



Staff Report

Date: August 24, 2023

To: Mayor Brekhus and Council Members

From: Alex Lopez-Vega, Assistant Planner

Subject: Barshied Residence, 39 Allen Avenue

Recommendation

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

Property Address: 39 Allen Avenue **A.P.N.:** 073-261-05

Applicant: Polsky Perlstein Architecture **Property Owner:** Matthew and Lauren Barshied

Zoning: R-1:B-10

General Plan: ML (Medium Low Density)

Flood Zone: X (Moderate Risk)

Project Data

	Code Standard	Existing	Proposed
Lot Area	10,000 SF	17,059 SF	No change
Floor Area (FAR) Hillside >30% (FAR)	20% 1,229 SF (7.2%)	3,131 SF (18.4%)	3,201 SF (18.8%)
Building Coverage	20%	2,439 SF (14.3%)	2,695 SF (15.8%)

	Code Standard	Existing	Proposed
Hillside Front Setback	25'	33′ 5″	26' 2"
Hillside Left Side Setback	25′	14'	No Change
Hillside Right Side Setback	25′	17′ 3″	No Change
Hillside Rear Setback	40'	81'	No Change
Building Height	30′	25′ 5″	No Change
Parking	3 (1 Covered)	3 (1 Covered)	No Change
Impervious Surface Coverage	Minimize and/or mitigate for any increase.	5,922 SF	5,912 SF

Project Description:

The applicant requests approval of Design Review, a Nonconformity Permit, a Hillside Lot Permit, and a Variance. The project includes an extensive interior and exterior renovation to modernize the existing two-story home to include white shingle siding, a grey veneer ledgestone accent and new windows, and a new composition roof with grey shingles matching the existing roof. Also, the proposed project involves updating the front facade by removing the existing front entrance and stairs and relocating the front entrance to the lower level and adding a porch; a balcony is also being proposed above the new porch. The project will also add a total of 70 square feet of new floor area: the proposed addition of 67 square feet to the lower level consists of enlarging the garage, and the construction of a new entryway with stairs leading to the upper level, and an additional three (3) additional square feet on the upper level on the landing of the stairs. A Variance is required to exceed the allowable floor area by 70 square feet.

A Nonconformity Permit is required in order to allow for the existing deck which is nonconforming with regards to the setbacks to be enlarged, extended, and structurally altered, without increasing the encroachment of the existing deck. The project also includes rehabilitating the existing landscape, including constructing a new side yard fence, pedestrian gate, constructing new walls, walkways, steps, and patios, and installing new plantings.

A separate application has been submitted for ministerial review of Accessory Dwelling Unit (ADU) Permit to construct a new junior ADU at the lower level. The ADU Permit application is not subject to discretionary review.

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

The proposed project is subject to the following required 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.
- Hillside Permit is required for lots with a slope of 30 percent or more, pursuant to RMC Section 18.39.020.
- Nonconformity Permit is required pursuant to RMC 18.52.040 to allow to enlarge, extend, reconstruct, or structurally alter existing nonconforming structures.
- Variances are required pursuant to RMC 18.48.010 to exceed the allowable floor area.

Background

The project site is a 17,059 square-foot steeply sloping lot on Allen Avenue. The lot has a single-family residence which includes a pool, shed, and a deck. The subject site has an average slope that is greater than 30%.

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 July 18, 2023, the applicant took the project to the Advisory Design Review (ADR) group for review. The ADR members all supported the design of the proposed house as drawn. Although the ADR members supported the project and acknowledged the benefits of moving the exterior staircase to the inside of the home; by doing so the new interior staircase will make the home safer and more attractive. However, some ADR members indicated concern about the requested increase in FAR and suggested the applicant consider options to meet the maximum allowed FAR. An ADR member mentioned an exterior staircase is not defined as FAR, but by moving the

staircase inside it be defined as an enclosed entryway and considered an increase to FAR. While increasing the FAR, the ADR member suggested the staircase inside will improve the appearance of the home and its compatibility within the neighborhood. Other suggestions the ADR members had for the applicant included to provide some visual screening by replacing trees that are being removed in the front yard area with mature type of trees which are shown on the revised landscape plan as **Attachment 2**, and to change the color of the house to a more natural color, rather than white. However, the applicant wishes to stay with the proposed white exterior color of the home, based on follow-up conversations with staff.

Draft minutes of the July 18, 2023, ADR meeting are included as Attachment 4.

Discussion

The proposed project is subject to the following 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 approval. 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 proposed project design is 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 development 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" in the attached Resolution.

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.

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 on 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:B10 district for minimum side yard setback 15 feet, the existing property is within the 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 structures which are nonconforming with respect to the minimum allowed setback.

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 demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community. The project conforms to the design review standards, and the proposed deck does not exceed the nonconforming side yard setback. 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 exceed the allowable floor area 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.

<u>Analysis:</u> The special circumstances and conditions applicable to the land, building, or use include the existing topography, lot layout and patterns of development on the property and the neighborhood, the special circumstance also include the Town's Hillside lot zoning requirements with regards to the F.A.R (Floor Area Ratio). The zoning for this district has a maximum FAR of 20%, the Hillside ordinance reduces the FAR to 7.2%. The existing house is 18.4% which is within the zoning district maximum of 20% but exceeds the hillside ordinance limitations. Granting a variance for the proposes 70 square feet of new floor area, would allow the property owner to enjoy privileges enjoyed by other properties in the vicinity while considering the property's unique characteristics and constraints.

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

<u>Analysis:</u> The additional 70 SF of new floor area would improve the livability and functionality of the existing home. The project will accommodate an expanded family with a more functional entryway that is similar to those in the neighborhood by creating a safer entry to the home at a lower level and eliminating the current exterior wood steps to the front door which can be dangerous in wet weather. 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.

<u>Analysis:</u> The proposed new floor area would not adversely affect the health and safety of nearby residents, minimally affecting the houses' massing appearance as seen from the road. It would not be detrimental to the public welfare, nor injurious to other properties in the neighborhood. 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 in 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 and no comments were received at the time of writing this report.

Attachments

- 1. Resolution No. 2331
- 2. Project Plans
- 3. Project Application and Materials
- 4. Draft ADR Meeting Minutes, July 18, 2023

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2331

RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, A HILLSIDE LOT PERMIT, A NONCONFORMITY PERMIT, AND A VARIANCE TO RENOVATE THE EXISITING SINGLE-FAMILY HOME, REDUCE THE SIZE OF AN EXISITING NONCONFORMING DECK AND TO EXCEED THE ALLOWABLE FLOOR AREA BY 70 SQUARE FEET AT 39 ALLEN AVENUE A.P.N. 073-261-05

WHEREAS, applicant Polsky Perlstein Architects on behalf of property owners Matthew and Lauren Barshied has submitted an application requesting approval of Design Review, a Hillside Lot Permit, a Nonconformity Permit and a Variance to renovate the exterior materials, features, and appearances of the existing single-family residence, including additions and alterations. 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 at 39 Allen Avenue APN 073-261-05 (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 Nonconformity 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 24th day of August 2023, by the following vote:

Cyndie Martel, Town Clerk	Elizabeth Brekhus, Mayor
ATTEST:	
ABSTAIN:	
ABSENT:	
NOES:	
AYES:	

EXHIBIT "A" FINDINGS 39 Allen Avenue A.P.N. 073-261-05

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; 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 offstreet 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 Medium 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; including 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 deck design 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 deck was originally constructed in approximately 1940-1975 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.L00.

(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.

(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, building, or use include the existing topography, lot layout and patterns of development on the property and the neighborhood, the special circumstance also include the Town's Hillside lot zoning requirements with regards to the F.A.R (Floor Area Ratio). The zoning for this district has a maximum FAR of 20%, the Hillside ordinance reduces the FAR to 7.2%. The existing house is 18.4% which is within the zoning district maximum of 20% but exceeds the hillside ordinance limitations. Granting a variance for the proposes 70 square feet of new floor area, would allow the property owner to enjoy privileges enjoyed by other properties in the vicinity while considering the property's unique characteristics and constraints.

