



Agenda Item No. 22.

Staff Report

Date: June 14, 2018

To: Mayor Robbins and Council Members

From: Heidi Scoble, Planning Manager

Subject: Ross Residence, 11 Circle Drive, File No. 2017-038

Recommendation

Council approval of Resolution 2053 conditionally approving a Demolition Permit, Design Review, a Nonconformity Permit, and a Tree Permit to allow for the substantial remodel to the existing residence and detached accessory structures, in addition to modifications to the existing site landscape and hardscape, including relocating the driveway access from Circle Drive to Fernhill Avenue, removal of a Giant Sequoia tree, relocating the swimming pool, and regrading/recontouring the site to accommodate the relocated swimming pool at 11 Circle Drive.

Background and Discussion

On May 10, 2018, the Council conducted a public hearing to allow for the substantial remodel to the existing residence and detached accessory structures, in addition to modifications to the existing site landscape and hardscape, including relocating the driveway access from Circle Drive to Fernhill Avenue, removal of a Giant Sequoia tree, relocating the swimming pool, and regrading/recontouring the site to accommodate the relocated swimming pool at 11 Circle Drive.

After a lengthy deliberation regarding the scope of the project, a policy discussion regarding the grading and site improvements associated with the project, staff recommendations for frontage improvements along Fernhill Avenue, and a discussion regarding impervious surfaces associated with the proposed driveway and frontage improvements, the Council directed staff to prepare a resolution of approval for the project.

The Council also directed staff to provide the following additional information at the June 14, 2018 Town Council meeting:

1. Revised Frontage Improvement Condition of Approval
2. Address any possible Drainage and/or Flooding Impacts to downhill properties resulting from the driveway and frontage improvement.
3. Examples of Black Metal Perimeter Fences

Revised Frontage Improvement Condition of Approval

As a result of the proposed driveway encroachment onto Fernhill Avenue, Town Staff recommended the Council consider the requirement of a frontage improvement to be constructed along Fernhill Avenue east towards Norwood Avenue. The frontage improvement would consist of a 4 foot wide aggregate shoulder that would be approximately 310 feet long. At the May 10, 2018 Council meeting, there was much debate regarding the extent of the condition of approval relative to the safety nexus created by the proposed driveway encroachment onto Fernhill Avenue. At the conclusion of the discussion of the project, the Council directed staff to work with the applicant to provide a mutually adequate solution. Although the applicant and Town staff were not able to agree upon the extent of the frontage improvement, staff is proposing the following condition of approval for consideration:

PRIOR TO FINAL SIGN OFF, and to address the impacts that the introduction of a new driveway cut on Fernhill would have on pedestrian and vehicular safety, a 4' shoulder (constructed with 2 inch minimum Class 2 aggregate at a 2% slope and a 95% compaction rate) from the westerly property line (common with Branson School) to a point approximately 120 feet northeast along Fernhill Avenue, outside of the roadway curve shall be constructed. Alternatively, prior to issuance of the Encroachment Permit, the Public Works Director will accept an appropriate pedestrian safety alternative improvement that addresses the introduction of the new driveway cut on Fernhill Avenue at the location proposed. The alternative safety improvement shall be supported by a study prepared by a professional Traffic Engineer and provided by the applicant. The study shall adequately take into consideration the street grade and geometry of Fernhill Avenue at the location of the new driveway cut, the existing condition of the shoulder area along the property frontage, and the proximity of the Branson school.

In consultation with the Town Attorney, staff suggests there is a reasonable nexus between the proposed driveway encroachment and the length of the improvement being requested. The condition also allows a traffic engineer to opine on the subject condition and identify an alternative frontage improvement based on a study.

Drainage and/or Flooding Impacts to Downhill Properties

At the May 10, 2018 meeting, the issue of the use of permeable materials for the driveway and a neighbor concern was raised regarding possible impacts to downhill properties resulting from the driveway and frontage improvement.

