



Staff Report

Date: October 2, 2014
To: Mayor Elizabeth Brekhus and Councilmembers
From: Elise Semonian, Senior Planner
Subject: Nessel, 14 Upper Ames Avenue, 2nd Unit Exceptions, Design Review, Variance, File No. 1972

Recommendation

Council approve the project subject to the findings and conditions attached.

Project Summary

Owner: Ariel and Rebecca Nessel
Design Professional: Building Solutions, Inc.
Location: 14 Upper Ames Avenue
A.P. Number: 73-181-28
Zoning: R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum lot size)
General Plan: Low Density (1-3 units per acre)
Flood Zone: Zone X (outside high risk flooding area)

Design review, exceptions and lot coverage variance for new 500 square foot second unit, including 60 square feet of storage. The applicants propose a new second unit above the existing garage, within required yard setbacks. The project also includes a request for setback variances to build a new pool deck south of the pool, over existing pool equipment.

Lot Area	17,367 square feet	
Existing Floor Area Ratio	4,071 sq. ft.	23.4%
Proposed Floor Area Ratio	4,571 sq. ft.	26.3% (15% permitted*)
Existing Lot Coverage	3,278 sq. ft.	18.9%
Proposed Lot Coverage	3,387 sq. ft.	19.5% (15% permitted)
Existing Impervious Surfaces	8,705 sq. ft.	50.1%
Proposed Impervious Surfaces	8,705 sq. ft.	50.1%

*The Council may grant 500 square feet of additional floor area for new second units that are rent-restricted for a very low income households (Ross Municipal Code Section 18.42.065).

Background and project description

The project site was developed with a residence in 1953, prior to floor area ratio regulations. The residence was remodeled in 1977 and 2000. The existing development was approved in the setback with variances granted by the town council.

This application involves two primary requests: 1.) variance and exceptions to create a new second unit above the garage, and 2.) setback variances for a deck to cover existing pool equipment. Some other minor alterations are proposed to the residence that are detailed on the project plans. The design of the second unit addition will match the existing residence in form and materials. The proposed deck addition will improve the appearance of an existing pool equipment area.

The project requires exceptions from the zoning regulations since it proposed over a garage that is located within required setbacks and would further exceed permitted floor area for the site. A variance is required since the proposed stairwell to the second unit would increase lot coverage.

The Town has developed incentives for the creation of second units in order to expand the availability of second units in Ross (Zoning Code Chapter 18.42). The Council may grant exceptions to floor area, height and setbacks for new second units if the exception complies with the design review criteria and standards and the town council makes certain findings (see below).

The Advisory Design Review (ADR) Group considered this request at the September ADR meeting. ADR supported the project with several recommendations (see draft minutes, attached). The applicant has revised the project. Staff believes that the plans presented to council address the ADR's concerns.

Council has received correspondence from a neighbor concerned with construction impacts. A condition of approval requires the applicant to address these issues in the construction management plan. Staff will require the construction management plan to be submitted prior to permit issuance and staff will inform the neighbor when it is submitted.

Fiscal, resource and timeline impacts

If approved, the project would be subject to one-time fees for a building permit, and associated impact fees, which are based in part on the valuation of the work proposed. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Alternative actions

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

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 15303 (one second unit) and Section 15301 (existing facilities). No exception set forth in Section 15300.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources.

Attachments

1. Findings and Conditions of Approval
2. Correspondence
4. Town Council Minute history

Attachment 1

Recommended Town Council Action, Findings and Conditions

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented after a public hearing, site visits, review of story poles, staff report, correspondence, and other information contained in the project file, approve the project as proposed with the following Findings and subject to the following Conditions of Approval:

A. Findings

A. Findings:

1. **CEQA** The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 15301 (existing facilities) and 15303 (new second unit). 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; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project.

2. Findings for Second Unit Exceptions

a) The unit must be rent-restricted for a very low income household. A condition of approval requires a rent restriction to be recorded prior to project final.

b) The exception will not create a significant adverse impact on any adjacent property, the surrounding neighborhood, or the general public good. The second unit is located over an existing structure. The site has adequate parking. The unit is located far from adjacent development. The topography minimizes the impact of the addition over the garage structure.

c) The lot and the arrangement of existing and proposed physical improvements on the lot can accommodate the exception without adversely affecting the views, privacy, or access to light and air of neighboring properties. No property will be adversely affected by the exceptions do to the configuration of existing site development, neighboring site development, and the proposed design.

d) Any modifications to site drainage shall be designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site. Conditions of approval require any modification of site drainage to be designed by a licensed engineer.

e) The fire chief has confirmed that there is adequate water supply for firefighting purposes for the site, or that the project includes measures to provide adequate water supply for firefighting purposes. The site has adequate water supply. The fire department will review the plans submitted for a building permit and the project must comply with their conditions.

