



Staff Report

Date: November 6, 2014
To: Mayor Elizabeth Brekhus and Councilmembers
From: Elise Semonian, Senior Planner
Subject: Lourdeaux, Basement Exception Application, 12 Baywood Avenue, File 1975

Recommendation

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

Project Summary

Owner: Joe Lourdeaux
Design Professional: Darlene Gerson, G-Design LLC
Location: 12 Baywood Avenue
A.P. Number: 72-072-22
Zoning: R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size)
General Plan: Medium Density (3-6 units per acre)
Flood Zone: Zone X (outside 1% annual chance of flooding area)

Request for a floor area exception under Chapter 18.46 of the Ross Zoning Code (Exceptions for Basements and Attics) to permit improvement of 544 square feet of existing basement area for an expanded entry, office and storage room. Two new windows are proposed on the front elevation.

Lot area	7,650 square feet		
Existing Floor Area Ratio	2,720 sq. ft.	35%	
Proposed Floor Area Ratio	3,264 sq. ft.	42%	(20% permitted)
Existing/Proposed Lot Coverage	1,732 sq. ft.	22%	(20% permitted)
Existing/Proposed Impervious Areas	no change		

Background and discussion

In 1998, Council approved floor area ratio and setback variances to permit habitable basement area at the project site to be abandoned and swapped for additions on the upper levels of the residence. A condition of project approval required the property owner to abandon a portion of the basement area and precluded its conversion to living space by the applicants or future property owners.

In 2011, Council approved the Basement and Attic Ordinance to allow property owners to improve existing basement areas in existing residences under certain conditions. In 2012, the Council amended the ordinance so that it supersedes any prior Town Council conditions limiting improvement of basement areas.

The new owners of the property would like to return the basement areas to living and storage space. The applicants ask for a Basement Exception to allow the improvement, which will bring the site further above the maximum floor area ratio.

Staff believes Council may make all of the required findings for the basement exception as detailed below. The basement improvement will only minimally change the exterior of the structure with the addition of new windows on the street facing elevation. The additional floor area will not significantly change parking demand at the site and there are on-site parking spaces available.

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

Alternative actions available to the Council include: 1.) continue the public hearing for any further information and review or modifications; or 2.) vote to deny the application.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 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.

Attachments

1. Findings and Conditions of Approval
2. Council Minute history
3. Material submitted by applicant

Attachment 1

Recommended Town Council Action, Findings and Conditions

Staff recommends that the Town Council approve the project based on staff report, site visits, correspondence, and other information contained in the project file, with the following Findings and subject to the following Conditions of Approval:

1. Area to be improved is an existing area created prior to September 12, 2011, in an existing residence built prior to September 12, 2011. *The basement area was created with construction of the residence and existed in 1998 when the area was traded off for living space and unfinished.*
2. Basement are to be improved has a ceiling height 5.5 feet or greater. *Existing basement area proposed for improvement has at least 5.5 foot ceiling height.*
3. For attic improvements only: the improvements proposed do not change the exterior appearance of the structure by adding dormers, raising the roof ridge, addition of windows, or any other exterior modifications. *Project does not include improvement of an attic*
4. For basements:
 - a. If the structure is in a Special Flood Hazard Area (SFHA) identified on the town Flood Insurance Rate Map and/or in an area that is known for flooding, the finished floor level of the improvements must be above the base flood elevation. *Not in SFHA*
 - b. Modifications proposed to the building exterior cannot materially increase the visible mass of the building and modifications, such as new windows, must be compatible with the design of the existing improvements and shall not create privacy issues. The Council may limit the size of light wells to the minimum size necessary to satisfy California Building Code requirements for light, ventilation and emergency egress. *Proposed new windows on the front elevation are compatible with the design of the building and will not create privacy issues since they face the street.*
 - c. Any modifications to site drainage must be designed by a licensed engineer and shall result in no net increase to the rate or volume of peak *A condition of approval requires the drainage to be designed by a licensed engineer so the*

runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site.

foundation changes do not result in an increase to the rate or volume of peak runoff.

- 5. The fire chief must confirm that there is adequate water supply for firefighting purposes for the site, or that the project includes measures to provide adequate water supply for firefighting purposes.

If not already sprinklered, sprinklers will be required to be extended to the new living space.

