



Agenda Item No. 13a.

Staff Report

Date: December 8, 2022
To: Mayor Kuhl and Council Members
From: Rebecca Markwick, Planning and Building Director
Subject: 71 Shady Lane

Recommendation

Town Council approval of Resolution No. 2282 (**Attachment 1**) approving Design Review and Demolition for a landscape project, including a pool and decks for the property located at 71 Shady Lane.

Project Information

Owner:	Eric Spaly
Applicant:	Imprints Gardens
Street Address:	71 Shady Lane
Assessor Parcel Number:	073-091-32
Zoning:	R-1: B-10
General Plan:	ML (Medium Low Density)
Flood Zone:	AE

Project Data

The project data is not relevant to this project, as the project consists of landscape changes only. Design Review is required because the project proposes more than 50 cubic yards of grading. An existing guest house is proposed for removal to accommodate the location of the new deck and swimming pool. There is an increase in the impervious surfaces proposed with the project, the existing is 3,601 SF and the proposed is 4,036 SF. The increase in impervious surfaces will be offset with a Bio-retention basin.

Project Description

The project proposes to demolish the existing guest house and construction of a new swimming pool, pool equipment enclosure, wood deck, stone patios, fire pit, and new outdoor kitchen. The existing mature landscaping will remain, and the project proposes to infill landscaping as needed.

All of the proposed improvements are in compliance with the development standards for the R-1:B-10 zoning district.

The proposed project is subject to the following permit approvals:

- **Design Review Permit is required pursuant to RMC Section 18.41.010** for new buildings exceeding 200 square feet of new floor area; fences and gates greater than 48" in height adjacent to the street right-of-way; retaining walls greater than 48" in height; an activity or project resulting in more than 50 cubic yards of grading or filling; a project resulting in over 1,000 square feet of new impervious landscape surface; and redevelopment, rehabilitation, and/or renovation of existing landscaping over 2,500 square feet.
- **Demolition Permit is required pursuant to Section 18.50.20** the proposed project requires a Demolition Permit to alter more than twenty-five percent of the exterior walls or exterior wall coverings of a residence.

The project application is included as **Attachment 2**; and project plans as **Attachment 3**.

Advisory Design Review (ADR)

Pursuant to Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions to Attics, a Hillside Lot Permit, Variance, and/or ADU Exception.

At the October 18, 2022, meeting, the ADR Group Members unanimously found that the project was consistent with the purpose of Design Review and the Design Review criteria and standards per RMC Section 18.41.100 and therefore recommended approval of Design Review.

Meeting Minutes (draft) are included as **Attachment 4**.

Design Review

The overall purpose of Design Review is to guide new development to preserve and enhance the special qualities of Ross and to sustain the beauty of the town's environment. Other specific purposes include: provide excellence of design consistent with the scale and quality of existing development; preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhance important community entryways, local travel corridors and the area in which the project is located; promote and implement the design goals, policies and criteria of the Ross general plan; discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression; preserve buildings and areas with historic or aesthetic value; upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site; and preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development.

Pursuant to Town Council Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits.

Pursuant to Section 18.41.20 (a), the proposed project requires a Design Review Permit for an increase in impervious surface of over 1,000 feet, extensions of existing buildings exceeding two hundred square feet of new floor, alteration of more than twenty-five percent of the exterior walls or wall coverings of a residence, and grading or filling in excess of 50 cubic yards.

Staff recommends approval of Design Review, as summarized below and as supported by the findings in Exhibit "A" of the attached Resolution.

The project provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhances the area in which the project is located; and promotes and implements the design goals, policies and criteria of the Ross General Plan. The proposed additions are not monumental nor excessively large size and are compatible with others in the neighborhood and do not attract attention to themselves. The project proposes materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Exterior lighting is shielded and directed downward to avoid creating glare, hazard or annoyance to adjacent property owners or passersby. Landscaping protects privacy between properties, all proposed lighting is down lit with covered bulbs. The post-project stormwater runoff rates from the site would be no greater than pre-project rates.

Demolition Permit

The "small town" quality and feel of the town are heavily shaped by the attributes, integrity, historical character, and design scale of existing residential and commercial neighborhoods. The preservation, enhancement and continued use of structures with historic, architectural, cultural and/or aesthetic importance is essential in retaining this community character. The Town Council, after considering citizen and professional input, as necessary, should decide whether a structure may be removed from the neighborhood fabric of Ross.

Pursuant to Section 18.50.20, the proposed project requires a Demolition Permit to alter more than twenty-five percent of the exterior walls or exterior wall coverings of a residence.

Staff recommends approval of the Demolition permit, as summarized below and as supported by the findings in Exhibit "A" of the attached Resolution.

The existing property is not designated as a significant architectural, historical, or cultural resource at the local, state, or federal level. The project is consistent with the purpose of Design Review as outlined in Section 18.41.010. It provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town,"

low-density character and identity that is unique to the Town of Ross; and enhances the area in which the project is located.

The project is consistent with the allowed uses and general development standards associated with the Medium Low-Density land use designation of the General Plan and the Single Family Residence and Special Building Site zoning regulations; therefore, the project is recommended to found consistent with the Ross General Plan and Zoning Ordinance. The project is required to comply with all applicable provisions, measures, and safeguards of the Town's building and safety codes, such that it would not cause detriment or injury to the health, safety, and general welfare of persons residing or working in the neighborhood.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site prior to the meeting date pursuant to the Ross Municipal Code.

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 on the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no net funding impacts associated with the project.

