TOWN OF ROSS

Agenda Item No. 13g.

Staff Report

Date: March 31, 2015

To: Mayor Elizabeth Brekhus and Councilmembers

From: Elise Semonian, Senior Planner

Subject: Gamble, Design Review, 14 Norwood Avenue, File 2000

Recommendation
Council approve the project subject to the findings and conditions attached.

Project Summary

Owner:	Mark and Molly Gamble
Location:	14 Norwood Avenue
A.P. Number:	73-091-30
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 and X (lot partially within 100-year floodplain)

Design review for work within 25 feet of a watercourse. The project involves replacement of approximately 70 feet of wood retaining wall, which has partially failed, with a new retaining wall along the west bank of Ross Creek, downstream of the Norwood Avenue Bridge. The applicants would remove and replace the existing wall with a new timber-lagging wall in the same location. A tree removal permit is requested to remove one maple growing through the existing wall. The Town Council will consider if the proposed project is categorically exempt from CEQA.

Background, project description and discussion
The applicants request approval to allow the reconstruction of a portion of an existing timber lagging retaining wall along Ross Creek, downstream of the Norwood Avenue Bridge. The wall is in poor to failing condition and needs to be refurbished or replaced to prevent it from falling into the creek. The applicants propose to remove and replace the wall with one of similar height, location, materials and design.

The existing concrete Ross Creek is home to federally-listed endangered salmonids (steelhead). The applicants propose to construct the wall when the creek is dry to avoid any impact to the fish. In addition, all equipment would be located at the top of the bank and no equipment will be operated on the bed of the creek.

Planning and building files do not indicate when the existing wall was built. A "wood wall" is shown on a site survey submitted by the applicants with an application to redevelop the site in 2003.

The applicant retained Matt Smeltzer, P.E. Geomorphologist/Hydrologist, who investigated alternatives to a vertical creek wall. These are detailed in his March 2015 Hydraulic Study Report, attached (attachments reference in that report are not attached). Since the wall will be replaced in kind, the report concludes there will be no effect on creek hydraulics, such as water surface elevations, flow velocity or velocity patters that might affect adjacent or downstream properties. The report also concludes that alternatives to wall replacement would not reduce upstream flood water surface elevations or reduce velocity, due to downstream constrictions.

Applicant Mark Gamble reviewed the proposal to replace the wall at two Marin Project Coordination Meetings, a monthly meeting of state, federal and local agency staff to informally review projects and guide projects through the environmental and regulatory permit process. The agencies supported the replacement wall in concept and they will require permits.

In May 2003, the Town Council adopted Ordinance No. 575 instituting guideline watercourse setbacks designed to protect the Town's riparian areas from development. Specifically, the ordinance requires design review approval for any "construction, improvements, grading/filling or other site work within twenty-five feet of a creek, whether or not a building permit is required." (RMC §18.41.020(d)). The design review criteria and standards for development near a waterway require that,

> *All development shall maintain a setback from creeks, waterways and drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards. A minimum fifty-foot setback from the top of bank is recommended for all new buildings. At least twenty-five feet from the top of bank should be provided for all improvements, when feasible. The area along the top of bank of a creek or waterway should be maintained in a natural state or restored to a natural condition, when feasible.*

Council may approve the design review application if they find:

1. The project is consistent with the purpose of the Design Review Chapter as outlined in RMC Section 18.41.010.
2. The project is in substantial compliance with the design criteria of Section 18.41.100.
3. The project is consistent with the Ross general plan and zoning ordinance.

The general plan and design review criteria recommend improving and restoring creek habitat where feasible. As proposed, the project will not have any negative impact on the creek. The project will improve the existing site conditions by preventing failure of the wood wall into the creek and the addition of new riparian landscaping at the top of the bank. Based on the engineering reports, the project will not raise surface water levels or create other negative hydrological impacts on up or downstream neighbors. The wall will remain similar to the existing wall in appearance.

The applicants contacted adjacent neighbors by email (attached). As of the date of this report, staff had not received all required neighbor acknowledgements.

The wall is very close to the property line of 12 Norwood Avenue. Conditions of approval require the applicants to obtain permission from this neighbor to work or build on their site.

Based on the project plans, supporting material, and staff report, staff recommends approval of the project based on the findings in the staff report and with the following conditions:

1. This approval is for removal of one tree and replacement of a creek wall as shown on plans approved by the Town Council on April 9, 2015.
2. A building permit is required. The conditions of approval shall be reproduced on the first sheet of the plans. The permit shall not be issued until all appropriate permits are obtained by applicable state, federal and local agencies with jurisdiction over the project.
3. No work is permitted on the 12 Norwood site without permission of that property owner, or an easement.
4. As proposed by the applicant, the work shall only take place when the creek bed is dry. No creek dewatering is permitted by this approval.
5. As proposed by the applicant, no mechanical equipment shall be located in the creek bed.
6. The applicant is responsible for obtaining any appropriate Federal, State and local permits prior to issuance of a building permit. The applicant shall comply with any additional requirements of the agencies.
7. 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.
8. 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. The project shall fall under the permit timeline for the project under construction at the site and shall not extend the 18-month construction period

permitted for that project. Alternatively, the applicant may complete the current project and wait 9 months to secure a new permit for this project.

9. 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 for review and approval prior to any modification.
10. Failure to secure required building permits and/or begin construction by April 9, 2017 will cause the approval to lapse without further notice.
11. 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.

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.

Alternative actions

The Town Council may deny the project if it cannot make the design review findings.

Environmental review (if applicable)

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) as a replacement or reconstructon of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced and negligible or no expansion in capacity (CEQA Guideline Section 15302). No exception to the Categorical Exemptions applies, as detailed in the LSA Memorandum dated February 5, 2015.

Attachments

- Site history
- Plans and Information submitted by applicant

8. Prior to project final, a landscape plan shall be submitted for Planning Director approval. The plan shall focus on front yard landscaping and screen planting between development and the north property line.
9. Prior to project final, an approximately 20- to 25-foot tall tree shall be planted in front of the house in the area where it transitions from a 2-story to a 1-story structure to further balance the appearance of the house, subject to Town Arborist and Planning Director approval.
10. The Town Council reserves the right to require additional landscape screening for up to two (2) years from project final.
11. 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.
12. 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 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.

Seconded by Council member Gray and passed unanimously.

27. **DEMOLITION PERMIT, VARIANCE AND DESIGN REVIEW AND TREE REMOVAL.**
Mark and Molly Gamble, 14 Norwood Avenue, A.P. No. 73-091-30, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). Demolition permit to allow the removal of a 2,843 square foot residence and a 1,356 square foot car barn. Var Demolition permit to allow the removal of a 2,843 square foot residence and a 1,356 square foot car barn. Variance and design review to allow the following: 1) a 5,871 square foot, two-story residence with an unfinished basement; 2) a 645 square foot garage with a 371 square foot guest unit on the second floor encroaching within the side yard setback (20 feet required, 15 feet proposed) and rear yard setback (40 feet required, 12 feet proposed); 3) 387 cubic yards of cut and 387 cubic yards of fill; 4) a 6-foot tall, open grape-stake fence and gate along the Norwood Avenue property line with 6.5-foot high posts (6 feet permitted); and 5) a 6-foot high wire mesh deer fence on the eastern side of the property and within 25 feet of the creek bank. A tree removal permit is requested to allow the removal or relocation of six trees including three magnolias (9, 15, and 22 inches) two hollies (12 and 14 inches), and a 15 inch redwood.

Lot area	51,295 square feet	
Present Floor Area Ratio	8.2%	
Proposed Floor Area Ratio	13.4%	(15% permitted)
Present Lot Coverage	4.7%	
Proposed Lot Coverage	8.1%	(15% permitted)

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(The existing residence is nonconforming in setbacks and maximum height.) Planning Director, Gary Broad, said that the applicants propose to demolish an existing residence and barn. He said that while staff recognized the house to be of old vintage, it did not feel that there were any unique architectural, historical or cultural values that would warrant the retention of the house. Mr. Broad noted that the proposed 168 square foot wine storage area proposed in the basement of the residence, would

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constitute a wine cellar and therefore represented FAR under the Town zoning code. The wine storage area was not included in the FAR calculations so staff calculated a total FAR of 13.7%, which would include the wine cellar. Mr. Broad said that staff had no objection to the removal of the car barn. He said that four letters were received in support of the application and there were no letters of opposition. The applicants proposed fencing around the property as shown on the plans. The Town Arborist reviewed the site and did not raise any concerns regarding the proposed tree removal. Mr. Broad noted the existing mature landscaping between the road and the residence would screen the mass/bulk of the house.

Mayor Zorensky said that the house is well within the setbacks and no variances are requested except for the car barn which is to be reconstructed in the same location as the existing, 15 feet from the side property line (20 ft. required).

Council member Gray asked if there was any other location on the site where the car barn could be moved and he noted that the Council just passed an ordinance requiring that all structures be 25 feet from the creek bank.

Mr. Broad felt that the side yard variance was warranted because the creek and floodplain are at the rear of the car barn and there are several large trees at its center. He said that the newly adopted ordinance referred to new structures being located 25 feet from the creek bank.

Mr. Brooks Walker, architect, said that there is a drop off in the creek and historically the area has flooded. He said that if the car barn were to be relocated on the site, it would have more of an impact on the neighborhood. The Reinharts of 15 Fernhill Avenue would be the most impacted and they had no objections. He felt the findings for the variance would be that it is an irregular shaped lot and a good portion of the site is not buildable.

Council member Gray questioned why the house could not be moved back 10 feet and then the car barn also be moved back 10 feet. He felt that the Council could not make the findings to grant a side yard setback variance on such a large lot.

Mr. George Girvin, landscape architect, asked if the applicants were just to remodel the car barn, would that be permitted. He said that they are going through great pains to preserve the walnut tree.

Council member Gray responded that it would not be permitted because of the amount of demolition being requested on the property. He could not recall the Council approving a project where structures were in the setbacks when there was no specific hardship associated with the land.

