



## Agenda Item No. 20

### Staff Report

**Date:** June 15, 2023

**To:** Mayor Kuhl and Council Members

**From:** Alex Lopez-Vega, Assistant Planner

**Subject:** Viripaeff Residence, 101 Upper Road

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### Recommendation

It is recommended that the Town Council adopt Resolution No. 2316 (**Attachment 1**) approving Design Review, Hillside Lot Permit, and a Variance for the subject project as described below.

**Property Address:** 101 Upper Road  
**A.P.N.:** 073-022-13  
**Applicant:** EAG Studio  
**Property Owner:** Jessica and Lexi Viripaeff  
**Zoning:** R-1:B-A  
**General Plan:** VL (Very Low Density)  
**Flood Zone:** X (Moderate Risk)

### Project Data

	Code Standard	Existing	Proposed
Lot Area	1 Acre	43,264 SF	No change
Floor Area (FAR)	15%	6,346 SF	No Change
Building Coverage	15%	4,072 SF	No Change
Front Setback	25'	House 29' 6"	No Change (House) 44' 7" (Pool)

	Code Standard	Existing	Proposed
Left Side Setback	45'	House 35' 8"	No Change (House)
Right Side Setback	45'	House 45'	No Change (House) 39' 11" (Pool)
Rear Setback	70'	House 60' 10"	No Change (House) 49' 7" (Outdoor Kitchen)
Building Height	30'	28'	No Change
Parking	4 (2 Covered)	4 (2 Covered)	No Change
Impervious Surface Coverage	Minimize and/or mitigate for any increase.	7,169 SF	7,671 SF

**Project Description:**

The applicant requests approval for Design Review, Hillside Lot Permit, and a Variance. The applicant is requesting to construct new landscape structures at the single-family residential property. These structures and features include a new pool/spa, pool equipment, patio, firepit, outdoor kitchen, retaining wall, and an outdoor shower. An ADU has been approved ministerially and is not part of the Town Council review. The applicant will also construct a new 6'-tall grape stake fence alongside the existing driveway. All of the new landscape structures are proposed in the rear and side yard setback, therefore a Variance is required to allow for the construction of new landscape structures within the side and rear yard setbacks.

Project plans are included as **Attachment 2**; Project Application and Materials are included as **Attachment 3**.

The proposed project is subject to the following permit approval:

- **Design Review Permit is required pursuant to RMC Section 18.41.010** to allow for construction of a new building exceeding 200 square feet of a new floor area; fences and gates greater than 48" in height adjacent to the street right-of-way; a 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 landscape over 2,500 square feet.

- **Variances are required pursuant to RMC 18.48.010** to allow for the construction of new landscape structures within the side and rear yard setback.
- **Hillside Permit is required for lots with a slope of 30 percent or more, pursuant to RMC Section 18.39.020.**

### **Background**

The project site is a 43,124 square-foot steeply sloping lot on Upper Road. It has an average slope that is greater than 30%. The lot has a single-family residence which includes a guest house above the detached garage.

### **Advisory Design Review**

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 for Attics, a Hillside Lot Permit, and/or a Variance.

On March 21, 2023, and April 18, 2023, the project was reviewed at the Advisory Design Group (ADR) meetings. The meeting minutes for the two meetings are included in **Attachment 4**.

At the March 21, 2023, the ADR members stated that the materials should be changed to be earthtone, the guardrail on the roof of the ADU be removed, no roof deck on the ADU and the outdoor shower be moved. Three of the ADR members mentioned the project is too separated from the house and should be built within the buildable envelope and suggested pulling the project in towards the main house. One of the ADR members suggested a variance could work and the pool will fit but the pool equipment should be moved underground. Another ADR member suggested removing the walls on the terrace since it's too tall.

Subsequent to the March 21, 2023 meeting, the applicant removed the stair access to the ADU roof as well as the guardrail. The applicant also removed and relocated the outdoor shower and outdoor kitchen. Other changes include reducing the pool length from 47' to 40', moving the ADU 2' towards the main house, increased plant screening and include a grape stake solid fence between the driveway and the ADU/patio.

On April 18, 2023, the project went back to the ADR. The ADR members appreciated the changes, specific to the colors, and materials. All the ADR members suggested removing the "hot dog window" deck area. One ADR member stated a variance to allow structures in the setback is okay if the neighbors cannot see them, however the same ADR member would like to see the neighbor supportive of the project so he could support the project but understands the lot is an odd shape and steep which lends itself to the variance. One of the ADR members thought moving the pool closer to the house would not be a substantial change so it's not necessary, and also mentioned tightening up the back patio that is in the setback will help reduce the height of the retaining walls.

The applicant removed the “hot dog window” patio area on the roadside and reconfigured the ADU to keep all foot traffic out of that area. The applicant also placed the pool equipment underground and moved the project back into the hillside. The revised plans included as **Attachment 2** reflect the changes.

### **Discussion**

The proposed project is subject to the following permit approvals pursuant to the Ross Municipal Code:

### ***Design Review***

Design Review is intended 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 for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area; preserve and enhance the historical “small town,” low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town’s neighborhoods; and preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

The Town Council may approve, conditionally approve or deny an application for design review. The Town Council shall include conditions necessary to meet the purpose of Design Review pursuant to Chapter 18.41 and for substantial compliance with the criteria set forth in this chapter. If Council intends to approve Design Review, staff recommends that the required findings for approval be satisfied for the proposed project, as follows:

- **The project is consistent with the purpose of Design Review as outlined in Section 18.41.010. (Section 18.41.070 (b) (1))**
- **The project is in substantial compliance with the design criteria of Section 18.41.100. (Section 18.41.070 (b) (2))**
- **The project is consistent with the Ross General Plan and zoning ordinance. (Section 18.41.070 (b) (3))**

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 project is not



monumental or excessively large in size and is 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.

### ***Hillside Lot Permit***

Hillside areas are defined as parcels which have a slope of thirty percent or greater or are wholly or partially within Hazard Zones 3 or 4 as identified on the Town slope stability map. The purpose of Hillside designation includes: preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain; protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources; ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety; protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites; and reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

Pursuant to Section 18.39.20 (b), the proposed project requires a Hillside Lot Permit for a project encroaching within the minimum required side and rear yard setback.

Staff recommends approval of the Hillside Lot Permit as summarized below and by the findings in Exhibit "A" in the attached Resolution.

The proposed project protects and preserves public and private open space; significant features of the natural environment; and steep slopes, creeks, significant native vegetation, wildlife and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety. Design is well articulated to minimize the appearance of bulk. Materials and colors are of subdued tones and blend with the natural landscape. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views. The project proposes to construct new landscape structures within the side and rear yard setbacks. Consistent with Chapter 18.48, the findings are recommended to support the requested landscape structures to allow for the proposed setback encroachments on a Hillside Lot.

### ***Variance***

Pursuant to RMC Section 18.48.010, where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the zoning ordinance may result from the strict application of certain provisions thereof, variances, exceptions and adjustments may be granted,

by the Town Council in appropriate cases, after public notice and hearing as provided in the zoning ordinance. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

In accordance with RMC Section 18.48.010 (c), a Variance is recommended for approval to construct new landscape structures within the side and rear yard setback based on the following mandatory findings:

**1) That there are special circumstances or conditions applicable to the land, building or use referred to in the application.**

Analysis: The special circumstances and conditions applicable to the land include the location and shape of the lot. The lot does not have a traditional rear yard and most of the lot is heavily vegetated which makes it difficult to build on which is why the northern portion of the lot is the most ideal placement for the new landscape structures it will also preserve a significant number of trees. The strict application of the minimum required side and rear yard setback would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications, such as the ability to construct new landscape structures.

**2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.**

Analysis: Landscape structures are commonly enjoyed by owners of residential properties in the immediate vicinity. Granting of the variance request, in a neighborhood where existing nonconforming setbacks are common, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights. Granting of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

**3) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.**

Analysis: The proposed landscape structures will not adversely affect the health and safety of nearby residents as the existing mature landscaping and shrubs will provide visual screening from adjacent properties. The project would also be constructed in compliance with the building code and fire codes and all conditions of approval.

**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 impact 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 operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or 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.

**Public Comment**

Public Notices were mailed to property owners within 500 feet of the project site 10 days prior to the meeting date and no comments were received at the time of writing this report.

**Attachments**

1. Resolution No. 2316
2. Project Plans
3. Project Application and Materials
4. ADR Meeting Minutes, March 21, 2023 and Draft ADR Meeting Minutes, April 18, 2023

# ATTACHMENT 1

# **TOWN OF ROSS**

## **RESOLUTION NO. 2316**

### **RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, HILLSIDE LOT PERMIT AND A VARIANCE TO CONSTRUCT NEW LANDSCAPE STRUCTURES WITHIN THE SIDE AND REAR YARD SETBACKS LOCATED AT 101 UPPER ROAD A.P.N. 073-022-13**

**WHEREAS**, applicant EAG Studio, on behalf of property owners Jessica and Lexi Viripaeff has submitted an application requesting approval of Design Review, Hillside Lot permit and a Variance to construct of new landscape structures within the side and rear yard setbacks at 101 Upper Road APN 073-022-13 (herein referred to as “the Project”).

**WHEREAS**, the Project is determined to be 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 operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or 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; and

**WHEREAS**, on June 15, 2023, 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 a Demolition Permit to allow the Project, 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 15<sup>th</sup> day of June 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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Cyndie Martel, Town Clerk

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P. Beach Kuhl, Mayor

**EXHIBIT "A"**  
**FINDINGS**  
**101 Upper Road**  
**A.P.N. 073-022-13**

**A. Findings**

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

**a) The project is consistent with the purpose of the Design Review chapter as outlined in RMC Section 18.41.010.**

As recommended by the Advisory Design Review (ADR) Group, the Project is consistent with the purpose of the Design Review chapter as outlined in RMC 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; 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.

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

As recommended by the Advisory Design Review (ADR) Group, the Project is in substantial compliance with the design criteria of RMC Section 18.41.100. The site would be kept in harmony with the general appearance of neighboring landscape. Lot coverage and building footprints would be minimized, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. New buildings constructed on sloping land are designed to relate to the natural landforms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site. Buildings would use materials and colors that minimize visual impacts and blend with the existing landforms and vegetative cover, including wood and stone. Good access, circulation and off-street parking would be provided consistent with the natural features of the site. Open fencing would be aesthetically attractive and not create a "walled-in" feeling or a harsh, solid expanse. Landscaping would be integrated into the architectural scheme to accent and enhance the appearance of the development, including attractive, fire-resistant, native species and replacement trees for trees removed by development. Landscaping would create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire. The Project would maximize permeability and reduce the overall impervious surface coverage on the property, by removing existing impervious surfaces to more than offset the new development, so that the post-development stormwater runoff rates from the site would be no greater than pre-project rates.

**c) 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 Very Low-Density land use designation of the General Plan, the Single-Family Residence and Special Building Site zoning regulations, therefore the Project is found to be consistent with the Ross General Plan and Zoning Ordinance.

**II. In accordance with Ross Municipal Code (RMC) Section 18.48.010(c), Variance is approved based on the following mandatory findings:**

**a) That there are special circumstances or conditions applicable to the land, building or use referred to in the application.**

The special circumstances and conditions applicable to the land include the location and shape of the lot. The lot does not have a traditional rear yard and most of the lot is heavily vegetated which makes it difficult to build which is why the northern portion of the lot is the most ideal placement for the new landscape structures it will also preserve a significant number of trees. The strict application of the minimum required side and rear yard setback would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications, such as the ability to construct new landscape structures.

**b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.**

Landscape structures are commonly enjoyed by owners of residential properties in the immediate vicinity. Granting of the variance request, in a neighborhood where existing nonconforming setbacks are common, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights. Granting of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

**c) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.**

The proposed landscape structures will not adversely affect the health and safety of nearby residents as the existing mature landscaping and shrubs will provide visual screening from adjacent properties. The project would also be constructed in compliance with the building code and fire codes and all conditions of approval.

**III. In Accordance with Ross Municipal Code Section 18.39.060, Hillside Lot Permit is approved based on the following mandatory findings:**

**(1). The project complies with the stated purposes of Chapter 18.39.**

The proposed project protects and preserves public and private open space; significant features of the natural environment; and steep slopes, creeks, significant native vegetation, wildlife and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety.

**(2). The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance.**

Graded slopes do not exceed 2:1. Development adheres to the wildland urban interface building standards within the California Building Standards Code. The project would produce no net increase in peak runoff from the site compared to pre-project conditions. Consistent with Chapter 18.48, findings are recommended to support the requested variances to allow for the proposed setback encroachments on a Hillside Lot.

**(3). The project substantially conforms to the hillside development guidelines in Section 18.39.090.**

Architectural design complements the form of the natural landscape. Design is well-articulated to minimize the appearance of bulk. Materials and colors are of subdued tones to blend with the natural landscape. The new landscape structures conform to the natural contours of the site. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.



**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**101 Upper Road**  
**A.P.N. 073-022-13**

1. The building permit shall substantially conform to the plans entitled, "Viripaeff Residence" and dated 4/18/2023, and reviewed and approved by the Town Council on June 15, 2023
2. 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.
3. 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.
4. The Project shall comply with the Fire Code and all requirements of the Ross Valley Fire Department (RVFD).
5. 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.
6. 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.
7. A Tree Permit shall not be issued until the project grading or building permit is issued.
8. 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 a 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 the following holidays: 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

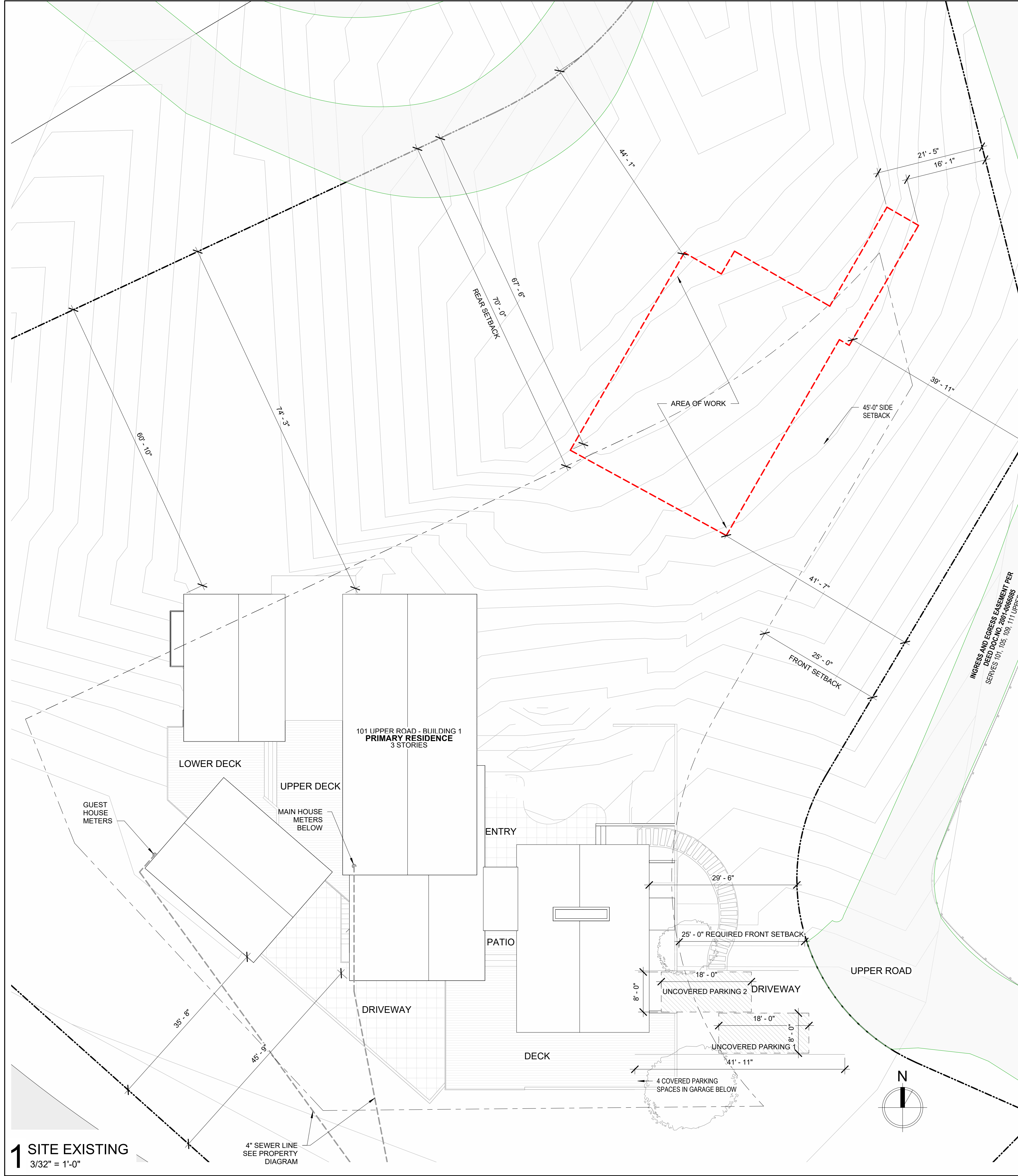
covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, 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.
9. 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





## ROSS MUNICIPAL CODE NOTES

**18.12.400 YARD, REAR, "REAR YARD"** MEANS A YARD EXTENDING BETWEEN THE SIDE LINES OF THE LOT AND MEASURED BETWEEN THE REAR LINE OF THE LOT AND THE NEAREST POINT OF THE MAIN BUILDING OR PORCH NEAREST THE REAR LINE OF THE LOT.

