



Staff Report

Date: July 9, 2015
To: Mayor Elizabeth Brekhus and Council Members
From: Ali Giudice, Contract Planner
Subject: Traci McCarty, 90 Glenwood Avenue, Variance and Design Review, File No. 2003

Recommendation

Town Council approval of Resolution No. 1906 conditionally approving a Variance and Design Review for swimming pool for the property at 90 Glenwood.

Project Summary

Owner: Traci McCarty
Design Professional: Swan Pools
Location: 90 Glenwood Avenue
A.P. Number: 073-041-32
Zoning: R-1 (Single Family Residence, 5,000 sq. ft. minimum lot size)
General Plan: Medium Density (6-10 units per acre)
Flood Zone: Zone X (outside high risk flood area)

Application for Variance and Design Review for a swimming pool. A Variance is required pursuant to Ross Municipal Code Chapter 18.48 to allow the swimming pool to be located within 26 feet of the rear property line where 40 feet is required by the R-1 zoning district. Design Review is required pursuant to RMC Section 18.41.020 because the swimming pool will result in approximately 90 cubic yards of grading where no more than 50 cubic yards of fill or cut is permitted without Design Review.

Lot Area	10,214 square feet	
Existing Floor Area Ratio	2,757 sq. ft.	27% (27 % approved by Town Council in 2010)
Proposed Floor Area Ratio	no change	no change
Existing Lot Coverage	1,889 sq. ft.	18.5% (20 % permitted)
Proposed Lot Coverage	1,889 sq. ft.	no change
Existing Impervious Surfaces	1,580 sq. ft.	15.2%

Proposed Impervious Surfaces 2,098 sq. ft. 20.2%

Background and project description

In 2004, the Town Council approved a 1990 square foot single family residence with 185 square foot carport. In 2010, the Town Council approved an FAR variance to allow a 582 square foot second unit bringing the total area of the residence to 2,757 with an FAR of 27 percent.

The applicant is now proposing to construct a 464 square foot swimming pool approximately 26 feet from the rear property line, 15 feet of the north side property line and 26 feet of the south side property line. A variance is required to allow encroachment into the 40-foot rear yard setback. The residence currently complies with the setback requirements. However, given the shape of the lot at the front property line, the residence was approved with an average front yard setback of 28.5 feet where a 25-foot setback is required. This is combined with the diagonal shape of the rear property boundary which further reduces the rear yard depth by 13 feet on the left (northerly) side of the rear yard area. There is no other location for the swimming pool that would allow compliance with the setback requirement. All other setbacks will be met. The pool equipment is proposed under the existing deck which is located at least 50 feet from the rear property line and does not require variance approval. Additional site amenities include patio pavers and site landscaping. The proposed pool does not contribute toward

Due to the lack of site visibility and neighborhood support, the project did not require Advisory Design Review.

Findings for approval of Design Review and Variance are provided in the attached resolution.

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.

Alternative actions

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

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303 - Accessory structures, because it involves construction of a swimming pool, in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. No exception set forth in Section 15301.2 of the CEQA Guidelines

applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources.

Attachments

1. Resolution No. 1906
2. Neighbor Letters of Support
3. Project History
4. Project plans

TOWN OF ROSS

RESOLUTION NO. 1906

A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW AND VARIANCE TO ALLOW A 464 SQUARE FOOT SWIMMING POOL TO BE CONSTRUCTED 26 FEET FROM OF THE REAR PROPERTY LINE AT 90 GLENWOOD AVENUE, APN 073-041-32

WHEREAS, Tracy McCarty submitted an application for a Design Review and Variance pursuant to Title 18 of the Ross Municipal Code to allow a 464 square foot swimming pool resulting in approximately 90 cubic yards of cut and to be constructed 26 feet from of the rear property line at 90 Glenwood Avenue, Assessor's Parcel Number 073-041-32. (the "project"); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15303 - Accessory structures, because it involves construction of a swimming pool; and

WHEREAS, no exception set forth in Section 15301.2 of the CEQA Guidelines (including but not limited to subsection (a) which relates to impacts on environmental resources; subsection (b) which relates to cumulative impacts, subsection (c) which relates to unusual circumstances; or subsection (f) which relates to historical resources) was found to apply to the project; and

WHEREAS, on July 9, 2015, the Town Council held a duly noticed public hearing to consider the proposed project; and

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

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A"; and approves Design Review and Variance for the project described herein located at 90 Glenwood Avenue, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 9th day of July 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
Findings In Support Of Project Approval
90 Glenwood Avenue, APN 073-041-32

A. Findings

1. Variance (RMC § 18.45.050) – Approval for Variance to allow a new 464 square foot swimming pool to encroach into the 40-foot rear yard setback is based on findings outlined in Ross Municipal Code Section 18.45.050 as described below:

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

The applicant is proposing to install a swimming pool in the rear yard of a developed property. The residence currently complies with the setback requirements. Given the shape of the lot at the front property line the residence was approved with an average front yard setback of 28.5 feet where a 25-foot setback is required by the zoning district. The rear property line is a diagonal, which reduces the rear yard depth by 13 feet on the left (northerly) side of the rear yard area. There is no other location for the swimming pool that would allow compliance with the setback requirement.

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

The applicant wishes to install a swimming pool on a 10,214 square foot lot. This is a reasonable request given the size of the lot and the existence of other swimming pools in the residential neighborhood and within other residential districts.

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 area where the pool is proposed is level and will not require extensive grading other than the minimum necessary to accommodate the swimming pool. The proposed construction will not impact views or access to adjoining lots. The proposed mechanical pool equipment will be located under the existing porch, screened from view and will comply with all setbacks. The applicant has submitted letters from neighboring property owners which show support of the proposed swimming pool.

2. Design Review (RMC § 18.41.070(b))-Approval of Design Review for construction of a new single family residence with associated exterior improvements to a developed lot is based on the findings outlined in the Ross Municipal Code Section 18.41.070(b) as described below:

a) **The project is consistent with the purposes of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010:**

(1) To preserve and enhance the "small town" feel and the serene, quiet character of its neighborhoods are special qualities to the town. The existing scale and quality of

architecture, the low density of development, the open and tree-covered hills, winding creeks and graciously landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environment co-exist in harmony and to sustain the beauty of the town's environment.

(2) 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. Promote high-quality design that enhances the community, is consistent with the scale and quality of existing development and is harmoniously integrated with the natural environment;

(3) 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 through maintaining historic design character and scale, preserving natural features, minimizing overbuilding of existing lots and retaining densities consistent with existing development in Ross and in the surrounding area;

(4) 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. Ensure that site design and intensity recognize site constraints and resources, preserve natural landforms and existing vegetation, and prevent excessive and unsightly hillside grading;

(5) Enhance important community entryways, local travel corridors and the area in which the project is located;

(6) Promote and implement the design goals, policies and criteria of the Ross general plan;

(7) Discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression;

(8) Preserve buildings and areas with historic or aesthetic value and maintain the historic character and scale. Ensure that new construction respects and is compatible with historic character and architecture both within the site and neighborhood;

(9) Upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site.

(10) Preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development to reduce flooding, streambank erosion, sediment in stormwater drainage systems and creeks, and minimize damage to public and private facilities. Ensure that existing site features that naturally aid in stormwater management are protected and enhanced. Recognize that every site is in a watershed and stormwater management is important on both small and large sites to improve stormwater quality and reduce overall runoff.

The project will not change the scale and character of the existing development and will be well screened from public view. The project would maintain the existing drainage pattern and will result in a minor decrease the amount of impervious surfaces. The proposed changes will not result in tree removal.

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

(1) Preservation of Natural Areas and Existing Site Conditions.

(a) The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum. Development should minimize the amount of native vegetation clearing, grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses, considering zones of defensible space appropriate to prevent the spread of fire.

The project proposes to keep existing trees and shrubs. A small area will be kept as turf redesigned to accent the swimming pool area. There are no watercourses within the project site.

(b) Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.

The general appearance of the existing landscaping will be maintained.

(c) Lot coverage and building footprints should be minimized where feasible, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, forested areas, and steep slopes shall be a priority for preservation and open space.

Lot coverage and building footprints will not change. The 464 square foot swimming pool will result in a minor increase to non-permeable surface.

(2) Relationship Between Structure and Site. There should be a balanced and harmonious relationship among structures on the site, between structures and the site itself, and between structures on the site and on neighboring properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site.

The proposed project does not significantly change existing mass. The series of steps and terraces break up the mass of the building. The height of the building will be 27 feet. Views from neighboring properties will not be impacted.

(3) Minimizing Bulk and Mass.

(a) New structures and additions should avoid monumental or excessively large size out of character with their setting or with other dwellings in the neighborhood. Buildings should be compatible with others in the neighborhood and not attract attention to themselves.

(b) To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single-plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety and to

break up building plans. The development of dwellings or dwelling groups should not create excessive mass, bulk or repetition of design features.

The proposed improvements are not impact bulk and mass and will not be out of character with the existing setting.

(4) Materials and Colors.

(a) Buildings should use materials and colors that minimize visual impacts, blend with the existing land forms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Colors and materials should be compatible with those in the surrounding area. High-quality building materials should be used.

(b) Natural materials such as wood and stone are preferred, and manufactured materials such as concrete, stucco or metal should be used in moderation to avoid visual conflicts with the natural setting of the structure.

(c) Soft and muted colors in the earthtone and woodtone range are preferred and generally should predominate.

There are no changes to the building materials or colors. The site landscaping will enhance the back yard area and will not be visible from off-site.

(5) Drives, Parking and Circulation.

(a) Good access, circulation and off-street parking should be provided consistent with the natural features of the site. Walkways, driveways, curb cuts and off-street parking should allow smooth traffic flow and provide for safe ingress and egress to a site.

(b) Access ways and parking areas should be in scale with the design of buildings and structures on the site. They should be sited to minimize physical impacts on adjacent properties related to noise, light and emissions and be visually compatible with development on the site and on neighboring properties. Off-street parking should be screened from view. The area devoted to driveways, parking pads and parking facilities should be minimized through careful site planning.

(c) Incorporate natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, percolation and absorption.

The project would not change access to the site or propose changes to existing driveway materials.

(6) Exterior Lighting. Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.

There is no additional lighting proposed for this area.

(7) Fences and Screening. Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically

attractive and not create a “walled-in” feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance.

Fencing is not proposed.

(8) Views. Views of the hills and ridgelines from public streets and parks should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.

The project will not impact views from public streets and parks.

(9) Natural Environment.

(a) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgelines, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

(b) Development in upland areas shall maintain a setback from creeks or drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards.

(c) Development in low-lying areas shall maintain a setback from creeks or drainageways consistent with the existing development pattern and intensity in the area and on the site, the riparian value along the site, geologic stability, and the development alternatives available on the site. The setback should be maximized to protect the natural resource value of the riparian area and to protect residents from geologic and flood hazards.

(d) The filling and development of land areas within the one-hundred-year flood plain is discouraged. Modification of natural channels of creeks is discouraged. Any modification shall retain and protect creekside vegetation in its natural state as much as possible. Reseeding or replanting with native plants of the habitat and removal of broom and other aggressive exotic plants should occur as soon as possible if vegetation removal or soil disturbance occurs.

(e) Safe and adequate drainage capacity should be provided for all watercourses.

The project is not near a watercourse and is not in a flood zone.

(10) Landscaping.

(a) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with

the same or similar species. Landscaping should include planting of additional street trees as necessary.

(b) Landscaping should include appropriate plantings to soften or screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers and transformers.

(c) Landscape plans should include appropriate plantings to repair, reseed and/or replant disturbed areas to prevent erosion.

(d) Landscape plans should create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire.

(e) Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

The existing vegetation will be retained to the maximum extent possible. Installation of additional plants will blend with existing landscaping.

(11) Health and Safety. Project design should minimize the potential for loss of life, injury or damage to property due to natural and other hazards. New construction must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire-preventive site design, landscaping and building materials, and fire-suppression techniques and resources. Development on hillside areas should adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. New development in areas of geologic hazard must not be endangered by nor contribute to hazardous conditions on the site or on adjoining properties.

The project must comply with the current Building Codes.

(12) Visual Focus.

(a) Where visibility exists from roadways and public vantage points, the primary residence should be the most prominent structure on a site. Accessory structures, including but not limited to garages, pool cabanas, accessory dwellings, parking pads, pools and tennis courts, should be sited to minimize their observed presence on the site, taking into consideration runoff impacts from driveways and impervious surfaces. Front yards and street side yards on corner lots should remain free of structures unless they can be sited where they will not visually detract from the public view of the residence.

(b) Accessory structures should generally be single-story units unless a clearly superior design results from a multilevel structure. Accessory structures should generally be small in floor area. The number of accessory structures should be minimized to avoid a feeling of overbuilding a site. Both the number and size of accessory structures may be regulated in order to minimize the overbuilding of existing lots and attain compliance with these criteria.

The residence will remain the primary structure on the site. The swimming pool will be located in the rear yard away from public view.

(13) Privacy. Building placement and window size and placement should be

selected with consideration given to protecting the privacy of surrounding properties. Decks, balconies and other outdoor areas should be sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping should be provided to protect privacy between properties.

The proposed project will not result in impacts on privacy to surrounding properties.

(14) Consideration of Existing Nonconforming Situations. Proposed work should be evaluated in relationship to existing nonconforming situations, and where determined to be feasible and reasonable, consideration should be given to eliminating nonconforming situations as a condition of project approval.

The project includes a variance for rear yard setback of 26 feet from the rear property line where 40 feet is required by the zoning district. The variance findings have been made as noted above. No additional encroachments are permitted.

(15) Relationship of Project to Entire Site.