Mayor Zorensky said that he understood the change in the topography but it is still a large lot.

Mr. Walker said that because of the irregular shaped lot, it is not a simple task to relocate the barn.

Mayor Zorensky said that clearly the sense of the Council is that it would like to have the car barn relocated out of the setbacks. He said he understood their desire to retain the beautiful walnut tree.

Council member Byrnes said the Council should give the applicants some comprehensive guidelines.

Mayor Zorensky said he was concerned with the mass of the house and felt that it appeared a little top heavy. He was troubled by the scale in the front and felt that it gave the appearance of being unbalanced.

Council member Gray also felt that the upper floor overhang made the house look top heavy and he did not favor the white trim on the gables. He was also concerned about the inconsistent window patterns and the bulk/ mass. He said that the Council reviews many applications where the applicants have to remove windows but this is a large lot and the applicants have the choice of having more window space. He felt the applicants should take advantage of it.

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Council member Byrnes said that he did not have a problem with the white trim but he agreed with Council member Gray on the fenestration and the different styles. He suggested making the window larger in the front gable and expressed concern about the mass/ bulk.

Council member Barr wondered if changing the window pattern would help address the top-heavy look of the house. She felt that the existing plans showed more mass on the top.

Mayor Zorensky felt that the plans looked better on the elevations than on the renderings. He thought that the windows were too small.

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Mr. Walker said that the gable rooms are bulky by nature and in reference to the window fenestration, he said that they looked at historic precedent. He said that shingle-style homes have widely different window styles, that is their design. He offered to come back with other window styles.
Council member Byrnes said that the proposed house is about twice as large as the existing and the roof form makes the structure appear more massive.
Mayor Zorensky asked if it was the extreme pitch of the gambrel roof that made the house look so topheavy and he asked why the pitch was so extreme.
Mr. Walker said it was because of the height limit of the town ordinance and that they tried to make the height limit conforming at 30 feet. He asked for direction from the Council and said that the Gambles home has been there for a long time and has a certain presence and they wished to be respectful of that presence and construct a new house similar to the existing.
Ms. Molly Gamble said that they tried to build the house to closely resemble the existing home. She said that that was their choice.
Mayor Zorensky said the Council did not want to dictate the style but asked if there was some way the applicants could modify the fenestration, even without changing the pitch of the roof, so that the house did not appear so bulky.
Council member Gray asked the architect if there was a way to reconfigure the barn in the setbacks that would not push the house closer to the street and also if the bulk/mass of the house could be reduced.
Mayor Zorensky asked if they had to retain the pitch of the roof, could they break up the interior walls upstairs and add more windows.
Council member Byrnes was concerned about the setbacks, the feeling of bulk from the overhang and the size of the gambrel roof.
Mayor Zorensky asked if anyone in the audience wished to speak.
Ms. Reinhart of Fernhill Avenue said that they liked the existing house but they loved the proposed house. They felt it was an unusual house and favored the fact that the Gambles were trying to replicate the historic look of the existing house. She said that most of the neighbors felt the same. She thought the proposed house was beautiful.
Ms. Mary Amonette of Norwood Avenue said she thought the proposed home was absolutely beautiful and suited the neighborhood. She said that they have an architect who is well-known and the Council should listen to what he has to say.
Mr. Reinhart said that the property is very unique in the orientation of the trees and mature vegetation. He cautioned the Council about moving the house to the center of the site. He preferred it tucked into the corner like the existing house.
Council member Gray asked about the gate and Mr. Girvin said that the gate would be made of stakes, three to four inches spaced between. Council member Gray said that the applicant would need to submit a design of the gate.
Mr. Girvin said that they would look for another location for the car barn but he was concerned about the walnut tree and moving the house 25 feet into the front yard. He questioned the thought of centering the home in the middle of the lot in order to move a garage that already exists.
Council member Barr said that oftentimes when applicants take another look at their plans, they are happier with the alternate plans.
Council member Gray moved that the matter be continued, seconded by Council member Byrnes and passed unanimously.

COUNCIL MEMBER GRAY STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

#1492

28. **VARIANCE AND DESIGN REVIEW.**
John and Frankie Gray, 1 Upper Road, A.P. No. 73-122-09, R-1:B-A (Sin Family Residence, 1 acre minimum). Variance and design review to allow removal of an existing 220 square foot porch and its replacement with a 16 square foot covered entry and a 60 square foot pitched-roof porch.

Lot area	87,556 square feet	
Present Floor Area Ratio	13.3%	
Proposed Floor Area Ratio	13.4%	(15% permitted)
Present Lot Coverage	11.3%	
Proposed Lot Coverage	11.3%	(15% permitted)

#1497

20. **DEMOLITION PERMIT, VARIANCE, DESIGN REVIEW AND TREE REMOVAL.**

Mark and Molly Gamble, 14 Norwood Avenue, A.P. No. 73-091-30, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). Demolition permit to allow the removal of a 2,843 square foot residence and a 1,356 square foot car barn. Variance and design review to allow construction of the following: 1.) a 5,514 square foot, two-story residence including a 171 square foot wine cellar and an otherwise unfinished basement; 2.) a 645 square foot garage with a 371 square foot guest unit on the second floor within the north side yard setback (20 feet required, 15 feet proposed) and rear yard setback (40 feet required, 12 feet proposed); 3.) 387 cubic yards of cut and 387 cubic yards of fill; 4.) a 6 foot tall, open grape-stake fence along the Norwood Avenue property line with a maximum 6.5 foot high driveway gate on Norwood Avenue (6 feet permitted); and 5.) a 6 foot high wire mesh deer fence on the eastern side of the property and within 25 feet of the watercourse. A tree removal permit is requested to allow the removal or relocation of six trees including three magnolias (9, 15, and 22 inches) two hollies (12 and 14 inches), and a 15 inch redwood.

Lot area	**51,295 square feet**	
Present Floor Area Ratio	**8.2%**	
Proposed Floor Area Ratio	**12.7%**	**(15% permitted)**
Present Lot Coverage	**4.7%**	
Proposed Lot Coverage	**8.1%**	**(15% permitted)**

(The existing residence is nonconforming in setbacks and maximum height.)

Mr. Broad said that at the July meeting, the Council voiced concerns about the architecture of the residence and the placement of the car barn on the property. In response to these concerns, the applicants submitted revised elevations, scaled back 340 sq. feet from the July submittal and made changes in fenestration and in detailing. Council member Gray requested that the applicants submit the gate design and that was included in this submittal. These plans continue to show the car barn in the previous location. In response to the Council's concerns about its inability to make the necessary findings to approve side and rear yard variances for the car barn's reconstruction, the project proponents submitted revised findings attached to the staff report.

Ms. Molly Gamble then gave her report and explained that they had reduced the bulk/mass, particularly on the second floor and softened the exposure in the west elevation. She said that they were seeking approval for a 5ft. 5" side yard setback encroachment for the car barn which is a 12 foot reduction from the existing condition. She said that all her neighbors have voiced their support for the project. Rebuilding in the setback is the only variance they were seeking. Ms. Gamble said that she researched every other possible alternative for the barn and described each of the site plans which, she felt, illustrated that each plan created additional problems adversely affecting neighbors or was in conflict with the Town's General Plan.

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Mrs. Jessica Hart of 3 Thomas Court asked that the Council not talk among themselves when the applicant is presenting her plans. She expressed support of the plans.

Council member Curtiss apologized for talking but said he was just explaining one of Ms. Gamble's comments.

Mayor Zorensky felt that the applicant had been responsive to the Council's requests and he applauded the new design.

Council member Gray said that the Council has to make findings as required in the General Plan.

Council member Curtiss said that the findings can be made on the nature of the lot and because it is in a flood plain.

Council member Barr said that the barn has been in the same location since 1911.

Council member Byrnes said that the present location would be less intrusive to the adjoining neighbors.

Mr. Broad said that the Council has then made the finding that it is an unique shaped lot and the barn's present location would have less impact and visibility to

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neighboring properties and would not be detrimental to surrounding properties. Mr. Broad said that several surrounding neighbors felt that this is the best placement of the structure in terms of their own enjoyment of their property. Mayor Zorensky asked that the color board be reviewed administratively and if there is a problem, the matter has to come back to the Council. This is to be added to the list of conditions and the windows must be true divided light with permanent wood mullions. The entry gate is to be three-inch wide slats with at least 3 ½ inch gaps, subject to Planning Department approval. The applicants will work with staff on the gate and fence design.

Ms. Gamble said that the new color would be stained gray in the same stone color as the existing and have white trim.