3. Findings for Lot Coverage and Setback Variances

The project site is unusual since it sits at a corner location on a sloping site. The existing development was sited on the northern side of the site and an existing pool and pool equipment are located within the rear yard setback. Approval of the deck will not significantly

change the existing setbacks, lot coverage or impervious surfaces at the site and will provide an attractive and functional cover to the pool equipment area. The existing residence exceeds permitted lot coverage and a lot coverage variance is necessary to provide access to the new housing unit. The proposed stairs are adjacent to the street and not adjacent residences. Additional landscaping will be installed to screen the structure from street views.

4. Design Review

a) Preservation of Existing Site Conditions. All areas disturbed by construction of a residential second unit must be finished to a natural appearing configuration and planted or seeded to prevent erosion. The project will not result in site disturbance.

b) Relationship Between Structure and Site. All new residential second units constructed on sloping land shall be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk, and height and to better integrate the structure with the site. The proposed second unit addition is above a garage and the existing structure is set into the hillside to minimize its appearance from the street.

c) Materials and Colors. Residential second unit construction shall be of the same exterior materials, color, and style as that of the primary living unit including roof, eaves, windows, doors, and other detailing. The materials will match the existing residence.

d) Exterior Lighting. Any lighting installed as part of a second residential unit project shall be shielded and directed downward. Lighting shall be low wattage and incandescent. Conditions of approval require shielded lighting.

e) Natural Environment. All secondary unit construction shall be subject to the tree protection provisions and regulations included in Chapter 12.24 of this code. No landscaping is proposed to be disturbed by the project.

f) Landscaping. Landscaping shall include such plantings as necessary to 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. New landscaping is required to further screen the structure from public views.

g) Visual Focus. Where visibility exists from adjacent roadways, no residential second unit shall be located between the adjacent roadway and the primary living unit. The unit will be attached to the residence and will appear to be part of the existing residence.

h)

B. Conditions of Approval, 14 Upper Ames Avenue

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

1. Except as otherwise provided in these conditions, the project shall comply with the plans approved by the Town Council on October 9, 2014. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

2. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.

3. The second unit shall be known as 14A Upper Ames.

4. The owner shall submit a signed Declaration of Rent Restrictions in compliance with Ross Municipal Code Chapter 18.42, to be recorded before or concurrently with, and as a condition of, issuance of the rent-restricted second unit permit, reflecting the rent restriction. The Town shall provide the form of such Declaration.

5. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

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

7. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance shall be submitted to the building department prior to project final.

8. Applicants shall comply with the requirements of the Ross Valley Sanitary District No. 1 prior to project final: the Ross Valley Sanitary District (415) 259-2949 Sanitary District No. 1 will place a hold on the property once the building permit is issued. This hold prevents the building from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain any necessary sewer connection permit and meet all District requirements pertaining to the private side sewer/lateral prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

9. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD).

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

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

cooking appliances should be located or directed to avoid noise and odor impacts to adjacent sites and shall be located out of required setback areas.

b. The plans submitted for the building permit shall detail the gutter and downspout design and location for review and approval by the Town. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for Town Council review. A specification sheet shall be provided and the proposed color and finish material shall be specified. Downspouts should be located to minimize their appearance from off site locations. Gutters and downspouts should have a finish to blend into adjacent surfaces or underlying trim. Exposed galvanized material is not permitted.

c. Exterior plumbing shall be removed and replaced with plumbing within the walls of the structure.

d. 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.

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

f. 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.

g. Any modifications to drainage shall be designed by an engineer in conformance with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54).

h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the town manager or designee, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas. The plan shall specifically provide details on how deliveries and large vehicles will access the site without closing the road or provisions for adequate neighbor notification.

i. 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).

j. 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.

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

l. 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.

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

n. 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).

o. 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.

p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris.

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

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

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

t. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in the Town of Ross Municipal Code Section 15.50.040, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all

conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

u. 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.

11. 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.

