



*The Advisory Design Review (ADR) Group considers applications and matters affecting the design of buildings, structures, landscaping, and other site improvements in the Town of Ross. The ADR Group makes non-binding advisory recommendations regarding consistency of projects with the Design Review criteria and standards to the Town Planner and Town Council.*

**Agenda Item No. 4c.**

**Staff Report**

**Date:** January 18, 2022  
**To:** Advisory Design Review (ADR) Group  
**From:** Matthew Weintraub, Planner  
**Subject:** Wiginton Residence, 58 Shady Lane

---

**Recommendation**

That the Advisory Design Review Group provide a formal recommendation to the Town Council regarding the merits of the project consistent with the Design Review criteria and standards of Ross Municipal Code (RMC) Section 18.41.100 (see **Attachment 1**).

**Property Owner:** Robert and Madeline Wiginton  
**Project Designer:** Polsky Perlstein Architects  
**Street Address:** 58 Shady Lane  
**A.P.N.:** 073-161-05  
**Zoning:** R-1: B-20  
**General Plan:** L (Low Density)  
**Flood Zone:** AE (Area subject to inundation by 1-percent-annual chance flood event)

**Project Summary:** The applicant is requesting approval of Design Review to make alterations and additions at the back of the existing single-family residence, including a new second-story addition, new first-story deck, and conversion of a new attached first-story accessory dwelling unit. Nonconformity Permit is requested to allow for alterations to an existing nonconforming residence that do not result in an increase to nonconforming floor area. Accessory Dwelling Unit (ADU) Permit Exception is requested to allow for the amount of area converted to an accessory dwelling unit to transfer as an allowance for a new addition. Variance is requested to allow for the construction of a new deck which is nonconforming with respect to side yard setback and building coverage.

**Public Notice**

Public Notices were mailed to property owners within 300 feet of the project site at least 10 days prior to the meeting date.

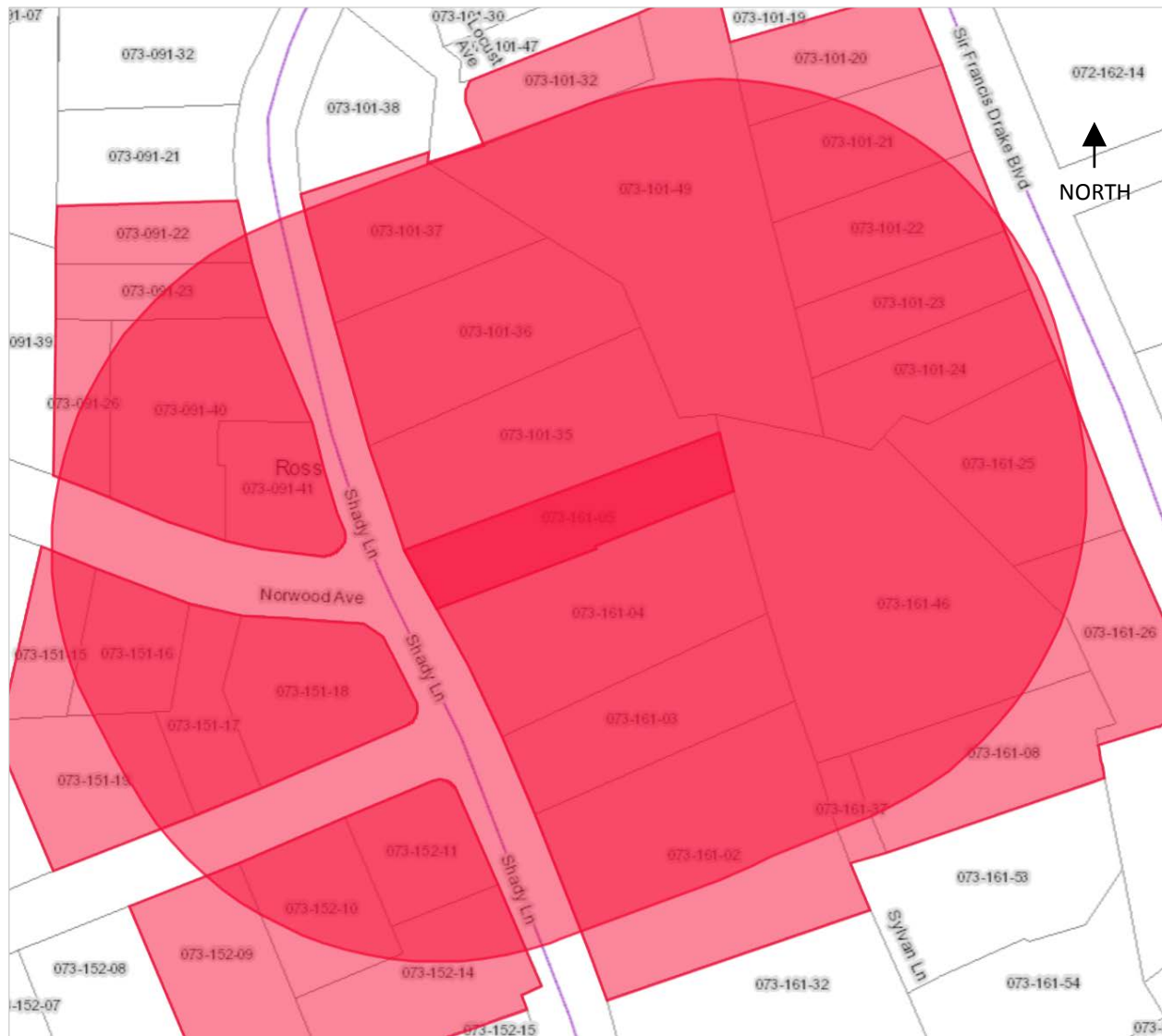
### Project Data

	Code Standard	Existing	Proposed
<b>Lot Area</b>	20,000 sq. ft. min.	11,825 sq. ft.	No change
<b>Floor Area (FAR)</b>	15% max.	3,142 sq. ft. (26.6%)	3,128 sq. ft. (26.4%)
<b>Building Coverage</b>	15% max.	2,337 sq. ft. (19.8%)	2,755 sq. ft. (23.3%)
<b>Front Setback</b>	25 feet min.	59 feet	No change
<b>Side Setback</b>	20 feet min.	North: 2 feet South: 9 feet	No change
<b>Rear Setback</b>	40 feet min.	169 feet	168 feet
<b>Building Height</b>	2 stories; 30 feet max.	2 stories; 26 feet	No change
<b>Off-street Parking Spaces</b>	3 total (1 enclosed) min.	3 total (1 enclosed)	No change
<b>Impervious Surface Coverage</b>	Minimize and/or mitigate *	3,796 sq. ft. (32.1%)	No change

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

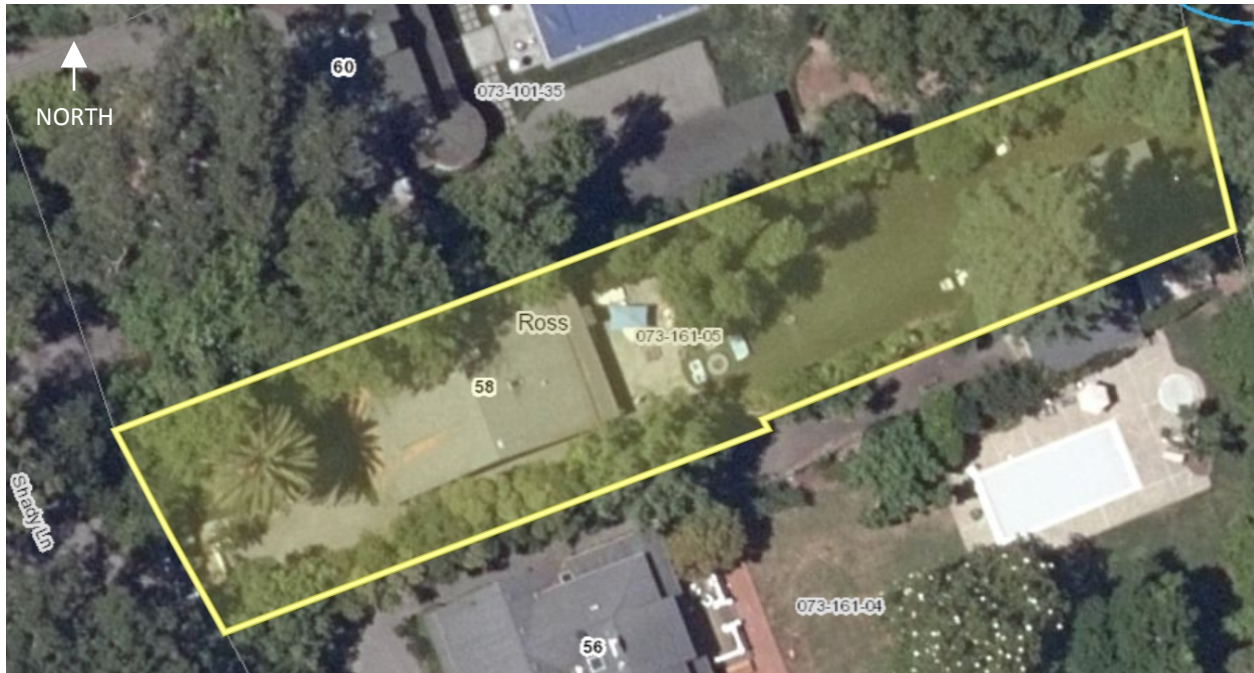
### Notice Area (300 feet)

Source: MarinMap ([www.marinmap.org](http://www.marinmap.org)).



## Project Site

Source: MarinMap ([www.marinmap.org](http://www.marinmap.org)).



## Project Description

The project proposes to make alterations and additions at the back of the existing single-family residence. It would construct a new 280-square-foot, second-story addition behind the existing gable. Exterior materials would match existing, including wood shingle siding, lap siding, and composition shingle roofing. The existing building height would be maintained. At the first story, a new 419-square-foot, rear deck would be constructed with existing nonconforming building setbacks. At the interior of the residence, a 332-square foot accessory dwelling unit would be converted at the first story. The project involves no grading and no change to impervious coverage.

