

**To:** Mayor and Ross Town Council  
**From:** Elise Semonian, Senior Planner  
**Re:** Daane/Garrett, 63 Ivy Drive, Variance and Design Review, File 1667  
**Date:** September 5, 2007

---

### **I. Project Summary**

**Owner:** Steve Daane and Sheryl Garrett  
**Location:** 63 Ivy Drive  
**A.P. Number:** 73-152-17  
**Zoning:** R-1:B-20 (Single Family Residence, 20,000 sq. ft. Minimum Lot Size)  
**General Plan:** Low Density (1-3 Units per Acre)  
**FIRM Designation:** Zone C (Area of minimal flooding)

### **II. Project Description**

Variance and design review to expand the existing parking area located within the front yard setback (25 feet required, 0 feet proposed) and side yard setback (20 feet required, 6 feet proposed). Project includes construction of a new 3 to 7.5 foot tall retaining wall on the downhill side of Ivy Drive.

### **III. Discussion**

The applicants have no off street parking and have historically parked in the gravel area adjacent to their site, which is partially in the right-of-way. The applicants received a parking ticket for parking too close to the fire hydrant near the parking area. They seek to expand the parking area so that vehicles may be parked further from the street and hydrant.

The applicants began construction of the project before securing permits and the building department stopped work on it. The parking area expansion involves replacing a rock retaining wall with a taller, engineered, concrete wall. The wall would be backfilled to provide additional gravel parking surface. A guard rail is proposed that will resemble the existing fence in height and appearance. A partial wall is proposed to protect the black oak tree near the parking area.

Design review is required since the retaining wall is over 4 feet tall. A variance is required since the parking structure is within front and side yard setbacks.

Expansion of the parking area will permit vehicles to park further from the roadway and the fire hydrant.

The Town Arborist has visited the site and recommends that the applicants extend the barrier wall around the oak tree so that the base of the tree is not filled. Staff has included this as a condition of approval.

The applicants have already planted climbing vines that will grow to cover the downhill side of the wall. No additional landscaping is proposed. However, staff believes

additional landscaping is necessary to improve the appearance of this area. A condition of approval requires the applicant to limit the gravel parking area and install additional landscaping to soften the appearance of the parking area.

As conditioned, staff believes the project will result in a minor aesthetic improvement to the parking area.

#### **IV. Recommendation, Findings, & Conditions**

Staff recommends approval of the retaining wall and expanded parking area within the front and side setback as proposed, with the following findings and conditions:

##### **Findings:**

1. There are special circumstances or conditions applicable to the land, building or use referred to in the application because the site is steeply down sloping and there is no way to provide parking on site without a structure within a setback area.
2. Granting the application for front and side setback variances is necessary for the preservation and enjoyment of substantial property rights because the strict application of the Town's front and rear setback regulations would preclude development of legal parking at the site.
3. Granting 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. When completed, the project will not significantly change existing conditions and, with additional landscaping, may improve the appearance of the parking area at the street. The parking area is similar to others on narrow Ivy Drive. Any new structure would involve more disturbance of the hillside and impact views from the street.
4. The project is consistent with the purpose of the Design Review Chapter as outlined in RMC Section 18.41.010 and the project is in substantial compliance with the design criteria of RMC Section 18.41.100. The retaining wall is the minimum necessary to support the parking area and is only visible to the residents. Adequate landscaping has been planted to cover the wall.
5. As conditioned and with approval of the setback variances, the project is consistent with the Ross general plan and zoning ordinance.
6. 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.

##### **Conditions**

1. The applicant shall remove the dirt and gravel fill around the black oak tree near the parking area. A wall shall be extended around the tree to prevent soil from accumulating at the trunk of the tree.
2. The applicant shall work with staff to develop a plan to reduce the gravel parking area and increase landscaping around the parking area to soften its appearance from the street. The landscaping shall be installed prior to project final and shall be watered until established.
3. 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.
4. This project shall comply with the following requirements of the Department of Public Safety: 1.) Clear all brush impinging on access roadway; 2.) Roadway must have a vertical clearance of 14 feet; 3.) A street number must be posted {minimum four inches on contrasting background}; 4.) The property must be cleared of all dead or dying flammable materials; and 5.) the parking may not encroach on the road easement.
  5. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice.
  6. NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
  7. FAILURE TO SECURE REQUIRED BUILDING PERMITS AND/OR BEGIN CONSTRUCTION BY SEPTEMBER 11, 2008 WILL CAUSE THE APPROVAL TO LAPSE WITHOUT FURTHER NOTICE.
  8. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
  9. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
  10. 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.