



Staff Report

Date: October 8, 2015

To: Mayor Kathleen Hoertkorn and Council Members

From: Leann Taagepera, Contract Planner

Subject: Matthew and Niki Webster, 15 Brookwood Lane, Variance and Tree Removal, File No. 2009

Recommendation

Town Council approval of Resolution No. 1915 conditionally approving Variance and Tree Removal for an addition at 15 Brookwood Lane.

Project Summary

Owner: Matthew and Niki Webster
 Design Professionals: John Clarke Architects
 Location: 15 Brookwood Lane
 A.P. Number: 73-311-04
 Zoning: R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum lot size)
 General Plan: Medium Low Density (3-6 units per acre)
 Flood Zone: Zone AE (High Risk Area with a 1% annual chance of flooding)

Application for Variance and Tree Removal. The project involves the construction of a single-story 146 square foot addition, 99 square feet of which would be located within the rear setback. Variances are required pursuant to Ross Municipal Code Chapter 18.48 to allow 99 square feet of the new habitable space to be located within 32 and 36 feet from the rear property line and for an increase in Floor Area Ratio (FAR). The addition would link the existing residence and the detached garage, functioning as the new every day entry. Design Review approval is not required due to the project not meeting the criteria set forth for Design Review (size, etc.)

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| Lot Area | 8,172 square feet |
| Existing Floor Area Ratio | 2,793 sq. ft. 34.2% (Includes the roofed portion of the front porch structure – 80 square feet. A 30% FAR was approved in 1985 and the house was constructed as approved. See Background discussion below for more information.) |
| Proposed Floor Area Ratio | 2,859 sq. ft. 35.0% (20% permitted) |
| Existing Lot Coverage | 2,062 sq. ft. 25.2% (The existing lot coverage was approved in 1985. See discussion below for more information.) |

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| Proposed Lot Coverage | 1,855 sq. ft. | 22.7% (20% permitted) |
| Existing Impervious Surfaces | 3,986 sq. ft. | 48.8% |
| Proposed Impervious Surfaces | 3,709 sq. ft. | 45.4% |

Background

On July 11, 1985, the Town Council approved Variance #739, which allowed the demolition of an existing single family residence and carport and the construction of the current house with front porch trellis structure, a backyard trellis structure, detached garage, and pool. A 30% FAR was approved at that time and the proposed (and approved) lot coverage was stated to be 18%. It should be noted that the lot square footage, house and garage square footage, and associated FAR and lot coverage were reported to be different amounts than are currently reported. This appears to be because the lot size has now been verified with a survey and found to be larger than it had been reported in 1985. The actual FAR and other details for the site are shown in the above table. It is not known why the house and garage square footage were reported to be different than they are now. Although the site was approved with an FAR of 30% in 1985, current calculations for FAR and lot coverage have been verified by the licensed surveyor and architect, who state that they are correct. The then-property owners returned to the Council on August 8, 1985 and received approval for landscaping plans. After meetings between the then property-owners, neighbors, and staff, in June of 1986, the then-property owners returned to the Council on July 11, 1986 and received approval for house, landscaping, and drainage plans. On October 13, 1988, the landscaping plans were again reviewed and approved by the Council.

Previous Proposed Project

In August, 2014, the project applicants presented plans to the ADR for an earlier proposed project. That project was 495 square foot second unit addition that would require Town Council approval of design review and second unit exceptions. The applicants proposed a new second unit above the existing garage that would have been linked to the residence by an entry addition, as is now being proposed. Second unit exceptions would have been requested to exceed the maximum permitted floor area and to locate the addition within the rear yard setback. Due to an unfavorable ADR review, the applicants decided to scale back the project to the current proposal.

Project Description

The applicant is requesting exceptions in order to construct an addition on the site, which would link the garage and residence. The project requires exceptions from the zoning regulations since it proposed partially within the rear yard setback and would further exceed permitted floor area for the site (by 66 square feet – a .8% increase.) The project would require Town Council approval of a rear yard setback and FAR variances, and removal of trees.

The proposed project is an overall concept to re-purpose the small, corner lot to better serve the family and their young children. It proposes moving the everyday entry door to the north end of the property in a new single-story, 146 square foot addition that would link the detached garage and the house. This is the door most often used by the family and visitors to the house. Moving the front door entry area would allow the small yard to be better utilized, allowing the children to play outside in the front area behind a new proposed fence that would wrap around the property to the west.

The original approval of the house included a front porch trellis structure, which measures 13'-6" x 17'-3" (approximately 220 square feet.) This structure is proposed to be removed as part of the project. Per the Town's municipal code, the roofed portion of the porch structure, which consisted of 80 square feet of the structure, is considered as part of the FAR. Since the project proposes the removal of the front porch structure, the additional FAR proposed for the site would be 66 square feet. The removal of this structure reduces the bulk and mass of the front of the residence, which meets intent of the FAR standard. If the entire porch structure were considered to be a part of the existing FAR, the project would actually result in a reduction in FAR. A large trellis structure, also original to the house exists at the rear of the house and is proposed to be removed as part of the project. As it does not meet the depth or roofed requirement for a porch, it is not considered to be part of the current FAR.

The fence along the right-of-way would be four-foot high Hogwire fencing, for transparency, with redwood posts. Along the creek at the rear of the yard, the project proposes replacing the existing six-foot high welded wire fence with a six-foot high Hogwire fence. Along the Southern property line adjacent to the only nearby neighbor, the project proposes replacing an existing six-foot high solid redwood fence with same like in kind, for privacy). The color proposed is a simple natural patina. Along part of the west side of the property, the fence is proposed to be placed atop a 12-inch low wood retaining wall to guide the storm-water runoff away from the house into the storm drain system.

The addition's exterior would be clad with western red cedar horizontal siding in a clear finish and would include one vertical window facing north to match the existing windows found on the residence. The proposed design is different in form and material from the existing house and was designed by the architect to not compete with the gable and elevations of the house and garage. The wood siding proposed on the addition is also proposed to be used on a new garage door and portions of the fencing to connect the addition to the rest of the property. The new every day entry door would be on the addition wall that faces west and would be divided glass doors. Two new doors are proposed for the kitchen to allow better access to the yard areas and increase the connection to the children when playing outside. One door is proposed facing east toward the backyard and pool and is replacing an existing window. The other door is proposed to be added on the west side of the house to better access that yard and play area.

Discussion

The project also proposes a reduction in the lot coverage and impervious surface, which would be accomplished by removing hardscape in the front and side yard areas and by the removal of the two trellises and associated hardscape. The porch and entry area to the existing front door take up a significant amount of space in the front or western yard. (This is a corner lot.) The lot is relatively small, at 8,172 square feet, and since the rest of the lot is taken up by a pool and the garage, this western lawn area would be an outdoor play area that is proposed to be fenced for the safety and security of the children.

The project includes the removal of an attached trellis which has more of an impact on the appearance of the building than the proposed addition. The removal of the a structure is not a one to one trade off in terms of square footage but the increase in FAR is minimal due to this trade-off and the appearance is less massive.

In the new entry area, an entry court is proposed at the north end of the house. This court would be entered through a gate in the fence that would wrap around the corner lot, contributing to the secure children's play area. This entry solves the issue of visitors using the breezeway as their primary entry and creates a better and more secure children's play area.

Nine ornamental trees are proposed for removal. Two of the trees are over 8" in diameter and require Town approval for removal (beech and magnolia.) Seven other trees are proposed for removal, ranging between 4" and 6" in diameter - six Japanese Maples and one beech tree. Some of these trees appear to have been included in the approved landscape plans in the files that appear to be from 1986 and would, therefore, also require approval for removal. The trees are proposed to be replaced with four 24"-box Japanese Maples (*Acer Palmatum*) and a variety of smaller landscaping. A detailed landscape plan is included in the Council packet, including artificial turf, shrubs, perennials, trees, grasses, ground cover and vines. Additional landscaping is proposed on the south side of the house that is adjacent to a neighbor. Although the fence in this area is not located on the property line, but is instead located into the property owner's lot, they do not plan to relocate the fence. Landscaping lighting is proposed with all fixtures to be shielded and downward-directed.

ADR Meeting

The project was reviewed by the ADR on August 25th. The ADR was complimentary of the proposal and its design. Members believed that the new addition was complimentary to the existing structure and would be an asset to the neighborhood. It was appreciated that the property owners were attempting to assist with the drainage issues on that part of the street. ADR members had suggested that the fencing proposed be made more transparent and lower in an area that had been proposed for a six-foot high fence. The architect has responded to their concerns with a revised design of the fencing. The proposed removal of the front porch/trellis structure and reworking of the fencing and landscaping was looking positively on by the ADR, as the goal is to improve the street appearance of the house, while improving the yards utility for the family. The ADR recommended that the project move forward to Council.

Neighbor Comments

Staff has received three letters of support for the project, which are found in the Council packet. No neighbors attended the ADR meeting and none have voice opposition to the project. The property owners indicate that they have made a good faith effort to speak to all of the neighbors and presented his project to many of them.

Variance Findings

California State Law and the Town Zoning Ordinance permit the Council to grant exceptions to the zoning regulations when a property is unusual and the strict application of the zoning regulations would "deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification." (California Govt. Code §65906, Ross Municipal Code

§18.48.010) The Town Council may only grant variances, exceptions and adjustments to the provisions of the zoning code where "practical difficulties, unnecessary hardships and results

inconsistent with the general purposes of the zoning code may result from the strict application of the provisions.” (RMC §18.48.010)

To approve a variance the Town Council must find:

1. That there are special circumstances or conditions applicable to the land, building or use referred to in the application.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.
3. 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. (RMC §18.48.030)

The property is located in a zone with a minimum lot size of 10,000 feet. The lot’s location, size and shape are unusual and result in special circumstances. The subject property is only 8,172, and with the creek setback requirement, its situation as a corner lot with two street frontages, and the northern fence being located into the subject property, in addition to the stand of mature redwoods located in the northwest corner of the property all serve to limit the usefulness of the yard and development space. The property consists of a unique geometry as the rear property line runs along the creek and bends at an angle westward as it travels south along the backyard property line. Due to the bend in the property line, the rear setback projects further into the lot than if the property line were straight, therefore, requiring the request for the rear-yard setback.

The lot is the fourth-smallest in the surrounding 49 properties and FARs of over the required 20% is common. Other properties are able to enjoy attached garages and entry-ways and FAR’s over the requirement. The granting of this variance would not constitute a grant of special privileges. The project would create a reasonable link between their existing house and garage and accommodates the needs of the family. It would allow the property owners the enjoyment of the same substantial property rights as other properties under the same zoning classification.

The granting of the variances for the small increase in FAR and for the rear-yard setback would not negatively affect any property owners or the neighborhood. The addition would not be seen by the rear yard neighbor, due to its location between the house and garage, and the design would blend well with the residence. The project would address the historical substandard drainage patterns at the southwest corner of the property. It would not affect the health or safety of the neighborhood, but would improve the aesthetics of the area.

The applicants’ statements in support of the variance request are attached. In the past, the Town Council has granted floor area ratio variances in order to allow owners to develop residences in parity with other developed sites in a zoning district. Approval of other variances does not create a precedent for subsequent variance requests, since each is based on individual site circumstances.

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.

Recommendation

Staff supports the proposed project's proposed site improvements, which would improve the aesthetics of the neighborhood, increase the usability of the property for the owners, and reduce the lot coverage and impervious surfaces. Findings for approval are provided in the resolution and in the applicant's staff report, found attached.

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 Guidelines Section 15301 (existing facilities, as an addition to an existing single-family residence in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive) No exception set forth in Section 15301.2 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. Resolution No. 1915
2. Findings and Conditions of approval
3. Application
4. Arborist Report, prepared by Pam Nagle, dated September 21, 2015
5. Neighbor Letters of Support
6. Project History
7. Project plans

TOWN OF ROSS

RESOLUTION NO. 1915

A RESOLUTION OF THE TOWN OF ROSS APPROVING VARIANCE TO ALLOW A 146 SQUARE FOOT ADDITION TO BE CONSTRUCTED AND TO ALLOW 99 SQUARE FEET OF THE ADDITION TO BE LOCATED WITHIN 32 AND 36 FEET FROM THE REAR PROPERTY LINE AND FOR A 66 SQUARE-FOOT INCREASE IN FLOOR AREA RATIO AT 15 BROOKWOOD LANE, APN 073-311-04

WHEREAS, Matthew and Niki Webster submitted an application for Variances pursuant to Title 18 of the Ross Municipal Code to allow a 146-square-foot addition to be constructed and to allow 99 square feet of the addition to be located within 32 and 36 feet from the rear property line and for a 66-square-foot increase in Floor Area Ratio at 15 Brookwood Lane, APN 073-311-04 (THE "PROJECT"); AND

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (existing facilities);

WHEREAS, no exception set forth in Section 15301.2 of the CEQA Guidelines (including but not limited to subsection (a) which relates to impacts on environmental resources; subsection (b) which relates to cumulative impacts, subsection (c) which relates to unusual circumstances; or subsection (f) which relates to historical resources) was found to apply to the project; and

WHEREAS, on October 8, 2015, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A"; and approves Variance for the project described herein located at 15 Brookwood Lane, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 8th day of October 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

EXHIBIT "A"
Findings In Support Of Project Approval
15 Brookwood Lane; APN 073-311-04

A. Findings

1. Variance (RMC § 18.48.010) – Approval for Variance to allow a 146-square-foot addition to be constructed and to allow 99 square feet of the addition to be located within 32 and 36 feet from the rear property line and for a 66-square-foot increase in Floor Area Ratio is based on findings outlined in Ross Municipal Code Section 18.48.010 as described below:

a) That there are special circumstances or conditions applicable to the land, building or use referred to in the application;

The property is located in a zone with a minimum lot size of 10,000 feet. The lot's location, size and shape are unusual and result in special circumstances. The subject property is only 8,172, and with the creek setback requirement, its situation as a corner lot with two street frontages, and the northern fence being located into the subject property, in addition to the stand of mature redwoods located in the northwest corner of the property all serve to limit the usefulness of the yard and development space. The property consists of a unique geometry as the rear property line runs along the creek and bends at an angle westward as it travels south along the backyard property line. Due to the bend in the property line, the rear setback projects further into the lot than if the property line were straight, therefore, requiring the request for the rear-yard setback.