Council member Barr moved approval with the findings in the staff report and the additional findings as proposed above and the following amended conditions:

1. Prior to the issuance of a building permit, the applicants shall submit a final grading plan, designed to minimize filling along the creek, for the review and approval of the Planning Director.
2. Prior to the issuance of a building permit, the applicants shall submit a tree protection plan drafted by a certified arborist for the review and approval of the Planning Director and Town Arborist. The plan shall include, but is not limited to: 1.) limitation of filling to 6 inches within the root zone of the two large oaks at the center of the property; 2.) a requirement for hand excavation and bridging of roots within the root zone of the 22 inch walnut at the center of the property; and 3.) detailed measures designed to protect the health of the 22 inch tulip magnolia at the front of the existing residence during transplantation and thereafter.
3. With the exception of the wine storage area, basement areas are not included as floor area, and may not be finished. **NO SHEET ROCK OR OTHER FINISHING MATERIAL IS PERMITTED** on the basement walls, floors, or ceiling. No plumbing or other improvements that would allow the area to be finished are permitted. A concrete floor only shall be provided. **THE BASEMENT SHALL BE LIMITED TO A 6-FOOT 6-INCH MAXIMUM CEILING HEIGHT.** Ceiling height shall be measured from the floor to the ceiling joists. A maximum of two small utility electrical outlets shall be provided in the unfinished basement. Final basement plans shall be subject to Planning Director approval prior to the issuance of a building permit to ensure the above requirements are met.
4. Prior to the issuance of a building permit, complete marked-up floor plans and floor area calculations, including the wine storage area as floor area and making no reference to a future guest cottage, shall be submitted for the review and approval of the Planning Director.
5. All windows shall be true divided light wood windows (no cladding) with permanent wood mullions. *Mullions shall be proportional to the architectural style of the residence.*
6. *Final color samples of the proposed project colors of gray with off-white trim shall be submitted for Planning Department approval prior to their on-site application.*
7. *The grape stake fence shall consist of 2 to 2 ½ inch grape stakes 6 inch on center. The entry gate shall be 3 inch wide slats with at least 3 ½ inch gaps, subject to Planning Department approval.*
8. No kitchen is permitted in the living space above the garage without Town approval.
9. Prior to the issuance of a building permit, the applicants shall submit a construction/traffic management plan to the Department of Public works for review and approval. The plan shall include, but shall not be limited to: 1.) location of equipment and material staging areas; and 2.) parking locations for construction vehicles and equipment.
10. Prior to project final, a landscape plan shall be submitted for the review and approval of the Planning Director. The plan shall focus on softening those areas between site improvements and the adjacent parcels and roadway.
11. The proposed service gate providing access to the utility yard at the front of the property shall be thoroughly and permanently screened from public view.
12. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

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13. No changes from the approved plans shall be permitted without prior approval of the Planning Director. Red-lined plans showing any proposed changes shall be submitted to the Planning Director prior to the issuance of any building permits.
14. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
15. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) Sprinklers are required; 2.) All brush impinging on the access roadway must be cleared; 3.) A street number must be posted (minimum 4 inches on contrasting background;) 4.) A Knox Lock box must be installed; 5.) All dead or dying flammable materials must be cleared and removed as per Ross Municipal Code Chapter 12.12; and 6.) A 24 hour monitored alarm must be installed.
16. 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.
17. 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 Planning Department prior to project final.
18. 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 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.

This was seconded by Council member Gray and passed unanimously.

21. **VARIANCE AND DESIGN REVIEW.**
Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum) to allow the following:
1) Removal of a 27.5 square foot shed, a 52 share foot shed, a 28 square foot closet and a 57 square foot closet; 2) pool construction within the rear yard setback (40 feet required, 12 feet proposed); 3) a patio within the side yard setback (20 feet required, 13 feet proposed) and rear yard setback (40 feet required, 8 feet proposed); 4) pool equipment and pad within the east side yard setback (20 feet required, 16 foot proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed) and new steps to basement (20 feet required, 16 feet proposed); 6) relocation of the existing barn plus a 29 square foot addition within the rear yard setback (40 feet required, 6 feet proposed) and within the west side yard setback (20 feet required, 10 feet proposed) with the lower level for a 2-car garage/bathroom/storage with a front dormer added for an upper level office, adding 197 square feet of floor area; 7) addition of a ribbon driveway to access the proposed rear barn/garage; 8) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 9) demolition of the existing rear section of the residence containing the kitchen and family room and construction of a new family room and kitchen with an 82 square foot breakfast nook addition; 10) conversion of 202 square feet of

MINUTES
CONTINUED MEETING OF THE ROSS TOWN COUNCIL
HELD MONDAY, APRIL 26, 2004
6:00 P.M.

1. **6:00 P.M. Roll Call.**
Present: Mayor Barr, Mayor Pro Tempore Byrnes, Council member Strauss, Council member Hunter, Council member Poland, Town Attorney Hadden Roth.

2. **Posting of Agenda.**
The Clerk reported that the agenda was posted according to Government Code.

3. **Open Time for Public Expression.**
(Time limited to three minutes for each speaker for items not on the agenda).
Mayor Barr requested that all cell phones be turned off while the Council is in session. She asked that when the community members speak, they should give their names and addresses for the record.
Ms. A. McNally of 291 Riveria Drive, San Rafael, referred to a letter of April 22, 2004 from the Marin Designers Showcase requesting permission to hold the Design Showcase at William A. Cheek's house on 121 Winding Way. She said that three Marin Designers Showcase homes had formerly been held in Ross. She explained that it is produced by the Auxiliary of the Center for Volunteer and Nonprofit Leadership of Marin. The event would be held from September 21, 2004 through Sunday, October 10, 2004.
Mayor Barr said that the matter would be given to Public Safety for review and placed on a future agenda. Ms. McNally said that she would work with the neighbors and the community.

THE FOLLOWING ITEMS WERE CONTINUED FROM THE REGULAR COUNCIL MEETING OF APRIL 8, 2004:

4. **REVISIONS TO AN APPROVED DEMOLITION PERMIT, VARIANCE, DESIGN REVIEW AND TREE REMOVAL.**
Mark and Molly Gamble, 14 Norwood Avenue, A.P. No. 73-091-30, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum). Amendment to a September, 2003 Town Council approval allowing demolition of the existing residence and barn and construction of a 5,514 square foot, two-story residence and a 645 square foot garage with a 371 square foot guest unit on the second floor. The applicants request that condition of approval No. 3, allowing a maximum 6-foot 6-inch basement ceiling height, be amended to allow a 7-foot 5-inch maximum ceiling height.
Planning Director, Gary Broad, said that the applicants were requesting the Council to reconsider a condition of approval of their original application because if they are held to a 6.5 foot maximum ceiling height in the basement, clearance below the beam would be limited to 5.5 feet.
Mr. Mark Gamble referred to his letter of March 22, 2004, requesting a ceiling height of 7.5 feet. He said that if they applied the current height definition of 6.6 feet, the clearance would be approximately 5.7 feet to the bottom of the steel beam, creating a head whacker that runs the width of the space. He said that this would not contribute to bulk/mass and would not be contrary to the Town's General Plan. He said that the Town Council recently removed porches from the FAR because it was concerned about losing architectural enhancements. He felt that the Council would, in the future, change the definition of basement ceiling heights and he felt it could be a

shame if they were to build and later find out that the definitions had changed. He asked that they be allowed to raise the ceiling to 7 feet.

Former Mayor Bruce Hart of Glenwood Avenue explained why the former Council became more stringent on basement ceiling heights. He said it was the feeling of some applicants that if the height were to be seven feet or seven and a half feet, it could be eight feet and be used as living space and if it were to become living space, it would increase the overall density; i.e., two additional bedrooms would have an impact on traffic, parking on the street, etc. It was the intent of the Council that basements not be used for living space.

Mr. David DeRuff of Southwood Avenue, said it is dangerous to work in a basement that low when you are six feet three inches tall. He said that when it is underground, who would care?

Council member Poland noted that the applicant's March 22, 2004 letter requested a 7.5 foot ceiling but now he was requesting a 7 foot ceiling.

Councilmember Strauss felt the Council should adhere to the previous condition of approval that it remain at a 6.6 foot height.

Council member Byrnes said that generally he is reluctant to undo a policy done by previous Councils. He said it was his hope that the regulations would change but the Council needed to study the issue and get public input.

Mayor Barr said that the Council inherits past Councils' decisions and the present Council has to appreciate the wisdom of how they came to these conclusions. She said that many people have been held to the 6.6 foot height.

Council member Poland did not feel that the basement height should be limited to 6.6 feet.

Council member Hunter said that the 6.6 foot limit has been uniformly applied since March 2002. He said that he looked forward to reviewing the zoning ordinance as part of the General Plan discussions but added that the 6.6 foot limit had been applied for a good reason and thought it would be difficult to change it at this point.

Mayor Barr felt that a 7-foot limit would be a compromise.

Building Official, Mr. Mel Jarjoura, clarified that in order to use a basement for a bedroom, certain criteria has to be met; i.e., ingress/egress, a bathroom, and the height has to be 7 feet 6 inches, which is the minimum height for living space. Bathrooms, hallways and kitchens are permitted at 7 feet.

Council member Byrnes said that the 6.6 foot height was not codified and that the historical standard in Ross has been 7 ft. He felt that he could support the 7-foot height limit.

Council member Poland moved approval of a 7-foot height ceiling limit with the findings in the staff report and the following conditions:

1. Except as amended herein, all conditions of the previous approval shall remain in full force and effect.
2. With the exception of the wine storage area, basement areas are not included as floor area, and may not be finished. No sheet rock or other finishing material is permitted on the basement walls, floors, or ceiling. No plumbing or other improvements that would allow the area to be finished are permitted. A concrete floor only shall be provided. THE BASEMENT SHALL BE LIMITED TO A 7 FOOT MAXIMUM CEILING HEIGHT, which shall be measured from the floor to the ceiling joists. A maximum of two small utility electrical outlets shall be provided in the unfinished basement. Final basement plans shall be submitted to the Planning Department for their review and approval prior to the issuance of a building permit.
3. 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.
4. 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.
5. 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

CONT.

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.

This was seconded by Council member Byrnes and passed with three affirmative votes. Councilmembers Strauss and Hunter were opposed.

5. VARIANCE AND DESIGN REVIEW.

Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum) to allow the following: 1) Removal of a 27.5 square foot shed, a 52 share foot shed, a 28 square foot closet and a 57 square foot closet; 2) pool construction within the rear yard setback (40 feet required, 12 feet proposed); 3) a patio within the side yard setback (20 feet required, 13 feet proposed) and rear yard setback (40 feet required, 8 feet proposed); 4) pool equipment and pad within the east side yard setback (20 feet required, 16 foot proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed) and new steps to basement (20 feet required, 16 feet proposed); 6) demolition of the existing barn and construction of a 558 square foot 2-car garage with bike storage to the rear of the existing residence accessed by a ribbon driveway and a gravel turnaround; 7) creation of a 188 square foot finished basement, including a laundry room; 8) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 9) demolition of the existing rear section of the residence containing the kitchen and family room and construction of a new family room and kitchen with an 82 square foot breakfast nook addition; 10) conversion of 202 square feet of sun porch into a 136 square foot reading room; 11) a porch, wood deck and bluestone paving and steps addition to the west elevation; 12) alterations to the exterior of the residence, including new windows at the basement, first story, second story and third story levels and the addition of a third story dormer at a height of 35 feet (30 feet permitted); and an expanded play court area within the side yard setback (18 inches proposed) and front yard setback.

