



Staff Report

Date: October 8, 2015
To: Mayor Kathleen Hoertkorn and Council Members
From: Ali Giudice, Contract Planner
Subject: Javier Soltero and Emily Morris, 155 Laurel Grove, Design Review and Second Unit Permit File No. 2008

Recommendation

Town Council approval of Resolution 1917 conditionally approving Design Review and Second Unit Permit to allow a total of 1,233 square feet of new floor area including a 626.5 square foot second unit with a 276.5 square foot garage at 155 Laurel Grove

Project Summary

Owner: Javier Soltero and Emily Morris
Design Professional: Marybeth Coyne –Marmol Radziner
Location: 155 Laurel Grove Avenue
A.P. Number: 072-112-09
Zoning: R-1:B-A (Single Family Residence, 1-acre min. lot size)
General Plan: Very Low Density (.1-1Unit/Acre)
Flood Zone: Zone X (outside 1-percent annual chance floodplain)

PROJECT DATA			
	Zoning Requirements	Existing	Proposed
Lot Area	1 Acre	35, 070 square feet	No change
Floor Area (FAR)	7,014 sq. ft. (20 %)	4,394 sq. ft. (12.5%)	5,627 sq. ft. (16%)
Lot Coverage	7,014 sq. ft. (20%)	3,394 sq. ft. (9.7%)	4658.5 sq. ft. (13.3%)
Impervious Surface	-	5,576 sq. ft. (15.8%)	5,598 sq. ft. (15.9%)

Background and Discussion

Existing Conditions

The property consist of an existing 35,070 square foot lot which is currently developed with a 4,394 square foot residence. The project site is currently accessed from Laurel Grove Avenue via the site driveway leading to the garage. A separate private driveway connecting from Laurel Grove, passes through the project site, along its northerly boundary, and provides access to 4 other lots via a driveway easement. The width of this easement is 20 feet wide, 10 feet of which is located over the project site.

Development History

The property was developed in the 1950's with a two-story single family residence. A variance was approved in 1984 to allow a deck within the rear yard setback. No other history was found.

Proposed Project

The applicant is proposing to demolish 79 square feet of the existing residence and construct the following:

- Additions of 409 square feet to the north, south, and east side of the existing residence. These additions will comply with setbacks established for the district.
- A new 626.5 square foot accessory structure with 276.5 square foot garage which will obtain access from the separate private driveway. The accessory structure will be located on the northerly portion of the lot and will be more than 40 from the front property line and at least 20 feet from the northerly side property line.

The proposed improvements require the following permits.

- **Design Review is being processed** because the proposed improvement exceed 200 square feet in area. The applicant proposes a total of 1,233 square feet of new floor area. The most noticeable change to the residence is a 242.56 square foot knock out on the north side of the building where it faces the private driveway. This addition is a single story feature that uses the same materials and colors of the existing residence and does not reflect a dramatic change to that elevation. The applicant proposes a combination of horizontal wood siding mixed with acrylic plaster and a brick chimney. The siding would be painted a light brown to blend with its natural surroundings. New landscaping will be incorporated into the project to provide screening of the proposed additions. The necessary findings to approve Design Review can be made and have been incorporated into the attached resolution.
- **Second Unit Permit is required** to allow the accessory structure to be used as a second unit. The second unit is a single story structure that will not exceed a total floor area of 626.5 square feet (up to 700 square feet is permitted) with a 276.5 square foot garage. The second unit will be the only second unit on an owner occupied property. The second unit will be 40 feet from the front property line. Existing vegetation provides adequate screening of the structure from Laurel Grove. The applicant proposes cherry laurel along the private driveway to provide screening of the second unit from the driveway. The

necessary findings for a second unit can be made and have been incorporated in the attached resolution.

ADR

The project received ADR review on August 25, 2015. The ADR group supported the proposed project with a recommendation that the building be pushed back to minimize visibility. The applicant has submitted a revised design that shows a 20-foot setback where a 17-foot setback from property line was previously proposed. The applicants have expressed a concern with pushing the building further back given the amount of existing tree cover and potential conflicts with drip line of the existing mature trees.

