T^{SWN} ROSS

Agenda Item No. 10.

Staff Report

Date: June 13, 2019

To: Mayor Kuhl and Council Members

From: Heidi Scoble, Planning and Building Director

Subject: Canori Swimming Pool and Landscape Project, Design Review and Variance at 1 Woodside Way, File No. 19-0001 DR-VA

Recommendation

Town Council approval of Resolution 2117 approving Design Review to allow for the new construction of a swimming pool with conforming setbacks and a Variance for a landscape trellis to be located within a rear yard setback at 1 Woodside Way.

Project Information

Owner:	Gino and Marianne Canori
Applicant:	Michael B. Yandle Landscape Architect
Location:	1 Woodside Way
A.P. Number:	073-232-05
Zoning:	R-1:B-10 (Single Family Residence, 10,000 sq.ft. min. lot size)
General Plan:	Medium Low Density (3-6 Units/Acre)
Flood Zone:	Zone X (Outside of 1-percent annual chance floodplain)
Project Number:	19-0001 DR-VA

Project Summary:

Lot Area	13,712 square feet		
Existing Floor Area/Ratio	4,099 sq. ft.	29.9%(20% FAR Permitted)	
Proposed Floor Area/Ratio	No Change	λ)	
Existing Lot Coverage	3,428 sq. ft.	25%(20% Permitted)	
Proposed Lot Coverage	No Change		
Existing Impervious Surfaces	3,406 sq. ft.	24.8%	
Proposed Impervious Surfaces	4,234 sq. ft.	30.8%	
*In addition to legal nonconforming flo	or area/ratio. the proie	ct site also has leaal nonconformina	

rear yard setback.

Project Description

The applicant is requesting Design Review to allow for the new construction of a 16 feet wide by 45 feet long swimming pool that will conform to all R-1:B:10 zoning district setbacks. The project would add 828 square feet of new impervious surfaces. A five-foot tall black metal pool perimeter fence will also be constructed as required by the California Building Code. The portions of the fence that front both the Lagunitas Road and Woodside Way public rights-of-way require Design Review.

The applicant is also proposing a Variance to allow a landscape trellis within the rear yard setback.

A project description/construction schedule has been prepared by the applicant and attached (see Attachment 3).

The project hardscape materials will include the following:

- Sand set blue stone pavers
- Blue stone coping
- Wire fence painted black
- Wood trellis painted "Super White"

The applicant is also proposing the construction of a new fence and entry gates. As the fence and entry gates are designed to conform to the Town's fence and gate standards, Design Review is not required.

The proposed project requires the following permits:

- **Design Review pursuant to Ross Municipal Code (RMC) Section 18.41.020** to allow grading of more than 50 cubic yards and the construction of a five-foot-tall fence within the front yard setback.
- A Variance is required pursuant to RMC Chapter 18.48 to allow the construction of a trellis to be located within the rear yard setback.

Background

The project site is a gently sloping corner lot with an average slope of approximately 8%. Access to the site is from Woodside Way, however, the setbacks have been established whereby the front yard setback is measured from Lagunitas Road and the side yard setback is measured from Woodside Way.

The original residence was constructed circa 1910. The project site is legal nonconforming relative to the left side yard and rear yard setbacks, as well as exceeding the 15% floor area ratio and lot coverage maximums.

A copy of the Town's permitting history is attached (see Attachment 7).

Advisory Design Group Review

On May 28, 2019, the Advisory Design Review (ADR) Group reviewed the project. At the meeting, the ADR Group discussed landscaping, the swimming pool length, swimming pool equipment noise, and drainage. Specifically, the ADR Group provided the following comments:

- Landscaping: Maintain and enhance existing landscaping to provide screening.
- Swimming Pool Length: Consider reducing the length of the swimming pool in order to maintain the same length/dimensions of the North Elevation of the residence. The ADR Group stated that they would support the project as proposed because the swimming pool and the site would be heavily screened, but thought that on paper, the symmetry of the swimming pool related to the residence would look better if the swimming pool followed the same dimensions as the residence.
- Swimming Pool Equipment Noise: The property owners at 170 Lagunitas Road and 171 Lagunitas Road came to the meeting to state their concerns regarding the noise associated with the swimming pool equipment. Although the swimming pool equipment would be located to conform with the requisite setbacks and would be placed in a below grade concrete vault, staff is recommending a condition of approval are included in the draft resolution to ensure that the swimming pool equipment would not generate more than 60 decibels at the property line consistent with the Town's General Plan noise policy.
- Drainage: The property owner at 171 Lagunitas Road came to the meeting stating concern regarding changes to the drainage patterns associated with the 2008 Town Council approved Demolition Permit, Design Review, and Variance that allowed a substantial remodel to the existing residence. Although a preliminary Drainage Plan (Sheet C1) of the project plans has been prepared to demonstrate that the on-site drainage will be addressed, a condition of approval is recommended that will require a final drainage plan be prepared that will require that the post-project drainage will be pulled away from the property at 171 Lagunitas Road to ensure no drainage related impacts would occur.

The ADR Group concluded their review of the project by recommending support of the project, including the landscape trellis associated with the outdoor fireplace.

Key Issues

Design Review

The overall purpose of Design Review is to provide excellence in design consistent with the same quality of the existing development, to preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross, to discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression, and to upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site. Accordingly, pursuant to Section 18.41.100 of the Ross Municipal Code, a series of Design Review criteria and standards have been developed to guide development.