The lot is the fourth-smallest in the surrounding 49 properties and FARs of over the required 20% are common. Other properties are able to enjoy attached garages and entry-ways and FAR's over the requirement and the granting of this variance would not constitute a grant of special privileges. The granting of the variances for the small increase in FAR and for the rear-yard setback would not negatively affect any property owners or the neighborhood. The addition would not be seen by the rear yard neighbor, due to its location between the house and garage, and the design would blend well with the residence. The granting of the variance would not authorize a use not allowed by the zone district as the use would remain residential.

b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights;

The applicant wishes to construct a 146-square-foot addition on an 8,172 square foot lot. This is a reasonable request given the size of the lot and the existence of other attached garages, entry-ways and other houses over the FAR requirement in the neighborhood.

c) 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.

The proposed addition would be compatible with the neighborhood and the overall project would improve the aesthetics of the lot. It would not adversely affect the health or safety of residents or workers. The proposed construction will not impact views. The applicant has submitted letters from neighboring property owners which show support of the proposed project.

a) **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, is not located near ridgeline, and will not impact other natural or cultural resources.

(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.

Ornamental landscaping proposed for removal would be replaced.

(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.

See (2) above.

(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 applicant will be required to comply with Marin Municipal Water District (MMWD) water conserving landscape requirements.

(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.

The inclusion of a small amount of artificial turf would reduce 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 would increase the permeable area on the lot.

(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. There are no known cultural resources existing on this property and accidental 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.

Existing mature landscaping will be maintained, while some trees proposed for removal would be replaced.

(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.

The project would not be constructed on sloping land. Cut and fill would be minimized, due to the small nature of the addition and its location.

(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 project would reduce the bulk and mass in the front area of the lot and the new addition would not be out of scale either visually or structurally with other residences or their setting.

(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 project would not affect privacy between adjacent properties and the window would not produce light pollution or glare.

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

Building materials and colors would be appropriate to the neighborhood.

(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.

No modification to the existing parking areas is proposed.

(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 building is 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 building is not historic.

(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 due to the location of the site and known archaeological areas.

(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 proposed construction is not within areas that have been identified as unstable.

(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.

(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.

(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.

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

The project was reviewed by the Ross Valley Fire Department and the conditions are included for this project.

(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 would require approval by the Town Engineer for changes in drainage, through the building permit process. Water would be directed to storm drains.

(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 will result in a decrease in the amount of impervious surface.

(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 creeks or riparian areas.

EXHIBIT "B"
15 Brookwood Lane
Conditions of Approval

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

2. Except as otherwise provided in these conditions, the project shall conform to the plans approved by the Town Council on October 8, 2015 involving the construction of a single-story 146 square foot addition, 99 square feet of which would be located within the rear setback. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

3. The applicant and future property owners shall notify all future property owners of their obligation to comply with conditions of project approval.

4. 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.

5. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

6. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.

7. Provide a Preliminary Title Report (including the grant deed and title items) and show all existing easements and other relevant title items on the Site Plan and other plans as appropriate. There is an existing storm drain which appears to travel along the side yard of the property.

8. Reference on the Site Plan the property line source and mapping information, any existing easements, building setbacks, encroachments etc.

9. For your information, plans submitted for Building Permit, the following conditions of approval shall be satisfied:

- An Encroachment Permit is required for all improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Director of Public Works.
- A geotechnical investigation may be required or a letter from a geotechnical engineer may be required to be provided stating why a geotechnical report should not be required. The geotechnical investigation should address site preparation, foundation, grading and drainage recommendations.
- Topographic Survey information shall be included either on the site plan or on a separate plan. The basis for determining elevations (assumed, NGVD, or NAVD) should also be clearly indicated. The surveyor's name and license number should be included.

- The project will require a detailed Grading Plan & Drainage Plan showing cut and fill earth volumes. Said plans shall incorporate, as appropriate, the MCSTOPPP Guidance for Applicants: Storm Water Quality Manual for Development Projects in Marin County. This can be found at the following website: (http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/~media/Files/Departments/PW/mcstoppp/GuidanceforApplicantsv_2508.pdf).
- This project may require a Grading Permit pursuant to (Ross Municipal Code Chapter 15.24 GRADING, EXCAVATIONS AND FILL)
- The project will require a Utility Plan (if not shown on the Site Plan) showing the existing site utilities and their alignment and locations, along with any proposed new locations or alignments for sewer, water, irrigation, gas, electrical, telephone, cable TV, etc.. (If the site is currently served by overhead utilities, indicate proposed routing of underground utilities to the nearest utility pole).
- Existing overhead utilities serving the residence may be required to be placed underground pursuant to Ross Municipal Code Chapter 15.28.120 Underground facilities not in underground district.
- The project will require an Erosion Control Plan incorporating, as appropriate, the MCSTOPPP Minimum Erosion/Sediment Control Measures for Small Construction Projects (http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/~media/Files/Departments/PW/mcstoppp/development/MECM_final_2009.pdf)
- A Traffic Control Plan, approved by the Director of Public Works, is required prior to the issuance of grading and hauling permits.

10. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee.

11. Floor elevation shall be physically surveyed and certified by a licensed land surveyor to be in compliance with the approved plans after the floor(s) area completed.

12. The applicant shall provide the building inspector with written evidence, prepared by a licensed land surveyor, confirming the height of the structure(s) comply with approved plans after roof framing.

13. If required, the applicant shall provide the Town with a deposit in the amount to be determined by the Town Building Official prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. 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.

14. 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 Storm water 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.)

15. 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.

16. 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 for review by the Building Official. 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.

17. 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 town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.

18. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule 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).

19. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the project and the construction management plan.

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

21. 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.

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

23. Materials shall not be stored in the public right-of-way. 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 public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water 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.

24. 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.

25. 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 numbers shall be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night. The applicant shall work with the Public Works Department to repair any road damage caused by the 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.

26. 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.

27. Plans submitted for a building permit shall detail the required openings in the foundation walls to allow for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (See FEMA Technical Bulletin 1-93 <http://www.fema.gov/pdf/fima/job2.pdf> for more information).

28. Flood resistant materials shall be used below the finished floor. All structural and non-structural building materials at or below the base flood elevation must be flood resistant. A flood-resistant material is defined as any building material capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Flood-resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the base flood elevation or sealed from floodwaters. (See FEMA Technical Bulletins 2-93 and 11-01 at <http://www.fema.gov/> for more information.)

29. If required, A FEMA elevation certificate shall be submitted to the Town with the building permit plans and prior to project final.

30. All cracked, broken or uplifted sidewalk fronting the property shall be replaced prior to project final. The following conditions relate to protection of the creek during all phases of construction:

31. No soil, concrete, cement, slurry, or other construction debris is permitted to enter the creek. If any soil, concrete, cement, slurry, or other debris inadvertently enters the creek, the material shall be cleaned up and removed from the channel immediately.

32. Staging/storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the creek channel and associated riparian area.

33. Spoil sites shall not be located within the stream channel, where spoil may be washed back into the creek. Building materials and construction equipment shall not be stored where materials could fall or be washed into the creek.

34. If necessary, the applicant is responsible for obtaining any Federal, State and local permits necessary for the project. The applicant shall comply with any additional requirements of the agencies.

35. A qualified engineer shall prepare a report on the condition of the applicable section of Brookwood Lane for construction vehicles that shall be submitted prior to issuance of the building permit for review. The Town Engineer may limit the size and/or weight of construction vehicles and may require the applicant to make any repairs necessary to ensure road stability for construction vehicles or to post a bond, in an amount to be fixed by the Town Engineer, guaranteeing that the applicant will repair damage to the roadway. The Town may require bonding to protect the public infrastructure in case of contractor damage, depending on the method of hauling and likely impact on the street. 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.

36. The project shall comply with the following, which shall be identified on the plans submitted for a building permit:

- Verify that the existing garage walls, ceilings and all openings have a one hour fire rating per the CRC R302. Also, verify that the new garage man door meets all the requirements for a 20 minute fire rating, is self-closing and self-latching and is a solid core 1 3/8 thick door per CRC 303.

37. 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.

38. All cracked, broken or uplifted sidewalk fronting the property shall be replaced.

39. The construction management plan shall be submitted in time to be incorporated into the job set of plans. The construction management plan shall become a binding document, and failure to adhere to the plan may result in stoppage of the project.

40. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

41. Trees and vegetation shall be trimmed according to the Ross Municipal Code.

42. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.

43. The applicant shall provide emergency escape and rescue opening for bedrooms and show the dimension of the sill height from the finished floor.

44. 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.

45. 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.

46. Applicants shall comply with all requirements of PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.

47. 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).

48. A fire sprinkler system shall be installed throughout the entire building, which complies with the requirements of the National Fire Protection Association 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-building sprinkler systems. This shall be noted on the plans.

49. In regards to conditions from the Ross Valley Fire Department, the applicant may propose alternate materials or methods in accordance with Section 103.3. All approved alternates requested and supporting documentation shall be included in the plans set submitted for final approval.

50. 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 attorney’s fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Phone (415) 453-1453, Ext. 121

Web www.townofross.org

Fax (415) 453-1950

Email esemonian@townofross.org

| |
|--------------------|
| Staff Use Only |
| Received By: _____ |
| Date: _____ |
| Fees Paid: _____ |
| Date: _____ |

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

Parcel Address and Assessor's Parcel No. 073-311-04

Owner(s) of Parcel MATT & NIKI WEBSTER

Mailing Address (PO Box in Ross) P.O. Box 453

City ROSS State CA ZIP 94957

Day Phone 415-535-6552 Evening Phone 415-535-6552

Email jmathwebster@gmail.com

Architect (Or applicant if not owner) JOHN CLARKE ARCHITECTS

Mailing Address 4000 BRIDGEWAY, SUITE 3134

City SAUSALITO State CA ZIP 94965

Phone 415-332-1122

Email john@jcarcls.com

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

Gross Lot Size 2,172 sq. ft. Lot Area 2,172 sq. ft.

Existing Lot Coverage 2,062 sq. ft. Existing Floor Area 2,793 sq. ft.

Existing Lot Coverage 25.2 % Existing Floor Area Ratio 34.2 %

Coverage Removed 353 sq. ft. Floor Area Removed 80 sq. ft.

Coverage Added 146 sq. ft. Floor Area Added 146 sq. ft.

Net Change- Coverage -207 sq. ft. Net Change- Floor Area 66 sq. ft.

Proposed Lot Coverage 1,955 sq. ft. Proposed Floor Area 2,959 sq. ft.

Proposed Lot Coverage 22.7 % Proposed Floor Area Ratio 35.0 %

Existing Impervious Areas 3,986 sq. ft. Proposed Impervious Areas 3,709 sq. ft.

