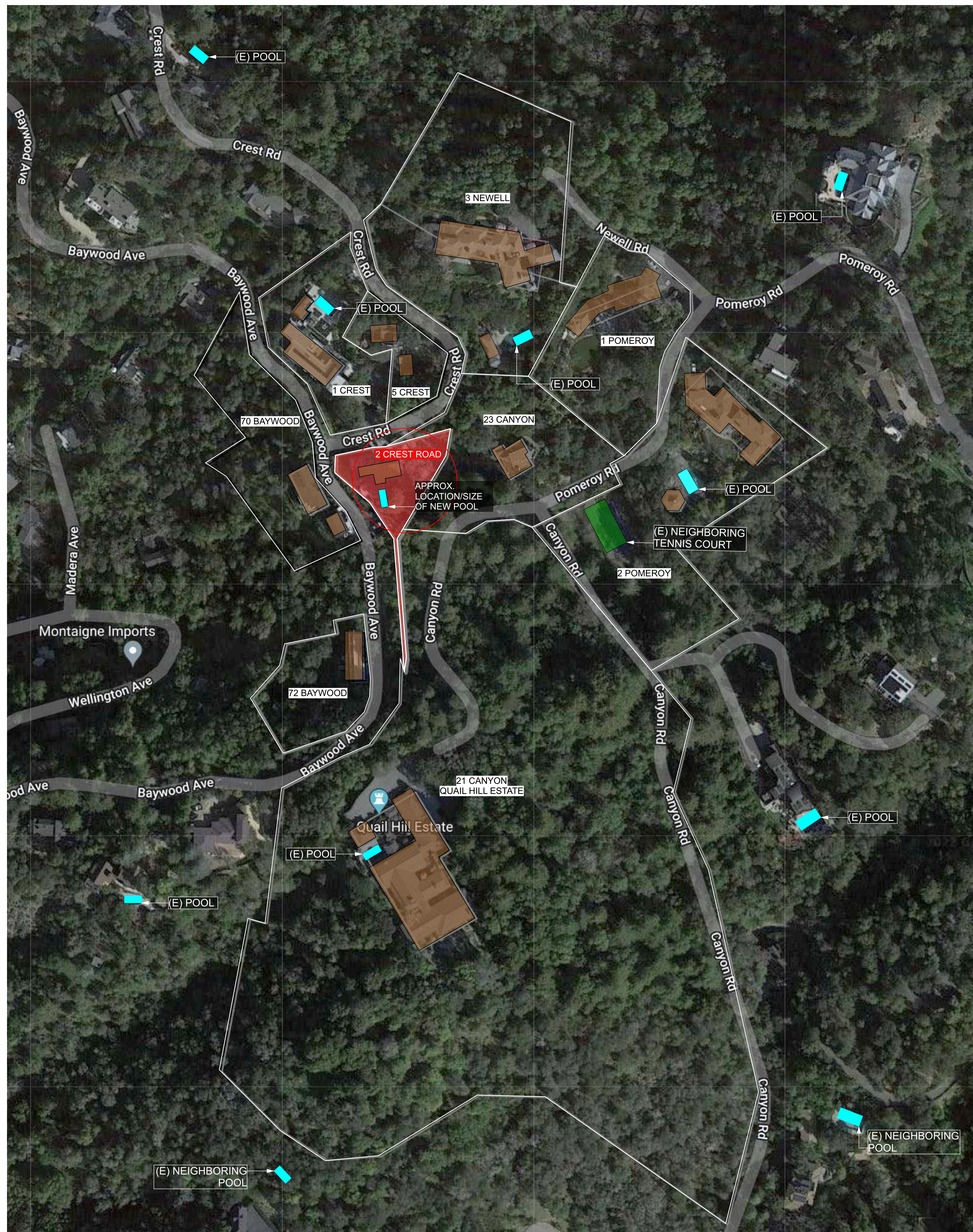
LIGHTING NOTES
 1. ALL LIGHTS ARE TO BE LOW VOLTAGE / LED.
 2. LIGHTS TO NOT EXCEED 370 LUMENS.

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

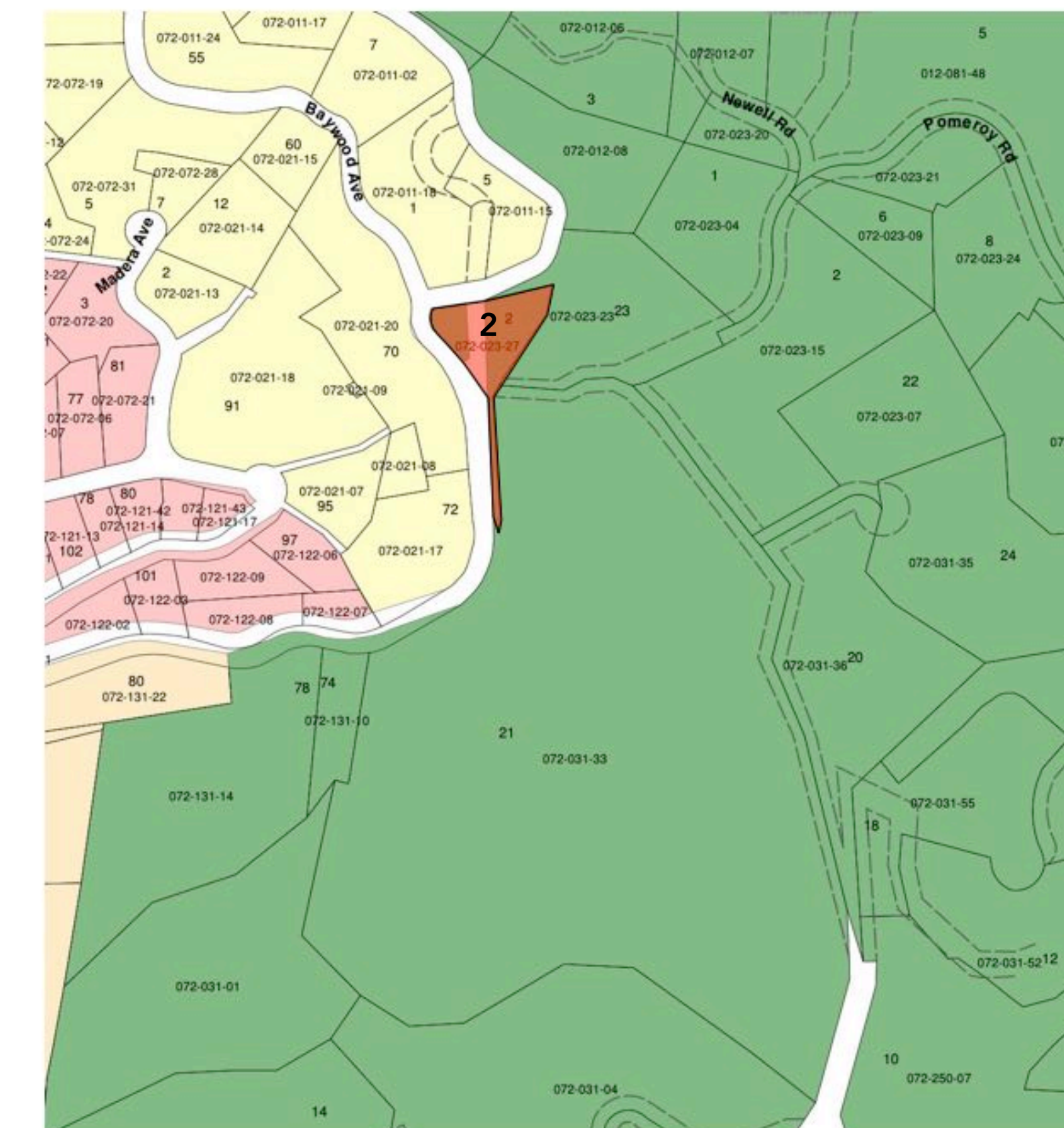
Dewar Residence
 2 Crest Road Ross, CA.
 AP#: 072-023-27
 Date: 8.6.23
 Scale: 1/8" = 1'-0"
Landscape Concept Plan
SHEET L1.2



202 Rosemont Mill Valley CA 94941
 (415) 380-0755
 brad@imprintsgardens.com
 www.imprintsgardens.com



ZONING MAP



Dewar Residence

2 Crest Road Ross, CA.

AP#: 072-023-27

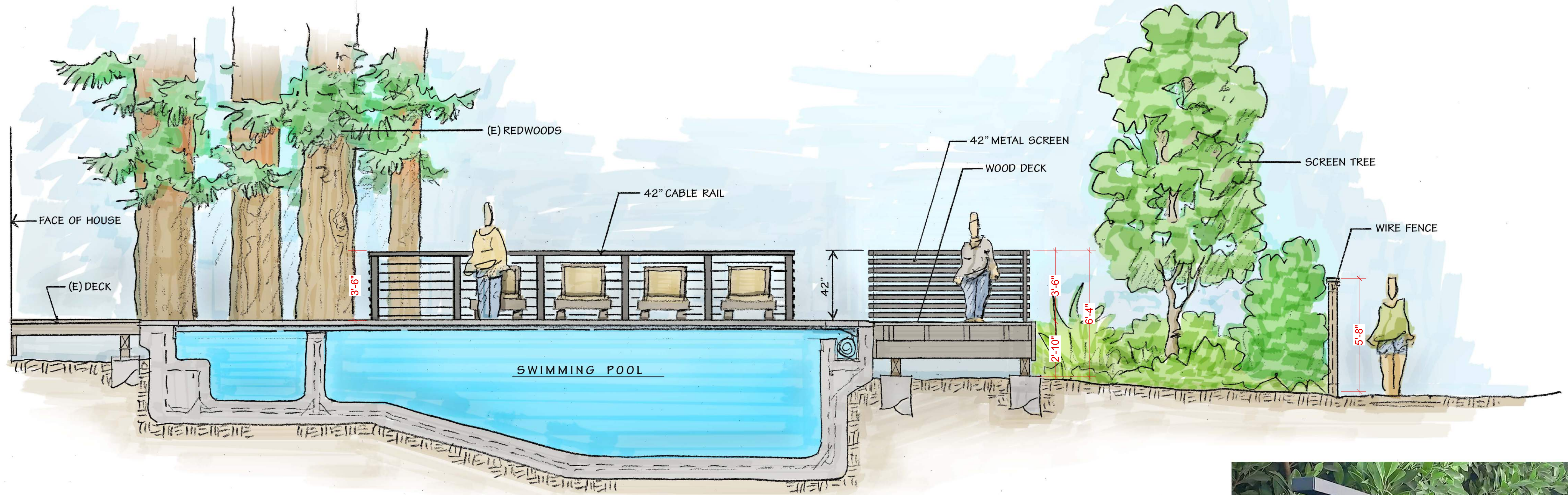
Date: 8.6.23

Neighborhood Context Map

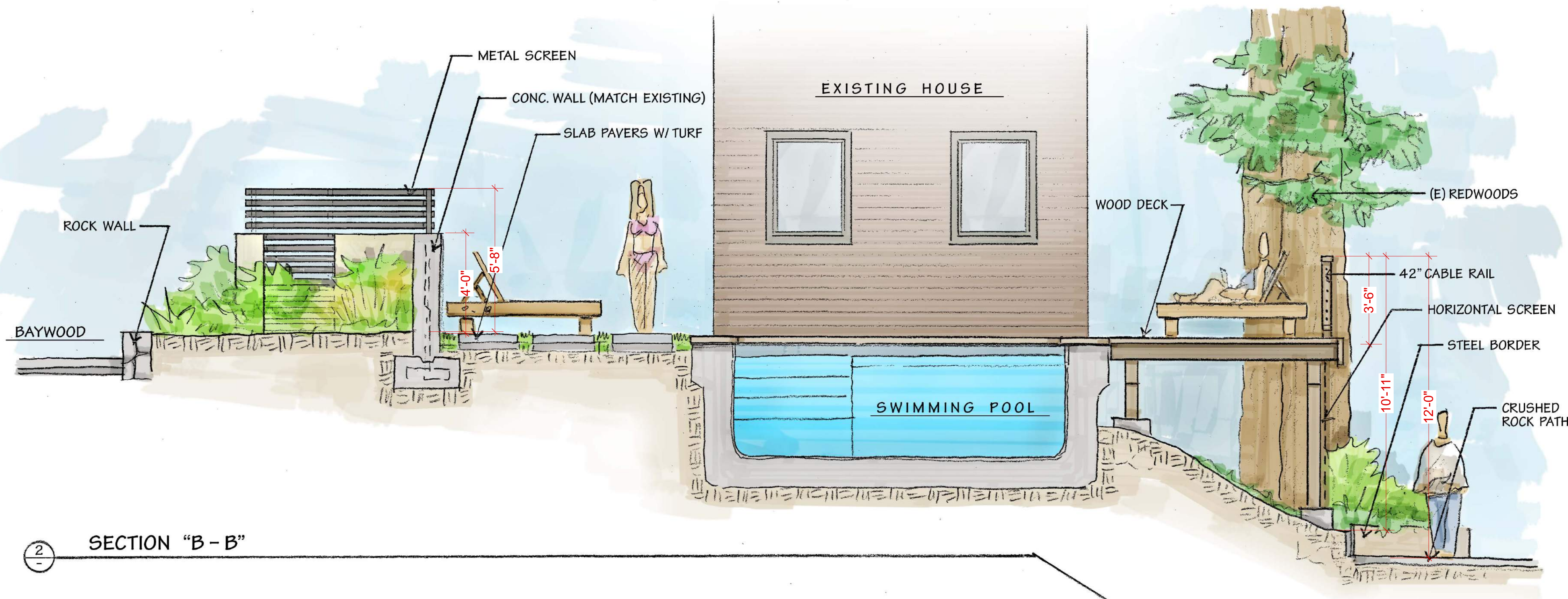
L1.3



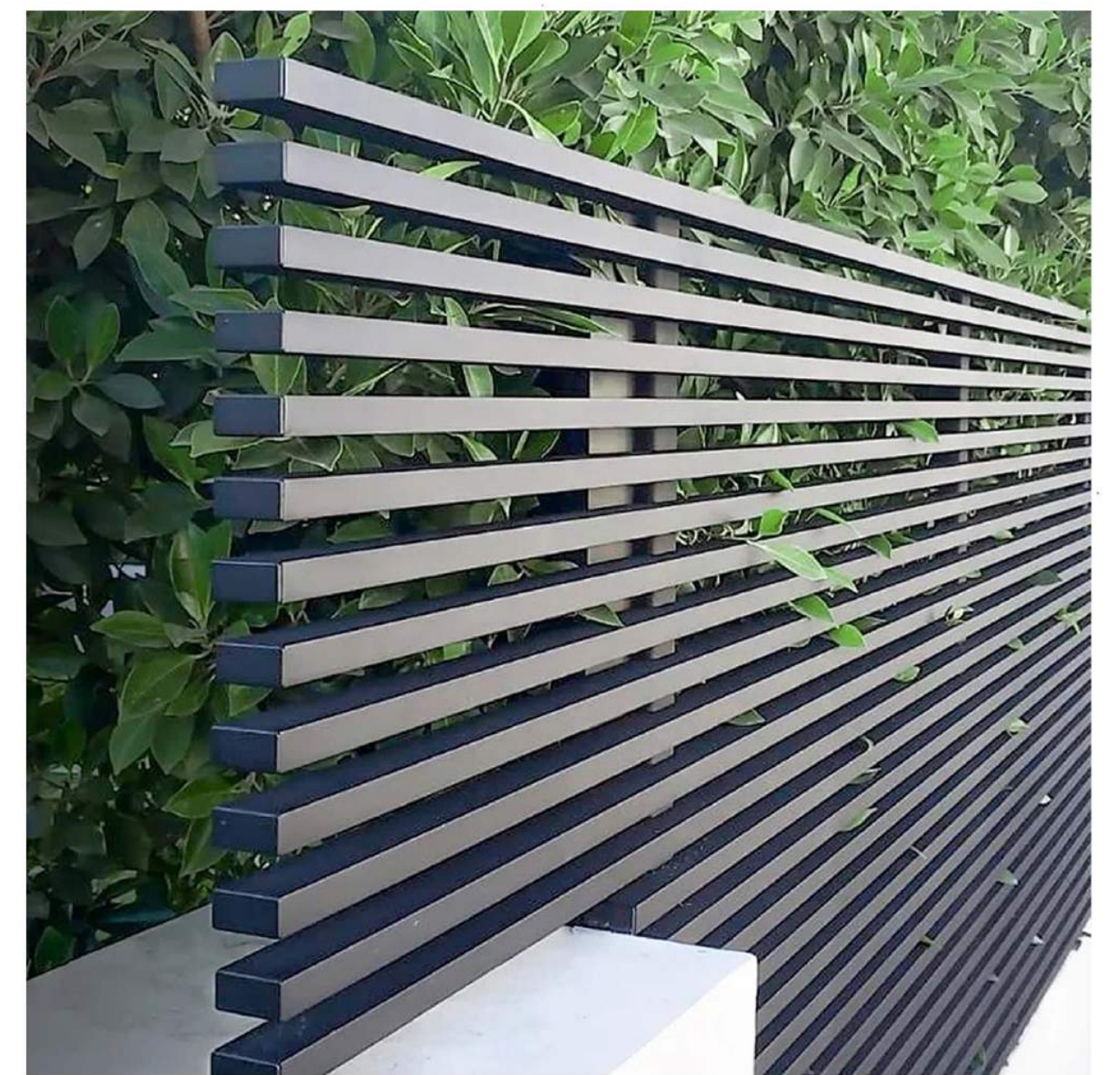
202 Rosemont Mill Valley CA 94941
 (415) 380-0755
 brad@imprintsgardens.com
 www.imprintsgardens.com