- 6. 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, number of bedrooms, and the size and use of the proposed attic and/or basement area and may require additional parking up to the following:

The site complies with the minimum parking requirements for the zoning district (3 spaces, with 1 covered). The floor area (excluding the garage) is 3,084 square feet.

<i>Total site floor area (excluding covered parking)</i>	<i>Required off street parking</i>
1,300 square feet to 3,300 square feet	3 spaces
Over 3,300 square feet	4 spaces

- 7. The project complies with the most recent California Residential Code adopted by the Town.

A building permit is required and conditions of approval require the project to meet all code requirements for the intended use of the areas.

- 8. Excavation, grading or cutting shall not exceed 35 cubic yards. If the project involves excavation, grading or cutting for a basement space, new floor area shall not exceed 20% of the existing floor area.

21 cubic yards of cut and 3 cubic yards of fill are proposed. New floor area proposed is 20% of the existing floor area.

- 9. This project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section

15301, existing facilities.

B. Conditions of Approval, 12 Baywood Avenue

1. A building permit shall be obtained for the basement improvement project. The project must comply with the building and fire code applicable at the time of the building permit application. Town staff may approve minor modifications to the project that do not result in significant exterior changes and that substantially comply with the approved plans.
2. The town may require fire sprinklers to be extended to the new area if they are not already installed.
3. Drainage shall be designed by a licensed engineer and shall result in no increase in the rate or volume of runoff compared to existing/pre-project conditions.
4. The floor area exempted under this approval shall not be traded off for non-basement floor area in the future.
5. The project shall comply with any requirements of the Ross Valley Sanitary District and Marin Municipal Water District prior to project final on the building permit. The applicants are responsible for contacting these agencies and obtaining any necessary permits and inspections.
6. The building permit project shall comply with the Town of Ross Construction Completion Ordinance.
7. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
8. All 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, the Town Council, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The town shall promptly notify the applicants and/or owners of any action. The town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the town in either case paid for by the applicant and/or owners.

MINUTES OF THE REGULAR MEETING OF THE TOWN OF ROSS COUNCIL
HELD ON JULY 8, 1954

The meeting was called to order by Mayor Davidson at 8:15 PM.

Present: Councilmen-Davidson, Dewees, Figone, Wolcott

Absent: Councilman-Cockburn

The minutes of the regular meeting of June 10, 1954, and the special meeting of June 29, 1954, as mailed to the Councilmen, were approved and the reading thereof ~~waived~~ waived.

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

C. T. Bakeman, 153 Sir Francis Drake Blvd, requested the granting of a variance as to side yard area for the construction of an addition to his residence. After reviewing the matter, the Council found the existence of facts sufficient to grant the request and on motion of Councilman Dewees, seconded by Councilman Figone, and by unanimous vote of the Council, so ordered. The application was assigned Variance No. 14.

A. M. Nipper, representing Richard Hahn of Laurel Grove Avenue, asked the Council to reconsider Mr. Hahn's previous requests for permission to sell a portion of his property. Mr. Nipper stated that an additional depth of 10 feet had been added to the parcel, giving a total area of 23,000 square feet.

The Council pointed out that there was no material change in the area involved and no evidence of real hardship, in view of which the applicant could not reasonably expect the request to be granted. On motion of Councilman Dewees, seconded by Councilman Wolcott and by unanimous vote of the Council, Variance Application No. 15 was denied.

Harry Gilbert, 25 Balinas Ave., asked the Council if it would consider trimming a tree on the Shady Lane side of his property, since the tree shades his new swimming pool in the afternoon. The request was carried over to the next meeting to permit a review of the matter at the site.

Ada S. Bee of Wellington Ave., asked the Council if a decision had been reached on her previous request for the removal of a tree in front of her property. The Council advised Mrs. Bee that the tree appeared to be straddling the property line, but with the biggest proportion on her property and that if she wanted to remove the limbs on her side, the Council would not object. Further, if she wanted to obtain estimates for the entire removal of the tree and present them to the Council, an arrangement might be worked out on a share basis.