**18.12.410 YARD, FRONT, "FRONT YARD"** MEANS A YARD EXTENDING ACROSS THE FULL WIDTH OF THE LOT MEASURED BETWEEN THE STREET LINE (OR THE LOT LINE CONNECTED TO A STREET BY A LOT ACCESS) AND THE NEAREST POINT OF THE MAIN BUILDING OR PORCH. THE FRONT YARD OF A CORNER LOT IS THE YARD ADJACENT TO THE SHORTER STREET FRONTAGE.

**18.12.420 YARD, SIDE, "SIDE YARD"** MEANS A YARD ON EITHER SIDE OF THE LOT EXTENDING FROM THE FRONT LINE TO THE REAR LOT LINE, THE WIDTH OF EACH YARD BEING MEASURED BETWEEN THE SIDE LINE OF THE LOT, AND THE NEAREST POINT OF THE MAIN BUILDING OR PORCH.

## DIMENSION NOTES

1. DIMENSIONS ARE ROUNDED TO THE INCH ON THIS PLAN.
  2. DIMENSIONS ARE TO FINISH UNLESS OTHERWISE NOTED.
  3. DATUM POINTS, INCLUDING FOR HEIGHTS IN ELEVATIONS AND SECTIONS, ARE TO SUPERSEDE OTHER MEASUREMENTS IN THE PLANS, INCLUDING BUT NOT LIMITED TO FLOOR TO CEILING HEIGHTS.
  4. THE GENERAL CONTRACTOR IS TO REPORT ANY DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL SITE CONDITIONS WITH DESIGN TEAM BEFORE PERFORMING THE WORK.
- ## CONSTRUCTION RULES
- 1) PROVIDE DUST ABATEMENT BY SPRAYING DURING EXCAVATION
  - 2) MAINTAIN A CLEAN JOBSITE IN GENERAL TO MINIMIZE INCONVENIENCE TO NEIGHBORS
  - 3) CONSTRUCTION NOISE TO BE LIMITED TO THE TIME DICTATED IN THE NEIGHBORHOOD RULES
  - 4) PORTABLE TOILET TO BE CONCEALED WITH DECORATIVE HOUSING OR TO BE LOCATED BEHIND CONSTRUCTION BARRIER
  - 5) PROJECT TO COMPLY WITH WUI TYPE CONSTRUCTION REQUIREMENTS FOR 2016 CFC CHAPTER 7A & 2016 CRC SECTION R337. ALL VEGETATION AND CONSTRUCTION MATERIALS ARE TO BE MAINTAINED AWAY FROM THE RESIDENCE DURING CONSTRUCTION.
  - 6) MAINTAIN AND MAINTAIN VEGETATION WITHIN 10'-0" OF FOR ROADWAYS AS FOR DEFENSIBLE SPACE. TRIM TREES SO THEY DO NOT HANG LOWER THAN 15'-0" ABOVE THE ROADWAY.
  - 7) CONSTRUCTION HOURS TO BE MONDAY TO FRIDAY 7:30AM - 5:00 PM

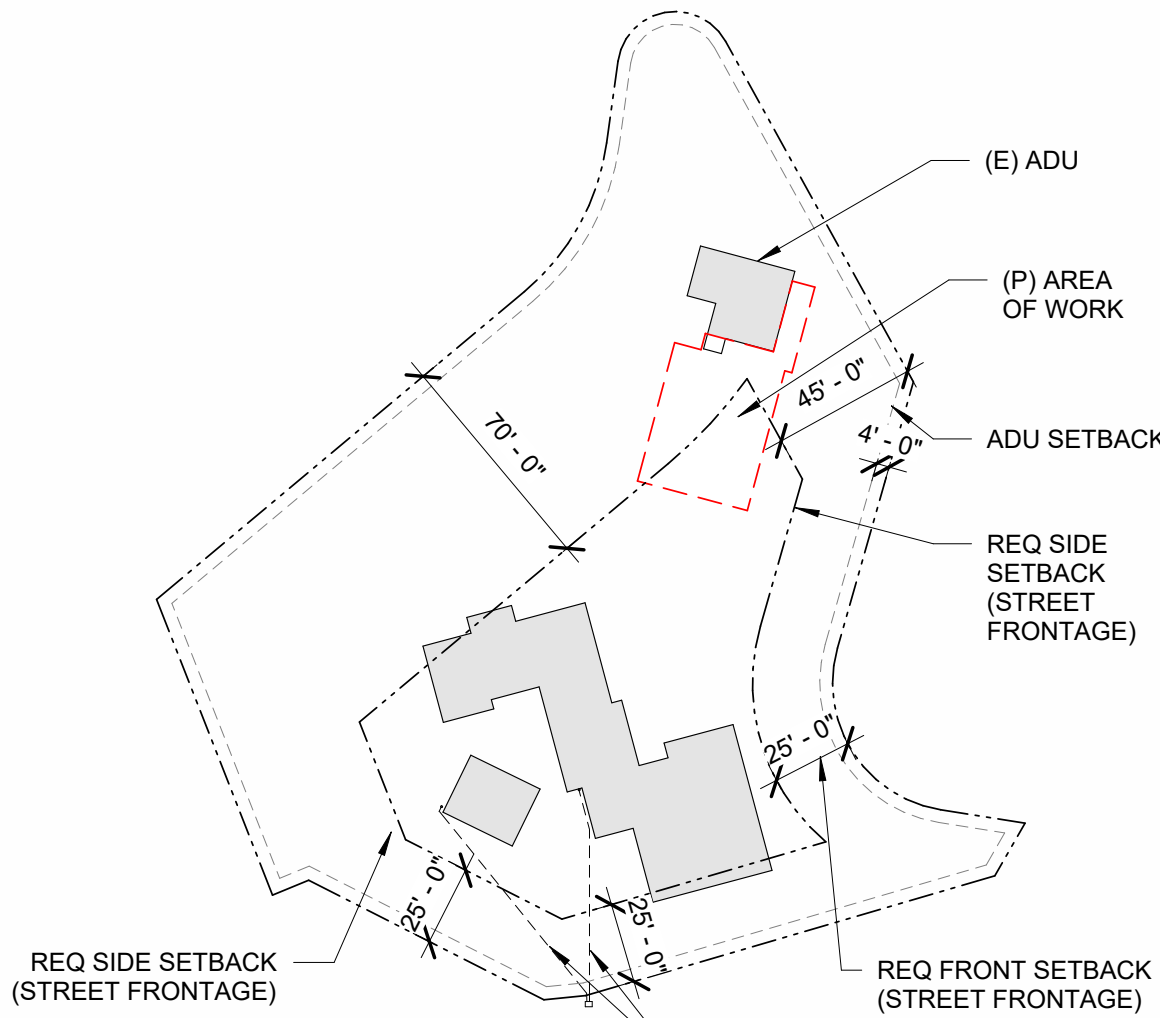
## APPLICABLE CODES

2019 CA BUILDING CODE  
2019 CA ENERGY CODE  
2019 CA PLBG CODE  
2019 CA ELECT CODE  
2019 CA MECHANICAL CODE  
2019 CALIFORNIA FIRE CODE  
2019 CALIFORNIA RESIDENTIAL CODE

## SCOPE OF WORK

**PRIMARY HOME:**  
-NO WORK  
**ADU:**  
-(N) DETACHED ADU ON SEPARATE PERMIT  
**LANDSCAPING:**  
-(N) HARDSCAPING / LANDSCAPING IN VICINITY OF ADU WITH PATH TO DRIVEWAY AND  
PRIMARY RESIDENCE  
**POOL:**  
-(N) POOL TO BE SUBMITTED ON SEPARATE PERMIT

SHEET LIST - CIVIL	
SHEET	SHEET NAME
C1	COVER SHEET
C2	GENERAL NOTES
C3	GRADING & DRAINAGE PLAN
C4	EROSION CONTROL PLAN
C5	UTILITY PLAN
C6	STORM WATER PLAN
C7	SEWER DETAILS
C8	EROSION & SEDIMENT CONTROL BMPs



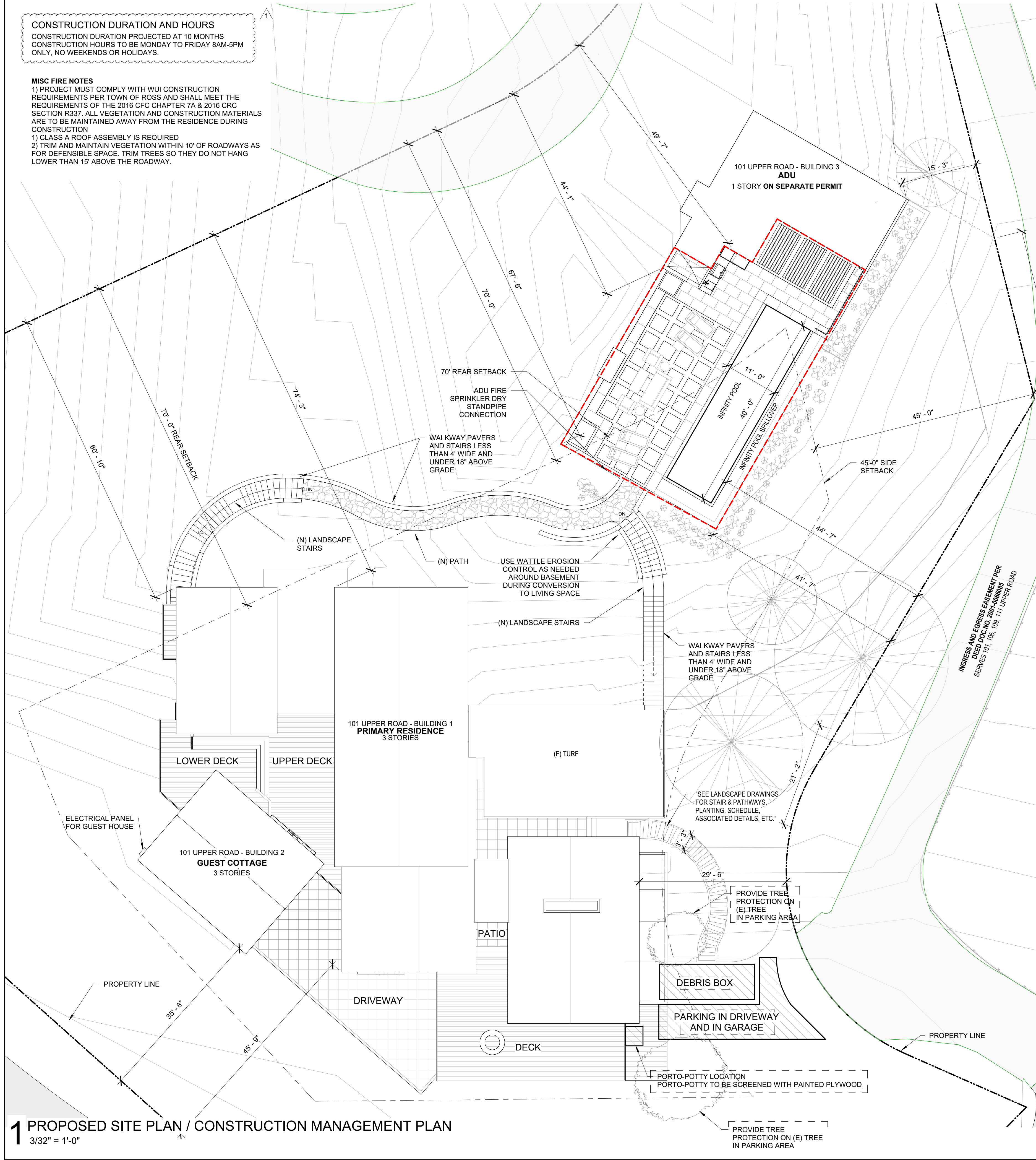
### 3 PROPOSED RENDERING

OWNER			
VIRIPAEFF REVOCABLE TRUST			
(415) 300-0585			
TEAM			
ARCHITECT		ENGINEER	
EAG STUDIO		HOM-PISANO ENGINEERING, INC	
2443 FILLMORE #215, SF, CA 94115		1406 32ND AVE, SF, CA 94122	
PHONE: (415) 300-0585		PHONE: (415) 682-4798	
EMAIL@EAGSTUDIO.COM		HOM@HOMPISANO.COM	
LANDSCAPE ARCHITECT		GENERAL CONTRACTOR	
IMPRINTS LANDSCAPE ARCHITECTS		ADAMAS BUILDERS INC	
202 ROSEMONT AVE, MILL VALLEY, CA 94941		1592 UNION STREET #399, SF, CA 94123	
PHONE: (415) 380-0755		PHONE: (415) 259-7638	
BRAD@IMPRINTSGARDENS.COM		TONY@ADAMASBUILDERS.COM	
PROJECT DATA			
ADDRESS	101 UPPER ROAD		
	ROSS, CA 94957		
APN	073-022-13		
ZONING	R-1, B-5A		
YEAR BUILT / PRESERVATION	1965		
OCCUPANCY	R-3/U		
HEIGHT LIMIT	30'-0"		
LEGISLATIVE SETBACKS	FRONT(AND ALL STREET FRONTAGES) 25', SIDE 45', REAR 70'		
STORIES	3		
LOT COVERAGE	10%		
FAR	10%		
CONSTRUCTION TYPE	V-B		
ZONING PARAMETERS TABLE			
	EXISTING	NET NEW	PROJECT TOTALS
IMPERVIOUS SURFACE AREA	7,169 SQ.FT	502 SQ.FT	7,671 SQ.FT
PROJECT SITE AREA	43,264 SQ.FT		
IMPERVIOUS SURFACE RATIO	16.25%	1.14%	17.39%
PROJECT FEATURES			
	EXISTING	NET NEW	PROJECT TOTALS
DWELLING UNITS		1	3
PARKING SPACES	4 (COVERED), 2 (UNCOVERED)	0	6
NUMBER OF BUILDINGS	2	1	3
HEIGHT OF BUILDING(S)	35'-11"	0	35'-11"
NUMBER OF STORIES		0	3
GROSS SQUARE FOOTAGE - MAIN HOME + DETACHED COTTAGE			
	EXISTING	NET NEW	PROJECT TOTALS
FIRST LEVEL	443	0	443
SECOND LEVEL	2,680	0	2,680
THIRD LEVEL	1,831	0	1,831
GARAGE	1,392	0	1,392
TOTAL GROSS SQUARE FOOTAGE	6,346	0	6,346
GROSS SQUARE FOOTAGE - (E) ADU			
	EXISTING	NET NEW	PROJECT TOTALS
FIRST LEVEL	502	0	502
TOTAL GROSS SQUARE FOOTAGE	502	0	502
SUMMARY			
NEW SQUARE FOOTAGE 0			
LOT SIZE		43,264 SQFT	
PROPOSED FLOOR AREA RATIO		.159	
SHEET LIST - ARCHITECTURAL			
SHEET	SHEET NAME		
A0.1	EXISTING SITE PLAN / PROJECT DATA		
A0.2	PROPOSED SITE / CONSTRUCTION MANAGEMENT PLAN		
A0.3	NOTES 1		
A0.4	NOTES 2 & ABBREVIATIONS		
A0.5	SITE BOUNDARY SURVEY REFERENCE		
A0.8	PLANNING APPROVAL LETTER - ADU		
A2.0	PROPOSED FLOOR PLANS		
A2.1	SCOPE CHANGE GRAPHICS		
A4.0	PROPOSED ADU ELEVATIONS AND SECTIONS		
A4.0a	WINDOWS & DOOR NOTES AND TYPES		
A4.1	PROPOSED SITE SECTIONS		
A4.3	STREET VIEW RENDERINGS		
A4.4	STREET VIEW RENDERINGS		
A4.5	STREET VIEW RENDERINGS		
A11.1	DETAILS - WALLS		
A14.2	DETAILS - MISC ROOF		
A15.1	DETAILS - WATERPROOFING 1		
A15.2	DETAILS - WATERPROOFING 2		
SHEET LIST - LANDSCAPE PLANS			
SHEET	SHEET NAME		
L0.5	DETAILS - LANDSCAPE AND POOL 1		
L0.6	DETAILS - LANDSCAPE AND POOL 2		
L0.7	DETAILS - LANDSCAPE AND POOL 3		
L0.9	DETAILS - LANDSCAPE AND POOL 4		
L0.10	DETAILS - LANDSCAPE AND POOL 5		
L1	LANDSCAPE SITE PLAN		
L2	SWIMMING POOL AND CABANA AREA		

