



**Agenda Item No. 12.**

**Staff Report**

**Date:** November 6, 2014  
**To:** Mayor Elizabeth Brekhus and Councilmembers  
**From:** Elise Semonian, Senior Planner  
**Subject:** Collet, Design Review and Nonconformity Permit Application, 40 Fernhill Avenue, File 1976

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**Recommendation**

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

**Project Summary**

Owner: Caskie and Colby Collet  
Design Professional: Robert Stiles Architecture and Denler Hobart Gardens  
Location: 40 Fernhill Avenue  
A.P. Number: 73-041-25  
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 of plans for a new, detached, 2,243 square foot structure north of the residence for a 3-car garage, pool house, and second unit. The project also includes new landscaping, pool and patio area, and associated retaining walls. A nonconformity permit is requested to add an attic dormer to the main residence. The existing residence is nonconforming in height and number of stories.

Lot Area	69,435 square feet
Existing Floor Area Ratio	8,077 sq. ft. 11.6%
Proposed Floor Area Ratio	9,509 sq. ft. 13.7% (15% permitted)
Existing Lot Coverage	3,510 sq. ft. 5.0%
Proposed Lot Coverage	7,903 sq. ft. 11.4% (15% permitted)
Existing Impervious Surfaces	12,202 sq. ft. 17.6%

Proposed Impervious Surfaces      12,202 sq. ft. 17.6% (guidelines recommend reduction)

**Background, project description and discussion**

The site is developed with a residence built around 1926. The applicants are remodeling the residence, which was damaged by fire in 2011. The existing residence will be retained and remodeled. A dormer addition is proposed to the third floor of the residence.

The project under consideration by Council includes the dormer addition, which requires a nonconformity permit since it is on the nonconforming third story of a structure that exceeds the 30 foot height limit.

The project also includes demolition of the existing garage and construction of a new garage/poolhouse/second unit structure behind the residence. Garages are permitted to have a 10-foot side yard setback if located behind a residence. Therefore, the proposed garage complies with the side yard setback requirement. Design review is required for the structure.

The Advisory Design Review Group considered the project in October. Minutes of the meeting are not yet available. The project was supported with the following comments and recommendations:

- Staff expressed concern with a sports court that was proposed at the lower level of the site, within the rear setback and in a potential watercourse area. The sports court has been removed from the proposal.
- ADR supported the dormer design as proposed.
- ADR supported the design style of the accessory structure, which is compatible with the Tudor style main residence.
- ADR suggested the applicants refine the connection between the garage and the unit. The applicants have revised this connection.
- An ADR member noted the residents would look at the roof from their second floor windows, and not the tree canopy. The applicants have reduced the roof height by 3 feet to address this issue.
- Concern was expressed with a tall retaining wall for the pool area. The applicants reduced the height of the wall by terracing the wall and provided a stair for a more direct connection to the rear yard area. Additional landscaping is proposed and the wall is proposed to be finished in stucco to be attractive until it is screened.

Staff supports the project as proposed and believes that the Town Council can make findings to approve the project.

*Impervious Surfaces*

The existing site has a low impervious surface level and the applicants are proposing to maintain impervious surfaces by replacing the driveway with pervious surface. However, they

would prefer to retain the driveway since it must be replaced with costly pervious concrete or pervious asphalt to be considered an “all weather surface” for the fire department. The circular driveway is required to be maintained by the Ross Valley Fire Department to enter and exit the site with a ladder truck, due to the height of the main residence. Since it is for fire access, the applicants cannot simply remove the asphalt and replace it with landscape or a low cost surface, such as gravel. Staff would like the Town Council to consider permitting the applicants to retain this circular driveway area of impervious surface. The conditions of approval would require the applicants to submit a drainage plan that indicates the rate and volume of site runoff will be reduced below existing levels. Staff believes there could be more benefit to permitting the applicants to retain the driveway surface and, instead, requiring installation of water retention or detention areas that reduce the runoff towards the north, towards the watercourse that runs between Bolinas and Fernhill properties. This condition is only recommended due to the large area of the site, large area of driveway that must be replaced, the unusual condition created by retention of the 3 story historic structure, low existing impervious surface levels, and opportunity to reduce site runoff by other means.

**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 single-family residence) and Section 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.

**Attachments**

1. Findings and Conditions of Approval
2. 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 installed at the site, staff reports, 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 15303 (one single-family residence and second unit) and Section 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 (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 Nonconformity Permit to allow property owner to retain nonconforming floor area, height and number of stories

The existing residence was built prior to zoning regulations and the structure would have to be demolished in order to bring the site into conformance with the current regulations. Granting the exception 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 because the exception allows an existing structure that contributes to the character of the community to be retained and improved in appearance.

- a. The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed. The property owner has the burden to prove by substantial evidence the nonconforming and legal status of the structure. It is readily apparent the nonconforming portions of the structure are old and predate zoning regulations.
- b. The town council can make the findings required to approve any required demolition permit for the structure: The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish The existing residence is proposed to be retained.

the character or qualities of the site, the neighborhood or the community.

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|----|---|---|
| c. | The project substantially conforms to relevant design review criteria and standards in Section 18.41.100, even if design review is not required.  | See discussion below.   |
| d. | Total floor area does not exceed the greater of: a) the total floor area of the existing conforming and/or legal nonconforming structure(s); or b) the maximum floor area permitted for the lot under current zoning regulations. The town shall apply the definition of floor area in effect at the time of the application for a nonconformity permit.  | The project is within the maximum permitted floor area for the site.  |
| e. | Granting the permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.   | Permitting the nonconformities to retain preserve the character of the site and neighborhood and will not be detrimental to the public. |
| f. | The project will comply with the Flood Damage Prevention regulations in Chapter 15.36.  | The site is not in a flood hazard area.   |
| g. | The fire chief has confirmed that the site has adequate access and water supply for firefighting purposes, or that the project includes alternate measures approved by the fire chief.  | The project will comply with the fire code and fire sprinklers will be required.  |
| h. | The applicant has agreed in writing to the indemnification provision in Section 18.40.180.  | The conditions of approval require the property owner to agree in writing to the indemnification provision.                             |
| i. | The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided. The Town Council may consider the size of the residence and number of bedrooms and may require additional parking up to the following: | The site has more than four off street parking spaces and there will be adequate parking on site.                                       |