The request of C. J. Bradley, 12 Baywood Ave., for the granting ~~xxxx~~ of a variance as to side yard area for construction of a car port, carried over from the previous meeting, was discussed in further detail, following personal reviews of the conditions by members of the Council. The existence of facts being sufficient to grant the request, on motion of

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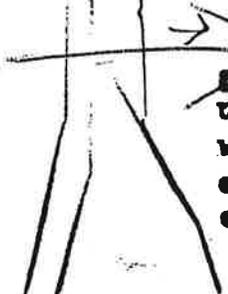
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Councilman Figone, seconded by Councilman Wolcott and by unanimous vote of the Council, Variance Application No. 16 was granted. Chief Regoni was directed to advise Mr. Bradley as the latter was not present.

The Marin County Council of Mayors' request that the Town adopt a resolution concerning the new County Service Area Law was discussed in further detail, following which, on motion of Councilman Dewees, seconded by Councilman Figone, and by unanimous vote of the Council, Resolution No. 565, "Concerning Provision of Municipal-Type Services to Unincorporated Urban Areas", was adopted. The Town Clerk was directed to send a certified copy of the resolution to Secretary Al Almcrantz, Mill Valley City Manager.

On motion of Councilman Wolcott, seconded by Councilman Dewees, and by unanimous vote of the Council, Resolution No. 564, "Adopting Budget and Approving Memorandum of Agreement for Expenditure of Gas Tax Allocation" was adopted.

The Town Clerk read a letter from Miss Virginia Voorhees, Norwood Ave., in which she voiced objections to the proposed placing of cement balls on top of the Norwood bridge standards, claiming that they would create further impairment of visibility for approaching drivers.

Councilman Dewees reported that he had personally reviewed the conditions and that visibility could be improved by placing a street light above the bridge and trimming shrubbery along the approaches. However, the cement balls should be placed in order to maintain the standard of architectural symmetry already established on other bridges in Town.

The Town Clerk was directed to so advise Miss Voorhees and to take steps to follow Councilman Dewees' suggestions.

The Town Clerk read a letter from Mrs. N. Ivancovich of Laurel Grove Ave., in which she objected to the commercializing of the activities at the Marin Art & Garden Center. In view of this and previous complaints, the Council agreed that the matter should be discussed with the Center's Board of Directors at the next regular meeting. The Town Clerk was directed to write the Board requesting representation at the next meeting, and to advise Mrs. Ivancovich that steps are being formulated with the idea in mind of correcting the situation as it now exists.

Col. Brice, by letter, requested the Council to adopt a resolution establishing an evacuation policy in the Town. The matter was ordered carried over.

Discussion was held on the subject of three project applications submitted by the State Office of Civil Defense for (1) Communications-\$1,768.20; (2) Attack Warning-\$850.00; (3) Emergency Welfare-\$471.60. The applications were ordered carried over.

The Town Clerk was directed to write the Bureau of Census,

receiving 24 hours coverage in the fire house. Under these conditions, the State could require the Town to pay the \$5.00 monthly charges. The Council agreed it would wait for State action. Col. Woods requested the Council to approve an expenditure for \$150.00 for purchase of a reconditioned typewriter. The Council approved the rental of a typewriter with the rental to apply to the purchase price if the machine was still considered necessary at a later date.

Col. Woods advised the Council he would like to purchase two electric powered megaphones, but as the price was not known he would present the matter at a later date.

Col. Brice stated that in turning over the Commander's post to Col. Woods, he would like to cite those who had worked so diligently for the Corps. These persons were named by Col. Brice.

The Town Clerk read a petition signed by 5 residents of Hill-girt Drive, requesting the provision of a street light. Following an explanation of the need by Mr. L. Kuimelis, confirmed by Chief Regoni, the light was authorized.

Mrs. M. R. Baruh asked that the Council consider the placing of traffic control signals at the Sir Francis Drake-Laguhitas Rd intersection, for the protection of the school children. She presented a letter from the Ross P.T.A. which stated the P.T.A. favored the signals.

It was agreed that Councilman Wolcott would review the situation and costs, for a report at the next meeting.

4-14-55 It was announced that Mr. C. J. Bradley, 12 Baywood Ave., could not be present in connection with his request for the granting of a variance to permit him to divide his property into two parcels of less than the required 10,000 square feet. However, members of the Council had reviewed the conditions of the lot and were in agreement that the topography of the land was such that the request should be granted. It was recognized that the division of the land would also create a variance as to rear yard area for the existing residence. On motion of Councilman Cockburn, seconded by Councilman Figone and by unanimous vote of the Council, Variance No. 38 was granted subject to Mr. Bradley furnishing letters of agreement from his neighbors.