Existing Impervious Areas 48.8 % Proposed Impervious Areas 45.4 %

Proposed New Retaining Wall Construction 50 ft. (length) 1'-6" ft. (max height)

Proposed Cut 10⁺ cubic yards Proposed Fill 10⁺ cubic yards

Written Project Description – *may be attached.*

A complete description of the proposed project, including all requested variances, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

SEE ATTACHED

Mandatory Findings for Variance Applications

In order for a variance to be granted, the following mandatory findings must be made:

Special Circumstances

That because of special circumstances applicable to the property, including size, shape, topography, location, and surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. **Describe the special circumstances that prevent conformance to pertinent zoning regulations.**

SEE ATTACHED

Substantial Property Rights

That the variance is necessary for the preservation and enjoyment of substantial property rights. **Describe why the project is needed to enjoy substantial property rights.**

SEE ATTACHED

Public Welfare

That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the neighborhood in which said property is situated. **Describe why the variance will not be harmful to or incompatible with other nearby properties.**

SEE ATTACHED

Special Privilege

That the granting of this variance shall not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. **Describe why the variance would not be a grant of special privilege.**

SEE ATTACHED

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm INTEGRATED DESIGN STUDIO
 Project Landscape Architect MICHAEL ROSKINE
 Mailing Address 219 SHORELINE HWY
 City MILL VALLEY State CA ZIP 94941
 Phone 415-391-9500 x702 Fax _____
 Email michael@integrateddesignstudio.com
 Town of Ross Business License No. _____ Expiration Date _____

Civil/ Geotechnical Engineer

Firm _____
 Project Engineer _____
 Mailing Address _____
 City _____ State _____ ZIP _____
 Phone _____ Fax _____
 Email _____
 Town of Ross Business License No. _____ Expiration Date _____

Arborist

Firm _____
 Project Arborist _____
 Mailing Address _____
 City _____ State _____ ZIP _____
 Phone _____ Fax _____
 Email _____
 Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant WILLIAM SCHROEDER & ASSOCIATES - LAND SURVEYORS
 Mailing Address P.O. BOX 4801
 City SAN RAFAEL State CA ZIP 94903
 Phone 415-472-4759 Fax 415-472-7919
 Email schroed@sbglobal.net
 Town of Ross Business License No. _____ Expiration Date _____

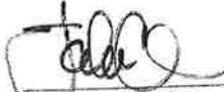
Other

Consultant PAUL NAGLE - ARBORIST
 Mailing Address 412 GATES STREET
 City SAN FRANCISCO State CA ZIP 94110
 Phone 415-279-0461 Fax _____
 Email naglepc@gmail.com
 Town of Ross Business License No. _____ Expiration Date _____

Project Architect's Signature

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

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



Signature of Architect

9/29/15

Date

Owner's Signature

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

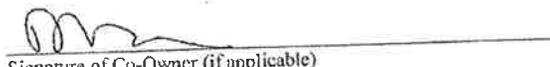
I further certify that I have read the attached Variance/ Design Review/ Demolition Fact Sheet and understand the processing procedures, fees, and application submittal requirements.



Signature of Owner

9/29/15

Date



Signature of Co-Owner (if applicable)

9/29/15

Date

Notice of Ordinance/Plan Modifications

- Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit:

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

15 Brookwood Lane:

Project Description:

The proposed project includes a minor single story addition (146 square feet), an internal remodel and site improvements. The site improvements are part of a master plan concept to re-purpose the lot for how the Websters would like to use it. The lot is not a very big lot, in fact it is the fourth smallest of the surrounding 49 properties, and Matt and Niki want to maximize how they use their land. The current configuration underutilizes much of the property. In the development of the site plan, we looked at how to best address their desires. First, they want to have a place where their three small children will be able to play without concern of passing cars. Second, they want to have several options for where their kids could play. Third, they wanted to have close contact to their children when they are outside the house. Part of the downside with the existing site plan is that the western portion of the property is largely underutilized. Ironically, this is where the front door is located. However, no one ever uses the front door. The Websters park in the driveway or garage and utilize the rear door to the house. Visitors, parking along the portion of Brookwood to the north of the house, also use this rear door as their approach to the house. In addition to a seldom used front door, the entry sequence to that front door takes up a significant portion of the western yard. With the other areas of the lot dedicated to garage and swimming pool, the development of this area seemed like the best solution to achieve their goals. It represented a lawn area that could be fenced for security, offer an alternative to indoor or poolside play and could also be an area directly connected to the first floor and kitchen.

As part of that development, we looked at de-emphasizing the front door and highlighting an everyday entry to the north end of the property. Currently, everyday entry is gained by slipping between the two story house and the single story garage. This 10 foot wide space is hardscaped and not very inviting, but is the most direct path from parking to entrance. By proposing a link between the house and garage, the addition creates a **new everyday entry** for the property. This addition will allow for the Webster's to park in their garage and have an internal connection the house. For visitors, an entry court has been designed at the north end of the house to enhance the entry sequence. This entry to this court is through a new fence that wraps around the property to the west, additionally creating a safe boundary for the Webster children to play behind.

The design concept for the addition is for it to function as a **circulation link**, but visually it must not compete with the strong gable end elevations of the stucco house and garage. The proposed design is different in both form and material from the existing house. The addition will be clad in horizontal wood siding and have a low parapet wall creating a simple form with subtle detail that complements the more stark stucco structures. In an effort to strengthen the connection of this proposed addition to the rest of the property, the horizontal wood siding will also be used on a new garage door and portions of the fencing at the perimeter of the property.

As part of the site design, we have reduced both the lot coverage and impervious surfaces on the property. **Lot coverage has been reduced from 25.2% to 22.7%, for an overall reduction of 2.5%. Impervious surfaces have been reduced 48.5% to 45.4% for an overall reduction of 3.1%.**

In addition to the site work and entry addition, the project includes an internal remodel of several areas of the existing house. The scope includes the replacement of the existing spiral staircase, a new kitchen and master bathroom design.

Variations required:

There are two variations being requested as part of this application:

- Floor area variance for the addition of 66 square feet
- Rear yard set-back variance for the addition of 99 square feet in the rear yard setback

Early in the design process, we looked at options for a net zero floor area project, but the existing structures do not lend themselves to the removal of any square footage as both garage and house are simple and complete boxes. We are able to offset the total proposed floor area, by the removal of the covered portion of the entry trellis. The existing covered portion of the entry trellis acts as a front porch. With a depth of greater than ten feet from the face of the house, this covered area satisfies the Town's criteria for considering porch area as floor area. The covered portion of the entry trellis is 80 square feet, reducing the floor area increase to a net 66 square feet which translates to a 0.8% increase.

The purpose of FAR is to limit the bulk and mass of a structure as it relates to its site. The proposed project is a single story link between a two story gabled structure and a single story gabled garage. The proposed addition is lower in height than both of those existing structures and does not increase the bulk or mass of the structures on the lot. In fact, it fills in a narrow undesirable slot between the two buildings with a reasonable addition.

In fact, it could be argued that the entire large timber trellis that is being removed on the front of the house actually reduces the visual mass of the complete structure because it is so substantial.

Finding #1: special circumstances or conditions

The subject parcel is zoned R-1:B-10 with a minimum lot size of 10,000 square feet. With a lot size of 8,172 square feet, the lot would be considered **substandard**.

In addition, it is a corner lot doubling its street adjacency from that of a typical interior lot. Brookwood Lane runs along the west and north boundaries of the property, creating two frontages to the property. At the northwest corner of the property, there is a concentrated stand of mature redwood trees which visually obscure the street as it extends around the corner. The subject property also has a unique geometry when compared with many of the lots in the surrounding area. The rear property line is formed by a creek that bends west as it travels south along the lot. Due to this property line geometry, the rear setback projects further into the lot than if there were a more regular eastern boundary of the property. If this rear property line did not have this projection into the site, the proposed addition would not be in the rear yard set-back.

Collectively, these individual elements illustrate the variety of ways that this substandard lot is impacted and unique from other lots in the neighborhood.

Finding #2: substantial property rights

The proposed project creates a **reasonable link** between their existing house and garage, provides a functional and intuitive everyday entrance to the house and accommodates the needs of the owners. All three of these elements provide the Websters with enjoyment as property owners. However, due to its substandard lot size and shape, the owners are unable to experience the same substantial property rights as other properties in the vicinity under identical zoning classification. The granting of the FAR and setback variances for the proposed project would preserve these substantial property rights by allowing the Websters to develop their property to best suit the needs of their family and to create an inviting and functional entry to their house.

Finding #3: public welfare

The proposed project will not materially affect the health or safety of persons residing or working in the neighborhood. It **will not compromise the access to light and air or the privacy** of any of the adjacent properties. The proposed site improvements will give the Websters a property where their three young children can experience the outdoors with a level of safety and security that is consistent with other properties in the neighborhood and will have an outward appearance that is attractive to neighbors and visitors to the neighborhood.

In addition, the proposed site work will address historical substandard drainage patterns at the southwest corner of the property. Due to a obstructed Town drainage line across the street, storm water sheets across Brookwood and onto the Websters property. To address this undesirable condition, the proposed site drainage will direct run-off into structured drainage that connects to the existing system leading the storm water to the creek. Currently, this is being addressed with sandbags at the edge of the pavement.

Finding #4: special privilege

Based on data provided by the planning department, 47% of the surrounding neighborhood lots are over 20% FAR (23/49 lots). Nearly 20% of the lots in the surrounding neighborhood are over 30% FAR (9/49 lots). Of all 49 lots, the subject property is the fourth smallest lot in the neighborhood. All four of those lots are under 9,000 SF – the minimum lots size for this property is 10,000 SF. **Of the lots less than 10,000 SF in size, 75% of them have FARs higher than 30% (6/8 lots).**

By granting the FAR variance, the Town Council would not be allowing the construction of a project that is out of context with the neighborhood. In the past, FAR variance considerations were based upon a number of factors which included what was appropriate for the individual home, the street, the neighborhood and the Town. When the existing house was approved in mid-80s, the Town Council granted approval for a house that exceeded the allowable FAR because it was appropriate for the site and neighborhood. The proposed project remains appropriate to the scale of the existing structures, creates a safer and more functional entry from the street, does not impact any adjacent neighbors and improves a property while preserving the Ross scale and neighborhood context which benefits every Ross resident.

Sustainable practices:

- The proposed project retains the majority of the existing structure, thus reducing the amount of construction debris being directed to a landfill. For the material that is removed, the owners are interested in contracting a re-use company that will further reduce the quantity of landfill material. These items would include, but are not limited to, framing material, plumbing fixtures, appliances, masonry items and window/door assemblies.
- **The overall site improvements result in a net reduction in impervious surfaces and lot coverage. By locating the proposed addition in an area that is currently hardscape, the increase in overall impervious surfaces is limited on the property.**
- The plant selection and landscape design will comply with the current MMWD standards which promote water conservation.
- Artificial turf is being considered for the proposed lawn. This product will greatly reduce the need for lawn irrigation, typically the most water intensive type of irrigation.
- All specified plumbing fixtures will comply with the low-flow requirements of the California green building standards which promote water conservation.
- All specified appliances will be Energy Star compliant.

- All bathroom lighting controls will have vacancy/occupancy sensors to reduce unnecessary energy consumption.
- Where new windows and doors are installed or replaced, they will be insulated assemblies that comply with requirements of the current California Energy Code.
- The proposed roofing material is a standing metal seam roof. This product is fabricated from steel, a frequently recycled product.
- Indoor air quality will be improved through the use of low VOC paints, stains and carpets.
- Indoor air quality will be improved through the addition of new windows and doors which will promote natural cross-ventilation.
- Indoor air quality will be improved by the use of ceiling fans in the three bedrooms.

ARBORIST REPORT

**PROJECT: Webster Residence
15 Brookwood Lane
Ross, CA 94957**

Prepared by:

**Pam Nagle
pnla
California Landscape Architect #5039
ISA Certified Arborist #WE-9617A**

21 September 2015

/ Pam Nagle - ISA Certified Arborist #WE-9617A

naglepc@gmail.com /

Assignment

At the request of Michael Erskine, Landscape Architect of Integrated Design Studio (Mill Valley, CA) and Matt Webster (owner/client), this Certified Arborist report has been prepared for the **Webster Residence** in anticipation of proposed site work at the subject property in the Town of Ross. Tasks included:

- Review of Site Survey, proposed plans and town code related to tree removal and tree protection
- Visit the site at **15 Brookwood Lane** to inspect all trees on the property that may be impacted by the proposed construction project, performing a Visual Tree Assessment on all existing trees on site over 4" in diameter at 54" (standard DBH) above natural grade
- Evaluate tree health, structure, suitability for preservation, possible construction impacts, and site conditions and provide data interpretation criteria
- Prepare an Arborist Report listing the findings of the Tree Inventory including trees recommended for removal; make recommendations for removal, protection, maintenance and pruning of the existing trees on site.
- Report does not include Tree Risk Assessment or Tree Valuation.

Background / Site Analysis Summary

The proposed project involves renovation of the existing property. The land area of this corner lot is approximately 8200 square feet and is bordered by Brookwood Lane on the north and west sides, another property to the south, and a small creek running along the east side of the lot, which is currently dry.

Tree Assessment & Survey

Site observations were conducted on September 17, 2015. The client provided a proposed site plan, prepared by John Clarke Architects of Sausalito, CA.

A site Tree Inventory (see Appendix B), based on current existing Site Plan and field observations, was prepared on thirty (30) trees on the subject property. These trees are of 4" DBH and greater size, with type of tree, location, size, canopy shape, general health, and recommendations included. A map of the site was also prepared with locations of all trees, each tree numbered in the report and corresponding to symbols shown graphically on the map. Trees were not physically tagged with numbers in the field; this plan must be used to find the specific trees.

Tree protection or removal recommendations have been made after assessing the health and structure of the tree and its suitability for preservation on the site. Dead trees or trees in poor health are recommended for removal and healthy trees are recommended for protection. Certain trees are regulated by Town ordinance and will require protection measures or a permit for removal.