From: SUSAN G. TAYLOR <s.g.t@comcast.net>
Subject: **Application from 14 Upper Ames for addition**
Date: September 28, 2014 3:41:03 PM PDT
To: ROSS TOWN COUNCIL - Thursday, October 9, 2014

We have the following concerns about the proposed application for a new 440 sq.foot, 2nd story addition @ 14 Upper Ames.

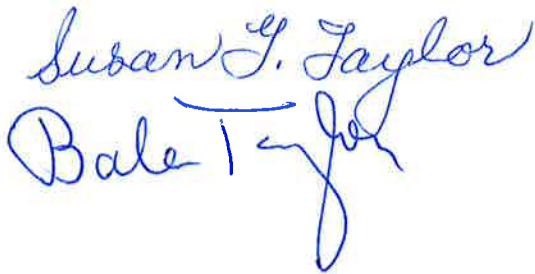
The delivery of equipment and materials by large, heavy trucks - on Upper Ames - @ a steep & blind corner. Thus, causing a possible blocking or delay on Upper Ames for a fire-truck, ambulance, or the vehicles of residents.

Destruction of this private road surface by large construction vehicles.

Possibility of off-street staging of materials and equipment so that the street is not blocked?

We are not, in any way, against the addition - just concerned about the small amount of space for vehicles.

Robert C. Taylor and Susan Taylor (19 Upper Ames Ave., Ross)



Susan G. Taylor
Bob Taylor

The regular monthly meeting of the Town Council of the Town of Ross was Thursday evening, July 10, 1947, at eight o'clock.

PRESENT: Councilmen Lohmann, Borda, Fisher and Wheat.

ABSENT: Councilman Tucker.

The minutes of the regular meeting of June 12, 1947 were approved, as read.

Mr. James E. Townsend submitted a new map showing the proposed subdivision of his property into 8 lots, with areas of from 18,100 to 60,000 square feet, and asked that Ordinance No. 149 be amended to include this property in a section requiring a minimum of 20,000 square feet instead of an acre as it is at present.

Mr. J. S. Eells addressed the Council and voiced his objections to the request and suggested that, if the section is reclassified, the line be extended to Lagunitas Road so that his property would be included. Mrs. White stated that Mr. Townsend would not be able to deed any property to the Town for road purposes since he had only a right of way over the property in question.

Mr. Townsend also presented a request for relief under the "hardship clause" in reference to Lots #6 and #8 which contain less than 20,000 ~~XXXXX~~ square feet.

After considerable discussion, the Council agreed to grant the petition for classification of the area and stated that the petition for relief on the other two lots would be decided upon later.

Mr. Cecil Tose presented a letter asking that his property be re-classified to Class E owing to the shape and location of the property.

Upon motion of Councilman Borda, duly seconded, the City Clerk was instructed to provide the City Attorney with sufficient data to enable him to make the necessary amendments to Ordinance No. 149 ~~in~~ covering the commitments made in connection with requests of Zollner, Kats, Strugnell, Townsend, Tose and Hopps. It was also suggested that provision be made to govern the depth of any lot in reference to its width, so that no lot would be more than four times deeper than its width.

COMMUNICATIONS:

From the Department of Public Health advising of the appointment of E. A. Reinke as Chief of the Bureau of Sanitary Engineering. Ordered filed.

From Sanitary District No. 1 stating that they felt that the matter of constructing a new treatment plant should rest until bids have been received and the District was in a position to know what the actual costs will be. Ordered filed.

The regular monthly reports of officers were read and ordered filed.

Demands numbered from 375 to 403, inclusive, were read and warrants in payment of same were ordered drawn on the Treasurer.

The Council then retired in executive session and upon their return the meeting was adjourned.

MINUTES OF THE REGULAR MEETING OF THE TOWN OF ROSS COUNCIL
HELD ON DECEMBER 10, 1953

The meeting was called to order by Mayor Denicke at 8:20 P.M.

Present: Councilmen-Davidson, Denicke, Dewees

Absent: Councilmen-Cockburn and Kenzee

The minutes of the regular meeting of November 12, 1953, as mailed to the Councilmen, were approved and the reading thereof waived.

Mayor Denicke asked if anyone present wished to address the Council. In response, the following were heard:

Mrs. Cecil Tose of Sylvan Lane requested permission to dispose of a parcel of land containing 19,000 square feet in a zone requiring 20,000 square feet. Following a review of the conditions, on motion of Councilman Dewees, seconded by Councilman Davidson, the Council found the existence of facts sufficient to grant the request and so ordered by unanimous vote.

