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Agenda Item No. 10b

Staff Report

Date: September 14, 2023

To: Mayor Brekhus and Council Members

From: Alex Lopez-Vega, Assistant Planner

Subject: The Jackson Ranch Trust Residence, 128 Winding Way

Recommendation

It is recommended that the Town Council adopt Resolution No. 2337 (**Attachment 1**) approving Design Review, and a Hillside Lot Permit for the subject project as described below.

Property Address: 128 Winding Way
A.P.N.: 072-250-03
Applicant: Kellogg Architects Inc.
Property Owner: The Jackson Ranch Trust
Zoning: R-1:B-5A
General Plan: VL (Very Low Density)
Flood Zone: X (Moderate Risk)

Project Description:

The applicant requests approval of Design Review and a Hillside Lot Permit. The project involves construction of a new 6-foot automatic driveway gate that will be painted Chelsea grey and have metal picket design. Two 6-foot Ashlar Bluestone columns that will match the existing curb and retaining walls are also proposed. A keypad with a Knox key switch is also proposed. The distance from the gate to the roadway easement is 33' 8". The project also includes a 42" ornamental guardrail to match the existing guardrail that will connect to the driveway gate. The automatic driveway gate will be required to comply with safety code regulations.

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.
- **Hillside Permit is required for lots with a slope of 30 percent or more, pursuant to RMC Section 18.39.020.**

Background

The project site is a 50,557 square-foot lot on Winding Way. The lot has a single-family residence which includes a detached garage and pool. The applicant has an executed Amendment to Easement Deed and Agreement with the neighbors at 126 Winding Way to allow for the construction of the new automatic gate. 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 August 15, 2023, this proposed project was reviewed by the Advisory Design Review (ADR) group. Some of the ADR members questioned the transparency of the driveway gate since the proposed gate is over 48". The applicant indicated the proposed driveway gate would have at least 50% transparency over the 48" mark. Other suggestions the ADR members had for the applicant included lowering the column height, changing the color of the gate to a more neutral tone, and changing the one panel gate to a two-panel gate. The applicant has reduced the height of the two columns and added a light fixture, the applicant also changed the color of the gate to a more neutral color (Chelsea grey), and the new gate will be a double panel instead of one.

Draft minutes of the August 15, 2023, ADR meeting are included as **Attachment 4**.

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 new automatic driveway gate greater than forty-eight inches in height.

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.

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 and no comments were received at the time of writing this report.

Attachments

1. Resolution No. 2337
2. Project Plans
3. Project Application and Materials
4. Draft ADR Meeting Minutes, August 15, 2023

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2337

RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, AND A HILLSIDE LOT PERMIT TO CONSTRUCT A NEW 6-FOOT AUTOMATIC DRIVEWAY GATE AND INCLUDES A 42" GUARDRAIL TO MATCH THE EXISTING GUARDRAIL THAT WILL CONNECT TO THE DRIVEWAY AT 128 WINDING WAY A.P.N. 072-250-03

WHEREAS, applicant Kellogg Architects Inc. on behalf of property owners The Jackson Ranch Trust has submitted an application requesting approval of Design Review, and a Hillside Lot Permit to construct a new 6-foot automatic driveway gate that will have two 6-foot brick veneer columns and a keypad with a Knox key switch. The project also includes a 42" ornamental guardrail to match the existing guardrail that will connect to the driveway gate at 128 Winding Way APN 072-250-03 (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 September 14, 2023, the Town Council held a duly noticed public hearing to consider the Project; and

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

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

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 14th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Cyndie Martel, Town Clerk

Elizabeth Brekhus, Mayor

EXHIBIT "A"
FINDINGS
128 Winding Way
A.P.N. 072-250-03

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. 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:

a) 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.

b) 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.

c) 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 proposed driveway gate placement conforms to the natural contours of the site. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.

EXHIBIT "B"
CONDITIONS OF APPROVAL
128 Winding Way
A.P.N. 072-250-03

1. The building permit shall substantially conform to the plans entitled, "The Jackson Ranch Trust Residence" and dated 8/15/2023, and reviewed and approved by the Town Council on September 14, 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 plans submitted for the building permit shall comply with the recently adopted gate safety requirements in Town of Ross Ordinance No. 722.
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:

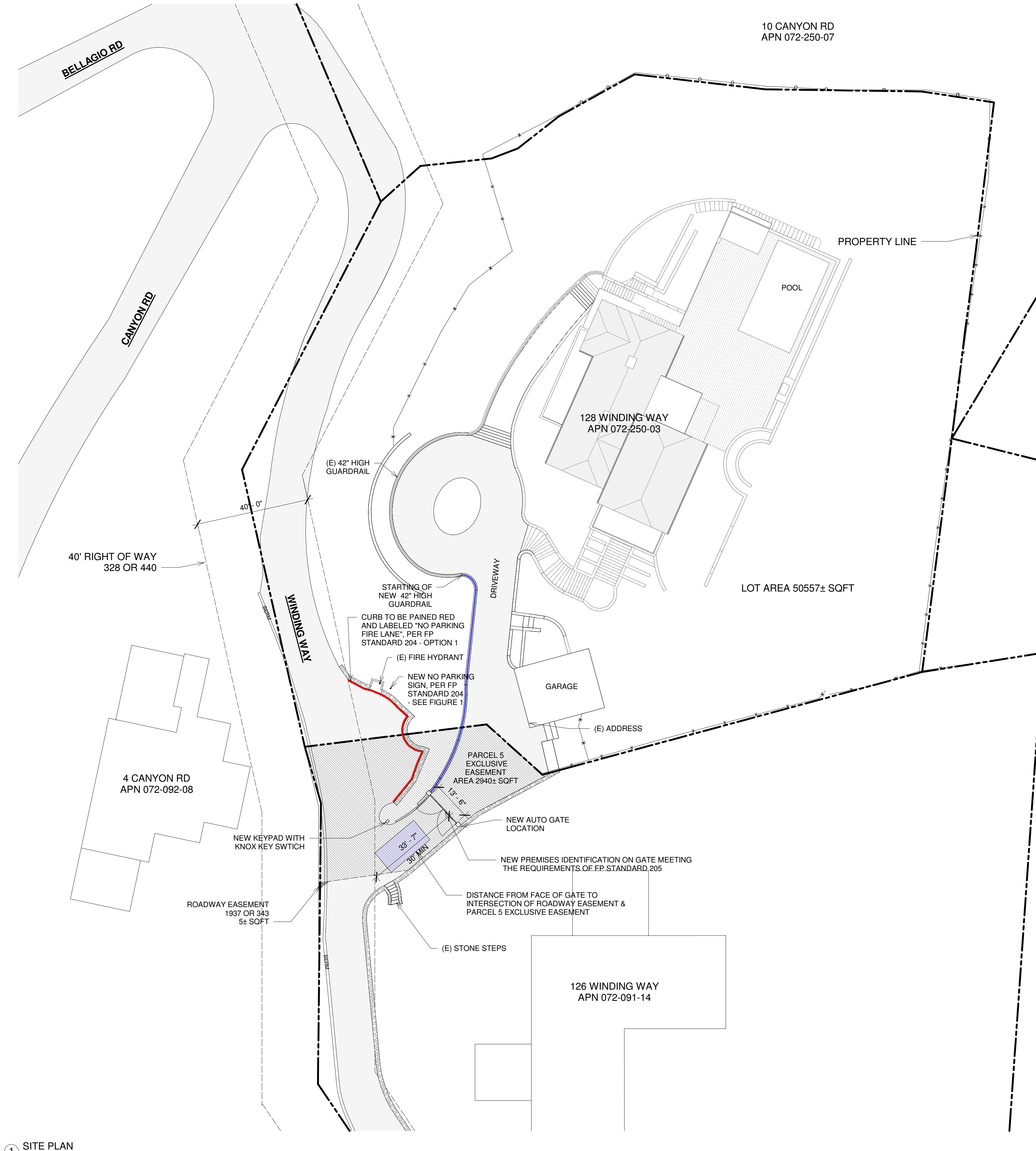
- a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, 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.

- 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 the project being finalized.
- 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. The 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.

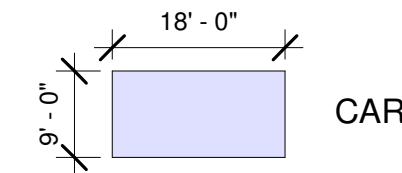
ATTACHMENT 2



SITE PLAN LEGEND

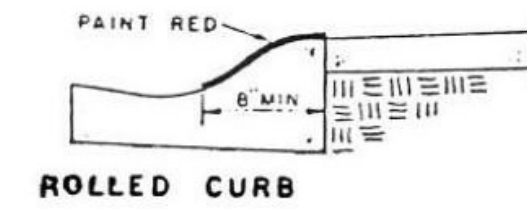
- PROPERTY LINE
- - - EASEMENT LINE
- x - WIRE FENCE
- o - CHAIN LINK FENCE
- GUARDRAIL (EXISTING)
- GUARDRAIL (NEW)

- PAVED SURFACE
- EXCLUSIVE EASEMENT
- ROADWAY EASEMENT



PAINTED CURB

PER ROSS VALLEY FIRE PROTECTION STANDARD 204
FIGURE IV



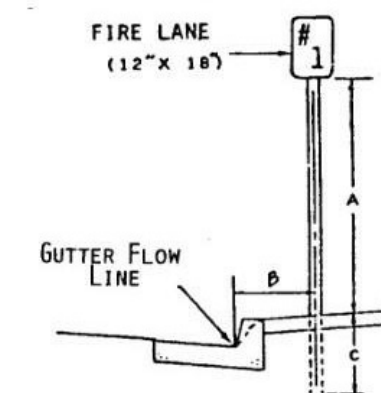
NO PARKING FIRE LANE

CURB LETTERING

All raised curbs in "No Parking" areas shall be painted RED with acceptable red curb paint and lettered to the above standards. Lettering shall be 3" high, white and have a 3/4" stroke.

NO PARKING SIGN

PER ROSS VALLEY FIRE PROTECTION STANDARD 204
FIGURE I & VI



POST INSTALLATION

- A = 7" in sidewalk or pedestrian areas
- B = 18" with standard curb, 24" width rolled curb, to center of post.
- C = 24" minimum embedment

Note: Signs may be mounted on existing posts or buildings, if post or building is no more than 24" from curb or edge of road surface.



