



Staff Report

Date: December 14, 2023
To: Mayor Brekhus and Council Members
From: Alex Lopez-Vega, Assistant Planner
Subject: Samuel Residence, 210 Lagunitas Road, File No. EXT23-0001

Recommendation

Town Council consideration and adoption of Resolution No. 2349 for a one-year time extension for Design Review, Nonconformity Permit, Hillside Lot Permit, and Accessory Dwelling Unit Permit Exception to construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing entry gate and walls at 210 Lagunitas Road.

Property Owner: Dave Samuel
Applicant: Charles Theobald, Architect; Michael Yandle, Landscape Architect
Street Address: 210 Lagunitas Road
A.P.N.: 073-122-03
Zoning: R-1: B-A; Hillside Area
General Plan: VL (Very Low Density)
Flood Zone: X (Minimal Flood Risk)

Project Data

	Code Standard	Existing	Proposed
Lot Area	1-acre min.	45,098 sf	No change
Floor Area (FAR)	15% max.	5,708 sf (12.7%)	6,586 sf (14.6%)
Building Coverage	15% max.	4,090 sf (9.1%)	4,271 sf (9.5%)
Front Setback	25' min.	South: 65'	No change
Side Setback	45' min. *	East: 10'	No change

	Code Standard	Existing	Proposed
		West: >45'	
Rear Setback	70' min. *	North: >70'	No change
Building Height	2 stories; 30' max.	House: 2 stories; 28' Garage: 1 story + attic; 16'-5"	House: No change Garage/ADU: 2 stories; 23'-7"
Parking Spaces	4 min. (2 covered)	4 (4 covered)	4 (3 covered)
Impervious Coverage	Minimize and/or reduce *	Total not calculated	+114 sf (deck add.) +120 sf (garage add.) - [53 sf] (shed demo.) - [181 sf] [asphalt demo.] = Zero net increase

Project Description

The applicant requests a one-year time extension of Design Review, Nonconformity Permit, Hillside Lot Permit, and an Accessory Dwelling Unit Exception Permit to construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing entry gate. The project was approved on November 4, 2021 by the Town Council through the adoption of Resolution No. 2223 (see **Attachment 2**). The time extension would allow the applicant to secure a building permit no later than November 4, 2024, in order to construct the previously approved project.

The scope of the project remains the same as the original approval consisting of a new 811-square-foot ADU at the attic level of the existing detached garage. The new building height would be 23'-7". The exterior materials, details, and roof form would match the existing single-family residence. At the rear of the garage, a new 120 square-foot addition would contain relocated pool equipment and a new bathroom. Existing building setbacks would be maintained including a nonconforming 10-foot east side yard setback. New plantings along the east side yard property line would screen the renovated structure from the adjacent neighboring property.

At the front of the property, the project will widen the driveway entrance to 16 feet; construct a new 6-foot tall open wood driveway gate and separate pedestrian gate; raise the height of stone walls to 6 feet; plant a row of English Laurel trees behind the wall; and plant ten new "Aptos Blue" Coast Redwood, Big Leaf Maple, and California Buckeye trees along the roadway. The project would remove two existing trees in order to widen the driveway entrance. The project would remove an existing mechanical equipment enclosure and asphalt paving to offset the new building coverage, resulting in no net increase to impervious coverage on the property. There are no changes to the Town Council's approval.

Discussion

Pursuant to Section 18.60.060, approvals, such as a Design Review, a Nonconformity Permit, a Hillside Lot Permit, and Accessory Dwelling Unit Permit Exception, expire without notice two years after the effective date unless construction or other authorized action has commenced. The Zoning Regulations provide relief from the time limitations by allowing Town Council to grant a one-year extension of the approval if they determine that the findings made in the original approval remain valid. As required, the applicants have requested the extension prior to the expiration of the original approval.

In order to grant a one-year extension, the Town Council shall determine that the findings associated with the original approval remain valid. As referenced in Town Council Resolution No. 2223 (see **Attachment 2**), the Staff Report dated November 4, 2021 (see **Attachment 3**), and the attached excerpt from the November 4, 2021, Town Council Meeting Minutes (see **Attachment 4**) which demonstrate an action to approve the project subject to conditions of approval, the applicant requests that a one-year extension be granted.

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. No public comments were received prior to completion of the staff report.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), because it consists of construction and location of limited numbers of new, small facilities or structures, including a second dwelling in a residential zone.

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 in part on the valuation of the work proposed. 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. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Attachments

1. Town Council Resolution No. 2349
2. Town Council Resolution No. 2223
3. Town Council Meeting Minutes excerpt dated November 4, 2021
4. Town Council Staff Report with Attachments dated November 4, 2021

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2345

A RESOLUTION OF THE TOWN OF ROSS ACCEPTING THE FISCAL YEAR ENDED JUNE 30, 2023 ANNUAL REPORT ON DEVELOPMENT IMPACT FEES (AB 1600 REPORT)

WHEREAS, the Town of Ross imposes fees to mitigate the impact of development pursuant to Government Code sections 66000 et seq.; and

WHEREAS, the Town maintains separate accounts for Road Impact Fees, Drainage Impact Fees, and General Plan Impact Fees; and

WHEREAS, the Town is required within 180 days after the last day of each fiscal year to make available to the public information for the fiscal year regarding these fees under Government Code section 66006; and

WHEREAS, Town staff has prepared a report that contains the information required by Government Code section 66006, a copy of which is attached hereto as Attachment "A"; and

WHEREAS, no loans were made from any of the accounts identified in the AB 1600 Report; and

WHEREAS, no interested persons have requested notice of the AB 1600 Report; consequently, no notices of the availability of the AB 1600 Report were mailed.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF ROSS DOES RESOLVE AS FOLLOWS:

Section 1. Findings. The Town Council of the Town of Ross hereby finds and adopts as follows:

- A. In accordance with Government Code section 66006, the Town has conducted an annual review of its development impact fees and capital infrastructure programs and the Town Council has reviewed the report attached hereto as Attachment A and incorporated herein by this reference.

- B. The funds have been and shall be used for the purposes stated in said reports and are necessary to mitigate impacts resulting from development in the Town and further finds that there is a reasonable relationship between the use of the fees and type of development project upon which the fee is imposed.
- C. The impact fees continue to be required to fund applicable improvements, and as such, these fees will continue to be collected and deposited into the appropriate funds for utilization for their intended purpose.
- D. The unexpended impact fees on June 30, 2023 as detailed in Attachment A are needed to finance future road and drainage infrastructure projects and General Plan Implementation projects.
- E. The Town Council hereby approves, accepts, and adopts the AB 1600 Report.
- F. The AB 1600 report is available for public review at the Town Clerk's office upon request.

Section 2. Effective Date. The resolution shall take effect immediately upon adoption.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 14th day of December 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Brekhus, Mayor

ATTEST:

Cyndie Martel, Town Clerk

ATTACHMENT 2

TOWN OF ROSS

RESOLUTION NO. 2223

A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, HILLSIDE LOT PERMIT, NONCONFORMITY PERMIT, AND ACCESSORY DWELLING UNIT PERMIT EXCEPTION TO CONSTRUCT A NEW SECOND-STORY ACCESSORY DWELLING UNIT ABOVE THE EXISTING DETACHED GARAGE; EXPAND THE EXISTING ACCESSORY BUILDING AT THE FIRST FLOOR; AND MODIFY THE EXISTING ENTRY GATE AND WALLS AT 210 LAGUNITAS ROAD, A.P.N. 073-122-03

WHEREAS, applicant Charles Theobald, Architect, on behalf of property owner Dave Samuel, has submitted an application requesting approval of Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception to construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing entry gate and walls, at 210 Lagunitas Road, A.P.N. 073-122-03 (herein referred to as “the Project”).

WHEREAS, the Project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), because it consists of construction and location of limited numbers of new, small facilities or structures, including a second dwelling in a residential zone; and

WHEREAS, on November 4, 2021, the Town Council held a duly noticed public hearing to consider the Project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit “A”, and approves Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception to allow the Project, subject to the Conditions of Approval attached as Exhibit “B”.

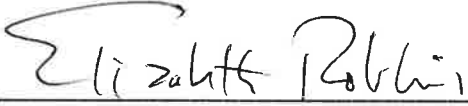
The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 4th day of November 2021, by the following vote:

AYES: Council Members Robbins, Brekhus, Kircher, Kuhl, McMillan

NOES:

ABSENT:

ABSTAIN:


Elizabeth Robbins, Mayor

ATTEST:


Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
210 LAGUNITAS ROAD
A.P.N. 073-122-03

A. Findings

I. In accordance with Ross Municipal Code 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 Section 18.41.010.

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

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

As recommended by the Town of Ross Advisory Design Review Group, the project is in substantial compliance with the design criteria of RMC Section 18.41.100. The removal of trees, vegetation, rocks and soil will be kept to a minimum. Development will maximize the retention and preservation of natural elevations, lands too steep for development, and wooded areas. Lot coverage and building footprint are minimized, and development compact, to minimize site disturbance area and preserve undisturbed space. The new structure avoids size out of character with setting or with other dwellings in the neighborhood. It is compatible with others in the neighborhood and does not attract attention to itself. Materials and colors minimize visual impacts. Exterior lighting is shielded and directed downward to not create glare, hazard or annoyance. Fences and walls are architecturally compatible with the design of the building. Landscaping is integrated into the architectural scheme to accent and enhance the appearance of the development. Landscaping creates and maintains defensible spaces around the building to prevent the spread of wildfire. The project offsets new building coverage with an equal reduction to existing impervious surfaces, resulting in no net increase to impervious coverage on the property. It produces no net increase in peak runoff from the site compared to pre-project conditions.

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 and the Single Family Residence and Special Building Site zoning regulations, 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 (b), Hillside Lot Permit is approved based on the following mandatory findings:

a) The project complies with the stated purposes of the Hillside Lot Regulations (Chapter 18.39).

The project complies with the stated purposes of the Hillside Lot Regulations by: ensuring that development is consistent with the goals, policies and criteria of the general plan; protecting and preserving open space as a limited and valuable resource; minimizing disturbance to the natural terrain; protecting steep slopes, significant native vegetation, wildlife and other environmental resources; limiting development to a level consistent with available public services and road access that can be reasonably provided to and within the parcel; ensuring that development will not create or increase fire, flood, slide or other hazards to public health and safety; and protecting the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites.

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

The project complies with maximum FAR for the district, which is applicable for a hillside lot that has an average lot slope that is not equal to or greater than 30%; and it complies with the minimum required yard setbacks for new development in the district and on the hillside lot, with the exception of maintaining an existing nonconforming side yard setback which does not require a new variance.

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

The project requires very minimal grading and no retaining walls. Building architecture and placement complements the form of the natural landscape; designs are well-articulated to minimize the appearance of bulk; and materials and colors use subdued tones to blend with the natural landscape. Native shrubs and trees are retained and protected wherever possible to reduce erosion and preserve character; and new landscaping blends with the site setting. The project minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views. The project adheres to the wildland urban interface building standards. Exterior lights are shielded and directed downward to not create glare, hazard or annoyance to adjacent property owners or passersby. The project offsets new building coverage with an equal reduction to existing impervious surfaces, resulting in no net increase to impervious coverage on the property. It produces no net increase in peak runoff from the site compared to pre-project conditions.

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

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

The existing residential property was constructed in 1900 and 1992 per the County Assessor.

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

The project does not require a demolition permit.

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

The project substantially conforms to the Design Review criteria and standards in RMC Section 18.41.100 as explained above in Section I.

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

Total floor area does not exceed the maximum floor area permitted for the lot under current zoning regulations.

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

The project will avoid detriment to public welfare and material injury to properties in the vicinity by substantially complying with the Design Review criteria and standards (RMC Section 18.41.100) and with the Hillside Lot Regulations (RMC Section 18.39.090).

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

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

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

The project would provide adequate access and water supply for firefighting purposes.

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

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

- i) The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided. The Town Council may consider the size of the residence and number of bedrooms and may require additional parking up to the following:**

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

The project provides a total of five off-street parking spaces (including three covered), which meets the minimum required four off-street parking spaces for the primary residence, plus one additional space for the ADU, which is not required.

IV. In accordance with Ross Municipal Code Section 18.42.065 (g), Accessory Dwelling Unit Permit Exception is approved based on the following mandatory findings:

- a) The exception will not create a significant adverse impact on any adjacent property, the surrounding neighborhood, or the general public good.**

The proposed new second-story ADU complies with the minimum required front yard setback and is screened from the roadway; and it is screened from the adjacent neighboring property. The design is compatible with existing residential buildings in the neighborhood and Ross. The project will avoid privacy impacts for the adjacent property by including no windows on the east side elevation. New exterior building and landscape lighting is shielded and directed downward to avoid offsite glare. The project would maintain and enhance the rural character of the existing street elevation.

- b) The lot and the arrangement of existing and proposed physical improvements on the lot can accommodate the exception without adversely affecting the views, privacy, or access to light and air of neighboring properties.**

The proposed new addition is designed to maximize privacy and minimize impacts to existing development, by complying with the front yard setback, by screening the new structure from neighboring properties and the roadway, and by shielding and directing downward the exterior building and landscape lighting. The new two-story development would not affect

existing views or access to light or air.

- c) Any modifications to site drainage shall be designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site.**

The project offsets new building coverage with an equal reduction to existing impervious surfaces, resulting in no net increase to impervious coverage on the property. It produces no net increase in peak runoff from the site compared to pre-project conditions. The project would relocate mechanical equipment to a new enclosure to minimize noise.

- d) The fire chief has confirmed that there is adequate water supply for firefighting purposes for the site, or that the project includes measures to provide adequate water supply for firefighting purposes.**

The Ross Valley Fire Department approved the project.

EXHIBIT "B"
CONDITIONS OF APPROVAL
210 LAGUNITAS ROAD
A.P.N. 073-122-03

1. This approval authorizes Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception to construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing entry gate and walls, at 210 Lagunitas Road, A.P.N. 073-122-03 (herein referred to as "the Project").
2. The building permit shall substantially conform to the plans prepared by Charles Theobald, Architect entitled, "210 LAGUNITAS RD. ADU, ROSS, CA, TOWN COUNCIL SET," dated OCTOBER 15, 2021/ TOWN COUNCIL SET, and reviewed and approved by the Town Council on November 4, 2021.
3. Except as otherwise provided in these conditions, the Project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the Project and will not extend the permitted construction period.
5. The Project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
6. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the Project.
7. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
8. A Tree Permit shall not be issued until the project grading or building permit is issued.

9. The Project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
- a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
 - b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
 - c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the Project. Any additional costs incurred by the Town, including costs to inspect or review the Project, shall be paid as incurred and prior to project final.
 - d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
 - e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the Project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
 - f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
 - g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
 - h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout

areas. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.

- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the Project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the Project and the construction management plan.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- r. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- s. The Project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
- w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
- i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.

- ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
 - iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.
10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.
11. The following conditions apply to the accessory dwelling unit (ADU):
- a. The proposed method of water supply and sewage disposal for the ADU must be provided, as well as service availability from any associated electric and gas provider for the lot. Letters of service availability must be provided by the appropriate utilities service provider(s) for the lot.
 - b. The ADU shall contain a separate kitchen and bathroom independent of the primary residence. A kitchen shall include all of the following: a sink with hot and cold running water; a range or stove and oven; at a minimum, an apartment-sized refrigerator; and built-in dish and utensil storage spaces.
 - c. Street address shall be assigned to the ADU to assist in emergency response.
 - d. The ADU may be rented but shall not be sold independently of the primary dwelling on the parcel.
 - e. The ADU shall not be rented for less than 30 consecutive days.

ATTACHMENT 3

REGULAR MEETING of the ROSS TOWN COUNCIL
on the SPECIAL DATE OF THURSDAY, NOVEMBER 4, 2021

Held by Teleconference

1. 6:00 p.m. Commencement.

Mayor Elizabeth Robbins; Mayor Pro Tem Beach Kuhl; Council Member Elizabeth Brekhus, Council Member Bill Kircher, Jr., and Council Member Julie McMillan; Town Attorney Benjamin Stock

2. Posting of agenda.

Town Clerk Lopez reported that the agenda was posted according to government requirements.

3. Minutes – Regular Meeting of October 14, 2021

Council Member Brekhus moved and Council Member McMillan seconded, to approve the October 14, 2021 Regular Meeting Minutes. Motion carried (5-0).

4. Demands.

The demands were met.

5. Town Council recognition of Town Manager Joe Chinn upon his retirement. (Mayor)

Mayor Robbins stated this is the Council's last meeting with Joe Chinn who has done an outstanding job at Town Manager.

Council Members each spoke regarding Mr. Chinn's excellent handling of challenges especially given the pandemic and related impacts, for his dedication and tireless work, for hiring wonderful staff members, keeping the Town financially stable in paying down pension obligations and accumulating funds for Town facilities, and also for his quick response to the Council inquiries. Council Members wished him all the best and said they will miss him.

Town Manager Chinn said he has very much enjoyed working with the Council and staff. It has been his privilege and honor to serve over the last 6 years. He thanked Council and staff for their dedication, hard work, and providing exceptional service to the community. He also thanked Ross residents and organizations, citing some of the best volunteerism for a small community.

Mayor Robbins announced that a reception for Mr. Chinn will occur on Thursday, November 11th from 4:00 to 5:00 p.m. outside Town Hall.

6. Open Time for Public Expression - None

7. Mayor's Report.

Into each life some rain must fall, and in Ross that means 11 inches in 18 hours.

To keep residents safe during the unprecedented "atmospheric river," Town staff worked tirelessly both before and during the October 25th storm. Days before the storm Town Clerk Linda

Lopez sent town-wide emails notifying residents of the upcoming storm, and Public Works staff Anthony Alcozer and Zach Baker cleared storm drains and culverts throughout Ross. Just after midnight on the eve of the storm, Police Chief Pata began monitoring the creek level every two hours. On Sunday morning he came to Town Hall, where he remained until Sunday night. Throughout the day Chief Pata was in contact by phone with Town Manager Joe Chinn, and by video conference with Fire Chief Jason Weber and the County Office of Emergency Services. Chief Pata and Linda Lopez sent town-wide emails during the storm, warning residents of the possibility of flooding. Ms. Lopez was at home without power, but managed to dictate a flood warning email to Town employee Donna Redstone, who still had power and was able to send out the email. Police Sergeant John Adams used the Police Department's Facebook and Instagram accounts to update residents. Anthony and Zach were in Ross throughout the storm, clearing drains, helping with downed trees, responding to resident calls, and connecting a generator to the SFD traffic signals at Lagunitas and Laurel Grove. At noon, when flooding seemed likely, Chief Pata called in additional Ross police officers. By this time there was localized flooding and more trees had fallen. Soon thereafter a large oak tree fell across Lagunitas Road, cutting power to much of the town, including Town Hall; generator backup kept most Town services functioning. Police closed Lagunitas Road because of live downed power lines. Shortly before 4pm, to warn residents about a possible flood, Alert Marin, an emergency notification system, was activated. In addition, the Town's emergency siren was activated, but, despite both generator and battery backup systems, the siren didn't go off. (Town staff fixed the malfunction and is regularly testing the system and its backup.) Chief Pata, former Chief Masterson and Officer Moy went door-to-door to advise residents along the creek to move to higher ground; most residents had already left their homes. Fortunately, the rain let up and the creek didn't flood. Police and Public Works employees stayed in Ross through the evening, not leaving until the risk of flooding had passed.

We thank our Town employees for keeping us safe!

8. Council Committee & Liaison Reports

Council Member McMillan reported the Marin Wildfire Prevention Authority (MWPA) has openings on the Citizens Oversight Committee for those living in Central Marin which includes Ross. She encouraged anyone interested to apply. The MWPA Annual Report is available at: https://assets-global.website-files.com/6107823cbe8db485b50aa8f8/61799c9d0798ae4d2c06b916_FNL_MWPA-AnnualReport_10-1-21.pdf

9. Staff & Community Reports

a. Town Manager

Town Manager Chinn recognized the great work of Town, Police and Fire staff on storm-related work before and after the storm, and he described creek levels, historical comparisons, fallen trees, power outages and AT&T service which will most likely not be restored until next week.

Staff anticipates the Flood Control District staff will likely bring the Corte Madera Creek Flood Control Project design to the Town Council in the coming weeks and the design will hopefully be before the Town Council at its January meeting.

Regarding wildfire management, MWPA will hold a roadside vegetation management project in Ross starting on Upper Toyon Drive and over the course of one month, working down toward Winding Way and Canyon.

b. Ross Property Owners Association

Elena Batalla, RPOA, extended appreciation to Mr. Chinn on his retirement, for support of RPOA and Auxiliary and said they look forward to working with new Town Manager Johnson. She reported on the portable bathrooms, the Age-Friendly Ross event and partnership with RPOA on Santa letter-writing with elves, beautification of the Ross Post Office, photo canvassing, Winter Fest on December 3rd, Spring Fling on April 16th, and Spring Dinner in May, Live on the Common on May 14th, and hoped that parts of the Ross Common Fields could be kept partially open in the Winter for students and activities.

10. Consent Agenda.

The following items will be considered in a single motion, unless removed from the Consent agenda:

- a. Town Council acceptance of FYE22 Q1 Investment Report.**
- b. Town Council consideration of adoption of Resolution No. 2221 accepting the AB 1600 Annual Report for Fiscal Year ending June 30, 2021.**
- e. Town Council consideration/approval of authorizing the Mayor to sign a letter regarding Federal Redistricting Boundaries.**

Mayor Robbins asked if any Council Members or public members wished to remove an item from the Consent Agenda or had public comments. Councilmember McMillan requested removal of Item c, and Mayor Pro Team Kuhl requested removal of Item d. There were no public comments or additional items for removal.

