



**Agenda Item No. 17.**

**Staff Report**

**Date:** August 24, 2023

**To:** Mayor Brekhus and Council Members

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

**Subject:** Dewar Residence, 2 Crest Road

---

**Recommendation**

It is recommended that the Town Council adopt Resolution No. 2329 (**Attachment 1**) approving Design Review, a Hillside Lot Permit, a Nonconformity Permit, and a Variance for the subject project as described below.

**Property Address:** 2 Crest Road  
**A.P.N.:** 072-023-27  
**Applicant:** Imprints Landscape Architecture  
**Property Owner:** Benjamin and Laura Dewar  
**Zoning:** R-1:B-5A  
**General Plan:** VL (Very Low Density)  
**Flood Zone:** X (Moderate Risk)

**Project Data**

	Code Standard	Existing	Proposed
<b>Lot Area</b>	5 Acres	18,773 SF	No change
<b>Floor Area (FAR)</b>	15%	2,815 SF (15%)	No Change
<b>Building Coverage</b>	15%	2,225 SF (12%)	3,045 SF (16%)
<b>Front Setback</b>	25'	25' 3"	No Change

	Code Standard	Existing	Proposed
<b>Left Side Setback</b>	25'	26'	No Change (House) 15' 8" ( Pool) 10' 2" (Outdoor BBQ)
<b>Right Side Setback</b>	25'	42' 3"	43' 2" (House) 31' (Pool)
<b>Building Height</b>	30'	30'	No Change
<b>Parking</b>	4 (2 Covered)	5 (2 Covered)	No Change
<b>Impervious Surface Coverage</b>	Minimize and/or mitigate for any increase.	4,770 SF	4,474 SF

**Project Description:**

The applicant requests approval of Design Review, a Hillside Lot Permit, a Nonconformity Permit, and a Variance. The project includes new landscape structures including a new pool/spa, pool equipment, bathroom, wood deck, outdoor kitchen, concrete retaining walls, new fencing and gates. The new pool will be 14' by 36' with encroachment into the side yard setback. The height of the existing fence near the proposed pool will be increased to a 6-foot-tall fence to create additional privacy and safety for the homeowners and neighbors. The project is requesting to modify three closets by lowering the ceiling height to less than seven feet, to further assure that this space would not be counted towards floor area. RMC Section 18.12.130 states that Floor Area Ratio shall not include... basement space used only for storage with less than seven feet of ceiling height and finished attic space used only for storage that does not meet building code requirements for habitable space. The reduction of the height of the closets would be used to transfer that square footage, 42.5, square feet to a new bathroom within the buildable envelope. The Nonconformity Permit is required to exchange floor area for new floor area, with no increase to the total floor area. A Variance is requested to allow for the construction of new landscape structures including a pool/spa and BBQ, within the side yard setback, and to exceed the allowable lot coverage.

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

The proposed project is subject to the following approvals:

- **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,... and other site modifications that could affect the visual and/or physical character of the site and neighborhood, whether or not a building permit is required.
- **Variances are required pursuant to RMC 18.48.010** to allow for the construction of a new pool within the side yard setback, and to exceed the allowable lot coverage.
- **Hillside Permit is required for lots with a slope of 30 percent or greater or are wholly or partially with Hazard Zones 3 or 4 as identified on the town slope stability map, pursuant to RMC Section 18.39.020.**
- **Nonconformity Permit is required pursuant to RMC Section 18.52.040** to allow for alteration to an existing nonconforming residence that does not result in an increase to nonconforming floor area.

### **Background**

The project site is an 18,773 square-foot Irregular shape lot on Crest Road. The lot has a single-family residence which includes an attached ADU. The property is located on the corner of Crest Road and Baywood Avenue. The average slope of the lot is 19.4%; however, due to the project site being located within the Slope Stability Hazard Zone 3, it is subject to the Hillside Lot regulations.

### **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 January 17, 2023, the applicant took the project to the ADR group for conceptual review. The ADR group indicated they could support the project proposed going forward as long as screening is provided so neighbors won't be impacted and reducing the size of the pool.

On July 18, 2023, the Advisory Design Review Group (ADR) unanimously recommended that the project is consistent with the purpose of Design Review and the Design Review Criteria and standards per Section 18.41.100, and, therefore, recommended approval of Design Review. The

ADR discussed the project and were pleased with the adjustments the applicant made to the project.

Draft minutes of the January 17, 2023 & the July 18, 2023, ADR meetings are included as **Attachment 5**.

### **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 the attached Resolution (Exhibit "A").

The project provides design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," provides low-density character and identity that is unique to the Town of Ross; preserves 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 other developments in the neighborhood. 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 yard setback.

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

The proposed project protects and preserves public and private open space; significant features of the natural environment, includes steep slopes, creeks, significant native vegetation, and 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. Consistent with Chapter 18.48, the findings are recommended to support the approval of the requested pool/spa to be constructed as proposed setback encroachments on a Hillside Lot.

***Nonconformity Permit***

Many residential structures in the town do not conform to the requirements of this Zoning Code because they were established before the adoption of zoning or before residential floor area

limits were established in 1967. The purpose of this section is to allow for the continued existence, reconstruction and modification of nonconforming residential structures, subject to limitations set forth in this section. The intent of these regulations is to protect historic buildings and those that contribute to the Town's small-town character; to permit floor area nonconformities to be retained with site redevelopment where the design is appropriate; and to allow other nonconformities to be maintained when reasonable and where they create the same or fewer impacts than strict conformance with town regulations.

Pursuant to Sections 18.32.050 and 18.32.060, which establish development standards in the R-1:B5A district for maximum allowed floor area, the proposed project will not exceed the 15% maximum floor area allowed in the district. Pursuant to Section 18.52.030, the project requires a Nonconformity Permit to enlarge, extend, reconstruct, and/or structurally alter the existing residential structure(s) which are nonconforming. In this circumstance, the lot size on which the structure is located is nonconforming.

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

The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed. The proposed project will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The project will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community. The project conforms to the design review standards, and the floor area does not exceed the existing floor area. The project will comply with all Flood regulations, and the site has adequate parking.

### ***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 a pool and outdoor BBQ within the side yard setback and to exceed the allowable lot coverage 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 substandard lot size of less than an acre, which is much less than the minimum lot size of five acres for the district. The development standards, including building coverage and setbacks, for the subject property are more applicable to lots of size of five acres or more. Accordingly, these development standards are limiting and restrictive to the subject property. The special circumstances and conditions applicable to the land also include the irregular lot shape and the existing development pattern on the property which make it difficult to construct new improvements that are entirely compliant with the minimum required yard setbacks and maximum allowed building coverage.

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

Analysis: Pools and associated landscape improvements are commonly enjoyed by owners of residential properties in the immediate vicinity. The minimum lot size required for the R-1:B-5A, zoning districts is 5 acres, whereas the existing nonconforming lot size of 2 Crest Road is 18,773 SF in size. 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 new pool and outdoor BBQ, and additional Building Coverage would not adversely affect the health and safety of nearby residents as the applicant will construct a 6-foot-tall fence which will provide additional safety and 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 on the Town 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 pursuant to the Ross Municipal Code. At the time of writing the staff report comments have been received from the adjacent neighbor at 70 Baywood Avenue are included as **Attachment 4**.