Mr. C. Frost of Upper Ames Avenue requested that a variance be granted in connection with side and rear yard areas in connection with the construction of a new dwelling. Upon motion of Councilman Davidson, seconded by Councilman Dewees, the following motion was unanimously adopted:

That variance application No. 4 submitted by Mr. C. Frost is hereby granted; and that it is further found by the Town Council that the evidence presented with said application, and particularly in the answers to questions 5, 7 and 8 thereof, amply shows the existence of the facts required by Section 10128, Sub-section 1, of the Ross Municipal Code.

Mrs. V. Ingwersen of Morrison Road, represented by E. W. Burger, requested that a variance be granted in connection with the rear yard area for construction of a new dwelling. Upon motion of Councilman Davidson, seconded by Councilman Dewees, the following motion was unanimously adopted:

That variance application No. 5 submitted by Mrs. V. Ingwersen is hereby granted; and that it is further found by the Town Council that the evidence presented with said application, and particularly in the answers to questions 6, 7 and 8 thereof, amply shows the existence of the facts required by Section 10128, Sub-section 1, of the Ross Municipal Code.

Ordinance No. 171, Prescribing the Method of Adopting Ordinances, which was first introduced in the meeting of November 12, 1953, was read in full. On motion of Councilman Dewees, seconded by Councilman Davidson and by unanimous vote of the Council, the Ordinance was adopted.

The bid of \$81.00 submitted by Sohner Tree Service for the topping of 3 elm trees on Redwood Drive, was accepted by the Council.

The Council was advised that the County Board of Supervisors was allowing exemption on the taxes of the Katherine D.

78.
39.
6/0
9/3

(c) No. 165-Wm. E. Gaffney, 4 Skyland Way-addition of tool room at rear of carport, resulting in 35' rear yard area. Approving signatures of the neighbors were presented.

On motion duly made and seconded, the Variance was unanimously granted.

(d) No. 166-Lester A. Bricca, Sylvan Lane-construction of carport and garden shed to extend to 8' from easterly sideline. The approving signatures of the neighbors were presented.

Mr. Bricca explained that because of additions to his family he had to convert the existing carport to a bedroom.

Mayor Scott pointed out that the proposed addition would not, in his opinion, interfere in any way with the neighbors.

On motion duly made and seconded, the Variance was granted. 3-9-61
(e) No. 167-Chas. R. Trost, Upper Ames Avenue-construction of cabana extending to 1 1/2' from east sideline. Signatures of the neighbors were presented approving the plans.

It was pointed out that the cabana would be visible only to the McCauley's to the east, and they had approved the addition.

On motion duly made and seconded, the Variance was unanimously granted.

(f) No. 169-Western Metals Structures, Inc., Redwood Avenue-construction of new dwelling with attached carport extending to 12' from front property line on Lot 27C (Parcel #72-121-22). Wm. J. Keener, president, appeared in behalf of his company.

Mayor Scott said he did not favor an open bridgeway across public property, as shown in the plans, with the bridgeway extending from the edge of the pavement. Also, he liked the idea of a down sloping bridgeway into the carport, as shown on an earlier plan, as this would tend to lower the structure.

Mr. McNab stated that the Home Owners Association's position was the same as previously stated-that the bridgeway is a structure and as shown on the plan, constitutes zero set-back.

Roy Jones pointed out that a bridgeway would require supports and thus becomes a structure.

Mr. Keener replied that the appearance would be the same, if it was a bridgeway or fill.

Mrs. Konigsberg argued that there would be a difference in appearance to those below, on Wellington.

O. R. Turney, 52 Woodside Way, said he thought the variance should be granted.

Chester Cramer, 80 Baywood Avenue, stated that the residents above his property were faced with maintaining the road (Redwood) and any construction, such as this, would weaken the road.

Mrs. I. H. Degenhardt, 200 Baywood, said her objection to this construction and more houses, was because of potential blocking of the road and subsequent difficulty in obtaining fire and police protection.

Mayor Scott stated that he still could not see why the structure wouldn't be set back the required 25'. The last plan sets it back further than the original plan.

Mr. Keener replied that the further the structure was setback, the higher the supports would have to be.

Richard Zoellner asked if the house couldn't be built without a variance, or was it just more convenient with a variance.

Mayor Scott replied that with a variance, the Council has control requiring that certain conditions be met. Without a variance this would not be so, and in addition, the structure would be more un-
tightly.