In reviewing the project, the following design review criteria and standards are most relevant to the project:

- 1. **Preservation of Natural Areas and Existing Site Conditions**. Specifically, sites should be kept in harmony with the general appearance of neighboring landscape.
- 2. **Relationship Between Structure and Site**. There should be a balanced and harmonious relationship among structures on the site, between structures and the site itself, and between structures on the site and on neighboring properties.
- 3. **Materials and Colors.** Soft and muted colors in the earth-tone and wood-tone range are preferred and generally should predominate.
- 4. Landscaping. Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development...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.
- 5. **Visual Focus**. 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.
- 6. Low Impact Development. 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.
- 7. 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.

Upon review of the project, staff supports the Design Review aspect of the project based on the project's consistency with the purpose of Design Review and the conformance with the Design review criteria and standards as follows:

- 1. The project will be in keeping with character of the setting and the surrounding neighboring properties.
- 2. The project landscaping will enhance and soften the appearance of the project to further ensure compatibility with the character of the setting and the surrounding neighboring properties.
- 3. The project is designed with high quality, long lasting earth-tone materials and colors.
- 4. As conditioned, the project would require the post-development stormwater runoff rates from the site would be no greater than pre-project rates, thus consistent with the Design Review Criteria and Standards guidelines. The project civil engineer has also provided a

statement that the post improvement peak runoff flow will not exceed the pre-improvement (existing conditions) peak runoff flow.

- 5. The project will not impact any creeks and drainage ways to ensure protection of any natural resource area of the riparian area.
- 6. The project will not reduce the Town's housing stock.

A question for consideration by the Town Council is whether the project can be approved even though the project as designed is not consistent with Section 18.41.100.t(1) of the Ross Municipal Code. Section 18.41.100.t(1) of the Ross Municipal Code states that, "Pre-existing impervious surfaces should be reduced." Despite staff's attempts for the applicant to consider designing the project to conform to the subject design review criteria and standard, the applicant has responded with a letter to address the project related impervious surfaces (*see Attachment 4*). The letter emphasizes that Section 18.41.100.t(1) is a guideline and not a regulation. The letter also states that the project civil engineer finds that the current drainage system, the existing lawn, and planting areas will accommodate any additional water associated with the impervious surfaces related to the swimming pool and again that the post improvement peak runoff flow will not exceed the pre-improvement (existing conditions) peak runoff flow. Lastly, the letter states that the project meets the spirit and intent of the design review guidelines in addition to the Town's Urban Runoff Pollution Prevention regulations and the State stormwater runoff regulations.

Staff concurs with the applicant's assessment that the project would conform with the following Town's Urban Runoff and stormwater regulations because the Town would require a final drainage plan and erosion control plan be prepared prior to issuance of a building permit to ensure conformance with the local and State regulations. However, the policy question for consideration is whether the Town Council can make a finding that the pre-existing impervious surfaces does not need to be reduced because the project is designed with an engineered drainage plan and sufficient on-site drainage improvements to ensure the post improvement peak runoff flow does not exceed the pre-improvement (existing conditions) peak runoff flow? If the Council can make that finding, then Staff is confident the requisite findings to approve Design Review can be achieved. If the Council is not able to make the aforementioned finding, then Staff is recommending a condition of approval that would require the applicant submit a plan for staff consideration prior to issuance of a building permit to demonstrate a reduction in the pre-existing impervious surfaces.

Setback Variance for the Trellis

A Variance is required to allow the installation of a landscape trellis to soften the appearance of the outdoor fireplace that was approved to be located within the rear yard setback. Pursuant to Section 18.48.010, a Variance may only be permitted if:

1. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

- 2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- 3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to use permits.

In order to support the Variances to exacerbate the already nonconforming rear yard setback, the Town Council needs to determine whether the requisite Variance findings can be achieved. The Variance finding that is most often difficult to support is whether there are "special circumstances applicable to the property, including size, topography, location or surroundings" that the strict application of the regulations deprives the property of privileges enjoyed by others in the neighborhood and under the same zoning classification.

In reconciling the Town's Variance regulations and the Town Council's 2008 approval of a Variance to allow for the outdoor fireplace to be located within the rear yard setback, it is staff's recommendation that the Town Council consider utilizing the following 2008 excerpt/rational to grant the Variance to allow the landscape trellis enhancements to the outdoor fireplace:

"Staff would support the rear yard setback variance for the proposed fireplace. The yard areas of the site are constrained by the existing locations of the existing residence and the corner lot location. The house is setback far from Lagunitas Avenue, greater than the required 25-foot setback, which limits the developable rear yard area. The proposed structure would be located between the garage and the residence, which would minimize its visibility to neighbors."

Therefore, consistent the past actions of the Town Council, staff suggests that approving the landscape trellis would not be a grant of special privilege as supported by the above table which demonstrates that other properties in the Town have received variances for swimming pools in setbacks.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. Apart from the verbal comments received at the May 28, 2019, public correspondence was received from the property owner of 171 Lagunitas Road (*see Attachment 8*). The applicant has provided a neighborhood outreach letter which indicates neighbor support from the property owners at 177 Lagunitas Road and 3 Woodside Way (*see Attachment 6*).