Alternative actions

1. Continue the item to gather further information, conduct further analysis, or revise the project; or
2. Make findings to deny the application.

Environmental Review

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of the minor alteration of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Attachments

1. Resolution No. 2282
2. Project Application
3. Project Plans
4. ADR Group Meeting Minutes, October 18, 2022

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2282

A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW AND DEMOLITION FOR EXTERIOR RENOVATIONS TO THE EXISTING LANDSCAPING AND HARDSCAPE LOCATED AT 71 SHADY LANE, A.P.N. 073-091-32

WHEREAS, applicant Imprints Gardens, on behalf of property owner Eric Spaly has submitted an application requesting approval of Design Review and Demolition to demolish the existing guest house and renovation of the existing landscaping and hardscape located at 71 Shady Lane, A.P.N. 073-091-32 (herein referred to as "the Project").

WHEREAS, the Project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of minor alteration of existing private structures, facilities, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, on December 8, 2022, the Town Council held a duly noticed public hearing to consider the Project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A", and approves Design Review and Demolition, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 8th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

P. Beach Kuhl, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
71 SHADY LANE
A.P.N. 073-091-10

- I. In accordance with Ross Municipal Code Section 18.41.070 (b), Design Review is approved based on the following mandatory findings:**

(1) The project is consistent with the purpose of Design Review as outlined in Section 18.41.010.

The project provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhances the area in which the project is located; and promotes and implements the design goals, policies and criteria of the Ross General Plan.

(2) The project is in substantial compliance with the design criteria of Section 18.41.100.

Lot coverage and building footprints are minimized, and development clustered, to minimize site disturbance. New structures and additions avoid monumental or excessively large size. Buildings are compatible with others in the neighborhood and do not attract attention to themselves. Buildings use materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Good access, circulation and off-street parking is provided. Exterior lighting is shielded and directed downward to avoid creating glare, hazard or annoyance to adjacent property owners or passersby. Decks, balconies and other outdoor areas are sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping protects privacy between properties. The post-project stormwater runoff rates from the site would be no greater than pre-project rates.

(3) The project is consistent with the Ross General Plan and zoning ordinance.

The project is consistent with the allowed uses and general development standards associated with the Medium Low Density land use designation of the General Plan, the Single Family Residence and Special Building Site zoning regulations, and the Hillside Lot regulations; therefore, the project is recommended to be found consistent with the Ross General Plan and Zoning Ordinance. Consistent with Chapter 18.48, findings are recommended to support the requested variance to allow for the proposed minor setback encroachments on a Hillside Lot.

- II. In accordance with Ross Municipal Code Section 18.50.060 (a), Demolition Permit is approved based on the following mandatory findings:**

- (1) 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 character or qualities of the site, the neighborhood or the community.**

The existing property is not designated as a significant architectural, historical, or cultural resource at the local, state, or federal level.

(2) The proposed redevelopment of the site protects the attributes, integrity, historical character and design scale of the neighborhood and preserves the "small town" qualities and feeling of the town.

The project is consistent with the purpose of Design Review as outlined in Section 18.41.010. It provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," low-density character and identity that is unique to the Town of Ross; and enhances the area in which the project is located.

(3) The project is consistent with the Ross General Plan and zoning ordinance.

The project is consistent with the allowed uses and general development standards associated with the Medium Low-Density land use designation of the General Plan and the Single Family Residence and Special Building Site zoning regulations; therefore, the project is recommended to be found consistent with the Ross General Plan and Zoning Ordinance.

EXHIBIT "B"
CONDITIONS OF APPROVAL
71 SHADY LANE
A.P.N. 073-091-10

1. This approval authorizes Design Review for renovations to the existing landscape and hardscape located at 71 Shady Lane A.P.N. 073-091-10 (herein referred to as "the Project").
2. The building permit shall substantially conform to the plans prepared by Imprints Landscape Architecture, dated November 7, 2022; and reviewed and approved by the Town Council on December 8, 2022.
3. Except as otherwise provided in these conditions, the Project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. 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.
5. The Project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
6. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the Project.
7. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
8. A Tree Permit shall not be issued until the project grading or building permit is issued.
9. The Project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

- a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
- b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
- c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the Project. Any additional costs incurred by the Town, including costs to inspect or review the Project, shall be paid as incurred and prior to project final.
- d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
- e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the Project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
- f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. 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. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.

- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the Project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the Project and the construction management plan.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or on Town of Ross-recognized holidays such as but not limited to: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (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.
- q. 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.
- r. 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.
- s. The Project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
- w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
- i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.

- ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
 - iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.
10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

ATTACHMENT 2



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Telephone (415) 453-1453, Ext. 121 Fax (415) 453-1950

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Advisory Design Review | <input type="checkbox"/> Minor Exception |
| <input type="checkbox"/> Appeals | <input type="checkbox"/> Non-conformity Permit |
| <input type="checkbox"/> Basement and Attics Exception | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Tentative Map |
| <input checked="" type="checkbox"/> Demolition Permit | <input type="checkbox"/> Tentative Map Amendment |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review- Amendment | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Final or Parcel Map | <input type="checkbox"/> Variance |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zoning Ordinance |
| <input type="checkbox"/> Hillside Lot Permit | <input type="checkbox"/> Amendment Other: |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Other: |

To Be Completed by Applicant:

Assessor's Parcel No(s): 073-091-32

Project Address: 71 Shady Lane Ross 94957

Property Owner: Eric Spaly

Owner Mailing Address (PO Box in Ross): N/A

City/State/Zip: Owner's Phone: 415-265-7103

Owner's Email: eric.spaly@gmail.com

Applicant: Imprints Gardens c/o Brad Elgall

Applicant Mailing Address: 202 Rosemont Ave

City/State/Zip: Mill Valley/CA/94941 Applicant's Phone: 415.380.0755

Applicant's Email: brad@imprintsgardens.com

Primary point of Contact Email: ☐ Owner ☐ Buyer ☒ Agent ☒ Architect

To Be Completed by Town Staff:

Date Received:

Application No.:

Zoning:

Planning 5300

Tree Permit 5305

Fee Program Administration 5315-05

Record Management 5316-05

Record Retention 5112-05

Technology Surcharge 5313-05

TOTAL FEES:

Date paid:

Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.