1 SECTION "A-A"



2 SECTION "B-B"



Dewar Residence

2 Crest Road Ross, CA.

AP#: 072-023-27

Date: 4 / 6 / 2023

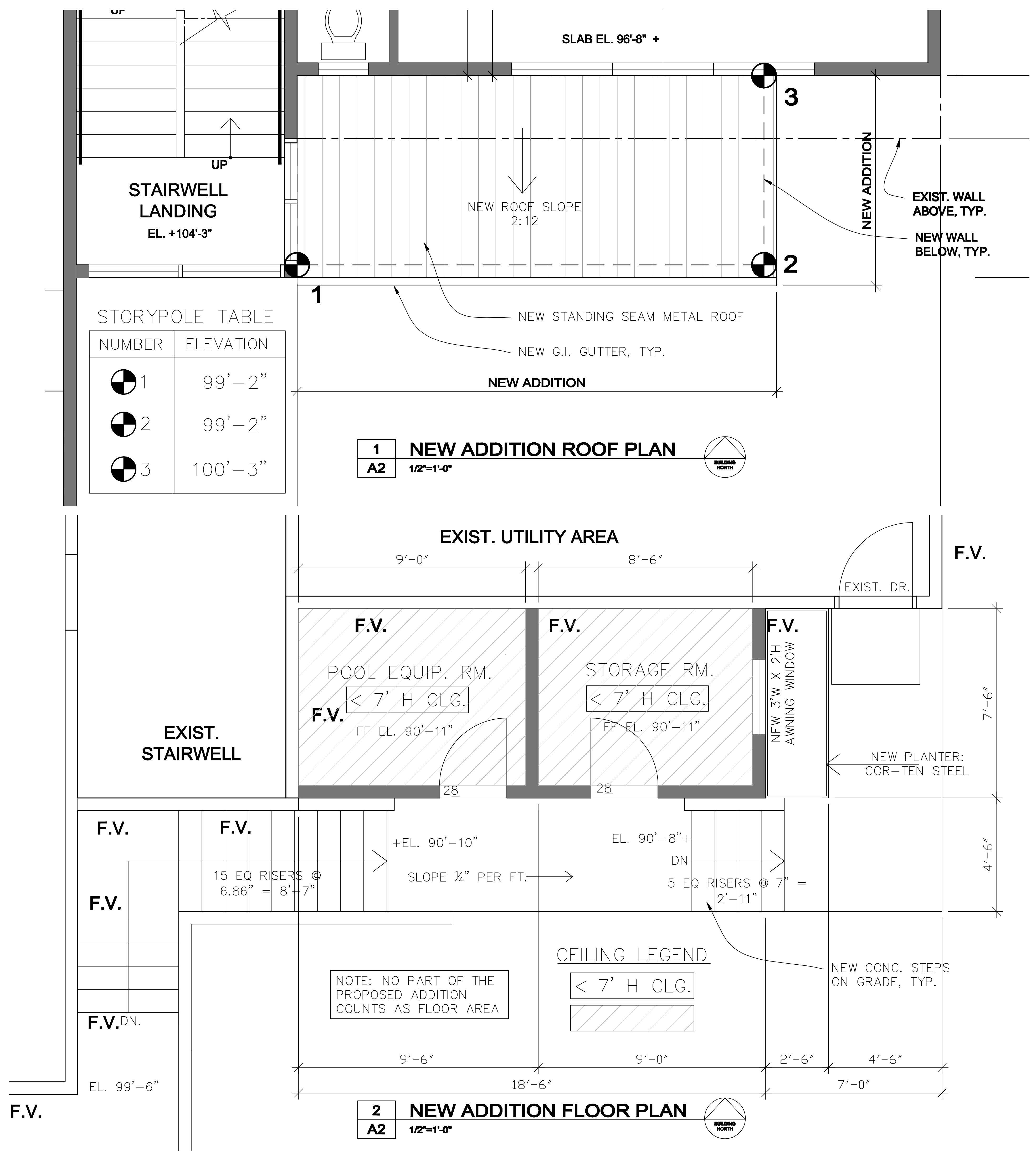
Scale: 8.6.23

Landscape Sketches

SHEET L1.4



202 Rosemont Mill Valley CA 94941
 (415) 380-0755
 brad@imprintsgardens.com
 www.imprintsgardens.com



STAIRWELL LANDING
EL. +104'-3"

SLAB EL. 96'-8" +

NEW ROOF SLOPE
2:12

STORYPOLE TABLE

NUMBER	ELEVATION
1	99'-2"
2	99'-2"
3	100'-3"

1 NEW ADDITION ROOF PLAN
A2 1/2"=1'-0"

2 NEW ADDITION FLOOR PLAN
A2 1/2"=1'-0"

THESE DESIGNS, PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THAYER ARCHITECTURE INC. AND MAY NOT BE REPRODUCED, COPIED OR USED IN ANY WAY WITHOUT HIS PERMISSION.

10/8/23 DATE
T BY
NO. REVISION

Kyle A. Thayer, Architect
P.O. Box 2811
San Anselmo, CA 94978
Tel. 415 524-2775
kthayer@thayer.net

THAYER ARCHITECTURE INC.

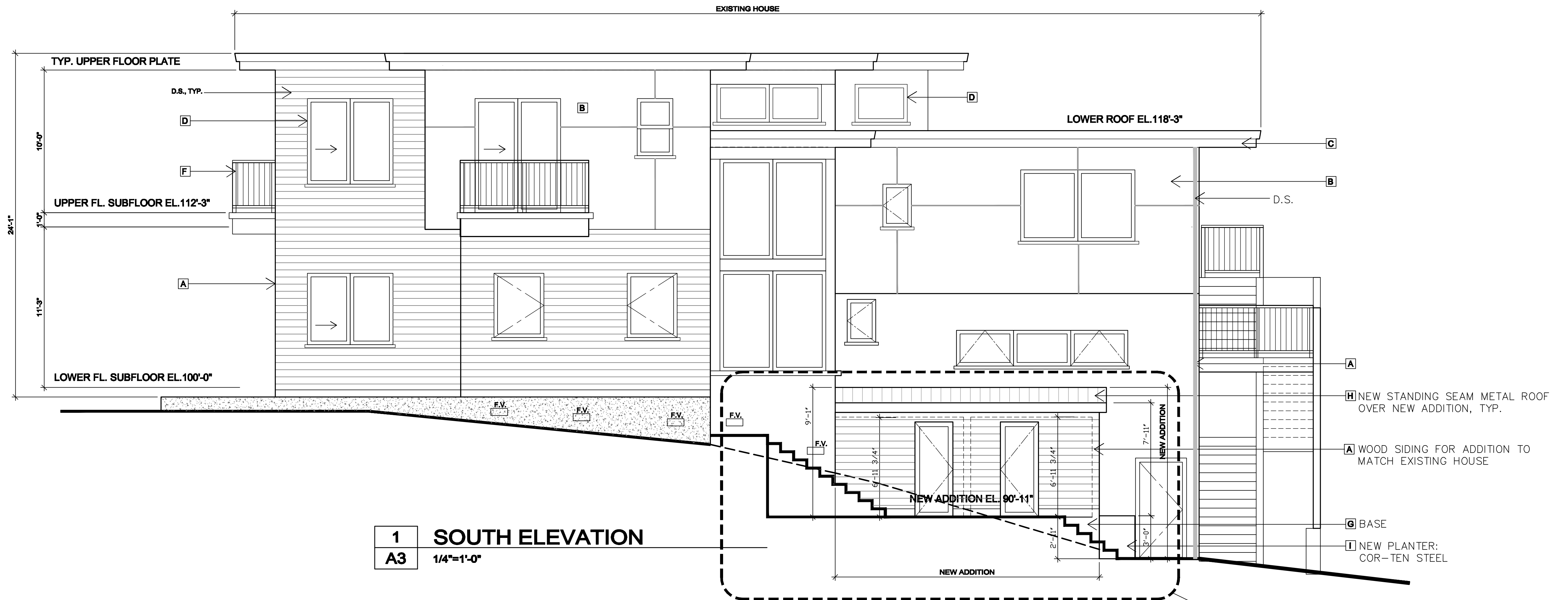
A NEW POOL EQUIPMENT ROOM & STORAGE
2 CREST ROAD
ROSS, CA
A.P. NO. 072-023-27

JOB NO: 2022-012

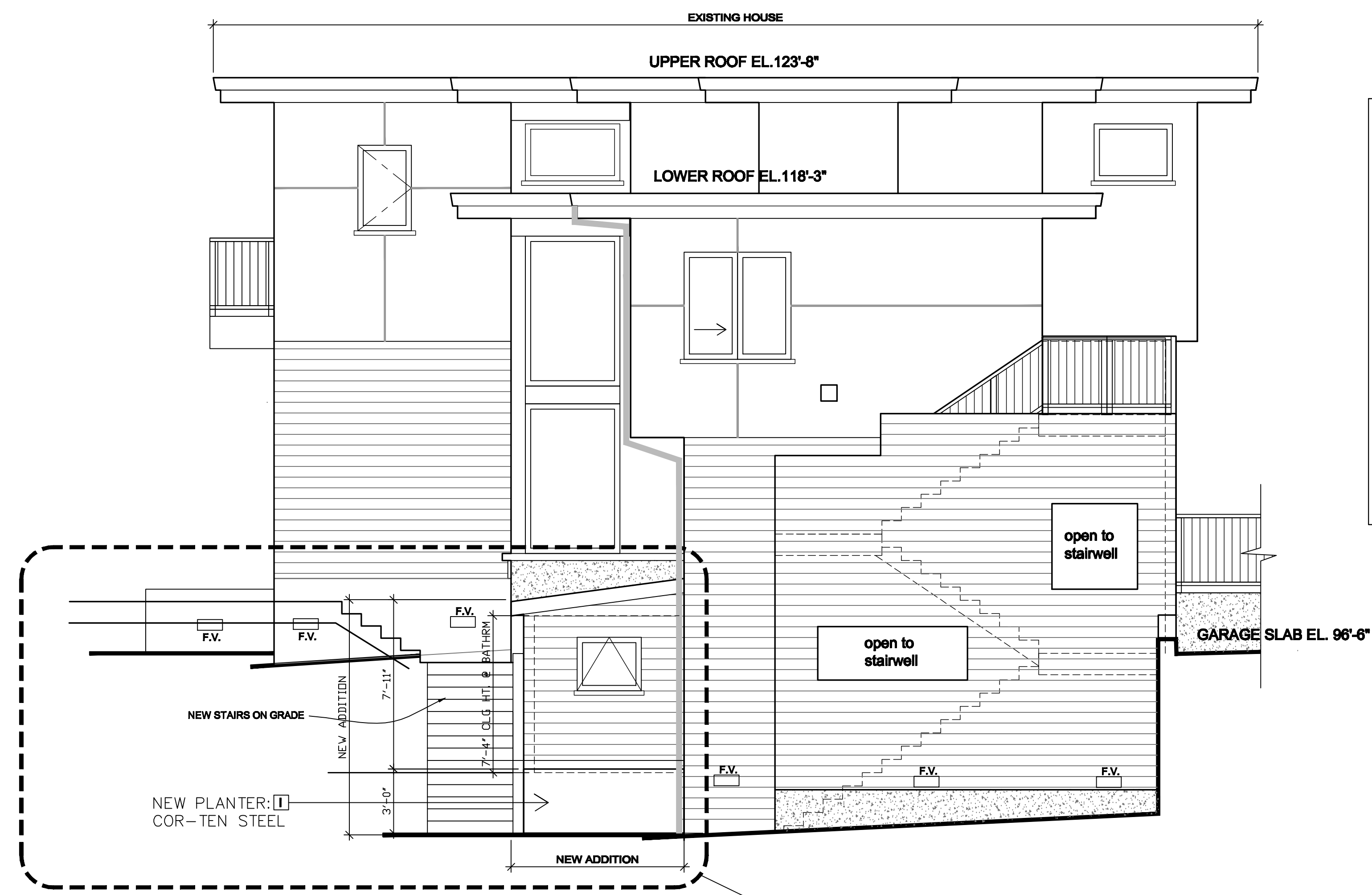
LOWER FLOOR PLAN

SCALE: AS NOTED
DATE: OCT. 6, 2023
DRAWING

A2
REVISION 0



1 SOUTH ELEVATION
A3 1/4"=1'-0"



2 EAST ELEVATION
A3 1/4"=1'-0"

- MATERIALS AND COLORS**
- A HORIZONTAL SIDING: STAINED NATURAL CEDAR
 - B 3-COAT STUCCO PLASTER SIDING: SILVER GREY: FLAT
 - C ROOF FASCIA: COPPER
 - D WINDOW SASH: BRONZE
 - E FASCIA GUTTER: COPPER
 - F RAILINGS: GALVANIZED STEEL, PAINTED BRONZE
 - G BOARD-FORMED CONCRETE
 - H STANDING SEAM METAL ROOF (NEW)
 - I COR-TEN STEEL PLANTER

THESE DESIGNS, PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY BE COPIED OR USED IN ANY WAY WITHOUT HIS PERMISSION.

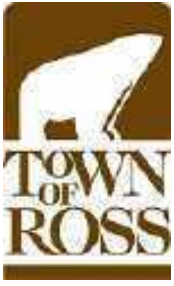
NO.	DATE	BY	REVISION
10/23		T	ISSUED FOR DESIGN REVIEW

THAYER ARCHITECTURE INC.
 Kyle A. Thayer, Architect
 P.O. Box 2811
 San Anselmo, CA 94978
 Tel. 415 524-2775
 kthayer@thayer.net

A NEW POOL EQUIPMENT ROOM & STORAGE
2 CREST ROAD
 ROSS, CA
 A.P. NO. 072-023-27

JOB NO: 2022-012
BUILDING ELEVATIONS
 SCALE: 1/4"=1'-0"
 DATE: OCT. 6, 2023
 DRAWING
A3
 REVISION

ATTACHMENT 3



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Telephone (415) 453-1453, Ext. 121 Fax (415) 453-1950

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Advisory Design Review | <input type="checkbox"/> Minor Exception |
| <input type="checkbox"/> Appeals | <input type="checkbox"/> Non-conformity Permit |
| <input type="checkbox"/> Basement and Attics Exception | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Tentative Map |
| <input type="checkbox"/> Demolition Permit | <input type="checkbox"/> Tentative Map Amendment |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review- Amendment | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Final or Parcel Map | <input type="checkbox"/> Variance |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zoning Ordinance |
| <input type="checkbox"/> Hillside Lot Permit | <input type="checkbox"/> Amendment Other: |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Other: |

To Be Completed by Applicant:

Assessor's Parcel No(s): 072-023-27

Project Address: 2 Crest Road

Property Owner: Benjamin and Laura Dewar

Owner Mailing Address (PO Box in Ross): 993

City/State/Zip: Ross, Ca Owner's Phone: 917-443-7460

Owner's Email: loladewar@gmail.com

Applicant: Imprints Landscape Architecture daniel@imprintsgardens.com

Applicant Mailing Address: 202 Rosemont Avenue

City/State/Zip: Mill Valley, CA 94941 Applicant's Phone: 415-380-0755

Applicant's Email: _____

Primary point of Contact Email: Owner Buyer Agent Architect

To Be Completed by Town Staff:

Date Received: _____

Application No.: _____

Zoning: _____

Planning 5300	_____
Tree Permit 5305	_____
Fee Program Administration 5315-05	_____
Record Management 5316-05	_____
Record Retention 5112-05	_____
Technology Surcharge 5313-05	_____
TOTAL FEES:	_____

Date paid: _____

Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.

SUBDIVISION INFORMATION ONLY

Number of Lots: _____

LOT LINE ADJUSTMENT ONLY

Describe the Proposed Lot Line Adjustment:

Existing Parcel Size(s) *Parcel 1:* *Parcel 2:*

Adjusted Parcel Size(s) *Parcel 1:* *Parcel 2:*

PARCEL ONE

PARCEL 2

Owners Signature:

Owner's Signature:

Date:

Date:

Owner's Name (Please Print):

Owner's Name (Please Print):

Assessor's Parcel Number:

Assessor's Parcel Number:

* If there are more than two affected property owners, please attach separate letters of authorization.

REZONING OR TEXT AMENDMENT ONLY

The applicant wishes to amend Section _____ of the Ross Municipal Code Title 18.

The applicant wishes to Rezone parcel _____ from the _____ Zoning District to _____.