In response to the permeable driveway material discussion, the use of permeable materials to reduce runoff volumes is only effective if the improvement is constructed on relatively flat ground. Constructing the improvement with permeable materials on flat ground would allow runoff to be stored within the voids of the gravel base material. Conversely, as the slope increases, there is less of an opportunity for water to percolate and be stored in the voids of the gravel base materials due to gravity relative to the increased flow of the water.

The slope of the driveway proposed at 11 Circle is too steep to provide any storage of water in the base material. To address any concerns regarding driveway runoff, a condition of approval is being recommend to require the applicant to intercept all runoff from the driveway before it reaches the public right of way and convey that runoff to a properly sized on-site infiltration/dissipater system.

In response to the concern regarding possible impacts to downhill properties resulting from the frontage improvement, the Department of Public Works has identified the that the Town will be constructing a replacement culvert and detention area to accommodate drainage impacts associated with the Town's public right-of-way improvements. The Department of Public Works has recently conducted an investigation of the drainage patterns on Fernhill Avenue as it relates to the 11 Circle Drive project. During the investigation, it was discovered that the existing 6 inch clay cross culvert that historically carried runoff from the southwest corner of the Norwood Avenue/Fernhill Avenue intersection to the drainage ditch across the street to the north side of Fernhill Avenue (in front of 34 Fernhill Avenue) has failed. The defunct drainage ditch has resulted in excessive ponding at the southwest corner during storms and damage to the roadway base. As such, because this would be a Town related infrastructure improvement that would need to be repaired regardless of the 11 Circle Drive project, the Department of Public Works proposes to construct a vegetated swale/detention area with an overflow release pipe sized to equal to the historic flows provided by the 6 inch culvert. A 4 foot shoulder would also be constructed between the detention area and the edge of pavement to prevent further undermining of the roadway. In summary, the new culvert and detention area would be designed, constructed, and maintained by the Town and would alleviate any impacts caused by future improvements along Fernhill Avenue and Norwood Avenue.

Black Metal Perimeter Fences

The Council raised concerns regarding the aesthetic impacts of the fence. The project landscape architect explained that the fence was specifically designed with a black mesh material that would naturally disappears as the English Laurels grow. The project landscape architect also stated that the fence is expected to disappear within a matter of months and that there are many examples of this particular type of fence in Town.

To better understand the fence design, the applicant has provided photographic examples (see Attachment 2).

Attachments

1. Resolution 2053
2. Photographs of Black Metal Perimeter Fences in Town
3. Petition submitted by Peter Nelson regarding support for a walkable 4 foot shoulder on Fernhill Avenue
4. Letter from Mark and Molly Gamble dated May 16, 2018

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2053

A RESOLUTION OF THE TOWN OF ROSS APPROVING A DEMOLITION PERMIT, DESIGN REVIEW, A NONCONFORMITY PERMIT, AND A TREE REMOVAL PERMIT FOR THE SUBSTANTIAL REMODEL OF A SINGLE FAMILY RESIDENCE WITH NEW LANDSCAPING AND HARDSCAPE AT 11 CIRCLE DRIVE, APN 073-082-02

WHEREAS, Chris A. Skelton, Esq., RIFKIND LAW GROUP, on behalf of property owners 11 Circle Drive, LCC, is requesting a Demolition Permit, Design Review, a Nonconformity Permit, and a Tree Permit to allow for the substantial remodel to the existing residence and detached accessory structures, in addition to modifications to the existing site landscape and hardscape, including relocating the driveway access from Circle Drive to Fernhill Avenue, relocating the swimming pool, and regrading/recontouring the site to accommodate the relocated swimming pool. Other project features would include the demolition of the existing detached pool house and the new construction of a detached pool house at 11 Circle Drive (herein referred to as the “project”, APN 073-082-02; 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*, and Section 15303, *New Construction and Conversion of Small Structures*, because the project involves a remodel to an existing single family residence and carriage house and new construction of a detached accessory structure where there is no potential for impacts. 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 May 10, 2018, 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 the Project subject to the Conditions of Approval attached as Exhibit “B”.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 10th day of May 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Robbins, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
11 CIRCLE DRIVE
APN 073-082-02

A. Findings

I. Demolition Permit Ross Municipal Code Section 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.**

The project would not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value as supported by the historical analysis prepared by Left Coast Architectural History date stamped received March 19, 2018. Furthermore, as supported by the same analysis, the partial demolition of the existing residence would not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.