Fire Lane Sign

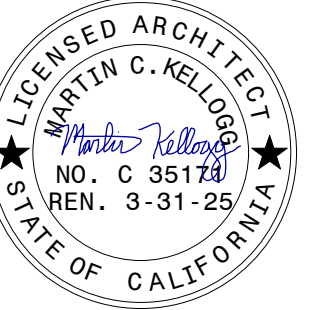
12 X 18"
Red on White
Reflectorized
.063 Gauge

KAI

Kellogg Architects Inc.
241 10th St, #101
San Francisco, California 94103
(415) 823-5809

"All drawings and written material appearing herein constitute the original and unpublished work of the architect and the same may not be duplicated, used, or disclosed without the written consent of the architect"

STAMP

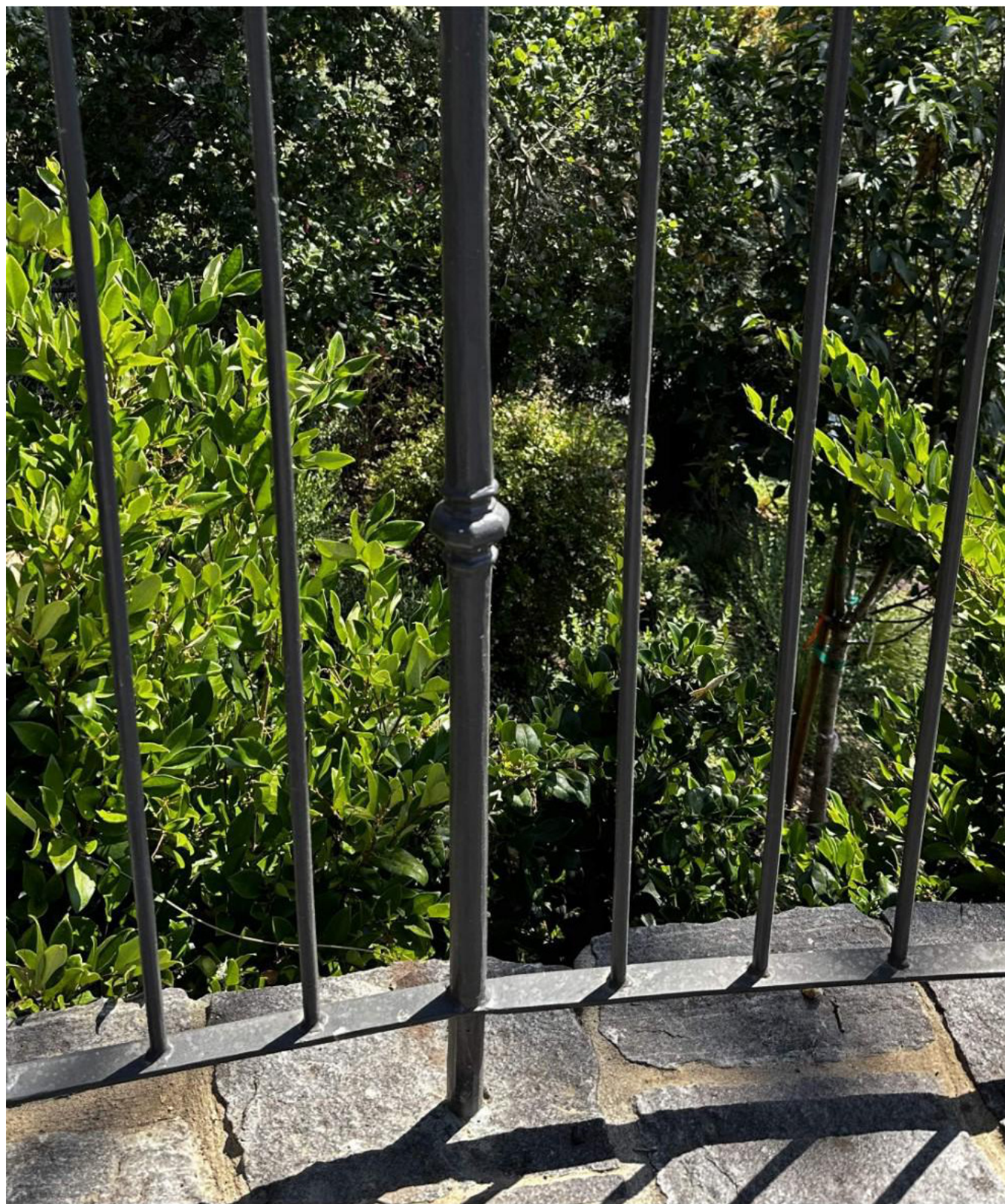


128 WINDING WAY
ROSS, CA 94957

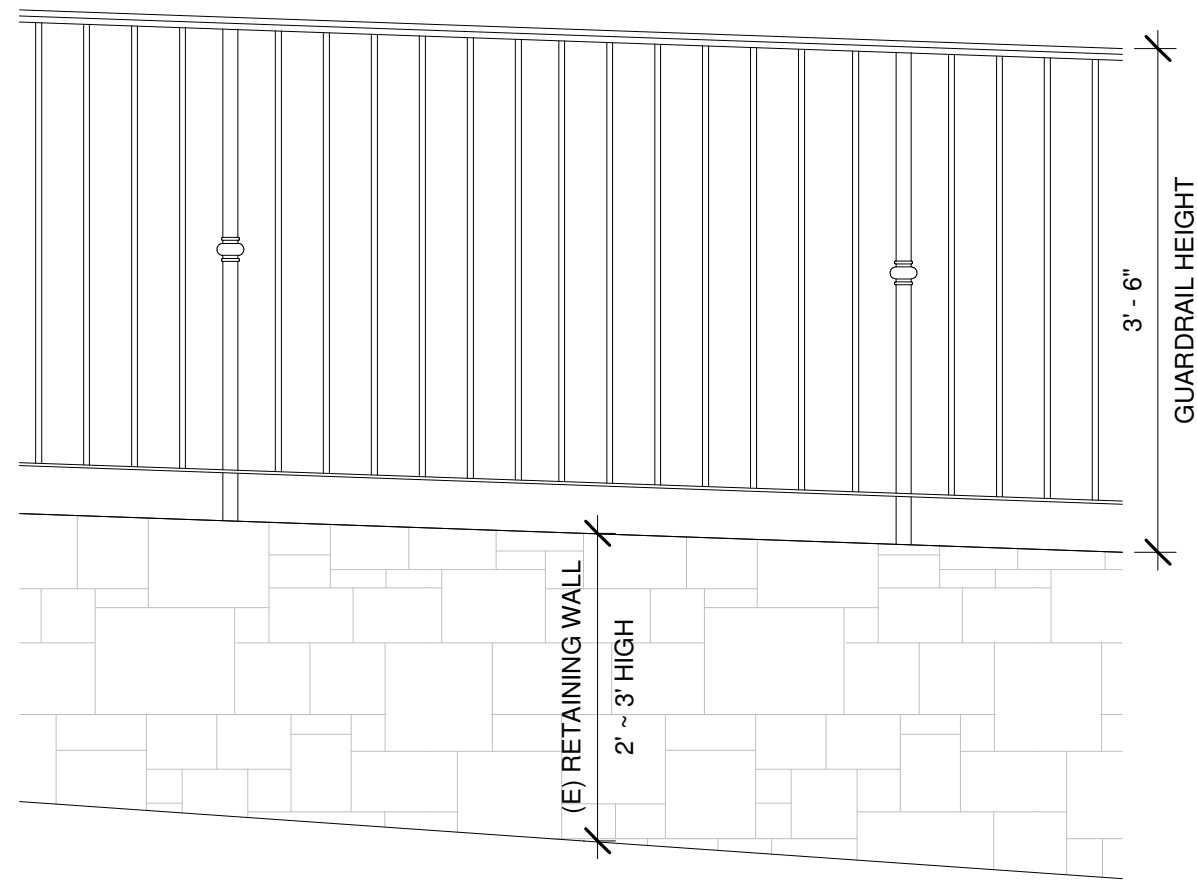
1 SITE PLAN
1" = 20'-0"

