



Agenda Item No. 21.

Staff Report

Date: April 2, 2015

To: Mayor Elizabeth Brekhus and Councilmembers

From: Elise Semonian, Senior Planner

Subject: Ghilotti, Plan Amendment, Variance/Exception, Design Review, 34 Poplar Avenue, File 1933

Recommendation

Council approve the project subject to the findings and conditions attached.

Project Summary

Owner:	Dante and Mouna Ghilotti
Design Professional:	Polsky-Perlstein Architects
Location:	34 Poplar Avenue
A.P. Number:	73-272-05
Zoning:	R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. min lot size)
General Plan:	Medium Low Density (3-6 units per acre)
Flood Zone:	Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage) and within Floodway

Public hearing to consider amendments to an application for design review and variances approved November 14, 2013. The proposed project includes the following: 1.) demolition of shed along the south property line; 2.) 189 square foot addition to the first floor of the residence, including a new den within the required north side yard setback (15 feet required, 2.5± feet proposed) and master bedroom extension partially within the required south side yard setback (15 feet required, 10.5 feet proposed); 3.) interior remodel; 4.) rear deck and stairs to grade; and 4.) new dormer on west facing roof and improvement of 439 square feet of attic area for a bedroom. Relocation of garage, which is nonconforming in setbacks, approximately 11.5' to the east to permit development of two uncovered parking spaces between the garage and Redwood Avenue. If the dormer addition is not supported, the applicants request an Attic

Exception to permit improvement of 390 square feet of the attic area as floor area, without the 49 sq. ft. dormer addition.

Lot Area	7,500 square feet	
Approved Floor Area Ratio	2,092 sq. ft.	27.9%
Proposed Floor Area Ratio	2,482 sq. ft.	33.1%* (20% permitted)
Approved Lot Coverage	2,616 sq. ft.	34.9%
Proposed Lot Coverage	2,616 sq. ft.	34.9% (20% permitted)
Approved Impervious Surfaces	2,362 sq. ft.	31.5%
Proposed Impervious Surfaces	2,362 sq. ft.	31.5%

*Additional 390 floor area is for improvement of existing attic space
The existing residence is nonconforming in setbacks and parking.

Background, project description and discussion

The project site is developed with structures built prior to zoning regulations: 1.) 1,548 sq. ft. residence with a large, unfinished, attic; 2.) detached 306 sq. ft. garage; and 3.) 238 sq. ft. shed structure. The site has frontage on both Redwood and Poplar Avenues. The property sits between a large commercial building on a commercially zoned site to the north and two single-family residences to the south. The existing development is nonconforming in setbacks, parking, floor area and lot coverage. The site is in an AE flood hazard area and in the Floodway.

In November 2013, the Town Council approved variances to permit the applicants to trade the floor area of the shed for an addition to the rear of the residence, partially within the setbacks. The Council approved 1,785 square feet of total floor area for the house. To meet the requirement for two off street parking spaces, the applicants proposed to add a tandem parking space at the back of the garage, with a second garage door at the back of the garage to allow a vehicle to pass through to the parking space. The applicants did not construct the project. The approval will expire in November 2015.

The applicants are still proposing to demolish the shed and construct an addition at the rear of the residence. However, the applicants now propose to reduce the size of the lower floor addition and finish the existing attic area for living space (390 square feet of new floor area), adding a dormer to the attic level. The Advisory Design Review Group did not review the 2013 project and have not reviewed the current project.

The applicants could improve the attic for living space with an Attic Exception, with the addition of skylight windows for light and egress and no change in the building mass. The applicants could add a dormer to the attic with a nonconformity permit by trading a portion of the shed floor area for the dormer space. However, a variance is required in order to improve the attic as living space with a dormer. Staff suggested the applicants apply for a variance for the total project, rather than piecemeal the request through exceptions. The Council may approve an attic exception if the variance is not supported.

Staff has no concerns with the design of the project. The proposed design is in keeping with the character of the residence. Proposed materials would match or complement the existing residence materials. The dormer breaks up the large roof mass. The dormer does not create any new views towards adjacent sites, since the house is already elevated and has windows on the rear elevation. The garage design would not change.