### **Attachments**

1. Resolution No. 2329
2. Project Plans
3. Project Application and Materials
4. Correspondence
5. ADR Meeting Minutes, January 17, 2023 & July 18, 2023

# ATTACHMENT 1

# **TOWN OF ROSS**

## **RESOLUTION NO. 2329**

### **RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, A HILLSIDE LOT PERMIT, A NONCONFORMITY PERMIT, AND A VARIANCE TO CONSTRUCT NEW LANDSCAPE STRUCTURES WITHIN THE SIDEYARD SETBACK AND EXCHANGE FLOOR AREA FOR NEW FLOOR AREA, WITH NO INCREASE TO THE TOTAL FLOOR AREA AT 2 CREST ROAD A.P.N. 072-023-27**

**WHEREAS**, applicant Imprints Landscape Architects on behalf of property owners Benjamin and Laura Dewar has submitted an application requesting approval of Design Review, a Hillside Lot Permit, a Nonconformity Permit and a Variance to construct new landscape structures including a new pool/spa, pool equipment, bathroom, wood deck, outdoor kitchen, concrete retaining walls, new fencing and gates. A nonconformity permit is required to exchange floor area for new floor area, with no increase to the total floor area. A Variance is requested to allow for the construction of new landscape structures including a pool/spa and BBQ, within the side yard setback, and to exceed the allowable Building Coverage at 2 Crest Road APN 072-023-27 (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 August 24, 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, a Hillside Lot Permit, a Nonconforming Permit, and a Variance 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 24<sup>th</sup> day of August 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

---

Cyndie Martel, Town Clerk

---

Elizabeth Brekhus, Mayor

**EXHIBIT "A"**  
**FINDINGS**  
**2 Crest Road**  
**A.P.N. 070-023-27**

**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," provides very low-density character and identity that is unique to the Town of Ross; preserves 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 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; includes steep slopes, creeks, significant native vegetation, and 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 existing nonconforming residence and the placement 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.

**III. In accordance with Ross Municipal Code (RMC) Section 18.52.030 (c), Nonconformity Permit is approved based on the following mandatory findings:**

**(a) The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed. The property owner has the burden to prove by substantial evidence the nonconforming and legal status of the structure.**

The existing nonconforming residence was originally constructed in 2019 per the County



Assessor.

- (b) The town council can make the findings required to approve any required demolition permit for the structure: The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.**

A demolition permit is not required pursuant to per RMC Chapter 18.50

- (c) The project substantially conforms to relevant design review criteria and standards in Section 18.41.100, even if design review is not required.**

As described in the Design Review findings in Section I above, the project is consistent with the Design Review criteria and standards per RMC Section 18.41.100.

- (d) Total floor area does not exceed the greater of: a) the total floor area of the existing conforming and or legal nonconforming structure(s); or b) the maximum floor area permitted for the lot under current zoning regulations. The town shall apply the definition of floor area in effect at the time of the application for a nonconformity permit.**

The project will not result in any change to the existing nonconforming use, with respect to floor area.

- (e) Granting the permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.**

The project will promote public health, safety and welfare, and avoid material injury to properties and improvements in the vicinity, by elevating the subject residence above the 100-year flood plain and by reducing flood plain obstruction.

- (f) The project will comply with the Flood Damage Prevention regulations in Chapter 15.36.**

The project is not in the flood plain.

- (g) The fire chief has confirmed that the site has adequate access and water supply for firefighting purposes, or that the project includes alternate measures approved by the fire chief.**

Adequate access and water supply exist for firefighting purposes.

- (h) The applicant has agreed in writing to the indemnification provision in Section**

**18.40.180.**

Condition of Approval No. 9 requires indemnification pursuant to RMC Section 18.40.180.

- (i) **The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided. The Town Council may consider the size of the residence and number of bedrooms and may require additional parking up to the following:**

The project complies with the minimum required off-street parking capacity.

**IV. 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 substandard lot size of less than an acre, which is much less than the minimum lot size of five acres for the district. The subject property is subject to development standards that are more applicable to five-acres lots, to include building coverage, and setbacks which are more restrictive than would typically apply to an equivalent lot located in a conforming zoning district. The special circumstances and conditions applicable to the land also include the irregular lot shape, and the existing development pattern on the property including nonconforming setbacks and nonconforming building coverage, which make it difficult to construct new improvements that are entirely compliant with the minimum required yard setbacks and maximum allowed building coverage.

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

A Pool and associated landscape improvements are commonly enjoyed by owners of residential properties in the immediate vicinity. The lot on 2 Crest Road is much smaller than the minimum lot size required for zoning districts R-1: B-5A. 2 Crest Road sits on 18,773 SF, although the minimum lot area for the applicable zoning district is 5 acres. 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 new pool and outdoor BBQ, and additional lot coverage would not adversely affect the health and safety of nearby residents as the applicant will construct a 6-foot tall fence which 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.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**2 Crest Road**  
**A.P.N. 072-023-27**

1. The building permit shall substantially conform to the plans entitled, "Dewar Residence" dated 7/18/2023, and reviewed and approved by the Town Council on August 24, 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. The three closets shall be modified to reduce the ceiling height so that it's less than seven feet so as not to be counted as floor area.
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 Planning and 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 8n.

- 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.

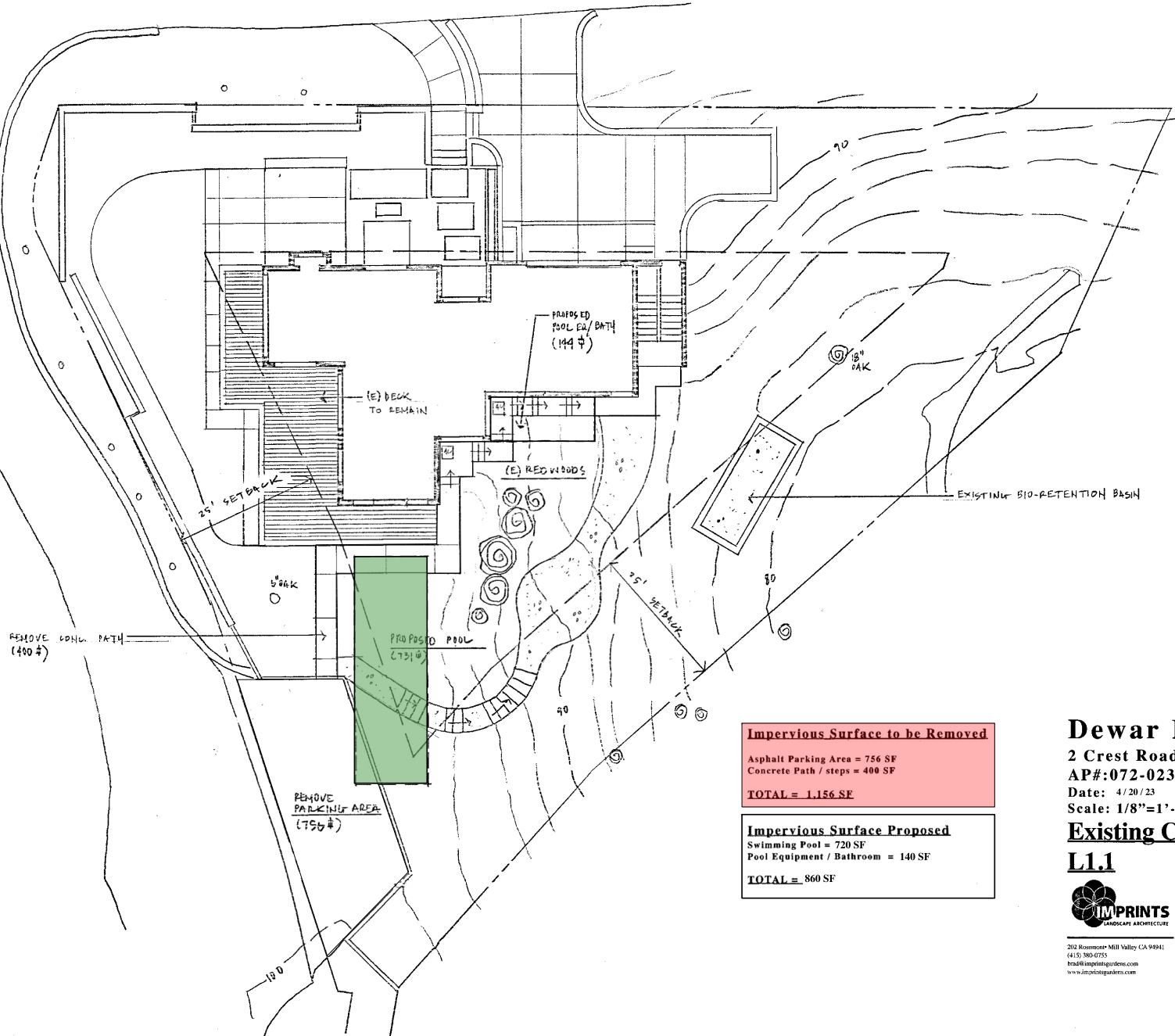


# ATTACHMENT 2



CREST AVE.