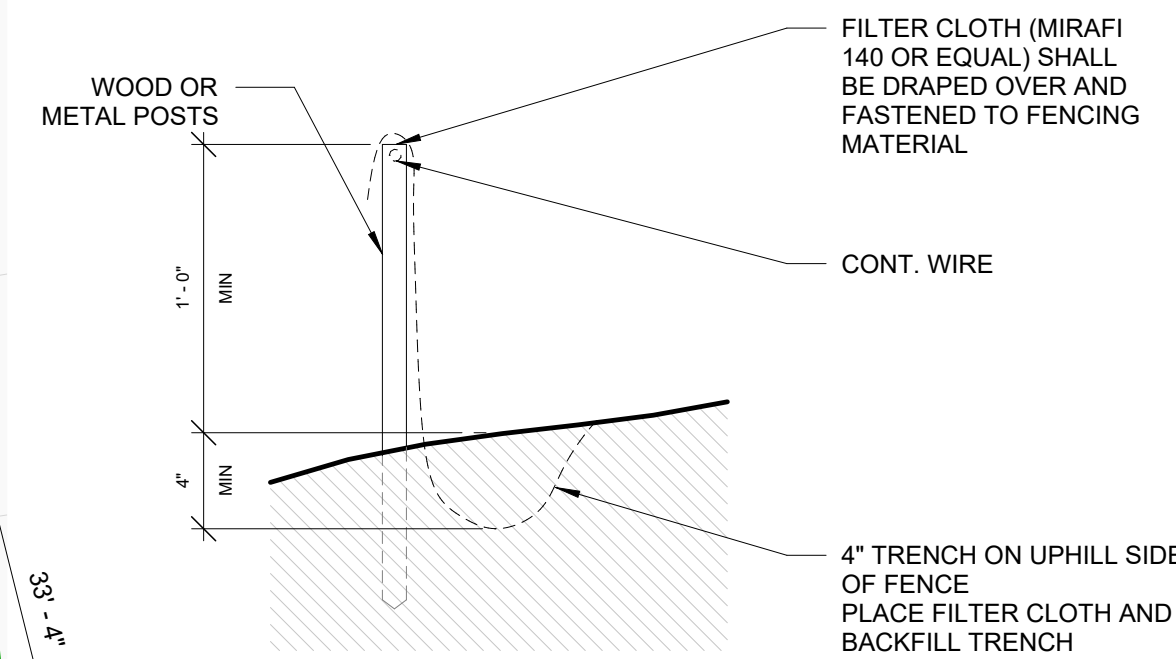


**CONSTRUCTION DURATION AND HOURS**  
CONSTRUCTION DURATION PROJECTED AT 10 MONTHS  
CONSTRUCTION HOURS TO BE MONDAY TO FRIDAY 8AM-5PM  
ONLY. NO WEEKENDS OR HOLIDAYS.

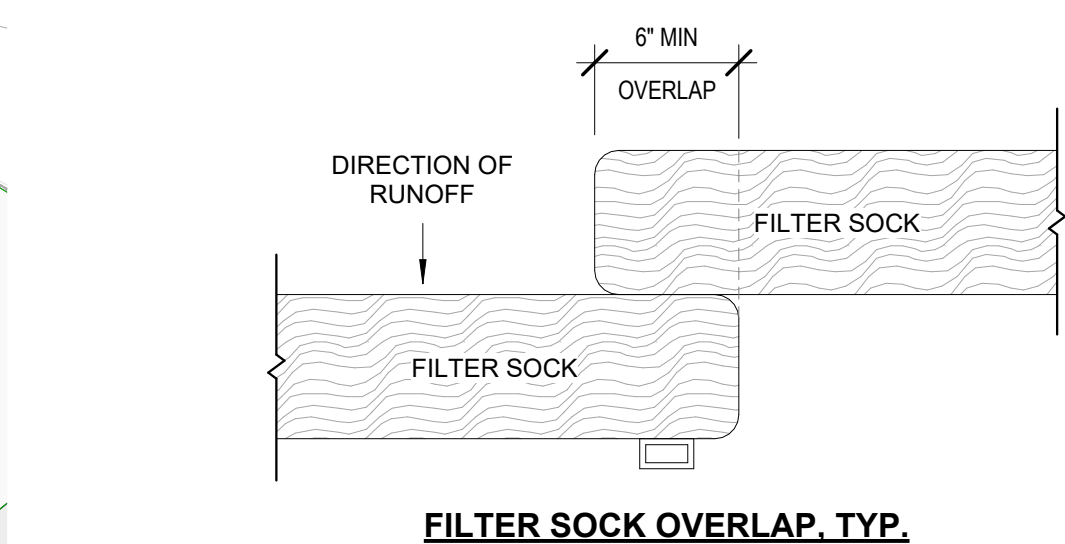
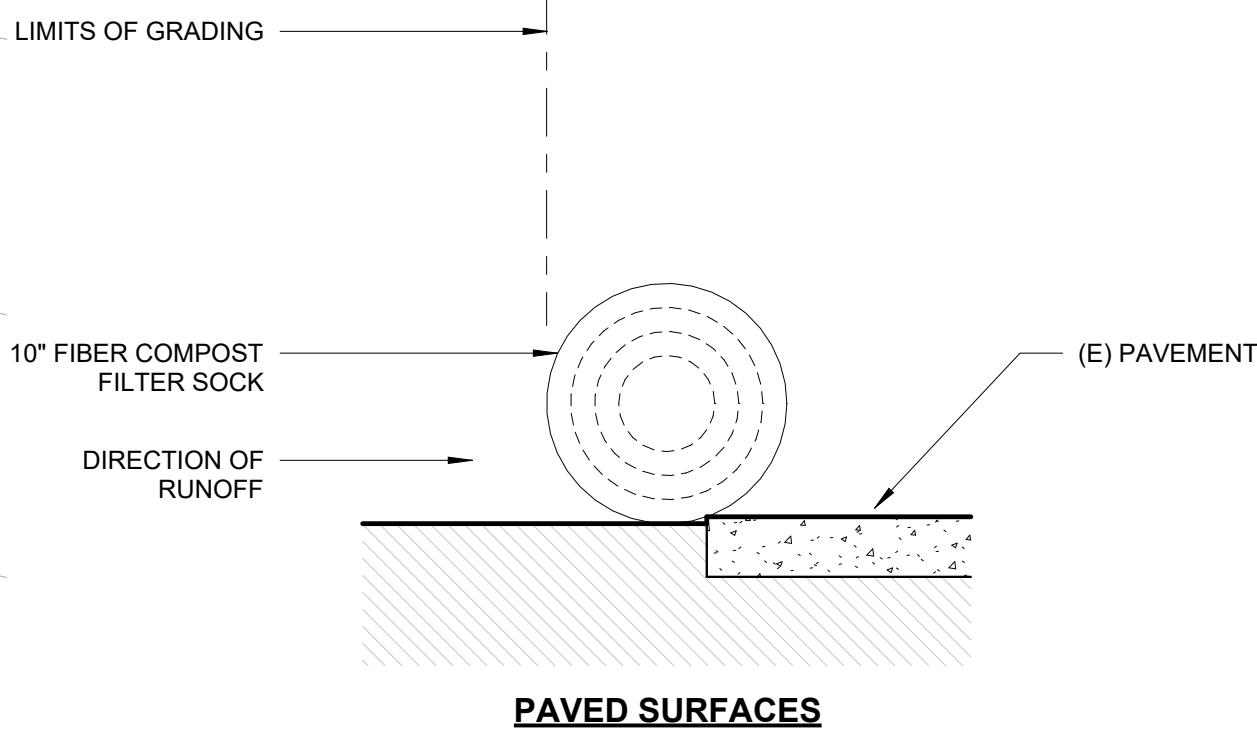
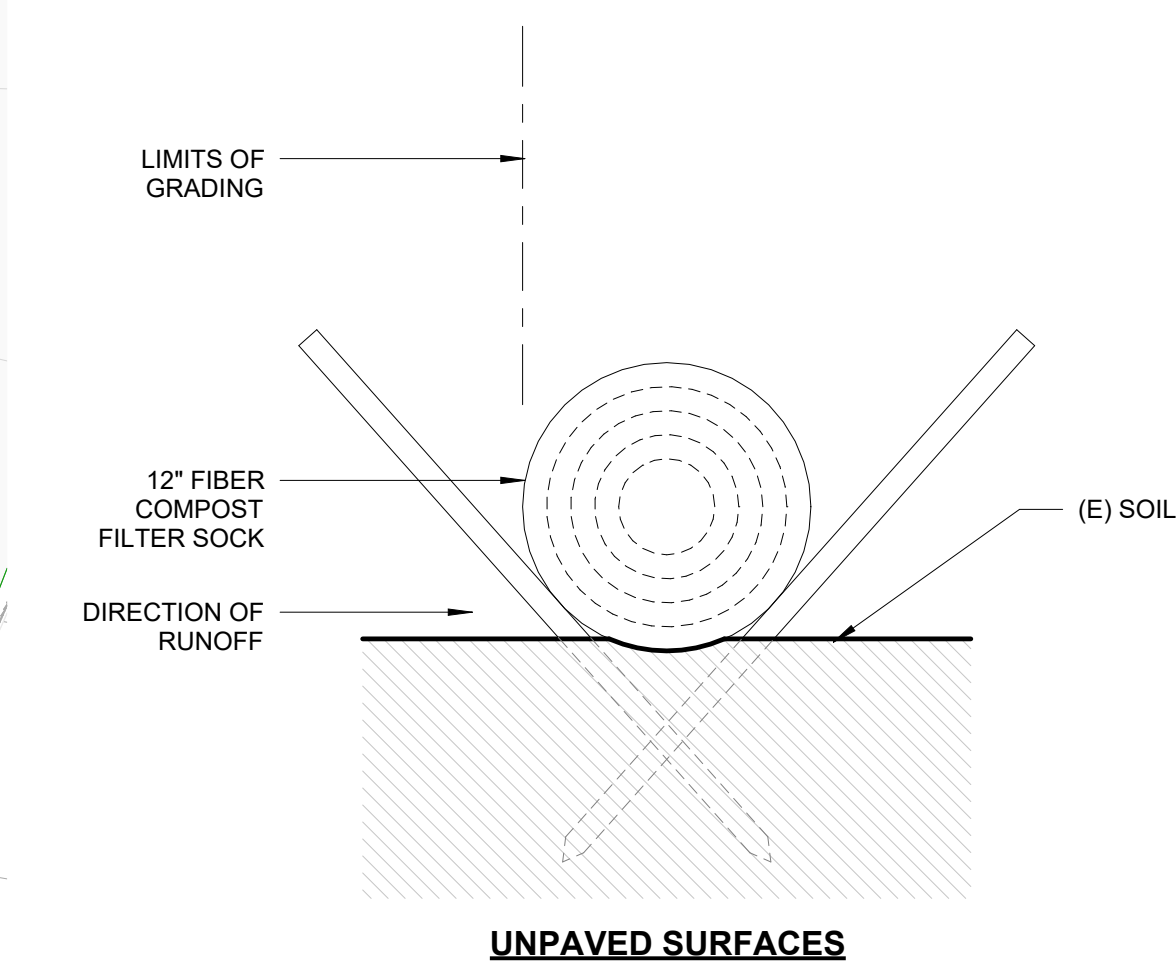
**MISC FIRE NOTES**  
1) PROJECT MUST COMPLY WITH WUI CONSTRUCTION  
REQUIREMENTS PER TOWN OF ROSS AND SHALL MEET THE  
REQUIREMENTS OF THE 2016 CFC CHAPTER 7A & 2016 CRC  
SECTION R337. ALL VEGETATION AND CONSTRUCTION MATERIALS  
ARE TO BE MAINTAINED AWAY FROM THE RESIDENCE DURING  
CONSTRUCTION  
1) CLASS A ROOF ASSEMBLY IS REQUIRED  
2) TRIM AND MAINTAIN VEGETATION WITHIN 10' OF ROADWAYS AS  
FOR DEFENSIBLE SPACE. TRIM TREES SO THEY DO NOT HANG  
LOWER THAN 15' ABOVE THE ROADWAY.



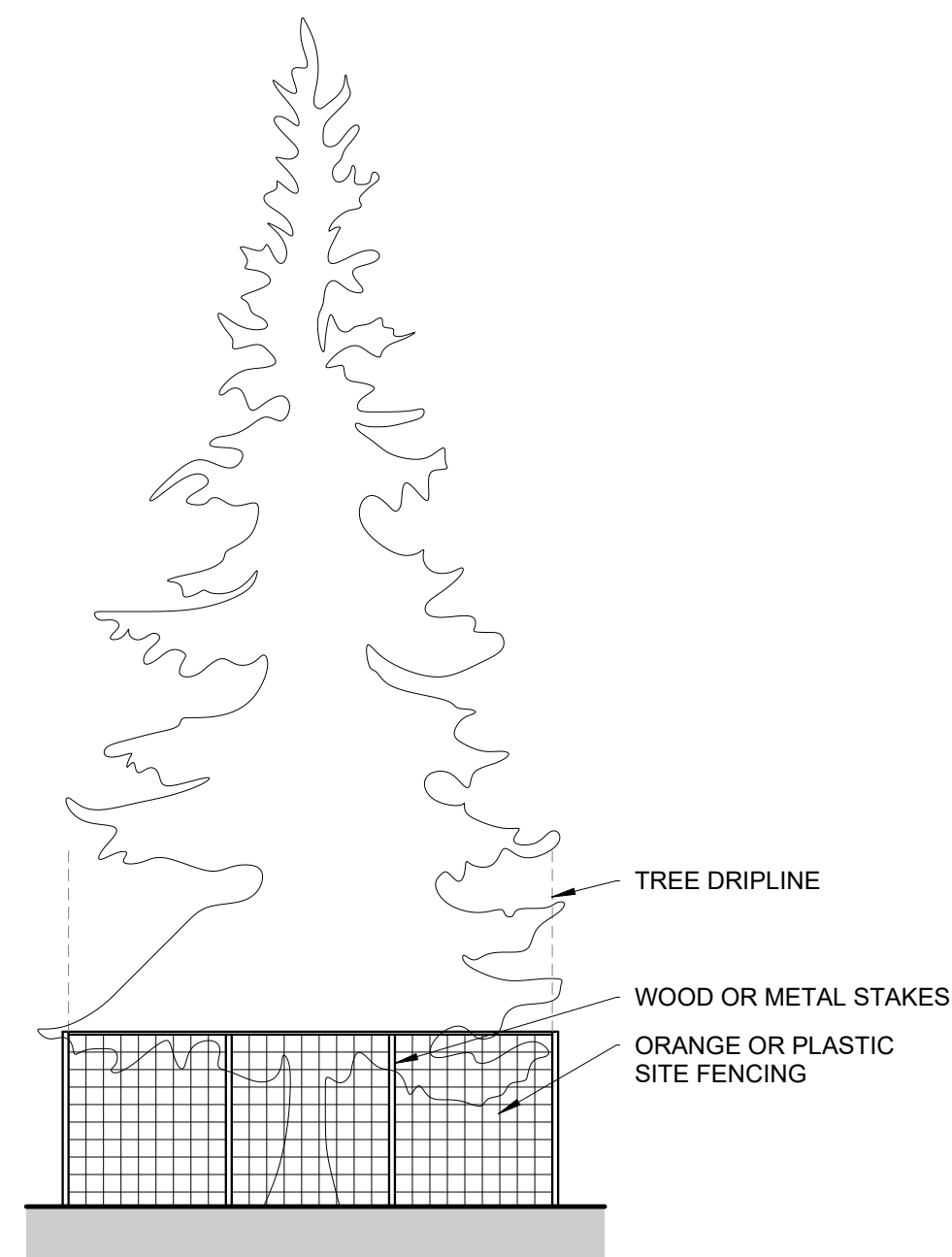
**1 PROPOSED SITE PLAN / CONSTRUCTION MANAGEMENT PLAN**  
3/32" = 1'-0"