Public Comment

The applicant has submitted neighbor verification forms from some of the adjacent neighbors in support of the project. Staff has received comments from one neighboring property owner expressing concern about the visibility of the accessory structure/second unit. The neighbor has expressed the following concerns:

1. Proximity of 2nd unit to driveway –the applicant expresses concern that the side yard setbacks are taken from property line and not from edge of easement. In addition, the applicant is concerned that one could locate over a roadway or easement.

The project is required to comply with the 15 foot side yard setbacks established for properties created prior to 1989. The code does not require greater setbacks when measured from a side yard easement. However, at no time would the town allow encroachment of a structure over an easement without prior verification from easement holders. This would normally be via a recordable document.

2. Bulk of proposed addition to north side of main residence.

The project includes a 242.56 square foot addition on the northeast side of the existing residence. This addition is designed as a 12 foot high single story element that incorporates the materials and colors of the existing residence. The addition is not added to the entire length of the northeast elevation and thus creates a break in the wall and reduces potential bulk. Most of the addition will be screened by a new 6-foot high fence. Cherry Laurel will be installed on the interior of the fence to provide additional screening. However, the project is located 25.75 feet from the property line and 10.75 from the easement.

3. Potential active use of second unit garage.

The neighboring property owner expressed concerns about potential vehicle conflicts that could occur from a vehicle backing out of the driveway at the same time a vehicle is entering the driveway from Laurel Grove. Staff discussed this matter with the Town Engineer. The Town Engineer was not concerned with vehicle conflicts due to the limited

number of homes having access through the driveway. However, the Town Engineer did provide an option of adding a condition of approval that would require a 10-foot wide by 10-foot deep visibility triangle that is typically used for more heavily used roadways. No tall growing vegetation would be permitted within this visibility triangle. Staff does not support adding such a condition given the Town Engineer reaction that there are no potential for conflicts and because the visibility triangle would result in increased visibility of the structure from the driveway.

4. Increase in congestion from the new driveway.

The increase in 1 vehicle parking space will not result in unnecessary congestion.

5. Purpose of Easement

The purpose of the 20-foot wide easement is to provide access to all property owners that have expressed rights to the easement. Based on deeds submitted by the applicant the property owner at 155 Laurel Grove has easement rights over the a 10-foot wide portion of property directly north of the project site. The proposed driveway would not be in conflict with the driveway easement. The accessory building will not encroach onto the easement.

Fiscal, resource and timeline impacts

If approved, the project would be subject to one-time fees for a building permit, and associated impact fees, which are based in part on the valuation of the work proposed. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. The Town currently serves the site and there would be no operating or funding impacts associated with the project.

Alternative actions

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

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301 –*additions to existing structures*, because it involves a addition to an existing single family residence, including a detached accessory structure with no potential for impacts as proposed. 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. 1917

2. Project History
3. Neighbor Verification letters
4. Neighbor Comment letters
5. Applicant project information
6. Project plans

TOWN OF ROSS
RESOLUTION NO. 1917
A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW AND
SECOND UNIT PERMIT TO ALLOW 1,233 SQUARE FEET OF ADDITIONS,
INCLUDING A 626.5 SQUARE FOOT SECOND UNIT WITH A 276.5 SQUARE FOOT
GARAGE ON THE PROPERTY LOCATED AT 155 LAUREL GROVE,
APN 072-112-09

WHEREAS, Javier Soltero and Emily Morris, submitted an application for Design Review and Second Unit Permit to allow an 1,233 square feet of additions including a 626.5 square foot second unit with a 276.5 square foot garage on the property located at 155 Laurel Grove, APN 072-112-09 (the “project”); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301 – *additions to existing structures*, because it involves a additions to an existing single family residence, including a detached accessory structure, with no potential for impacts as proposed and as outlined in the staff report and no exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to subsection (a) which relates to impacts on environmental resources; 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 Design Review and Second Unit Permit for the project described herein, located at 155 Laurel Grove, 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:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
Findings in Support of Project Approval
155 Laurel Grove,
APN 072-112-09

A. Findings

1. Second Unit Permit (RMC § 18.41.070(b))- Approval of Second Unit Permit is based on the finding that the project complies with the standard for approval of a second unit. These standards include the following:

- a. Parking. One parking space shall be provided for each residential second unit. The required parking space may be in tandem and within the setback areas but shall be screened from public view.