DAYWOOD AVE.



**Impervious Surface to be Removed**

Asphalt Parking Area = 756 SF  
Concrete Path / steps = 400 SF

**TOTAL = 1,156 SF**

**Impervious Surface Proposed**

Swimming Pool = 720 SF  
Pool Equipment / Bathroom = 140 SF

**TOTAL = 860 SF**

## Dewar Residence

2 Crest Road Ross, CA.

AP#:072-023-27

Date: 4/20/23

Scale: 1/8"=1'-0"

## Existing Conditions Plan

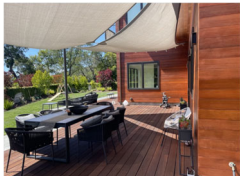
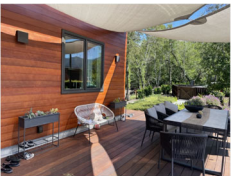
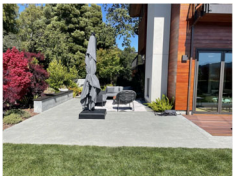
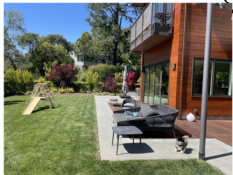
**L1.1**



202 Rosemont Mill Valley CA 94041  
(415) 380-0755  
bra@imprintsgarden.com  
www.imprintsgarden.com



