



Staff Report

Date: December 18, 2013
To: Mayor Beach Kuhl and Council Members
From: Elise Semonian, Senior Planner
Subject: Kruttschnitt, 12 Norwood, Amendment to Approved Plans for Storage Shed, File No. 1911

Recommendation

Town Council approve the amendment subject to the findings and conditions of the March 14, 2013, approval with the revised indemnity condition in the staff report.

Project Summary

Owner: Mark and Sarah Kruttschnitt
Design Professional: Polsky Perlstein Architects
Location: 12 Norwood Avenue
A.P. Number: 73-091-29
Zoning: R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size)
General Plan: Low Density (1 - 3 units per acre)
Flood Zone: Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage) and X
Draft FIRM Flood Zone: Zone AE (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage) and Zone X (area of 0.2% annual chance flood)

Application to amend demolition permit, design review, and setback variance approved by the Town Council on April 5, 2012, which permitted construction of a new residence and accessory structures. The applicants propose to add a 121 square foot storage room to the south side of the garage, between the garage and the street. The storage room addition would comply with required side and front yard setbacks.

Lot Area	54,630 square feet
Existing Floor Area Ratio	5,991 sq. ft. 10.9%

Proposed Floor Area Ratio	8,068 sq. ft.	14.8% (15% permitted)
Existing Lot Coverage	4,822 sq. ft.	8.8%
Proposed Lot Coverage	5,591 sq. ft.	10.2% (15% permitted)
Existing Impervious Surface	6,112 sq. ft.	11.2%
Proposed Impervious Surface	5,871 sq. ft.	10.7%

Background and project description

The Town Council approved the project under construction in April 2012. A building permit was issued for the project on August 28, 2012. The 18-month construction time limit ends February 28, 2014 (with 30 days grace period before penalties begin to accrue).

The applicants requests approval to add a storage shed to the side of the garage. The shed would match the garage in style and materials. The addition complies with all development regulations. Design review is not ordinarily required for an addition under 200 square feet. However, a condition of the Town Council approval provided, “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.” During the Advisory Design Review and Town Council review process, concerns were expressed by staff and neighbors regarding the location of the garage in the side setback and front yard area. Plans were revised to eliminate a third garage space. Since this proposal involves enlarging the garage structure towards the street, staff believed it was appropriate to schedule the change for Town Council consideration.

Staff has received correspondence from neighbors with concerns regarding the request. The correspondence is attached.

The applicable design review criteria provide:

Where visibility exists from roadways and public vantage points, the primary residence should be the most prominent structure on a site. Accessory structures ... should be sited to minimize their observed presence on the site, taking into consideration runoff impacts from driveways and impervious surfaces. Front yards and street side yards on corner lots should remain free of structures unless they can be sited where they will not visually detract from the public view of the residence. (Ross Municipal Code §18.41.100(l)(1) “Visual Focus”)

Accessory structures should generally be small in floor area. The number of accessory structures should be minimized to avoid a feeling of overbuilding a site. Both the number and size of accessory structures may be regulated in order to minimize the overbuilding of existing lots and attain compliance with these criteria. (R.M.C. §18.41.100(l)(2) “Visual Focus”)

Development review should be a broad, overall site review, rather than with a narrow focus oriented only at the portion of the project specifically triggering

design review. All information on site development submitted in support of an application constitutes the approved design review project and, once approved, may not be changed by current or future property owners without town approval. (R.M.C. §18.41.100(o)(1) "Relationship of Project to Entire Site")

The project complies with the development regulations for the zoning district. The design and materials proposed for the storage shed match design and materials for the residence and garage. The shed is small in size. Providing additional storage space will help ensure the garage is used for vehicle storage use, and not bike storage.

The proposed shed complies with the 25 foot front yard setback requirement and 20 foot side yard setback requirement. The structure is set back approximately 40 feet from the paved roadway. These setbacks permit significant landscaping to screen the structure from the street and neighbor. Some of the larger landscaping planting has already been installed.

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 in part on the valuation of the work proposed. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301, existing facilities, as an addition to an existing single-family residence in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project.

Recommended Town Council Action, Findings and Conditions

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented after a public hearing, site visits, staff reports, correspondence, and other information contained in the project file, approve the project based on the findings in the staff report and subject to the April 5, 2012, Conditions of Approval with the following amendment to Condition No. 39:

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 attorneys' fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Attachments

1. Minute history for project
2. Material submitted by applicant
3. Correspondence received