SITE PLAN

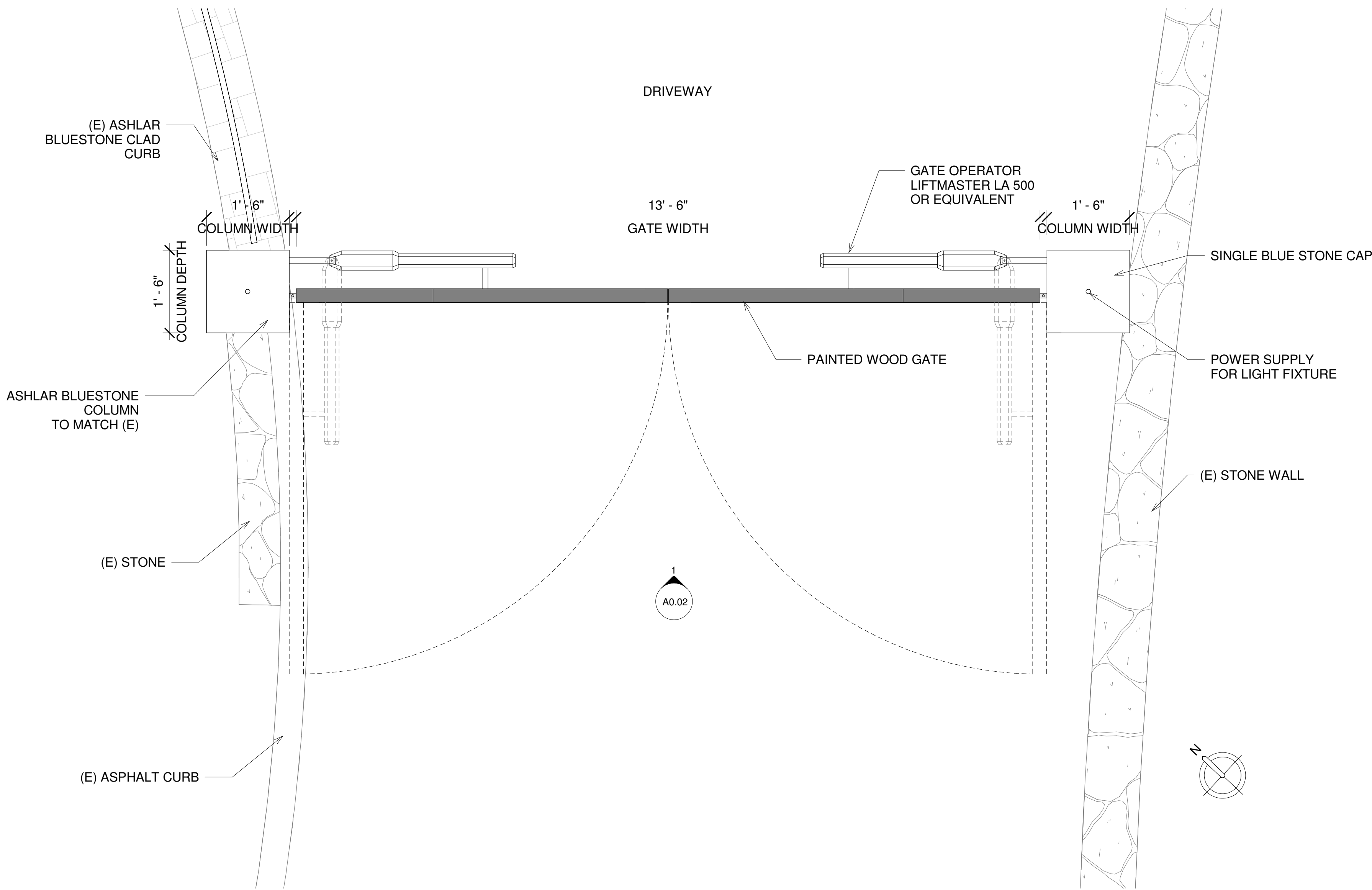
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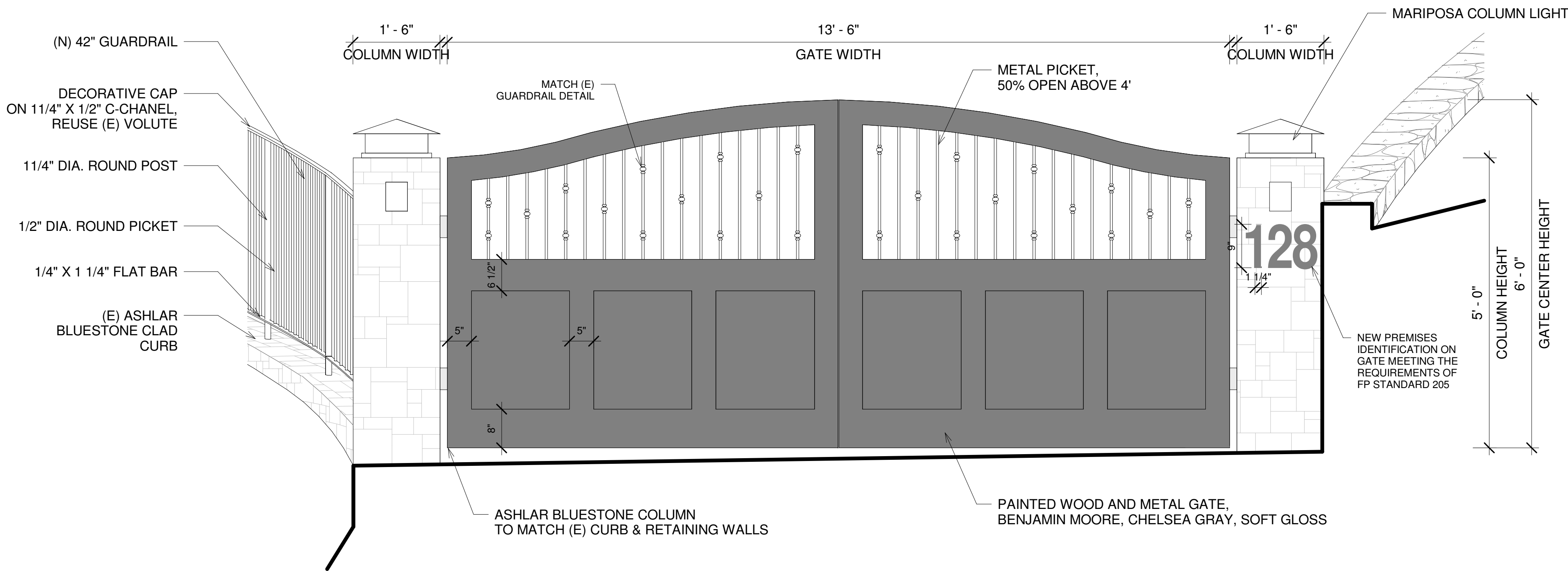
(E) GUARDRAIL DETAIL



③ TYPICAL NEW GUARDRAIL ELEVATION
3/4" = 1'-0"



② GATE PLAN
3/4" = 1'-0"



① GATE ELEVATION
3/4" = 1'-0"



Submittals	
Printing	Date
PERMIT	6/20/2023
REVISION 1	8/4/2023
REVISION 2	9/1/2023

Author: LYZ
Job Number:

IF THE ABOVE LINE IS 1" THEN THE SHEET IS TO SCALE

GATE

"All drawings and written material appearing herein constitute the original and unpublished work of the architect and the same may not be duplicated, used, or disclosed without the written consent of the architect"

STAMP



128 WINDING WAY
ROSS, CA 94957

Submittals	
Printing	Date
PERMIT	6/20/2023
REVISION 1	8/4/2023
REVISION 2	9/1/2023

Author: LYZ
Job Number:

IF THE ABOVE LINE IS 1" THEN THE SHEET IS TO SCALE

GATE

42" H Fencing

Decorative cap

1-1/4"x1/2" c-channel

1-1/4" Dia. round solid steel posts

1/2" Dia. round solid steel pickets

4" Max Spacing

Grey color to match existing

1/4"x1-1/4" flat bar

Existing stone clad wall

Driveway Grade

New 42" H Fencing

20 new 16"x16" x 6H columns

New 13 w x 5h-6h-5h driveway gate

Keypad with Knox Keypadswitch

INTRODUCTION

SPECIFICATIONS

This model is intended for use in vehicular swing gate applications:

Usage Classification	Class 1, II, III, & IV
Main AC Supply	120 Vol, 2 Amps (3 Amps including Auxiliary Outputs)
System Operating Voltage	24 Vol, Transformer Not a Battery Backup
Auxiliary Power	24 Vol, 500mA max. for ON + SW (switched)
Radio Trans. Rec.	250 W (2.5 W with noise)
Maximum Gate Weight/Length	1000 lbs. (250 kg) / 8 ft (2.4 m) 800 lbs. (363 kg) / 10 ft (3.0 m) 600 lbs. (272 kg) / 12 ft (3.6 m)
Max. Single Travel Time*	15-18 seconds
Maximum Travel Range*	115 degrees
Maximum Duty Cycle Rate	300 cycles / day
Maximum Duty Cycle	Continuous
Operating Temperature	-20°C to 55°C (-4°F to 130°F)
Expansion Board	Provided
Internal Emergency Protection (Type A)	24VDC - 200V AC Circuit Breaker
External Emergency Protection (Type B) and/or Type B2	3 inputs per board - any combination of up to 3 photoelectric sensors and up to 2 edge sensors

6-1/2" (165 mm)

4-5/8" (118 mm)

46-5/8" (1193 mm)

Standard Control Box

10-1/8" (267 mm)

14-1/8" (363 mm)

6-5/8" (168 mm)

Keypad with Knox Keypadswitch

23" from curb

30" from asphalt cut

ATTACHMENT 3



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

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

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

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

To Be Completed by Applicant:

Assessor's Parcel No(s): 072-250-03

Project Address: 128 WINDING WAY

Property Owner: THE JACKSON RANCH TRUST

Owner Mailing Address (PO Box in Ross): PO Box 2001

City/State/Zip: ROSS, CA 94957 Owner's Phone: (307) 699-7654

Owner's Email: MOLLYMHOLM@GMAIL.COM

Applicant: CJ MATOS MARIN FENCING INC

Applicant Mailing Address: 63 LARKSPUR ST

City/State/Zip: SAN RAFAEL, CA 94901 Applicant's Phone: (415) 457-1771

Applicant's Email: CJ@MARINFENCE.COM

Primary point of Contact Email: ☐ Owner ☐ Buyer ☒ Agent ☐ Architect
CJ@MARINFENCE.COM

To Be Completed by Town Staff:

Date Received: _____

Application No.: _____

Zoning: _____

Planning 5300	_____
Tree Permit 5305	_____
Fee Program Administration 5315-05	_____
Record Management 5316-05	_____
Record Retention 5112-05	_____
Technology Surcharge 5313-05	_____
TOTAL FEES:	_____

Date paid: _____

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

SUBDIVISION INFORMATION ONLY

Number of Lots: _____

LOT LINE ADJUSTMENT ONLY

Describe the Proposed Lot Line Adjustment: _____

Existing Parcel Size(s)

Parcel 1:

Parcel 2:

Adjusted Parcel Size(s)

Parcel 1:

Parcel 2:

PARCEL ONE**PARCEL 2**

Owners Signature: _____

Owner's Signature: _____

Date: _____

Date: _____

Owner's Name (Please Print): _____

Owner's Name (Please Print): _____

Assessor's Parcel Number: _____

Assessor's Parcel Number: _____

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

REZONING OR TEXT AMENDMENT ONLY

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

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

GENERAL OR SPECIFIC PLAN AMENDMENT ONLY

Please describe the proposed amendment: _____

CERTIFICATION AND SIGNATURES

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

Owner's Signature: _____

Date: _____

3/21/23

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: _____

3/21/23



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 3/21/23


 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 _____
 Project Landscape Architect _____
 Mailing Address _____
 City _____ State _____ ZIP _____
 Phone _____ Fax _____
 Email _____
 Town of Ross Business License No. _____ Expiration Date _____

Civil/ Geotechnical Engineer

Firm _____
 Project Engineer _____
 Mailing Address _____
 City _____ State _____ ZIP _____
 Phone _____ Fax _____
 Email _____
 Town of Ross Business License No. _____ Expiration Date _____

Arborist

Firm _____
 Project Arborist _____
 Mailing Address _____
 City _____ State _____ ZIP _____
 Phone _____ Fax _____
 Email _____
 Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant PLAN PREPARER, CONTRACTOR MARIN FENCING INC
 Mailing Address 63 LARKSPUR ST
 City SAN RAFAEL State CA ZIP 94901
 Phone 415 457 1771 Fax 415 457 5067
 Email CJB@MARINFENCE.COM
 Town of Ross Business License No. 00300208 Expiration Date 12/31/23

Other

Consultant _____
 Mailing Address _____
 City _____ State _____ ZIP _____
 Phone _____ Fax _____
 Email _____
 Town of Ross Business License No. _____ Expiration Date _____

Written Project Description – may be attached.