Since the floor area is shifted from the ground level to the attic level, the site lot coverage could be reduced. However, the applicants are proposing to increase the lot coverage and increase the size of the approved rear deck from 128 square feet to 178 square feet. If the Council supports the variance for the attic dormer addition, staff recommends that Council limit lot coverage to the existing level (lower than the 2013 approval) by requiring reduction of the deck area.

The site is required to have two parking spaces, one of which is required to be covered. The site has a single covered garage space accessed from Redwood Avenue.¹ The garage has an insufficient setback to permit a vehicle to park in front of the structure without blocking the sidewalk. Therefore, the site has only one off-street parking space where two are required. In order to meet the intent of both the Nonconformity Permit and Attic Exception ordinances, the applicants propose to increase onsite parking from one space to three spaces, as required by those ordinances (two spaces required and approved in 2013). The applicants would pull the garage further on site, to permit two new off street parking spaces. Staff recommends limiting the street curb cut as necessary to preserve street parking. Staff believes Council can make findings for a variance to permit the garage to be moved on the site, increasing the site conformity with setback and parking requirements.

The Town Council may grant variances, exceptions and adjustments to the provisions of the zoning code where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of the zoning code may result from the strict application of the provisions. (RMC §18.48.010) To approve a variance the Town Council must find:

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. (RMC §18.48.030)

¹ The existing garage is adequate size for parking. The applicants' contractor parked a truck in the space during a recent interior remodel project.

There are special circumstances applicable to the site since the existing residence was built before zoning regulations and has a large attic volume. The attic area may be improved under the Exceptions for Basements and Attics ordinance without changing the mass of the residence. The site also has a shed that is located within a flood hazard area and Floodway that constitutes existing floor area. Granting the application permits a nonconforming structure located below the Base Flood Elevation to be removed and replaced with floor area that is more conforming in setbacks and also safe from flooding. Approval of the garage relocation increases onsite parking and brings the garage setback into further conformance with zoning regulations. One new bedroom is proposed. The Council should consider the story poles, potential privacy impacts on neighbors, and any public comments to determine if the project will be detrimental to adjacent sites.

If the Town Council cannot make findings to approve the variance requested for the dormer, staff recommends approval of an Attic Exception to permit the existing attic area to be finished for living space in connection with the addition approved in 2013. The proposed parking would be necessary to make the findings for the Attic Exception.

Alternative actions

1. Approve the project with modifications; or
2. Make findings to deny the application.

Environmental review (if applicable)

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) as a replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced and negligible or no expansion in capacity (CEQA Guideline Section 15302). No exception to the Categorical Exemptions applies, as detailed in the LSA Memorandum dated February 5, 2015.

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. Findings and Conditions of Approval
2. Material submitted by applicants

Attachment 1

Recommended Town Council Action, Findings and Conditions

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented at the public hearing, site visits, review of story poles, staff reports, correspondence, and other information contained in the project file, approve the project amendment based on the findings of the November 2013 staff report, the additional findings in the April 2015 staff report, the following conditions:

34 Poplar Avenue Conditions:

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. The project shall substantially comply with the plans approved by the Town Council on April 9, 2015, except otherwise approved by the Town Council.

2. The lot coverage of the site shall be maintained at the existing level by reduction of the proposed rear deck area. No increase in lot coverage is permitted, even if roof eaves were counted in 2013.

3. An encroachment permit is required from public works for modification to the curb and curb drainage. The property owner shall repair the driveway approach over the gutter pan on Redwood Avenue prior to project final. The curb cut on Redwood Drive shall be minimized as necessary to prevent the loss of any street parking.

4. The property owner shall maintain existing perimeter screening. Additional landscape screening shall be required to replace cypress trees removed for fire clearance.

5. The garage doors shall be automatic and two additional onsite parking space shall be created prior to project final. The garage door openings shall be widened as far as practically feasible for an average sized vehicle.

6. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.

7. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

8. No changes from the approved plans, 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.

9. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). 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 up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum

“cut-off” appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

10. Applicants shall comply with all requirements of PG&E prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

11. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance or exemption. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance shall be submitted to the building department prior to project final.

12. Applicants shall comply with the requirements of the Ross Valley Sanitary District No. 1 prior to project final. The applicants are responsible for contacting the District and ensuring that all conditions are met prior to project final.

13. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department during their review of the building permit plans.

14. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

a. 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.

b. Prior to any demolition or issuance of a building permit, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department for review by the Building Official. If asbestos-containing materials are determined to be present, the materials should be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and state construction worker health and safety regulations should be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it should be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

c. The drainage design shall comply with the Town’s stormwater ordinances (Ross Municipal Code Chapters 15.54 and 12.28).

d. 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.

e. 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).

f. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

g. 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.

h. Inspections shall not be provided unless the Town-approved building permit plans are available on site.

i. 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).

j. Materials shall not be stored in the public right-of-way. 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. 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.

k. Flood resistant materials shall be used below the finished floor. All structural and non-structural building materials at or below the base flood elevation must be flood resistant. A flood-resistant material is defined as any building material capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Flood-resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood

conditions. Ductwork, in particular, must either be placed above the base flood elevation or sealed from floodwaters. (See FEMA Technical Bulletins 2-93 and 11-01 at <http://www.fema.gov/> for more information)

l. A FEMA elevation certificate shall be submitted to the Town with the building permit plans and prior to project final.

m. The Building Department may require a No Rise Certification prior to issuance of a building permit.

n. All cracked, broken or uplifted sidewalk fronting the property shall be replaced.

o. Trees and vegetation shall be trimmed according to the Ross Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide clearance required by the Department of Public Works. Bushes and other vegetation shall be trimmed so no portion hangs over the sidewalk, or the road if no sidewalk is present.

p. 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.

15. 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 attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

If the Council does not support the dormer addition proposed:

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented at the public hearing, site visits, review of story poles, staff reports, correspondence, and other information contained in the project file, approve the project amendment based on the findings of the November 2013 Council approval and the additional findings for an Attic Exception:

- | | | |
|-----|--|---|
| (1) | Area to be improved is an existing area created prior to September 12, 2011, in an existing residence built prior to September 12, 2011. | <i>The attic area was created with construction of the residence in the early 1900s.</i> |
| (2) | Basement are to be improved has a ceiling height 5.5 feet or greater. | <i>Not applicable.</i> |
| (3) | For attic improvements only: the improvements do not change the exterior appearance of the structure, for example, by addition of dormers or raising the roof ridge. Minor changes to the exterior appearance of an attic, such as the addition of windows or skylights, do not create view, light or privacy issues for neighbors. | <i>The attic project does not change the roof. Conditions of approval permit egress window/skylights to be installed on the north and west roof elevations. Additional skylights may be permitted on the south/east roof elevations with written consent of the neighbor to the south/east.</i> |
| (4) | For basements: | N/A |
| a. | If the structure is in a Special Flood Hazard Area (SFHA) identified on the town Flood Insurance Rate Map and/or in an area that is known for flooding, the finished floor level of the improvements must be above the base flood elevation. | |
| b. | Modifications proposed to the building exterior cannot materially increase the visible mass of the building and modifications, such as new windows, must be compatible with the design of the existing improvements and shall not create privacy issues. The Council may limit the size of light wells to the minimum size necessary to satisfy California Building Code requirements for light, ventilation and emergency egress. | |

c. Any modifications to site drainage must 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.

(5) The fire chief must confirm 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.

Adequate water supply is available for firefighting.

(6) 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, number of bedrooms, and the size and use of the proposed attic and/or basement area and may require additional parking up to the following:

As approved, the project will have three onsite parking spaces.

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

(7) The project complies with the most recent California Residential Code adopted by the Town.

A building permit is required and the project must meet all code requirements for the intended use of the areas.

(8) Excavation, grading or cutting shall not exceed 35 cubic yards. If the project involves excavation, grading or cutting for a basement space, new floor area shall not exceed 20% of the existing floor area.

No excavation is proposed.

(9) This project is categorically exempt from the requirement for the preparation of environmental

documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301, existing facilities.