GENERAL OR SPECIFIC PLAN AMENDMENT ONLY

Please describe the proposed amendment:

CERTIFICATION AND SIGNATURES

I, the property owner, do hereby authorize the applicant designated herein to act as my representative during the review process by City staff and agencies.

Owner's Signature:  Date: 1/10/2023

I, the applicant, do hereby declare under penalty of perjury that the facts and information contained in this application, including any supplemental forms and materials, are true and accurate to the best of my knowledge

Owner's Signature:  Date: 

SIGNATURE:

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

I further certify that I understand the processing procedures, fees, and application submittal requirements.

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at

Ross _____, California on **1.10.23** _____

DocuSigned by:
Laura Dewar
2665512F2D6F43D...

Brad Eigsti

Signature of Property Owner(s) and Applicant(s) Signature of Plan Preparer

Notice of Ordinance/Plan Modifications

- Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm Imprints Landscape Architecture
Project Landscape Architect Brad Eigsti
Mailing Address 202 Rosemont Avenue
City Mill Valley State CA ZIP 94941
Phone 415-380-0755 Fax _____
Email daniel@imprintsgardens.com
Town of Ross Business License No. 00300250 Expiration Date Dec 2023

Civil/ Geotechnical Engineer

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

Arborist

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

Other

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

Other

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

Mandatory Findings for Variance Applications

In order for a variance to be granted, the following mandatory findings must be made:

Special Circumstances

That because of special circumstances applicable to the property, including size, shape, topography, location, and surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. **Describe the special circumstances that prevent conformance to pertinent zoning regulations.**

SEE ATTACHED

Substantial Property Rights

That the variance is necessary for the preservation and enjoyment of substantial property rights. **Describe why the project is needed to enjoy substantial property rights.**

SEE ATTACHED

Public Welfare

That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the neighborhood in which said property is situated. **Describe why the variance will not be harmful to or incompatible with other nearby properties.**

SEE ATTACHED

VARIANCE APPLICATION NOTES

8.6.23

**Ben and Laura DEWAR
2 CREST ROAD
ROSS, CA 94957**

Project Summary

The owners, Laura and Ben Dewar, request Design Review and Variance approval for their landscaping project at 2 Crest Rd. The project includes a pool, pool equipment shed with storage, wood deck, concrete retaining walls, new fencing and gates, fire pit, outdoor BBQ, vegetable garden, and new site plantings. New materials to match the existing house and deck. No changes to FAR. Note that required parking is met through the (5) spots at the garage and driveway. The additional parking lot will be removed and it will allow for street parking.

The designs have been adjusted per the ADR feedback from the Conceptual review on 1/17/2023. The pool was reduced from 40' to 36' to minimize encroachment into the setbacks. The height of the existing fence will be increased to meet the required height for the pool safety code and to create additional privacy for the homeowner + neighbors.

Mandatory Findings for a Variance

Special Circumstances

- Irregular Shaped Lot
- Desire to preserve the Redwoods + Oak limits the buildable zone
- Desire to minimally impact the topography of site influences the pool location
- Pool sited nearest to a private road
- Pool located as far away from neighbors' yards/houses as possible
- Lot Size is substandard for the zoning district - 5 acres min. but we have less than 1/2 acre. Please refer to the Zoning Diagram map.

Substantial Property Rights

- The homeowners would like to enjoy improvements to their unfinished yard to make it a space they can enjoy with their children. Currently, it isn't safe for their children to play in the lower areas of the yard.
- Many similar homes in the neighborhood have pools. Please refer to the neighborhood context map.

Public Welfare

- We hope that this variance would not negatively impact any of our neighbors. Great consideration was given to how to be sensitive to the nearby houses.
- The building closest to the pool is the garage of 70 Baywood. Their house faces away from our lot with their primary outdoor space as decking on the opposite side of their house.
- We chose not to locate the pool at the other corner of our yard since it would put it in closer proximity to the downhill neighbor 23 Canyon.
- Note that the current primary outdoor usage is currently at the patio outside the kitchen - near where the pool will be added.
- The lot adjacent to the pool, 21 Canyon, is a 14 acre parcel with the residence sited up the hill + far from their property line.

PROJECT DATA

	ZONING REQ.	EXISTING	PROPOSED
LOT AREA	5 ACRES (217,800SF)	.43 ACRES (18,773 SF)	NO CHANGE
FLOOR AREA (FAR)	15%	2815 SF (15%)	NO CHANGE
APPROVED FAR	15%	2815 SF (15%)	—
LOT COVERAGE	15%	2225 SF (11.8%)	2364 (12.6%)
IMPERVIOUS SURFACE	—	4770 SF (25.4%)	*4474 SF (23.8%)
BUILDING HEIGHT	30 FT	30 FT	NO CHANGE
FRONT SETBACK (CREST)	25 FT	25'-3"	NO CHANGE
FRONT SETBACK (BAYWOOD)	25 FT	26'-0"	NO CHANGE
SIDE SETBACK	25 FT	42'-3"	NO CHANGE
PARKING	4	5 (2 COV., 3 UNCOV.)	NO CHANGE

*LOT COVERAGE PROPOSED TOTAL = (E) BLDG (2225 SF) + (N) STORAGE (140 SF)

PROPOSED TOTAL 2364 (12.6%)

* **IMPERVIOUS SURFACE** PROPOSED TOTAL = (E) BLDG (4770 SF) MINUS SUM DIFFERENCE BETWEEN IMPERVIOUS SURFACE REMOVED (1156 SF) AND IMPERVIOUS SURFACE PROPOSED (860 SF) = 296 SF
 (E) IMPERVIOUS SURFACE (4770 SF) MINUS (296 SF) = **PROPOSED TOTAL 4474 SF / 23.8% (SEE SHEET L1.1 FOR DETAILS)**

TREE	SPECIES	BOTANICAL	DBH	CBH	STATUS	SUIT	NIZ	CRZ	RECOMMENDATION
T01	REDWOOD	Sequoia sempervirens	22	18	SIGNIFICANT	2	18	7.3	PRESERVE W/MITIGATION
T02	REDWOOD	Sequoia sempervirens	26	18	SIGNIFICANT	3	20	12	PRESERVE W/MITIGATION
T03	REDWOOD	Sequoia sempervirens	54	38	SIGNIFICANT	3	32	27	PRESERVE W/MITIGATION
T04	REDWOOD	Sequoia sempervirens	28	18	SIGNIFICANT	3	18	8.7	PRESERVE W/MITIGATION
T05	REDWOOD	Sequoia sempervirens	58	157	SIGNIFICANT	3	32	17	PRESERVE W/MITIGATION
T06	REDWOOD	Sequoia sempervirens	26	14	SIGNIFICANT	2	20	11	PRESERVE W/MITIGATION

DBH = Trunk Diameter at Breast Height 4.5 feet (54 inches) above soil grade in inches.
 CBH = Aggregate Trunk Circumference at 4.5 feet (54 inches) above soil grade in inches.
 STATUS = Tree Designation as defined within Town of Ross Municipal Code
 SUITABILITY = Suitability for Preservation or the condition and contribution of a tree without regard to proposed development
 (1 = Excellent, 2 = Good, 3 = Fair, 4 = poor, 5 = very poor).
 CRZ = Critical Root Zone is the critical area where structural roots are likely to be located (DBH times 4 in feet).
 NIZ = Individual Tree Root Non-Intrusion Zone represented as a radius in feet from trunk location (Town of Ross).

LEGEND

- T1-T6 = TREE NUMBERS
- TX* = SIGNIFICANT PROTECTED TREES
- = TREE CRITICAL ROOT ZONE
- = TREE NON-INTRUSION ZONE

TOWN OF ROSS MUNICIPAL CODE (ABBREVIATED)

- 12.24.020 Definitions.
- (1) "Diameter" means the average diameter of the trunk of a tree measured at four feet and six inches (4'-6") above the average ground level immediately surrounding the trunk of the tree, also called Diameter at Breast Height or DBH. If there are multiple stems below 4-1/2 feet, the diameter shall be the single largest branch (stem) at 4-1/2 feet, except, if only two stems are present, then the tree is considered to be forked and diameter shall be the measurement of the smallest trunk diameter below the fork.
- (6) "Non-intrusion zone," means the area of ground surrounding the trunk of a tree within which certain activities may be restricted or prohibited in order to protect the tree. The table below shall serve as a general guideline for determining non-intrusion zones around the tree. Non-intrusion zones shall be determined by the project arborist and shall reflect individual site conditions.
- | Trunk Diameter (inches) | Protected Distance (radius in feet) |
|-------------------------|-------------------------------------|
| 6" | 0' |
| 10" | 10' |
| 12" | 12' |
| 18" | 16' |
| 24" | 20' |
| 30" | 24' |
| 36" | 28' |
| 42" | 32' |
| greater than 48" | 32' |

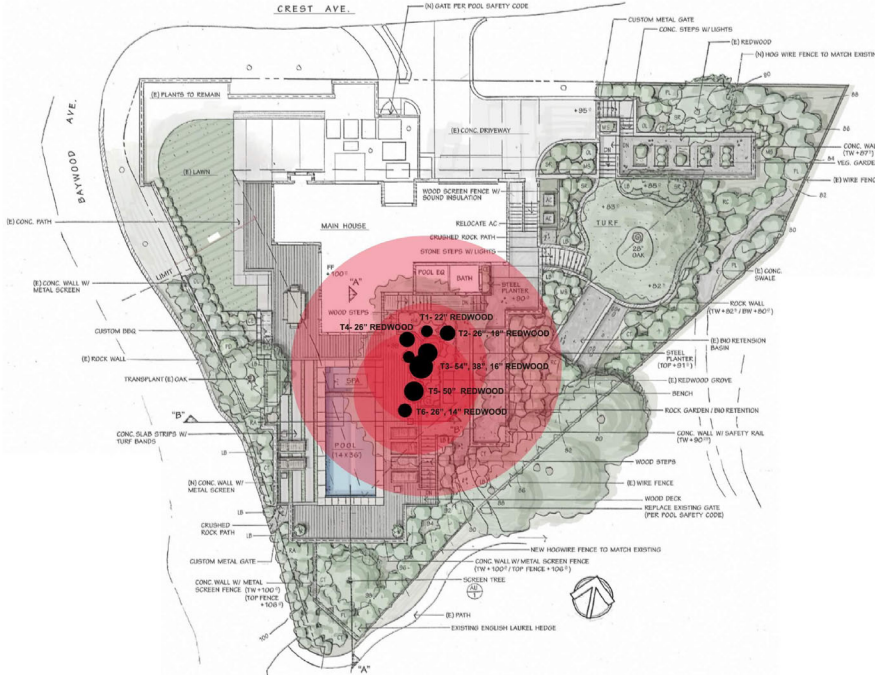
- (7) "Project arborist," means a certified or registered consulting arborist retained by the applicant to report on and oversee the protection of trees on a site subject to a tree protection plan.
- (8) "Protected tree," means any tree located within twenty-five feet (25') of the front or side yard property line or within forty feet (40') of the rear yard property line of any parcel, with such tree having a diameter greater than eight inches (8") and any tree planted as a replacement tree for a tree removed pursuant to this chapter or planted within a required yard setback area pursuant to a landscape plan approved by the town council.
- (10) "Significant tree," means any tree having a single trunk diameter greater than twelve inches (12"), or any tree designated to be preserved on plans approved by the town council, or as a condition of approval of a project approved by the town council.
- 12.24.070 Alteration or removal of trees on improved parcels. (Ord. 699 (part), 2015; Ord. 591 (part), 2. 2009; Ord. 568 (part), 2002).
- (1) No protected or significant tree shall be altered or removed without a Tree Alteration or Removal Permit.
- (2) Any person desiring a Tree Alteration or Removal Permit must file for approval following the procedure as required by Section 12.24.080.
- (3) In the event of an emergency, when such tree poses an imminent threat to life or property, a peace officer or firefighter in their official capacity may exempt a property owner from a Tree Alteration or Removal Permit requirement in the absence of the Public Works Director. The Public Works Director shall be promptly notified of the nature of the emergency and action taken.
- (4) Any person who alters or removes a tree, or causes a tree to be altered or removed, in violation of the above restrictions shall be subject to those penalties provided in Section 12.24.130. (Ord. 686 (part), 2018; Ord. 659 (part), 2015; Ord. 568 (part), 2002).

TREE PROTECTION MEASURES:

1. THE PROPOSED DEVELOPMENT IS LOCATED NEAR THE ROOT INTRUSION ZONES OF EXISTING PROTECTED TREES AND SPECIAL RECOMMENDATIONS FOR DEMOLITION AND CONSTRUCTION ARE REQUIRED AND ADDRESSED WITHIN THIS PLAN AND ACCOMPANYING ARBORIST REPORT. ALL RECOMMENDATIONS SHALL BE IMPLEMENTED.
2. THE PROJECT ARBORIST SHALL MEET WITH THE GENERAL CONTRACTOR PRIOR TO ANY TREE REMOVAL, DEMOLITION OR CONSTRUCTION ACTIVITIES AND DISCUSS A CONSTRUCTION MANAGEMENT PLAN THAT INCLUDES THE TREE PROTECTION REQUIREMENTS WITHIN THIS PLAN AND DESIGNATE THE LOCATION OF THE ANY MATERIAL STORAGE, WASH OUTS, OFFICE MODULES, PORTABLE SANITATION, AND AREAS OF VEHICLE OR HEAVY EQUIPMENT ACCESS AND EGRESS AND SHALL BE CLEARLY POSTED ON SITE THROUGHOUT THE DURATION OF THE DEVELOPMENT PROJECT. THE CONTRACTOR AGREES TO IMMEDIATELY NOTIFY THE PROJECT ARBORIST IF ROOTS ARE DAMAGED OR EXPOSED OR IF TRUNK OR BRANCHES ARE WOUNDED.
3. THE PROJECT ARBORIST SHALL DESIGNATE ANY TREE REMOVALS AND LOCATIONS OF TREE PROTECTION FENCING PRIOR TO ANY TREE REMOVAL, DEMOLITION OR CONSTRUCTION.
4. ALL TREE REMOVALS SHALL BE PERFORMED BY HAND USING LIGHT EQUIPMENT WITHOUT ANY DAMAGE TO RETAINED TREES. ALL STUMPS SHALL BE REMOVED BY HAND OR USING HAND OPERATED STUMP GRINDING MACHINERY WHEN WITHIN THE ROOT INTRUSION ZONES (NIZ) OF RETAINED TREES AND TO A DEPTH OF NO LESS THAN TWELVE (12) INCHES.
5. FOLLOWING TPA FENCE INSTALLATION, THE PROJECT ARBORIST SHALL INSPECT AND CONFIRM THAT TREE PROTECTION FENCING HAS BEEN INSTALLED ADEQUATELY AND PROVIDE A WRITTEN REPORT WITH PHOTOGRAPHS THAT SHALL BE SUBMITTED TO THE TOWN OF ROSS.
6. TREE PROTECTION AREA FENCING SHALL BE CONSTRUCTED OF NO LESS THAN 4 FOOT TALL METAL FENCING AND SUPPORTED BY NO LESS THAN 6-FOOT METAL POSTS ON NO LESS THAN 4-FOOT CENTERS UNLESS OTHERWISE DESIGNATED BY THE PROJECT ARBORIST.
7. RETAINED TREES NEAR EQUIPMENT ACCESS AREAS MAY HAVE THEIR TRUNKS WRAPPED WITH 2" X 4" WOODEN SLATS AND ROUND SECURELY EDGE TO EDGE, WITHOUT NAILS, AS PADDING FROM GRADE TO 4 FEET ABOVE GRADE. A LAYER OF ORANGE PLASTIC CONSTRUCTION FENCING IS TO BE WRAPPED AND SECURED AROUND THE OUTSIDE OF THE WOODEN SLATS. MAJOR SCAFFOLD LIMBS MAY REQUIRE ADDITIONAL PROTECTION AS DETERMINED BY THE PROJECT ARBORIST.
8. ALL RETAINED TREES MAY BE MAINTENANCE PRUNED TO INCLUDE CLEANING, THINNING OF BRANCHES USING INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA) INDUSTRY STANDARDS. THIS SHALL BE PERFORMED AFTER CONSTRUCTION IS COMPLETED.
9. THE PROJECT ARBORIST SHALL REVIEW ANY PLAN REVISIONS WITHIN THE TREE PROTECTION AREAS OF PRESERVED TREES. THIS INCLUDES, BUT NOT LIMITED TO, PLANS FOR DEMOLITION, EROSION CONTROL, IMPROVEMENTS, UTILITIES, DRAINAGE, GRADING, LANDSCAPING AND IRRIGATION.
10. THE PROJECT ARBORIST SHALL INSPECT THE SITE MONTHLY FOR THE ADEQUATE PERFORMANCE OF TREE PRESERVATION MEASURES AND DESIGNATE SOIL CUTTING AREAS WITHIN ROOT INTRUSION ZONES OF PROTECTED TREES AND ASSES, DOCUMENT, AND SUBMIT A REPORT TO THE TOWN OF ROSS OF ANY CHANGES IN THE HEALTH OF TREES SINCE THE LAST INSPECTION.
11. THE PROJECT ARBORIST SHALL INSPECT OR SUPERVISE ALL CONSTRUCTION ACTIVITIES WITHIN THE TREE PROTECTION AREAS AND WILL RECEIVE NO LESS THAN 72 HOUR NOTICE OF ANY PROPOSED ACTIVITIES WITHIN THE TREE PROTECTION ZONES OF RETAINED TREES AND THE PROJECT ARBORIST SHALL DOCUMENT AND PROVIDE ANY NECESSARY RECOMMENDATIONS TO THE TOWN OF ROSS.
12. EXCAVATION SHALL ONLY OCCUR WITHIN THE ROOT INTRUSION ZONES OF RETAINED TREES, SUCH AS UTILITY TRENCHES, WHEN DESIGNATED BY THE PROJECT ARBORIST. THESE WILL BE OCCUPIED BY HAND, USING HIGH-PRESSURE AIR SPIGOT, OR OTHER METHOD PRESERVING ROOTS OVER TWO INCHES IN DIAMETER, OR AS DESIGNATED BY THE PROJECT ARBORIST. ANY ROOTS OVER TWO (2") INCHES IN DIAMETER SHALL ONLY BE REMOVED UNDER THE DIRECT SUPERVISION OF THE PROJECT ARBORIST OR AS OTHERWISE DESIGNATED BY THE PROJECT ARBORIST. ALL ROOT CUTTING SHALL BE PERFORMED UNDER INDUSTRY STANDARD METHODS, DOCUMENTED, AND A WRITTEN REPORT WITH PHOTOGRAPHS PROVIDED BY THE PROJECT ARBORIST TO THE TOWN OF ROSS.
13. THE PROJECT ARBORIST SHALL INSPECT THE SITE FOLLOWING COMPLETION OF CONSTRUCTION, ASSESS TREE CONDITION, AND MAKE ANY NECESSARY RECOMMENDATIONS WITHIN THE FINAL ARBORIST REPORT THAT SHALL BE SUBMITTED TO THE TOWN OF ROSS.
14. THE PROJECT ARBORIST SHALL PROVIDE ANY FURTHER RECOMMENDATIONS TO MITIGATE IMPACTS TO INCLUDE, BUT NOT LIMITED TO, HAND EXCAVATION, AIR SPADE EXCAVATION, VERTICAL DRILLING HAND ROOT PRUNING, AND FERTILIZATION.