SUBDIVISION INFORMATION ONLY

Number of Lots: _____

LOT LINE ADJUSTMENT ONLY

Describe the Proposed Lot Line Adjustment: _____

Existing Parcel Size(s)

Parcel 1:

Parcel 2:

Adjusted Parcel Size(s)

Parcel 1:

Parcel 2:

PARCEL ONE**PARCEL 2**

Owners Signature: _____

Owner's Signature: _____

Date: _____

Date: _____

Owner's Name (Please Print): _____

Owner's Name (Please Print): _____

Assessor's Parcel Number: _____

Assessor's Parcel Number: _____

* If there are more than two affected property owners, please attach separate letters of authorization.

REZONING OR TEXT AMENDMENT ONLY

The applicant wishes to amend Section _____ of the Ross Municipal Code Title 18.

The applicant wishes to Rezone parcel _____ from the _____ Zoning District to _____.

GENERAL OR SPECIFIC PLAN AMENDMENT ONLY

Please describe the proposed amendment: _____

CERTIFICATION AND SIGNATURES

I, the property owner, do hereby authorize the applicant designated herein to act as my representative during the review process by City staff and agencies.

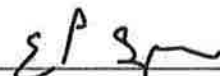
Owner's Signature: _____



Date: 8/22/2022

I, the applicant, do hereby declare under penalty of perjury that the facts and information contained in this application, including any supplemental forms and materials, are true and accurate to the best of my knowledge

Owner's Signature: _____



Date: 8/22/2022

SIGNATURE:

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

I further certify that I understand the processing procedures, fees, and application submittal requirements.

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at

Ross

, California on

08.22.22

Signature of Property Owner(s) and Applicant(s) Sign

rer

Notice of Ordinance/Plan Modifications

- ☐ Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm Imprints Gardens

Project Landscape Architect Brad Elgsti

Mailing Address 202 Rosemont Ave

City Mill Valley **State** CA **ZIP** 94941

Phone 415.380.0755

Fax

Email brad@imprintsgardens.com

Town of Ross Business License No. **Expiration Date**

Civil/ Geotechnical Engineer

Firm LTD Engineering, Inc.

Project Engineer Glenn Dearth

Mailing Address 1050 Northgate Dr, Suite 450

City San Rafael **State** CA **ZIP** 94903

Phone 415.446.7402

Fax

Email gdearth@LTDengineering.com

Town of Ross Business License No. **Expiration Date**

Arborist

Firm

Project Arborist

Mailing Address

City **State** **ZIP**

Phone

Fax

Email

Town of Ross Business License No. **Expiration Date**

Other

Consultant Jarrett Sigler Schalich Bros Construction

Mailing Address 85 J-Gall Drive

City Novato **State** CA **ZIP** 94949

Phone (415) 382-7733

Fax

Email jarrett@schalichbrosconstruction.com

Town of Ross Business License No. **Expiration Date**

Other

Consultant

Mailing Address

City **State** **ZIP**

Phone

Fax

Email

Town of Ross Business License No. **Expiration Date**

Written Project Description – *may be attached.*

A complete description of the proposed project, including all requested variances, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

THE SCOPE OF THIS PROJECT IS TO INSTALL A NEW SWIMMING POOL, POOL EQUIPMENT (BELOW EXISTING WOOD DECK),

NEW DECK AREA, FIRE PIT, BBQ AND NEW PLANTINGS, AS SHOWN.

FRONT YARD AND REAR YARD IS TO REMAIN WITH MINOR CHANGES TO THE SHAPE OF THE EXISTING LAWN AND INFILL PLANTING.

THE ADU HAS NOT BEEN CONSTRUCTED BUT HAS BEEN SUBMITTED FOR A BUILDING PERMIT (UNDER SEPARATE PERMIT)

AND IS IN PROCESS TO BE APPROVED AND PERMITTED.

POOL EQUIPMENT IS TO BE LOCATED IN THE EXISTING ENCLOSURE BELOW THE EXISTING WOOD DECK, AS SHOWN.

IRRIGATION SYSTEM IS TO REMAIN, WITH REPAIRS MADE AS NECESSARY.

EXTERIOR LIGHTING IS LIMITED TO STEP LIGHTS AND POOL LIGHTS.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Mandatory Findings for Variance Applications

In order for a variance to be granted, the following mandatory findings must be made:

Special Circumstances

That because of special circumstances applicable to the property, including size, shape, topography, location, and surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. **Describe the special circumstances that prevent conformance to pertinent zoning regulations.**

Substantial Property Rights

That the variance is necessary for the preservation and enjoyment of substantial property rights. **Describe why the project is needed to enjoy substantial property rights.**

Public Welfare

That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the neighborhood in which said property is situated. **Describe why the variance will not be harmful to or incompatible with other nearby properties.**

ATTACHMENT 3

PROJECT DESCRIPTION

THE SCOPE OF THIS PROJECT IS TO INSTALL A NEW SWIMMING POOL, POOL EQUIPMENT ENCLOSURE, WOOD DECK, STONE PATIO, FIRE PIT, BBQ AND NEW INFILL PLANTINGS, AS SHOWN.