Fiscal, resource and timeline impacts

If approved, the project would be subject to one-time fees for a building permit, and associated impact fees, which are based the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a

higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no operating or funding impacts associated with the project as the project applicant would be required to pay the necessary fees for Town staff's review of future building permit plan check and inspection fees.

Alternative actions

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

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303, *New Construction and Conversion of Small Structures*, because the project involves the new construction of detached accessory structures where there is no potential for impacts

Attachments

- 1. Resolution 2117
- 2. Project Plans
- 3. Applicant Project Description
- 4. Applicant Letter Regarding Impervious Surfaces
- 5. Pool Equipment Information
- 6. Neighborhood Outreach
- 7. Project History
- 8. Public Correspondence

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2051 A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVEW TO ALLOW THE NEW CONSTRUCTION OF A SWIMMING POOL AND A VARIANCE FOR A LANDSCAPE TRELLIS WITHIN A REAR YARD SETBACK AT 1 WOODSIDE WAY, APN 073-232-05

WHEREAS, project applicant Michael B. Yandle, on behalf of property owners Gino and Marianne Canori, have submitted an application for Design Review to allow for the new construction of a swimming pool with conforming setbacks and a Variance for a landscape trellis to be located within a rear yard setback at 1 Woodside Way (herein referred to as the "project); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15303 – *New Construction*, because it involves construction of detached accessory structures with no potential for impacts as proposed and as outlined in the staff report and no exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to subsection (a) which relates to impacts on environmental resources; subsection (b) which relates to cumulative impacts, subsection (c) which relates to unusual circumstances; or subsection (f) which relates to historical resources) was found to apply to the project; and

WHEREAS, on June 13, 2019, 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" approving the Project described herein, subject to the Conditions of Approval attached as Exhibit "B" at 1 Woodside Way.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 13th day of June 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

P. Beach Kuhl, Mayor Pro Tempore

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A" FINDINGS TO APPROVE 1 WOODSIDE WAY APN 073-232-05

A. Findings

- I. 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:

As supported in the June 13, 2019 staff report, the project would meet the purpose of the Design Review chapter through its high-quality design and materials. The project would be consistent with the architectural style and materials of the existing residence. The project would not impact the "small town" character of the Town because the project would be designed to maintain the overall mass, bulk, and style of the existing residence and garage. 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 required to address drainage and stormwater prior to issuance of any building permit to allow for the construction of the project.

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

As summarized in the staff report dated June 13, 2019, the project would be consistent with the design review criteria and standards relative to architectural design, materials, colors, landscaping, drainage and stormwater pollution prevention. 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.

The scope of the project is consistent with the allowed structures and uses that may be permitted within the Medium Density land use designation of the General Plan and the single family residence chapter of the zoning ordinance.

- II. In accordance with Ross Municipal Code Section 18.48.020, a Variance is approved based on the following findings:
 - 1. That there are special circumstances or conditions applicable to the land, building or use referred to in the application;

As supported in June 13, 2019 staff report, the requisite special circumstance findings can be achieved to allow the rear setback Variance due to the parcel configuration relative to the existing development conditions of the project site.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights;

The granting of the project Variances as described in the June 13, 2019 staff report; the project would be consistent with other Variances that have been granted for similar projects in similar zoning districts within the Town.

3. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The project would not adversely affect health and safety of nearby residents as the project would be constructed in compliance with the building code and fire codes.

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EXHIBIT "B" CONDITIONS OF APPROVAL 1 WOODSIDE WAY APN 073-232-05

- 1. This approval authorizes a Design Review to allow for the new construction of a swimming pool with conforming setbacks and a Variance for a landscape trellis to be located within a rear yard setback at 1 Woodside Way.
- 2. The building permit shall substantially conform to the plans entitled, "1 Woodside Way" consisting of 8 sheets prepared by Imprints Landscape Architecture, date stamped received February 8, 2017.
- PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit. The property owner shall certify on the building permit plans that they have read and agree to the following conditions.
- 4. PRIOR TO FINAL OF THE BUILDING PERMIT, the applicant shall submit an acoustical noise assessment to verify the noise associated with the pool equipment would not exceed 60 decibels.
- 5. PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the applicant shall submit a final drainage plan to the Director of Public Works to demonstrate the on-site drainage will be diverted away from the property at 171 Lagunitas Road and that all drainage associated with the project conforms with the Town's Chapter 12.28, Urban Runoff Pollution Prevention, and Chapter 15.24, Grading, Excavation, and Fill, of the Ross Municipal Code, in addition to all local and State regulations regarding drainage and stormwater pollution prevention.
- 6. Except as otherwise provided in these conditions, the project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
- 7. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

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

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

ATTACHMENT 2





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ATTACHMENT 3



February 26, 2019

To: Town of Ross Planning Department 31 Sir Francis Drake Blvd. Ross, Ca.

Re: Canori Residence 1 Woodside Way Ross, Ca. 94957

ADR Review – Project Description

This is a very simple application for the addition of a modest sized swimming pool, and below grade pool equipment vault that meet all the setback requirements.

A small section of fence fronting Woodside way is proposed to be replaced with a fence that Is more in keeping the with Character of the residence (4ft ht), while the remaining fence and Planting buffers are to remain.

Additionally, the project proposes to add a small section of Trellis to either side of the existing (gas) Outdoor Fireplace. Due to the unusual size of the lot, (and the fact that it fronts two streets, Lagunitas Road, and Woodside way) the existing garage and outdoor fireplace occur in the rear setback, thus the addition of the trellis would require a variance.

