



Staff Report

Date: October 2, 2014
To: Mayor Elizabeth Brekhus and Council Members
From: Elise Semonian, Senior Planner
Subject: Gardenia L.P., 179 Lagunitas Road, Design Review, File No. 1920

Recommendation

Town Council approve the landscape plan subject to the findings and conditions attached.

Project Summary

Owner: Gardenia L.P.
Design Professional: Ira Johnson, Rainscape Design
Location: 179 Lagunitas Road
A.P. Number: 73-231-17
Zoning: R-1:B-A (Single Family Residence, 1 acre min lot size)
General Plan: Very Low Density (.1-1 units per acre)
Flood Zone: Zone X (outside 1-percent annual chance floodplain)

Continued public hearing to consider landscape plan. The plan includes removal of 12 cypress trees along the east property line and 14 cypress trees along the west property line to comply with California Public Resources Code 4291 fire clearance requirements. Forty new English Laurel and three Southern Magnolia trees are proposed to replace screening in three areas of the site.

Lot Area	45,886 square feet	(1.05 acres)
Existing Floor Area Ratio	6,979 sq. ft.	15.2%
Approved Floor Area Ratio	6,510 sq. ft.	14.2% (15% permitted)
Existing Lot Coverage	3,706 sq. ft.	8.1%
Approved Lot Coverage	3,891 sq. ft.	8.5% (15% permitted)
Existing Impervious Surfaces	7,810 sq. ft.	17.0%
Approved Impervious Surfaces	7,636 sq. ft.	16.6%

Existing residence is nonconforming in setbacks, number of stories, height and covered parking.

Background and project description

The Town Council approved modifications to the building design in September and directed the applicant to return with more detailed, professional, landscape plans.

The applicant has retained a new landscape architect and has submitted three sheets of revised plans for council review. The plans detail existing landscaping, proposed plant removal, and proposed new plantings. Project landscape architect Ira Johnson will attend the meeting to review the plans and answer any questions.

If the plan is not acceptable to council, it should provide specific direction to the applicant regarding any modifications required.

Correspondence has been received from the neighbor to the rear of the site, attached. One of the new magnolia trees is within 8 feet of the rear property line. However, the applicant would like to maintain the proposed tree configuration, as well as the 8" bay tree, and just trim the trees from the rear property line if it remains an issue in the future.

Fiscal, resource and timeline impacts

There would be no operating or funding impacts associated with the landscape 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 15301 (existing facilities, as an addition to an existing single-family residence in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive). 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.

Attachment

1. Findings and Conditions of Approval
2. Correspondence

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, staff reports, correspondence, and other information contained in the project file, approve the landscape plan with the following Findings and subject to the following Conditions of Approval:

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 15304 (minor alterations to land). 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. Design Review

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

(1) *To preserve and enhance the “small town” feel and the serene, quiet character of its neighborhoods are special qualities to the town. The existing scale and quality of architecture, the low density of development, the open and tree-covered hills, winding creeks and graciously landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environment co-exist in harmony and to sustain the beauty of the town’s environment.*

(2) *Upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site.*

The project would maintain the character of the existing site landscaping which consists of expansive lawn areas, mature trees, and perimeter of screening plants. Fire hazard trees would be removed and replaced with evergreen hedge plants that will eventually grow to replace the tree screening.

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

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

(a) *The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum. Development should minimize the amount of native vegetation clearing, grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses, considering zones of defensible space appropriate to prevent the spread of fire.*

The entire site has been previously disturbed with development. Native trees will be preserved.

(b) Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.

The general appearance of the existing landscaping will be maintained. Landscaping proposed for removal will be replaced with new evergreen screening.

(2) Fences and Screening. Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically attractive and not create a "walled-in" feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance.

A new transparent auto gate is proposed and transparent deer fencing is proposed.

(3) Landscaping.

(a) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

(b) Landscaping should include appropriate plantings to soften or screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers and transformers.

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

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

(e) Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

The existing site is well screened from adjacent property with a variety of mature plant material. The project includes maintaining the mature plant material and new landscaping to replace landscaping removed in the southwest corner of the site. The fire code requires removal of several mature cypress trees that will reduce screening along the west property line. Fire code limits the spacing of new trees and the trees cannot be replaced at a 1 to 1 ratio. The project plans call for replacement of screening with new fire safe planting and a new wire fence to replace the fencing that will be removed along the west property line.

(4) 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.

A mature bay tree was removed without permit at the southwest corner of the site and an ivy-covered barn was also removed. New landscaping is proposed to replace the screening lost by these modifications. Significant mature tree removal is required by town ordinance and state laws. The proposed landscape plan includes new trees and shrubs to replace the privacy screening between the sites. All other privacy screening is proposed to be retained.