SPECIFIC TREE PROTECTION:

15. THE PROPOSED ADDITIONS AND IMPROVEMENTS WITHIN THE ROOT INTRUSION ZONE OF PROTECTED TREES SHALL BE DESIGNED TO MITIGATE ROOT LOSS AND PRESERVE EXISTING NATURAL RAINWATER INFILTRATION TO EXISTING REDWOODS AS THEY REQUIRE AS MUCH IRRIGATION AS POSSIBLE TO MAINTAIN LONG TERM HEALTH AND VIABILITY. ANY DESIGN CHANGES TO INCLUDE UTILITY LINE LOCATIONS WITHIN THE NON-INTRUSION ZONES OF RETAINED TREES SHALL BE APPROVED BY THE PROJECT ARBORIST.
16. THE PROJECT ARBORIST SHALL DIRECTLY SUPERVISE AND DOCUMENT ANY DEMOLITION OR EXCAVATION WITHIN THE NON-INTRUSION ZONES OF PROTECTED TREES UNLESS OTHERWISE DIRECTED BY THE PROJECT ARBORIST.
17. ALL SUBJECT TREES SHOULD BE REINFORCED USING INDUSTRY STANDARD EXTRA-HIGH-STRENGTH CABLING, THOUGH BOLTS, OR BRACING TECHNIQUES.



LANDSCAPE DATA : Provided by Imprints Landscape Architecture, Mill Valley, California. See Landscape Concept Plan (current) for further information.

TREE DATA: Provided by ArborLogic Consulting Arborists, San Francisco, California. See Arborist Impact Report dated September 21, 2023.

James Lascot

James Lascot - Principal Consulting Arborist
 ISA Certified Arborist WE - 2110

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF ARBORLOGIC AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF ARBORLOGIC CONSULTING ARBORISTS COPYRIGHT 2021

DATE: 9/21/2023
 DRAWN: JDL
 SCALE: 1/16" = 1'-0"
 REVISED: _____

TREE PROTECTION PLAN

SHEET
T-1



ARBORIST REPORT

September 21, 2023

Arborist Development Impact Assessment

2 Crest Road Development

***2 Crest Road, Ross, California 94957
A.P.N. 431-010-4 and 431-011-2***

***Prepared for:
Town of Ross
Community Development: Planning Department***

***Prepared by:
ArborLogic Consulting Arborists
James Lascot, Principal Consulting Arborist
236 West Portal Ave. #311,
San Francisco, CA 94127
415.753.5022
jlascot@arborlogic.com***

TABLE OF CONTENTS

ARBORIST ASSIGNMENT	Page 2
SUMMARY	Page 2
RESOURCES	Page 3
SUBJECT TREE SUMMARY	Page 3
SPECIES LIST	Page 3
INDIVIDUAL SUBJECT TREES	Page 3
NON-INTRUSION ZONES	Page 6
CRITICAL ROOT ZONES	Page 7
PROJECT ARBORIST DUTIES	Page 7
PROJECT ARBORIST INSPECTION SCHEDULE	Page 7
TREE REPLACEMENT PROGRAM	Page 8
TREE WORK STANDARDS AND QUALIFICATIONS	Page 8
TREE PROTECTION GUIDELINES AND RESTRICTIONS	Page 8
TREE PROTECTION RECOMMENDATIONS	Page 9
PHOTOGRAPHS	Page 11
HERITAGE AND PROTECTED TREES DEFINED	Page 13
ASSUMPTIONS AND LIMITING CONDITIONS	Page 21
TREE PROTECTION PLAN SHEET T1	ATTACHMENT

ARBORIST ASSIGNMENT

An 'Arborist Development Impact Assessment' is used to aid in planning and plan review, for the identification/location of trees on the site during the design of the project, placement of structures, driveways, utilities, and construction activities.

It also is used to identify trees of designated size and species that are protected under the municipal or county code that is applicable for the site location. And if required by the governing agency, can be used to establish monetary values and responsibility for potential loss of tree resources for the property owner and the community.

ArborLogic Consulting Arborists have been contracted to inspect existing trees on this property, to provide an inventory with condition assessment, to determine potential negative impact from proposed construction activity, and to recommend impact mitigation measures to be considered on 'Heritage' trees as defined by the County of Contra Costa Municipal Code (816-6.6004 Protected trees.).

Consulting arborist, James Lascot, performed site visit and visual tree inspections on August 31, 2023.

Refer to Tree Protection Plan Sheet T-1 for tree locations and additional information.

SUMMARY

This site is a developed residential property that has proposed development that includes the addition of multiple residential lots and homes. The subject trees consist of existing trees within the vicinity of the proposed development and included within the site plan. The Subject Trees total six (6) individuals consisting of one (1) species. There are no subject trees located on neighboring property that appear to have any impacts from the proposed development.

All of the subject trees are designated for retention for the proposed development. All of the subject trees are Significant sized protected trees (T1, T3, T4, T5, and T6) that are close to the proposed development and all trees require special mitigation as outlined within this report and the tree protection plan sheet T-1. We are confident that these redwood trees shall survive with long-term health from the proposed development if the recommendations within this report and accompanying plan are implemented.

It should be noted that that some of the trees have significant decay and, if they are to be preserved, as requested by the client, some industry standard re-enforcement techniques are highly recommended.

RESOURCES

All information within this report is based on currently submitted plans and revisions as of the date of this report.

Resources are as follows:

- Landscape Concept Plan Sheet L1.2 (4/6/23) Provided by Imprints Landscape Architecture, Mill Valley, California
- Town of Ross Municipal Code -Chapter 12.24: Planting, Alteration, Removal, or Maintenance of Trees.

SUBJECT SPECIES LIST**SUBJECT TREES: Total = 6 trees**

6 Coast redwood (*Sequoia sempervirens*) T1**, T2**, T3**, T4**, T5**, and T6**

** = Significant size protected tree

* = Protected size tree

SUBJECT TREE REMOVAL SUMMARY**TOTAL SUBJECT REMOVALS: 0 subject trees****TREE REMOVAL FOR PROPOSED DEVELOPMENT:**

'SIGNIFICANT' size trees: Total = 0

'PROTECTED' size trees: Total = 0

'UNPROTECTED' size trees: Total = 0

TREE REMOVAL (DEAD, DYING, DISEASED, HAZARDOUS, FALLEN, AND FLAMMABLE):

'SIGNIFICANT' size trees: Total = 0

'PROTECTED' size trees: Total = 0

'UNPROTECTED' size trees: Total = 0

INDIVIDUAL TREE ASSESSMENT**TREE T1:** Coast redwood (*Sequoia sempervirens*)

Trunk Diameter at 4.5 feet above grade: 22-inches

Trunk Circumference at 4.5 feet above soil grade: 69-inches

Status: Significant Tree **Age:** Young **Canopy spread:** xx-feet on center

Health: Good; healthy foliage, vigorous shoot growth, and no signs of pests or disease.

Condition: Good, no apparent problems.

Suitability for Preservation Rating: 2-Good

Non-Intrusion Zone: Radius of 16-feet from trunk location.

Critical Root Zone: Radius of 7.3-feet from trunk location.

Recommendation: Preserve with mitigation.

Preservation specifications:

- 1.1 Design pool patio, decking, and utilities to minimize soil cuts and roots losses and per the advice and direction of the project consulting arborist.
- 1.2 Tree Preservation Fencing shall be installed to designate the Tree Protection Zone of this tree and shall consist of no less than 4-foot tall metal fencing on no less than 5-foot posts that shall be maintained throughout construction unless otherwise recommended by a qualified project arborist.
- 1.3 Project arborist shall directly supervise all excavation within the root intrusion zone of this tree.

TREE T2: Coast redwood (*Sequoia sempervirens*)

Trunk Diameter at 4.5 feet above grade: Multi-trunk 26 and 18-inches

Trunk Circumference at 4.5 feet above soil grade: Multi-trunk 82 and 57-inches

Status: Significant Tree **Age:** Young **Canopy spread:** X-feet on center

Health: Good; healthy foliage, vigorous shoot growth, and no signs of pests or disease.

Condition: Fair; narrow trunk attachment.

Suitability for Preservation Rating: 3-Fair

Non-Intrusion Zone: Radius of 20-feet from trunk location.

Critical Root Zone: Radius of 12-feet from trunk location.

Recommendation: Preserve with mitigation.

Preservation specifications:

- 1.4 Design pool patio, decking, and utilities to minimize soil cuts and roots losses and per the advice and direction of the project consulting arborist.
- 1.5 Tree Preservation Fencing shall be installed to designate the Tree Protection Zone of this tree and shall consist of no less than 4-foot tall metal fencing on no less than 5-foot posts that shall be maintained throughout construction unless otherwise recommended by a qualified project arborist.
- 1.6 Project arborist shall directly supervise all excavation within the root intrusion zone of this tree.

TREE T3: Coast redwood (*Sequoia sempervirens*)

Trunk Diameter at 4.5 feet above grade: Multi-trunk 54, 38, and 16-inches

Trunk Circumference at 4.5 feet above soil grade: Multi-trunk 170, 119, and 50-inches

Status: Significant Tree **Age:** Young **Canopy spread:** X-feet on center

Health: Good; healthy foliage, vigorous shoot growth, and no signs of pests or disease.

Condition: Fair; significant internal trunk decay.

Suitability for Preservation Rating: 3-Fair

Non-Intrusion Zone: Radius of 32-feet from trunk location.

Critical Root Zone: Radius of 27-feet from trunk location.

Recommendation: Preserve with mitigation.

Preservation specifications:

- 1.7 Design pool patio, decking, and utilities to minimize soil cuts and roots losses and per the advice and direction of the project consulting arborist.
- 1.8 Tree Preservation Fencing shall be installed to designate the Tree Protection Zone of this tree and shall consist of no less than 4-foot tall metal fencing on no less than 5-foot posts that shall be maintained throughout construction unless otherwise recommended by a qualified project arborist.

- 1.9 Project arborist shall directly supervise all excavation within the root intrusion zone of this tree.

TREE T4: Coast redwood (*Sequoia sempervirens*)

Trunk Diameter at 4.5 feet above grade: 26-inches

Trunk Circumference at 4.5 feet above soil grade: 82-inches

Status: Significant Tree **Age:** Young **Canopy spread:** X-feet on center

Health: Good; healthy foliage, vigorous shoot growth, and no signs of pests or disease.

Condition: Fair; significant internal trunk decay.

Suitability for Preservation Rating: 3-Fair

Non-Intrusion Zone: Radius of 18-feet from trunk location.

Critical Root Zone: Radius of 8.7-feet from trunk location.

Recommendation: Preserve with mitigation.

Preservation specifications:

- 1.10 Design pool patio, decking, and utilities to minimize soil cuts and roots losses and per the advice and direction of the project consulting arborist.
- 1.11 Tree Preservation Fencing shall be installed to designate the Tree Protection Zone of this tree and shall consist of no less than 4-foot tall metal fencing on no less than 5-foot posts that shall be maintained throughout construction unless otherwise recommended by a qualified project arborist.
- 1.12 Project arborist shall directly supervise all excavation within the root intrusion zone of this tree.

TREE T5: Coast redwood (*Sequoia sempervirens*)

Trunk Diameter at 4.5 feet above grade: 50-inches

Trunk Circumference at 4.5 feet above soil grade: 157-inches

Status: Significant Tree **Age:** Young **Canopy spread:** X-feet on center

Health: Good; healthy foliage, vigorous shoot growth, and no signs of pests or disease.

Condition: Fair; significant internal trunk decay.

Suitability for Preservation Rating: 3-Fair

Non-Intrusion Zone: Radius of 32-feet from trunk location.

Critical Root Zone: Radius of 17-feet from trunk location.

Recommendation: Preserve with mitigation.

Preservation specifications:

- 1.13 Design pool patio, decking, and utilities to minimize soil cuts and roots losses and per the advice and direction of the project consulting arborist.
- 1.14 Tree Preservation Fencing shall be installed to designate the Tree Protection Zone of this tree and shall consist of no less than 4-foot tall metal fencing on no less than 5-foot posts that shall be maintained throughout construction unless otherwise recommended by a qualified project arborist.
- 1.15 Project arborist shall directly supervise all excavation within the root intrusion zone of this tree.

TREE T6: Coast redwood (*Sequoia sempervirens*)

Trunk Diameter at 4.5 feet above grade: Multi-trunk 26 and 14-inches

Trunk Circumference at 4.5 feet above soil grade: Multi-trunk 82 and 44-inches

Status: Significant Tree **Age:** Young **Canopy spread:** X-feet on center

Health: Good; healthy foliage, vigorous shoot growth, and no signs of pests or disease.

Condition: Good, no apparent problems.

Suitability for Preservation Rating: 2-Good

Non-Intrusion Zone: Radius of 20-feet from trunk location.

Critical Root Zone: Radius of 11-feet from trunk location.

Recommendation: Preserve with mitigation.

Preservation specifications:

- 1.16 Design pool patio, decking, and utilities to minimize soil cuts and roots losses and per the advice and direction of the project consulting arborist.
- 1.17 Tree Preservation Fencing shall be installed to designate the Tree Protection Zone of this tree and shall consist of no less than 4-foot tall metal fencing on no less than 5-foot posts that shall be maintained throughout construction unless otherwise recommended by a qualified project arborist.
- 1.18 Project arborist shall directly supervise all excavation within the root intrusion zone of this tree.

NON-INTRUSION ZONES (RIZ)

The above ground portions of trees can easily be seen and protected but what is often overlooked, within the construction setting, is the importance of protecting the root crown and underground roots of the tree to preserve structural integrity and physiological health. Most roots are located within the topsoil that may only be 6"-18" in depth. Cutting of roots, grade changes, soil compaction and chemical spills or dumping can negatively affect tree health, stability, and survival, and should be avoided.

A "Non Intrusion Zone", abbreviated as NIZ, is based on the Ross Municipal Code and designates tree root protection zone as an area surrounding an individual tree that is provided as protection for the tree trunk, structural roots, and root zone. A Non- Intrusion Zone is a radius, in feet, from a tree trunk location formulated from tree trunk diameter as follows:

Trunk Diameter (inches)	Protected Distance (radius in feet)
4"	6'
6"	10'
12"	12'
18"	16'
24"	18'
30"	20'
36"	24'
42" 28' greater than 48"	32'

An individual or group of Root Intrusion Zones may be designated by a fenced protection area that we call a "Tree Protection Area" (TPA). Tree protection shall include the location of fencing of tree protection area (TPA) to protect tree roots, foliar canopy, limbs, and may include the armoring of the tree trunk and/or scaffold limbs with barriers to prevent mechanical damage.