THE FRONT YARD IS TO REMAIN WITH THE EXCEPTION OF REPAIR FOLLOWING CONSTRUCTION ACCESS.

REAR YARD LAWN AND PLANTS ARE TO REMAIN.
EXISTING PLANTS ARE TO BE TRANSPLANTED TO NEW PLANTING AREAS PER FEASIBILITY AND QUALITY AT TIME OF PLANTING INSTALLATION.

SEE ARCHITECT'S DRAWINGS FOR THE PROPOSED ADU.

POOL EQUIPMENT ENCLOSURE IS TO BE LOCATED BELOW THE EXISTING WOOD DECK, AS SHOWN.

IRRIGATION SYSTEM IS TO REMAIN, WITH REPAIRS MADE AS NECESSARY.

EXTERIOR LIGHTING IS LIMITED TO STEP LIGHTS, AS SHOWN.

DESIGN REVIEW NOTES

GENERAL NOTES

1. THE LANDSCAPE PLAN IS BASED ON THE GROUND PROVIDED BY THE OWNER. SEE SURVEYOR'S AND A PROFESSIONAL SURVEY, ANY MAGNETIC INTERFERENCE SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT IMMEDIATELY.
2. ALL WORK SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS AND UNIFORM EXHIBITION STANDARDS (CUB) OF THE COUNTY OF ALBANY AND THE TOWN OF ALBANY.
3. THESE DRAWINGS ARE FOR DESIGN REVIEW APPLICATION PURPOSES ONLY. THIS DRAWING IS NOT FULLY DETAILED AND IS NOT TO BE USED FOR PERMIT APPLICATION AND/OR CONSTRUCTION.
4. SWIMMING POOL IS TO MEET ALL POOL SAFETY CODES AND REQUIREMENTS.

CONSTRUCTION NOTES

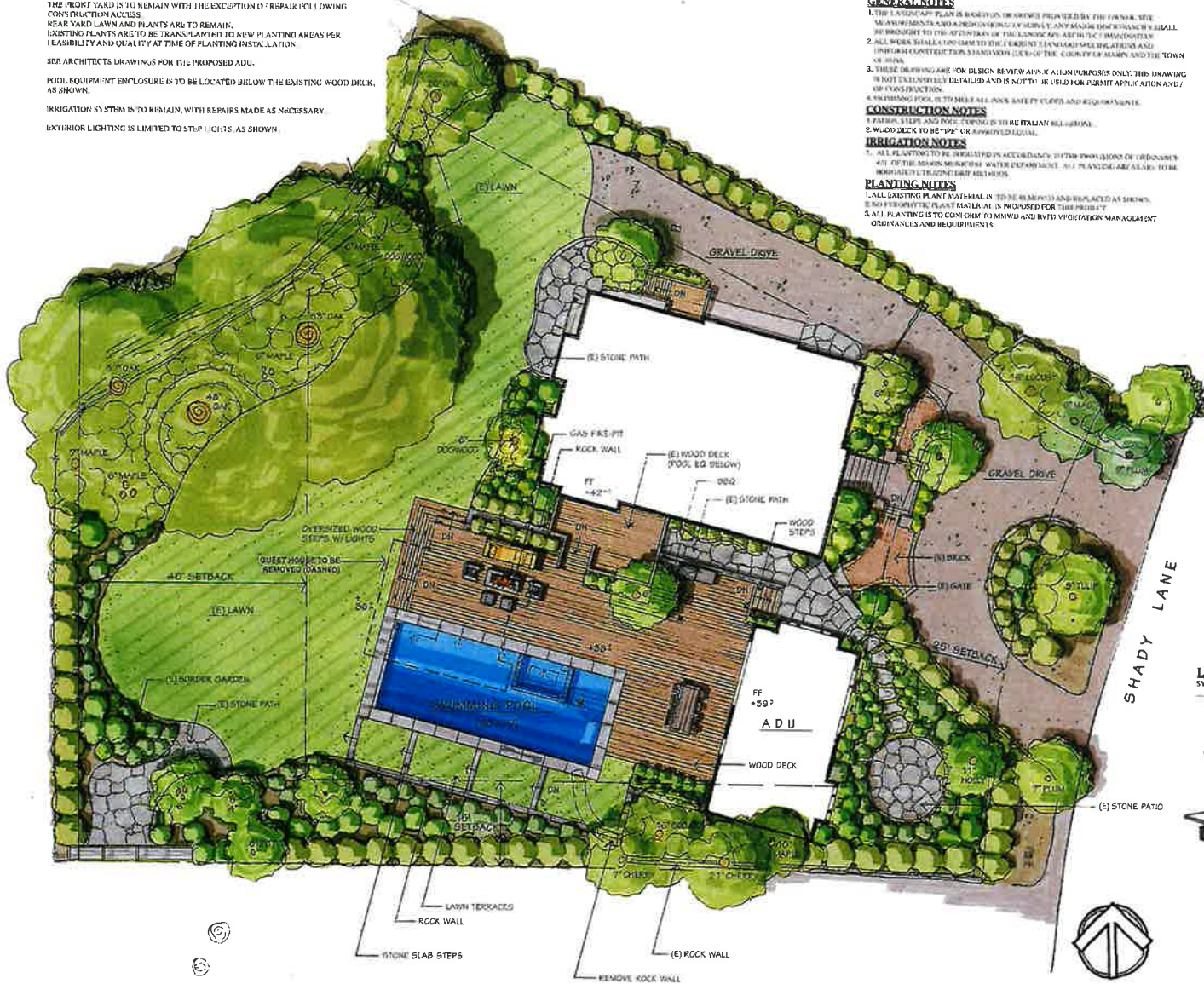
1. FINISH STEPS AND POOL TYPING IS TO BE ITALIAN BELLABONA.
2. WOOD DECK TO BE TYPED ON APPROVED LOGGERS.