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

(1) *RGP 1.2 Tree Canopy Preservation. Protect and expand the tree canopy of Ross to enhance the beauty of the natural landscape. Recognize that the tree canopy is critical to provide shade, reduce ambient temperatures, improve the uptake of carbon dioxide, prevent erosion and excess stormwater runoff, provide habitat for wildlife and birds, and protect the ecosystem of the under-story vegetation.*

Nonnative trees must be removed for fire safety and will be replaced by screening shrubs.

(2) *RGP 1.3 Tree Maintenance and Replacement. Assure proper tree maintenance and replacement.*

See above.

(3) *RGP 3.2 Landscape Design. Where appropriate, encourage landscape designs that incorporate existing native vegetation, enhance the cohesiveness of the Town's lush, organic landscape and integrate new planting with existing site features. Plans shall recognize the importance of open space on a lot and shall address the look and feel of the space between structures so as to avoid overbuilding.*

The primary intent of the landscape plan is to preserve existing side landscaping and replace screening as necessary. The plan maintains the open lawn areas of the site.

(4) *RGP 5.3 Fire Resistant Design. Buildings should be designed to be fire defensive. Designs should minimize risk of fire by a combination of factors including, but not limited to, the use of fire-resistant building materials, fire sprinklers, noncombustible roofing and defensible landscaping space.*

Defensible landscaping is required. The plan includes removal of fire hazardous trees and plans, including the removal of cypress and bamboo.

B. Conditions of Approval for Landscape Plan, 179 Lagunitas Road

The Town Council approves the landscape subject to the conditions of the September 11, 2014, town council approval and the following additional conditions, which 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 all conditions.

1. Except as otherwise provided, the landscape plan 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 council and these conditions.

2. All of the cypress trees within 100 feet of the residence shall be removed for fire safety prior to start of construction.

3. Landscaping proposed for the southwest corner of the site shall be installed within 30 days and shall be irrigated until established. Acknowledging that landscaping is likely to be damaged during construction or not irrigated property during construction, all other new landscaping shall be installed in substantial conformance with the approved landscape plan as soon as reasonably feasible and prior to project final.

4. The applicant shall trim branches from the existing 8" diameter bay tree and the magnolia proposed 8' from the rear property line adjacent to 10 Woodside Way so that they do not overhang that property if requested by the owner of that site in the future.

5. As shown on the plans, the property owner shall maintain the existing level of hedge/tree screening between 177 and 179 Lagunitas Road to screen the garage structure and shall plant new screening where cypress trees must be removed for fire safety.

6. No gates are permitted to provide access to the adjacent private driveway to the west unless the applicant has legal access to use the driveway.

7. 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.

8. The Town staff reserves the right to require modifications to the landscape to protect mature trees and to comply with MMWD water conserving landscape requirements or fire code clearance requirements. Neighbors shall be notified prior to approval of any modifications that would involve a reduction of the perimeter screening.

9. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

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

11. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. 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.

12. 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.

13. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD) in the memo dated August 30, 2013.

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

Ms. Elise Semonian, Senior Planner
Town of Ross
PO Box 320
Ross, CA 94957

October 1, 2014

Re: 179 Lagunitas Road - Proposed Landscape Plan

Dear Elise:

Thank you for having the proposed landscape plan sent to us.

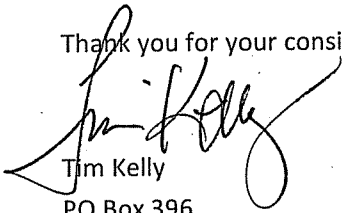
We ask the Council to approve only trees at locations that will not grow over our property. Our concern is with respect to trees along our shared fence line with the applicant that will hang over our property as they grow and reach maturity.

We are requesting that the 8" bay tree shown on the plan at our shared fence line be removed. In the past, bay trees in this location have grown as high as 60 to 80 feet and have overhung our property by as much as 20 feet. In fact, the majority of the bay tree shown on the landscape plan will most likely be over our property as it reaches towards the sun and grows to its full height. There are debris and safety issues with bay tree branches extending so far into our property. The bay trees that were previously removed negatively impacted our property and were a hazard.

We are fine with the proposed magnolia trees provided that the canopy of the trees do not overhang our property. The canopy of the Samuel Sommers variety can be as much as 30 feet wide and 30 feet high. We are concerned with the location proposed for a tree in the southwest corner. Planting this tree at least 15 to 20 feet north of the existing fence should resolve this issue.

We are supportive of our new neighbors and are grateful that they have cleaned up the area between our properties.

Thank you for your consideration of our concerns.



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