Once the TPA is delineated and fenced (prior to any site work, equipment and materials move in), construction activities are only to be permitted within the TPA if allowed for and specified by the project arborist. Restrictions and guidelines apply to the tree protection zones delineated within this report and trees protections plan (See the Tree Protection Plan Sheet T1 for Tree Protection recommendations).

CRITICAL ROOT ZONES (CRZ)

Critical Root Zone (CRZ) is the area of soil around the trunk of a tree where roots are located that provide critical stability, uptake of water and nutrients required for a tree's survival. The CRZ is the minimum distance from the trunk that trenching that requires root cutting should occur and can be calculated as three to the five times the trunk Diameter at Breast Height (DBH). For example, if a tree is one foot in trunk diameter than the CRZ is three to five feet from the trunk location. We will often average this as four times the trunk diameter or 1ft. DBH = 4ft. CRZ (Smiley, E.T., Fraedrich, B. and Hendrickson, N. 2007).

PROJECT ARBORIST DUTIES

The project arborist is the person(s) responsible for conducting technical tree inspections, assessment, arborist report preparation, consultation with designers and municipal planners, specifying tree protection measures, monitoring, progress reports and final inspection.

A qualified project arborist (or firm) should be designated, retained, and assigned to facilitate and insure tree preservation practices. He/she/they should perform the following inspections:

PROJECT ARBORIST INSPECTION SCHEDULE

- Inspection of site: Prior to Equipment and Materials Move In, Site Work, Demolition and Tree Removal: The Project Arborist will meet with the General Contractor, Architect / Engineer, and Owner or their representative to review tree preservation measures, designate tree removals, delineate the location of tree protection area fencing, specify equipment access routes and materials storage areas, review the existing condition of trees, and provide any necessary recommendations.
- Inspection of site: After installation of TPA fencing: Inspect site for the adequate installation of tree preservation measures. Review any requests by contractor for access, soil disturbance or excavation areas within root zones of protected trees. Assess any changes in the health of trees since last inspection.
- Inspection of site: During excavation or any activities that could affect trees: Inspect site during any activity within the Tree Protection Area of Protected trees and any recommendations implemented. Assess any changes in the health of trees since last inspection.
- Final Inspection of Site: Inspection of site following completion of construction. Inspect for tree health and make any necessary recommendations.

TREE REPLACEMENT PROGRAM

Significant and Protected sized trees have not been designated for removal to accommodate the property improvements. Any replacement of tree or trees may be included within the scope of site development landscape plan, or in- lieu payment to the Town of Ross, are to be determined by project landscape architect and the planning department.

TREE WORK STANDARDS AND QUALIFICATIONS

All tree work, removal, pruning, planting, shall be performed using industry standards as established by the International Society of Arboriculture. Contractor must have a State of California Contractors License for Tree Service (C61-D49) or Landscaping (C-27) with general liability, worker's compensation, and commercial auto/equipment insurance. Contractor standards of workmanship shall adhere to current Best Management Practices of the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI) for tree pruning, fertilization and safety (ANSI A300 and Z133.1).

TREE PROTECTION GUIDELINES

- (1) Before the start of any clearing, excavation, construction, or other work on the site, or the issuance of a building or demolition permit, every significant and/or protected tree shall be securely fenced-off at the tree root zone, or other limit as may be delineated in approved plans. Such fences shall remain continuously in place for the duration of the work undertaken within the development.
- (2) If the proposed development, including any site work, will encroach upon the tree root zone of a significant and/or protected tree, special measures shall be utilized, as approved by the project arborist, to allow the roots to obtain necessary oxygen, water, and nutrients.
- (3) Underground trenching shall avoid the major support and absorbing tree roots of significant and/or protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist may be required. Trenches shall be consolidated to service as many units as possible.
- (4) Concrete or asphalt paving shall not be placed over the root zones of significant and/or protected trees, unless otherwise permitted by the project arborist.
- (5) Artificial irrigation shall not occur within the root zone of indigenous oaks, unless deemed appropriate on a temporary basis by the project arborist to improve tree vigor or mitigate root loss.
- (6) Compaction of the soil within the tree root zone of significant and/or protected trees shall be avoided.
- (7) Any excavation, cutting, or filling of the existing ground surface within the tree root zone shall be minimized and subject to such conditions as the project arborist may impose. Retaining walls shall likewise be designed, sited, and constructed to minimize their impact on significant and/or protected trees.

(8) Burning or use of equipment with an open flame near or within the tree root zone shall be avoided. All brush, earth, and other debris shall be removed in a manner that prevents injury to the significant tree.

(9) Oil, gas, chemicals, or other substances that may be harmful to trees shall not be stored or dumped within the non-intrusion zone of any significant and/or protected tree, or at any other location on the site from which such substances might enter the tree root zone of a significant and/or protected tree.

(10) Construction materials shall not be stored within the tree root zone of a significant and/or protected tree.

Additional general requirements for tree protection zones are described as follows:

1. Any new plantings within the root intrusion zone should be designed to be compatible with the cultural requirements of the retained tree(s), to include irrigation, plantings, and fertilizer application. In root intrusion zones where native drought tolerant trees are located, no summer irrigation should be installed, and no vegetation installed requiring excessive irrigation, such as turf and flowerbeds.
2. Surface drainage should not be altered to direct water into or out of the tree root intrusion zone unless specified by the consulting arborist as necessary to improve conditions for the tree.
3. Site drainage improvements should be designed to maintain the natural water flow and levels within tree retention areas. If water must be diverted, permanent irrigation systems should be provided to replace natural water sources for the trees.

TREE PROTECTION RECOMMENDATIONS

TREE PROTECTION MEASURES:

1. THE PROPOSED DEVELOPMENT IS LOCATED NEAR THE ROOT INTRUSION ZONES OF EXISTING PROTECTED TREES AND SPECIAL RECOMMENDATIONS FOR DEMOLITION AND CONSTRUCTION ARE REQUIRED AND ADDRESSED WITHIN THIS PLAN AND ACCOMPANYING ARBORIST REPORT. ALL RECOMMENDATIONS SHALL BE IMPLEMENTED.
2. THE PROJECT ARBORIST SHALL MEET WITH THE GENERAL CONTRACTOR PRIOR TO ANY TREE REMOVAL, DEMOLITION OR CONSTRUCTION ACTIVITIES AND DISCUSS A CONSTRUCTION MANAGEMENT PLAN THAT INCLUDES THE TREE PROTECTION REQUIREMENTS WITHIN THIS PLAN AND DESIGNATE THE LOCATION OF THE ANY MATERIAL STORAGE, WASH OUTS, OFFICE MODULES, PORTABLE SANITATION, AND AREAS OF VEHICLE OR HEAVY EQUIPMENT ACCESS AND EGRESS AND SHALL BE CLEARLY POSTED ON SITE THROUGHOUT THE DURATION OF THE DEVELOPMENT PROJECT. THE CONTRACTOR AGREES TO IMMEDIATELY NOTIFY THE PROJECT ARBORIST IF ROOTS ARE DAMAGED OR EXPOSED OR IF TRUNK OR BRANCHES ARE WOUNDED.
3. THE PROJECT ARBORIST SHALL DESIGNATE ANY TREE REMOVALS AND LOCATIONS OF TREE PROTECTION FENCING PRIOR TO ANY TREE REMOVAL, DEMOLITION OR CONSTRUCTION.
4. ALL TREE REMOVALS SHALL BE PERFORMED BY HAND USING LIGHT EQUIPMENT WITHOUT ANY DAMAGE TO RETAINED TREES. ALL STUMPS SHALL BE REMOVED BY HAND OR USING HAND OPERATED STUMP GRINDING MACHINERY WHEN WITHIN THE ROOT INTRUSION ZONES (RIZ) OF RETAINED TREES AND TO A DEPTH OF NO LESS THAN TWELVE (12) INCHES.

5. FOLLOWING TPA FENCE INSTALLATION, THE PROJECT ARBORIST SHALL INSPECT AND CONFIRM THAT TREE PROTECTION FENCING HAS BEEN INSTALLED ADEQUATELY AND PROVIDE A WRITTEN REPORT, WITH PHOTOGRAPHS, THAT SHALL BE SUBMITTED TO THE TOWN OF ROSS.
6. TREE PROTECTION AREA FENCING SHALL BE CONSTRUCTED OF NO LESS THAN 4-FOOT TALL METAL FENCING AND SUPPORTED BY NO LESS THAN 6-FOOT METAL POSTS ON NO LESS THAN 8-FOOT CENTERS UNLESS OTHERWISE DESIGNATED BY THE PROJECT ARBORIST.
7. RETAINED TREES NEAR EQUIPMENT ACCESS AREAS MAY HAVE THEIR TRUNKS WRAPPED WITH 2" X 4" WOODEN SLATS AND BOUND SECURELY EDGE TO EDGE, WITHOUT NAILS, AS PADDING FROM GRADE TO 8-FEET ABOVE GRADE. A LAYER OF ORANG PLASTIC CONSTRUCTION FENCING IS TO BE WRAPPED AND SECURED AROUND THE OUTSIDE OF THE WOODEN SLATS. MAJOR SCAFFOLD LIMBS MAY REQUIRE ADDITIONAL PROTECTION AS DETERMINED BY THE PROJECT ARBORIST.
8. ALL RETAINED TREES MAY BE MAINTENANCE PRUNED TO INCLUDE CLEANING, THINNING OF BRANCHES USING INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA) INDUSTRY STANDARDS. THIS SHALL BE PERFORMED AFTER CONSTRUCTION IS COMPLETED.
9. THE PROJECT ARBORIST SHALL REVIEW ANY PLAN REVISIONS WITHIN THE TREE PROTECTION AREAS OF PRESERVED TREES. THIS INCLUDES, BUT NOT LIMITED TO, PLANS FOR DEMOLITION, EROSION CONTROL, IMPROVEMENTS, UTILITIES, DRAINAGE, GRADING, LANDSCAPING AND IRRIGATION.
10. THE PROJECT ARBORIST SHALL INSPECT THE SITE MONTHLY FOR THE ADEQUATE PERFORMANCE OF TREE PRESERVATION MEASURES AND DESIGNATE SOIL CUTTING AREAS WITHIN ROOT INTRUSION ZONES OF PROTECTED TREES AND ASSESS, DOCUMENT, AND SUBMIT A REPORT TO THE TOWN OF ROSS OF ANY CHANGES IN THE HEALTH OF TREES SINCE THE LAST INSPECTION.
11. THE PROJECT ARBORIST SHALL INSPECT OR SUPERVISE ALL CONSTRUCTION ACTIVITIES WITHIN THE TREE PROTECTION AREAS AND WILL RECEIVE NO LESS THAN 72 HOUR NOTICE OF ANY PROPOSED ACTIVITIES WITHIN THE TREE PROTECTION ZONES OF RETAINED TREES AND THE PROJECT ARBORIST SHALL DOCUMENT AND PROVIDE ANY NECESSARY RECOMMENDATIONS TO THE TOWN OF ROSS.
12. EXCAVATION SHALL ONLY OCCUR WITHIN THE ROOT INTRUSION ZONES OF RETAINED TREES, SUCH AS UTILITY TRENCHES, WHEN DESIGNATED BY THE PROJECT ARBORIST. THESE WILL BE EXCAVATED BY HAND, USING HIGH-PRESSURE AIR SPADE, OR OTHER METHOD PRESERVING ROOTS OVER TWO INCHES IN DIAMETER, OR AS DESIGNATED BY THE PROJECT ARBORIST. ANY ROOTS OVER TWO (2") INCHES IN DIAMETER SHALL ONLY BE REMOVED UNDER THE DIRECT SUPERVISION OF THE PROJECT ARBORIST OR AS OTHERWISE DESIGNATED BY THE PROJECT ARBORIST. ALL ROOT CUTTING SHALL BE PERFORMED UNDER INDUSTRY STANDARD METHODS, DOCUMENTED, AND A WRITTEN REPORT WITH PHOTOGRAPHS PROVIDED BY THE PROJECT ARBORIST TO THE TOWN OF ROSS.
13. THE PROJECT ARBORIST SHALL INSPECT THE SITE FOLLOWING COMPLETION OF CONSTRUCTION, ASSESS TREE CONDITION, AND MAKE ANY NECESSARY RECOMMENDATIONS WITHIN THE FINAL ARBORIST REPORT THAT SHALL BE SUBMITTED TO THE TOWN OF ROSS.
14. THE PROJECT ARBORIST SHALL PROVIDE ANY FURTHER RECOMMENDATIONS TO MITIGATE IMPACTS TO INCLUDE, BUT NOT LIMITED TO, HAND EXCAVATION, AIR SPADE EXCAVATION, VERTICAL DRILLING HAND ROOT PRUNING, AND FERTILIZATION.

SPECIFIC TREE PROTECTION:

15. THE PROPOSED ADDITIONS AND IMPROVEMENTS WITHIN THE ROOT INTRUSION ZONE OF PROTECTED TREES SHALL BE DESIGNED TO MITIGATE ROOT LOSS AND PRESERVE EXISTING NATURAL RAINWATER INFILTRATION TO EXISTING REDWOODS AS THEY REQUIRE AS MUCH IRRIGATION AS POSSIBLE TO MAINTAIN LONG TERM HEALTH AND VIABILITY. ANY DESIGN CHANGES TO INCLUDE UTILITY LINE LOCATIONS WITHIN THE NON-INTRUSION ZONES OF RETAINED TREES SHALL BE APPROVED BY THE PROJECT ARBORIST.

16. THE PROJECT ARBORIST SHALL DIRECTLY SUPERVISE AND DOCUMENT ANY DEMOLITION OR EXCAVATION WITHIN THE NON-INTRUSION ZONES OF PROTECTED TREES UNLESS OTHERWISE DIRECTED BY THE PROJECT ARBORIST.

17. ALL SUBJECT TREES SHOULD BE RE-ENFORCED USING INDUSTRY STANDARD EXTRA-HIGH-STRENGTH CABLING, THROUGH BOLTS, OR BRACING TECHNIQUES.

PHOTOGRAPHS

PHOTOGRAPH NO. 1: Subject redwood tree grove trees T1- T6.



PHOTOGRAPH NO. 2: Subject redwood tree grove trees T1- T6.



PHOTOGRAPH NO. 3: Subject Significant redwood tree T3 (center) showing major trunk decay at its base.



PHOTOGRAPH NO. 3: Subject Significant redwood trees T5 (left) and T3 (right) showing major trunk decay.



SIGNIFICANT AND PROTECTED TREES DEFINED

TOWN OF ROSS MUNICIPAL CODE

Chapter 12.24: PLANTING, ALTERATION, REMOVAL, OR MAINTENANCE OF TREES*

Sections:

- 12.24.010 Introduction and purpose.**
- 12.24.020 Definitions.**
- 12.24.030 Liability.**
- 12.24.040 Pruning, maintenance, and removal of trees on town property.**
- 12.24.050 Line-clearing work.**
- 12.24.060 Alteration or removal of trees on unimproved parcels.**
- 12.24.070 Alteration or removal of trees on improved parcels.**
- 12.24.080 Permits and appeals.**
- 12.24.083 Permit to be posted.**
- 12.24.085 Denial of incomplete or inactive applications.**
- 12.24.090 Expiration.**
- 12.24.100 Tree protection plan.**
- 12.24.110 Funding.**
- 12.24.120 Permit fee.**

12.24.130 Violation- Penalties.

*** Prior ordinance history: Ords. 462 and 522.**

12.24.010 Introduction and purpose. The Town of Ross recognizes the importance of trees to the community’s health, safety, welfare, and tranquility. Ross is acclaimed widely for the beauty and grandeur of its urban forest, and much of the town’s admired and valued ambiance derives from its arboreal canopy. In addition, trees offer windbreaks, provide erosion control, reduce runoff, act as filters for airborne pollutants, reduce noise, provide privacy, release oxygen, and prevent landslides through their extensive root systems. All trees provide these functions for the property on which they are growing. Trees of significant size and maturity and areas with extensive tree cover perform these functions for all persons living in their vicinity. These resources must be prudently protected and managed. This chapter is adopted to accomplish the following purposes:

- (1) To maintain trees in the community in a healthy and safe condition through good arboricultural practices;
- (2) To provide reasonable regulations for the maintenance and removal of trees on town-owned property;
- (3) To provide reasonable regulations for the alteration or removal of trees on privately owned parcels;
- (4) To establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest;
- (5) To promote and maintain the aesthetic values of the community in general for the benefit of those who currently reside in Ross and as a legacy to future residents. (Ord. 568(part), 2002).