34 Poplar Avenue Conditions:

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. The project shall substantially comply with the plans approved by the Town Council in November 2013 and April 2015, except otherwise approved by the Town Council.
2. The garage relocation is approved as proposed on plans reviewed on April 9, 2015.
3. The dormer addition is not approved.
4. The attic may be improved for habitable space. Staff may approve skylight egress windows on the west and north roof slopes. Additional skylights may be approved on the east and/or south roof slopes with written consent of the adjacent neighbors.
5. The lot coverage, impervious surfaces and additions, including deck area, shall comply with the plans approved in November 2013. No increase in lot coverage is permitted, even if roof eaves are no longer counted in lot coverage.
6. An encroachment permit is required from public works for modification to the curb and curb drainage. The property owner shall repair the driveway approach over the gutter pan on Redwood Avenue prior to project final. The curb cut on Redwood Drive shall be minimized as necessary to prevent the loss of any street parking.
7. The property owner shall maintain existing perimeter screening. Additional landscape screening shall be required to replace cypress trees removed for fire clearance.
8. The garage doors shall be automatic and two additional onsite parking space shall be created prior to project final. The garage door openings shall be widened as far as practically feasible for an average sized vehicle.
9. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.
10. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
11. No changes from the approved plans, 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.
12. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). 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 up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum “cut-off” appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

13. Applicants shall comply with all requirements of PG&E prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

14. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance or exemption. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance shall be submitted to the building department prior to project final.

15. Applicants shall comply with the requirements of the Ross Valley Sanitary District No. 1 prior to project final. The applicants are responsible for contacting the District and ensuring that all conditions are met prior to project final.

16. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department during their review of the building permit plans.

17. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

a. 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.

b. Prior to any demolition or issuance of a building permit, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department for review by the Building Official. If asbestos-containing materials are determined to be present, the materials should be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and state construction worker health and safety regulations should be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it should be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

c. The drainage design shall comply with the Town’s stormwater ordinances (Ross Municipal Code Chapters 15.54 and 12.28).

d. 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.

e. 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).

f. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

g. 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.

h. Inspections shall not be provided unless the Town-approved building permit plans are available on site.

i. 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).

j. Materials shall not be stored in the public right-of-way. 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. 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.

k. Flood resistant materials shall be used below the finished floor. All structural and non-structural building materials at or below the base flood elevation must be flood resistant. A flood-resistant material is defined as any building material capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Flood-resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that

floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the base flood elevation or sealed from floodwaters. (See FEMA Technical Bulletins 2-93 and 11-01 at <http://www.fema.gov/> for more information)

l. A FEMA elevation certificate shall be submitted to the Town with the building permit plans and prior to project final.

m. The Building Department may require a No Rise Certification prior to issuance of a building permit.

n. All cracked, broken or uplifted sidewalk fronting the property shall be replaced.

o. Trees and vegetation shall be trimmed according to the Ross Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide clearance required by the Department of Public Works. Bushes and other vegetation shall be trimmed so no portion hangs over the sidewalk, or the road if no sidewalk is present.

p. 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.

18. 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 attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

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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 attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

Council Member Hoertkorn reconvened her position on the Town Council. The Council took a short recess at 8:03 p.m. and then reconvened at 8:10 p.m. with the next agenda item.

13. 34 Poplar Avenue, Variance and Design Review No. 1933

Dante and Mouna Ghilotti, 34 Poplar Avenue, A.P. No. 73-272-05, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. min lot size), Medium Low Density (3-6 units per acre), Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage). Application for design review and variances for the following: 1.) demolition of shed along the south property line; 2.) 254 square foot addition to the residence, including a new bedroom within the required north side yard setback (15 feet required, 2.5± feet proposed) and master bedroom extension partially within the required south side yard setback (15 feet required, 10.5 feet proposed); and 3.) new 323 square foot deck with stairs to grade.

Lot Area	7,500 square feet	
Existing Floor Area Ratio	2,092 sq. ft.	27.9%
Proposed Floor Area Ratio	2,091 sq. ft.	27.9% (20% permitted)
Existing Lot Coverage	2,767 sq. ft.	36.9%
Proposed Lot Coverage	3,101 sq. ft.	41.4% (20% permitted)
Existing Impervious Surfaces	2,362 sq. ft.	31.5%
Proposed Impervious Surfaces	2,634 sq. ft.	35.1%

Existing residence is nonconforming in setbacks and parking.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council continue the project to reduce lot coverage and increase onsite parking by one space as outlined in the staff report. Correspondence has been received in support of the project as well as a concern for an existing window.