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

The additional 70 SF of new floor area would improve the livability and functionality of the existing home. The project would accommodate a more functional entryway that is similar to those in the neighborhood by creating a safer entry to the home at a lower level and eliminating the current exterior wood steps to the front door which can be dangerous in wet weather. 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 floor area would not adversely affect the health and safety of nearby residents, minimally affecting the houses' massing appearance as seen from the road. It would not be detrimental to the public welfare, nor injurious to other properties in the neighborhood. 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 39 Allen Avenue A.P.N. 073-261-05

- 1. The building permit shall substantially conform to the plans entitled, "Barshied Residence" and 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.
- 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 8n.
- 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).

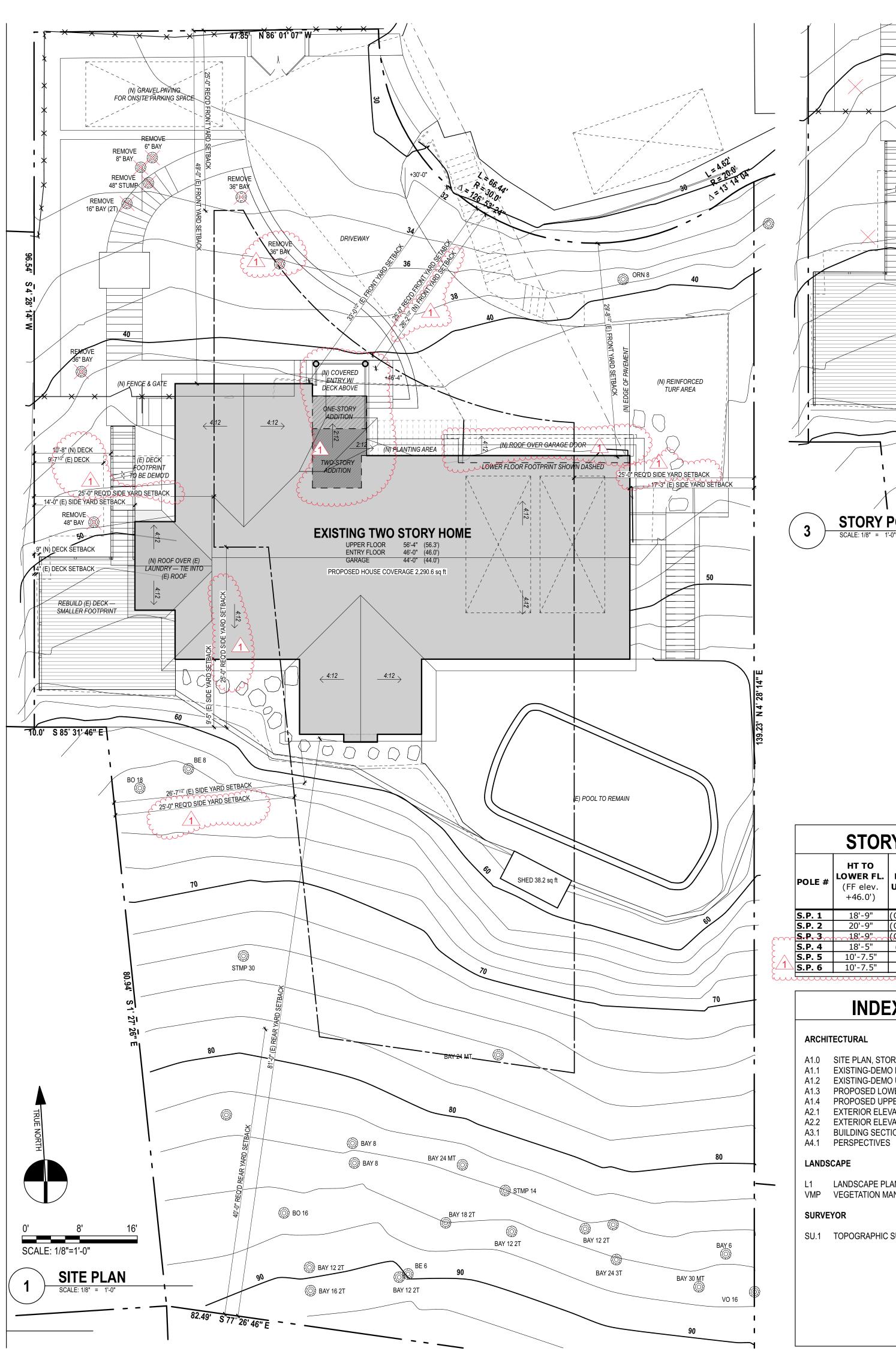
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions 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.
- I. 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

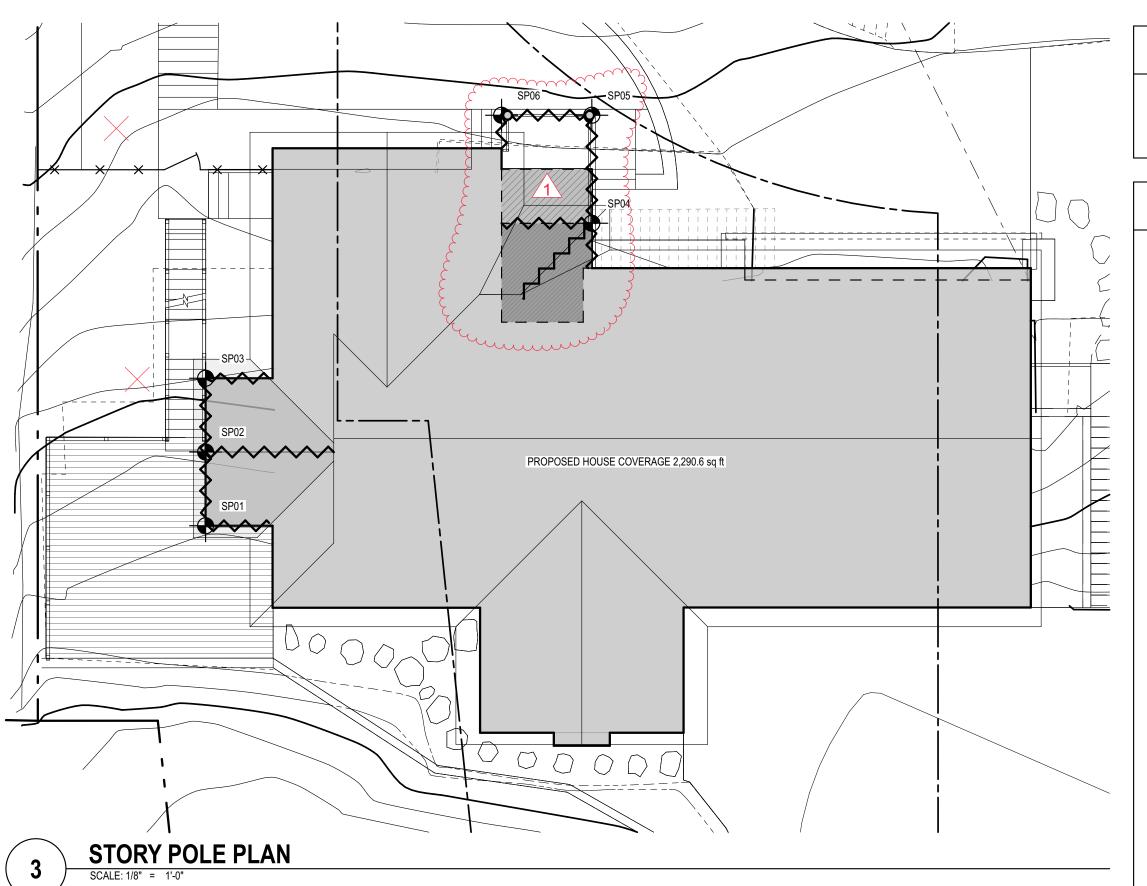
covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris,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





SURVEYOR

PROJECT TEAM OWNER Matthew + Lauren Barshied PO Box Ross CA 94957 Tel: 415-577-0917 **ARCHITECT** Polsky Perlstein Architects 469B Magnolia Avenue Larkspur CA 94939 Tel: 415-927-1156 x304 Fax: 415-927-0847 Contact: Jared Polsky Elizabeth Raar jared@polskyarchitects.com elizabeth@polskyarchitects.com LANDSCAPE ARCHITECT Tseckares Landscape Architecture 90 Butterfield Road San Anselmo CA 94960 Tel: 415-847-6124

Contact: Scott Tseckares info@tseckares.com

steve@munsellecivil.com

219 Shoreline Hwy. Mill Valley, CA 94941 Tel: 707-775-8986 Contact: Steven J. Klein

DVC Group, Inc.