One parking space is provided

- b. Residential second units newly constructed as such or added to an accessory building shall be limited to a single story with a maximum building height of eighteen feet at any point when measured from either existing or finished grade.

The second unit is a single story detached structure.

- c. Setbacks. The setback requirements enumerated under Chapters 18.16, 18.32 and 18.39 of this code shall apply to residential second units.

The second unit complies with setbacks established for this property.

- d. Lot Coverage. The lot coverage requirements enumerated under Chapters 18.16 and 18.32 of this code shall apply to residential second units.

The property will comply with lot coverage requirements.

- e. Floor Area. The floor area ratio requirements enumerated under Chapters 18.16, 18.32 and 18.39 of this code shall apply to residential second units.

The project will be below the 20% maximum FAR requirements

- f. Maximum Size. Residential second units shall not exceed seven hundred square feet in floor area, excluding covered parking area.

The second unit will be below the 700 square feet allowed.

- g. Residence Requirements. Approval of a residential second unit is conditioned upon the owner of record maintaining their residence upon the same parcel as that of the residential second unit.

Conditions off approval are incorporated to this resolution limited owner occupancy.

- h. Health and Safety. Residential second units must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire

preventative site design, landscaping and building materials, and other fire suppression techniques and resources as determined by the director of public safety.

The project will be required to comply with Fire and Building code requirements.

- i. Building Permits and Codes. In addition to the provisions herein, residential second unit construction shall be subject to all applicable provisions and requirements of Title 15 of this code

The project will be required to comply with Fire and Building code requirements.

2. Design Review (RMC § 18.41.070(b))-Approval of Design Review to allow a total of 1,233 square feet of additions including a 626.5 square foot second unit with a 276.5 square foot garage to a developed lot is based on the findings outlined in the Ross Municipal Code Section 18.41.070(b) as described below:

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

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

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

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

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

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

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

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

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

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

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

The proposed additions to the existing primary residence proposes colors and materials to match the existing residence. The additions are well screened by the existing structures and by existing and proposed vegetation. The detached second unit will be located 40 feet from Laurel Grove and will be well screened by existing vegetation. Additional landscaping along the private driveway will provide screening from the private driveway to the north. The project is not located near a drainage and will not require removal of significant trees.

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

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

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

The project is sited to minimize tree removal. Additional landscaping will be installed to provide additional screening. The property is not located on hillside lot or a geologically unstable area.

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

The project will be required to comply with the erosion control measures.

(c) Lot coverage and building footprints should be minimized where feasible, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, forested areas, and steep slopes shall be a priority for preservation and open space.

The project is not located near a steep slope, stream, or forested area. Lot coverage will not exceed 13 percent where a maximum of 20% is permitted.

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

The project consist in minor additions to an existing single family residence and construction of a new single story accessory structure. Existing and proposed vegetation will provide adequate screening from Laurel Grove and from neighboring properties.

(3) Minimizing Bulk and Mass.

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

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

The additions to the primary residence will be at different sides of the building. The most visible addition is on the northeast side where a single story, 242.56 square foot area is proposed. The addition at this location will not extend the entire length of the existing wall. The resulting variation in wall plane minimizes bulk on that side of the structure. Enclosure will incorporate the design pattern of the existing building and will not change overall bulk of the building.

The Second unit is also visible from the driveway. This is a single story, 903 square foot building (includes 276.5 square foot garage) located within 20 feet of the side yard setback (13 feet from edge of easement). The design brings in the horizontal pattern of the existing building while blending in cement siding to add interest to the building. Additional landscaping will be provided to screen the building from the driveway and further reduce monotony in design.

(4) Materials and Colors.

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

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

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

Existing building materials and colors will be carried over to the additions to the primary building. The second unit will blend the horizontal siding with the use of cement siding. The colors and materials used will blend with the site surroundings.

(5) Drives, Parking and Circulation.

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

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

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

The garage and driveway access to the existing residence is from Laurel Grove. No changes to the existing access will occur for the primary residence. The second unit garage is accessed from an existing private driveway. This same driveway is used by 3 other lots on this street via a recorded easement. The garage is a single car garage that is in scale with the size of the second unit. Existing and proposed vegetation provide screening of the residence and garage.

