



Agenda Item No. 14

Staff Report

Date: December 10, 2015

To: Mayor Kathleen Hoertkorn and Council Members

From: Heidi Scoble, Planning Manager
Ali Giudice, Contract Planner

Subject: Charles and Stephanie Fontaine, 1 East Road, Demolition Permit, Variance, Design Review and Non Conformity Permit File No. 2013

Recommendation

Town Council approval of Resolution 1930 conditionally approving a Demolition Permit, a Variance, Design Review and a Non Conformity Permit to allow partial demolition and reconstruction of an existing residence, the conversion and 80 square foot expansion of the carport to a garage, and associated fencing and access improvements at 1 East Road.

Project Summary

Owner: Charles and Stephanie Fontaine
Design Professional: Brad Rippe
Location: 1 East Road
A.P. Number: 073-172-07
Zoning: R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size)
General Plan: Very Low Density (.1-1Unit/Acre)
Flood Zone: Zone X (outside 1-percent annual chance floodplain)

PROJECT DATA			
	Zoning Requirements	Existing	Proposed
Lot Area	10,000 square feet	6,716 square feet	No change
Floor Area (FAR)	1,343 sq. ft. (20 %)	1,967 sq. ft. (29.2%)	2,047 sq. ft. (30.47%)
Lot Coverage	1,343 sq. ft. (20%)	2,230 sq. ft. (33.2%)	2410 sq. ft. (35.88%)
Impervious Surface	-	2,848 sq. ft. (42.4%)	2941 sq. ft. (43.7%)

Background and Discussion

Existing Conditions

The property is a 6,716 square foot triangular shaped corner lot that is currently developed with a 1,607 square foot residence and a 360 square foot detached carport (1,967 total square feet). The residence exterior is horizontal siding painted pink. The existing residence is designed with a solarium type design on the front south elevation (facing East Road). The front entry consists of a tower design covered porch. The property is bound by East Road to the south, Hill Road to the north and northwest and a developed single family lot to the east. An existing carport is accessed via East Road. The property is considered to be legal nonconforming as the existing residence and carport does not comply with setbacks, lot coverage or Floor Area Ratio (FAR) FAR due to the triangular shape of the lot shape combined with the small size of the lot. A variance to allow the existing carport to encroach within the front and rear setback was approved by the Town Council on April 12, 1951.

Proposed Project

The applicant is proposing to demolish approximately 50% of an existing 1,607 sq. ft. single family residence and to remove 100% of building siding. The residence would be reconstructed within the existing footprint and the carport converted to a two-car garage as follows:

- The front entry porch would be modified with a craftsman style porch including tapered columns with a stone base.
- The solarium would be eliminated and replaced with a gable roof design element.
- The carport would be converted to a garage and the roof line would be modified so that the gable end faces East Road. In addition, the carport/garage would be raised by 30 inches and expanded by 80 square feet (4 feet wide by 20 feet deep).
- The existing horizontal siding would be replaced with shingle siding for both the residence and carport/garage.

The proposed improvements require the following permits.

- **Non-Conformity Permit is required pursuant to Ross Municipal Code (RMC) Section 18.52.030** because the project is nonconforming in setbacks and FAR. The applicant proposes to reconstruct the existing residence. The proposed improvements would result in exterior changes to the appearance of both the residence and the carport structure. The applicant does not propose to expand the existing residence beyond the existing footprint, except the proposed garage expansion. The garage expansion requires a Variance as discussed below. Findings to approve a Non-Conformity Permit are required because the project involves a nonconforming structure and does not include demolition of a historically significant building. Detailed findings are included in the attached resolution.
- **Variance is required pursuant to RMC Chapter 18.48** because the project currently does not comply with setback and FAR limits and the applicant proposes to expand the converted carport into a garage by 80 square feet, thereby increasing the setback

nonconformity and increasing the total FAR. Findings to approve an FAR Variance can be made due to lot size relative to the maximum floor area that may be permitted for the R-1:B-10 zoning district. Findings to approve a setback Variance can also be made due to lot size and lot shape. Detailed findings for FAR and setback variances are included in the attached resolution.

- **Design Review is required** because the proposed improvements would result in demolition of more than 25% of existing walls and exterior wall coverings. Siding will be replaced from the existing horizontal siding to a wood shingle siding with a stone base giving the structure a craftsman style appearance. Other changes to the building include changes to the front entry porch, elimination of the front solarium, and modifications to the front façade to give the building a more craftsman design. Findings to approve the Design Review can be made and are included in the attached resolution.

Advisory Design Group Review

The project received Advisory Design Review (ADR) review on November 17, 2015. The ADR group supported the proposed project and made recommendations as follows:

- Reorient the carport/garage structure so that the gable is facing East Street. The applicant has incorporated this change into the current plans.
- Provide better articulation to the modified wall at the kitchen window by including the exposed trusses (similar to the porch) and by breaking up the wall so it appears as a separate element. The applicant has added the recommended articulation to the plans.

After the ADR meeting, the applicant revised the scope of the project to include the 80 square foot expansion of the garage. Although the garage expansion was not reviewed by the ADR, the revised project is generally in keeping with the architectural design that was vetted by the ADR.

Key Issues

On-site Parking

Due to the limitations and floor area constraints associated with the project site, there is a concern that the garage may be inadvertently converted into a non-garage use over time. To ensure the garage be used for its intended purpose, staff is recommending a condition of approval that would require a deed restriction be recorded against the project site to ensure the garage cannot be converted to a residential use and would only be permitted to be used for two on-site vehicular parking spaces. A copy of the recorded deed restriction would be required to be submitted to the Town prior to issuance of a Certificate of Occupancy.

Impervious Surfaces

To address impacts related to the increase in new impervious surfaces, a condition of approval would require on-site drainage and stormwater prevention facilities and improvements to be incorporated into the construction plans prior to issuance of a building permit to ensure no net increase in stormwater runoff from the project site under its existing (pre-project) conditions.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. Staff has not received comments as of the distribution of this report.

