



Agenda Item No. 9a.

Staff Report

Date: February 15, 2024
To: Mayor Brekhus and Council Members
From: Alex Lopez-Vega, Assistant Planner
Subject: Ludlow Residence, 18 Canyon Road

Recommendation

Town Council consideration for Design Review, a Variance, and a Hillside Lot Permit for the project described below located at 18 Canyon Road. The Town Council may adopt Resolution No. 2352 (Attachment 1) approving the project, subject to conditions.

Property Owner: Robert and Sandra Ludlow
Applicant: Robert Ludlow, Architect
Street Address: 18 Canyon Road
Parcel Number: 072-031-55
Zoning: R-1: B-5A
General Plan: VL (Very Low Density)
Flood Zone: X (Moderate Risk)

Project Data

	Code Standard	Existing	Proposed
Lot Area	5 Acres	61,044 SF	No Change
Floor Area (FAR)	10%	3,099 SF (5%)	No Change
Building Coverage	10%	2,391 SF (4%)	No Change
Side Setback	25'	Hot tub equipment 15'	No Change
Rear Setback	40'	Hot tub 15'	No Change

	Code Standard	Existing	Proposed
Impervious Surface Coverage	Minimize and/or mitigate for any increase.	2,418 SF	No Change

Project Description:

The applicant requests approval for Design Review, Variance, and a Hillside Lot Permit. The project proposes to legalize the existing nonconforming hot tub located within the rear yard setback and the hot tub equipment located in the side yard setback. The hot tub is heavily screened and not visible from any adjoining surrounding properties. The existing hot tub is made up of cedar and is integrated into the wood deck attached to the single-family residence. The required rear setback is 40-feet, and the existing hot tub is located 15-feet from the rear property line.

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

The proposed project is subject to the following approvals:

- **Design Review Permit is required pursuant to RMC Section 18.41.010** for the rehabilitation, and/or renovation of existing landscape over 2,500 square feet.
- **Hillside Lot Permit is required for lots with a slope of 30 percent or more, pursuant to RMC Section 18.39.020**
- **A Variance is required pursuant to RMC 18.48.010** to legalize existing nonconforming hot tub within the rear yard setback and hot tub equipment within the side yard setback.

Background

The project site is a 61,044 square-foot steeply sloping lot on Canyon Road. The lot has a single-family residence which includes an easement. The subject site has an average slope that is greater than 30%. During the 2022 resale inspection, staff noted the existence of an unpermitted hot tub. Based on resale inspection records, the hot tub may have been constructed without a permit between 2014 and 2022. The current property owner requests legalization and maintenance of the existing hot tub and has applied for Design Review, Variance, and a Hillside Lot Permit.

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 for Attics, a Hillside Lot Permit, and/or a Variance.

On January 16, 2024, the proposed project was reviewed by the Advisory Design Review (ADR) group. The ADR members supported the hot tub and hot tub equipment since the location of the hot tub is heavily screened and far away from adjacent properties.

Draft minutes of the January 16, 2024, ADR meeting are included as **Attachment 4**.

Discussion

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

Design Review

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

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

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

The project provides design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," provides low-density character and identity that is unique to the Town of Ross; preserves lands which are unique environmental resources; enhances the area in which the project is located; and promotes and implements the design goals, policies, and criteria of the Ross General Plan. The project proposes materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are

compatible with structures in the neighborhood and do not attract attention to the structures. Landscaping protects privacy between properties and is compatible with the surrounding neighborhood. The plans meet the Town's no net runoff policy.

Hillside Lot Permit

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

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

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

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

Variance

Pursuant to RMC Section 18.48.010, where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the zoning ordinance may result from the strict application of certain provisions thereof, variances, exceptions and adjustments may be granted, by the Town Council in appropriate cases, after public notice and hearing as provided in the zoning ordinance. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

In accordance with RMC Section 18.48.010 (c), a Variance is recommended for approval to legalize the existing hot tub and hot tub equipment based on the following mandatory findings:

- 1) That there are special circumstances or conditions applicable to the land, building or use referred to in the application.
- 2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.
- 3) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Fiscal, Resource and Timeline Impacts

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

Alternative actions

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

Environmental Review

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

Public Comment

Public Notices were mailed to property owners within 500 feet of the project site 10 days prior to the meeting date and no comments were received at the time of writing this report.