IRRIGATION NOTES

1. ALL PLANTING TO BE IRRIGATED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE COUNTY OF ALBANY WATER DEPARTMENT. ALL PLANTING AREAS ARE TO BE IRRIGATED IN THE SAME MANNER AS THE EXISTING.

PLANTING NOTES

1. ALL EXISTING PLANT MATERIAL IS TO BE REMOVED AND REPLACED AS SHOWN.
2. NEW PLANTING IS TO CONFORM TO MOWD AND RVD VEGETATION MANAGEMENT ORDINANCES AND REQUIREMENTS.



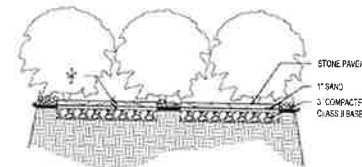
LIGHTING LEGEND

SYMBOL	MANUFACTURER	DESCRIPTION	QTY
1	FR. LUMINANCE	STEP LIGHT	10
2	FR. LUMINANCE	STAIR LIGHT	10
3	FR. LUMINANCE	POCKET LIGHT	10

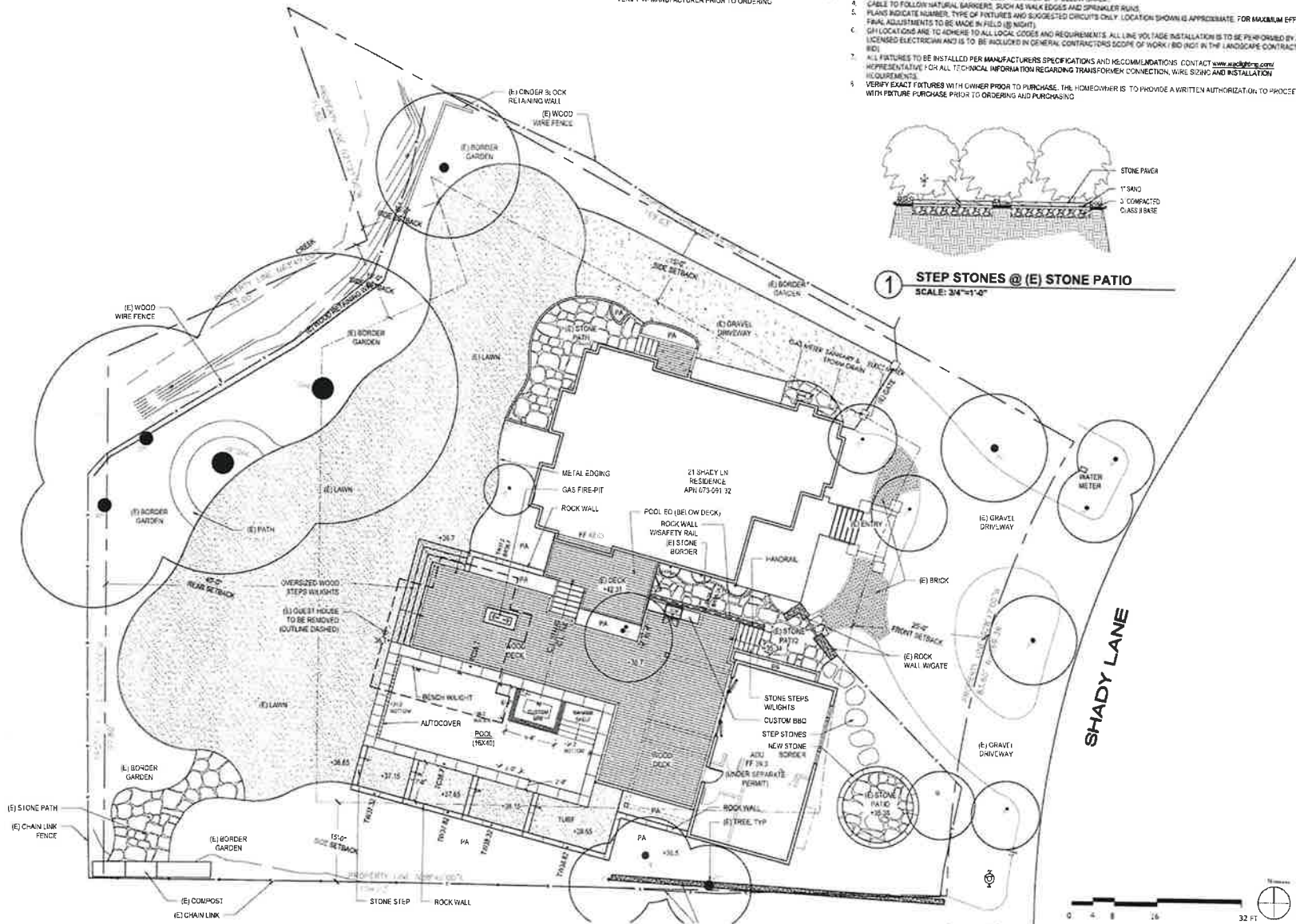


SYMBOL	MANUFACTURER	DESCRIPTION	QTY
■	WAC	STEP LIGHT @ STAIRS (401-2/88H)	11
■	WAC	TRANSFORMER	2
■	VERIFY W/ MANUFACTURER	PRIOR TO ORDERING	

