



Staff Report

Date: April 3, 2015

To: Mayor Elizabeth Brekhus and Councilmembers

From: Elise Semonian, Senior Planner

Subject: Oldenbrook, Amendment to Approved Plans for Pool and Landscaping, 63 Laurel Grove, File 1914

Recommendation

Council approve the project based on the findings and conditions of the original approval and staff report.

Project Summary

Owner: Brad Oldenbrook
Design Professional: Pacific Design Group, Architect
Location: 63 Laurel Grove Avenue
A.P. Number: 72-131-33
Zoning: R-1:B-A (Single Family Residence, 1 acre min. lot size)
General Plan: Low Density (.1-1 units per acre)
Flood Zone: Zone X (outside 1-percent annual chance floodplain)

Public hearing for the Town Council to consider an amendment to approved design review, demolition permit, and hillside lot permit plans for demolition of a residence and accessory structures and construction of a 5,461 sq. ft. residence, attached 495 sq. ft. garage, and 204 sq. ft. pool cabana. The applicants request approval for a new pool and hot tub southeast of the residence, which would provide water supply for firefighting. Pool equipment and fire suppression equipment are proposed to be located under the approved deck, where water tanks were previously approved. The amended plans also include new landscape retaining walls to replace existing walls, which entails relocation of existing water lines. The proposed improvements comply with all development regulations.

Background, project description and discussion

The project site is a 3.47 acre hillside lot. The lot is bisected by a private road. The majority of the site area is downslope of the road. A new single-family residence approved by the Town Council in 2013 is under construction at the site. The project was approved with supplemental fire water supply in the form of tanks under an approved deck. The applicant now seeks a plan amendment to provide the fire water supply with a swimming pool. The pump equipment would be located under the decks, where tanks were originally proposed.

The pool complies with all development regulations. If the pool was not associated with the Council approved project under construction, only a building permit and no discretionary review would be required. The pool is proposed in the yard area south of the residence. The proposed plans indicate the edge of the pool will be where the first tier of existing wood retaining walls are located and the pool wall will be minimal. As of the date of this report, the story poles are set further south, which would result in a taller downslope pool wall, as is visible at the site with the story poles. Therefore, the story poles represent a “worst case” scenario. Staff has viewed the story poles from the closest neighbors’ site. Even with the taller downslope edge depicted by the story poles, the pool will be well screened by existing landscaping and not readily visible. The pool represented by the story poles would be visible from certain areas and the applicant has agreed to finish any visible wall area with a dark brown Ipe siding, to match the residence, and provide additional evergreen landscape screening below the wall. The Fire Department confirmed the pool size proposed will provide adequate water supply for firefighting.

The structural plans for the project were based on recommendations of Craig Herzog, Geotechnical Consulting Engineer. His report is attached. Detailed pool plans would be designed by a structural engineer and reviewed by Herzog. Those plans would be submitted for a building permit and Coastland, the Town’s contract plan check firm, would review the plans for compliance with the building code prior to issuance. The Ross Valley Fire Department must also confirm the project meets their requirements prior to issuance of a building permit.

The plan includes modifications to the approved landscape plan to provide additional landscape screening for neighbors. Screening includes three new 24” box Magnolia grandiflora “little gem” and thirteen 15-gallon Pittosporum Tenuifolium to provide additional evergreen landscape buffer between the residence and 210 Wellington. On the south side of the yard, one new Magnolia is proposed in the planting area west of the large oak tree. The applicant has agreed to plant six 15-gallon Pacific Way Myrtle downslope of the pool to screen it from view, as recommended by the town arborist.

The applicant proposes new landscape walls to replace failed or failing landscape walls around the western perimeter of the site.

The town arborist reviewed the site and proposed plans and recommended covering the lawn area near the proposed pool with 1 1/8” plywood in order to minimize potential oak tree root compaction during construction of the pool. Only a small are of the pool encroaches into the

non-intrusion zone of the tree. The arborist believes the pool can be constructed without harming the mature tree, subject to arborist review of more detailed construction plans.

Staff believes the wood-faced wall should not be visible off site. If built in the location proposed by the story poles, which would mean a taller downslope wall, it would appear similar to a fence when viewed from off site. Staff is not concerned with the proposed location, assuming the area within the non-intrusion zone of the tree is hand dug to ensure no significant tree roots are present. The site is already screened from neighbor view by existing landscaping and proposed landscaping will cover any gaps in screening.

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 improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town’s property tax revenues. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Alternative actions

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

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 Sections 15303 (accessory structures including patios, swimming pools and fences) and Section 15301 (existing facilities). No exception set forth in Section 15300.2 of the CEQA Guidelines applies to the project 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.

Attachments

1. Findings and Conditions of Approval
2. Town Council Minute history
3. Information provided by the applicant

Attachment 1

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, review of story poles installed at the site, staff reports, correspondence, and other information contained in the project file, approve the revisions to the pool and landscaping as proposed with the following Findings and subject to the following Conditions of Approval:

A. Findings

1. **CEQA** The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 15303 (accessory structures) and Section 15301 (existing facilities). 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.

2. Design Review

a) ***The project is consistent with the purposes of the Design Review chapter as outlined in Ross Municipal Code Section 18.41.010:***

(1) *To preserve and enhance the “small town” feel and the serene, quiet character of its neighborhoods are special qualities to the town. The existing scale and quality of architecture, the low density of development, the open and tree-covered hills, winding creeks and graciously landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environment co-exist in harmony and to sustain the beauty of the town’s environment.*

(2) *Provide excellence of design for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area. Promote high-quality design that enhances the community, is consistent with the scale and quality of existing development and is harmoniously integrated with the natural environment;*

(3) *Preserve and enhance the historical “small town,” low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town’s neighborhoods through maintaining historic design character and scale, preserving natural features, minimizing overbuilding of existing lots and retaining densities consistent with existing development in Ross and in the surrounding area;*

(4) *Preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety. Ensure that site design and intensity recognize site constraints and resources, preserve natural landforms and existing vegetation, and prevent excessive and unsightly hillside grading;*

(5) *Enhance important community entryways, local travel corridors and the area in which the project is located;*

(6) *Promote and implement the design goals, policies and criteria of the Ross general plan;*

(7) *Discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression;*

(8) *Preserve buildings and areas with historic or aesthetic value and maintain the historic character and scale. Ensure that new construction respects and is compatible with historic character and architecture both within the site and neighborhood;*

(9) *Upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site.*

(10) *Preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development to reduce flooding, streambank erosion, sediment in stormwater drainage systems and creeks, and minimize damage to public and private facilities. Ensure that existing site features that naturally aid in stormwater management are protected and enhanced. Recognize that every site is in a watershed and stormwater management is important on both small and large sites to improve stormwater quality and reduce overall runoff.*

The project revisions increase site landscape screening. The improvements proposed preserve existing native site vegetation and will upgrade the appearance of existing improvements. The pool will be finished to blend with the hillside setting.

b) The project is in substantial compliance with the design criteria of Ross Municipal Code Section 18.41.100.

(1) *Preservation of Natural Areas and Existing Site Conditions.*

(a) *The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum. Development should minimize the amount of native vegetation clearing, grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses, considering zones of defensible space appropriate to prevent the spread of fire.*

The proposed development area has been previously disturbed with development.

(b) *Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.*

The general appearance of the existing landscaping will be maintained. New planting will be compatible with existing native and non-native plants.

(c) *Lot coverage and building footprints should be minimized where*

feasible, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, forested areas, and steep slopes shall be a priority for preservation and open space.

Lot coverage and building footprints are maintained and are well under the 15% permitted for the site.

(2) *Relationship Between Structure and Site. There should be a balanced and harmonious relationship among structures on the site, between structures and the site itself, and between structures on the site and on neighboring properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site.*

The proposed pool is far from adjacent structures and in an area where two retaining walls are already located.

(3) *Minimizing Bulk and Mass.*

(a) *New structures and additions should avoid monumental or excessively large size out of character with their setting or with other dwellings in the neighborhood. Buildings should be compatible with others in the neighborhood and not attract attention to themselves.*

(b) *To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single-plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety and to break up building plans. The development of dwellings or dwelling groups should not create excessive mass, bulk or repetition of design features.*

Any visible pool wall shall be finished with wood siding material to blend with the setting.

(4) *Materials and Colors.*

(a) *Buildings should use materials and colors that minimize visual impacts, blend with the existing land forms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Colors and materials should be compatible with those in the surrounding area. High-quality building materials should be used.*

(b) *Natural materials such as wood and stone are preferred, and manufactured materials such as concrete, stucco or metal should be used in moderation to avoid visual conflicts with the natural setting of the structure.*

(c) *Soft and muted colors in the earthtone and woodtone range are preferred and generally should predominate.*

The proposed brown siding finish and blue stone coping will help the pool recede into its setting.

(5) *Drives, Parking and Circulation.*

(a) *Good access, circulation and off-street parking should be provided consistent with the natural features of the site. Walkways, driveways, curb cuts and off-street parking should allow smooth traffic flow and provide for safe ingress and egress to a site.*

(b) *Access ways and parking areas should be in scale with the design of buildings and structures on the site. They should be sited to minimize physical impacts on adjacent properties related to noise, light and emissions and be visually compatible with development on the site and on neighboring properties. Off-street parking should be screened from view. The area devoted to driveways, parking pads and parking facilities should be minimized through careful site planning.*

(c) *Incorporate natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, percolation and absorption.*

The project would maintain the access to the site.

(6) *Exterior Lighting. Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.*

Minimal landscape lighting is proposed.

(7) *Fences and Screening. Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically attractive and not create a "walled-in" feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance.*

No new fencing is proposed. Pool fencing may be required.

(8) *Views. Views of the hills and ridgelines from public streets and parks should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.*

The project will not impact views from public streets and parks.

(9) *Natural Environment.*

(a) *The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgelines, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.*

(b) *Development in upland areas shall maintain a setback from creeks or drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards.*

(c) *Development in low-lying areas shall maintain a setback from*

creeks or drainageways consistent with the existing development pattern and intensity in the area and on the site, the riparian value along the site, geologic stability, and the development alternatives available on the site. The setback should be maximized to protect the natural resource value of the riparian area and to protect residents from geologic and flood hazards.

(d) The filling and development of land areas within the one-hundred-year flood plain is discouraged. Modification of natural channels of creeks is discouraged. Any modification shall retain and protect creekside vegetation in its natural state as much as possible. Reseeding or replanting with native plants of the habitat and removal of broom and other aggressive exotic plants should occur as soon as possible if vegetation removal or soil disturbance occurs.

(e) Safe and adequate drainage capacity should be provided for all watercourses.

The project development is not near a watercourse and is not in a flood zone.

(10) Landscaping.

(a) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

(b) Landscaping should include appropriate plantings to soften or screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers and transformers.

(c) Landscape plans should include appropriate plantings to repair, reseed and/or replant disturbed areas to prevent erosion.

(d) Landscape plans should create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire.

(e) Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

The existing site landscape is proposed to be retained. The project includes new landscape screening.

(11) Health and Safety. Project design should minimize the potential for loss of life, injury or damage to property due to natural and other hazards. New construction must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire-preventive site design, landscaping and building materials, and fire-suppression techniques and resources. Development on hillside areas should adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. New development in

areas of geologic hazard must not be endangered by nor contribute to hazardous conditions on the site or on adjoining properties.

The project must comply with the current Fire and Building Codes.

(12) Visual Focus.

(a) Where visibility exists from roadways and public vantage points, the primary residence should be the most prominent structure on a site. Accessory structures, including but not limited to garages, pool cabanas, accessory dwellings, parking pads, pools and tennis courts, 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.

(b) Accessory structures should generally be single-story units unless a clearly superior design results from a multilevel structure. 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.

The residence will remain the primary structure on the site.

(13) Privacy. Building placement and window size and placement should be selected with consideration given to protecting the privacy of surrounding properties. Decks, balconies and other outdoor areas should be sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping should be provided to protect privacy between properties.

The proposed pool is far from adjacent development and well screened by existing vegetation and privacy is not a concern.

(14) Consideration of Existing Nonconforming Situations. Proposed work should be evaluated in relationship to existing nonconforming situations, and where determined to be feasible and reasonable, consideration should be given to eliminating nonconforming situations as a condition of project approval.

The proposed pool would conform with standard development regulations.

(15) Relationship of Project to Entire Site.

(a) 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.

(b) Proposed work should be viewed in relationship to existing on-site conditions. Pre-existing site conditions should be brought into further compliance with the purpose and design criteria of this chapter as a condition of project approval whenever

reasonable and feasible.

The development of the site is appropriate, when viewed as a whole.

(16) Relationship to Development Standards in Zoning District. The town council may impose more restrictive development standards than the standards contained in the zoning district in which the project is located in order to meet these criteria.

Based on the scale of the residence there is no need to impose more restrictive development standards to meet the design criteria. The proposed floor area is in keeping with the size of other development in the neighborhood.

(17) Project Reducing Housing Stock. Projects reducing the number of housing units in the town, whether involving the demolition of a single unit with no replacement unit or the demolition of multiple units with fewer replacement units, are discouraged; nonetheless, such projects may be approved if the council makes findings that the project is consistent with the neighborhood and town character and that the project is consistent with the Ross general plan.

The project does not reduce housing stock.

(18) Maximum Floor Area. Regardless of a residentially zoned parcel's lot area, a guideline maximum of ten thousand square feet of total floor area is recommended. Development above guideline floor area levels may be permitted if the town council finds that such development intensity is appropriate and consistent with this section, the Ross municipal Code and the Ross general plan. Factors which would support such a finding include, but are not limited to: excellence of design, site planning which minimizes environmental impacts and compatibility with the character of the surrounding area.

The proposed floor area is less than 10,000 square feet.

(19) Setbacks. 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.

No creek is near the development.

(20) Low Impact Development for Stormwater Management. Development plans should strive to replicate natural, predevelopment hydrology. To the maximum extent possible, the post-development stormwater runoff rates from the site should be no greater than pre-project rates. Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. An applicant may be required to provide a full justification and demonstrate why the use of Low Impact Development (LID) design approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

(a) *Maximize Permeability and Reduce Impervious Surfaces.* Use permeable materials for driveways, parking areas, patios and paths. Reduce building footprints by using more than one floor level. Pre-existing impervious surfaces should be reduced. The width and length of streets, turnaround areas, and driveways should be limited as much as possible, while conforming with traffic and safety concerns and requirements. Common driveways are encouraged. Projects should include appropriate subsurface conditions and plan for future maintenance to maintain the infiltration performance.

(b) *Disperse Runoff On Site.* Use drainage as a design element and design the landscaping to function as part of the stormwater management system. Discharge runoff from downspouts to landscaped areas. Include vegetative and landscaping controls, such as vegetated depressions, bioretention areas, or rain gardens, to decrease the velocity of runoff and allow for stormwater infiltration on-site. Avoid connecting impervious areas directly to the storm drain system.

(c) *Include Small-Scale Stormwater Controls and Storage Facilities.* As appropriate based on the scale of the development, projects should incorporate small-scale controls to store stormwater runoff for reuse or slow release, including vegetated swales, rooftop gardens or “green roofs”, catch-basins retro-fitted with below-grade storage culverts, rain barrels, cisterns and dry wells. Such facilities may be necessary to meet minimum stormwater peak flow management standards, such as the no net increase standard. Facilities should be designed to minimize mosquito production.

A drainage plan that complies with the Ross Municipal Code stormwater ordinances has been submitted.

c) The project is consistent with the Ross general plan and zoning ordinance.

(1) *Ross General Plan Policy (RGP) 1.1 Protection of Environmental Resources.* Protect environmental resources, such as hillsides, ridgelines, creeks, drainage ways, trees and tree groves, threatened and endangered species habitat, riparian vegetation, cultural places, and other resources. These resources are unique in the planning area because of their scarcity, scientific value, aesthetic quality and cultural significance.

The site is previously disturbed.

(2) *RGP 1.2 Tree Canopy Preservation.* Protect and expand the tree canopy of Ross to enhance the beauty of the natural landscape. Recognize that the tree canopy is critical to provide shade, reduce ambient temperatures, improve the uptake of carbon dioxide, prevent erosion and excess stormwater runoff, provide habitat for wildlife and birds, and protect the ecosystem of the under-story vegetation.

The project retains mature tree canopies. Certain trees may need to be removed for fire safety.

(3) *RGP 1.3 Tree Maintenance and Replacement.* Assure proper tree maintenance and replacement.

See (2) above.

(4) *RGP 1.4 Natural Areas Retention. Maximize the amount of land retained in its natural state. Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.*

The site retains land in its natural state.

(5) *RGP 2.1 Sustainable Practices. Support measures to reduce resource consumption and improve energy efficiency through all elements of the Ross General Plan and Town regulations and practices, including:*

(a) *Require large houses to limit the energy usage to that of a more moderately sized house as established in design guidelines.*

(b) *Choose the most sustainable portion of a site for development and leaving more of a site in its natural condition to reduce land impacts on the natural environment.*

(c) *Use green materials and resources.*

(d) *Conserve water, especially in landscaping.*

(e) *Increase the use of renewable energy sources, including solar energy.*

(f) *Recycle building materials.*

The landscaping is required to comply with Marin Municipal Water District (MMWD) water conserving landscape requirements, unless exempt.

(6) *RGP 2.2 Incorporation of Resource Conservation Measures. To the extent consistent with other design considerations, public and private projects should be designed to be efficient and innovative in their use of materials, site construction, and water irrigation standards for new landscaping to minimize resource consumption, including energy and water.*

See (5) above.

(7) *RGP 2.3 Reduction in the Use of Chemicals and Non-Natural Substances. Support efforts to use chemical-free and toxic-free building materials, reduce waste and recycle building waste and residential garbage. Encourage landscape designs that minimize pesticide and herbicide use.*

It is unknown if materials are chemical-free or toxic free. Construction and demolition debris must be recycled under existing Town regulations. Proposed landscaping may not minimize pesticide and herbicide use.

(8) *RGP 2.4 Footprints of Buildings. Utilize smaller footprints to minimize the built area of a site and to allow the maximum amount of landscaped and/or permeable surfaces.*

The project largely maintains the landscaped areas of the site.

(9) *RGP 3.1 Building and Site Design. Design all structures and improvements to respect existing natural topographic contours. Open areas and buildings shall be located to protect land forms and natural site features, including cultural places and resources, wherever possible. Where feasible, site development must avoid intact or previously disturbed cultural resources during excavation and grading.*

The project largely maintains existing topographic contours and discovery of cultural resources is unlikely.