Regulated Trees

Town of Ross Municipal Code protects specific trees on public or private property from removal without a permit, and requires their protection during construction. The following descriptions are taken from the Chapter 12.24 (Planting, Alteration, Removal, or Maintenance of Trees):

- **Protected Trees:** Any tree located within twenty-five feet (25') of the front or side yard property line or within forty feet (40') of the rear yard property line of any parcel, with such tree having a diameter greater than eight inches (8"). Due to the size of this property, this condition applies to all trees on the lot with a trunk diameter greater than 8" at 54" above grade.
- **Significant Tree:** Any tree having a single trunk diameter greater than twelve inches (12"), or any tree designated to be preserved on plans approved by the town council, or as a condition of approval of a project approved by the town council.
- **Trees in the public right-of-way:** All trees growing within the street right-of-way (publicly-owned), outside of private property. In some cases, property lines lie several feet behind the sidewalks. The pruning, maintenance, and removal of all trees greater than 1" in diameter located in the right-of-way is subject to the provisions in Chapter 12.24.040 (see Appendix C). A tree permit is required to alter or remove a tree, pursuant to Section 12.24.080.

Summary of Findings

30 trees were considered:

- 30 Regulated Trees
 - 14 Protected Trees, 10 of which are Significant Trees, and 4 are Street Trees
- 17 trees are recommended for preservation, of which 11 are Protected.
- 9 trees are recommended for removal pending proposed construction; none of these trees are Protected Trees, and most have limited suitability for preservation due to poor health or, in the case of the European Beech, has been planted too close to the house and will require eventual removal.
- 4 trees are recommended for eventual removal due to poor health and/or structure; the birches not noted for eventual removal appear to be in decline also and should be monitored.

Subject Trees by Species

(See Appendix B – Tree Inventory)

| Qty | Species | Tree # |
|-----|-----------------------------|----------------------|
| 8 | <i>Sequoia sempervirens</i> | 1,2,3,17,18,19,20,21 |
| 7 | <i>Acer palmatum</i> | 4,5,24,27,28,29,30 |
| 2 | <i>Robinia pseudoacacia</i> | 6,7 |
| 1 | <i>Quercus shumardii</i> | 8 |
| 1 | <i>Prunus spp.</i> | 9 |
| 1 | <i>Fagus sylvatica</i> | 10 |
| 6 | <i>Betula pendula</i> | 11,12,13,14,15,16 |
| 2 | <i>Ligustrum lucidum</i> | 22,23 |
| 2 | <i>Magnolia grandiflora</i> | 25,26 |

Construction Impacts on Trees

- *Soil Compaction:* Driving, operating equipment or storing materials on unprotected soil severely reduces oxygen, killing tree roots.
- *Root Loss and Damage:* Excavation equipment can tear roots. A tree can more easily respond to a clearly cut injury than a ripped root. Removal of buttress (structural) roots makes a tree hazardous.
- *Grade Changes:* Adding soil on top of roots in the root zone reduces the soil oxygen necessary for root health. Removing soil from the root zone exposes and damages roots.
- *Changes in Irrigation:* Mature trees can decline or die after sudden reductions or increases in irrigation within the root zone.

"Non-intrusion Zones" & Tree Protection Specifications

The Town of Ross defines a Non-Intrusion Zone as "the area of ground surrounding the trunk of a tree within which certain activities may be restricted or prohibited in order to protect a tree."

Designing for Tree Preservation: In general, The Tree Protection Zone or TPZ is defined as an area around the trunk with a radius equal to 10 times the trunk diameter as measured from 54 inches from the ground; the Town of Ross has formulated a table (see 12.24.020 Definitions) of Protected Distances (radius in feet) and listed Trunk Diameters that roughly correspond to this rule. The TPZ radius for each tree to be preserved is indicated in the data at the end of this report, but because of site constraints (see Tree Inventory, Appendix B), IDS Sheet L1.2 Tree Preservation Plan will note the practical Tree Protection Zones to be fenced.

Special design considerations are necessary within the TPZ:

- Special foundations, footings, and pavement designs shall be employed to minimize root interference when structures must be placed within the tree protection zone.
- Utilities such as electric, gas, cable TV, telephone, water drains and sewer shall be routed outside the tree protection zone.
- Landscapes shall be designed to exclude trenching for irrigation lines within the tree protection zone and no irrigation shall be applied within 5 feet of the trunks of protected trees.
- Any new plantings within the tree protection zone shall be designed to be compatible with the cultural requirements of the retained tree(s), especially with regard to irrigation and nitrogen application. In protection zones where native drought-tolerant trees are located no summer irrigation shall be installed and no vegetation installed requiring excessive irrigation such as turf and flower beds.
- Surface drainage shall not be altered so as to direct water into or out of the tree protection zone unless specified by the Project Arborist as necessary to improve conditions for the tree.
- Site drainage improvements shall be designed to maintain the natural water table levels within tree retention areas. If water must be diverted, permanent irrigation systems shall be provided to replace natural water resources for the trees.

Project Arborist involvement: The Town of Ross requires a Project Arborist to perform a pre-construction tree assessment and write a Tree Protection Plan. The Project Arborist (Pam Nagle or a Certified Arborist in her employ) is also required to be involved in the project as indicated below:

- To inspect all trees prior to tree removal and demolition to determine if tree removals have been designated correctly and that tree protection measures have been properly installed.
- To review any plan or revisions affecting trees and make recommendations. This includes (but is not limited to) plans for demolition, erosion control, improvement, utility and drainage, grading plans, landscape and irrigation.
- To inspect the trees being preserved on a minimum of every 4 weeks and send a progress report to the City on the first week of each calendar month.
- To be present whenever work takes place within the Tree Protection Zone (TPZ) (defined below) and make recommendations. A progress report shall be sent to the City immediately thereafter.
- To inspect the trees following construction as part of the final project inspection process and make recommendations.

Tree Protection Recommendations: The following recommendations have been noted in the data based on the pre-construction survey performed September 17, 2015:

Tree Protection Zone (TPZ) Fencing: Place TPZ fencing around the exposed soil areas of the TPZ to prevent compaction. For some trees, part of the TPZ is paved. Where trees grow in groups, fence around a collective TPZ using the diameters of the edge trees to calculate the radius, or the edge of existing pavement. These groups are noted in the data. For example, trees 1 through 3 and 17 through 23 could be collectively fenced.

Tree protection fencing must be installed prior to construction to minimize damage to root systems of preserved trees. All trees to be preserved shall be protected with five or six (5' -6') foot high chain link fences. Fences are to be mounted on two-inch diameter galvanized iron posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing.

Posts may be also be placed into concrete blocks on pavement where no soil is available or where posts would have to be driven into soil within 3 trunk diameters of the tree. Connect with building walls or existing fencing where necessary to close gaps and prevent entry into restricted areas.

Tree protection fence locations shall be designated by the Project Arborist prior to any construction activities, including tree removal. Work must proceed within the Tree Protection Zone as follows:

- The Project Arborist must be present when work takes place within the TPZ.
- Do not park equipment, store, dump, grade or excavate within the TPZ without prior written approval of the Project Arborist.
- All Trenching, Excavation and Equipment Use within the TPZ shall conform to the Tree Protection Plan requirements in Town of Ross Municipal Code section 12.24.100 (see pp. 7-9).
- Immediately remove excavation tailings and do not place within the TPZ of any other trees.
- Root cutting must be performed or supervised by the Project Arborist.
- Install a root buffer (defined below) on exposed soil areas before driving, operating equipment, storing or staging, or retain existing pavement as a root buffer.
- Do not raise or lower soil grades except as indicated by the Project Arborist.
- TPZ fencing must remain closed when no work is being performed inside.

Trunk Protection: Trunk protection is recommended where fencing may not be possible, or work may be likely to take place within the TPZ.

Wrap the lower 6 feet of the trunk using a minimum of 4 layers of orange plastic snow fencing, then a layer of 2x4 planks set on end, edge-to-edge and wrapped with a minimum of 4 additional layers of orange plastic snow fencing.

Irrigation: Install temporary irrigation within the TPZ fencing for all trees to be preserved. Temporary irrigation should be installed above ground, not in trenches, using PVC pipe on undisturbed soil. The risers are attached to "T"s and elbows, as they would be in an underground system.

Root Buffers: Root buffers prevent soil compaction and are only needed on exposed soil. In some cases, the existing pavement serves as a root buffer. If pavement is to be replaced or removed, retain it for as long as possible for use as a root buffer. Where exposed soil must be used for equipment, storage, staging, parking or tree removal equipment, install a root buffer prior to the commencement of the project. Specifications are as follows:
Spread tree chips over the designated area to a minimum depth of 6 inches.
Add a second course of 3/4-inch quarry gravel.
Top with 3/4-inch plywood.
The root buffer shall be installed prior to construction and remain in place for the duration of the project.

Prune or tie low limbs: Where tree limbs would interfere with construction equipment, prune them or tie them back prior to the beginning of construction to prevent injury. Trees recommended for low limb pruning have limbs lower than 14 feet over paved surfaces, where equipment may be operated or parked, or materials may be stored. Do not prune trees in areas not impacted by construction except as indicated on the survey data. Prune only to provide the necessary clearances; in most cases, 14 feet is sufficient. Do not remove more than 25% of living foliage unless directed by the Project Arborist. Pruning must be performed in compliance with ANSI A300 standards under the supervision of the Project Arborist.

When removing trees from groves near trees to be preserved, care must be taken to prevent injury to the remaining trees. Place TPZ fencing or use a root buffer and trunk protection. Grind stumps only as directed by the Project Arborist.

Selected Tree-Specific Recommendations

Groves of Redwood trees: Two separate groves of redwoods, groups of trees growing closely together exist on the property. These are indicated for collective TPZ fencing. Trees in groves develop together and affect each other's development. Larger, more dominant trees suppress the smaller ones as they outcompete for light. The suppressed trees often develop thin trunks and /or asymmetric canopies. Because the dominant trees protect the suppressed ones from wind, the suppressed trees are not equipped to support themselves if exposed to wind. It is important to maintain groves of trees intact except as directed by the Project Arborist to avoid creating newly exposed trees that may become hazardous. Trees 1-3 and 17-21 are the Redwood groves indicated on the Tree Map.

Tree 2: This Redwood tree, at the corner of the lot by Brookwood Lane, is very close to a utility pole. Recommend contacting PG&E to inspect and possibly prune low branches to improve clearance; similarly to inspect some northerly branches of Tree 1 (also a Redwood) intertwining with utility lines.

Trees 6, 7 and 25: These trees have been mis-identified as Oaks on the Proposed Site Plan/Survey. Refer to Tree Inventory data for correct species.

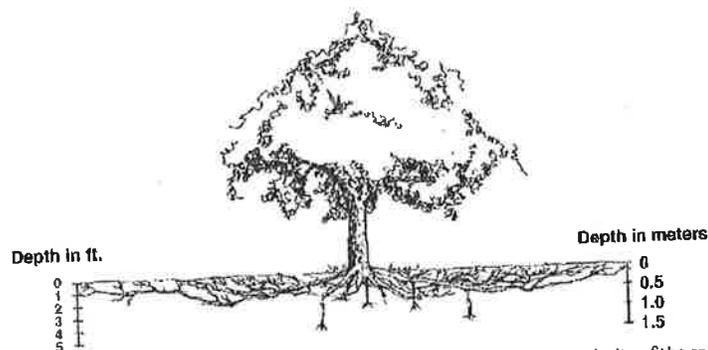


FIGURE 2-19 In mature trees, the taproot is either lost or reduced in size. The vast majority of the root system is composed of horizontally oriented lateral roots.

Source: Arboriculture (see References)

Assumptions and Limiting Conditions

1. Preparation of specifications for and oversight of tree protection measures implemented during construction should be done by a consultant or consulting arborist with a current Contractor's License for Tree Service in the State of California.
2. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as though free and clear, under responsible ownership and competent management.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. The sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
7. This report is confidential and to be distributed only to the individual or entity to whom it is addressed. Any or all of the contents of this report may be conveyed to another party only with the express prior written or verbal consent of the consultant. Such limitations apply to the original report, a copy, facsimile, scanned image or digital version thereof.
8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement or a contract.
10. Information contained in this report reflects observations made only to those items described and only reflects the condition of these items at the time of the site visit/s. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the trees or property inspected may not arise in the future.

DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience help people to make informed decisions about trees. Arborists examine trees, recommend measures to enhance the environmental benefits of trees, and attempt to reduce potential risks of trees.

Clients may choose to accept or disregard the recommendations of the arborist. Soliciting additional advice from a Consulting Arborist, ISA Board Certified Master Arborist or Tree Risk Assessment expert may be warranted. Local agencies in the site jurisdiction may have additional specific requirements and guidelines that must be followed.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that exist in a natural or constructed setting with variable conditions. Trees can fail in ways that we do not fully understand; even healthy trees that appear free of defects can and do fail. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will

be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed. Recommendations are intended to provide a reduction of risk but do not eliminate risk.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, sight lines, disputes between neighbors, and other issues. An arborist cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Certification of Performance

I, Pam Nagle, Certify:

- That I have personally inspected the trees and/or property evaluated in this report. I have stated my findings accurately, insofar as the limitations of the assignment and within the extent and context identified by this report;
- That care has been taken to obtain all information from reliable sources, and all data has been verified insofar as possible;
- That the analysis, opinions, and conclusions stated herein are my own and based on current arboricultural science and commonly accepted arboricultural practices;
- I am a member in good standing and Certified Arborist #WE-9617A with the International Society of Arboriculture, and have successfully completed the requirements established by the Certification Board to be recognized as ISA Tree Risk Assessment Qualified.