II. In accordance with Ross Municipal Code Section 18.41.070, Design Review is approved based on the following findings:

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

The project would meet the purpose of the Design Review chapter through its high quality design and materials. The project is designed with a similar architectural style and materials of the existing residence. As the project is not readily seen from public vantage points, the project would not impact the "small town" character of the Town because the project is designed to maintain the overall mass, bulk, and style of the existing development pattern of the property and because the project site is not readily visible from any public vantage point. Additionally, the project would not impact any unique environmental resources due to the location of the project site relative to any sensitive wildlife habitat, species, and/or creeks. Lastly, the project would be designed to address drainage and stormwater and would be required to construct those improvements as part of the building permit process.

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

As supported in the May 10, 2018 Staff Report, the project would be consistent with the design review criteria and standards relative to having a nominal impact on the existing site conditions by providing an architectural design that is consistent and compatible with the

architecture, materials, and colors of the existing residence. Lastly, the project would address health and safety through the issuance of a building permit to ensure compliance with the building, public works, and fire code regulations.

c) The project is consistent with the Ross General Plan and zoning ordinance.

As previously stated, the entire scope of the project is consistent with the Town's General Plan and R-1:B-A zoning district, in addition to the allowed structures and uses that may be permitted, therefore the project is found to be consistent with the Ross General Plan and Zoning Ordinance.

III. Non-Conformity Permit (RMC § 18.52.040) - Approval of a Non-Conformity Permit to allow for structural alterations to a legal nonconforming detached garage in accordance with Ross Municipal Code Section 18.52.030, Non-Conformity - Alteration, and is approved based on the findings:

The project is consistent with the purpose of the Nonconformity Permit chapter as outlined in Ross Municipal Code Section 18.52.040:

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 property owner has the burden to prove by substantial evidence the nonconforming and legal status of the structure.

The existing residence was constructed circa 1926 and has nonconforming floor area, nonconforming height associated with the main residence, and is considered to be a legal nonconforming three-story building. The carriage house also has a nonconforming front yard setback. The existing residence was constructed prior to the Town's general development regulations for a property located in the R-1:B-A zoning district, and therefore was lawfully constructed.

b) The town council can make the findings required to approve any required demolition permit for the structure: The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.

As stated supported in the above findings, the Demolition Permit finding can be achieved.

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

As summarized in the staff report dated May 10, 2018, the scope of the project associated with the new construction of the garage only would be consistent with the design review criteria and standards relative to architectural design, materials, colors, and landscaping. Lastly, the project would address health and safety through the issuance of a building permit

to ensure compliance with the building, public works, and fire code regulations.

- d) Total floor area does not exceed the greater of the total floor area of the existing nonconforming and/or legal nonconforming structure.**

The resultant project would not result in a project that would have more floor area than the project would be consistent with this finding.

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

The project would be required to comply with the Town's Building Code and Fire Code requirements, therefore ensuring the health, safety, and general welfare of the residence residing in the vicinity.

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

The project site is not located within of a designated flood plain and therefore the finding is nonapplicable.

- 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 Ross Valley Fire Department has indicated they would approve the project as presented to the Town Council.

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

Condition of approval number 8 would require the applicant to indemnify and hold harmless from any claim, action, or proceeding ("action") against the Town, therefore the project would be consistent with this finding.

- i) The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered).**

The project would comply with the Town's R-1:B-A zoning district parking regulations whereby four on-site parking spaces can be accommodated, two of which would be enclosed.