The proposed project is subject to the following permit approvals:

- **Design Review Permit is required pursuant to RMC Chapter 18.41** for construction of exterior additions exceeding 200 square feet of new floor area.
- **Nonconformity Permit is required pursuant to RMC Chapter 18.52** to allow for alterations to an existing nonconforming residence that do not result in an increase to nonconforming floor area.
- **ADU Permit Exception is required pursuant to RMC Chapter 18.42** to allow for the amount of area converted to an accessory dwelling unit to transfer as an allowance for a new addition.
- **Variance is required pursuant to RMC Chapter 18.48** to allow for the construction of a new deck which is nonconforming with respect to side yard setback and building coverage.

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

## Background

The project site is located on the east side of Shady Lane, opposite the intersection with Norwood Avenue. The 11,825-square-foot lot is rectangular in shape and less than 45 feet wide. It is nonconforming with respect to minimum lot area of 20,000 square feet and minimum lot width of 120 feet. The average slope is 6%. The property contains an existing single-family residence at the front of the lot and a detached garage at the back of the lot. It is located in a FEMA flood zone.

According to the Assessor's Office, development occurred on the site in 1906 and 1985. The Town previously granted the following approvals for the property:

Date	Permit	Description
11/08/01	Demolition	Demolish existing residence and garage.

Date	Permit	Description
12/12/02	Demolition	Extension of previously issued permit.
10/08/09	Design Review, Variance, Demolition, Second Unit	Construct new residence, garage, pool house.
12/09/10	Design Review, Variance, Demolition, Second Unit	Extension of previously issued permit.
11/10/11	Design Review, Variance, Demolition, Second Unit	Extension of previously issued permit.

The Project History is included as **Attachment 4**.

### Discussion

The overall purpose of Design Review is to guide new development to preserve and enhance the special qualities of Ross and to sustain the beauty of the town's environment. Other specific purposes include: provide excellence of design consistent with the scale and quality of existing development; preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhance important community entryways, local travel corridors and the area in which the project is located; promote and implement the design goals, policies and criteria of the Ross general plan; discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression; preserve buildings and areas with historic or aesthetic value; upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site; and preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development. The Design Review criteria and standards per Ross Municipal Code (RMC) Section 18.41.100 are included as **Attachment 1**.

### Public Comment

The applicant's Neighborhood Outreach Description is included as **Attachment 5**. No public comments were received prior to the finalization of this report.

### Attachments

1. RMC Section 18.41.100, Design Review Criteria and Standards
2. Project Description
3. Project Plans
4. Project History
5. Neighborhood Outreach Description

## ATTACHMENT 1

#### **18.41.100 Design Review Criteria and Standards.**

This section provides guidelines for development. Compliance is not mandatory but is strongly recommended. The Town Council may deny an application where there are substantial inconsistencies with one or more guidelines in a manner that is counter to any purpose of this ordinance.

##### **(a) Preservation of Natural Areas and Existing Site Conditions.**

(1) 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.

(2) 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. (3) 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.

(b) 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.

##### **(c) Minimizing Bulk and Mass.**

(1) 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. When nonconforming floor area is proposed to be retained with site redevelopment, the Council may consider the volume and mass of the replacement floor area and limit the volume and mass where necessary to meet the intent of these standards.

(2) 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.



(d) Materials and Colors.

(1) 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.

(2) 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.

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

(e) Drives, Parking and Circulation.

(1) 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.

(2) 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.

(3) 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.

(f) 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.

(g) 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. Transparent front yard fences and gates over four feet tall may be permitted if the design and landscaping is compatible and consistent with the design, height and character of fences and landscaping in the neighborhood. Front yard vehicular gates should be transparent to let light and lines of sight through the gate.

Solid walls and fences over four feet in height are generally discouraged on property lines adjacent to a right-of-way but may be permitted for properties adjacent to Poplar Avenue and Sir Francis Drake Boulevard based on the quality of the design, materials, and landscaping proposed. Driveway gates should be automatic to encourage use of onsite parking. Pedestrian gates are encouraged for safety, egress, and to encourage multi-modal transportation and pedestrian-friendly neighborhood character.

(h) 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.

(i) Natural Environment.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

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

(j) Landscaping.

(1) 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.

(2) 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.

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

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

(5) 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.

(k) 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.

(l) Visual Focus.

(1) 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.

(2) 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.

(m) 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. Where nonconformities are proposed to be retained, the proposed structures and landscaping should not impair the primary views or privacy of adjacent properties to a greater extent than the impairment created by the existing nonconforming structures.

(n) 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.

(o) Relationship of Project to Entire Site.

(1) 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.

(2) 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.

(p) 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. Where two or more contiguous parcels are merged into one legal parcel, the Town Council may consider the total floor area of the existing conforming and legal nonconforming structures and may reduce the permitted floor area to meet the purposes of these standards.

(q) 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.

(r) 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.

(s) **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.

(t) **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.

(1) **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.

(2) **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.

(3) **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. (Ord. 653 (part), 2014; Ord. 641 (part), 2013; Ord. 619 (part), 2010; Ord. 611 (part), 2008; Ord. 575 (part), 2003; Ord. 555, 2000; Ord. 543-1 (part), 1998; Ord. 514 §1 (part), 1993).

## ATTACHMENT 2



## Attachment X: 58 Shady Lane Proposal

- [Project Summary](#)
- [Project Goals](#)
- [Home Details](#)
- [Permit Requirements: Minor Nonconformity](#)
- [Permit Requirements: ADU](#)

### **Project Summary**

Conversion of a portion of the existing home plus a small addition at the rear of the main floor to create a 332 square foot ADU. Along with the small main floor addition, interior remodel of the main floor designed to meet ADU requirements with separate entrance, kitchenette and bathroom.

Transferring square footage from the ADU conversion to allow for a new dormer addition to the rear of the second floor to allow for a primary bedroom suite.

New roof at rear of house. New deck at back of house. New code compliant stairs to the second floor. Any new siding and roofing materials shall match the existing. No change to the front of the house or any portion of the house viewable from the street.

This planning submittal consists of requests for two planning permits:

- ADU - Ministerial
- Minor Nonconformity

### **Project Goals**

There three primary goals for the project at 58 Shady Lane:

- Create an attached ADU that will be liveable for grandparents and future au pairs to our three very young children
- Create an upstairs primary bedroom so parents are on the same level as the children
- Bring up to code the internal stairs and any bedroom windows.

Our approach is to transfer floor area from the newly converted ADU space to allow for a new addition to our primary residence.

### **Home Details**

58 Shady Lane was built in 1906 and is a charming example of a craftsman bungalow. The existing home was built before current zoning and code requirements. The lot is unusually narrow (45' at its widest point) and would be undevelopable by current requirements. In spite, or,



perhaps, because of this it is a charming home that contributes to the overall character of Shady Lane.

**Permit requirements: Minor Nonconformity**

The overall project reduces the FAR of the home. All proposed changes to the home are at the rear of the home and below the existing roofline and therefore not visible from the street. Adjacent neighbors who can see the changes to the home have offered their support of the project.

**Responses to Mandatory Findings: Minor Nonconformity Permit**

(1) The home was built in 1906.

(2) The proposed project seeks to keep the house in as historically relevant condition as possible. We will use materials and colors matching the existing home and keep almost entirely within the footprint of the existing home. Further, no changes will be made to the front of the home which is visible from the street.

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

(4) The proposed project would reduce the FAR of the primary home by 10 square feet, as the converted ADU would reduce the FAR of the existing home.

(5) The proposed changes should have no impact on the health, safety or welfare of any properties in the vicinity.

(6) The existing home's main level lies above the base flood elevation and the proposed project makes no changes that should impact the home in relation to Flood Damage Prevention regulations in Chapter 15.36.

(7) TBD by Fire Marshall, but initial phone call with Fire Marshall suggests there will be no issues.

(8) See attached agreement to indemnification.