**2 EROSION CONTROL - FILTER FABRIC FENCE**  
1 1/2" = 1'-0"



**3 EROSION CONTROL - FILTER SOCK**  
1 1/2" = 1'-0"



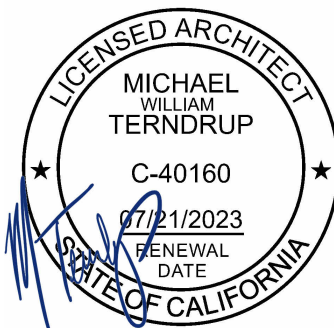
**4 EROSION CONTROL - TREE PROTECTION**  
3/8" = 1'-0"

#### EROSION CONTROL NOTES

1. GRADING ON SITE WILL BE LIMITED TO WHAT IS SHOWN IN APPROVED PERMIT DRAWINGS, OR TO WHAT IS EXEMPT FROM PERMITTING FROM THE LEGAL PERMITTING AGENCY OR RELEVANT AUTHORITY - SEE LOCAL REGULATIONS.
2. DIVERSION METHODS, INCLUDING BUT NOT LIMITED PROPERLY INSTALLED AND SECURED STRAW WATTLE, SILT FENCING AND JUTE NETTING SHALL BE INSTALLED BEFORE AND DURING GRADEWORK OR IN SLOPED LOCATIONS PRONE TO EROSION. CONSULT BEST MANAGEMENT PRACTICES (BMP) FOR PROPER INSTALLATION METHODS OR ASK FOR CLARIFICATION IF NEEDED. WHENEVER AVAILABLE, SEE GEOTECHNICAL REPORT AND/OR CIVIL DRAWINGS. DRAWINGS/NOTES ON GEOTECHNICAL REPORT, AS THEY MAY WOULD SUPERCEDE MORE GENERAL INFORMATION ON ARCHITECTURAL SHEETS WHERE RELEVANT.
3. ABOVE MENTIONED RUNOFF/EROSION PROTECTION AND PROPERLY MAINTAINED AT ALL TIMES DURING CONSTRUCTION IF DISTURBED. IT IS TO BE INSPECTED AFTER EACH STORM AND PERIODICALLY INSPECTED AND REPAIRED AND/OR REPLACED AS NEEDED BETWEEN RAINY DAYS.
4. ALL SITEWORK THAT IS NOT SPECIFICALLY EXEMPT FROM JURISDICTIONAL CODES AND REGULATIONS SHALL COMPLY WITH LOCAL ORDINANCES.
5. ANY FIELD CONDITIONS THAT VARY FROM THE PERMIT DOCUMENTS THAT WOULD RESULT IN DEVIATION FROM THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF EAG STUDIO PRO-actively.
6. CONTRACTOR IS TO MAKE EVERY EFFORTS TO CONTROL RUNOFF OF SEDIMENT AND DEBRIS IN ACCORDANCE WITH BMP. STORM DRAINS, INLETS, AND BASINS TO BE CLEARED OF DEBRIS AND SEDIMENT WITHIN 24 HOURS AFTER EACH STORM OR PERIOD OF SIGNIFICANT RAINFALL.
7. TEMPORARY EROSION CONTROL SHALL BE EXPANDED OR MODIFIED IF THE FIELD INSPECTOR SO DIRECTS.
8. PAVED AREAS TO BE ROUTINELY CLEANED OF EARTH, SEDIMENT AND DEBRIS AS REQUIRED TO MAINTAIN SAFE CONDITIONS, FLOW OF TRAFFIC.
9. GRADED AREAS TO BE SEED AFTER EARTHWORK IS COMPLETE WITHOUT DELAY AND ITS GROWTH FACILITATED WITH IRRIGATION IF NEEDED DEPENDING ON THE SEASON.
10. STREET/SIDEWALK TO BE CLEANED OF EARTH, DEBRIS, OR SEDIMENT AT THE END OF ALL WORKING DAYS.
11. CONTRACTOR IS TO INCLUDE ANY ANTICIPATED REQUIRED EROSION CONTROL MEASURES INTO ITS INITIAL ESTIMATE WHENEVER NECESSARY, DEPENDING ON THE SEASON AND THE SITE CONDITIONS.

**EAG  
STUDIO**

PHONE  
415-300-0585  
EMAIL  
EAG@EAGSTUDIO.COM  
ADDRESS  
1503 FOLSOM STREET  
SAN FRANCISCO, CA 94103



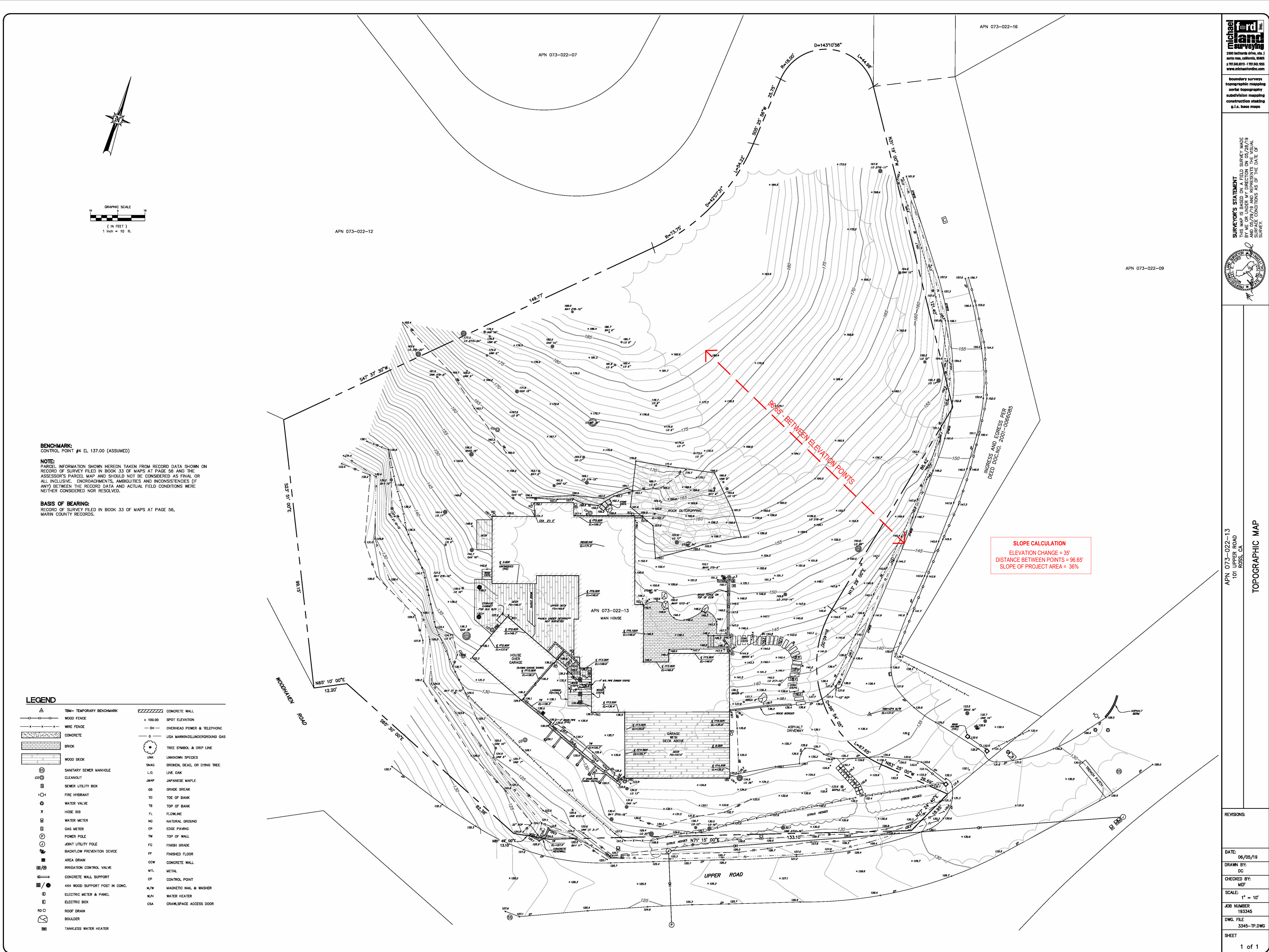
#	REVISIONS	DATE
1	INITIAL PLAN SET	6/25/21
2	REVISION TO COMMENTS	12/03/21

**101 UPPER ROAD REMODEL**  
101 UPPER ROAD  
ROSS, CA 94957  
APN: 073-022-13

**PROPOSED SITE /  
CONSTRUCTION  
MANAGEMENT PLAN**

**A0.2**





**michael land survey**  
1300 belmont ave, ste. 1  
san jose, california, 95128  
415-300-0585  
www.michaelandco.com

**SURVEYOR'S STATEMENT**  
I, MICHAEL J. LAND, SURVEYOR, MAKE  
THIS STATEMENT UNDER MY OATH  
AND UNDER THE SEAL OF THE  
STATE OF CALIFORNIA.



APN 073-022-13  
101 UPPER ROAD  
ROSS, CA

TOPOGRAPHIC MAP

REVISIONS:

DATE:	05/26/19
DRAWN BY:	DC
CHECKED BY:	MEF
SCALE:	1" = 10'
JOB NUMBER:	193345
DWG. FILE:	3345-TP.DWG
SHEET:	1 of 1

**EAG STUDIO**

PHONE 415-300-0585  
EMAIL [EAGSTUDIO.COM](mailto:EAGSTUDIO.COM)  
ADDRESS 1503 FOLSOM STREET  
SAN FRANCISCO, CA 94103

**LICENSED ARCHITECT**  
MICHAEL J. LAND  
C-34078  
02-28-2023  
RENEWAL DATE

#	REVISIONS	DATE
1	INITIAL PLAN SET	6/25/21
2	REVISION TO COMMENTS	12/03/21

**101 UPPER ROAD - ADU**  
101 UPPER ROAD  
ROSS, CA 94957  
APN: 073-022-13

**SITE BOUNDARY SURVEY REFERENCE**

**A0.5**





Approval of Accessory Dwelling Unit (ADU) Permit

Date: July 13, 2022

To: EAG Studio  
1553 Folsom Street  
San Francisco, CA 94103

Approved by:   
Rebecca Markwick, Planning and Building Director

Subject: New Accessory Dwelling Unit at 101 Upper Road (APN 073-022-13)  
Application ADU21-0008

Planning Department staff approves the ADU Permit to allow the construction of a new 502-square-foot detached Accessory Dwelling Unit at 10 Fernhill Avenue, as depicted in the project plans included, dated December 3, 2021, consistent with the requirements and standards of Ross Municipal Code Chapter 18.42.

Conditions of Approval  
The ADU Permit is approved subject to the following conditions of approval:

- No change from the approved plans shall be permitted without prior Town approval.
- 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.

- Use of the accessory dwelling unit shall comply with Ross Municipal Code Chapter 18.42 and California Government Code Section 65852.2, as may be amended from time to time.
- Street address shall be assigned to the accessory dwelling unit to assist in emergency response per Ross Municipal Code Section 18.42.050 (d).
- The accessory dwelling unit may be rented but shall not be sold independently of the primary dwelling on the parcel per Ross Municipal Code Section 18.42.050 (e).
- The accessory dwelling unit shall not be rented for less than 30 consecutive days per Ross Municipal Code Section 18.42.050 (f).
- The accessory dwelling unit shall contain a separate kitchen and bathroom independent of the primary residence per Ross Municipal Code Section 18.42.055 (a). A kitchen shall include all of the following: a sink with hot and cold running water; a range or stove and oven; at a minimum, an apartment-sized refrigerator; and built-in dish and utensil storage spaces. Per Ross Municipal Code Section 18.42.020.
- All exterior lighting, including landscape lighting, must be dark sky compliant. All new exterior lighting must be designed and installed so that the filaments, light sources or lenses are shielded and downward facing with opaque materials in such a way that they will not be visible at property lines. The exterior lights shall have a color temperature of 3500 Kelvin or lower (warm not cool). Per Ross Municipal Code Section 18.42.055 (g).
- Any tree over 12 inches in circumference removed in conjunction with the construction of an accessory dwelling unit shall be replaced by a 24-inch box tree on the project site per Ross Municipal Code Section 18.42.055 (h).
- An attached or detached accessory dwelling unit located in the flood plain shall comply with Chapter 15.36 of the Municipal Code per Ross Municipal Code Section 18.42.055 (k).
- Prior to issuance of a building permit, the proposed method of water supply and sewage disposal for the accessory dwelling unit shall be provided, as well as service availability from any associated electric and gas provider for the lot. Letters of service availability shall be provided by the appropriate utilities service provider(s) for the lot. Per Ross Municipal Code Section 18.42.055 (l).

