

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Giusti, 41 Sir Francis Drake, Fence Design Review, File 1657
Date: July 5, 2007

I. Project Summary

Legal Owner: Melanie and Giam Giusti
Location: 41 Sir Francis Drake Boulevard
A.P. Number: 73-161-15
Zoning: R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum, Lot Size)
General Plan: Low Density (1-3 Units per Acre)
FIRM Designation: Zone A4 (area of 100 year flooding)

II. Project Description

Design review to allow the construction of a new, 6 foot tall, solid wood fence in the front yard adjacent to Sir Francis Drake Boulevard. Variance for 8.75 foot tall arbor within the north side setback area (20 feet required, 8 feet proposed)

III. Discussion

The applicants are requesting approval to replace the existing solid front fence with a new 6 foot tall redwood fence and gate. The fence would generally align with the existing fence. The applicant proposes to plant a new English laurel hedge along the front of the fence to screen it from the street. The fence and hedge will be setback from the paved roadway so that maintenance of the hedge from the roadway and walkway will not be an issue.

The new fence alignment involves removal of a small redwood tree where the new entry arbor and gate are proposed. A tree permit is not be required it is only 7 inches in diameter. Staff is not concerned with the redwood tree removal as there are many existing trees, including a large oak tree, and replacement trees are proposed.

The applicants also propose a new arbor in the side setback, to the rear of the garage. The intent is to create additional screening and privacy from the neighbor and street. The arbor would be compatible with an arbor proposed on the rear of the garage. Staff believes the arbor is setback sufficiently from the shared property line and, with the proposed hedge and landscaping, will be a visual improvement to the site.

The Town's design review ordinance states that fences and walls "should be aesthetically attractive and not create a walled-in feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back a sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance" (R.M.C. §18.41.100(g.)) As a result, the Town Council has not traditionally been supportive of solid fencing or walls along most roadways in excess of four feet in height. Six foot tall solid fences have, however, been approved along Sir

Francis Drake Boulevard due to the noise concerns associated with the heavy traffic flow along that right-of-way.

The fence proposed along Sir Francis Drake is limited, replaces an existing unattractive fence, and is setback from the road and walkway. The proposed setback from the roadway and new English laurel hedge will result in a fence that largely disappears into the roadside landscape, similar to portions of the existing fence.

IV. Recommendation, Findings, & Conditions

Staff recommends approval of this application with the following findings and conditions:

A. Findings:

1. The project is consistent with the purpose of the Design Review Chapter and the design review criteria and is consistent with the Ross general plan and zoning ordinance.
2. This project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15304, minor alterations to land.

B. Conditions

1. The fence shall be a natural or stained redwood and shall not be painted.
2. The lawn shall be setback further from the 42 inch diameter oak tree if required by the town arborist.
3. The Town Council reserves the right to require additional landscape screening for up to two (2) years from project final.
4. No encroachment permit is approved; it is the responsibility of the applicant to ensure that no work of any kind occurs within the right-of-way.
5. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
6. Failure to secure required building permits and/or begin construction by July 12, 2008 will cause the approval to lapse without further notice.
7. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) a street number must be posted (minimum 4 inches on contrasting background); 2.) all brush impinging on the access roadway must be cleared; 3.) the roadway must have a vertical clearance of at least 14 feet; 4.) all dead or dying flammable materials must be cleared and removed from the property per R.M.C. Chapter 12.12; and 5.) a local alarm is required.
8. 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. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses 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.

9. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.