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 the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no operating or funding impacts associated with the project as the project applicant would be required to pay the necessary fees for Town staff's review of future building permit plan check and inspection fees.

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 15301 –*additions to existing structures*, because it involves an addition to an existing single family residence, including a detached accessory structure with no potential for impacts as proposed. 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 1930
2. Project History
 - a. Minute History
 - b. Advisory Design Review Group Staff Report dated November 17, 2015
3. Applicant project information
 - a. Project Application
 - b. Project Description
4. Project plans

TOWN OF ROSS

RESOLUTION NO. 1930

A RESOLUTION OF THE TOWN OF ROSS APPROVING A DEMOLITION PERMIT, A NON-CONFORMITY PERMIT, DESIGN REVIEW, AND A VARIANCE TO ALLOW PARTIAL DEMOLITION AND RECONSTRUCTION OF AN EXISTING RESIDENCE, AND ADDITION OF 80 SQUARE FEET TO THE EXISTING GARAGE, AND ASSOCIATED FENCING AND ACCESS IMPROVEMENTS ON THE PROPERTY LOCATED AT 1 EAST ROAD, APN 073-172-07

WHEREAS, Charles and Stephanie Fontaine, submitted an application for a Demolition, a Non-Conformity Permit, Design Review, and Variance, pursuant to Title 18 of the Ross Municipal Code to allow for partial demolition and reconstruction of an existing residence, the conversion and 80 square foot expansion of the existing carport to a garage, and associated fencing and access improvements at 1 East Road, Assessor's Parcel Number 073-172-07. (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 15301 – *additions to existing structures*, because it involves an addition to an existing single family residence, including a detached accessory structure with no potential for impacts as proposed. 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; and

WHEREAS, on December 10, 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 a Demolition Permit, a Non-conformity Permit, Design Review, and a Variance for the project described herein, located at 1 East Road, 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 10th day of December 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
Findings in Support of Project Approval
1 East Road, APN 073-172-07

A. Findings

1. Demolition Permit (RMC § 18.50.060) - Approval of a Demolition Permit for removal of existing single family residence is based on the findings outlined in Ross Municipal Code Section 18.50.060 as described below:

a) The demolition would 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.

b) 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.

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

d) 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 Town does not have a historic resource inventory and considers discretionary projects on a case by case basis against federal and state historic listing standards. The proposed demolition would result in minor alteration to the exterior wall at the entry way and would alter the entire exterior wall covering. The site is not associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. Based on a review of the Town files, the site is not associated with the lives of persons important to local, California or national history. Additionally, the site and residence does not embody the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values. Furthermore, the architecture of the residence has been altered since its original construction. Lastly, the site and residence has not yielded, and does not have the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The design of the new residence protects the attributes, integrity, and design scale of the neighborhood and preserves the "small town" qualities and feeling of the town because the proposed residence maintains the mass of the existing development and uses materials and colors that are in keeping with the site setting and the neighborhood.

2. Non-conformity Permit (RMC § 18.52.040) – Approval of a non-conformity Permit to allow reconstruction of the existing residence in its existing nonconforming location is based on the following findings:

a) The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed.

The estimated date the project site was developed was in the early 1900s, thus predating the current development standards for the R-1:B-10 zoning district. Additionally, the Town Council approved a Variance on April 12, 1951 to allow the carport to encroach within the front and rear yard setbacks.

b) The town council can make the findings required to approve any required demolition permit for the structure.

These findings have been made under the demolition findings above.

c) The project substantially conforms to relevant design review criteria and standards in Section 18.41.100.

See Design Review Findings below.

d) Total floor area does not exceed the greater of: a) the total floor area of the existing conforming and/or legal nonconforming structure(s); or b) the maximum floor area permitted for the lot under current zoning regulations.

The project site currently exceeds the maximum floor area permitted for the lot under the current zoning regulations. Although the residence would not be expanded, the existing carport would be expanded by 80 square feet, thereby requiring Variance to allow an increase to the Floor Area Ratio (FAR) maximums. Findings to support an FAR Variance are included below.

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

The project would allow for an overall improvement to the building exterior and improvement to the functionality of the building interior. The project would also include improvements to the existing parking conditions and supports on-site parking for two vehicles.

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

The property is not located in a flood hazard zone.

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

The project is accessed from East Street. Recent approvals to red curb East Street would provide improved access for fire department equipment. The applicant would be required to comply with Fire Department requirements, including requirements for the installation of appropriately fire rated siding.

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

Indemnification requirements have been included as conditions of approval

i) The site has adequate parking.

The project would provide two on-site vehicle parking spaces.

3. Variance (RMC § 18.45.050) – Approval for Variance to allow expansion of the carport/garage structure resulting in an increase in nonconforming setback and FAR 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 project site is a triangular shaped lot that tapers on the west side of the lot where the existing carport is located. Because the lot is tapered in this manner, there is no side yard. The site is therefore restricted by a 40 foot rear setback and 25 foot front setback at this location. Due to the shape of the lot combined with the small size, the 40-foot rear yard setback and 25-foot front yard setback overlap for the majority of the lot and there is no way to develop this lot in compliance with current setback standards. The size of the lot is 6,716 square feet in a district where 10,000 square feet is the standard. The FAR for the R-1:B-10 zoning district would allow a maximum floor area of 1,343 where a 2,000 square foot development would be permitted for lots that meet the minimum lot size standard. The existing 1,967 square foot development is currently not in compliance with maximum FAR standards for this district. The proposed 80 square foot expansion of the garage would result in a development floor area of 2,047 square feet, which is in line with the 2,000 square feet that is permitted for a standard 10,000 square foot lot. Based on the above discussion a special circumstance exists, and therefore the finding can be made.

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

The project garage expansion is necessary to provide adequate parking spaces for two on-site vehicles. The on-site parking spaces are needed given the limited parking available on East Road. Additionally, the driveway has insufficient space to park a vehicle without encroaching

into the East Road public right-of-way, therefore it is necessary to accommodate two on-site parking spaces.