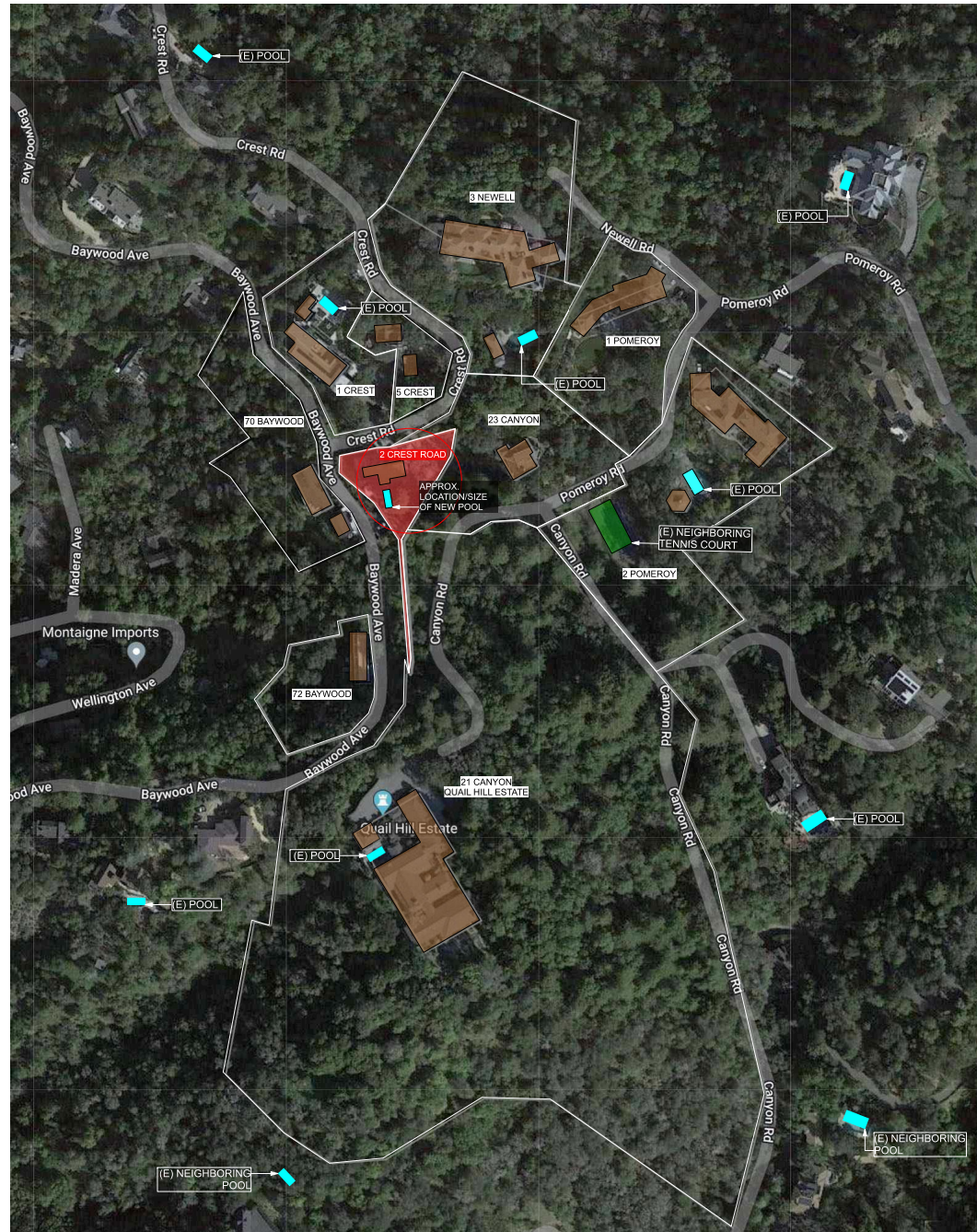
NORTH



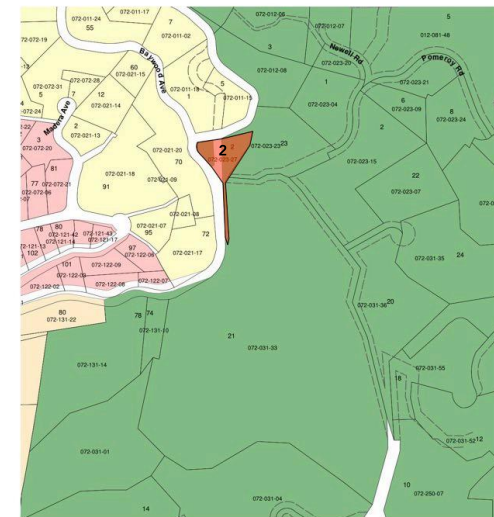








#### ZONING MAP



## Dewar Residence

2 Crest Road Ross, CA.

AP#: 072-023-27

Date: 4/20/23

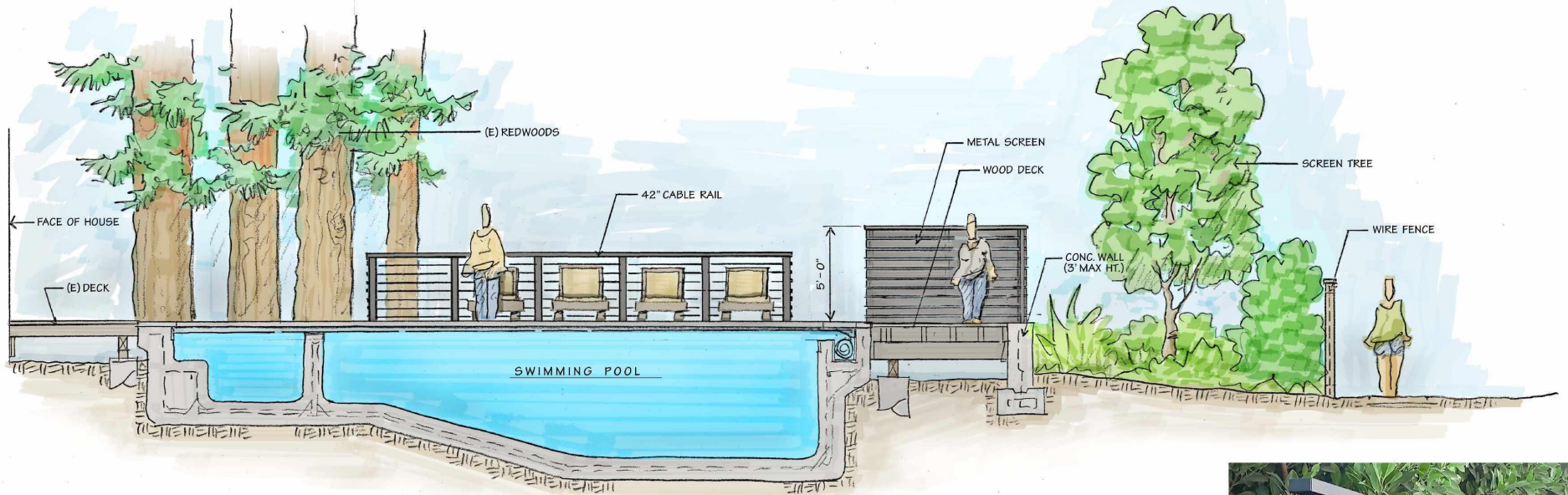
### Neighborhood Context Map

#### L1.3

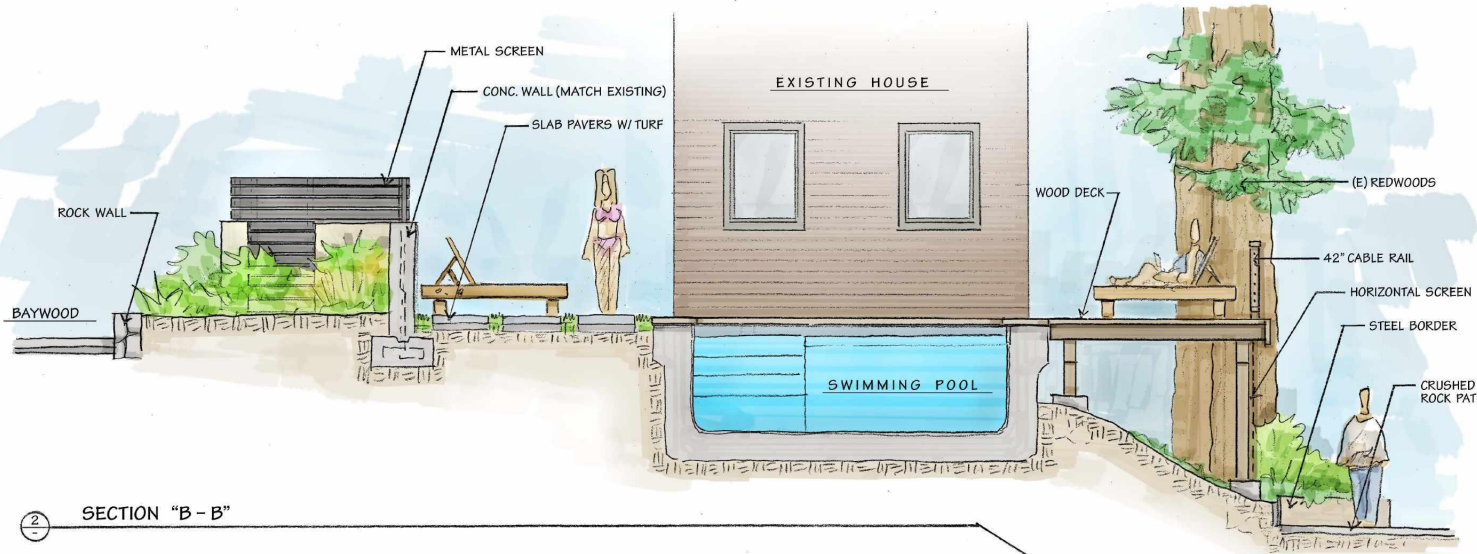


202 Rosemont Mill Valley CA 94041  
 (415) 380-0755  
 head@imprintsgardens.com  
 www.imprintsgardens.com

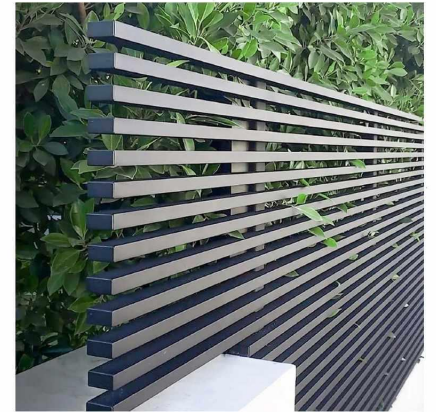




1 SECTION "A - A"



2 SECTION "B - B"



## Dewar Residence

2 Crest Road Ross, CA.

AP#: 072-023-27

Date: 4/20/23

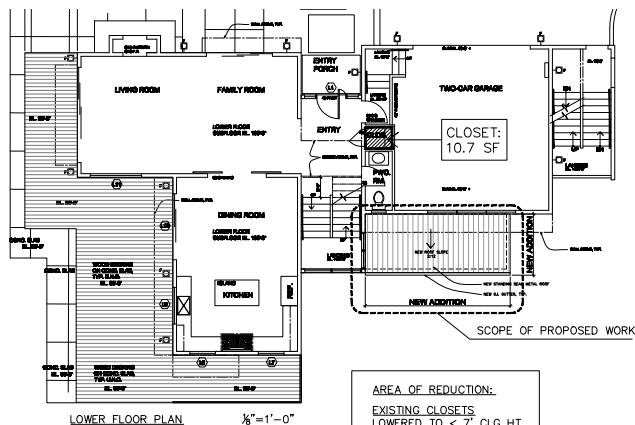
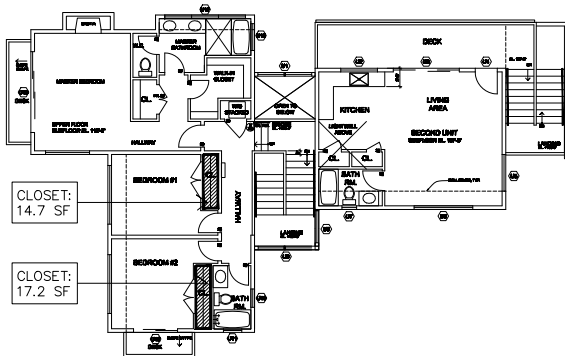
Scale: 3/8" = 1' - 0"