Attachments

1. Resolution No. 2352
2. Project Plans
3. Project Application and Materials
4. Draft ADR Meeting Minutes, January 16, 2024

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2352

RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, HILLSIDE LOT PERMIT, AND VARIANCE TO LEGALIZE AN EXISTING HOT TUB AND HOT TUB EQUIPMENT AT 18 CANYON ROAD, A.P.N. 072-031-55

WHEREAS, the applicant Robert Ludlow Architects, on behalf of property owners, Robert and Sandra Ludlow, submitted an application requesting approval of Design Review, a Hillside Lot Permit, and a Variance to legalize the existing nonconforming hot tub located within the rear yard setback and the hot tub equipment located in the side yard setback. The hot tub is heavily screened and not visible from any adjoining surrounding properties. The existing hot tub is made up of cedar and is integrated into the wood deck attached to the single-family residence at 18 Canyon Road APN 072-031-55 (herein referred to as “the Project”).

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

WHEREAS, on February 15, 2024, the Town Council held a duly noticed public hearing to consider the Project; and

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

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

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 15th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Cyndie Martel, Town Clerk

Elizabeth Brekhus, Mayor

EXHIBIT "A"
FINDINGS
18 Canyon Road
A.P.N. 072-031-55

A. Findings

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

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

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

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

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

c) The project is consistent with the Ross General Plan and Zoning Ordinance.

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

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

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

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

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

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

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

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

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

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

The special circumstances and conditions applicable to the project include the substandard lot size of less than an acre, which is less than the minimum lot size of five acres for the district. The property is subject to development standards that are intended to be applicable

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

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

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

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

The existing hot tub and hot tub equipment would not adversely affect the health and safety of nearby residents as the project is not visible from any adjacent properties and the project is heavily screened.

EXHIBIT "B"
CONDITIONS OF APPROVAL
18 Canyon Road
A.P.N. 072-031-55

1. The building permit shall substantially conform to the plans entitled, "Ludlow Residence" dated 1/12/2024, and reviewed and approved by the Town Council on February 15, 2024.
2. Except as otherwise provided in these conditions, the Project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
3. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the Project and will not extend the permitted construction period.
4. The Project shall comply with the Fire Code and all requirements of the Ross Valley Fire Department (RVFD).
5. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the Project.
6. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
7. A Tree Permit shall not be issued until the project grading or building permit is issued.
8. The Project shall comply with the following conditions of the Town of Ross Planning and Building Department and Public Works Department:
 - a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within

the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

- b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
- c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the Project. Any additional costs incurred by the Town, including costs to inspect or review the Project, shall be paid as incurred and prior to project final.
- d. The applicant shall submit an erosion control plan with the building permit application for review by the Building Official/Director of Public Works. The Plan shall include a signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
- e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the Project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
- f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
- g. No additional landscaping shall be permitted within the private road.
- h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 8n.
- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion

control plan. The construction schedule shall detail how the Project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).

- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the Project and the construction management plan.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.
- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust

control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- r. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the Director of Public Works pursuant to Ross Municipal Code Section 15.25.120.
- s. The Project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
- w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
 - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.
 - ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

- iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.
9. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