Council Member Brekhus moved and Council Member McMillan seconded, to approve the Consent Agenda Items a, b and e. Motion carried unanimously (5-0).

Items Removed from Consent Agenda:

- c. Town Council consideration of adoption of Ordinance No. 710 amending portions of the Ross Municipal Code pertaining to signs.**

Council Member McMillan referred to Section 18.40.115.C on page 2 of the staff report where it allows up to a maximum of 80 square feet of signage. If each sign is 3 square feet this would be 26.666 signs on someone's property. She asked to reduce the amount of square feet allowed to be 20 square feet or something more reasonable.

Mayor Robbins indicated that 20 square feet is a banner 10x2 feet which seems reasonable.

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Planning and Building Director Patrick Streeter said the 80 square feet was carried over from the previous ordinance and recommended having the sign in a multiplier of 3 which would be easier to count.

Council Member McMillan suggested 15 square feet, and Council Members concurred and asked to ensure it adheres to any court decision given political signs are important for First Amendment purposes. Town Attorney Ben Stock confirmed, given the Town still allows multiple signs and these are temporary signs and not necessarily political signs.

Council Member Brekhus asked and confirmed the size of the individual signs would not change, just the number or aggregate maximum number would be reduced from 80 square feet to 15 square feet which would limit it to 5 regularly sized signs.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member McMillan moved and Mayor Pro Tem Kuhl seconded, to waive second reading of Ordinance No. 710 amending portions of the Ross Municipal Code pertaining to signs, as amended on Section 18.40.115.C; change “80 square feet” to be “a maximum of 15 square feet” and return Ordinance No. 710 to the Town Council for final reading and adoption at the next meeting. Motion carried unanimously (5-0).

- d. Town Council consideration of adoption of Resolution No. 2222 Assembly Bill 361 Immediately Amends Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies.**

Mayor Pro Tem Kuhl asked and confirmed with Town Attorney Stock that if the Council failed to pass this item they would have to hold an in-person, subsequent meeting in December.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member Brekhus moved and Council Member McMillan seconded, to adopt Resolution No. 2222 Assembly Bill 361 Immediately Amends Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies. Motion carried unanimously (4-1; Kuhl opposed).

End of Consent Agenda.

Administrative Agenda

- 11. Receive Presentation and Update and Council Provide Direction on Options Related to the Town of Ross Facilities and Impacts to the Ross Valley Fire Department.**

Jason Weber, Fire Chief, gave the staff report and background on the matter regarding options associated with the overall civic center facilities and the Fire Station. He spoke about options

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narrowed down over time and said tonight the Council is being asked to provide input on two options:

Option 1: Move E18 to Station 19; Station 19 would become a two-engine station (the "Station 19 Consolidation" option).

Option 2: Eliminate E18 and move six (6) personnel West to other Stations with positions/ranks adjusted (e.g., Captains and Engineers transitioned) as appropriate (the "Shift West/ Adjust Ranks" option).

Chief Weber then provided an overview of fire stations, response times, trade-off's which would result in a one minute increase in response times; staffing levels; annual service demand; reduced incidents countywide in 2019 because of COVID; comparison of engine companies' calls per year across the county; incidents by type; and simultaneous Code Three calls with Engine 18 and 19.

Council Member McMillan asked Chief Weber to comment on adding E18 and E19 in terms of unit hour utilization.

Chief Weber said if the two engines were to be combined into one from a service perspective, it is 3% for 18 and 4%ish for 19. This would be 7% cumulatively, meaning 93% of the time the engine would be at the ready in the system for an emergency incident.

Chief Weber continued and reviewed costs for service, fire costs/resident, per average assessed value, and per incident. He reviewed EMS incidents and stated Medic 18 was not available 57 times or 21% of the time for incidents that occurred in Ross. The next arriving unit would be 2 minutes further away on average. If changes were made in Option 2, Station 19 would be a paramedic engine company which is similar to what is done in Fairfax and Sleepy Hollow.

He then described Option 1 and Option 2 operational considerations, fiscal impacts, labor impacts, allied agency impacts, JPA impacts, and policy considerations for the RVFD Fire Board. He lastly referred to Options 3 and 4 and said there are not votes to carry these options.

In summary, the intent is to develop consensus amongst all towns and this comes with trade-off's and a change in service. He asked the Council to consider decisions for the greater RVFD versus individual communities because they serve as one and are mutually dependent upon each other. He thinks it would be difficult for any single community to have their own fire department at the cost or level of service they are able to provide together. Each Council is being briefed and their intent is to return to the Fire Board on November 10th and try to get a decision that helps guide Ross to the next level which is site planning and an extensive process before a building can be built.

Mayor Pro Tem Kuhl asked and confirmed that Option 2 would have 6 personnel (3 Captains and 3 Engineers which would be reduced to FF/Paramedics), 3 each and go to two of remaining stations, so RVFD would achieve 3 personnel per engine in 2 of their 3 stations. Chief Weber agreed it is an improvement, noting that an engine company with 3 personnel is more effective even if responding in town 1 or 2 minutes later.

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Council Member McMillan questioned the percent of homes in Ross that have sprinklers and Chief Weber said he believes it is about 40% to 50% which is very high.

Council Member Brekhus asked if any analysis of response time has been done for properties furthest away, such as at the top of Kent Woodlands or in the windy hills on Crest or through past Canyon. Chief Weber said they do not have a specific number. He can look at calls before next Wednesday and see what those are based on drive time from Station 18 and then add 2 minutes to the average. He does not have specific data for Engine 19 to provide a good enough answer.

Council Member Brekhus questioned what 3 engines would do in terms of the dynamic deployment of resources.

Chief Weber explained that in the instance of Station 19 committing on an extended incident or a multi-alarm incident they would move Station 20 or 21 to San Anselmo where they can get around better and have dynamic deployment. When talking about a larger scale incident such as when they had the Fairfax Laundry burn two or three weeks ago, they had resources moving from all over the county. So, they have "must cover" stations they have developed across the county and they move and drop everyone's staffing levels down to cover each other. They look at it as the whole county where none of them are big enough to do it on their own and they are drawn down for each other.

Mayor Robbins said she sees it as difficult they could drop from 4 to 3 engines or 25% of service. Chief Weber said this goes back to a policy discussion and decision. The Council is in a bit of a rock and a hard place because they have a desire to rebuild a fire station but cannot raise the funds to do it. If money were not an option they would not have the discussion but the reality is they are at a point because the fire station has reached its useful life. Eliminating an engine is an option but bodies are still being shifted with the number of people responding remaining the same and available. The trade-off is simultaneous incidents 16% of the time and Ross has the benefit of having the ambulance in town which other stations do not have.

Council Member Kircher said he thinks there are two issues--fighting fires and medical response. Sometimes what would remain in Ross will not be available and in that event an engine would respond because firefighters and paramedics are trained to handle medical emergencies. If they eliminate Engine 18 but have a 3 person engine in San Anselmo it sounds like in some cases it might be desirable but it depends. He asked if this still leaves a gap on the medical side for the 20% of the cases where the engine could have responded when the ambulance is committed elsewhere.

Chief Weber confirmed this is an accurate assessment and spoke about a personal incident requiring immediate response. This is why this is about trade-off's and he believes the recommendation is safe but it does increase response times a bit but with the ambulance in town nearly 80% of the time and the engine right there with 3 people on it. Kentfield is .6 miles from the central town hub which would be considered a well located fire station even for Ross. They approached Kentfield Fire and putting the engine there was not going to work for them given the space there and contractor services would be more expensive than with RVFD.

Council Member Kircher said it seems advantageous to have 3 people on an engine for a fire. He asked if that is true in a medical emergency or he asked if 2 people on an engine handle it just as well. Chief Weber said it depends on the type of medical emergency, and he described a cardiac arrest example necessitating more people versus basic slips and falls or broken bones which would require less.

Council Member McMillan said they all want to do what is best for their community but the decision involves the other three jurisdictions as well. She asked Chief Weber to explain how the other jurisdictions are thinking about this because Ross can choose its option which others might not agree to. Chief Weber described efforts of going before the San Anselmo and Fairfax Council last night and the Fire Board last week. He thinks there is a clear path forward with other members for Option 2 and does not see them getting to success with Option 1. Also, the ambulance will likely get moved to Kentfield or San Anselmo and the Town will start to see labor impacts to grievances and challenges with the building itself which would have to be addressed.

Council Member Kircher asked Chief Weber to elaborate what the issue is with Option 1 and asked if they were looking to the savings or favor the 3 person engine as it would seem to him having 2 engines in San Anselmo also benefits Fairfax and Sleepy Hollow if there is a need for additional deployment to the west.

Chief Weber agreed operationally there is benefit but the agencies have been trying to achieve additional staffing at engine companies. Having 2 engines in a system like this is very odd, labor is opposed to Option 1, and ultimately Ross would have to convince the San Anselmo Council and Fire Board to do the remodel at Station 19 and they would have to agree to that.

Mayor Robbins said if they acquiesce to Option 2 and move forward she asked if it was reasonably certain the paramedics will stay in Ross.

Chief Weber described going out to voters every 4 years as the Ross Valley Paramedic Authority Executive Officer and spoke about getting back on track and financially stable by not making decisions longer than that 4 year tax period. The ambulance is ideally located because half of the calls are east and half are west so there is benefit to remain in Ross. And, although there is the ability to enter into a long-term agreement they brought this to the RVPA Board and expressed Ross's interest and their willingness to commit to a new facility and the Board obliged and said they would be willing to consider the \$50,000 a year lease to cover part of the costs.

Council Member McMillan said the cost savings associated with Option 2 are recommended not to be apportioned or shared but given to Ross. She asked if Chief Weber or Town Manager Chinn could elaborate on the thought process behind that.

Chief Weber said it is because the operational impacts are greatest for Ross. Although there are associated one-time savings with not building a fire station, the trade-offs are these operational impacts and there will be associated savings. There would be an opportunity to bring those funds back into Ross rather than being distributed to the entire JPA or apportioned out. This is not

exactly popular with every other Council but again, this is about trade-offs and they have asked everyone to be open-minded and willing to make those trade-offs.

Town Manager Chinn added that Ross would still be paying significantly more per resident and per incident and assessed value than the other jurisdictions. The savings are not a lot at about \$100,000 a year which would grow to \$300,000 once they get 6 people to retire or transition out which could be 7-15 years out. It gets Ross slightly closer to everyone else's costs; however, there are benefits seen as well as longer response time.

Council Member Kircher said Ross is getting a huge benefit by not building a new fire station but they are giving something up as they still need to rebuild the paramedic quarters which everyone benefits from. So, he thinks Ross is carrying its fair share and are paying much more than any other jurisdiction for these services.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member Brekhus commended the Town Manager for bringing this forward and for being collaborative in the discussions. She did not want to eliminate the fire station and would have chosen not to, but sees there was insufficient response for people willing to pay the tax. It may be that this discussion goes on longer and that the Council make a decision on what is right with the understanding it is not up to them alone but one they bring forward to the JPA and other agencies to hold further dialogue. Presently, they have 2 engines and a decent response time and Fire Department, and nothing they are doing today means they cannot have a further conversation about adding to it.

She suggested thinking about whether or not eliminating an engine is a good idea or not. The Town has medical calls which would be impacted so she is not fully comfortable with eliminating the fire station but understands it is a Council decision made. The fact that it is an unusual model is not enough of a reason. It is an option and one that would benefit every agency within the JPA. She also cited the \$300,000 in savings over 10 years which was not significant enough or tangible as part of today's decision so the question is whether they do this even further so more dialogue is required here, and this is why she supports keeping the engine and having 2 engines in San Anselmo.

Mayor Pro Tem Kuhl said regarding merits, they are keeping the ambulance and under any of the four options the response times in Ross will increase. If they move their engine to San Anselmo he thinks they can reasonably be expected to pay for the physical changes that have to be made to the San Anselmo Fire Station to accommodate the additional crew. Therefore, he would like to see them go into this meeting exhibiting a willingness to make some concessions in order to keep the JPA in balance and working well.

He happened to watch Fairfax's Town Council meeting last night and saw five Councilmembers who were very willing to accept things were not perfect and they were not going to get what they liked the most. In the interest of all partners they expressed Option 2 was the appropriate

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way to go. He thinks it would be a big mistake to go into the Board meeting next week without instructions from the Council to recommend Option 2 even though it is not perfect for Ross.

Council Member McMillan said the Council all wanted to have the firehouse in Ross and tried to raise money but this is just not an option. She thinks they need to move on and they are only one of four in the JPA. She agrees with Mayor Pro Tem Kuhl that the paramedics are staying in Ross which is a good thing. They also have the nuance of having a brand new Town Manager next month and she did not think it would be fair to saddle her with on-going discussions around these issues. She is not very happy with Option 2 but thinks this is the best they will do.

Council Member Kircher said his second choice over having a new Ross Fire Station would be to move the engine to San Anselmo. He realizes there are trade-off's and prefers that and did not think the Town should be a hold-out. He is sensitive to Chief Weber's comments that they cannot afford a stalemate because there will be labor issues. There is momentum, things could change and there is support from other communities for Option 2 which, on balance, may be the way to go.

Mayor Robbins said if they do not move forward and there is an impasse, she asked how this risks keeping the paramedics here. Chief Weber responded by describing the poor facilities which would lead to labor impacts.

Mayor Robbins said she cannot comprehend it is all the same for Ross if there are 3 engines instead of 4 and thinks it is not possible. On the other hand, she could see how there could be an impasse and lose the paramedics. It is the paramedics the Town needs more than anything else because they have almost no fires. She cited Council majority for Option 2 and would reluctantly agree given all options. If they move towards this the Town should have some leverage in terms of how much they pay per resident compared to other towns given how many homes have sprinklers and any immediate savings that should accrue to Ross.

Council Member McMillan asked if this is the opportunity now to try and renegotiate the fees each jurisdiction is assigned. Chief Weber replied the JPA has a clause that states the JPA would look at the apportionment of costs and other items every 3 years. It would have been in 2015 and in 2018 but that did not occur. He cautioned against bringing that to the table now, but he agreed it needs to be revisited.

Town Manager Chinn agreed the savings available should fairly go to Ross and thinks that is attainable. The problem with shifting is that people are paying more. It is one thing when getting a savings as to who gets it when re-balancing. He thinks now the discussion is about the savings on the table. If the Council tries to rebalance more, there would be nowhere to get to a solution.

Mayor Pro Tem Kuhl asked to keep in mind they will have some savings in their new building because they will not have the cost of maintaining fire equipment they have to pay for and secondly, the JPA will realize savings from the fact they will have lesser ranks of fire personnel as attrition occurs which the Town can benefit from. However, now is not the time to negotiate this.

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Council Member McMillan thanked Town Manager Chinn, Chief Weber, Council Member Brekhus and Mayor Pro Tem Kuhl because this has taken an inordinate amount of time and thought. She hopes next week neither is put in an awkward position.

Mayor Robbins asked and confirmed Council representatives had direction to relay the Council's decision for Option 2.

12. Town Council discussion and selection of the preferred alignment for the Laurel Grove Safe Pathways Project Phase II.

Public Works Director Rich Simonitch gave the staff report regarding the preferred alignment for the Laurel Grove Safe Pathways Project Phase II. Staff recommends the Council discuss the project alignment, decide which side of the road to have the asphalt pathway on and consideration where the path meets a pinch point at 77 Laurel Grove and the creek where the Town either needs to acquire additional right-of-way from 77 Laurel Grove or move the alignment and expand the pavement into the creek area which he described.

Mr. Simonitch then presented and described the three options, and a hybrid to option 1 that will go with construction of the pathway and restriping of Laurel Grove, and presented a matrix showing all options and pros and cons relating to safety, reconstruction of apron, retaining wall work, grading, environmental considerations, cost comparison.

Council Member McMillan asked if there was any consideration given to continuation of the pathway past Canyon and if that influences what Mr. Simonitch's recommendation would be.

Mr. Simonitch said they have considered extension of the future phase towards Kentfield and just received a \$75,000 grant to do an analysis of the feasibility of continuing it down in that direction. Looking at both sides of Laurel Grove they feel the continuation of the pathway along the south or west side consistent with Option 2 and 3 would still be the best way to continue the alignment on that side of the road. Ending the project at Canyon Road does give some flexibility if the Council decided to go with Option 1. The pathway would need to cross over the south or west side where a crosswalk could be put in.

Council Member Brekhus asked if this project got much more expensive, and Mr. Simonitch replied construction costs have significantly increased since the original estimates of 2019/2020 due to supply chain issues relating to COVID-19. He noted the Town received a \$400,000 grant from MTC and TAM Measure AA funding to help offset those costs, but there has been cost escalation. It has gone from about \$800,000 to \$1.1 million with Option 2, and an additional \$160,000 of consultant fees to add onto it.

Council Member Brekhus said she feels like they should talk about this and whether it is a good use of funds. Mr. Simonitch noted also that this part of Laurel Grove is up for full pavement rehabilitation anyway. They can use that roadway, gas tax and Measure AA funding for this which co-exists with the pathway project and provides another \$250,000 that the Town will need to spend anyway on the roadway.

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Town Manager Chinn asked and confirmed that the \$1.1 million includes the roadway rehabilitation and the pathway project. He emphasized that the roadway, gas tax and Measure AA funding only can be used for the roadway rehabilitation and there may be sufficient funds for it to be used up to Canyon.

Council Member McMillan said she used to walk on that road often with her dog and it is very unsafe. While it is wide in certain places it is an accident waiting to happen given very fast speeds.

Council Member McMillan asked why no crosswalk was being proposed at the corner of Laurel Grove and Canyon.

Mr. Simonitch explained there are crosswalks only where there is an accessible pathway on one side where the crosswalk will connect with another accessible pathway. The crosswalk that exists now from MAGC across Laurel Grove never should have gone in because neither end had an accessible pathway at the time it was installed. The idea with the design concepts is they are proposing to make the lanes less wide which will cause less distance to cross. They find a majority of people use the south side of the road anyway and are already crossing.

Mayor Robbins confirmed staff is asking for Council direction as to which options to choose. Her sense from the walk-through was that most affected neighbors seem to prefer the south side for several reasons. She asked if there is more input from neighbors or is this the consensus they received.

Mr. Simonitch said yes; staff took note of this during the formal vote at the end of the walk-through. The second question is whether they should impact the Kittle Creek area by staying within their current right-of-way or should they stay out of the creek and request a land swap from the owners at 77 Laurel Grove who are attendees tonight.

Mayor Robbins asked how bad is it to go into the creek environmentally and asked if Laurel Grove residents could fund an option if they do not want the land swap. Mr. Simonitch said he was unsure of any the vehicle to allow private funding on this type of project.

Mayor Robbins opened the public comment period.

Jad Elkhoury, 77 Laurel Grove, introduced his wife Stacie and thanked staff and the Council for the presentation. They are in support of the project, agrees with the lack of safety on Laurel Grove and thinks the project is important for improved safety. The concerns they have are the egress out of the property and the safety given the slope of the driveway. Secondly, 90% of the trees will need to be removed as well as the safety of the egress straight into the pathway or road that will be closer to the house.

Lastly, they appreciate the offer of the land swap but would have to consider whether this is an adequate swap because they are taking away a significant amount of the portion of the property that is usable for them that provides privacy and a buffer zone whereas what is being offered as

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a swap is not very usable from the standpoint of benefitting the habitability of the house. What is associated with the land swap are trees that seem to fall onto the road, so they need to find a way to mitigate that and look forward to being a part of the conversation.

Mayor Robbins said the consensus seemed to be Option 2 and Option 3. Mr. Simonitch noted Option 2 appears to be most favorable. They have a bit of detail to work out with the property owners at 77 Laurel Grove as well as removal and replacement of trees for screening.

Mayor Robbins asked if either Option 2 or 3 result in impacts to the Elkhoury's property. Mr. Simonitch said no; Option 3 does not impact 77 Laurel Grove at all, but there would still be work on their driveway for pavement conforms but they would not need to build a retaining wall or take any property from them with Option 3.

Mayor Robbins confirmed that the difference is \$400,000 and 6 months of environmental processing that would throw the construction off until the summer of 2023. Mr. Simonitch recommended the Council choose Options 1, 2 or 3 and he can then authorize the engineers to proceed with environmental and final design.

Council Member Brekhus wondered if there is any path forward that allows the Council to have a discussion about how the project could be adjusted if problematic.

Mayor Pro Tem Kuhl and Council Members cited the design as very preliminary and voiced support for Option 2. If there are complications or cost, then the Council can reconsider.

Mr. Simonitch then described the offer of dedication process, abandonment process and said he will bring back the project at a 60-75% design level prior to going out to bid.

Mayor Robbins agrees with Option 2 as the best way to approach this and confirmed staff had direction.

BREAK

Mayor Robbins called for a break at 8:56 p.m. and thereafter resumed the regular meeting at 9:01 p.m.

13. Presentation by the County of Marin Housing and Federal Grants Division regarding Countywide Fair Housing Initiatives. (10 minutes)

Jillian Zeiger, Senior Planner, County of Marin, gave a PowerPoint presentation regarding the Marin County Restrictive Covenant Project which allows homeowners to identify any illegal or unlawful restrictive covenants in their property deeds and to assert such covenants are illegal and inconsistent with the County's commitment to racial equity for potential homebuyers, which she described.