I have attained professional training in all areas of knowledge asserted through this report by completing relevant college courses, routinely attending pertinent professional conferences and by reading current research from professional journals, books and other media.

I have rendered professional services in a full time capacity in the field of horticulture and landscape architecture for more than 15 years, and as a Certified Arborist for more than 3 years.

Signature:



Date: September 21, 2015

Attachments

- Appendix A: Webster Residence Tree Map (from base plan prepared by John Clarke Architects, Sausalito, CA)
- Appendix B: Webster Residence Tree Inventory
- Appendix C: Town of Ross Municipal Code - Chapter 12.24: Planting, Alteration, Removal, or Maintenance of Trees

References

Town of Ross Municipal Code - Chapter 12.24: Planting, Alteration, Removal, or Maintenance of Trees

Trees and Development-A Technical Guide to Preservation of Trees During Land Development
(Nelda Matheny & James R. Clark, International Society of Arboriculture, 1998)

Oaks in the Urban Landscape-Selection, Care and Preservation
(Costello/Hagen/Jones, University of California Agriculture and Natural Resources, 2011)

Up By Roots – Healthy Soils and Trees in the Built Environment
(James Urban, International Society of Arboriculture, 2008)

Arboriculture – Integrated Management of Landscape Trees, Shrubs and Vines
(4th Edition, Harris/Clark/Matheny, Prentiss-Hall, 2003)

Modern Arboriculture
(A.L. Shigo, Shigo and Trees, Assoc., 1991)

Pests of Landscape Trees and Shrubs – An Integrated Pest Management Guide
(IPM Education and Publications, U.C. Davis, Publication 3359, 2nd ed.)

Guide for Plant Appraisal
(Council of Tree & Landscape Appraisers, International Society of Arboriculture - 9th Edition, 2000)

Diseases of Trees and Shrubs
(Sinclair/Lyon/Johnson, Comstock Publishing Assoc., Cornell University Press, 1987)

Tree Risk Assessment Manual
(Julian A. Dunster et al., International Society of Arboriculture, 2013)

WEBSTER RESIDENCE TREE MAP APPENDIX A

LEGEND

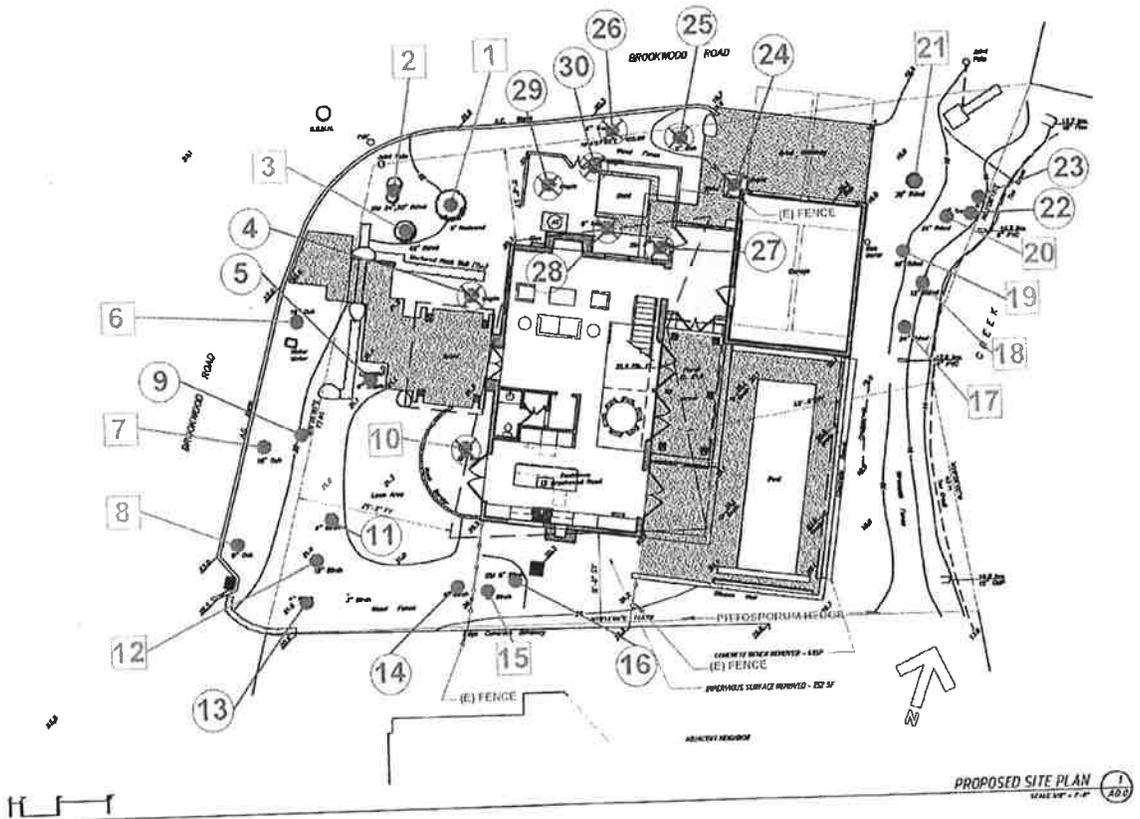
- Tree location
- # Tree number
- # Protected Tree
- ⊗ Tree to be removed

Prepared by:
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472 Gates Street
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21 September 2015

A0.0 Site Plan courtesy of:
John Clarke Architects
Sausalito, CA
26 May 2015

Map N.T.S.



| Tree # | Botanical Name | Common Name | Trunk Diameter (in.) [1] | TPZ Radius (ft.) [2] | TPZ SHEET IDS [1,2] | Estimated Height (ft.) | Estimated Spread (ft.) | Canopy Form | Subtlety for Preservation [3] | Protected Tree [4] | Remove or Preserve [6] | Reason for removal | TPZ Fencing | Trunk Protection | Irrigate | Do not irrigate in summer | Use existing pavement as root buffer | Install root buffer | Prune or tie low limbs if needed | Other Notes |
|--------|-------------------------------|---------------------------|--------------------------|----------------------|---------------------|------------------------|------------------------|-------------|-------------------------------|--------------------|------------------------|-----------------------|-------------|------------------|----------|---------------------------|--------------------------------------|---------------------|--|-------------|
| 1 | <i>Quercus emoryana</i> | Coast Redwood | 51 | 32 | | 100 | 40 | Columnar | Good | X | Preserve | | X | X | X | X | X | X | 1-3 collective TPZ | |
| 2 | <i>Quercus wislizenii</i> | Coast Redwood | 48 | 32 | | 100 | 50 | Columnar | Good | X | Preserve | | X | X | X | X | X | X | Do dominant trunk with a slight 6 ft. lean to the right. Close to utility pole in corner of lot. 1-3 collective TPZ. | |
| 3 | <i>Quercus emoryana</i> | Coast Redwood | 39 | 24 | | 130 | 40 | Columnar | Good | X | Preserve | | X | X | X | X | X | X | 1-3 collective TPZ | |
| 4 | <i>Aster palmatum</i> | Japanese Maple | 6 | | | 20 | 15 | Vase-shaped | Fair | | Remove | Proposed construction | | | | | | | 2-branched compound tree, buried root crown (trapped in concrete). 1-3 collective TPZ. Pruned tree trunk damaged at base/neck. Stripped root crown. | |
| 5 | <i>Acer palmatum</i> | Japanese Maple | 7 | 6 | | 25 | 18 | Vase-shaped | Fair | | Preserve | | X | X | | | | | Secret tree near irrigation on Oak on Survey. 17-21, 2008. Tree was installed in Oak on Survey. Tree has single trunk and 4 tree leans to south. Pruned root crown. ***Consider eventual removal. A tree permit is required to alter or remove a street tree, pursuant to Section 17-21, 2008. | |
| 6 | <i>Fraxinus pennsylvanica</i> | Black Locust | 15.6 | 16 | | 50 | 30 | Spreading | Poor | X | *** | | X | | | | | | Street tree was installed in Oak on Survey. Pruned root crown. ***Consider eventual removal. A tree permit is required to alter or remove a street tree, pursuant to Section 17-21, 2008. Some canopy roots extend at base. | |
| 7 | <i>Fraxinus pennsylvanica</i> | Black Locust | 18.3 | 16 | | 40 | 25 | Spreading | Fair | X | *** | | X | | | | | | Pruned root crown. | |
| 8 | <i>Quercus shumardii</i> | Shumard Oak | 10.2 | 12 | | 35 | 40 | Spreading | Good | X | Preserve | | X | | | | | | Tree is planted very close to house and would need to be tied back w/ trunk brace at 6' above ground. | |
| 9 | <i>Prunus spp.</i> | Flowering Cherry cultivar | 4.1 | 6 | | 30 | 20 | Spreading | Fair | | Preserve | | | | | | | | Need to be tied back w/ trunk brace at 6' above ground. | |
| 10 | <i>Populus sp.</i> | European Birch | 8.8 | | | 40 | 25 | Columnar | Good | X | Remove | Proposed construction | | | | | | | Dead branches/no foliage at top of canopy. Tree leans slightly south, poor branching structure. ***Consider eventual removal. 11-14 collective TPZ. | |
| 11 | <i>Betula pubescens</i> | European White Birch | 7.2 | 12 | | 45 | 15 | Columnar | Poor | | *** | | X | | | | | | 11-14 collective TPZ. Tree at approx. 20 ft., during construction. | |
| 12 | <i>Betula pendula</i> | European White Birch | 10 | 12 | | 45 | 20 | Columnar | Good | X | Preserve | | X | | | | | | Tree is leaning and has poor structure. ***Consider eventual removal. 11-14 collective TPZ. | |
| 13 | <i>Betula pubescens</i> | European White Birch | 4.1 | 6 | | 30 | 15 | Columnar | Poor | | *** | | X | | | | | | Trunk leans south towards property fence at 14 ft. Buried root crown. 11-14 collective TPZ. | |
| 14 | <i>Betula pendula</i> | European White Birch | 7.8 | 8 | | 50 | 20 | Columnar | Good | | Preserve | | X | | | | | | Tree leans north and east towards house at approx. 14 ft. | |
| 15 | <i>Betula pendula</i> | European White Birch | 8.5 | 8 | | 50 | 25 | Columnar | Fair | X | Preserve | | X | | | | | | Double trunk, co-dominant split w/ included part at 15 ft. | |
| 16 | <i>Betula pendula</i> | European White Birch | 8 | 8 | | 40 | 25 | Columnar | Fair | X | Preserve | | X | | | | | | 17-21 collective TPZ | |
| 17 | <i>Quercus agrifolia</i> | Coast Redwood | 22 | 18 | | 80 | 30 | Columnar | Good | X | Preserve | | X | | | | | | 17-21 collective TPZ | |
| 18 | <i>Quercus agrifolia</i> | Coast Redwood | 15.1 | 16 | | 80 | 30 | Columnar | Good | X | Preserve | | X | | | | | | 17-21 collective TPZ | |
| 19 | <i>Quercus agrifolia</i> | Coast Redwood | 18.8 | 16 | | 80 | 30 | Columnar | Good | X | Preserve | | X | | | | | | 17-21 collective TPZ | |
| 20 | <i>Quercus agrifolia</i> | Coast Redwood | 21 | 16 | | 80 | 30 | Columnar | Good | X | Preserve | | X | | | | | | 17-21 collective TPZ | |
| 21 | <i>Quercus agrifolia</i> | Coast Redwood | 27 | 20 | | 80 | 40 | Columnar | Good | X | Preserve | | X | | | | | | 17-21 collective TPZ | |

Appendix B - notes

[1] Trunk Diameter: Trunk diameter measured at 4.5 feet (54 inches) above soil grade, or the slenderest part of the trunk below 4.5 feet where necessary /
**Consolidated DBH for multi-trunked trees: the square root of the sum of all squared stem DBHs.

[2] TPZ (Tree Protection Zone) or "Non-Intrusion Zone" radius: This column notes general guidelines for Tree Protection Zones (Non-Intrusion Zones) based on Trunk Diameter size, per the Town of Ross Municipal Code Chapter 12.24. Due to the constrained areas of the existing lot (bordered by the street on two sides and location of existing house), refer to IDS Sheet L1.2 Tree Preservation Plan (Webster Residence Landscape Improvements) for locations of Tree Protection Fencing.

[3] Suitability for Preservation:

GOOD – Good general health and structure, good longevity, suitable species. Vigorous growth of foliage of normal size, shape and color; canopy density 90-100%, little or no dead wood, minor or no pest infestations, little to no decay. Symmetrical or mostly symmetrical canopy. Structure does not contain included bark. No sign of previous branch failures. Tree is expected to live its normal life span.

FAIR – Moderate health or weak structure that can be corrected. All or some of the new growth shoots are shorter than expected for the species. Canopy density 60-90%. Some small branch dieback or noticeable pest infestation and/or decay. Some asymmetry in the canopy. Structure may have included bark, previous branch failures or end-heavy limbs. Tree is not in decline at the moment, but further stress such as construction impacts, increased pest pressure, drought, etc. may cause a decline in health or create a hazard tree.