(10) *RGP 3.2 Landscape Design. Where appropriate, encourage landscape designs that incorporate existing native vegetation, enhance the cohesiveness of the Town's lush, organic landscape and integrate new planting with existing site features. Plans shall recognize the importance of open space on a lot and shall address the look and feel of the space between structures so as to avoid overbuilding.*

The applicant proposes to maintain the existing landscaping.

(11) *RGP 3.3 Buildings on Sloping Land. New buildings and additions to existing residential buildings constructed on sloping land should be designed to relate to the current landforms with the goal of integrating the building with the site (e.g., step with the slope). Low retaining walls are encouraged where their use would minimize uphill cutting, and large single-plane retaining walls should be avoided. Cut and fill areas and on/off-hauling should be minimized, especially in locations of limited or difficult access. Special care should be taken to final grade all disturbed areas to a natural appearing configuration and to direct stormwater runoff to areas where water can naturally infiltrate the soil.*

Cut and fill is minimized by developing in an area that is terraced with existing retaining walls to minimize cut.

(12) *RGP 3.4 Bulk, Mass and Scale. Minimize the perception of building bulk and mass so that homes are not out of scale, visually or structurally, with neighboring residences and their setting. Consider building bulk and mass during the design review process, and when applying requirements and guidelines addressing Floor Area Ratio (FAR), maximum home floor area and other development standards. Building heights should stay in scale with surrounding vegetation and buildings.*

The pool will be screened with evergreen landscaping

(13) *RGP 3.5 View Protection. Preserve views and access to views of hillsides, ridgelines, Mt. Tamalpais and Bald Hill from the public right-of-way and public property. Ensure that the design look and feel along major thoroughfares maintains the "greenness" of the Town.*

The project is not along major thoroughfare and does not impair views of hillsides and ridgelines.

(14) *RGP 3.6 Windows, Roofs, and Skylights. Window and skylight size, placement and design should be selected to maximize the privacy between adjacent properties. To the extent consistent with other design considerations, the placement and size of windows and skylights should minimize light pollution and/or glare.*

The development is far from adjacent residences and privacy is not a concern.

(15) RGP 3.7 Materials and Colors. Buildings should be designed using high-quality materials and colors appropriate to their neighborhood and natural setting.

See 5(b)(4) above.

(16) RGP 3.8 Driveways and Parking Areas. Driveways and parking areas should be designed to minimize visibility from the street and to provide safe access, minimal grading and/or retaining walls, and to protect water quality. Permeable materials should be used to increase water infiltration. Driveways and parking areas should be graded to minimize stormwater runoff.

The existing driveway will be maintained.

(17) RGP 4.1 Historic Heritage. Maintain the historic feel of Ross by preserving and maintaining historic buildings, resources and areas with recognized historic or aesthetic value that serve as significant reminders of the past.

The former residence was not historic.

(18) RGP 4.2 Design Compatibility with Historic Resources. Require new construction to harmonize with existing historic buildings and resources, and ensure a compatibility of landscaping with Ross' historic character.

The design is compatible with the character of existing development.

(19) RGP 4.4 Preservation of Existing Housing Supply. Discourage the demolition or combining of existing residential units that will reduce the supply of housing in Ross.

The project will not eliminate any housing units.

(20) RGP 4.5 Archaeological Resources. Implement measures to preserve and protect archaeological resources. Whenever possible, identify archaeological resources and potential impacts on such resources. Provide information and direction to property owners in order to make them aware of these resources. Require archaeological surveys, conducted by an archaeologist who appears on the Northwest Information Center's list of archaeologists qualified to do historic preservation fieldwork in Marin County, in areas of documented archaeological sensitivity. Develop design review standards for projects that may potentially impact cultural resources.

The discovery of cultural resources is unlikely since little grading is proposed and the area is not known to have archaeological resources.

(21) RGP 5.2 Geologic Review Procedures. At the time a development is proposed, Ross geologic and slope stability maps should be reviewed to assess potential geologic hazards. In addition, suitability for development must be based on site-specific geotechnical investigations.

The project involves engineering design and review to ensure no hazards.

(22) *RGP 5.3 Fire Resistant Design. Buildings should be designed to be fire defensive. Designs should minimize risk of fire by a combination of factors including, but not limited to, the use of fire-resistant building materials, fire sprinklers, noncombustible roofing and defensible landscaping space.*

The pool is designed for fire resistant design.

(23) *RGP 5.4 Maintenance and Landscaping for Fire Safety. Ensure that appropriate fire safety and landscaping practices are used to minimize fire danger, especially in steeper areas. Due to the high fire hazard in the steeper areas of Town, special planting and maintenance programs will be required to reduce fire hazards in the hills and wildland areas, including removal of invasive non-native vegetation such as broom, acacia and eucalyptus.*

An effective firebreak around the structure is required.

(24) *RGP 5.5 Fire Safety in New Development. New construction will adhere to all safety standards contained in the Building and Fire Code. Hazards to life and property shall be minimized by such measures as fire preventive site design, fire resistant landscaping and building materials, and the use of fire suppression techniques and resources.*

See (22) above.

(25) *RGP 5.12 Access for Emergency Vehicles. New construction shall be denied unless designed to provide adequate access for emergency vehicles, particularly fire fighting equipment.*

The project maintains emergency vehicle access.

(26) *RGP 6.4 Runoff and Drainage. Stormwater runoff should be maintained in its natural path. Water should not be concentrated and flow onto adjacent property. Instead, runoff should be directed toward storm drains or, preferably to other areas where it can be retained, detained, and/or absorbed into the ground.*

The project must comply with the Town stormwater ordinance.

(27) *RGP 6.5 Permeable Surfaces. To the greatest extent possible, development should use permeable surfaces and other techniques to minimize runoff into underground drain systems and to allow water to percolate into the ground. Landscaped areas should be designed to provide potential runoff absorption and infiltration.*

The project must comply with the Town stormwater ordinance.

(28) *RGP 6.6 Creek and Drainageway Setbacks, Maintenance and Restoration. Keep development away from creeks and drainageways. Setbacks from creeks shall be maximized to protect riparian areas and to protect residents from flooding and other hazards. Encourage restoration of runoff areas, to include but not be limited to such actions as sloping banks, providing native Creek access vegetation, protecting habitat, etc., and work with property owners to identify means of keeping debris from blocking drainageways.*

Work is not proposed near riparian areas.

3. Hillside Lot Permit

a) **The project complies with the stated purposes of the Hillside Lot Chapter as follows:**

- (1) *Ensure that development is consistent with the goals, policies and criteria of the general plan;*
- (2) *Protect and preserve public and private open space as a limited and valuable resource;*
- (3) *Preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain;*
- (4) *Protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources;*
- (5) *Limit development to a level consistent with available public services and road access that can be reasonably provided to and within the parcel;*
- (6) *Ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety;*
- (7) *Protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites;*
- (8) *Ensure that development will not create or increase the potential of major financial loss to the town or any other governmental entity through claim or litigation related to physical development of the site.*
- (9) *Reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.*

The project development is proposed in an area of existing development and previously disturbed area. The proposed pool will be finished to recede into the hillside setting.

b) **The project complies with the development regulations of Ross Municipal Code Section 18.39.090, or that the Town Council has considered and approved a variance; and**

No variances are necessary for the project.

c) **The project substantially conforms to the hillside development guidelines in Ross Municipal Code Section 18.39.090.**

(1) *Maximum Floor area. The maximum floor area for lots having thirty percent or greater overall natural slope shall be limited based on the lot slope and lot size using the following formula: Maximum floor area = (0.15 - 0.002S)A - 0.005 (A²/43,560) with A = lot area in square feet, up to a maximum of 3 acres S = slope of the lot, up to a maximum of 55%*

No new floor area is proposed.

(2) *Building setbacks. Minimum yards shall be provided as follows. Building sq. ft. 0-3500 sq. ft. in size: Front 25/Side 25/ Rear 50. Building over 3,501 square feet: Front 25/Side 45/Rear 70.*

The pool is not considered floor area.

(3) *Grading and retaining walls. Grading, cutting and filling and retaining walls should be minimized for hillside development by using building techniques which reflect the natural topography of the site. Applicants should balance cut and fill on site. Graded slopes shall not exceed 2:1. Individual retaining walls shall not exceed a height of six feet. Terraced retaining walls should be at least three feet apart to allow for screening vegetation. The aggregate height of retaining walls should not exceed eighteen feet for any particular slope. Upslope walls up to four feet in height may be constructed of pressure-treated timber. All walls up to six feet in height may be constructed of reinforced concrete block. All other walls shall be constructed of reinforced concrete. Visible concrete and concrete block walls should have an appropriate architectural finish.*

The project involves cut for landscape improvements. New low landscape retaining walls are proposed. They will be primarily visible to residents of the site and comply with the provisions above. The pool wall will be finished in dark wood.

(4) *Architecture.*

(a) *Architectural design should complement the form of the natural landscape.*

(b) *Designs should be well-articulated to minimize the appearance of bulk.*

(c) *Materials and colors should be of subdued tones to blend with the natural landscape.*

(d) *Building design and the placement of driveways should conform to the natural contours of the site.*

(e) *The town council may consider limiting floor area to account for tall wall heights and other volumes that exaggerate the height, bulk and mass of a building but are not included in floor area.*

(f) *Decks, particularly elevated decks, should enhance the appearance of a house and be of a scale and style which are compatible with the house, adjacent development, and the surroundings. The town council may limit deck and patio area based on considerations of aesthetics, potential for noise, bulk and mass, privacy of adjacent sites, and visibility. The maximum guideline area of decks over 18 inches in height (including car decks) is 25% of the maximum permitted floor area for the site under this chapter.*

Any visible pool wall will be finished with a dark wood to complement the landscape and blend in with it.

(5) *Landscape Architecture.*

(a) *Native shrubs and trees should be retained on hillside terrain wherever possible to help reduce erosion and preserve the character of the hillside environment. Newly introduced landscaping shall blend with the site setting.*

(b) *Drought and fire-resistant plantings are recommended.*

(c) *Native vegetation and trees shall be protected from damage during construction.*

(d) *An irrigation system shall be required to establish new hillside landscaping.*

(e) *Landscaping should preserve the penetration of sunlight to neighboring properties.*

(f) *Small patios, terraces and pathways are allowed. They should be porous in nature wherever possible.*

(g) *Fences and walls enclosing a parcel are not recommended. All fences and walls are subject to review as part of the landscaping plan or design review as mandated.*

(h) *Railings should be transparent and compatible with the architectural design.*

Native trees are preserved and new landscaping will have to comply with water district water conserving landscape requirements.

(6) *Views.*

(a) *Hillside development should minimize the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.*

(b) *No building shall be located on a ridge.*

The development will not obstruct views from surrounding property or public vantage points.

(7) *Public Safety.*

(a) *Class A roofing assembly is required.*

(b) *The fire official shall ensure the adequacy of the water supply for fire fighting purposes by requiring water mains and the upgrade of fire hydrants as necessary.*

(c) *Sprinkler systems shall be provided as required by the fire official.*

(d) *Clearance of brush or vegetative growth from structures and driveways shall be in accordance with the California Fire Code and approved by the fire official.*

(e) *Defensible spaces around each building and structure shall be created in accordance with the vegetation clearance requirements prescribed in California Public Resource Code 4291 and California Government Code 51182.*

(f) *Development shall adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code.*

Project is required to comply with current building and fire codes and is intended to improve firefighting water supply sources.

(8) *Geology.*

(a) All newly created slopes shall be planted or otherwise protected from the effects of storm runoff and erosion within thirty days after completion of grading.

(b) Development shall avoid unstable areas on the site, such as slides, severe creep areas and debris flows. Locating improvements in such areas shall be grounds for project denial. Projects plans should include repair of all unstable areas on the site, such as slides, severe creep areas and debris flows, both in the immediate area of the proposed development and elsewhere on the site including any roadways traversing undeveloped areas as required by the town or project engineers.

(c) All slide repair work shall be accomplished under a building permit and the direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work, the engineer or geologist shall submit written confirmation to the town that all work accomplished under his jurisdiction is acceptable.

(d) Erosion control measures shall be required for all development. Erosion control plans shall comply with the County of Marin stormwater regulations and shall meet the National Pollutant Discharge Elimination System (NPDES) permit requirements for Marin County.

The project limits development to previously disturbed areas. The plans will be designed by an engineer. Conditions of approval require erosion control during construction.

(9) Hydrology.

(a) Residences and accessory structures shall not traverse, encroach or impede a natural watercourse or drainage swale.

(b) Site drainage shall be designed by a licensed engineer. The plan shall be designed to produce no net increase in peak runoff from the site compared to pre-project conditions. Site plans should include techniques for low impact development for stormwater management (see design review guideline 18.41.100(t)).

The project does not impair a watercourse or drainage swale and conditions of approval require a licensed engineer to design a drainage plan in conformance with the Town's Stormwater Ordinances.

B. Conditions of Approval, 63 Laurel Grove Avenue Pool

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit.

1. Except as otherwise provided in these conditions, the project shall substantially conform with the plans approved by the Town Council on April 9, 2015. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

2. A structural engineer shall design the pool and the project Geotechnical Engineer shall confirm the plans conform with his requirements.

3. The pool is permitted to move to the south so long as the maximum wall height does not exceed six feet of visible wall, similar to a side yard fence. If the pool is constructed in conformance with the plans, the corner closest to the tree shall be hand dug and the pool shifted as necessary to preserve any significant tree roots as directed by the project arborist.

4. Tree protection shall be installed in the form of fencing around the dripline of the tree and plywood boards to ensure no root compaction.

5. The pool equipment venting shall be directed away from adjacent property as much as feasible (for example, vents or louvres directed on site) and the shed insulated for noise as much as possible.

6. Fire pump equipment shall be screened by landscaping or fire department approved screening.

7. The Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town staff reserves the right to require modifications to the landscape to protect mature trees and to comply with MMWD water conserving landscape requirements or fire code clearance requirements. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final. The applicant may be required to provide additional screening if fire clearance requirements require removal of necessary screening landscaping.

8. 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. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

9. Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum "cut-off" appropriate for the light source so as to strictly control the direction

and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

10. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance or exemption. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance with MMWD’s requirements shall be submitted to the building department prior to project final.

11. Applicants shall comply with the requirements of the Ross Valley Sanitary District prior to project final.

12. The applicant and contractor should note the Town of Ross working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).

13. 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.

MINUTES
Regular Meeting of the
Ross Advisory Design Review Group

Tuesday, February 26, 2013

1. 7:00 p.m. Commencement.

Jim Kemp called the meeting to order at 7:00 pm. Jim Kemp, Mark Fritts, Peter Nelson, Eric Soifer, Chris Neumann and Mark Kruttschnitt were present.

2. Approval of October 30, 2012, November 27, 2012, and January 22, 2013 Minutes.

The ADR Group approved the November and January minutes.

3. Open Time for Public Comments.

(Limit 3 minutes per speaker on items not on agenda)

No one wished to speak during public open time.



4. 63 Laurel Grove Avenue (also known as 63 Monte Alegre Road); Brad Oldenbrook, Owner; Pacific Design Group, Design Professional; A.P. Numbers: 72-131-19, 072-131-25 and 072-131-26; Zoning R-1:B-A (Single Family Residence, 1 acre minimum lot size); General Plan Designation Very Low Density (.1-1 units per acre); Flood Zone X (area outside the 1% annual chance floodplain)

Review of plans that would require Town Council approval of design review, demolition permit, hillside lot permit and setback variance for the following: 1.) 3,355 square foot addition to the 2,295 square foot residence and garage, partially within the required Hillside Lot Ordinance west side yard setback (45 feet required, 17.5 feet existing and proposed); 2.) modifications to materials, windows, and doors on each elevation of the residence; 3.) new detached 511 sq. ft. 2-car garage with 653 square foot upper level second unit; and 4.) landscape improvements including new deck area and front gate. Total floor area of 7,078 square feet is proposed. A tree removal permit would be required to remove one 22" oak. The project involves removal of other trees that are not protected under Town regulations.

Gross Lot Size	149,322 square feet
Lot Area (less roadway easement)	139,192 square feet
Existing Floor Area Ratio	1.8%
Proposed Floor Area Ratio	5.0% (15% permitted)
Existing Lot Coverage	1.2%
Proposed Lot Coverage	2.8% (15% permitted)
Existing Impervious Surfaces	2.8%
Proposed Impervious Surfaces	3.3%

Ed Blankenship and Richard Berling, project architects, were present with applicant Brad Oldenbrook. Mr. Blankenship described the project and plans.

Mrs. Hale suggested that they consider the corner where the garage is proposed, because it appears weak.

Chris Neumann pointed out that the property line for the neighbor to the northwest is further from the fence line. The ADR Group reviewed the fence located versus the property line.

Colin Lind, former owner of 30 El Camino Bueno, was present. He rented 63 Laurel Grove from the prior owner. In 2007 He tried to purchase the site and had Walker Warner architects do due diligence and obtained slope information from William Schroeder. He questioned the floor area proposed for the site since his research revealed the development potential was severely limited due to a slope of 35%, road easement bisecting the property, setbacks, mature trees and flat area of the site on a ridge. He did not believe the rules would permit the applicant to build on a ridge top and greatly expand the mass of the building.

Elise Semonian indicated that the hillside lot setbacks would apply to the main residence and staff would consider supporting a variance since strict application of the hillside lot setbacks would direct the development to the least stable portions of the site. Staff indicated that the floor area proposed complies with the Hillside Lot Floor area ratio even if the lot is considered to have a 35% slope. Staff agreed to address the setback issue, floor area and ridge issue prior to a future meeting.

Peter Barry, Wellington resident and neighbor of Carla Buchanan (who was unable to attend the meeting), stated that the Hillside Lot guidelines are directed to limit mass and bulk. He indicated that the project is in a setback, has too much bulk and mass, and the applicants must demonstrate a hardship to get a variance.

The owner and architect indicated that the detached unit is not in the setback. Jim Kemp recommended that they add the setbacks to the drawings, because that was not clear.

Chris Neumann pointed out that Ms. Buchannan has a similar structure with a garage and unit on the hillside.

Barbara Gaffney, 51 Laurel Grove, asked if there would be a swimming pool and the applicant clarified that no pool is proposed.