Liz Darby, Social Equity Coordinator, then described AB 686, which aims to dismantle segregation in California and would create an AFFH (Affirmatively Further Fair Housing) obligation wherein

public agencies would be required to administer their housing and community development programs in a way that affirmatively furthers fair housing. Community engagement is essential under AB 686 and will help overcome patterns of segregation, promote fair housing choice, address environmental justice, foster inclusive communities, and protect residents from displacement.

Jurisdictions will be required to develop an assessment of fair housing which must consider factors relating to segregation, racially or ethnic concentrated areas of poverty, disparities and access to opportunities and disproportionate housing needs, as well as a summary of fair housing issues that inform and prioritize specific goals and actions, identify the sites that affirmatively further fair housing and other requirements. She then presented data specific to Ross which will be provided by the California Department of Housing to help create the Housing Element.

Ms. Zeiger spoke of ABAG's launch of its Regional Housing Technical Assistance Program and funds have been given to each county to work on the Housing Element. A large portion of these funds is dedicated to fair housing work. She noted www.housingelementsmarin.org is a place for jurisdictions in the county to keep track of outreach, timelines, documents, etc.

Council Member Brekhus suggested if representatives return to Ross again that there be a staff report or written documents given the amount of information, resources, links, and data presented.

Planning and Building Director Patrick Streeter stated the Town has not held their kick-off meeting on adopting their Housing Element and this is when a lot of this information would have been presented. Staff is including an article in tomorrow's newsletter which will include links to information presented.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins and Council Members thanked County representatives for their presentation.

Mayor Robbins re-arranged the agenda for Items 16 and 17 to be considered.

Public Hearings on Planning Projects

16. 210 Lagunitas Road, Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit, and Town Council consideration of adoption of Resolution No. 2223.

Dave Samuel, 210 Lagunitas Road, A.P. No. 073-122-03, Zoning: R-1: B- A; Hillside Area, General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

Project Summary: The applicant is requesting approval of Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception to construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing

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entry gate and walls. Accessory Dwelling Unit Permit Exception is required to construct a new ADU more than 16' in height and above the first floor.

Matthew Weintraub, Planner, gave the staff report and overview regarding the project at 210 Lagunitas Road for design review, hillside lot permit, nonconformity permit and accessory dwelling unit permit. The ADR group recommended design review approval on April 20, 2021, subject to minor revisions which he described as well as the project's conformance. The architect, Charles Theobald and landscape architect, Michael Yandle are available. Staff recommends the Council consider the project, take any public comment, and adopt Resolution No. 2223.

Mayor Robbins asked and confirmed that proposed is a row of mature trees to screen the next door property from views of the ADU and that currently there is no structure on the neighboring property.

Mayor Robbins said she did not realize a 6 foot fence was allowed in the front yard, and Mr. Weintraub said a 6 foot wall, fence or gate is the maximum height allowed in the front yard, provided that the proposal meets design review standards. The ADR Group recommended a solid wall made sense on the heavily traveled road and was in character with the property, with significant green screening to soften the look.

Mayor Robbins asked if residents have the option of removing more trees and possibly not replanting. She could barely access the property because of the numerous trees and she questioned if they had to have so many trees.

Mr. Weintraub said this was the applicant's decision to reduce the scope of the tree removal. The only requirement of the Town was for a replacement ratio somewhere on the property up to the maximum amount the property can carry, which is being proposed in the replanting plan.

Mayor Robbins opened the public comment period, and there were no speakers.

Michael Yandle, landscape architect, said the owner loves the redwood grove and does not want to remove any more trees, except those that would allow the driveway gate to be wider. There is planting on the eastern side of maple trees and English laurel. The wall will also move in and out of the trees along the road and they will also add buckeyes, maples and redwoods along the street frontage not internally on the site.

Council Member Brekhus said there is a provision in design review that talks about 4 foot fences and they can go higher, although it states "Fences or solid walls over 4 feet are discouraged on property lines adjacent to a right-of-way but may be permitted for properties adjacent to Poplar Avenue and Sir Francis Drake Boulevard." She was surprised the applicant is improving circulation but are still only removing two trees as recommended by the ADR, and the 16' clearance did not really seem to improve circulation.

Mayor Robbins asked for a motion or other comments, and there were no other comments.

Mayor Pro Tem Kuhl moved and Council Member McMillan seconded, to adopt Resolution No. 2223 approving 210 Lagunitas Road Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit. Motion carried unanimously (5-0).

17. 140 Lagunitas Road, Design Review and Demolition Permit, and Town Council consideration of adoption of Resolution No. 2224.

Kurt and Tammy Mobley, 140 Lagunitas Road, A.P. No. 073-201-13, Zoning: R-1: B-A
General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

Project Summary: The applicant is requesting approval of Design Review and Demolition Permit to renovate the existing 5,981-square-foot single-family residence, including: demolish and replace the central core of the residence; add 1,479 square feet of new floor area; construct new roofs and building façades; and refinish the existing residence and pool house. The project would also relocate the driveway entrance, renovate the auto court, construct new entry gates and walls, and install new front yard plantings.

Matthew Weintraub, Planner, gave the staff report and overview regarding the project at 140 Lagunitas Road for design review and demolition permit. The ADR group recommended design review approval on October 19, 2021 as proposed. Key issues to consider are the architecture, and as recommended by the ADR Group, the project complies with the design review standards, conforms to all zoning requirements, and the driveway relocation improves circulation and safety. Staff recommends the Council consider the project, take any public comment, and adopt Resolution No. 2224. The architect team is available to answer any questions as well as the landscape architect.

Mayor Robbins opened the public comment period, and there were no speakers. She asked for a motion.

Council Member McMillan moved and Mayor Pro Tem Kuhl seconded, to adopt Resolution No. 2224 approving 140 Lagunitas Road Design Review and Demolition Permit. Motion carried unanimously (5-0).

End of Public Hearings on Planning Projects.

14. Town Council consideration of introduction of Ordinance No. 711 amending Chapter 6.12 "Solid Waste" of the Ross Municipal Code for compliance with SB 1383: California's Short-Lived Climate Pollutant Reduction Strategy.

Planning and Building Director Patrick Streeter gave the staff report and consideration of introduction of Ordinance No. 711 regarding Municipal Code amendments to Chapter 6.12 to update the Town's solid waste regulations as a result of SB 1383 which establishes methane emissions reduction targets statewide to reduce emissions.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member Brekhus moved and Council Member Kircher seconded, to introduce Ordinance No. 711 amending Chapter 6.12 "Solid Waste" of the Ross Municipal Code for compliance with SB 1383: California's Short-Lived Climate Pollutant Reduction Strategy. Motion carried unanimously (5-0).

15. Town Manager update and Council discussion on Town activities in response to COVID.

Town Manager Chinn reported there is no one in the hospital with COVID in Marin County. On Monday the County moved into a tier where masks do not have to be worn which is up to each business entity, and he noted certain state facilities still have mandates. The Town Clerk sent an email to colleagues to determine which jurisdictions are holding in-person meetings and the only one meeting in person is Mill Valley, and the other 8 entities are considering returning in January.

Council Member McMillan commented that the Marin Wildfire Prevention Authority Subcommittee on Strategic Planning is having an in-person meeting next week as its first one. Council Members then described other agencies' meeting schedules and whether they were meeting in-person.

End of Administrative Agenda

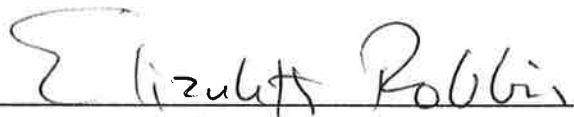
18. No Action Items:

- a. **Council correspondence** – Mayor Robbins reported receiving a complaint about Branson School violating their use permit by having a football game on a Saturday and playing their loud speakers for announcements.
- b. **Future Council items** – Council Member McMillan moved to hold a lessons learned based on the atmospheric river event, and Council Member Brekhus seconded the request and Council Members requested it be agendized.

Mayor Robbins moved to agendize a possible vaccine mandate for staff, Council and members of the public attending meetings, and Council Member Brekhus seconded the request.

19. Adjournment.

Mayor Robbins adjourned the meeting at 9:57 p.m. and wished Town Manager Chinn the best of luck in his retirement.


Elizabeth Robbins, Mayor

ATTEST:


Linda Lopez, Town Clerk

ATTACHMENT 4



Agenda Item No. 16.

Staff Report

Date: November 4, 2021
To: Mayor Robbins and Council Members
From: Matthew Weintraub, Planner
Subject: Samuel Residence, 210 Lagunitas Road

Recommendation

Town Council approval of Resolution No. 2223 (see **Attachment 1**) approving Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception for the subject project as described below.

Property Owner:	Dave Samuel
Project Designer:	Charles Theobald, Architect; Michael Yandle, Landscape Architect
Street Address:	210 Lagunitas Road
A.P.N.:	073-122-03
Zoning:	R-1: B-A; Hillside Area
General Plan:	VL (Very Low Density)
Flood Zone:	X (Minimal risk area)

Project Summary: The proposed project would construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing entry gate and walls.

Public Notice

Public Notices were mailed to property owners within 500 feet of the project site at least 10 days prior to the meeting date.

Project Data

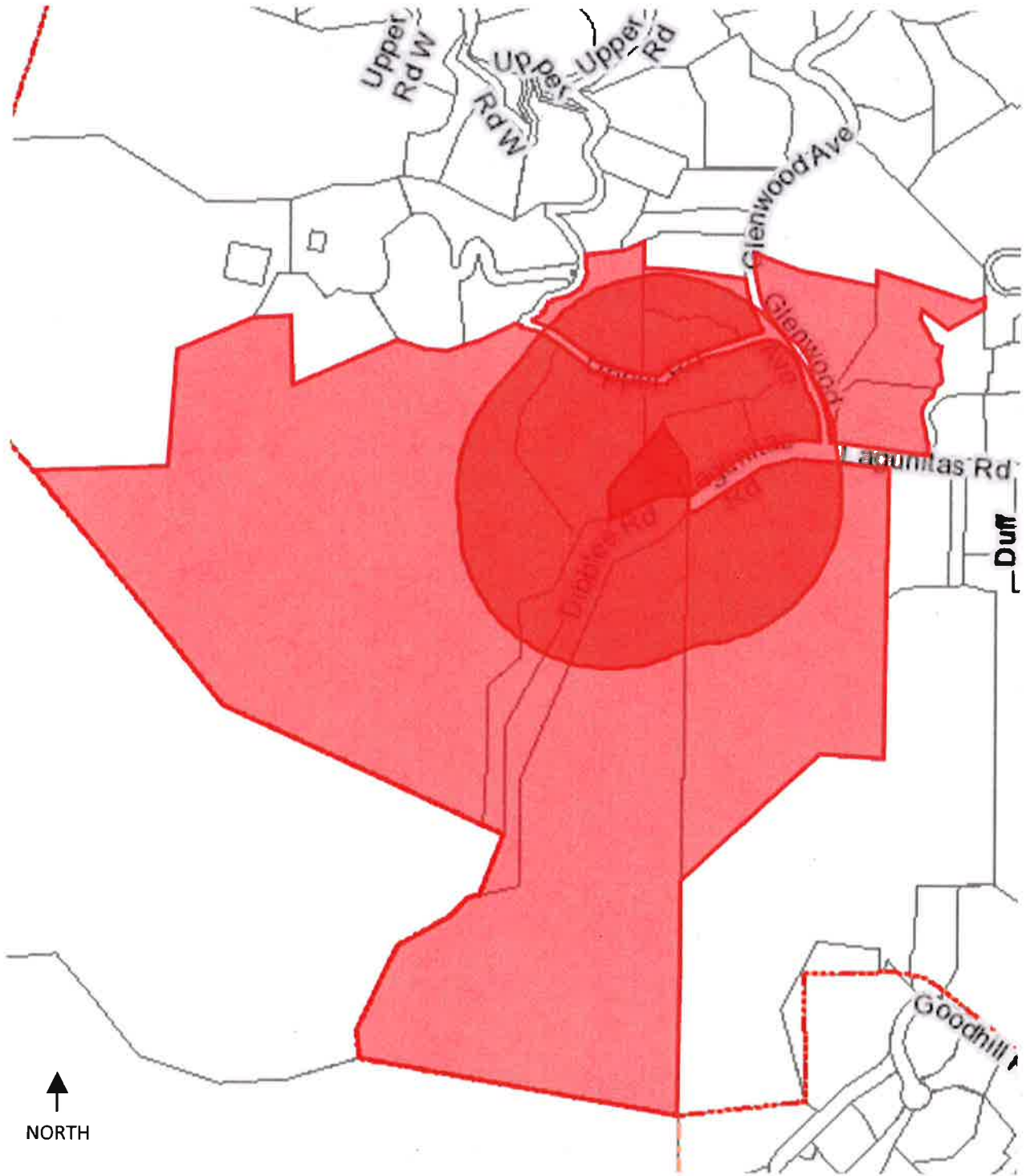
	Code Standard	Existing	Proposed
Lot Area	1-acre min.	45,098 sf	No change
Floor Area (FAR)	15% max.	5,708 sf (12.7%)	6,586 sf (14.6%)
Building Coverage	15% max.	4,090 sf (9.1%)	4,271 sf (9.5%)
Front Setback	25' min.	South: 65'	No change
Side Setback	45' min. *	East: 10' West: >45'	No change
Rear Setback	70' min. *	North: >70'	No change
Building Height	2 stories; 30' max.	House: 2 stories; 28' Garage: 1 story + attic; 16'-5"	House: No change Garage/ADU: 2 stories; 23'-7"
Parking Spaces	4 min. (2 covered)	4 (4 covered)	4 (3 covered)
Impervious Coverage	Minimize and/or reduce *	Total not calculated	+114 sf (deck add.) +120 sf (garage add.) - [53 sf] (shed demo.) - [181 sf] [asphalt demo.] = Zero net increase

* Hillside Area minimum required yard setbacks supersede the district minimum required 25' side yard setback and 45' rear yard setback, per RMC Section 18.39.090 (b).

** Low Impact Development (LID) for Stormwater Management, Design Review criteria and standards, per RMC Section 18.41.100 (t).

Notice Area (500 feet)

Source: MarinMap (www.marinmap.org).



Project Site

Source: MarinMap (www.marinmap.org).



Project Description

The project proposes to construct a new 811-square-foot ADU at the attic level of the existing detached garage. The new building height would be 23'-7". The exterior materials, details, and roof form would match the existing single-family residence. At the rear of the garage, a new 120 square-foot addition would contain relocated pool equipment and a new bathroom. Existing building setbacks would be maintained including a nonconforming 10-foot east side yard setback. New plantings along the east side yard property line would screen the renovated structure from the adjacent neighboring property.

At the front of the property, the project proposes to widen the driveway entrance to 16 feet; construct a new 6-foot tall open wood driveway gate and separate pedestrian gate; raise the height of stone walls to 6 feet; plant a row of English Laurel trees behind the wall; and plant ten new "Aptos Blue" Coast Redwood, Big Leaf Maple, and California Buckeye trees along the roadway. The project would remove two existing trees in order to widen the driveway entrance. The project would remove an existing mechanical equipment enclosure and asphalt paving to offset the new building coverage, resulting in no net increase to impervious coverage on the property.

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

- **Design Review Permit is required pursuant to RMC Chapter 18.41** for new additions exceeding 200 square feet of new floor area; an increase to the existing roof height; fences and gates greater than 48" in height adjacent to the street right-of-way; and construction/improvements within 25' of top of creek bank.
- **Hillside Lot Permit is required pursuant to RMC Chapter 18.39** for new additions exceeding 200 square feet of new floor area; and construction/improvements within 25' of top of creek bank.
- **Nonconformity Permit is required pursuant to RMC Chapter 18.52** to allow an existing detached accessory garage structure with a nonconforming east side yard setback to be enlarged, extended, and structurally altered, without resulting in nonconforming floor area.
- **ADU Permit Exception is required pursuant to RMC Chapter 18.42** to allow a newly constructed ADU above a first floor and to exceed 16 feet in height.

Project application materials are included as follows: Project Plans as **Attachment 2**; Project Description as **Attachment 3**; and Arborist Reports as **Attachment 4**.

Background

The project site is located at the north side of Lagunitas Road, west of Glenwood Avenue. The property is an irregularly shaped lot with an average slope of 18.5%. It contains Slope Hazard

Zone 4 at the northwest portion of the property. Ross Creek runs around the sides and back of the property. The existing single-family residence and existing detached garage are nonconforming with respect to the minimum required rear yard and east side yard setbacks, respectively.

According to the Assessor's Office, development occurred on the site in 1900 and 1992. According to the Town's records, the following approvals were previously granted for the property:

- 8/11/94: Variance and Design Review for residential addition within the rear yard setback.
- 2/9/95: Variance and Design Review amendment for additional floor area.
- 12/14/00: Variance for fences exceeding maximum height standard.
- 7/12/12: Variance and Design Review for residential addition and landscape renovations.

The Project History is included as **Attachment 5**.

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, a Demolition Permit, a Nonconformity Permit, Exceptions to Attics, a Hillside Lot Permit, Variance, and/or ADU Exception.

The Advisory Design Review (ADR) Group reviewed the project on April 20, 2021. The ADR Group received information from the applicant, allowed public comments, and provided recommendations regarding the merits of the project as it relates to the purpose of Design Review and the Design Review criteria and standards per RMC Section 18.41.100 and the Town of Ross Design Guidelines.

On April 20, 2021, the ADR Group recommended that the project is consistent with the purpose of Design Review and the Design Review criteria and standards per RMC Section 18.41.100, and therefore recommended approval of Design Review, conditional upon the following revisions to the project design as presented to the ADR Group:

- Revise the roof form and architectural details to more closely match the existing single-family residence.
- Use minimal, darker trim to visually recede into the site.
- Mitigate the solid visual massing of the ADU stairway.

In consideration of comments received from the ADR Group, the applicant revised the project design to more closely match the existing single-family residence, including roof shape and pitch, eaves, windows, and exterior materials; to avoid white trim that would stand out; and to mitigate for the solid visual massing of the ADU stairway with new landscape screening. Furthermore, in order to minimize impacts on existing mature redwood trees, the applicant revised the project to involve no driveway widening or repaving within the property, which would have involved additional tree removal and/or likely damage existing tree roots.

The ADR Group meeting minutes are included as **Attachment 6**.

Public Comment

On April 16, 2021, an interested party, property address not provided, expressed concerns about the removal of redwood trees. Written public comments are included as **Attachment 7**.

Key Issues

Hillside Area

Pursuant to RMC Section 18.39.020, the subject property is located in a Hillside Area which includes parcels which are wholly or partially within Hazard Zones 3 or 4 as identified on the town slope stability map. Pursuant to RMC Section 18.39.090, the property is subject to the Hillside Lot design regulations and guidelines.

Analysis: The project requires very minimal grading and no retaining walls. Building architecture and placement complements the form of the natural landscape; designs are well-articulated to minimize the appearance of bulk; and materials and colors use subdued tones to blend with the natural landscape. Native shrubs and trees are retained and protected wherever possible to reduce erosion and preserve character; and new landscaping blends with the site setting. The project minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views. The project adheres to the wildland urban interface building standards. Exterior lights are shielded and directed downward to not create glare, hazard or annoyance to adjacent property owners or passersby. The project would offset new building coverage with an equal reduction to existing impervious surfaces, resulting in no net increase to impervious coverage on the property. It would produce no net increase in peak runoff from the site compared to pre-project conditions.

Floor Area

Pursuant to RMC Sections 18.32.070 and 18.39.090 (a), the maximum floor area ratio (FAR) is 15%.¹

Analysis: The project FAR is 14.6% inclusive of ADU floor area.²

Nonconforming Setback

Pursuant to RMC Section 18.39.090 (b), the minimum required yard setbacks from property lines on a Hillside Lot containing a building larger than 3,500 square feet are: 25 feet at front; 45 feet at side; and 70 feet at rear.³

Analysis: The project would comply with the minimum required yard setbacks with the exception of the existing 10-foot nonconforming east side yard setback for the renovated accessory structure. It would maintain and not exacerbate the existing 10-foot nonconforming east side

¹ Hillside Area property with an average lot slope less than 30% is subject to the maximum allowed FAR for the zoning district.

² Up to 800 square feet of ADU floor area may be nonconforming.

³ Hillside Area minimum required setbacks supersede the district minimum required setbacks.

yard setback; and it would provide new landscape screening for the renovated accessory structure. Furthermore, the renovated accessory structure contains no windows on the east side building elevation; and no residences are currently located on the adjacent neighboring property.

ADU Exception for Height

Pursuant to RMC Section 18.42.055 (c), an ADU shall not exceed 16 feet in height, except that the height may be increased following submittal of an application for and approval of a discretionary ADU Exception Permit. Pursuant to RMC Sections 18.42.065 (c) and (d), the Town Council may grant an ADU height increase to two stories with a maximum building height of 30 feet and/or to allow a newly constructed ADU above an existing first floor.

Analysis: The project requests an exception to construct a new second-story ADU that complies with the 30-foot maximum building height limit. As described above, the project would maintain and not exacerbate the existing 10-foot nonconforming east side yard setback; and it would provide new landscape screening for the renovated accessory structure. Furthermore, the renovated accessory structure contains no windows on the east side building elevation; and no residences are currently located on the adjacent neighboring property.

Off-Street Parking

Pursuant to RMC Section 18.32.040, in districts in which the minimum required lot area is greater than 20,000 square feet, there shall be provided space for the parking of not less than four automobiles on each lot, two of which spaces shall be enclosed in a permanent, roofed structure.