IV. In accordance with Ross Municipal Code Section 12.24.080, a Tree Removal permit is approved based on the following findings:

- 1. The alteration or removal is necessary to allow the economic enjoyment of the property,**

such as construction of improvements because some of the trees are located over the most feasible development area;

2. The alteration or removal would not adversely impact the subject property or neighboring properties because a large number of trees will remain;
3. Tree removal would not result in significant erosion or the diversion of increased flows of surface water because engineered fill would be placed where stumps are removed.

EXHIBIT "B"
Conditions of Approval
11 CIRCLE DRIVE
APN 073-082-02

1. This approval authorizes a Demolition Permit, Design Review, a Nonconformity Permit, and a Tree Permit to allow for the substantial remodel to the existing residence and detached accessory structures, in addition to modifications to the existing site landscape and hardscape, including relocating the driveway access from Circle Drive to Fernhill Avenue, relocating the swimming pool, and regrading/recontouring the site to accommodate the relocated swimming pool. Other project features would include the demolition of the existing detached pool house and the new construction of a detached pool house at 11 Circle Drive
2. The building permit shall substantially conform to the plans entitled, "Ross Residence", date stamped received April 23, 2018.
3. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
4. PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, a final Arborist Report with Tree Protection measures shall be submitted to the Town. All tree protection measures shall be incorporated into the final building permit plans.
5. PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the applicant shall submit a revised driveway entrance gate designs that would be semi-transparent. Solid driveway entry gates are not permitted.
6. PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, a final drainage plan shall be submitted to the Building Department and the Department of Public Works that demonstrates how all runoff from the driveway be intercepted before it reaches the public right of way. The drainage plan shall convey the runoff to a properly sized on-site infiltration/dissipater system.
7. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit proposed exterior lighting fixtures if any new lighting will be installed as a result of the project. All building related lighting shall be shielded (no bare bulb light fixtures or down lights that may be visible from down-slope sites) or the lights shall be placed on dimmers and use low watt light bulbs. 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 rights-of-way 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.

8. PRIOR TO FINAL INSPECTION, the applicant shall submit an application to the Department of Public Works requesting a formal address change from Circle Drive to Fernhill Drive.
9. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
10. PRIOR TO FINAL INSPECTION, to address the impacts that the introduction of a new driveway cut on Fernhill would have on pedestrian and vehicular safety, a 4' shoulder (constructed with 2 inch minimum Class 2 aggregate at a 2% slope and a 95% compaction rate) from the westerly property line (common with Branson School) to a point approximately 120 feet northeast along Fernhill Avenue, outside of the roadway curve shall be constructed. Alternatively, prior to issuance of the Encroachment Permit, the Public Works Director will accept an appropriate pedestrian safety alternative improvement that addresses the introduction of the new driveway cut on Fernhill Avenue at the location proposed. The alternative safety improvement shall be supported by a study prepared by a professional Traffic Engineer and provided by the applicant. The study shall adequately take into consideration the street grade and geometry of Fernhill Avenue at the location of the new driveway cut, the existing condition of the shoulder area along the property frontage, and the proximity of the Branson school.
11. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
 - a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
 - b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
 - c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.
 - d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed

statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a “back-up” system (i.e., temporary seeding and mulching or straw matting).