- LIGHTING NOTES**
1. INTERIOR SWITCHING AND CONTROLS ARE TO BE COORDINATED WITH THE LIGHTING DESIGNER, ARCHITECT AND HOMEOWNER. ALL LIGHTING CONTROLS ARE TO BE INCLUDED IN GENERAL CONTRACTOR'S SCOPE OF WORK / NOT IN THE LANDSCAPE CONTRACTOR'S SCOPE.
 2. ALL LINE VOLTAGE TO TRANSFORMER LOCATIONS IS TO BE INCLUDED IN GENERAL CONTRACTOR'S SCOPE OF WORK / NOT IN THE LANDSCAPE CONTRACTOR'S SCOPE.
 3. ALL 120V VOLTAGE CABLES TO BE INSTALLED A MINIMUM OF 6" BELOW GRADE.
 4. CABLE TO FOLLOW NATURAL BARRIERS, SUCH AS WALK EDGES AND SPRINKLER RUNS.
 5. PLANS INDICATE NUMBER, TYPE OF FIXTURES AND SUGGESTED CIRCUITS ONLY. LOCATION SHOWN IS APPROXIMATE. FOR MAXIMUM EFFECT FINAL ADJUSTMENTS TO BE MADE IN FIELD (AS NEEDED).
 6. GFI LOCATIONS ARE TO ADHERE TO ALL LOCAL CODES AND REQUIREMENTS. ALL LINE VOLTAGE INSTALLATION IS TO BE PERFORMED BY A LICENSED ELECTRICIAN AND IS TO BE INCLUDED IN GENERAL CONTRACTOR'S SCOPE OF WORK / NOT IN THE LANDSCAPE CONTRACTOR'S SCOPE.
 7. ALL FIXTURES TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS. CONTACT www.wacinc.com FOR REPRESENTATIVE FOR ALL TECHNICAL INFORMATION REGARDING TRANSFORMER CONNECTION, WIRE SIZING AND INSTALLATION REQUIREMENTS.
 8. VERIFY EXACT FIXTURES WITH OWNER PRIOR TO PURCHASE. THE HOMEOWNER IS TO PROVIDE A WRITTEN AUTHORIZATION TO PROCEED WITH FIXTURE PURCHASE PRIOR TO ORDERING AND PURCHASING.



1 STEP STONES @ (E) STONE PATIO
SCALE: 3/4"=1'-0"



SPALY RESIDENCE

71 SHADY LN
ROSS CA 94057
APH 073-091-32



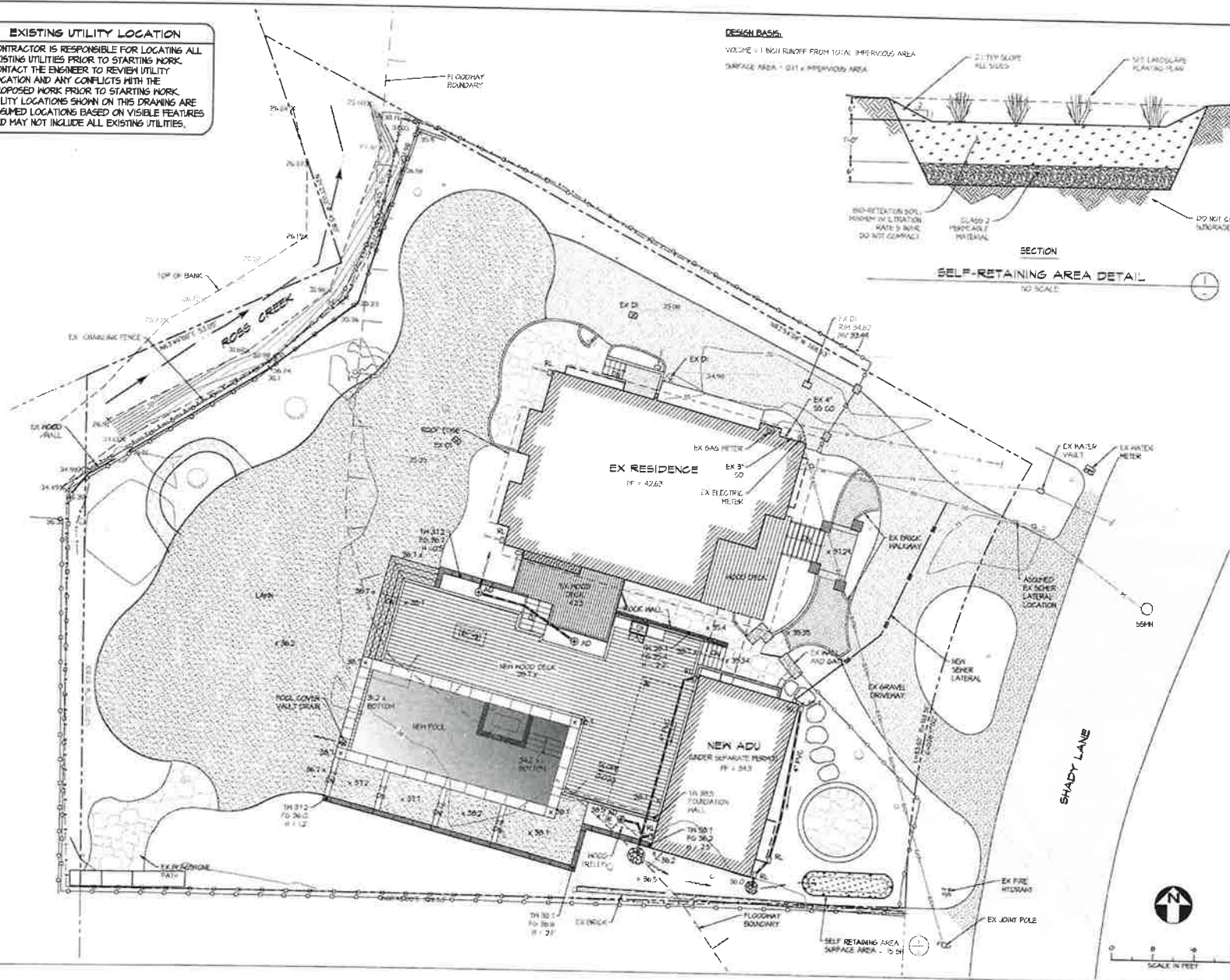
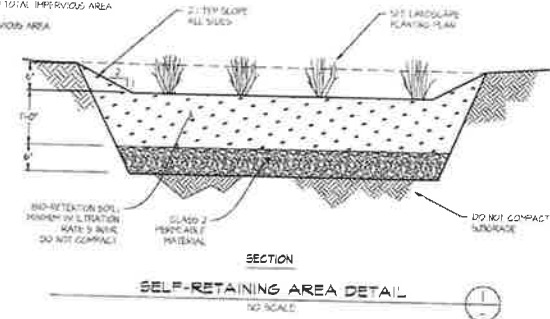
DATE	11.01.22
TIME	2M
DATE	22-19
SCALE	1/8"=1'-0"
LAYOUT PLAN	
L2.1	