We submit that the arbor softens the effect of the fireplace, and helps blend it into the improvement, does not constitute a special privilege, and does not adversely effect the neighbors, nor the community.

The Owner has shared the Proposed improvements with adjacent neighbors, and has support by the majority of neighbors. (signed plan of support is included in the submittal)

The Owner met with the adjacent neighbor (The Blakes @ 171 Lagunitas Road) who declined to sign the plans indicating support.

There is no impact to that neighbor, as there is an existing extensive buffer, between the properties, the proposed pool improvements meet setbacks, and the below grade/sound attenuating equipment vault was purposefully located away from the adjacent property.

Grading is kept to a minimum, primarily off haul off what is excavated for the pool and Pool equipment vault.

MICHAEL B. YANDLE LANDSCAPE ARCHITECTURE

13 Ross Common PO Box 1695 Ross, CA 94957-1695 TEL 415.464.0763 FAX 415.464.0765 mbYandle.com LICENSE 3136 Technically the Pool counts as impervious surface, but there is no way to calculate runoff, as it is only from the pool cover, and there is no slope to the surface. So the only water draining from that surface is via pool cover pump as subject to a $\frac{3}{4}$ " hose... which dissipates into the existing bio swale.

An additional layer of buffer planting is proposed that will hide the required 5ft Pool safety fence, and the Pool with have an automatic Safety cover.

All of the proposed improvements are in keeping with the Residence, and the Character of the street.

Michael B. Yandle Landscape Architect

ATTACHMENT 4

May 15, 2019

Town of Ross ADR Members - Ross, Ca.

Re: 1 Woodside way Ross, Ca.

Dear ADR Members:

I wanted to add personal note of explanation regarding the improvements at 1 Woodside Way, Ross ca.

1. Impervious surfaces

The project shows an increase in impervious surfaces.

This increase in impervious is created solely by the proposed (modest sized 16'x45') swimming pool.

There are no additional decks, paving, walls, driveways, parking areas or sloped surfaces etc. proposed

I am keenly aware of the the Towns desire to reduce or limit increases in impervious surfaces, and the Design Review Guidelines.

I think the guideline is well written and a proper goal as we approach site improvements.

I note that the guideline is written as "Projects, should_reduce impervious surfaces " The point of writing a guideline that stipulates "should" vs "must" reduce impervious surfaces is to give the ADR, Staff and Council purview to review each project on its own merits.

The Goal of reducing reduce impervious surfaces, is to reduce the speed and volume of storm water runoff into the storm system in Ross., and the potential for down stream flooding. A sentiment I support, having been thru 2 floods in my 25 years in practice in Ross.

Speed and volume develop from rainwater hitting an impervious surface ie:,patios, driveways, terraces etc. or graded slopes that direct runoff downslope.

Swimming pools , however, drain differently than other impervious surfaces (paving's, or driveways) in that there is no slope to a pool surface and the only drainage from the pool cover is by means of a sump pump and 3/4" hose which disperses water (from rain events) on the surrounding landscape.

Our project Civil Engineer notes that the current drainage system, and the lawn and planting areas will accommodate any additional water.

MICHAEL B. YANDLE JANDSCAPE ARCHITECTURE

13 Ross Common PO Box 1695 Ross, CA 94957-1695

TEL 415.464.0763 FAX 415.464.0765 mbYandle.com LICENSE 3136

I would also like to note that this project has no grading (just the excavation /offhaul for the pool). No manipulation of grade is required for the proposed pool, as this is a flat existing pool site

Every project must stand on its own, and I submit that this one presents no impacts from the proposed swimming pool approval.

I believe that this project, as submitted, meets the spirit and intent of the design review guidelines, not only the Town of Ross Storm water requirements, but the County and State of California as well.

mou

Michael B. Yandle Landscape Architect

ATTACHMENT 5

ETi® 400 High-Efficiency Pool and Spa Heater



THE WORLD'S FIRST POOL HEATER WITH A DIRECT FIRE TITANIUM HEAT EXCHANGER

When you want quality, strength and durability, you want the corrosion resistance of titanium. The ETi 400 is the world's first heater with the TitanTough™ direct-fire titanium heat exchanger for long-lasting, thermal and energy-efficient heat.

- Longest-lasting heat exchanger ever built
- Incredible 96% thermal efficiency—more heat gets into pool water faster Best-in-class energy savings
- Can now be converted from Natural to Propane Gas by purchasing a Propane Gas Conversion Kit.



https://www.pentair.com/content/pentair/en/products/pool-spa-equipment/pool-heaters/eti_400_high_efflciencygasheater.html

PRODUCT COMPONENTS

- **01** Stands up to the toughest conditions 1,800° F flame temperatures and pool water chemistry are all in a day's work for titanium.
- **02** Design elements that boost durability and efficiency. No welds, crimps or joints that reduce corrosion resistance. Tubing is shaped for maximum flow and efficiency.
- **03** Industrial chemical processors lean on titanium. When handling concentrated chlorine compounds, industrial processors rely on the corrosion resistance of titanium piping and heat exchangers.