Lot area	**16,140 square feet**
Present Floor Area Ratio	**28.7%**
Proposed Floor Area Ratio	**28.7% (15% permitted)**
Present Lot Coverage	**20.1%**
Proposed Lot Coverage	**22.3% (15% permitted)**

(The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and pool are nonconforming in rear yard setbacks. The property is nonconforming in covered parking—two covered spaces required, none provided.)

Mr. Broad explained the plans as outlined in his staff report of April 1, 2004. He said that the Council previously encouraged the owners to demolish the barn and construct a garage that conforms to setback requirements. The proposed garage complied with zoning ordinance provisions which allows a garage that is used only for garage purposes, to be located within 10 feet of the side and rear property lines. Letters of concern had been received from adjacent neighbors.

Mr. Ozzie Ayscue said that he was in agreement with the conditions of the staff report with two exceptions: Condition Three – that the Council approve the plans as is or permit a four-foot hardscape all around the edge of the pool. Condition Seven: that the Council permit electrical outlets in the basement because lighting is critical and electricity is needed for a sump pump. He said that some neighbors were concerned about use of the garage, consequently, he moved his office space into the house.

6. Failure to secure any required building permits and begin construction by August 5, 2005 will cause the approval to lapse without further notice.
7. 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.
8. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
9. **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.
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.

18. DESIGN REVIEW.

Molly and Mark Gamble, 14 Norwood Avenue, A.P. No. 73-091-30, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum.). Design review to allow construction of 54 linear feet of retaining wall with a maximum height of 5 feet. The retaining wall is proposed within guideline watercourse setbacks (25 feet recommended, 10 feet proposed.) The applicants also propose 245 cubic yards of fill, portions of which are to be located within guideline watercourse setbacks (25 feet recommended, approximately 10 feet proposed.)

Planning Director Gary Broad presented the staff report. Mark Gamble indicated that they were amenable to the proposed conditions of approval. Accordingly, Council member Hunter moved for approval, seconded by Council member Strauss, with the findings and conditions in the staff report:

1. The retaining wall and grading plan are not approved as submitted. Prior to the issuance of a building permit, or to the commencement of any development, grading, or filling associated with this application, project proponents shall submit a revised retaining wall and grading plan to the Planning Department for their review and approval. The revised plan shall relocate the proposed retaining wall out of guideline watercourse setbacks and shall limit filling to the minimum necessary to fill the existing depression located directly to the south of the proposed wall. No additional filling within the riparian terrace is hereby approved.

2. Failure to secure any required building permits and begin construction by August 5, 2005 will cause the approval to lapse without further notice.
3. 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. **This approval does not alter the construction completion date established upon the issuance of the original building permit for the redevelopment of this property.**
4. **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.
5. 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.
6. 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.

19. VARIANCE.

Margaret Wynne, 3 Redwood Drive, A.P. No. 73-312-05, R-1:B-7.5 (Single Family Residence, 7,500 Square Foot Minimum.) Variance to allow the legalization of an existing 408 square foot rental unit, located in a detached accessory structure at the rear of the applicant's property, through the creation of a nonconforming residential second unit. The residential second unit is proposed to be located within required rear yard setbacks (40 feet required, 6 feet existing) and between the primary residence and Poplar Avenue. No additional screened on-site parking is proposed.

1. The applicant shall reserve one legal on-site parking space for the sole use of the tenant or guests of the tenant residing in the residential second unit hereby approved. The owner of the property shall utilize Redwood Drive for the on-street parking of her car and the cars of her guests.
2. With the exception of the variances approved herein, the residential second unit shall comply with all provisions of the Town's Residential Second Unit Ordinance.
3. **Prior to legal occupancy, the owner shall complete a Building Department health and safety inspection and shall make all necessary corrections.**
4. The Town Council reserves the right to require additional landscape screening for up to two (2) years from project final.
5. This project shall comply with the following requirements to the satisfaction of the Department of Public Safety: 1.) a street number must be posted (minimum 4 inches on contrasting background.)

Staff Use Only	
Received By:	
Date:	
Fees Paid:	
Date:	

Town of Ross
Planning Department
Post Office Box 320, Ross, CA 94957
Phone (415) 453-1453, Ext. 121 Fax (415) 453-1950
Web www.townofross.org Email esemonian@townofross.org

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

Parcel Address and Assessor's Parcel No. 14 NORWOOD AVENUE AP# 073-091-30

Owner(s) of Parcel MARK + MOLLY GAMBLE

Mailing Address (PO Box in Ross) P.O. Box 1826

City ROSS *State* CA *ZIP* 94957

Day Phone 415-782-8105 *Evening Phone* 415-482-8050

Email MARK@gamblepartners.com

Architect (Or applicant if not owner) _____

Mailing Address _____

City _____ *State* _____ *ZIP* _____

Phone _____

Email _____

Existing and Proposed Conditions (For definitions please refer to attached fact sheet.)

Gross Lot Size 51,295 sq. ft. *Lot Area* 51,295 sq. ft.

Existing Lot Coverage 4,184 sq. ft. *Existing Floor Area* 6,574 sq. ft.

Existing Lot Coverage 8.16 % *Existing Floor Area Ratio* 12.8 %

Coverage Removed _____ sq. ft. *Floor Area Removed* _____ sq. ft.

Coverage Added _____ sq. ft. *Floor Area Added* _____ sq. ft.

Net Change- Coverage _____ sq. ft. *Net Change- Floor Area* _____ sq. ft.

Proposed Lot Coverage _____ sq. ft. *Proposed Floor Area* _____ sq. ft.

Proposed Lot Coverage _____.__ % *Proposed Floor Area Ratio* _____.__ %

Existing Impervious Areas _____ sq. ft. *Proposed Impervious Areas* _____ sq. ft.

Existing Impervious Areas _____.__ % *Proposed Impervious Areas* _____.__ %

Proposed New Retaining Wall Construction 70 ft. (length) 7 ft. (max height)

Proposed Cut _____ cubic yards *Proposed Fill* _____ cubic yards

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).

We propose to replace the ageing 70ft portions of the retaining wall and remove a tree (Maple) growing out of the wall.

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 Miller Pacific
Project Engineer Eric Dabawiaw
Mailing Address 504 Redwood Road
City NOVATO *State* CA *ZIP* 94947
Phone 415-382-3444 *Fax* 415-382-3450
Email edabawiaw@millerpac.com
Town of Ross Business License No. 00300691 2 *Expiration Date* 12/25/15

~~Arborist~~ Hydrologist / Engineer

Firm Geomorph Design
Project ~~Arborist~~ Matt Smeltzer
Mailing Address 2100 4th Street # 154
City San Rafael *State* CA *ZIP* 94901
Phone 510-219-1064 *Fax* _____
Email matt@geomorphdesign.com
Town of Ross Business License No. _____ *Expiration Date* _____

Other Geotechnical ~~Consultant~~

Craig Herzog
Mailing Address 70 Woodside Lane
City Mill Valley *State* CA *ZIP* 94941
Phone 415-388-8355 *Fax* 415-388-9266
Email herzog@herzog-geotechnical
Town of Ross Business License No. _____ *Expiration Date* _____

Other Structural

Consultant Millsap Degnan + Associates
Mailing Address 4280 Redwood Highway
City San Rafael *State* CA *ZIP* 94903
Phone 415-472-4244 *Fax* 415-472-4258
Email DDegnan@millsapdegnan.com
Town of Ross Business License No. _____ *Expiration Date* _____

Project Architect's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I understand that any permit issued in reliance thereon may be declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Signature of Architect _____ Date _____

Owner's Signature

I HEREBY CERTIFY under penalty of perjury that I have made every reasonable effort to ascertain the accuracy of the data contained in the statements, maps, drawings, plans, and specifications submitted with this application and that said information is true and correct to the best of my knowledge and belief. I further consent to any permit issued in reliance thereon being declared by the Town Council to be null and void in the event that anything contained therein is found to be erroneous because of an intentional or negligent misstatement of fact.

I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.

Signature of Owner _____ Date 3/26/15

Signature of Co-Owner (if applicable) _____ Date 3.26.15

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:

Variance/ Design Review/ Demolition approvals expire 365 days after the granting thereof.

Elise Semonian

From: Mark Gamble <mark@gamblepartners.com>
Sent: Monday, March 30, 2015 6:47 PM
To:
Cc: Rob Braulik; Elise Semonian
Subject: Retaining Wall Project - 14 Norwood
Attachments: 1134 01 F1 - SITE PLAN.pdf; 1134 01 F2 - SECTION A-A'.pdf

Dear Neighbor,

The 70 ft. section of our wood retaining wall starting at the Norwood bridge down to the Maple is decades old. We would like to replace this portion of the wall and remove the Maple tree that is growing between the wall before any chance of failure might occur. In prior flood events wood walls have had sections that fail, float down the creek and cause jams. Replacing this section of wall prior to a failure is a positive as it reduces risk to downstream neighbors. In April, we will go before the Town Council to seek approval to rebuild the retaining wall in the same location.

We will be rebuilding the retaining wall at or below the existing height and in the same location as the old retaining wall. The new wall will be nearly identical to the existing wall. Riparian plantings will be installed on the upper bank above the wall. The wall replacement design was decided upon after consulting with a creek hydrologist, a structural engineer, The Army Corps of Engineers, The Department of Fish and Wildlife, and the San Francisco Bay Regional Water Quality Control Board. Per government requirements, other wall replacement options were examined for this section, including a rock-reinforced sloped embankment, but none of them were able to significantly lower either the 100 yr. flood level or the 10 yr. water speed. Replacing the wall in the same location allows us to re-use the existing sub-surface concrete grade beam and minimize disturbance to the creek bed.