Mr. Keener stated

✓
6/9/77

3. No. 486 Richard and Kathleen McKenzie, purchasers
 Charles R. and Vivian Trost, owners
 Upper Ames Avenue (73-181-11) 20,000 sq. ft. zone
 Request to allow remodeling of upper floor roof structure to allow expansion of bedrooms and addition of deck, removal of existing trellis and substitution of new trellis. Non-conforming house 1'6" and 12' from sidelines.
- | | |
|----------------------|----------------|
| Lot Area | 14,500 sq. ft. |
| Present lot coverage | 20% |
| Proposed " | " 20% |

Mr. Jones disqualified himself from discussing this request because he will be acting as appraiser for the house.

Architect Van Logan presented plans and explained that the work will make the inside of the house more habitable. The pool house area will be used as a bedroom. He said the lot coverage will remain at 20%, the floor area ratio will be slightly increased.

Mr. Chase moved granting the variance, subject to taking title by Mr. and Mrs. McKenzie, seconded by Mr. Maginis and passed, Mr. Jones abstaining.

4. No. 487 John and Martha Niggeman, 77 Wellington
 (72-072-06) 10,000 sq. ft. zone.
 Request to allow addition of master bedroom and bath on second floor 30' from rear property line, and enlargement of breakfast nook.

6-9-77

Lot Area	11,645 sq. ft.
Existing coverage	22.8%
Existing floor area ratio	26.5%
Proposed coverage	20.4%
Proposed floor area ratio	27.3%

(floor area ratio allowed-20%)

Mr. Niggeman explained that the present encroachment will be reduced by 12', the addition will not be seen from the front of the house. He needs more space for his family and will cure problems created by numerous additions to a summer cottage.

On motion by Mr. Jones, seconded by Mr. Chase, Variance No. 487 was unanimously granted.

6. Introduction and Adoption of Emergency Ordinance No. 378.
 Amending 10.28.010(c) and 10.28.070(9) of the Ross Municipal Code Adding Certain NO PARKING and TOW-AWAY zones.
 Ordinance No. 378 was read in full and adopted as an emergency ordinance, to take effect immediately, moved by Mr. Maginis, seconded by Mr. Jones and unanimously adopted.

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.

This was seconded by Councilmember Curtiss and passed unanimously.

24. VARIANCE AND DESIGN REVIEW. #1345 #246

Steve Jaca, 14 Upper Ames, A.P. No. 73-181-11, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min.). Variance and design review to allow modifications, including the following: 1.) a 442 square foot 2-car garage construction to replace the existing carport encroaching within the front yard setback (25 feet required, 9 feet proposed); 2.) a 70 square foot interior stairway addition to the north elevation; 3.) a 180 square foot south elevation living room and foyer expansion and a 139 square foot family room and breakfast nook addition within the rear yard setback (40 feet required, 20 feet proposed); 4.) replacement of family room flat roof with a pitched roof within the rear yard setback (11 feet proposed); 5.) a lap pool within the rear yard setback (40 feet required, 6 feet proposed) to replace the existing pool; 6.) exterior alterations, including wood shingles and composition shingle roof addition; and 7.) new 6-foot high wrought iron gates and fencing. 219 square feet of covered porch area and 19 square feet of bathroom will be removed.

2.10.00

Lot Area	17,406 sq. ft.	
Present Lot Coverage	16.0%	
Proposed Lot Coverage	15.8%	(15% permitted)
Present Floor Area Ratio	23.1%	
Proposed Floor Area Ratio	23.1%	(15% permitted)

The existing residence, carport and swimming pool are nonconforming in setbacks.

Mr. Broad said that the property is fairly unusual in that the roadway wraps around on the side and he explained the plans. The applicants proposed to remove 219 square feet of bathrooms so the FAR does not change. The applicant said he would pull the gates back four feet and this will be added to the list of conditions.

Mr. Taylor of 19 Upper Ames addressed the Council and said that this is a private road and the residents paid \$24,000 for improvements. He said that they are in favor of improving the property but were very concerned about damage to the road.

Mr. Molarsky offered a parking area for staging of the trucks. He wanted to make sure that emergency vehicles could get through at all times and that the road be restored to its existing condition.

Councilmember Gray said that this is a private road and he recommended that the applicants and homeowners work out all the details on the roadway because the Town cannot be involved in private roads.