Analysis: The project provides a total of five off-street parking spaces (including three covered), which meets the minimum required four off-street parking spaces for the primary residence, plus one additional space for the ADU, which is not required.

Fiscal, Resource and Timeline Impacts

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

Alternative actions

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

Environmental Review

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), because it consists of construction and location of limited numbers of new, small facilities or structures, including a

second dwelling in a residential zone.

Attachments

1. Resolution No. 2223
2. Project Plans
3. Project Description
4. Arborist Report
5. Project History
6. ADR Group Meeting Minutes, April 20, 2021
7. Public Comments

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2223

A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, HILLSIDE LOT PERMIT, NONCONFORMITY PERMIT, AND ACCESSORY DWELLING UNIT PERMIT EXCEPTION TO CONSTRUCT A NEW SECOND-STORY ACCESSORY DWELLING UNIT ABOVE THE EXISTING DETACHED GARAGE; EXPAND THE EXISTING ACCESSORY BUILDING AT THE FIRST FLOOR; AND MODIFY THE EXISTING ENTRY GATE AND WALLS AT 210 LAGUNITAS ROAD, A.P.N. 073-122-03

WHEREAS, applicant Charles Theobald, Architect, on behalf of property owner Dave Samuel, has submitted an application requesting approval of Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception to construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing entry gate and walls, at 210 Lagunitas Road, A.P.N. 073-122-03 (herein referred to as “the Project”).

WHEREAS, the Project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), because it consists of construction and location of limited numbers of new, small facilities or structures, including a second dwelling in a residential zone; and

WHEREAS, on November 4, 2021, the Town Council held a duly noticed public hearing to consider the Project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit “A”, and approves Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception 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 4th day of November 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Robbins, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
210 LAGUNITAS ROAD
A.P.N. 073-122-03

A. Findings

I. In accordance with Ross Municipal Code 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 Section 18.41.010.

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

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

As recommended by the Town of Ross Advisory Design Review Group, the project is in substantial compliance with the design criteria of RMC Section 18.41.100. The removal of trees, vegetation, rocks and soil will be kept to a minimum. Development will maximize the retention and preservation of natural elevations, lands too steep for development, and wooded areas. Lot coverage and building footprint are minimized, and development compact, to minimize site disturbance area and preserve undisturbed space. The new structure avoids size out of character with setting or with other dwellings in the neighborhood. It is compatible with others in the neighborhood and does not attract attention to itself. Materials and colors minimize visual impacts. Exterior lighting is shielded and directed downward to not create glare, hazard or annoyance. Fences and walls are architecturally compatible with the design of the building. Landscaping is integrated into the architectural scheme to accent and enhance the appearance of the development. Landscaping creates and maintains defensible spaces around the building to prevent the spread of wildfire. The project offsets new building coverage with an equal reduction to existing impervious surfaces, resulting in no net increase to impervious coverage on the property. It produces no net increase in peak runoff from the site compared to pre-project conditions.

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 and the Single Family Residence and Special Building Site zoning regulations, 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 (b), Hillside Lot Permit is approved based on the following mandatory findings:

a) The project complies with the stated purposes of the Hillside Lot Regulations (Chapter 18.39).

The project complies with the stated purposes of the Hillside Lot Regulations by: ensuring that development is consistent with the goals, policies and criteria of the general plan; protecting and preserving open space as a limited and valuable resource; minimizing disturbance to the natural terrain; protecting steep slopes, significant native vegetation, wildlife and other environmental resources; limiting development to a level consistent with available public services and road access that can be reasonably provided to and within the parcel; ensuring that development will not create or increase fire, flood, slide or other hazards to public health and safety; and protecting the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites.

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

The project complies with maximum FAR for the district, which is applicable for a hillside lot that has an average lot slope that is not equal to or greater than 30%; and it complies with the minimum required yard setbacks for new development in the district and on the hillside lot, with the exception of maintaining an existing nonconforming side yard setback which does not require a new variance.

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

The project requires very minimal grading and no retaining walls. Building architecture and placement complements the form of the natural landscape; designs are well-articulated to minimize the appearance of bulk; and materials and colors use subdued tones to blend with the natural landscape. Native shrubs and trees are retained and protected wherever possible to reduce erosion and preserve character; and new landscaping blends with the site setting. The project minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views. The project adheres to the wildland urban interface building standards. Exterior lights are shielded and directed downward to not create glare, hazard or annoyance to adjacent property owners or passersby. The project offsets new building coverage with an equal reduction to existing impervious surfaces, resulting in no net increase to impervious coverage on the property. It produces no net increase in peak runoff from the site compared to pre-project conditions.

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

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

The existing residential property was constructed in 1900 and 1992 per the County Assessor.

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

The project does not require a demolition permit.

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

The project substantially conforms to the Design Review criteria and standards in RMC Section 18.41.100 as explained above in Section I.

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

Total floor area does not exceed the maximum floor area permitted for the lot under current zoning regulations.

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

The project will avoid detriment to public welfare and material injury to properties in the vicinity by substantially complying with the Design Review criteria and standards (RMC Section 18.41.100) and with the Hillside Lot Regulations (RMC Section 18.39.090).

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

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

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

The project would provide adequate access and water supply for firefighting purposes.

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

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

- i) The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided. The Town Council may consider the size of the residence and number of bedrooms and may require additional parking up to the following:**

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

The project provides a total of five off-street parking spaces (including three covered), which meets the minimum required four off-street parking spaces for the primary residence, plus one additional space for the ADU, which is not required.

IV. In accordance with Ross Municipal Code Section 18.42.065 (g), Accessory Dwelling Unit Permit Exception is approved based on the following mandatory findings:

- a) The exception will not create a significant adverse impact on any adjacent property, the surrounding neighborhood, or the general public good.**

The proposed new second-story ADU complies with the minimum required front yard setback and is screened from the roadway; and it is screened from the adjacent neighboring property. The design is compatible with existing residential buildings in the neighborhood and Ross. The project will avoid privacy impacts for the adjacent property by including no windows on the east side elevation. New exterior building and landscape lighting is shielded and directed downward to avoid offsite glare. The project would maintain and enhance the rural character of the existing street elevation.

- b) The lot and the arrangement of existing and proposed physical improvements on the lot can accommodate the exception without adversely affecting the views, privacy, or access to light and air of neighboring properties.**

The proposed new addition is designed to maximize privacy and minimize impacts to existing development, by complying with the front yard setback, by screening the new structure from neighboring properties and the roadway, and by shielding and directing downward the exterior building and landscape lighting. The new two-story development would not affect

existing views or access to light or air.

- c) Any modifications to site drainage shall be designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site.**

The project offsets new building coverage with an equal reduction to existing impervious surfaces, resulting in no net increase to impervious coverage on the property. It produces no net increase in peak runoff from the site compared to pre-project conditions. The project would relocate mechanical equipment to a new enclosure to minimize noise.

- d) The fire chief has confirmed that there is adequate water supply for firefighting purposes for the site, or that the project includes measures to provide adequate water supply for firefighting purposes.**

The Ross Valley Fire Department approved the project.

EXHIBIT "B"
CONDITIONS OF APPROVAL
210 LAGUNITAS ROAD
A.P.N. 073-122-03

1. This approval authorizes Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception to construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing entry gate and walls, at 210 Lagunitas Road, A.P.N. 073-122-03 (herein referred to as "the Project").
2. The building permit shall substantially conform to the plans prepared by Charles Theobald, Architect entitled, "210 LAGUNITAS RD. ADU, ROSS, CA, TOWN COUNCIL SET," dated OCTOBER 15, 2021/ TOWN COUNCIL SET, and reviewed and approved by the Town Council on November 4, 2021.
3. Except as otherwise provided in these conditions, the Project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the Project and will not extend the permitted construction period.
5. The Project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
6. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the Project.
7. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
8. A Tree Permit shall not be issued until the project grading or building permit is issued.

9. The Project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
- a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
 - b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
 - c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the Project. Any additional costs incurred by the Town, including costs to inspect or review the Project, shall be paid as incurred and prior to project final.
 - d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
 - e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the Project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
 - f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
 - g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
 - h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout

areas. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.

- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the Project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the Project and the construction management plan.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- r. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- s. The Project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
- w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
- i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.

- ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
 - iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.
10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.
11. The following conditions apply to the accessory dwelling unit (ADU):
- a. The proposed method of water supply and sewage disposal for the ADU must be provided, as well as service availability from any associated electric and gas provider for the lot. Letters of service availability must be provided by the appropriate utilities service provider(s) for the lot.
 - b. The ADU shall contain a separate kitchen and bathroom independent of the primary residence. A kitchen shall include all of the following: a sink with hot and cold running water; a range or stove and oven; at a minimum, an apartment-sized refrigerator; and built-in dish and utensil storage spaces.
 - c. Street address shall be assigned to the ADU to assist in emergency response.
 - d. The ADU may be rented but shall not be sold independently of the primary dwelling on the parcel.
 - e. The ADU shall not be rented for less than 30 consecutive days.

ATTACHMENT 2

GEN. NOTES

- The work included under this contract consists of all labor, materials, transportation tools and equipment necessary for the construction of the project leaving all work ready for use.
- The plans indicate the general extent of new construction necessary for the work but are not intended to be all-inclusive. All demolition and all new work necessary to allow for a finished job in accordance with the intention of the drawing is included regardless of whether shown on the drawings or mentioned in the notes. Any errors, omissions or conflicts found in the various parts of the construction documents shall be brought to the attention of the Architect and the Owner for clarification before proceeding with the work.
- The General Contractor shall maintain a current and complete set of the construction documents on the job site during all phases of construction for use of all trades and shall provide all the subcontractors with current and complete construction documents as required including specifications and architectural supplementary instructions. Contractor shall maintain a log of submittals, samples and additional supplementary instructions.
- The General Contractor shall verify and assume responsibility for all dimensions and site conditions. The General Contractor shall inspect the existing premises and take note of existing conditions prior to submitting prices. No claim shall be allowed for difficulties encountered which could have reasonably been inferred from such an examination.
- Written dimension take precedence over scale drawings.
- See SYMBOLS area of this sheet for dimension standards. All dimensions noted "verify" and "VIF" are to be checked by Contractor prior to construction. Immediately report any variances to the Architect for resolution then coordinate resolution w/ all work of all trades.
- Contractor shall provide all seismic bracing and hold-down clips as required by Code for all suspended ceiling and soffit framing conditions.
- Coordinate all work with existing conditions, including but not limited to irrigation pipes, electrical conduit, water lines, gas lines, drainage lines, etc. Notify Architect immediately of any conflicts.
- Provide adequate temporary support as necessary to assure the structural value or integrity of the building.
- Protect all existing building and site conditions to remain including walls, cabinets, finishes, trees and shrubs, paving, etc.
- Details shown are typical. Similar details apply in similar conditions.
- Verify all architectural details with structural, civil, landscape and design/build drawings before ordering or installation of any work.
- All changes in floor materials occur at centerline of door or framed opening unless otherwise indicated on the drawings.
- Install all fixtures, equipment and materials per manufacturer's recommendations.
- Verify clearances for fans, vents, exhausts, soffits, fixtures, etc. before any construction, ordering or installation of any items of work.
- Sealant, caulking and flashing, etc. locations shown on drawings are not intended to be inclusive. Follow manufacturer's installation recommendations and standard industry and building practices.
- All roof deck penetrations and exterior wall openings shall be guaranteed by the Contractor to be water tight for a minimum period of one year after substantial completion of work under this contract.
- The General Contractor shall remove all rubbish and waste materials of all subcontractors and trades on a regular basis and shall exercise a strict control over job cleaning to prevent any direct debris or dust from affecting, in any way, finished areas in or outside job site.
- Contractor shall leave premises and all affected areas clean and orderly, ready for occupancy. This includes cleaning of all glass (inside and outside) and frames, both new and existing.
- Smoke detectors in new construction shall be powered by building wiring, current with battery back-up (per CRC R 314.1 through 314.46.3) and conformance with local Fire Marshal requirements. Smoke detectors shall be interconnected where more than one smoke detector is installed in the dwelling unit per CRC R314.5. If one smoke detector is activated then all of the smoke alarms will activate in the individual dwelling unit. Carbon Monoxide Alarms are required per CRC R315.1 through R315.3. If more than one is installed in the dwelling unit they shall be interconnected per CRC R315.12 so if one carbon monoxide alarm is activated they will all activate in the individual dwelling unit.
- Any survey monuments within the area of construction shall be preserved or reset by a registered civil engineer or a licensed land surveyor.
- Verify all finish materials with the Architect and the Owner prior to installation. On site meet-ups of building assemblies (finish assemblies, paint) and/or stain samples, etc. may be required for approval.
- Address numbers of least 4" tall must be in place adjacent to the front door. If not clearly visible from the street additional numbers are required. Residential number must be internally illuminated (backlit) place (to a light) or be reflective numbers.
- Contractor shall verify size and locations of all mechanical equipment, as well as power, water and drain installation with equipment manufacturers, the Owner and the Architect before proceeding with the work.
- Contractor responsible for properly sizing heating equipment to meet the requirement (CRC R303.9).
- No lead.
- Structural observation shall be required by the Engineer for structural conformance to the approved plans.
- Verify with structural drawings of special inspectors required for the types of work specified: drilled piers, pilings, caissons, and corbels.
- All construction to provide a waterproof weather tight building Contractor should flash and caulk as necessary to achieve this requirement.
- Job site safety is the responsibility of the general contractor.
- All work shall be installed true, plumb, square, level and in proper alignment.
- Contractor shall maintain and ensure that the most current set of documents is in use by all participants in the construction process and shall maintain a log of submittals, samples, and additional supplementary instructions.



DRAWING INDEX

SHEET	TITLE	DATE	STATUS
001	REFERENCE PHOTOGRAPHS		
002	DOOR / WINDOW SCHEDULES		
003	EXISTING / DEMOLITION PLANS		
004	EXISTING / DEMOLITION PLANS		
005	FLOOR PLANS - EXISTING		
006	FLOOR PLANS - PROPOSED		
007	FLOOR PLANS - POWER AND LIGHTING		
008	FLOOR PLANS - 2 & 3 S.F.		
009	SECTION ELEVATIONS - EXISTING PHOTOGRAPHS		
010	SECTION ELEVATIONS - PROPOSED		
011	EXISTING AND PROPOSED SECTIONS		
012	MODEL IMAGES OF PROPOSED		
013	PROPOSED MATERIALS		
014	ENTRY GATE AND TREE REMOVAL PLAN		

SCOPE OF WORK

- The project consists of:
- The construction of a new Accessory Dwelling Unit (589' sf) on top of the existing garage.
 - The alteration to the existing garage in order to accommodate the new ADU above.
 - The construction of a new (60' sf) garage bathroom (non-conditioned).
 - The relocation of the pool equipment from a detached structure to a newly constructed attached structure (60' sf) to the garage.
 - Alteration to the entry gate, and raise stone walls to 6" - see landscape description.
 - Tree Removal based on Arborist's report.
 - There are no retaining walls proposed for the house.
 - The project falls under the Wildland Urban Interface requirements.

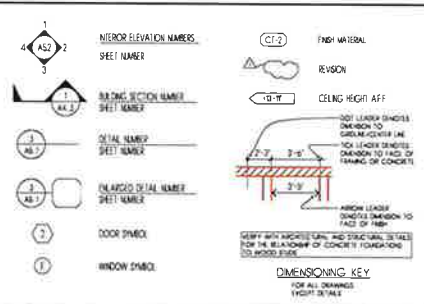
PROJECT STATISTICS

Basic Statistics	
Project Name	210 Lagunitas Rd. ADU
Permitted by	NET DEVELOPER
Permitted on	11/15/2021
City	FAIRFAX, CA
County	CONTRA COSTA
Parcel ID	014-010-001-000
Project Location	210 Lagunitas Rd., Ross, CA 94952
Architect	Charles Theobald
Structural Engineer	Michael Yorke
Landscape Architect	Michael Yorke
General Contractor	McCoy Construction
Project Status	Permitted
Project Type	Accessory Dwelling Unit

VICINITY PLAN



SYMBOLS



PROJECT DIRECTORY

ARCHITECT	Charles Theobald 210 Ross Rd Fairfax, CA 94930	Tel: 415-437-7428 c.theobald@chartheobald.com
LANDSCAPE ARCHITECT	Michael Yorke 13 Ross Common, Ross, CA 94952	Tel: 415-464-0163 m.yorke@yorkelandscape.com
STRUCTURAL ENGINEER	Mark Woodard 81 Domingo Ave Fairfax, CA 94930	Tel: 415-433-3401 m.woodard@yorkelandscape.com
GENERAL CONTRACTOR	McCoy Construction 19 Del Oro Lagoon Novato, CA 94949	Tel: 415-525-8878 e.mccoy@mcycobuilding.com
ARCHITECT	Abel Services CONTACT: Arthur Tyson	Tel: 415-733-4974 tel.abel@tysongroup.com

Charles Theobald
248 Bolinas Rd.
Fairfax, CA



210 Lagunitas Rd. ADU.
Ross, CA
APN#075-122-03

DATE: 2021-10-15
COVER SHEET
A0.0
OCTOBER 15, 2021

Charles
Theobald
248 Bolinas Rd.
Fairfax, CA



210 Lagunitas Rd. A.D.U.
Ross, CA
APN#073-192-03

SITEPLAN
A10
OCTOBER 15, 2021

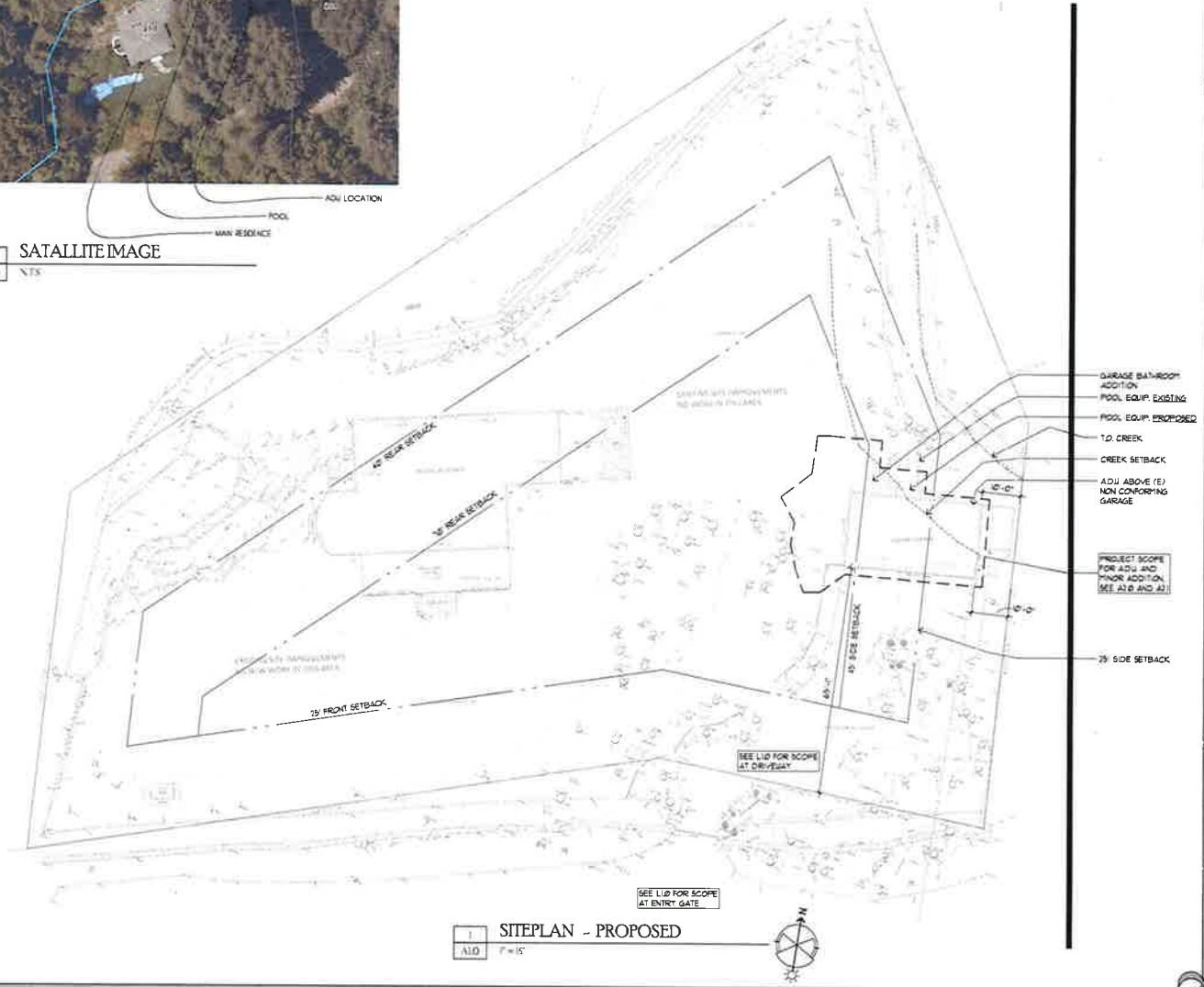
TOWN COUNCIL SET



2 SATALLITE IMAGE
A10 N.T.S.



3 FROM MARIN MAPS
A10 N.T.S.



1 SITEPLAN - PROPOSED
A10 7" = 1'

Project Statistics 10/19/2021

Basic Statistics	
Project Location	210 Lagunitas Road
Permitted User	MC CHAMBL
Property	0.27 ACRES
Lot Size (sq. ft)	46,000
Lot Area (sq. ft)	46,000
Frontage (ft)	18.00
Depth (ft)	254.00
Area (sq. ft)	457,000
Volume (cu. ft)	4,120,000
Volume (cu. yd)	150,000
Volume (cu. ft)	4,120,000
Volume (cu. yd)	150,000
Volume (cu. ft)	4,120,000
Volume (cu. yd)	150,000
Volume (cu. ft)	4,120,000
Volume (cu. yd)	150,000
Volume (cu. ft)	4,120,000
Volume (cu. yd)	150,000
Volume (cu. ft)	4,120,000
Volume (cu. yd)	150,000
Volume (cu. ft)	4,120,000
Volume (cu. yd)	150,000