*Total site floor area*

*Required off*

<i>(excluding covered parking)</i>	<i>street parking</i>
1,300 square feet to 3,300 square feet	3 spaces
Over 3,300 square feet	4 spaces

**5. Design Review**

**a) *The project is consistent with the 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) Provide excellence of design for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area. Promote high-quality design that enhances the community, is consistent with the scale and quality of existing development and is harmoniously integrated with the natural environment;*

*(3) Preserve and enhance the historical “small town,” low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town’s neighborhoods through maintaining historic design character and scale, preserving natural features, minimizing overbuilding of existing lots and retaining densities consistent with existing development in Ross and in the surrounding area;*

*(4) Preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety. Ensure that site design and intensity recognize site constraints and resources, preserve natural landforms and existing vegetation, and prevent excessive and unsightly hillside grading;*

*(5) Enhance important community entryways, local travel corridors and the area in which the project is located;*

*(6) Promote and implement the design goals, policies and criteria of the Ross general plan;*

*(7) Discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression;*

*(8) Preserve buildings and areas with historic or aesthetic value and maintain the historic character and scale. Ensure that new construction respects and is compatible with*

*historic character and architecture both within the site and neighborhood;*

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

*(10) Preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development to reduce flooding, streambank erosion, sediment in stormwater drainage systems and creeks, and minimize damage to public and private facilities. Ensure that existing site features that naturally aid in stormwater management are protected and enhanced. Recognize that every site is in a watershed and stormwater management is important on both small and large sites to improve stormwater quality and reduce overall runoff.*

The project maintains the scale and character of the existing development. The proposed materials and colors will integrate the residence with its setting and the neighborhood. The project would maintain the existing drainage pattern and impervious surfaces. A drainage plan in compliance with the Town Stormwater Management Ordinance will be required prior to building permit issuance.

***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 proposed development area has been previously disturbed with development.

*(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.

*(c) Lot coverage and building footprints should be minimized where feasible, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, forested areas, and steep slopes shall be a priority for preservation and open space.*

Lot coverage and building footprints are largely maintained as existing and well under the 15% permitted for the site.

*(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. All new buildings or additions*

*constructed on sloping land should be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site.*

The existing residence has a large mass that is typical of large estates built prior to the 1930s in Ross and the proposed project does not significantly change that mass. The proposed garage/second unit structure is compatible with the mass of the existing building and neighboring structures.

(3) *Minimizing Bulk and Mass.*

(a) *New structures and additions should avoid monumental or excessively large size out of character with their setting or with other dwellings in the neighborhood. Buildings should be compatible with others in the neighborhood and not attract attention to themselves.*

(b) *To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single-plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety and to break up building plans. The development of dwellings or dwelling groups should not create excessive mass, bulk or repetition of design features.*

As approved, the proposed structures are not monumental or excessively large in size and out of character with their setting or other dwellings in the neighborhood.

(4) *Materials and Colors.*

(a) *Buildings should use materials and colors that minimize visual impacts, blend with the existing land forms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Colors and materials should be compatible with those in the surrounding area. High-quality building materials should be used.*

(b) *Natural materials such as wood and stone are preferred, and manufactured materials such as concrete, stucco or metal should be used in moderation to avoid visual conflicts with the natural setting of the structure.*

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

High quality materials are proposed.

(5) *Drives, Parking and Circulation.*

(a) *Good access, circulation and off-street parking should be provided consistent with the natural features of the site. Walkways, driveways, curb cuts and off-street parking should allow smooth traffic flow and provide for safe ingress and egress to a site.*

(b) *Access ways and parking areas should be in scale with the design of buildings and structures on the site. They should be sited to minimize physical impacts on adjacent properties related to noise, light and emissions and be visually compatible with*

*development on the site and on neighboring properties. Off-street parking should be screened from view. The area devoted to driveways, parking pads and parking facilities should be minimized through careful site planning.*

*(c) Incorporate natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, percolation and absorption.*

The project would maintain the access to the site.

*(6) Exterior Lighting. Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.*

Limited landscape lighting is proposed.

*(7) 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 deer fencing is existing.

*(8) Views. Views of the hills and ridgelines from public streets and parks should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.*

The project will not impact views from public streets and parks.

*(9) Natural Environment.*

*(a) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgelines, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.*

*(b) Development in upland areas shall maintain a setback from creeks or drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards.*

*(c) Development in low-lying areas shall maintain a setback from creeks or drainageways consistent with the existing development pattern and intensity in the area and on the site, the riparian value along the site, geologic stability, and the development alternatives available on the site. The setback should be maximized to protect the natural resource value of the riparian area and to protect residents from geologic and flood hazards.*

*(d) The filling and development of land areas within the one-hundred-year flood plain is discouraged. Modification of natural channels of creeks is discouraged. Any*

*modification shall retain and protect creekside vegetation in its natural state as much as possible. Reseeding or replanting with native plants of the habitat and removal of broom and other aggressive exotic plants should occur as soon as possible if vegetation removal or soil disturbance occurs.*

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

The project development is not near a watercourse and is not in a flood zone.

(10) *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 landscaped. The project includes new landscaping to screen new development.

(11) *Health and Safety. Project design should minimize the potential for loss of life, injury or damage to property due to natural and other hazards. New construction must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire-preventive site design, landscaping and building materials, and fire-suppression techniques and resources. Development on hillside areas should adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. New development in areas of geologic hazard must not be endangered by nor contribute to hazardous conditions on the site or on adjoining properties.*

The project must comply with the current Fire and Building Codes.

(12) *Visual Focus.*

(a) *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.*

*(b) Accessory structures should generally be single-story units unless a clearly superior design results from a multilevel structure. Accessory structures should generally be small in floor area. The number of accessory structures should be minimized to avoid a feeling of overbuilding a site. Both the number and size of accessory structures may be regulated in order to minimize the overbuilding of existing lots and attain compliance with these criteria.*

The residence will remain the primary structure on the site.