POOR – Declining health and/or major structural problems that cannot be mitigated. Little or no new growth and significant dieback. Foliage may be undersized, distorted, yellowed or another color abnormal for the species. Canopy density 20-60% or less. Significant dead wood, pest infestation or decay. Structure may include significant included bark (bark inside the juncture of multiple trunks), branch failures or asymmetry. Tree not expected to live its natural lifespan and may be hazardous. Not a candidate for retention.

DEAD – No biological life present.

[4] Protected Trees (Town of Ross Municipal Code Chapter 12.24): Any tree located within twenty-five feet (25') of the front or side yard property line or within forty feet (40') of the rear yard property line of any parcel, with such tree having a diameter greater than eight inches (8"), measured at 54-inches above natural grade. A permit is required for removal.

[5] Significant Trees (Town of Ross Municipal Code Chapter 12.24): Any tree having a single trunk diameter greater than twelve inches (12"), or any tree designated to be preserved on plans approved by the town council, or as a condition of approval of a project approved by the town council.

[6] Remove or Preserve:

REMOVE – Dead or dying tree; tree that represents an immediate hazard. Trees indicated for removal due to construction are not expected to survive construction impacts, or construction impacts may render the tree hazardous.

PRESERVE – Because of the need to operate equipment, store or stage materials, alter or demolish parts of the existing building and landscape, and temporarily store excavated soil, the limit of work is outside the building footprint and will impact trees. Specific protection recommendations for each tree to be preserved are included in the table.

Chapter 12.24

PLANTING, ALTERATION, REMOVAL, OR MAINTENANCE OF TREES*

Sections:

| | |
|-----------|---|
| 12.24.005 | Title. |
| 12.24.010 | Introduction and purpose. |
| 12.24.020 | Definitions. |
| 12.24.030 | Liability. |
| 12.24.040 | Trees in the public right-of-way. |
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* Prior ordinance history: Ords. 462 and 522.

12.24.005 Title. This Chapter shall be known as the Tree Protection Ordinance. (Ord. 659 (part), 2015).

12.24.010 Introduction and purpose. The Town of Ross recognizes the importance of trees to the community's health, safety, welfare, and tranquility. Ross is acclaimed widely for the beauty and grandeur of its urban forest, and much of the town's admired and valued ambiance derives from its arboreal canopy. In addition, trees offer windbreaks, provide erosion control, reduce runoff, act as filters for airborne pollutants, reduce noise, provide privacy, habitat for wildlife, release oxygen, and help reduce landslides through their extensive root systems. All trees provide these functions for the property on which they are growing. Trees of significant size and maturity and areas with extensive tree cover perform these functions for all persons living in their vicinity. These resources must be prudently protected and managed.

This chapter is adopted to accomplish the following purposes:

- (1) To maintain trees in the community in a healthy and safe condition through good arboricultural practices;
- (2) To provide reasonable regulations for the maintenance and removal of trees in the public right of way;
- (3) To provide reasonable regulations for the alteration or removal of trees on privately owned parcels;
- (4) To establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest;

(5) To promote and maintain the aesthetic values of the community in general for the benefit of those who currently reside in Ross and as a legacy to future residents. (Ord. 659 (part), 2015; Ord. 568 (part), 2002).

12.24.020 Definitions. For the purpose of this chapter, the following definitions apply. Words and phrases used in this chapter that are not specifically defined in this section shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application:

(1) "Alter," means to take an action that diminishes the health and vigor of a tree. "Alter" includes, but is not limited to, excessive or improper pruning of a tree, grade changes around or near a tree, excessive irrigation of a tree, trenching in the root zone of a tree, and excessive use of herbicides, insecticides, or fungicides. "Alter" does not include: periodic trimming, shaping, thinning, or pruning of a tree to preserve or protect its health, growth, or appearance, in accordance with accepted arboricultural standards and practices and involving a removal of no more than 25% of an individual tree's crown consistent with the Approved American National Standard (ANSI) Pruning, Repairing, Maintaining, and Removing Trees and Cutting Brush – Safety Requirements and Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning).

(2) "Certified arborist," means a person who has been tested by, and is currently certified as, an "arborist" by the International Society of Arboriculture, or who is a currently a member or registered consulting arborist of the American Society of Consulting Arborists.

(3) "Diameter," means the average diameter of the trunk of a tree measured at four feet and six inches (4'-6") above the average ground level immediately surrounding the trunk of the tree, also called Diameter at Breast Height or DBH. If there are multiple stems below 4-1/2 feet, the diameter shall be the single largest branch (stem) at 4-1/2 feet; except, if only two stems are present, then the tree is considered to be forked and diameter shall be the measurement of the smallest trunk diameter below the fork.

(4) "Improved parcel," means any parcel in Ross which has a structure on it suitable for human habitation.

(5) "Native tree," means a tree native to those lands that now constitute the town of Ross.

(6) "Non-intrusion zone," means the area of ground surrounding the trunk of a tree within which certain activities may be restricted or prohibited in order to protect the tree. The table below shall serve as a general guideline for determining non-intrusion zones; the precise non-intrusion zone shall be determined by the project arborist and shall reflect individual site conditions.

| <u>Trunk Diameter (inches)</u> | <u>Protected Distance (radius in feet)</u> |
|--------------------------------|--|
| 4" | 6' |
| 6" | 10' |
| 12" | 12' |
| 18" | 16' |
| 24" | 18' |
| 30" | 20' |
| 36" | 24' |
| 42" | 28' |
| greater than 48" | 32' |

(7) "Project arborist," means a certified or registered consulting arborist retained by the applicant to report on and oversee the protection of trees on a site subject to a tree protection plan.

(8) "Protected tree," means any tree located within twenty-five feet (25') of the front or side yard property line or within forty feet (40') of the rear yard property line of any parcel, with such tree having a diameter greater than eight inches (8"); and any tree planted as a replacement tree for a tree removed pursuant to this chapter or planted within a required yard setback area pursuant to a landscape plan approved by the town council.

(9) "Remove," means the cutting down of a tree or the relocation of a tree in a manner not in accordance with accepted arboricultural practices.

(10) "Significant tree," means any tree having a single trunk diameter greater than twelve inches (12"), or any tree designated to be preserved on plans approved by the town council, or as a condition of approval of a project approved by the town council.

(11) "Tree," means a perennial plant having a permanent, woody, self-supporting main stem or trunk ordinarily growing to a considerable height. As defined herein, a "tree" may include a shrub as well as a tree.

(12) "Tree appraisal," means a monetary valuation of a tree prepared by a certified or registered consulting arborist according to the most recent edition of the "Guide for Plant Appraisal" published by the Council of Tree & Landscape Appraisers.

(13) "Unimproved parcel," means any parcel in Ross which does not have a structure on it suitable for human habitation. (Ord. 659 (part), 2015; Ord. 591 §§1, 2, 2005; Ord. 568 (Part), 2002).

12.24.030 Liability. Nothing in this chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the town or upon any of its officers or employees. The person in possession of public property or the owner of any private property shall have a duty to keep the trees upon the property and under their control in a safe, healthy condition. Any person who feels a tree located on property possessed, owned, or controlled by them is a danger to the safety of themselves, others, or structural improvements on site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate, to safeguard both persons and property from harm. (Ord. 568 (part), 2002).

12.24.040 Trees in the public right-of-way. The pruning, maintenance, and removal of all trees greater than 1" in diameter located in the right-of-way shall be subject to the following provisions:

(1) All work performed by either public staff or private contractor, shall be done in conformance with the Approved American National Standard A300 pruning standards and Z133.1 safety standards.

(2) Tree service contractors must have on their staff a certified arborist or other qualified person approved by the town manager or his or her designee. The arborist or other qualified person must certify that all work is performed in accordance with ANSI A300 pruning standards and Z133.1 safety standards.

(3) A tree permit is required to alter or remove a tree, pursuant to Section 12.24.080.

(4) For utility line clearing work, the town manager or his or her designee shall be notified at least three working days before any line-clearing commences. The only allowed exception to this requirement is in the event of an emergency.

(5) Any party violating these provisions shall be subject to the penalties in Section 12.24.130.

(6) In the event of an emergency, when such tree poses an imminent threat to life or property, a peace officer or firefighter acting in their official capacity may approve tree alteration or removal in the absence of approval by the town planner under Section 12.24.080.

(7) In the event of noncompliance with subsection (2) of this section, the town manager or his or her designee may hire at the applicant's expense a certified arborist or other qualified person to oversee tree work. (Ord. 659 (part), 2015).

12.24.060 Alteration or removal of trees on unimproved parcels. The following provisions apply to the alteration or removal of trees on unimproved parcels:

(1) It is unlawful for any person to alter or remove, or cause to be altered or removed, any tree six inches (6") in diameter or greater on an unimproved parcel in Ross without first obtaining a permit from the town planner.

(2) Any person desiring to alter or remove a tree on an unimproved parcel must file for a permit following the application procedure as described in Section 12.24.080.

(3) In the event of an emergency, when such tree poses an imminent threat to life or property, a peace officer or firefighter acting in their official capacity may approve tree alteration or removal in the absence of the town planner under Section 12.24.080. The town planner shall be promptly notified of the nature of the emergency and action taken.

(4) Any person who alters or removes a tree, or causes a tree to be altered or removed in violation of the above restrictions shall be subject to those penalties provided in Section 12.24.130. (Ord. 659 (part), 2015; Ord. 568 (part), 2002).

12.24.070 Alteration or removal of trees on improved parcels. The following provisions apply to the alteration or removal of trees on improved parcels:

(1) No protected or significant tree shall be altered or removed without a permit.

(2) Any person desiring a tree alteration or removal permit must file for approval following the procedure as required by Section 12.24.080.

(3) In the event of an emergency, when such tree poses an imminent threat to life or property, a peace officer or firefighter in their official capacity may exempt a property owner from the tree alteration or removal permit requirement in the absence of the town planner. The town planner shall be promptly notified of the nature of the emergency and action taken.

(4) Any person who alters or removes a tree, or causes a tree to be altered or removed, in violation of the above restrictions shall be subject to those penalties provided in Section 12.24.130. (Ord. 659 (part), 2015; Ord. 568 (part), 2002).

12.24.080 Permits and appeals. The town planner shall review and approve, conditionally approve, or deny a tree alteration or removal permit application if no other entitlements are required. The town planner shall give written notice to the applicant of his or her decision on the application within 30 days. The town planner may refer an application directly to the town council for consideration.

(1) Application. An application for a tree alteration or removal permit shall be filed with the town planner on forms prescribed by the town planner, along with any plans or additional information required and the fee as established by a resolution of the town council. The application must include evidence supporting the findings required by this chapter and the following information:

- (a) The address of the property on which trees are proposed to be removed;
- (b) The name and mailing address of the legal owner of the property;
- (c) The species and diameter of each tree proposed to be removed;

(d) Justification for the removal of each tree proposed to be removed including a certified arborist's report describing the tree's condition and structure, unless waived by the town;

(e) Proposed replacement trees and their locations;

(f) A scaled plan showing parcel property lines, exact locations of the trees proposed to be removed keyed to the application form, the proposed locations of any replacement trees, and any additional information deemed necessary by the town planner. Each tree proposed to be altered or removed must also be physically marked on site;

(g) The name of the contractor designated to do the tree work and a copy of their current Town of Ross business license;

(h) The signature of the legal owner of the parcel;

(2) Criteria for approval. A permit may be issued only if one or more of the following considerations are met:

(a) The alteration or removal is necessary due to the condition of the tree with respect to its general health, damage, disease, danger of falling, proximity or damage to existing structures, or interference with utility services;

(b) The alteration or removal is necessary to allow the economic enjoyment of the property, such as construction of improvements;

(c) The alteration or removal will not adversely impact the subject property or neighboring properties; nor result in significant erosion or the diversion of increased flows of surface water;

(d) The alteration or removal is necessary due to fire hazards;

(e) The alteration or removal represents good forestry practices such as, but not limited to, consideration of the number of healthy trees the site will support;

(3) Additional criteria. Criteria for approval of a permit will be weighed against:

(a) The number, species, age, size, and location of existing trees in the area;

(b) The effect of the requested alteration or removal on shade areas or solar access;

(c) The effect of the requested alteration or removal on soil retention, water retention, and diversion or increased flow of surface water;

(d) The effect of the requested alteration or removal on wildlife or creek habitat;

(e) The effect of the requested alteration or removal on historic value;

(f) The effect of the requested alteration or removal on scenic beauty;

(g) The effect of the requested alteration or removal on the general welfare of the town as a whole.

(4) Replacement tree. Unless otherwise specified by the town planner or town council, replacement trees shall be required at the following ratios:

(a) A tree in good or excellent condition and structure shall be replaced on a one-to-one trunk diameter basis. (Example: 1 21" dbh tree in good or excellent condition must be replaced with new trees totaling 21" trunk diameter);

(b) A tree in fair or marginal condition or structure shall be replaced on a three-to-one trunk diameter basis. (Example: a 21" dbh tree in fair or marginal condition must be replaced with new trees totaling 7" trunk diameter);

(c) A tree in poor condition or hazardous structure shall be replaced with 2 inches replacement trunk diameter.