ATTACHMENT 2

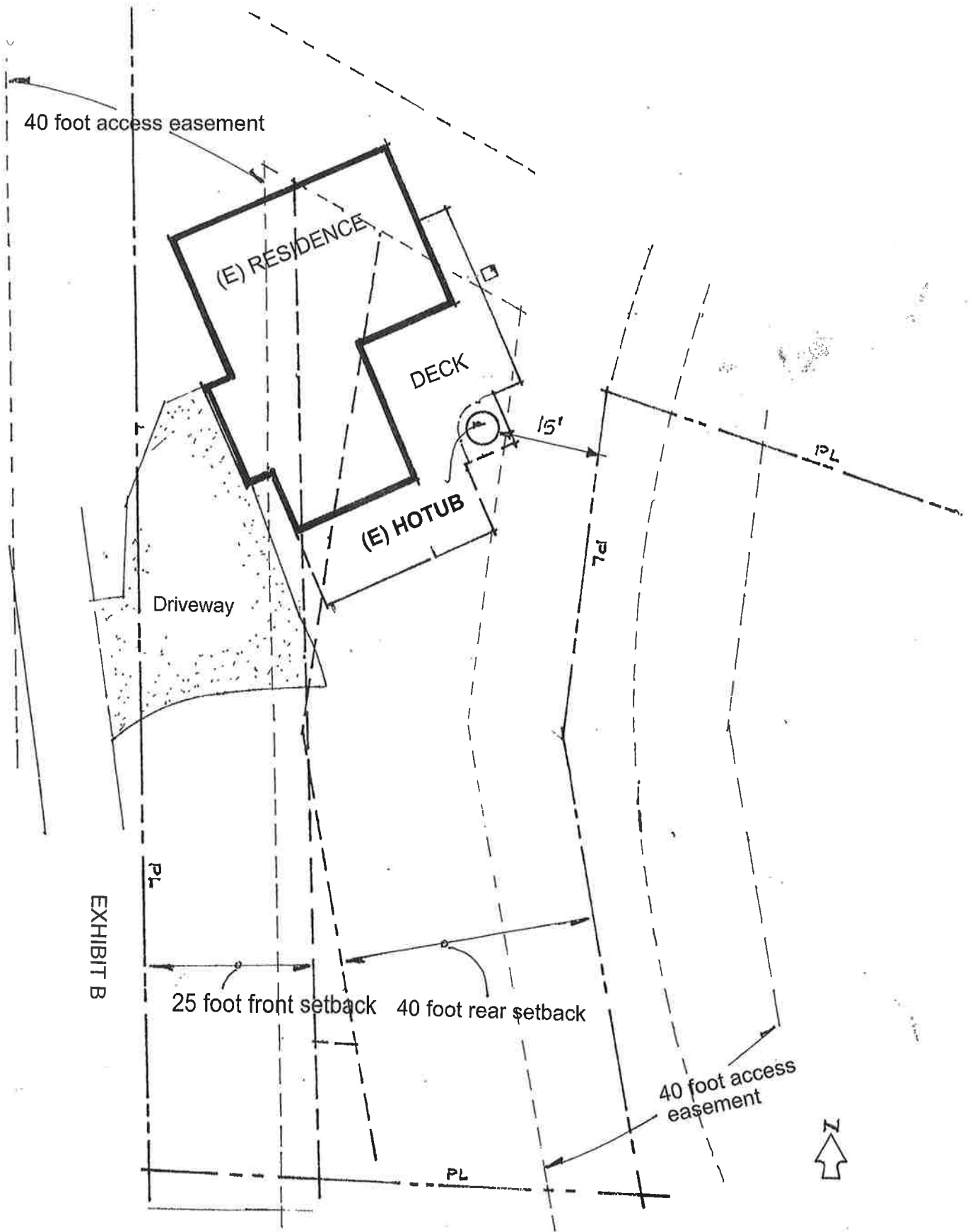


Figure 4. **PROPERTY SETBACKS** SCALE 1" : 20'-0"