	STORY POLE SCHEDULE				
POL	.E #	HT TO LOWER FL. (FF elev. +46.0')	EXISTING GRADE UNDER POLE (+/-)	FIN. FL. TO (E) GRADE	POLE HEIGHT (approx only- pole installer confirms ht)
S.P.	1	18'-9"	(ON ROOF) 65'-9.75"	-19'-9.75"	-1-0.75"
S.P.	2	20'-9"	(ON ROOF) 65'-9.75"	-19'-9.75"	11.25"
S.P.	3 ~~	18'-9"	(ON ROOF) 65'-9.75"	<u>~-19'-9.75"</u> ~	~~-1-0.75 "
S.P.	4	18'-5"	(ON STAIR) 43'-6"	2'-6"	21'-11"
S.P.	5	10'-7.5"	41'	5'	15'-7.5"
1\S.P.	6	10'-7.5"	41'	5'	15'-7.5"

INDEX OF DOCUMENTS

A1.0 SITE PLAN, STORY POLE PLAN, + PROJECT INFO

EXISTING-DEMO LOWER FLOOR PLAN

A1.2 EXISTING-DEMO UPPER FLOOR PLAN

A1.3 PROPOSED LOWER FLOOR PLAN

A1.4 PROPOSED UPPER FLOOR PLAN A2.1 EXTERIOR ELEVATIONS

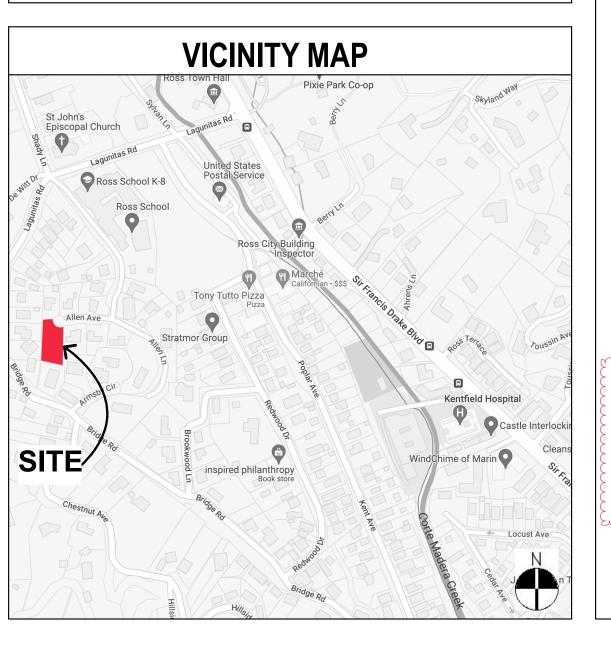
A2.2 EXTERIOR ELEVATIONS

A3.1 BUILDING SECTIONS

L1 LANDSCAPE PLAN

VEGETATION MANAGEMENT PLAN

SU.1 TOPOGRAPHIC SURVEY

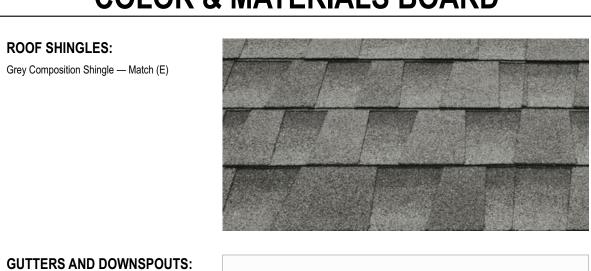


SCOPE OF WORK

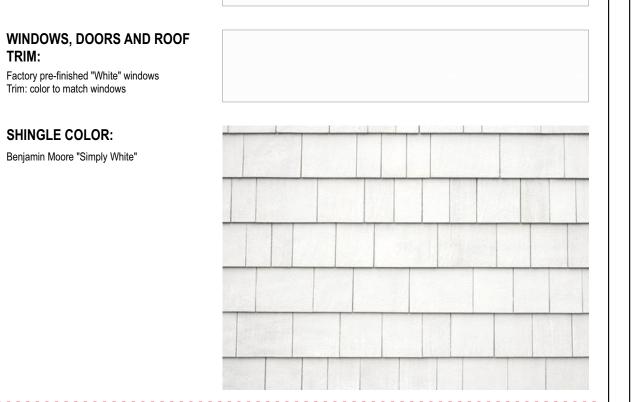
SELECTED DEMOLITION OF WALLS OF THE EXISTING HOME; NEW ADDITIONS AND REMODEL WITH NEW EXTERIOR FINISHES; REWORK (E) HVAC, ELECTRICAL, PLUMBING; NEW DECK STRUCTURE, SITE RETAINING WALLS AND STAIRS, WALKWAYS, LANDSCAPING

Address:		39 Allen Avenue	e		
Zoning Design	nation:	R-1:B-10			
Assessor's P		AP # 073-261-0	15		
Site Area (SF		17,059			
Occupancy T	•	R-3			
Building Type		V-B			
Latitude	•	N 37.959661°			
Longitude		122:558796°			
Parcel Slope:		38%			
r aicei Siope.		2130%			
		Zoning Req't.	Existing	Proposed	Chang
Building Co	verage (SF)				
House			1,914	2,289	3
	elevated stairs		135	0	(1:
•	quipment Shed		38	38	ζ.
	& Landscape Stairs		352	368	
	Building Coverage		2,439	2,695	
Site C	overage	20%	14.3%	15.8%	1.9
Floor Area (SF)				
Lower	Floor		258	296	;
Upper	Floor		2,173	2,175	
Garag		\$ The second sec	700	730	
Sub-to	tal conditioned floor are	eas (1,229)	3,131	3,201	
Floor	Area Ratio (F.A.R.)	7.2%	18.4%	18.8%	0.4
ADU F	Floor Area not cou	nted towards FAR	0	341	3
Building Hei	ght				
House		30'-0"	25'-5.5"	25'-5.5"	
Setbacks	House	$\mathcal{L}_{\mathcal{L}}}}}}}}}}$			
Setbacks Main I		25'-0"	33'-0.5"	26'-2.5"	(6'-1
	Front (North)	, 200 \neq	17'-3"	17'-3"	
		25'-0"		14'-0"	
	Front (North)	(/	14'-0"	17-0	
	Front (North) Side (East)	25'-0"	14'-0" 81'-0"	81'-0"	
	Front (North) Side (East) Side (West)	25'-0"			00000
Main I	Front (North) Side (East) Side (West) Rear (South)	25'-0"	81'-0"	81'-0"	~~~~
Main I	Front (North) Side (East) Side (West) Rear (South) 4 req'd (1 covered) Surfaces (SF)	25'-0"	81'-0"	81'-0"	
Parking Impervious S House	Front (North) Side (East) Side (West) Rear (South) 4 req'd (1 covered) Surfaces (SF)	25'-0"	81'-0"	81'-0"	······································