Robert Twiss, Laurel Grove resident, requested the development to be located away from the water lines and easement and to be aware of the hillside slope stability and road issues. They have experienced construction for many years and construction management and noise control are important to him. He requested the applicant to use the address of Laurel Grove and not Monte Allegre, which is not the official street name. He suggested giving thought to stabilizing

the driveway hillside and staying within the character of the neighborhood with height, bulk and mass.

Jennifer Maxwell, 47 Laurel Grove, was not in favor of the project. She believed it was overbuilding the site and it does not comply with the setbacks, which are important for privacy and character. She believed the footprint should be kept the same. She had concerns with privacy the proposed deck was unacceptable to her since she believed it would provides views of her residence. She said that screening bay trees will be removed for fire clearance requirements (the applicant indicated he did not plan to remove the trees). She was also concerned with soil stability, increased traffic up the driveway, location on a ridge top and anything larger than what is there. She believed the project would be subject to environmental review.

Mr. Hale and his wife, who live next to the site, wanted to speak to the applicant before the meeting. They have witnessed slides on the road and on their own property. He took issue with the second floor family room that creates 30 vertical feet of building that will be imposing from the road. The roof eaves will extend even further towards the road. He was concerned with drainage issues and water on the property. His floor area was limited under the hillside ordinance and he would like more expansion potential on his site if this application were approved.

Peter Nelson noted the offsite road conditions and the slide at the bottom of the hillside, which should be addressed. He was concerned with the corner that faces the driveway entrance, since it is pushed further over in a negative way. The road should be wide and stable for fire access. He suggested the applicants provide a section to show how the landscaping and views will work for the northwest neighbor so that they can see more graphically where everything is located and how many feet of screening is needed to screen the view from below. The garage is buried in the hill but the house above it may have a lighthouse effect and may be more of a mass than meets the criteria of neighbors and sensibility.

Mark Kruttschnitt indicated that the garage/unit structure may be seen from the neighbor. He indicated that residents are allowed to build new structures that comply with setbacks. They can install landscaping to screen it from neighbor view and he suggested that additional landscaping may screen the structure so that it is not as visible.

Chris Neumann suggested the applicant work with the northwest neighbor on an agreement regarding the fence, landscaping, and property line so that the applicant does not move the fence to the property line in the future. Both parties may have their interests protected with an agreement.

Eric Soifer did not believe the applicant had communicated that well with the neighbors. He noted they will be constructing the project for a long time and encourage more communication.

Mark Fritts was concerned with the house corner near the driveway and suggested pulling the second floor back. He felt the bulk and mass proposed was significant and full story pole tape would reveal this. He suggested softening the design, setting back the second floor to provide some relief on the mass and to avoid the ridgeline effect. He suggested mitigating the unit over the garage to reduce impacts for the neighbor. Trying to screen where there is a view is difficult. There is not that much space between the fence line and the building.

Jim Kemp felt a lot of area is being included, such as two full garages, which increases the mass and adds to floor area and lot coverage. He suggested reducing it to one car and pulling everything from the road to stay within the line of the existing structure. With some concessions the second floor space could work. He suggested lowering the ceiling height in the unit to 8 feet and to consider putting it south of where it is proposed.

Barbara Gaffney, Laurel Grove resident, asked if the applicant will live there.

The applicant indicated he is a builder, his wife is an interior designer, and they sometimes live in the projects they build as they go. They want to have community around them. They tried to communicate with neighbors and have an open house for everyone, but someone was always out of town. He indicated that he spoke with Mrs. Hale prior to the meeting. He would be happy to add landscape screening for them. He indicated Jennifer Maxwell did not return his emails. He offered an easement to maintain the privacy between the sites so she can maintain the trees necessary for screening and he was interested in more room around the water tank area. He had no intent to move the fence down to the property line towards the northwest neighbor and offered an exclusive use easement for that neighbor.

The ADR (Kemp, Nelson, Soifer, Neumann, Kruttschnitt) made the following recommendations:

- Mitigate the design at the driveway frontage
- Mitigate and reduce the mass of the residence
- Consider and study a variation for the location and/or orientation of the garage/unit to lower the mass as much as possible and consider reducing the 3-foot overhangs.

5. **20 A Sir Francis Drake Boulevard; Jack and Beverley Domet, Owners; Robert Brockman, Design Professional; A.P. Number 72-241-41; Zoning R-1:B-A (Single Family Residence, 1 acre minimum lot size); General Plan Very Low Density (.1-1 units per acre); Flood Zone X (area outside the 1% annual chance floodplain)**
Review of plans that would require Town Council approval of design review, demolition permit and variances for the following: 1.) remodel and addition to residence; 2.) demolition of garage and construction of new attached garage, partially within north side yard setback (25 feet required, 10 feet proposed); 3.) landscape improvements

MINUTES
Regular Meeting of the
Ross Advisory Design Review Group

Tuesday, March 26, 2013

1. 7:00 p.m. Commencement

The meeting commenced at 7:05 p.m. Jim Kemp, Peter Nelson, Eric Soifer, and Chris Neumann were present.

2. Selection of Chair and Vice Chair

The Advisory Design Review (ADR) Group postponed selection of a chair and vice chair.

3. Approval of Minutes

The ADR Group approved the February 2013 meeting minutes.

4. Open Time for Public Comments.

Pat McGregor, resident of Poplar Avenue adjacent to Allen Park, was concerned with mountain biking in the park and the damage it is causing to trees and landscaping. The Town put up signs but they were all removed. He would like the Town to take some action on the issue. Carla Small indicated that she would speak with the town manager to have the issue on a Council agenda for some resolution.

5. Location: 63 Laurel Grove Avenue

Owner: Brad Oldenbrook

Design Professional: Pacific Design Group

A.P. Number: 72-131-19, 072-131-25 and 072-131-26

Zoning: R-1:B-A (Single Family Residence, 1-acre minimum lot size)

General Plan: Very Low Density (.1-1 units per acre)

Flood Zone: Zone X (area outside the 1% annual chance floodplain)

Review of plans revised since the February 26, 2013, Advisory Design Review Group meeting for a project that would require Town Council approval of design review, demolition permit, hillside lot permit and variances from the Hillside Lot Ordinance for the following: 1.) addition to the residence and garage, partially within the required Hillside Lot Ordinance west side yard setback (45 feet required, 17.5 feet existing and proposed); 2.) modifications to materials, windows, and doors on each elevation of the residence; 3.) new detached 539 sq. ft. 2-car garage; and 4.) landscape improvements including new deck area and front gate. Total floor area of 6,897 square feet is proposed. A tree removal permit would be required to remove one 22" oak. The project involves removal of other trees that are not protected under Town regulations.



Gross Lot Size	149,322 square feet
Lot Area (less roadway easement)	139,192 square feet
Existing Floor Area Ratio	2,559 sq. ft. 1.8%
Proposed Floor Area Ratio	6,897 sq. ft. 4.9% (15% permitted)
Existing Lot Coverage	1,731 sq. ft. 1.2%
Proposed Lot Coverage	3,905 sq. ft. 2.8% (15% permitted)
Existing Impervious Surfaces	2.8%
Proposed Impervious Surfaces	3.3%

Ed Blankenship described the revisions made to the project. They believe that the floor area complies with the Town regulations based on the site slope. He did not believe they were building on a ridge, but on a pad area where a house is already built.

Robert Twiss clarified that they will be able to turn cars and a fire truck around in the area where a gate was proposed. Mr. Twiss was also concerned with the high pressure lines near the development.

The project architect indicated that they are working with the water district to relocate the water meters outside of the gated area. The project architect confirmed they were not encroaching in to the easement area and they are not proposing any new landscaping and would maintain existing landscaping in the area.

Carla Buchanan asked about the landscape plan for the knoll and the garage, which is 11 feet tall.

Attorney Neil Sorensen was present to represent Jim and Donna Hale, also present. The Hale's reside to the north at 69 Laurel Grove. He questioned the calculation of slope and wished to have that resolved before any decision was made. He believed the slope, which was calculated with a meandering line from low to high points and not a straight line would be different with a straight line. The Town's ordinance requires a geologist and drainage report and there is instability and drainage problems that must be addressed up front before they design the project. Regarding the design, progress has been made but is a long way from complying since it is too big, located on a ridge line, and violates several provisions of the Ross Municipal Code Section 18.41.100, such as avoiding monumental single planes. He compared the design to a Motel 6, exasperated by being located on a ridge. The house would be located very close to the cut bank on the corner of Laurel Grove, which will have the effect of looming over the driveway as people drive up. He suggested pushing it back further to the south and away from that area. The Town's guidelines recommend eliminating nonconformities with new designs and they have not done that. Fire safety is a concern and he did not believe the project provided adequate water supply. Progress has been made but he recommends increasing the setback and changing the design.

Dave Werdegarr, Baywood Avenue, across the valley from the site, indicated that a half dozen homes would look down on this property. He believed it was a massive structure, particularly compared to the site on which it sits, and questioned what would happen to the foliage to screen it. He asked for the roof materials, since they are looking down on it. The skylight in the tower may shine light up in the valley and will be disruptive on those that look down on it at night. The square footage utilized to determine floor area includes much land that is not usable and downhill in a forest. So, the ridgeline consideration is a very important consideration.

Jennifer Maxwell, owner of two adjacent properties, wanted to ensure that existing residences can maintain their privacy and home equity, which is at risk with inappropriate development. She favored maintaining the small existing residence and believed that the priority should not be on making money. The size should be the same or slightly larger than the existing residence. She suggested 3,500 sq. ft. would be appropriate to maintain privacy and the integrity of the environment in the neighborhood. The building envelope is not 3 acres. She believed her privacy will be severely impacted by the project. The house is too massive and three times the existing house.

The architect indicated that there is no plan to remove the screening between the sites.

Staff explained that the floor area was calculated based on town engineer's calculation of slope. Two slope calculations were prepared by two town engineers and the project complies with both results. The most recent calculation is consistent with the way the Town has calculated lot slope since the definition was revised to run the line perpendicular to the contours.

The project architect indicated that the skylight could be tinted glass to control the light source. The roof is built up roofing.

Carla Buchanan, Wellington Avenue, believed the garage wall will loom over her garden and the excavation will spoil the knoll. The second garage structure is requested despite the insult to the landscape. She was opposed to the door on the side of the garage facing her property and was concerned with the privacy impact for her garden and seating area. The knoll is a beautiful natural landscape with no history of slides, instability or drainage. To excavate the knoll for the garage may immediately affect the stability of her property. She left a copy of her letter for the ADR group.

Peter Nelson indicated that the residence and second floor provides views towards the adjacent site today and the proposed decks are not more extensive than the existing decks. There is no plan to take down the tree and he suggested independent monitoring by someone that is not working for the developer. He believed the mass at the street seemed like a lot on the street and bringing it back could minimize its impact on the street. He believed it was an improved design but felt it was still remarkably close and looming. Most development would have a setback from a street. He believed it was definitely a ridgeline since it faces downhill one way and downhill the other way. He suggested considering a single story near the street and

having single story area violate the setback on the other side. Moving the second garage to another area could pull it away from the others and out of the knoll.

Eric Soifer noted that the corner still feels very heavy at the street and suggested shifting it to the south and pulling it away from the street. However, he recognized that they are trying to maintain the setback line for the neighbors. He would reconsider the whole concept of a second garage.

Chris Neuman was not concerned with the area near the road and noted that there is only one house beyond this site and it is not Sir Francis Drake Boulevard or an area where the Town as a whole is affected by the design. He suggested that they discuss formalizing and protecting the neighbor’s landscaped area so that a future owner does not take back her backyard.

Jim Kemp believed the response to the comments at the last meeting was great. They listened to people and the ADR Group and came back with a much better project and better solution to the garage. He believed it will be blended in to the hill and a non-issue. Landscape can be used to make it disappear and respect the neighbor. He agrees that the corner is a very sensitive spot and recommended that they see what they can do to minimize the impact. He does not want to tell them to eliminate the second story, but would let the architects find a way to make it work. He suggested reducing the size of the skylight or making some compromise for the uphill neighbors.

The project architect indicated that a soils engineer will be retained.

- 6. Location: 110 Winding Way**
- Owner: Kimberly Nunes**
- Design Professional: Selander Architects**
- A.P. Number: 72-101-02**
- Zoning: R-1:B-5A (Single Family Residence, 5-acre minimum lot size)**
- General Plan: Very Low Density (.1-1 units per acre)**
- Flood Zone: Zone X (area outside the 1% annual chance floodplain)**

Review of plans for a project that would require Town Council approval of design review, demolition permit and hillside lot permit for the following: 1.) new lap pool to the rear (northeast) of the residence and associated retaining walls; 2.) hot tub and pool equipment within rear yard setback (40 feet required, 30 feet proposed); 3.) remodel of the existing residence including new windows and siding on each elevation; 4.) one room addition over the garage; 5.) new detached guest house and studio 6.) landscape modifications including new retaining walls, re-grading the driveway, and new vehicle entry gate; 7.) encroachment permit for new fencing and pedestrian gate within the Winding Way right-of-way. Total grading of 383 cubic yards is proposed.

Lot Area	51,694 square feet
Existing Floor Area Ratio	2,711 sq. ft. 5.2%
Proposed Floor Area Ratio	4,394 sq. ft. 8.5% (15% permitted)

3. 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.

Council Member Hoertkorn reconvened her position on the Town Council.

19. 63 Laurel Grove Avenue, Variance, Design Review, Hillside Lot and Demolition Permit No. 1914

Brad Oldenbrook, 63 Laurel Grove Avenue, A.P. Nos. 72-131-19, 072-131-25 and 072-131-26 (merged into a single site by the Town in 1985), R-1:B-A (Single Family Residence, 1-acre minimum lot size), Very Low Density (.1-1 units per acre), Zone X (area outside the 1% annual chance floodplain). Public hearing for the Town Council to consider an application for design review, demolition permit, hillside lot permit and Hillside Lot Ordinance setback variance for demolition of the existing residence and accessory structures and construction of a 5,461 sq. ft. residence, attached 495 sq. ft. garage, detached 504 sq. ft. garage and 204 sq. ft. pool cabana. Proposed materials are natural Western Red Cedar horizontal siding, “warm gray” stucco siding and metal-clad windows. The residence would be partially within the required Hillside Lot Ordinance west side yard setback (45 feet required, 15 feet proposed to closest building wall). Proposed landscape improvements include a new deck area and swimming pool. A tree removal permit is required to remove one 22” and one 24” oak. The project involves removal of other trees that are not protected under Town regulations. The Town Council will consider if a variance from the Hillside Lot Ordinance provision, “No building shall be located on a ridge” is necessary to replace the existing structure. A Categorical Exemption from CEQA under CEQA Guideline Sections 15302 (replacement of existing structures) and 15303 (one single-family residence) will also be under consideration. The existing residence does not conform to the required side yard setback.

Gross Lot Area	149,322 sq. ft.	(3.43 acres)
Lot Area (less road easement)	139,192 sq. ft.	
Existing Floor Area Ratio	2,295 sq. ft.	1.6%
Proposed Floor Area Ratio	6,664 sq. ft.	4.8% (15% permitted)
Existing Lot Coverage	1,731 sq. ft.	1.2%
Proposed Lot Coverage	3,269 sq. ft.	2.4% (15% permitted)
Existing Impervious Surfaces	5,284 sq. ft.	3.8%
Proposed Impervious Surfaces	5,418 sq. ft.	3.9%*

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report.

Ed Blankenship, architect, thanked staff for guiding them through the process and neighbors for their involvement. They removed the detached garage. In terms of impervious surfaces, they have a different number than indicated, which is 3.5% and after removal of the garage it will be less. They are proposing a modern format in order to maintain plate heights and a flat roof. They have a two-story home with a two-car garage. They propose a dark stucco finish accented with red cedar and a dark roof. The home has an opportunity to open up the front and rear. They have fire issues in terms of water pressure so they installed 10,000-gallon tanks beneath the existing deck. The screened deck will be reduced in size in order to maintain the neighbors privacy. The tree near the entry to the house will be removed. The most important tree is the giant oak tree in the backyard. The plan proposed a lot of landscaping around the neighbor to the west. The planting plan proposed maintains existing privacy. He further noted that they reorganized the front entry to the driveway entrance off Laurel Grove, which allows more landscaping in that area.

Mayor Russell opened the public hearing on this item.

Neil Sorensen, attorney, representing Jim & Donna Hale, Laurel Grove residents, explained that his clients are not opposed to a remodel, but have a few concerns. The major concern is the integrity of the roadway. It is a narrow, steep private road that is very unstable. The applicant's soils engineer indicated that the steep bank will erode, which is not acceptable and must be addressed. They also expressed concern for the construction management plan, which they requested be strengthened. They want to keep all parking and staging off of the private roadway and desired the opportunity to review the construction management plan before the building permit is issued. The property consists of three lots and there was a question about merging the lots and they object to two more homes and would appreciate it if the properties were merged.

Jennifer Maxwell, Laurel Grove resident, submitted a letter for the Council's consideration in regard to a potential lawsuit and reiterated that the Town must follow the ordinances. As it exists today, the property in question is 13 ft. away from her property. The proposed house is three times larger than the existing and it will greatly impact her property. She believed the FAR should be determined by the buildable portion of the lot, which is very small. Her solution is to build a structure close to the existing size in order not to impact every neighbor. She pointed out that it is the job of the Council to make sure all residents in Ross are protected. She further objected to the plan proposed.

David Werdegar, Ross resident, noted great concern for this very obtrusive project. He expressed concern for a lot of foliage being lost and having to view a roof without any screening softening its appearance. He hoped the oak trees can be maintained and not removed in order to provide screening. The landscaping plan is critical for how this home will appear across the valley. He further noted that his home is directly across from the proposed project.

Architect Blankenship discussed the tree planting plan and pointed out the trees that would be removed, replaced and maintained. He pointed out that the bay trees will provide a top canopy in terms of screening. The dark roof material proposed will not be reflective. Also, they proposed a substantial traffic and construction management plan. In terms of the roadway, they propose riprap to address the entire roadway with a wall system. At this point, it is identified in their soils report that it must be watched and maintained.

Brad Oldenbrook, applicant, stated that vegetation is growing along the hillside. He added that Mrs. Maxwell planted along the swale and he would be happy to propose planting along the wall.

Council Member Small asked staff if the three lots have been merged together. Senior Planner Semonian responded in the affirmative, but there is no legal description shown on the maps. Staff submitted a corrected merger with the actual map boundaries in order to have it reflected in the parcel books. The merger has been recorded with the County.