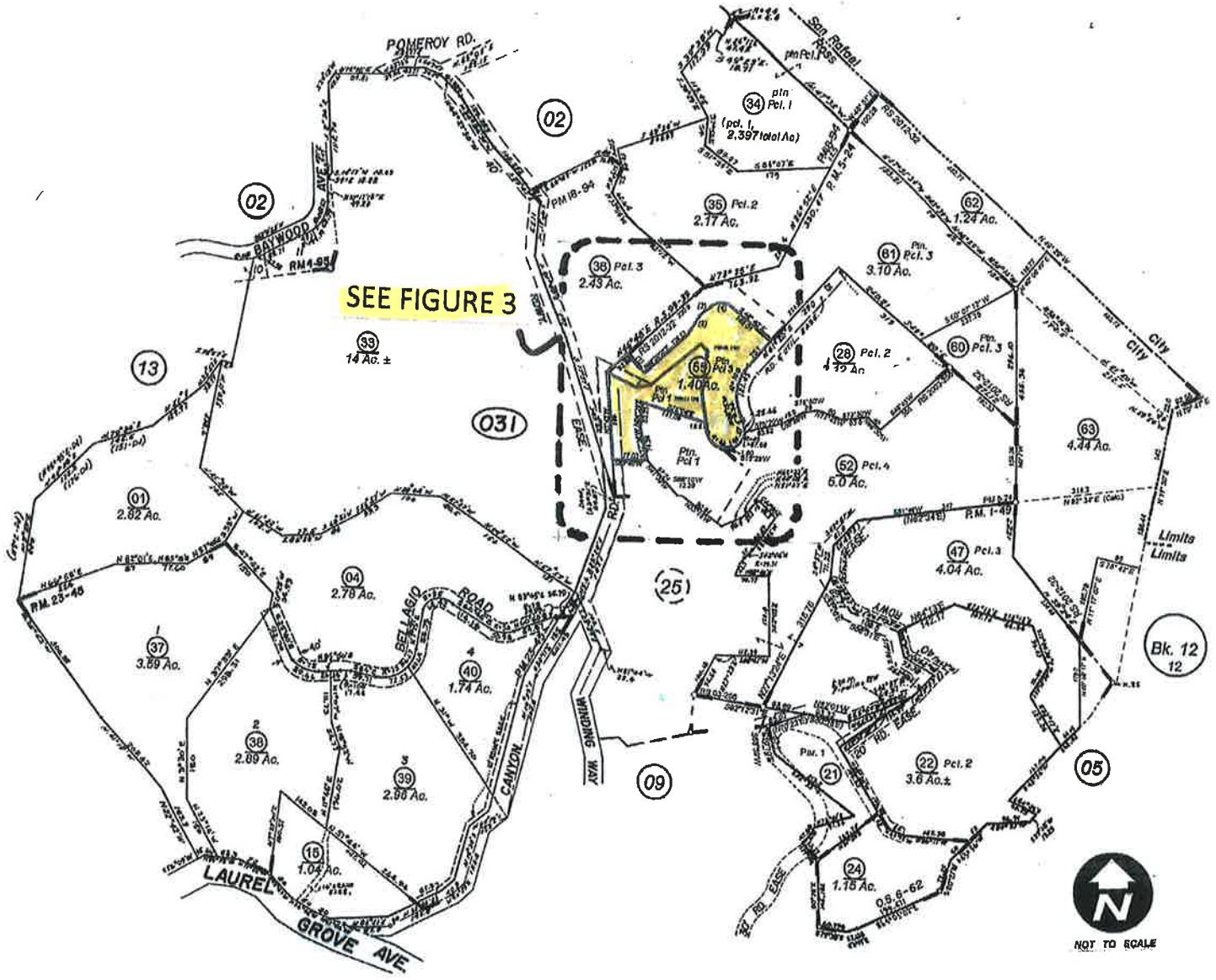