The Town Clerk read a letter from Stephen Parodi, superintendent of the Ross School, requesting the assistance of Town authorities in notifying owners of dogs who are "repeaters" in wandering onto the school grounds.

Councilman Wolcott reported that he had determined that the Humane Society was supported by both contributions and budgeted County Funds. It was agreed that the Town Clerk should write the Board of Supervisors and request that the Humane Society budget be increased so as to permit more adequate coverage by the poundmaster.

Richard Hahn asked if the speed limit on Laurel Grove Ave couldn't be reduced from the present 55 miles per hour limit. Attorney Elliott advised that the Town could limit the speed to 35 miles-per-hour by formal Council action. Under State law the speed limit could not be set below that figure as the density of homes was not sufficient. It was agreed that he would prepare the necessary document for adoption at the next meeting.

MINUTES OF THE REGULAR MEETING OF THE ROSS TOWN COUNCIL

HELD ON MARCH 14, 1963.

1. Roll Call.

Mayer Scott opened the meeting with a call for the roll at 8:07 PM.

Present: Mayer Scott, Councilmen Allen, Bricca, Jones, and Town Attorney Elliott.

Absent: Councilman Smith.

2. Minutes.

Minutes of the Regular Meeting of February 14, 1963 were approved as written.

3. Warrants.

On a motion by Mr. Bricca, seconded by Mr. Scott, Mr. Jones was appointed Temporary Chairman of the Finance Committee, and Mr. Allen was appointed to serve on the Finance Committee for the meeting. Mr. Jones announced that Demands #1547-1583 had been examined and approved and the warrants signed.

4. Variance #223. Mr. Edward Elliott, 12 Baywood Ave., (72-072-22)

Addition of bedroom wing and entry to non-conforming house. On a motion by Mr. Jones, seconded by Mr. Allen, the variance was unanimously granted.

5. Construction on Hillside Lot.

Mr. Wallace Cooper for Sun and Snow Homes, San Mateo. Property located between Bridge Road and Chestnut Ave. (73-302-05). In answer to questions from the Council, Mr. Cooper stated that every item required in the code in connection with hillside lots had been followed to the letter and certified to by a licensed engineer and by the Town Engineer, that the average slope of the lot is 32 or 33%, the average slope of the driveway not in excess of 20%, and that the plans called for no excavation. Mr. Scott and Mr. Jones objected to a visual engineering report and both felt that borings were necessary. Mr. Oglesby replied that the slopes involved are better than standard and that the Council had been satisfied with only a visual inspection of the Wudtke property. (Minutes January 10, 1963). Mr. Allen and Mr. Bricca favored immediate approval of the driveway plans. Mr. Scott and Mr. Jones opposed such action. Mr. Scott then directed Mr. Oglesby to recommend what test borings should be made, how many should be made, and to submit to the Council a written report. It was agreed that a bond would be required by the Council. The matter was then put on the Agenda for the April meeting. Mr. Cooper objected strenuously to the postponement.

with four affirmative votes. Councilwoman Delanty Brown voted against. Mayor Pro Tempore Goodman asked the applicants to work with staff.

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24. VARIANCE AND DESIGN REVIEW.

Richard and Brenda Boyce, 12 Baywood Avenue, A.P. No. 72-072-22, R-1:B-10 (Single Family Residence, 10,000 square foot minimum). Design review and variance request to allow the following:

- 7-9-48
- 1.) Construction of a new 74 square foot entry porch and steps within the front yard setback (25 feet required, 14 feet proposed.)
 - 2.) Removal of an existing carport and rear deck totalling 456 square feet and construction of a new attached 200 square foot one-car garage within the west side yard setback (15 feet required, 3 feet proposed.)
 - 3.) Proposed reconfiguration of 572 square feet of existing basement area to create a 317 square foot entry/bathroom/laundry/stairway.
 - 4.) Main level modifications including: a fireplace addition within the rear yard setback (40 feet required, 16 feet proposed); and bedroom additions within the side yard setback (15 feet required, 3 feet proposed.)
 - 5.) Construction of a new 451 square foot upper level master bedroom/bathroom addition within the rear yard setback (40 feet required, 16 feet proposed.)