(a) Development review should be a broad, overall site review, rather than with a narrow focus oriented only at the portion of the project specifically triggering design review. All information on site development submitted in support of an application constitutes the approved design review project and, once approved, may not be changed by current or future property owners without town approval.

(b) Proposed work should be viewed in relationship to existing on-site conditions. Pre-existing site conditions should be brought into further compliance with the purpose and design criteria of this chapter as a condition of project approval whenever reasonable and feasible.

The pool and associated landscape improvement are appropriate for the site and reflect a holistic approach to combining development with the natural environment.

(16) Relationship to Development Standards in Zoning District. The town council may impose more restrictive development standards than the standards contained in the zoning district in which the project is located in order to meet these criteria.

The variance findings to approval a swimming pool 26 feet from the rear property line have been made. There is no need to impose more restrictive development standards to meet design criteria.

(17) Project Reducing Housing Stock. Projects reducing the number of housing units in the town, whether involving the demolition of a single unit with no replacement unit or the demolition of multiple units with fewer replacement units, are discouraged; nonetheless, such projects may be approved if the council makes findings that the project is consistent with the neighborhood and town character and that the project is consistent with the Ross general plan.

The project does not reduce housing stock.

(18) Maximum Floor Area. Regardless of a residentially zoned parcel's lot area, a guideline maximum of ten thousand square feet of total floor area is recommended. Development above guideline floor area levels may be permitted if the town council finds that

such development intensity is appropriate and consistent with this section, the Ross municipal Code and the Ross general plan. Factors which would support such a finding include, but are not limited to: excellence of design, site planning which minimizes environmental impacts and compatibility with the character of the surrounding area.

The project does not change existing floor area.

(19) Setbacks. All development shall maintain a setback from creeks, waterways and drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards. A minimum fifty-foot setback from the top of bank is recommended for all new buildings. At least twenty-five feet from the top of bank should be provided for all improvements, when feasible. The area along the top of bank of a creek or waterway should be maintained in a natural state or restored to a natural condition, when feasible.

No creek is near the development.

(20) Low Impact Development for Stormwater Management. Development plans should strive to replicate natural, predevelopment hydrology. To the maximum extent possible, the post-development stormwater runoff rates from the site should be no greater than pre-project rates. Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. An applicant may be required to provide a full justification and demonstrate why the use of Low Impact Development (LID) design approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

(a) Maximize Permeability and Reduce Impervious Surfaces. Use permeable materials for driveways, parking areas, patios and paths. Reduce building footprints by using more than one floor level. Pre-existing impervious surfaces should be reduced. The width and length of streets, turnaround areas, and driveways should be limited as much as possible, while conforming with traffic and safety concerns and requirements. Common driveways are encouraged. Projects should include appropriate subsurface conditions and plan for future maintenance to maintain the infiltration performance.

(b) Disperse Runoff On Site. Use drainage as a design element and design the landscaping to function as part of the stormwater management system. Discharge runoff from downspouts to landscaped areas. Include vegetative and landscaping controls, such as vegetated depressions, bioretention areas, or rain gardens, to decrease the velocity of runoff and allow for stormwater infiltration on-site. Avoid connecting impervious areas directly to the storm drain system.

(c) Include Small-Scale Stormwater Controls and Storage Facilities. As appropriate based on the scale of the development, projects should incorporate small-scale controls to store stormwater runoff for reuse or slow release, including vegetated swales, rooftop gardens or "green roofs", catch-basins retro-fitted with below-grade storage culverts, rain barrels, cisterns and dry wells. Such facilities may be necessary to meet minimum stormwater peak flow management standards, such as the no net increase standard. Facilities should be

designed to minimize mosquito production.

The project includes installation of permeable pavers to minimize impermeable surface.

c) **The project is consistent with the Ross general plan and zoning ordinance.**

(1) Ross General Plan Policy (RGP) 1.1 Protection of Environmental Resources. Protect environmental resources, such as hillsides, ridgelines, creeks, drainage ways, trees and tree groves, threatened and endangered species habitat, riparian vegetation, cultural places, and other resources. These resources are unique in the planning area because of their scarcity, scientific value, aesthetic quality and cultural significance.

The site is previously disturbed, is not located near ridgeline, creek or drainage way and will not impact other natural or cultural resources.

(2) RGP 1.2 Tree Canopy Preservation. Protect and expand the tree canopy of Ross to enhance the beauty of the natural landscape. Recognize that the tree canopy is critical to provide shade, reduce ambient temperatures, improve the uptake of carbon dioxide, prevent erosion and excess stormwater runoff, provide habitat for wildlife and birds, and protect the ecosystem of the under-story vegetation.

The existing vegetation will be maintained.

(3) RGP 1.3 Tree Maintenance and Replacement. Assure proper tree maintenance and replacement.

See (2) above.

(4) RGP 1.4 Natural Areas Retention. Maximize the amount of land retained in its natural state. Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

See (2) above.

(5) RGP 2.1 Sustainable Practices. Support measures to reduce resource consumption and improve energy efficiency through all elements of the Ross General Plan and Town regulations and practices, including:

(a) Require large houses to limit the energy usage to that of a more moderately sized house as established in design guidelines.

(b) Choose the most sustainable portion of a site for development and leaving more of a site in its natural condition to reduce land impacts on the natural environment.

(c) Use green materials and resources.

(d) Conserve water, especially in landscaping.

(e) Increase the use of renewable energy sources, including solar energy.

(f) Recycle building materials.

The applicant will be required to comply with Marin Municipal Water District (MMWD) water conserving landscape requirements.

(6) RGP 2.2 Incorporation of Resource Conservation Measures. To the extent consistent with other design considerations, public and private projects should be designed to be efficient and innovative in their use of materials, site construction, and water irrigation standards for new landscaping to minimize resource consumption, including energy and water.

See (5) above.

(7) RGP 2.3 Reduction in the Use of Chemicals and Non-Natural Substances. Support efforts to use chemical-free and toxic-free building materials, reduce waste and recycle building waste and residential garbage. Encourage landscape designs that minimize pesticide and herbicide use.

It is unknown if materials are chemical-free or toxic free.

(8) RGP 2.4 Footprints of Buildings. Utilize smaller footprints to minimize the built area of a site and to allow the maximum amount of landscaped and/or permeable surfaces.

The project will not change the building footprint. The 464 square foot pool will result in a minor increase in nonpermeable surfaces.

(9) RGP 3.1 Building and Site Design. Design all structures and improvements to respect existing natural topographic contours. Open areas and buildings shall be located to protect land forms and natural site features, including cultural places and resources, wherever possible. Where feasible, site development must avoid intact or previously disturbed cultural resources during excavation and grading.

The project largely maintains existing topographic contours. There are no known cultural resources existing on this property and accidental discovery of cultural resources is unlikely.

(10) RGP 3.2 Landscape Design. Where appropriate, encourage landscape designs that incorporate existing native vegetation, enhance the cohesiveness of the Town's lush, organic landscape and integrate new planting with existing site features. Plans shall recognize the importance of open space on a lot and shall address the look and feel of the space between structures so as to avoid overbuilding.

Existing mature landscaping will be maintained.

(11) RGP 3.3 Buildings on Sloping Land. New buildings and additions to existing residential buildings constructed on sloping land should be designed to relate to the current landforms with the goal of integrating the building with the site (e.g., step with the slope). Low retaining walls are encouraged where their use would minimize uphill cutting, and large single-plane retaining walls should be avoided. Cut and fill areas and on/off-hauling should be minimized, especially in locations of limited or difficult access. Special care should be taken to final grade all disturbed areas to a natural appearing configuration and to direct stormwater runoff to areas where water can naturally infiltrate the soil.

The project will result in approximately 90 cubic yards of cut and will result in the minimum of grading necessary to accommodate the swimming pool.

(12) RGP 3.4 Bulk, Mass and Scale. Minimize the perception of building bulk and mass so that homes are not out of scale, visually or structurally, with neighboring residences and their setting. Consider building bulk and mass during the design review process, and when applying requirements and guidelines addressing Floor Area Ratio (FAR), maximum home floor area and other development standards. Building heights should stay in scale with surrounding vegetation and buildings.

The swimming pool will not change the scale with the existing residence or neighboring structures.

(13) RGP 3.5 View Protection. Preserve views and access to views of hillsides, ridgelines, Mt. Tamalpais and Bald Hill from the public right-of-way and public property. Ensure that the design look and feel along major thoroughfares maintains the “greenness” of the Town.

The project is not along major thoroughfare and does not impair views of hillsides and ridgelines.

(14) RGP 3.6 Windows, Roofs, and Skylights. Window and skylight size, placement and design should be selected to maximize the privacy between adjacent properties. To the extent consistent with other design considerations, the placement and size of windows and skylights should minimize light pollution and/or glare.

The project will not require change in windows, roof, or addition of skylights. Privacy will not be impacted.

(15) RGP 3.7 Materials and Colors. Buildings should be designed using high-quality materials and colors appropriate to their neighborhood and natural setting.

Building materials and colors will not change

(16) RGP 3.8 Driveways and Parking Areas. Driveways and parking areas should be designed to minimize visibility from the street and to provide safe access, minimal grading and/or retaining walls, and to protect water quality. Permeable materials should be used to increase water infiltration. Driveways and parking areas should be graded to minimize stormwater runoff.

No major modification to the existing parking areas are proposed.

(17) RGP 4.1 Historic Heritage. Maintain the historic feel of Ross by preserving and maintaining historic buildings, resources and areas with recognized historic or aesthetic value that serve as significant reminders of the past.

The building is not historic.

(18) RGP 4.2 Design Compatibility with Historic Resources. Require new construction to harmonize with existing historic buildings and resources, and ensure a compatibility of landscaping with Ross’ historic character.

The building is not historic.

(19) RGP 4.4 Preservation of Existing Housing Supply. Discourage the demolition or combining of existing residential units that will reduce the supply of housing in Ross.

The project will not eliminate any housing units.

(20) RGP 4.5 Archaeological Resources. Implement measures to preserve and protect archaeological resources. Whenever possible, identify archaeological resources and potential impacts on such resources. Provide information and direction to property owners in order to make them aware of these resources. Require archaeological surveys, conducted by an archaeologist who appears on the Northwest Information Center's list of archaeologists qualified to do historic preservation fieldwork in Marin County, in areas of documented archaeological sensitivity. Develop design review standards for projects that may potentially impact cultural resources.

The discovery of cultural resources is unlikely due to the location of the site and known archaeological areas.

(21) RGP 5.2 Geologic Review Procedures. At the time a development is proposed, Ross geologic and slope stability maps should be reviewed to assess potential geologic hazards. In addition, suitability for development must be based on site-specific geotechnical investigations.

The proposed construction is not within areas that have been identified as instable.

(22) RGP 5.3 Fire Resistant Design. Buildings should be designed to be fire defensive. Designs should minimize risk of fire by a combination of factors including, but not limited to, the use of fire-resistant building materials, fire sprinklers, noncombustible roofing and defensible landscaping space.

The swimming pool will not require special review by the Ross Valley Fire Department.

(23) RGP 5.4 Maintenance and Landscaping for Fire Safety. Ensure that appropriate fire safety and landscaping practices are used to minimize fire danger, especially in steeper areas. Due to the high fire hazard in the steeper areas of Town, special planting and maintenance programs will be required to reduce fire hazards in the hills and wildland areas, including removal of invasive non-native vegetation such as broom, acacia and eucalyptus.

The swimming pool will not require special review by the Ross Valley Fire Department.

(24) RGP 5.5 Fire Safety in New Development. New construction will adhere to all safety standards contained in the Building and Fire Code. Hazards to life and property shall be minimized by such measures as fire preventive site design, fire resistant landscaping and building materials, and the use of fire suppression techniques and resources.

The swimming pool will not require special review by the Ross Valley Fire Department.

(25) RGP 5.12 Access for Emergency Vehicles. New construction shall be denied unless designed to provide adequate access for emergency vehicles, particularly firefighting equipment.

The swimming pool will not require special review by the Ross Valley Fire Department.

(26) RGP 6.4 Runoff and Drainage. Stormwater runoff should be maintained in its natural path. Water should not be concentrated and flow onto adjacent property. Instead,

runoff should be directed toward storm drains or, preferably to other areas where it can be retained, detained, and/or absorbed into the ground.

The project will require approval by the Town Engineer for changes in drainage.

(27) RGP 6.5 Permeable Surfaces. To the greatest extent possible, development should use permeable surfaces and other techniques to minimize runoff into underground drain systems and to allow water to percolate into the ground. Landscaped areas should be designed to provide potential runoff absorption and infiltration.

The project will result in a small increase in the amount of impervious surface. Engineering review may be required as part of building permit submittal.

(28) RGP 6.6 Creek and Drainageway Setbacks, Maintenance and Restoration. Keep development away from creeks and drainageways. Setbacks from creeks shall be maximized to protect riparian areas and to protect residents from flooding and other hazards. Encourage restoration of runoff areas, to include but not be limited to such actions as sloping banks, providing native Creek access vegetation, protecting habitat, etc., and work with property owners to identify means of keeping debris from blocking drainageways.

Work is not proposed near creeks or riparian areas.

EXHIBIT "B"
90 Glenwood Avenue
Conditions of Approval

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

2. Except as otherwise provided in these conditions, the project shall conform with the plans approved by the Town Council on July 9, 2015 consisting of a 464 square foot swimming pool located 26 feet from the rear property line, 15 feet from the northerly side property line and 26 feet from the southerly side property line. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

3. The pool equipment venting shall be directed away from adjacent property as much as possible.

4. The applicant and future property owners shall notify all future property owners of their obligation to comply with conditions of project approval.

5. 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.

6. 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.

7. 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 with MMWD's requirements shall be submitted to the building department prior to project final.