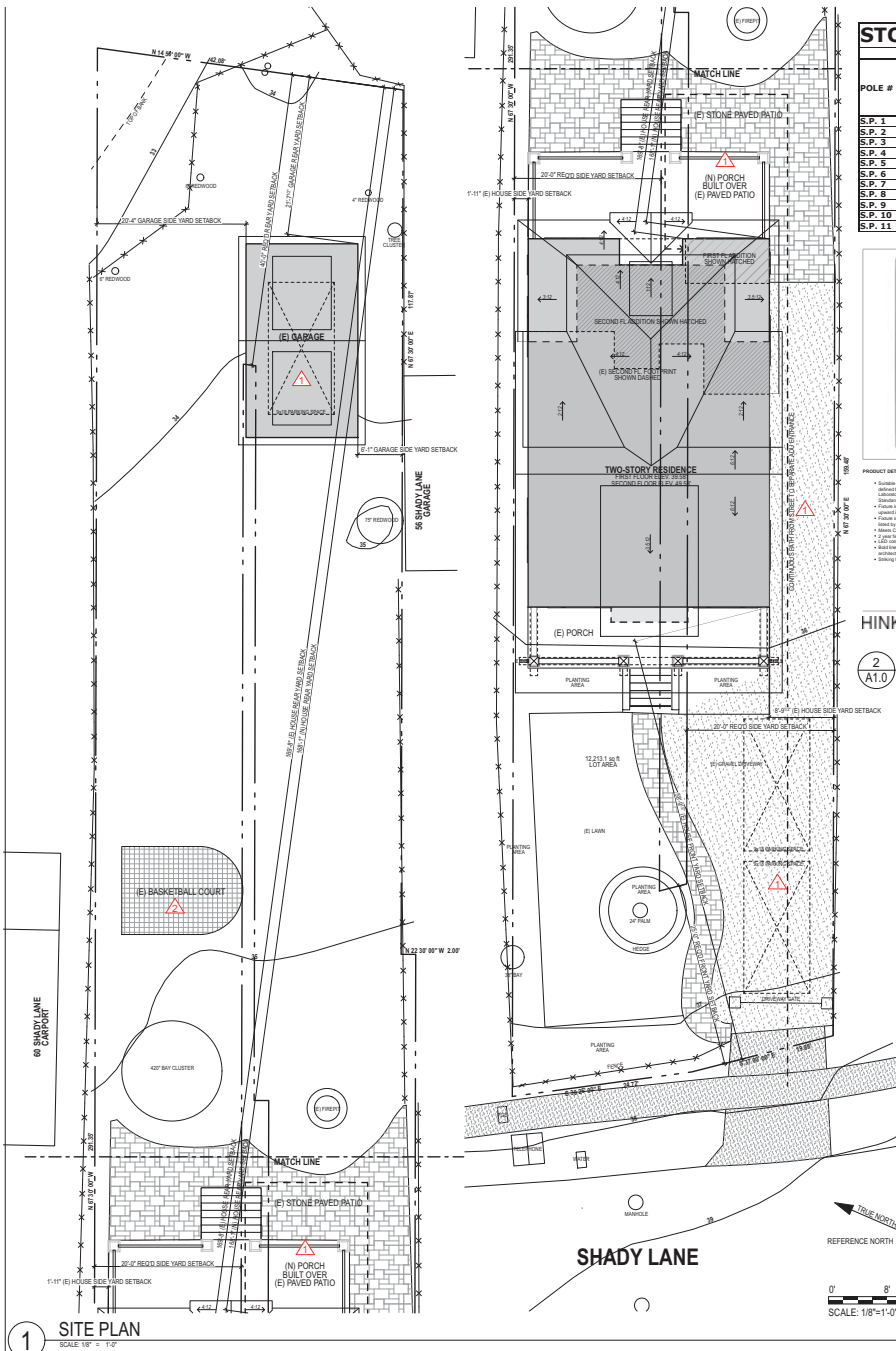
**Permit Requirements: ADU**

UNIT/PERMIT TYPES PROJECT	<b>ADU – Ministerial</b> “Accessory dwelling unit” (ADU) means an attached or a detached residential dwelling unit which provides complete independent living facilities. An ADU that meets all the standards and requirements for	58 Shady Lane
------------------------------	--	---------------

	ministerial review shall be approved by Town staff without discretionary review, public notice, or a hearing. Per RMC 18.42.020 & RMC 18.42.040 (a)	
Zoning	ADU allowed on residentially zoned parcels with a primary unit. Per RMC 18.42.030	R-1:B-20
Total Number of Units on Lot	1 ADU max. allowed per lot with primary unit. Per RMC 18.42.075 (a) & (b).	1 ADU proposed
Relationship to Primary Unit	ADU allowed within a new, expanded, and/or converted primary unit or accessory building. Per RMC 18.42.050 (b).	Proposed within converted primary unit
Ingress/Egress	ADU requires separate exterior entrance from primary unit. Per RMC 18.42.075 (a) (2).	New construction separate entrance
Number of Bedrooms	ADU allowed 2 bedrooms max. Per RMC 18.42.055	Studio/1 bedroom
Kitchen & Bathroom Facilities	ADU requires separate kitchen and bathroom from primary unit. Per RMC 18.42.055.	Proposed plans include kitchenette and full bathroom
Height/Floor Level	16' max. height allowed for ADU. ADU allowed at or below the first floor only. Per RMC 18.42.055 (c) & 18.42.065 (d).	ADU on first floor, within main house structure, not accessory
Setbacks	No setbacks are required for ADU conversion of existing structures (including reconstruction). 4' side and rear setbacks are required for ADU new construction. Conforming front setbacks are required. Per RMC 18.42.055 (j).	Within existing structure, no setback required.  In rear of existing home.
Off-Street Parking	No off-street parking is required for the ADU conversion of existing structures (including reconstruction). 1 off-street parking space is required for ADU new construction, except none is required if the ADU is located within 0.5 mile of public transit. Per RMC Section 18.42.055 (f).	<ul style="list-style-type: none"> <li>• Converting an existing structure</li> <li>• Within 0.5 miles of public transport</li> </ul>

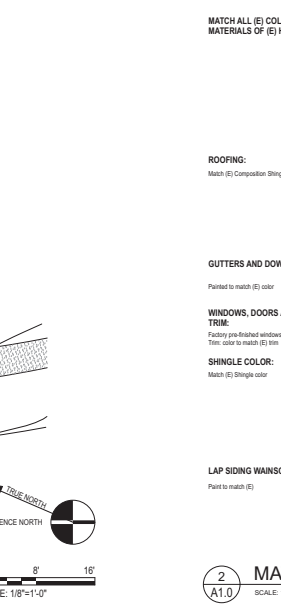
Floor Area	0-1 Bedroom ADU: 850 sq. ft. max. allowed. * 2 Bedroom ADU: 1,000 sq. ft. max. allowed. * * Or 50% of the existing primary unit, whichever is less. Per RMC 18.42.055 (e) & 18.42.070 (e).	<ul style="list-style-type: none"> <li>Proposed ADU = 332 sq ft</li> </ul>
Allowances for Nonconforming Floor Area & Lot Coverage	<p>Up to 800 sq. ft. of ADU new construction allowed to be nonconforming, regardless of any existing nonconforming floor area and/or lot coverage.</p> <p>Per RMC 18.42.060. 150 sq. ft. max. external expansion is allowed for ADU ingress/egress. Per RMC 18.42.075 (a) (1).</p>	70 square feet new construction attached to ADU for ingress/egress

## ATTACHMENT 3



### STORY POLE SCHEDULE

POLE #	HT TO FIRST FL. (FF elev. +35.4')	EXISTING GRADE UNDER POLE (+/-)	FIN. FL. TO (E) GRADE	POLE HEIGHT (approx only- installer confirms ht)
S.P. 1	18.3'	(ON ROOF) 35.6'	3.8'	22.1'
S.P. 2	18.5'	(ON ROOF) 35.6'	3.8'	22.3'
S.P. 3	21.85'	(ON ROOF) 35.7'	3.7'	25.55'
S.P. 4	18.5'	(ON ROOF) 35.7'	3.7'	22.2'
S.P. 5	18.3'	(ON ROOF) 35.8'	3.6'	21.9'
S.P. 6	18.5'	(ON ROOF) 35.8'	3.9'	22.4'
S.P. 7	18.5'	35.8'	3.6'	22.1'
S.P. 8	10'	(ON ROOF) 35.4'	4'	14'
S.P. 9	10'	35.8'	3.6'	13.6'
S.P. 10	0'	35.5'	3.9'	3.9'
S.P. 11	0'	35.6'	3.8'	3.8'



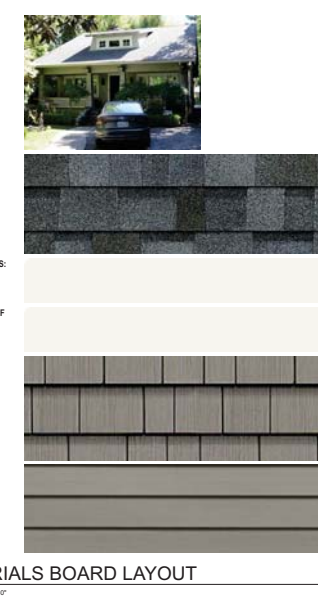
**ROOFING:**  
Match (E) Composition Shingles

**GUTTERS AND DOWNSPOUTS:**  
Painted to match (E) color

**WINDOWS, DOORS AND ROOF TRIM:**  
Factory pre-finished windows to match (E). Trim: color to match (E) trim

**SHINGLE COLOR:**  
Match (E) Shingle color

**LAP SIDING WAINSCOT:**  
Paint to match (E)



## SCOPE OF WORK

SELECTED DEMOLITION OF WALLS OF THE EXISTING HOME, NEW REAR ADDITIONS AND REMODEL WITH EXTERIOR FINISHES TO MATCH EXISTING, ADJUST HVAC, ELECTRICAL, PLUMBING, NEW REAR PORCH STRUCTURE

## PROJECT DATA

Address:	58 Shady Lane
Zoning Designation:	R-1B-30
Assessor's Parcel No.:	AP # 073-161-05
Site Area (SF):	12,213

Zoning Box	Existing	Proposed	Change
Building Coverage (SF)			
House	1,984	1,983	(1)
(E) Front Porch, Stairs, & Eave	349	349	0
Garage	394	394	0
(N) Rear Porch & Stairs	0	439	439
Total Building Coverage	2,337	2,765	428
Site Coverage	15%	19.14%	22.56%
Impervious Surfaces (SF)			
House	3796	3796	0
Garage	394	394	0
Subtotal conditioned floor areas	2,862	2,817	-45
Exterior covered patios > 10' depth	56	56	0
Garage	394	394	0
Subtotal accessory building floor area	450	450	0
Total floor area	1,832	3,142	1,310
Floor Area Ratio (F.A.R.)	15%	25.7%	25.6%
ADU Floor Area - not counted towards FAR	0	332	332
Building Height			
House	30'-0"	26'-4"	26'-4"
Garage			
Main House			
Front (West)	25'-0"	58'-0"	58'-0"
Right Side (South)	20'-0"	6'-0"	6'-0"
Left Side (North)	20'-0"	1'-11"	1'-11"
Rear (East)	40'-0"	169'-0"	169'-0"
Garage			
Front (West)	25'-0"	224'-3"	224'-3"
Right Side (South)	20'-0"	6'-0"	6'-0"
Left Side (North)	20'-0"	20'-4"	20'-4"
Rear (East)	40'-0"	21'-3"	21'-3"

## INDEX OF DOCUMENTS

A1.0	PROJECT INFORMATION + SITE PLAN + STORY POLE PLAN
A1.1	EXISTING-DEMOL FLOOR PLANS
A1.2	PROPOSED FLOOR PLANS
A2.1	EXTERIOR ELEVATIONS
A2.2	EXTERIOR ELEVATIONS
A2.3	PERSPECTIVES