12.24.020 Definitions. For the purpose of this chapter, the following definitions apply:

- (1) **“Alter,”** means to take an action that diminishes the health and vigor of a tree. “Alter” includes, but is not limited to, excessive or improper pruning of a tree, grade changes around or near a tree, excessive irrigation of a tree, trenching in the root zone of a tree, and excessive use of herbicides, insecticides, or fungicides. “Alter” does not include: periodic trimming, shaping, thinning, or pruning of a tree to preserve or protect its health, growth, or appearance, in accordance with accepted arboricultural standards and practices and involving a removal of no more than 25% of an individual tree’s crown consistent with the Approved American National Standard (ANSI) Pruning, Repairing, Maintaining, and Removing Trees and Cutting Brush – Safety Requirements and Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning).
- (2) **“Certified arborist,”** means a person who has been tested by, and is currently certified as, an “arborist” by the International Society of Arboriculture, or who is a member or registered member of the American Society of Consulting Arborists.
- (3) **“Diameter,”** means the average diameter of the trunk of a tree measured at four feet and six inches (4’-6”) above the average ground level immediately surrounding the trunk of the tree.
- (4) **“Improved parcel,”** means any parcel in Ross which has a structure on it suitable for human habitation.
- (5) **“Native tree,”** means a tree native to those lands that now constitute the town of Ross.
- (6) **“Non-intrusion zone,”** means the area of ground surrounding the trunk of a tree within which certain activities may be restricted or prohibited in order to protect the tree. The table below shall serve as a general guideline for determining non-intrusion zones; the precise non-intrusion zone shall be determined by the project arborist and shall reflect individual site conditions.

Trunk Diameter (inches)	Protected Distance (radius in feet)
4”	6’
6”	10’
12”	12’
18”	16’
24”	18’
30”	20’

36"

24'

42" 28' greater than 48"

32'

(7) "Project arborist," means a certified arborist retained by the applicant to report on and oversee the protection of trees on a site subject to a tree protection plan.

(8) "Protected tree," means any tree located within twenty-five feet (25') of the front or side yard property line or within forty feet (40') of the rear yard property line of any parcel, with such tree having a diameter greater than eight inches (8").

(9) "Remove," means the cutting down of a tree or the relocation of a tree in a manner not in accordance with accepted arboricultural practices.

(10) "Replacement tree list," means the advisory document that lists tree species which are suitable for new planting on town property or for replacing existing town trees. 2

(11) "Significant tree," means any tree having a single trunk diameter greater than twelve inches (12"), or any tree designated to be preserved on plans approved by the town council, or as a condition of approval of a project approved by the town council.

(12) "Specifications for tree work," means those town standards maintained by the director of public works in consultation with the town arborist which both public and private parties must observe when spraying, pruning, or removing trees from town property

(13) "Tree," means a perennial plant having a permanent, woody, self-supporting main stem or trunk ordinarily growing to a considerable height. As defined herein, a "tree" may include a shrub as well as a tree.

(14) "Tree planting specifications," means the town's standards maintained by the director of public works in consultation with the town arborist which must be followed when planting trees on town property.

(15) "Unimproved parcel," means any parcel in Ross which does not have a structure on it suitable for human habitation. (Ord. 591 §§1, 2. 2005; Ord. 568 (Part), 2002).

12.24.030 Liability. Nothing in this chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the town or upon any of its officers or employees. The person in possession of public property or the owner of any private property shall have a duty to keep the trees upon the property and under their control in a safe, healthy condition. Any person who feels a tree located on property possessed, owned, or controlled by them is a danger to the safety of themselves, others, or structural improvements on site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate, to safeguard both persons and property from harm. (Ord. 568 (part), 2002).

12.24.040 Pruning, maintenance, and removal of trees on town property. The pruning, maintenance, and removal of all trees on town property shall be subject to the following provisions:

(1) All work performed on public trees, by either public staff or private contractor, shall be done in conformance with the Approved American National Standard A300 pruning standards and Z133.1 safety standards.

(2) Tree service contractors working on public trees must have on their staff a certified arborist or other qualified person approved by the director of public works. The arborist or other qualified person must certify that all work is performed in accordance with ANSI A300 pruning standards and Z133.1 safety standards.

(3) No public tree shall be altered or removed without a permit issued pursuant to Section 12.24.080.

(4) Any party violating these provisions shall be subject to the penalties in Section 12.24.130.

(5) In the event of an emergency, when such tree poses an imminent threat to life or property, the director of public safety or his designee may issue an on-the-spot tree removal permit in the absence of the director of public works.

(6) In the event of noncompliance with subsection (2) of this section, the director of public works may hire at the applicant's expense a certified arborist or other qualified person to oversee tree work.

12.24.050 Line-clearing work. The following provisions are designed to aid in line clearing to protect the trees from unwarranted damage by poor pruning practices.

- (1) The director of public works shall be notified at least three working days before any line-clearing commences. The only allowed exception to this requirement is in the event of an emergency.
- (2) The utility or its contractor must have on it staff a certified arborist, or other qualified person approved by the director of public works, to ensure professional arboricultural practices consistent with ANSI A300 and Z133.1 safety standards and to observe and certify that the line-clearing work done meets the town's specifications.
- (3) No tree shall be altered or removed without a permit issued pursuant to Section 12.24.080.
- (4) Violation of these provisions shall subject the offender to those penalties provided in Section 12.24.130.
- (5) In the event of noncompliance with subsection (2) of this section, the director of public works may hire at the applicant's expense a certified arborist or other qualified person to oversee the tree work.

(Ord. 568 (part), 2002).

12.24.060 Alteration or removal of trees on unimproved parcels. The following provisions apply to the alteration or removal of trees on unimproved parcels:

- (1) It is unlawful for any person to alter or remove, or cause to be altered or removed, any tree on an unimproved parcel in Ross without first obtaining a permit from the town planner.
- (2) Any person desiring to alter or remove a tree on an unimproved parcel must file for a permit following the application procedure as described in Section 12.24.080.
- (3) In the event of an emergency, when such tree poses an imminent threat to life or property, the director of public safety or their designee may issue an on-the-spot tree alteration or removal permit in the absence of the town planner.
- (4) Any person who alters or removes a tree, or causes a tree to be altered or removed in violation of the above restrictions shall be subject to those penalties provided in Section 12.24.130.

(Ord. 568 (part), 2002).

12.24.070 Alteration or removal of trees on improved parcels. The following provisions apply to the alteration or removal of trees on improved parcels:

- (1) No protected or significant tree shall be altered or removed without a permit.
- (2) Any person desiring a tree alteration or removal permit must file for approval following the procedure as required by Section 12.24.080.
- (3) In the event of an emergency, when such tree poses an imminent threat to life or property, the director of public safety or their designee may issue an on-the-spot tree alteration or removal permit in the absence of the town planner.
- (4) Any person who alters or removes a tree, or causes a tree to be altered or removed, in violation of the above restrictions shall be subject to those penalties provided in Section 12.24.130.

(Ord. 568(part), 2002).

12.24.080 Permits and appeals. Requests for tree alteration or removal permits made pursuant to Sections 12.24.040 and 12.24.050, 12.24.060 and 12.24.070 shall be made to the town planner.

(a) Application Content. Applications that propose tree alteration or removal shall include the following:

- (1) The address of the property on which trees are proposed to be removed;
- (2) The name and mailing address of the legal owner of the property;
- (3) The species and diameter of each tree proposed to be removed;
- (4) Justification for the removal of each tree proposed to be removed;
- (5) Proposed replacement trees and their locations;

(6) A scaled plan showing parcel property lines, exact locations of the trees proposed to be removed keyed to the application form, the proposed locations of any replacement trees, and any additional information deemed necessary by the town planner. Each tree proposed to be altered or removed must also be physically marked on site;

(7) The name of the contractor designated to do the tree work and their Town of Ross business license expiration date;

(8) The signature of the legal owner of the parcel;

(9) Payment of tree permit application fees as enacted by the town council.

(b) Criteria for approval. A permit may be issued only if one or more of the following considerations are met:

(1) The alteration or removal is necessary due to disease, danger of falling, proximity to existing structures, or interference with utility services;

(2) The alteration or removal is necessary to allow the economic enjoyment of the property;

(3) The alteration or removal will not adversely impact the subject property or neighboring properties; nor result in significant erosion or the diversion of increased flows of surface water;

(4) The alteration or removal is necessary due to fire hazards;

(5) The alteration or removal represents good forestry practices;

(6) The applicant proposes suitable replacement trees at a ratio equal to or greater than that recommended in section 12.24.080 (d);

(c) Additional criteria. Criteria for approval of a permit will be weighed against:

(1) The number, species, age, size, and location of existing trees in the area;

(2) The effect of the requested alteration or removal on shade areas;

(3) The effect of the requested alteration or removal on historic value;

(4) The effect of the requested alteration or removal on scenic beauty;

(5) The effect of the requested alteration or removal on the general welfare of the town as a whole.

(d) Replacement tree. Where feasible, replacement trees shall be of a species native to those lands that now constitute the town of Ross. The town recommends replacement trees at the following ratios:

(1) One new tree for every tree proposed to be removed on parcels zoned R-1, R1:B-6, R-1:B-7.5, R-1:B-10, R-1:B-15, C-L, C-C, and C-D;

(2) Three new trees for every tree proposed to be removed on parcels zoned R1:B-20, R-1:B-A, R-1:B-5A, and R-1:B-10A.

(e) In lieu fees. Where on-site replacement trees are not feasible, the applicant may instead make an in lieu payment to the town for provision of off-site trees at the ratio recommended in section 12.24.080 (d).

(f) Appeal. Any staff decision on a tree removal permit may be appealed to the town council pursuant to the procedures set forth in Chapter 18.60. The filing of a notice of appeal shall automatically stay the issuance of any permit until determination by the council.

(Ord. 591 §§3, 4, 2005; Ord. 568 (part), 2002).

12.24.083 Permit to be posted. During the full course of any activity associated with tree removal, relocation, or alteration requiring a tree permit, the property owner and tree contractor shall ensure that a copy of the town tree permit is posted on the subject property. The permit shall be posted adjacent to the main entry drive and must be clearly visible from the right-of-way. Failure to post a copy of the tree permit as required herein may result in the issuance of a stop work order pursuant to the Building Code.

(Ord. 591 §5, 2005).

12.24.085 Denial of incomplete or inactive applications. Consistent with state law, the town planner may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than ninety days, or is continued at the applicant's request for more than sixty days.

(Ord. 584 §1, 2004).

12.24.090 Expiration. Failure to complete tree alteration or removal within six months from the date of approval will cause permit approval to expire without further notice.

(Ord. 568 (part), 2002).

12.24.100 Tree protection plan. In order to protect trees during construction of a project and thereafter, and to maximize the chances of their subsequent survival, a tree protection plan shall be required. The tree protection plan shall include an arborist's report on existing conditions as well as a plan for tree protection during construction.

(a) When a Tree Protection Plan is Required. A tree protection plan shall be required as part of the materials submitted with applications for hillside lot review and hazard zone use permits. Tree protection plans may be required for subdivision, variances, demolition permits, design review, and/or building permit reviews at the discretion of the Planning Director.

(b) Submittal Requirements.

(1) An arborist's report shall provide the necessary information to determine the appropriate extent of tree preservation or protection and tree replacement requirements. The arborist's report shall clearly describe and evaluate in writing all significant trees on the property and all trees on neighboring properties that might be negatively impacted by the development. The report shall indicate the genus and species, shape, and trunk diameter of each tree, as well as its non-intrusion zone. The arborist's report shall indicate those trees that are proposed to be altered or removed and the reasons therefor.

(2). Tree delineations by trunk location keyed to the arborist's report, as well as an accurate outline of each tree's non-intrusion zone, must be shown on the project site plan or tentative map. Tree locations keyed to the arborist's report must also be included on every page of the development or improvement plans where any work is proposed within or near the non-intrusion zone of any protected or significant tree.

(c) Responsibility for tree protection during application review. The property owner and the person in control of the proposed development shall protect and preserve each tree situated within the site of the proposed development during the period the application for the proposed development is being considered by the town. Any person who alters or removes a tree, or causes a tree to be altered or removed without a tree removal permit shall be subject to those penalties provided in Section 12.24.130.

(d) Significant and protected trees. At the discretion of the town council, approved projects shall be subject to project design and construction requirements including, but not limited to, sub-sections (1) through (10), below. All applicable project design and construction requirements related to the protection of trees shall be implemented in accordance with International Society of Arboriculture guidelines, unless modified or waived by the town planner in consultation with the town arborist.

(1) Before the start of any clearing, excavation, construction, or other work on the site, or the issuance of a building or demolition permit, every significant and/or protected tree shall be securely fenced-off at the non-intrusion zone, or other limit as may be delineated in approved plans. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.

(2) If the proposed development, including any site work, will encroach upon the non-intrusion zone of a significant and/or protected tree, special measures shall be utilized, as approved by the project arborist, to allow the roots to obtain necessary oxygen, water, and nutrients.

(3) Underground trenching shall avoid the major support and absorbing tree roots of significant and/or protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist may be required. Trenches shall be consolidated to service as many units as possible.

(4) Concrete or asphalt paving shall not be placed over the root zones of significant and/or protected trees, unless otherwise permitted by the project arborist.

(5) Artificial irrigation shall not occur within the root zone of oaks, unless deemed appropriate on a temporary basis by the project arborist to improve tree vigor or mitigate root loss.

(6) Compaction of the soil within the non-intrusion zone of significant and/or protected trees shall be avoided.

(7) Any excavation, cutting, or filling of the existing ground surface within the non-intrusion zone shall be minimized and subject to such conditions as the project arborist may impose. Retaining walls shall likewise be designed, sited, and constructed so as to minimize their impact on significant and/or protected trees.

(8) Burning or use of equipment with an open flame near or within the non-intrusion zone shall be avoided. All brush, earth, and other debris shall be removed in a manner that prevents injury to the significant tree.

(9) Oil, gas, chemicals, or other substances that may be harmful to trees shall not be stored or dumped within the non-intrusion zone of any significant and/or protected tree, or at any other location on the site from which such substances might enter the non-intrusion zone of a significant and/or protected tree.

(10) Construction materials shall not be stored within the non-intrusion zone of a significant and/or protected tree.

(e) Authority of the town council to impose conditions. The town council, under its authority to approve, conditionally approve, or deny a project application, may, based on the certified arborist's report and the comments of the town arborist, modify the project site plan of a development, adopt conditions of approval, or take any other relevant action deemed necessary to preserve, protect, or replace existing trees on or adjacent to the site of a development. Failure to comply with requirements or conditions of approval established by the council shall be considered a violation of the provisions of this chapter and shall be cause for the denial of a building permit or project final, and/or the application of those penalties provided in Section 12.24.130. (Ord. 591 §§6—8, 2005; Ord. 568 (part), 2002).

12.24.110 Funding. The town council, at its discretion, shall budget annually funds for the purpose of maintaining and improving the trees of the town and otherwise implementing the provisions of this chapter. (Ord. 568 (part), 2002).

12.24.120 Permit Fee. An application for a tree permit shall be accompanied by an application fee as shall be established by the town council by resolution. (Ord. 568 (part), 2002).

12.24.130 Violation- Penalties.

(a) Violation Constitutes a Nuisance. It is declared that any violation of the provisions of this chapter shall, in addition to any other remedy, constitute a public nuisance, and such nuisance may be abated as provided by law.

(b) Civil Penalties. Any person who alters or removes a tree in the town, causes a tree to be altered or removed, or fails to observe approved tree protection conditions in violation of the provisions of this chapter shall be held liable for compensation to the town in the amount of one thousand dollars (\$1,000) per day for each day the violation occurs. Such person shall include, but not be limited to, the property owner and the contractor removing the tree. A maximum civil penalty of one hundred thousand dollars (\$100,000) exclusive of administrative costs, attorney's fees and arborist fees, shall be assessed per incident lasting 100 days or more from the initial date of the violation until it is corrected. Any alteration or tree removal which results in a permanent tree loss, which therefore result in a violation exceeding 100 days in duration, shall be subject to the \$100,000 (one hundred thousand dollars) maximum penalty. Any person violating this ordinance shall be notified in writing that the town council will hold a public hearing to establish the amount of the civil penalty. The council may accept the replanting of a comparable size and number of replacement trees, as determined appropriate by the town arborist, as correcting the violation. In such a case, the maximum civil penalty would be based on the number of days from date of the violation until the replanting date.

Unpaid compensation due to the town by a property-owner as a result of violation of the provisions of this chapter shall become a lien against the property on which the work is performed, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment. Any person violating this ordinance shall also be responsible for reimbursement to the town for its administrative, legal and arborist costs associated with the violation.

(c) Forfeiture of Business License. In addition to those penalties described in section 12.24.120 (b), any contractor who removes, relocates, or alters a tree in violation of the provisions of this chapter shall forfeit his or her Town business license for a period of two years from the date of the violation.

(Ord. 568(part), 2002).

ASSUMPTIONS AND LIMITING CONDITIONS

ArborLogic, James Lascot

1. Any legal description provided to the consultant / appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other government regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified as far as possible; however, the consultant / appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
4. The consultant / appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
5. Unless required by law otherwise, possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant / appraiser.
6. Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant / appraiser -- particularly as to value conclusions, identity of the consultant / appraiser, or any reference to any professional society or institute or to any initialed designation conferred upon the consultant / appraiser as stated in his qualifications.
7. This report and any values expressed herein represent the opinion of the consultant / appraiser, and the consultant's / appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
8. Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by ArborLogic and James Lascot as to the sufficiency or accuracy of said information.
9. Unless expressed otherwise: a) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and b) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
10. Loss or alteration of any part of this report invalidates the entire report.