Inches of replacement tree may be translated into standard nursery planting sizes using the following formulas:

24" box replacement tree = 2 inch replacement trunk diameter

36" box replacement tree = 3 inch replacement trunk diameter

48" box replacement tree = 4 inch replacement trunk diameter

If native species are removed, replacement trees shall be of a species native to those lands that now constitute the town of Ross, or a non-native species approved by town staff based on specific site circumstances. Replacement trees should have the same mature size as the trees that have been removed, unless town staff recommends otherwise based on specific site circumstances. If there is a conflict between arborists regarding the condition or structure of a tree, the town arborist's decision shall control. The town council or town planner may reduce the number of replacement trees or the tree replacement ratio, as applicable, if the reduction will not negatively impact the environmental functions and value of the urban forest or the aesthetic values of the community.

The applicant shall complete tree replacement within sixty (60) days of tree removal, unless the town has approved a longer time. Failure to plant required tree replacement may subject the property owner to Administrative Penalties under Chapter 9.70 until the replacement trees are planted.

(5) Alternatives to tree replacement.

(a) In lieu fees and offsite replacement. If onsite tree replacement is not feasible or desirable due to physical constraints or lack of adequate space on site, fire safety requirements, or tree canopy separation requirements, the applicant may instead make an in lieu payment to the town for provision of off-site trees equivalent to the trunk diameter required in Section 12.24.080 (d) and related improvements, or if approved by the town planner, the applicant may install any remaining replacement trees on other property located within the town. The town council shall establish the amount of the in lieu fee by resolution.

(b) Landscape restoration or screening. The town may consider other measures designed to mitigate loss of trees, such as screening shrubs or native shrubs and groundcover, if tree replacement is not feasible.

(6) Appeal. The applicant or any interested person may appeal a staff decision on a tree removal permit to the town council pursuant to the procedures set forth in Chapter 18.60. The filing of a notice of appeal shall automatically stay the issuance of any permit until determination by the council. (Ord. 659 (part), 2015; Ord. 591 §§3, 4, 2005; Ord. 568 (part), 2002).

12.24.083 Permit to be posted. During the full course of any activity associated with tree removal, relocation, or alteration requiring a tree permit, the property owner and tree contractor shall ensure that a copy of the town tree permit and current tree contractor business license is posted on the subject property. The permit shall be posted adjacent to the main entry drive and must be clearly visible from the right-of-way. Failure to post the tree permit and business license as required herein may result in the issuance of a stop work order. (Ord. 659 (part), 2015; Ord. 591 §5, 2005).

12.24.085 Denial of incomplete or inactive applications. Consistent with state law, the town planner may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than ninety days, or is continued at the applicant's request for more than sixty days. (Ord. 584 §1, 2004).

12.24.090 Expiration. Failure to complete tree alteration or removal within six months from the date of approval will cause permit approval to expire without further notice. (Ord. 568 (part), 2002).

12.24.100 Tree protection plan. In order to protect trees during construction of a project and thereafter, and to maximize the chances of their subsequent survival, a tree protection plan shall be required on sites where Significant or Protected trees may be impacted. The tree protection plan shall include a certified arborist's report on existing conditions as well as a plan for tree protection during construction.

(1) When a Tree Protection Plan is Required. A tree protection plan shall be required as part of the materials submitted with applications for hillside lot review and hazard zone use permits. Tree protection plans may be required for subdivision, variances, demolition permits, design review, grading and/or building permit reviews at the discretion of the town planner or town council, as applicable.

(2) Submittal Requirements.

(a) An arborist's report shall provide the necessary information to determine the appropriate extent of tree preservation or protection and tree replacement requirements. The arborist's report shall identify or cite any plans reviewed, and clearly describe and evaluate in writing all Significant and Protected trees on the property and all trees on neighboring properties that might be negatively impacted by the development. The report shall indicate the genus and species, shape, and trunk diameter of each tree, as well as its non-intrusion zone. The arborist's report shall indicate those trees that are proposed to be altered or removed and the reasons therefor. The project arborist shall list key points during construction where he or she will perform site inspections to verify tree protection, and submit short summary reports to the town for review after these. Applicant shall provide a fee for review of such reports and summaries to be determined by the town.

(b) Tree delineations by trunk location keyed to the arborist's report, as well as an accurate outline of each tree's non-intrusion zone, must be shown on the project site plan or tentative map. Tree locations keyed to the arborist's report must also be included on every page of the development or improvement plans where any work is proposed within or near the non-intrusion zone of any Protected or Significant tree. Site-specific tree protection measures shall be provided as part of the arborist's report which shall be printed on plans and available on site throughout construction.

(3) Responsibility for tree protection during application review. The property owner and the person in control of the proposed development shall protect and preserve each tree situated within the site of the proposed development during the period the application for the proposed development is being considered by the town. Any person who alters or removes a tree, or causes a tree to be altered or removed without a tree removal permit shall be subject to those penalties provided in Section 12.24.130.

(4) Tree Protection Plan Requirements. At the discretion of the town council or building and planning staff, as applicable, approved projects shall be subject to project design and construction requirements including, but not limited to, sub-sections (a) through (j), below. All applicable project design and construction requirements related to the protection of trees shall be implemented in accordance with International Society of Arboriculture guidelines, unless modified or waived by the town planner in consultation with the town arborist.

(a) Before the start of any clearing, excavation, construction, or other work on the site, or the issuance of a building or demolition permit, every Significant and/or Protected tree shall be securely fenced-off at the non-intrusion zone, or other limit as may be delineated in approved plans. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.

(b) If the proposed development, including any site work, will encroach upon the non-intrusion zone of a Significant and/or Protected tree, special measures shall be utilized, as

approved by the project arborist, to allow the roots to obtain necessary oxygen, water, and nutrients.

(c) Underground trenching shall avoid the major support and absorbing tree roots of Significant and/or Protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist may be required. Trenches shall be consolidated as much as possible.

(d) Concrete or asphalt paving shall not be placed over the root zones of Significant and/or Protected trees, unless otherwise permitted by the project arborist.

(e) Artificial irrigation shall not occur within the root zone of oaks, unless deemed appropriate on a temporary basis by the project arborist to improve tree vigor or mitigate root loss.

(f) Compaction of the soil within the non-intrusion zone of Significant and/or Protected trees shall be avoided. Use of bridging/protective materials such as layered mulch, trench plates, plywood or rubber mats is encouraged within non-intrusion zones.

(g) Any excavation, cutting, or filling of the existing ground surface within the non-intrusion zone shall be minimized and subject to such conditions as the project arborist may impose. Retaining walls shall likewise be designed, sited, and constructed to minimize their impact on Significant and/or Protected trees.

(h) Burning or use of equipment with an open flame near or within the non-intrusion zone shall be avoided. All brush, earth, and other debris shall be removed in a manner that prevents injury to the Significant and/or Protected tree.

(i) Oil, gas, paint, cement, chemicals, or other substances that may be harmful to trees shall not be stored or dumped within the non-intrusion zone of any Significant and/or Protected tree, or at any other location on the site from which such substances might enter the non-intrusion zone of a Significant and/or Protected tree.

(j) Construction materials shall not be stored within the non-intrusion zone of a Significant and/or Protected tree. On-site parking shall be kept outside non-intrusion zones.

(5) Authority of the town council to impose conditions. The town council, under its authority to approve, conditionally approve, or deny a project application, may, based on the certified arborist's report and the comments of the town arborist, request modification to the project site plan of a development, adopt conditions of approval, or take any other relevant action deemed necessary to preserve, protect, or replace existing trees on or adjacent to the site of a development.

Failure to comply with requirements of the Tree Protection Plan or conditions of approval established by the council shall be considered a violation of the provisions of this chapter and shall be cause for the denial of a building permit a stop work order, or denial of a project final, and/or the application of those penalties provided in Section 12.24.120.

(6) Tree protection financial security. The town council, building or planning staff may require a financial instrument such as an irrevocable letter of credit to be provided, or a bond to be deposited, for an amount not to exceed the greater of the appraised value of a Significant or Protected tree or the in lieu fee per tree as described in Section 12.24.080 prior to issuance of any permit or discretionary approval that has the potential to damage or remove Protected or Significant trees not authorized by a tree alteration or removal permit. The irrevocable letter of credit or bond may be required to be in place for a maximum period of 2 years after construction is complete unless a longer period of time is required due to a staff determination that possible damage has occurred to one or more Significant or Protected trees. The letter of credit or bond will be released upon successful completion of the project and certification by an arborist and verification by town staff that the tree protection plan was

followed and the trees have not sustained damage or were not improperly removed during the construction and completion of the project. The town may, at the town's discretion, require a portion of, or the full irrevocable letter of credit or bond amount to be used to replace Significant and Protected trees that are damaged or destroyed. (Ord. 659 (part), 2015; Ord. 591 §§6—8, 2005; Ord. 568 (part), 2002).

12.24.110 Funding. The town council, at its discretion, shall budget annually funds for the purpose of maintaining, replanting and improving the trees of the town and otherwise implementing the provisions of this chapter. (Ord. 659 (part), 2015; Ord. 568 (part), 2002).

12.24.120 Violations – Penalties.

(1) Violation Constitutes a Nuisance. It is declared that any violation of the provisions of this chapter shall, in addition to any other remedy, constitute a public nuisance, and such nuisance may be abated as provided by law.

(2) Civil Penalties. Any person who alters or removes a tree in the town, causes a tree to be altered or removed, or fails to observe approved tree protection conditions in violation of the provisions of this chapter may be held liable for compensation to the town in the amount of one thousand dollars (\$1,000) per day for each such action and day the violation occurs. Such person shall include, but not be limited to, the property owner and the contractor removing the tree. A maximum civil penalty of one hundred thousand dollars (\$100,000) exclusive of administrative costs, attorney's fees and arborist fees, shall be assessed per incident lasting 100 days or more from the initial date of the violation until it is corrected. In addition, such person shall be responsible to undertake pruning and other remedial action the town determines reasonably necessary to protect public safety and property, and to help the tree survive the tree alteration. If the natural habit of growth of the tree is destroyed, the town may require the violator to remove the altered tree and install a replacement tree. Tree replacement criteria shall be consistent with section 12.24.080(4). As an alternative, any person who alters or removes a tree in the town, causes a tree to be altered or removed, or fails to observe approved tree protection conditions in violation of the provisions of this chapter may be liable to the Town in an amount equal to the appraised value of the tree.

Any person violating this ordinance shall be notified in writing that the town council will hold a public hearing to establish the amount of the civil penalty. The council may accept the replanting of a comparable size and number of replacement trees, as determined appropriate by the town arborist, as correcting the violation. In such a case, the maximum civil penalty may be based on the number of days from date of the violation until the replanting date.

Unpaid compensation due to the town by a property-owner as a result of violation of the provisions of this chapter shall become a lien against the property on which the work is performed, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment. Any person violating this ordinance shall also be responsible for reimbursement to the town for its administrative, legal and arborist costs associated with the violation.

(3) Forfeiture of Business License. In addition to those penalties described in section 12.24.120 (2), any contractor who removes, relocates, or alters a tree in violation of the provisions of this chapter shall forfeit his or her Town business license for a period of two years from the date of the violation. An application for a tree permit shall be accompanied by an application fee as shall be established by the town council by resolution. (Ord. 659 (part), 2015; Ord. 568 (part), 2002).

Email Received 9-28-15

Letter requesting approval for a variance for The Websters at 15 Brookwood Lane

Dear Leann,

The Websters moved into our neighborhood a few years back with 2 small boys and now they have a new baby girl in an extremely small house. They have been requesting an extremely small variance to help accommodate their bigger family . Two boys are just starting at Ross School. Bonnie and myself , Bruce Potter live just across the street at 10 Brookwood Lane and are affected the most by any changes to their house. We strongly support their request and totally cannot understand why its taken so long to issue this variance. Our Town, State Government and County are trying to be more accommodative and help not hinter younger growing families live in Ross.

Please grant their request.

Bruce and Bonnie Potter

September 2015

Town Council members,

We are long-standing residents of Ross and neighbors of Matt & Niki Webster, property owners at 15 Brookwood Lane. We have reviewed the proposed project at 15 Brookwood with Matt and Niki and have no issues with the planned work. We support with the approval of their project.

With kind regards,

Ryan Baver,
Elise O. Bedard

14 Brookwood Lane

Email Received 9-24-15

Re: next door neighbors

Sep 24 at 5:14 PM

Dear Leann and Town Council Members

I am writing to support our next door neighbors, the Websters, on their project to add a new front entry to their existing home, so as to provide additional and safe play space for their children in the existing front yard. I fully support the changes they are making with the promise of continued (existing) screening and furthered by additional plantings. I prefer that the existing birch trees, that screen our 2 close properties, not be removed as to provide screening/privacy between our homes. I also would expect that they would not be intentionally or inadvertently killed by the changes to be made to their home. **The natural garden atmosphere of Brookwood Lane should be a strong consideration when changing the appearance of the properties.** I believe this can successfully be implemented with a complete and comprehensive landscape plan that would be adhered to.

They are a lovely family and I do believe that this is their intention.