Mayor Russell asked staff the standards for granting a variance on the ridgeline. Senior Planner Semonian responded that all standards are outlined in the staff report as well as the findings that must be made, which are located on page 7 of the staff report.

Council Member Brekhus asked staff how much of the acreage of this property is across the roadway. Senior Planner Semonian believed around 2 acres. All the adjacent sites have the same situation. The Town could consider a policy as with other communities that if there are unbuildable areas that the floor area can be reduced on that basis, but currently the Town has no such guideline.

Attorney Sorensen pointed out that the parcel must be re-recorded in order for the lots to be properly merged. Town Attorney Greg Stepanicich indicated that it would be a condition of approval. In regard to a potential lawsuit, staff provided findings proposed for a variance. He added that variances could be subject to a dispute as to whether the findings are sufficient or not. In this particular case, there seem to be a sufficient factual basis for the Council to make those findings. It is the Council's discretion as to whether the criteria staff set forth in the staff report has been met in this particular case. In regard to the requirement of the zoning ordinances that there be no construction on the ridge, there has been historical fact to not apply to rebuilding. It is more appropriate to treat this as a variance and for the Council to make the findings of a variance rather than past interpretation of the ordinance. It is a stronger position of the Town to actually make the findings for a variance in this case.

Council Member Small stated historically, at least in the last 20 years, the discussion that is most famous in this Town for the ridgeline is all new construction. The major one is the Berg property that went all the way to court and that may give reason why the Town should make adjustments. The other issue has been with the Glasser property on Upper Toyon, which was also new construction.

Senior Planner Semonian hesitated with the variance because it will be a bigger impact to everyone else that has a home on the ridge. There are special findings for this site to approve a variance, but other sites may not.

Council member Small pointed out that they have the hillside lot ordinance, which reduces the square-footage. Some of the homes on the ridge right now could not be built today with the hillside lot ordinance so that has reduced the size and the amount of square-footage allowed.

Town Attorney Stepanicich explained that when there are conditions of approval on a project, those conditions are attached to the property and becomes binding on the property owner. For that reason they normally do not require an actual signature of the applicant, but that is an extra step that can be taken in this case. They can require the applicant in this case to sign an indemnification.

Mayor Pro Tempore Kuhl stated that the Council is bound to make what they think is the right decision irrespective of whether the Town is being threatened with a lawsuit. He did not believe this would put the Town in financial difficulty because they can receive a full indemnity from the applicant.

Council Member Small agreed that they can include additional conditions, but they cannot deprive an applicant of their property rights. They must be very careful with their conditions. She desired further study on the roadway and bank issue. She is concerned about the safety of that hillside and wanted a better feel on the impact of construction.

Council Member Brekhus noted that the ordinance indicates that there is no construction on the ridgeline. Obviously, lots of individuals have homes on hillsides, but that ordinance is problematic and it must be reviewed. She expressed concern for the setback violation to the fence line of the other lot. This is a long, narrow lot that has a steep hillside surrounded by another property. The house will appear as a big looming house over the roadway. The hillside must be maintained. She further added that the current plan is not appropriate as designed.

Council Member Hoertkorn stated that the applicant is allowed the square-footage. She appreciated the fact that they removed the detached garage, which was certainly an issue for the neighbors. They are within their rights to do this. The existing house is 15 ft. away from the lot line now. She then asked staff if that roadway is destroyed in anyway is it their responsibility to fix it. Senior Planner Semonian explained that it is an easement that serves two properties. Town Attorney Stepanicich must look at the easement set forth and also review the provisions on joint ownership fees. He must review the language that addresses the responsibility of adjacent property owners.

Council Member Hoertkorn believed trading out the oak tree for the water tank makes total sense. She believed the landscaping plan will soften the appearance. She further cannot deny individual property rights. Council Member Brekhus pointed out that they are proposing to extend the house further out into the setback. Senior Planner Semonian explained that the

house was shifted back toward the setback in response to the Advisory Design Review (ADR) suggestions.

Senior Planner Semonian suggested having the applicant come back with a plan to repair the road.

Council Member Brekhus believed the mass of that house is too much for this site due to the lot configuration being long and narrow.

Mayor Pro Tempore Kuhl asked the applicant if he desired a continuance in order to address some of these issues. Senior Planner Semonian hoped the Council could make a decision on the project, but continue in order for staff to return with a resolution with findings and conditions that clarify all the extra conditions and put in writing all the additional findings as discussed tonight. Town Attorney Stepanicich agreed that there are conditions that need further clarification and detailed. For example, with respect to the roadway, it should address if there is any damage to the hillside that occurs from construction must be repaired as well. He recommended directing staff to come back at the next meeting with revised conditions and findings for the Council's consideration. The hearing would be on the revised findings and conditions at that point in time.

Senior Planner Semonian outlined the conditions discussed by the Council as follows:

- Expand on protection of the road and hillside during construction
- Construction management plan to be reviewed by neighbors prior to approval
- All staging to be located on the site
- Three lots being merged and recorded
- Garage being deleted from plan
- Non metallic light fixtures
- 1:1 tree replacement with the selection of the location to maximize privacy
- Review landscape plan

Council Member Small stated that the residents must understand that they have a full time fire inspector and the codes are stricter. As far as landscaping, they are use to be shrouded with trees, and that is not being approved due to fire risk.

Mayor Russell requested that the findings with respect to the variance provide more detail and examples in the staff report in order to justify the setback variance.

Ross resident asked the Council to stay sensitive to the spirit and purpose of the general plan regarding the hillside lot ordinance, which was that there be no looming structures. To play with the hillside lot ordinance or try to hone in on the interpretation of the general plan in that regard, she hoped the Council will be sensitive that the spirit of that was very much about size and bulk, not to strip individuals of there right to build.

Mrs. Maxwell stated that she is a very reasonable person and the applicant has not approached her to try and work this out in order to avoid litigation. She has rights and objected to a looming

structure over her property. She would like to work it out but no concessions have been made, which is not fair. It is on a very steep slope and she is asking that the house be made smaller.

Council Member Brekhus indicated that the goal is to not allow very large visible homes on the ridgeline.

Town Attorney Stepanicich stated that the motion would be to continue the matter for staff to prepare revised conditions of approval and appropriate findings.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Russell asked for a motion.

Mayor Pro Tempore Kuhl moved and Council Member Hoertkorn seconded, to continue 63 Laurel Grove Avenue, Variance, Design Review, Hillside Lot and Demolition Permit No. 1914 to the July Town Council meeting in order for staff to prepare revised conditions of approval and appropriate findings. Motion carried unanimously.

End of Public Hearings on Planning Applications.

Town Attorney Stepanicich left the Town Council meeting at 10:55 p.m.

20. No Action Items:

a. Council correspondence received

- Recent crime activity in Winship Park neighborhood. A Community Safety Committee meeting is to be scheduled in July.

b. Future Council items

- Agendize Eric Greenberg for July Town Council meeting.

21. 18 Southwood Avenue, Tree Removal Permit No. 2012073

*****This item has been removed at the applicant's request.***

Nan and Robert Foster, 18 Southwood Avenue, A.P. No. 73-151-03, R-1:B-20 (Single Family Residence, 20,000 sq. ft. minimum lot size), Low Density (1 - 3 units per acre), Zone X (outside special flood hazard area) and Zone A (creek channel only). Town Council consideration of tree removal permit to remove one 30" (diameter at breast height) Valley oak (*Quercus lobata*), located at the rear and north side of the house.

22. Adjournment.

Mayor Russell moved to adjourn the meeting at 11:14 p.m.

P. Rupert Russell, Mayor

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- Document retention program
- Emergency plan update
- Public safety facility review
- OBAG capital improvement design
- Sheetpile wall/parking lot stabilization
- Temporary sign ordinance
- Website enhancements
- Winship Bridge design engineering

Town Manager Braulik thanked the Council, Town staff and community for their efforts on what has been accomplished.

Council Member Hoertkorn noted that the next two years will be extremely challenging and the Town is very lucky to have Town Manager Braulik's leadership. She asked staff to provide a synopsis of what is occurring in order to inform the Town. Council Member Russell agreed and suggested placing this presentation on the Town's website for all to view. He further added that the Town is very grateful to Town Manager Braulik.

11. Town Council consideration of introduction of Ordinance No. 645 to amend Title 18 "Zoning" of the Ross Municipal Code Chapter 18.46 Regarding Improvement of Basement and Attic Areas for Storage and Living Space. The amendment would clarify the 35 cubic yard excavation limit.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council introduce Ordinance No. 645 to amend Title 18 "Zoning" of the Ross Municipal Code Chapter 18.46 regarding improvement of basement and attic areas for storage and living space. The amendment would clarify the 35 cubic yard excavation limit.

Senior Planner Semonian modified Section No. 1 by adding the following language: *"For newly created floor area for basement."*

Mayor Kuhl opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Kuhl asked for a motion.

Council Member Russell moved and Council Member Hoertkorn seconded, to waive further reading and introduce Ordinance No. 645 to amend Title 18 "Zoning" of the Ross Municipal Code Chapter 18.46 regarding improvement of Basement and Attic Areas for Storage and Living Space as amended by staff. Motion carried unanimously.

Public Hearings on Planning Applications.

12. 63 Laurel Grove Avenue, Variance, Design Review, Hillside Lot and Demolition Permit No. 1914

Brad Oldenbrook, Ross Commons Holding Company, 63 Laurel Grove Avenue, A.P. Nos. 72-131-19, 25, 26, R-1:B-A (Single Family Residence, 1-acre minimum lot size), Very Low Density (.1-1 units per acre). Public hearing for the Town Council to consider an application for design review, demolition permit, hillside lot permit and Hillside Lot



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Ordinance setback variance for demolition of the existing residence and accessory structures and construction of a 5,461 sq. ft. residence, attached 495 sq. ft. garage, and 204 sq. ft. pool cabana. Proposed materials are natural Western Red Cedar horizontal siding, “warm gray” stucco siding and metal-clad windows. The residence would be partially within the required Hillside Lot Ordinance west side yard setback (45 feet required, 15 feet proposed to closest building wall). Proposed landscape improvements include a new deck area and swimming pool. A tree removal permit is required to remove one 22” and one 24” oak. The project involves removal of other trees that are not protected under Town regulations. The Town Council will consider if a variance from the Hillside Lot Ordinance provision, “No building shall be located on a ridge” is necessary to replace the existing structure. A Categorical Exemption from CEQA under CEQA Guideline Sections 15302 (replacement of existing structures) and 15303 (one single-family residence) will also be under consideration. The existing residence does not conform to the required side yard setback

Gross Lot Area	149,322 sq. ft.	(3.43 acres)
Lot Area (less road easement)	139,192 sq. ft.	
Existing Floor Area Ratio	2,295 sq. ft.	1.6%
Proposed Floor Area Ratio	6,160 sq. ft.	4.4% (15% permitted)
Existing Lot Coverage	1,731 sq. ft.	1.2%
Proposed Lot Coverage	2,765 sq. ft.	2.0% (15% permitted)
Existing Impervious Surfaces	5,284 sq. ft.	3.8%
Proposed Impervious Surfaces	4,914 sq. ft.	3.9%

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report with the following amendments:

- Condition No 2 – Clarify that a pool is not included in the approved plan.
- Condition No 9 – The landscape plan shall be modified to include new erosion control and slope stabilizations measures on the cut banks above the roadway intended to maintain soil and prevent erosion. The vegetation plan for this area shall be designed in consultation with the project geotechnical engineer and reviewed and approved by the Town Engineer.
- Condition No. 25 – Town Engineer recommended that the drainage plan shall include measures prevent any migration of water from the driveway to the roadway. The drainage plan shall also address the outfall of the 9” storm drain east of the roadway and shall include a proper dissipation system to prevent erosion.
- New Condition No. 43 - 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 (“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

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

Mayor Pro Tempore Brekhus indicated that Council members have viewed the site and additionally, she along with other Council members viewed this project from the neighbors' ridgeline view as well. Senior Planner Semonian provided photographs from the Baywood Avenue perspective. The owner of 69 Laurel Grove is concerned with the installation of landscaping east of the roadway, which would require a cut in the road for irrigation. In staff's opinion it would not be that difficult to install irrigation and repair the cut in the roadway.

Council Member Small commented on the trees and believed the trees like the grand oak should be treated now to ensure its health. Senior Planner Semonian agreed to add such language to the tree protection condition.

Council Member Russell asked staff to address the slope calculation. Senior Planner Semonian stated that Attorney Paul Smith representing Jennifer Maxwell submitted a letter in regard to the calculation of slope for this site. The Town has two slope calculations by two different Town Engineers, and the project complies with all slope calculations. Another issue raised in the letter has to do with impervious surfaces, and a condition of approval is required of the project to be limited to existing impervious surfaces. The applicant indicated that it is lower now since the pool and garage were eliminated from the plan. To allow for flexibility, staff would recommend limiting to existing levels.

Council Member Small pointed out that two projects are being discussed tonight, 63 Laurel Grove and 128 Winding Way. She pointed out that 126 Winding Way has used an area that will be off limits to construction vehicles, so it is very important for the contractors of 63 Laurel Grove and 128 Winding Way to understand that staging their large vehicles on Laurel Grove at the exit of that driveway will no longer be feasible.

Senior Planner Semonian pointed out that in the letter of opposition the project was compared to a CEQA case. Staff indicated the case involved the construction of a 6,400 sq. ft. home in Berkeley and also involved construction of a 3,390 sq. ft. garage, which was a significant factor of that case. Opponents of that case argued that there would be significant retaining walls and grading, so it was more than just a large house.

Mayor Kuhl opened the public hearing on this item.

Paul Smith, attorney, representing Jennifer Maxwell, reviewed the staff report and neighbor emails attached, and saw a dominate reoccurring theme, which is essentially the proposed house is too large for this particular site. The main concern about this application is simply the size of the house in relation to the site. They anticipate a legal challenge to the approval of any house along the size currently proposed, which is based on the fact that the Council cannot legitimately make the findings for such a house. For example, page 8 of the staff report discusses a public welfare finding, which reads, "*Public Welfare. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*" He believed that finding is very difficult to make. It ignores the crucial issue

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which is this house would be substantially different in terms of the mass and bulk. It is three times the size. Screening cannot be controlled after this process is done. Views will be paramount and the value of this house as a spec house will be paramount. They are concerned about the total overall size of the house. It is excessive for a ridge top site. It raises questions about the Town's general plan policies. He further added that it will be far more massive and bulky than recognized in the staff report.

David Werdegar, neighbor, acknowledged publically the care, diligence and concern that each Council member displayed when reviewing the project. They all visited Baywood to see how the project appeared, which is of concern. He further noted that he was most impressed with the time, effort, diligence and thought the Council members showed.

Donna Hale, Laurel Grove Avenue resident, stated that this project was not very well presented to the neighbors. This unfortunate lack of process has led to lots of anger and resentment. In fact, although they share a lengthy property line with this property, when the developer began his plans, they were not notified, and they were never presented with plans until they were informed by another neighbor that there was a large remodel being planned. She personally tried to contact the applicant by email and was unsuccessful. Her husband finally reached him by telephone. They eventually saw the plans through the Ross Town planning process. It would appear that, initially, they were kept in the dark to minimize the effect of any objections they might have had to the proposed project. They are in fact absolutely affected by the project because they drive by the proposed building and will share a driveway with the occupants of 63 Laurel Grove. The project was misrepresented to all of the neighbors as a house that was being built by a family who would occupy the house upon its completion. It became readily apparent during the approval process that the property is owned by two business entities and is being built as a speculative real estate project. Because of the lack of transparency and the obvious efforts to conceal the true nature of the project, she has no assurance that her family's safety and their economic security will be protected if this project is approved and the building process were to begin. As the Council knows, they live on a steep, winding road with a dangerous blind curve. The hillside sloughs dirt and debris regularly. In fact, she regularly has the road cleared off and swept. She has spent the past 10 plus years keeping the entire hilltop clean and clear to minimize the fire hazard. They even recently repaved the portion of the road shared by their house at 63 Laurel Grove. Having a construction project built by a corporation that has shown them only deception practices, she is fairly certain that her family will suffer the consequences of an unsafe construction site, that is managed by people who have no regard for the well-being of the neighbors. This is a company that will be doing all it can to cut costs and rush through the building process in order to maximize its profit. The neighbors are sure to become victims. With most of the Town's residential building projects with the owner building a home for their family, the builder is quite aware of the importance of respecting the neighbor since everyone will be living together. In this situation, the building party has no interest in preserving a relationship. She needs help from the Town to protect her family. They lost their youngest child from a truck driver and her 30-year-old son has a terrible brain injury from a truck driver not paying attention, so construction management of this project is extremely important. She is speaking from her heart and although she is not a participant with Jennifer Maxwell in her lawsuit, she fully supports her concerns.

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Jennifer Maxwell, neighbor, noted frustration that Town ordinances and the general plan have not been followed, ridge top and setback issues. This house is massive. It is 300% bigger than the existing house, which is based on the fact that it is 3-acres. It is 3-acres but 85% of the land is not buildable. She is asking for a more reasonable increase in size, not 300%. It is a non-conforming structure as it exists now. It is simply too massive and not keeping with the site along with all the other concerns she outlined in her letter.

Brad Oldenbrook, applicant, hears all concerns. He is extremely grateful to the Council, staff's time and members of the community. All of the requirements and requests heard from the neighbors are on their radar. Their phone number is easily found if anyone wants to communicate concerns. As far as construction management plans, they are working with the building department to ensure all safety issues. He further noted that they are listening with very open ears to all concerns.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Mayor Kuhl clarified with staff that there is State law that governs this private road should damage occur during construction. Town Attorney Stepanicich responded in the affirmative with respect to maintenance on private easements for roadways, but indicated that the Town should have conditions of approval in that regard.

Council Member Brekhus viewed the site and continues to believe it is too large for this site. The Hillside Lot Ordinance (*HLO*) clearly protects ridgeline views. Given the fact there has already been a slide on this road, this road should be retained and the applicant should bear the cost. It is very obvious that the property slides. Also, as a condition of approval, require that the road be repaved. Additionally, she agreed this is a very dangerous road and there should be restrictions on the construction management plan.