COLOR & MATERIALS BOARD

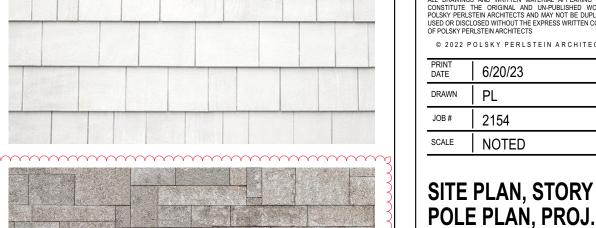






STONE ACCENTS:

Grey veneer ledgestone





A1.0

R E ARSHIED $\mathbf{\Omega}$

SIDENC

DATE Δ DESCRIPTION BY

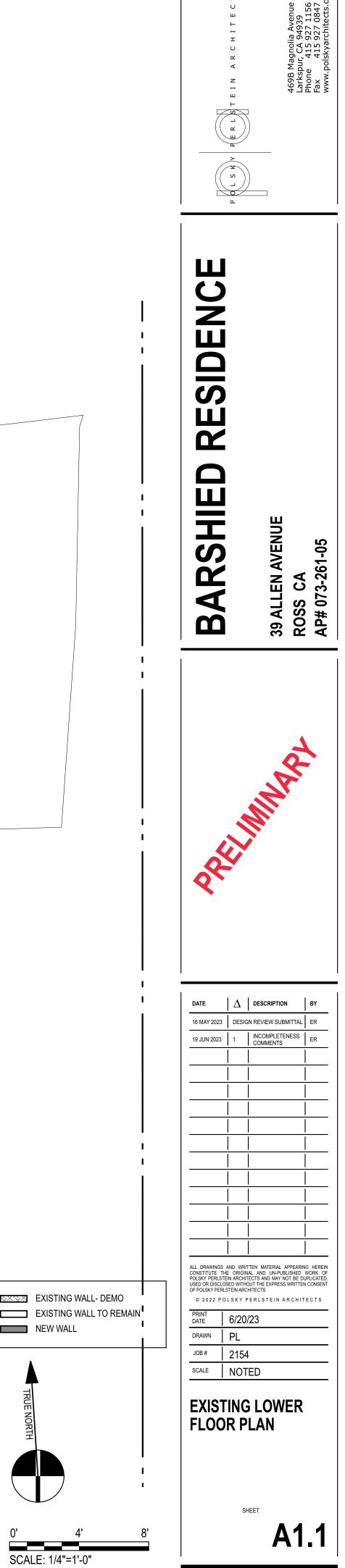
16 MAY 2023 DESIGN REVIEW SUBMITTAL ER 19 JUN 2023 1 INCOMPLETENESS ER

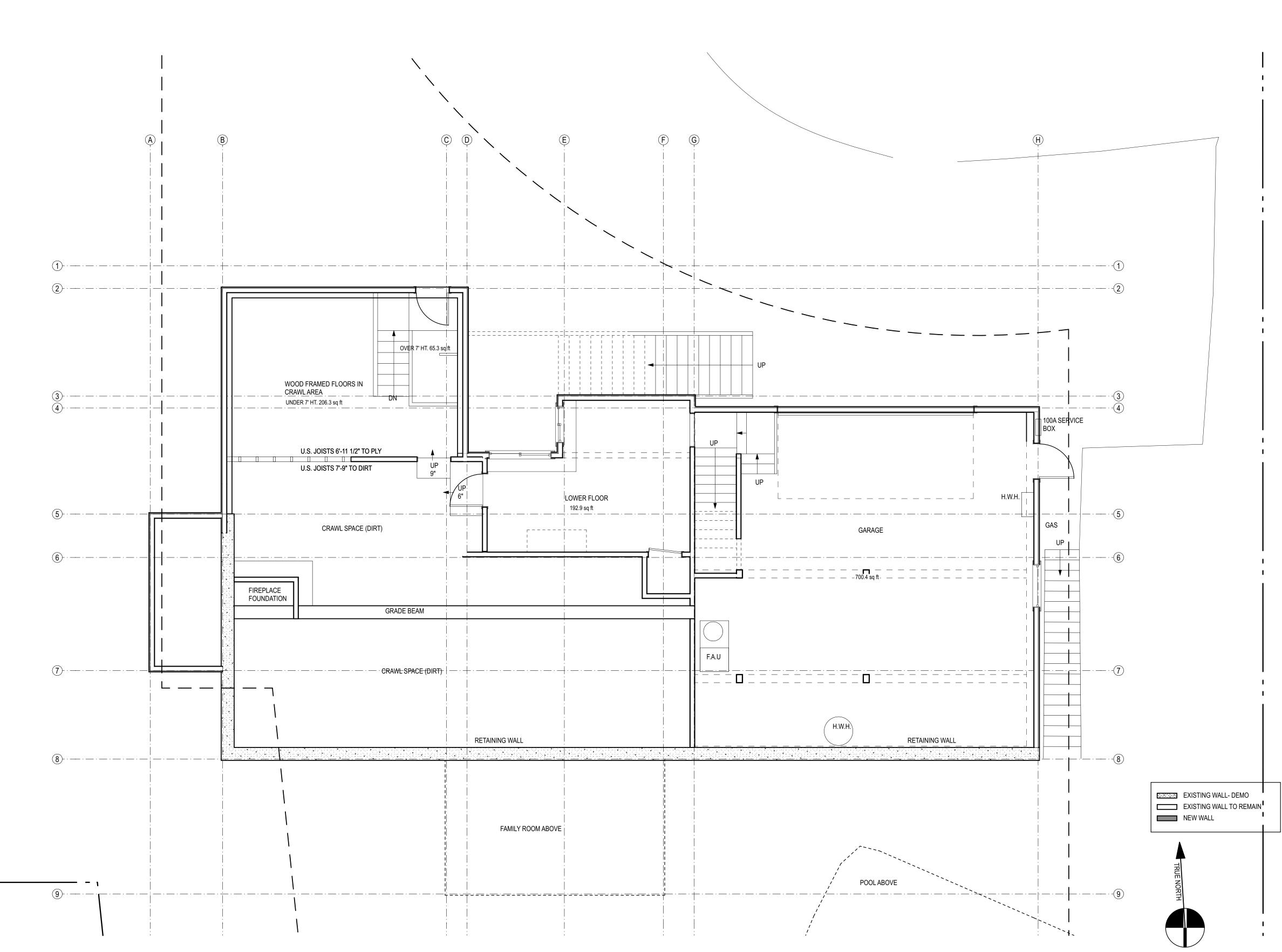
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UN-PUBLISHED WORK OF POLSKY PERLSTEIN ARCHITECTS AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF POLSKY PERLSTEIN ARCHITECTS