Sincerely,

Ann Kauffman
17 Brookwood Lane
Ross, CA 94957

GEORGE W. GIRVIN ASSOCIATES

LANDSCAPE ARCHITECTURE

Mayor & Town Council
Town of Ross
32 Sir Frances Drake Blvd.
Ross, CA 94957

RE: Epstein Residence
15 Brookwood Avenue
Ross, CA

On June 12, 1987 a construction observation visit was conducted to review the landscape improvements being implemented at the above referenced project.

I found the landscape improvements being installed in substantial conformance to the approved landscape plans dated Sept. 11, 1986. The magnitude of completion is approximately 70 - 75 % at this time.

I look forward to the completion of this wonderful garden in the near future.

Sincerely,

George W. Girvin Associates, Inc.



George W. Girvin, ASLA

GWG/ct

c.c. Epsteins

secretary reported the agenda had been posted on Friday, May 8.

3. Minutes.

Minutes of the Regular Meeting of April 9, 1987 were approved as mailed.

4. Demands.

Finance Chairman Dirkes reported he had reviewed Demands numbered 4135 to and including 4212 and PR numbered 2086 to and including 2114, found them to be in order and authorized signing the warrants, this was seconded by Councilman Poore and passed unanimously.

5. Report from Public Safety Department.

Chief Miller reported the following:

- a. Pacific Sun Race will be held on May 25 at 8 a.m. This is the tenth year for this race and they have obtained insurance.
- b. On 6/1/87, the direct emergency fire phone lines will be disconnected and a recording will advise the caller to use 911. This number provides better service at a reduced price.
- c. Chief Miller did not feel that the Golden Gate Bridge Celebration would cause a problem in the Ross Valley.

6. Consideration of Stop Sign at Bridge Road and Brookwood Lane.

On 4/10/87, Chief Miller met with Mrs. Graves to review her request for a stop sign. He drove the intersection from all approaches and felt that a stop sign was not necessary. Mr. Ronald Cook of Bridge Road said he was familiar with the area and agreed with Chief Miller. After consideration, the Council denied the requested sign. Chief Miller was directed to communicate the Council's decision to Mrs. Graves.

7. Report from Public Works and Building Departments.

Public Works Director Lunding reported that the Sanitary District's proposal to put a main sewer line on Fernhill Drive might be carried over for two years. He said that this postponement would give the Town additional time to work out a program to eliminate traffic congestion on Sir Francis Drake Boulevard during the construction and suggested placing a sign up at the "hub" in San Anselmo allowing local traffic only through the town.

Several of the Councilmembers asked about the Epstein property on Brookwood Lane and whether the Council had reserved the right to request further landscaping when granting the variance. Mr. Lunding said he would make a report with a copy of the plans.

8. Report from Administrative Consultant.

Mr. Richard V. Brown reported on the following:

- a. He has two possible candidates for replacing Mr. Lunding. Interviews have been arranged with Mayor Flemming and Councilman Brekhus on Tuesday, May 19.
- b. A fact sheet on flood control is being prepared and Mr. Brown welcomed any input from Council and staff.
- c. He had begun the budget process and hoped to have a broad outline of the budget for presentation at the June meeting, after working with the finance committee. He hoped to have a budget study session with the Council.
- d. A report on the organizational structure of the Town of Ross is being prepared and should be presented to the Council in the next week.

Opposed.

- h. John and Ingrid Gallagher, 15 Norwood (AP 73-151-11)
20,000 sq. ft. Request is to remodel attic area into
bedroom and bath; dormer windows; addition of 221 sq. ft.;
non-conforming house. VARIANCE NO. 792

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|---------------------------|---------------|
| Lot Area | 6,200 sq. ft. |
| Present Lot Coverage | 14.6% |
| Proposed Lot Coverage | 14.6% |
| Present Floor Area Ratio | 16.7% |
| Proposed Floor Area Ratio | 20.3% |
| (15% allowed) | |

There being no comments from the audience, Councilman Poore moved approval with the condition that a smoke detector be installed as per the Ross PSD, seconded by Councilman Dirkes and passed unanimously.

- i. Michael and Sheila Mandel, 3 Willow Hill Road (AP 73-252-13)
1 Acre Zone. Request is to allow reconstruction of existing
carport 4 ft. from front property line (25 ft. required).
Non conforming house. VARIANCE NO. 793

| | |
|---------------------------|------------------|
| Lot Area | 23,144.5 sq. ft. |
| Present Lot Coverage | 15% |
| Proposed Lot Coverage | 15% |
| Present Floor Area Ratio | 21% |
| Proposed Floor Area Ratio | 21% |
| (15% allowed) | |

Mr. Mandel presented the plans, and stated that the structure would be designed by a structural engineer, and the drainage will be tied into the culvert.

After a brief discussion, Councilman Dirkes moved approval of the variance subject to the condition that the drainage be tied in to the culverts and the number of the house be posted on the street. This was seconded by Councilwoman Flemming and passed unanimously.

17. Cathy and Lee Epstein, 15 Brookwood Lane - Review of
Variance No. 739 Granted 7/11/85.
Public Works Director Lunding stated he had three sets of
drawings: house, landscaping and drainage. Letters of
approval had been received from all neighbors approving
these plans. The Potters were out of Town but there was
no problem there.

Accordingly, Councilman Brekhus moved approval of these plans, seconded by Councilman Poore and passed with four affirmative votes. Councilwoman Flemming abstained.

18. John R. Tozzi, Madrona Avenue, (AP 73-232-38) - Variance
No. 779 - Granted 5/8/86 - Approval of Drainage Plans.
After review, Councilman Brekhus moved approval of the plans
subject to Town Engineer Hoffman's approval. This was
seconded by Councilman Poore and passed unanimously.

19. Review Resolution No. 1179 - Marin County Revised Solid
Waste Management Plan by the Marin County Board of Supervisors.
Councilman Brekhus moved approval of the Resolution No. 1179,
seconded by Councilman Poore and passed unanimously.

- (2) Application for a minor lot line adjustment and a variance. George Georgiou - 5 Makin Grade (72-112-19) Acre Zone. VARIANCE NO. 741.

Request is to allow minor lot line adjustment between lands of Georgiou and lands of Glicksberg. Proposed line will not change square footage of respective areas. Variance request is to allow a 33 ft. rear setback in lieu of 33 ft. 6 in. existing setback (40 ft. required).

Mr. Julien moved approval of the lot line adjustment and Variance with the condition that the applicant file a parcel map within the usually allowed 90-day period. This was seconded by Councilwoman Flemming and passed unanimously.

13. Mr. & Mrs. Epstein's landscaping plans and creek slope status submitted for Council review as stated in Variance NO. 739, granted July 11, 1985. 15 Brookwood Lane, Ross (AP 73-311-04), 10,0000 sq. ft. zone.

8-85
Mrs. Epstein presented the landscaping plans for the Council and stated that she had shown the plans to her neighbors, Mr. & Mrs. Pattengill, and they had been in agreement. Mr. Lunding, Building Inspector, said he had discussed the creek slope with the Pattengills and they had been satisfied that the lap pool was not placed too close to the creek. Mr. Lunding noted that the lap pool would put less pressure on the creek slope.

Mr. Poore moved approval of the plans as submitted. This was seconded by Mrs. Flemming, and passed unanimously.

14. Variences.

- (1) Variance request from Janey and Beach Kuhl, 62 Bridge Rd., (AP 73-302-02) 10,000 sq. ft. zone. Request is to allow construction of 3rd floor to provide new master bedroom, bath and deck. Addition of 895 sq. ft. (Continued from July 11, 1985 Council meeting.) VARIANCE NO., 742

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|---------------------------|----------------|
| Lot Area | 32,670 sq. ft. |
| Present Lot Coverage | 7.4% |
| Proposed Lot Coverage | 7.4% |
| Present Floor Area Ratio | 9.5% |
| Proposed Floor Area Ratio | 12.1% |
| (20% allowed) | |

Mr. Bergeson, Architect for Mr. & Mrs. Kuhl, addressed the Council and stated that they had not changed the plans from the last meeting. Mrs. Kuhl was present and informed the Council that all neighbors had been very positive regarding the addition and had found it to be very attractive. She said she could understand the Council's concern about the size of the structure from the street, but felt she could not make a commitment regarding the landscaping at this time since the landscaping design would take some study, and she would be in a better position to make this

bath and deck, and addition of 898 sq. ft.

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|--|----------------|
| Lot Area | 32,670 sq. ft. |
| Present Lot Coverage | 7.4% |
| Proposed Lot Coverage | 7.4% |
| Present Floor Area Ratio | 9.5% |
| Proposed Floor Area Ratio (20% allowed) | 12.1% |

Mr. Ed Bergeson, Architect for Mr. & Mrs. Kuhl, presented the plans and stated that the highest point in the proposed addition would be 30'. He could put addition on top of garage which would be higher even though it would be just two floors. Mayor Dirkes said he had difficulty with the mass of the building from the street. Mrs. Gretchen Hoskins, a resident of Ross, thought the building was enhanced by the addition. Mrs. Charles Page, Secretary of the Homeowners Association, asked if they could not expand to the sides. Mr. Bergeson said this would not be feasible. Mayor Dirkes requested Mr. Bergeson to try and soften the effect from the street with landscaping and lowering of roof lines. Mr. Bergeson will return with further plans at the next meeting.

- (4) Variance request from Kalyee and Peter Bakker, 33 Laurel Grove, (72-221-04) 1 acre zone. Owner of property: P. Baxter. Property is in escrow to close 7/16/85.
This item was put over to the August meeting.

- 7-11-85 (5) Variance request from Cathy and Lee Epstein, 15 Brookwood Lane, (73-311-04) 10,000 sq.ft. zone. VARIANCE #739
Request is to allow removal of the existing non-conforming house to be replaced by a single family residence.

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| Lot Area | 8,839 sq.ft. |
| Present Lot Coverage | 19.1% |
| Proposed Lot Coverage | 18% |
| Present Floor Area Ratio | 19.1% |
| Proposed Floor Area Ratio (20% allowed) | 30% |

Mr. Jerry Klen, Architect for Mr. & Mrs. Epstein, presented the plans and stated that they do not have 10,000 sq. ft., and the lap pool would be in the setback area. He said the attached garage forms a screen for the pool. Mr. & Mrs. Pattengill of 11 Brookwood Lane spoke from the audience and said they were concerned about the bulk of the two-car garage. They were also concerned about the added weight along the creek. After discussion, Mr. Brekhus moved approval of the variance with the following conditions:

- That a report be given on the status of the creek slope at the next meeting.
- Installation of steamer type hydrant.
- Landscaping plans be submitted to the Council at the next meeting.
- Landscaping placement be completed 6 months after completion of house.

This was seconded by Mr. Poore and passed with three affirmative votes. Mr. Julien voted against.

- (2) Application for a minor lot line adjustment and a variance. George Georgiou - 5 Makin Grade (72-112-19) Acre Zone. VARIANCE NO. 741.

Request is to allow minor lot line adjustment between lands of Georgiou and lands of Glicksberg. Proposed line will not change square footage of respective areas. Variance request is to allow a 33 ft. rear setback in lieu of 33 ft. 6 in. existing setback (40 ft. required).

Mr. Julien moved approval of the lot line adjustment and Variance with the condition that the applicant file a parcel map within the usually allowed 90-day period. This was seconded by Councilwoman Flemming and passed unanimously.

13. Mr. & Mrs. Epstein's landscaping plans and creek slope status submitted for Council review as stated in Variance NO. 739, granted July 11, 1985. 15 Brookwood Lane, Ross (AP 73-311-04), 10,000 sq. ft. zone.

Mrs. Epstein presented the landscaping plans for the Council and stated that she had shown the plans to her neighbors, Mr. & Mrs. Pattengill, and they had been in agreement. Mr. Lunding, Building Inspector, said he had discussed the creek slope with the Pattengills and they had been satisfied that the lap pool was not placed too close to the creek. Mr. Lunding noted that the lap pool would put less pressure on the creek slope.

Mr. Poore moved approval of the plans as submitted. This was seconded by Mrs. Flemming, and passed unanimously.

14. Variations.

- (1) Variance request from Janey and Beach Kuhl, 62 Bridge Rd., (AP 73-302-02) 10,000 sq. ft. zone. Request is to allow construction of 3rd floor to provide new master bedroom, bath and deck. Addition of 895 sq. ft. (Continued from July 11, 1985 Council meeting.) VARIANCE NO., 742

| | |
|---------------------------|----------------|
| Lot Area | 32,670 sq. ft. |
| Present Lot Coverage | 7.4% |
| Proposed Lot Coverage | 7.4% |
| Present Floor Area Ratio | 9.5% |
| Proposed Floor Area Ratio | 12.1% |
| (20% allowed) | |

Mr. Bergeson, Architect for Mr. & Mrs. Kuhl, addressed the Council and stated that they had not changed the plans from the last meeting. Mrs. Kuhl was present and informed the Council that all neighbors had been very positive regarding the addition and had found it to be very attractive. She said she could understand the Council's concern about the size of the structure from the street, but felt she could not make a commitment regarding the landscaping at this time since the landscaping design would take some study, and she would be in a better position to make this decision when the addition was completed.

Mrs. Peter Bakker, spoke from the audience, and felt the addition would improve the looks of the structure and would balance the tennis courts