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

The applicant will be required to provide details and specifications of lighting fixtures prior to building permit issuance.

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

The site is well screened by existing vegetation. Additional vegetation will be provided along the private driveway. A new fence will be installed along the northerly perimeter. This fence will be 6 feet high near the rear yard and taper to a 4-foot high fence as it continues toward the front of the property.

(8) Views. Views of the hills and ridgelines from public streets and parks

should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.

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

(9) Natural Environment.

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

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

(c) Development in low-lying areas shall maintain a setback from creeks or drainageways consistent with the existing development pattern and intensity in the area and on the site, the riparian value along the site, geologic stability, and the development alternatives available on the site. The setback should be maximized to protect the natural resource value of the riparian area and to protect residents from geologic and flood hazards.

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

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

The property is not located near a creek or watercourse and is not in a flood zone. The property is not a hillside lot and is not located near a ridgeline or on geological unstable soil.

(10) Landscaping.

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

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

(c) Landscape plans should include appropriate plantings to repair,

reseed and/or replant disturbed areas to prevent erosion.

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

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

The property is characterized by spans of mature vegetation and large stature trees. Removal of boxwood hedge will be necessary to accommodate the second unit driveway. Removed vegetation will be replaced with cherry laurel along the length of the side property boundary.

(11) Health and Safety. Project design should minimize the potential for loss of life, injury or damage to property due to natural and other hazards. New construction must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire-preventive site design, landscaping and building materials, and fire-suppression techniques and resources. Development on hillside areas should adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. New development in areas of geologic hazard must not be endangered by nor contribute to hazardous conditions on the site or on adjoining properties.

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

(12) Visual Focus.

(a) Where visibility exists from roadways and public vantage points, the primary residence should be the most prominent structure on a site. Accessory structures, including but not limited to garages, pool cabanas, accessory dwellings, parking pads, pools and tennis courts, should be sited to minimize their observed presence on the site, taking into consideration runoff impacts from driveways and impervious surfaces. Front yards and street side yards on corner lots should remain free of structures unless they can be sited where they will not visually detract from the public view of the residence.

(b) Accessory structures should generally be single-story units unless a clearly superior design results from a multilevel structure. Accessory structures should generally be small in floor area. The number of accessory structures should be minimized to avoid a feeling of overbuilding a site. Both the number and size of accessory structures may be regulated in order to minimize the overbuilding of existing lots and attain compliance with these criteria.

The second unit is located 40 feet from Laurel Grove and is not visible from Laurel Grove due to the amount of mature vegetation. The second unit will be visible from the private driveway. However, the private driveway spans the entire length of side property boundary. The project includes cherry laurel along the front of the building to provide a screening buffer to minimize visibility of the structure from the driveway.

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

properties.

The window placement for the additions to the primary building will be directed toward the private court yard and window placement on the second unit will be directed toward the interior of the property. Therefore, the project will not result in impacts on privacy.

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

Not applicable.

(15) Relationship of Project to Entire Site.

(a) Development review should be a broad, overall site review, rather than with a narrow focus oriented only at the portion of the project specifically triggering design review. All information on site development submitted in support of an application constitutes the approved design review project and, once approved, may not be changed by current or future property owners without town approval.

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

The project is an appropriate site improvement and reflects a holistic approach to incorporating an improvement with existing development while respecting the natural environment.

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

The project complies with development standards. More restrictive standards are not deemed necessary.

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

The project does not reduce housing stock.

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

compatibility with the character of the surrounding area.

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

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

No creek is near the development.

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

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

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

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

The project will be required to comply with the Towns stormwater management requirements.

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

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

The existing mature trees will be retained and protected and other mature vegetation will be retained to the maximum extent possible.

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

See (2) above.

(3) 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.

(4) 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.

(5) 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.

The project will need to comply with Title 24 applicable Calgreen requirements.

(6) 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.

Construction and demolition debris must be recycled under existing Town regulations.

(7) 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 will well under the 20% FAR permitted for this property. The second unit is below the maximum allowable area permitted for a second unit.