## PROJECT TEAM

OWNER	Robert & Madeline Wiginton 2785 Jackson Street, Apt 2 San Francisco, CA 94115 Tel: 415-
ARCHITECT	Polsky Perla Architects 4688 Magnolia Avenue Larkspur, CA 94939 Tel: 415-927-1156 x306 Fax: 415-927-0847 Contact: Jared Polsky Elizabeth Perla jared@polskyarchitects.com elizabeth@polskyarchitects.com
SURVEYOR	DMG Engineering 30 Oakwood Court Pleasant Hill, CA 94523 Tel: 925-787-0463 Contact: Dylan Gonzalez dylan@dmgeva.com

## VICINITY MAP



4688 Magnolia Avenue  
Larkspur, CA 94939  
Phone: 415-927-1156  
Fax: 415-927-0847  
www.polskyarchitects.com

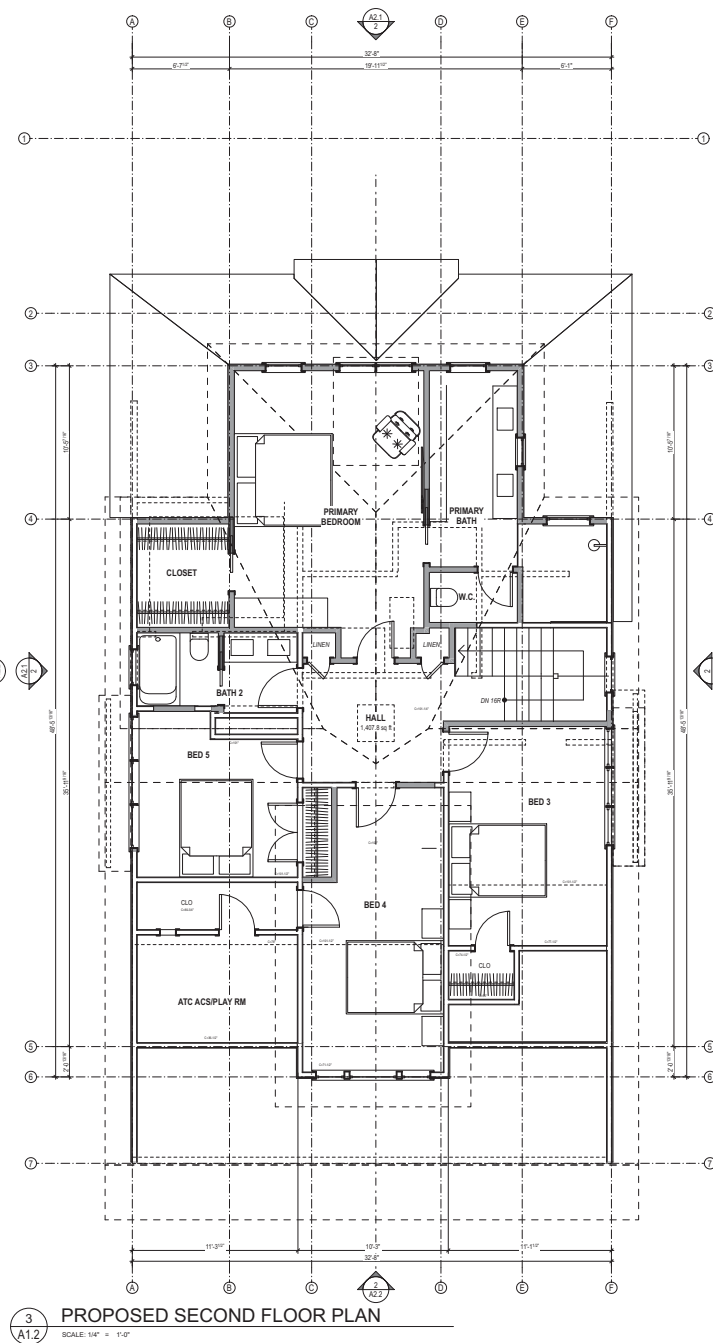
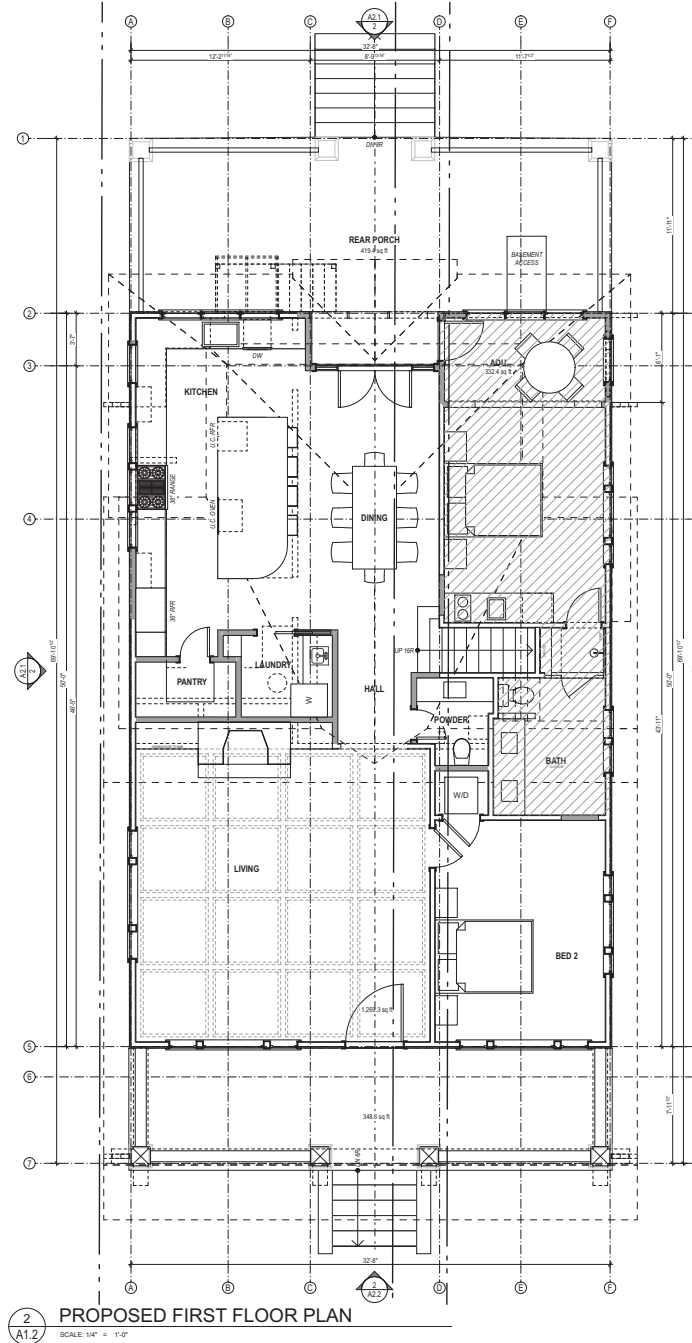
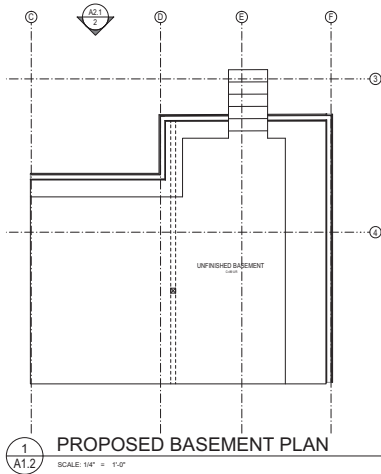
**WIGINTON RESIDENCE**

**58 SHADY LANE**  
ROSS CA  
AP# 073-161-05

**PROJECT INFO + SITE PLAN + STORY POLE PLAN**

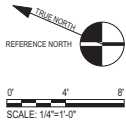
**A1.0**

## A1.1



**WALL LEGEND**

[Symbol]	EXISTING WALL TO REMAIN - NO MODIFICATIONS
[Symbol]	EXISTING WALL - IN ADDED SHEAR
[Symbol]	EXISTING WALL TO BE MODIFIED FOR NEW OPENINGS
[Symbol]	EXISTING WALL TO BE DEMOLISHED
[Symbol]	NEW WALL



WIGINTON RESIDENCE

58 SHADY LANE  
ROSS CA  
AP# 073-161-05

1500 ARCHITECTS  
NO. C 14125  
STATE OF CALIFORNIA

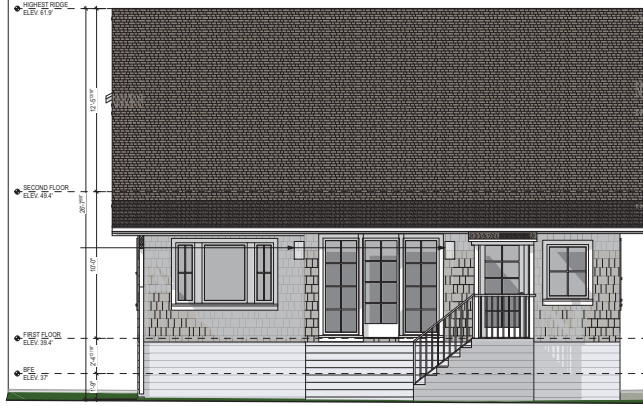
DATE: 1/10/22  
DESCRIPTION: PLANNING CONCEPTS  
BY: JAS  
DATE: 1/10/22  
DESCRIPTION: CONCEPTS TO DEVELOPMENT  
BY: JAS  
DATE: 1/10/22  
DESCRIPTION: CONCEPTS TO DEVELOPMENT  
BY: JAS