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 project garage expansion would not adversely affect health and safety of nearby residents as the project would be constructed in compliance with the California Building Code. The garage expansion would provide a benefit as noted above.

4. Design Review (RMC § 18.41.070(b))-Approval of Design Review for the proposed exterior improvements is based on the findings outlined 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 would result in an improvement to the site and the neighborhood through architectural design, and use of colors and materials.

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 would not involve tree removal. The majority of the project would be within the existing footprint of the residence and carport with the exception of the 80 square foot garage expansion. Additionally, the project would incorporate the design recommendations of the Advisory Design Group.

(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 applicant would be required to implement erosion control measures as required by the Town of Ross.

(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.

Increase in lot coverage would be limited to the area of the garage expansion. Due to the lot size and shape, there is limited area of construction that can occur without exceeding the lot coverage maximum.

(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 bulk and mass of the project has been addressed by the project design that includes varied roof lines, gables at the front façade and the combined use of shingle siding with a stone base.

(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.

As noted above, the bulk and mass has been addressed by the project design that incorporates varied roof lines, gables at the front façade and the combined use of shingle siding with a stone base.

(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.

The project shingle siding would be a natural color. The project would also include a natural stone base and color.

(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 garage expansion would retain the existing driveway access to accommodate on-site vehicles. Because the project would be adding new impervious surfaces to the site, a condition of approval would require on-site drainage and stormwater runoff prevention facilities and improvements prior to issuance of a building permit to ensure no net increase in runoff from the project site under its existing conditions.

(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.

Lighting fixtures would be required prior to building permit approval. Lighting would be required to be shielded and directed downward. All lighting would also be required to be low wattage.

(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.

The project gate and pillars would match the stone base materials for the residence.

(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 would not impact views from public streets and parks based on the scope of the project and the topography of the project site relative to the surrounding land uses.

(9) Natural Environment.

(a) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgeland, 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 located near a creek or 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.

No Landscape improvements are included in the project.

(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 Fire and 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 detached garage would be a single story structure.

(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 project would use existing window placement and would include nominal increases in window sizes, therefore not reducing privacy. Furthermore, the windows that would be enlarged would not directly face into any surrounding property.

(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.

Due to site shape and size, there would be no way to develop this property with conforming setbacks. Additionally, the project FAR would be similar to the limits established for a 10,000 square foot lot, therefore providing a similar and compatible mass, bulk, and scale of the project relative to the neighborhood.

(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 project would be 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 project includes a Non-Conformity Permit and Variance to allow for deviations from the development standards.

(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 would 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 floor area would be less than 10,000 square feet.

(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 proposes to add a 1.3% increase in impervious area. The project will be required to comply with the Town Stormwater Management Ordinance.

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 project site is previously disturbed, and would not be located near ridgeline, creek or drainage way and would 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 mature vegetation would be retained to the maximum extent possible.

(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.

(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.

The project would need to comply with Title 24 applicable Calgreen requirements. No landscape changes would be included as part of the project.

(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.

Construction and demolition debris must be recycled under existing Town regulations.

(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 would be located within the existing building footprint with the exception of the garage expansion. The garage expansion would accommodate two on-site vehicles.

(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 would not result in substantial amount of grading. The proposed garage expansion will be minor and will result in minimal amount of grading. 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 would be maintained.

(11) 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 building bulk and mass has been reduced through the use of varied roof heights, incorporation of gable roofs, and use of articulations along the front of the building as recommended by the ADR.

(12) 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 size, height and design of the home and proposed improvements will be compatible with the neighboring structures. Light fixtures will be directed downward.

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

The project would incorporate high quality materials appropriate for the neighborhood.

(14) 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.

The existing driveway for the project would be retained and slightly expanded to accommodate the garage expansion. Conditions of approval would require the project to address drainage and stormwater runoff resulting in the increase to impervious surfaces and a deed restriction to restrict the garage from ever being converted into a non-garage use to ensure the driveway and parking area be maintained.

(15) 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 project does not involve a historic building.

(16) 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 project does not involve a historic building.

(17) 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 would not eliminate any housing units.

(18) 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.

(19) 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 property is not located in a geologic hazard zone 3 or 4.

(20) 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 project would be required to comply with Ross Valley Fire Department, including sprinklers and maintaining defensible landscaping.

(21) 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 project would be required to Ross Valley Fire Department requirements.

(22) 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 project would be required to Ross Valley Fire Department requirements.

(23) 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 project is an existing residential development.

(24) 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.

A drainage plan would be required to be submitted and approved as required by the Town Engineer prior to issuance of a building permit.

(25) 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 would result in a minimal 1.3 percent increase in impervious surface. As previously stated, a condition of approval would require additional on-site drainage and stormwater runoff

prevention facilities and improvements be incorporated into the project prior to issuance of a building permit.

(26) 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 riparian areas.

EXHIBIT "B"
1 East Road
Conditions of Approval

1. The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit. The property owner shall certify on the building permit plans that they have read and agree to the following conditions.

2. Except as otherwise provided in these conditions, the project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

3. Prior to Building Permit Issuance, the applicant shall provide a drainage study and on-site drainage and stormwater runoff prevention facilities and improvements to ensure the project would not result in any increase in stormwater runoff from its existing (pre-project) conditions.

4. Prior to Building Permit Issuance, the applicant shall submit window samples for review and approval by the Planning Department. Window samples shall focus on reducing glare to the maximum extent possible.

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. Prior to Building Permit Issuance, the applicant shall submit proposed exterior Lighting fixtures. Lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites). Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum "cut-off" appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

7. Prior to Certificate of Occupancy of the residence, a deed restriction shall be recorded on the property to ensure the garage cannot be converted to a residential use and would only be permitted to be used for on-site vehicular parking purposes. A copy of the

recorded deed restriction shall be submitted to the Town prior to issuance of a Certificate of Occupancy.

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

9. 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. 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. Letter or email confirming compliance shall be submitted to the building department prior to project final.

10. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).