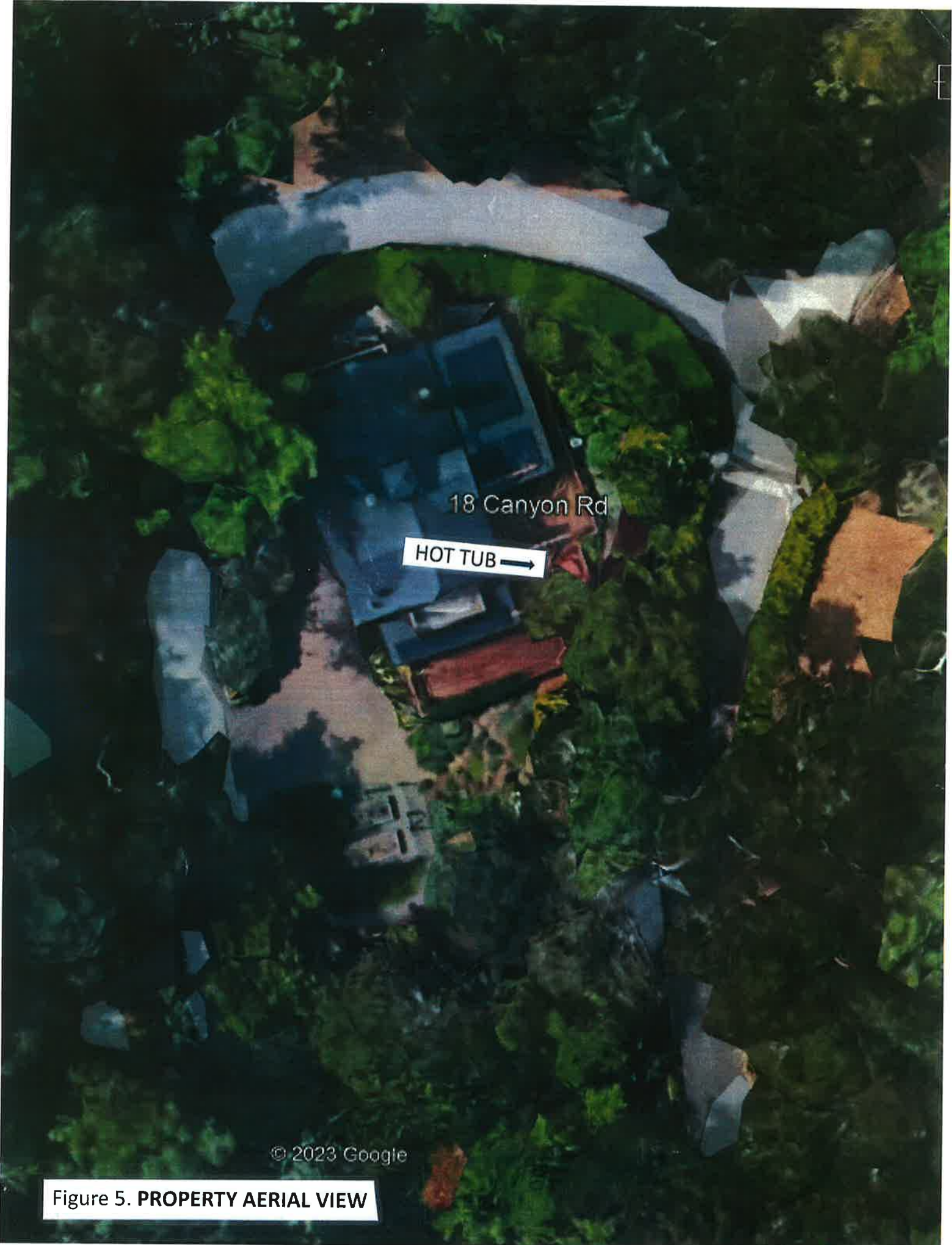