*(13) 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.*

As approved the project protects privacy of surrounding properties.

*(14) Consideration of Existing Nonconforming Situations. Proposed work should be evaluated in relationship to existing nonconforming situations, and where determined to be feasible and reasonable, consideration should be given to eliminating nonconforming situations as a condition of project approval.*

The site is largely conforming to development regulations. The project involves demolition of a nonconforming structure at the rear of the site and construction of a conforming structure.

*(15) Relationship of Project to Entire Site.*

*(a) Development review should be a broad, overall site review, rather than with a narrow focus oriented only at the portion of the project specifically triggering design review. All information on site development submitted in support of an application constitutes the approved design review project and, once approved, may not be changed by current or future property owners without town approval.*

*(b) Proposed work should be viewed in relationship to existing on-site conditions. Pre-existing site conditions should be brought into further compliance with the purpose and design criteria of this chapter as a condition of project approval whenever reasonable and feasible.*

The development of the site is appropriate, when viewed as a whole.

*(16) Relationship to Development Standards in Zoning District. The town council may impose more restrictive development standards than the standards contained in the zoning district in which the project is located in order to meet these criteria.*

Based on the scale of the residence and proposed accessory structures there is no need to impose more restrictive development standards to meet the design criteria. The proposed floor area is in keeping with the size of other development in the neighborhood.

*(17) Project Reducing Housing Stock. Projects reducing the number of housing units in the town, whether involving the demolition of a single unit with no replacement unit or the demolition of multiple units with fewer replacement units, are discouraged; nonetheless, such projects may be approved if the council makes findings that the project is consistent with the neighborhood and town character and that the project is consistent with the Ross general plan.*

The project does not reduce housing stock.

*(18) Maximum Floor Area. Regardless of a residentially zoned parcel's lot area, a guideline maximum of ten thousand square feet of total floor area is recommended. Development above guideline floor area levels may be permitted if the town council finds that such development intensity is appropriate and consistent with this section, the Ross municipal Code and the Ross general plan. Factors which would support such a finding include, but are not limited to: excellence of design, site planning which minimizes environmental impacts and compatibility with the character of the surrounding area.*

The proposed floor area is less than 10,000 square feet.

*(19) 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.*

No creek is near the development.

*(20) 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.*

*(a) 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.*

*(b) 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.*

*(c) Include Small-Scale Stormwater Controls and Storage Facilities. As appropriate based on the scale of the development, projects should incorporate small-scale controls to store stormwater runoff for reuse or slow release, including vegetated swales, rooftop gardens or “green roofs”, catch-basins retro-fitted with below-grade storage culverts, rain barrels, cisterns and dry wells. Such facilities may be necessary to meet minimum stormwater peak flow management standards, such as the no net increase standard. Facilities should be designed to minimize mosquito production.*

The project proposes to maintain the existing site runoff and to disperse runoff on site. Staff recommends reducing off site runoff in connection with permitting the applicant to retain the front driveway, required by the fire department.

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

*(1) Ross General Plan Policy (RGP) 1.1 Protection of Environmental Resources. Protect environmental resources, such as hillsides, ridgelines, creeks, drainage ways, trees and tree groves, threatened and endangered species habitat, riparian vegetation, cultural places, and other resources. These resources are unique in the planning area because of their scarcity, scientific value, aesthetic quality and cultural significance.*

The site is previously disturbed.

*(2) 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.*

The project retains mature tree canopies.

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

See (2) above.

*(4) RGP 1.4 Natural Areas Retention. Maximize the amount of land retained in its natural state. 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 site retains land in its natural state.

(5) *RGP 2.1 Sustainable Practices. Support measures to reduce resource consumption and improve energy efficiency through all elements of the Ross General Plan and Town regulations and practices, including:*

(a) *Require large houses to limit the energy usage to that of a more moderately sized house as established in design guidelines.*

(b) *Choose the most sustainable portion of a site for development and leaving more of a site in its natural condition to reduce land impacts on the natural environment.*

(c) *Use green materials and resources.*

(d) *Conserve water, especially in landscaping.*

(e) *Increase the use of renewable energy sources, including solar energy.*

(f) *Recycle building materials.*

Town regulations require the construction materials to be recycled. The house will be more energy efficient than existing development. The landscaping is required to comply with Marin Municipal Water District (MMWD) water conserving landscape requirements.

(6) *RGP 2.2 Incorporation of Resource Conservation Measures. To the extent consistent with other design considerations, public and private projects should be designed to be efficient and innovative in their use of materials, site construction, and water irrigation standards for new landscaping to minimize resource consumption, including energy and water.*

See (5) above.

(7) *RGP 2.3 Reduction in the Use of Chemicals and Non-Natural Substances. Support efforts to use chemical-free and toxic-free building materials, reduce waste and recycle building waste and residential garbage. Encourage landscape designs that minimize pesticide and herbicide use.*

It is unknown if materials are chemical-free or toxic free. Construction and demolition debris must be recycled under existing Town regulations. Proposed landscaping may not minimize pesticide and herbicide use.

(8) *RGP 2.4 Footprints of Buildings. Utilize smaller footprints to minimize the built area of a site and to allow the maximum amount of landscaped and/or permeable surfaces.*

The project largely maintains the landscaped areas of the site.

(9) *RGP 3.1 Building and Site Design. Design all structures and improvements to respect existing natural topographic contours. Open areas and buildings shall be located to protect land forms and natural site features, including cultural places and resources, wherever possible. Where feasible, site development must avoid intact or previously disturbed cultural resources during excavation and grading.*

The project largely maintains existing topographic contours and discovery of cultural resources is unlikely.

(10) *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 proposed plan includes addition of new trees and landscaping to add to the Town's lush landscape and to integrate with mature trees on the site.