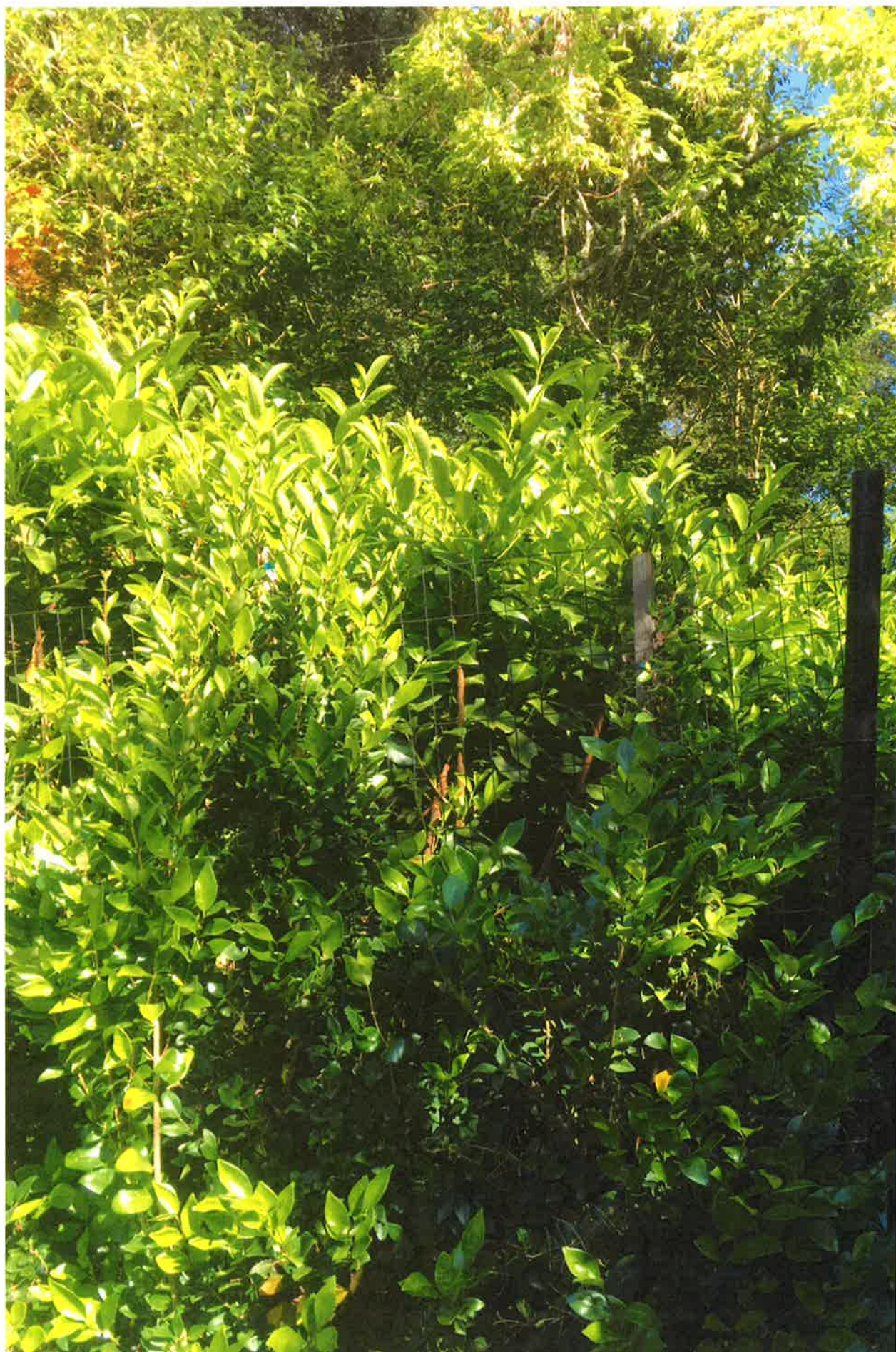
- e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
- f. The drainage design shall comply with the Town’s stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
- g. 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, Town Engineer and police chief. The plan shall include at 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 (including proposed waste disposal site), size of vehicles, and washout areas. The plan shall demonstrate that on-street parking on Circle Drive and Fernhill Avenue associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the working hours as identified in the below condition m.
- h. 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).
- i. 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.
- j. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

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

- r. 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.
 - s. The applicant or owner shall repair any damage to public or private property including the roadway, curb and gutter, drainage facilities, fire hydrants, or any other property caused by construction activities. Applicant is advised that, absent of clear video evidence to the contrary, property damage on Town-maintained and non-Town maintained roadways must be repaired to the satisfaction of the Public Works Department and all private users of the roadway, respectively during construction and prior to project final. Final damage assessment and extent of repair in all cases shall be at the sole discretion of the Town, and input of private users of the roadway will be considered in making that assessment.
 - t. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
 - u. 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.
 - v. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
 - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented.
 - ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
 - iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.
12. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards,

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

ATTACHMENT 2





ATTACHMENT 3

Support for a Walkable 4-Foot Shoulder on Fernhill

The Town of Ross Director of Public Works has issued a written recommendation the existing Fernhill shoulder to be repaired so that the surface of the repaired Fernhill shoulder will be **easily walkable**.