11. Based on the scope of the project, the Town shall require sprinklers to be installed in the structures.

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

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

b. The plans submitted for the building permit shall detail the gutter and downspout design and location for review and approval by the Town. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for Town Council review. A specification sheet shall be provided and the proposed color and finish material shall be specified. Downspouts should be located to minimize their appearance

from off site locations. Gutters and downspouts should have a finish to blend into adjacent surfaces or underlying trim. Exposed galvanized material is not permitted.

c. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

d. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.

e. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.

f. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (ie temporary seedin nd mulching or straw matting).

g. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.

h. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and

accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town building department prior to project final.

i. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.

j. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.

k. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).

l. A Final construction management plan shall be submitted in time to be incorporated into the job.

m. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the project and the construction management plan.

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

o. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.

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

q. 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).

r. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved. (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

s. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

t. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.

u. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.

v. The project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit, including but not limited to the following:

- i. Verify that all new windows and doors with glass shall be tempered in compliance with Wildland Urban Interface (WUI) and chapter 7A of the 2013 California Fire Code. All windows and glazed doors shall comply with Safety Glazing requirements due to locations near stairways per 2013 CRC R308.
- ii. Verify that roof and roof venting complies with WUI requirements for Class A rated roof assembly.
- iii. Verify all exterior stairways shall be properly illuminated, have approved handrails (if more than four steps) and comply with 2013 CRC R311

iv. Verify all gutters with downspouts drain into a storm drain system or onto a splash block. Downspouts shall have clean out prior to entering horizontal drainage pipe of a storm drainage system.

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

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

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

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

aa. Prior to Issuance of a Building Permit, a qualified engineer shall prepare a report on the condition of East Road and North Road for construction vehicles. The Town Engineer may limit the size and/or weight of construction vehicles and may require the applicant to make any repairs necessary to ensure road stability for construction vehicles or to post a bond, in an amount to be fixed by the Town Engineer, guaranteeing that the applicant will repair damage to the roadway. The Town may require bonding to protect the public infrastructure in case of contractor damage, depending on the method of hauling and likely impact on the street. The Town may also require the applicant to submit a certificate of responsible insurance company showing that the applicant is insured in an amount to be fixed by the Town against any loss or damage to the persons or property arising directly or indirectly from the construction project.

bb. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

cc. A Grading Permit is required from Department of Public Works for site grading. The applicant shall comply with the requirements of Chapter 15.24 of the Ross Municipal Code.

dd. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.

ee. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The plan shall include a signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediments controls as a "back-up" system. (Temporary seeding and mulching or straw matting are effective controls).

ff. The Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.

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

hh. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

ii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.

13. 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.

1 East

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF ROSS, HELD ON THURSDAY, APRIL 12, 1951

The meeting was called to order by Mayor Tucker at 8:06 P.M.

Present:

Councilmen: Denicke, DeWees, Jacks and Tucker.
Councilman Painter came in later in the meeting.

Absent - None

The minutes of the regular meeting of March 8, 1951 were read and approved as read.

Mayor Tucker asked if there were anyone present who wished to address the meeting. In response the following were heard:

Mr. M. E. Lombardi representing the Vestry of St. John's Church, Ross, requested permission to erect a sign at the intersection of Lagunitas Avenue and Red Hill and Ross Landing Road, as originally submitted to the Council in their letter of April 9, 1951, which is on file with the Town Clerk. On motion of Councilman Jacks, seconded by Councilman Denicke and by the following vote the Councilmen granted the request:

Ayes - Councilmen Denicke, DeWees, Jacks and Tucker
Noes - None
Absent - Councilman Painter temporarily absent

Mr. McCauley requested permission to build a fence. It was explained to him that the fence he proposed to build required no permission from the Council and he would require none if he kept within the terms of the building code.

72-172-87
X Mr. A. T. Brice requested relief from certain provisions of Ordinance #153 for the erection of a two-car carport on his mother's former property. The Council found the existence of facts sufficient to warrant granting the request and so ordered on motion of Councilman Jacks, seconded by Councilman Denicke and by unanimous vote of the Councilmen present.

Mr. Tose asked if a decision had been made as to the disposal of rubbish, leaves, etc., and burning in the Corporation yard. Councilman Jacks reported for the committee to which the matter had been referred at last month's meeting that the committee was not yet ready to give its conclusions, but had definite action in mind. The Council authorized the Committee to proceed with their final determination in the matter without again referring it to the Council as a body.

Ordinance #164 was introduced and read in full as first reading. It is the enabling ordinance to put into effect the codification of all existing ordinances governing the Town of Ross,

Attachment
2a.
(1 page)



Agenda Item No. 1

Staff Report

Date: November 17, 2015
To: Advisory Design Review Group
From: Cathy Munneke, Contract Town Planner
Subject: Charles and Stephanie Fontaine, 1 East Road, File No. 2013.

Recommendation

That ADR receive a presentation from the applicant, consider any public comments, and provide direction and guidance regarding design of the proposed project to the applicant.

Project Summary

Owner:	Charles and Stephanie Fontaine
Design Professional:	Brad Rippe
Location:	1 East Road
A.P. Number:	073-172-07
Zoning:	R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size)
General Plan:	Very Low Density (.1-1Unit/Acre)
Flood Zone:	Zone X (outside 1-percent annual chance floodplain)

This project is an application for demolition of 50% of an existing 1,607 sq. ft. single family residence, removal of all exterior siding and replacement with wood shingle siding and remodel of the front entry of the home. The applicant also proposes to raise the height of the existing carport, to convert the carport to a garage and re-side the garage with shingle siding to match the residence. The project will require Town Council review for the following: 1) demolition permit because the project will result in removal of more than 25% of exterior wall and siding; 2) design review of preliminary plans for the reconstruction and remodel for a 1,607 sq. ft. home; 3) Nonconformity permit to exceed the allowable 20% Floor Area Ratio and to allow reduced setbacks in the front, side, and rear yards; 4) and Variance to exceed the 20% lot coverage.