Attachment: Exhibit A (Project Plans)

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EAG  
STUDIO

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EMAIL  
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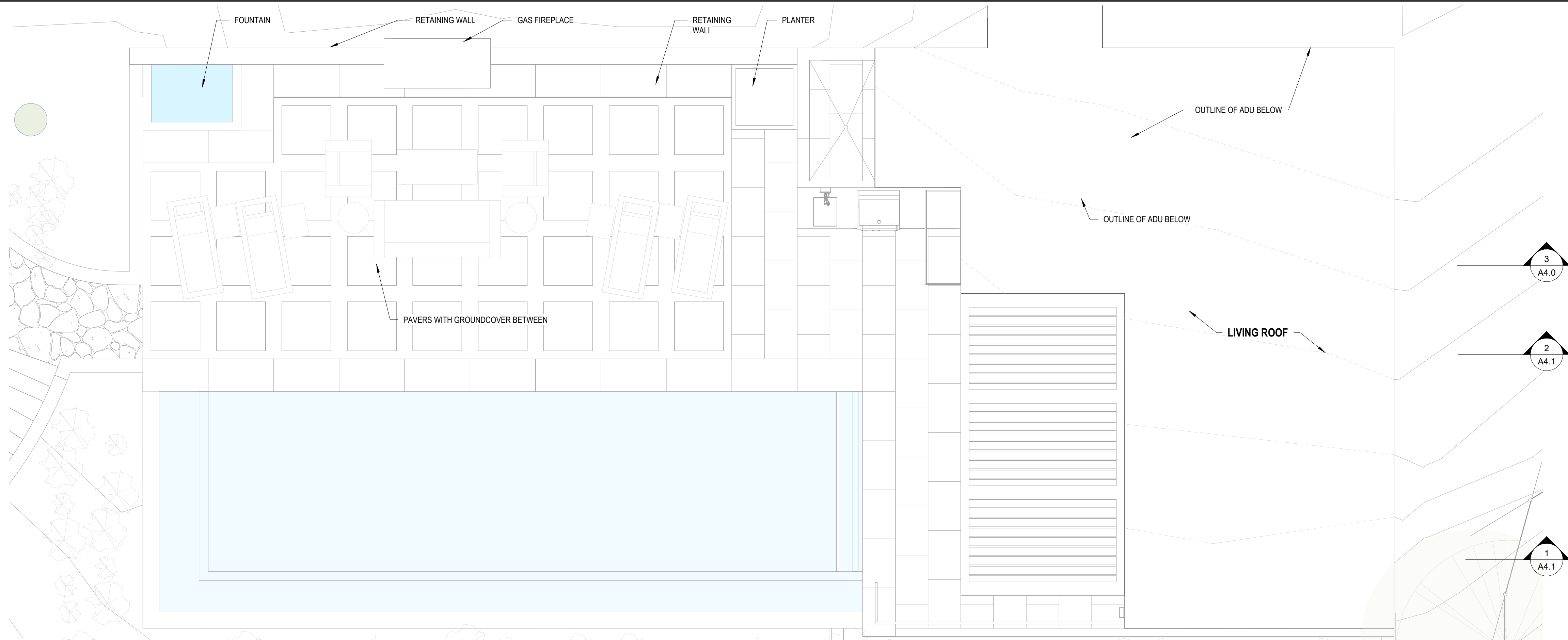
#	REVISIONS	DATE
	INITIAL PLAN SET	6/25/21
⚠	REVISION TO COMMENTS	12/03/21

101 UPPER ROAD REMODEL  
101 UPPER ROAD  
ROSS, CA 94957  
APN: 073-022-13

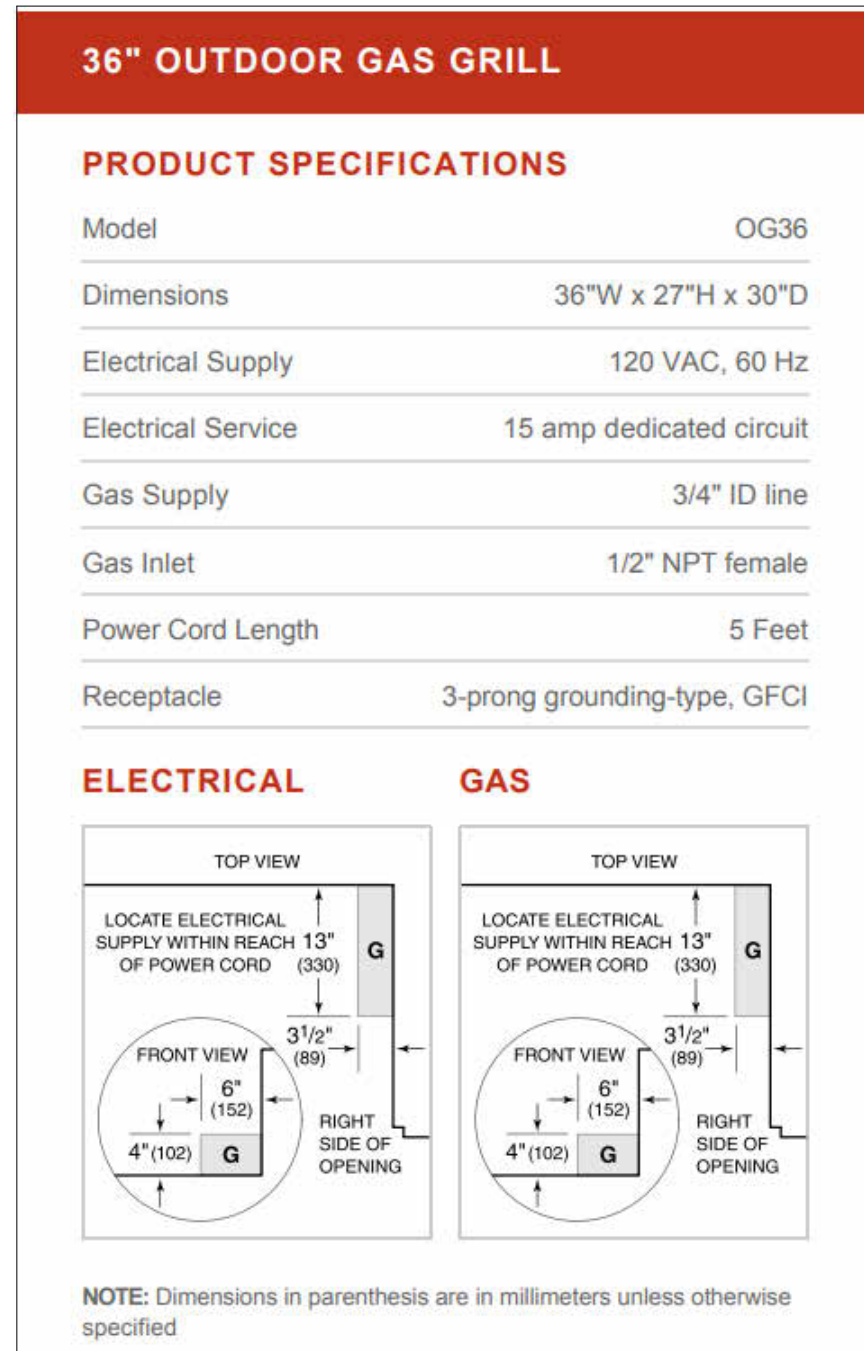
PLANNING APPROVAL  
LETTER - ADU

A0.8

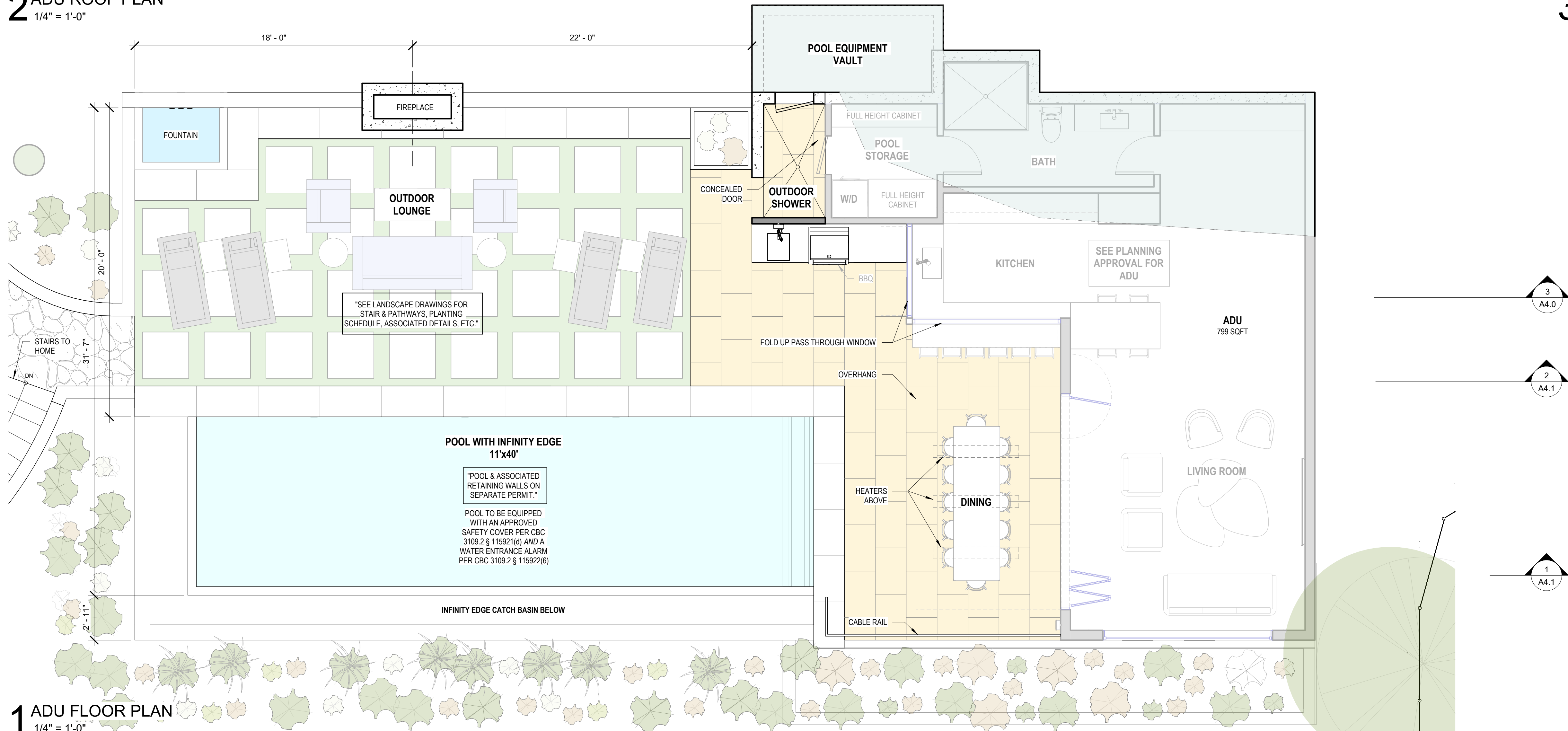




2 ADU ROOF PLAN  
1/4" = 1'-0"

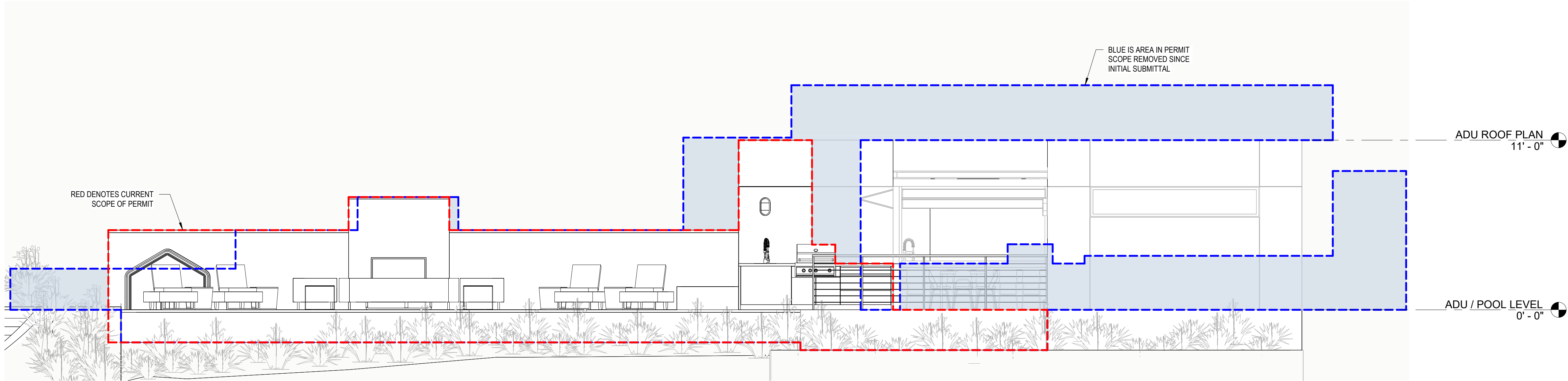


3 WOLF GAS GRILL SPECS

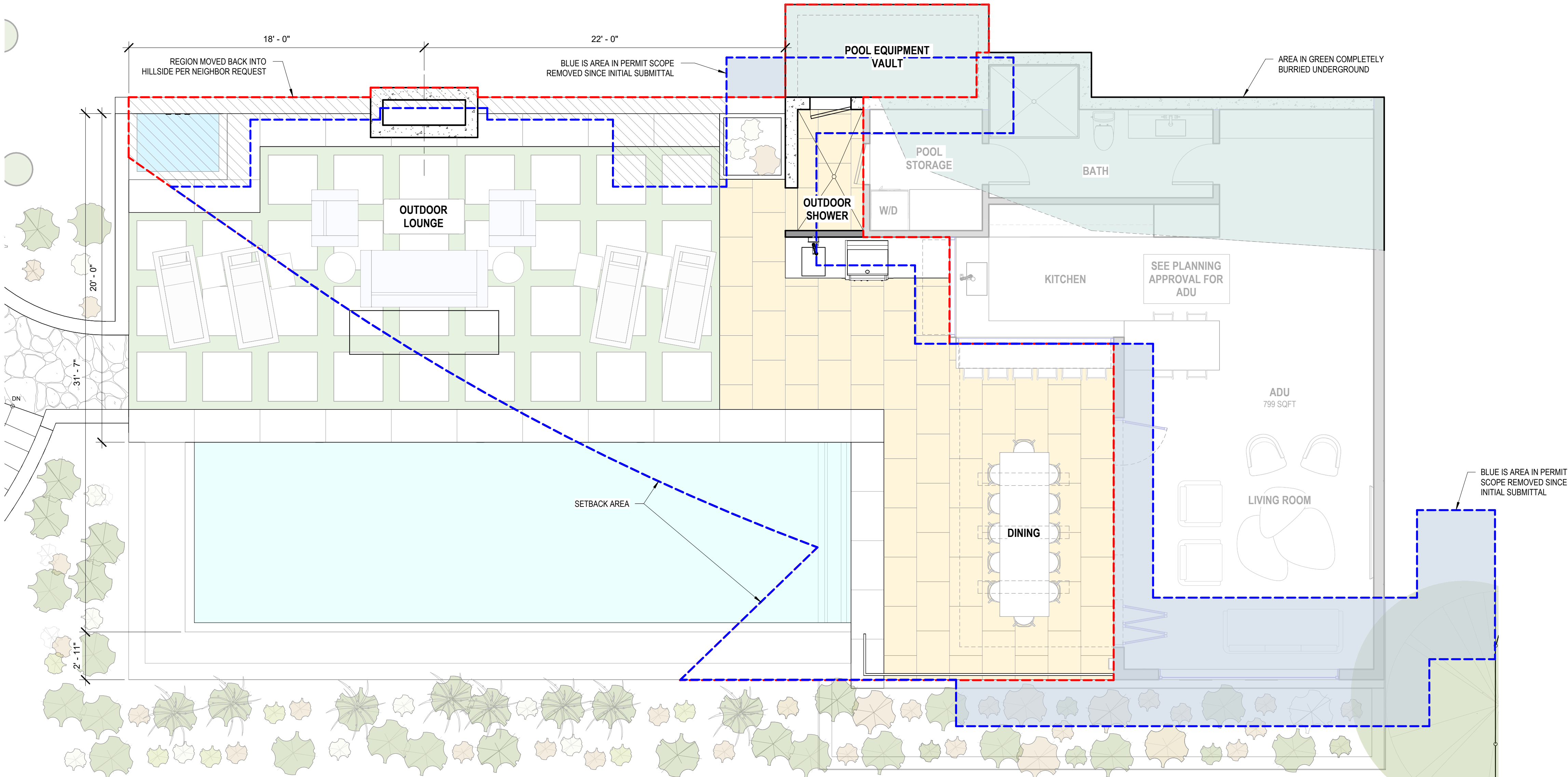


1 ADU FLOOR PLAN  
1/4" = 1'-0"

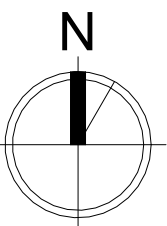




2 PATIO ELEVATION  
1/4" = 1'-0"

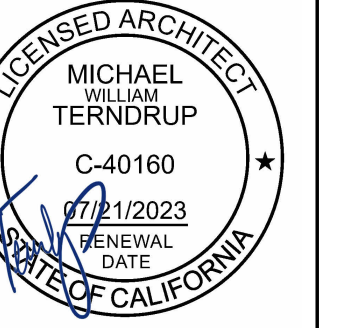


1 PATIO FLOOR PLAN  
1/4" = 1'-0"



EAG  
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EMAIL  
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1503 FOLSOM STREET  
SAN FRANCISCO, CA 94103