F.R. Calculations				
Area	Building	Proposed	Added	Removed
Main House	4884	4884	0	0
Garage	211	211	0	0
ADU Storage (Garage)	3	3	0	0
ADU Storage (Main)	63	63	0	0
ADU Storage (Pool)	63	63	0	0
ADU Storage (Lnd)	0	0	0	0
ADU Storage (Pool)	0	0	0	0
F.R.	72.7%	87.0%	-14.3%	0.0%

Lot Coverage				
Building	Proposed	Added	Removed	
Main House	2716	2716	0	0
ADU Storage	714	714	0	0
Garage	128	128	0	0
Pool Equipment Bldg	30	30	0	0
Pool Equipment	0	0	0	0
Pool	4000	2771	1229	0
Pool Equipment	6.1%	7.8%	1.7%	0.0%

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248 Bolinas Rd
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210 Lagunitas Rd. ADU.
Ross, CA
APN#073-122-03

DATE	REVISION

PROPOSED
FLOOR PLANS
A21
OCTOBER 15, 2021

TOWN COUNCIL SET

Bowman Outdoor Wall Sconce
By Tech Lighting

- Product Overview:**
- Finish: Matte Black, Satin Nickel, Polished Brass
 - Material: Aluminum
 - Dimensions: 11" H x 6" W
 - Weight: 1.5 lbs
- Details:**
- Installation: Hardwired
 - Mounting: Wall Mount
 - Finish: Matte Black, Satin Nickel, Polished Brass
 - Material: Aluminum
 - Dimensions: 11" H x 6" W
 - Weight: 1.5 lbs
- Dimensions:**
- Overall Height: 11"
 - Overall Width: 6"



LIGHT FIXTURE TYPE A

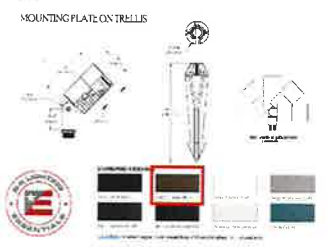


LED Steplight S53004
By Tech Lighting

- Product Overview:**
- Finish: Matte Black, Satin Nickel, Polished Brass
 - Material: Aluminum
 - Dimensions: 2.5" H x 2.5" W
 - Weight: 0.5 lbs
- Details:**
- Installation: Hardwired
 - Mounting: Surface Mount
 - Finish: Matte Black, Satin Nickel, Polished Brass
 - Material: Aluminum
 - Dimensions: 2.5" H x 2.5" W
 - Weight: 0.5 lbs
- Dimensions:**
- Overall Height: 2.5"
 - Overall Width: 2.5"



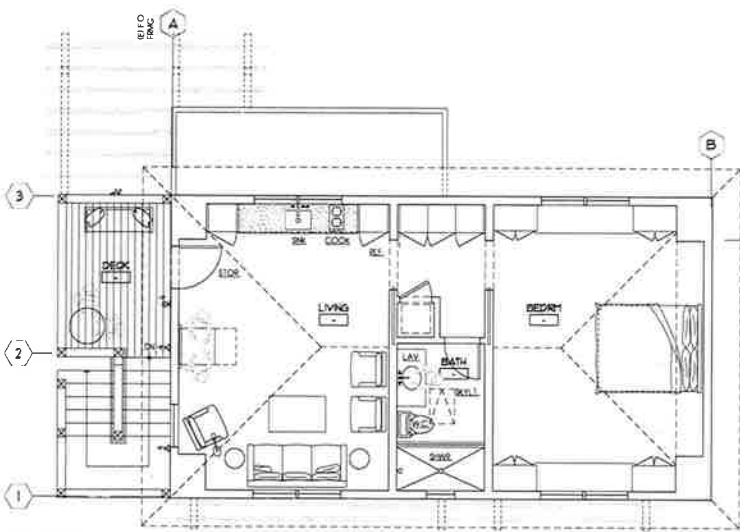
LIGHT FIXTURE TYPE B



LIGHT FIXTURE TYPE C

FLOOR PLAN GENERAL NOTES

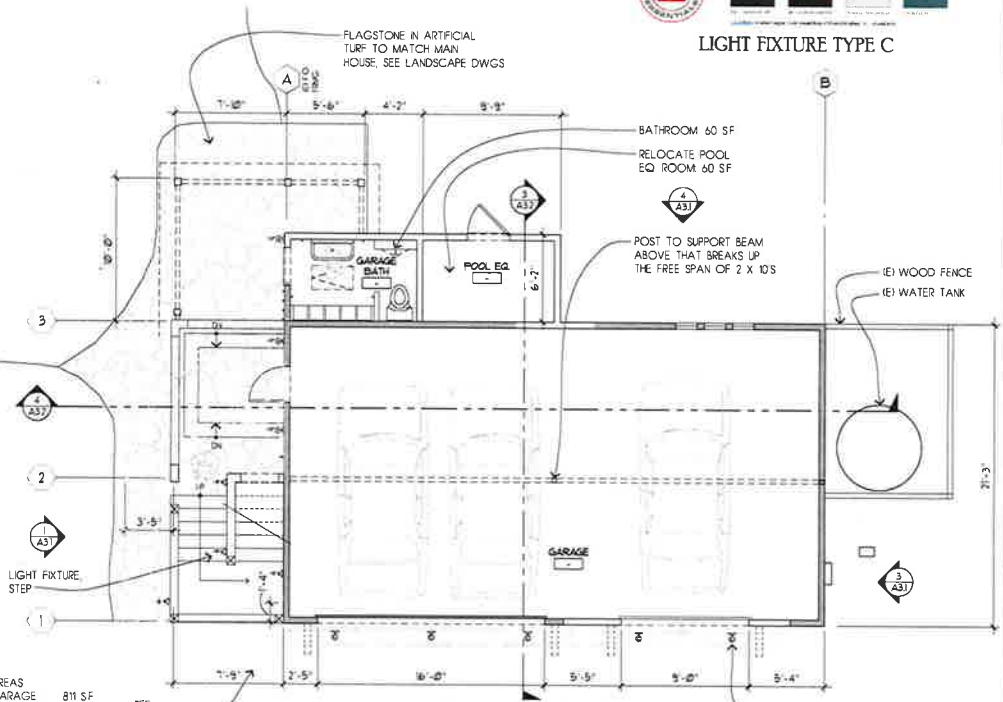
- FIXTURE FRAMING TO REMAIN
- NEW FRAMING



UPPER FLOORPLAN - PROPOSED
A21 11' x 14'

AREAS	
GARAGE	811 SF
BATHROOM	60 SF
ADU	811 SF
TOTAL	1682 SF

SEE LANDSCAPE DWGS



LOWER FLOOR PLAN - PROPOSED
A21 11' x 14'

TYP LIGHT FIXTURE IN TRELIS
DOWN LIGHT

7-FILE: 0001, U.S. MAILING PERMIT NO. 4232-01, PERMIT OFFICE: SAN FRANCISCO, CALIFORNIA, 18 OCTOBER 2021, 10:12 AM, 14, 00001



RAILING AND POST DESIGN FOR ADU BASED ON MAIN RESIDENCE



(E) POOL EQUIPMENT ROOM TO BE REMOVED



VIEW FROM SOUTH WEST



VIEW FROM SOUTHEAST



VIEW OF NORTH SIDE OF GARAGE, POOL EQ ON LEFT



SOUTHWEST VIEW FROM ENTRY FROM ROAD



VIEW FROM ADJACENT PROPERTY CLOSEST TO ADU



VIEW FROM MAIN HOUSE: TOWARDS (E) GARAGE

MAIN HOUSE HAS A COMBINATION OF 6 LITE CASEMENT WINDOWS AND 9 OVER 1 DOUBLE HUNG WINDOWS

MAIN HOUSE BEYOND IS THE BASIS OF ROOF SLOPE DESIGN AND WINDOWS

(E) NON-COMFORMING SHED ON ADJ PROPERTY NEAR PROPERTY LINE

STORY POLES FROM FIRST ROUND ADR SUBMITTAL DESIGN



ACCENT WINDOW BASIS FOR ADU WINDOW

VIEW FROM SOUTH WEST

Charles Theobald
248 Bolinas Rd
Fairfax, CA



210 Lagunitas Rd. A.D.U.
Ross, CA

APN#073-122-03

DATE	REVISION

BUILDING ELEVATIONS
A3.0
OCTOBER 15, 2021

TOWN COUNCIL SET

FILE NAME: I:\Projects\210 Lagunitas Rd. A.D.U. - Project 2021\10-15-21\A3.0.dwg
 PLOT DATE: 10/15/21 10:00 AM
 PLOT BY: J. L. BROWN

2
A3.0
REFERENCE PHOTOS
N.T.S.

**ELEVATION / SECTIONS
GENERAL NOTES**

TYPICAL EXTERIOR SINGLES
CLEAR SINGLES EVERY TO MATCH E6 OVER ONE LAYER DENFIELD 5/8" TYPE X PER ASTM C1191 ON PLYWOOD SHEATHING (S2S1)

TYPICAL ROOFING
40 YEAR ASPHALT/FLY SHINGLE BY CERTANTEC, LANDMARK SERIES. WILL NOTE ASTM EXP CODE A Fire Resistance 4 REQUIRED. COLOR: 180 TO MATCH E6

TYPICAL GUTTER AND DOWNSPOUT
COPPER GUTTERS TO MATCH E6 PROVIDE ALL GUTTERS WITH PROTECTION TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS. GUTTER GUARD BY MASTER BUILT OR APPROVED EQ1. TYPICAL DOWNSPOUT: 2" DIA ROUND COPPER DOWNSPOUTS. 1E DOWNSPOUTS AND E6 DRAINAGE SYSTEM. PROVIDE CLEANOUTS WHERE DOWNSPOUT MEETS SUB DRAINAGE SYSTEM

TYPICAL WINDOW AND DOOR
ALUMINUM CLAD WOOD WINDOWS (LOWE) OR APPROVED EQUAL. COLOR: TUSCAN BROWN INTERIOR PAINT GRADE. WILL NOTE WINDOWS MUST BE SEALED GLASS WITH A MINIMUM OF 1 TEMPERED PANE

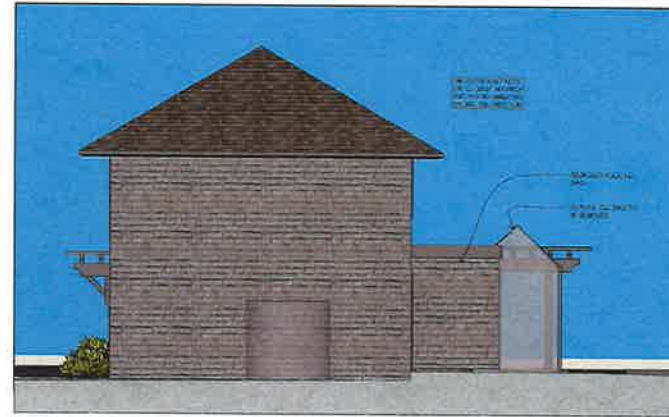
TYPICAL SHEET AT EAVES
1" X 6" SMOOTH FACE PAINT GRADE WOOD TRIM TO MATCH E6. EAVES OVER 5/8" TYPE X DENFIELD TO MEET WUI

TYPICAL RAINING SYSTEM
1" X 7" BUILT UP WOOD POSTS WITH WOOD POST CAPS. BALUSTRADES TO BE SHARED 1" X 8 CEDAR STK BOARDS TO MATCH E6 MAIN HOUSE. PAINTED TYPICAL TRIM COLOR

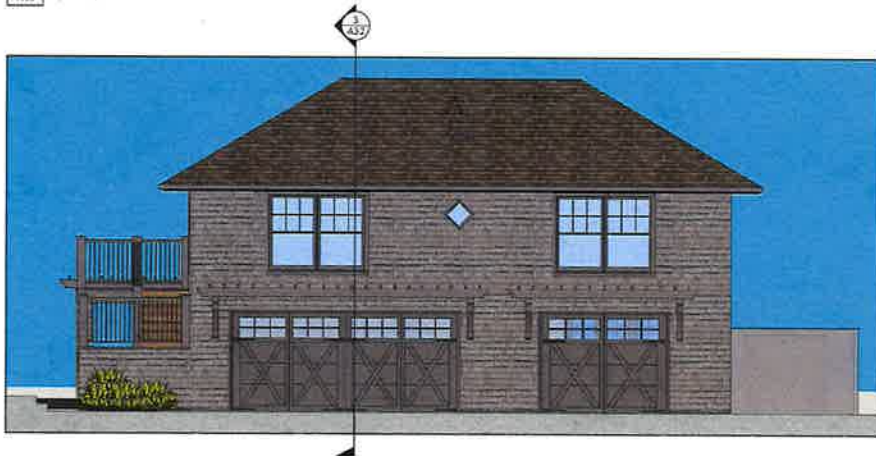
ALL MATERIALS AND ASSEMBLIES SHALL MEET THE STATE REQUIREMENTS FOR A WELDLAND URBAN INTERFACE COMPLIANT MATERIALS.



4 NORTH ELEVATION
A31 14' = 1-0"

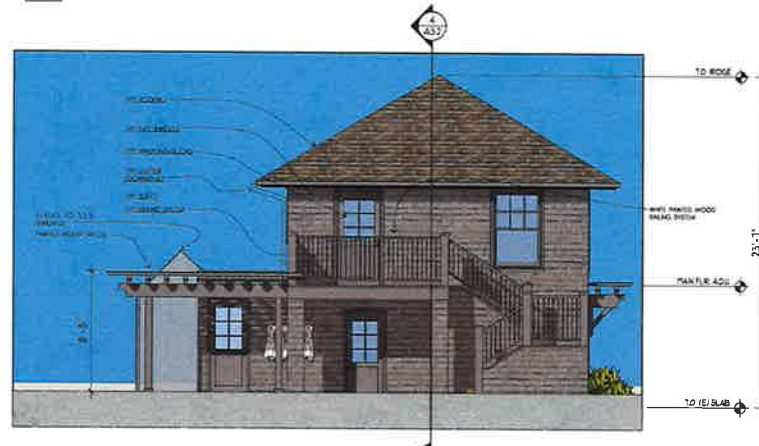


1 EAST ELEVATION
A31 14' = 1-0"



2 SOUTH ELEVATION
A31 14' = 1-0"

FOR ALL TIGHT FITS SEE E6 FOR PROTECTION AND LOCATION



1 WEST ELEVATION
A31 14' = 1-0"

Charles
Theobald
248 Bolinas Rd
Fairfax, CA



210 Lagunitas Rd. A.D.U.
Ross, CA

APN#073-122-03

DATE	ROLE

BUILDING ELEVATIONS
A31
OCTOBER 15, 2021

Charles
Theobald
248 Bolinas Rd
Fairfax, CA

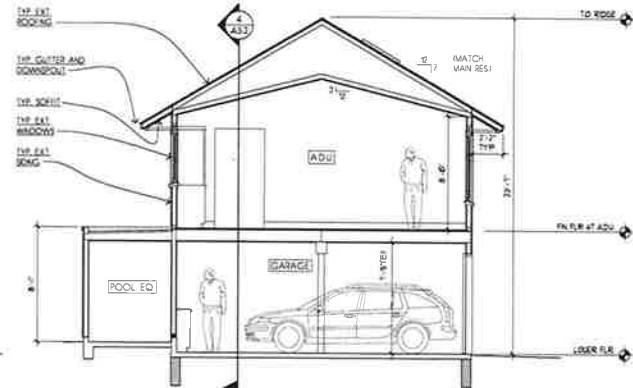


210 Lagunitas Rd. A.D.U.
Ross, CA

ATN#073-122-03



2 BUILDING SECTIONS ~ PROPOSED
A3.2 1/4" = 1'-0"



3 BUILDING SECTIONS ~ PROPOSED
A3.2 1/4" = 1'-0"

**ELEVATION / SECTIONS
GENERAL NOTES**

TYPICAL EXTERIOR FINISH
CEILING FINISHES FINISH TO MATCH IEI OVER ONE LAYER
DECKING S/P TYPE X PER ASTM C276 ON PLYWOOD SHEATHING
ISSD

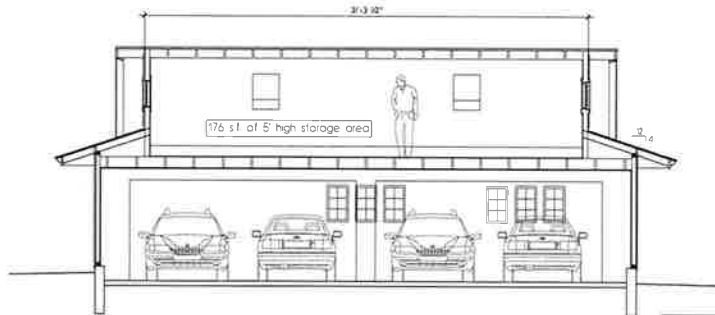
TYPICAL ROOFING
40 YEAR ASPHALT COMP SINGLE BY CERTIFIED LANDMARK SERIES
W/1' NOTE: ASTM E88 Class A Fire Resistance is required
COLOR TBD TO MATCH IEI

TYPICAL GUTTER AND DOWNSPOUT
COPPER GUTTERS TO MATCH IEI PROVIDE ALL GUTTERS WITH
PROTECTION TO PREVENT THE ACCUMULATION OF LEAVES AND
DEBRIS GUTTER GUARD BY MASTER SHIELD OR APPROVED EQ
TYPICAL DOWNSPOUT 4" DIA ROUND COPPER DOWNSPOUTS IEI
DOWNSPOUTS INTO IEI DRAINAGE SYSTEM
PROVIDE CLEARCUTS WHERE DOWNSPOUT MEETS S/D DRAINAGE
SYSTEM

TYPICAL WINDOW AND DOOR
ALUMINUM CLAD WOOD WINDOWS WHITE EXTERIOR 6 OVENSH OR
APPROVED EQUAL INTERIOR PAINT GRADE
W/1' NOTE: WINDOWS MUST BE INSULATED GLASS WITH A MINIMUM
OF 1 TEMPERED PANE

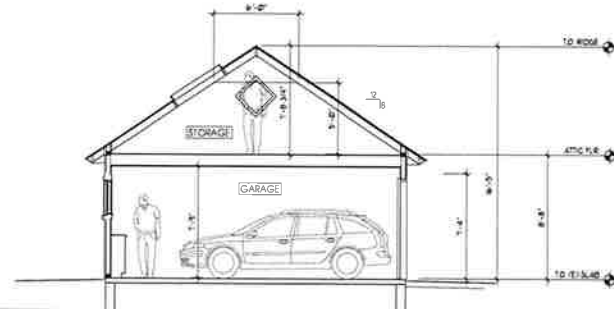
TYPICAL SMOOTH FACE PAINT GRADE WOOD TRIM TO MATCH IEI
EAVES OVER S/P TYPE X DECKING TO MATCH IEI

**ALL MATERIALS AND FINISHES MUST MEET THE SLAB
REQUIREMENTS FOR A WINDLOAD UMBRA RESISTANCE COMPLIANT
MATERIALS**



2 BUILDING SECTIONS ~ EXISTING
A3.2 1/4" = 1'-0"

SEE REFERENCE PHOTOS ON
A3.0 FOR IEI MATERIALS



1 BUILDING SECTIONS ~ EXISTING
A3.2 1/4" = 1'-0"

Date: 09.1

BUILDING
SECTIONS
A3.2
OCTOBER 15, 2021

Charles
Theobald
248 Bolinas Rd.
Fairfax, CA



210 Lagunitas Rd. A.D.U.
Ross, CA
APN#073-122-03



DATE	ISSUE

MODEL
IMAGES
A33
OCTOBER 15, 2021

MODEL IMAGES

A33 NTS

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Charles
Theobald
248 Bolinas Rd
Fairfax, CA



210 Legunitas Rd. A.D.U.

Ross, CA
APN#075-122-03



TYPICAL DOWNSPOUT AND GUTTER COPPER TO MATCH (E)

TYPICAL WINDOWS ALUMINUM CLAD WOOD WINDOWS, TUSCANY BROWN BY LOEWEN COLOR (DEEP SHADOW BROWN TO HELP BUILDING RECEDE INTO THE SHADOWS OF THE REDWOOD GROVE)

TYPICAL EXTERIOR SIDING WUI COMPLIANT INSTALLATION OF CEDAR SHINGLES, FINISH TO MATCH MAIN RESIDENCE

TYPICAL EXTERIOR TRIM PAINT AT NEW TRELLIS, WINDOWS AND TRIM BENJAMIN MOORE MIDNIGHT OIL, SEMI-GLOSS TO MATCH (E)



BENJAMIN MOORE
MIDNIGHT OIL

STAINED CEDAR BOARD RAILING SYSTEM TO MATCH (E)

FLAGSTONE TO MATCH (E)

Accessory Dwelling Unit Materials



Main Residence for Reference

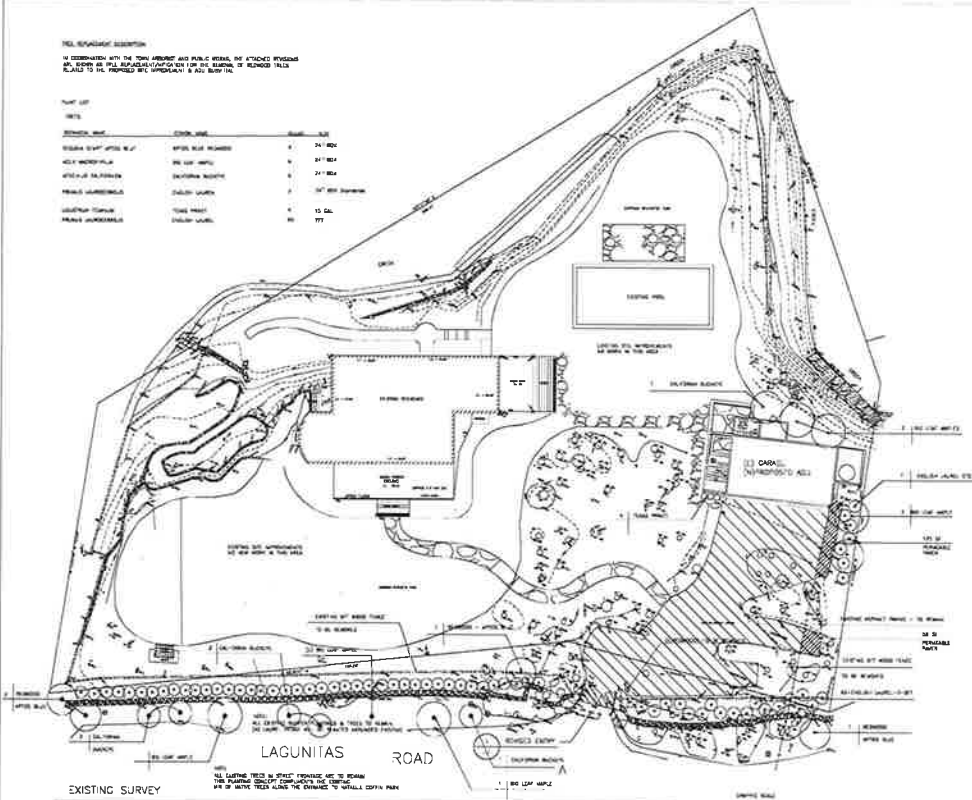
DATE	ISSUE

MATERIALS
BOARD
A10.1
OCTOBER 15, 2021

TREE REPLACEMENT SCHEDULE

IN COORDINATION WITH THE TOWN ARBORIST AND PUBLIC WORKS, AN ATTACHED PROGRAM
 HAS BEEN PREPARED TO RE-EVALUATE/REPLACE THE TREES ALONG LAQUNITAS ROAD
 AS TO BE PROTECTED BY SIGNAGE & A-ZE SIGNAGE.