UNMATCHED DURABILITY AND EFFICIENCY

- 01 EASY TO VENT PROPERLY: Fully sealed Category IV direct-air vent does not require large room openings for combustion air
- **ULTRA-QUIET OPERATION:** Great for you, great for your neighbors/
- **03 INSTALL IN LEFT OR RIGHT ORIENTATION:** Rotatable front door allows control pad to be rotated 180 degrees, so this heater can be plumbed on the right- or left-hand side



Pool Heaters | Pool and Spa | ETi 400 High Efficiency Pool and Spa Heater



HOMEOWNER AND PRO RESOURCES

Brochures

ETi 400 High-Efficiency Heater English

Manuals

- ETi 400 High Efficiency Gas Heater Owners Manual English
- ETi 400 High Efficiency Gas Heater Owners Manual Spanish
- ETi 400 High Efficiency Gas Heater Owners Manual French
- Heater Checklist
- ETi 400 Heater Propane Conversion Manual
- ETi 400 Heater Gas Control Valve Replacement Kit Manual for 476001
- ETi 400 Heater Combustion Blower Replacement Kit for 47600

REPLACEMENT PARTS

ETi 400 Heater

Certifications

https://www.pentair.com/content/pentair/en/products/pool-spa-equipment/pool-heaters/eti_400_high_efficiencygasheater.html

Feedback

-

SuperFlo® VS Variable Speed Pump



THE PERFECT PUMP FOR EVERYDAY POOLS REQUIRING UP TO A 1.5 HP PUMP

SuperFlo Variable Speed pumps slash energy costs by up to 80%*, compared to conventional pool pumps. With premium features like a 24-hour real-time clock and an intuitive interface that displays watts and RPMs, they're easy to program and operate. With the SuperFlo VS pump, you can enjoy big savings on your utility bill. Perfect for new and standard pump replacement applications. No other company can match our proven, in-field performance and reliability, so you can count on years of long, dependable service.

- Only variable speed pump on the market today with 115/208-230V and 50/60 Hz single phase capability. Operating nominal voltage range is 110V thru 230V
- Ideal for standard pools requiring up to 1.5 HP pump
- Three operating speed settings plus override capability
- Direct and superior drop-in replacement for the Hayward[®] SuperPump[®]
- WEF <u>5.9</u> THP <u>2.2</u>

*Savings based on variable speed pump compared to a single-speed pump running 12 hours per day at an average of \$0.16 per kWh in a 20,000 gallon pool. Actual savings may vary based on local utility rates, pool size, pump run time, pump horsepower, pump rpm, plumbing size and length, pump model, service factor and other hydraulic factors.

Hayward® and Super Pump® are registered trademarks of Hayward Industries, Inc.

PRODUCT IMAGES





< 01 / 02 >



PRODUCT COMPONENTS

- 01 Built-in, real-time, 24-hour clock
- 02 Intuitive, easy-to-use interface
- 03 Display shows watt use and other key operational information
- 04 Wiring compartment is easy to access

ULTRA-QUIET PERFORMANCE

The ultra-quiet totally enclosed fan-cooled motor barely makes a whisper and virtually eliminates unpleasant, high-pitched noise.

HOMEOWNER AND PRO RESOURCES

Brochures

- SuperFlo VS Variable Speed Pump Brochure English
- SuperFlo VS Variable Speed Pump Brochure French
- SuperFlo VS Variable Speed Pump Brochure Spanish

Manuals

- SuperFlo VS Variable Speed Pump Owners Manual for Model 342001 English
- SuperFlo VS Variable Speed Pump Owners Manual for Model 342001 French
- SuperFlo VS Variable Speed Pump Owners Manual for Model 342001 Spanish

REPLACEMENT PARTS

SuperFlo VS Variable Speed Pump

Certifications



Clean & Clear[®] Plus Cartridge Filter



FOUR HARD-WORKING CARTRIDGES KEEP POOL WATER CLEAR

Clean & Clear Plus Cartridge Filters have a corrosion-resistant, injection-molded, fiberglassreinforced, polypropylene filter tank featuring superior strength and reliability. The cartridge assembly uses four, nonwoven, polyester cartridges. There is no need for backwashing. Simply remove the cartridges and rinse with a garden hose, reducing water consumption.

- Large filter area for increased dirt capacity
- Superior strength
- 100% drain clean-out port
- Continuous High Flow™ Internal Air Relief*
- Durable injection-molded tank
- Balanced hydraulic flow
- 100% factory tested

Note: Actual system flow will depend on plumbing size and other system components.

Note: Pentair Aquatic Systems does not recommend flow rates above 150 GPM.

*Integrated Continuous High Flow Internal Air Relief is operational only when there is unobstructed flow in the circulating system.