(11) *RGP 3.3 Buildings on Sloping Land. New buildings and additions to existing residential buildings constructed on sloping land should be designed to relate to the current landforms with the goal of integrating the building with the site (e.g., step with the slope). Low retaining walls are encouraged where their use would minimize uphill cutting, and large single-plane retaining walls should be avoided. Cut and fill areas and on/off-hauling should be minimized, especially in locations of limited or difficult access. Special care should be taken to final grade all disturbed areas to a natural appearing configuration and to direct stormwater runoff to areas where water can naturally infiltrate the soil.*

Cut and fill is minimized by locating improvements in the most level area of the site.

(12) *RGP 3.4 Bulk, Mass and Scale. Minimize the perception of building bulk and mass so that homes are not out of scale, visually or structurally, with neighboring residences and their setting. Consider building bulk and mass during the design review process, and when applying requirements and guidelines addressing Floor Area Ratio (FAR), maximum home floor area and other development standards. Building heights should stay in scale with surrounding vegetation and buildings.*

As approved, the proposed residence and garage/unit will be in keeping with the existing residence and the size of neighboring structures.

(13) *RGP 3.5 View Protection. Preserve views and access to views of hillsides, ridgelines, Mt. Tamalpais and Bald Hill from the public right-of-way and public property. Ensure that the design look and feel along major thoroughfares maintains the "greenness" of the Town.*

The project is not along major thoroughfare and does not impair views of hillsides and ridgelines.

(14) *RGP 3.6 Windows, Roofs, and Skylights. Window and skylight size, placement and design should be selected to maximize the privacy between adjacent properties. To the extent consistent with other design considerations, the placement and size of windows and skylights should minimize light pollution and/or glare.*

The site is far from adjacent residences, well screened by mature trees, and privacy is not a concern.

(15) *RGP 3.7 Materials and Colors. Buildings should be designed using high-quality materials and colors appropriate to their neighborhood and natural setting.*

See 5(b)(4) above.

*(16) RGP 3.8 Driveways and Parking Areas. Driveways and parking areas should be designed to minimize visibility from the street and to provide safe access, minimal grading and/or retaining walls, and to protect water quality. Permeable materials should be used to increase water infiltration. Driveways and parking areas should be graded to minimize stormwater runoff.*

No major modification to the existing driveway is proposed.

*(17) RGP 4.1 Historic Heritage. Maintain the historic feel of Ross by preserving and maintaining historic buildings, resources and areas with recognized historic or aesthetic value that serve as significant reminders of the past.*

The building has historic character that will be retained.

*(18) RGP 4.2 Design Compatibility with Historic Resources. Require new construction to harmonize with existing historic buildings and resources, and ensure a compatibility of landscaping with Ross' historic character.*

The building design and scale is compatible with the design of historic residences.

*(19) RGP 4.4 Preservation of Existing Housing Supply. Discourage the demolition or combining of existing residential units that will reduce the supply of housing in Ross.*

The project will not eliminate any housing units and creates one unit.

*(20) RGP 4.5 Archaeological Resources. Implement measures to preserve and protect archaeological resources. Whenever possible, identify archaeological resources and potential impacts on such resources. Provide information and direction to property owners in order to make them aware of these resources. Require archaeological surveys, conducted by an archaeologist who appears on the Northwest Information Center's list of archaeologists qualified to do historic preservation fieldwork in Marin County, in areas of documented archaeological sensitivity. Develop design review standards for projects that may potentially impact cultural resources.*

The discovery of cultural resources is unlikely due to the location of the site and known archaeological areas.

*(21) RGP 5.2 Geologic Review Procedures. At the time a development is proposed, Ross geologic and slope stability maps should be reviewed to assess potential geologic hazards. In addition, suitability for development must be based on site-specific geotechnical investigations.*

The proposed construction is not within areas that have been identified as instable.

*(22) 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.*

The structures are required to have sprinklers. Defensible landscaping is required.

*(23) RGP 5.4 Maintenance and Landscaping for Fire Safety. Ensure that appropriate fire safety and landscaping practices are used to minimize fire danger, especially in steeper areas. Due to the high fire hazard in the steeper areas of Town, special planting and maintenance programs will be required to reduce fire hazards in the hills and wildland areas, including removal of invasive non-native vegetation such as broom, acacia and eucalyptus.*

An effective firebreak around the structure is required.

*(24) RGP 5.5 Fire Safety in New Development. New construction will adhere to all safety standards contained in the Building and Fire Code. Hazards to life and property shall be minimized by such measures as fire preventive site design, fire resistant landscaping and building materials, and the use of fire suppression techniques and resources.*

See (22) above.

*(25) RGP 5.12 Access for Emergency Vehicles. New construction shall be denied unless designed to provide adequate access for emergency vehicles, particularly fire fighting equipment.*

The project improves emergency vehicle access. Existing conditions will be improved from a fire safety perspective.

*(26) RGP 6.4 Runoff and Drainage. Stormwater runoff should be maintained in its natural path. Water should not be concentrated and flow onto adjacent property. Instead, runoff should be directed toward storm drains or, preferably to other areas where it can be retained, detained, and/or absorbed into the ground.*

An engineered drainage plan is required.

*(27) RGP 6.5 Permeable Surfaces. To the greatest extent possible, development should use permeable surfaces and other techniques to minimize runoff into underground drain systems and to allow water to percolate into the ground. Landscaped areas should be designed to provide potential runoff absorption and infiltration.*

An engineered drainage plan is required.

*(28) RGP 6.6 Creek and Drainageway Setbacks, Maintenance and Restoration. Keep development away from creeks and drainageways. Setbacks from creeks shall be maximized to protect riparian areas and to protect residents from flooding and other hazards. Encourage restoration of runoff areas, to include but not be limited to such actions as sloping banks, providing native Creek access vegetation, protecting habitat, etc., and work with property owners to identify means of keeping debris from blocking drainageways.*

Work is not proposed near riparian areas.

**B. Conditions of Approval, 40 Fernhill Ave.**

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 for the residence approved by the Town Council on November 13, 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 plus the area of the front driveway, which is required by the Ross Valley Fire Department based on the height of the structure.

3. Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. 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. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

4. A tree protection plan for all protected trees on or near the project site is required with the building permit application. The plan shall comply with the requirements of Ross Municipal Code Section 12.24.100. The applicants'/project arborist shall review the final construction-level drawings and landscape plans, including civil, structural, grading, drainage, irrigation and utility plans (arborist should note the dates of the plans reviewed). The arborist shall review the construction management plan including all paths that will be used for equipment, grading and off haul. All tree protection conditions recommended by the project arborist shall be included on all relevant sheets of the building permit plans to ensure compliance with the arborist recommendations. The plan shall include a schedule of when the consulting arborist should inspect the site or be present for activities such as trenching in the tree protection area. The applicant shall submit a deposit to cover the cost of town arborist review of the Tree Protection Plan and periodic site inspections.

5. Tree protection fencing and other tree protections, such as mulch, steel plates or other protection against compaction around un-fenced trees, shall be installed prior to building permit issuance as recommended by the project arborist on the tree protection plan. Tree protection fencing shall be constructed of sturdy material and identified with signs that include the words, "tree protection fence" and "do not remove without permission from the Town of Ross." The project arborist shall inspect the site prior to issuance of a building permit to determine if tree protection fencing has been properly installed and shall submit written confirmation to the town planner that the tree protection is in place prior to building permit issuance.

6. 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.

7. 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.

8. 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.

9. 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.

10. Applicants shall comply with the following requirements of the Ross Valley Sanitary District No. 1 prior to project final: since this project involves an extensive demolition and rebuild, the Ross Valley Sanitary District (415) 259-2949 will require a connection permit from the District. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count, the applicant has the option of installing a new lateral or the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements. Sanitary District No. 1 will place a hold on the property once the building permit is issued. This hold prevents the new building from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain a sewer connection permit from this office 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.

11. The project shall comply with the Fire Code.

12. The Town shall require sprinklers to be installed in the structures.

13. 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. Property lines and location of foundation relative to property line shall be physically identified (string line or equal) and must be certified by a licensed land surveyor to be in compliance with the approved plans at the time of the first foundation-related inspection. The building inspector shall not provide foundation-related inspections until the information is provided.

g. Floor elevation shall be physically surveyed and certified by a licensed land surveyor to be in compliance with the approved plans after the floor(s) are completed.

h. 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.

i. 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.

j. Prior to any demolition or issuance of a building permit for the new structure, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department for review by the Building Official. If asbestos-containing materials are determined to be present, the materials should be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and state construction worker health and safety regulations should be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it should be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

k. 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, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town building department prior to project final.

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

m. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.

n. 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).

o. 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.

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

q. 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.

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

s. 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).

t. 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.

u. A single geotechnical engineering report, containing all recommended geotechnical design criteria for the project, shall be submitted with the building permit plans for review by the building official. All geotechnical aspects of the proposed project and preliminary development of plans shall continue to be evaluated by the project geotechnical consultant. A letter from the project geotechnical consultant shall be prepared that approves all geotechnical aspects of the proposed site development layout, verifies project geotechnical feasibility, and verifies conformance with the geotechnical consultant's design recommendations.

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

w. 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.

x. 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.

y. 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.

z. 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.

aa. 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.

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

cc. A Grading Permit is required from Department of Public Works for site grading. The applicant shall comply with the requirements of Chapter 15.24 of the Ross Municipal Code

dd. The Public Works Department may require a grading security to submitted 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.

ee. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The plan shall include a signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediments controls as a "back-up" system. (Temporary seeding and mulching or straw matting are effective controls.)

ff. 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.

gg. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented

hh. 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.

ii. 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.

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.

May 10, 1990

- c. Margy Sheehy, 3 Fernhill, AP 73-091-10, 10,000 sq. ft. zone. Request is to allow replacement of an existing segment of flat roof with a gabel roof. Pre-existing nonconforming front, rear and side yard setbacks, Coverage and Floor Area Ratio.

Lot Area	7,450
Present Lot Coverage	25.5%
Proposed Lot Coverage	25.5%
Present Floor Area Ratio	24.2%
Present Floor Area Ratio	24.2%
(20% allowed)	

VARIANCE NO. 961

Councilman Goodman moved approval, seconded by Councilman Reid and passed unanimously.

- \* d. William and Nancy Hudson, 40 Fernhill, AP 73-041-25, 20,000 sq. ft. zone. Request is to allow the construction of breakfast, family room, sun porch, bath, bay window and balcony additions; bedroom, office and recreation room extensions; pool/guest house, pool, spa, sport court, carport and garage. Proposed additions total 3108 square feet. Proposed 15.5% Floor Area Ratio exceeds the allowable 15%. Proposed carport is sited on the side property line (20 foot setback required). Pre-existing nonconforming three story, 42 foot home, and side yard setback encroachment.

USE PERMIT is for the construction and use of a guest house.

Lot Area	64,469
Present Lot Coverage	5%
Proposed Lot Coverage	9%
Present Floor Area Ratio	10.7%
Proposed Floor Area Ratio	15.5%
(15% allowed)	

VARIANCE NO. 962

Mr. George Girvin addressed the Council demonstrating the proposed landscaping plans. Ms. Barbara Brown, Architect, gave a presentation, displaying renderings of all sides of the house.

Mrs. Felland of 101 Bolinas said she had no objections to the proposed plans of the pool and guest house but she did object to the sports court.

Mr. Robert Elliot objected to the sports court. He was concerned about lights and the removal of trees and vegetative screening. He thought the fence around the sports court would be obtrusive. He did not feel there was a hardship for granting an application that exceeded the Floor Area Ratio.

Mr. Girvin stated that no lights were proposed.

Mr. John Woster, potential purchaser of 101 Bolinas, felt the sports court would be obtrusive to the neighbors.

Mayor Barry was concerned about the neighborhood objection to the sports court and the removal of healthy oak trees. He felt that this was the prettiest stand of trees in the Town of Ross.

Dave Anderson, arborist, stated they planned to replace the trees with 36" box or 48" box trees.