DESIGN: 1/10/22  
PA  
JOB #: 2127  
SCALE: NOTED

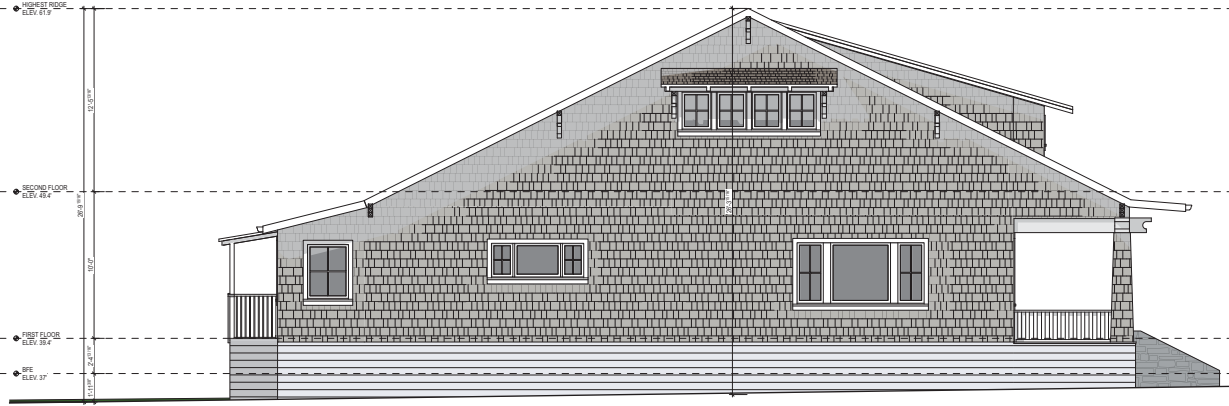
PROPOSED FLOOR PLANS

1500 ARCHITECTS  
4000 S. Magnolia Avenue  
Folsom, CA 95630  
PHONE: 916.977.1506  
FAX: 916.977.1505  
WWW.1500ARCHITECTS.COM

**A1.2**



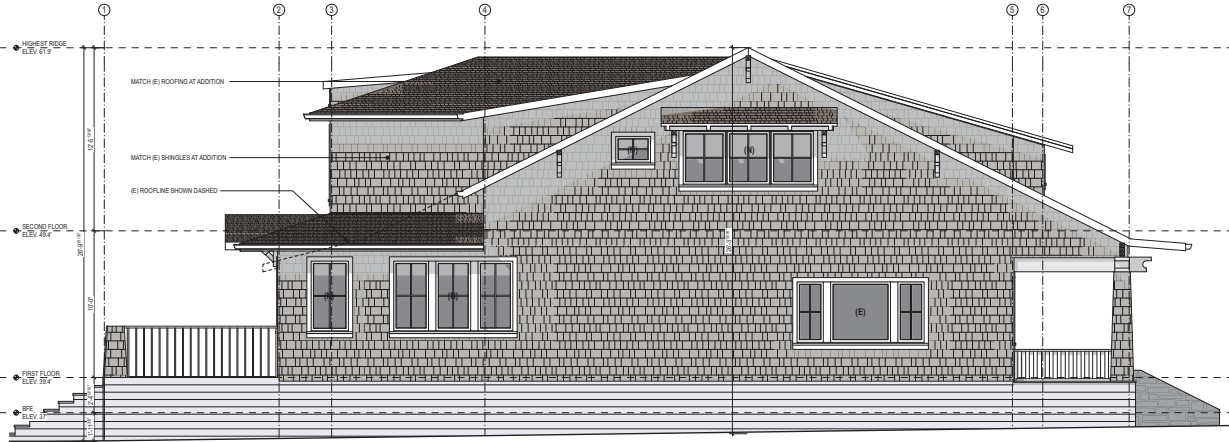
2 (E) EAST ELEVATION  
A2.1 SCALE: 1/4" = 1'-0"



2 (E) NORTH ELEVATION  
A2.1 SCALE: 1/4" = 1'-0"



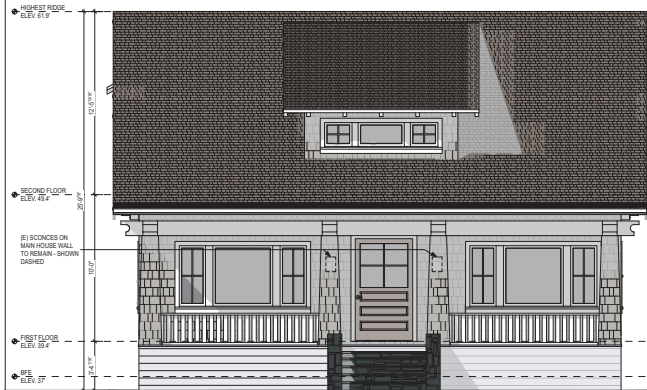
2 EAST ELEVATION  
A2.1 SCALE: 1/4" = 1'-0"



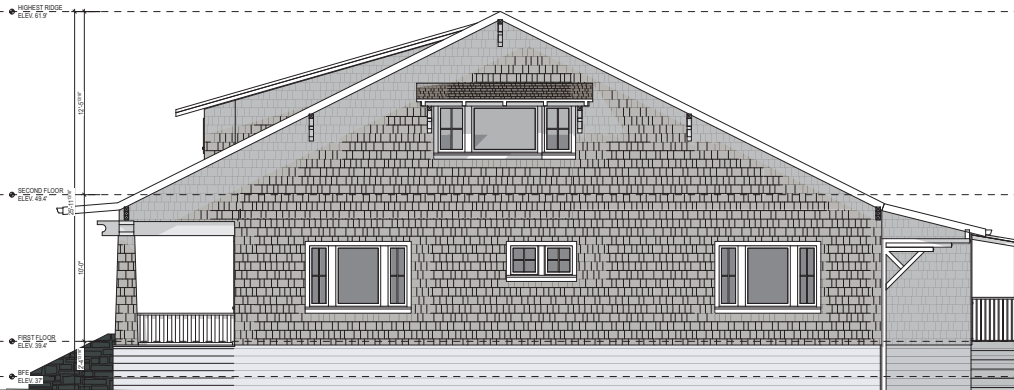
2 NORTH ELEVATION  
A2.1 SCALE: 1/4" = 1'-0"

DATE	DESCRIPTION	BY
1/20/2021	PLANNING CONCEPTS	DS
1/20/2021	1. EXTERIOR ELEVATIONS	DS
1/20/2021	2. EXTERIOR ELEVATIONS	DS
1/20/2021	3. EXTERIOR ELEVATIONS	DS
1/20/2021	4. EXTERIOR ELEVATIONS	DS
1/20/2021	5. EXTERIOR ELEVATIONS	DS
1/20/2021	6. EXTERIOR ELEVATIONS	DS
1/20/2021	7. EXTERIOR ELEVATIONS	DS
1/20/2021	8. EXTERIOR ELEVATIONS	DS
1/20/2021	9. EXTERIOR ELEVATIONS	DS
1/20/2021	10. EXTERIOR ELEVATIONS	DS
1/20/2021	11. EXTERIOR ELEVATIONS	DS
1/20/2021	12. EXTERIOR ELEVATIONS	DS
1/20/2021	13. EXTERIOR ELEVATIONS	DS
1/20/2021	14. EXTERIOR ELEVATIONS	DS
1/20/2021	15. EXTERIOR ELEVATIONS	DS
1/20/2021	16. EXTERIOR ELEVATIONS	DS
1/20/2021	17. EXTERIOR ELEVATIONS	DS
1/20/2021	18. EXTERIOR ELEVATIONS	DS
1/20/2021	19. EXTERIOR ELEVATIONS	DS
1/20/2021	20. EXTERIOR ELEVATIONS	DS
1/20/2021	21. EXTERIOR ELEVATIONS	DS
1/20/2021	22. EXTERIOR ELEVATIONS	DS
1/20/2021	23. EXTERIOR ELEVATIONS	DS
1/20/2021	24. EXTERIOR ELEVATIONS	DS
1/20/2021	25. EXTERIOR ELEVATIONS	DS
1/20/2021	26. EXTERIOR ELEVATIONS	DS
1/20/2021	27. EXTERIOR ELEVATIONS	DS
1/20/2021	28. EXTERIOR ELEVATIONS	DS
1/20/2021	29. EXTERIOR ELEVATIONS	DS
1/20/2021	30. EXTERIOR ELEVATIONS	DS
1/20/2021	31. EXTERIOR ELEVATIONS	DS
1/20/2021	32. EXTERIOR ELEVATIONS	DS
1/20/2021	33. EXTERIOR ELEVATIONS	DS
1/20/2021	34. EXTERIOR ELEVATIONS	DS
1/20/2021	35. EXTERIOR ELEVATIONS	DS
1/20/2021	36. EXTERIOR ELEVATIONS	DS
1/20/2021	37. EXTERIOR ELEVATIONS	DS
1/20/2021	38. EXTERIOR ELEVATIONS	DS
1/20/2021	39. EXTERIOR ELEVATIONS	DS
1/20/2021	40. EXTERIOR ELEVATIONS	DS
1/20/2021	41. EXTERIOR ELEVATIONS	DS
1/20/2021	42. EXTERIOR ELEVATIONS	DS
1/20/2021	43. EXTERIOR ELEVATIONS	DS
1/20/2021	44. EXTERIOR ELEVATIONS	DS
1/20/2021	45. EXTERIOR ELEVATIONS	DS
1/20/2021	46. EXTERIOR ELEVATIONS	DS
1/20/2021	47. EXTERIOR ELEVATIONS	DS
1/20/2021	48. EXTERIOR ELEVATIONS	DS
1/20/2021	49. EXTERIOR ELEVATIONS	DS
1/20/2021	50. EXTERIOR ELEVATIONS	DS
1/20/2021	51. EXTERIOR ELEVATIONS	DS
1/20/2021	52. EXTERIOR ELEVATIONS	DS
1/20/2021	53. EXTERIOR ELEVATIONS	DS
1/20/2021	54. EXTERIOR ELEVATIONS	DS
1/20/2021	55. EXTERIOR ELEVATIONS	DS
1/20/2021	56. EXTERIOR ELEVATIONS	DS
1/20/2021	57. EXTERIOR ELEVATIONS	DS
1/20/2021	58. EXTERIOR ELEVATIONS	DS
1/20/2021	59. EXTERIOR ELEVATIONS	DS
1/20/2021	60. EXTERIOR ELEVATIONS	DS
1/20/2021	61. EXTERIOR ELEVATIONS	DS
1/20/2021	62. EXTERIOR ELEVATIONS	DS
1/20/2021	63. EXTERIOR ELEVATIONS	DS
1/20/2021	64. EXTERIOR ELEVATIONS	DS
1/20/2021	65. EXTERIOR ELEVATIONS	DS
1/20/2021	66. EXTERIOR ELEVATIONS	DS
1/20/2021	67. EXTERIOR ELEVATIONS	DS
1/20/2021	68. EXTERIOR ELEVATIONS	DS
1/20/2021	69. EXTERIOR ELEVATIONS	DS
1/20/2021	70. EXTERIOR ELEVATIONS	DS
1/20/2021	71. EXTERIOR ELEVATIONS	DS
1/20/2021	72. EXTERIOR ELEVATIONS	DS
1/20/2021	73. EXTERIOR ELEVATIONS	DS
1/20/2021	74. EXTERIOR ELEVATIONS	DS
1/20/2021	75. EXTERIOR ELEVATIONS	DS
1/20/2021	76. EXTERIOR ELEVATIONS	DS
1/20/2021	77. EXTERIOR ELEVATIONS	DS
1/20/2021	78. EXTERIOR ELEVATIONS	DS
1/20/2021	79. EXTERIOR ELEVATIONS	DS
1/20/2021	80. EXTERIOR ELEVATIONS	DS
1/20/2021	81. EXTERIOR ELEVATIONS	DS
1/20/2021	82. EXTERIOR ELEVATIONS	DS
1/20/2021	83. EXTERIOR ELEVATIONS	DS
1/20/2021	84. EXTERIOR ELEVATIONS	DS
1/20/2021	85. EXTERIOR ELEVATIONS	DS
1/20/2021	86. EXTERIOR ELEVATIONS	DS
1/20/2021	87. EXTERIOR ELEVATIONS	DS
1/20/2021	88. EXTERIOR ELEVATIONS	DS
1/20/2021	89. EXTERIOR ELEVATIONS	DS
1/20/2021	90. EXTERIOR ELEVATIONS	DS
1/20/2021	91. EXTERIOR ELEVATIONS	DS
1/20/2021	92. EXTERIOR ELEVATIONS	DS
1/20/2021	93. EXTERIOR ELEVATIONS	DS
1/20/2021	94. EXTERIOR ELEVATIONS	DS
1/20/2021	95. EXTERIOR ELEVATIONS	DS
1/20/2021	96. EXTERIOR ELEVATIONS	DS
1/20/2021	97. EXTERIOR ELEVATIONS	DS
1/20/2021	98. EXTERIOR ELEVATIONS	DS
1/20/2021	99. EXTERIOR ELEVATIONS	DS
1/20/2021	100. EXTERIOR ELEVATIONS	DS