Nodel	A Dim.	B Dim
160310	37"	56"
160340	43*	62*
160301	49"	68*
160332	56*	74"

Brochures

- Clean and Clear Plus Cartridge Filter Spanish
- Clean and Clear Plus English

Manuals

Clean and Clear Plus Owners Manual English

Replacement Parts

Clean Clear Plus Filters

SPECIFICATIONS

Item #: 160310 Model: CCP240 Effective Filtration Area (Sq Ft): 240 Flow Rate (GPM Res): 90 8 Hour: 43,200 10 Hour: 54,000 12 Hour: 64,800 Carton Qty.: 1 Carton Wt. (Lbs.): 60

ATTACHMENT 6

April 23, 2019

Ms. Heidi Scoble, AICP Planning & Building Director Town of Ross 31 Sir Francis Drake Boulevard Ross, CA 94957 Planning & Building Director

Re: Summary of Neighborhood Outreach 1 Woodside Way, Ross, CA 94957

Ms. Scoble,

The following is a summary of the Neighborhood Outreach for 1 Woodside Way:

- 1. 177 Lagunitas Road
 - a. Gino Canori met with homeowner Zach McReynolds and reviewed plans prepared by Michael Yandle: Landscape Architecture on February 2, 2019 and received support as noted by the Signature on the plans. Mr. McReynolds is supportive and no concerns were raised.
- 2. 3 Woodside Way
 - a. Marianne Canori met with Yolande Heller and reviewed plans prepared by Michael Yandle: Landscape Architecture on February 8, 2019 and received support as noted by the signature on the plans. Mrs. Heller is supportive and no concerns were raised.
- 3. 171 Lagunitas Road
 - a. Gino Canori met with homeowner Mark Blake and reviewed plans prepared by Michael Yandle: Landscape Architecture on February 2, 2019. Mr. Blake recalled a previous set of plans prepared from years past by the previous homeowner that did not conform to zoning. As explained by Mr. Blake, the previous pool design had the pool being placed beyond the allowed setback requirements which required a variance. The previous homeowner of 1 Woodside Way ultimately decided to sell the home and as consequence did not complete the processing of the plans for approval. I left a set of plans for Mr. Blake to review in detail. Mr. Blake returned the plans unsigned and did not want to provide potential concerns (if any) in writing.

Plans were modified from the previous design to ensure the pool and pool equipment meet setback requirements. The pool equipment is proposed to be in a subgrade vault to mitigate sound and placed furthest away from neighbors as possible and within the setback requirements.

Regards,

Gino Canori 1 Woodside Way Homeowner

ATTACHMENT 7

1

REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, FEBRUARY 14, 2008

1. 6:30 P.M. Commencement.

Present: Mayor Hunter; Mayor Pro Tempore Cahill; Council Member Durst; Council Member Skall; Council Member Strauss and Town Attorney Hadden Roth

23. I Woodside Way, Variance, Design Review and Demolition Permit No. 1674 Joe and Monica Kwait, I Woodside Way, A.P. No. 73-232-05, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum Lot Size). The applicants have modified the application since the hearing on January 10, 2008.

Demolition permit, variance and design review for a remodel and addition to the 3,905 square foot residence that includes: 1.) replacement of most windows with new wood windows; 2.) replacement of stucco with smooth-troweled, integral color, stucco; 3.) three new roof dormers within the 30-foot height limit; 4.) conversion of 200 square feet of the front porch to create a new dining room; 5.) replacement of the existing garage with a new, 482 square foot, two-car, garage within the rear yard setback (40 feet required, 3 feet proposed), 6.) an outdoor fireplace within the rear yard setback (40 feet required, 36 feet proposed); 7.) a new 225 square foot patio within the east side setback (15 feet required, 3 feet proposed); 8.) over 100 linear feet of landscape retaining walls up to 3 feet in height; and 9.) over 50 cubic yards of grading associated with expansion of the basement area and landscaping.

Lot area	13,712 square feet		
Existing Floor Area Ratio	28.5%		
Proposed Floor Area Ratio	29.9%	(20% permitted)	
Existing Lot Coverage	20.5%		
Proposed Lot Coverage	25.0%	(20% permitted)	

Senior Planner Semonian summarized the staff report and recommended that the Council approve the application subject to the findings and conditions in the staff report. She clarified that the staff report had been prepared based on a different set of plans and recommended approval of the front and east side dormer and that attic access be a pull down ladder or another option that is not full size stair access.

The architect provided a model for the Council's review and explained the modifications to the project. The Lagunitas dormer shines into the central bath area. They are walling off the attic, so they must have a reasonable stair to get to their storage area. It is a way to have light at the end of the hall and it will be a steep code stair walled off with a door and the applicants wished not to have a pull down stair.

Mayor Pro Tempore Cahill asked the architect what is currently present in regard to access to the storage area. The architect indicated that there is a regular stair in a closet.

Council Member Strauss asked what type of fireplace is proposed. The architect indicated that a wood-burning fireplace is proposed.

Senior Planner Semonian explained that the existing stair access is very small, so retaining the existing stairway would be acceptable to staff and is another option.

Michael Yandle, landscape architect, stated that landscaping is the same as the last meeting. Staff visited the site and he clarified where all the small retaining walls will be located, which are all hidden. The goal is to bolster this already considerable buffer and strengthen the buffer near the house that looms over their yard. It is the same plan, just better understood.

Council Member Durst pointed out that the tree shown on the northeast side of the street did not exist. Landscape Architect Yandle agreed to plant a street tree in that location and suggested a red oak. Council Member Durst recommended considering a tree that is more upright like an English oak. Landscape Architect Yandle felt a wider canopy is better. He agreed to remove the concrete stairs from the sidewalk to the asphalt roadway.

Monica Kwait, applicant/owner, addressed the dormers and the stairs, and the concern was making areas safer for their two small boys. They modified the stairs to the basement and up to the attic. It must be modified because the stairs came out of the infant's room and it is not safe to have stairs coming out of any child's room and that was the reason for the modification. For example, Christmas presents are stored in the attic and a drop down stairs is just not feasible. They have a normal stair path now and they would like the same stair access, but just moved out of the infant's room to a normal area. In regard to addressing the dormer that faces Woodside Way, it is not allowing light into the attic, but it will bring light down into the second floor landing. It is an area of their home where the boys play and they wanted to enhance the area by adding more light. Lastly, she is very disappointed to see plywood in the back dormer as opposed to a glass window.