DATE 6/20/23

DRAWN PL

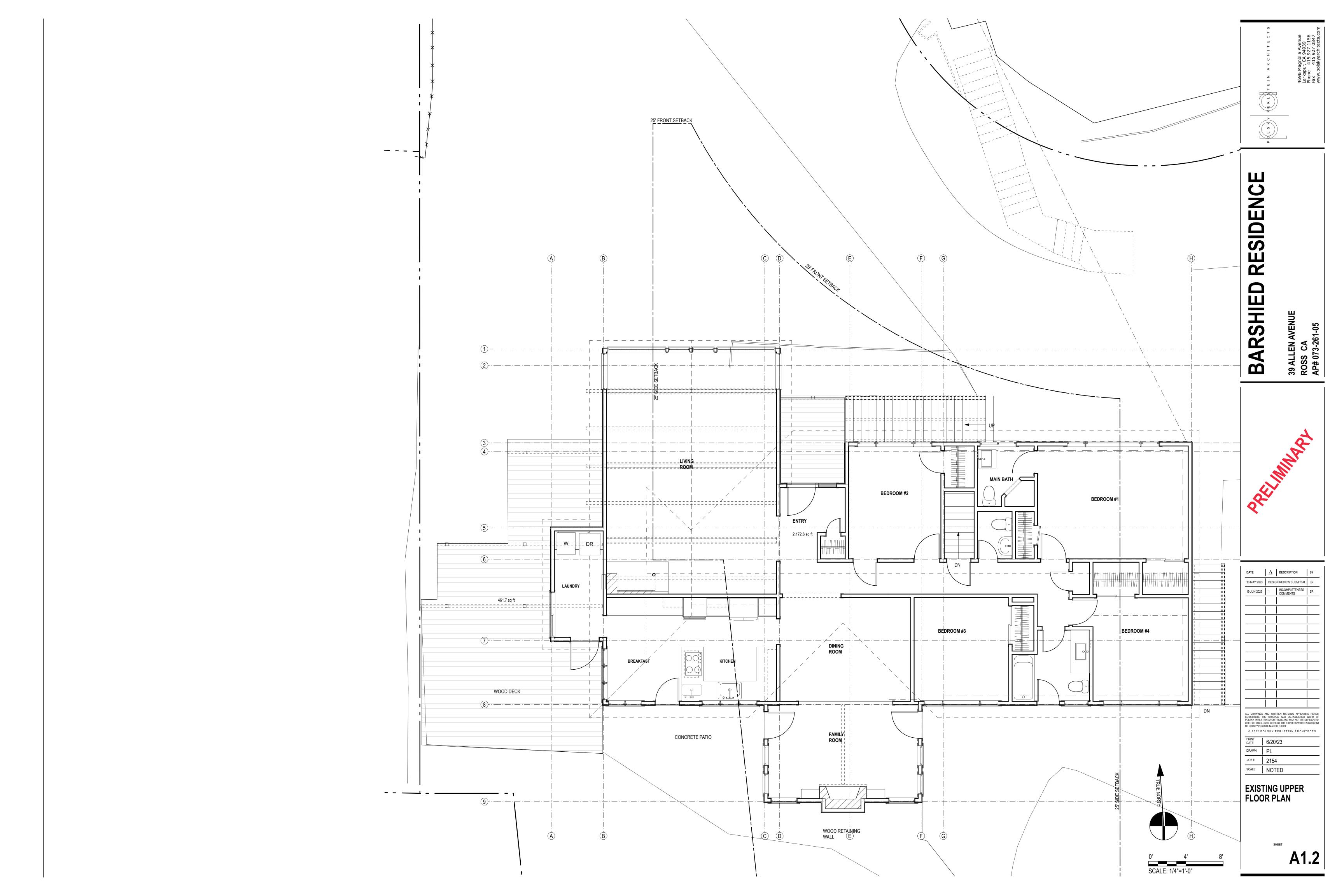
JOB# 2154 SCALE NOTED

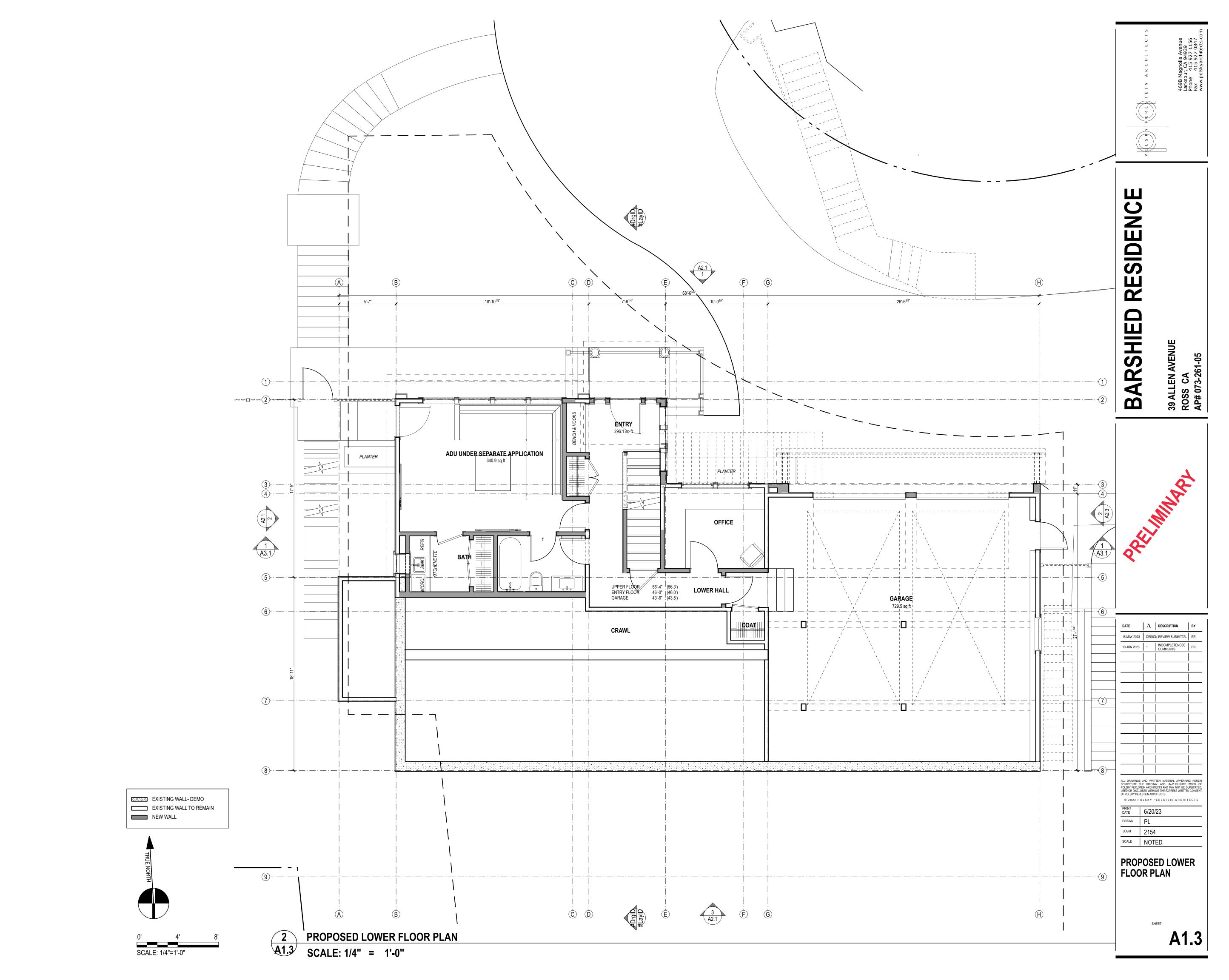