EXISTING UTILITY LOCATION

CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO STARTING WORK. CONTACT THE ENGINEER TO REVIEW UTILITY LOCATION AND ANY CONFLICTS WITH THE PROPOSED WORK PRIOR TO STARTING WORK. UTILITY LOCATIONS SHOWN ON THIS DRAWING ARE ASSUMED LOCATIONS BASED ON VISIBLE FEATURES AND MAY NOT INCLUDE ALL EXISTING UTILITIES.

DESIGN BASIS:

VOLUME = 1 INCH RUNOFF FROM TOTAL IMPERVIOUS AREA
SURFACE AREA = 0.11 x IMPERVIOUS AREA



LTD Engineering, Inc.
1050 Northgate Drive, Suite 450
San Rafael, CA 94903
Tel: 415 445 7402, Cell: 415 711 8119
info@ltdengineering.com

DRAWN BY:
ERIC SPALY
774 HARTLEY AVENUE
SAN FRANCISCO, CA 94115
eric.spaly@gmail.com

ISSUED FOR
NOT FOR
CONSTRUCTION

LTD Engineering, Inc.
These documents are the property of LTD Engineering, Inc. and are not to be reproduced, stored, or transmitted in any form or by any means, electronic, mechanical, or otherwise, without the prior written permission of LTD Engineering, Inc.

SPALY RES'DING, INC.
ADU AND POOL
APN 073-091-32
SHADY LANE
ROSS, CALIFORNIA

NO.	DATE	DESCRIPTION
1	08/22/2024	ISSUED FOR PERMITS

DESIGNED BY: B. SPALY
DRAWN BY: E. SPALY
APPROVED BY: E. SPALY
SCALE: 1\"/>

CONCEPTUAL GRADING AND DRAINAGE PLAN

REVISION: 0
SHEET NO: 2 of 2
DRAWN: C-2

ATTACHMENT 4

MINUTES

Regular Meeting of the
Ross Advisory Design Review Group
7:00 PM, Tuesday, October 18, 2022

Video and audio recording of the meeting is available online at the Town's website at:
townofross.org/meetings.

1. 7:00 p.m. Commencement

ADR Group Chair Kruttschnitt called the meeting to order.

Present: Laura Dewar, Stephen Sutro, Josefa Buckingham, and Mark Fritts.

Director Rebecca Markwick and Associate Planner Alex Lopez-Vega were present representing staff.

2. Approval of Minutes.

The ADR Group minutes were not available.

3. Open Time for Public Comments

No comments were provided.

4. Planning Applications.

a. 78 Shady Lane (A.P.N.) 073-101-41 (**Continued to the November 15 Meeting*)

Applicant: Tatyana Mironova

Property Owner: Kim Victoria/Mironova Tatyana

Project Summary: The applicant is requesting approval of Design Review, Demolition and a Variance for a major renovation and remodel to the existing single-family dwelling. The project includes demolishing the existing 580 square foot carport. The project proposes construction of a new 391 square foot garage in the side and rear yard setbacks. Two separate additions are proposed on the second story, a 117 square foot addition is proposed above an existing first floor roof on the right side of the home, and a 19 square foot addition is proposed on the left side, also above a roof eave and a small addition on the second story. (Markwick)

b. 21 Loma Linda (A.P.N. 072-121-04)

Applicant and Owner: Scott Golden and Ben Kozub

Zoning: R-1:B--10

General Plan: ML

Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests approval of Design Review and Accessory Dwelling Unit (ADU) Permit to construct a 535 square foot ADU over an existing garage

and carport. The project is subject to ADR review because it is in the front yard setback. The proposed ADU will match the existing residence, dark brown shingles with white trim and doors. (Markwick)

Joey Buckingham

- Supports the project
- Good spot on the lot
- Makes the garages look better

Mark Fritts

- Supports the project

Steven Sutro

- Supports the project as drawn
- Fits in contextually, well designed
- Suggested that the plate height of the structure be taller, which would push the roof height about 6-8 inches and look more in proportion. The roof planes should be parallel. All ADR members agreed with Stephen's suggestion.