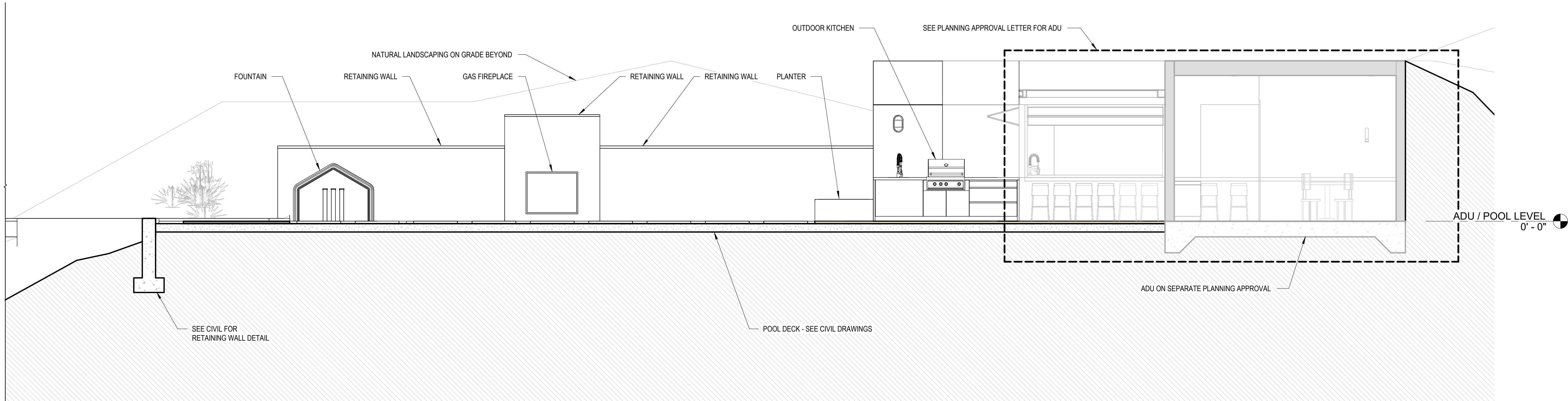


#	REVISIONS	DATE
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2	REVISION TO COMMENTS	12/03/21

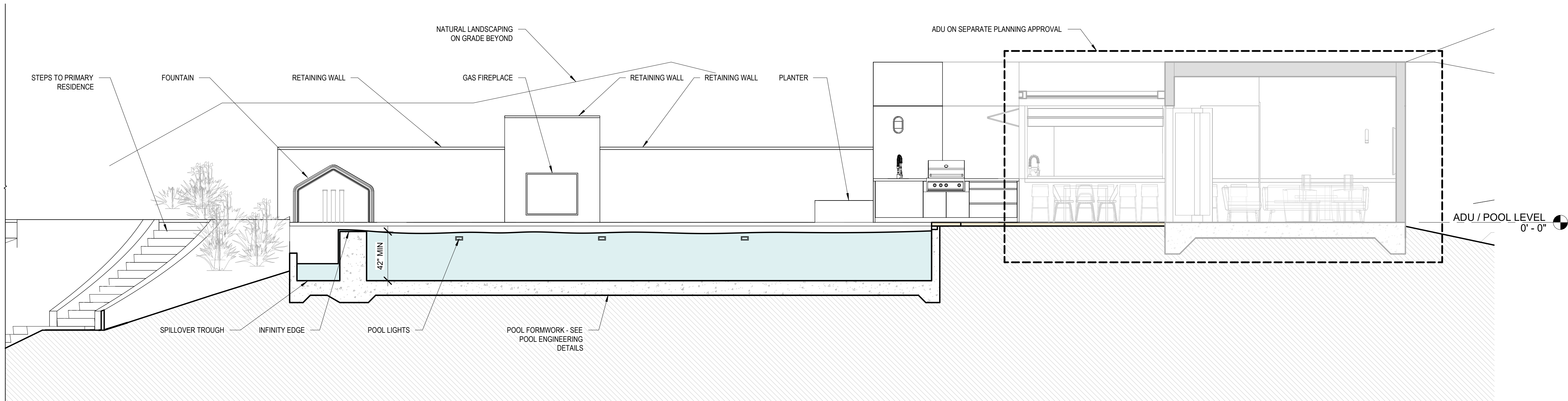
101 UPPER ROAD REMODEL  
101 UPPER ROAD  
ROSS, CA 94957  
APN: 073-022-13

SCOPE CHANGE  
GRAPHICS

A2.1



**2** SITE SECTION B - PROPOSED  
1/4" = 1'-0"



**1** SITE SECTION A - PROPOSED  
1/4" = 1'-0"

EAG  
STUDIO

PHONE  
415-300-0585  
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#	REVISIONS	DATE
	INITIAL PLAN SET	6/25/21
⚠	REVISION TO COMMENTS	12/03/21

101 UPPER ROAD REMODEL  
101 UPPER ROAD  
ROSS, CA 94957  
APN: 073-022-13

PROPOSED SITE  
SECTIONS

A4.1



DESIGN REVIEW NOTES

GENERAL NOTES

- 1. THE LANDSCAPE PLAN IS BASED ON DRAWINGS PROVIDED BY THE OWNER, SITE MEASUREMENTS AND A PROFESSIONALLY SURVEY. ANY MAJOR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT IMMEDIATELY.
- 2. ALL WORK SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS AND UNIFORM CONSTRUCTION STANDARDS (UCS) OF THE COUNTY OF MARIN.
- 3. THESE DRAWING ARE FOR DESIGN REVIEW APPLICATION PURPOSES ONLY. THIS DRAWING IS NOT EXTENSIVELY DETAILED AND IS NOT TO BE USED FOR PERMIT APPLICATION AND / OR CONSTRUCTION.

CONSTRUCTION NOTES

- 1. ALL PATIOS AND STEPS ARE TO BE ITALIAN BLUESTONE OR APPROVED EQUAL.
- 2. ALL WALLS ARE TO RECEIVE STUCCO FINISH. COLOR TO BE COOL GREY "PEWTER" OR APPROVED EQUAL.
- 3. CRUSHED ROCK PATHS ARE TO BE 3/8" SIERRA TAN OR APPROVED EQUAL.

IRRIGATION NOTES

- 1. ALL PLANTING TO BE IRRIGATED IN ACCORDANCE TO THE PROVISIONS OF ORDINANCE 421 OF THE MARIN MUNICIPAL WATER DEPARTMENT. ALL PLANTING AREAS ARE TO BE IRRIGATED UTILIZING DRIP METHODS.

LIGHTING NOTES

- 1. ALL LIGHTS ARE TO BE LOW VOLTAGE / LED.
- 2. LIGHTS TO NOT EXCEED 370 LUMENS.

PLANTING NOTES

- 1. ALL EXISTING PLANT MATERIAL IS TO BE REMOVED AND REPLACED AS SHOWN.
- 2. NO PYROPHYTIC PLANT MATERIAL IS PROPOSED FOR THIS PROJECT.
- 3. ALL PLANTING IS TO CONFORM TO MMWD AND TOWN OF TIBURON VEGETATION MANAGEMENT ORDINANCES AND REQUIREMENTS.

PRELIMINARY PLANT LIST (VIRIPAEFF)

TREES						
ABBR.	BOTANIC NAME	COMMON NAME	SIZE	Q	HT. / WIDTH	NOTE
OE	OLEA "MAJESTIC BEAUTY"	OLIVE	36" B	3	20 X 20'	EW F
SHRUB / PERENNIALS / GRASSES / GROUND COVER LIST						
ABBR.	BOTANIC NAME	COMMON NAME	SIZE		HT. / WIDTH	NOTE
AD	AGAVE DESMATIANA	AGAVE	15 G		4 X 4'	EW F
BB	BUXUS "GREEN BEAUTY"	BOXWOOD	5 G		3 X 3'	EW F
	(GLOBE FORM)					
CT	CHONDROPETALU TECTORUM	CAPE RUSH	1 G		4 X 4"	EF
FR	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 G		2 X 2"	EN W F
LB	LOMANDRA "BREEZE"	MAT RUSH	1 G		3 X 3"	EW
ID	IRIS DOUGLASSIANA	DOUGLASS IRIS	1 G		12 X 12"	EN W F
MC	MYRICA CALIFORNICA	WAX MYRTLE	15 G		10 X 10"	EN W F
PI	PODOCARPUS "ICEE BLUE"	PODOCARPUS	15 G		8 X 3'	EW F
RC	RHAMNUS CALIFORNICA	COFFEEBERRY	1 G		4 X 6'	EN W F
VD	VERBENA DE LA MINA	VERBENA	1 G		3 X 3'	EN W F

LEGEND

- E = EVERGREEN
- D = DECIDUOUS
- N = CALIFORNIA NATIVE
- W = LOW WATER USE REQUIREMENTS
- F = LOW FIRE / NON - PYROPHYTIC

NOTE:

- ALL PLANTS ARE TO BE IRRIGATED UTILIZING DRIP IRRIGATION METHODS.
- ALL PLANTS ARE NON-PYROPHYTIC (NON-FLAMMABLE)
- ALL PLANTS ARE LOW WATER

Viripaeff Residence

101 Upper Road

Ross, CA.

Date: 3 / 24 / 2023      Scale: 1" = 10' - 0"

Landscape Site Plan

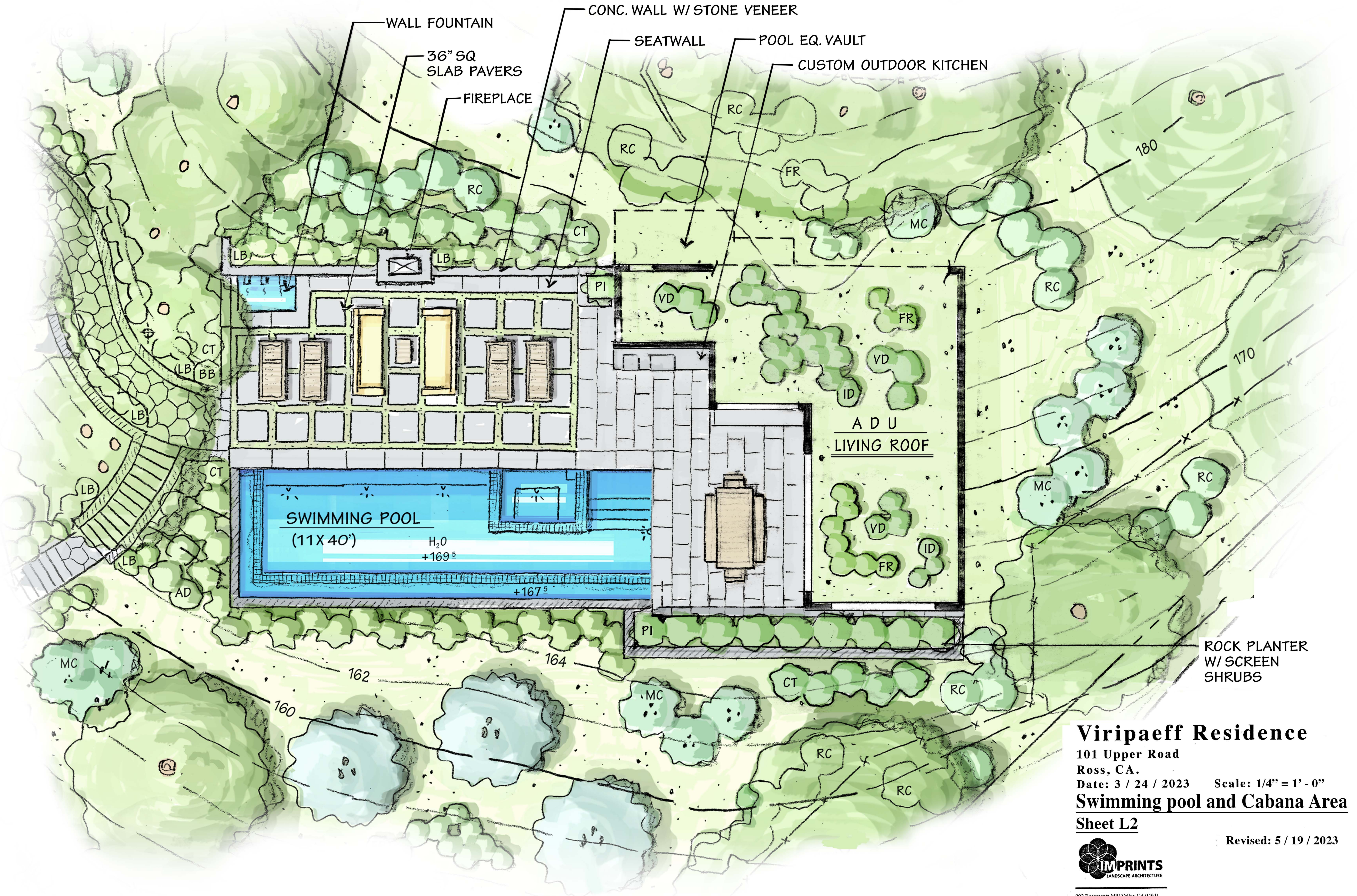
Sheet L1

Revised: 5 / 19 / 2023



202 Rosemont Mill Valley CA 94941  
(415) 380-0755  
brad@imprintsgardens.com  
www.imprintsgardens.com





## Viripaeff Residence

**101 Upper Road**

**Ross, CA.**

**Date: 3 / 24 / 2023**

**Scale: 1/4" = 1' - 0"**

## Swimming pool and Cabana Area

Sheet L2

Revised: 5 / 19 / 2023



202 Rosemont • Mill Valley CA 94941  
(415) 380-0755  
brad@imprintsgardens.com  
www.imprintsgardens.com



# ATTACHMENT 3





# 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 type="checkbox"/> Demolition Permit                 | <input type="checkbox"/> Tentative Map Amendment |
| <input checked="" 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): 073-022-13

Project Address: 101 Upper Road

Property Owner: Jessica and Lexi VIRIPAEFF

Owner Mailing Address (PO Box in Ross): 101 Upper Road

City/State/Zip: Ross, CA 94597 Owner's Phone: (415) 300-0585

Owner's Email: arch@eagstudio.com

Applicant: EAG Studio

Applicant Mailing Address: 1553 Folsom Street

City/State/Zip: San Francisco, CA 94103 Applicant's Phone: (415) 300-0585

Applicant's Email: arch@eagstudio.com

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

#### To Be Completed by Town Staff:

Date Received:	_____	Planning 5300	_____
Application No.:	_____	Tree Permit 5305	_____
Zoning:	_____	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: \_\_\_\_\_

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: \_\_\_\_\_

**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.

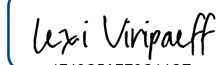
*I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested 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*

**San Francisco**

, California on

**12/23/2022**

DocuSigned by:



1748C6A7F8C14CE...



Signature of Property Owner(s) and Applicant(s) Signature of Plan Preparer

**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.*

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**Consultant Information**

The following information is required for all project consultants.

**Landscape Architect**

Firm Imprints Landscape Architects  
Project Landscape Architect Brad Eigsti  
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 \_\_\_\_\_  
Project Engineer \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_  
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 \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_  
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 \_\_\_\_\_

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).

New path to pool area and adu, new fire pullout  
per Town of Ross fire requirements

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**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.**

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**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.**

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**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.**

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To: Ross ADR Committee

From: Astrid Deeth and Bo Stehlin, owners of 111 Upper Road

RE: Pool and associated Hardscape plans at 101 Upper Road

Date: April 18, 2023

We have reviewed the revised plans that have been submitted for the pool, outdoor kitchen, pool terrace and ADU/Cabana at 101 Upper Road and we have met with the owners and their architects.

We appreciate the fact that the owners have made some helpful changes notably regarding the location of the outdoor shower and BBQ, the removal of the stairs and rooftop deck and the use of natural stone on the retaining walls. They have also shifted the project 5' further from the driveway (2' for the ADU and 3' by moving the outdoor shower) but they have not moved it closer to the house. As a result we still have reservations about the location and mass of the proposed project relative to the main house and our shared driveway and its impact on the current feeling of open space along with the significant encroachments into the hillside setbacks. Please see Attachment 1 which shows the changes in the size and location of the project and you can see that these are not significant.

During our meeting we requested that the owners remove the deck which serves as a counter dining space off the large sliding windows of the ADU which face the driveway. We also requested that they look at shifting the ADU / cabana and main dining area in front of it further back into the hill so that the mass would recede and the dining deck and large overhang would look over the pool terrace instead of the pool and would therefore be less visible. This would leave only the lower profile pool projecting closer to the driveway. The owners responded later by email that they were not inclined to make these changes.

We should also note that the plans as submitted for ADR review are somewhat confusing. The first 2 pages show the area of work as not including the area where there is a large roof overhang off the ADU above a deck where the outdoor dining table is located. The town planners confirmed that the overhang which is 10' x 15' was approved as part of the ADU but that the deck below was not approved as part of the ADU. So the deck under the overhang is an area of new work but that is not clearly indicated in the plans.