8. Applicants shall comply with the requirements of the Ross Valley Sanitary District prior to project final.

9. The applicant and contractor should note the Town of Ross 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).

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

March 18, 2015

Dear Ross Town Planner,

I am the owner of the property behind 90 Glenwood Avenue. I support the addition of a pool in the backyard of that property and understand that it may be within the setback guidelines from the back property line.

Please call me if you have any questions or concerns.

Thanks very much.

Sincerely,

A handwritten signature in cursive script, appearing to read "Constance Pansini", with a long horizontal flourish extending to the right.

Constance Pansini
Address: 129 BOUNAS AVENUE
Phone: 415.524.8798

March 19, 2015

Dear Ross Town Planner,

I am the property owner of a home near 90 Glenwood Avenue in Ross. I am not opposed to the addition of a pool in the backyard of that property.

Please contact me if you have any questions or concerns.

Thanks very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Paine', with a long horizontal stroke extending to the right.

Name: *Nathan Paine*

Address: *84 Glenwood Avenue*

Phone: *415-416-0171*

March 19, 2015

Dear Ross Town Planner,

I am the property owner of a home near 90 Glenwood Avenue in Ross. I am not opposed to the addition of a pool in the backyard of that property.

Please contact me if you have any questions or concerns.

Thanks very much.

Sincerely,

Name: Kathleen M. Logan

Address: 89 Glenwood Ave Ross

Phone:

707 - 322 - 1918

March 18, 2015

Dear Ross Town Planner,

We are the owners of the property adjoining 90 Glenwood Avenue.
We support the addition of a pool in the backyard of that property.

Please contact us if you have any questions or concerns.

Thanks very much.

Sincerely,

Handwritten signatures of Pete and Kelsey Ellis. The signature on the left is a cursive signature, and the signature on the right is a stylized signature.

Pete and Kelsey Ellis

Address: 92 Glenwood Ave.

Phone: (415) 254-4082

March 19, 2015

Dear Ross Town Planner,

I am the property owner of a home near 90 Glenwood Avenue in Ross. I am not opposed to the addition of a pool in the backyard of that property.

Please contact me if you have any questions or concerns.

Thanks very much.

Sincerely,



Name: Deborah Altemus

Address: 141 Bolinas

Phone: (415) 785-4491

March 19, 2015

Dear Ross Town Planner,

I am the property owner of a home near 90 Glenwood Avenue in Ross. I am not opposed to the addition of a pool in the backyard of that property.

Please contact me if you have any questions or concerns.

Thanks very much.

Sincerely, *Kelli Freitas*

Name: *Kelli Freitas*
Address: *86 Glenwood Ave*
Phone: *415-205-3531*

March 26, 2015

To
Simone Jamotte
Building & Public Works Secretary
Town of Ross
P.O. Box 320
Ross, CA 94957

Hello Simone,

We're writing to let you know we see no reason to oppose our neighbor Traci McCarty's proposed pool project at 90 Glenwood Avenue based on the information we currently have and provided that the pool is built in accordance with Town of Ross municipal codes.

Sincerely,

Ruth Krueger

A handwritten signature in black ink, appearing to be "Kevin Buckholtz", written in a cursive style.

Ruth Krueger and Kevin Buckholtz
91 Glenwood Avenue
POB 52
Ross, CA 94957



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Phone (415) 453-1453, Ext. 121

Web www.townofross.org

Fax (415) 453-1950

Email esemonian@townofross.org

Five # 2003

Staff Use Only
Received By: <u>AMG</u>
Date: <u>6/17/15</u>
Fees Paid: <u>X0467</u>
Date: <u>6/17/15</u>

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

Parcel Address and Assessor's Parcel No. 90 Glenwood Ave; 073-011-32

Owner(s) of Parcel Traci McCarty

Mailing Address (PO Box in Ross) 602

City Ross State CA ZIP 94957

Day Phone 415-827-9367 Evening Phone same

Email tmccarty@bmrn.com

Architect (Or applicant if not owner) Swan Pools

Mailing Address 2950 Camino Diablo, Suite 200

City Walnut Creek State CA ZIP 94597

Phone 925-552-1116

Email DIABLOVG@AOL.COM

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

Gross Lot Size	<u>10,366</u> sq. ft.	Lot Area	<u>10,366</u> sq. ft.
Existing Lot Coverage	<u>1000</u> sq. ft.	Existing Floor Area	<u>2000</u> sq. ft.
Existing Lot Coverage	<u>20</u> %	Existing Floor Area Ratio	<u>20</u> %
Coverage Removed	<u>NA</u> sq. ft.	Floor Area Removed	<u>NA</u> sq. ft.
Coverage Added	<u>NA</u> sq. ft.	Floor Area Added	<u>NA</u> sq. ft.
Net Change- Coverage	<u>NA</u> sq. ft.	Net Change- Floor Area	<u>NA</u> sq. ft.
Proposed Lot Coverage	<u>NA</u> sq. ft.	Proposed Floor Area	<u>NA</u> sq. ft.
Proposed Lot Coverage	<u>NA</u> %	Proposed Floor Area Ratio	<u>NA</u> %
Existing Impervious Areas	<u>580</u> sq. ft.	Proposed Impervious Areas	<u>634</u> sq. ft.
Existing Impervious Areas	<u>5</u> %	Proposed Impervious Areas	<u> </u> %
Proposed New Retaining Wall Construction	<u>NA</u> ft. (length)	<u>NA</u> ft. (max height)	
Proposed Cut	<u>NA</u> cubic yards	Proposed Fill	<u>NA</u> cubic yards

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 is diagonal along the rear property line requiring the pool to be sited parallel to the home. The home was built in 2001 by the current owner according to all building codes and with no variances. Every surrounding property has either benefited from variances, exceeded lot coverage, or is non-conforming in some way. Owner requests this one-time 14 foot variance consistent with what neighbors have been permitted.

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.**

Owner has 3 elementary age children who are very active and would benefit from having a pool to enjoy together. Numerous neighboring properties have been permitted pools within required setbacks (see attached photos and list of properties). The family would like to spend time together and with friends and neighbors in their pool, if granted permission.

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.**

Neighbors support the project. See attached letters of support.

High quality automatic cover will be used.

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.

All surrounding neighbors have benefitted from extended lot coverage, variances and other non-conforming conditions that have allowed for their enjoyment.

Many properties within a half mile have been permitted to build pools within required set backs, so owner is requesting the same consideration. In fact, three homes on Bolinas Ave on smaller lots have built pools very close to rear property line. (see photos)

Neighbors are in support of this project. (see letters)

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 Joe Dicis Swan Pools
 Mailing Address 2950 Camino Diablo Suite 200
 City Walnut Creek State CA ZIP 94597
 Phone 925 552 1116 Fax _____
 Email DIABLOVG@APL.com
 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 _____

Project Architect's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I understand that any permit issued in reliance thereon may be declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Signature of Architect

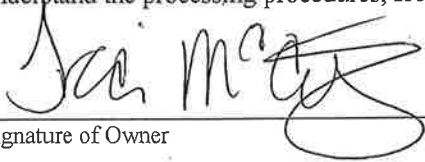
Date

Owner's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I further consent to any permit issued in reliance thereon being declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Signature of Owner



Date

June 17, 2015

Signature of Co-Owner (if applicable)

Date

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:

Variance/ Design Review/ Demolition approvals expire 365 days after the granting thereof.

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Ausnit and McCarty, FAR Variance for new 2nd Unit, 90 Glenwood, File 1779
Date: May 6, 2010

I. Project Summary

Owners: Peter Ausnit and Traci McCarty
Location: 90 Glenwood Avenue
A.P. Number: 73-041-32
Zoning: R-1 (Single Family Residence, 5,000 Sq. Ft. Minimum Lot Size)
General Plan: Medium Density (6-10 Units/Acre)
Flood Zone: Zone X (outside 1-percent annual chance floodplain)

II. Project Description

Floor area variance associated with the construction of a new 582 square foot second unit in the basement level of the residence. Request to amend the conditions of the October 14, 2004 Town Council approval for the residence, which limited the improvement of the basement and required the basement to have a maximum ceiling height of 6' 6".

Lot area	10,214 sq. ft.	
Existing Floor Area	21.3%	
Proposed Floor Area	27.0%	(20% permitted)
Existing Lot Coverage	18.5%	
Proposed Lot Coverage	18.5%	(20% permitted)

III. Discussion

The applicants are requesting a variance to allow the construction of a second unit in the basement area of the existing residence. The Town Council approved plans for the existing residence in 2005. The Town Council limited improvement of the basement area. The applicant requests a modification of the conditions of approval to allow improvement of the basement to create a new second unit. The project would entail removing the 3" concrete floor slab and drain rock to lower the floor to 8 feet.

The existing residence is slightly over the permitted floor area for the site. Since the Town considers finished basement area to be floor area, the project adds 582 square feet of additional floor area to the site. Therefore, a floor area ratio variance is requested in order to construct the second unit.

Since second units are permitted in any residential zoning district and the unit would comply with the development regulations and parking requirements in the zoning code, the Town Council is limited in its review to considering whether findings may be made for the floor area ratio variance requested.

California State Law and the Town Zoning Ordinance permit the Council to grant exceptions to the zoning regulations when a property is unusual and the strict application of the zoning regulations would “deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.” (RMC §18.48.010, California Govt. Code §65906)

In order 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)

Staff believes that Council may make the finding that the proposed addition will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The floor area ratio variance will not significantly change the appearance of the existing structure. A second unit is, arguably, a substantial property right.

The primary issue for the Council to consider is if there are any special circumstances applicable to the site to warrant the floor area ratio variance.

The lot is twice the minimum lot size for the zoning district. The existing floor area of 2,175 square feet would be sufficient to accommodate a very small primary residence and second unit. However, significant changes would have to be made to this newer house to add a second unit within the existing floor area.

If the Council adopts an ordinance to remove finished basement area from the definition of floor area, the project would not require a floor area ratio variance. Since the area is primarily below grade, the project meets the intent of the floor area regulations, which is to minimize bulk and mass of development on a site.

The last Town of Ross Draft Housing Element considered by the Council contained Policy H3.I, which provides that the Town will modify the second unit ordinance to encourage property owners to deed restrict their second units to be affordable to very low income households. The modifications proposed include relaxing “development standards for property owners that agree to deed-restrict their second unit to be affordable to a very low income household. Consider offering a bonus of up to 500 square feet of additional living area over the square footage allowed under existing development standards.”

Staff would like the Council to carefully consider the Town-wide impacts of allowing a floor area ratio bonus for second units or basement areas before the Council adopts any ordinance to permit these bonuses or areas. State and local legislation prescribe

procedures and noticing requirements for adoption of zoning regulations. Staff does not encourage the Council to preempt the procedures for adopting zoning regulations by granting variances from Town ordinances. Staff would recommend that Council only approve the variances requested if the Council can find that substantial evidence supports the required findings.

The Town Council has approved the following floor area ratio variances for second units (areas in square feet):

Year	Address	Lot Size	Approved Floor Area	2 nd Unit Area	Bonus area for 2 nd unit
2009	21 Fernhill	27,802	16.9% (15% permitted)	613	72
2009	19 Brookwood	17,119	25% (20% permitted)	698	698
2006	8 Sylvan Lane	21,090	17.9% (15% permitted)	442	442

However, variances are based on the unique circumstances of a particular site and do not create precedent for other variance requests.

The Council supported the addition of a second unit at 19 Brookwood where, like here, the unit would not add significant mass to the existing structure.

V. Recommendation, Findings, & Conditions

If the Council can find special circumstances to support the additional floor area requested for this second unit, staff recommends approval of the project subject to the following findings and conditions.

The Council may wish to impose conditions to make the unit more viable as a rental unit. For example, the Council may require the elimination of the connection between the main residence and the 2nd unit, a full-sized kitchen with food storage cabinets, and separate laundry facilities for the unit.

Findings

1. 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 15303, for a new second unit.
2. There are special circumstances or conditions applicable to the land, building or use referred to in the application as described by the Council at the public hearing on the project. The new floor area is below grade and will not add any new mass to the structure.
3. Granting of the application is necessary for the preservation and enjoyment of substantial property rights to allow a second unit, which is permitted by state law on a residentially zoned site.
4. 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. No visible exterior changes

would be required for the floor area ratio variance proposed, as the unit would be created in the basement area of an existing structure.

Conditions

The project shall be subject to the following conditions of approval:

1. The applicants shall comply with any requirements of the Marin Municipal Water District, Ross Valley Sanitary District, PG&E and Ross Public Safety Department for the new second unit use. Evidence that all requirements of MMWD have been complied with shall be presented to staff prior to building permit final.
2. The property owner must comply with all the applicable provisions of the Second Unit Ordinance set forth in Ross Municipal Code Section 18.42 et. seq. One of the two units on the property shall be occupied by an owner of the site.
3. A kitchen shall be installed in the unit, including a refrigerator/freezer, kitchen sink, stove/oven unit, and food storage areas. Town Council approval shall be required to remove the kitchen from the unit.
4. The project shall comply with all requirements of the Marin Municipal Water District and Ross Valley Sanitary District and PG&E, including payment of any connection fees and installation of any separate meters.
5. **NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. RED-LINED PLANS SHOWING ANY PROPOSED CHANGES SHALL BE SUBMITTED TO THE TOWN PLANNER FOR REVIEW AND APPROVAL PRIOR TO ANY CHANGE.**
6. Except as otherwise provided in these conditions, the project shall comply with the approved plans. Plans submitted for the building permit shall reflect any modifications required by the Town Council.
7. All costs for town consultant, such as the town engineer, review of the project shall be paid prior to building permit issuance. Any additional costs incurred to inspect or review the project shall be paid as incurred and prior to project final.
8. This project shall comply with all requirements of the Department of Public Safety, as outlined in their ongoing project review, including the following: a) sprinklers are required; b) a 24-hour monitored alarm system is required; c) all dead or dying flammable material shall be cleared and removed per Ross Municipal Code Chapter 12.12 from the subject property; d) the street number must be posted (minimum 4 inches on contrasting background), e.) the access roadway must have a vertical clearance of 14 feet; f.) all brush impinging on the access roadway must be cleared as determined feasible by Public Safety; and g.) a Knox Lock box is required.
9. Any portable toilets shall be placed off of the street and out of public view.
10. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner shall be subject to automatic penalties with no further notice. The construction shall not be deemed complete until final sign off is received from representatives of the building/public works, planning and public safety departments.
11. 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.