Council Member Hoertkorn discussed the cut and she takes the expertise of the engineers that have looked at the cut and indicated that it does not need erosion control. She will not supersede an expert. She agreed there should be as much safety as possible for the project since it is a very scary road. If the Hale's do not want a cut, then the gap should not be closed with landscaping and just let it go. On the size of the house, what struck her the most when looking from across the valley from the Winship side, the canopy is very beautiful and is very concerned to make sure the canopy will exist. When looking at the size of the home and the surrounding homes, they are all that size or bigger. She is not sure that increasing the size of the house will be as much as everyone believes. She cannot deny the size of the house, which is permitted based on the percentage slope that two individuals have figured and the size of the property, so she cannot deny what she would give someone else.

Council Member Brekhus pointed out that the HLO came into being with houses already in existence being large. The idea is to have new considerations and new rules on the ridgeline. It is not the FAR, but it is not fair to look at the other big houses on ridgelines and approve this one. The provisions in the HLO discuss the bulk and mass as well as the views. There is also the problem of a site where the setback is dramatically expanded, so that property is already violating its setback, but the proposal to extend it much longer dramatically increases that and

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she does not understand the finding. Council Member Hoertkorn stated if they limit a project like this then they are setting a precedent.

Council Member Russell stated that raw land is being developed into the setback. He agreed that there is an ability to develop to the full FAR, but did not believe that is a reason to ignore the setback requirement. This property must comply with the rules, which it does not. He asked the applicant to continue and come back with a project that does not come into the setback. Also, on the indemnity condition, he recommended adding specifically those indemnified include the Council members as well. Town Attorney Stepanicich responded in the affirmative.

Council Member Small added that this home is not out of character with the other homes in the area. This property has a lot of tree canopy. It is very difficult to deny someone what she perceives is their property rights, when she sees a very similar situation on the other side. It is more important to work through all the details such as construction management because what the Hale's described is extremely important. She pointed out that this project will be shut down in a minute if there are complaints with the construction management. She is not in a position to deny this application. They are well within the right for this FAR. She further wanted to add a condition in regard to hillside stability after construction. Mr. Oldenbrook had no objection and believed it is a great idea.

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Council Member Small seconded, to approve 63 Laurel Grove Avenue, Variance, Design Review, Hillside Lot and Demolition Permit No. 1914 subject to the findings and conditions outlined in the staff report with the following amendments: with no cut to the road; the project engineer check on hillside to ensure stability and require any necessary repairs including erection of a wall, if project engineer deemed appropriate to be peer reviewed by the Town; members of Town Council being indemnified; modify Condition No. 15 to state, *"all recommendations by the project arborist shall be implemented by the property owner as soon as possible;"* and with the two variances involved, the side yard setback variance and ridge top development setback with findings outlined in the staff report. Motion carried 3-2. Russell/Brekhus opposed.

63 Laurel Grove Conditions:

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. Except as otherwise provided in these conditions, the project shall comply with the plans approved by the Town Council on July 11, 2013. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
2. The request for the detached garage structure was withdrawn by the applicant and it is not approved. A pool is not included in the approved plan.
3. The three Assessor's Parcel Numbers are considered to be a single building site, merged by the Town in 1985. Town Staff has recorded a corrected Notice of Merger to include the property description to perfect the merger. Staff shall confirm that the lots are merged prior to project final and the property owner shall assist staff to merge the sites

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(for example, by preparation of a combined legal description) prior to project final if necessary.

4. The skylight is not approved.
5. The roof shall be finished with an earth tone or dark finish and not a reflective finish.
6. The materials and colors shall substantially conform with the color elevations provided to the Town Council at the public meeting. Staff shall review large material samples on site for conformance with this condition prior to installation of the materials.
7. The applicant and all current and future property owners shall maintain the screening landscaping east of the road and shall not top, severely trim, or remove any screening trees east of the driveway without approval of the Town. The property owners shall disclose this requirement to future purchasers of the site.
8. The landscaping shall include one new tree to replace the mature trees to be removed, if possible under the vegetative management plan requirements. At least one tree, or screening shrubs such as privet, shall be planted east of the driveway they will screen the parking area from Baywood resident views. No cut in the driveway shall be made for landscape irrigation.
9. The landscape plan shall be modified to include new erosion control and slope stabilizations measures on the cut banks above the roadway intended to maintain soil and prevent erosion. The vegetation plan for this area shall be designed in consultation with the project geotechnical engineer and reviewed and approved by the Town engineer. Any proposed vegetation shall also be appropriate for the Wildland Urban Interface Area and irrigated until established.
10. The landscape plan shall be modified to include new vegetation on the cut banks above the roadway intended to maintain soil and prevent erosion. The vegetation plan for this area shall be designed in consultation with the project engineer and reviewed and approved by the project engineer. Proposed vegetation shall also be appropriate for the Wildland Urban Interface Area and irrigated until established.
11. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.
12. Retaining walls that may be visible from off site shall be finished with an earth tone material or finish so that they recede into the hillside setting until landscape screening is mature.
13. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any roof projections that are not identified on the plans submitted for Town Council review. Where a roof area is visible from off site, roof projections shall be located to minimize their appearance. Exposed galvanized material is discouraged. All vents and flue pipes shall utilize a finish to blend into adjacent surfaces. If possible, vents may be concealed from view in forms compatible with the structure. Vents for cooking appliances should be located or directed to avoid noise and odor impacts to adjacent sites and shall be located out of required setback areas.
14. The plans submitted for the building permit shall detail the gutter and downspout design and location for review and approval by the planning department. Applicants

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may be required to return for additional Town Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for Town Council review. A specification sheet shall be provided and the proposed color and finish material shall be specified. Downspouts should be located to minimize their appearance from off site locations. Gutters and downspouts should have a finish to blend into adjacent surfaces or underlying trim. Exposed galvanized material is not permitted.

15. Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town staff reserves the right to require modifications to the landscape to protect mature trees and to comply with MMWD water conserving landscape requirements or fire code clearance requirements. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final. *All recommendations by the project arborist shall be implemented by the property owner as soon as possible to preserve existing trees.*

16. A tree protection plan for all protected trees on or near the project site is required with the building permit application. The plan shall comply with the requirements of Ross Municipal Code Section 12.24.100. The applicants'/project arborist shall review the final construction-level drawings and landscape plans, including civil, structural, grading, drainage, irrigation and utility plans (arborist should note the dates of the plans reviewed). All tree protection conditions recommended by the project arborist shall be included on all relevant sheets of the building permit plans to ensure compliance with the arborist recommendations. The plan shall include a schedule of when the consulting arborist should inspect the site or be present for activities such as trenching in the tree protection area. The applicant shall submit a deposit to cover the cost of town arborist review of the Tree Protection Plan and periodic site inspections.

17. Tree protection fencing and other tree protections, such as mulch, steel plates or other protection against compaction around un-fenced trees, shall be installed prior to building permit issuance as recommended by the project arborist on the tree protection plan. Tree protection fencing shall be constructed of sturdy material and identified with signs that include the words, "tree protection fence" and "do not remove without permission from the Town of Ross." The project arborist shall inspect the site prior to issuance of a building permit to determine if tree protection fencing has been properly installed and shall submit written confirmation to the town planner that the tree protection is in place prior to building permit issuance.

18. 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. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

19. The Town may collect a deposit in advance of building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist and town arborist. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.

20. Any exterior lighting shall be included on plans submitted for the building permit and is subject to the review and approval of the town planner. Lighting shall be shielded

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(no bare bulb light fixtures or down lights that may be visible from down-slope sites). Exterior lighting of landscaping by any means shall not be permitted if it creates glare, hazard or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. No up lighting is permitted. Interior and exterior lighting fixtures shall be selected to enable maximum "cut-off" appropriate for the light source so as to strictly control the direction and pattern of light and eliminate spill light to neighboring properties or a glowing night time character.

21. Plans submitted for the building permit shall provide full dimensions and elevations for the roof ridges and floor levels based on a monument that will not be modified during construction.

22. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The plan shall include a signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediments controls as a "back-up" system. (Temporary seeding and mulching or straw matting are effective controls.)

23. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.

24. Prior to any demolition or issuance of a building permit for the new structure, which was constructed prior to 1985, an asbestos and lead-based paint survey shall be provided to the Town building department. If asbestos-containing materials are determined to be present, the materials should be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and state construction worker health and safety regulations should be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it should be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

25. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis prepared by a licensed engineer may be required to be submitted with the building permit application for review and approval by the building official/public works director, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other

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landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town prior to project final.

The drainage plan shall include measures prevent any migration of water from the driveway to the roadway.

The drainage plan shall also address the outfall of the 9" storm drain east of the roadway and shall include a proper dissipation system to prevent erosion.

26. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis prepared by a licensed engineer may be required to be submitted with the building permit application for review and approval by the building official/public works director, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town prior to project final.

27. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the police chief and fire department. Neighbors shall be provided at least two weeks notice of receipt of the plan to allow for review and comment on the plan prior to permit issuance. The plan shall include as a minimum:

a) Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exception: work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior.

b) An on-site foreman and/or Traffic Management Coordinator with authority to make decisions shall be present on-site each day to ensure compliance with these rules.

c) All parking and staging of materials must be contained on-site with no obstructions or parking on Laurel Grove or Monte Alegre (the driveway shared with 69 Laurel Grove). Carpooling workers will be utilized to the extent possible. No parking or storage of materials will be permitted on the private Laurel Grove roadway (Monte Alegre) at any time.

d) Large trucks (larger than a pickup) may only enter and leave the site between 9 am and 3:30 pm. The General Contractor shall ensure that the on-site foreman or

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Traffic Management Coordinator is available to assist with the arrival and departure of large trucks to insure that all rules are followed. All large construction trucks shall not enter the private Laurel Grove driveway until they are in contact with the on site traffic management coordinator to ensure that no residents or vehicles are on the private roadway when the large trucks are driving to the site. Similarly, large trucks shall not leave the site until the traffic coordinator has ensured the private roadway is clear and a traffic coordinator is at the bottom of the private roadway to ensure no residents or vehicles enter the roadway as the large trucks exit.

e) Due to the fact that the road consists of one lane with a blind curve, it will be hazardous if drivers are not vigilant about speed and approaching traffic. Because of the number of subcontractors, deliveries, large trucks and multitude of drivers who will be unfamiliar with the road, the General Contractor must develop and adhere to a strict traffic control and flow program, including a provision for personnel dedicated to managing traffic throughout each and every workday with strict rules about driving speed and severe consequences for violations.

f) The on-site Traffic Management Coordinator assigned to the site shall provide cell phone contact information to all residents of the private roadway, including the residents of 69 Laurel Grove.

g) No road closures are permitted. If the road has to be closed temporarily, a minimum of 24 hours notice shall be provided to the neighbors.

h) The applicant shall clearly document the condition of the private roadway from the public Laurel Grove street up to the 69 Laurel Grove property, taken at a slow speed and provided to the Town for review prior to issuance of the permit, by video on CD and shall submit the information to the Public Works department prior to issuance of a building permit. The applicant shall repair any damage caused by the construction. The public works department shall consider neighbor input regarding the condition of the roadway and repairs that may be necessary. Owner/applicant shall deposit an initial deposit of \$15,000 with the Town of Ross Public Works Department, prior to starting work, to be used for any road repairs necessary to bring the road back to its pre-construction state. Additional amounts may be required. If no damage needs to be repaired, the deposit will be returned upon issuance of occupancy.

i) The applicant shall provide details on the size of construction vehicles to be used during the project. The Town Engineer may limit the size and/or weight of construction vehicles and will require the applicant to make any repairs necessary to ensure road stability for construction vehicles. The initial deposit or additional deposit submitted per (h) above may be used to make repairs. The Town may also require as a condition to the granting of a permit that the applicant submit a certificate of a responsible insurance company showing that the applicant is insured in an amount to be fixed by the Town against any loss or damage to persons or property arising directly or indirectly from the construction project.

j) The shared driveway needs to be swept/blown free of dirt and construction debris at the end of every work day.

k) Since the site is small and has limited access, staging is critical. The delivery route from the driveway to the back yard around the south/east elevation will be open and maintained, since the driveway will be used for parking. There is no room for material

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storage in the driveway or the front of the house, so all materials will be stored in the side and back yard areas but outside of required tree protection areas.

l) Temporary toilet facilities shall be screened from view from the private roadway and kept neat and clean. Facilities shall be cleaned at a minimum of once per week.

m) Any temporary construction security fencing shall be located to allow free entry and exit of vehicles from the parking area during the project.

n) Contractor and owner will have a telephone number available to the residents of Laurel Grove. This phone will be answered during working hours and a 24-hr. pager or cell phone service will be available during non-working hours.

o) Subcontractors will provide to Contractor a phone number that will be answered by a Subcontractor employee during working hours and a 24-hr. pager or cell phone service shall be available during non-working hours.

p) Project Management and Site Supervision team will meet with the neighbors at the commencement of construction and on a regular basis, at least weekly at the neighbors' request, to proactively identify and address any concerns that arise.

q) Flammable liquids will be stored in approved containers and never left out of a locked storage area after hours. No smoking on the job site.

r) Job site and entrances shall be maintained in a neat and orderly manner.

s) No alcoholic beverages on-site.

t) No radios audible from off site.

u) No pets running loose on the private roadway.

v) All debris boxes shall be screened from view from the private property. The site needs to be cleaned of garbage daily and no building materials should be left out to be viewed by people driving on the driveway.

w) During any grading operations or removal of any concrete removal, the owner/applicant shall spray all disturbed soil with water to control dust. Dust control shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

x) Materials and vehicles shall not be stored in the public right-of-way, particularly on Laurel Grove. 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. All loads carried to and from the site shall be securely covered, and the private road and public right-of-way must be kept free of dirt and debris at all times.

28. The applicant shall submit a schedule that outlines the scheduling of the site development. This should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the project will be completed within the construction completion date

provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).

29. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.

30. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.

31. Inspections shall not be provided unless the Town-approved building permit plans are available on site.

32. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved. (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.

33. A single geotechnical engineering report, containing all recommended geotechnical design criteria for the project, shall be submitted with the building permit plans. All geotechnical aspects of the proposed project and preliminary development of plans shall continue to be evaluated by the project geotechnical consultant. A letter from the project geotechnical consultant shall be prepared that approves all geotechnical aspects of the proposed site development layout, verifies project geotechnical feasibility, and verifies conformance with the geotechnical consultant's design recommendations.

34. Prior to project final an engineer shall verify the stability of the cut banks and make any recommendations for necessary repairs, including erection of a wall, deemed appropriate. The report shall be peer reviewed by the Town.

35. Applicants shall comply with all requirements of PG&E prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

36. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at www.marinwater.org. Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559. For questions contact Joseph Eischens, Engineering Technician, at (415) 945-1531. Letter or email confirming compliance shall be submitted to the building department prior to project final.

37. Applicants shall comply with the following requirements of the Ross Valley Sanitary District No. 1 prior to project final: since this project involves an extensive

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demolition and rebuild, the Ross Valley Sanitary District (415) 259-2949 will require a connection permit from the District. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count, the applicant has the option of installing a new lateral or the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements. Sanitary District No. 1 will place a hold on the property once the building permit is issued. This hold prevents the new building from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain a sewer connection permit from this office and meet all District requirements pertaining to the private side sewer/lateral prior to project final. Letter or email confirming compliance shall be submitted to the building department prior to project final.

38. Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

39. The director of public works may require all electric, communication and television service laterals to be placed underground.

40. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD):

a) Site plan shall include the turnaround template as shown in RVFD Standard #211.

b) The existing fire hydrant across from the site driveway has a fire flow of 190 GPM at 20 PSI. California Fire Code Section B105.1 requires a minimum fire flow of 2000 GPM at 20 PSI for 2 hour duration. Plans for the building permit shall specify how minimum fire flow requirements shall be met, including the development of the on site water tanks with a pump shown on the approved plans and sprinklers. Alternate form shall be included in the plan set submitted for construction permit.

c) The existing hydrant body is required to be upgraded to a Jones model #3740. Please contact MMWD to coordinate efforts to replace the hydrant body.

d) All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.

e) Carbon monoxide alarms shall be provided outside of each dwelling unit sleeping area in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit.

f) The applicant shall maintain an effective firebreak around the structure by removing and clearing all flammable vegetation and/or other combustible growth. Consult the Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan available online at Rossvalleyfire.org.

g) Address numbers at least 4" tall shall be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. The address

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numbers shall be backlit or illuminated by an adjacent light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

h) Applicant may propose alternate materials or method in accordance with Section 104.9. All approved alternates requests and supporting documentation shall be included in the construction drawings.

i) Sprinklers are required.

j) Fire Alarm is required.

k) Inspections are required for: access/water supply prior to delivery of combustibles; defensible space/vegetation management plan; sprinkler hydro/final; and final.

41. Development shall adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code, even if the project is otherwise considered exempt under the provisions of the code.

42. The applicant shall repair any damage to the Town streets or the private roadway prior to project final. A videotape log, DVD format, clearly showing the existing condition of Laurel Grove from Sir Francis Drake to the project site shall be presented to the Department of Public Works prior to the start of construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment will be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.

43. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in the Town of Ross Municipal Code Section 15.50.040, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

44. 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.

Council Member Russell recused himself from the next agenda item in order to avoid the appearance of a conflict.

HERZOG
GEOTECHNICAL
CONSULTING ENGINEERS

May 1, 2013
Project Number 2959-01-13

Mr. Brad Oldenbrook
Exclusive Holdings, LLC
P.O. Box 603
Corte Madera, California 94976

RE: Report
Geotechnical Investigation
63 Laurel Grove Avenue
Ross, California

Dear Mr. Oldenbrook:

This presents results of our geotechnical investigation for the proposed residence at 63 Laurel Grove Avenue in Ross, California. Our scope of work consisted of performing a site reconnaissance, reviewing selected geologic references, drilling five test borings, conducting laboratory testing, performing engineering analyses, and submitting this report summarizing geologic hazards at the site and presenting geotechnical conclusions and recommendations for the design and construction of the project. Our work was performed in accordance with our proposal dated April 11, 2013.

PROJECT DESCRIPTION

The project will consist of demolishing an existing house, and constructing a new single-family residence, a detached garage/studio, swimming pool and deck. The project is shown on Revision 4.4.4.13 of the plans by Pacific Design Group transmitted April 5, 2013.