Lot Area	7,178 sq. ft.
Present Lot Coverage	27.8%
Proposed Lot Coverage	25.0% (15% permitted)
Present Floor Area Ratio	36.1%
Proposed Floor Area Ratio	38.5% (15% permitted)

The existing residence is nonconforming in front, side and rear yard setbacks. The existing carport is nonconforming in side yard setback.

Town Planner Broad said that this application provides a tradeoff of the existing square footage. However, the abandoned area does not result in any diminution of mass, bulk or physical presence. The proposed addition would result in a two-story element and nonconforming setbacks. There is an existing drainage problem.

Mayor Pro Tempore Goodman reviewed the story poles from the neighboring house and wondered if the poles were correct. Mr. Boyce submitted neighborhood approval to Councilmember Goodman. He said that they have a drainage problem in the basement area and every AIA, engineer and contractor who has reviewed it cannot guarantee that it will be fixed. The addition would not be visible from the street.

After consideration, Councilmember Curtiss moved approval with the following findings: Hillside drainage seepage into residence is a special circumstance; the project will not be detrimental to public welfare; it is not a special privilege and remedying drainage problem is necessary for property right preservation. He then moved approval with the following conditions:

CONDITIONS

1. Approval is subject to verification of the story poles height by Mr. Elias. If the poles are higher than shown by the plans, the matter shall come back before the Council.
2. Existing landscaping shall remain. The Town Council reserves the right to require additional landscape screening for up to two years from building final.
3. A plan for abandonment of the understory must be submitted for staff approval prior to building permit

issuance. Understory shall not be converted into living space by the applicants or future property owners.

7-9-98

- 4. Color shall match the existing structure.
- 5. All new windows shall match the existing windows.
- 6. Garage door shall be approved by Town staff.
- 7. Any new exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
- 8. Any portable chemical toilets shall be placed off the street and out of public view.
- 9. Revised plans shall be submitted for staff review and approval. There shall be no increase in Floor Area Ratio.
- 7. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Mayor Pro Tempore Goodman seconded the motion and passed with three affirmative votes. COUNCILMEMBERS Delanty Brown and Hart voted against.

25. HILLSIDE LOT APPLICATION, HAZARD ZONE USE PERMIT, DESIGN REVIEW, VARIANCE AND PERMIT FOR TREE REMOVAL ON UNDEVELOPED PARCEL.

Claus and Susan Amthor Eben, 9 Quail Ridge Road, A.P. No. 73-281-09 and 74-291-09, R-1:B-5A (Single family residence, 5 acre minimum). Variance, design review, hillside lot application and hazard zone use permit to allow additions and modifications to an existing 7,827 square feet of residence, garage and decks resulting in the construction of 11,176 square feet of residence, garage and decks on AP No. 74-291-09. The construction of a two-story 2,382 square foot art studio with 730 square feet of terrace and deck area on an adjacent separate legal lot (AP No. 73-281-09) is proposed. 14,287 square feet of floor area is proposed on the two lots. A variance is requested to allow a maximum height of 35 feet from existing excavated grade, to allow three stories (2 permitted) and to allow parking within setbacks. Tree removal approval for the removal of up to 14 oak, redwood and madrone trees is requested. The merger of these two lots is proposed.

Lot Area (total)	6.4 acres
Present Lot Coverage	0% and 2.7%
Proposed Lot Coverage	3.0% (15% permitted)
	0% and 5.6%

approval at this meeting. Mr. Broad noted that it be clarified to state "except as included in the plans." Mr. Broad said that he would include this in the conditions. He said that he also received recommended changes from Mr. Hunter, the adjoining neighbor, who specifically requested that he be given the opportunity to approve the plans. Mr. Broad said that this is not something the Town has done in other cases. It has previously allowed neighbors to review the plans as they are submitted and accepted input but the Town has not turned its authority over to a neighbor. Council member Curtiss explained that the Town never makes a neighbor a staff member and a neighbor does not have veto power; however, if the neighbor has a real concern, he can appeal back to the Council. Mr. Scot Hunter of 98 Chestnut asked if the dead trees could be removed prior to the issuance of a building permit.