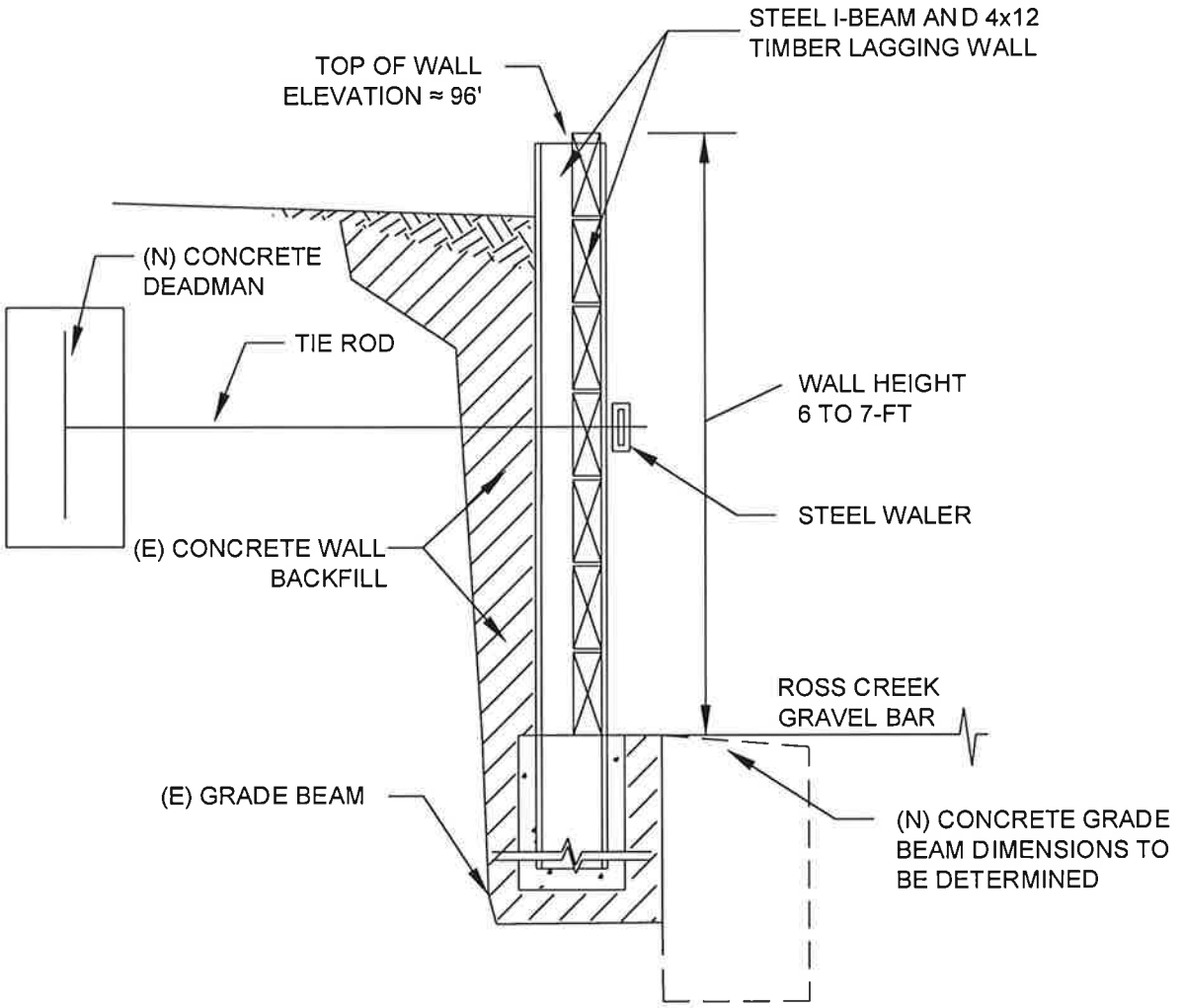
Due to government environmental regulations, the work will be performed between June 15 and October 15. The attached site plan shows where the work will be done. Plantings will be added after the wall is finished. November and December are generally best months to install riparian vegetation.

If you have any questions at all, you can contact us directly or you can contact Elise Semonian, the Senior Planner for the Town of Ross. Both her and Rob Braulik, Town Manager, are copied on this email and are familiar with the project.

Regards,

Mark & Molly

Mark D. Gamble
Gamble Partners LLC
100 Montgomery Street, Suite # 650
San Francisco, CA 94104
Office: 415-782-8100 ext. 105
Fax: 415-782-8109
mark@gamblepartners.com

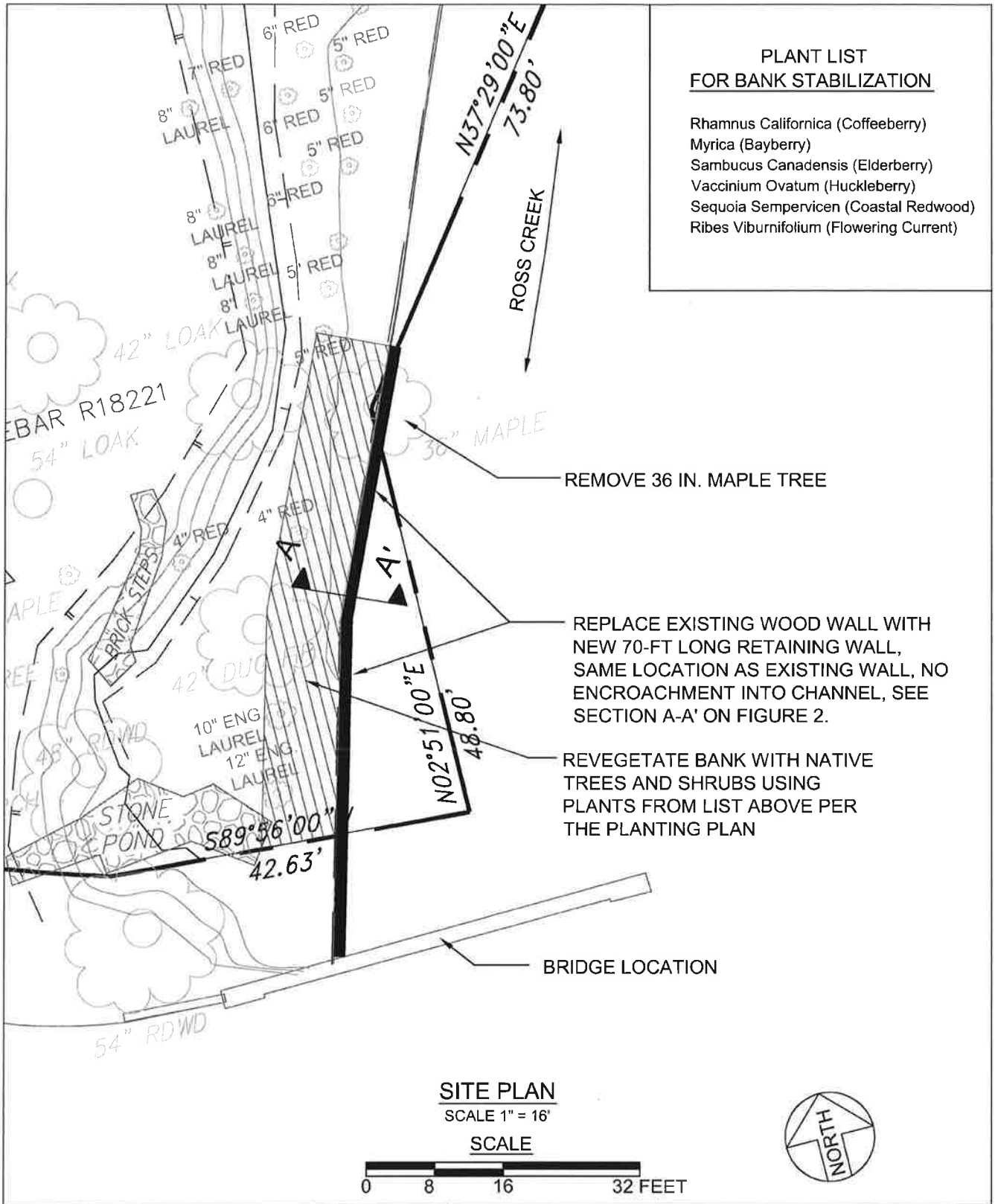


SECTION A-A'
CONCEPTUAL REPAIR OPTION

NO SCALE

Miller Pacific ENGINEERING GROUP	504 Redwood Blvd. Suite 220 Novato, CA 94947 T 415 / 382-3444 F 415 / 382-3450 www.millerpac.com	SECTION A-A'			
		14 Norwood Avenue Ross, California		Drawn EDT Checked	2 FIGURE
		Project No. 1134.01	Date: 3/25/15		

FILE: 1134.01 Site Plan.dwg



SITE PLAN
SCALE 1" = 16'

SCALE

Miller Pacific ENGINEERING GROUP	504 Redwood Blvd. Suite 220 Novato, CA 94947 T 415 / 382-3444 F 415 / 382-3450 www.millerpac.com	SITE PLAN			
		14 Norwood Avenue Ross, California	Drawn EDT Checked	1 FIGURE	
		Project No. 1134.01 Date: 3/25/15			

FILE: 1134.01 Site Plan.dwg

Existing Left Bank Timber Retaining Wall at 14 Norwood Avenue in Ross (January 23, 2015)

Hydraulic Study Report
Ross Creek at 14 Norwood Avenue
Ross, California
March 2015

geomorph
DESIGN

Prepared by:
Matt Smeltzer, P.E.
Geomorphologist/Hydrologist
CA Civil Engineer #71671

Alaska 129 Kristin Drive, Fairbanks, AK 99712
California 2100 Fourth Street, No. 154, San Rafael, CA 94901

mobile/office 510-219-1064
www.geomorphdesign.com

Table of Contents

Introduction

This Hydraulic Study Report (JARPA Attachment 2) summarizes results of hydraulic model analysis and assessment of potential design alternatives for configuring the proposed replacement structure for the existing poor-to-failing-to partially failed condition vertical soldier-pile timber left creek bank retaining wall on Ross Creek at 14 Norwood Avenue in Ross, CA. This report documents the hydraulic differences between existing conditions, proposed conditions, and alternative design conditions for the proposed wall replacement project, both in terms of approximately 100-year flood water surface elevations and approximately 10-year flood reach-maximum channel averaged flow velocities.