Figure 2. **PROPERTY LOCATION** (NOT TO SCALE)



18 Canyon Rd

HOT TUB →

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Figure 5. PROPERTY AERIAL VIEW

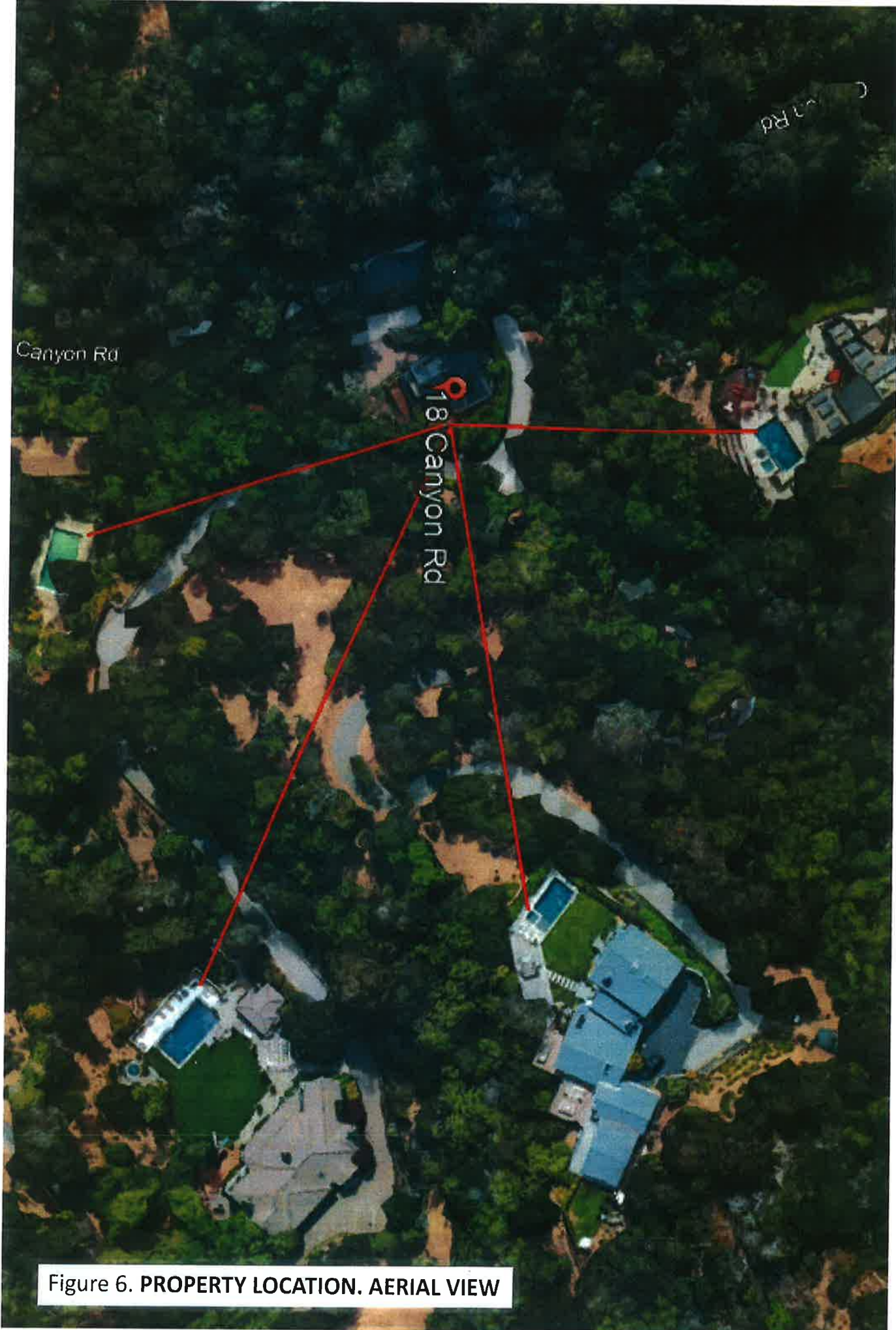


Figure 6. PROPERTY LOCATION. AERIAL VIEW

ATTACHMENT 3



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

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

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

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

To Be Completed by Applicant:

Assessor's Parcel No(s): 072-031-55

Project Address: 18 Canyon Road

Property Owner: Robert & Sandra Ludlow

Owner Mailing Address (PO Box in Ross): PO Box 276

City/State/Zip: CA 94957 Owner's Phone: (510) 822-1954

Owner's Email: rhludlow@sbcglobal.net

Applicant: Robert H. Ludlow, Architect

Applicant Mailing Address: 829 Shattuck Ave

City/State/Zip: Berkeley, CA 94707 Applicant's Phone: (510) 822-1954

Applicant's Email: _____

Primary point of Contact Email: Owner Buyer Agent Architect

To Be Completed by Town Staff:

Date Received: _____

Application No.: _____

Zoning: _____

Planning 5300 _____

Tree Permit 5305 _____

Fee Program Administration 5315-05 _____

Record Management 5316-05 _____

Record Retention 5112-05 _____

Technology Surcharge 5313-05 _____

Date paid: _____ TOTAL FEES: _____

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

SUBDIVISION INFORMATION ONLY

Number of Lots: _____

LOT LINE ADJUSTMENT ONLY

Describe the Proposed Lot Line Adjustment:

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

PARCEL ONE	PARCEL 2
Owners Signature: _____	Owner's Signature: _____
Date: _____	Date: _____
Owner's Name (Please Print): _____	Owner's Name (Please Print): _____
Assessor's Parcel Number: _____	Assessor's Parcel Number: _____

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

REZONING OR TEXT AMENDMENT ONLY

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

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

GENERAL OR SPECIFIC PLAN AMENDMENT ONLY

Please describe the proposed amendment:

CERTIFICATION AND SIGNATURES

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

Owner's Signature: _____ Date: _____

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

Owner's Signature: _____ Date: _____

SIGNATURE:

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

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

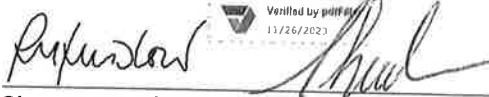
I further certify that I understand the processing procedures, fees, and application submittal requirements.

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

Berkeley

November 27, 2023

, California on

Robert H. Ludlow, Architect

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

Notice of Ordinance/Plan Modifications

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

Alternate Format Information

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

Consultant Information

The following information is required for all project consultants.

Landscape Architect

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

Civil/ Geotechnical Engineer

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

Arborist

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

Other

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

Other

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

Mandatory Findings for Variance Applications

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

Special Circumstances

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

See Appendices 1, 2 and 3

The lot is irregularly shaped, steeply sloped and includes access and utility easements. The buildable portion of the lot is in the lower valley.
~~Between the 25 foot front setback and 40 foot rear setback there is no place where a hot tub could be located outside of a setback.~~

Substantial Property Rights

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

The majority of properties in the neighborhood have swimming pools and hot tubs/spas.