Councilmember Hart moved approval with the findings in the staff report and that the letter provided by the applicants be entered into the record. Mr. Elias said that road maintenance should not be in the conditions because the Town cannot enforce this. Mayor Goodman said that the letter is part of the public record but that there is no assumption that the Town is involved. The neighbors have to develop a contract with the applicants.

Councilmember Gray asked about color specifications and the applicants stated the trim would be gray green with natural

shingle.

Following are the amended conditions of approval:

1. The Town Council reserves the right to require additional landscape screening for up to two years from project final. Residence shall be natural shingles with gray/green trim.
2. Final roof material and color shall be subject to Town Planner approval prior to the issuance of a building permit.
3. A smoke detector shall be provided as required by the Building Department. The street number must be posted (minimum 4 inches on contrasting background.) All dead or dying flammable material must be cleared and removed as per Ross Municipal Code Chapter 12.12.
4. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
5. Proposed fencing and columns may not exceed 6 feet in height. The gate shall be moved back four feet or as approved by Town staff and shall have an inward opening.
6. No changes from the approved plans shall be made without the prior approval of the Town of Ross. Any proposed changes shall be clearly identified through the submittal of red-lined plans to the Town Planner prior to building permit submittal.
7. Any portable chemical toilets shall be placed off the street and out of public view.
8. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
9. Applicant shall submit a traffic management plan for Public Safety approval.
10. 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.

Councilmember Gray seconded the motion which passed unanimously.

5. VARIANCE, DESIGN REVIEW AND DEMOLITION PERMIT.
Jennifer and Robert Leathers, 4 Norwood Avenue, A.P. No. 73-091-40, R-1:B-10 (Single Family Residence, 10,000 square foot minimum). Demolition permit to allow the removal of 754 square feet of the main residence's upper level and portions of the lower level. Design review and variance to allow modifications, including: 1.) a new 944 square foot upper level with skylights within the west side yard setback (10

- 19. **LOT LINE ADJUSTMENT AND VARIANCE. No. 1457**
Chris and Nadine Berry, 14 Upper Ames Avenue, A.P. No. 73-181-11, R-1:B-20 (Single Family Residence, 20,000 square foot minimum lot size) and Alexander and Mary Lou Ashford, 16 Upper Ames Avenue, A.P. No. 73-181-10, R-1:B-20 (Single Family Residence, 20,000 square foot minimum lot size).

A lot line adjustment to transfer 951 square feet of land along the west property line of 16 Upper Ames to 14 Upper Ames to locate an existing pool entirely on the 14 Upper Ames parcel and to reflect the existing development pattern. 951 square feet of land at the north property line of 14 Upper Ames will be transferred to 16 Upper Ames in order to maintain existing lot sizes for both parcels.

The lot area of 14 Upper Ames will remain at 17,367 square feet; the lot area of 16 Upper Ames will remain at 22,880 square feet. No change in lot coverage or floor area ratio will result from this project.

A variance is necessary to allow the pool setback for 16 Upper Ames to be reduced from 17 feet to 8 feet (20 feet required) and to allow the minimum lot width at 16 Upper Ames to be reduced to 113 feet (120 feet required.)

Mr. Broad said that this request is to remedy a situation in which the existing pool, previously believed to be located at 14 Upper Ames, was found to encroach onto the property at 16 Upper Ames. This will adjust the property lines to correspond with the location of the existing fence line between the two properties and locate the pool entirely at 14 Upper Ames. A variance is necessary because the minimum lot width of 16 Upper Ames will be reduced from the required 120 feet to 113 feet.

Mayor Zorensky said that the hillside topography and the narrowness of the lot would be considered special circumstances.

Council member Byrnes felt that this was the cleanest way to resolve the matter. Council member Barr moved approval with the findings in the staff report and the following conditions:

1. Prior to the recordation of a lot line adjustment map or a deed description, the applicants shall submit a copy of the proposed legal description to the town of Ross for review and approval.
2. No changes from the approved map shall be permitted without prior Town approval.
3. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee.
4. 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.

This was seconded by Council member Curtiss and passed unanimously.