Mouna Ghilotti, owner, explained that they want to maintain the charm and privacy of the home. They propose a minor addition to the master bedroom. It will stay within the scale and charm of the house. It is a street to street lot and the reason for the decking is that it must be elevated to give that needed livability. All neighbors feel the scale is acceptable. All neighbors do not believe there is a parking problem. Another option is to push the garage back, but some of the cypress trees must be removed, so screening would be lost. She argued that off street parking is not needed and she rather not lose the charm of the property. In terms of the deck, it allows the property to have outdoor living space. In regard to the window, it is an existing window and once the shrubs grow back that window will not be an issue.

Mayor Kuhl opened the public hearing on this item.

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Anna Morrissey, neighbor, stated that the house originally was not well sited. She is the only one impacted, so the other supportive neighbors are not relevant. Even when the bushes were very high and not trimmed, they did not provide much privacy to her outdoor space. The Ghilotti's bedroom window can view into her back deck. The best remedy for this would be to raise her laundry room roof to match the height of the roof to make it consistent with the rest of the area, which will require a variance and be quite expensive. She further requested that the windows facing her property be obscured or frosted.

Lisa Gorham, Ross resident, noted support for this project and had no objection with the deck or the location of deck proposed.

Mike Gorham, Ross resident, requested that the Council not require the two parking spaces. He explained that there is ample parking on the street. He further appreciated all the privacy screening.

Council Member Russell asked RPOA to comment on the coverage. Diane Rudden, RPOA representative, stated this was not discussed with the Board, so she cannot speak on behalf of the Board. There are several small houses and they must look at the houses and not the people in the houses. She did not see how two spaces would fit on the property. The new deck seems to be a little big. The Board must go through and specifically talk about these matters.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Small supports staff's recommendation. This is changing from a three bedroom to a four bedroom and that additional parking space is needed. 50% of the time there is no daytime parking on Redwood and several have voiced concerns in that regard to the Council. She expressed concern for the deck and she cannot support this significant change in lot coverage. She is willing to continue this matter and more closely review the impact of the additional bedroom and windows. If the impervious surface increased due to an additional parking space, she is willing to have that trade off.

Council Member Russell stated impervious surface is absolutely critical. He is less worried about parking. Senior Planner Semonian noted that they could have a pervious parking area.

Council Member Hoertkorn believed the house design is well done and very charming. All homes are very close together. Nothing can be done about a bedroom window that has existed since 1902. It makes no sense to add a parking space if they must remove a parking space. They must explore all ideas before they give up parking spaces. She is comfortable with the house as it is. The impervious areas must be changed because it is in a flood zone. Also, they must be consistent with the patio/deck area.

Senior Planner Semonian noted that the deck adds impervious surface to the site, which may be corrected, and also lot coverage. Senior Planner Semonian noted that it is an old house and there is no way for the applicants to improve the lot coverage without demolishing the residence. In researching other applications for lot coverage variances for decks after the flood, the Council approved elevated decks if there were no negative impacts on neighbors. It was a

major consideration for the Council to approve lot coverage and elevated decks for a recent application.

Council Member Small cannot support taking the lot coverage over 40%. She supported staff's original recommendation. A deck is allowed as long as it is not 18-in. over grade. It is all about being consistent. Neighbors come and go, so they must look at the house. They must be consistent with previous decisions made.

Mayor Pro Tempore Brekhus expressed concern for parking on Redwood and that this is a four bedroom.

Council Member Russell supported staff's recommendation. Mayor Kuhl agreed with staff's recommendation as well.

Mayor Kuhl asked for a motion.

Mayor Pro Tempore Brekhus moved and Council Member Small seconded, to continue 34 Poplar Avenue, Variance and Design Review No. 1933 to a later date in order for the applicant to reduce the size of the deck and landing to grade; find a reasonable way to provide two parking spaces onsite; and maintain the existing impervious surfaces. Motion carried unanimously.

14. 43 Shady Lane, Amendment to Variance, Design Review and Demolition Permit No. 1898

Seth and Angie Taube, 43 Shady Lane, A.P. No. 73-152-14, R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum lot size), Low Density (1-3 units per acre), Zone X (outside 1-percent annual chance floodplain). Request for amendment to variance, demolition permit and design review application approved by Town Council on December 13, 2012 for a new residence and garage. The applicants propose to extend the family room under the approved gable. Staff also requests the Town Council to consider if 3 proposed condenser units are permitted in the south side yard setback under a previously approved setback variance and, if not, if findings can be made for a setback variance (20 feet required, 2.5 feet proposed).