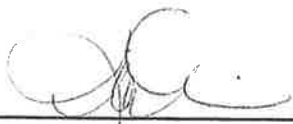
susangillfillan@comcast.net

A new asphalt, concrete or dirt path is NOT proposed.

The proposal is ONLY for a 4-foot wide walkable shoulder, and the improvement would run ONLY in the segment of Fernhill from the driveway entrance to Branson down to the corner of Fernhill and Norwood.


The shoulder improvement is proposed to be made at **NO COST TO TOWN**.

To maintain and/or improve Fernhill safety, we support a construction of a walkable 4-foot wide dirt shoulder (at no cost to Town) on the Branson side of Fernhill, from the Branson entrance down to the Norwood corner.

x 
(signature)

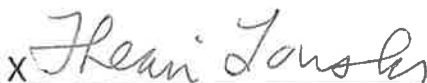
x kristin clemons
(printed name)

x ROSS, Ca.
(address/ town)

x 
(signature)

x Christine Catton
(printed name)

x ROSS CA
(address/ town)

x 
(signature)

x Theani Loukos
(printed name)

x ROSS
(address/ town)

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X

(signature)

X

(printed name)

X

(address/ town)

X

(signature)

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(printed name)

X

(address/ town)

X

(signature)

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(printed name)

X

(address/ town)

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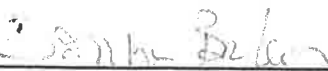
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X 
(signature)

X JONNA MILLER
(printed name)

X 52 CIELLO
GREENSBAC
CA 94904
(address/ town)

X 
(signature)

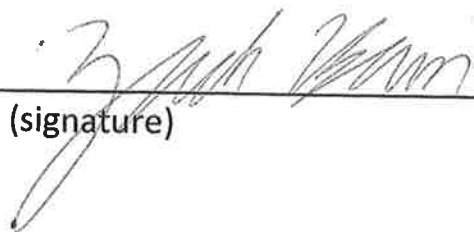
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X KENJI HIRABAYASHI
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X 25 SAN FRANCISCO
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X Philip Hallquist
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ATTACHMENT 4

MR. & MRS. MARK D. GAMBLE
14 NORWOOD AVENUE
ROSS, CA 94957-1826
PHONE: (415) 482-8050

May 16, 2018

Ross Town Council
P.O. Box 320
Ross, CA 94957

Re: 11 Circle Drive – Safe Route

Dear Council Members:

We would like to share a few points regarding the continuance of the 11 Circle Drive application and the discussion of a new driveway on Fernhill:

- For the Town to ask the applicant to: study, design, finance, implement and be liable for a Safe Route access on public property is without precedent and an undue burden on the applicant. We concur with council member Brekhus that this request as a condition for approval is not fair.
- The right-of-way along the southwest side of Fernhill has always been a drainage swale designed to manage storm water running down Fernhill Avenue. Water moves down Fernhill (and occasionally pools at the intersection of Norwood and Fernhill during major storms), before turning right along the western side of Norwood. It eventually dissipates into the ground as there are no storm water drainage intakes at the corner of Fernhill and Norwood. As with most of the town, the drainage plan is based on percolation drainage and this element needs to be preserved as part of any Safe Route improvement or pathway.
- By clearing the vegetation, the applicants have improved the drainage conditions and provided a “safe haven” for pedestrians to move out of the roadway if necessary. In terms of improving and maintaining the Town right-of-way, the applicants have done what is expected of every other resident in the Town.

The responsibility to: study, design, finance, implement and be liable for a Safe Route pathway in the town right of way that INCLUDES the drainage element on Fernhill Avenue does not belong to Branson or a property owner. The responsibility belongs to the Town alone.

Respectfully,



Mark D. Gamble

Molly S. Gamble