12. Failure to secure required building permits and/or begin construction by May 13, 2011 will cause the approval to lapse without further notice.
13. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

18. DEMOLITION PERMIT, DESIGN REVIEW NO. 433, AND VARIANCE NO. 1536.

Traci McCarty, 90 Glenwood Avenue, A.P. No. ~~73-071-03~~⁷³⁻⁰⁴¹⁻³², R-1 (Single Family Residence, 5,000 Square Foot Minimum.) Demolition permit to allow the removal of a 1,243 square foot single-story primary residence, a 759 square foot attached accessory structure, and a 183 square foot detached carport. Variance and design review to allow the following: 1.) construction of a 1,990 square foot two-story residence with a detached 185 square foot one-car carport; total development of 2,175 square feet is proposed; 2.) construction of a 1,038 square foot unfinished basement with a ceiling height of 7 feet; 3.) construction of 655 square feet of covered porches; and 4.) earthwork including 289 cubic yards of cut and 222 cubic yards of fill. Tree removal approval is additionally requested to allow the removal of two 8-inch crabapples and one 12-inch locust.

Lot area	10,124 square feet	
Existing Floor Area Ratio	21.6%	
Proposed Floor Area Ratio	21.5%	(20% permitted)
Existing Lot Coverage	22.5%	
Proposed Lot Coverage	18.5%	(20% permitted)

(The existing residence is nonconforming in setbacks.)

Gary Broad, Town Manager, summarized the staff report and recommended that the Council make all four necessary findings in order to allow the demolition of a residence to approve this project.

The Town Council received a letter from a property owner in the immediate area with suggested modifications of the plans to reduce the overall height by 3 feet. This included lowering the basement height by 6 inches, which staff had recommended. He indicated that the Council could evaluate whether the plate height on both the first and second story should be reduced to lower the overall height by 2.5 feet.

Peter Ausnit, applicant, desired to build a first and second story at 9 ft. 6 in. He discussed the design and would agree to make any modifications to the elevations desired by the Council. He desired 7 feet in the basement because they do not have a garage and storage is greatly needed. He stated that the design is similar to the surrounding neighborhood and believed the house is appropriately scaled. He added that he would be glad to work with staff if approved with conditions to reconfigure the front elevation. He then provided the original proposal to the Council in order to compare to the revised proposal. He also asked the Council if clad windows would be a problem, and if so, he would use wood. Lastly, he made every attempt to communicate with Mr. Kemp to inform him that there is a tree not on the site plan, but in the right-of-way that would stay and provide screening. Also, he would certainly try to plant

evergreen trees. He pointed out that during the design process they lowered the plate heights and worked to create a roof design that did not have a large peak as well as compressed the height as much as possible. He pointed out that in a few years there would be very large trees in front of their house. He further urged the Council to approve the application.

Council Member Poland asked Mr. Ausnit to discuss the elevation design. Mr. Ausnit produced the revised design, but would be glad to make further revisions to satisfy staff and the Council.

Council Member Strauss asked Mr. Ausnit if the plate height could be reduced at the eaves and leave the peak in order to mitigate the concern of the adjacent neighbors. Mr. Ausnit agreed to consider changing the pitch, but desired the ridge as presented. He noted that larger trees would create an obscuring element and he is not sure what the issue is with the neighbor. He further stated that to demolish a house and rebuild at a smaller peak would not be feasible in his view.

Mr. Broad recommended that the Council listen to Mr. Ausnit's response and Mr. Kemp's argument. He added that staff is comfortable with the manner the house appeared from the street. He pointed out that the property is dropping off from the street so the house is at a lower elevation relative to the street and staff's recommendation would require the house to be dropped by 6 inches, but the Council must make its own opinion as to whether Mr. Kemp's concerns are warranted.

Mr. Ausnit asked the Town Council to accommodate his request because the design reflects a tremendous amount of input. Mr. Broad agreed and pointed out that for the applicant to receive a positive recommendation at the first meeting reflects that the applicant put a tremendous amount of work into the plan before the Council.

Mayor Barr opened the public hearing on this item.

Jim Kemp, Glenwood Ave. resident, submitted a letter outlining his position. In general, he supported this application, but expressed concern for the impacts in regard to the loss of sunlight due to this proposed project. He objected to the overall height of the project. He agreed this project could be an enhancement to the neighborhood, but not to the detriment of the neighboring properties. He recommended that the main floor be lowered by 6 inches and the first floor be modified to 8 ft 6in. and the second floor should be 8 feet.

Kevin Buckholtz, Glenwood Ave. resident, supported the project and encouraged the Council's support.

Mr. Ausnit understood Mr. Kemp's concern regarding the loss of sunlight, but his home would add value to the neighborhood and reducing the plate heights would be a hardship.

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

Ross Town Council Minutes
October 14, 2004

Council Member Strauss agreed with the staff report, but some tweaking could be worked out with the Council. He believed it is important to uphold the 6 ft. 6 in. basement requirements. He believed the first floor could be lowered by 16 inches to bring the house down. Personally, he desired the wood windows and in regard to the plate heights, he could go either way.

Council Member Hunter believed it is a nice design and it is keeping with the existing neighbor, which in his view it would add value to the neighborhood. He noted that they have a two-year history and in deference to the Zoning Ordinance and neighbors, he recommended keeping the recommended basement height. He further welcomed the addition.

Council Member Poland recommended being educated in regard to windows in order to better understand the difference between wood windows and clad windows. He discussed the basement regarding 6 ft. 6 in. and had no objection to the 7 feet basement height as requested by the applicant. He also agreed with the ceiling heights the applicant proposed. He further noted that he is in favor of the application in its entirety.

Mr. Ausnit pointed out that every house in Ross is a couple of steps up from the ground, which protects homes from ground water and he desired a two to three inch difference between the ground floor and edge of the porch.

Council Member Strauss objected to the 7-foot basement height because he expressed concern for setting a precedent.

Council Member Poland believed 6 ft. 6 in. should be modified in regard to the basement height. Council Member Hunter recommended incorporating a modification to the basement height into the next Zoning Ordinance. Council Member Strauss agreed.

Council Member Strauss supported staff's recommendation.

Mr. Jarjoura added that the basement is part of the living space, but they desired less than 7 feet in order for the area not to be considered a living space.

Mr. Broad pointed out that staff normally would not allow windows and in allowing windows for this space, staff is accommodating the applicant. He further added that living space is 7 foot 6 inches in height

Council Member Poland stated that wood requires more maintenance and preferred clad windows. The Council deferred to Mr. Broad in that regard.

Mayor Barr agreed that the basement should remain at 6 ft. 6 in.

Mayor Barr asked for a motion.

Council Member Strauss moved and Council Member Hunter seconded, to support staff's recommendations as presented; deferring to staff regarding the use of wood or

clad windows; with the addition that the basement would be 6 ft. 6 in.; and the overall building height would be reduced 6 inches. The motion carried by a unanimous vote by the Council.

Council Member Poland reiterated his concern of the 6 ft. 6 in. basement height and recommended changing the ordinance to allow 7-foot basements.

McCarty Demolition Permit, Variance, Design Review, and Tree Removal Conditions

1. Prior to the issuance of a building permit, the applicants shall submit a revised front elevation, which incorporates changes to the proposed fenestration designed to improve the appearance of the front elevation for the review and approval of the Planning Department. If the revised elevations do not adequately address the concerns of the Council and staff, the Planning Director shall retain an architect, of his choosing and at the applicants' sole expense, to undertake a peer review of the proposed design.
2. Prior to the issuance of a building permit, the applicants shall submit a tree plan drafted by a certified arborist focused on protecting the ongoing health and vigor of all on-site trees designated for retention with specific attention to the three redwoods at the rear of the property.
3. Prior to the issuance of a building permit, the applicants shall submit a detailed landscape plan for the review and approval of the Planning Department. The submitted plan shall focus on softening the appearance of the residence and associated development from the right-of-way and screening views from and to the neighboring properties at 92 and 88 Glenwood Avenue from the site. The submitted plan shall additionally include mature plantings along the side yard property lines to hasten the provision of effective screening.
4. *Basement areas are not included as floor area, and may not be finished. No sheet rock or other finishing material is permitted on the basement walls, floors, or ceiling. No plumbing or other improvements that would allow the area to be finished are permitted. A concrete floor only shall be provided. THE BASEMENT SHALL BE LIMITED TO A 6.5 FOOT MAXIMUM CEILING HEIGHT, which shall be measured from the floor to the ceiling joists. A maximum of two small utility electrical outlets shall be provided in the unfinished basement. Final basement plans shall be submitted to the Planning Department for their review and approval prior to the issuance of a building permit.*
5. **Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee.** Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
6. All windows shall be real wood windows without cladding, either on their interior or exterior, with permanent wood mullions appropriate to the style of the structure, unless the Planning Department approves clad windows. All windows must

- substantially resemble real wood true divided light windows and are subject to Planning Department approval prior to the issuance of a building permit.
7. Prior to the issuance of a building permit, the project contractor, building official and planning director shall meet to discuss the project and Town rules and regulations.
 8. No variance or design review approval for fencing is hereby granted. Fencing along Glenwood Avenue shall not exceed 4 feet in height at any point. Fencing along the side and rear yard property lines shall not exceed 6 feet at any point.
 9. The driveway gate proposed at the front of the property shall provide at least 12 feet of horizontal clearance and be located no less than 20 feet from the edge of Glenwood Avenue pavement.
 10. No encroachment permit is hereby approved. It is the responsibility of the applicants to ensure that no work occurs within the Glenwood Avenue right of way.
 11. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) Sprinklers are required; 2.) A Knox lock box is required; 3.) All brush impinging on the access roadway must be cleared; 4.) A street number must be posted (minimum 4 inches on contrasting background); 5.) All dead or dying flammable materials must be cleared and removed from the property per R.M.C. Chapter 12.12; and 6.) A 24-hour monitored alarm system is required.
 12. Before the start of any clearing, demolition, excavation, construction, other work on the site, every significant and/or protected tree shall be securely fenced-off at the non-intrusion zone, or other limit as may be delineated in approved plans. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.
 13. **In no case shall construction materials or debris be stored within the non-intrusion zone of a significant and/or protected tree.**
 14. Underground trenching shall avoid the major support and absorbing tree roots of significant and/or protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist is required. Trenches shall be consolidated to service as many units as possible.
 15. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
 16. **This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance the owner will be subject to automatic penalties with no further notice.**
 17. **No changes from the approved plans shall be permitted without prior Town approval.** Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
 18. Failure to secure required building permits and/or begin construction by October 14, 2005 will cause the approval to lapse without further notice.
 19. 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.
 20. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

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

19. DEMOLITION PERMIT AND DESIGN REVIEW.

Stephen Swire, 10 Thomas Court, A.P. No. 73-232-12, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum.) Demolition permit to allow the removal of a 2,287 square foot single-story residence and an attached 342 square foot carport. Design review to allow the following: 1.) construction of a 4,100 square foot two story residence with an attached 505 square foot two car garage; total development of 4,605 square feet is proposed; 2.) construction of a 1,568 square foot unfinished basement with a ceiling height of 7 foot 5 inches; 3.) construction of 782 square feet of second story rooftop decks; 4.) demolition of an existing nonconforming pool and construction of a new pool and spa, which meet setback requirements; 5.) construction of 34.5 linear feet of 6 foot tall solid wood fencing between the proposed residence and Thomas Court; and 6.) earth work including 900 cubic yards of cut and 250 cubic yards of fill.

Lot area	23,060 square feet
Existing Floor Area Ratio	11.4%
Proposed Floor Area Ratio	20.0% (20% permitted)
Existing Lot Coverage	15.4%
Proposed Lot Coverage	14.5% (20% permitted)

(The existing residence and pool are nonconforming in setbacks.)

Gary Broad, Town Manager, summarized the staff report and recommended that the Council provide direction to the applicant and continue this item to a future Council meeting.

Steve Swire, applicant, desired to maintain good relations with the neighborhood. He explained that more space is needed, due to the new addition in their family and it is time to advance to a new home on the property. He further believed they designed a home that fits the character of the existing community.

Peter Pfau, architect, provided the Council with architectural drawings as well as a model for their consideration. He explained that they tried to understand how this family could live on this site as well as have a contemporary style, but at the same time be respectful of the design of Ross. He welcomed the Council's comments and noted that he is very open to input. He discussed the site design outlining the following for the Council's review: existing condition



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

RESIDENTIAL SECOND UNIT APPLICATION

No Fee for Ministerial Review

Parcel Address 90 Glenwood

Assessor's Parcel Number 073-041-32

Legal Owner of Parcel Peter Ausnit & Traci McCarty

Mailing Address P.O. Box 115

City SAN ANSELMO State CA ZIP 94979

Day Phone 415 259-7177 Evening Phone 415-454-5498

Fax ∅ Email pausnit@gmail.com

Architect (Or applicant if not owner) _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone _____

Fax _____ Email _____

Existing and Proposed Property Conditions (Refer to attached fact sheet for definitions.)

Lot Size 10,214 sq. ft.

Existing Coverage 1,890 sq. ft. Existing Floor Area 2,175 sq. ft.