**Landscape Sketches**

**SHEET L1.4**



202 Rosemont Mill Valley CA 94041  
(415) 380-0755  
hello@imprintinggardens.com  
www.imprintinggardens.com

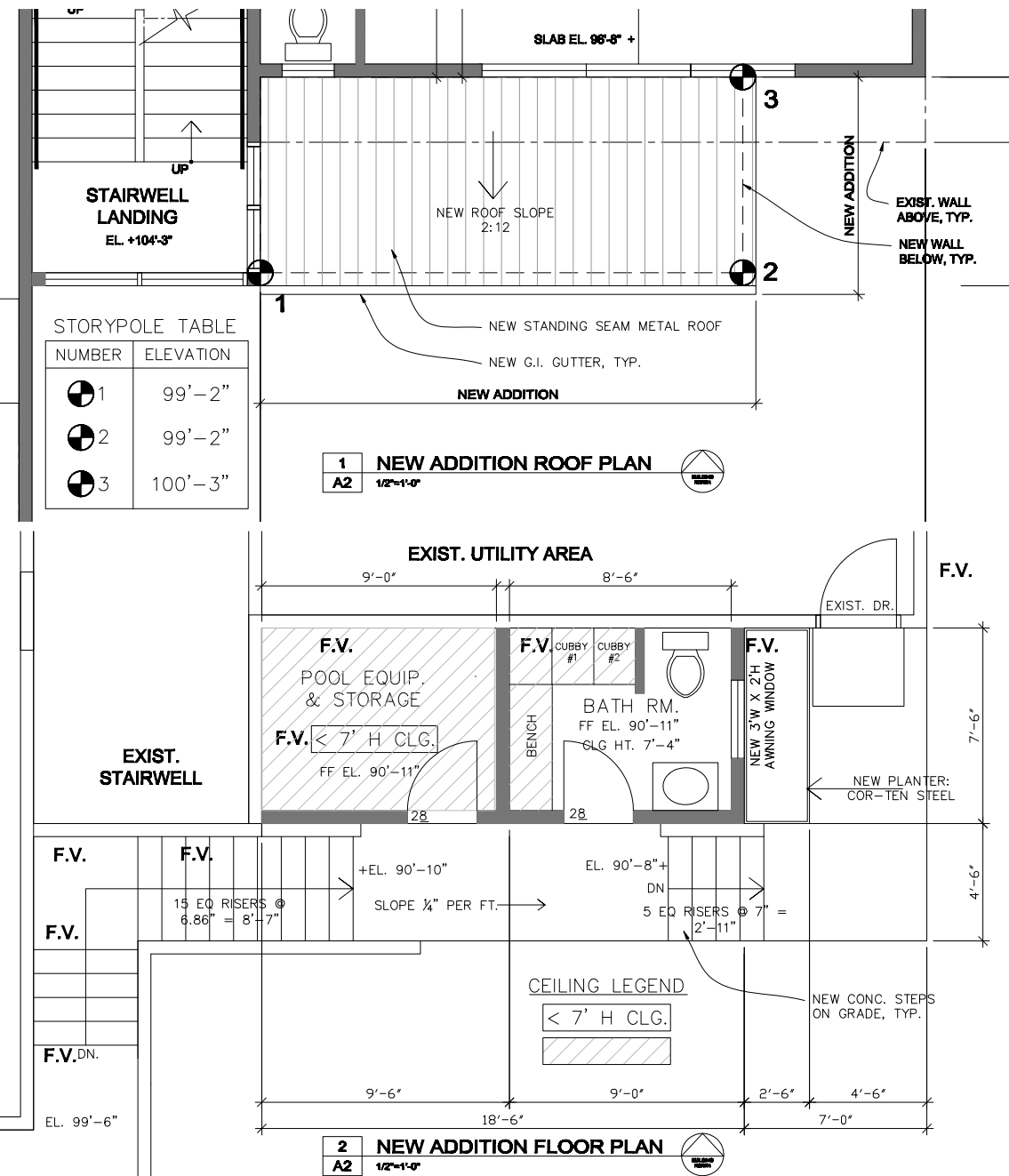


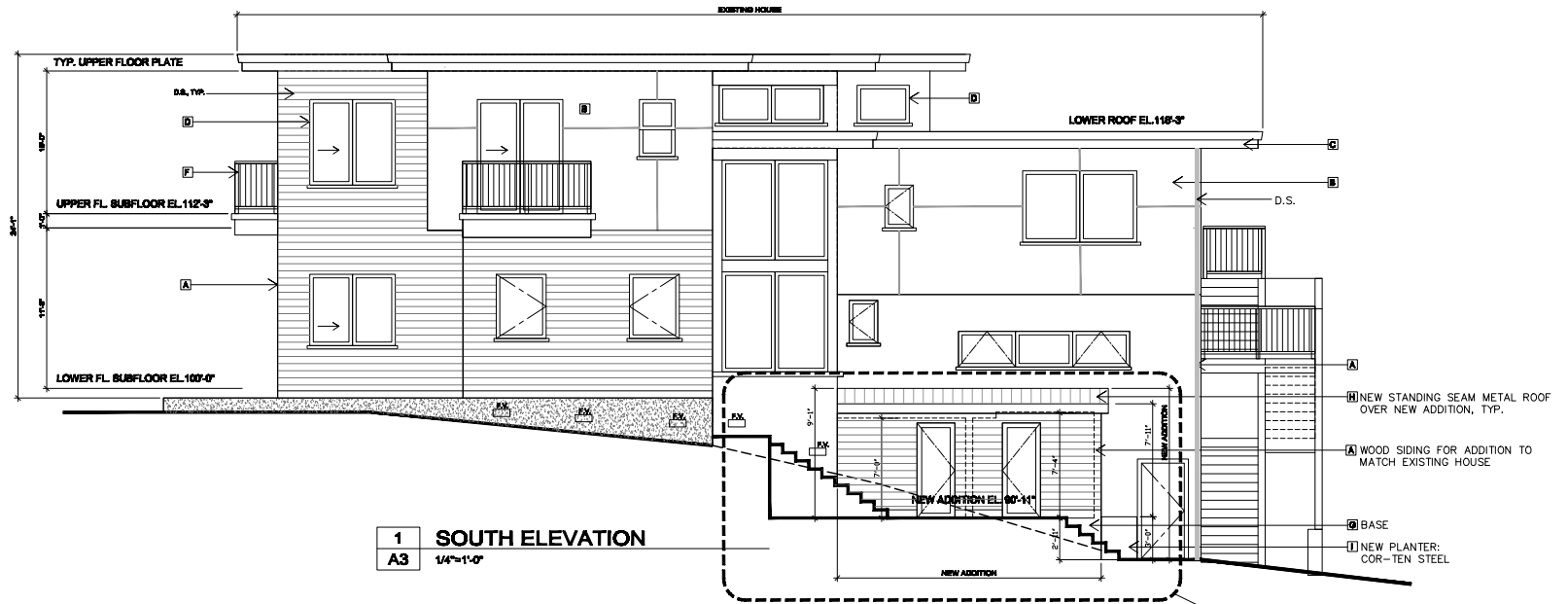
BUILDING DATA	
EXISTING FLOOR AREA	14.7 SF
EXISTING FLOOR AREA	17.2 SF
EXISTING FLOOR AREA	10.7 SF
EXISTING FLOOR AREA	42.6 SF
EXISTING FLOOR AREA	41 SF
EXISTING FLOOR AREA	41 SF
EXISTING FLOOR AREA	41 SF
EXISTING FLOOR AREA	41 SF
EXISTING FLOOR AREA	41 SF
EXISTING FLOOR AREA	41 SF

AREA OF REDUCTION:  
EXISTING CLOSETS  
LOWERED TO < 7' CLG HT.

AREA OF NEW ADDITION:  
41 SF  
41 SF < 42.6 SF

**3 AREA CALCULATION**  
A2 1/8"=1'-0"





- MATERIALS AND COLORS**
- A HORIZONTAL SIDING: STAINED NATURAL CEDAR
  - B STUCCO PLASTER SIDING: SILVER GREY: FLAT
  - C ROOF FASCIA: COPPER
  - D WINDOW SASH: BRONZE
  - E FASCIA GUTTER: COPPER
  - F RAILINGS: GALVANIZED STEEL, PAINTED BRONZE
  - G BOARD-FORMED CONCRETE
  - H STANDING BEAM METAL ROOF (NEW)
  - I COR-TEN STEEL PLANTER

**2 EAST ELEVATION**  
A3 1/4"=1'-0"



# ATTACHMENT 3

## **VARIANCE APPLICATION NOTES**

**4.20.23**

**Ben and Laura DEWAR  
2 CREST ROAD  
ROSS, CA 94957**

### **Project Summary**

The owners, Laura and Ben Dewar, request Design Review and Variance approval for their landscaping project at 2 Crest Rd. The project includes a pool, pool equipment shed with toilet, wood deck, concrete retaining walls, new fencing and gates, fire pit, outdoor BBQ, vegetable garden, and new site plantings. New materials to match the existing house and deck. In the main existing house, three closets will be modified with a lower ceiling height. Note that required parking is met through the (5) spots at the garage and driveway. The additional parking lot will be removed and it will allow for street parking.

The designs have been adjusted per the ADR feedback from the Conceptual review on 1/17/2023. The pool was reduced from 40' to 36' to minimize encroachment into the setbacks. The height of the existing fence will be increased to meet the required height for the pool safety code and to create additional privacy for the homeowner + neighbors. ADR's suggestion to request a variance for FAR was considered, but did not seem to be a successful approach based on the May Town Council meeting in which two projects were denied exceeding their maximum FAR. Therefore, FAR gained from lowering 3 closets is being transferred to the pool bathroom to avoid adding any FAR.