Tree ID	Tree Name	Species	DBH (in)	Height (ft)
001	Redwood	SEWELLIA	12	24
002	Redwood	SEWELLIA	12	24
003	Redwood	SEWELLIA	12	24
004	Redwood	SEWELLIA	12	24
005	Redwood	SEWELLIA	12	24
006	Redwood	SEWELLIA	12	24
007	Redwood	SEWELLIA	12	24
008	Redwood	SEWELLIA	12	24
009	Redwood	SEWELLIA	12	24
010	Redwood	SEWELLIA	12	24



(A)



(B)



(C)

2

PROJECT NUMBER: 22
 BY: [Name]

BACKLIT ADDRESS NUMBERS



DOWNLIGHT @ COLUMNS



**BELGARD PERVIOUS PAVER
 COLOR: CHARCOLLE GRAY**

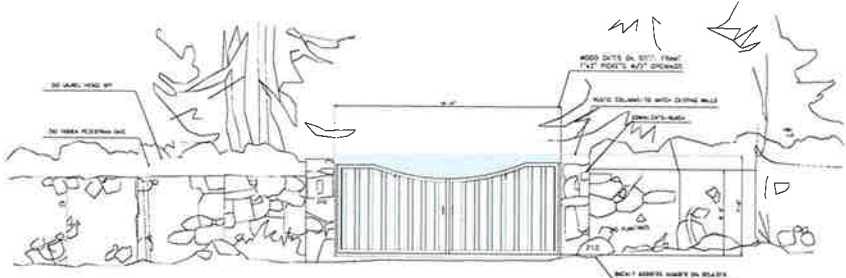
PROJECT DESCRIPTION

THE NAME OF THE PROJECT PROPOSED FOR REVIEW HAS BEEN SELECTED TO BEST REFLECT THE PROJECT'S PURPOSE AND SCOPE. THE NAME IS A REGISTERED TRADEMARK OF THE COMPANY THAT HAS BEEN SELECTED TO BEST REFLECT THE PROJECT'S PURPOSE AND SCOPE. THE NAME IS A REGISTERED TRADEMARK OF THE COMPANY THAT HAS BEEN SELECTED TO BEST REFLECT THE PROJECT'S PURPOSE AND SCOPE.

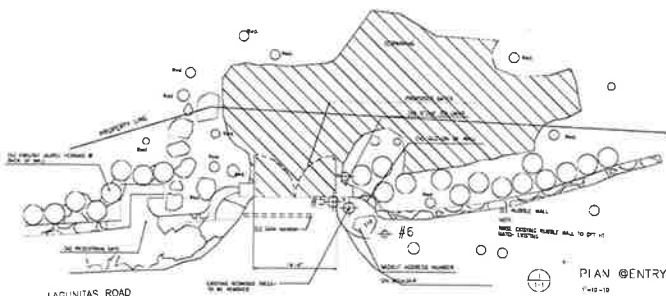
WOOD



WOOD PEDESRIAN GATE



ELEVATION



LAGUNITAS ROAD

PIAN @ ENTRY

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PIAN @ ENTRY
 210 LAGUNITAS ROAD
 ROSS, CALIFORNIA
 94068-1223

NICHOLE B. VANDER
 LANDSCAPE ARCHITECT
 1150 UNIVERSITY AVENUE, SUITE 100
 BERKELEY, CALIFORNIA 94702-1000
 TEL: 415.841.1111
 FAX: 415.841.1112
 WWW.PIAN@ENTRY.COM



PROPOSED NEW AUTOMOBILE ENTRY
 210 LAGUNITAS ROAD
 ROSS, CALIFORNIA
 APN #073-122-03

DATE: 11/11/2021
 SCALE: AS SHOWN
 JOB: 210LAG-2021
 PHASE: DESIGN REVIEW

REVISIONS:
 01-2021
 TREE REPLACEMENT PLAN
 02-2021
 REVISED TO SHOW REVISIONS
 TO THE TREE REPLACEMENT PLAN

L-1.0

ATTACHMENT 3



STAR 7
ARCHITECTS

210 LAGUNITAS ROAD

Project Description

To: Matt Weintraub
Town of Ross Planner

Re: **ADU and Minor Addition for 210 Lagunitas Road**

To the members of the Town Council,

The project before you consist of **five areas of scope:**

1. The addition of an Accessory Dwelling Unit (589 s.f.) on top of an existing garage.
2. The addition of a pool changing room to support pool activities (60 s.f.).
3. The relocation of the Pool Equipment from a detached shed, to the back of the existing garage (60 s.f.).
4. The widening of the auto entry gate, and reconfiguration of the drive area to optimize the integration automobiles and the existing redwood trees including replacing the asphalt drive with pervious cobble pavers and raising the stone walls to 6'.
5. Removal of redwood trees per arborist's report.

Star 7 Architects
248 Bolinas Rd. Fairfax, CA 94930

In general, this scope of work is an improvement to the property and to the town and is in compliance with the town's design review criteria.

To be more specific:

#1 – ADU over existing garage

The ADU is being proposed to add housing stock which is a current need identified by the state. The ADU location is on an existing structure which means that we are not increasing lot coverage. We are requesting that the structure have a height of 19', which is 3' above the 16' ADU permitted height. The roof line and general design is meant to be "a part of the family" of structures on the lot, and follow the shingle style aesthetic.

The ADU is accessed by a stairway that is located to the interior of the property so the nearest adjacent neighbor is protected visually and audibly from the stair way. The existing garage will need structural modifications to meet engineering requirements, but the intent visually, is to maintain the look and presence of the existing garage.

There are no windows facing the nearest adjacent neighbor to maintained privacy and prevent any disturbances from lighting during the night time hours. The owner is highly protective of his redwood trees and every effort will be made during further design and construction to maximize the health of these trees. We have engaged early and often with an arborist to meet these goals.

#2 – Pool Changing/ Bathroom Addition

The addition on the back of the existing garage is intended to provide realistic support for the pool area and yard activities in general. This location is not in the creek setback. As opposed to a complex roof, the design intent is to integrate this with the trellis system which is intended to be a visual reinforcement for the occupants to come to this location to use the bathroom (instead of heading inside the main house). This minimizes the bulk and mass of the proposed structure.

#3 – Relocation of the pool equipment.

We are proposing to move the current pool equipment from the old kid's playhouse to a proper room attached to the existing garage structure. The existing shed is located in the creek setback. We are proposing to relocate the equipment in a new room that is still in the creek setback but farther away from the top of bank. The room will be constructed appropriately to be more efficient and safe for any future events.

Star 7 Architects

248 Bolinas Rd. Fairfax, CA 94930

#4 – Entry gate and drive area

A new entry gate with stone columns 16ft wide (per RVFD requirements) is proposed in roughly the same area as the existing gate. The gate will be pulled back 5 feet further into the property and shifted east approximately 3 feet. The gate is proposed as wood in a natural gray color that respects and integrates with the current exterior finishes of the property.

The existing asphalt paving is proposed to be removed and replaced by sand set 4"x4" basalt cobbles. This provides the site with a pervious surface, which allows air and water to penetrate into the Redwood root zone.

The existing stone rubble wall is proposed to be raise to 6 feet in height to match the adjacent property street frontage. The existing wood fence will be removed.

New plantings of English Laurel in the range of seven to eight feet in height are proposed for the area behind the stone wall to naturally enhance the privacy of this street and public way. The resulting experience of this area is intended to maintain its natural and historical appearance, while providing a safer experience for the property and town.

#5 – Tree removal and protection

There are 7 Redwoods proposed for removal in this scope of work. The Arborist Report enclosed provides an expert's review of the redwood trees. We have met and reviewed the design of the gate and driveway several times to maximize the health of as many trees as possible, while balancing the public safety of trees that can no longer be left in their current state. The removals are required due to health/ hazard concerns or fire/safety access.

Materials for #1, #2 and #3

The intent of the new construction is to match the appearance, finishes and detailing found on the main residence. Every effort will be made to match these materials given the availability of quality products.

Star 7 Architects

248 Bolinas Rd. Fairfax, CA 94930

In response, and to confirm compliance to the design criteria, the proposed project meets the town's requirements in the following ways:

A: Preservation of Natural Areas and existing site conditions

The proposed design meets these criteria because our proposed location above an existing element (garage) minimizes the disturbance to the natural areas. We are working with the existing heritage redwood trees and the existing drive area.

B: Of all of the locations possible for the ADU to go, that provides reasonable access to the unit, this is the best location. The garage/ADU is located close to the side property where the adjacent neighbor does not have any living elements located, thus minimizing any impact on that property.

C: Bulk and Mass

While the ADU is a second story, the proposed structure does not impede on any neighbor's views, and in fact this location which is surrounded by redwoods is very obscured to the public view. There are other locations that the ADU could go, that would have more impact for the public.

The design of the ADU takes a balanced approach with a symmetrical design and materials the recede into the shadows cast in this area.

D: Materials and Colors

The intent of the materials is to match the main residence, which is composed of a shingle style home with asphalt shingle roofing. These are natural, and similar to the colors and tones of the natural environment.

E: Drives, Parking and Circulation

The site elements for parking and circulation are revised only where redwood trees are being removed. The trees remaining, and their health take priority over the parking layout.

F: Exterior Lighting

Any new sconces will meet the dark sky requirements. We are aware and have integrated this as part of the planning conditions.

G: Fences and Screening

Any new fencing or screening proposed is intended to match what is currently present to minimize the changes to the public experience of this area.

H: Views

The proposed scope of work does not change the views for the public or the adjacent neighbors.

I: Natural Environment

By locating the ADU on an existing structure we are minimizing any impact on the natural environment. While other locations are permissible, and even granted by the state without further review, our location minimizes the disruption to the natural environment.

J: Landscaping

The scope of work only has landscaping at the entry area and the driveway. We are proposing to remove the asphalt drive and replace the driving and parking surfaces with a sand set cobble. This is an improvement for property on many levels. The entry area at the auto gate will have the stone columns reconstructed and the wood fence properly repaired.

K: Health and Safety

The proposed project based on the more restrictive construction requirements will by nature be safer from a life safety standpoint as well as meeting the current WUI standards.

L: Visual Focus

The location of the main residence is in an open area that normally is sun lit, and therefore clearly establishes itself as the main residence. The garage and ADU, though taller and at the end of the driveway, recedes into the shadows the redwood grove.

M: Privacy

The ADU and garage are located within the side setback of 45'. This is an existing non-conforming condition. The ADU has been designed with the elevation that faces the adjacent property to be free of any windows which maintains privacy for both lots. Due the existing location of the garage being on the eastern portion of the property, besides the adjacent property, not other property can see the ADU.

N: Consideration of Existing Nonconforming Situations.

While based on the current planning regulations the garage is in the side setback, the site access is clearly established and the moving of the garage would require infringement on the creek setback, or removal of healthy redwood trees. Both of these options are a negative for the property. The presence and use of the garage have been in existence for quite a long time.

O: Relationship to entire site

Star 7 Architects

248 Bolinas Rd. Fairfax, CA 94930

Based on what is allowed for the location of ADU units based on the state's policy, our proposed solution incurs less of an impact on the site, adjacent neighbors, and the public in general. We feel this is the right solution for the owner and property.

P: Relationship to Development Standards

No Comment

Q: Project Reducing Housing Stock

This project increases the housing stock.

R: Maximum Floor Area of 10k

No Comment

S: Setbacks

Although the ADU is in the side setback, the location is over an existing nonconforming structure (garage). The proposed addition is attached to the existing structure for economy and for the least impact on the property. The Bathroom addition is outside of the creek setback. The pool equipment room currently is located in the creek setback in an old kid's playhouse. We are proposing to move the equipment farther away from the creek and engaging it with the garage. All things considered, the bathroom and pool equipment could be located to other parts of the project but the consolidation of these rooms with the garage and ADU above lessens the impact of the development on the site in general.

T: Low Impact Development for Storm Water Management

The proposed project is basically neutral as far as the impact on the storm water system as it relates to the structures on the site. Additionally, by changing the asphalt to sand set cobbles we are improving the pervious nature of the site.

Findings for Variances

The variances requested are the following:

1. **Height Variance of the ADU-** We are seeking a variance for the building height of the ADU from 16' above grade to 19' above grade. Based on the location of the ADU over the existing garage structure, we are requesting this variance. The special circumstance which lead us to this proposed location is based on minimizing the disturbance to the other options on the site based on the location of the driveway, main residence and the natural location of the redwood trees. By right dictated by the state, other locations could be used, but this location provides a solution which responds greatly to the town's design criteria.

Star 7 Architects

248 Bolinas Rd. Fairfax, CA 94930

2. **Setback Variance of ADU over the garage** – The garage is currently 10' from the side property line. For new structures, based on the current code, a 45' setback is required. The garage is an existing nonconforming structure that we will be structurally upgrading. Technically the ADU can be within 4' of the property line, so our solution actually meets the variance requirements.
3. **Creek setback of relocated pool equipment shed.** The existing pool equipment room is in the creek setback. We are proposing to relocate the equipment and move it farther away from the creek and integrate it into the existing garage. This location is an improvement for the property and creek. This is farther away from the adjacent neighbor and will be less visible in general. This location is on the back side of the garage which protect the view and audible sounds generated from this structure from the public corridor.

In conclusion, the proposed scope of work for this project improves the property while providing housing stock for the area in a responsible and elegant way. The respect and enhancement of the natural nature of the site is not only maintained but improved. The site access is improved for the owners and fire protection requirements.

We respectfully request approval for this project.

Regards,

Charles Theobald,
Architect

Star 7 Architects
248 Bolinas Rd. Fairfax, CA 94930



4-15-2021

To: Town of Ross – ADR Committee
Ross, Ca.
Matthew Winetraub – Planning dept.

Re: 210 Lagunitas Road- Tree removal

Dear Committee members:

We have a submittal in for an ADU and front entry improvements at 210- Lagunitas Road, Ross, Ca.

Included in that submittal is an arborist report, wherein they have identified 7 – existing redwood trees to be removed for hazardous conditions, or for improved entry / fire safety access.

We are aware of the requirement to replace removed trees with addition tree planting, However, I believe that it would be inappropriate to plant more trees on this property, as the existing trees are already competing for light, air & nutrients.

Additional trees would further this condition, and add increased fire danger.

This is not a case of us not wanting to plant trees... we'd be happy to replace trees
But in this case, as stated, I don't think it is appropriate.

I'll be prepared to speak to this at the ADR meeting next week.

Michael B. Yandle
Landscape Architect

M I C H A E L B . Y A N D L E
L A N D S C A P E A R C H I T E C T U R E

13 Ross Common PO Box 1695 Ross, CA 94957-1695
TEL 415.464.0763 FAX 415.464.0765 mbYandle.com LICENSE 3136



8-1-2021

To: Town of Ross Planning Department
ADR Committee
Attn.: Matthew Weintraub

Re: 210 Lagunitas Road, Ross, Ca.

Matthew

Per my meeting with the Town Arborist, and Public works department
Friday, July 30, 2021.

We met to discuss replanting/ mitigation requirements for removal of Redwoods trees related to the proposed site improvements at the above Address.

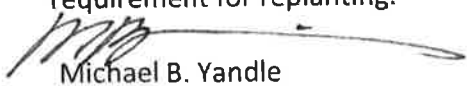
Per that meeting (and in accordance with Ed Gurka's amended recommendations August 1, 2021, we discussed adding Native trees in the Street Frontage right of way, which will compliment and enhance the character of the entry in to Natalie Coffin Park,
A series of Big Leaf Maples, California Buckeye, and Aptos Blue Redwood are proposed to match the existing character of the street scape.

Additionally, we are proposing English Laurel Standards (tree form) and big Leaf Maples between along the east side of the property.

Sheet L-1 has been amended to show the proposed planting.

We will be adding Tree protection protocols, to our permit submittal

We, in conjunction with the Town Arborist and Public Works believe this plan meets the requirement for replanting.


Michael B. Yandle
Landscape Architect

MICHAEL B. YANDLE
LANDSCAPE ARCHITECTURE

13 Ross Common PO Box 1695 Ross, CA 94957-1695
TEL 415.464.0763 FAX 415.464.0765 mbYandle.com LICENSE 3136



September 27, 2021

To: Town of Ross Planning Dept.
Attn: Matthew Wintraub
Ross, Ca.

Re: 210 Lagunitas Road
Ross, Ca.

Dear Matthew

The revised site improvement plans are included with the submittal
By Charles Theobald Architect .(star 7 Architects)

Changes to the Site improvement / Landscape Plans.

1. In conversations with the Owner. He has decided he does not want to remove the original number of redwoods.
We are now showing removal of only Trees #5, #6 related to widening the Entry.
2. The Design team and Owner have decided not to remove the existing asphalt paving. In discussions with contractors, and the arborist, we realize that the existing asphalt paving is probably protecting the roots of the redwoods... Removing the asphalt may potentially damage the root zones.
The owner understands that the asphalt is going to have some unusual grades.
3. The number of trees & shrubs that we agreed to with the Town are still shown
4. We added ligustrum texanum at the stair wall at the proposed ADU.


Michael B. Yandle
Landscape Architect

MICHAEL B. YANDLE
LANDSCAPE ARCHITECTURE

13 Ross Common PO Box 1695 Ross, CA 94957-1695
TEL 415.464.0763 FAX 415.464.0765 mbYandle.com LICENSE 3136

ATTACHMENT 4



Arborist Services - Bay Area LLC

Arborist Statement for Tree Removal Permit Application

210 Lagunitas Rd., Ross, Ca. 94957

Property owner - David Samuel

415-250-8651

dsamuel@gmail.com

9/23/20

At the request of Jerry Kalfos, owner of Jerry's Tree Service, I have inspected 7 designated Redwood trees in the front portion of the property at 210 Lagunitas Rd. in Ross, on 9/9/20. The property owner wishes to remove these seven (7) Redwood trees in this area of the property between Lagunitas Rd. and the front of the house and garage. Following are my observations and recommendations. The trees referenced in my Report are numbered (1 thru 7) and marked with orange tape.

