

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Steege, 93 Bolinas Avenue, Variance and Design Review, File 1747
Date: June 6, 2012

I. Project Summary

Owner: Paul and Tori Steege
Location: 93 Bolinas Avenue
A.P. Number: 73-041-15
Zoning: R-1 (Single Family Residential)
General Plan: Medium Density (6-10 Units/Acre)
Flood Zone: Zone C (outside 1-percent annual chance floodplain)

II. Project Description:

Request for re-approval of an application for variance and design review for a project approved by the Town Council on July 9, 2009, but not constructed. The project would allow the following modifications to the existing residence: 1.) modification of existing dormers on the north facing roof ; 2.) new gable roof for existing carport and extension of the carport 8 feet towards the front yard; 3.) replacement of the existing porch with a new porch and second floor roof deck; and 4.) a new hot tub within the rear yard setback (40 feet required, 3.5 feet proposed) and east side yard setback (15 feet required, 3.5 feet proposed). The hot tub would be located on an existing deck that covers a seasonal stream contained in a concrete channel.

Lot area	6,400 square feet
Existing Floor Area Ratio	1,943 sq. ft. 30.3%
Proposed Floor Area Ratio	2,037 sq. ft. 31.8% (20% permitted)
Existing Lot Coverage	1,393 sq. ft. 21.8%
Proposed Lot Coverage	1,487 sq. ft. 23.2% (20% permitted)
Impervious Surfaces	No Change

The existing residence and carport are nonconforming in side and rear setbacks.

III. Discussion

The applicants request approval of plans to modify the existing residence and carport. The Town Council approved a similar project in 2009, extended the approval in 2010, but it was not constructed and expired July 9, 2011.

Like most houses on Bolinas Avenue, the floor area of this site is well above the maximum 20% floor area ratio and the structure is located within required setbacks. The house sits within the rear yard setback, well back from Bolinas Avenue.

In 1986, the applicants received approval to lengthen and enclose the carport to create a garage, but they never constructed the project. The applicants now wish to modify the roof over the carport to make the design more in keeping with the residence. They would also like to lengthen the carport to fully cover a vehicle. This modification adds 96

square feet of floor area to the site. The area is already paved with asphalt, so it does not increase the impervious surface of the site.

The applicants propose to modify the dormers to the existing attic bedroom, which has a low ceiling height. One dormer would provide a door out to a balcony over the front door. The modifications proposed will make the low ceiling attic bedroom area more pleasant without increasing the height of the roof ridge. The requested dormer modifications will not create any additional floor area as they only increase the ceiling height of existing finished attic area. The 2009 project included more significant changes to the dormers and construction of a new gable/shed dormer at the upper level of the residence.

Variances are required because the existing structure is located within the side and rear setback areas and exceeds both the floor area and lot coverage requirements. The Town Council may grant variances from the provisions of the zoning code where unnecessary hardships may result from the strict application of the regulations. The residence would have to be torn down to comply with current zoning regulations and there is little buildable area outside of the required setbacks. The applicants are proposing modest modifications to improve the existing living space and carport.

A seasonal creek runs through the site in a concrete channel under the deck. While we encourage the restoration of natural watercourses, staff does not believe the scope of the modifications proposed make restoration of the watercourse feasible. The applicant is not proposing significant construction near the watercourse or any modification to the watercourse. The cost of restoration would likely exceed the cost of this project. Staff has recommended a condition to require roof runoff to be dispersed on site and not collected to drain directly into the drainage swale.

The applicants propose a new upper level deck at the front of the residence and a spa at the rear of the site. The Town's Design Review Ordinance states that, "Decks, balconies, and other outdoor areas should be sited to minimize noise and to protect the privacy and quietude of surrounding properties." The Town Council has historically denied decks and patios when they are likely to have negative impacts on neighboring properties. The new upper level deck is small and primarily looks out over the applicants' main yard area. The 2009 neighbor acknowledgements are attached.

IV. Recommendation, Findings & Conditions

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

Findings:

1. There are special circumstances or conditions applicable to the building because the existing structure would have to be demolished and reconstructed to comply with the current setback, floor area, and lot coverage regulations.
2. Granting the variance to permit the proposed modifications is necessary for the preservation and enjoyment of substantial property rights because the minor modifications proposed to the structure do not warrant reconstruction of the structure to comply with current zoning regulations.

3. As conditioned, the variances 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 additions will be compatible with the existing residence in design and appearance. The spa is located over an existing deck area to the rear of the residence and in an area where it will not impair the privacy of neighbors.
4. By maintaining the general character, size and appearance of the existing structure with the modifications, the project is: 1.) Consistent with the purpose of the Design Review Chapter as outlined in RMC Section 18.41.010; and 2.) in substantial compliance with the design criteria of Design Review Section 18.41.100.
5. With approval of the 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

The project shall be subject to the following conditions, which shall be reproduced on the first page(s) of the project plans:

1. The approval is for the plans approved by the Town Council on June 14, 2012. The garage ridge shall not exceed 9' 6". No changes from the approved plans, before or after project final, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval prior to any change.
2. All site drainage shall be dissipated on site and not directly to the watercourse.
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 all requirements of the Department of Public Safety, as outlined in their ongoing project review.
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. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
6. Any portable toilets shall be placed off the street and out of public view.

7. The operation of the hot tub and equipment shall comply with the Town of Ross noise ordinance.
8. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
9. Failure to secure required building permits and/or begin construction by June 14, 2013 will cause the approval to lapse without further notice.
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.