Existing Lot Coverage 18.5 % Existing Floor Area Ratio 21.3 %

Coverage Removed ∅ sq. ft. Floor Area Removed ∅ sq. ft.

Coverage Added ∅ sq. ft. Floor Area Added 582 sq. ft.

Net Change- Coverage ∅ sq. ft. Net Change- Floor Area 2,757 ~~3100~~ sq. ft.

Proposed Lot Coverage 18.5 % Proposed Floor Area Ratio 27.0 %

Proposed New Retaining Wall Construction ∅ ft. (length) ∅ ft. (max height)

Proposed Residential Second Unit (Refer to attached fact sheet for definitions.)

Second Unit Floor Area 582 sq. ft.

Proposed Additional Parking Spaces _____ covered, _____ not covered

Proposed Second Unit Height (if detached) _____ ft. from existing grade

Project Description

A complete description of the proposed project is required.

The project will create a second unit within the existing single-family residence. The second unit will be constructed in what is now an unfinished basement. There will be no changes to lot coverage or mass. The second unit will not change the exterior of the existing residence, apart from enlarging the door to the basement at the rear of the building. The existing residence is conforming in all respects including setbacks, coverage and floor area. The home was completed in 2006 by the current inhabitants, who require additional space for live-in help for their 3 small children, ages 4-6. Prior to the construction of the current residence, a single family home & a second unit existed on the property from approximately 1962-2004. The existing driveway provides parking for 7 cars along with 1 covered parking space. In addition there are 3 parking spaces in front of the property. The second unit will be fully conforming and will have a bedroom, bathroom, closet, living area & food preparation area. All ceilings will exceed 7'-6". Variances are required for additional living space for the second unit & to allow 3 floors of occupied space.

Mandatory Findings for Residential Second Unit Approval

In order for a Residential Second Unit approval to be granted, each of the following mandatory findings must be made. Please initial beneath all that apply.

For All Residential Second Units

The proposed second unit is located in a single-family residential zoning district.

Initial Here- PA

One additional parking space will be provided for the use of the residential second unit and it will be screened from public view.

Initial Here- PA

If located within the primary residence, the second unit will not result in the creation of an additional story.

Initial Here- PA

If detached from the primary residence, the second unit will be less than 18 feet in height when measured from existing grade.

Initial Here- PA

The proposed second unit will meet setback requirements as established by its zoning district.

Initial Here- PA

The subject property, with the addition of the second unit, will not exceed maximum floor area requirements.

Initial Here- _____

The subject property, with the addition of the second unit, will not exceed maximum lot coverage requirements.

Initial Here- PA

The proposed second unit will have less than 700 square feet of total floor area.

Initial Here- PA

The owner of record lives on the property on which the residential second unit is proposed.

Initial Here- PA

Any areas disturbed by construction will be finished to a natural appearing configuration and planted to prevent erosion.

Initial Here- PA

If the second unit is proposed on a sloping parcel, it will relate to the natural landscape in order to minimize building mass, bulk, and height.

Initial Here- PA

The second unit will have the same exterior materials, color, and style as the primary living unit.

Initial Here- PA

Any exterior lighting will be shielded and directed downwards.

Initial Here- PA

Any exterior lighting be low wattage and incandescent.

Initial Here- PA

A tree removal permit has been obtained if the construction of the second unit will result in the removal, alteration, or relocation of any significant or protected tree.

Initial Here- PA

Landscaping will be installed to adequately screen the proposed second unit and associated development.

Initial Here- PA

The proposed second unit will not be located directly between the primary residence and any roadway.

Initial Here- PA

For Existing Second Units

Was the existing unit allowed through approval of a conditional use permit?

Yes _____ No _____

If so, when was the use permit approved?

_____/_____/_____

If the existing unit was operated without a conditional use permit, was the unit occupied and operated as a second unit prior to October 12, 2003?

Yes _____ No _____

If so, it has been continuously occupied and operated as a second unit since what date?

_____/_____/_____

Project Architect's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I understand that any permit issued in reliance thereon may be declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Residential Second Unit Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Pete Ammit _____ 4/19/10 _____
Signature of Architect Date

Owner's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I further consent to any permit issued in reliance thereon being declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Residential Second Unit Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Pete Ammit _____ 4/19/10 _____
Signature of Owner Date

Inaci McEnty _____ 4/19/10 _____
Signature of Co-Owner (if applicable) Date

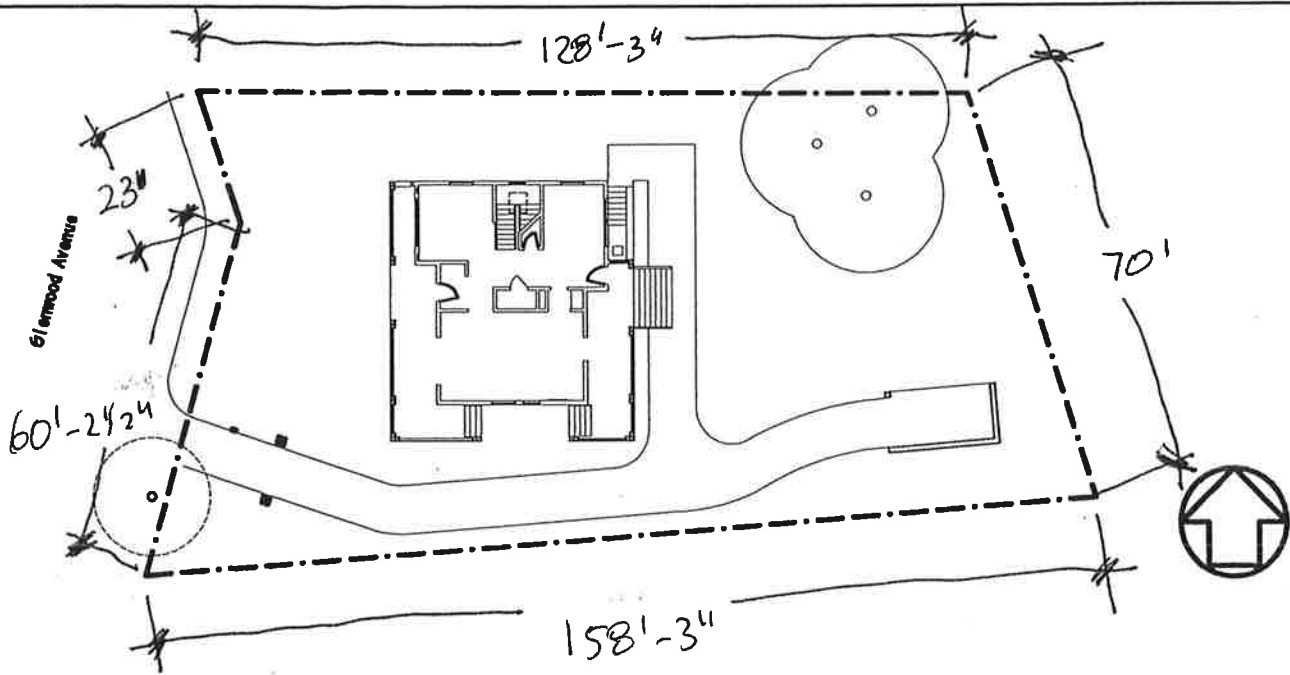
Town Email List

If you would like to receive copies of upcoming Town Council agendas and other items of interest to Ross residents please give us your email address below.

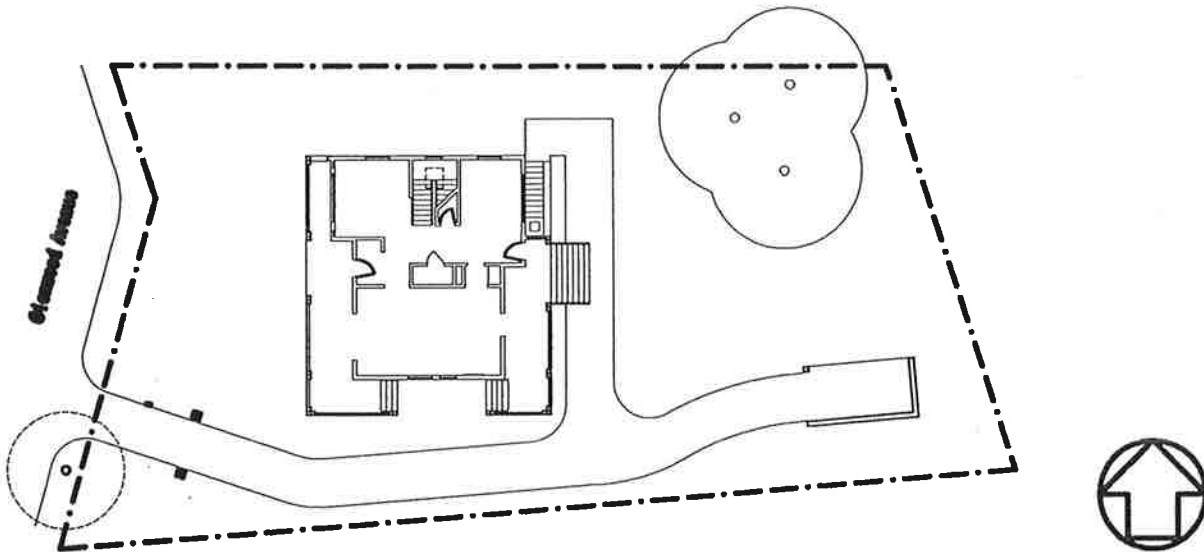
Email(s) _____

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 the Town Administration office at (415) 453-1453, extension 105.



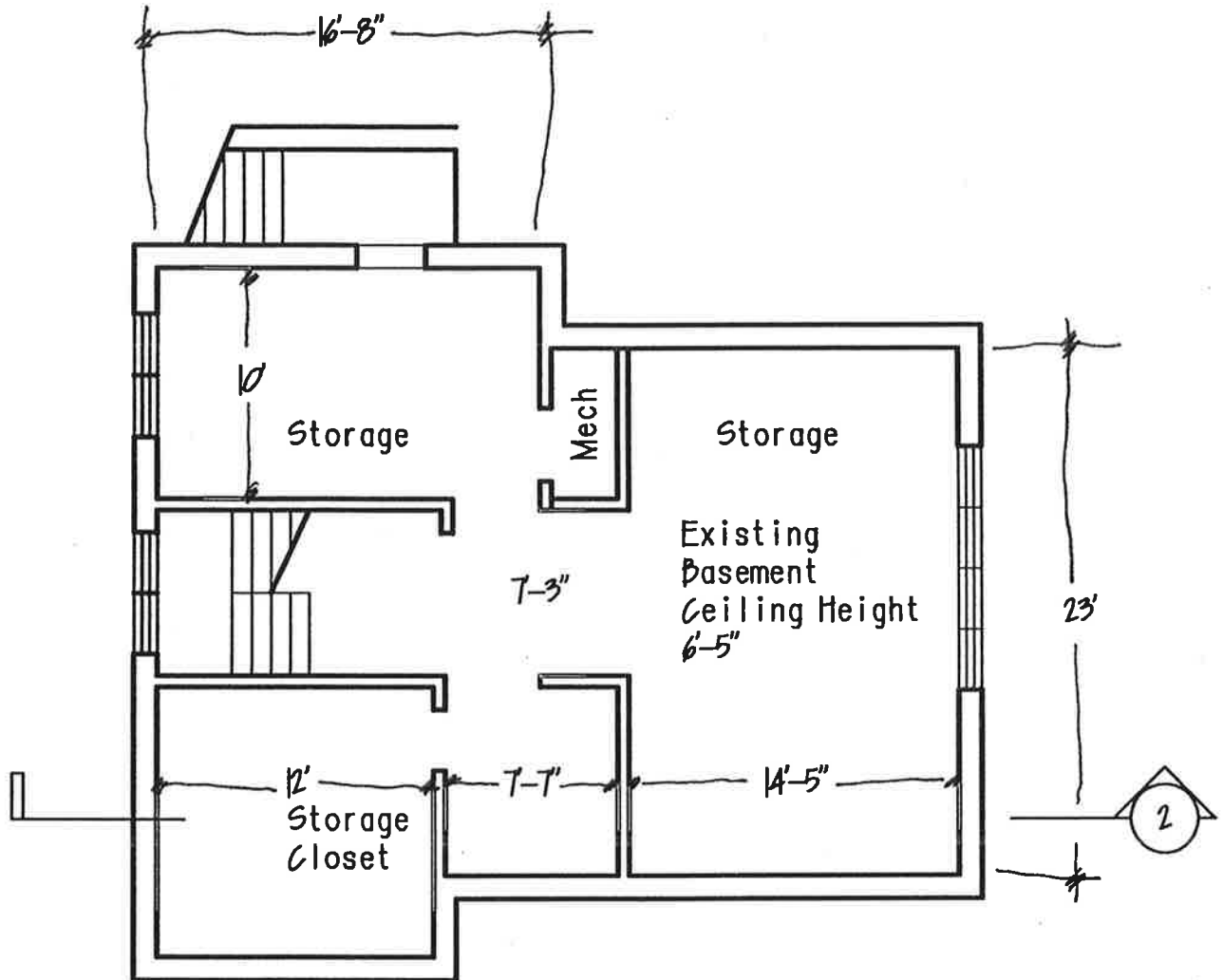
Existing House



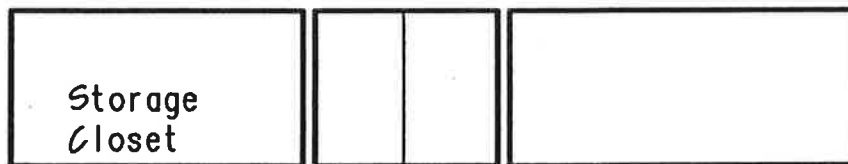
Existing House with second unit

90 Glenwood Avenue, Ross, CA
 AP Number: 013-041-32
 Owners: Traci McCarty and Peter Ausnit
 Date: April 29, 2010
 Scale: 1" = 32' - 0"
 Telephone: 415-259-7117, Email: pausnit@gmail.com