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

- NEW 14'W X 6'H AUTOMATIC DRIVEWAY GATE
MOUNTED BETWEEN (2) 16" SQ X 6'H PAINTED BRICK
VENEER COLUMNS. INSTALL GOOSENECK STAND FOR
MOUNTING KEYPAD AND KNOX LOCK. LOW VOLTAGE (12V)
POWER TO GATE LOCATION FROM GARAGE IN EXISTING
CONDUIT.

- APPROX. 86 L.F. OF 42"H ORNAMENTAL GUARDRAIL
FROM EXISTING TO NEW GATE LOCATION ON TOP OF
STONE VENEERED CURB. NEW GUARDRAIL TO
MATCH EXISTING.

Mandatory Findings for Variance Applications

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

Special Circumstances

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

Substantial Property Rights

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

Public Welfare

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

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Warren Grant, as Trustee of The Jackson
Ranch Trust
P.O. Box 5623
Beverly Hills, CA 90209

THE AREA ABOVE IS RESERVED FOR RECORDER'S USE

AMENDMENT TO EASEMENT DEED AND AGREEMENT

THIS AMENDMENT TO EASEMENT DEED AND AGREEMENT (this "Amendment"), dated for reference purposes as February 28, 2023, is hereby entered into by and between Douglas Abrams, Trustee of the Douglas Abrams 2014 Irrevocable Trust ("Grantor"), and Warren Grant, as Trustee of The Jackson Ranch Trust ("Grantee"), with reference to the following facts:

A. Grantor is the owner of that certain real property located in the Town of Ross, County of Marin, State of California which real property is commonly known as 126 Winding Way ("Grantor's Property").

B. Grantee is the owner of that certain real property located in the Town of Ross, County of Marin, State of California which real property is commonly known as 128 Winding Way ("Grantee's Property").

C. Grantor (as successor in interest to Dore N. Schwab, Jr. and Elizabeth A. Schwab, as Trustees of the Dore N. Schwab, Jr. and Elizabeth A. Schwab Family Trust) and Grantee (as successor in interest to Douglas P. Ley and Linda M. Gaudiani) are parties to that certain Easement Deed and Agreement dated January 15, 1996 and recorded May 16, 1996 in the Official Records of Marin County as **Instrument No. 96-026057** (the "Existing Easement Agreement"), pursuant to which Grantor granted to Grantee an exclusive appurtenant easement (the "Easement") in, on, over, through and across a portion of Grantor's Property which is more particularly described in the Existing Easement Agreement and referred to therein as the Easement Property. All capitalized terms used but not defined in this Amendment shall have the meanings set forth in the Existing Easement Agreement.

D. Grantor and Grantee desire to enter into this Amendment to amend the Existing Easement Agreement as set forth hereinbelow. As used in this Amendment, the "Easement Agreement" shall mean and refer to the Existing Easement Agreement, as amended by this Amendment.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. Easement for Other Purposes. Section 3 of the Existing Easement Agreement is hereby deleted in its entirety and replaced with the following:

“Section 3. Easement for Other Purposes. Grantor hereby grants to Grantee an exclusive appurtenant easement for any purpose related to the use, development and enjoyment of the Grantee's parcel in, under, on, over, through and across the Easement Property provided, however, that no buildings or structures shall be constructed thereon. The prohibition on buildings and structures shall not include (and the following are expressly permitted in the Easement Property subject to Grantee's compliance with this Section 3): walls, fences, gates, and other similar improvements; provided, the design and location of any walls, fence, gates or other improvements shall be approved by Grantor in writing prior to the construction or installation thereof, any walls, fence, gates or other improvements shall include a gate through which Grantor shall have access to Grantor's Property, and any improvements shall be constructed and installed in compliance with all laws, after Grantee has obtained all required permits and approvals, and without incurring any liens upon Grantor's Property. Grantee shall keep and maintain any improvements installed within the Easement Property in good condition and repair, and in compliance with all laws. Grantee shall be solely liable for all costs of permitting, installation, maintenance, and repair to such permitted improvements unless any repair is required due to the negligence or willful misconduct of Grantor.”

2. Indemnification. Grantee shall indemnify, protect, and save Grantor harmless from and against any and all demands, liabilities, losses, damages, expenses, causes of action, suits, claims, and judgments, including, but not limited to, reasonable attorneys' fees, arising out of or relating to personal injuries or property damage arising from Grantee's or its permittees' (a) use and occupancy of the Easement Property, (b) the construction and installation of any improvements upon the Easement Property, including without limitation, any liens or encumbrance incurred in connection therewith, and/or (c) performance of any obligation hereunder. The foregoing indemnification obligations shall not apply to the extent of any liability or loss caused or incurred by the negligence or willful misconduct of Grantor or Grantor's permittees.