# PROJECT DATA

	ZONING REQ.	EXISTING	PROPOSED
LOT AREA	5 ACRES (217,800SF)	.43 ACRES (18,773 SF)	NO CHANGE
FLOOR AREA (FAR)	15%	2815 SF (15%)	NO CHANGE
APPROVED FAR	15%	2815 SF (15%)	—
LOT COVERAGE	15%	2225 SF (11.8%)	*3045 SF (16.2%)
IMPERVIOUS SURFACE	—	4770 SF (25.4%)	*4474 SF (23.8%)
BUILDING HEIGHT	30 FT	30 FT	NO CHANGE
FRONT SETBACK (CREST)	25 FT	25'-3"	NO CHANGE
FRONT SETBACK (BAYWOOD)	25 FT	26'-0"	NO CHANGE
SIDE SETBACK	25 FT	42'-3"	43'-2"
PARKING	4	5 (2 COV., 3 UNCOV.)	NO CHANGE

\* **LOT COVERAGE** PROPOSED TOTAL = (E) BLDG (2225 SF) + (N) BATHROOM (140 SF) + (N) DECK (680 SF) = **PROPOSED TOTAL 3045 SF / 16.2%**

\* **IMPERVIOUS SURFACE** PROPOSED TOTAL = (E) BLDG (4770 SF) MINUS SUM DIFFERENCE BETWEEN IMPERVIOUS SURFACE REMOVED (1156 SF) AND IMPERVIOUS SURFACE PROPOSED (860 SF) = 296 SF  
(E) IMPERVIOUS SURFACE (4770 SF) MINUS (296 SF) = **PROPOSED TOTAL 4474 SF / 23.8% (SEE SHEET L1.1 FOR DETAILS)**

## Mandatory Findings for a Variance

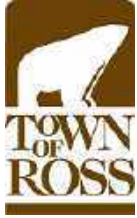
### Special Circumstances

- Irregular Shaped Lot
- Desire to preserve the Redwoods + Oak limits the buildable zone
- Desire to minimally impact the topography of site influences the pool location
- Pool sited nearest to a private road
- Pool located as far away from neighbors' yards/houses as possible
- Lot Size is substandard for the zoning district - 5 acres min. but we have less than 1/2 acre. Please refer to the Zoning Diagram map.
- Existing attached ADU was built as only 500sf, so the development could have actually been up to 350 sf larger than it was developed.
- Substantial Property Rights:
  - The homeowners would like to enjoy improvements to their unfinished yard to make it a space they can enjoy with their children. Currently, it isn't safe for their children to play in the lower areas of the yard.
  - Many similar homes in the neighborhood have pools. Please refer to the neighborhood context map

### Public Welfare

- We hope that this variance would not negatively impact any of our neighbors. Great consideration was given to how to be sensitive to the nearby houses.
- The building closest to the pool is the garage of 70 Baywood. Their house faces away from our lot with their primary outdoor space as decking on the opposite side of their house.

- We chose not to locate the pool at the other corner of our yard since it would put it in closer proximity to the downhill neighbor 23 Canyon.
- Note that the current primary outdoor usage is currently at the patio outside the kitchen - near where the pool will be added.
- The lot adjacent to the pool, 21 Canyon, is a 14 acre parcel with the residence sited up the hill + far from their property line.



# 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 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): 072-023-27

Project Address: 2 Crest Road

Property Owner: Benjamin and Laura Dewar

Owner Mailing Address (PO Box in Ross): 993

City/State/Zip: Ross, Ca Owner's Phone: 917-443-7460

Owner's Email: loladewar@gmail.com

Applicant: Imprints Landscape Architecture daniel@imprintsgardens.com

Applicant Mailing Address: 202 Rosemont Avenue

City/State/Zip: Mill Valley, CA 94941 Applicant's Phone: 415-380-0755

Applicant's Email: \_\_\_\_\_

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

#### To Be Completed by Town Staff:

Date Received: \_\_\_\_\_

Application No.: \_\_\_\_\_

Zoning: \_\_\_\_\_

Planning 5300 \_\_\_\_\_

Tree Permit 5305 \_\_\_\_\_

Fee Program Administration 5315-05 \_\_\_\_\_

Record Management 5316-05 \_\_\_\_\_

Record Retention 5112-05 \_\_\_\_\_

Technology Surcharge 5313-05 \_\_\_\_\_

Date paid: \_\_\_\_\_

TOTAL FEES: \_\_\_\_\_

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: \_\_\_\_\_

DocuSigned by:


  
2685542F2D6F43D...

Date: \_\_\_\_\_

1/10/2023

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: \_\_\_\_\_

1.10.23

**SIGNATURE:**

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

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

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

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

**Ross**, California on **1.10.23**

DocuSigned by:

*Laura Dewar*

2665612F2D6F43D...

**Brad Eigsti**

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.*

---

**Consultant Information**

The following information is required for all project consultants.

**Landscape Architect**

Firm Imprints Landscape Architecture  
Project Landscape Architect Brad Eigsti  
Mailing Address 202 Rosemont Avenue  
City Mill Valley State CA ZIP 94941  
Phone 415-380-0755 Fax \_\_\_\_\_  
Email daniel@imprintsgardens.com  
Town of Ross Business License No. 00300250 Expiration Date Dec 2023

**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).

SEE ATTACHED

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

---

**Mandatory Findings for Variance Applications**

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

**Special Circumstances**

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

---

SEE ATTACHED

---

**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.**

---

SEE ATTACHED

**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.**

\_\_\_\_\_

SEE ATTACHED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Neighborhood Outreach for the project at 2 Crest

We reached out to the following contiguous neighbors. All were in support of our project.

### Neighbors in Support:

Address:	Names:	Dates of Outreach:	Feedback:
1 Crest Rd.	Zach + Meg Adelman	Reviewed in January in person; Emailed current design on 5/31	Very supportive
5 Crest Rd.	Kathy + Tim Hansen	Reviewed in January in person; Emailed current design on 5/31	Very supportive
23 Canyon	Arthur Scotland	Reviewed in January in person; Emailed current design on 5/31	Very supportive
72 Baywood	Epsy + Steve Tarchak	Reviewed in January in person; Emailed current design on 5/31	Very supportive
21 Canyon	Michael Ackermann + Kjerstin Gruys	Emailed current Design on 6/12	Very supportive

Thanks,

Ben + Laura Dewar

# ATTACHMENT 4

**Subject:** 2 CREST - Design Review Notes - PLEASE CONFIRM RECEIPT  
**Date:** Tuesday, January 17, 2023 at 12:49:50 PM Pacific Standard Time  
**From:** Alison Pickart  
**To:** designreview@townofross.org  
**CC:** Ken Pickart  
**Attachments:** image001.jpg

Dear members of the Town of Ross ADR,

We are surprised that the residents at 2 Crest would propose a project plan, even conceptually, that would occupy an area so close to their property line. We understand that this is early in their project process, but we are also surprised they have not reached out to us, about this, since we are the one property most directly affected by their proposed project.

We are also having a hard time understanding their rationale in asking for such exception, to setback guidelines, given the amount of property available to them, within their setbacks.... reviewing the site plan, it seems there are plenty of other places, that a pool could be placed. Additionally, the size of the pool could be modified, which could help it conform in a different location or at a different angle.

Our understanding of the 2 Crest site survey is that the primary screening for this proposed pool area originates from a planting bed which exists 100% in the right-of-way. It looks to us like they are planning on continuing this non-conforming planting bed for screening vegetation outside of their property boundary and over an existing easement?

We actually think that incorporating their current parking area into their usable yard is a good idea and would allow for much needed screening to be planted inside of their property line... it seems like this area would be a great 'safe' yard area for their kids, since that seems to be a concern of theirs in this application. However, do the applicants have a relocation plan for the vehicles that are regularly parked in those spots?