Gross Lot Area	17,966 square feet
Existing Floor Area Ratio	5,494 sq. ft. 30.6%
Approved Floor Area Ratio	5,348 sq. ft. 29.8%
Proposed Floor Area Ratio	5,417 sq. ft. 30.2% (15% permitted)
Existing Lot Coverage	21.2%
Approved/Proposed Lot Coverage	21.0% (15% permitted)
Existing Impervious Surfaces	50.6%
Approved/Proposed Impervious Surfaces	41.5%

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project as revised by the applicant with the elimination of one air conditioner condenser from three to two, with the addition of landscape screening along the property line

jj. 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.

18. 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 attorneys fees and litigation costs incurred by the Town in **either case paid for by the applicant and/or owners.**

Council Member Hoertkorn reconvened her position on the Town Council.

16. 34 Poplar Avenue, Variance and Design Review No. 1933

Dante and Mouna Ghilotti, 34 Poplar Avenue, A.P. No. 73-272-05, R-1:B-7.5 (Single Family Residence, 7,500 sq. ft. min lot size), Medium Low Density (3-6 units per acre), Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage). Continued public hearing to consider a revised application for design review and variances for the following: 1.) demolition of shed along the south property line; 2.) 254 square foot addition to the residence, including a new bedroom within the required north side yard setback (15 feet required, 2.5± feet proposed) and master bedroom extension partially within the required south side yard setback (15 feet required, 10.5 feet proposed); and 3.) 128 square foot deck and stairs to grade. One new tandem parking space is proposed behind the garage, within the north side yard setback.

Lot Area	7,500 square feet
Existing Floor Area Ratio	2,092 sq. ft. 27.9%
Proposed Floor Area Ratio	2,091 sq. ft. 27.9% (20% permitted)
Existing Lot Coverage	2,545 sq. ft. 33.9%
Proposed Lot Coverage	2,616 sq. ft. 34.9% (20% permitted)
Existing Impervious Surfaces	2,362 sq. ft. 31.5%
Proposed Impervious Surfaces	2,362 sq. ft. 31.5%

Existing residence is nonconforming in setbacks and parking.

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

Jared Polsky, architect, believed it is better to leave the historic garage with tandem parking in back. It is better for the site. Widening the garage would take away one on-street parking, so this proposal seems the least obtrusive solution to the parking problem.

Mayor Kuhl opened the public hearing on this item.

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Charlotte Levin, Poplar Ave. resident, expressed concern for the impact on the potential higher density, noise and quality of life. She further appreciated the Council's consideration on such matters in the future.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Small supported the project, but believed it is important to try and make the garage as functional as possible. These small garages end up being used for storage rather than parking. The current garage is not functional. If the door is not widened, the garage will never be used as a garage. Architect Polsky stated to widen the garage they must add a steel frame, which is not very simple. It is not just the door, but the header must be widened as well.

Council Member Hoertkorn noted support for the project, but agreed with Council Member Small's comments in regard to the garage.

Mayor Pro Tempore Brekhus supported the project.

Mayor Kuhl asked for a motion.

Council Member Small moved and Council Member Hoertkorn seconded, to approve 34 Poplar Avenue, Variance and Deign Review No. 1933 subject to the findings and conditions outlined in the staff report, including widening the garage door opening as deemed appropriate by staff for an average size vehicle. Motion carried 4:1. Mayor Kuhl opposed.

34 Poplar Avenue Conditions:

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. The project shall substantially comply with the plans approved by the Town Council dated 10/28/13.
2. The property owner shall maintain existing perimeter screening.
3. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. All garage doors shall be automatic and one additional onsite parking space shall be created prior to project final. The garage door openings shall be widened as deemed appropriate by staff for an average sized vehicle.
5. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.
6. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
7. 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.

8. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). 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 up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum "cut-off" appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

9. Applicants shall comply with all requirements of PG&E prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

10. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance or exemption. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance shall be submitted to the building department prior to project final.

11. Applicants shall comply with the requirements of the Ross Valley Sanitary District No. 1 letter dated September 25, 2013, prior to project final.

12. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD) in the memo dated September 24, 2013.

13. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

kk. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any roof projections that are not identified on the plans submitted for Town Council review. Where a roof area is visible from off site, roof projections shall be located to minimize their appearance. Exposed galvanized material is discouraged. All vents and flue pipes shall utilize a finish to blend into adjacent surfaces. If possible, vents may be concealed from view in forms compatible with the structure. Vents for cooking appliances should be located or directed to avoid noise and odor impacts to adjacent sites and shall be located out of required setback areas.

ll. The plans submitted for the building permit shall detail the gutter and downspout design and location for review and approval by the Town. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for Town Council review. A specification sheet shall be provided and the proposed color and finish material shall be specified. Downspouts should be located to minimize their appearance from off site locations. Gutters and downspouts should have a finish to blend into adjacent surfaces or underlying trim. Exposed galvanized material is not permitted.

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- mm. Exterior plumbing shall be removed and replaced with plumbing within the walls of the structure.
- nn. 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.
- oo. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
- pp. 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.
- qq. 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.
- rr. Prior to any demolition or issuance of a building permit for the new structure, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department for review by the Building Official. If asbestos-containing materials are determined to be present, the materials should be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and state construction worker health and safety regulations should be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it should be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.
- ss. 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, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town building department prior to project final.
- i. The property owner shall repair the driveway approach over the gutter pan on Redwood Avenue prior to project final.

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- tt. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- uu. 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.
- vv. 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).
- ww. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- xx. 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.
- yy. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- zz. 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).
- aaa. 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.
- bbb. A single geotechnical engineering report, containing all recommended geotechnical design criteria for the project, shall be submitted with the building permit plans for review by the building official. All geotechnical aspects of the proposed project and preliminary development of plans shall continue to be evaluated by the project geotechnical consultant. A letter from the project geotechnical consultant shall be prepared that approves all geotechnical aspects of the proposed site development layout, verifies project geotechnical feasibility, and verifies conformance with the geotechnical consultant's design recommendations.
- ccc. Materials shall not be stored in the public right-of-way. 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

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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.

ddd. 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.

eee. The director of public works may require all electric, communication and television service laterals to be placed underground.

fff. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.

ggg. Carbon monoxide alarms shall be provided outside of each dwelling unit sleeping area in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit.

hhh. Address numbers at least 4" tall shall be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. The address numbers shall be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

iii. The applicant shall work with the Public Works Department to repair any road damage caused by the construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment will be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.

jjj. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). 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 the Town of Ross 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.

kkk. Flood resistant materials shall be used below the finished floor. All structural and non-structural building materials at or below the base flood elevation must be flood resistant. A flood-resistant material is defined as any building material capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Flood-resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the base flood elevation or sealed from floodwaters. (See FEMA Technical Bulletins 2-93 and 11-01 at <http://www.fema.gov/> for more information)

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III. A FEMA elevation certificate shall be submitted to the Town with the building permit plans and prior to project final.

mmm. The Department of Public Works may require 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.

nnn. 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 (MCSTOPPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediments controls as a "back-up" system. (Temporary seeding and mulching or straw matting are effective controls.)

ooo. 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.

ppp. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented

qqq. All cracked, broken or uplifted sidewalk fronting the property shall be replaced.

rrr. The construction management plan shall be submitted in time to be incorporated into the job set of plans. The construction management plan shall become a binding document, and failure to adhere to the plan may result in stoppage of the project.

sss. Trees and vegetation shall be trimmed according to the Ross Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide clearance required by the Department of Public Works. Bushes and other vegetation shall be trimmed so no portion hangs over the sidewalk, or the road if no sidewalk is present.

ttt. 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.

uuu. 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.

14. 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 attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

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

Web www.townofross.org

Email esemonian@townofross.org

Staff Use Only
Received By: _____
Date: _____
Fees Paid: _____
Date: _____

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

Parcel Address and Assessor's Parcel No. 34 Poplar Avenue, 073-272-05

Owner(s) of Parcel Dante & Mouna Ghilotti

Mailing Address (PO Box in Ross) PO Box 122

City Ross State CA ZIP 94957

Day Phone 760-0570 Evening Phone 747-8001

Email mounag@ghilottibros.com

Architect (Or applicant if not owner) Polsky-Perlstein Architects

Mailing Address 469-B Magnolia Avenue

City Larkspur State CA ZIP 94939

Phone 927-1156 x305

Email tyler@polskyarchitects.com

Existing and Proposed Conditions (For definitions please refer to attached fact sheet.)