Gross Lot Area **6,716 square feet**

Attachment
2 b.
(2 pages)

Existing Floor Area Ratio	29.2%
Proposed Floor Area Ratio	29.2% (20% permitted)
Existing Lot Coverage	33.2%
Proposed Lot Coverage	34.7% (20% permitted)
Existing Impervious Surfaces	42.4%
Proposed Impervious Surfaces	42.6%

Background and project description

Existing Site Conditions

The property is a 6,716 square foot, triangular shaped lot located on the corner of East Road and Hill Road. The property has a slope of approximately 26%. The existing residence is designed with a solarium type design on the front south elevation (facing East Road). A front entry consists of a tower design for the covered porch. A carport is accessed via East Road providing 2 covered parking spaces. The property currently does not comply with setbacks, lot coverage or FAR.

Proposed Project

The applicants are proposing to demolish at least 50% of the residence, reconstruct and remodel the residence and convert the carport to a garage. The front entry porch will be remodeled with a craftsman style porch including tapered columns with a stone base. The siding will be replaced with shingle siding. The garage height will be raised by 30 inches. The finished garage will follow the theme of the remodeled residence including the use of shingle siding. A 6-foot high masonry wall that connects the garage and the home, will be removed and replaced with a wood gate and two stone pillars.

ADR Consideration

Staff would like to hear ADRs comments on the design of the proposed addition.

Attachments

Project Plans

Design Review
Demolition
Non-
conformity
Permit



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

Staff Use Only

Received By: CN

Date: 11/3/15

Fees Paid: 1756.50

Date: 11/3/15

ADR 1637
teck .073
1756.50

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

Parcel Address and Assessor's Parcel No. 1 EAST RD ROSS
073-172-07

Owner(s) of Parcel CHARLES AND STEPHANIE FOUNTAINE

Mailing Address (PO Box in Ross) P.O. Box 768

City ROSS State CA ZIP 94957

Day Phone _____ Evening Phone _____

Email _____

Architect (Or applicant if not owner) BRAD RIPPE

DESIGNER
Mailing Address 323 FAWN DR

City SAN ANSELMO State CA ZIP 94960

Phone 415 577 4006

Email RIP3111@yahoo.com

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

Gross Lot Size 6716 sq. ft. Lot Area 6716 sq. ft.
Existing Lot Coverage 2233 sq. ft. Existing Floor Area 1607 sq. ft. HOUSE 360 GARAGE
Existing Lot Coverage 33.2 % Existing Floor Area Ratio 29.2 %
Coverage Removed 136 sq. ft. Floor Area Removed 0 sq. ft.
Coverage Added 240 sq. ft. Floor Area Added 0 sq. ft.
Net Change- Coverage +104 sq. ft. Net Change- Floor Area 0 sq. ft.
Proposed Lot Coverage 2537 sq. ft. Proposed Floor Area 1607 sq. ft.
Proposed Lot Coverage 34.7 % Proposed Floor Area Ratio 29.2 %
Existing Impervious Areas 2851 sq. ft. Proposed Impervious Areas 2865 sq. ft.
Existing Impervious Areas 42.4 % Proposed Impervious Areas 42.6 %
Proposed New Retaining Wall Construction 9 ft. (length) 30' ft. (max height)
Proposed Cut 2 cubic yards Proposed Fill _____ cubic yards

Attachment
3a.
(2 pages)

DESIGNER: BRAD RIPPE
 323 FAWN DR
 SAN ANSELMO, CA 94960
 415 577 4006

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~~ STRUCTURAL ENGINEER

Firm BHW ENGINEERS
 Project Engineer PAUL PIERI
 Mailing Address #5 BON AIR RD
 City LARKSPUR State CA ZIP _____
 Phone 415 945 9587 Fax _____
 Email _____
 Town of Ross Business License No. _____ Expiration Date _____

Arborist

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

Other

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

1 East Rd, Ross
Renovation and remodel: Project description
The Fountain Residence
November 2, 2015

Dear Ross Planners,

Thank you for reviewing these plans. This project consists of the renovation and remodel of an older home that has been neglected for many years. Approx 50% of the walls and floors will need to be replaced due to extensive and numerous construction problems. Because of these issues, and since many of the walls will need replacing, many of the interior walls will be remodeled and reconfigured to make better use of the spaces; all of the windows and doors will be replaced, with some moved slightly to accommodate new room configurations. The most noticeable change will be the south elevation, the street view. Currently, the front façade is composed of a failed "solarium" that will be removed and replaced with a new front façade consisting of a gable roof in the same location as the walls. The floor area ratio and exterior perimeter line of the floor plan will not be changed, therefore, we are not requesting a variance. The adjacent entry porch, (with the curious tower) roof and stairs will be entirely replaced with a new covered front porch and stair that is more consistent with the craftsman style of architecture prevalent in the neighborhood. The family room on the far left will be elevated approx 30 inches to match the adjacent interior floor height. Currently, the open carport has a very low entry that doesn't allow most vehicles to clear the opening. Therefore, the entire structure will be raised approx 30 inches to provide for a standard garage door, and new perimeter walls will be built to enclose the carport into a garage. A 6 ft wall connecting the left side of the house to the garage will be removed, and a new wooden gate with short stone pillars to match the new porch will be built for access to the back yard.

Attachment
36
(2 pages)

(2)

There is a sense of urgency with this project. New construction, consisting of extensive repair work has been ongoing for the past two months, including a new perimeter drainage system, new roof, new walls, floor and significant foundation replacement in the backyard side of the house. The contractor is hoping to continue construction during the winter months, therefore any possible way to expedite these plans would be greatly appreciated.