WORK PERFORMED

Prior to performing our investigation, we reviewed selected geologic references. We explored the subsurface conditions in the project area on April 24 and 25, 2013 to the extent of seven test borings ranging between approximately 2 and 7-1/3 feet deep, and extending into bedrock. Due to limited access, the test borings were drilled with portable drilling equipment. The locations of the test borings are shown on the attached *Site Plan*, Plate 1.

Our personnel observed the drilling, logged the subsurface conditions encountered, and collected soil samples for visual examination and laboratory testing. Samples were retrieved using Sprague and Henwood and Standard Penetration Test samplers driven with a 70-pound hammer. Penetration resistance blow counts were obtained by dropping the hammer through a 30-inch free fall. The samplers were driven 18 inches, and the number of blows was recorded for each 6 inches of penetration. These blow counts were then correlated to equivalent standard penetration resistance blow counts. The blows per foot recorded on the boring logs represent the accumulated number of correlated standard penetration blows that were required to drive the sampler the last 12 inches or fraction thereof.

Logs of the test borings are presented on Plates 2 through 8. The soils encountered are described in accordance with the criteria presented on Plate 9. Bedrock is described in accordance with the *Engineering Geology Rock Terms* presented on Plate 10. The logs depict our interpretation of subsurface conditions on the date and at the depths indicated. The stratification lines on the logs represent the approximate boundaries between soil types; the actual transitions may be gradational.

Selected samples were laboratory tested to determine their moisture content and dry density. Laboratory test results are posted on the boring logs in the manner described on the *Key to Test Data*, Plate 9.

FINDINGS

Site Conditions

The site is located on the southwestern (upslope) side of a common driveway (Monte Alegre Road) which extends off of Laurel Grove Avenue in Ross, California. The portion of the roadway below the site was created by excavating into the hillside. The resultant near-vertical cut bank ranges to about 10 feet high, and generally exposes highly weathered sandstone and shale bedrock. The site is accessed by an asphalt paved driveway which extends to a level gravel parking area. A several-foot high cut bank for the northern side of the parking area exposes thinly bedded sandstone and shale with bedding attitudes dipping between vertical and 80 degrees towards the southwest.

The existing residence is situated on a relatively level pad located at the top of a southeast-trending ridge. The northeastern edge of the pad was created by placing fill on the slope. Portions of the fill are retained by low bulkheads. Downslope of the fill, the ground surface extends down at about 2:1 (horizontal:vertical) to the top of the roadway cut bank.

The existing residence is a two-story, wood-framed structure which is supported on spread footing foundations. The house is surrounded by landscaping and concrete flatwork. A detached garage is

situated north of the structure, and two pier supported hexagonal buildings are located southeast of the structure.

Subsurface Conditions

The site is within the Coast Range Geomorphic Province which includes San Francisco Bay and the northwest-trending mountains that parallel the coast of California. These features were formed by tectonic forces resulting in extensive folding and faulting of the area. Previous geologic mapping by Rice (1976) indicates the site to be underlain by sandstone and shale bedrock of the Franciscan Assemblage.

Our test borings encountered fill, topsoil and colluvium (slopewash) overlying bedrock. The fill encountered generally consists of soft to medium stiff sandy and gravelly silt and of loose silty gravel. The topsoil encountered generally consists of soft to medium stiff sandy silt and clay. The colluvium encountered generally consists of medium stiff sandy clay. The fill and native soils encountered are generally of low expansion potential, are relatively weak and compressible, and are subject to downslope creep on or near slopes. Bedrock encountered in the borings generally consists of firm to moderately hard interbedded sandstone and shale.

The approximate test boring locations are shown on the *Site Plan* (Plate 1). The test borings encountered the following profiles:

Boring	Depth (feet)			
	Fill	Topsoil	Colluvial Soil	Bedrock
B-1	0-0.5	0.5-1.5	---	1.5-2.5+
B-2	0-4.7	---	4.7-6.5	6.5-7.3+
B-3	0-4.0	---	---	4.0-4.5+
B-4	---	0-0.5	---	0.5-1.9+
B-5	---	0-0.3	---	0.3-3.0+
B-6	---	0-1.8	1.8-2.5	2.5-5.5+
B-7	---	0-1.0	1.0-2.5	2.5-6.0+

Descriptions of the subsurface conditions encountered are presented on the boring logs.

Groundwater

Free groundwater did not develop in the borings prior to backfilling. Groundwater levels at the site are expected to fluctuate over time due to variations in rainfall and other factors. Rainwater percolates through the relatively porous surface soils. On hillsides, the water typically migrates downslope in the form of seepage within the porous soils, at the interface of the soil/bedrock contact, and within the upper portions of the weathered and fractured bedrock.

GEOLOGIC AND SEISMIC HAZARDS

Fault Rupture/Ground Shaking

The property is not within a current Alquist-Priolo Earthquake Fault Zone (EFZ), and we did not observe geomorphic features that would suggest the presence of active faulting at the site. As such, we judge that the risk of ground rupture along a fault trace is low at this site.

The San Francisco Bay Region has experienced several historic earthquakes from the San Andreas and associated active faults. Mapped active faults (those experiencing surface rupture within the past 11,000 years) nearest the site are summarized in the following table.

Fault	Distance		Moment Magnitude ¹	Acceleration (g) ²	
	Miles	Kilometers		M ³	M+1 ³
San Andreas (Northern)	7.9	12.7	7.9	0.35	0.59
Seal Cove/San Gregorio	8.7	14.0	7.5	0.29	0.50
Hayward	9.7	15.6	7.1	0.24	0.41
Healdsburg/Rodgers Creek	14.4	23.2	7.0	0.17	0.29

- (1) Estimated maximum magnitudes from CDMG (1996) Open File Report 96-08, and Cao et al. (2002).
- (2) Peak ground acceleration averaged from New Generation Attenuation (NGA) relationships by Abrahamson and Silva (2008), Boore and Atkinson (2008), Campbell and Bozorgnia (2008), Chiou and Youngs (2008) and Idriss (2008). Estimated shear wave velocity (V_{S30}) = 525 m/s. NGA values have been increased 16% to determine maximum rotated ground motion component per ASCE-7-05 Revision #3 (2009).
- (3) M = mean value; M+1 = mean+1 standard deviation value.

Deterministic information generated for the site considering the proximity of active faults and estimated ground accelerations are presented in the table above. The estimated ground accelerations were derived from the above-referenced mean attenuation relationships, and are based on the published estimated maximum earthquake moment magnitudes for each fault, the shortest distance between the site and the respective fault, the type of faulting, and the estimated shear wave velocities of the on-site geologic materials. The deterministic evaluation of the potential for ground shaking assumes that the anticipated maximum magnitude earthquake produces fault rupture at the closest proximity to the site, and does not take recurrence intervals or other probabilistic effects into consideration. This evaluation also does not consider directivity effects, topographic amplification, or other phenomena which may act to amplify ground motions.

Data presented by the Working Group on California Earthquake Probabilities (USGS, 2008) estimates the chance of one or more large earthquakes (Magnitude 6.7 or greater) in the San

Francisco Bay region within the next 30 years to be 63 percent. Consequently, we judge that the site will likely be subject to strong earthquake shaking during the life of the improvements.

Liquefaction

During ground shaking from earthquakes, liquefaction can occur in saturated, loose, cohesionless sands. The occurrence of this phenomenon is dependent on many factors, including the intensity and duration of ground shaking, soil density, particle size distribution, and position of the ground water table (Idriss and Boulanger, 2008). The soils encountered in our test borings were relatively dense and/or contained a high percentage of fine grained materials (silt and clay). Thus, we judge that the likelihood of liquefaction during ground shaking is low.

Densification

Densification can occur in low density, uniformly-graded sandy soils above the groundwater table. We judge that significant densification is unlikely to occur in the areas explored because of the relative dense condition and/or high silt and clay content of the soils encountered in the test borings.

Slope Stability

Regional mapping by Rice (1976) does not indicate the presence of previous landsliding at the site, and a map by Davenport (1984) of slope failures resulting from the severe 1982 storms does not indicate that sliding was reported near the site at that time.

The Monte Alegre Road cut bank at the base the site is overly steep and has experienced previous erosion and sloughing. We judge that portions of this cut may be subject to larger scale instability which could encroach upslope, especially as a result of heavy rainfall and/or seismic ground shaking. We judge that the risk posed to proposed upslope improvements due to bank instability will be mitigated by extending foundation support well into bedrock below the influence of unretained portions of the cut bank, and by designing the foundations to resist lateral pressures imposed by the soils above the bedrock. If future bank failure and upslope encroachment are not acceptable, it will be necessary to retain the cut bank.

CONCLUSIONS

Foundation Support

Our test borings indicate that portions of the project areas are underlain by varying thicknesses of relatively weak soils which are subject to settlement under new foundation loads, and to gradual downslope creep in sloping areas. We therefore conclude that proposed improvements should be supported on spread footings and/or drilled, cast-in-place, reinforced concrete piers which extend

into undisturbed bedrock. It will be necessary to design foundations to resist lateral forces imposed by creeping soils above the bedrock. Spread footings will only be feasible in areas where level cuts expose bedrock well away from slopes, while drilled piers can be used everywhere. We estimate that differential settlements of foundations designed in accordance with the recommendations contained in this report will be on the order of half an inch.

Slab Support

To reduce differential settlements, slabs-on-grade should be founded on bedrock or on properly compacted and retained fill founded on bedrock. Alternatively, structural slabs designed to span between bedrock supported elements may be used.

Excavation and Shoring

Our investigation indicates that planned cuts for the garage will expose highly weathered and adversely bedded bedrock which will be subject to instability. Due to the height of proposed excavations, we anticipate that the most feasible method of shoring will be either a tiedback shotcrete wall, a tiedback soldier pier wall or a soil nail wall. Shoring should be designed to resist lateral earth pressures and surcharge loads using the design criteria presented in this report. Shoring and the stability of excavations should be contractually established as solely the responsibility of the Contractor.

Our investigation indicates that excavations may encounter areas of relatively hard bedrock which will necessitate the use of heavy-duty, hydraulically-driven excavation equipment. Resistant blocks of hard rock may require hoe-ramming. Hard drilling or coring will be required to achieve required pier and/or tieback penetrations.

Pool Support

Where the pool excavation does not extend into bedrock, it will be necessary to support the pool on deepened footings or drilled piers extending into bedrock. It will be necessary to provide a drainage blanket beneath the pool in order to allow the pool to be drained without floating out of the ground. The drainage blanket should be provided with a gravity flow outlet to avoid water accumulation in the drainage blanket. To account for soil creep, it will be necessary to design the soil-supported portion of the downslope pool wall to be free-standing when the pool is full of water in addition to being able to resist inward soil pressures.

Geotechnical Drainage

Perimeter subdrains and slab underdrains should be provided to reduce water infiltration beneath the structure, and roofs should be provided with gutters and downspouts. All drains and downspouts must be collected in new closed conduits and discharged at a storm drain or an approved erosion resistant outlet well away from slopes or improvements.

RECOMMENDATIONS

Seismic Design

Based on the results of our investigation, the following seismic design criteria were developed in accordance with the *California Building Code (2010)* and *International Building Code (2009)*:

Site Class	C
Site Coefficient F_a	1.0
Site Coefficient F_v	1.3
0.2 sec Spectral Acceleration S_s	1.50
1.0 sec Spectral Acceleration S_1	0.62
0.2 sec Max Spectral Response S_{MS}	1.50
1.0 sec Max Spectral Response S_{M1}	0.81
0.2 sec Design Spectral Response S_{DS}	1.00
1.0 sec Design Spectral Response S_{D1}	0.54

Excavation and Shoring

The Contractor should construct new retaining walls for the garage using top-down methods or should install shoring as the excavation proceeds in order to maintain lateral support. Shoring may consist of tiedback shotcrete walls, soil nail walls, or of cantilevered, tiedback or internally braced soldier pier and lagging walls. Tiedback or braced shoring should be designed to resist a uniform lateral earth pressure of $20xH$ psf (where H is the height of the wall in feet) where the backslope is level, and $30xH$ for a 2:1 backslope. Cantilevered soldier piers and lagging should be designed to resist active lateral earth pressures equivalent to those exerted by a fluid weighing 45 pounds per cubic foot (pcf) where the backslope is level, and 60 pcf for backfill at a 2:1 slope. For intermediate slopes, interpolate between these values.

Soldier piers should consist of drilled, cast-in-place, reinforced concrete piers which are designed in accordance with the *Foundations* section of this report. Lagging should be installed promptly as the excavation progresses. Voids behind the lagging should be tightly backfilled with free-draining crushed rock or gravel (drain rock) to prevent yielding behind the wall. Vertical spacers should be provided between the lagging to allow seepage through the face of the wall. If the wall is to act as a permanent structure, at least 1 foot of drain rock or Caltrans Class 2 Permeable Material should be placed between the lagging and the cut face. If crushed rock or gravel is used, a filter fabric such as Mirafi 140N or equivalent should be provided between the drain rock and the cut face. If Class 2 Permeable Material is used, the filter fabric may be omitted. The upper 1 foot of the wall backfill should be compacted clayey soil to exclude surface water.

If tiedback or soil nailed shotcrete walls will be used, the shoring walls should be provided with a drainage media such as Miradrain 6000. The drainage material should extend from 1 foot below the top of the wall to the bottom of the wall. Water from the backdrain should be outletted utilizing either a rigid perforated PVC or ABS pipe (Schedule 40, SDR of 35 or better) at the base of the wall, or weep holes spaced 4-foot on-center each way through the walls. The walls should be provided with a base footing excavated into rock at least 12 inches below finished downslope grade.

Tiebacks for soldier pier or shotcrete walls should be inclined downward at an angle of at least 15 degrees from the horizontal. The downward thrust from the tiebacks should be included when calculating the vertical load on the soldier piers. It will be necessary to obtain appropriate easements where tiebacks will extend off of the property. The holes should be drilled without the use of driller's mud. Tiebacks should have minimum unbonded lengths of 10 and 15 feet for bars and strands, respectively. Tiebacks should have minimum bonded lengths of 12 feet in bedrock. The allowable skin friction of tiebacks will depend upon drilling method, grout installation pressure, and workmanship. For estimating purposes, the portion of tiebacks grouted into bedrock located at least 5 feet beyond an imaginary 45 degree line extended upwards from the bottom of the planned excavation may impose a skin friction value of 2000 pounds per square foot (psf). The contractor should be responsible for determining the actual length of tiebacks necessary to resist design loads based on their familiarity with the installation method utilized. Our field engineer should be present to observe conditions during drilling.

Tieback materials, installation, corrosion protection and testing should conform to *Recommendations for Prestressed Rock and Soil Anchors* (Post-Tensioning Institute, latest edition). Tieback bars or strands used for permanent support should be double corrosion protected. The bars or strands should be positioned in the center of the holes, and the bonded length grouted in place from the bottom. If a frictionless sleeve is used over the unbonded length, the bars or strands may be initially grouted over their entire length. When the grout has attained the required compressive strength, the anchors should be proof tested to 1.33 times the design load as outlined by the Post-Tensioning Institute. Proof test loads should be held for 10 minutes, and the deflection at test load between the 1 and 10 minute readings should not exceed 0.04 inches. After testing, the tension in the anchor should be reduced to the design load and locked off. Replacement tiebacks should be installed for tiebacks that fail the load testing.

If soil nails will be used, the wall be designed based on an effective friction angle of 32 degrees, an effective cohesion of 100 pounds per square foot (psf), a total unit weight of 130 pounds per cubic foot (pcf), and an allowable bond stress in bedrock of 2000 pounds per square foot (psf). The allowable bond stress should be verified by pullout testing. Soil nails should be load tested as outlined in the *Federal Highway Administration Geotechnical Circular #7: Soil Nail Walls* (FHWA-2003). Sacrificial nails should be installed and proof tested to confirm the design bond stresses as discussed previously. The number of sacrificial tests should be at least 5 percent of the production nails. Where proof testing and/or creep testing indicate bond stresses lower than the design allowable bond stress, the wall design should be modified accordingly.

Site Grading

Existing structures, slabs, foundations, and walls should be removed, and areas to be developed should be cleared of trees, brush and deleterious material. The area to be developed should be stripped of the upper soils containing root growth and organic matter. The cleared materials and strippings should be removed from the site. Pipes, septic tanks, leach fields and other buried objects should be removed, and the resultant voids cleaned and backfilled with approved fill which is placed and compacted as outlined below.

All existing fills and soils beneath and within 3 horizontal feet of planned new fills, non-structural slabs-on-grade, pavements, and other areas where settlement and creep are not acceptable should be excavated as necessary to create level benches in bedrock. It will also be necessary to remove all existing fills not retained by new engineered walls. The depth and extent of required overexcavations should be approved in the field by Herzog Geotechnical prior to placement of fill or improvements.

Retaining walls designed in accordance with the recommendations in this report should be installed along the downslope edge of all areas to receive fill. The excavated fill and native material may then be replaced in lifts not exceeding 8 inches in uncompacted thickness, moisture conditioned to within 3 percent over optimum moisture content, and compacted to between at least 90 percent relative compaction. Relative compaction refers to the in-place dry density of a soil expressed as a percentage of the maximum dry density of the same material, as determined by the ASTM D1557 test procedure. Optimum moisture content is the water content of the soil (percentage by dry weight) corresponding to the maximum dry density.

All fill and backfill material should be free of organic matter. The fill and backfill material should not contain rocks or lumps larger than 4 inches in greatest dimension, and no more than 15 percent should be larger than 2 inches. Imported fill material should have a plasticity index of 15 percent or less, and a maximum liquid limit of 40 percent. Herzog Geotechnical should approve all imported fill prior to it being brought to the site.

All cuts and fills should be retained with retaining walls. Wall backfill slopes should be constructed at an inclination no steeper than 2:1. Backfill slopes should be overbuilt, and trimmed back as necessary to expose a well-compacted surface. Routine maintenance of slope sloughing and erosion should be anticipated. Fill slopes and areas disturbed during construction should be planted with vegetation to reduce erosion. Surface water runoff should be intercepted and diverted away from fill slopes.

Foundations

Drilled Piers

Drilled piers should be at least 18 inches in diameter and should extend at least 8 feet into

bedrock. Design pier depths and diameters should be calculated by the Project Structural Engineer using the criteria presented below. The materials encountered in the pier excavations should be evaluated by our representative in the field during drilling. Drill spoils should be removed from the site or placed as properly engineered and retained fill.