In addition the area behind the bathroom which is labelled pool equipment vault is incorrectly shown as not an area of new work but it was not approved as part of the ADU and therefore is a new area of work.

Please see Attachment 2 which shows the ADU as approved, the revised ADU and the 2 areas which are new areas of work but not labeled clearly as such.

In summary we still have the major concerns we laid out in our initial letter:

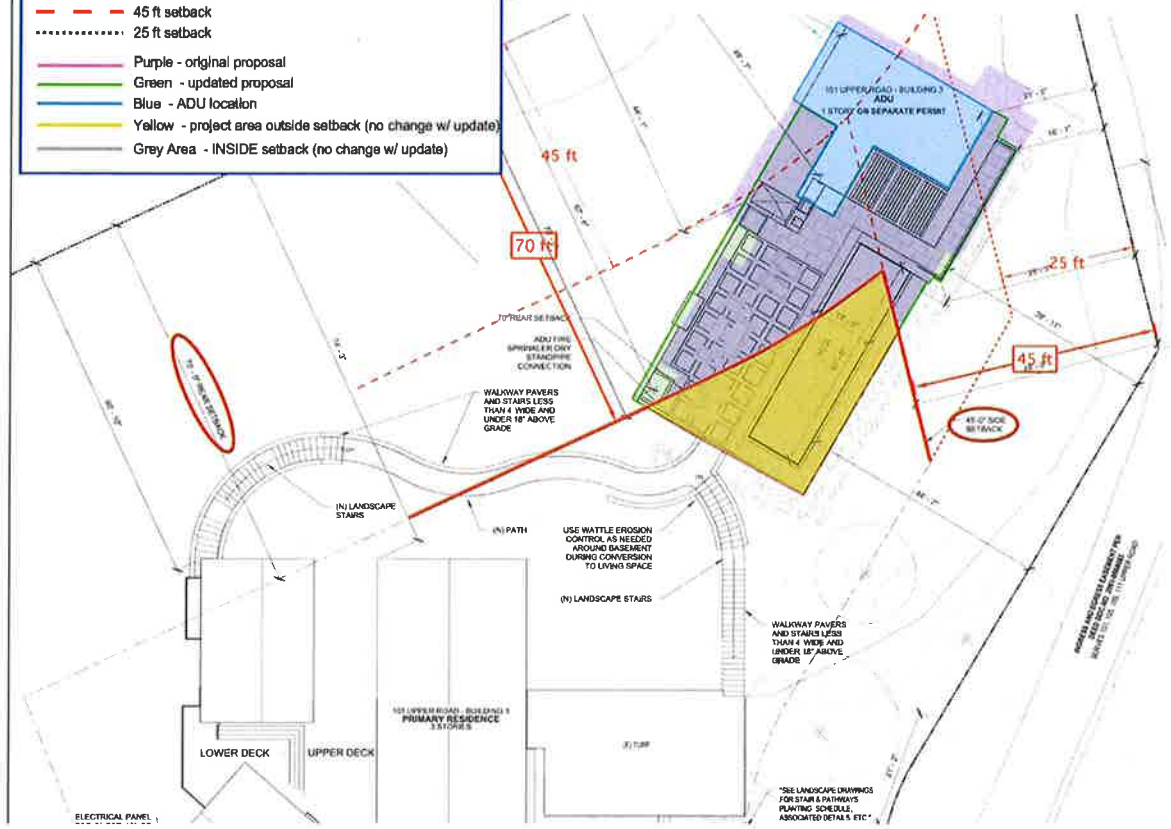


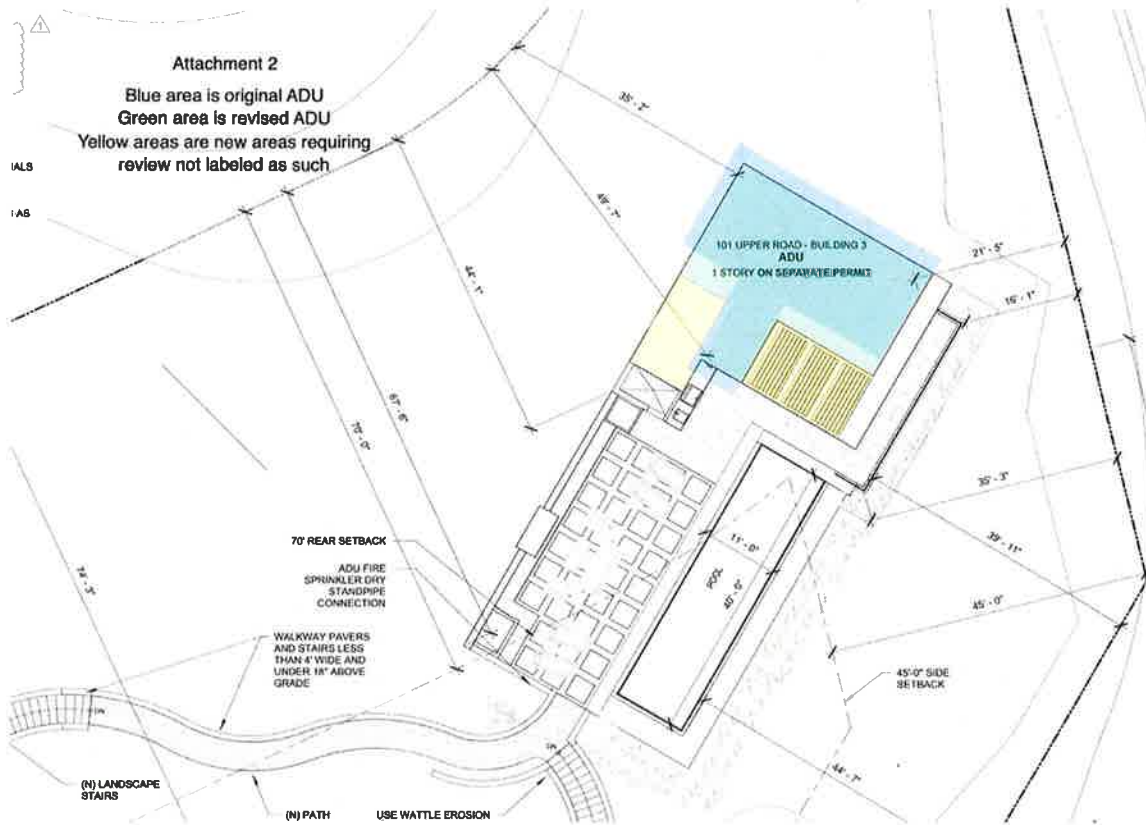
- Contrary to the guidelines the pool, adjacent structures and cabana/ADU are in the side yard in close proximity to the shared driveway and visually very separated from the main house; we think there is an opportunity to move the project closer to the main house
- The project still looks massive and does not fit into the topography of the hill; we think this could be remedied by pushing the cabana and its main deck further back into the hill per our comments above
- A large percentage of the project is still outside the setbacks – the change in percentage is minimal; at a minimum the side deck with the counter space and decking adjacent to the pool which extends past the ADU should be removed
- The project will require substantial grading, cutting and soil removal and a major disturbance of existing natural conditions of an oak meadow.
- While the architect notes in the request for a variance that many buildings in the neighborhood intrude into the hillside setbacks there do not appear to be any other pools with cabanas intruding into the hillside setbacks in the vicinity.
- The retaining walls are now earth tones but the material on the other retaining walls, building and pool tough are not specified but we think should also be in earth tones.

**Attachment 1**  
**Comparing Updated to Original Plans submitted**

- Legal setback
- 45 ft setback
- 25 ft setback
- Purple - original proposal
- Green - updated proposal
- Blue - ADU location
- Yellow - project area outside setback (no change w/ update)
- Grey Area - INSIDE setback (no change w/ update)

Purple shows original areas which have been removed. Green are areas which have been added with the latest update. Grey areas are within the setbacks (non-conforming) and have not changed with the update. Yellow are areas outside the setback (i.e. conforming) and have not changed. ADU has been moved two feet towards Southwest.  
 In Summary; Layout of project boundary is very much the same with little movement of project or "hardscape" closer to the main residence.





RE: 101 Upper Road: Misc Documents and List of Changes



Rebecca Markwick

To: Michael Terndrup; Alex Lopez-Vega; Vin Leger; brad@imprintsgardens.com



Tue 4/18/2023 5:44 PM

The list of changes since the last presentation is as follows:

**1) REDUCED MASS**

*Remove stair access to the ADU living roof*

**2) REDUCED MASS**

*Remove 42" safety railing from rooftop as there are no longer stairs to that area. Goal is to reduce mass.*

**3) REDUCED MASS**

*Move ADU 2' towards the South (Toward the main house and away from the road). Goal is to reduce mass and increase distance between the driveway and ADU.*

**4) REDUCED MASS**

*Remove / relocate the outdoor kitchen. Goal is to reduce height of the wall as viewed from the driveway.*

**5) REDUCED MASS**

*Remove / relocate the outdoor shower. Goal is to reduce height of the shower wall as viewed from the driveway.*

**6) REDUCED MASS**

*Add rock wall planter to the base of the patio wall. Goal is to reduce mass of the single concrete wall and provide additional height for plant screening.*

**7) NATURAL LANDSCAPE**

*Increase plant screening between the driveway and the ADU / patio. Goal is to increase privacy / soften the architectural features.*

**8) REDUCED MASS**

*Relocate the wire fence away from the edge of the driveway. Goal is to keep the hillside as natural and open as possible (while still providing pool safety)*

**9) REDUCED MASS**

*Reduce pool length from 47' to 40'.*

**10) REDUCED MASS**

*Include a grape stake / solid wood fence between the upper driveway area and the proposed ADU / pool. Goal is to increase privacy.*

**11) ACCOMMODATIONS**

*Requests from ADR council were implemented, as well as extensive neighbor accommodations*

**12) EARTH TONES**

*More earth tones on the few retaining walls left as part of the smaller encroachment*

**13) FOUNTAIN**

*Fountain relocated so shorter and stand alone and not against any wall*

**14) REDUCED MASS**

*Pool, retaining walls and small encroachment is hardly visible from the public right of way*

Michael Terndrup, AIA

Architect and Principal

**EAG STUDIO**

> ARCHITECTURE | INTERIOR DESIGN | INTERIORS | LANDSCAPE DESIGN | CONSTRUCTION PLANNING

terndrup@eagstudio.com | direct: 415.380.2413 | www.eagstudio.com | office: 415.300.0585 | studio address: 1553 Folsom Street, San Francisco, CA 94103

- COMMUNITY INVOLVEMENT AND HOUSING SOLUTIONS

- SUSTAINABLE, DURABLE AND TIMELESS DESIGN

NOTICE: This e-mail, including any attachments, is intended only for the sole use of the individual(s) or entity(ies) named above and its employees and agents. It may contain privileged or confidential and/or copyrighted information. If you are not the intended recipient, you are notified that any review, dissemination or copying of this e-mail is prohibited. Any dissemination or use of copyrighted attachments, plans and/or any intellectual property generated by EAG Studio or its collaborators is prohibited unless permission is requested and granted. If you have received this email in error, kindly notify us by email.

project at 101 upper road



lee pierce <lb Pierce@yahoo.com>  
To designreview



Tue 4/18/2023 5:44 PM

Dear ADR committee. Unfortunately I have not been as aware of what has happened regarding changes to the project. First of all, I would like to say that I basically support the project and appreciate the neighbors working to make accommodations. I think the pool and associated landscaping will be done in a manner that looks like the neighborhood and what would be expected in Ross.

My only concern is the proximity to the road which is only noticeable from the houses above and not below. Again, I believe this can be worked out. Regards, Lee Pierce

# NEIGHBORHOOD OUTREACH

PROPERTY ADDRESS

**101 UPPER ROAD, ROSS, CA 94957**

DATE: \_\_\_\_\_

APN: 073-022-13

TO: TOWN OF ROSS PLANNING DEPARTMENT

RE: COORDINATION WITH NEIGHBORS REGARDING VARIANCE AND OVERALL PROJECT APPLICATION

I (We), Elena Batalla, owner(s) of 18 Sylvan Lane, have reviewed details of the minor variance application submitted to the Town of Ross' Planning Department. I (We) understand that the application entails the creation of an ADU with adjoining pool and it shall have minimal to no consequences for the surrounding. It appears tucked into the hillside and efforts were clearly applied to minimize it's impact. Given the odd shape of the lot, there are few other options and the location seems to have very little impact overall.

We hope for its expeditious approval and are happy our neighbors are making the most of their property.

Kind regards,



SIGNATURE

Elena Batalla

NAME

April 6, 2023

DATE

# NEIGHBORHOOD OUTREACH

PROPERTY ADDRESS

**101 UPPER ROAD, ROSS, CA 94957**

DATE:

4/6/23

APN: 073-022-13

TO: TOWN OF ROSS PLANNING DEPARTMENT

RE: COORDINATION WITH NEIGHBORS REGARDING VARIANCE AND OVERALL PROJECT APPLICATION

I (We), Jennifer & Brian Fearnow owner(s) of 31 Upper Road, have reviewed details of the minor variance application submitted to the Town of Ross' Planning Department. I (We) understand that the application entails the creation of an ADU with adjoining pool and it shall have minimal to no consequences for the surrounding. It appears tucked into the hillside and efforts were clearly applied to minimize it's impact. Given the odd shape of the lot, there are few other options and the location seems to have very little impact overall.

We hope for its expeditious approval and are happy our neighbors are making the most of their property.

Kind regards,



SIGNATURE

Jennifer Fearnow

NAME

4/6/23

DATE

# NEIGHBORHOOD OUTREACH

PROPERTY ADDRESS

**101 UPPER ROAD, ROSS, CA 94957**

DATE: \_\_\_\_\_

APN: 073-022-13


TO: TOWN OF ROSS PLANNING DEPARTMENT

RE: COORDINATION WITH NEIGHBORS REGARDING VARIANCE AND OVERALL PROJECT APPLICATION

I (We), Scott + Erin Grace, owner(s) of 7 Willow Hill Rd, have reviewed details of the minor variance application submitted to the Town of Ross' Planning Department. I (We) understand that the application entails the creation of an ADU with adjoining pool and it shall have minimal to no consequences for the surrounding. It appears tucked into the hillside and efforts were clearly applied to minimize it's impact. Given the odd shape of the lot, there are few other options and the location seems to have very little impact overall.

We hope for its expeditious approval and are happy our neighbors are making the most of their property.

Kind regards,



SIGNATURE

Scott Grace

NAME

April 6 2023

DATE



# NEIGHBORHOOD OUTREACH

PROPERTY ADDRESS

**101 UPPER ROAD, ROSS, CA 94957**

DATE: \_\_\_\_\_

APN: 073-022-13

TO: TOWN OF ROSS PLANNING DEPARTMENT

RE: COORDINATION WITH NEIGHBORS REGARDING VARIANCE AND OVERALL PROJECT APPLICATION

I (We), Kerron & George Little, owner(s) of 109 Upper Road, have reviewed details of the minor variance application submitted to the Town of Ross' Planning Department. I (We) understand that the application entails the creation of an ADU with adjoining pool and it shall have minimal to no consequences for the surrounding. It appears tucked into the hillside and efforts were clearly applied to minimize it's impact. Given the odd shape of the lot, there are few other options and the location seems to have very little impact overall.

We hope for its expeditious approval and are happy our neighbors are making the most of their property.

Kind regards,



SIGNATURE

George Little

NAME

4-18-23

DATE

# NEIGHBORHOOD OUTREACH

PROPERTY ADDRESS

**101 UPPER ROAD, ROSS, CA 94957**

DATE: \_\_\_\_\_

APN: 073-022-13

TO: TOWN OF ROSS PLANNING DEPARTMENT

RE: COORDINATION WITH NEIGHBORS REGARDING VARIANCE AND OVERALL PROJECT APPLICATION

I (We), Katelin and Jeff Mezzetta owner(s) of 2 Upper Road, have reviewed details of the minor variance application submitted to the Town of Ross' Planning Department. I (We) understand that the application entails the creation of an ADU with adjoining pool and it shall have minimal to no consequences for the surrounding. It appears tucked into the hillside and efforts were clearly applied to minimize it's impact. Given the odd shape of the lot, there are few other options and the location seems to have very little impact overall.