Observations

A) List of trees in Tree Removal Permit Application

1.) Redwood (*Sequoia sempervirens*) - 4 trunked tree - DBHs (diameter of trunk measured at 4.5' (feet) above soil grade - breast height) - 26" (inches), 27", 21" & 21"- located in right front portion of the property near east end of house & the garage location - fair health and very poor structure. These four trunks are sprouts growing out of an old Redwood stump. The stump has decayed areas present which are extensive and large cavities as a result of decay. There is evidence of infestation in the old stump area possibly further compromising the structural strength of the stump and tree. The decay visible in the stump and base area of the 4 trunks also likely extends into the root system below soil grade further compromising the structural strength. The tree

P.O. Box 684 • Point Reyes Station • California 94956 • 415.720.4913

is approx. 100' tall - tall enough to impact the immediate vicinity, house, garage, driveway & parking area and the public street (Langunitas Rd.) should it fail. Thus there are constant & frequent potential targets present. Because of the tree's size, location and condition the tree is hazardous to an unacceptable degree & should be removed.

Replacement tree trunk diameter = 2".

2.) Redwood - DBH 36" - adjacent to Redwood in #1 above - fair health and structure. With the removal of #1 above, this Redwood could be subject to more wind, possibly adversely. The property owner wishes this tree removed in order to widen the driveway for emergency vehicle access and for more parking capacity. Because of the large number of Redwoods in just this part of the property - approx. 35 trees with over 70 trunks - removal of this tree would not adversely affect the appearance of the property, nor the value of the property and neighborhood properties. The property and area would still have a woodland appearance. For the reasons listed above (and others noted in the remainder of this report) I recommend the owner be allowed to remove this Redwood. Replacement tree trunk diameter if required = 12".

3.) Redwood - DBH 22" - located in the eastern part of this area between the road & structures - fair health and poor structure - the northwest side of the tree's base has extensive decay present as it is a sprout from an old stump (like #1 above). This visible decay likely extends into the root system. Because of the tree's size, condition & location with regard to potential targets this tree is hazardous to an unacceptable degree and should be removed to eliminate the hazard and chance of possible personal injury, property damage and possible liability. Replacement tree trunk diameter = 2".

4.) Redwood - 2 trunks - DBHs 31" & 18" - located just east & inside of drive thru gate - fair health and poor structure - smaller trunk topped or broken, and along with larger trunk, will become co-dominant leaders with negative safety characteristics. The owner wishes to widen the gate and driveway in this area for emergency vehicle access (and larger vehicle access) and to do so without making the tree hazardous to an unacceptable degree, the tree must be removed (construction required to widen the gate and driveway would compromise the trees' root system to

an unacceptable degree). Again, like Redwood # 2 above removal of this tree will leave the property and area with a woodland appearance that is densely forested. The owner has agreed to plant replacement trees in an appropriate location on the property, per the Town of Ross formula in its Tree Ordinance, to mitigate the carbon sequestration capacity loss, if warranted. Replacement tree trunk diameter = 2”.

5.) Redwood - 3 trunks - DBH's 31”, 22” & 34” - located inside and 2’ east of drive thru gate - fair health and poor structure - between 2 larger trunks there is already significant included bark present creating a co-dominant leaders condition which is hazardous given this tree’s location and size. This co-dominant leader condition will continue to worsen in the future. I have been informed the gate & driveway need to be widened to accommodate emergency and other larger vehicles. The property & immediately adjacent neighborhood will continue to have a woodland appearance because of tree density in the area should the tree be removed. The owner wishes to exercise reasonable use & enjoyment of the property including making needed improvements such as the driveway & gate widening. When many of these trees started as sprouts from stumps or were planted, they did not restrict egress & access as they do now many years later. I recommend the owner be allowed to remove this Redwood for the reasons listed above including avoiding unreasonable economic costs and liability resulting from living with and/or mitigating the co-dominant leader hazard. Replacement tree diameter = 2”.

6.) Redwood - DBH 13” - located 9’ East of and outside drive thru gate along Lagunitas Rd. - this Redwood is a sprout from an old stump - significant decay is visible in lower trunk & root crown area with probable decay in root system at and below soil grade. Located along public street with frequent foot & vehicle traffic and by entryway frequented by family, visitors and workers. Fair health and very poor structure. Very poor specimen - not worth preserving. Hazardous to an unacceptable degree. Recommendation - cut tree down to eliminate hazard. Tree replacement diameter = 2”.

7.) Redwood DBH 22” - located inside and 15’ West of drive thru gate - fair health with very poor structure. This tree was a sprout from an old

Redwood stump. There is extensive decay at base of the tree trunk & into the root system. Potential targets should the tree fail include the public street, power lines, vehicle & foot traffic, family, visitors & workers. This Redwood is hazardous to an unacceptable degree and my recommendation is to cut it down to eliminate the hazard and possible personal injury, property damage & the resultant liability. Again the property and vicinity are densely forested and will remain so with the removal of this Redwood & the other 6 noted above. Tree replacement trunk diameter = 2'.

B) Local habitat will not be adversely impacted by the removal of the 7 trees.

C) The removals are necessary so the property owner can exercise reasonable use & enjoyment of the property free of unreasonable economic costs.

D) The owner wishes to be free of worry over liability associated with tree failure and possible personal injury & property damage.

E) The owner is agreeable to planting replacement trees at appropriate locations on the property or at other Ross locations, if warranted.

F) The removals will not adversely impact the subject property or neighboring properties (these trees do not provide a screen from other nearby properties) nor result in significant erosion or the diversion or increased flows of surface water. Canopy dispersion of rainfall will also not be a concern as the large number of Preserved Redwoods in this area will continue to perform this function.

G) Not all the replacement trees (if required) may have the space to grow naturally and thrive on the subject property. If this in fact occurs the decision may be made to make an in lieu payment to the Town of Ross for provision of off-site trees equivalent to the trunk diameter required in Section 12.24 080 (4). Additional options in this regard as listed 12.24 080 (5a) will be considered and utilized if warranted.

H)) As mentioned earlier the recommended removals will not adversely affect the woodland appearance of the property nor the

economic value of the property or neighborhood properties. The removals recommended will make the property and adjacent Lagunitas Rd. area safer. The removals will also benefit the adjacent Redwoods to be preserved by lessening light competition which is significant in this area where the Redwoods are many in number & densely spaced. Competition for water & nutrients will also lessen for the Preserved Redwoods.

I) The removals recommended will not have an adverse impact on shade areas as there will still be approx. 60 Redwood trunks in this relatively confined area in the front of the property. The removals will not adversely affect solar access & will benefit light & air penetration & thus eventually tree health.

J) The recommended removals will not compromise historical value. The removals will have the effect of thinning the group or stand of Redwoods modestly allowing more air & light penetration both of which are beneficial to tree health especially in a dense grouping such as this. The removals will not adversely affect the scenic beauty of the property - the thinning plus planned maintenance by the owner using tree professionals will improve tree health & help ensure the property retains its woodland appearance for generations to come.

K) As far as the general welfare of the Town as a whole, the removals will make the property & surrounding areas (including public byways) safer. As well, a healthy tree population contributes to Town residents' well being by sequestering carbon, providing an attractive appearance and providing a healthy environment for wildlife.

L) Trees to be preserved should have mulch applied over their root systems at the direction of a certified Arborist.

M) Where it can be done without harming trees to be preserved decaying stumps should be removed. This could reduce the prevalence of decay fungi & pest infestation.

SUMMARY & RECOMMENDATIONS

For the reasons listed above I recommend Mr. Samuel be allowed to proceed with the removals. The chance of failure of the hazardous trees will be eliminated and with it the chance of personal injury, property damage and liability. Reduction of light, water & nutrient competition and increased air flow will help to improve health of trees to be preserved helping to insure the property retains its woodland appearance for future generations. Tree replacement, as discussed above, will mitigate the loss of benefits the trees to be removed now provide.

Art Tyson

Board Certified Master Arborist

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4-15-2021

To: Town of Ross – ADR Committee
Ross, Ca.
Matthew Winetraub – Planning dept.

Re: 210 Lagunitas Road- Tree removal

Dear Committee members:

We have a submittal in for an ADU and front entry improvements at 210- Lagunitas Road, Ross, Ca.

Included in that submittal is an arborist report, wherein they have identified 7 – existing redwood trees to be removed for hazardous conditions, or for improved entry / fire safety access.

We are aware of the requirement to replace removed trees with addition tree planting, However, I believe that it would be inappropriate to plant more trees on this property, as the existing trees are already competing for light, air & nutrients.

Additional trees would further this condition, and add increased fire danger.

This is not a case of us not wanting to plant trees... we'd be happy to replace trees. But in this case, as stated, I don't think it is appropriate.

I'll be prepared to speak to this at the ADR meeting next week.

Michael B. Yandle
Landscape Architect

M I C H A E L B . Y A N D L E
L A N D S C A P E A R C H I T E C T U R E

13 Ross Common PO Box 1695 Ross, CA 94957-1695
TEL 415.464.0763 FAX 415.464.0765 mbYandle.com LICENSE 3136

ATTACHMENT 5

submittal shall include such provision. (2) at the toe of the downslope, there exists an area of erosion resulting in a near vertical raw slope. The applicant's soils engineer should make recommendations as to the treatment of this slope to preclude further erosion to the detriment of the area. (3) The proper use of drilled piers driven to refusal together with related reinforced concrete supporting girders and a top slab will result in a stable and safe structure. This does not negate the aesthetic liabilities resulting from construction of such a structure. Mr. Broad stated that the pool equipment would be under the deck and enclosed in an effort to eliminate noise. There was some discussion about placement of the pool in the totem pole area and Mr. Broad said this would have helped a little but would not solve the problem because of the oak trees. The pool was not the issue, the deck was the issue. Councilmember Reid was concerned about noise, structure and soil; he asked that the Town get a second engineer's opinion. Councilmember Scott asked that the applicant combine landscaping with geotechnical information on the hillside. Councilmember Goodman said he could not find the hardship and was concerned about noise going down to the valley and the location of the deck. Mayor Barry was concerned about soils, slides and the adjoining neighbors concern about slides and the deck being cantilevered over the hillside. Councilmember Reid moved approval of ITEM NO. 1 - the construction extension with the condition that the applicant comply with all previously determined conditions and that staff review the landscaping. This was seconded by Councilmember Scott and passed unanimously. There was no support for ITEM NO. 2 concerning the building permit. Councilmember Scott moved that the matter be continued for 30 days, seconded by Councilmember Goodman and passed unanimously. Mayor Barry suggested that the landscape architect contact staff concerning native landscaping on the hillside.

1. Melissa and Lang Gerhard, 210 Laquintas Road, AP 73-122-03, R-1:B-A (Single Family Residence, one acre minimum). Request is to allow: Variance and design review to allow the construction of a 420 square foot den at the rear of an existing residence. The den will be located within the rear yard setback (40 feet required, 32 feet proposed) and will replace a raised deck sited in the same location. An existing hot tub will be relocated from the deck to the rear of the residence.

VARIANCE
NO. 1103

DESIGN
REVIEW
NO. 45

Lot Area	43,560 sq. ft.	
Present Lot Coverage	8.2%	
Proposed Lot Coverage	8.2%	(15% permitted)
Present Floor Area Ratio	14.7%	
Proposed Floor Area Ratio	14.7%	(15% permitted)

The existing house is nonconforming in rear yard setback.
Councilmember Goodman moved approval with the findings in the staff report and the following conditions:

1. The Town Council reserves the right to require landscape screening for up to one year from construction completion.
2. New exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. The existing 24-hour monitored alarm system shall be extended subject to Town approval.

This was seconded by Councilmember Scott and passed unanimously.

m.

Denis Henmi and Sylvia Kwan, 16 Sir Francis Drake Boulevard, AP 72-241-26, R-1:B-A (Single Family Residence, One acre minimum). Request is to allow: Addition of an approximately 140 square foot trellis over a flagstone patio within the rear yard setback (13 feet proposed, 40 feet required.) Construction of a water fountain and barbecue within the rear yard setback (5 feet proposed, 40 feet required.) Addition of a play structure within the side yard setback (0 feet proposed, 25 feet required) and rear yard setback (2 feet proposed, 40 feet required) including a slide, rope bridge, monkey bar and play deck.)

VARIANCE
NO. 1104

DESIGN
REVIEW
NO. 46

Lot Area	11,000 sq. ft.
Present Lot Coverage	15.0%
Proposed Lot Coverage	17.3% (15% permitted)
Present Floor Area Ratio	22.7%
Proposed Floor Area Ratio	24.9% (15% permitted)

The existing residence is nonconforming in side and rear yard setback.

Mr. Henmi addressed the Council. He stated that some work was done, prior to his knowledge that a variance was required. He said that the bar-b-que is a propane gas inserted into the bar-b-que.

Councilmember Goodman felt that the topography of the lot was a hardship and the applicant was not adding to bulk and density.

Mrs. Joan Holmes, the adjoining neighbor, noted for the record her two letters dated July 15, 1994 and August 8, 1994. She was concerned about the walkway from kitchen to bar-b-que and the frequent use. She had no objection to the play structure. She said that the applicant agreed to screening to soften noise. She expressed concern over the condition of the retaining wall and a letter was received from Mr. Henmi confirming that he would retain an engineer to design a retaining wall and subsurface drain system to prevent rain and irrigation water runoff onto her property. (Letter dated August 10, 1994).

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

1. The Town Council reserves the right to require landscape screening for up to two years from landscaping installation.
2. New exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. Water from the patio shall be collected and run away from the adjacent property to the north, subject to the approval of the Building Official. A natural ditch shall be created along the north side property line to collect surface water and dispose of it away from the adjacent property subject to the approval of the building official.

13. No changes from the approved plans shall be made without the prior approval of the Town of Ross. Colors and materials shall be consistent with the approved materials board.

This was seconded by Councilmember Goodman and passed with three affirmative votes. Mayor Barry voted against.

21. DESIGN REVIEW & VARIANCE.

DESIGN
REVIEW
NO. 53

VARIANCE
NO. 1114

Ken and Judy Siebel, 81 Fernhill Avenue, AP 73-072-06, R-1:B-A (Single Family Residence, one acre minimum). Variance and design review to allow additions and alterations to an existing residence including the addition of 265 square feet of floor area for kitchen, stairway and mud room additions on the first floor of the residence. A 132 square foot terrace will be added to the second floor above the kitchen addition. A 302 square foot trellis will be added over the south rear patio.

Lot Area	88,862 sq. ft.
Present Lot Coverage	6.7%
Proposed Lot Coverage	7.1% (15% permitted)
Present Floor Area Ratio	13.3%
Proposed Floor Area Ratio	13.9% (15% permitted)

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

Councilmember Goodman moved approval with the findings in the staff report and with the condition that a smoke detector shall be provided as required by the Building Department. This was seconded by Councilmember Scott and passed unanimously.

22. VARIANCE & DESIGN REVIEW AMENDMENT.

DESIGN REVIEW
NO. 54

VARIANCE
NO. 1115

Melissa and Lang Gerhard, 210 Lagunitas Road, AP 73-122-03, R-1:B-A (Single Family Residence, one acre minimum). To allow the construction of a 420 square foot den at the rear of an existing residence was approved by the Town Council in August, 1994. The den was located within the rear yard setback (40 feet required, 32 feet approved.)

An amendment to allow the conversion of 125 square feet of raised deck area adjacent to the approved den into additional den area is requested. Modifications to the approved den design will occur as part of the proposed den expansion. The deck and den are located within the rear yard setback (40 feet required, 29 feet existing and proposed.)

2/9/95

Lot Area	43,560 sq. ft.	
Present Lot Coverage	8.2%	
Proposed Lot Coverage	8.2%	(15% permitted)
Present Floor Area Ratio	14.7%	
Proposed Floor Area Ratio	14.7%	(15% permitted)

The existing house is nonconforming in rear yard setback.

Councilmember Reid moved approval with the following conditions:

1. Plantings shall be provided along the north side of the addition. The Town Council reserves the right to require additional landscape screening for up to one year from project final.
2. New exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. The existing 24-hour monitored alarm system shall be extended subject to Town approval.

This was seconded by Councilmember Scott and passed unanimously.

MAYOR PRO TEMPORE GOODMAN STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

23. VARIANCE.

F. Haynes Lindley, Jr., 42 Shady Lane, AP 73-161-32, R-1:B-A, Single Family Residence, One Acre minimum. Roofing over and enclosing an existing 120 square foot passageway and combining with an existing storage room by removing a wall. Four new skylights will be added in the roofed area.

VARIANCE
NO. 1116

This project will comply with current setback regulations and other zoning regulations. A variance is required because the existing pool house, pool and a shed are nonconforming in setback. The overhang of the residence is within 15 feet of the side yard setback.

Lot Area	67,034 sq. ft.	
Present Lot Coverage	13.5%	
Proposed Lot Coverage	13.7%	(15% allowed)
Present Floor Area Ratio	11.0%	
Proposed Floor Area Ratio	11.2%	(15% allowed)

Councilmember Reid moved approval with the findings in the staff report dated February 3, 1995, and with the condition that a smoke detector shall be provided as required by the Building Department. This was seconded by Councilmember Scott and passed with three affirmative votes.

December 14, 2000

Council cannot do anything unless the neighbors agree.

Mr. Jim Caitlin, the architect, said that ingress/egress on Sir Francis Drake Boulevard is a headache. There is an old gate onto Berry Lane and they wish to have the driveway approach onto Berry Lane.

Former Councilmember Gary Scales who lives on Berry Lane said that they felt they had a solution but the neighbors had not had an opportunity to discuss it.

Councilmember Gray moved that the entire matter be deferred so that the applicants, neighbors and landscape architect could work together, seconded by Mayor Pro Tempore Hart and passed unanimously.

COUNCILMEMBER GRAY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

16. **VARIANCE.** #1380

Melissa Gerhard, 210 Lagunitas Road, 73-122-03, R-1:B-A (Single Family Residence, One acre minimum). Variance to allow after-the-fact approval for the construction of a solid wood fence up to 7 feet in height with lattice panels up to 8 feet in height along the front property line. An 8-foot high lattice fence is proposed along a portion of the rear property line. Both fences replace existing fencing with the same height and design.

Town Planner Broad explained that this application is for an after-the-fact approval of what was identified as a seven-foot fence with lattice panels abutting the rear of the fence along the property line. Pictures were submitted showing the original fence. He said that the previous fence was the same design but he was not sure of the height. The applicant turned in a statement of findings and unusual circumstances: the property is the last property before the entry into Natalie Coffin Greene Park where the roadway turns from asphalt to dirt; dust from the traffic; privacy issues; traffic and pedestrians stop and look into the property. The landscaping in front of the fence was pruned back but would ultimately return to provide additional screening.

Mayor Curtiss said that there are two fences and Mr. Broad explained that there is 6 ft. of solid fence with 8 feet of lattice panels that abut the solid fence, the highest point is 9 ½ feet. Mayor Curtiss said that the trellis could be lowered to a foot above or be removed.

Mrs. M. Gerhardt said the fence looks awful in its present state because the front hedge was severely pruned but once the landscaping was established, the fence would not be seen.

Mayor Pro Tempore Hart felt that the lattice breaks up the transition of a high wall, all of which would be disguised when the hedge grows. Councilwoman Delanty Brown said that the fence would weather and fade into the background.

Councilmember Zorensky said that he did not notice a fence until the bushes were cut down and he questioned whether this fence was higher than the old fence. Mr. Broad responded that it could be higher by six inches.

Councilmember Zorensky moved that the lattice panels behind the fence be reduced to a height equal to the solid wooden fence and be eliminated from view, this was seconded by Mayor Curtiss.

Mayor Pro Tempore Hart said that seeing the lattice and knowing that the landscaping would grow, he felt that the lattice provided a visual relief. He favored that the lattice be one foot above the solid fence, and that the Council reserve the right to come back in two years and require more landscaping, if needed. Councilmember Zorensky accepted these amendments to his motion as did Mayor Curtiss to his second. Following are the conditions of approval:

1. This approval shall allow the existing solid wood fence to remain. The lattice panels shall be removed or lowered to no more than one foot above the solid wood fence--as determined by the Town Council at this meeting. Lattice panels up to a maximum height of eight feet may be placed along the rear property line.
2. All dead or dying flammable material must be removed and cleared per Ross Municipal Code Chapter 12.12. A street number must be posted (minimum 4 inches on contrasting background.)
3. Existing vegetation between the fences and roadway shall be retained and augmented as necessary to screen the fence from view.

December 14, 2000

4. The Town Council reserves the right to require additional landscape screening for up to two years.
5. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
6. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
7. Any portable chemical toilets shall be placed off the street and out of public view.
8. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Mayor Curtiss then called for a vote and the motion passed with four affirmative votes. Councilmember Gray had stepped down.

COUNCILMEMBER GRAY RETURNED TO THE COUNCIL CHAMBERS.

17. ^{#1381} VARIANCE AND DESIGN REVIEW. ^{#276}
Alexander Lushtak, 4 Upper Road, 73-121-01, R-1:B-A (Single Family Residence, One acre minimum). Variance and design review to allow the construction of 2-sets of entry gates along the existing driveway. The iron gates and brick columns will reach a maximum height of 8 feet (6 feet permitted.) A 6.5-foot high iron fence with a brick base is proposed along the front property line between the gates. A 6-foot high iron fence is proposed along the remaining Upper Road front property line, extending approximately 550 feet to the southeast property corner and 40 feet to the northwest property corner.

Town Planner Broad said that he had no objection to the iron fencing around the remaining property which is similar to other properties in the neighborhood but gates and pillars have not been permitted over 7 ft.