Sincerely,

Brad Rippe
Northside Design
415-577-4006

Brad Rippe
Nov 2, 2015

Attachment
4
65 pages

PROJECT:

Renovation and remodel
1 East Rd,
Ross, CA
AP# 073-172-07

OWNERS:

Stephanie and Charles Fountaine
PO Box 762
Ross, CA 94957

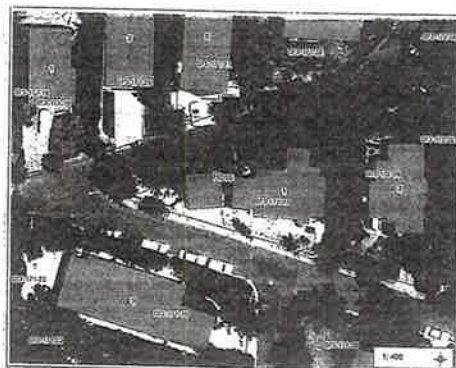
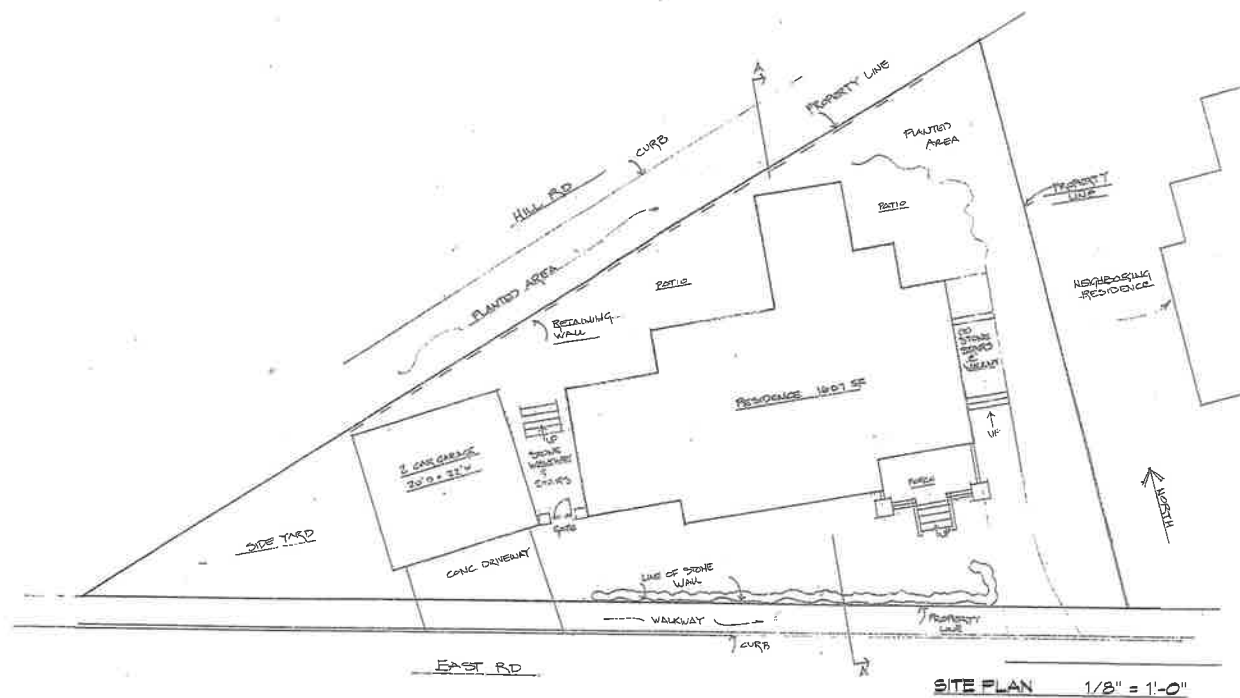
DESIGNER:

NORTHSIDE DESIGN
Brad Rippe
323 Fawn Dr,
San Anselmo, CA 94960
415-577-4006
email: rd3111@yahoo.com

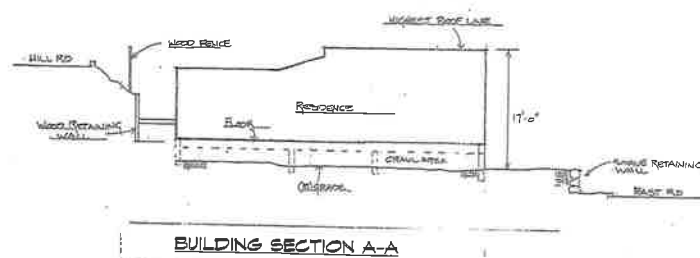
GENERAL CONTRACTOR:

Patrick Segale
General Contractor
415-250-7254

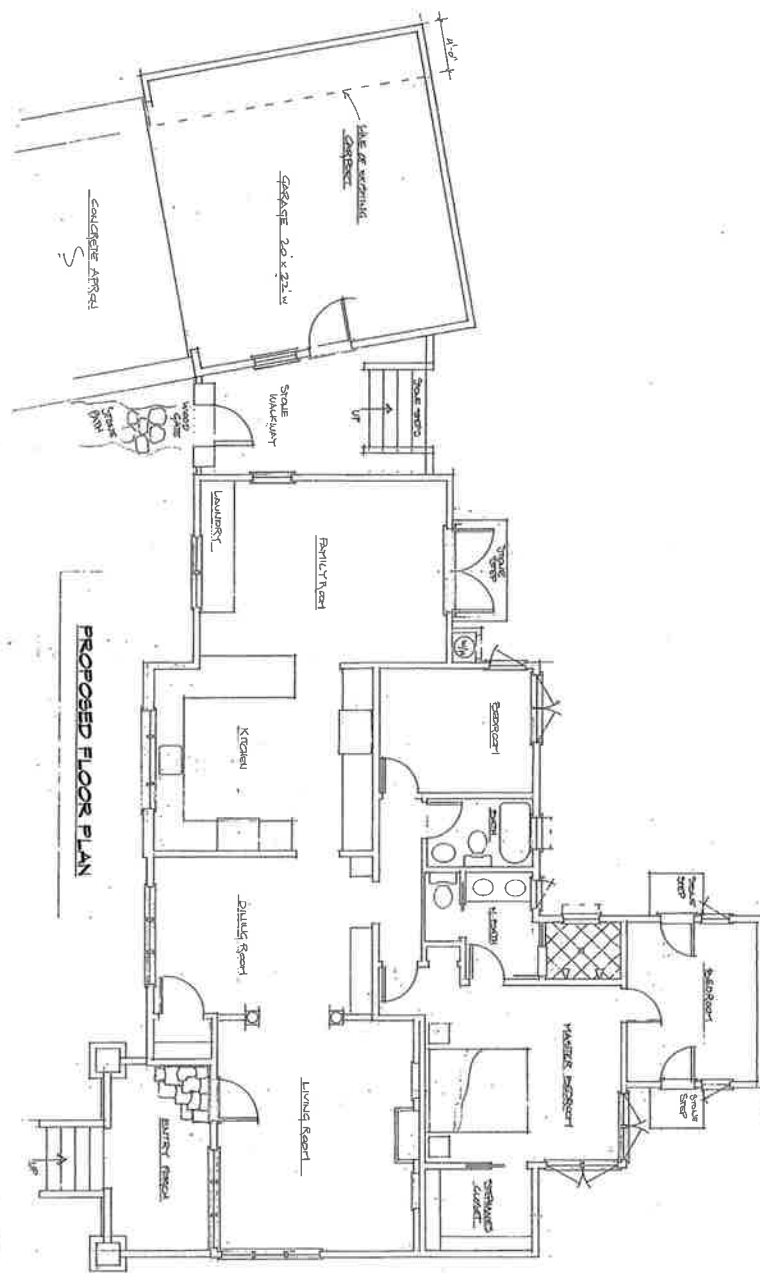
PLANNING SUBMITTAL
OCTOBER 30, 2015

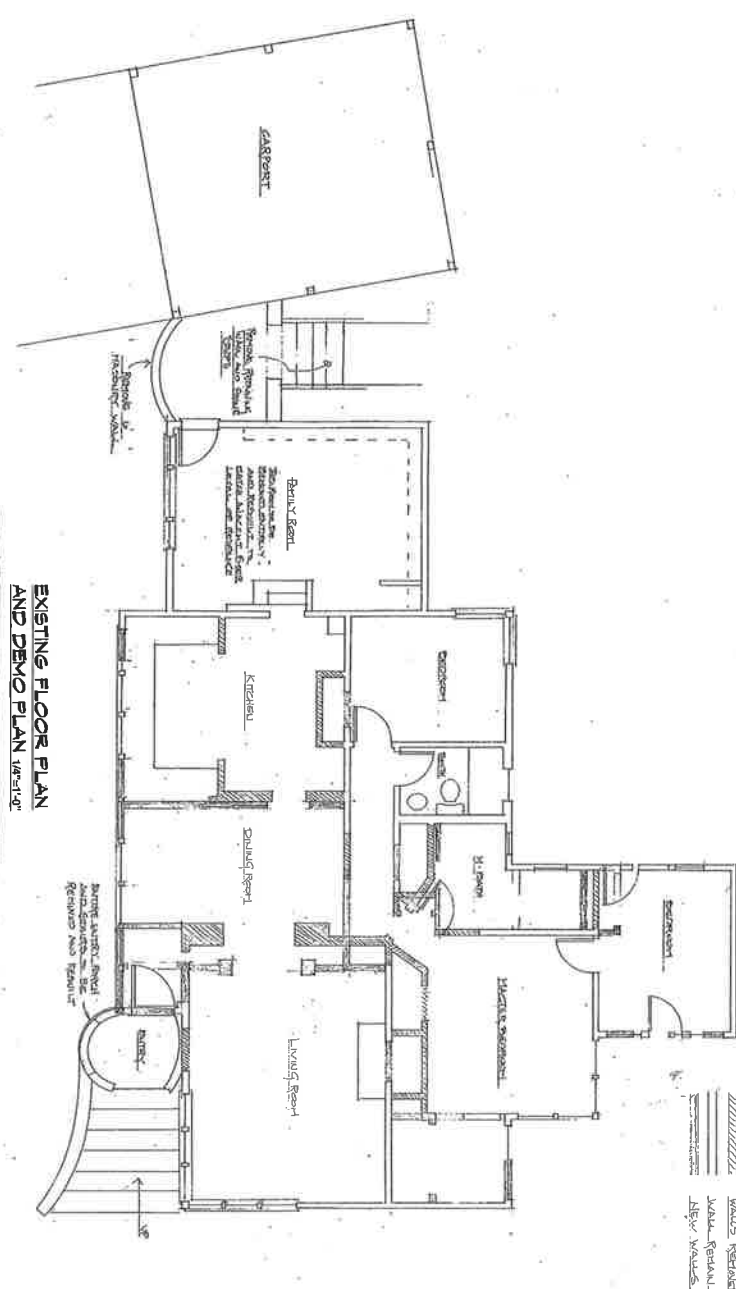


SITE MAP

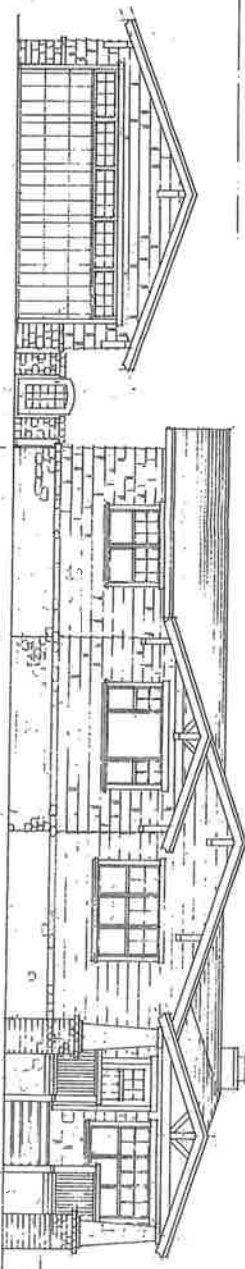


BUILDING SECTION A-A

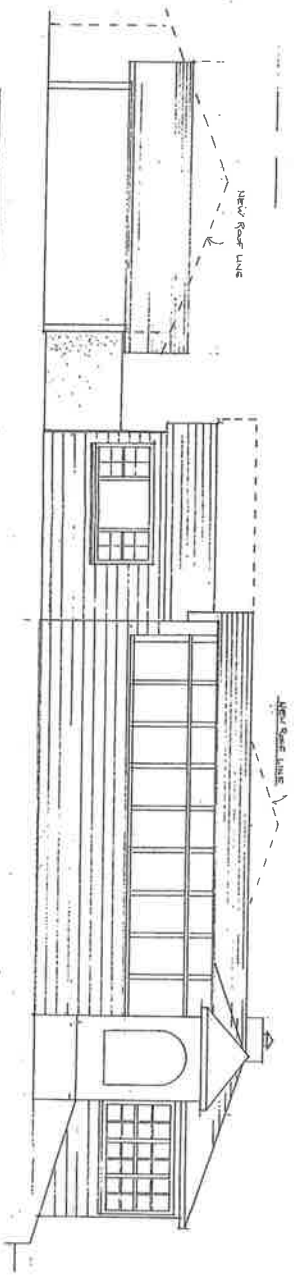




EXISTING FLOOR PLAN
AND DEMO PLAN 1/8"=1'-0"



PROPOSED SOUTH ELEVATION
(STREET VIEW)



EXISTING SOUTH ELEVATION
(STREET VIEW)

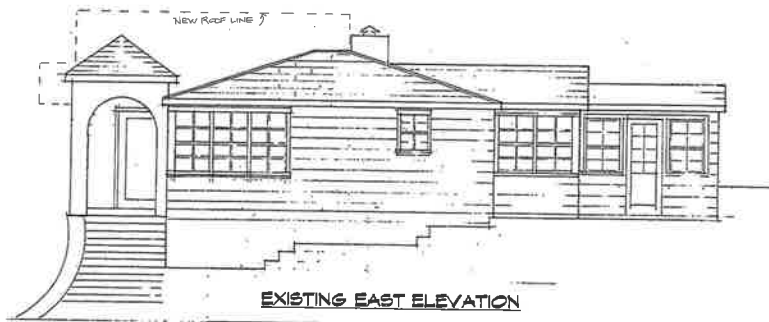
NORTHSIDE DESIGN
928 Faun Dr.
San Anselmo, CA
415-577-4006

**EXISTING AND PROPOSED
ELEVATIONS**

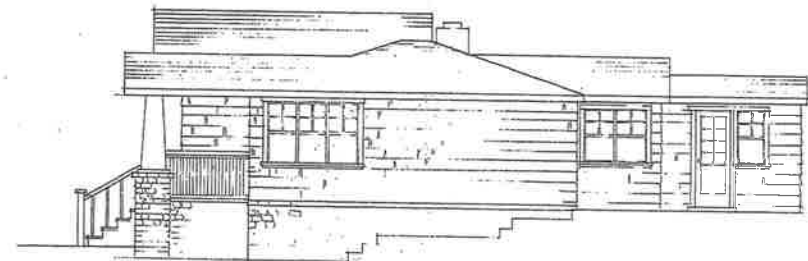
**RENOVATIONS AND REMODEL
FOR THE FOUNTAINE FAMILY
1 EAST RD, ROSS, CA**

A-4