Mark Kruttschnitt

- Designed well, can support it because it is an ADU in the setback

c. **40 Madrona Avenue (073-223-29)**

Applicant: Ken Linsteadt
Property Owner: Amy and Chad Lewis
Zoning: R-1:B-10
General Plan: ML (Medium Low Density)
Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests approval of Design Review and Variance for renovation and expansion of height and footprint of the existing single-family home on the property, including addition of a new ADU, and a Non-Conformity Permit to legalize existing rear yard setback deviations and the proposed height increase on the non-conforming portion of the structure. (Markwick)

The public hearing was open to the public. The property owners at 18 Madrona, the Bergs, spoke about the implications of the outdoor roof deck, and how if someone was standing on the roof deck they could peer into all of the common areas at 40 Madrona. They asked that the roof deck be removed, and that more landscaping be proposed to help screen the structure.

Mark Kruttschnitt

- Discussed seeing properties from other properties.
- Does not support the second story roof deck
- Concrete decisions should be made regarding the landscaping in between 18 and 40 Madrona to provide screening.

- Overall, the ADR supports the project with a recommendation to soften the southeast corner. Majority opinion is to keep the roof deck, one member suggesting it be smaller.

The public hearing was reopened.

The applicant, Chad Lewis spoke. He indicated that the Bergs have lived at 18 Madrona for 2 years, and they recently had a project approved with an elevated deck, comparable to what the Lewis's were asking for. The Lewis's did not oppose the Berg's balcony, that was designed and will be built to look at the Lewis's. He discussed all the improvements that they have done for the neighbors.

Stephen Sutro

- Project is well designed
- Wants more screening at the base of the building on the downhill, east side of the structure
- Roof deck is on the first story, in the middle of the lot therefore he can support the roof deck.
- Can make the findings for the non-conformity permit.
- Can approve project as designed, with a suggestion that plantings are planted on the downhill corner of the structure.

Mark Fritts

- Supports the non-conforming plate height, and improves the architectural style
- Southeast corner could benefit from plantings for softening.
- Agrees with Stephen on the roof deck, however it is large as designed. Suggests pulling it back from the eastern edge. The deck is in the center of the property and does not loom over the street or property lines. Incorporate a rail to provide buffer.

d. **71 Shady Lane (073-091-32)**

Applicant: Imprints Gardens
Property Owner: Eric Spaly
Street Address: 71 Shady Lane
Zoning: R-1: B-10
General Plan: ML (Medium Low Density)
Flood Zone: AE

Project Summary: The applicant requests approval of Design Review to construct new landscape improvements. The project proposes a new swimming pool, pool equipment, new deck, fire pit, BBQ and plantings. (Markwick)

The public hearing was opened. Wendy Nicholas spoke on behalf of himself and wife. They believe the project is detrimental to their property, the deck, pool and ADU. The

placement of the ADU is too close to their property. They would like the pool and deck to be relocated away from their property line.

Stephen Sutro

- Can support the project as designed.

Laura Dewar

- Supports the project as designed, it conforms to the setbacks and the ADU is not under the ADR review.

Mark Fritts

- Agrees with Laura, can support the project as drawn.
- project is out of the setbacks and conforms to the code.

Joey

- Can support the project as designed.

e. 0 Bellagio (072-031-04)

Applicant: Winder Gibson Architects

Property Owner: Bellagio Ross, LP

Zoning: R-1:B-5A

General Plan: VL

Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests approval of Design Review to construct a new 7,176 square foot, two level over a partial basement single family home on a vacant lot. The project also includes a 667 square foot garage, a new pool, driveway, retaining walls and landscaping. The lot is considered a hillside lot with a slope of 36.7 percent.

Stephen Sutro

- The house as designed is contextually appropriate, can support the project as, and suggests approval overwhelming.
- Has some suggestions that could be taken or leave them. Suggests spacing the retaining walls out on the driveway, so that more plantings can go in between them.
- The several different types of windows, which are one too many cast of characters. Should be more consistent with window sizes.
- The gable ended dormer "should" be a shed dormer- just a suggestion.
- Appreciates that the house meets the height limit.
- Pool walls could be landscaped, creeping fig.
- Recommends approval for the project.

Mark Fritts

- Verified that the tree removal will follow the tree removal ordinance.
- Agrees with all of Stephen's comments, especially the gable roof.

- Appreciates the stucco comment and recommends that it does not become too bright.
- Refrigerator pop out should be removed.

Josefa Buckingham

- Appreciates the design of the home.
- Agrees with the others on the fenestration, the style could change so that only a few styles happen.
- Agrees with all of the comments by others.

Laura Dewar

- Great project, design and materials are great.
- The siting on the site is good.
- Suggests more trees between the new home and 14 Bellagio
- Agrees with all the comments about fenestration. There are too many styles as proposed.

Mark Kruttschnitt

- Great project, recommend that it is approved.
- The driveway gate need to be 50 percent solid, it appears about 70 percent at this point.
- Unanimous support for this excellent project.

5. **Conceptual ADR**
6. **Information and Discussion.**
7. **New Agenda Items.**
8. **Adjournment, 9:11 PM.**

Next scheduled regular meeting date and time: November 15, 2022, at 7:00 PM.