1



① Existing Basement



② Existing basement section

90 Glenwood Avenue, Ross, CA
 AP Number: 013-04-92
 Owners: Traci McCarty and Peter Ausnit
 Date: April 29, 2010
 Scale: 1" = 8' - 0"
 Telephone: 415-259-7117, Email: pausnit@gmail.com

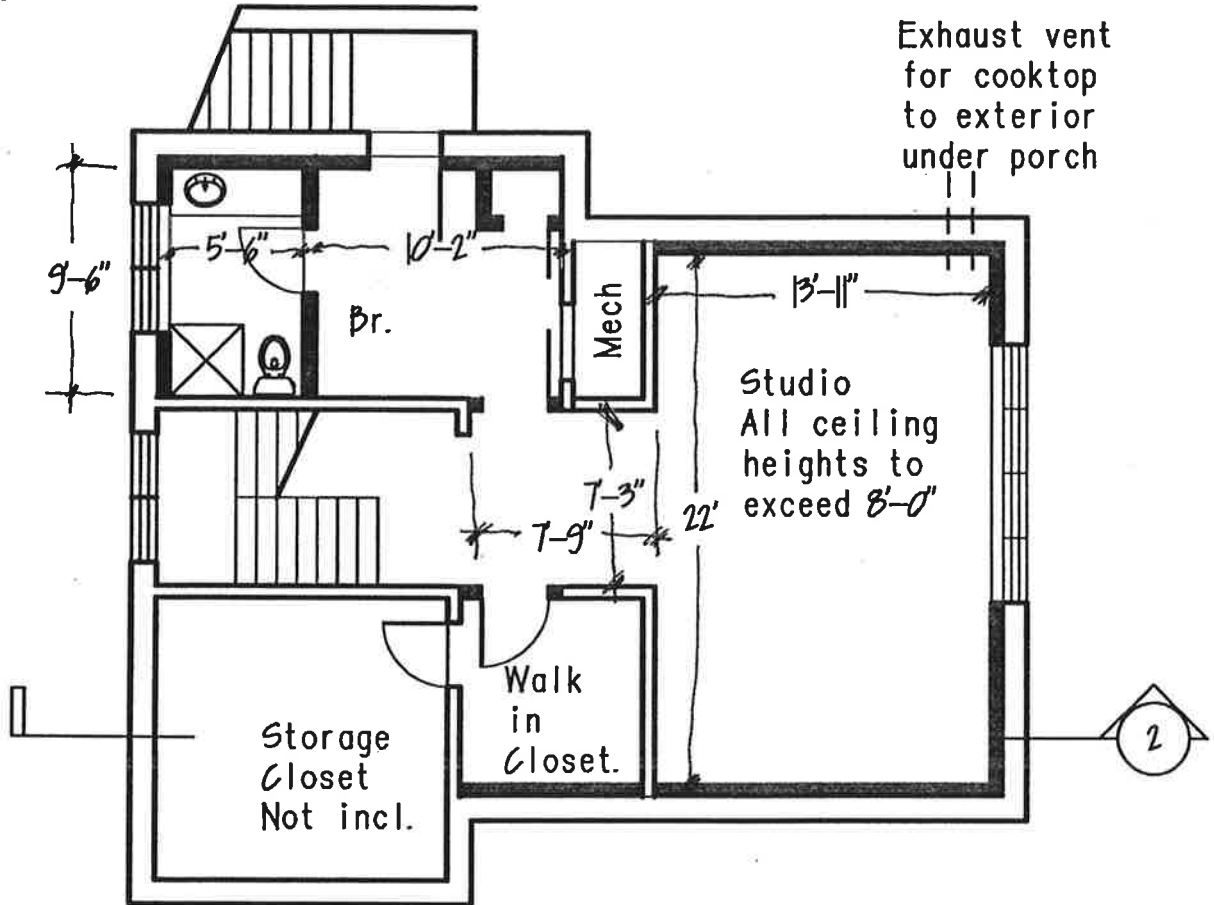
2

Note: All outlets in bath and kitchen area to be GFI
 All outlets in bedroom to be arc-fault circuits

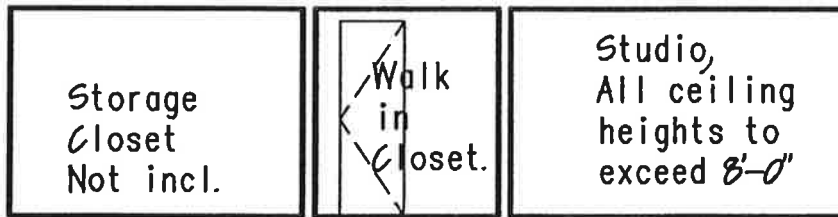
Provide self-closing 1-hour rated door to mechanical room.

Provide smoke detector in bedroom.

New exterior door to bedroom to be glazed, tempered, with over 6 sq. ft. of glass.



① Proposed Second Unit Plan



② Proposed Second Unit Section

90 Glenwood Avenue, Ross, CA
 AP Number: 075-044-92
 Owners: Traci McCarty and Peter Ausnit
 Date: April 29, 2010
 Scale: 1" = 8' - 0"
 Telephone: 415-259-7777, Email: pausnit@gmail.com



① Existing Rear Elevation.
Scale: 1/8" = 1'-0"



② Proposed Rear Elevation with Second Unit.
Scale: 1/8" = 1'-0"

RECEIVED
Planning Department

MAY - 4 2010

Town of Ross

Constance Pansini
200 Golden Gate Avenue
Belvedere, CA 94920

(129 Bolinas Ave)

Peter Ausnit and Traci McCarty
PO Box 115
San Anselmo, CA 94979-0115

Dear Peter and Traci,

I am aware of your plan to add a Second Unit to your home at 90 Glenwood Avenue and understand that this will be discussed at the upcoming Ross Town Council meeting in May.

Sincerely,



4/22/10

Signed

Date

RECEIVED
Planning Department

MAY - 4 2010

Town of Ross

Camilla Studley
702 Wilson Ave
Novato, CA 94947-2929
(415) 892-2789

(92 Glenwood Ave)

Peter Ausnit and Traci McCarty
PO Box 115
San Anselmo, CA 94979-0115

Dear Peter and Traci,

I am aware of your plan to add a Second Unit to your home at 90 Glenwood Avenue and understand that this will be discussed at the upcoming Ross Town Council meeting in May.

Sincerely,

Camilla Studley

4. 23. 2010

Signed

Date

99 Glenwood

Mr. Chris Cahill
Assistant Planner
Town of Ross
PO Box 320, Ross, CA 94957

**TOWN
PLANNER**
OCT 06 2004

October 6, 2004

Chris,

Please amend my permit application as follows:

Side and back yard fences to be 6' tall, not 4' tall as noted. Front yard fence and gate along Glenwood Avenue to be 4' tall, not 6' tall as noted.

Please accept my apologies for the error.

Thanks,

A handwritten signature in cursive script, appearing to read "Peter Ammit".

Report No. **169210**

TOWN OF ROSS

APPLICATION FOR RESIDENTIAL BUILDING REPORT
BUILDING DEPARTMENT
POST OFFICE BOX 320
ROSS, CA 94957

Telephone: (415) 453-1453 Ext.6

Fax: (415) 460-9761

.....
PARCEL NUMBER: **073-041-32**

STREET ADDRESS: **90 Glenwood Avenue**

PRESENT OWNER: **Peter Ausnit and Traci McCarty**

NEW OWNER: _____

REALTOR:

PHONE: **Peter: 415- 259-7717**

SEND REPORT TO: **Peter Ausnit**
P.O. Box 115
San Anselmo, CA 94979

Fee: \$325 payable to the Town of Ross at the time of application. \$100 per additional unit +\$50 non-cancellation penalty.

DATE AND TIME OF APPOINTMENT: **04-05-10, 10:00 am**

CORRECTION(S) REQUIRED:

Water Heater:

- 1. Gas supply pipe to be stainless steel flexible connector.
- 2. Provide a pressure relief valve to the hot side of the water heater piping or to the appropriate manufacture's connection.
- 3. Overflow pipe from pressure relief valve to be metallic same size as valve to extend to the outside or within six inches of the floor.
- 4. Strap to resist earthquake motion, (2 straps)
- 5. Flue to be brought up to code

Furnace:

- 6. Gas supply pipe to be stainless steel, flexible connector.
- 7. Provide a disconnect switch.
- 8. Repair bad joints or loose connection in flue pipe.

Electrical:

- 9. Install exterior main disconnect switch for electric service.
- 10. All exposed Romex wiring must be protected from physical contact below eight feet in height in
- 11. All splices must be within junction boxes in _____
- 12. All three prong outlets that are not grounded to be grounded or original two prong installed in
- 13. Ground outlet
- 14. Install GFI outlets in
- 15. All Edison based fuses must be fitted with type "S" fuses. Maximum 15 Amp for size 14 wire and 20 Amp for size 12 wire.
- 16. All junction boxes and switches to be covered in
- 17. Label all panels and breakers,
- 18. Pool/Spa equipment to be grounded.

General:

- 19. Provide safety barriers to code in pool area.
- 20. Install smoke detectors in ceiling in
- 21. All stairways, interior and exterior, with more than three risers shall be provided with handrail at
- 22. Guardrails shall be at least 42 inches high with openings sized so that 4" diameter sphere cannot pass through at
- 23. Provide sparks arrester at top of chimney, screening to be half-inch maximum square openings.
- 24. Post your address in numerals at least 4 inches in height and in a contrasting color of background. Address has to be clearly visible from street.
- 25. The required firewall of five eighth gypsum board type x fire taped must be installed on the garage side abutting living spaces.
- 26. Repair holes in Gypsum board and tape in
- 27. Door from garage to dwelling must be solid core and self-closing
- 28. Chimney to be swept
- 29. Repair, and fill in joints in firebricks in fireplace.

ADDITIONAL REQUIREMENTS AND CORRECTIONS

X 30. Please find Public Safety report attached.

Informational items:

The above corrections must be made within 12 months of the date of this report.
Please contact the Building Department at 415-453-1453 Ext.170 to schedule a re-inspection. There is no fee for re-inspection. The Town makes no recommendation as to whom, seller or buyer, makes the required corrections.

Building permits will be required for items:

This Residential Building Report is valid for twelve (12) months from the date of inspection.

There are a number of issues that may arise during a discretionary planning review process that the Town will not identify in the resale inspection. For example, a structure may be considered "historic", or a site may contain sensitive archaeological resources, protected wildlife or habitat, or be considered a hillside lot subject to more restrictive development regulations. The Town does not independently verify the accuracy of any lot size, lot coverage, setback or floor area information that may be provided with this report.

Residential Building Report No. 169210

Inspection Date: 04-05-10

Expiration Date: 04-05-2011

Extended to: _____

Building Inspector Signature: _____





FIRE DEPARTMENT
 Town of Ross
 33 Sir Francis Drake Blvd, P.O. Box 320
 Ross, CA 94957

THOMAS V. VALLEE, CHIEF

Resale / Hazard Inspection

Date: 4/5/2010

First Notice Second Notice

Address: 90 Glenwood Ave

Issued To: Building Department

Issued By: Captain Grasser

Contact information: 415-453-1453 option 2, then 2

Voicemail ext. 159

notes

30 feet of defensible space ("Lean, Clean and Green Zone")

- Cut all grasses to less than 3 inches
- Remove vertical "ladder fuels"
- Remove dead branches and foliage from trees and bushes
- Remove all dead vegetation on the ground
- Remove all tree branches on mature trees within 10 feet of the ground
- Remove all tree branches or foliage within 10 feet of the chimney
- Remove all tree branches less than 2 inches in diameter or foliage within 10 feet of the roof
- Remove all dead vegetation from the roof and gutters

"Fuel Reduction Zone" 70 feet or to property line

- Remove vertical "ladder fuels"
- Create horizontal spacing and vertical spacing between vegetation

Other Code Requirements

- Driveway/roadway must be clear of vegetation 13.5 feet vertically
- Driveway/roadway must be clear of vegetation 5 feet horizontally from edges
- 4 inch address numbers with contrasting background must be posted where clearly visible from the street
- Remove vegetation, landscaping and other material for three feet of clearance around fire hydrant
- Chimney requires spark arrester. Minimum of 3/8th inch to maximum of 1/2 inch opening in screen.
- Outdoor fire pit does not meet requirements of, chapter 14.2 Ross Municipal Code

Notes / Comments:

1. Everything was in order, no deficiencies noted.

Signature of inspector

applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

* 18. DEMOLITION PERMIT, DESIGN REVIEW NO. 433, AND VARIANCE NO. 1536.

Traci McCarty, 90 Glenwood Avenue, A.P. No. ⁷³⁻⁰⁴¹⁻³²~~73-071-03~~, R-1 (Single Family Residence, 5,000 Square Foot Minimum.) Demolition permit to allow the removal of a 1,243 square foot single-story primary residence, a 759 square foot attached accessory structure, and a 183 square foot detached carport. Variance and design review to allow the following: 1.) construction of a 1,990 square foot two-story residence with a detached 185 square foot one-car carport; total development of 2,175 square feet is proposed; 2.) construction of a 1,038 square foot unfinished basement with a ceiling height of 7 feet; 3.) construction of 655 square feet of covered porches; and 4.) earthwork including 289 cubic yards of cut and 222 cubic yards of fill. Tree removal approval is additionally requested to allow the removal of two 8-inch crabapples and one 12-inch locust.