James Lascot
ArborLogic Principal / Consulting Arborist
ISA certified arborist WE-2110

Neighborhood Outreach for the project at 2 Crest

We reached out to the following contiguous neighbors. All were in support of our project.

Neighbors in Support:

Address:	Names:	Dates of Outreach:	Feedback:
1 Crest Rd.	Zach + Meg Adelman	Reviewed in January in person; Emailed current design on 5/31	Very supportive
5 Crest Rd.	Kathy + Tim Hansen	Reviewed in January in person; Emailed current design on 5/31	Very supportive
23 Canyon	Arthur Scotland	Reviewed in January in person; Emailed current design on 5/31	Very supportive
72 Baywood	Epsy + Steve Tarchak	Reviewed in January in person; Emailed current design on 5/31	Very supportive
21 Canyon	Michael Ackermann + Kjerstin Gruys	Emailed current Design on 6/12	Very supportive

Thanks,

Ben + Laura Dewar

ATTACHMENT 4

Tuesday, August 15, 2023 at 3:34:38 PM Pacific Daylight Time

Subject: 2 Crest Boundary Question
Date: Thursday, October 6, 2022 at 12:57:23 PM Pacific Daylight Time
From: Alison Pickart
To: rmarkwick@townofross.org
Attachments: image001.jpg, 2 Crest Boundary

Hi Rebecca,

Could you please take a look at the attached survey?

I'd like to make sure I am understanding our neighbors' property line correctly...

They have a concrete wall sitting on, what looks to be, their property line, yet they have planted significant trees and screening in the 'right of way' if I am understanding this correctly. Is planting in the 'right of way' allowable?

It would seem that landscape screening material should have been planted on the East side of their property line...

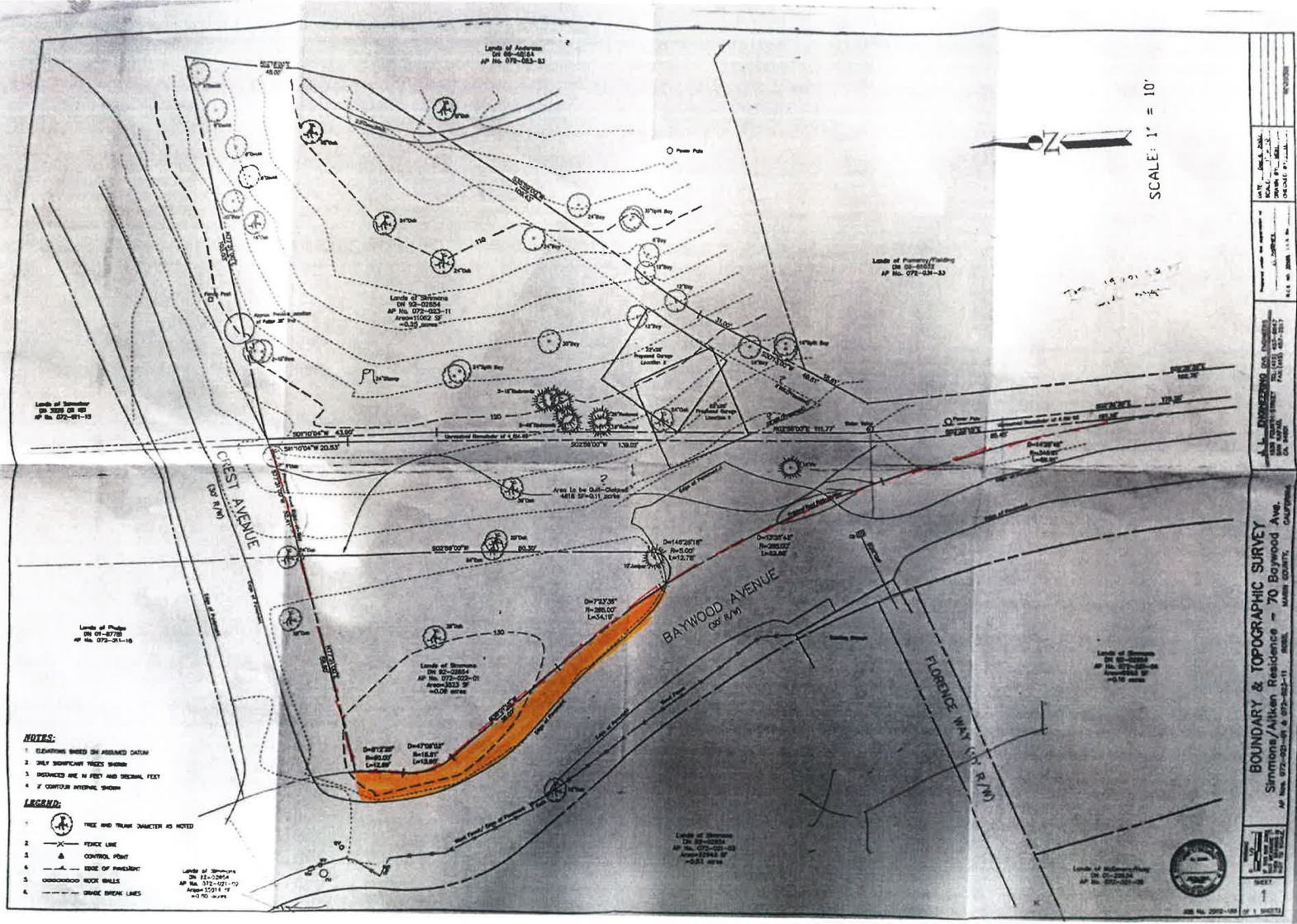
Could you take a look and let me know? Would just love a bit of clarity as our neighbor is regularly concerned with the amount of 'passing' area between our houses.

Thank you, so much!

Alison

Alison Pickart
alison pickart 
10 Bank Street
San Anselmo, CA 94960
alison@alisonpickart.com
www.alisonpickart.com
Phone: 415-785-3149

CONFIDENTIALITY NOTICE: This e-mail, including attachments, may include confidential and/or proprietary information. This information is intended only for the use of the individual or individuals or entity even if addressed incorrectly. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is strictly prohibited. If you have received this e-mail in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.



- NOTES:**
1. DIMENSIONS SHOWN ON ASSUMED DATA
 2. ONLY DIMENSIONS SHOWN IN FEET AND DECIMAL FEET
 3. DIMENSIONS ARE IN FEET AND DECIMAL FEET
 4. IF CONTOUR INTERVAL SHOWN

- LEGEND:**
1. TREE AND TRUNK CHARACTER AS NOTED
 2. FENCE LINE
 3. CONTROL POINT
 4. SIDE OF PRECEDENCE
 5. OMBROPHOT RECK MARKS
 6. BRIDGE BREAK LINES

BOUNDARY & TOPOGRAPHIC SURVEY
 Simmons/Aitken Residence - 70 Baywood Ave.
 AP No. 079-021-10 & 079-021-11, AREA: 12511 SF, ±0.70 acres



DATE: 08/11/10
 DRAWN BY: J.L. ENGINEERING CO., INC.
 CHECKED BY: J.L. ENGINEERING CO., INC.
 SCALE: 1" = 10'

Subject: 2 CREST - Design Review Notes - PLEASE CONFIRM RECEIPT
Date: Tuesday, January 17, 2023 at 12:49:50 PM Pacific Standard Time
From: Alison Pickart
To: designreview@townofross.org
CC: Ken Pickart
Attachments: image001.jpg

Dear members of the Town of Ross ADR,

We are surprised that the residents at 2 Crest would propose a project plan, even conceptually, that would occupy an area so close to their property line. We understand that this is early in their project process, but we are also surprised they have not reached out to us, about this, since we are the one property most directly affected by their proposed project.

We are also having a hard time understanding their rationale in asking for such exception, to setback guidelines, given the amount of property available to them, within their setbacks.... reviewing the site plan, it seems there are plenty of other places, that a pool could be placed. Additionally, the size of the pool could be modified, which could help it conform in a different location or at a different angle.

Our understanding of the 2 Crest site survey is that the primary screening for this proposed pool area originates from a planting bed which exists 100% in the right-of-way. It looks to us like they are planning on continuing this non-conforming planting bed for screening vegetation outside of their property boundary and over an existing easement?

We actually think that incorporating their current parking area into their usable yard is a good idea and would allow for much needed screening to be planted inside of their property line... it seems like this area would be a great 'safe' yard area for their kids, since that seems to be a concern of theirs in this application. However, do the applicants have a relocation plan for the vehicles that are regularly parked in those spots?

We find it questionable that they are proposing to lower EXISTING INTERIOR closet ceiling heights in order to reduce their property's already maxed out FAR. This reduction of square footage equals the square footage needed for their outdoor bathroom and pool equipment room? These interior modifications are not irreversible by any stretch, and although a clever workaround, would set a precedent that anyone could temporarily reduce their closet ceiling heights to 7'0" in order to get town approval to add FAR to their homes. By this precedent, and corresponding 'closet math', we would be able to add 250' of FAR to our home.

Is this practice now commonplace in Ross?

Finally, and most concerning; the area in which the pool, fire pit seating area and end-of-pool lounge area are located in this proposal is very close to the property line. Moving much closer because of the incorporation of their current parking area into this plan.

Since there is no other way to enter our house from our designated parking areas than having to pass by this area of their property, we are not inclined to support a proposal that would increase

their physical presence, in hard-scape outdoor living areas to the degree in which they are proposing, so close to that property line.

Their application states that this project specifically does not affect us because the living area of our property faces the other direction? We wholeheartedly disagree.

We would be pleased to see the residents at 2 Crest figure out an appropriate place for a pool, as well as any other landscape features that would enhance and improve the enjoyment of their property, however, we would find it hard to support a project that would require a variance to site these elements so far outside of the setbacks... so close to the main path into our home.

Hopefully this feedback helps inform their process so they can develop a design proposal that is more conforming and would allow for greater privacy between the landscape, the road and our property.

Thoughtfully submitted,

Alison and Ken Pickart
70 Baywood Ave

Alison Pickart
alison pickart 🌱
10 Bank Street
San Anselmo, CA 94960
alison@alisonpickart.com
www.alisonpickart.com

CONFIDENTIALITY NOTICE: This e-mail, including attachments, may include confidential and/or proprietary information. This information is intended only for the use of the individual or individuals or entity even if addressed incorrectly. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is strictly prohibited. If you have received this e-mail in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

Alex Lopez-Vega

From: Ken Pickart <Ken@ap-build.com>
Sent: Friday, June 16, 2023 4:54 PM
To: designreview
Cc: Alison Pickart; Rebecca Markwick; Alex Lopez-Vega
Subject: 2 Crest Ave

Dear ADR Group,

We were advised via mailer that our neighbors at 2 Crest are requesting comments for a project within the setback requiring a variance.

I believe the neighbors should be informed prior to the ADR meetings. It looks, from their application, that they have sought support and feedback from five other neighbors on the hill, yet have not made a single mention of the project to us and we are the neighbor of theirs who are most directly affected by this proposed project...

Can you encourage the Dewars to seek comment from us? My wife, Alison, and I own the property at 70 Baywood Ave, directly across from their proposed project location.

Thank you
Ken Pickart

Ken Pickart | AP-Build, Inc. | ken@ap-build.com | O: 415.785.3860 | C: 415.519.3342 | 8 Bank St., San Anselmo, CA 94960

CONFIDENTIALITY NOTICE: This e-mail, including attachments, may include confidential and/or proprietary information. This information is intended only for the use of the individual or individuals or entity even if addressed incorrectly. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is strictly prohibited. If you have received this e-mail in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

August 24, 2023

Good Evening,

My name is Alison Pickart. My husband Ken and I own 70 Baywood Ave, the property directly across from the 2 Crest project proposal.

Based on our interpretation and understanding of these plans. Our primary concerns are as follows:

- Additional encroachment in to the right of way
- The loss of 3 existing parking spots that are currently always in use
- Construction vehicle management plan

The roadway at the top of the hill is currently constrained by a planter bed, in the right of way, adjacent to the 2 Crest property boundary to the West. The residents of 2 Crest have used this planter, which is NOT a part of their property, to plant tall screening which currently encroaches in to the Right of Way.

(Please see our attachments)

Their proposal adds a continuation of this planter bed, across from our garage. We are concerned that the three cars, regularly parked in their currently designated spots (where the pool is proposed) are going to be relocated to the street, parallel to where their new fence and entry gate is to be installed... this would not only add to the congestion at the top of the hill and create additional hazard for fire vehicles, but would also make entering and exiting our garage; which are our designated parking spots; very difficult.

*When the construction of 2 Crest was proposed (Meeting agenda: Feb 8, 2018) a condition of approval was stated:
Exhibit A Findings (b.6)

“The project would not create any long-term circulation and access impacts within the Crest Road or Baywood Avenue right-of-way’

We **can**, however, support their project if they maintain their property boundary by removing the planter bed that is currently in **the right of way** on Baywood Ave, and designate an area on the Crest side of their property for the three parking spots that they are eliminating here.

We feel that trading the currently encroaching planter bed, for the space, outside of their property setback that they will use to construct their pool, is more than fair... and will also make the top of the hill safer.

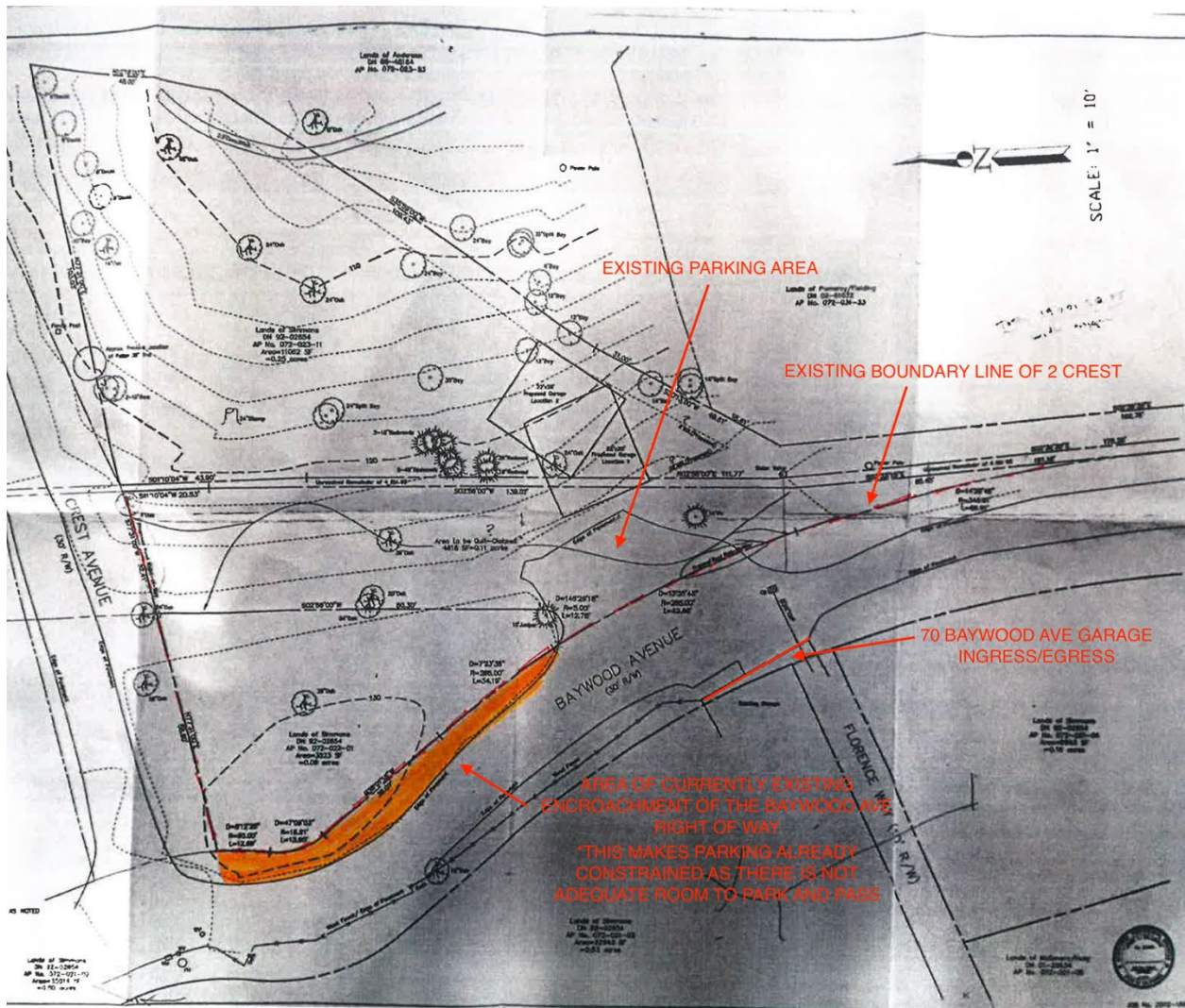
We would also implore the town to require the applicants or their Design/Construction professionals to reach out to us with a ‘vehicle management plan’ for how they will work in that area of Baywood Ave. without additional encroachment or blockage of the road and our garage. We feel this is critical given how concerned the residents of 2 Crest are about the traffic at the top of the hill.