Councilman Goodman was concerned about the placement of a garage on the property line, stating that it is such a large lot and suggested the applicant find an alternate location. After some discussion, Councilman Goodman moved approval of the variance subject to the following:

May 10, 1990

1. Removal of the existing garage and elimination of the proposed carport. This reduction would bring the Floor Area Ratio within the allowable 15%.
3. If applicant damages the easement because of construction vehicles off Bolinas, the applicant shall repair it to its current condition.
4. A 24-hour monitored alarm system be installed.
5. The number of trees removed shall be replaced with the same number of four to six inch diameter white oaks or species deemed acceptable by the Council.
6. Landscaping for sports' court area shall have suitable and adequate vegetative screening.
7. The sports' court shall not be lit.

This was seconded by Councilman Reid and passed with two affirmative votes. Mayor Barry voted against.

**USE PERMIT NO. 134**

Councilman Goodman then moved approval of the Use Permit with the condition that it never be rented. This was seconded by Councilman Reid and passed with two affirmative votes. Mayor Barry voted against.

**24. Project Update and Approval of Schoolhouse Plans.**

Public Works Director Elias reported that the schoolhouse plans are in progress and Mr. John Scott of Allen Avenue had reviewed the plans.

**25. Other Business.**

Councilman Goodman reported that he had now reviewed the Demands held earlier in the meeting and moved that they be approved. This was seconded by Mayor Barry and passed unanimously.

The Town Secretary reported that the Town of Ross would be hosting the Mayor and Councilmembers Dinner Meeting on Wednesday, May 23, 1990, at 6 p.m at the Lagunitas Country Club in Ross.

**26. Adjournment.**

There being no further business, the meeting adjourned at 12:40 a.m.

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Peter Barry, Mayor

A T T E S T:

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Virginia Stott, Town Clerk

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Laura Thomas, Town Secretary

Councilman Barry expressed concern over Mr. Curtiss' letter and Mr. Fox said there would be no other windows on Mr. Curtiss' side except for skylights. In response to a question, Kathy Strauss the architect for Mr. & Mrs. Fox explained that the applicants do not run a business from their home. After some discussion, Councilman Barry moved approval subject to the following conditions:

- (1) Applicant install a six-foot fence.
- (2) The Council has the right to request adequate and suitable vegetative screening.
- (3) If fence is not high enough for privacy, additional height shall be requested.
- (4) There shall be no windows facing the Curtiss' property.
- (5) There shall be no bay windows. Windows to be within the existing wall plane.
- (6) Soils engineer's report shall be submitted and approved to the satisfaction of the staff.
- (7) There can be no home occupation or business from the home.

This was seconded by Councilman Lill and passed unanimously.



e. William and Nancy Hudson, 40 Fernhill Avenue, AP 73-041-25, Single Family Residential, 20,000 square foot minimum. Request is to allow:

- (1) Construction of breakfast, family room, sun porch, bath, bay window and balcony additions; bedroom, office and recreation room extensions; pool/guest house, pool, spa, sports court, and garage. Proposed additions total 2,708 square feet.
- (2) Use permit for the construction and use of a guest house.

The existing house is nonconforming in height and number of stories (30 feet/2 stories permitted, 42 feet/3 stories existing.) The house has a nonconforming side yard setback.

Lot Area	64,469 sq. ft.	
Present Lot Coverage	5 %	
Proposed Lot Coverage	9 %	(15% allowed)
Present Floor Area Ratio	10.7%	
Proposed Floor Area Ratio	14.9%	(15% allowed)

These applications were originally approved by the Town Council at their May 10, 1990 meeting, but expired because construction did not commence. These applications have been filed to allow the project as previously approved. At the request of the applicant, this item was put over to the July meeting.

f. Raymond and Anita Bonneau, 60 Shady Lane, AP 73-101-35, Single Family Residence, 20,000 square foot minimum. Request is to allow:

- (1) New porch addition encroaching into the sideyard setback (22'3" proposed, 25' required.) Total addition of 386 square feet. Alteration of existing stairway to front of residence.
- (2) Alteration to window and door treatments of existing facades.

The existing residence has a nonconforming height in excess of 30 feet. The carport is located within the side yard setback (4 feet existing, 10 required.)

VARIANCE NO. 1006. Mr. Dunn presented the plans. The Council expressed concern over the location of the hot tub. Mayor Goodman said he did not see the hardship. Town Planner Broad referred to the recommendations in his report.

After consideration, the applicants stated they would agree to the staff's recommendations and change the location of the hot tub as outlined in Gary Broad's report. He further stated that they did not need a 12 foot pad.

Accordingly, Councilman Lill moved approval with the following conditions:

- (1) Applicant provide a ten foot setback from the rear property line.
- (2) Applicant must use turf blocks or concrete blocks as a base for the hot tub, not an at-grade concrete slab.
- (3) The oak tree and the entire site is subject to the arborist's review.
- (4) Any lighting of the trellised walkway or hot tub area must be low intensity lighting which will not produce off-sight glare of light.
- (5) Applicant must provide a landscape buffer between the hot tub and the rear property line.
- (6) The Council reserves the right to request adequate and suitable vegetative screening.
- (7) Applicant must provide a six foot redwood fence with an additional two feet of lattice to surround the hot tub on the west and north sides.
- (8) Hot tub must be removed upon sale of house, unless the new owners apply for a variance.

This was seconded by Councilman Reid and passed unanimously.



g. William and Nancy Hudson, 40 Fernhill Avenue, AP 73-041-25, R:1-B-20, Single Family Residential, 20,000 square foot minimum. Request is to allow:

- (1) Construction of breakfast, family room, sun porch, bath, bay window and balcony additions; bedroom, office and recreation room extensions; pool/guest house, pool, spa, sports court, and garage. Proposed additions total 2,708 square feet.
- (2) Use permit for the construction and use of a guest house

The existing house is nonconforming in height and number of stories (30 feet/2 stories permitted, 42 feet/3 stories existing.) The house has a nonconforming side yard setback.