Mr. Broad noted the memo received from the Public Safety Department and stated that the entire memo would be included in Condition No. 15.

After further discussion, Council member Curtiss moved approval of the resolution with the above amendments, seconded by Council member Zorensky and passed unanimously. Mayor Hart cautioned the applicant that the matter of developing on a hillside is extremely sensitive and some have taken this lightly. He urged the applicant not to take this lightly and added that if the property is sold, the realtors on both sides and the buyers must know that the resolution goes with the land.

Consent Agenda:

20. (1) **Extension of Time**
Donald Flynn, 15 Makin Grade, A.P. No. 72-101-25, R-1:B-5A (Single Family Residence, Five acre minimum). A one-year extension of time to February 8, 2003 for a hillside lot, hazard zone use permit, demolition permit, design review and tree removal application approved on February 8, 2002. The approval permitted the following: 1.) demolition of a 4,640 square foot residence, 528 square foot garage and 664 square foot guest house; 2.) construction of a 5,561 square foot residence with a 653 square foot garage and roofed patios/porches and decks; 3.) a use permit to allow a 898 square foot guest house; and 4.) removal of 25 on-site trees.

Council member Gray moved approval except the demolition permit extension is not approved. A separate demolition permit application must be filed by the current owner.

This was seconded by Council member Curtiss and passed unanimously.

- 3-14-02
(2) **Design Review.**
Brenda Cantu and Richard Boyce, 12 Baywood Avenue, A.P. No. 72-072-22, R-1:B-10 (Single Family Residence, 10,000 square foot minimum). Variance to allow a patio, built-in barbecue unit with sink and refrigerator, a 60 square foot patio trellis and a wall fountain within the rear yard setback (40 feet required, 13 feet proposed) and the east side yard setback (15 feet

March 14, 2002

required, 1 foot proposed.). A patio extension is also proposed within the west side yard setback (15 feet required, 2 feet proposed.) Other improvements include approximately 2-foot high stone walls within the front yard and a stucco wall extension, concrete steps and a landing in the rear yard.

Lot Area	7,178 sq. ft.
Present Lot Coverage	25.0%
Proposed Lot Coverage	25.4% (20% permitted)
Present Floor Area Ratio	38.5%
Proposed Floor Area Ratio	38.5% (20% permitted)

The existing residence is nonconforming in front, side and rear yard setback. Council member Gray moved approval with the findings in the staff report and the following conditions:

1. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
2. The Town Council reserves the right to require additional landscaping screening for up to two (2) years from project final.
3. The project owners and contractors shall be responsible for maintaining
4. Town roadways and right-of-ways free of their construction-related debris.
5. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
6. Any portable toilets shall be located outside of the right-of-way and out of public view.
7. This approval does not authorize any work within the right-of-way. No work shall be done within the right-of-way without approval of the Department of Public Works and the receipt of an encroachment permit.
8. No site improvements are permitted outside of the property line in the easement area to the north of the property identified as "Alta Way" on the assessor's parcel map extending from Baywood Avenue to Madera Avenue.
9. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
10. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
11. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Councilmember Curtiss and passed unanimously.

OCT 15 2014



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Phone (415) 453-1453, Ext. 121

Web www.townofross.org

Town of Ross

Fax (415) 453-1950

Email esemonian@townofross.org

Staff Use Only	
Received By:	_____
Date:	_____
Fees Paid:	_____
Date:	_____

Basement
\$1590

BASEMENT/ATTIC EXCEPTION APPLICATION

\$600 Application Fee

Record Ret. \$50-

Record Mgmt \$156

Technology \$131.11
\$1927.11

Parcel Address and Assessor's Parcel No. 12 Baywood Ave, 072-072-22

Owner(s) of Parcel Joe Lourdavex

Mailing Address (PO Box in Ross) 12 Baywood Ave

City ROSS State CA ZIP 94957

Day Phone 415-847-3208 Evening Phone _____

Email Joe.Lourdavex@gmail.com

Architect (Or applicant if not owner) Darlene Gerson

Mailing Address 615 B street 1B

City San Rafael State CA ZIP 94901

Phone 415-309-9694

Email Darlene@gdesignpro.com

Existing and Proposed Conditions (For definitions please refer to attached fact sheet.)