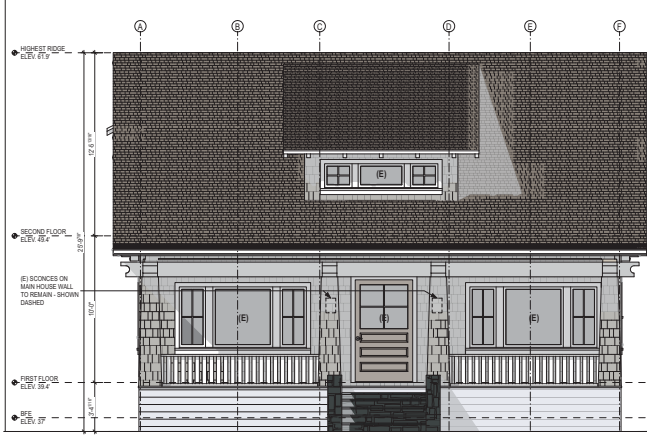




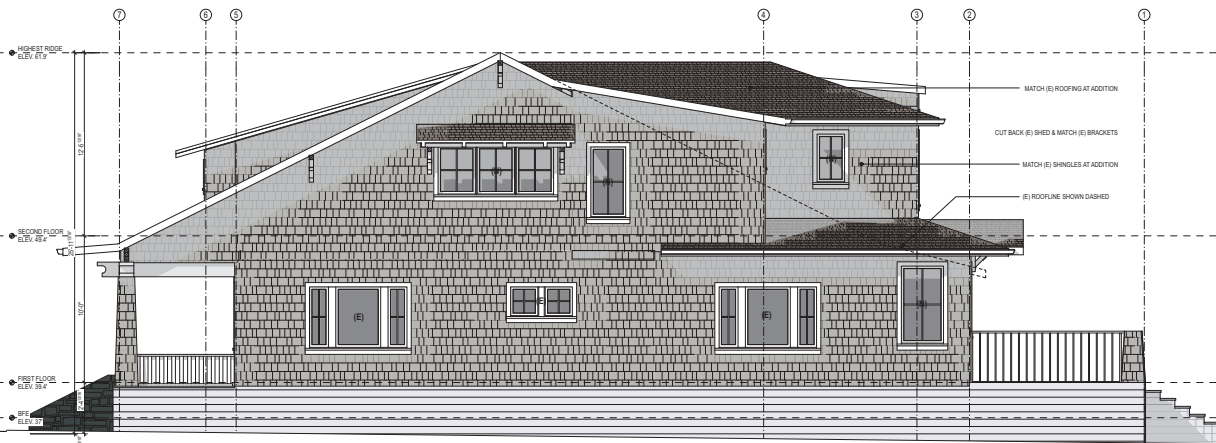
2 (E) WEST ELEVATION  
A2.2 SCALE: 1/4" = 1'-0"



2 (E) SOUTH ELEVATION  
A2.2 SCALE: 1/4" = 1'-0"



2 WEST ELEVATION  
A2.2 SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION  
A2.2 SCALE: 1/4" = 1'-0"

DATE	Δ	DESCRIPTION	BY
1/20/2021		PLANNING CONCEPTS	DS
1/20/2021	1	EXTERIOR ELEVATIONS	DS
1/20/2021	2	REVISIONS	DS

DATE: 1/20/21  
DRAWN: PA  
JOB #: 2127  
SCALE: NOTED

EXTERIOR ELEVATIONS



2 Southwest View  
A2.3 SCALE: 1:125.01



2 Northeast View  
A2.3 SCALE: 1:138.48



2 Northwest View  
A2.3 SCALE: 1:125.13



2 Southeast View  
A2.3 SCALE: 1:121.75

DATE	DESCRIPTION	BY
1/20/2021	PLANNING CONCEPTS	PA
1/20/2021	1. CONCEPTS TO	PA
1/20/2021	2. CONCEPTS TO	PA
1/20/2021	3. CONCEPTS TO	PA
1/20/2021	4. CONCEPTS TO	PA
1/20/2021	5. CONCEPTS TO	PA
1/20/2021	6. CONCEPTS TO	PA
1/20/2021	7. CONCEPTS TO	PA
1/20/2021	8. CONCEPTS TO	PA
1/20/2021	9. CONCEPTS TO	PA
1/20/2021	10. CONCEPTS TO	PA
1/20/2021	11. CONCEPTS TO	PA
1/20/2021	12. CONCEPTS TO	PA
1/20/2021	13. CONCEPTS TO	PA
1/20/2021	14. CONCEPTS TO	PA
1/20/2021	15. CONCEPTS TO	PA
1/20/2021	16. CONCEPTS TO	PA
1/20/2021	17. CONCEPTS TO	PA
1/20/2021	18. CONCEPTS TO	PA
1/20/2021	19. CONCEPTS TO	PA
1/20/2021	20. CONCEPTS TO	PA

ALL DRAWINGS ARE THE PROPERTY OF PODRE ARCHITECTS. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF PODRE ARCHITECTS. THIS DRAWING IS THE PROPERTY OF PODRE ARCHITECTS AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF PODRE ARCHITECTS.

PODRE ARCHITECTS  
4000 S. Highway 100, Suite 100  
Ross, CA 94067  
Phone: 415.932.1506  
Fax: 415.932.1507  
www.podrearchitects.com

PERSPECTIVES

## ATTACHMENT 4

- (g) Eva M. Barker/Joan B. Cox, 58 Shady Lane (AP 73-161-05)  
VARIANCE NO. 757. 20,000 sq. ft. zone. Enclosure of existing deck and replacing of old stairway. Proposed stairway to be 3 ft. from side property line (20 ft. required); addition of 18 sq. ft.

Lot Area	11,405 sq. ft.
Present Lot Coverage	20.1%
Proposed Lot Coverage	20.3%
Present Floor Area Ratio	22.85%
Proposed Floor Area Ratio	23.0%
(15% allowed)	

Mr. Gary Sullivan, a friend of Eva Barker, presented the plans. There being no comments from the audience, Mr. Brekhus moved approval, seconded by Mr. Poore, and passed unanimously.

12. Mr. & Mrs. John Mueller, 5 Woodside Way, Ross (AP 73-232-04)  
Variance No. 737 granted July 11, 1985.  
 Mrs. Mueller appeared before the Council and stated that it was her understanding that when Variance No. 737 had been granted, it included the installation of the window on the north side of the house.  
 After some discussion, Mr. & Mrs. Mueller were given permission to install the north window. This passed with three affirmative votes; Mr. Julien voted against and Mrs. Flemming abstained.
13. Thomas F. Byrnes, Jr., 96 Shady Lane. Review of Landscaping Plans, Walkway, and Driveway. VARIANCE No. 714 granted September 13, 1984.  
 Mr. Lunding said that Mr. Byrnes was out of town and he was requesting permission to change the texture of his driveway. Mr. Brekhus moved approval with the following conditions: (1) that landscaping plans be submitted in 30 days; (2) that the landscaping and gate be completed in 60 days, and (3) total landscaping be approved by the Council. This was seconded by Mr. Poore and passed unanimously.
14. Consideration of Raising Sales Tax to 6½% to be Used for Transportation in Marin County, as Proposed by the Marin County Mayors and Councilmembers.  
 At the request of Mrs. Richard Lorraine of Upper Road West, and Mr. John Barr of Redwood Drive, this item was put over to the November meeting so that other interested citizens might attend and be heard.
15. Reconsideration of the Tozzi Appeal.  
 The Council agreed to uphold the conditions as set forth at the September meeting.
16. Ross Common's Maintenance Contract.  
 Mayor Dirkes explained that he had received a letter from Mr. Mike Carey, Superintendent of the Ross School, in which he wrote that the Ross School is financially unable to continue paying its share of the landscaping maintenance for the Ross Common. Councilmembers Brekhus and Julien indicated that the school should be required to pay its share of the maintenance costs. Councilmember Flemming felt that the school and Town should negotiate a solution and, she continued, there was definitely some responsibility on the school's part.  
 Mayor Dirkes and Councilman Poore favored lending assistance to the school, on a temporary basis, since the Town owns the Common and the school is facing its worse financial crisis yet. After discussion, it was agreed that Councilman Julien and Councilwoman Flemming would attend the Ross School Board meeting to discuss the Ross Common's maintenance. This meeting will be held Tuesday, November 19, at 7:45 P.M. in the school library.