Mayor Hunter opened the public hearing on this item.

John Wilcox, Woodside Way resident, did not object to the majority of the work proposed, but the two major concerns are the garage and attic dormers. The south side attic dormer looks out onto their property and it would view directly into their bedroom and impact privacy as well as negatively impact the enjoyment of their home. Also, the attic should only be used as unfinished living area. In regard to the garage, height of the roofline is a concern. The proposed height is unnecessarily high and asked for alternatives with the lowest possible roofline. They are concerned about the increased depth of the garage as well. The larger structure will affect their light, view and enjoyment of their home. This additional depth is unnecessary and requested that it not be allowed. Lastly, they are concerned about usage of the garage, since it is only 3 feet from their property line and they desired a similar condition applied to the garage as the attic and only that parking vehicles and storage is permitted.

Lisa Wilcox, daughter of John Wilcox, asked if the distance between the property line and Woodside Way and the front of the garage is the same as the current structure because it appears that the garage is deeper, not just longer, but deeper. She wanted to know how high the highest point is on the garage and how much higher is that from the current height. Also, she asked if the garage is going to begin at the base of the current level or will there be sloping up. She opposed a deeper and taller structure for the garage. In regard to the dormers, if just used for storage purposes, then dormers with windows are not necessary.

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She further believed having a dormer that looks right into her parent's home would greatly impact their quality of life.

The architect explained that the garage is the same depth as always, just pushed toward the house, so there will be less mass. Landscape Architect Yandle noted that plantings would mitigate a lot of the viewing concerns.

Ms. Kwait clarified that the three proposed dormers all serve different purposes, not just light.

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

Council Member Skall objected to a pull down ladder and felt a glazed window would solve the problem. He stated that no one would want to live in that attic space and did not see it as an issue, so he had no objections to the proposal.

Council Member Strauss felt the additional basement area should be held to 6.5 feet in height. He further supported the staff report in regard to the dormers, but opposed the fireplace.

Mayor Pro Tempore Cahill favored the dormers because they add a great deal to the house, particularly the two that send light down to the second floor hallways. He is in favor of both dormers. He agreed with Council Member Skall that the stairway is appropriate, not a pull down because the attic already exists with a stairway. In regard to the existing dormer, obscured glass seemed appropriate, which will still allow light. With respect to the basement, he favored the laundry room being located down in the basement, whether 6.5 feet or taller it will have no impact on the Town, just be a less desirable space. He further noted that he favored the project.

Council Member Durst supported the findings and conditions in the staff report. Obscured or chipped glass could be used as opposed to clear glass, which would still allow light in regard to the dormer. Modification to the existing south dormer with obscured or chipped glass could be used to maintain the character of the house as well. She found the site plan acceptable with the addition of the one street tree.

Mayor Hunter clarified that the Woodside Way dormer will provide light to the second floor and the Lagunitas dormer will reflect light down into a bathroom and the one facing the neighbor goes into the main stairwell. He suggested shutters because it did not add any livability and desired a compromise worked out with shutters, not obscured glass. He appreciated the garage and had no objection to the landscape plan. Council Member Durst agreed that the Wilcox's enjoy their privacy and it is more in keeping having a shutter like structure.

Council Member Strauss favored the project, but as a policy, there are certain items that must be discussed further.

Mayor Pro Tempore Cahill and Council Member Skall felt obscured glass would be best. They recommended that the Council allow the architect to develop a solution and present to

staff as long as no viewing is possible. The owners desired obscured glass. Mayor Hunter' stated that as long as it is thick, dense glass not able to seen through, he would find acceptable.

The Kwait's agreed to allow the Wilcox's the ability to view the window treatment once installed.

Mayor Hunter asked for a motion.

Mayor Pro Tempore Cahill moved and Council Member Skall seconded, to approve the application subject to the findings in the staff report and the following conditions. Motion carried unanimously.

The project shall be subject to the following conditions, which shall be reproduced on the first page(s) of the project plans:

- 1. Except as otherwise provided in these conditions, the project shall comply with the approved plans. Plans submitted for the building permit shall reflect modifications required by these conditions.
- 2. No changes from the approved plans, before or after project final, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval prior to any change.
- 3. The dormer on the Lagunitas Avenue elevation, which will provide light to the bathroom and is not accessible from the attic, is approved. The shed dormers proposed for the east and west sides of the roof, which provide light to the stair areas and are not accessible from the attic, are also approved. The existing south (rear) dormer shall not be modified except to replace the windows and slat opening with a treatment, selected by the architect, such as obscure glass our louvers, that do not allow anyone to see in or out of the area, subject to staff review and approval.
- 4. Other than a modification to the attic access and changes associated with the approved dormers, no changes to the attic area are approved. The attic may only be used as unfinished storage area. No additional lighting, heating, plumbing, sheetrock, finishes or other electrical work is permitted in the attic area except upgrades of existing electrical fixtures to bring them up to current code, plywood flooring and insulation. This condition shall be reproduced on all building plan pages for work in the attic area.
- 5. The basement shall remain unfinished. The basement area shall not be partitioned into rooms. A separate mechanical room is permitted with dedicated electrical outlets, one-hour separation from living space, and a single light fixture. Electrical work in the area is limited to two ceiling fixtures and two electrical outlets. No plumbing, heating, electrical or lighting work is permitted, except as allowed in this condition of approval. The ceiling height of the basement shall not exceed the existing 6' 8.5" height, measured from the existing floor joists to the floor. The door to the exterior may be replaced in kind and windows may be replaced as proposed. No interior trim is permitted. <u>This condition shall be reproduced on all building plan pages for work in the basement area.</u>