Gross Lot Size 7,650 sq. ft. Lot Area 7,650 sq. ft.
 Existing Lot Coverage 1,732 sq. ft. Existing Floor Area 2,720 sq. ft.
 Existing Lot Coverage 22 % Existing Floor Area Ratio 35 %
 Coverage Removed NA sq. ft. Floor Area Removed NA sq. ft.
 Coverage Added NA sq. ft. Floor Area Added 544 sq. ft.
 Net Change- Coverage NA sq. ft. Net Change- Floor Area NA sq. ft.
 Proposed Lot Coverage 1,732 sq. ft. Proposed Floor Area 3,264 sq. ft.
 Proposed Lot Coverage 22 % Proposed Floor Area Ratio 42 %
 Existing Impervious Areas 594.3 sq. ft. Proposed Impervious Areas 594.3 sq. ft.
 Existing Impervious Areas 0.07 % Proposed Impervious Areas 0.07 %
 Proposed New Retaining Wall Construction NA ft. (length) NA ft. (max height)
 Proposed Cut 21 cubic yards Proposed Fill 3 cubic yards

Required Findings for Exception Application

In order for an exception to be granted, the following mandatory findings must be made:

- | | |
|---|--|
| (1) Area to be improved is an existing area created prior to September 12, 2011, in an existing residence built prior to September 12, 2011. | <i>Not Applicable - Amnesty period in effect until September 12, 2012</i> |
| (2) Basement are to be improved has a ceiling height 5.5 feet or greater. | <input checked="" type="checkbox"/> Existing basement area has 5'-6" foot ceiling height (provide floor plan with ceiling heights identified, if height varies) |
| (3) For attic improvements only: the improvements proposed do not change the exterior appearance of the structure by adding dormers, raising the roof ridge, addition of windows, or any other exterior modifications. | <input checked="" type="checkbox"/> Not an attic
or
<input checked="" type="checkbox"/> No change to exterior |
| (4) For basements: | |
| a. If the structure is in a Special Flood Hazard Area (SFHA) identified on the town Flood Insurance Rate Map and/or in an area that is known for flooding, the finished floor level of the improvements must be above the base flood elevation. | <input checked="" type="checkbox"/> Not in SFHA
<input type="checkbox"/> In SFHA
<input type="checkbox"/> In SFHA
BFE: _____
Proposed floor elevation: _____ |
| b. Modifications proposed to the building exterior cannot materially increase the visible mass of the building and modifications, such as new windows, must be compatible with the design of the existing improvements and shall not create privacy issues. The Council may limit the size of light wells to the minimum size necessary to satisfy California Building Code requirements for light, ventilation and emergency egress. | <input type="checkbox"/> Attach description of exterior changes |
| c. Any modifications to site drainage must be designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site. | <input checked="" type="checkbox"/> No change proposed.
<input type="checkbox"/> Preliminary drainage plan included.
<input type="checkbox"/> Spec's on mechanical equipment included. |
| (5) The fire chief must confirm that there is adequate water supply for firefighting purposes for the site, | <input type="checkbox"/> <i>staff will confirm</i> |

or that the project includes measures to provide adequate water supply for firefighting purposes.

- (6) 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, number of bedrooms, and the size and use of the proposed attic and/or basement area and may require additional parking up to the following:

<i>Total site floor area (excluding covered parking)</i>	<i>Required off street parking</i>
1,300 square feet to 3,300 square feet	3 spaces
Over 3,300 square feet	4 spaces

- (7) The project complies with the most recent California Residential Code adopted by the Town.
- (8) Excavation, grading or cutting shall not exceed 35 cubic yards. If the project involves excavation, grading or cutting for a basement space, new floor area shall not exceed 20% of the existing floor area.

Complies with minimum parking reqts. – show parking spaces on site plan

No. of bedrooms: 3

No. of covered and uncovered spaces available on site:

1 covered spaces

2 uncovered spaces

Submit details on light, ventilation and egress requirements for any habitable space

Project involves _____ cubic yards of grading.

If grading involved:
Existing floor area
(excluding covered parking)
_____ sq. ft. New floor
area is _____ sq. ft.