Piers should be interconnected with grade beams to support structural loads and to redistribute stresses imposed by the creeping soils. Piers and grade beams should be designed and reinforced to resist creep forces acting from the ground surface to the top of the rock, and exerting an active equivalent fluid pressure of 60 pounds per cubic foot (pcf). For piers, this pressure should be assumed to act on 2 pier diameters.

The portion of the piers extending into bedrock can impose a passive equivalent fluid pressure of 400 pounds per cubic foot (pcf) acting over 2 pier diameters, and vertical dead plus real live loads of 1000 pounds per square foot (psf) in skin friction. These values may be increased by 1/3 for seismic and wind loads, but should be decreased by 1/3 for determining uplift resistance. The portion of piers designed to impose passive pressures should have at least 7 feet of horizontal confinement from the face of the nearest slope or wall. End bearing should be neglected due to the uncertainty of mobilizing end bearing and skin friction simultaneously.

If groundwater is encountered, it may be necessary to dewater the holes and/or to place concrete by the tremie method. If caving soils are encountered it will be necessary to case the holes. Hard drilling or coring will likely be required to achieve the required penetrations.

Spread Footings

Spread footings should only be used where level cuts expose bedrock located at least 7 feet from downslopes steeper than 5:1. Spread footings should be at least 16 inches wide, should be bottomed at least 12 inches into competent bedrock, and should extend at least 12 and 18 inches below lowest adjacent finished grade for 1 and 2 story structures, respectively. Footings should be stepped as necessary to produce level tops and bottoms, and should be deepened as necessary to provide at least 5 feet of horizontal clearance in rock between the portion of footings designed to impose passive pressures and the face of the nearest slope or wall. Spread footings extending into competent bedrock can be designed to impose dead plus code live load bearing pressures of 4000 pounds per square foot (psf), and total design load bearing pressures of 5300 psf.

Resistance to lateral pressures can be obtained in rock from passive pressures against the sides of footings poured neat against bedrock, and from friction along the base of footings. We recommend the following criteria for design:

Passive Pressures*	=	400 pounds per cubic foot (pcf) equivalent fluid pressure
Friction Factor	=	0.40 times net vertical dead load

* Neglect passive pressure in the top 12 inches where the surface is not confined by slabs or pavements.

Slab Support

In areas where slab subgrade excavations do not expose bedrock, slabs should be structurally supported, or else underlain by retained compacted fill which is founded on bedrock as outlined previously.

Slab subgrade within living and garage areas should be sloped to drain into a 12 inch deep trench excavated in the downslope direction beneath the middle of each slab. The trenches should be lined completely with a filter fabric such as Mirafi 140N, or equivalent. A 4-inch diameter rigid-perforated PVC or ABS (Schedule 40, SDR 35 or equivalent) pipe should be placed on a 1-inch layer of drain rock at the bottom of the trench with perforations down. The trench should be backfilled with drain rock up to slab subgrade elevation. The filter fabric should be wrapped over the top of the drain rock. The pipe should be sloped to drain by gravity to a non-perforated pipe which discharges at an approved outlet. The trench for the non-perforated pipe should be backfilled with properly compacted soil.

Interior and garage slabs should be underlain by a capillary moisture break consisting of at least 4 inches of free-draining, crushed rock or gravel (slab base rock) at least 1/4 inch, and no larger than 3/4 inch, in size. Moisture vapor detrimental to floor coverings and stored items will condense on the undersides of slabs. A moisture vapor barrier should therefore be installed over the capillary break. The barrier should be specified by the slab designer. It should be noted that conventional concrete slab-on-grade construction is not waterproof. The local standard under-slab construction of crushed rock and vapor barrier will not prevent moisture transmission through slab-on-grade. Where moisture sensitive floor coverings are to be installed, a waterproofing expert and/or the flooring manufacturer should be consulted for their recommended moisture and vapor protection measures, including moisture barriers, concrete admixtures and/or sealants.

Non-structural slabs-on-grade should be at least 5 inches thick, and should be reinforced at least with #4 reinforcing bars spaced at 12 inches on-center each way to control cracking. Driveway slabs should be at least 6 inches thick. All slabs should be designed by the project structural engineer.

Retaining Walls

Retaining walls should be supported in rock on foundations designed in accordance with the recommendations presented in this report. Free-standing retaining walls should be designed to resist active lateral earth pressures equivalent to those exerted by a fluid weighing 45 pounds per cubic foot (pcf) where the backslope is level, and 60 pcf for backfill at a 2:1 slope. Retaining walls restrained from movement at the top should be designed to resist an "at-rest" equivalent fluid pressure of 60 pcf for level backfill and 75 pcf for backfill at a 2:1 slope. For intermediate

slopes, interpolate between these values. Where wall backfill will be subject to vehicular loading, a traffic surcharge equivalent to 2 feet of additional backfill should also be added to walls. A minimum factor of safety against instability of 1.5 should be used to evaluate static stability of retaining walls.

Seismic wall stability should be evaluated based on a uniform lateral earth pressure of $12 \times H$ psf (where H is the height of the wall in feet). This pressure is in addition to the active equivalent fluid pressures presented in the report. For restrained walls, seismic pressures may be assumed to act in combination with active rather than at-rest earth pressures. The factor of safety against instability under seismic loading should be at least 1.1.

In addition to lateral earth pressures, retaining walls must be designed to resist horizontal pressures that may be generated by uphill retaining walls. Where an imaginary 1-1/2:1 (horizontal:vertical) plane projected downward from the base of an upslope retaining wall intersects the downslope wall, that portion of the downslope wall below the intersection should be designed for an additional horizontal uniform pressure equivalent to the maximum calculated lateral earth pressure at the base of the upslope wall.

Retaining walls should be fully backdrained. The backdrains should consist of 4-inch diameter, rigid perforated pipe surrounded by a drainage blanket. The top of the drain pipe should be at least 8 inches below lowest adjacent downslope grade. The pipe should be PVC Schedule 40 or ABS with an SDR of 35 or better, and the pipe should be sloped to drain at least 1 percent by gravity to an approved outlet. Accessible subdrain cleanouts should be provided, and should be maintained on a routine basis. The drainage blanket should consist of clean, free-draining crushed rock or gravel wrapped in a filter fabric such as Mirafi 140N. Alternatively, the drainage blanket could consist of Caltrans Class 2 "Permeable Material", in which case the filter fabric may be omitted. A prefabricated drainage structure such as Mirafi Miradrain may also be used provided that the backdrain pipe is embedded in permeable material or fabric-wrapped crushed rock. The drainage blanket should be continuous, at least 1 horizontal foot thick, and should extend to within 1 foot of the surface. The uppermost 1 foot should be backfilled with compacted soil to exclude surface water.

Where migration of moisture through retaining walls would be detrimental or undesirable, retaining walls should be waterproofed as specified by the Project Architect or Structural Engineer.

Wall backfill should be spread in level lifts not exceeding 8 inches in thickness, brought to near the optimum moisture content, and compacted to at least 90 percent relative compaction. Retaining walls will yield slightly during backfilling. Therefore, walls should be backfilled prior to building onto or adjacent to the walls, and should be properly braced during the backfilling operations. Backfilling adjacent to walls should be performed only with hand-operated equipment to avoid over-stressing the walls.

Even well compacted backfill will settle about 1 percent of its thickness. Therefore, slabs and other improvements crossing the backfill should be designed to span or to accommodate this settlement.

Swimming Pool

Where the swimming pool excavation does not extend into bedrock, the pool walls and floor should be supported on deepened footings or drilled pier foundations founded in rock and designed in accordance with the recommendations presented in this report.

The pool should be underlain by a 6 inch thick layer of Caltrans Class 2 Permeable Material. A four inch diameter perforated pipe sloped to drain to an approved outlet by gravity should be installed to avoid water accumulation in the permeable material. The pipe should be rigid PVC or ABS (Schedule 40, SDR 35 or equivalent).

The pool walls should be designed to resist an inward soil pressure of 45 pounds per cubic foot (pcf) acting in a triangular pressure distribution. To allow for soil creep, the portion of the downslope wall that is not against bedrock should also be designed to be free-standing when the pool is full of water. The pool should be designed by a structural engineer.

Utility Trenches

Trenches should be backfilled with material that is mechanically compacted to at least 90 percent relative compaction. Lift thicknesses should not exceed 8 inches in uncompacted thickness. Compaction by jetting should not be permitted. Sand is subject to piping (subsurface erosion), and should not be used. Governmental or public utility requirements may exceed those listed above and should govern where applicable. Frequent check dams should be provided in trenches on slopes.

Geotechnical Drainage

Positive drainage should be provided away from foundations. Ponding of surface water should not be allowed. All roofs should be provided with gutters and downspouts. All downspouts and drains should be connected into closed conduits which discharge into a storm drain or at approved erosion resistant outlets at the street. All conduit should consist of rigid PVC or ABS pipe which is Schedule 40, SDR 35 or equivalent. Downspouts, surface drains and subsurface drains should be checked for blockage and cleared and maintained on a regular basis. Surface drains and downspouts should be maintained entirely separate from foundation drains and slab underdrains. Provisions should be made for conducting water out of the crawl space.

Foundation drains should be installed adjacent to all perimeter foundations. The foundation drains should consist of trenches which extend 18 inches deep, or 12 inches below lowest adjacent interior or crawl space grade, whichever is deeper, and which are sloped to drain at least 1 percent by gravity. The trenches should be lined completely with a filter fabric such as Mirafi 140N, or equivalent. A 4-inch diameter rigid perforated PVC or ABS pipe (Schedule 40, SDR 35 or equivalent) should be placed on a 1-inch thick layer of drain rock at the bottom of the trenches with perforations down. The pipes should be sloped to drain at least 1 percent by gravity to a non-perforated pipe (Schedule 40, SDR 35 or equivalent) which discharges at approved outlets. The trench for the perforated pipe should be backfilled to within 6 inches of the ground surface with drain rock. The filter fabric should be wrapped over the top of the drain rock. The upper 6 inches of the trenches should be backfilled with compacted clayey soil to exclude surface water. The trench for the non-perforated outlet pipe should be completely backfilled with compacted soil.

Water will accumulate in crawl spaces. Where this will not be acceptable, crawl spaces should be graded to create a smooth surface, and covered with an approved pre-fabricated drainage material such as Mirafi Miradrain 6000. A 4-inch diameter, perforated Schedule 40 or SDR 35 pipe should be provided in a trench excavated extending across the lowest portion of the crawl space. The trench should extend 12 inches deep, and should be sloped to drain at least 1 percent by gravity. The trench should be completely lined with Mirafi 140N filter fabric, or equivalent. The perforated pipe should slope to drain at least 1 percent to a non-perforated Schedule 40 or SDR 35 pipe which discharges at an approved outlet. The surface and trench should then be covered with reinforced gunite.

Supplemental Services

Our conclusions and recommendations are contingent upon Herzog Geotechnical being retained to review the project plans and specifications to evaluate if they are consistent with our recommendations, and our being retained to provide intermittent observation and appropriate field and laboratory testing during site clearing, site grading, fill and backfill compaction, pier drilling, footing excavation, slab subgrade overexcavation and backfilling, wall backdrain installation, wall backfilling, pool excavation, utility trench backfilling, and subdrainage installation to evaluate if subsurface conditions are as anticipated and to check for conformance with our geotechnical recommendations. If concrete is not placed immediately following drilling, we should be contacted to re-inspect pier holes immediately prior to concrete placement. We should also be notified to observe the completed project. Steel, concrete, slab moisture barriers, shoring, surface drainage, and/or waterproofing should be inspected by the appropriate party, and are not part of our scope of work.

If during construction subsurface conditions different from those described in this report are observed, we should be advised at once so that these conditions may be reviewed and our recommendations reconsidered. The recommendations made in this report are contingent upon our being notified to review changed conditions.

If more than 18 months have elapsed between the submission of this report and the start of work at the site, or if conditions have changed because of natural causes or construction operations at or adjacent to the site, the recommendations of this report may no longer be valid or appropriate. In such case, we recommend that we review this report to determine the applicability of the conclusions and recommendations considering the time elapsed or changed conditions. The recommendations made in this report are contingent upon such a review.

We should be notified at least 48 hours before the beginning of each phase of work requiring our observation, and upon resumption after interruptions. These services are performed on an as-requested basis and are in addition to this geotechnical reconnaissance. We cannot provide comment on conditions, situations or stages of construction that we are not notified to observe.

LIMITATIONS

This report has been prepared for the exclusive use of Mr. Brad Oldenbrook and his consultants for the proposed project described in this report.

Our services consist of professional opinions and conclusions developed in accordance with generally-accepted geotechnical engineering principles and practices. We provide no other warranty, either expressed or implied. Our conclusions and recommendations are based on the information provided us regarding the proposed construction, the results of our field exploration and laboratory testing programs, and professional judgment. Verification of our conclusions and recommendations is subject to our review of the project plans and specifications, and our observation of construction.

The test boring logs represent subsurface conditions at the locations and on the dates indicated. It is not warranted that they are representative of such conditions elsewhere or at other times. Site conditions and cultural features described in the text of this report are those existing at the time of our field exploration and may not necessarily be the same or comparable at other times. The locations of the test borings were established in the field by reference to existing features, and should be considered approximate only.

There is an inherent risk of instability associated with all hillside construction. For improvements constructed on hillsides, we recommend that the owner obtains the appropriate landslide and earthquake insurance.

Our investigation did not include an environmental assessment or an investigation of the presence or absence of hazardous, toxic or corrosive materials in the soil, surface water, ground water or air, on or below, or around the site, nor did it include an evaluation or investigation of the presence or absence of wetlands. Our work also did not address the evaluation or mitigation of mold hazard at the site.

May 1, 2013
63 Laurel Grove Avenue, Ross
Project Number 2959-01-13

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We appreciate the opportunity to be of service to you. If you have any questions, please call us at (415) 388-8355.

Sincerely,
HERZOG GEOTECHNICAL

Craig Herzog, G.E. #2383
Principal Engineer



Attachments: References
Plates 1 through 10

cc. Pacific Design Group
265 Magnolia Avenue, Suite 200
Larkspur, California 94939

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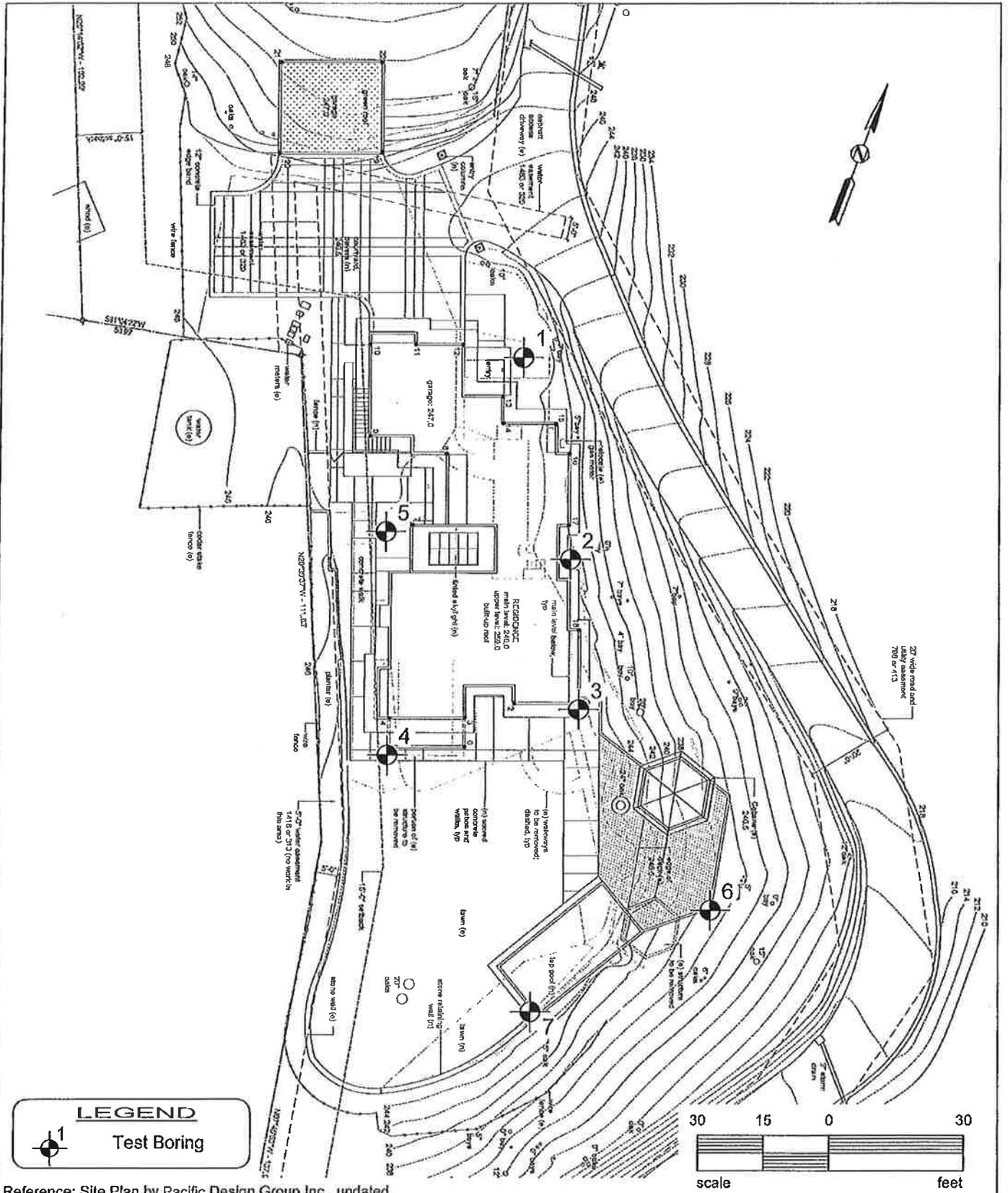
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HERZOG
GEOTECHNICAL
 CONSULTING ENGINEERS

Job. No: 2959-01-13
 Appr: [Signature]
 Drwn: LPDD
 Date: APR 2013

SITE PLAN
 63 Laurel Grove Avenue
 Ross, California

PLATE
 1

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot *	DEPTH (FEET)	EQUIPMENT: 4" Flight Auger LOGGED BY: G.M.	ELEVATION: ** START DATE: 4-24-13 FINISH DATE: 4-24-13
		9.2	113		34	0	LIGHT BROWN SILTY GRAVEL (GM), loose, dry (Fill)	
						1	ORANGE-BROWN SANDY SILT (ML), soft to medium stiff, moist	
						2	ORANGE-BROWN SHALE WITH INTERBEDDED SANDSTONE, firm to moderately hard, friable to weak, highly weathered	

BOTTOM OF BORING 1 @ 2.5 FEET
No Free Water Encountered

- * Converted to equivalent standard penetration blow counts.
- ** Existing ground surface at time of investigation.