Lot area	10,124 square feet	
Existing Floor Area Ratio	21.6%	
Proposed Floor Area Ratio	21.5%	(20% permitted)
Existing Lot Coverage	22.5%	
Proposed Lot Coverage	18.5%	(20% permitted)

(The existing residence is nonconforming in setbacks.)

Gary Broad, Town Manager, summarized the staff report and recommended that the Council make all four necessary findings in order to allow the demolition of a residence to approve this project.

The Town Council received a letter from a property owner in the immediate area with suggested modifications of the plans to reduce the overall height by 3 feet. This included lowering the basement height by 6 inches, which staff had recommended. He indicated that the Council could evaluate whether the plate height on both the first and second story should be reduced to lower the overall height by 2.5 feet.

Peter Ausnit, applicant, desired to build a first and second story at 9 ft. 6 in. He discussed the design and would agree to make any modifications to the elevations desired by the Council. He desired 7 feet in the basement because they do not have a garage and storage is greatly needed. He stated that the design is similar to the surrounding neighborhood and believed the house is appropriately scaled. He added that he would be glad to work with staff if approved with conditions to reconfigure the front elevation. He then provided the original proposal to the Council in order to compare to the revised proposal. He also asked the Council if clad windows would be a problem, and if so, he would use wood. Lastly, he made every attempt to communicate with Mr. Kemp to inform him that there is a tree not on the site plan, but in the right-of-way that would stay and provide screening. Also, he would certainly try to plant

Ross Town Council Minutes
October 14, 2004

evergreen trees. He pointed out that during the design process they lowered the plate heights and worked to create a roof design that did not have a large peak as well as compressed the height as much as possible. He pointed out that in a few years there would be very large trees in front of their house. He further urged the Council to approve the application.

Council Member Poland asked Mr. Ausnit to discuss the elevation design. Mr. Ausnit produced the revised design, but would be glad to make further revisions to satisfy staff and the Council.

Council Member Strauss asked Mr. Ausnit if the plate height could be reduced at the eaves and leave the peak in order to mitigate the concern of the adjacent neighbors. Mr. Ausnit agreed to consider changing the pitch, but desired the ridge as presented. He noted that larger trees would create an obscuring element and he is not sure what the issue is with the neighbor. He further stated that to demolish a house and rebuild at a smaller peak would not be feasible in his view.

Mr. Broad recommended that the Council listen to Mr. Ausnit's response and Mr. Kemp's argument. He added that staff is comfortable with the manner the house appeared from the street. He pointed out that the property is dropping off from the street so the house is at a lower elevation relative to the street and staff's recommendation would require the house to be dropped by 6 inches, but the Council must make its own opinion as to whether Mr. Kemp's concerns are warranted.

Mr. Ausnit asked the Town Council to accommodate his request because the design reflects a tremendous amount of input. Mr. Broad agreed and pointed out that for the applicant to receive a positive recommendation at the first meeting reflects that the applicant put a tremendous amount of work into the plan before the Council.

Mayor Barr opened the public hearing on this item.

Jim Kemp, Glenwood Ave. resident, submitted a letter outlining his position. In general, he supported this application, but expressed concern for the impacts in regard to the loss of sunlight due to this proposed project. He objected to the overall height of the project. He agreed this project could be an enhancement to the neighborhood, but not to the detriment of the neighboring properties. He recommended that the main floor be lowered by 6 inches and the first floor be modified to 8 ft 6in. and the second floor should be 8 feet.

Kevin Buckholtz, Glenwood Ave. resident, supported the project and encouraged the Council's support.

Mr. Ausnit understood Mr. Kemp's concern regarding the loss of sunlight, but his home would add value to the neighborhood and reducing the plate heights would be a hardship.

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

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Council Member Strauss agreed with the staff report, but some tweaking could be worked out with the Council. He believed it is important to uphold the 6 ft. 6 in. basement requirements. He believed the first floor could be lowered by 16 inches to bring the house down. Personally, he desired the wood windows and in regard to the plate heights, he could go either way.

Council Member Hunter believed it is a nice design and it is keeping with the existing neighbor, which in his view it would add value to the neighborhood. He noted that they have a two-year history and in deference to the Zoning Ordinance and neighbors, he recommended keeping the recommended basement height. He further welcomed the addition.

Council Member Poland recommended being educated in regard to windows in order to better understand the difference between wood windows and clad windows. He discussed the basement regarding 6 ft. 6 in. and had no objection to the 7 feet basement height as requested by the applicant. He also agreed with the ceiling heights the applicant proposed. He further noted that he is in favor of the application in its entirety.

Mr. Ausnit pointed out that every house in Ross is a couple of steps up from the ground, which protects homes from ground water and he desired a two to three inch difference between the ground floor and edge of the porch.

Council Member Strauss objected to the 7-foot basement height because he expressed concern for setting a precedent.

Council Member Poland believed 6 ft. 6 in. should be modified in regard to the basement height. Council Member Hunter recommended incorporating a modification to the basement height into the next Zoning Ordinance. Council Member Strauss agreed.

Council Member Strauss supported staff's recommendation.

Mr. Jarjoura added that the basement is part of the living space, but they desired less than 7 feet in order for the area not to be considered a living space.

Mr. Broad pointed out that staff normally would not allow windows and in allowing windows for this space, staff is accommodating the applicant. He further added that living space is 7 foot 6 inches in height

Council Member Poland stated that wood requires more maintenance and preferred clad windows. The Council deferred to Mr. Broad in that regard.

Mayor Barr agreed that the basement should remain at 6 ft. 6 in.

Mayor Barr asked for a motion.

Council Member Strauss moved and Council Member Hunter seconded, to support staff's recommendations as presented; deferring to staff regarding the use of wood or

clad windows; with the addition that the basement would be 6 ft. 6 in.; and the overall building height would be reduced 6 inches. The motion carried by a unanimous vote by the Council.

Council Member Poland reiterated his concern of the 6 ft. 6 in. basement height and recommended changing the ordinance to allow 7-foot basements.

McCarty Demolition Permit, Variance, Design Review, and Tree Removal Conditions

1. Prior to the issuance of a building permit, the applicants shall submit a revised front elevation, which incorporates changes to the proposed fenestration designed to improve the appearance of the front elevation for the review and approval of the Planning Department. If the revised elevations do not adequately address the concerns of the Council and staff, the Planning Director shall retain an architect, of his choosing and, at the applicants' sole expense, to undertake a peer review of the proposed design.
2. Prior to the issuance of a building permit, the applicants shall submit a tree plan drafted by a certified arborist focused on protecting the ongoing health and vigor of all on-site trees designated for retention with specific attention to the three redwoods at the rear of the property.
3. Prior to the issuance of a building permit, the applicants shall submit a detailed landscape plan for the review and approval of the Planning Department. The submitted plan shall focus on softening the appearance of the residence and associated development from the right-of-way and screening views from and to the neighboring properties at 92 and 88 Glenwood Avenue from the site. The submitted plan shall additionally include mature plantings along the side yard property lines to hasten the provision of effective screening.
4. *Basement areas are not included as floor area, and may not be finished. No sheet rock or other finishing material is permitted on the basement walls, floors, or ceiling. No plumbing or other improvements that would allow the area to be finished are permitted. A concrete floor only shall be provided. THE BASEMENT SHALL BE LIMITED TO A 6.5 FOOT MAXIMUM CEILING HEIGHT, which shall be measured from the floor to the ceiling joists. A maximum of two small utility electrical outlets shall be provided in the unfinished basement. Final basement plans shall be submitted to the Planning Department for their review and approval prior to the issuance of a building permit.*
5. **Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee.** Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
6. All windows shall be real wood windows without cladding, either on their interior or exterior, with permanent wood mullions appropriate to the style of the structure, unless the Planning Department approves clad windows. All windows must

- substantially resemble real wood true divided light windows and are subject to Planning Department approval prior to the issuance of a building permit.
7. Prior to the issuance of a building permit, the project contractor, building official and planning director shall meet to discuss the project and Town rules and regulations.
 8. No variance or design review approval for fencing is hereby granted. Fencing along Glenwood Avenue shall not exceed 4 feet in height at any point. Fencing along the side and rear yard property lines shall not exceed 6 feet at any point.
 9. The driveway gate proposed at the front of the property shall provide at least 12 feet of horizontal clearance and be located no less than 20 feet from the edge of Glenwood Avenue pavement.
 10. No encroachment permit is hereby approved. It is the responsibility of the applicants to ensure that no work occurs within the Glenwood Avenue right of way.
 11. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) Sprinklers are required; 2.) A Knox lock box is required; 3.) All brush impinging on the access roadway must be cleared; 4.) A street number must be posted (minimum 4 inches on contrasting background); 5.) All dead or dying flammable materials must be cleared and removed from the property per R.M.C. Chapter 12.12; and 6.) A 24-hour monitored alarm system is required.
 12. Before the start of any clearing, demolition, excavation, construction, other work on the site, every significant and/or protected tree shall be securely fenced-off at the non-intrusion zone, or other limit as may be delineated in approved plans. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.
 13. **In no case shall construction materials or debris be stored within the non-intrusion zone of a significant and/or protected tree.**
 14. Underground trenching shall avoid the major support and absorbing tree roots of significant and/or protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist is required. Trenches shall be consolidated to service as many units as possible.
 15. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
 16. **This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance the owner will be subject to automatic penalties with no further notice.**
 17. **No changes from the approved plans shall be permitted without prior Town approval.** Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
 18. Failure to secure required building permits and/or begin construction by October 14, 2005 will cause the approval to lapse without further notice.
 19. 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.
 20. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

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

19. DEMOLITION PERMIT AND DESIGN REVIEW.

Stephen Swire, 10 Thomas Court, A.P. No. 73-232-12, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum.) Demolition permit to allow the removal of a 2,287 square foot single-story residence and an attached 342 square foot carport. Design review to allow the following: 1.) construction of a 4,100 square foot two story residence with an attached 505 square foot two car garage; total development of 4,605 square feet is proposed; 2.) construction of a 1,568 square foot unfinished basement with a ceiling height of 7 foot 5 inches; 3.) construction of 782 square feet of second story rooftop decks; 4.) demolition of an existing nonconforming pool and construction of a new pool and spa, which meet setback requirements; 5.) construction of 34.5 linear feet of 6 foot tall solid wood fencing between the proposed residence and Thomas Court; and 6.) earth work including 900 cubic yards of cut and 250 cubic yards of fill.

Lot area	23,060 square feet
Existing Floor Area Ratio	11.4%
Proposed Floor Area Ratio	20.0% (20% permitted)
Existing Lot Coverage	15.4%
Proposed Lot Coverage	14.5% (20% permitted)

(The existing residence and pool are nonconforming in setbacks.)

Gary Broad, Town Manager, summarized the staff report and recommended that the Council provide direction to the applicant and continue this item to a future Council meeting.

Steve Swire, applicant, desired to maintain good relations with the neighborhood. He explained that more space is needed, due to the new addition in their family and it is time to advance to a new home on the property. He further believed they designed a home that fits the character of the existing community.

Peter Pfau, architect, provided the Council with architectural drawings as well as a model for their consideration. He explained that they tried to understand how this family could live on this site as well as have a contemporary style, but at the same time be respectful of the design of Ross. He welcomed the Council's comments and noted that he is very open to input. He discussed the site design outlining the following for the Council's review: existing condition

proved non-functional. He said lights in the playhouse were necessary and would be provided by a 20 amp panel with underground service. Mr. Jones felt that providing electricity to the playhouse was a built-in hazard. He moved granting the variance with the condition that electrification of the outbuilding be deleted. The motion died for lack of a second.

Mr. Chase moved granting the variance in accordance with plans dated December 6, 1977 and electricity to be provided to the playhouse with the condition that the playhouse not be used for adult human habitation.

Mr. Maginis seconded the motion, which passed by a four to one vote, Mr. Jones dissenting.

Robert W. Jennings, 3 Circle Drive (73-082-06) Acre Zone.
Request to allow dining addition (10' x 16') to be 12'6" from side property line.

Lot Area	1,106 sq. ft.	
Present floor area coverage		23%
Proposed " " "		25%

Mr. Jennings explained that the dining area would be a pleasant addition to the property, but that he was well aware when he purchased the property that it might be difficult to obtain a variance and that he had no hardship

Mr. Jones moved denial of the request, seconded by Mr. Chase and unanimously passed.

Variance No. 496 and Use Permit No. 48, Jayne May Murdock, 90 Glenwood Ave. (73-041-32) 5,000 sq. ft. zone.
Request to allow 158 sq. ft. bedroom and 128 sq. ft. deck to existing detached cottage and use permit to attach two non-conforming structures into one structure with two separate living units.

Lot Area	11,034 sq. ft.	
Present floor area coverage		13%
Proposed " " "		16%

Mrs. Murdock explained that she and her husband are occupying the cottage and cooking breakfasts in it. They have dinner in the main house, which is occupied by three of her children. Upon retirement next year, the Murdocks will use the cottage as a bedroom/studio and will need to have the bedroom addition on the same floor level as the bath.

Mr. Chase moved that variance No. 496 be granted to Mrs. Murdock to build the bedroom and deck and Use Permit No. 47 be granted to attach two non-conforming structures, with the conditions that Variance No. 333, granted August 8, 1968, allowing the cottage to be rented, be terminated and that the second kitchen in the cottage be eliminated upon sale of the property or rental of the property. Mr. Maginis seconded and the motion was unanimously passed.