6. Proposed signage shall be reviewed by the planning department prior to installation. Any exterior modifications, including repainting, shall require approval by the Planning Department staff.
7. Any encroachment into the public right of way, such as for installation or replacement of awnings, signage, or seating, requires prior approval of a revocable encroachment permit from the Director of Public Works.
8. This project shall comply with the following requirements of the Department of Public Safety: 1.) A street number must be posted {minimum four inches on contrasting background}; 2.) A local alarm system is required.
9. NO CHANGES FROM THE APPROVED PLANS AND USE SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL.
10. 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.
11. 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.

**b. 58 Shady Lane, Variance No. 1744**

Bradford and Michelle Shaffer, 58 Shady Lane, A.P. No. 73-161-05, R-1: B-20 (Single Family Residence, 20,000 Sq. Ft. Minimum Lot Size), Very Low Density (.1-1 Units/Acre). Variance to allow the installation of an air conditioning unit at the rear of the residence, within the required side yard setbacks (25 foot side yard setbacks required, lot is approximately 40 feet wide).

*The existing residence is nonconforming in setbacks.*

Mayor Cahill asked for a motion.

Mayor Pro Tempore Strauss moved and Council Member Hunter seconded, to approve Planning Consent Calendar Item "b" as submitted by staff. Motion carried unanimously.

**58 Shady Lane, Variance No. 1744**

1. The air conditioner may be installed within the north side yard setback, or behind the residence and further from the property lines, as shown on the site plan. The air conditioner shall be elevated to minimize damage from flooding.
2. Operation of the air conditioner shall comply with the Town noise ordinance (Ross Municipal Code Chapter 19.20).
3. 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.



4. 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 changes.
5. Failure to secure required building permits and/or begin construction by June 11, 2010, will cause the approval to lapse without further notice.
6. 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.

**c. 39 Fernhill Avenue, Amendment to Variance, Design Review No. 1661**

The Branson School, 39 Fernhill Avenue, A.P. Nos. 73-082-01, 73-082-12, 73-141-03 and 73-151-05, R-1:B-A (Single Family Residence, One Acre Minimum Lot Size), Limited Quasi-Public/ Private Service. Amendment to plans approved by the Town Council on September 11, 2007, for new buildings and related site improvements at the private high school campus. The applicant requests approval of plans to replace the existing entry structure at the intersection of Fernhill Avenue and Circle Drive. The applicant's engineer has determined that the existing structure may not withstand an earthquake.

Mayor Cahill asked for a motion.

Mayor Pro Tempore Strauss moved and Council Member Hunter seconded, to approve Planning Consent Calendar Item "c" as submitted by staff. Motion carried unanimously.

**39 Fernhill Avenue, Amendment to Variance, Design Review No. 1661**

1. This approval allows for demolition of the existing entry structure and for construction of new entry structures at the entrance to the school.
2. The unimproved areas in front of the entry, within the right-of-way, shall be landscaped to preclude parking. Staff shall review and approve the landscape plan prior to installation.
3. A recorded revocable encroachment permit shall be required from the public works department for all improvements within the Town right-of-way.
4. The project shall be subject to all conditions of the September 11, 2009, Town Council approval.
5. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. No extension of the construction time is granted by this approval and the proposed modifications shall fall under the existing building permit for the project. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As detailed in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required

outlined in the staff report, including the revised indemnity condition provided by staff. Motion carried unanimously.

**Garden Road Conditions:**

1. The approval is to allow the two patio areas and shed behind the garage, within required yard setbacks.
2. 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.

**c. 58 Shady Lane, After-the-fact Variance No. 1931**

John Coan, 58 Shady Lane, A.P. No. 73-161-05, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre), Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage). Request for after-the-fact watercourse design review and setback variances for back yard landscape improvements including: 1.) gas fire pit within south side yard setback (20 feet required, 9 feet proposed); 2.) synthetic turf sport court and basketball hoop within north side yard setback (20 feet required, 3 feet proposed); and 3.) putting green within south side yard setback (20 feet required, 3 feet proposed) and rear yard setback (40 feet required, 4 feet proposed) and within 25 feet of the top bank of the creek.

<b>Lot Area</b>	<b>12,412 square feet</b>
<b>Existing Floor Area Ratio</b>	<b>2,437 sq. ft. 19.6%</b>
<b>Proposed Floor Area Ratio</b>	<b>2,437 sq. ft. 19.6% (15% permitted)</b>
<b>Existing Lot Coverage</b>	<b>2,288 sq. ft. 18.4%</b>
<b>Proposed Lot Coverage</b>	<b>2,288 sq. ft. 18.4% (15% permitted)</b>
<b>Existing Impervious Surfaces</b>	<b>3,226 sq. ft. 26.0%</b>
<b>Proposed Impervious Surfaces</b>	<b>3,198 sq. ft. 25.8%</b>

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report, including the revised indemnity condition provided by staff.

John Coan, applicant, is available to answer any questions of the Council.

**September 12, 2013 Minutes**

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

Town Attorney Greg Stepanicich explained that the expense is now charged to the applicant, which is standard.

Council Member Small supported the staff report, but asked the Council and staff to look at the after-the-fact issues surrounding the creek at their retreat. She felt there should be a greater penalty.

Mayor Kuhl asked for a motion.

**Mayor Pro Tempore Brekhus moved and Council Member Hoertkorn seconded, to approve 58 Shady Lane, After-the-Fact Variance No. 1931 subject to the findings and conditions outlined in the staff report; deleting Condition No. 1, so the basketball hoop can remain; and including the revised indemnity condition provided by staff. Motion carried unanimously.**

**58 Shady Lane Condition:**

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.

**e. 1 Berry Lane, Variance, Design Review and Demolition Permit No. 1915**

Bill Conrow, 1 Berry Lane, A.P. No. 72-231-18, R-1:B-A (Single Family Residence, 1 acre minimum lot size), Very Low Density (.1 - 1 unit per acre), Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage). Public hearing to consider an application for a setback variance, demolition permit and design review for a project that includes the following: 1.) 312 square foot addition to lower and upper levels of primary residence, partially within north side yard setback (25 feet required, 3 feet proposed to building wall); 2.) 347 square foot, single-story, addition to guest house, partially within 25 feet of the top bank of a seasonal creek; 3.) 43 square foot storage structure up to 8' 6" tall within north side yard setback (25 feet required, 3 feet proposed); and 4.) landscape improvements including built-in barbecue area within north side yard setback (25 feet required, 15 feet proposed), replacement of patio areas and landscape retaining walls, new arbor, outdoor fireplace and fire pit. The landscape modifications include 200 cubic yards of cut and 30 cubic yards of fill.



completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in the Town of Ross Municipal Code Section 15.50.040, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

ww. 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.).

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

yy. 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.

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

*Council Member Russell reconvened his position on the Town Council.*

**19. 58 Shady Lane, Variance and Design Review No. 1937**

Richard and Jennifer Kaufman, 58 Shady Lane, A.P. No. 73-161-05, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre), Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage). Application for design review and variances from the side yard setback, floor area, and lot coverage regulations for a new, detached, 399 square foot garage at the rear of the site, partially located in the south side yard setback (10 foot setback required for a garage, 6.5 feet proposed). The maximum roof ridge height would be 15' 8" and materials would match the existing residence. The applicants also propose to enlarge an upper level window on the south-facing elevation of the residence and provide a balcony and railing for the window within the required side yard setback (20 feet required, 6' 11" proposed).

<b>Lot Area</b>	<b>12,213 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>2,251 sq. ft.</b>	<b>18.4%</b>
<b>Proposed Floor Area Ratio</b>	<b>2,650 sq. ft.</b>	<b>21.7% (15% permitted)</b>
<b>Existing Lot Coverage</b>	<b>2,322 sq. ft.</b>	<b>19.0%</b>
<b>Proposed Lot Coverage</b>	<b>2,862 sq. ft.</b>	<b>23.4% (15% permitted)</b>
<b>Existing Impervious Surfaces</b>	<b>3,832 sq. ft.</b>	<b>31.4%</b>
<b>Proposed Impervious Surfaces</b>	<b>3,672 sq. ft.</b>	<b>30.1%</b>

*The existing residence is nonconforming in setbacks and covered parking.*

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

Mayor Pro Tempore Brekhus discussed the garage and asked staff the reason for reducing the size of the garage. Senior Planner Semonian added that as proposed, it is a single car, oversized garage. The reduced size one-car garage complies with the ADR Group and the neighbor concerns. A two-car garage would be a taller and larger structure. Council Member Hoertkorn expressed concern for the dormers.

Rich Kaufman, applicant, appreciated the Council considering their request. There has been a lot of energy put into the process. They are requesting a generously sized one-car garage, which was a result from the ADR Group meeting. They requested modifying a second story window for fire egress. They also desired a railing, but neighbors expressed concern. Regarding the gate, it has a detrimental impact to the yard. A 4-foot gate is meaningful. If there is a technological solution to keeping it he would have an open mind. His neighbor's gate opens immediately, but the problem is inadvertent opening, which is very common. He is not sure of the solution. He can remove the keypad. He presented photographs of all gates along Shady Lane for the Council's consideration. They have reduced the size of the garage already significantly. Both neighbors have sheds in their backyards. They designed the project to be neutral and the wording in the condition is to go back to the pervious nature of the property from before he owned it. They are prepared to remove impervious surfaces that equal the 399 sq. ft. for the garage. They wanted to maintain the basketball area, but remove the golf area and front pathway in terms of impervious surfaces.