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Date 1/2/05
Drawn by [signature]
Jed Fournelle

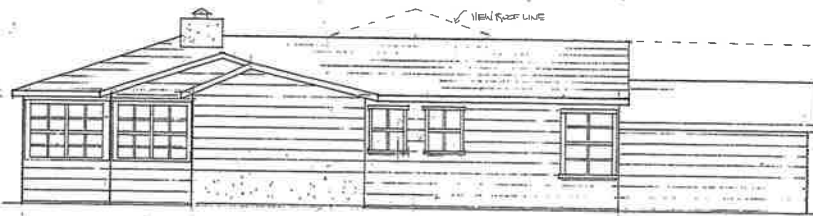
REVISIONS



EXISTING EAST ELEVATION



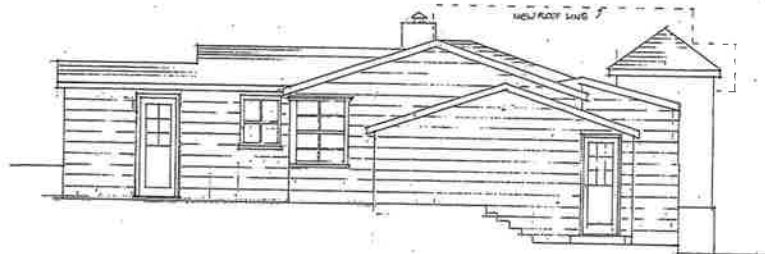
PROPOSED EAST ELEVATION



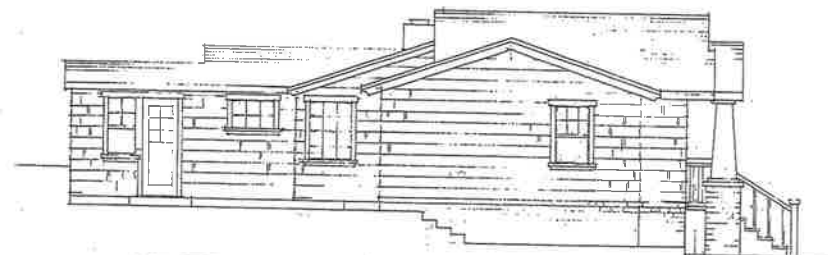
EXISTING NORTH ELEVATION
(BACKYARD VIEW)



PROPOSED NORTH ELEVATION
(BACKYARD VIEW)



EXISTING WEST ELEVATION



PROPOSED WEST ELEVATION

REVISIONS	BY

NORTHSIDE DESIGN
925 Fern Dr.
San Anselmo, CA
415-577-4006

**EXISTING AND PROPOSED
ELEVATIONS**

**RENOVATIONS AND REMODEL
FOR THE FOUNTAINE FAMILY**
1 EAST RD., ROSS, CA

Date: 1/1/11
Scale: 1/4" = 1'-0"
Drawn: [Signature]
Architect: [Signature]

A-U