12-8-77

AUG 09 2004
TOWN
PLANNER

Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Phone (415) 453-1453, option 5 Fax (415) 453-1950

Web www.townofross.org

Email gbroad@townofross.org

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

See Town of Ross Planning Fee Schedule for Applicable Fees

Parcel Address 90 Glenwood Avenue, Ross CA 94957

Assessor's Parcel Number 073-041-032

Legal Owner of Parcel

Traci McCarty and Peter Ausnit

Mailing Address

PO Box 115

City San Anselmo

State CA

ZIP 94979

Day Phone 415-902-3496

Evening Phone

415-454-5498

Fax N/A

531-2378

Email tracimccarty@hotmail.com

Architect (Or applicant if not owner) Applicant, Traci McCarty

Mailing Address PO Box 115

City San Anselmo

State CA

ZIP 94979

Phone (415) 902-3496

Fax N/A

Email tracimccarty@hotmail.com

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

Lot Size	10,124 sq. ft.	Existing Floor Area	2,185 sq. ft.
Existing Coverage	2,277 sq. ft.	Existing Floor Area Ratio	21.6%
Existing Lot Coverage	22.5%	Floor Area Removed	2,185 sq. ft.
Coverage Removed	2,277 sq. ft.	Floor Area Added	2,175 sq. ft.
Coverage Added	1,878 sq. ft.	Net Change- Floor Area	-10 sq. ft.
Net Change- Coverage	-399 sq. ft.	Proposed Floor Area Ratio	21.5%
Proposed Lot Coverage	18.5%	Proposed New Retaining Wall Construction	N/A ft. (length) N/A ft. (max height)
Proposed Cut	289 cubic yards	Proposed Fill	222 cubic yards

Fees:

DEMO - \$1,500-

DR 2175P - \$3,500-

DR-copy file - \$500

Trees - \$135

VAR (FAR) - \$600

\$6,235-

add
to roll on
fee

Project Description

A complete description of the proposed project, including all requested variances, is required.

Project Description

Replace an existing non-conforming home, carport, and non-conforming second unit totaling 2,185 square feet, with a single, new, 1,990 square foot, two-story home with a detached 185 square foot one-car garage in the rear. The total new square footage is to be 2,175, a reduction of 10 square feet.

Remove existing landscaping including low retaining walls, tree stump, fences facing Glenwood Avenue, concrete water feature, carport, and brick-paved area west of the house.

Relocate driveway from center of west side of property to the south, between the two large trees in the Glenwood right of way. Remove existing 5-6' high fence and gate along west side of property and replace with new 4' high fence and gate.

Excavation and filling

Remove existing perimeter foundations and excavate an unfinished basement with an area of approximately 1020 square feet to a depth of approximately 7 feet, removing approximately 336 cubic yards of material, including areas to be backfilled. Net of backfilling, we expect to excavate 289 cubic yards of material.

Fill the existing concrete water feature and surrounding excavated area in the east portion of the lot to restore original grading around the three existing Redwood trees at the northeast corner of the site. This will require filling approximately 3,000 square feet of rear yard area to a depth of approximately 2 feet on average, adding approximately 222 cubic yards of fill.

Trees

Remove four existing trees on the property, located as follows: one on the property line facing 92 Glenwood in the northwest corner of the property, one west of the carport in the center of the property, one just west of the existing front door, and one at the property line shared with 88 Glenwood at the southwestern section of the property.

To: Mayor and Ross Town Council
From: Chris Cahill, Assistant Planner
Re: McCarty Demolition Permit, Variance, Design Review, and Tree Removal Application
Date: October 8, 2004

I. Project Summary

Legal Owners: Traci McCarty and Peter Ausnit
Location: 90 Glenwood Avenue
A.P. Number: 73-071-03
Zoning: R-1 (Single Family Residence, 5,000 Square Foot Minimum)
General Plan: Medium Density (6-10 Units per Acre)

II. Project Description

Demolition permit to allow the removal of a 1,243 square foot single-story primary residence, a 759 square foot attached accessory structure, and a 183 square foot detached carport. Variance and design review to allow the following: 1.) construction of a 1,990 square foot two-story residence with a detached 185 square foot one-car carport; total development of 2,175 square feet is proposed; 2.) construction of a 1,038 square foot unfinished basement with a ceiling height of 7 feet; 3.) construction of 655 square feet of covered porches; and 4.) earthwork including 289 cubic yards of cut and 222 cubic yards of fill. Tree removal approval is additionally requested to allow the removal of two 8 inch crabapples and one 12 inch locust.

Lot area	10,124 square feet	
Existing Floor Area Ratio	21.6%	
Proposed Floor Area Ratio	21.5%	(20% permitted)
Existing Lot Coverage	22.5%	
Proposed Lot Coverage	18.5%	(20% permitted)

(The existing residence is nonconforming in setbacks.)

III. Discussion

The applicants request approval to allow the demolition of an existing residence, attached non-permitted additional living unit, and detached one car carport and to allow the construction of a new two story residence and detached one car carport. Staff has the following comments with regard to this application:

Demolition Permit

The Town's demolition ordinance requires that the Council make four findings when approving a request to demolish an existing residence. The required findings follow in italics, with staff's comments in regular type.

The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural, or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood, or the community.

Please see attachment "A" for recent photographs of the front and south side views of the existing development on this property. It appears to staff that the central portion of the primary residence was originally a small two or three bedroom bungalow constructed less than 100 years ago in the vernacular craftsman style then common to the Ross Valley. An addition was later constructed at the front of the residence, perhaps including the enclosure of a front porch, and resulting in the relatively undistinguished front elevation visible today. The second living unit at the rear of the main structure may have initially been a garage, or some other detached accessory structure, which was converted into a two bedroom cottage sometime prior to 1968.

The architectural character of the northern end of Glenwood Avenue is defined by well preserved bungalows, with several excellent examples located across the street from the applicants' property. While the original bungalow at 90 Glenwood may have had some architectural merit, it is staff's opinion that the disjointed nature of the later additions to the site has resulted in structures with little to no historic, architectural, cultural, or aesthetic value. The house adds little to the character of the neighborhood, either in its design, massing, or placement on the property.

The proposed redevelopment of the site protects the attributes, integrity, historical character, and design scale of the neighborhood, and preserves the "small town" qualities and feeling of the town.

Please see the headings "Site Planning" and "Design", below, for a more detailed discussion of the proposed redevelopment of this site. While staff has some minor concerns about the proposed residence relative to the Town's design review criteria, we are generally supportive of the proposed development and congratulate the applicants for designing a simple modest house which is respectful of both the character of its neighborhood and of the Town's "small town" qualities.

The project is consistent with the Ross general plan and zoning ordinance.

The only variance requested in this application would allow the applicants a floor area ratio of 21.5%; which, while 150 square feet more floor area than the R-1 zoning district allows on this property, is 10 square feet less than currently exists. Additionally, this application would alleviate existing variances for encroachment into required setbacks and a nonconforming lot coverage ratio. Staff would label this project consistent with the Town's general plan and zoning ordinance.

The project will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The demolition of the existing structures at 90 Glenwood Avenue need not be detrimental to the health, safety, or general welfare of neighboring property owners.

Additional Living Unit

Ordinance No. 543-1, adopted in 1998, added language to the Town's demolition ordinance discouraging, "the demolition of a single unit with no replacement units or the

demolition of multiple units with fewer replacement units.” This application proposes the demolition of the main residence as well as a second 759 square foot detached cottage with two bedrooms, a bathroom, and a kitchen- only one living unit is proposed in their place.

A review of the history attached to this report indicates that the Council’s grant of a variance for this property on December 8, 1977 was conditioned on the removal of the cottage’s kitchen and its abandonment as a separate rental unit upon the sale of the property. These requirements were reiterated when the Council granted an additional variance on March 11, 1982. Because the cottage’s kitchen has not been removed as required by the Council as early as 1977, the cottage is now an illegal second unit. There is therefore only one legal living unit on the property, and this application would not reduce the Town’s housing stock.

Floor Area

This application proposes demolition of 2,185 square feet of floor area and the construction of 2,175 square feet of new floor area, a net reduction of 10 square feet in the existing nonconforming floor area ratio. It has been the long-standing policy of the Council to allow applicants to rebuild to existing nonconforming floor area ratios when demolition and reconstruction are proposed. Staff is supportive of the continuation of that policy here; specifically in consideration of the fact that this application would remove existing nonconformities in side yard setbacks, rear yard setbacks, and lot coverage ratio, as well as removing an illegal second unit.

Site Planning

The applicants’ proposed plan is straightforward, a compact two story residence is proposed at the center of the property, a detached carport is to be located at the rear 10 feet from the side and rear yard property lines, and an uncovered parking space and turn-around is proposed directly to the rear of the residence. The fact that 90 Glenwood is a flat lot and that it is relatively wide (80 feet in width along Glenwood Avenue) makes it comparatively easy to site new development in a way that conforms to zoning requirements. That said, this application is more than usually respectful of both the letter and the spirit of the Town’s physical zoning restrictions.

Design

As indicated earlier in this report, staff is generally supportive of the design of the proposed residence. The residence has a simple form and an understated architectural style and we believe that it would contribute to the design scale and architectural character of its neighborhood.

Staff does, however, have issues with the fenestration at the front and north side elevations. On the front elevation, the placement and size of the second story windows appears unbalanced and rather awkward. On the north side elevation, the applicants propose multiple large windows which may decrease the privacy of the neighboring property owner at 92 Glenwood. Staff believes that neighbor privacy issues can be resolved through the installation of significant landscape screening, and would recommend that any approval be conditioned on the submission of a detailed landscape

plan. Additionally, the applicants should be asked to submit a revised front elevation incorporating improvements to second story window design, size, and/or placement.

Basement

The applicants propose to construct a 1,038 square foot unfinished basement with a ceiling height of 7 feet. It has been the recent policy of the Council to limit basement heights to 6.5 feet, and staff therefore recommends that the height of the basement be lowered to 6 feet-6 inches.

Tree Removal

Staff has no objection to the requested removal of two 8 inch crabapples and one 12 inch locust. We are, however, concerned about the grading proposed in and around the root zones of the three redwoods located at the property's northwest corner. Any approval of this project should be conditioned upon the submission of a tree plan drafted by a certified arborist focused on protecting the ongoing health and vigor of the three redwoods.

IV. Findings/Recommendation

If the Council is generally supportive of this application and would like staff to review changes resulting from the issues addressed in this report, staff recommends approval with the following findings and conditions. Alternately, if the Council finds that any required changes warrant additional Council review, the item could be continued.

A. Findings:

1. This property presently has a floor area ratio of 21.6%. This variance will allow reconstruction to a floor area of 21.5%, slightly decreasing the existing nonconformity in floor area.
2. The proposed variance will allow the owners to update and improve a property which is currently in poor physical condition, a substantial property right.
3. As conditioned, this project will not be detrimental to the public welfare or injurious to other properties in the neighborhood.
4. This project is not a grant of special privilege. The Council has previously approved variances to allow demolition and reconstruction to existing nonconforming floor area ratios.
5. As conditioned, this project is consistent with the Town of Ross Zoning Ordinance, Demolition Ordinance, Tree Protection Ordinance, Design Review Ordinance, and General Plan.
6. This project is a California Environmental Quality Act Class 5 categorical exemption, Minor Alterations in Land Use Limitations.

B. Conditions

1. Prior to the issuance of a building permit, the applicants shall submit a revised front elevation which incorporates changes to the proposed fenestration designed to improve the appearance of the front elevation for the review and approval of the Planning Department. If the revised elevations do not adequately address the concerns of the Council and staff, the Planning Director shall retain an architect, of his choosing and at the applicants' sole expense, to undertake a peer review of the proposed design.

2. Prior to the issuance of a building permit, the applicants shall submit a tree plan drafted by a certified arborist focused on protecting the ongoing health and vigor of all on-site trees designated for retention with specific attention to the three redwoods at the rear of the property.
3. Prior to the issuance of a building permit, the applicants shall submit a detailed landscape plan for the review and approval of the Planning Department. The submitted plan shall focus on softening the appearance of the residence and associated development from the right-of-way and screening views from and to the neighboring properties at 92 and 88 Glenwood Avenue from the site. The submitted plan shall additionally include mature plantings along the side yard property lines to hasten the provision of effective screening.
4. **Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee.** Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
5. All windows shall be real wood windows without cladding, either on their interior or exterior, with permanent wood mullions appropriate to the style of the structure. All windows must substantially resemble real wood true divided light windows and are subject to Planning Department approval prior to the issuance of a building permit.
6. Prior to the issuance of a building permit, the project contractor, building official and planning director shall meet to discuss the project and Town rules and regulations.
7. No variance or design review approval for fencing is hereby granted. Fencing along Glenwood Avenue shall not exceed 4 feet in height at any point. Fencing along the side and rear yard property lines shall not exceed 6 feet at any point.
8. The driveway gate proposed at the front of the property shall provide at least 12 feet of horizontal clearance and be located no less than 20 feet from the edge of Glenwood Avenue pavement.
9. No encroachment permit is hereby approved. It is the responsibility of the applicants to ensure that no work occurs within the Glenwood Avenue right of way.
10. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) Sprinklers are required; 2.) A Knox lock box is required; 3.) All brush impinging on the access roadway must be cleared; 4.) A street number must be posted (minimum 4 inches on contrasting background); 5.) All dead or dying flammable materials must be cleared and removed from the property per R.M.C. Chapter 12.12; and 6.) A 24-hour monitored alarm system is required.
11. Before the start of any clearing, demolition, excavation, construction, other work on the site, every significant and/or protected tree shall be securely fenced-off at the non-intrusion zone, or other limit as may be delineated in approved plans. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.

12. **In no case shall construction materials or debris be stored within the non-intrusion zone of a significant and/or protected tree.**
13. Underground trenching shall avoid the major support and absorbing tree roots of significant and/or protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist is required. Trenches shall be consolidated to service as many units as possible.
14. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
15. **This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance the owner will be subject to automatic penalties with no further notice.**
16. **No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.**
17. Failure to secure required building permits and/or begin construction by October 14, 2005 will cause the approval to lapse without further notice.
18. 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.
19. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
20. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.