As a final note... we wish the applicants had included us, as they included the other neighbors on the hill in discussing their intentions. Extending the same courtesy to us, of walking us through the particulars of these plans. Our concerns, listed above, would not have had to be brought up for the Councils Public consideration, if they had... since I am sure we could have come up with a suitable and neighborly compromise....

Thank you, very much.

Alison Pickart

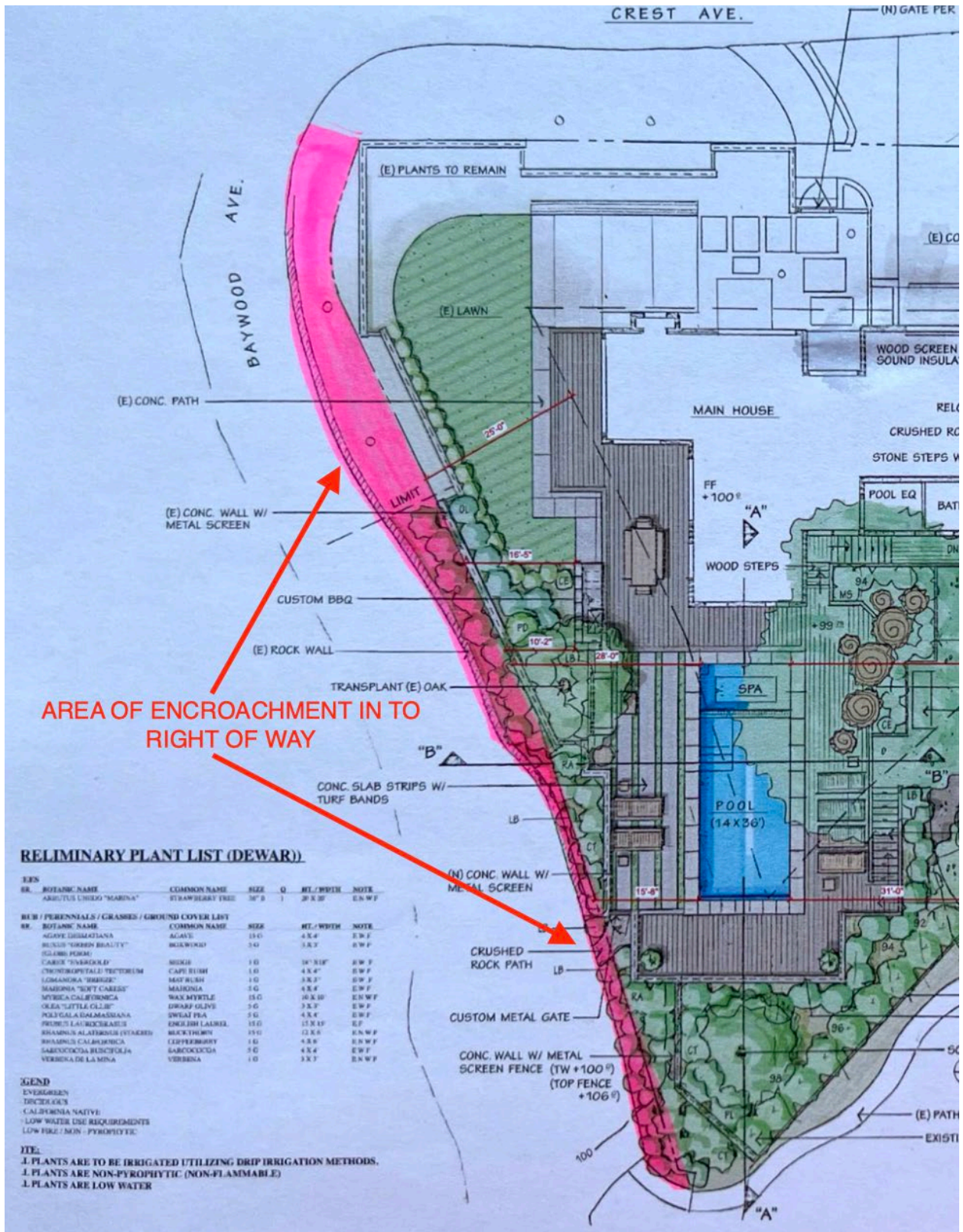
10 Bank Street
San Anselmo, CA 94960



Survey of 2 Crest Rd, Ross

*Highlighted area is the planter that is currently in the 'Right of Way'

*Please note the location of our garage entry (called out by red line) and its proximity to the 2 Crest property line, where fence, gate and plantings are proposed.



AREA OF ENCROACHMENT IN TO RIGHT OF WAY

RELIMINARY PLANT LIST (DEWAR)

EEB	BOTANIC NAME	COMMON NAME	SIZE	Q	HT./WIDTH	NOTE
EEB	ARGENTUS UNDOO "MARINA"	STRAWBERRY TREE	30' B	1	20 X 20	E & W F
BUB / PERENNIALS / GRASSES / GROUND COVER LIST						
EEB	BOTANIC NAME	COMMON NAME	SIZE		HT./WIDTH	NOTE
EEB	AGAVE LIMBATA	AGAVE	15 G		4 X 4	E & W F
EEB	BUSCH "GREEN BEAUTY"	BIGWOOD	3 G		3 X 3	E & W F
EEB	CLUMBI FORM					
EEB	CAROL "SUNSHINE"	MOSS	1 G		3" X 10"	E & W F
EEB	CHORISANDRA TRICHOSPERM	CAPE BUSH	1 G		4 X 4	E & W F
EEB	LOMANORA "SUNSET"	MAT BUSH	1 G		3 X 3	E & W F
EEB	MAERBIA "SOFT CARESS"	MAHONIA	1 G		4 X 4	E & W F
EEB	MYRTA CALIFORNICA	WAX MYRTLE	15 G		10 X 10	E & W F
EEB	Olea "LITTLE GLOBE"	DWARF OLIVE	3 G		3 X 3	E & W F
EEB	POLYGALA CALIFORNICA	SWEET PEA	3 G		4 X 4	E & W F
EEB	PRUNUS LAURICOLENS	ENGLISH LAUREL	15 G		15 X 15	E & W F
EEB	RHAMNUS ALABERICUS (VICKERS)	BUCK THORN	15 G		12 X 6	E & W F
EEB	RHAMNUS CALIFORNICA	COPPERBERRY	1 G		4 X 4	E & W F
EEB	SARCOCODON BURSIFOLIA	SARCOCODON	3 G		4 X 4	E & W F
EEB	VERBENA DE LA MINA	VERBENA	1 G		3 X 3	E & W F

LEGEND
 EVERGREEN
 DECIDUOUS
 CALIFORNIA NATIVE
 LOW WATER USE REQUIREMENTS
 LOW FERT. / NON - PYROPHYTIC

NOTE:
 1. PLANTS ARE TO BE IRRIGATED (UTILIZING DRIP IRRIGATION METHODS).
 1. PLANTS ARE NON-PYROPHYTIC (NON-FLAMMABLE)
 1. PLANTS ARE LOW WATER



AMOUNT OF PLANTING
AT THE TIME OF SALE

Limited and sparse planting



PLANTINGS ADDED TO THE
PLANTER BED OUTSIDE OF
THE 2 CREST AVE
PROPERTY LINE; IN THE
RIGHT OF WAY

Current planting

ATTACHMENT 5

MINUTES
Regular Meeting of the
Ross Advisory Design Review Group
7:00 PM, Tuesday, January 17, 2023

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

ADR Group Chair Kruttschnitt called the meeting to order.
Present: Laura Dewar, Josefa Buckingham, and Mark Fritts.
Director Rebecca Markwick was present representing staff.

2. Approval of Minutes.

The ADR Group minutes were unanimously approved.

3. Open Time for Public Comments

No comments were provided.

4. Planning Applications/Projects

a. Property Address: 28 Walnut Avenue
A.P.N.: 073-171-03
Applicant: Bressack and Wasserman Architects
Property Owner: John and Gabrielle Bressack Gantus
Zoning: R-1:B-10
General Plan: ML (Medium Low Density)
Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests approval of Demolition, Design Review and Accessory Dwelling Unit (ADU) applications. The project includes remodeling and a renovation of the existing single-family home, removing the office and deck in the side yard setback, replacing the various roof structures with one coherent roof design, and demolition of the carport at Walnut Avenue. The ADU permit is required to exceed the allowable height and size. New landscaping and hardscape is also being proposed throughout the property.

Director Markwick presented the project, as well as the project architect, Phoebe Bressack.

Chris Solle spoke about the project, they are not pleased with height of the structure, and asked for it to be reduced. Asked that landscape be planted to provide screening, and that the ADU windows be clerestory.

A neighbor spoke, correcting the record that she did not ask for the gate in front of the parking space adjacent to the driveway.

Elis Raskin, Hanson Bridgett LLP spoke on behalf of the owners of 15 Walnut and 10 Olive, he mentioned the email that was sent previously. He indicated that the project would impact his clients privacy. He stated that the project does not meet the findings, specifically privacy and compatibility with the neighborhood. He also mentioned that the ADU does not fit into the design review standards.

Mark Fritts

- The ADU has too much mass at the outside of the property.
- Would like to see the ADU in a different location.
- Size of project is fine, should be in the interior space of the lot.
- Is not concerned about the privacy impacts to the homeowners claim about a window that is many lots away.

Joey Buckingham

- Concerned about the front elevation. The ADU as far to the left as possible with a 25 foot mass looks monolithic in scale and almost commercial.
- Is interested in the addition becoming more whimsical and interesting.
- Volumes can be stepped back, and the façade will look less monolithic from the street.
- Development 5 feet from the property line and 25 feet high is really bad for the neighbor to the left.
- Take the volume to the left of the existing garage and push it back into the hillside.
- The bridge connecting the two building exacerbates the mass of the buildings, appears like a hotel.

Mark Kruttschnitt

- Agrees with the others.
- Thinks that the ADU should be diminutive to the house and garage, instead it exasperates the mass. The main home seems secondary to the ADU.
- The mass on top should recess form the neighbor's property.
- Mass should step back with the slope.
- If the storage room is a storage room, remove the windows.
- Minimize the footprint on the second floor.

Laura Dewar

- Agrees with the comments, the massing of the ADU works against the design of the house and the topography of the site
- The elevated walkway at the front adds to the mass as well.
- Work with space behind the garage.
- Need clarification on the parking space.

5. Conceptual ADR

Property Address: 2 Crest Road

A.P.N.: (APN 072-023-27)

Applicant: Imprints Landscape Architecture

Property Owner: Benjamin and Laura Dewar

Zoning: R-1:B5-A

General Plan: VL (Very Low Density)

Flood Zone: X (Moderate Risk)

Brad Eigsti, Landscape Architect presented the project, and ADR members asked questions.

Joey Buckingham

- Likes where the pool is, does not impact the neighbors.
- The garage across the street has a high fence and the pool will not impact them.
- If you do have a pool in the location proposed, you might want a taller fence.
- Precedent has been set that a pool can be approved near the road.
- Plant a lot and make a tall hedge.
- Recommends going for the Variance.

Mark Fritts

- Aggress with Joey
- Brad can create a fence that will provide screening.
- Think about the couch on the southern corner, pull that back, and put seating somewhere else.
- Does not matter if the pool is 11 feet versus 15 feet from the property line, there is not much substantive difference.
- Prefers that the applicant apply for the Variance instead of swapping floor area.

Mark Kruttschnitt

- Thinks that the Variance would be palatable given the pool in the setback.
- Does not agree that the neighbors will be impacted by the pool, is concerned that the town will open themselves up to a lawsuit because the neighbors are complaining about their privacy.
- Does not think that the pool in the setback is a problem.
- Deck on the far side needs a fence for privacy.

6. Information and Discussion.

7. New Agenda Items.

8. Adjournment, 8:40 PM.

Next scheduled regular meeting date and time: February 15, 2023, at 7:00 PM.

MINUTES
Meeting of the
Ross Advisory Design Review Group
7:00 PM, Tuesday, July 18, 2023

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

ADR Group Chair Kruttschnitt called the meeting to order.

Present: Laura Dewar, Mark Fritts, Stephen Sutro and Joey Buckingham

Assistant Planner Alex Lopez-Vega and the Interim Planning & Building Director David Woltering were present representing staff.

2. Approval of Minutes.

The ADR Group minutes were not approved.

3. Open Time for Public Comments

No comments were provided.

4. Planning Applications/Projects

a.

Property Address: 2 Crest Road
A.P.N.: 072-023-27
Applicant: Imprints Landscape Architecture
Property Owner: Benjamin and Laura Dewar
Zoning: R-1:B-5A
General Plan: VL (Very Low Density)
Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests approval of Design Review, a Nonconformity Permit, and a Variance. The project is requesting new landscape structures including a new pool/spa, pool equipment, wood deck, outdoor kitchen, concrete retaining walls, a small addition, and new fencing and gates. The nonconformity permit is required to exchange floor area for new floor area, with no increase to the total floor area. A Variance is requested to allow for the construction of new landscape structures within the side and rear yard setback.

Mark Fritts

- Likes how the applicant reduced the size of the pool
- Supports the project as modified

Joey Buckingham

- Great project
- Appreciated the adjustments made from last hearing and supports the project as modified

Stephen Sutro

- Appreciates saving the redwood trees in the middle of the buildable area

Mark Kruttschnitt

- Agrees with Joey's comments, nothing to add

b.

Property Address: 10 Shady Lane
A.P.N.: 073-191-25
Applicant: Polsky Perlstein Architects
Property Owner: Courtney Kronenthal
Zoning: R-1:B-A
General Plan: L (Low Density)
Flood Zone: AE (Floodway)

Project Summary: The applicant requests approval of Design Review and Variances. The project includes demolishing existing storage sheds in the rear yard totaling 134 square feet. The project proposes some minor additions and alterations to include enlarging the kitchen area by 94 square feet and expanding the entry way by 71 square feet for a total of 165 square feet. A Variance is required to exceed the allowable floor area and lot coverage by 31 square feet. A Variance is also required to allow the expansion of the kitchen area to encroach into the side yard setback.

Joey Buckingham

- Agrees with Mark Kruttschnitt's comments, but believes findings could be made by removing additional structures

Laura Dewar

- Slight increase in massing, but doesn't feel like it's bigger
- Likes removing of the columns in the entry
- Likes all the changes
- Supports the design of the project
- Challenging to send the project to TC for FAR increase

Mark Fritts

- Agrees with comments made by Laura and Joey

- From an architectural standpoint it's a great project
- Much more useable home

Stephen Sutro

- Generally agrees with other ADR member comments
- Project looks great; should go forward

Mark Kruttschnitt

- Supports project, but believes it should not exceed the FAR
- May be difficult to make findings to exceed FAR

c.

Property Address: 39 Allen Avenue
A.P.N.: 073-261-05
Applicant: Polsky Perlstein Architects
Property Owner: Matthew and Lauren Barshied
Zoning: R-1:B-10
General Plan: ML (Very Low Density)
Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests approval of Design Review, a Nonconformity Permit, a Hillside Lot Permit, and a Variance. The project includes renovations to the exterior materials, features, and appearance of the existing single-family residence, including additions and alterations on the lower level. The project includes reducing the size of an existing nonconforming deck which encroaches into the side yard setback. The project also includes new landscaping and hardscape throughout the property. The Variance is required to exceed the allowable floor area by 70 square feet. A separate application has been submitted for ministerial review for a new Accessory Dwelling Unit.

Joey Buckingham

- Great project, big improvement
- Beautiful home as drawn
- So many findings the TC can consider for this project: new ADU, taking an unsafe entry making it to a traditional home
- Does not feel like a hillside lot
- Suggest earth tone color instead of white

Laura Dewar

- Huge improvement in the design of the home.
- Moving the entryway to the lower level is good move; a good reason to support the FAR increase
- Consider using more natural tones, instead of white shingles.
- East side of the house window may be a concern, make sure to respect neighbor privacy.

Mark Fritts

- Agrees with Mark Kruttschitt comments
- Architectural design is a significant improvement
- The house is visually more appealing from the street
- Façade in the front is vastly improved, and a more modern feel
- Some level of replacement of trees is needed
- If applicant can find 70 SF to reduce, it would be helpful

Stephen Sutro

- Agrees with both Marks' comments; the design is a great improvement
- Existing entry is unsafe and ugly; new entry is a significant upgrade
- House is already there, makes sense for increase in FAR, given the overall design improvements

Mark Kruttschnitt

- House will look better with the changes.
- May be difficult for TC to have findings to increase FAR, especially a house that is over the limit
- Replacement trees needed if old trees are removed
- More earth tone color instead of white

5. Conceptual Advisory Design Review.

6. Information and Discussion.

7. New Agenda Items.

Adjournment, 7:47 PM.

Next scheduled regular meeting date and time: August 15, 2023, at 7:00 PM.