For more project information, please also see:

- JARPA application documents;
- JARPA Attachment 1: "Design Plans"; and,
- JARPA Attachment 3: "Management and Monitoring Plan Report"

Photo 1. View to near downstream end of existing left bank retaining wall replacement project limits approximately 65 feet downstream from Norwood Avenue Bridge (January 2015). Note partially failed condition of wall segment immediately upstream from the forked maple tree to be removed by the project.

Project Need and General Design Objectives

An existing vertical timber soldier pile left bank retaining wall on Ross Creek at 14 Norwood Avenue is in poor to failing condition and needs to be refurbished or replaced to prevent partial wall failure into the creek during future floods (e.g., see Photo 1).

The 70-ft-long failing wall segment may be replaced with a similar configuration vertical retaining wall, a stable sloped embankment, or a combination of new wall segments and new sloped bank segments. Specifically, either a stabilized sloped embankment covered with appropriate CA native riparian woodland plantings, or a replacement vertical retaining wall with similar vegetation installed covering the same effective plan area landward of the top of wall – or a combination of those two general structure types – should be constructed during a summer construction season when reliably dry creek bed conditions are expected at the site.

The retaining wall replacement structure should be designed and configured for restoring a similar level of bank stability and flood damage protection at the site and adjacent sites, while also providing to the extent practically feasible within the practical expectations for the scope of a bank stabilization and/or retaining wall replacement project on private property:

- Improved native CA riparian nearshore and canopy forming vegetation;
- Improved aquatic habitat for steelhead and salmon;
- The same or reduced reach-scale (e.g., 10-year flood) flow velocities and velocity patterns both for aquatic habitat improvement and minimizing bank erosion pressure on adjacent properties; and,
- The same or reduced reach-scale 100-year flood flow water surface elevations for avoiding impacts to flooding and providing flood reduction benefits at the site and adjacent properties.

Project Location

The site is the left bank of Ross Creek in Ross, California beginning immediately downstream from the Norwood Avenue Bridge over Ross Creek (Figure 1). The existing timber retaining wall begins immediately downstream from the left abutment wall of the bridge and extends about 185 feet downstream. The failing segment to be replaced is the upstream most 70-ft-long segment beginning immediately downstream from the bridge (Figure 2).

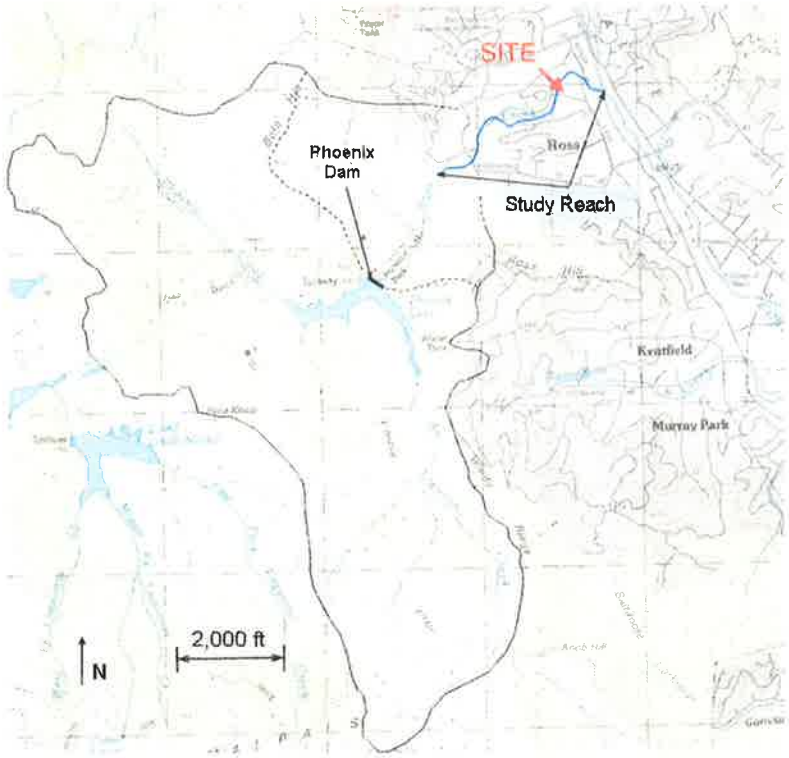


Figure 1. Site Location.

The 14 Norwood site is located at the left bank of Ross Creek about 1,500-1,700 creek feet upstream from the mouth tributary to Corte Madera Creek in Ross. The site is within the approximately 5,000-ft-long section of Ross Creek within the Ross Corporate Limits ("Study Reach") downstream from Natalie Coffin Greene Park. Ross Creek is generally perennial within the park limits and reliably dry in the summer with some disconnected perennial pools within 1,000 feet downstream from the park boundary. The feasibility of making releases from Phoenix Lake for extending continuous spring surface flows downstream from the park is presently under study.

The site area includes the 70-ft-long wall and the upper bank upslope from the wall and downslope from an existing top of bank fence. Several large trees occur and generally dense mature vegetation occurs immediately landward of the top of bank fence. The upstream end of the wall (site) occurs at the downstream end of the left bridge abutment at Ross Creek Station 16+98 ft (1,698 feet upstream from the confluence with receiving Corte Madera Creek). The downstream end of the site considered in this analysis is about 70 feet downstream from the bridge at about Station 16+28 ft. The upstream end of the right bank (12 Norwood) retaining wall currently under permit analysis for proposed 2015 construction season replacement also occurs at Station 16+28 ft.

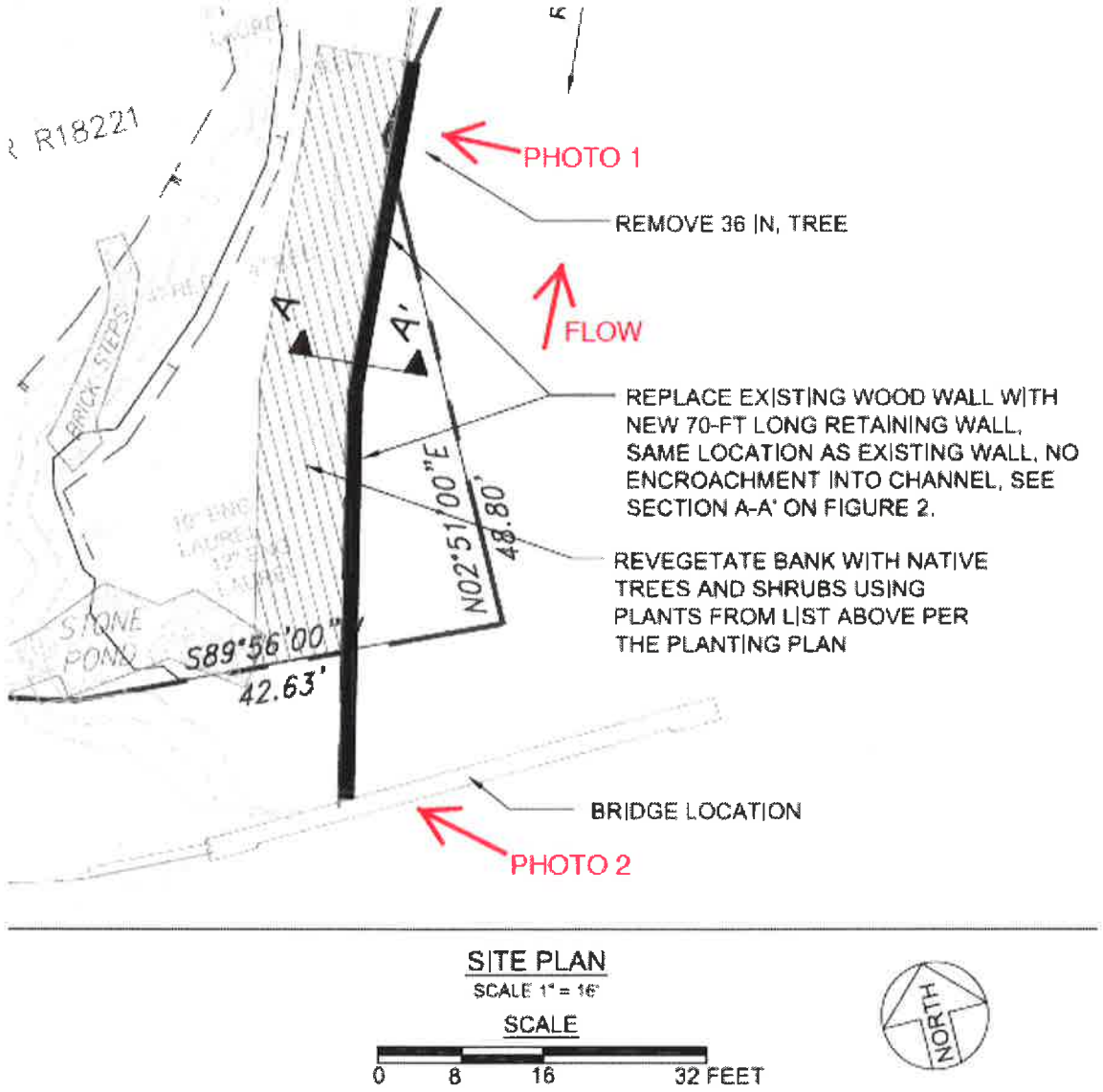


Figure 2. Replacement Wall Plan.
The proposed 14 Norwood replacement wall would be installed in exactly the same plan configuration as the existing failed/failing condition retaining wall.