Lot Area	64,469 sq. ft.	
Present Lot Coverage	5 %	
Proposed Lot Coverage	9 %	(15% allowed)
Present Floor Area Ratio	10.7%	
Proposed Floor Area Ratio	14.9%	(15% allowed)

These applications were originally approved by the Town Council at their May 10, 1990 meeting, but expired because construction did not commence. These applications have been filed to allow the project as previously approved.

This item was continued.

## Elise Semonian

---

**From:** Tim Wood <twood@terramb.com>  
**Sent:** Monday, October 27, 2014 10:04 AM  
**To:** Elise Semonian  
**Cc:** 'colbycollet@yahoo.com'; 'Caskie Collet' (caskiec@yahoo.com); 'Ashley J. Wood'  
**Subject:** Collet - landscape  
**Attachments:** 20141027100621034.pdf; 40 Fernhill Avenue Neighbor Acknowledgement Form.pdf

Elise, please see the attached information. I enjoyed a nice conversation with Caskie yesterday in response to my request for additional details related to the proposed improvements. Caskie kindly offered to work on the information requested. I look forward to reviewing the additional information. I am confident that we can support the plans with the appropriate screening.

Thank you,

Tim Wood  
Mortgage Advisor  
Terra Mortgage Banking/Opes Advisors  
Mortgage Bank  
Direct: (415) 464-1374, Cell: (415) 518-1985  
Fax (866) 268-3929  
NMLS #319539  
[TWood@TerraMB.com](mailto:TWood@TerraMB.com)  
[www.TerraMortgageBanking.com/loan-officers/tim-wood/](http://www.TerraMortgageBanking.com/loan-officers/tim-wood/)

My profiles:   

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**From:** Tim Wood  
**Sent:** Sunday, October 26, 2014 8:27 AM  
**To:** 'Caskie Collet' (caskiec@yahoo.com); colbycollet@yahoo.com  
**Cc:** 'Ashley J. Wood'  
**Subject:** FW: Collet -landscape

Caskie and Colby, thank you for sharing the new plans. I feel uneasy about my decision to sign the approval form before looking at the plans. In hindsight, I am aware that I did this because I want to support your vision for your home and property. I would be grateful if the landscape plans for approval include elevation drawings with their finished heights from the existing grade and that of the evergreen screening.

I am confident that the plans with the requested details are ones that we can enthusiastically approve.

Will you please consider adding the screening tree between our master bedroom your house as we discussed. As mentioned, I would like to pay for the cost of the tree. We can contribute \$5,000 or more for the cost of the tree.

I apologize for my irresponsibility and am grateful for your consideration. I would be happy to meet again today until 3:00 PM if helpful. I am also available Monday or Tuesday.

Thank you both,

Tim Wood  
Mortgage Advisor  
Terra Mortgage Banking/Opes Advisors  
Mortgage Bank  
Direct: (415) 464-1374, Cell: (415) 518-1985  
Fax (866) 268-3929  
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[www.TerraMortgageBanking.com/loan-officers/tim-wood/](http://www.TerraMortgageBanking.com/loan-officers/tim-wood/)

My profiles: <image001.png> <image002.png> <image003.png>

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**From:** Colby Collet [<mailto:colbycollet@yahoo.com>]  
**Sent:** Saturday, October 25, 2014 4:24 PM  
**To:** Tim Wood  
**Subject:** Fwd: Collet -landscape

Landscape plans, FYI. Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** scott tseckares <[stseckares@earthlink.net](mailto:stseckares@earthlink.net)>  
**Date:** October 15, 2014 at 2:05:02 PM PDT  
**To:** Colby Collet <[colbycollet@yahoo.com](mailto:colbycollet@yahoo.com)>  
**Cc:** Robert Stiles <[rob@robstiles.com](mailto:rob@robstiles.com)>, Janell Hobart <[janell@denlerhobartgardens.com](mailto:janell@denlerhobartgardens.com)>  
**Subject:** Collet -landscape

Colby,

Attached are the corrected dwgs .

I have replaced the ones submitted to planning with this corrected sht.

Scott

<collet Landscape 1014-14 corrected.pdf>

DENLER HOBART G A R D E N S  
T: 415.518.1653

P.O. BOX 1207 ROSS, CA 94957  
F: 415.454.4353

Rob Bastionon  
Fire inspector  
Ross Valley Fire Department  
777 San Anselmo Ave.  
San Anselmo, CA 94960

## **RE: Preliminary Vegetation Management Plan for the Town of Ross, Advisory Design Review**

40 Fern Hill Ave.  
Ross, CA  
10-14-14

This parcel is currently under San Anselmo planning department's design review. This Vegetation Management Plan outlines the steps to be taken as part of the project construction, as well as regular maintenances, to insure that the parcel adheres to the requirements of the Fire Protection Standard 220 as adopted and defined by the Ross Valley Fire Department for Wildland-Urban Interface areas. In conjunction with this text, visuals for the plan are found on the Landscape Plan (Denler Hobart Gardens, date: 10-14-14) and Site Plan ( Robert Stiles Archetecture, date: 10-1-14)

### **Vegetation Management Plan**

#### Preconstruction and on-going maintenance

Prior to construction, all scrub-growth and flammable leaf litter will be removed from the construction area within a 100' radius. Existing vegetation will be pruned to eliminate all dead growth and prune any limbs that may exist lower than 6' on trees taller than 18'. This distance is to be maintained through regular, quarterly, landscape maintenance. All tree limbs lower than 15' that exist above any road or driveway are to be eliminated and this condition is to be maintained. All vegetation within 10 feet of roadways is to be trimmed and maintained for defensible space. Trees will be planted so that a separation of 10 feet will be maintained between crowns at maturity. Plantings within the Defensible Space Zone shall be spaced so that shrubs are to be clumped into islands no greater than 18 feet in diameter. The distance between such clumps is to be no less than two times the crown height of the plantings. Regular, quarterly, landscape maintenance is to insure that these parameters are maintained. All shrubs shall be spaced so that no continuity exists between ground fuels and tree crowns.

To the best of our knowledge, no plants listed on the Ross Valley Fire Department's "Fire prone species" list exist on the site.