(8) 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.

There are no known cultural resources existing on this property and accidental discovery of cultural resources is unlikely.

(9) 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 landscaping will be maintained. Additional landscaping will provide screening and contribute to the lush landscape that characterizes this lot.

(10) 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 relates to the sloe of the lot by incorporates single story elements at the upper slopes as well as lower slopes. The applicant will be required to submit drainage plans as part of the building permit submittal.

(11) 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 has been designed to minimize bulk and mass and is to scale with existing development.

(12) 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.

(13) 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 will not result in impacts on privacy.

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

The project incorporates high quality materials appropriate for the natural setting.

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

The second unit will be access from an existing private driveway that provides access to 3 other lots. The driveway for the garage will be minimum necessary to provide access to the garage.

(16) 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.

(17) 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 archeological resources is unlikely due to the location of the site and known archaeological areas.

(18) 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 property is not located in a geologic hazard area.

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

The structure will be required to comply with Ross Valley Fire Department.

(20) 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.

Applicant will be required to ensure an effective firebreak around the structure is provided as required by Ross Valley Fire Department.

(21) 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.

This finding can be made as noted above.

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

Ross Valley Fire Department has reviewed and approved the proposed plans, subject to final fire review during the building permit phase.

(23) 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.

A drainage plan will be required prior to building permit issuance.

(24) 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 involves minimal increase in impervious surface.

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

Work is not proposed near riparian areas.

EXHIBIT "B"
70 Ivy
Conditions of Approval

1. The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit. The property owner shall certify on the building permit plans that they have read and agree to the following conditions.

2. Except as otherwise provided in these conditions, the project shall comply with the plans submitted for Town Council review of October 8, 2015. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

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

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

5. Prior to Building Permit Issuance, the applicant shall submit window samples for review and approval by the Planning Department. Window samples shall focus on reducing glare to the maximum extent possible.

6. 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.

7. The second unit is approved based on owner of record maintaining their residence upon the same parcel as that of the residential second unit.

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

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

10. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. 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. Letter or email confirming compliance shall be submitted to the building department prior to project final.

11. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).

12. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

a. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any roof projections that are not identified on the plans submitted for Town Council review. Where a roof area is visible from off site, roof projections shall be located to minimize their appearance. Exposed galvanized material is discouraged. All vents and flue pipes shall utilize a finish to blend into adjacent surfaces. If possible, vents may be concealed from view in forms compatible with the structure. Vents for cooking appliances should be located or directed to avoid noise and odor impacts to adjacent sites and shall be located out of required setback areas.

b. The plans submitted for the building permit shall detail the gutter and downspout design and location for review and approval by the Town. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for Town Council

review. A specification sheet shall be provided and the proposed color and finish material shall be specified. Downspouts should be located to minimize their appearance from off site locations. Gutters and downspouts should have a finish to blend into adjacent surfaces or underlying trim. Exposed galvanized material is not permitted.

c. 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. 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.

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

e. The building department may require the applicant to submit a deposit 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.

f. 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 signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (ie temporary seedin nd mulching or straw matting).

g. 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.

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

i. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.

j. 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.

k. 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).

l. A Final construction management plan shall be submitted in time to be incorporated into the job.

m. 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.

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

o. 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.

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

q. 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).

r. 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.

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

t. 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.

u. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.

v. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.

w. The project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.

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

y. 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.

z. 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.

aa. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.

bb. Prior to Issuance of a Building Permit, a qualified engineer shall prepare a report on the condition of Laurel Grove for construction vehicles. 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 the applicant to submit a certificate of responsible insurance company showing that the applicant is insured in an amount to be fixed by the Town against any loss or damage to the persons or property arising directly or indirectly from the construction project.

cc. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

dd. A Grading Permit is required from Department of Public Works for site grading. The applicant shall comply with the requirements of Chapter 15.24 of the Ross Municipal Code

ee. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.

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

gg. The Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.

hh. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented

ii. 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.

jj. 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.

13. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may

tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

5. Open Time for Public Expression.
 Mrs. Charles Page, representing the Ross Historical Society, presented plans for the restoration of the Town Hall, which were developed with the assistance of Designer Carla Flood. The cost of the project is estimated at \$30,000. The scope is to remove the accoustical tile, replace it with a textured ceiling and redo the lighting, refinish the floor, oil and repair the chairs and install picture molding for hanging displays. Carpeting will be installed in certain areas and water damaged areas will be repaired. Fund raisers are planned to obtain the money for the restoration.
 On motion by Mr. Dirkes, seconded by Mrs. Flemming, the Council unanimously expressed its support and approval of the project. Mayor Poore appointed Mrs. Flemming to work with members of the Restoration Committee.



6. Variances.
 1. No. 717 Richard J. Behrendt, 155 Laurel Grove Ave. (72-112-09) Acre Zone
 Request to expand and remodel existing master bedroom, add grade-level wooden deck (220 sq. ft.) within backyard setback and modify existing cantilevered concrete pad over existing pool equipment area within sideyard setback.

	Lot Area	37,276 sq. ft.
Present lot coverage		10.9%
Proposed " "		11.6%
Present floor area ratio		8.1%
Proposed " " "		9.3%

(15% allowed)

Architect George Girvin explained the plans and said that due to poor soil fill conditions, only light weight decking is recommended by a soils engineer. The existing concrete pad over the pool equipment is deteriorated and needs modification. He promised to meet with adjoining neighbor George Georgiou to discuss the fence and planting. Mr. Julien moved approval of the variance request with the condition that the Council have the right to review boundary landscaping if a problem with the neighbors arises. Following discussion, he withdrew his motion. Mr. Brekhus moved approval of the variance, seconded by Mrs. Flemming and unanimously passed.

COMPUTATION SHEET - Lot Coverage & Floor Area Ratio

Name of Applicant Richard J. Behrendt

Address 155 Laurel Grove

A. Lot Size 37,276 sq. ft.

B. Floor Area Existing 3,027.5 sq. ft.
(Incl. decks, balconies, porches, sheds & garages)

E. Existing Building Coverage 4,099 sq. ft.
(Land area covered by all buildings, incl. all projections)

C. Floor Area added
Addition 209 sq. ft.
Deck 220 "
Deck 30 " 459 sq. ft.

D. New Total Floor Area 3,486.5 sq. ft.

F. New Building Coverage 4,349 sq. ft.

Existing Floor Area Ratio $\left(\frac{B}{A} \right)$ 8.1 %

Existing Lot Coverage $\left(\frac{E}{A} \right)$ 10.9 %

New Floor Area Ratio $\left(\frac{D}{A} \right)$ 9.3 %

New Lot Coverage $\left(\frac{F}{A} \right)$ 11.6 %

Allowable Floor Area Ratio _____ %

Allowable Lot Coverage 15 %

PROPOSED VARIANCE
MUST BE STAMPED

Variance No. 717
Granted October 11, 1984

APPLICATION FOR VARIANCE
UNDER ORDINANCE NO. 220 — THE ZONING ORDINANCE
OF THE TOWN OF ROSS

NAME OF APPLICANT Richard J. Behrendt DATE 09/24/84

ADDRESS 155 Laurel Grove PHONE 454-0493

To the Town Council
Ross, California

Application is hereby made for a VARIANCE from the strict application of Section _____
of the Zoning Ordinance of the Town of Ross to permit the following:

- A. Expansion and remodeling of existing master bedroom suite. *with wood subdeck*
- B. Addition of grade level wood deck.
- C. Modification of Existing cantilevered concrete pad over existing pool equipment area.
on property situated at: Assessor's Map No. 72-112-09

Address 155 Laurel Grove Subdivision _____

Legal owner of parcel Richard J. Behrendt

Status of applicant if not legal owner Owner's Landscape Architect

The following statements and attached plans are offered in substantiation of my request:

1. The exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in this application which do not apply generally to land, buildings and/or uses in the same district are as follows:

Existing building and private outdoor recreational area were originally placed by others to provide an exceptionally large front yard exceeding present front yard setback requirements thus limiting rear yard availability.