Keeping the hot-tub will allow the property owners the same use and enjoyment of their property as owners of other surrounding properties in the same zone and location.

Public Welfare

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

The hot tub poses no health or safety risk to the public or neighborhood.

The hot tub is not visible or audible from any surrounding property and not accessible from the street. In accordance with CBC 3109 as amended by the Town of Ross, the hot tub has a locking safety cover that meets ASTM F1846..

The nearest four dwellings are 10, 12, 16 and 20 Canyon Road which are 350 ft, 380 ft, 330 ft and 220 ft distant respectively. (See Attachment 6)

APPENDIX A

18 Canyon Road, Ross CA

Variance Application

Summary of how the hot tub location relates to the design review criteria in the Town zoning ordinance(RMC§18.41.100).

- **Preservation of Natural Areas and Existing Site Conditions.** The hot tub was installed within the footprint of an existing deck. It has no impact on the landscaping, and minimizes the building and deck footprint. The equipment and tub are screened from view by vegetation.
- **Relationship Between Structure and Site.** Not applicable
- **Minimizing Bulk and Mass.** The hot tub is within the existing deck area so the bulk and mass of the building is not increased.
- **Materials and Colors.** The hot and surrounds are made of natural materials (Redwood and C). There is no fiberglass or concrete.
- **Drives, Parking and Circulation.** Not applicable.
- **Exterior Lighting.** There is no additional exterior lighting for the hot tub.
- **Fences and Screening.** The hot tub is screened by established vegetation, and the natural topography of the property which places the hot tub below the nearest adjacent neighboring property.
- **Views.** There are four surrounding residences which are between 220" and 400" from the hot tub location (See attachment, Figure 6) and the hot tub is not visible from any adjoining surrounding properties. The hot tub is screened by vegetation form the driveway to 12 Canyon Road.
- **Natural Environment.** No impact.
- **Landscaping.** The property includes approximately one acre of undeveloped natural vegetation. Landscaping is not reduced or altered by the hot tub.
- **Health and Safety.** No health or safety risk is posed. The hot tub has a locking safety cover that meets ASTM F1846. In accordance with CBC 3109 as amended by the Town of Ross.
- **Visual Focus.** Not applicable.
- **Privacy.** The hot tub is not visible or audible from any neighboring properties.
- **Consideration of Existing Nonconforming Situations.** Because of the unusual lot configuration, there is no alternative location where the hot tub could be located outside of a setback. Eliminating the hot tub would result in no betterment to any adjoining or public property.
- **Relationship of Project to Entire Site.** The hot tub location does not affect other pre-existing conditions.
- **Project Reducing Housing Stock.** Not applicable.
- **Setbacks.** The hot tub is not within a setback from creeks, waterways and drainageways.
- **Low Impact Development for Stormwater Management.** No change to stormwater drainage.



Figure 1. VIEW OF HOT TUB

18 Canyon Variance_OUTREACH TO NEIGHBORS



Robert Ludlow <rhludlow@sbcglobal.net>

To: Alex Lopez-Vega

Cc: 'Sandra Ludlow'



Wed 1/10/2024 1:29 PM

You replied to this message on 1/10/2024 3:55 PM.

Hi Alex,

We (Rob and Sandy Ludlow) have contacted the four neighbors that are adjacent to our property. These are 10, 12, 16 and 20 Canyon Road. There has not been any objection to us retaining the hot tub in the current location. Here is a summary of our outreach to the neighbors.

10 Canyon Road:

Rob visited the property on January 2, 2024 and spoke with staff.

Sandy emailed Dennis and Zara Muren on Jan 4, 2024 to provide background to the variance application.

Zara Muren replied by email on Jan 6 stating that she had no objection.

12 Canyon Road:

Rob had a conversation with Renaud Laplanche on the driveway. Renaud had no objection to the hot tub location.

Sandy emailed Renaud and Nathalie Laplanche on Jan 4, 2024 to provide background to the variance application, and a reminder on January 9, but to date, we have not received an email response.

16 Canyon Road:

Rob visited 16 Canyon Road on January 2, 2024 and spoke with Amanda Mortimer. Amanda stated that she had no objection to the hot tub location, and gave us their email addresses.

Sandy emailed Amanda and Peter Mortimer on Jan 4, 2024 to provide background to the variance application, and a reminder on January 9, but to date, we have not received an email response.