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- 6. Applicants shall deconstruct and recycle as much demolition debris as feasible, including the windows, trim and fixtures.
- 7. The applicants shall submit any appropriate air quality permits to the building department prior to demolition. The demolition shall be consistent with the plans approved by the Town Council. It is expected that most of the interior and exterior finishes will be removed. However, the basic structure of the residence shall be retained, including the framing and roofing. If the demolition plan changes, an amendment to the Council-approved demolition permit may be required.
- 8. The garage doors shall be automatic. The garage shall be available for vehicle parking and shall not be used for other purposes. The town planner may limit lighting, electrical and other improvements on the building permit plans for the garage to ensure it will only be used for garage purposes.
- 9. Except as otherwise noted in these conditions, landscaping shall be installed in conformance with the approved landscape plan prior to project final. Prior to project final, the applicants shall submit written evidence to planning department staff that confirms the landscaping complies with Marin Municipal Water District Ordinance 385, or is exempt from their requirements.
- 10. All drainage shall be dissipated on site.
- 11. Plans submitted for the building permit shall provide elevations for the garage roof ridge and floor level. A licensed land surveyor shall string the location of the garage foundation three feet from the rear property line. The applicants shall provide written evidence, prepared by a licensed land surveyor, confirming the elevation of the roof ridge complies with the approved plans after roof framing unless sufficient data points are available for staff to confirm the elevation of the structure.
- 12. Grading is prohibited between October 15 and April 15. Staff is authorized to make an exception to this condition if the applicants can demonstrate to staff's satisfaction that best management practices will be implemented, an erosion control plan is submitted, and independent monitoring will be conducted to prevent sediment runoff and erosion at the site. All exposed areas resulting from excavation and grading shall be seeded or planted with appropriate vegetation and maintained until established to prevent erosion.
- 13. Applicants shall comply with all requirements of the Marin Municipal Water District.
- 14. Any exterior lighting shall be shielded and directed downward. Exterior lighting of landscaping by any means shall not be permitted if it creates glare or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited.
- 15. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

- 16. This project shall comply with all requirements of the Department of Public Safety, as outlined in their ongoing project review, including the following: a) sprinklers may be required; b) an alarm system is required; c) the street number must be posted (minimum 4 inches on contrasting background).
- 17. Any portable toilets shall be placed off the street and out of public view. Project development shall comply with the requirements of the Ross Valley Sanitary District.
- 18. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance (including all landscaping work), the owner shall be subject to automatic penalties with no further notice. The construction shall not be deemed complete until final sign off is received from representatives of the building/public works, planning and public safety departments.
- 19. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
- 20. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
- 21. Failure to secure required building permits and/or begin construction by February 14, 2009 will cause the approval to lapse without further notice.
- 22. 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.
- 23. The applicant shall plant an additional street tree at the northeast corner of the site.

ATTACHMENT 8

Heidi Scoble

From:mark@blakemail.comSent:Wednesday, June 5, 2019 9:46 AMTo:Heidi ScobleCc:'Amy Blake'; mark@blakemail.comSubject:1 Woodside Way proposed projectAttachments:1 Woodside Way.jpg

Dear Heidi,

This letter is to address concerns that Amy and I have regarding the proposed project at 1 Woodside Way. Our home is located at 171 Lagunitas Road which abuts the 1 Woodside Way home and as such we are primarily concerned about drainage, screening and noise.

Drainage: the proposed pool and hardscaping would increase the impermeable surfaces in the front yard of our neighbors home. There already exists a condition where the neighbor's yard has directed runoff onto our property and it kills the lawn along that edge every winter. This intentional sloping was done during the previous owner of 1 Woodside Way and not the current neighbor. We are concerned that the additional runoff created by adding the pool and new hardscape will make the existing situation worse. We ask that the owners mitigate the existing situation and ensure that the new project doesn't cause further harm. I have attached a photo of that show the sloping at 1 Woodside Way along our fence.

Screening: since we bought our home in 2003 we have attempted to add trees and plants as screening to offer privacy for ourselves and all of our neighbors. As the proposed pool will be very close to our bedroom windows we ask that planting and screening be added as part of the pool project. We believe this will be beneficial for the owners of 1 Woodside Way and ourselves.

Noise: given the very close proximity of the proposed pool project to our home and our bedrooms we ask that the mitigation of noise be considered when evaluating this project. The pool, pumps, pool cover, spa, etc will all generate noise that is likely to impact the quiet enjoyment of our home.

Please feel free to contact us with any questions.

Many thanks,

Mark and Amy Blake 171 Lagunitas Road Ross, CA 94957

https://www.townofross.org/sites/default/files/fileattachments/administration/page/249/18.41_design_review.pdf

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

(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

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