We find it questionable that they are proposing to lower EXISTING INTERIOR closet ceiling heights in order to reduce their property's already maxed out FAR. This reduction of square footage equals the square footage needed for their outdoor bathroom and pool equipment room? These interior modifications are not irreversible by any stretch, and although a clever workaround, would set a precedent that anyone could temporarily reduce their closet ceiling heights to 7'0" in order to get town approval to add FAR to their homes. By this precedent, and corresponding 'closet math', we would be able to add 250' of FAR to our home.

Is this practice now commonplace in Ross?

Finally, and most concerning; the area in which the pool, fire pit seating area and end-of-pool lounge area are located in this proposal is very close to the property line. Moving much closer because of the incorporation of their current parking area into this plan.

Since there is no other way to enter our house from our designated parking areas than having to pass by this area of their property, we are not inclined to support a proposal that would increase

their physical presence, in hard-scape outdoor living areas to the degree in which they are proposing, so close to that property line.

Their application states that this project specifically does not affect us because the living area of our property faces the other direction? We wholeheartedly disagree.

We would be pleased to see the residents at 2 Crest figure out an appropriate place for a pool, as well as any other landscape features that would enhance and improve the enjoyment of their property, however, we would find it hard to support a project that would require a variance to site these elements so far outside of the setbacks... so close to the main path into our home.

Hopefully this feedback helps inform their process so they can develop a design proposal that is more conforming and would allow for greater privacy between the landscape, the road and our property.

Thoughtfully submitted,

Alison and Ken Pickart  
70 Baywood Ave

Alison Pickart  
alison pickart 🌱  
10 Bank Street  
San Anselmo, CA 94960  
[alison@alisonpickart.com](mailto:alison@alisonpickart.com)  
[www.alisonpickart.com](http://www.alisonpickart.com)

CONFIDENTIALITY NOTICE: This e-mail, including attachments, may include confidential and/or proprietary information. This information is intended only for the use of the individual or individuals or entity even if addressed incorrectly. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is strictly prohibited. If you have received this e-mail in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

**Subject:** FW: 2 Crest Ave

**Date:** Tuesday, August 15, 2023 at 4:02:53 PM Pacific Daylight Time

**From:** Ken Pickart

**To:** Alison Pickart

Ken Pickart | AP-Build, Inc. | [ken@ap-build.com](mailto:ken@ap-build.com) | O: 415.785.3860 | C: 415.519.3342 | 8 Bank St., San Anselmo, CA 94960

CONFIDENTIALITY NOTICE: This e-mail, including attachments, may include confidential and/or proprietary information. This information is intended only for the use of the individual or individuals or entity even if addressed incorrectly. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is strictly prohibited. If you have received this e-mail in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

**From:** Ken Pickart

**Sent:** Friday, June 16, 2023 4:54 PM

**To:** [designreview@townofross.org](mailto:designreview@townofross.org)

**Cc:** Alison Pickart <[Alison@alisonpickart.com](mailto:Alison@alisonpickart.com)>; [rmarkwick@townofross.org](mailto:rmarkwick@townofross.org); [alopez-vega@townofross.org](mailto:alopez-vega@townofross.org)

**Subject:** 2 Crest Ave

Dear ADR Group,

We were advised via mailer that our neighbors at 2 Crest are requesting comments for a project within the setback requiring a variance.

I believe the neighbors should be informed prior to the ADR meetings. It looks, from their application, that they have sought support and feedback from five other neighbors on the hill, yet have not made a single mention of the project to us and we are the neighbor of theirs who are most directly affected by this proposed project...

Can you encourage the Dewars to seek comment from us? My wife, Alison, and I own the property at 70 Baywood Ave, directly across from their proposed project location.

Thank you

Ken Pickart

Ken Pickart | AP-Build, Inc. | [ken@ap-build.com](mailto:ken@ap-build.com) | O: 415.785.3860 | C: 415.519.3342 | 8 Bank St., San Anselmo, CA 94960

CONFIDENTIALITY NOTICE: This e-mail, including attachments, may include confidential and/or proprietary information. This information is intended only for the use of the individual or individuals or entity even if addressed incorrectly. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is strictly prohibited. If you have received this e-mail in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.



Added 8/21/23

**From:** alison pickart <[alisonpickart@icloud.com](mailto:alisonpickart@icloud.com)>

**Date:** August 15, 2023 at 9:41:13 PM PDT

**To:** CouncilAll <[towncouncil@townofross.org](mailto:towncouncil@townofross.org)>

**Cc:** David Woltering <[dwoltering@townofross.org](mailto:dwoltering@townofross.org)>, [ken@ap-build.com](mailto:ken@ap-build.com), Alison Pickart <[alison@alisonpickart.com](mailto:alison@alisonpickart.com)>

**Subject:** AGENDA ITEM - 2 CREST

Dear Town of Ross Council Members,

It has been brought to our attention that the 'variance-dependent' project proposal at 2 Crest has been added to the August 24th meeting agenda. We are the direct neighbors of this project, at 70 Baywood Ave, and have significant concern regarding this project proposal.

We are extremely concerned that our formal, written concern (submitted on January 17th and June 16th of 2023: ATTACHED) have not been entered in to the Public Record, as the Staff Report dated June 20th, 2023 actually states in 'Public Comment' that:

*'At the time of writing this report, no comments were received from the public regarding the project'*

Worth noting: neither the residents at 2 Crest (who actually sit on the ADR board, btw), or their design professionals have reached out to us in any way to discuss or alert us to this project which has significant negative impact to the top of the Winship loop..

As residents who have been through this process with the Town on a number of occasions, both for ourselves and for clients of ours, we understand that when requesting a variance, neighbor input is critical. We have also ALWAYS reached out to neighbors of projects with sensitive or potentially 'problematic' proposals. In order to 'work through' issues that might arise to foster positive neighbor relations... that NO consideration has been given to us in this process is quite astonishing...

Among our concerns with this proposal, Our primary issues are as follows:

1. Further encroachment in to the Right of Way on Baywood Ave
2. Continuation of current planting bed, which exists in the 'right-of-way' outside of the 2 Crest boundary, for primary screening, on Baywood Ave,
3. Plan for relocation of current 3 stall parking at the top of Baywood Ave (which are currently in full use every day)
4. Pool and primary outdoor living area so far outside of the setback so close to the Baywood Ave property line.

We feel that this project proposal should be removed from the August 24th Agenda, as we have not been given enough time to properly meet with all Council members to review this project from our property perspective. With just 'Public' notice, we are not able to make the Town Council meeting in person, as we are taking our daughter to College in Syracuse next week. Had we had more notice, we likely could have made alternate plans for one of us to stay in Town and attend.

Please review the attachments as they show that we have been diligent in following the process of submitting formal written concerns in a timely fashion, and our significant concerns have not been addressed.... The Project Plan as submitted is extremely close to the original January ADR proposal with

little if any adjustment based on our concern. We would also ask that the residents of 2 Crest be required to reach out to us, either in person or through their Design Professional to discuss this project as it has incredibly significant impacts on the roadway in front of our home.

Thank you, very much,

Alison (and Ken) Pickart  
70 Baywood Ave

# ATTACHMENT 5

**MINUTES**  
Regular Meeting of the  
Ross Advisory Design Review Group  
7:00 PM, Tuesday, January 17, 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 Mark Fritts.  
Director Rebecca Markwick was 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, Design Review and Accessory Dwelling Unit (ADU) 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. The ADU permit is required to exceed the allowable height and size. 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, they are not pleased with height of the structure, and asked for it to be reduced. Asked that landscape be planted to provide screening, and that the ADU windows be clerestory.

A neighbor spoke, correcting the record that she did not ask for the gate in front of the parking space adjacent to the driveway.

Elis Raskin, 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 would impact his clients privacy. He stated that the project does not meet the findings, specifically privacy and compatibility with the neighborhood. He also mentioned that the ADU does not fit into the design review standards.