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot * Sample	DEPTH (FEET)	EQUIPMENT: 4" Flight Auger		ELEVATION: **	
							LOGGED BY: G.M.		START DATE: 4-24-13	
						0	ORANGE-BROWN SANDY SILT (ML), soft, moist (Fill)			
						1	BROWN SILTY GRAVEL (GM), loose, moist (Fill)			
		14.9	94		7	2	BROWN SANDY SILT (ML), soft, moist (Fill)			
						3				
		16.8	94		6	4				
						5	BROWN SANDY CLAY (CL), medium stiff to stiff, moist			
						6				
		13.2	108		29	7	ORANGE-BROWN SHALE, firm, friable, highly weathered, with interbedded sandstone			

BOTTOM OF BORING 2 @ 7.3 FEET
No Free Water Encountered

* Converted to equivalent standard penetration blow counts.
** Existing ground surface at time of investigation.



Job No: 2959-01-13
 Appr: 
 Drwn: LPDD
 Date: APR 2013

LOG OF BORING 2
 63 Laurel Grove Avenue
 Ross, California

PLATE
3

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot *	DEPTH (FEET)	EQUIPMENT: 4" Flight Auger LOGGED BY: G.M. ELEVATION: ** START DATE: 4-24-13 FINISH DATE: 4-24-13
						0	BROWN GRAVELLY SILT WITH SAND (ML), medium stiff, moist (Fill)
		11.2	97		11	1	
						2	
						3	
		16.8	104		26	4	ORANGE-GRAY-BROWN SHALE, moderately hard, weak, highly weathered, with interbedded sandstone
BOTTOM OF BORING 3 @ 4.5 FEET No Free Water Encountered							

* Converted to equivalent standard penetration blow counts.
 ** Existing ground surface at time of investigation.



Job No: 2959-01-13
 Appr: *[Signature]*
 Drwn: LPDD
 Date: APR 2013

LOG OF BORING 3
 63 Laurel Grove Avenue
 Ross, California

PLATE
4

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot *	DEPTH (FEET)	EQUIPMENT: 4" Flight Auger LOGGED BY: G.M.	ELEVATION: ** START DATE: 4-24-13 FINISH DATE: 4-24-13
						0		LIGHT BROWN SANDY SILT (ML), medium stiff, moist
						1		YELLOW-BROWN SANDSTONE, firm to moderately hard, friable to weak, highly weathered
					48			

BOTTOM OF BORING 4 @ 1.9 FEET
No Free Water Encountered

* Converted to equivalent standard penetration blow counts.
 ** Existing ground surface at time of investigation.



Job No: 2959-01-13
 Appr: *[Signature]*
 Drwn: LPDD
 Date: APR 2013

LOG OF BORING 4
 63 Laurel Grove Avenue
 Ross, California

PLATE
5

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot *	Sample	DEPTH (FEET)	EQUIPMENT: 4" Flight Auger LOGGED BY: G.M.	ELEVATION: ** START DATE: 4-24-13 FINISH DATE: 4-24-13
							0		BROWN SANDY SILT (ML), soft, moist
							1		ORANGE-BROWN SANDSTONE, firm, friable, highly weathered
							2		
							3		

BOTTOM OF BORING 5 @ 3.0 FEET
No Free Water Encountered

* Converted to equivalent standard penetration blow counts.
 ** Existing ground surface at time of investigation.



Job No: 2959-01-13
 Appr: *[Signature]*
 Drwn: LPDD
 Date: APR 2013

LOG OF BORING 5
 63 Laurel Grove Avenue
 Ross, California

PLATE
6

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot *	Sample	DEPTH (FEET)	EQUIPMENT: 4" Flight Auger LOGGED BY: G.M.	ELEVATION: ** START DATE: 4-25-13 FINISH DATE: 4-25-13
							0		BROWN SANDY SILT (ML), soft, dry to moist, with roots
							1		
							2		YELLOW-BROWN SANDY CLAY (CL), medium stiff, moist, with gravels
							3		YELLOW-BROWN SANDSTONE, firm to moderately hard, friable to weak, highly weathered
							4		
							5		

BOTTOM OF BORING 6 @ 5.5 FEET
No Free Water Encountered

* Converted to equivalent standard penetration blow counts.
** Existing ground surface at time of investigation.



Job No: 2959-01-13
 Appr: *[Signature]*
 Drwn: LPDD
 Date: APR 2013

LOG OF BORING 6
 63 Laurel Grove Avenue
 Ross, California

PLATE
7

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot * Sample	DEPTH (FEET)	EQUIPMENT: 4" Flight Auger LOGGED BY: G.M.	ELEVATION: ** START DATE: 4-25-13 FINISH DATE: 4-25-13
						0		BROWN SANDY SILT (ML), soft, dry to moist, with roots
						1		YELLOW-BROWN GRAVELLY CLAY (CL), medium stiff, moist
						2		
						3		ORANGE-BROWN SANDSTONE, firm, friable, highly weathered
						4		
						5		
						6		

BOTTOM OF BORING 7 @ 6.0 FEET
No Free Water Encountered

* Converted to equivalent standard penetration blow counts.
** Existing ground surface at time of investigation.



Job No: 2959-01-13
 Appr: *[Signature]*
 Drwn: LPDD
 Date: APR 2013

LOG OF BORING 7
 63 Laurel Grove Avenue
 Ross, California

PLATE
8

MAJOR DIVISIONS					TYPICAL NAMES
COARSE GRAINED SOILS More than Half > #200 sieve	GRAVELS MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW		WELL GRADED GRAVELS, GRAVEL-SAND
			GP		POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES
		GRAVELS WITH OVER 12% FINES	GM		SILTY GRAVELS, POORLY GRADED GRAVEL-SAND-SILT MIXTURES
			GC		CLAYEY GRAVELS, POORLY GRADED GRAVEL-SAND-CLAY MIXTURES
	SANDS MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS WITH LITTLE OR NO FINES	SW		WELL GRADED SANDS, GRAVELLY SANDS
			SP		POORLY GRADED SANDS, GRAVELLY SANDS
SANDS WITH OVER 12% FINES		SM		SILTY SANDS, POORLY GRADED SAND-SILT MIXTURES	
		SC		CLAYEY SANDS, POORLY GRADED SAND-CLAY MIXTURES	
FINE GRAINED SOILS More than Half < #200 sieve	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50		ML		INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY
			CL		INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
			OL		ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
	SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50		MH		INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS
			CH		INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS
			OH		ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS
			Pt		PEAT AND OTHER HIGHLY ORGANIC SOILS
HIGHLY ORGANIC SOILS					

UNIFIED SOIL CLASSIFICATION SYSTEM

		Shear Strength, psf		Confining Pressure, psf	
Consol	Consolidation	Tx	2630 (240)	Unconsolidated Undrained Triaxial	
LL	Liquid Limit (in %)	Tx sat	2100 (575)	Unconsolidated Undrained Triaxial, saturated prior to test	
PL	Plastic Limit (in %)	DS	3740 (960)	Unconsolidated Undrained Direct Shear	
PI	Plasticity Index	TV	1320	Torvane Shear	
Gs	Specific Gravity	UC	4200	Unconfined Compression	
SA	Sieve Analysis	LVS	500	Laboratory Vane Shear	
■	Undisturbed Sample (2.5-inch ID)	FS	Free Swell		
▣	2-inch-ID Sample	EI	Expansion Index		
▤	Standard Penetration Test	Perm	Permeability		
⊠	Bulk Sample	SE	Sand Equivalent		

KEY TO TEST DATA

4/2015
14,641
gallons
proposed on plan
-ES

May 29, 2013

Mr. Rob Bastianon
Ross Valley Fire Department
777 San Anselmo Ave.
San Anselmo, CA 94960

Re: Fire-flow Calculation
63 Laurel Grove
Ross, California
ZCG Project Number: 0113007B

Dear Mr. Bastianon:

Zari Consulting Group has conducted an estimate of the fire-flow capacity for 63 Laurel Grove located in Ross, California. Based on our review of the fire-flow data, we have determined that the city's fire-flow capacity cannot meet the municipal requirements as set forth in Table B105.1 of the California Fire Code. As a result, citing Section B103.3 of the California Fire Code for "suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142."

For buildings and structures that do not contain a unique or unusual hazard, it is largely the responsibility of the local authority to ensure adequate municipal water be provided for fire department emergency use. However, in suburban or rural areas, it is often not feasible for the City to provide an emergency fire water supply that meets the municipal demands of Section B105.1. In an effort to not impede on a City's development while simultaneously providing firefighters the necessary resources to extinguish a structure fire, the California Fire Code permits buildings that are located in suburban areas to meet a different emergency fire water capacity than is typically required for municipal areas.

The emergency fire water requirements specified by Table 4.6.1 of NFPA 1142 assumes that the firefighters' apparatus is capable of delivering a volumetric flow rate (gallons per minute) based on the total volume of water (gallons) that must be supplied and maintained by the building or structure.

Based on Section 4.2.1 of the 2007 edition of NFPA 1142 for structures without exposure hazards, the following formula shall be used to determine the minimum water supply requirements (in gallons) for structures located in suburban and rural firefighting areas:

- $WS = \left[\frac{VS_{TOT}}{OHC} \right] \times CC$
 - WS = water supply requirements (in gallons)
 - VS_{TOT} = total volume of the structure (in cubic feet)
 - OHC = the occupancy classification number
 - CC = the construction classification number

For 63 Laurel Grove, the total volume of the house will be 104,500 cubic feet. The Water Supply requirements (in gallons) are as follows:

- $WS = \left[\frac{VS_{TOT}}{OHC} \right] \times CC$
 - WS = water supply requirements (in gallons)
 - $VS_{TOT} = 104,500$ (in cubic feet)
 - $OHC = 7$ (from Section 5.2.5)
 - $CC = 1.0$ (from Section 6.2.2)

As a result, the water supply requirements for 63 Laurel Grove will be 14,928 gallons.

Based on the required volume of 14,928 gallons to be provided and maintained for the fire department by the home, Table 4.6.1 of NFPA 1142 states that "the fire department shall develop the capability to deliver" 750 gallons per minute to the house. That is, the house shall provide the fire department with a volume of 14,928 gallons, and the fire department should have the capacity to flow 750 gallons per minute from the 14,928 gallons supplied and maintained by the home.

NFPA 1142 permits the required 14,928 gallons supplied and maintained by the home to be reduced when "the structure is protected by an automatic sprinkler system." 63 Laurel Grove is fully protected by an automatic fire sprinkler system in conformance with NFPA 13R. The resident at 63 Laurel Grove is requesting this reduction to be waived to ensure an adequate water supply is available for fire department use.

A 15,148 gallon swimming pool will be provided for firefighting use at 63 Laurel Grove. This is in excess of the minimum requirements of NFPA 1142. Furthermore, a pressurized fire hydrant is located across the street from 63 Laurel Grove for additional firefighter use.

Regards,

ZARI CONSULTING GROUP, INC.



Joseph P. Zari, PE
Principal



Ross Valley Fire Department
777 San Anselmo Avenue, San Anselmo, CA 94960

Mark Mills
FIRE CHIEF

Memo

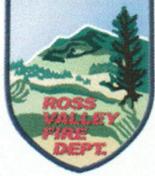
To: Elise Semonian
From: Robert Bastianon, Fire Inspector
Date: 4/3/2015
Re: 63 Laurel Grove, Ross

The pool plan submitted for review by RVFD appear to meet minimum Fire Code requirements. A separate fire permit is required for use as a fire water storage tank assembly. A complete review of the project will be done at time of submittal for permit.

Committed to the protection of life, property, and environment.

SAN ANSELMO • FAIRFAX • ROSS • SLEEPY HOLLOW

HEADQUARTERS: 777 San Anselmo Avenue, San Anselmo, CA 94960 TEL: (415) 258-4686 FAX: (415) 258-4689 www.rossvalleyfire.org



APPLICATION FOR
ACCEPTANCE OF ALTERNATE MATERIALS OR METHODS

Application Date: 5/24/13

Project Information

Name: BRAD OLDENBROOK
Address: 63 LAUREL GROVE ROSS
Permit Number:

Applicant Information

Name: BRAD OLDENBROOK
Address: 63 LAUREL GROVE ROSS
Phone Number: 415-867-9595
Email Address: BOLDENBROOK@GMAIL.COM

DESCRIPTION OF ALTERNATE MATERIALS OR METHODS (Include code section)

JUSTIFICATION OF ALTERNATE MATERIALS OR METHODS, (Describe, in detail, the equivalency of your proposed alternate, use additional pages if necessary and attach two site/floor plans)

Signed [Signature]
Applicant

- Approved
Denied
Comments / Additional Mitigation(s):

Signed: _____
Fire Marshal

Date: _____

Acceptance of an alternate for Fire Department requirements does not establish, or override, requirements of other Town departments.

March 25, 2013

Ross Valley Fire Department
777 San Anselmo Avenue
San Anselmo, CA 94960

Re: Laurel Grove Residence
63 Laurel Grove
Ross, California
AP# 072-131-19

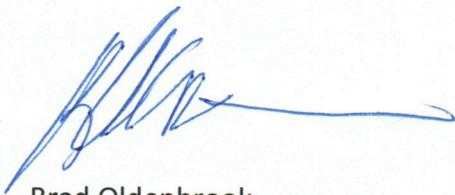
Application for Acceptance of Alternate Materials Or Methods:

Description of Alternate Materials or Methods:

As an alternate to providing the minimum fire flow requirements per Section B106 and Table B105.1 of the California Fire Code we are proposing to use an approximately 10,000 gallon swimming pool as a water storage reserve to address the Fire Department plan review item #3. The reduction in this fire flow requirement would be authorized under Section B103.1 of the California Fire Code. Additionally, the residence would be fully fire sprinkled and constructed with building materials approved for the Wildlife Urban Interface Zone.

Justification of Alternate Materials or Methods:

The proposed alternate system consists of an approximately 10,000 gallon swimming pool that will serve as a water source. The swimming pool will be filled by a reliable water source provided by the Marin Municipal Water District and will be equipped with an automatic float to ensure that the swimming pool is always full of water. In addition to the swimming pool, the residence will be fully fire sprinkled and constructed with building materials approved for the Wildlife Urban Interface Zone.



Brad Oldenbrook



Ross Valley Fire Department
777 San Anselmo Avenue, San Anselmo, CA 94960

Mark Mills
FIRE CHIEF

Memo

To: Elise Semonian
From: Robert Bastianon, Fire Inspector
Date: 4/3/2015
Re: 63 Laurel Grove, Ross

The pool plan submitted for review by RVFD appear to meet minimum Fire Code requirements. A separate fire permit is required for use as a fire water storage tank assembly. A complete review of the project will be done at time of submittal for permit.

Committed to the protection of life, property, and environment.

SAN ANSELMO • FAIRFAX • ROSS • SLEEPY HOLLOW

HEADQUARTERS: 777 San Anselmo Avenue, San Anselmo, CA 94960 TEL: (415) 258-4686 FAX: (415) 258-4689 www.rossvalleyfire.org

Arbor Day Tree Care
245 Calle de la Selva
Novato, CA 94949
415-309-1671 Mobile
arbordaytreecare@yahoo.com



Arborist Report

Date: February 20, 2015

Requested by: Pacific Design Group

Re: 63 Laurel Grove Ave, Ross, CA

Activity: Impact of proposed swimming pool on existing 28" Coast Live Oak, report on condition and advise.

Observations:

The large Coast Live Oak at the rear of the property is 28" in diameter and 30' tall. This tree is in fair condition, has been sprayed for sudden oak death, pruned for less wind resistance and dead and diseased branches have been removed.

The proposed swimming pool will have no impact on the root system of this tree as it will be located outside of the drip line.

Please feel free to contact me with any questions or concerns.

Regards,

Edgar C. Evans
Certified Arborist WC 0720

From: [Jennifer Maxwell](#)
To: "[Elizabethb@brekhus.com](#)"; "[Kathryn.Hohenrieder](#)"; [eliz.robbins@gmail.com](#); [carlasmall@aol.com](#); [beach.kuhl@sedgwicklaw.com](#); [kreid@bortonpetrini.com](#)
Cc: [Elise Semonian](#); [BTysonLandscape@aol.com](#); "[Buchanan Carla](#)"; "[JOSEPH WOLBERG](#)"
Subject: incomplete and inaccurate information
Date: Wednesday, April 01, 2015 1:03:28 PM

Hi Town Council,

I'm writing to you to let you know that correct procedures have not been followed in relating to the proposed amended plans presented by Mr. Brad Oldenbrook set forth to being discussed at the town council meeting on April 9th.

As the neighbor most impacted by the proposed changes to his construction plans, I have not been given complete or accurate landscape drawings depicting where the said forth pool will be located.

In fact, when I met with Elise at the construction site two weeks ago, she agreed that the drawings looked inaccurate in terms of the measurements of proximity to the heritage oak tree that would be impacted by a pool installation, but also, there is NO REPRESENTATION OF THE MASSIVE CONCRETE WALL, (inaccurately described in the proposal as a landscape retaining wall). I, as well as other neighbors on the other side of the canyon, have no idea what this "pool wall" would like without a mock-up of some sort. Story poles do not suffice because the wall goes down not up.....

The proposal calls for the installation of a "infinity pool" to be located projecting out towards my house and decks in complete line with my existing view. The pool would essentially be cantilevered over the road and supported by the concrete wall.

In addition, the current screening I have which includes bay trees, would most likely have to be removed for installation of the pool and retaining wall. In fact, no landscape plan has been made to include the required screening that should be part of the original approval process. In addition, this proposal needs to have a privacy ordinance review and noise ordinance review.

As you can see, I don't believe a meeting can be held to discuss this proposal without more accurate information.

I am out of town for the next week, so Brandon Tyson can please represent me in my absence with regards to this issue. He is quite familiar with issues and as my landscape designer, has experience with regards to these issues.

I propose that the discussion of allowing Mr. Brad Oldenbrook to install a swimming pool at the said location be delayed until proper and legally required information is made available.

Thank you,
Jennifer Maxwell
415-250-0480