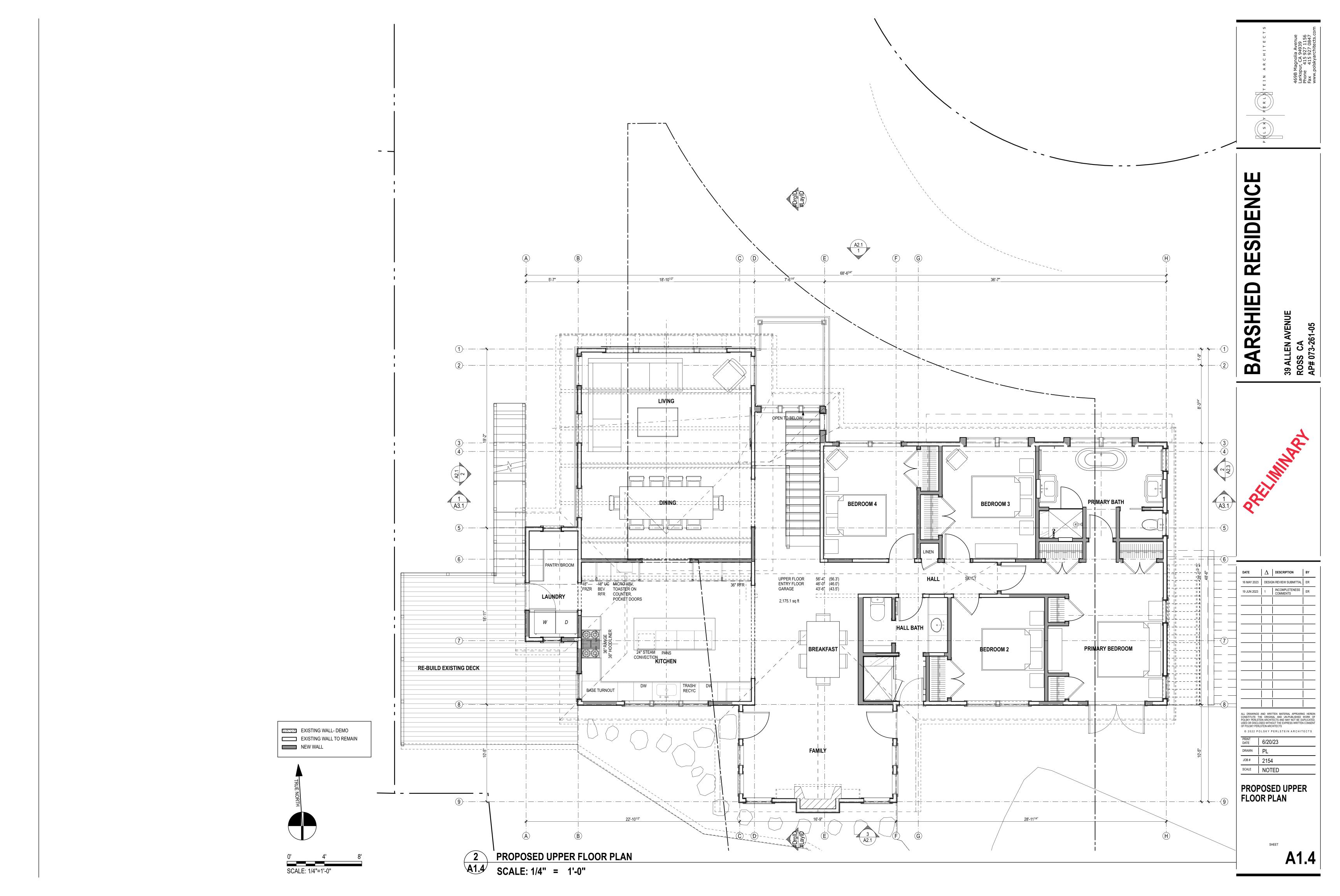


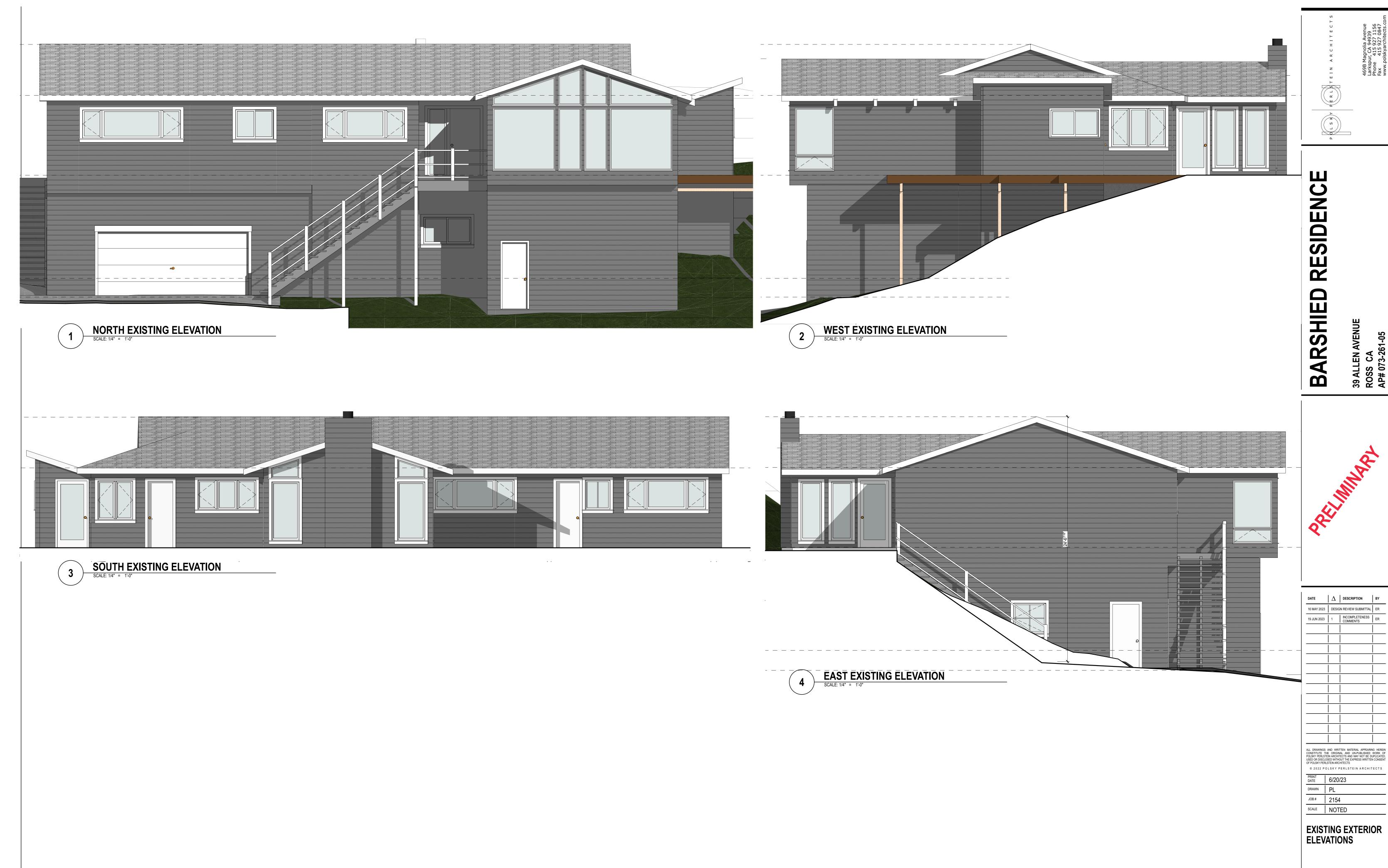
EXISTING LOWER FLOOR PLAN

SCALE: 1/4" = 1'-0"