Mark Fritts

- The ADU has too much mass at the outside of the property.
- Would like to see the ADU in a different location.
- Size of project is fine, should be in the interior space of the lot.
- Is not concerned about the privacy impacts to the homeowners claim about a window that is many lots away.

Joey Buckingham

- Concerned about the front elevation. The ADU as far to the left as possible with a 25 foot mass looks monolithic in scale and almost commercial.
- Is interested in the addition becoming more whimsical and interesting.
- Volumes can be stepped back, and the façade will look less monolithic from the street.
- Development 5 feet from the property line and 25 feet high is really bad for the neighbor to the left.
- Take the volume to the left of the existing garage and push it back into the hillside.
- The bridge connecting the two building exacerbates the mass of the buildings, appears like a hotel.

Mark Kruttschnitt

- Agrees with the others.
- Thinks that the ADU should be diminutive to the house and garage, instead it exasperates the mass. The main home seems secondary to the ADU.
- The mass on top should recess form the neighbor's property.
- Mass should step back with the slope.
- If the storage room is a storage room, remove the windows.
- Minimize the footprint on the second floor.

Laura Dewar

- Agrees with the comments, the massing of the ADU works against the design of the house and the topography of the site
- The elevated walkway at the front adds to the mass as well.
- Work with space behind the garage.
- Need clarification on the parking space.

## 5. Conceptual ADR

**Property Address:** 2 Crest Road

**A.P.N.:** (APN 072-023-27)

**Applicant:** Imprints Landscape Architecture

**Property Owner:** Benjamin and Laura Dewar

**Zoning:** R-1:B5-A

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

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

Brad Eigsti, Landscape Architect presented the project, and ADR members asked questions.

### Joey Buckingham

- Likes where the pool is, does not impact the neighbors.
- The garage across the street has a high fence and the pool will not impact them.
- If you do have a pool in the location proposed, you might want a taller fence.
- Precedent has been set that a pool can be approved near the road.
- Plant a lot and make a tall hedge.
- Recommends going for the Variance.

### Mark Fritts

- Aggress with Joey
- Brad can create a fence that will provide screening.
- Think about the couch on the southern corner, pull that back, and put seating somewhere else.
- Does not matter if the pool is 11 feet versus 15 feet from the property line, there is not much substantive difference.
- Prefers that the applicant apply for the Variance instead of swapping floor area.

### Mark Kruttschnitt

- Thinks that the Variance would be palatable given the pool in the setback.
- Does not agree that the neighbors will be impacted by the pool, is concerned that the town will open themselves up to a lawsuit because the neighbors are complaining about their privacy.
- Does not think that the pool in the setback is a problem.
- Deck on the far side needs a fence for privacy.

## 6. Information and Discussion.

## 7. New Agenda Items.

## 8. Adjournment, 8:40 PM.

Next scheduled regular meeting date and time: February 15, 2023, at 7:00 PM.

**MINUTES**  
Meeting of the  
Ross Advisory Design Review Group  
7:00 PM, Tuesday, July 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, Stephen Sutro and Joey Buckingham

Assistant Planner Alex Lopez-Vega and the Interim Planning & Building Director David Woltering were present representing staff.

**2. Approval of Minutes.**

The ADR Group minutes were not approved.

**3. Open Time for Public Comments**

No comments were provided.

**4. Planning Applications/Projects**

a.

**Property Address:** 2 Crest Road  
**A.P.N.:** 072-023-27  
**Applicant:** Imprints Landscape Architecture  
**Property Owner:** Benjamin and Laura Dewar  
**Zoning:** R-1:B-5A  
**General Plan:** VL (Very Low Density)  
**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval of Design Review, a Nonconformity Permit, and a Variance. The project is requesting new landscape structures including a new pool/spa, pool equipment, wood deck, outdoor kitchen, concrete retaining walls, a small addition, and new fencing and gates. The nonconformity permit is required to exchange floor area for new floor area, with no increase to the total floor area. A Variance is requested to allow for the construction of new landscape structures within the side and rear yard setback.

Mark Fritts

- Likes how the applicant reduced the size of the pool
- Supports the project as modified

Joey Buckingham

- Great project
- Appreciated the adjustments made from last hearing and supports the project as modified

Stephen Sutro

- Appreciates saving the redwood trees in the middle of the buildable area

Mark Kruttschnitt

- Agrees with Joey's comments, nothing to add

b.

**Property Address:** 10 Shady Lane  
**A.P.N.:** 073-191-25  
**Applicant:** Polsky Perlstein Architects  
**Property Owner:** Courtney Kronenthal  
**Zoning:** R-1:B-A  
**General Plan:** L (Low Density)  
**Flood Zone:** AE (Floodway)

**Project Summary:** The applicant requests approval of Design Review and Variances. The project includes demolishing existing storage sheds in the rear yard totaling 134 square feet. The project proposes some minor additions and alterations to include enlarging the kitchen area by 94 square feet and expanding the entry way by 71 square feet for a total of 165 square feet. A Variance is required to exceed the allowable floor area and lot coverage by 31 square feet. A Variance is also required to allow the expansion of the kitchen area to encroach into the side yard setback.

Joey Buckingham

- Agrees with Mark Kruttschnitt's comments, but believes findings could be made by removing additional structures

Laura Dewar

- Slight increase in massing, but doesn't feel like it's bigger
- Likes removing of the columns in the entry
- Likes all the changes
- Supports the design of the project
- Challenging to send the project to TC for FAR increase

Mark Fritts

- Agrees with comments made by Laura and Joey



- From an architectural standpoint it's a great project
- Much more useable home

Stephen Sutro

- Generally agrees with other ADR member comments
- Project looks great; should go forward

Mark Kruttschnitt

- Supports project, but believes it should not exceed the FAR
- May be difficult to make findings to exceed FAR

c.

**Property Address:** 39 Allen Avenue  
**A.P.N.:** 073-261-05  
**Applicant:** Polsky Perlstein Architects  
**Property Owner:** Matthew and Lauren Barshied  
**Zoning:** R-1:B-10  
**General Plan:** ML (Very Low Density)  
**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests approval of Design Review, a Nonconformity Permit, a Hillside Lot Permit, and a Variance. The project includes renovations to the exterior materials, features, and appearance of the existing single-family residence, including additions and alterations on the lower level. The project includes reducing the size of an existing nonconforming deck which encroaches into the side yard setback. The project also includes new landscaping and hardscape throughout the property. The Variance is required to exceed the allowable floor area by 70 square feet. A separate application has been submitted for ministerial review for a new Accessory Dwelling Unit.

Joey Buckingham

- Great project, big improvement
- Beautiful home as drawn
- So many findings the TC can consider for this project: new ADU, taking an unsafe entry making it to a traditional home
- Does not feel like a hillside lot
- Suggest earth tone color instead of white

Laura Dewar

- Huge improvement in the design of the home.
- Moving the entryway to the lower level is good move; a good reason to support the FAR increase
- Consider using more natural tones, instead of white shingles.
- East side of the house window may be a concern, make sure to respect neighbor privacy.

Mark Fritts

- Agrees with Mark Kruttschitt comments
- Architectural design is a significant improvement
- The house is visually more appealing from the street
- Façade in the front is vastly improved, and a more modern feel
- Some level of replacement of trees is needed
- If applicant can find 70 SF to reduce, it would be helpful

Stephen Sutro

- Agrees with both Marks' comments; the design is a great improvement
- Existing entry is unsafe and ugly; new entry is a significant upgrade
- House is already there, makes sense for increase in FAR, given the overall design improvements

Mark Kruttschnitt

- House will look better with the changes.
- May be difficult for TC to have findings to increase FAR, especially a house that is over the limit
- Replacement trees needed if old trees are removed
- More earth tone color instead of white

**5. Conceptual Advisory Design Review.**

**6. Information and Discussion.**

**7. New Agenda Items.**

**Adjournment, 7:47 PM.**

**Next scheduled regular meeting date and time: August 15, 2023, at 7:00 PM.**