Senior Planner Semonian added that if the gate is moved back it would be much less attractive to the streetscape.

Mayor Kuhl opened the public hearing on this item.

Peter Nelson, Circle Drive resident, felt the new proposal for the garage from staff is consistent with what was discussed at ADR. He believed there is a remarkable amount of confusing in regard to pervious or impervious surfaces. He understands all the gates on Shady Lane do not conform, so there is important logic to have a gate that makes sense.

Council Member Hoertkorn asked the Council if they are all in agreement about no dormers. Council Member Small hoped the garage is used as a garage. Her concern is to have the garage

#### December 12, 2013 Minutes

used for a vehicle, bicycles and strollers. This applicant could sell this house and someone could move in and enjoy the light and make it an art studio. The idea is to have the garage be a garage. Architects have a design and the aesthetics reflect the house, but then it looks like a guesthouse, but in her view it is suppose to be a garage. She would not support two French doors, it should be a garage door. Charles Theobald, architect, is trying to create a space that appears as it was always there in regard to historic homes. He is a big proponent of natural light. He liked to present the opportunity to have a wider opening. He also likes the idea of having open space. Mr. Kaufman understands the concern of being an art studio, so he would make the door solid. He rather have a dormer with a blacked out window or something that looks good. The doors are for function, not light and air. He is not chasing light or air and respects the concerns of the Council, but respectfully requested that they focus on functionality.

Mayor Kuhl asked staff if this matter could be worked out between staff. Senior Planner Semonian believed eliminating the rear door and rear window would make it less likely to be used as living space in the future. The size proposed is just over 15 ft. by 26 ft. 4-inches. It is a really oversized one-car garage. Architect Theobald stated given the site can support 20%, the existing house is currently under 20%. They are only asking for 99 sq. ft., which is reasonable. It is a better solution to have an oversized garage, so it is used to store a vehicle.

Mayor Pro Tempore Brekhus noted that this property is at 20% FAR and all other properties are at 15%. Senior Planner Semonian explained that they are limited to 15% FAR because they are in that zoning district. All yellow areas are 15%, which is based on lot size.

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

Mayor Russell believed they reached an agreement on the rear window, but they need to reach an agreement on the size of the garage. The Council agreed with the proposed size of the garage.

Mayor Kuhl asked for a motion.

**Council Member Brekhus moved and Council Member Hoertkorn seconded, to approve 58 Shady Lane, Variance and Design Review, File No. 1939, subject to the findings and conditions outlined in the staff report with the following amendments: eliminate the back window; remove the railing on the residence; allow the applicant to maintain the front gate; remove the double doors and allow the applicant to work with staff; and impervious surfaces to remain neutral. Motion carried unanimously.**

#### **58 Shady Lane Conditions:**

Approve the construction of a new garage at the site subject to the following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. Except as otherwise provided in these conditions, the project shall substantially comply with the plans approved by the Town Council on December 12, 2013, dated 11/25/13. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

2. Variances are approved to permit the new structure for covered parking use and not for habitable space.
3. The garage shall be reduced to 20' by 15' in size. The plate height is limited to 8' 6" and the height of the garage shall be proportionately reduced to approximately 14' 1". The window at the rear of the garage shall be eliminated and the double doors proposed on the north elevation shall be modified to a single door. The railing proposed for the south elevation of the main residence is not approved.
4. ~~The gates shall be removed as proposed prior to project final. No vehicle gate shall be located within 18 feet of the east side of the pedestrian path prior to project final. All gates and the garage door shall be automatic prior to project final.~~
5. No toilet is permitted in the garage structure without prior approval of the Town Council.
6. Impervious surfaces shall be limited to existing conditions ~~that existed prior to the installation of the artificial turf, sports court and golf area.~~ Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.
7. No patio areas or structures are permitted within the rear yard setback or within 25 feet of the top bank of the creek.
8. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
9. The following conditions relate to protection of the creek during all phases of construction:
  - a) The creek shall be protected during construction to ensure no soil, concrete, cement, slurry, or other construction debris is permitted to enter the creek. If any soil, concrete, cement, slurry, or other debris inadvertently enters the creek, the material shall be cleaned up and removed from the channel immediately
  - b) Staging/storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the creek channel and associated riparian area.
  - c) Spoil sites shall not be located within the stream channel, where spoil may be washed back into the creek. Building materials and construction equipment shall not be stored where materials could fall or be washed into the creek.
10. 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.
11. A tree protection plan for all protected trees on or near the project site is required with the building permit application. The plan shall comply with the requirements of Ross Municipal Code Section 12.24.100. The applicants'/project arborist shall review the final construction-level drawings and landscape plans, including civil, structural, grading, drainage, irrigation and utility plans (arborist should note the dates of the plans reviewed). All tree protection conditions recommended by the project arborist shall be included on all relevant sheets of the building permit plans to ensure compliance with the arborist recommendations. The plan shall include a schedule of when the consulting arborist should inspect the site or be present for activities such as trenching in the tree protection area. Written reports or emails shall be provided to the town planner after each inspection. The project arborist shall inspect the site prior to issuance of a building permit to determine if tree protection fencing has been



properly installed and shall submit written confirmation to the town planner that the tree protection is in place prior to building permit issuance.

12. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD), including the following (additional conditions may be imposed during review for compliance with the Fire Code):

a) The applicant shall maintain an effective firebreak around the structure by removing and clearing all flammable vegetation and/or other combustible growth. Consult the Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan available online at [Rossvalleyfire.org](http://Rossvalleyfire.org).

b) 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 illuminated by a light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

c) A Knox override switch is required for the gate unless exempted by the Ross Valley Fire Department.

d) Sprinklers are required.

e) Fire Alarm may be required.

f) Applicant may propose alternate materials or method in accordance with Section 104.9. All approved alternates requests and supporting documentation shall be included in the construction drawings.

g) The following inspections are required by the Ross Valley Fire Department: 1.) defensible space/vegetation management plan; 2.) Sprinkler Hydro/Final and 3.) project final.

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

zz. 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.

aaa. 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.

bbb. 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.

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

ddd. 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.

eee. Plans submitted for a building permit shall detail the required openings in the foundation walls to allow for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (See FEMA Technical Bulletin 1-93 <http://www.fema.gov/pdf/fima/job2.pdf> for more information)

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

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

hhh. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). 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).

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

jjj. 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.

kkk. 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).

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

mmm. 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.

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

ooo. 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).

ppp. 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.

qqq. 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.

rrr. 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.

sss. Smoke detectors provided with AC power and interconnected for simultaneous alarm are required.

ttt. 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.

uuu. 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.

vvv. The applicant shall work with the Public Works Department to repair any road damage caused by the construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project

final. Damage assessment will be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.

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

xxx. 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.).

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

zzz. 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.

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

**20. Town Council consideration of Nuisance Abatement Orders and penalties for 51 Wellington Avenue, trampoline structure within setbacks and over permitted lot coverage.**

*This item was removed from the agenda.*

**End of Public Hearings on Planning Applications – Part II.**

**21. No Action Items:**

**a. Council correspondence received**



Mayor Kuhl asked for a motion.

**Council Member Russell moved and Mayor Pro Tempore Brekhus seconded, to adopt the Consent Agenda as submitted. Motion carried unanimously.**

**End of Consent Agenda.**

*Council Member Robbins recused herself from Agenda Item 12a. to avoid a conflict of interest.*

**12. Public Hearings on Planning Projects - Part I.**

*Public hearings are required for the following planning application. Staff anticipates that this item may be acted upon quickly with no oral staff report, Council discussion, or public comment. If discussion or public comment is requested, the Council may consider the item later in the agenda.*

**a. 58 Shady Lane, Design Review No. 2018-024 DR, and Town Council consideration of adoption of Resolution No. 2077.**

Richard and Jennifer Kaufman, 58 Shady Lane, A. P. No. 073-161-05, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1-3 Units/Acre), Zone AE and X (lot partially within a regulatory floodway). The applicant is requesting Design Review to allow for the construction of an upper bank retaining wall and bank erosion protection measures adjacent to the properties at 58 and 60 Shady Lane.

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 2077 approving design review to allow a creek stabilization project.

Kevin Wasniewski, representing the applicants, briefly read into the record a statement from the applicants apologizing for not being present due to a prior engagement. Thanked everyone for inspecting the bank and indicated that they have been in communication with their adjacent neighbors all supporting this bank stabilization.

Council Member McMillan asked staff why formal design review and Council approval is needed on something that seems so necessary. Planning Manager Scoble responded that anytime there is a project within 25 ft. from the top of the bank Design Review is required.

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

Mayor Kuhl asked for a motion.

**Mayor Pro Tempore Brekhus moved and Council Member Russell seconded, to approve Shady Lane Design Review No. 2018-024 DR, and adopt Resolution No. 2077. Motion carried 4-0. (Robbins recused)**

*Council Member Robbins resumed her seat at dais.*

**End of Public Hearings on Planning Projects - Part I.**

## ATTACHMENT 5

October 19, 2021

Kelton Lynn and Annie Kadavy  
56 Shady Lane  
PO Box 544  
Ross, CA 94957

RE: Neighbor Support of 58 Shady Lane Project

To whom it may concern,

The Wigintons have discussed their proposed project and shared the drawings, and as the neighbors who would be most impacted by such a project, we offer our support and approval.

As it relates to the windows of the proposed ADU, we are approving of the non-clerestory windows in the ADU on the adjacent (south facing) exterior wall as drawn in the plans submitted by Polsky Perlstein Architects.

Regards,

Kelton and Annie

October 28, 2021

Matt Carbone  
60 Shady Lane  
Ross, CA 94957

RE: Neighbor Support of 58 Shady Lane Project

To whom it may concern,

The Wigintons have discussed their proposed ADU conversion and dormer addition project for 58 Shady Lane and we offer our support and approval.

Regards,

A handwritten signature in blue ink, appearing to read 'Matt Carbone', with a stylized, cursive flourish at the end.

Matt Carbone