20 Canyon Road:

Sandy emailed the name and email address listed in the Ross Directory. We got a response from Miranda Abrams, but it turns out she is not the resident there.

Rob visited the 20 Canyon Road on January 2, and January 9 and met the big chocolate lab, but no-one answered the door.

Please let me know if you need anything more,

Regards, Rob

[Robert H. Ludlow, Architect](#)

ATTACHMENT 4

DRAFT MINUTES
Meeting of the Ross
Advisory Design Review Group
January 16, 2024, 7:00pm

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

1. 7:00 p.m. Commencement

ADR Group Chair Kruttschnitt called the meeting to order.

Present: Mark Kruttschnitt, Joey Buckingham, Laura Dewar, Mark Fritts, and Stephen Sutro; Roberta Feliciano (Planning and Building Director), Alex Lopez-Vega (Assistant Planner)

2. Approval of Minutes.

The ADR Group approved the minutes from the December 12, 2023, meeting.

3. Open Time for Public Comments

No comments were provided.

4. Planning Applications/Projects

- a.
- | | |
|--------------------------|--------------------------|
| Property Address: | 18 Canyon Road |
| A.P.N.: | 072-031-55 |
| Applicant: | Robert Ludlow, Architect |
| Property Owner: | Robert and Sandra Ludlow |
| Zoning: | R-1: B-5A |
| General Plan: | VL (Very Low Density) |
| Flood Zone: | X (Moderate Risk) |

Project Summary: The applicant requests a recommendation to the Town Council for Design Review and a Hillside Lot Permit. The project proposes to legalize the existing nonconforming hot tub located within the rear yard setback and the hot tub equipment located in the side yard setback. The existing hot tub is made up of cedar and is integrated into the wood deck attached to the single-family residence.

Mark Fritts

- No issues at all

Joey Buckingham

- Agrees with ADR members
- No problem with the hot tub since it's a hillside and nobody can see it or hear it

Mark Kruttschnitt

- Is okay with the hot tub since its far away from neighbors and it's existed for 10 years
- No neighbor complaints

Laura Dewar

- Agrees with Mark K.
- No impact on neighbors
- Lot is irregular and its next to a private driveway
- Support the project

Stephen Sutro

- Agree with ADR members
- Does not create any noise

b.

Property Address: 15 Skyland way
A.P.N.: 072-201-16
Applicant: Pederson Associates
Property Owner: Horatio LLC
Zoning: R-1:B-A
General Plan: VL (Very Low Density)
Flood Zone: X (Minimal Flood Risk)

Project Summary: The applicant requests a recommendation to the Town Council for Design Review and a Hillside Lot Permit. The project proposes to rehabilitate and renovate the existing front and side landscape. The project will expand the existing driveway and construct retaining walls, gates and fences measuring up to 5' - 6" in height, construct stone stairs, a landing, paved paths to the garage, along with realigned gravel paths to the existing pool area. Plantings will be incorporated in all disturbed areas, and exterior light fixtures within the project area will undergo renovation. Lighting will be shielded or directed downward to illuminate paved surfaces.

Mark Kruttschnitt

- Agrees with everyone else about that the project looks great
- It will make the driveway safer
- Also agrees that the lower retaining wall should be painted an earth tone color
- Good to have a wall that will fade away with the planting

Stephen Sutro

- Fine with the project as design
- The idea of painting the lower wall green or brown is a great idea
- With the change of painting the lower wall, supports the project as design

Laura Dewar

- Agrees with the comment of painting the lower wall
- The larger the planting for the lower wall the better

Mark Fritts

- The lower wall shall be earthtone
- The upper wall can remain the color as part of the home

- Perhaps pull in gate more for it to be a pedestrian gate instead of a vehicular gate which will not increase impervious surface
- Supports the project and the improvements

Joey Buckingham

- Applaud the design
- Contributes to the safety of that corner
- Driveway expansion is very positive
- Problem in increase of impervious surface but can make the finding based on improving safety in that corner
- Retaining walls should be an earth tone

5. Conceptual Advisory Design Review

No items

6. Information and Discussion.

2024 ADR Meeting dates-

During the meeting, all ADR meetings reached an agreement on adopting a 2024 calendar and shifting the start time from 7 p.m. to 6 p.m., effective February 2024.

7. New Agenda Items.

Adjournment, 7:40 PM.

Next scheduled regular meeting date and time: March 19, 2024, at 6:00 PM.