We hope for its expeditious approval and are happy our neighbors are making the most of their property.

Kind regards,

Katelin Mezzetta

SIGNATURE

Katelin Mezzetta

NAME

April 6 2023

DATE

## NEIGHBOR OUTREACH

3/13/2023

PROPERTY ADDRESS

**101 UPPER ROAD, ROSS, CA 94957**

APN: 073-022-13

TO: TOWN OF ROSS PLANNING DEPARTMENT

RE: COORDINATION WITH NEIGHBORS REGARDING VARIANCE AND OVERALL PROJECT APPLICATION

To town of Ross Planning Department:

I (We), Tom and Debbie Piliere owner(s) of 46 Upper Rd, Ross, have reviewed details of the minor variance application submitted to the Town of Ross' Planning Department. I (We) understand that the application entails the creation of an ADU with adjoining pool and it shall have minimal to no consequences for the surrounding. It appears tucked into the hillside and efforts were clearly applied to minimize it's impact. Given the odd shape of the lot, there are few other options and the location seems to have very little impact overall.

We hope for its expeditious approval and are happy our neighbors are making the most of their property.

Kind regards,

Deborah M. Piliere

SIGNATURE

Deborah M. Piliere

NAME

4/6/23

DATE

# ATTACHMENT 4

**MINUTES**  
Meeting of the  
Ross Advisory Design Review Group  
7:00 PM, Tuesday, March 21, 2023

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

**1. 7:00 p.m. Commencement**

ADR Group Chair Kruttschnitt called the meeting to order.

Present: Laura Dewar, Josefa Buckingham, and Stephen Sutro

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

**2. Approval of Minutes.**

The ADR Group minutes were unanimously approved.

**3. Open Time for Public Comments**

No comments were provided.

**4. Planning Applications/Projects**

**a. Property Address:** 28 Walnut Avenue

**A.P.N.:** 073-171-03

**Applicant:** Bressack and Wasserman Architects

**Property Owner:** John and Gabrielle Bressack Gantus

**Zoning:** R-1:B-10

**General Plan:** ML (Medium Low Density)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval of Demolition and Design Review applications. The project includes remodeling and a renovation of the existing single-family home, removing the office and deck in the side yard setback, replacing the various roof structures with one coherent roof design, and demolition of the carport at Walnut Avenue. New landscaping and hardscape is also being proposed throughout the property

Director Markwick presented the project, as well as the project architect, Phoebe Bressack.

Chris Solle spoke about the project and he was not supportive. Was concerned about the mass and the bulk of the home. Andrew Baskin, Hanson Bridgett LLP spoke on behalf of the owners of 15 Walnut and 10 Olive, he mentioned the email that was sent previously. He indicated that the project applicant did not change anything to the design, instead

changed the permitting strategy. There are still privacy issues for his client into their pool area. would impact his clients privacy. He suggested continuing the item so that the architect can go back to the drawing board. Mathilda Thompson spoke about the project and was supportive of the design, and supports the project.

Joey Buckingham

- Applauds the changes in the fenestration, elimination of the balcony, celebration of the front door.
- Could not come to an agreement about the bridge, thinks it adds to the mass of the project.
- Style changes are positive.
- Could support the bridge if the ADU was reduced in size and it has some character, for example all glazed.

Laura Dewar

- Changing the windows, removing the balcony and the front door are all positive improvements to the house.
- The storage space should be moved to the rear of the garage and follow the natural topography of the site.
- Can recommend the project

Stephen Sutro

- Primary façade looks good
- Likes the bridge, in the buildable area, it does not create bulk and mass
- Overall the home is well designed in the buildable area and supports the project.

Mark Kruttschnitt

- Agrees with all his colleagues.
- Does not like the bridge
- Storage space should be moved.
- Can support the project without the bridge.

**b. Property Address:** 205 Lagunitas Avenue

**A.P.N.:** 073-211-40

**Applicant and Owner:** Lagunitas Country Club

**Zoning:** R-1:B-A

**General Plan:** RC (Limited Specialized Recreational/Cultural)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval of Design Review to construct a platform tennis court adjacent to the existing court. The proposed design conforms to the American Platform Tennis Association standards and is largely identical to the other courts on site.

Director Markwick presented the project, there were no questions of staff.

Oliver Dibble, representing the Lagunitas Country Club presented the project. The ADR had questions about the material of the rear retaining wall.

Dellie Woodring, a member of the club had a question about the ADA component. Staff indicated that the ADA component would be taken into consideration at the time building permit.

Mark Kruttschnitt

- Looks fine, likes there are no neighbor objections to the lights
- Recommends approval

Stephen Sutro

- Recommends approval with a condition that the retaining walls match the existing or if that is cost prohibitive then plant the walls.

Laura Dewar

- Supports project, agrees with Stephens comments about the retaining walls.

**c. Property Address:** 101 Upper Road

**A.P.N.:** 073-022-13

**Applicant:** EAG Studios

**Property Owner:** Jessica and Lexi Viripaef

**Zoning:** R-1:B-A

**General Plan:** VL (Very Low Density)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, Hillside Lot permit, and a Variance. The project requests the construction of new landscape structures at the single-family residential property. These structures and features include a new pool/spa, pool equipment, patio, firepit, outdoor kitchen, retaining wall, and an outdoor shower. Variances are requested to allow for the construction of new landscape structures within the side and rear yard setback.

Assistant Planner Lopez presented the project. The project architect presented the project over Zoom.

Astrid and Bo Dahlin owners of 11 Upper Road spoke about the project. She owns the shared driveway and is concerned about the mass and bulk of the retaining walls, and the size of the project in relation to the home. She is very concerned about the outdoor shower. She suggested that the pool and decking move closer to the house.

Mark Kruttschnitt

- Project is too separated from the house, too much of the pool and patio are in the setbacks.
- Does not fit into the topography
- Should be within the buildable envelope, project encroaches too much
- Earthtones would be better for the retaining walls.

Steven Sutro

- A pool will fit, and a Variance could work, however there are some recommendations
- Guardrails on the roof of the ADU creates a nonconformity, they are obtrusive and should be removed
- Walls are too tall on the terrace for the BBQ
- Move outdoor shower
- Remove terrace at the BBQ side
- The fountain wall is too tall, pool equipment should be moved underground
- Material should be more earth toned.

Laura Dewar

- Agree the materials need to be earth toned
- Has questions about the pool, and patio being too far into the setbacks, suggests pulling it in towards the house.
- Likes the green roof however suggests removing the guardrail
- Outdoor shower needs to be moved

Joey Buckingham

- Agrees with her colleagues
- All improvements need to be moved outside of the setbacks
- Can support the pool if it is outside of the setbacks and public space dug into the hill.
- Minimize the portion that is cantilevered over the hill
- Materials should be earth toned.
- Remove the guardrail on the green roof.

**d. Property Address:** 50 Wellington Avenue

**A.P.N.:** 072-154-09

**Applicant:** Imprints Landscape Architecture

**Property Owner:** Elizabeth and Patrick Quigney

**Zoning:** R-1:B-10

**General Plan:** ML (Medium Low Density)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, and a Variance Permit. The project requests the construction of new landscape structures at the single-family residential property. These structures and features include a new patio, 4-foot concrete wall, auto gate, fireplace, arbor structure, and an outdoor kitchen. Variances are requested to allow for the construction of new landscape structures within the side and rear yard setback.

Assistant Planner Lopez presented the staff report. Brad Eigsti representing the property owners presented. There were no public comments.

Joey Buckingham

- beautiful project, supports as drawn.



- Findings can be made for the Variance, no impact to anyone.

Laura Dewar

- These improvements are buried into the hillside, no visual impact to the neighborhood.
- Question about the TV
- Supports the project.

Mark Kruttschnitt

- Supports the project.
- Agrees with Laura about the TV
- These improvements are built into the topography
- Can support the project.

Steven Sutro

- Supports the project as submitted
- There are existing improvements in the setbacks and these are replacing them.

**e. Property Address:** 1 El Camino Bueno

**A.P.N.:** 072-162-14

**Applicant:** David Bilsker

**Property Owner:** David Bilsker

**Zoning:** R-1:B-A

**General Plan:** VL (Very Low Density)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, and a Variance to allow for the construction of a new 8-foot stamped concrete wall along Sir Francis Drake. The new stamped stone pattern wall will replace the existing wood fence.

Assistant Planner Lopez-Vega presented the project. Property owner Bilsker also presented the project.

Mark Kruttschnitt

- Supports the project and the planting on the wall looks great

Stephen Sutro

- Supports as submitted

Joey Buckingham

- Supports the project

Laura Dewar

- Supports the project

**f. Property Address:** 74 Baywood Avenue

**A.P.N.:** 072-131-10

**Applicant:** Paz Studio

**Property Owner:** Michael and Renad Cieplinski

**Zoning:** R-1:B-5A  
**General Plan:** VL (Very Low Density)  
**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, Hillside Lot Permit, an ADU permit, and a Variance. The project includes a new front yard fence and remodeling and renovating the existing single-family home. The project proposes to construct a 1,000 SF Accessory Dwelling Unit (ADU) which requires an ADU Permit. The Variance is required to exceed the allowable floor area and lot coverage. A Variance is also required to construct of a new pool within the side yard setback. New landscaping and hardscape is also being proposed throughout the property.

Assistant Planner Lopez-Vega presented the project. Architect Colleen Paz presented on behalf of the property owners.

ADR member, Laura Dewar recused.

Mark Kruttschnitt

- Supports the project

Joey Buckingham

- Supports the project, beautifully designed

Stephen Sutro

- Likes the dark color
- Pool is well designed
- Fenestration on ADU are small, could be more compatible with the house
- Great Project

**g. Property Address:** 2 Pomeroy Road

**A.P.N.:** 072-023-15

**Applicant:** Mark Lounsbury

**Property Owner:** Erica and David Bell

**Zoning:** R-1:B-5A

**General Plan:** VL (Very Low Density)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, and a Demolition Permit. The project includes replacing old windows for new windows, the project also includes replacing the existing siding from T-11 to western red cedar shingles. A demolition permit is required to alter more than twenty-five percent of exterior wall coverings of a residence.

Assistant Planner Lopez Vega presented the project. Project contractor also presented, representing the property owners.

Mark Kruttschnitt

- Supports the project.

Stephen Sutro

- Looks great, supports the project

Joey Buckingham

- Great, supports the project

## **5. Conceptual ADR**

## **6. Information and Discussion.**

## **7. New Agenda Items.**

**Adjournment, 9:00 PM.**

**Next scheduled regular meeting date and time: April 18, 2023, at 7:00 PM.**

**MINUTES**  
Meeting of the  
Ross Advisory Design Review Group  
7:00 PM, Tuesday, April 18, 2023

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

**1. 7:00 p.m. Commencement**

ADR Group Chair Kruttschnitt called the meeting to order.

Present: Laura Dewar, Mark Fritts, and Stephen Sutro

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

**2. Approval of Minutes.**

The ADR Group minutes were unanimously approved.

**3. Open Time for Public Comments**

No comments were provided.

**4. Planning Applications/Projects**

**a. Property Address:** 101 Upper Road  
**A.P.N.:** 073-022-13  
**Applicant:** EAG Studios  
**Property Owner:** Jessica and Lexi Viripaeff  
**Zoning:** R-1:B-A  
**General Plan:** VL (Very Low Density)  
**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, Hillside Lot permit, and a Variance. The project is requesting new landscape structures at the single-family residential property. These structures and features include a new pool/spa, pool equipment, patio, firepit, outdoor kitchen, retaining wall, and an outdoor shower. Variances are requested to allow for the construction of new landscape structures within the side and rear yard setback.

Assistant Planner Lopez presented the project, as well as the project architect, The project architect presented the project over Zoom. The ADR members had questions about the project and the architect answered.

Astrid and Bo Dahlin owners of 11 Upper Road spoke about the project. They own the shared driveway and think that the project is lopsided, and a lot of the development is

focused on near the shared driveway. They did not feel like the project was changed enough, specifically the deck that is close to the road is concerning.

Mark Kruttschnitt

- Previously people were concerned with the height, and setbacks. The project has been amended to be reduced in height.
- The deck in front of the ADU could be removed, however the ADU could be built in the same location which would create more mass if the owners chose. He would prefer the deck is removed.
- The mass could be pulled out of the setback
- The planting is great, colors and materials too.

Stephen Sutro

- Changes are admirable.
- Variances to allow structures in the setbacks, are generally okay if the neighbors cannot see them. The terrace at the driveway side “hot dog window” should be removed.
- Would like to see the neighbor supportive of the project and then he could support it. The lot is odd shaped and steep which lends itself to the Variance
- Work with the neighbor and with their support move the project to Council for approval.

Laura Dewar

- Appreciates the changes, colors and materials look great, more natural.
- If the patio space “hot dog window” is removed she could support, it and the Variance.
- Pool equipment in setback is okay.

Mark Fritts

- Agrees with other ADR members.
- Remove the “hot dog window”
- Does not think moving the pool closer to the house will be a substantial change so it’s not necessary.
- Tightening up the back patio that is in the setback will help reduce the height of the retaining walls.

**b. Property Address:** 15 Makin Grade

**A.P.N.:** 072-101-25

**Applicant:** David Swetzshop c/o Swetzshop, Inc

**Property Owner:** Cameron and Dave Rivinus

**Zoning:** R-1:B-5A

**General Plan:** VL (Very Low Density)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, Nonconformity Permit and a Hillside Lot Permit. The project is requesting to improve an aging lot with a new pool, landscaping improvements, and remodel the existing non-conforming guest house. New landscaping includes new trees, shrubs, and a new rectangular shaped pool to replace the existing oval pool. The project also proposes to add 405 square feet of floor area to the existing guest house by converting the basement into a gym and bathroom.

Assistant Planner Lopez presented the project. The project architect also presented the project.

Mark Fritts

- Great project
- Additional square footage falls within the allowable floor area for the project so can support it

Laura Dewar

- Supports the project.

Stephen Sutro

- Supports the project wholeheartedly.
- The additional floor area falls into the allowable so can support the Nonconformity.

Mark Kruttschnitt

- Agrees with the ADR members, supports the project.

**c. Property Address:** 63 Laurel Grove

**A.P.N.:** 072-131-33

**Applicant:** Eric Cole

**Property Owner:** Joshua Schiller

**Zoning:** R-1:B-A

**General Plan:** VL (Very Low Density)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, Hillside Lot Permit, and a Variance. The project is requesting construction of a new 588 square foot carport that includes a green roof and a 9-foot retaining wall. The project also includes converting the pool cabana basement into a gym and home office adding 708 square feet of floor area in the existing basement space. A new deck is proposed outside the newly conditioned space. Variances are requested to exceed the allowable floor area by 1,296 square feet, construct the new carport within the side yard setback, and construct a 9-foot retaining wall.

Assistant Planner Lopez presented the project. The project architect and homeowner presented the project and answered questions from the ADR members.

Laura Dewar

- Likes the modern design and green roof of the carport, the green roof minimizes impact.
- The retaining wall at the carport, should be planted to help soften it and can support it.
- The aesthetic design of the area under the cabana looks great. Not clear on adding the floor area, especially given that this is a 6-acre lot, and not clear on how it can be supported.

Mark Fritts

- Thinks the carport is close to the driveway, likes the idea of planting the retaining wall.
- Can support the carport if it is pulled back away from the driveway and reduced in size to a 2-car carport.
- The site appears above the road and is over the allowable floor area. Can not support the additional floor area so close to the road. The deck is also too large and cannot be supported.

Mark Kruttschnitt

- Agrees with Mark, the carport should be a 2-car carport and the wall should be reduced in height.
- The gym development looks nice but cannot support the Variance. The deck is too close to the road. Just because no one can see the floor area does not justify the findings.

Stephen Sutro

- Shift the carport to minimize the bulk from the roadway. Supports the carport if it is shifted away from the road. Plant the wall or slope the wall a little to soften it.
- The additional floor area is okay, the bulk is already there, the gym does not hurt anybody. Can support it if the deck is reduced in size and it is planted to screen the railing.

**5. Conceptual ADR**

**6. Information and Discussion.**

**7. New Agenda Items.**

**Adjournment, 8:30 PM.**

**Next scheduled regular meeting date and time: May 16, 2023, at 7:00 PM.**