Mr. Elias felt that the gates should be set back an additional 6 ft. for a total of 19 feet so that vehicles would be off Upper Road. In response to a question by Mayor Curtiss, Michael Yandell, the landscape architect, said that the gap between the gate bars is six inches. Mr. Yandell said that they had the enthusiastic support of the neighbors. Mayor Pro Tempore Hart asked if the yard dropped off quickly and questioned the brick walls attached to the pillars. Mr. Yandell said that the property does drop off by two to two and a half feet and there is an existing brick wall on the site and he hoped to tie them together.

Councilwoman Delanty Brown noted that a tree by the exit was tied with an orange ribbon. Mrs. Lushtak responded that it was marked for irrigation purposes and would not be disturbed.

Councilmember Zorensky asked Mr. Broad about grand entry statements in other parts of Town and Mr. Broad said that the Lawrences on Garden Road wanted to install eight/nine foot entry gates off of Wellington and the Council did not approve that. Mr. Sean Penn of Laurel Grove wanted higher walls but they were scaled back to 7 ft.

Former Mayor George Dirkes of Upper Road said that he supported the proposal and felt it was in keeping with the neighborhood.

Mrs. Lushtak asked that the gaps between the gate bars be no more than five inches wide, to meet child safety regulations.

future hearing on abandonment for the August Town Council meeting. Motion carried unanimously.

25. **210 Lagunitas Road, Variance and Design Review No. 1884**

David and Jeanine Samuel, 210 Lagunitas Road, A.P. No. 73-122-03, R-1:B-A (Single Family Residence, 1-acre minimum lot size), Very Low Density (.1-1 units per acre), Zone X (outside 1-percent annual chance floodplain); area of creek in Zone A (1-percent annual chance floodplain). Request for design review and variance for the following: 1.) 585 square foot addition consisting of a mud room and breakfast room on the east side of the residence and a bedroom in the location of a 2nd floor roof deck on the west side of the residence; 2.) change to the exterior siding from natural shingles to gray stained shingles; 3.) new deck at the northwest corner of the first floor, within the rear yard setback (40 feet required, 21.5 feet proposed); 4.) new U-shaped driveway entry to the property; 5.) three entrance gates and columns up to 6 feet tall (4 feet permitted without design review); 6.) repair and reconstruction of the stone walls along Lagunitas Avenue; and 7.) 6 foot tall fencing along the front property line and partially within the public right-of-way, to replace existing fencing (4 feet permitted without design review). A tree removal permit is requested to remove 4 trees with a diameter greater than 8" for construction of the proposed driveway. An encroachment permit is requested to locate entry gates, fencing, stone walls, cobble driveway aprons and landscaping within the Lagunitas Road right-of-way. The existing floor area is 5,709 square feet; total floor area of 6,294 square feet is proposed.

Lot Area	45,098 square feet
Existing Floor Area Ratio	12.7%
Proposed Floor Area Ratio	14.0% (15% permitted)
Existing Lot Coverage	9.4%
Proposed Lot Coverage	10.5% (15% permitted)
Existing Impervious Surfaces	19.9%
Proposed Impervious Surfaces	17.1%

The existing development is nonconforming in setbacks.

Senior Planner Elise Semonian summarized the staff report and recommendation. She indicated that the deck had been reduced in size by about 50% since the staff report was prepared. Staff recommended modifying Condition No. 2 to read: The proposal to replace the existing asphalt driveway surface with pavers is not approved in order to protect the mature redwood trees. The deck within the rear yard setback is not approved as there are no unusual site circumstances and the deck is not a substantial property right. Staff also modified Condition No. 22 to read as follows: "This project shall comply with all requirements of the Ross Valley Fire Department: 1.) sprinklers are recommended and may be required; 2.) a 24-hour monitored alarm system may be required with smoke/water flow; 3.) all dead or dying flammable material shall be cleared and removed per Ross Municipal Code Chapter 12.12 from the subject property; 4.) the street number must be posted (minimum 4 inches on contrasting background); 5.) The Ross Valley Fire Department may require modification of the clear openings for the new gates to comply with the Ross Municipal Code requirements; 6.) A lox knox box shall be required for the gates; and 7.) plans submitted for the building permit shall comply with all conditions of the

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Ross Valley Fire Department Plan Review dated 7/10/12, prior to issuance of the building permit."

Max Chrome, architect, noted that the Advisory Design Review (ADR) Group had concern about the tall rounded portion of the project. They studied the articulation and determined that they liked the design as submitted. They believe additional landscaping would solve the issue. He then provided the Council with a rendering for their consideration showing a climbing vine with more greenery, which matches the front part of the house. Also, they would like to remove the asphalt to benefit the redwoods. Senior Planner Semonian indicated that the Town's arborist should review and approve the work under the trees.

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

Council Member Hoertkorn noted support with the amendments and changes recommended by staff. She felt removal of the asphalt should be left for another discussion. Mayor Pro Tempore Kuhl agreed. Council Member Small also agreed and desired more conversation about the asphalt. Council Member Brekhus had no objection.

Mayor Russell desired a pedestrian gate. Council Member Small pointed out that the Council never imposed a condition in regard to a pedestrian gate. Mayor Pro Tempore Kuhl added that it is a very unusual street and there is not much pedestrian traffic. Architect Chrome indicated that if his client is willing to add a pedestrian gate, they are willing to draw in a pedestrian gate. Council Member Small did not want to start a new practice of imposing pedestrian gates. Mayor Russell did not appreciate gated compounds and believed there should be a policy discussion in that regard.

Mayor Russell asked for a motion.

Council Member Small moved and Council Member Brekhus seconded, to approve the project subject to the findings and conditions outlined in the staff reports. Motion carried unanimously.

Findings for Deck Variance

1. That there are special circumstances or conditions applicable to the land, building or use referred to in the application. There are special circumstances applicable to the site. The site is large, but development areas are limited by the large grove of protected redwood trees, the location of the creek, and the historic siting of the residence far back on the lot where only a 25 foot front setback is required.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights. The proposed deck allows for installation of doors to allow views towards the creek and yard areas and provide access to the yard. The proposed deck is necessary as a landing and walkway outside of the sliding doors.
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

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applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. The deck is limited in size and not large enough to provide a recreation area that could have noise or other impacts for neighbors. The deck is setback far from the creek and adjacent sites.

210 Lagunitas Road Conditions: *(shall be reproduced on the first page of the plans submitted for building permit):*

1. The project shall be constructed in substantial conformance with the plans approved by the Town Council on 7/12/12, on file with the Planning Department except as otherwise provided in these conditions. The demolition shall substantially conform to the demolition shown on the approved plans.
2. ~~The proposal to replace the existing asphalt driveway surface with pavers is not approved in order to protect the mature redwood trees. The deck within the rear yard setback is not approved as there are no unusual site circumstances and the deck is not a substantial property right.~~
3. The applicant shall modify the design of the west elevation to add an architectural feature to break up the vertical mass of that addition, as recommended by the Advisory Design Review Group. Plans for the modification may be reviewed and approved by staff in consultation with the Chair of the ADR group.
4. The applicant shall submit details for the rock wall repair and modification work to ensure that the work will match the historic style and construction techniques of the wall (for example, no visible concrete or grout). Staff may require review by an architectural historian, at the applicant's expense, if necessary to ensure the historic character of the wall is preserved.
5. A drainage plan shall be submitted for review and approval by the Public Works Director/Building Official prior to issuance of a building permit. The drainage design shall comply with the Town's stormwater ordinance (Chapter 15.54). The plan shall be designed to produce no net increase in peak runoff from the site compared to pre-project conditions. Roof leaders shall not be tight-lined to the street and shall be directed to appropriately sized drainage facilities. All runoff shall be dissipated on site. Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and written confirmation that the Town-approved plan has been installed shall be provided to the building department prior to final inspection on the project.
6. The Public Works Director may require utilities to be undergrounded to the nearest utility pole.
7. All costs for town consultant, such as the town arborist, review of the project shall be paid prior to building permit issuance. Any additional costs incurred to inspect or review the project shall be paid as incurred and prior to project final.
8. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

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9. The Building Official and other Town staff shall have the right to enter the property at all times during construction to inspect operating procedures, progress, compliance with permit and applicable codes.
10. 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. Written confirmation, such as an email, that the project complies shall be submitted to the building department prior to project final.
11. As a condition of approving the tree removal request, the applicant shall plant 3 native replacement trees for each tree removed. Staff recommends native tree replacement in the area of the watercourse setback to restore shading of the creek.
12. Any exterior lighting shall be submitted for the review and approval of planning department staff. Lighting shall be shielded. Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No uplighting of walls, trees or landscaping is permitted.
13. A tree protection plan is required prior to issuance of the building permit. A certified arborist shall establish Tree Protection Zones for all protected trees, including trees on adjacent sites that may be impacted by construction. A certified arborist shall be on site during all trenching and excavation work near protected trees, including any grading associated with the installation of the driveway. The consulting arborist should review any plan or revisions affecting trees. This includes (but not limited to) plans for demolition, erosion control, improvement, utility and drainage, grading plans, landscape and irrigation.
 - a. No equipment, storage, dumping, grading or excavation should be permitted within the designated tree protection zones without the prior written approval of the consulting arborist.
 - b. If excavation must occur within the tree protection zone the consulting arborist should determine where tunneling, hand work, and root pruning is required (root pruning should be completed prior to grading activity).
 - c. The Project Arborist shall inspect any piers within the Tree Protection Zones of Preserved trees prior to backfilling and implement any recommendations.
 - d. Any pruning of trees should be in accordance with the Tree Pruning Guidelines as established by the International Society of Arboriculture and adhere to the most recent edition of the American National Standards Institute for Tree, Shrub and Other Woody Plant Maintenance (ANSI A300).
 - e. All fertilization of trees shall be in accordance with the Tree Pruning Guidelines as established by the International Society of Arboriculture and adhere to the most recent edition of the American National Standards Institute for Tree, Shrub and Other Woody Plant Maintenance Standard Practices (Fertilization) (ANSI A300 Part 2).
 - f. Landscapes should be designed to exclude trenching for irrigation lines within the tree protection zone and no irrigation should be applied within 5 feet of the trunks of protected trees.
 - g. Any new plantings within the tree protection zone should be designed to be compatible with the cultural requirements of the retained tree(s), especially with regard to irrigation and nitrogen application.

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- h. Tree protection fencing should be installed prior to permit issuance to minimize damage to root systems of preserved trees. Tree Protection fencing will designate the Tree Protection Zones and will be constructed of 4-foot high plastic and attached to metal stakes no less than 12 inches into ground and at 6-foot centers. The Project Arborist shall determine fence locations. The Project Arborist shall inspect the site, prior to issuance of a building permit, to determine if tree protection fencing has been properly installed.
14. No trees shall be removed until a building permit is issued for the project.
15. Prior to any work within the right-of-way, the applicant shall secure and record a revocable encroachment permit from the Department of Public Works for any improvements to be located within the right-of-way.
16. The applicant shall prepare an erosion and storm water pollution prevention plan for the construction.
17. A copy of the building permit shall be posted and emergency contact information shall be up to date at all times.
18. Working Hours shall be limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. No exceptions shall apply.
19. Road closures shall not be permitted.
20. The following conditions relate to protection of the creek during all phases of construction: a.) The creek shall be protected during construction to ensure no soil, concrete, cement, slurry, or other construction debris is permitted to enter the creek. If any soil, concrete, cement, slurry, or other debris inadvertently enters the creek, the material shall be cleaned up and removed from the channel immediately. b.) Staging/storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the creek channel and associated riparian area. c.) Spoil sites shall not be located within the stream channel, where spoil may be washed back into the creek. Building materials and construction equipment shall not be stored where materials could fall or be washed into the creek.
21. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final, including compliance with any applicable MMWD water-conserving landscape ordinance. Prior to project final, the applicant shall submit written evidence to the town that the landscaping plan has been approved by MMWD, or that it is exempt from their requirements.
22. This project shall comply with all requirements of the Ross Valley Fire Department: 1.) sprinklers are recommended and may be required; 2.) a 24-hour monitored alarm system may be required with smoke/water flow; 3.) all dead or dying flammable material shall be cleared and removed per Ross Municipal Code Chapter 12.12 from the subject property; 4.) the street number must be posted (minimum 4 inches on contrasting background); 5.) The Ross Valley Fire Department may require modification of the clear openings for the new gates to comply with the Ross Municipal Code requirements; and 6.) A lox knox box shall be required for the gates; and 7.) plans

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submitted for the building permit shall comply with all conditions of the Ross Valley Fire Department Plan Review dated 7/10/12, prior to issuance of the building permit.

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

24. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

25. **NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. RED-LINED PLANS SHOWING ANY PROPOSED CHANGES SHALL BE SUBMITTED TO THE TOWN PLANNER PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.**

26. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.

27. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

26. **15 Woodside Way, Variance and Design Review No. 1886**

Susanne and Peter Chase, 15 Woodside Way, A.P. No. 73-252-06, R-1:B-6 (Single Family Residence, 6,000 sq. ft. minimum lot size), Medium Density (6-10 units per acre).

Variations and design review for 328 square foot bedroom addition to the existing 1,244 square foot one-bedroom residence, within the guideline watercourse setback (25-feet from the top of bank recommended, approximately 10 feet proposed). The addition is proposed at the lower level, east of the existing residence, in the area of an existing deck. The roof overhang for the addition would extend into the north side yard setback (15 feet required, 13 feet proposed). The proposed board and batten siding, shingles, windows and trim would match the existing residence.

Lot area	6,900 square feet
Existing Floor Area Ratio	19.8%
Proposed Floor Area Ratio	24.5% (20% permitted)

ATTACHMENT 6

Architect Matthias Troitzsch stated that the gazebo can be omitted from the current project proposal and the pool latticework can be upgraded.

Laura Dewar:

- Appreciates the design and likes the radius-edges throughout the project.
- The new house would step down further than the current house to mitigate any potential new visual impacts to neighbors.
- The new house “disappears into the site”; may be more visible at night with illumination.
- The gazebo “folly” stands out and may be unique in Ross; could be acceptable if lower.

Architect Matthias Troitzsch replied that off-site glare/illumination will be avoided by recessed lighting, shades, etc.

Mark Kruttschnitt:

- Agrees with comments of other ADR Group Members; project is a massive improvement to the site.
- Recommends omitting the gazebo from the current project and conducting further review with the ADR Group on that element (may occur after project construction).
- Not concerned about the ADU access; doesn’t believe additional accessway is needed.

Chair Kruttschnitt summarized that the ADR Group unanimously recommended Design Review approval with conditions that the proposed gazebo be omitted from the current project; and that the pool latticework material be replaced/upgraded with a higher quality, more aesthetic treatment such as stepped walls and/or planted wire mesh. Member Fritts also noted his preference to minimize/reduce the driveway/parking area, which was not supported by other Members.

Chair Kruttschnitt closed the hearing.

b. 210 Lagunitas Road, Samuel Residence

Owner: Dave Samuel

Applicant: Charles Theobald, Architect

DESCRIPTION: The applicant is requesting approval to construct a new 589-square-foot, second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing garage by 120 square feet at the first story; replace and reconfigure the existing asphalt driveway with a new sand-set cobble driveway, also involving the removal of seven existing redwood trees; and modify the existing street-facing walls and entry gates.

Director Streeter introduced the project and summarized written comments received. Howard Schomer (address not provided) objected to the proposed removal of seven redwood trees and requested that the project proceed without the proposed tree removal.

Architect Charles Theobald and Landscape Architect Michael Yandle provided information on the project.

Chair Kruttschnitt asked for and received clarification from the applicant with respect to the information contained in the arborist report vs. the purpose and justification for the proposed tree removal and the number of trunks proposed for removal. Director Streeter stated that Town staff was not satisfied with the submitted arborist report and that the Town's arborist visited the site that day to provide an independent assessment which is forthcoming; and that the Town's policy is to count only the largest trunk of multi-trunk trees.

No new public comments were received.

ADR Group Members discussed the merits of the project and provided the following comments:

Laura Dewar:

- ADU above the garage is a modest proposal with minimal impact; limited height increase of 18" is appreciated.
- Understands the need to widen the vehicular gate and driveway entry area for proper access, which necessitates/justifies the proposed tree removal.
- Appreciates the special character of the redwoods on the site and understands neighbor's apprehension to tree removal.
- Supports the gate and wall changes for purposes of privacy on a well-traveled road.

Josefa Buckingham:

- Wants to be sure that the existing nonconforming setback is not exacerbated.
- Existing deep-pitched roof is "gracious, old school"; proposed to be altered by "jacking up" to a two-story element. Recommends maintaining the sloping roof by raising the ridge height as needed which may be above 30'.
- Recommends making the ADU entry an open, lighter/transparent design vs. a solid mass facing the property entrance.
- Existing structure is "quiet and dark" and "goes away" which is preferable; proposed new structure includes lots of fenestration, fascia, painting to match the main house which would be a "jolt to the system".
- Supports the gate and wall changes for purposes of privacy on a well-traveled road.

Stephen Sutro:

- Supports the proposed new gate and wall; "fabulous", "look great".

- Cannot support the new second-story ADU in nonconforming location as currently proposed; “not architecturally appropriate”.
- Architecture should better match the architecture of either the existing main house or the existing garage.
- Agrees with Member Buckingham that the existing sloped roofline is preferable vs. a roofline that appears to be designed to conform to the maximum building height limit; recommends a low-sloped hipped roof (not gable roof) with overhangs/beam ends to exactly match the main house.
- Windows should match the main house; double-hung couplets with upper divided lights.
- Solid ADU entry is not preferable; departs from the main house architecture.
- Numerous trees exist on the property; driving on the site requires weaving around; some tree removal is justified if replaced with mature specimens.

Chair Kruttschnitt asked for and received clarification from the applicant with respect to the minimum required setbacks on the Hillside Lot.

Mark Kruttschnitt:

- Supports the proposed new gates and wall.
- It’s unfortunate that the Hillside Lot setbacks apply to the flat portion of the site, which results in greater nonconformity. The project could comply with the standard zoning setbacks.
- The massing is not an issue from the street; supports a second-story ADU in concept if designed appropriately.

Mark Fritts:

- Supports the gate and wall changes.
- Understands the need to widen the vehicular gate and driveway entry area for proper access, which necessitates/justifies the proposed tree removal.
- It’s unfortunate that the Hillside Lot setbacks apply to the relatively flat property, which results in greater nonconformity.
- Supports a second-story ADU in concept if designed appropriately; a first-story ADU would be more impactful on the site.
- Proposed design is “in between” the existing main house and existing garage; recommends matching the existing garage architecture and maintaining distinction from the main house.
- Recommends a broader, low-sloped roof with taller ridge over the ADU, not incongruous with the main house.
- Avoid white trim and maintain recessed, “campy” character.
- Appreciates ADU solid entry treatment to merge with the building mass; may not support an open stair which could have an “apartment building feel”.
- Supports garage addition for pool equipment relocation.
- Recommends removing/relocating the existing nonconforming water tank away from the neighbor’s property, which is not proposed to be changed.

- Recommends tagging all tree trunks proposed to be removed on site, not just the largest trunks of multi-trunk trees.

Architect Charles Theobald responded to comments and provided information on proposed design alternatives with respect to setbacks, roof form and height, colors, ADU entry, and creek buffer; and stated that the applicant is flexible in revising the design to be consistent with the ADU Group's comments.

Director Streeter summarized that the ADR Group is largely supportive of the project in concept and with specific design revisions; that the applicant should provide better identification on site of trees proposed to be removed; and that the applicant should resubmit revised plans that address the ADR Group's comments for staff review prior to scheduling the application for Town Council review. Staff may consult further with individual ADR Group Members on revised plans that are resubmitted prior to scheduling the application for Town Council review. Later in the meeting, Member Fritts clarified that the ADR Group did not achieve consensus on the proposed tree removal and/or mitigation.

Architect Charles Theobald requested a poll of ADR Group Members on preference for a second-story ADU above the garage vs. a new one-story ADU on undeveloped area. The ADR Group Members unanimously supported a second-story ADU above the garage as the most preferred location; and did not support a new one-story ADU on undeveloped area. Member Buckingham reiterated that a better, more appropriate building design that maintains existing character/appearance and that "recedes into the distance" and visually "goes away" could mitigate for setback encroachments and nonconformities of a second-story ADU above the garage.

Chair Kruttschnitt closed the hearing.

c. 10 Ames Avenue, Costello Residence

Owner: Dan and Carly Costello

Applicant: Brad Eigsti, Imprints Landscape Architecture

DESCRIPTION: The applicant is requesting approval to construct a new 520-square-foot pool and associated patios and patio structures, decking, and mechanical equipment enclosure at the west side of the existing single-family residence.

Director Streeter introduced the project. No written comments were received.

Landscape Architect Brad Eigsti provided information on the project.

No public comments were received.

ADR Group Members discussed the merits of the project and provided the following comments:

ATTACHMENT 7

Patrick Streeter

From: Howard Schomer <hschomer@gmail.com>
Sent: Friday, April 16, 2021 2:43 PM
To: Patrick Streeter
Subject: 210 Lagunitas

Follow Up Flag: Follow up
Flag Status: Flagged

Hello -

I am nearly always in support of homeowners' ability to improve their homes as they wish, as long as there is no significant impingement upon others' rights or quality of life.

However, I did want to add comment to the upcoming ADR review of 210 Lagunitas and the proposed removal of seven redwoods. We have seen too-many-to-count old redwoods and other trees removed from Ross in recent years, altering the town's ambience significantly in some areas.

Some removals are understandably due to fire concerns, but many are simply to clear views for homeowners, or make way for more square footage or other 'improvements'.

I respectfully request this project find a way to proceed without removal of any redwoods.

Regards,

Howard Schomer