The Plan

The Landscape Plan, dated 10-14-14, has been developed for Advisory Design Review as part of the early, preliminary, design process. This plan calls for the planting of ornamental plantings and screen plantings to augment the beauty and usefulness of this private property

The landscape planting list will be developed through careful consideration of the "Fire Scape" list provided by the University of California Cooperative Extension's Brochure "Pyrophytic vs. Fire Resistant Plants" (Hortscript, February 1996). Additional criteria for plant selection have been the existing site conditions, wise-water plant choices, drought tolerance, and aesthetic considerations. The plantings are to be irrigated with an automatic irrigation system to insure adequate soil and plant moisture. The planting areas will be mulched using a chipped bark. No "Monkey Hair" will be used.

Primary landscape screening will be made up of Prunus laurocerasus, Arbutus unedo, Myrica californica. Prunus laurocerasus (English laurel) is the pyrophobic plant intended to provide screening for those areas adjacent to the new structure and landscape retaining walls. Both Arbutus unedo and Myrica californica are species listed in the above referenced brochure, "Pyrophytic vs. Fire Resistant Plants" under either "Firescape Plant Selection" and/or "Fire-resistant Privacy Screen Plants." Myrica californica is also a California natives and offer the wildlife benefits associated with native plants.

Hazard Assessmant Matrix

The following calculations have been made regarding the Hazard Assessment Matrix for the project:

Aspect	NW	2
Slope	31%+	8
Fuel 0-30	Pyrophoric Hardwods	6
Fuel 31-100	Pyrophoric Hardwods	4
Total hazard points		16

This hazard number denotes a Defensible Space Zone (DSZ) of 50'X50'X50'X100'.

Please consider the solution described herein to accommodate the desires of the town, the neighbors, the owner and foremost, the necessary fire safety of the area.

If you have any questions, please feel free contact me.

Sincerely,

Scott Tseckares  
(415) 847-6124 (mobile)



# MARIN MUNICIPAL WATER DISTRICT

Elise Semonian  
Town of Ross Planning Dept.  
P.O. Box 320  
Ross, CA 94957

220 Nellen Avenue Corte Madera CA 94925-1169  
[www.marinwater.org](http://www.marinwater.org)

October 29, 2014  
Service No. 07680

**RE: WATER AVAILABILITY – Second Unit - Detached**  
Assessor's Parcel No.: 073-041-25  
Location: 40 Fernhill Ave., Ross

Dear Ms. Semonian:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed construction of a detached second unit, detached garage, swimming pool, playcourt and assorted interior and exterior modifications to the existing structure will not impair the District's ability to continue service to this property. However, the proposed second living unit does not meet the conditions for service as set forth by the District which state in part: "the property must be fronted by a water main; the structure must be within 125 feet of the water main." Under these conditions, water service to the second living unit will require a pipeline extension from the end of the District's existing facilities. The applicant must enter a pipeline extension agreement for the installation of the necessary facilities and said agreement must be approved by the District's Board of Directors. The applicant may apply for a variance to these requirements. This variance must be submitted to the District's Board of Directors for their review and action. All costs associated with a pipeline extension are borne by the applicant.

Upon completion and acceptance of these facilities, or approval of the variance request, the 897 square foot second unit will be eligible for water service upon request and fulfillment of the requirements listed below.

1. Complete a High Pressure Water Service Application.
2. Submit a copy of the building permit.
3. Pay appropriate fees and charges.
4. Comply with the District's rules and regulations in effect at the time service is requested including the installation of a separate meter to serve the second unit.
5. Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Plans shall be submitted, and reviewed to confirm compliance. The following are required:
  - Verification of indoor fixtures compliance
  - Landscape plan
  - Irrigation plan
  - Grading planAny questions regarding District Code Title 13 – Water Conservation should be directed to Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at [www.marinwater.org](http://www.marinwater.org).
6. Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1532.

Sincerely,

Joseph Eischens  
Senior Engineering Technician

JE:cb

cc: Colby Collet 40 Fernhill Avenue Ross, CA 94957



## Ross Valley Sanitary District

2960 Kerner Blvd., San Rafael, CA 94901  
Tel. (415)259-2949 Fax (415)460-2149

Oct 22, 2014

Elise Semonian, Senior Planner  
Town of Ross  
P.O. Box 320  
Ross, CA 94957-0320

**SUBJECT: DESIGN REVIEW, 40 FERN HILL AVENUE, ROSS; APN: 073-041-25**

Dear Ms. Semonian:

We are in receipt of your transmittal letter received Oct 16, 2014 concerning the above- referenced project. Since this project involves an significant demolition and rebuild, the project will require a connection permit from the District. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count, the applicant has the option of installing a new lateral or, the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements.

Sanitary District No. 1 will place a hold on said property once the building permit is issued. This hold prevents the new building from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain a sewer connection permit from this office and meet all District requirements pertaining to the private side sewer/lateral.

In addition, please see the attached Section 610 from our Sanitary Code with respect to Swimming Pools. Requirements for discharge of contents of a swimming pool into our sanitary sewer system include the following:

- Permit and inspection. (See attached. The \$98 permit fee for inspection will apply for discharging contents of a swimming pool.)
- Compliance with the Sanitary Code and District Standard Specifications and Drawings.
- Pipe not larger than two inches.
- Head not to exceed 20 feet.
- Discharge rate for pumping not to exceed 100 gpm.
- Equipped with separator to preclude any possibility of backflow of sewage.
- No surface or subsurface drainage, rainwater, stormwater, etc. shall be permitted to enter any sanitary sewer by any device or method whatsoever.

Please note, the District will only allow temporary discharges of contents of swimming pools. No permanent connections for discharge to the sanitary sewer system will be acceptable.

If you need further information regarding this matter, please contact the office.

Sincerely,

Randell Y. Ishii, M.S., P.E.  
District Engineer

Board Members:

*Thomas Gaffney, President*  
*Michael Boorstein, Secretary*  
*Mary Sylla, Treasurer*  
*Pamela Meigs*  
*Frank Egger*

General Manager:

*Greg Norby*

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