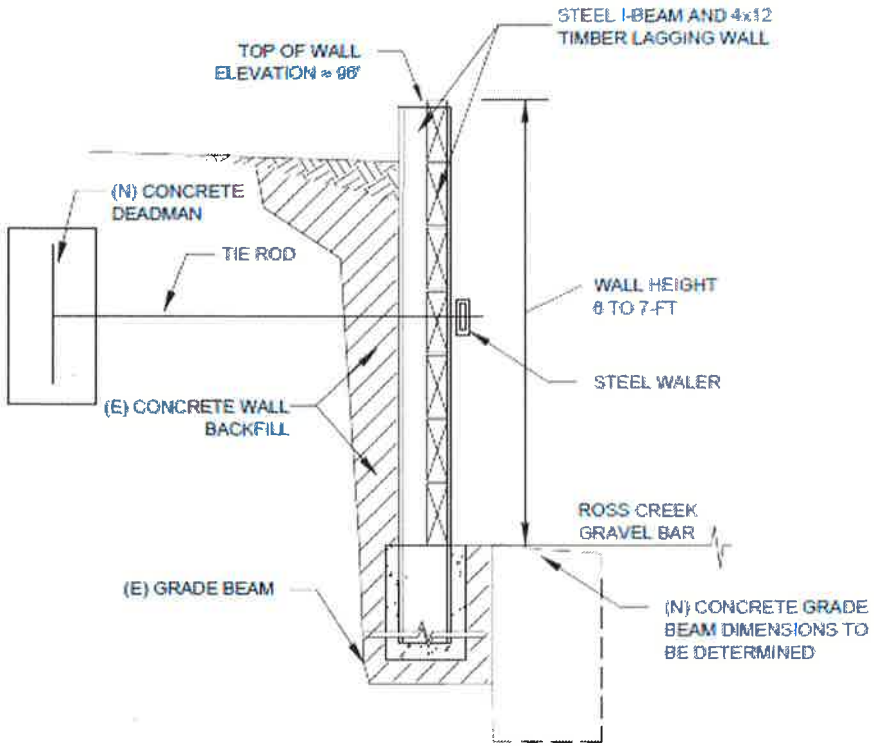


Figure 3. Replacement Wall Cross-Section.
The proposed 14 Norwood replacement wall would re-use the existing concrete grade beam and replace the existing failed timber wall materials with a steel beam and timber lagging wall in the same location and configuration and having the same finished top of wall elevation and finished creekside face position. It would not encroach into the creek compared to the existing retaining wall.

Project Description

The proposed project is an in-kind creek bank retaining wall replacement project. The existing 5-7-ft-high poor/failed/failing timber retaining wall would be entirely removed and a same height, same finished face new timber lagging retaining wall would be installed in precisely the same location/configuration, reusing the existing concrete grade beam located at or beneath the existing adjacent top of gravel bar elevation.

The project work would be completed using small i.e., "bobcat" loader/excavator deployed equipment operated from the top of bank and upper bank upslope or landward of the wall. No equipment will be operated on the bed of the creek.

The project would result in no impacts to the existing habitat by virtue of it matching the plan configuration of the existing wall and not encroaching into the creek from existing wall face. It follows, then, that the project would have none or negligible or *de minimus* effect on creek flow hydraulics such as moderate and high flow or flood peak water surface elevations and flow velocity. The project would also have none or de minimus effect on velocity patterns in the reach, thereby not potentially increasing bank erosion pressure on adjacent or downstream properties, or resulting in changed gravel bar scour and deposition dynamics and concomitant influences on velocity patterns, high velocity current vectors, or suitability of aquatic habitat.

For more project information please see also JARPA Attachment 3: "Management & Monitoring Plan Report".

Existing Conditions

The existing approximately 185-ft-long vertical timber soldier-pile retaining wall begins immediately downstream from the left bank Norwood Avenue Bridge abutment wall (Photo 2). The existing wall appears to have been constructed in about 1982-1983 conforming tightly to the then-existing near-vertical (i.e., probably actively eroding in places) creek bank.

> *The upstream most approximately 70-ft-long segment of the wall is in poor to failing and partially failed condition and proposed to be replaced by this project with a similar type, material, and precisely same plan configured wall. The proposed finished creek side face of the wall will not be closer to the creek than the existing wall and the finished top of wall elevation will not be greater than the existing wall.*

The timber soldier piles are footed in a below-grade poured concrete grade beam of undetermined dimensions extending along the length of the wall. The downstream approximately half of the wall was refurbished in about 2006 or 2007 by replacement of the original redwood posts and timber lagging with pressure-treated posts and timbers which furred the creek side face of the wall out about 2-3 inches. The exposed height of the wall above the creek bed level varies from about 6.5 to 3.5 feet. The top of the wall is generally higher than the existing ground elevation immediately landward of the wall. Ross Creek is widest immediately downstream from the bridge then becomes abruptly narrower about 70-75-ft downstream from the bridge where an existing right bank vertical concrete creek bank retaining wall (12 Norwood Avenue) also confines the creek. The narrowest part of Ross Creek occurs at the downstream end of the timber wall.

The upstream 100-110 feet of the 12 Norwood Avenue retaining wall on the right bank adjacent to the site failed into the creek in December 2014. The failed right bank wall currently proposed (i.e.

see pending JARPA application submitted by the 12 Norwood owner February 2015) to be replaced in summer 2015 with a similar vertical concrete retaining wall set back 3-6 horizontal feet from the existing wall. Note that the upstream end of the proposed 12 Norwood (right bank) replacement wall is at the same creek location as the downstream end of the 14 Norwood (left bank) replacement wall.

The creek bed is reliably completely dry along the entire length of the project site earlier than June 15th of every year. A primary limiting factor for fish habitat at the site is extended dry channel bed conditions occurring every year at the site. The site is about 3,300 feet downstream from the downstream limit of perennial flow conditions (near the downstream border of Natalie Coffin Greene Park).

Photo 2. View to Upstream End of Existing Left Bank Retaining Wall Immediately Downstream from the Norwood Avenue Bridge left abutment wall (January 2015).

The plan view configuration of the existing wall downstream from the 70-ft-long segment to be replaced is approximately straight or slightly concave. Ross Creek is widest immediately downstream from the bridge then becomes abruptly narrower about 70-75-ft downstream from the bridge where an existing right bank vertical concrete creek bank retaining wall (12 Norwood Avenue) also confines the creek. The upstream 100-110 feet of the 12 Norwood Avenue retaining wall failed into the creek in December 2014. The failed right bank wall currently proposed (i.e. see pending JARPA application submitted February 2015) to be replaced in summer 2015 with a similar vertical concrete retaining wall set back 3-6 horizontal feet from the existing wall.

Ross Creek is narrowest near and at the downstream end of the existing left bank retaining wall. Before the right bank retaining wall failed, e.g., per detailed 2009 creek cross-section survey (at Station 15+14 ft) the creek was as narrow as 8.83 ft-wide between then-existing retaining walls (Figure 3). The failed and to-be-replaced right bank wall segment extends 5 feet downstream from Station 15+14. The proposed replacement 12 Norwood Avenue retaining wall is to be set back 3-6 horizontal feet from the pre-failure wall. However, at Station 15+14 ft, the new wall would only be set back about 1.5 feet from existing because the new wall segment needs to transition smoothly (for optimum hydraulic efficiency) to join the upstream end of the still intact and to remain as-is vertical right bank wall segment at Station 15+09. At Station 15+09 ft, Ross Creek is similarly narrow as Station 15+14, but the existing left bank is natural and steeply-sloped not being confined by the vertical retaining wall.

Under existing conditions, the channel-averaged flow velocity increases steadily along the length of the left bank retaining wall to reach a maximum at the downstream end of the wall (Station 15+14) –more than about 12 feet per second (fps) according to hydraulic model calculations for the 515-cfs January 25, 2008 flood flow. The 2008 flood flow velocity reduces abruptly to about 2 fps immediately downstream from the site where relatively natural channel conditions prevail but downstream channel constrictions imposed by bed and bank stabilization structures upstream and downstream from Shady Lane Bridge backwater the hydraulics. Downstream constrictions strongly backwater the December 31, 2005 flood immediately downstream from the site and increase the flood water surface elevation (WSE) along the length of the wall at the site. The model-calculated peak December 31, 2005 flood WSE is nearly flat -- about 36 feet NGVD29 -- from Shady Lane Bridge to Station 13+60 ft.

The proposed replacement right bank retaining wall at 12 Norwood Avenue would somewhat improve 10-year flood flow velocities and 100-year flood water surface elevations at the site compared to existing conditions represented by the pre-failure wall. The set back 12 Norwood Avenue wall would reduce the 2008 flood velocity from about 12.4 to about 10.3 fps at Station 15+14 ft. The set back 12 Norwood Avenue wall would reduce the 2005 peak flood WSE at the downstream face of Norwood Avenue Bridge (Station 16+98 ft) from about 37.0 feet to about 36.8 feet NGVD29. Greater hydraulic improvements are prevented by downstream sluggish hydraulics imposed by multiple off-site downstream hydraulic constrictions near Shady Lane, as well as the still relatively narrowly confined conditions at the downstream end of the 14 Norwood Avenue wall

(Station 15+14 ft) and immediately downstream (i.e., Station 15+09 ft) where the existing recently reinforced right bank retaining wall segment remains as-is.

The December 2014 flood appears to have raised the creek bed level along the length of the 14 Norwood wall about 0.5-1.0 feet, with the greatest increase nearest Norwood Avenue Bridge. Revising the bed levels from the 2009 surveyed elevations in the hydraulic model shows that the bed level rise may raise the 2005 flood peak WSE at Norwood Avenue Bridge from 37.0 feet to 37.7 feet. However, the proposed set back replacement 12 Norwood Avenue retaining wall would mitigate most of this negative impact, lowering the peak WSE back down to 36.9 feet.