3. No Further Modifications. Except as set forth in this Amendment, all the terms and provisions of the Existing Easement Agreement shall remain unmodified and in full force and effect. To the extent any provisions of this Amendment conflict with any provisions of the Existing Easement Agreement, the provisions of this Amendment shall prevail.

4. Entire Agreement; Grantee to pay Grantor's Costs. The Easement Agreement contains the entire agreement between the parties with regard to the Easement and supersedes any and all prior agreements regarding the same. In consideration for Grantor's agreement to enter into this Amendment, Grantee shall reimburse Grantor for all costs incurred in connection with

the negotiation of this Amendment, including without limitation, all attorney's fees, which costs shall be paid by Grantor to Grantee within ten (10) days following Grantor's written demand.

5. Counterpart Signatures. This Amendment may be executed in counterparts, each of which shall be deemed an original and all of which counterparts taken together shall constitute but one and the same instrument.

6. Authority. Each party hereby represents and warrants that it has the full right and authority to execute and deliver this Amendment and each person signing on behalf of such representing party is authorized to do so.

[SIGNATURES FOLLOW ON NEXT 2 PAGES]

IN WITNESS WHEREOF, this Amendment has been executed and delivered as of the latest date set forth below.

GRANTOR:

Douglas Abrams
Douglas Abrams, Trustee of the
Douglas Abrams 2014 Irrevocable Trust

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)
COUNTY OF Marin)

On March 6, 2023 before me, J. Cohn,
Notary Public, personally appeared Douglas Abrams, who proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[seal]



J. Cohn
Notary Public

[GRANTEE'S SIGNATURE FOLLOWS ON NEXT PAGE]

GRANTEE:

Warren Grant
Warren Grant, as Trustee of The Jackson Ranch Trust

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

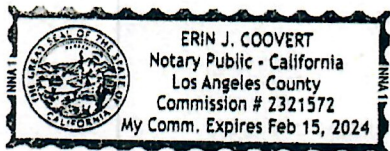
On March 06, 2023, before me, ERIN J. COOVERT,
Notary Public, personally appeared Warren Grant, who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Erin J. Covert
Notary Public

[seal]



ATTACHMENT 4

MINUTES
Meeting of the
Ross Advisory Design Review Group
7:00 PM, Tuesday, August 15, 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 was 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:	1 Pomeroy Road
A.P.N.:	072-023-04
Applicant:	Gina Weyant
Property Owner:	St Peter Family Trust Mitchell & Jeanne St Peter
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, and a Variance to construct a new pool/spa within the side yard setback of the existing single-family residential property. The applicant also proposes to remove the existing concrete driveway and replace it with permeable pavers.

Mark Fritts

- Agrees with the perfect place for the pool is the flat side
- Suggest the applicant to flip the area by putting the pool inside the setback and where they are proposing the pool make that the play area
- Disagree with the logic where they are placing the pool, but is okay with it since the lot is right over an acre
- Overall supports the project, but acknowledges there is another solution

Joey Buckingham

- Recommends approval as design
- It's in a great location
- The proposed location provides privacy for both the owners and the neighbors above them

Stephen Sutro

- The Town assess pools all the time, and many don't meet the setbacks for many reasons (i.e. irregular shapes, lots don't meet minimum lot sizes)
- Does not affect any neighbor directly
- Recommends positive approval as is

Mark Kruttschnitt

- The pool placement seems logical and will not affect any neighbors
- Applicant makes a good point, (Variance finding) the lot is zoned for a 5 acre lot, however the lot is smaller
- Recommends positive approval as is

b.

Property Address: 128 Winding Way
A.P.N.: 072-250-03
Applicant: Kellogg Architects Inc.
Property Owner: The Jackson Ranch Trust
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, and a Hillside Lot Permit. The project involves construction of a new 6-foot automatic driveway gate. The project also includes a 42" ornamental guardrail to match existing guardrail and connect to automatic driveway gate.

Joey Buckingham

- The project seems reasonable
- The columns should be the height of the edges instead of the height of the arch
- The design itself is a little ornate compared to the style of the home
- Inconvenient to have the whole door swing one direction
- The location of the gate and guardrail is fine
- Gate should be darker color to match the house
- Would like to see the gate have the 50% transparency

Laura Dewar

- Applicant is matching the existing conditions of the house and guardrail
- It's a good project

Mark Fritts

- Gate should be a bi-fold gate instead of a one swing door
- Color should be darker
- 50% transparency

Stephen Sutro

- Design of the upper gate (diagonal trellis) is not working with the panels, maybe consider vertical pickets
- Bring down the columns
- Overall great project

Mark Kruttschnitt

- Agrees with Joes comments
- Suggest the gate be s two-part gate
- Gate should be 50% see through

5. Conceptual Advisory Design Review.

6. Information and Discussion.

7. New Agenda Items.

Adjournment, 7:47 PM.

Next scheduled regular meeting date and time: September 19, 2023, at 7:00 PM.