Gross Lot Size 7,500 sq. ft. Lot Area 7,500 sq. ft.

Existing Lot Coverage 2,545 sq. ft. Existing Floor Area 2,092 sq. ft.

Existing Lot Coverage 33.93 % Existing Floor Area Ratio 27.89 %

Coverage Removed 267 sq. ft. Floor Area Removed 254 sq. ft.

Coverage Added 343 sq. ft. Floor Area Added 254 sq. ft.

Net Change- Coverage 76 sq. ft. Net Change- Floor Area 0 sq. ft.

Proposed Lot Coverage 2,621 sq. ft. Proposed Floor Area 2,092 sq. ft.

Proposed Lot Coverage 34.95 % Proposed Floor Area Ratio 27.89 %

Existing Impervious Areas 3,764 sq. ft. Proposed Impervious Areas 3,555 sq. ft.

Existing Impervious Areas 50.19 % Proposed Impervious Areas 47.40 %

Proposed New Retaining Wall Construction 0 ft. (length) N/A ft. (max height)

Proposed Cut 0 cubic yards Proposed Fill 0 cubic yards

Written Project Description – *may be attached.*

A complete description of the proposed project, including all requested variances, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

MOVE EXISTING GARAGE 11'-4" AWAY FROM REDWOOD DRIVE, PROVIDING TWO OFF-STREET PARKING SPACES WITH NEW DRIVEWAY, FENCE AND GATES TO MATCH EXISTING, ETC.

REMOVE EXISTING 238 SF GARDEN SHED.

NEW WOOD DECK AT BACK YARD.

39 SF ADDITION ENLARGING EXISTING MASTER BEDROOM.

165 SF ADDITION FOR NEW DEN.

REMODEL EXISTING KITCHEN.

NEW BATHROOM NEAR ENTRY.

NEW STAIR TO EXISTING ATTIC SPACE.

IMPROVING EXISTING ATTIC PER CHAPTER 18.46 OF ROSS MUNICIPAL CODE, CREATING A NEW BEDROOM AND BATHROOM, PLUS 49 SF DORMER ADDITION TO EXISTING ATTIC SPACE.

MINIMAL LANDSCAPING--EXTEND EXISTING LAWN TO COVER AREA OF REMOVED GARDEN SHED, REMOVE PORTIONS OF EXISTING HARDSCAPE IN AREA OF ADDITIONS AND NEW DECK, INSTALL NEW WALKWAY BETWEEN GARAGE, NEW DECK, AND EXISTING SIDE-YARD WALKWAY, RE-PLANTING AFFECTED AREAS, RE-CONFIGURE EXISTING FENCE & GATE ALONG REDWOOD DRIVE TO ACCOMMODATE NEW DRIVEWAY.

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.**

The property at 34 Poplar Avenue is a very small and narrow lot in the town center. Adherence to the current zoning ordinance is practically impossible on this property. The existing structures, house, garage, garden shed, are very old and none conform to set-back requirements of current zoning regulations. All proposed work would ameliorate this condition with minimal impact on the external appearance, increasing rear-yard and both side-yard set-backs. Although lot coverage increases slightly by 76 SF (0.10%), floor area is unchanged, impermeable surface area is reduced by 209 SF, and two off-street parking spaces are provided.

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 variance is necessary to allow reasonable improvements to existing non-conforming structures. The proposed design simply allows a modest family home, with adequate off-street parking, necessary to enjoy substantial property rights.

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 proposed work would in no way be harmful to or incompatible with nearby properties. By increasing existing set-backs on the north, south, and west property lines, as well as providing two off-street parking spaces, the result would be beneficial for all concerned. Also, by preserving the architectural style and integrity of existing structures, the property will continue to be compatible with surrounding structures in the neighborhood. Other than moving the existing garage away from Redwood Drive to accommodate new off-street parking, the proposed work is confined to the center of the property, minimizing impact.

Special Privilege

That the granting of this variance shall not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Describe why the variance would not be a grant of special privilege.

The variance is necessary to allow modest improvements to existing non-conforming buildings. Although still non-conforming, floor area would not increase, set-backs would increase, and lot coverage would increase only slightly (76 SF) to allow a reasonable back-yard deck and steps to grade, for a house elevated to prevent flood damage. Granting the variance for these modest improvements is reasonable and would not constitute a grant of special privilege.