For the purposes of this hydraulic analysis comparing the hydraulic performance of 14 Norwood Avenue retaining wall replacement options – the existing conditions baseline ("Baseline 2") is represented by:

(1.) Proposed (i.e., 2015) conditions right bank (12 Norwood Ave) vertical retaining wall (based on "Design 1" conditions in Design Plans (Attachment 1 to 12 Norwood JARPA);

(2.) 2009 Surveyed Conditions upstream and downstream from the 12 and 14 Norwood Avenue retaining walls; and,

(3.) 2015 bed elevations reflecting field-measured and estimated post- December 2014 flood bed elevations in the reach bordered by the 12 and 14 Norwood Avenue (i.e., about 0.5-1.0 feet higher than 2009 surveyed bed elevations).

Site Hydrology

FEMA (2014) used regional regression equations to estimate various return interval peak flood discharges at Ross Creek locations upstream and downstream from the site, from which estimates can be drawn for the site (using Norwood Avenue Bridge site as a suitable proxy) via drainage area apportioning (Table 1). The approximate drainage area at the site is 2.7 square miles. Both FEMA (1977) and FEMA (2014) use as technical basis the regression equations of U.S.G.S (1971). And although FEMA (2014) reportedly made adjustments, or different adjustments, for urbanization effects according to the same manual, the peak flow estimates are unchanged between publication years.

From apportioning 2007 & 2014 estimates, the 100-year peak flow at the site is about 1,255 cfs and the 10-year peak flow is about 640 cfs (Table 1).

According to the Marin County Capital Improvement Plan Study (Stetson Engineers Inc. et al. 2011) the December 31, 2005 flood was estimated to peak near about 1,070 cfs on Ross Creek at the upstream model boundary about 130 feet upstream from Norwood Avenue Bridge. Although it is generally believed that the 2005 flood was nearly a 100-year flood throughout most of the larger

Corte Madera Creek watershed, the 1,070-cfs estimate is about the same as the 50-year peak flow estimated there by FEMA (2014) (i.e., 1,090 cfs at Table 1).

Table 1.
Estimated peak flood flows at Norwood Avenue Bridge and the 14 Norwood Avenue site determined by drainage area apportioning from FEMA (1977) and FEMA (2014) published estimates at upstream and downstream Ross Creek locations.

Location	Distance upstream from mouth (ft)	Drainage Area (sq mi)	FEMA (1977) (2014) 10-Year Peak (cfs)	FEMA (1977) (2014) 50-Year Peak (cfs)	FEMA (1977) (2014) 100-Year Peak (cfs)	FEMA (1977) (2014) 500-Year Peak Peak (cfs)
Ross Creek at Corporate Limits (Park bdy)	5,000 +/-	2.15	500	850	990	1,500
Ross Creek at Norwood Avenue Bridge	1,710	2.70	640	1,090	1,255	1,825
Ross Creek at Corte Madera Creek	0	3.00	720	1,220	1,400	2,000

Existing Conditions – Aquatic Habitat Potential and Riparian Vegetation

The creek bed is reliably completely dry along the entire length of the project site earlier than June 15th of every year. A primary limiting factor for fish habitat at the site is extended dry channel bed conditions occurring every year at the site.

Phoenix Dam impounds about 2 square miles of the upper Ross Creek watershed (Figure 1). Partly due to reservoir leakage at and below Phoenix Dam, and partly due to natural groundwater-surface water interactions, Ross Creek is perennial from the dam to near the downstream end of Natalie Coffin Greene Park at the Ross corporate limits. Ross Creek runs dry every summer downstream from the park (i.e., the 5,000 foot-long "study reach" denoted in Figure 1). Numerous isolated scour pools retain ponded water through all or part of the dry summer months, most of which are within about 1,000 feet from the park boundary. The site occurs about 3,500 feet downstream from the park.

Shallow scour pools typically form along the base of the right bank retaining wall at the site but not along the left bank (14 Norwood Avenue) retaining wall. The right bank is reliably in the outside bend channel position at the site because of sharp channel bends immediately upstream from the Norwood Avenue Bridge and the effect of left bank vertical retaining walls joining with the concrete floor of the bridge opening to reliably pin the creek to a left bank outside bend channel position at the upstream bridge face. Moreover, there is a sharp left-turning channel bend about 50 feet downstream from the left bank retaining wall which reliably pins the creek against the right bank there. There is generally not enough creek length between the upstream face of Norwood Avenue Bridge (Station 17+20 ft) and the left-turning channel bend downstream (Station 14+60 ft) – i.e., 260 ft – for the creek to complete a turn to the right bank, then make a turn to the left bank, before returning to the right bank. Moreover, the narrow confinement between nearly straight and parallel creek bank retaining walls reduces potential for channel meandering between the upstream and downstream fix points.

The shallow right bank scour pools are generally scoured to about less than 1.5 feet lower than the adjacent average bed elevation (e.g., Figure 3). . The scour pools are reliably completely dry throughout summer months. A deeper corner scour pool about 150 feet downstream from the site is also reliably dry by late summer (Fluvial Geomorphology Consulting 2007).

Fluvial Geomorphology Consulting (FGC) (2007) inventoried perennial pools on Ross Creek with habitat enhancement potential through creation of year-round surface flows via releases from Phoenix Lake and installation of aquatic habitat (i.e., cover) enhancement structures. FGC (2007) identified eight potential aquatic habitat enhancement sites, all of which were upstream from the site.

Hydraulic Model Alternatives Analysis

A HEC-RAS one-dimensional hydraulic model was adapted for evaluating reach-scale hydraulics for existing conditions and for multiple potential retaining wall replacement configurations, including an alternative for replacing the 70-ft-long failing/failed wall segment with a stabilized sloped embankment. Model calculations were made for evaluating potential project effects on both:

- 100-year or typical flood flow water surface elevations;
- 10-year flood average flow velocities.

The Capital Improvement Plan Study (Stetson Engineers Inc. et al. 2011) estimated December 31, 2005 flood flow discharge near the site – 1,070 cfs – was used for evaluating and comparing existing conditions and potential project conditions for flood flow water surface elevations. The estimated peak for the smaller January 25, 2008 flood flow – 515 cfs – was used as a proxy for evaluating 10-year flood average flow velocities in the reach near the site.

A preliminary HEC-RAS one-dimensional hydraulic model analysis was performed for evaluating hydraulics of Ross Creek along the 14 Norwood Avenue frontage under existing conditions and various alternative proposed conditions. The model calculated water surface elevation (WSE) profiles and cross-section averaged velocities for an approximately 1,800 foot long reach of Ross Creek extending from the tributary confluence at Corte Madera Creek upstream through the 14 Norwood site to about 130 feet upstream from Norwood Avenue Bridge.

Table 2.
Hydraulic model calculated December 31, 2005 flood water surface elevations and January 25, 208 channel-averaged flow velocity at the downstream face of Norwood Avenue Bridge (RS 16+98) for Existing Conditions, Proposed In-Kind Wall Replacement Conditions, and two Alternative Wall Replacement Options.

Alternative	December 31, 2005 Flood Water Surface Elevation RS 16+98 ft (ft NGVD29)	January 25, 2008 Average Peak Flow Velocity RS 16+98 ft (feet per second)
Existing Conditions – Baseline 2	36.91	4.37
Proposed Project – In-Kind Replacement	36.91	4.37
1.25(H):1(V) vegetated ¼-ton rip-rap slope	36.90	4.38
New wall setback up to 4 horizontal feet	36.91	4.39

Specifically, the preliminary hydraulic model analysis evaluated the potential for the proposed wall replacement structure to be plan reconfigured for: (1) lowering 100-year flood water surface elevations compared to existing conditions; and/or (2) lowering 10-year flood maximum cross-section averaged flow velocity.

Typical hydraulic objectives of creek bank recontouring and/or creek bank retaining wall replacement in narrowly confined channels are:

(1) reducing upstream flood water surface elevations (WSEs); and,

(2) reducing maximum in-reach flow velocities for more routine flows (e..g, 10-year flood).

In general, hydraulic model assessment indicates that substantially reconfiguring the 14 Norwood Ave creek bank retaining wall does not have the potential to significantly achieve flood WSE reduction or velocity reduction objectives. The proposed (i.e., in-kind replacement) does not alter the reach-scale hydraulics because it is hydraulically identical to the existing wall (Table 2). Also, neither the rock rip-rap reinforced vegetated slope alternative, nor the setback vertical wall alternative would measurably change the reach-scale hydraulics (Table 2). This is because the reach-scale hydraulics are dominated by downstream constrictions, most strongly by the narrow channel conditions near the downstream end of the left bank retaining wall about 180 feet downstream from Norwood Avenue Bridge.

Limitations of this Analysis

This analysis relies on existing best available information hydrology studies and hydraulic models for characterizing the existing conditions and proposed project conditions flood water surface elevations and average flow velocities at the 14 Norwood site. This analysis evaluates the potential effects on flood water surface elevation and average flow velocity of a range of retaining wall replacement alternatives using a hydraulic model developed for a broader, watershed-scale purpose. The potential range of measures evaluated included only measures that are practically feasible (i.e., reasonable relationship between project cost and value of hydraulic benefits) and which may be undertaken entirely within the physical limits of the subject property. However, because the reach-scale hydraulics are well understood to be dominated by constrictions downstream from the project limits, the results indicating very little or negligible hydraulic differences between alternatives appear to be correctly computed by the model.

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Agenda Item No. 13g.

Staff Report

Date: April 3, 2015

To: Mayor Elizabeth Brekhus and Councilmembers

From: Elise Semonian, Senior Planner

Subject: Gamble, Design Review, 14 Norwood Avenue, File 2000

Additional Condition Recommendation

It has come to staff's attention that a play structure is located within 25 feet of the top bank of the creek. This is the second play structure violation that town staff has had to pursue at this site. Staff recommends the following additional condition of approval:

> The applicant shall remove the play structure within 25 feet of the top bank of the creek within 30 days. Under current regulations, a variance is required to locate any play structure within the rear yard setback and within 25 feet of the top bank of the creek. A Minor Exception is not permitted for structures within 25 feet of a creek.