- 20. **DEMOLITION PERMIT, VARIANCE AND DESIGN REVIEW. No. 1458 #354**
Peter and Dyan Pike, 195 Lagunitas Road, 73-222-02, R-1:B-A (Single Family Residence, one acre minimum lot size). To allow the following: 1) demolition of the existing residence, storage shed, and pump house/one-car garage totaling 3,902 square feet; 2) construction of a 3,066-square foot, 2-story residence with front and back porches totaling 341 square feet, encroaching within the east side yard setback (9 feet proposed to porch, 15 feet to residence, 25 feet required) and the west side yard setback measured from the vehicular access easement to the rear lot (11 feet proposed, 25 feet required); 3) construction of a 495-square foot garage and turnaround area to the rear

The ADR group supported the new bus stop design and recommended the dark green finish.

6. 14 Upper Ames, second unit

Owner: Ariel and Rebecca Nessen
Design Professional: Building Solutions, Inc.
Location: 14 Upper Ames Avenue
A.P. Number: 73-181-28
Zoning: R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum lot size)
General Plan: Low Density (1-3 units per acre)
Flood Zone: Zone X (outside high risk flooding area)

Review of plans for a 440 square foot second unit addition that would require Town Council approval of design review and second unit exceptions. The applicants propose a new second unit above the existing garage, within required yard setbacks. The project also includes a request for setback variances to build a new pool deck south of the pool, over existing pool equipment.

Lot Area	17,367 square feet	
Existing Floor Area Ratio	4,071 sq. ft.	23.4%
Proposed Floor Area Ratio	4,511 sq. ft.	26.0% (15% permitted*)
Existing Lot Coverage	3,278 sq. ft.	18.9%
Proposed Lot Coverage	3,387 sq. ft.	19.5% (15% permitted)
Existing Impervious Surfaces	8,705 sq. ft.	50.1%
Proposed Impervious Surfaces	8,705 sq. ft.	50.1%

*The Council may grant 500 square feet of additional floor area for new second units that are rent-restricted for a very low income households (Ross Municipal Code Section 18.42.065).

Project designer Mark Bruce was present with the property owners. The materials will match existing. Existing five parking spaces comply with the required parking for a residence and second unit. Chris Neumann noted there is no parking in the neighborhood.

The group distinguished this project from the proposal considered at 15 Brookwood due to the topography, parking, location of neighbors, less visibility from the street, larger site and design that integrated with the existing residence. In addition, the project was not opposed by neighbors.

The ADR group discussed the design and materials and supported the deck design as proposed based on the location of existing improvements and made the following recommendations regarding the second unit:

- Continue the style, details and materials from the main residence, particularly on the gable

- Add landscaping on the corner to significantly screen the existing garage and new unit from views from the road
- Integrate the stairs to match the character of the building, consider attaching it to the house

7. **Community Workshop on the 2015-2023 Town General Plan Housing Element**

Community workshop to solicit ideas and input regarding the update of the Town of Ross Housing Element. Specifically, staff is requesting comments and any suggested additions to the current housing element policies and the current available land inventory for new units. The Housing Element will replace the 2009-2014 update, which is available at http://townofross.org/pdf/resource_center/housing-element-adopted-november-2010.pdf. The Housing Element is an element of the Town General Plan to facilitate the improvement and development of housing for all economic segments of the community. The document reviews community goals, policies and programs for housing as well as the economic, environmental, and fiscal factors involved in addressing state housing goals and regional housing needs. The Housing Element identifies potential housing sites for the Town's share of the Regional Housing Need, which is a minimum of 18 housing units at all income levels. The current Housing Element will be updated and revised following the community workshop and will be presented to the Town Council at a public hearing.

The following ideas were brought up at the workshop (not necessarily recommendations of the Advisory Design Review Group):

- Remove the Bald Hill sites from the inventory since it is a priority for open space and has access and water supply issues.
- There has been council discussion about selling off for private development a portion of the Town Hall site that is currently designated for up to 4 affordable units. Since this is a Town-owned site and under Town control, it is the most promising site for development of affordable housing. The Town should maintain the policy and programs regarding 37 Sir Francis Drake and the program to pursue a partner for its development for affordable housing. Consider expanding the zoning to the adjacent single-family residential site to encourage up to eight affordable units to be created. The Town should include redevelopment of the site for affordable housing in the \$8,000 analysis council commissioned to determine the potential economic and fiscal impacts of the area.
- Since the Branson School is considering moving the school out of Town, the Town should consider its future redevelopment. The site is zoned for low density residential and is at the maximum floor area. The Town should consider potential redevelopment of the Branson School and permitting additional density for additional, small, residences for senior housing to allow residents to downsize and remain in the community.

8. **Adjournment**

Chris Neumann adjourned the meeting.