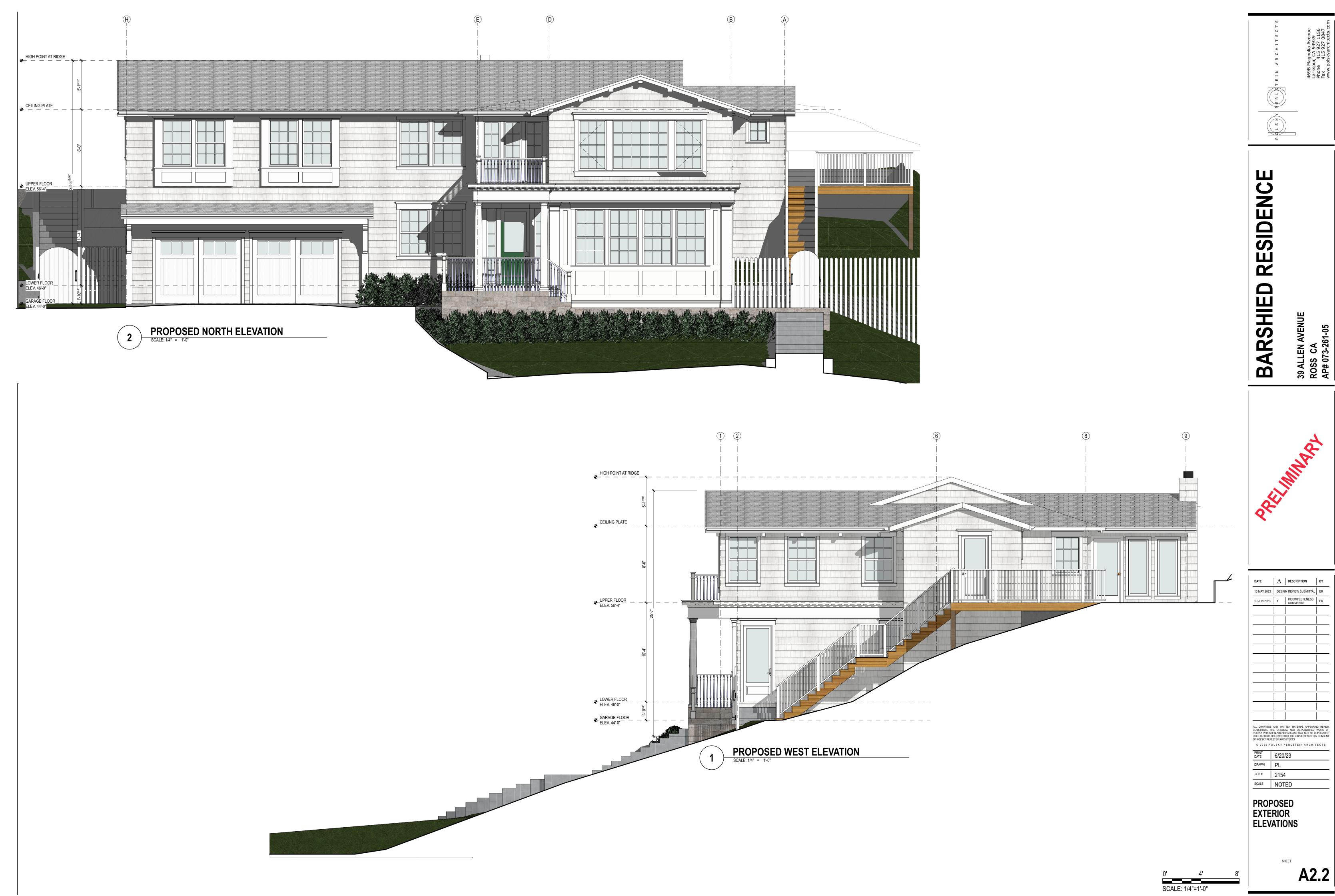


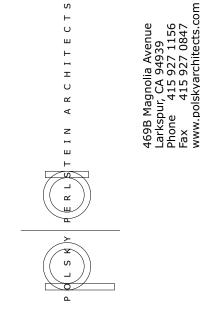




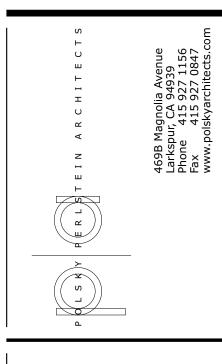
A2.1

0' 4' SCALE: 1/4"=1'-0"









BARSHIED RESIDENCE

39 ALLEN AVENUE

Q Q EL ININA

16 MAY 2023		NI DEVIEW OURSETT.	
	1	N REVIEW SUBMITTAL	ER
19 JUN 2023	1	INCOMPLETENESS COMMENTS	ER
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DRAWN	PL		
JOB#	2154	1	
	NOTED		

PERSPECTIVES

A2.4

4' 8'



1 VIEW FROM THE NORTHEAST
SCALE: 1:231.12



VIEW FROM THE SOUTHWEST
SCALE: 1:127.87

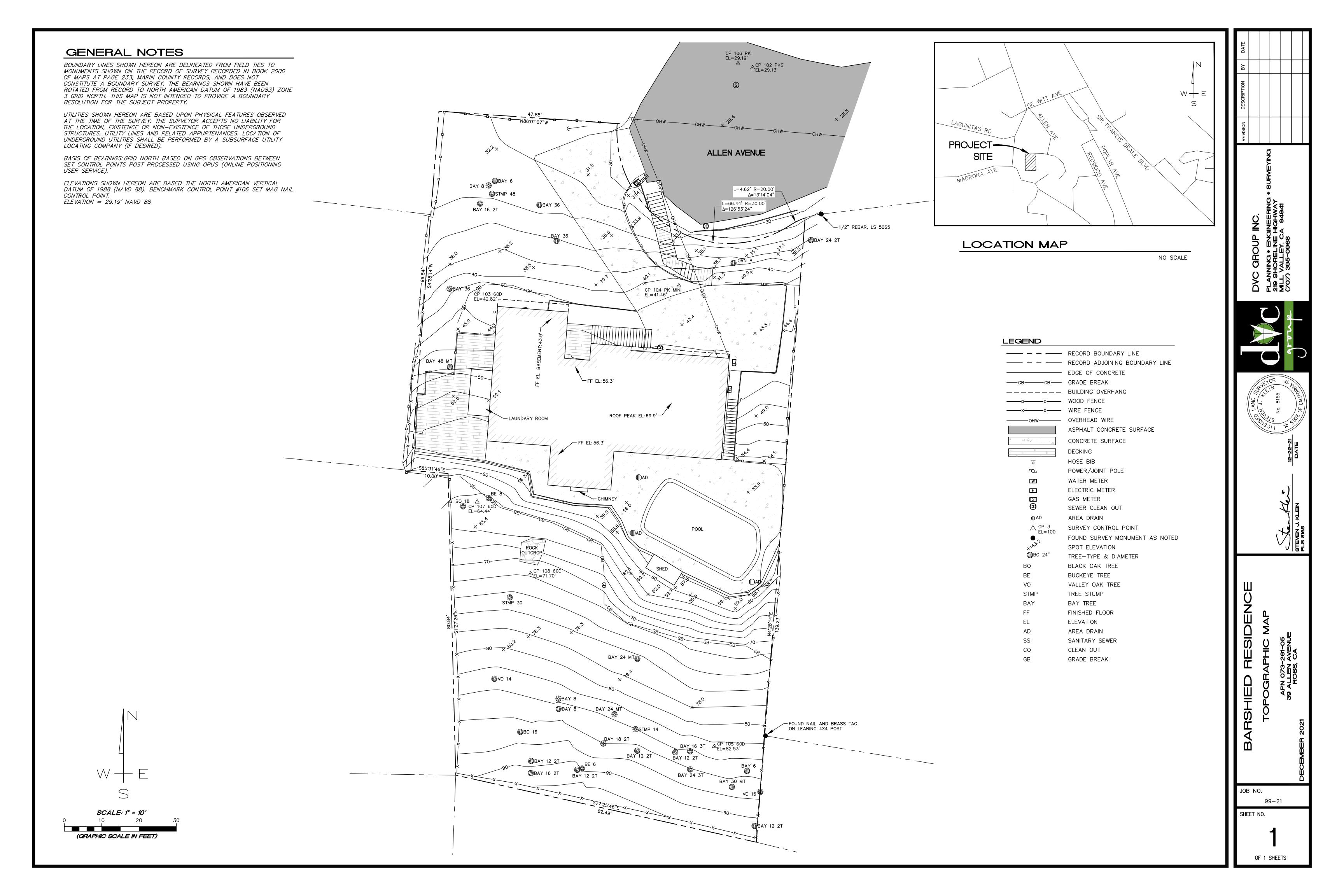


VIEW FROM THE NORTHWEST

SCALE: 1:231.12



VIEW FROM THE SOUTHEAST
SCALE: 1:207.38



REVISIONS BY

REV1 6-19-23 1

REV2 7-27-23 2

ares Landscape Architec 318 tterfield Road nselmo, CA, 94960

Tseckares Lands RLA 4318 90 Butterfield Ros San Anselmo, CA

ANDSCAPE PLAN

Barshied Residence 39 Allen Avenue Ross, CA 94957

APN 073-261-05

DATE: 07/27/23

SCALE: AS NOTED

DRAWN: JOB:

SHEET ____

(O) BAY 16 2T

BAY 12 2T

BAY 24 3T

BAY 30 MT

VO 16

BAY 12 2T

REVISIONS BY

Landscape Architect

RLA 4318 90 Butterfield Ro San Anselmo, C

VEGETATION ANAGEMENT PLA

Barshied Residence 39 Allen Avenue Ross, CA 94957

APN 073-261-05

SCALE: AS NOTED

DATE: 07/27/23

DRAWN: JOB:

· VMF

ATTACHMENT 3



Town of Ross

Planning Department Post Office Box 320, Ross, CA 94957 Telephone (415) 453-1453, Ext. 121 Fax (415) 453-1950

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

www.townofross.org

F	PLANNING APPLICATION FORM
Type of Application (check all that app Advisory Design Review Appeals Basement and Attics Exception Certificate of Compliance Demolition Permit Design Review Design Review- Amendment Final or Parcel Map General Plan Amendment Hillside Lot Permit Lot Line Adjustment	
To Be Completed by Applicant: Assessor's Parcel No(s): Project Address: Property Owner: Owner Mailing Address (PO Box in Ross City/State/Zip:): Owner's Phone:
Owner's Email: Applicant:	
Applicant Mailing Address: City/State/Zip: Applicant's Email:	Applicant's Phone:
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

SUBDIVISION INFORMATION ONLY

Number of Lots:			
	LOT LINE ADJ	USTMENT (ONLY
Describe the Proposed Lot Line Adj	ustment:		
Existing Parcel Size(s)	Parcel 1:		Dorson 2:
Adjusted Parcel Size(s)	Parcel 1:		Parcel 2: Parcel 2:
Adjusted Fairer Size(s)	raiter1.		Parcei 2:
PARCEL ONE			PARCEL 2
Owners Signature:		Owner's S	
Date:		Date:	ignature.
Owner's Name (Please Print): Owner's Name (Please Print):			
Assessor's Parcel Number:			
* If there are more than two affe	cted property ow	ners, please	attach separate letters of authorization.
	CONING OR TEXT		of the Ross Municipal Code Title 18.
The applicant wishes to Rezone par	celf	rom the	Zoning District to
GENERA	AL OR SPECIFIC F	PLAN AMEN	IDMENT ONLY
Please describe the proposed amen	dment:		
CERTIFICATION AND SIGNATURES			
the property owner, do hereby auth during the review process by City staff Owner's Signature:		t designated	herein to act as my representative Date: 3 37 23
I, the applicant, do hereby declare unde application, including any supplemental	forms and materia	ls, are true an	d accurate to the best of my knowledge
Owner's Signature Causen Cav	LORE Borot	uecl	Date: March 30, 2023

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	June 20, 2023
James Barlied Malle All Ca Signature of Property Owner(s) and Applic	cant(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 to	for all project c	onsultants
Landscape Architect	ioi ali project c	onsarants.
Eirm		
Project Landscape Architect		
Mailing Address		
City	State	
Phone		
Email		
Town of Ross Business License No		Expiration Date
Civil/ Geotechnical Engineer		
Firm		
Project Engineer		
Mailing Address		
City	State	ZIP
Phone		
Email		
Town of Ross Business License No		Expiration Date
Arborist		
Firm		
Project Arborist		
Mailing Address		
City	State	
Phone		
Email		
Town of Ross Business License No		
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		
Email		
Town of Ross Business License No.		

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

Mandatory Findings for Variance Applications	Mandatory	/ Findings	for Variance	Applications
--	-----------	------------	--------------	---------------------

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

Special Ci	rcumstances
------------	-------------

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 the control of the Including Strict application of the Including Strict applicati
privileges enjoyed by other properties in the vicinity and under identical zoning classification. Describe the special circumstances that prevent conformance to pertinent zoning regulations.
Substantial Property Rights
That the variance is necessary for the preservation and enjoyment of substantial property rights.
Describe why the project is needed to enjoy substantial property rights.

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

ARBORIST REPORT

Assessment of California Bays 39 Allen Avenue Ross, California (APN: 073-261-05)

Prepared for:

Lauren and Matthew Barshied P.O. Box 1728 Ross, CA 94957-1728

Prepared by:
Dr. Kent Julin
ISA Certified Arborist
California Professional Forester
ARBORSCIENCE, LLC

April 28, 2023

Four large California bays (Trees 1, 2, 7, and 8) in the front yard at 39 Allen Avenue in Ross have extensive trunk decay and present high failure risks. I recommend that they be removed as soon as possible to avoid property damage and personal injury. Five smaller bays (Trees 3-6) currently present low failure risks; three of these trees (Trees 3-5) are weakly attached to their mother stump and will become unstable in the future and should be considered for removal.

ASSIGNMENT

Lauren and Matthew Barshied hired ARBORSCIENCE, LLC to evaluate eight California bays (Umbellularia californica) growing in front of their home at 39 Allen Avenue in Ross. I inspected the trees on April 25, 2023.

SCOPE OF WORK AND LIMITATIONS

I evaluated the subject trees using a Level 2 Basic Assessment following International Society of Arboriculture Best Management Practices for Tree Risk Assessment. This level of assessment includes a 360-degree, ground-based visual inspection of the tree crown, trunk, trunk flare, above-ground roots and site conditions around the tree in relation to targets including property improvements and areas used by people. In addition, I used a dead-blow hammer to sound for internal trunk decay or hollows. This assessment is based on the circumstances and observations, as they existed at the time of the site inspection. Opinions in this assessment are given based on observations made and using generally accepted professional judgment, however, because trees are living organisms subject to change, damage and disease, the results, and recommendations, and analysis as set out in this assessment are valid only at the date any such observations and analysis took place and no guarantee, warranty, representation or opinion is offered or made by Arborscience as to the length of the validity of the results, observations, recommendations and analysis contained within this

assessment. As a result the client shall not rely upon this Assessment, save and except for representing the observations. analysis circumstances and recommendations that were made as at the date of such inspections.

SITE DESCRIPTION AND CONTEXT

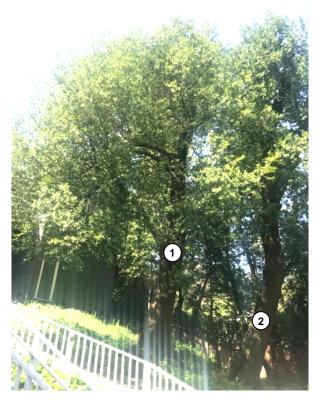
The eight subject bays grow in the front yard at 39 Allen Avenue in Ross. This home was built in 1958 on a moderately steep 0.31-acre parcel (APN: 073-261-05). Improvements include a concrete driveway leading to a single-family home with backyard pool. Landscaping is mature and informal. Locations of the nine subject trees are marked by number on the aerial photograph, right.



SUBJECT TREE DESCRIPTIONS AND RECOMMENDATIONS

Tree 1 is a 38" dbh¹ California bay with extensive trunk decay near the base and in the mid-crown. This tree presents a high failure risk and should be removed as soon as possible.

Tree 2 is a 40" dbh California bay with extensive lower trunk decay. This tree presents a high failure risk and should be removed as soon as possible.





Trees 3-5 are California bays that range in dbh from 7"-10" and developed as stump sprouts around the root collar of a decaying stump. These trees currently present low failure risks but should be considered for removal because they will never develop stable lower trunks and will be prone to unexpected failure in the future.

Tree 6 is a healthy 5" California bay that presents a low failure risk.

Tree 7 is California bay with two trunks that are 18" and 36" dbh. The larger trunk has extensive decay. This tree presents a high failure risk and should be removed as soon as possible.



¹ dbh = Trunk diameter measured 54" above grade.

Tree 8 is California bay with 4 trunks that are 6", 8", 18", and 19" dbh. The lower trunk that supports these trees is hollow. This tree presents a high failure risk and should be removed as soon as possible.

Sincerely,

ARBORSCIENCE, LLC

Dr. Kent R. Julin

ISA Certified Arborist #WE-8733A

ISA Tree Risk Assessor Qualified

California Registered Professional Forester #2648



ATTACHMENT 4

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.

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 Kruttschinet'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 improvemnts

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.