2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner because:

Existing MBR is not equal to that demanded for property of this value and does not meet the needs of the owner. The location proposed for the deck is necessary to provide a sunny, enjoyable and private wooden sun deck adjacent to the existing pool. Due to poor soil fill conditions only light weight decking is recommended by engineer to protect adjacent property. The existing concrete pad over the existing pool equipment area needs modification due to deterioration over time.

3. The granting of this variance under the circumstances of this case will not adversely affect the health, safety or welfare of persons residing in the neighborhood or be detrimental to the public welfare, or to other property or improvements in said neighborhood because:

Granting this request will not change any existing conditions regarding health, safety, or welfare; nor will it impact adversely adjacent properties.

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

To Whom It May Concern:

My name is Emily Morris and I am the owner of 155 Laurel Grove Ave. As you are aware, we are planning renovations and improvements to our home and, as such, have been obtaining the required approvals and signatures from our five closest neighbors. We have been able to obtain approvals (using the town's Acknowledgement Form) for all neighbors except one – the residents of 120 Laurel Grove Avenue, which is diagonally across the street from our home. Unfortunately, we have been unable to contact these neighbors after many attempts.

Over the last few weeks, I have taken the following steps to attempt to contact the owner of 120 Laurel Grove, which I believe is Jane Pedroli:

1. Aug 12 - Left a letter on their gate with my and my husbands' contact information and a brief description of why we would like to speak with them.
2. Aug 25 - Called their home number (415-456-2303). Someone answered, but said that the owners were out of town and provided me with a cell phone number to call.
3. Aug 25 - Called the cell phone number (415-519-3132) and left a voice mail again describing why we would like to speak with them.
4. Aug 31 - Sent an email to bjcrossle@aol.com (which is the email address other neighbors have used to communicate with Jane Pedroli in the past) with an overview of our project and an attached copy of the town's Acknowledgment form. I have pasted the content of that email below for you.

I have not yet received a reply in response to any of these attempts and am not sure what other steps I could possibly take.

I would appreciate your advice in this matter.

Thank you,
Emily Morris
Owner, 155 Laurel Grove Avenue
415-377-4833

CONTENT OF EMAIL SENT TO JANE PEDROLI:

Hi Jane,

My name is Emily Morris and I live across the street from you at 155 Laurel Grove Ave. The Del Balsos at 130 Laurel Grove were kind enough to give me your email address as I've been trying to track you down for some time now to let you know about a construction project that we will be doing on our home.

In early 2016, we will be renovating our home, and building a small accessory structure (one story of approx 600 sq ft) in the front corner of our lot. Our growing family (2 children, one 4 year old and one 6 month old) has outgrown the space our current house provides, so we need to expand a bit.

This project shouldn't affect you in any way (it probably won't even be visible to you), but the town of Ross has asked us to obtain the signature of all nearby neighbors to acknowledge that they have been notified about our construction since and to give them an opportunity to express any concerns they may have. You are one of the neighbors that they have asked us to contact. If you would like more details on the project, I would be happy to walk you through it via phone or in person. But if you are Ok with us proceeding, then you can simply sign the form and send it back to us.

I've attached an electronic copy of this form for you and I can also bring one over to your home in person if that is easier (I can tape it to your gate).

Please let me know how you would like to proceed. We appreciate your help!

Thanks very much,
Emily, Javier, Julian and Eva



Town of Ross

Planning Department
P. O. Box 320, Ross, CA 94957
Telephone (415) 453-1453 ext. 121
www.townofross.org

Fax (415) 453-1950

NEIGHBOR ACKNOWLEDGEMENT FORM

The Town of Ross requires applicants for development projects to review their plans with abutting neighbors prior to submitting the project to the Town. These plans should be considered **PRELIMINARY ONLY** and there may be modifications made by the applicant or required by the Town during the formal review period, including at the public meeting on the project. The Town will mail a notice of any public meeting regarding the project to the owner of your residence at least ten days prior to the meeting. You are invited to contact the Town Planning Department for more information.

Project Address and Assessor's Parcel No. 155 Laurel Grove Ave, 072-112-09
Owner(s) of Parcel Javier Soltero, Emily Morris
Date of Plans July 23, 2015

I am a neighbor of the project site identified above. The applicant has reviewed the project plans with me and I understand the scope of work. I understand that the plans may change during the formal review process.

- I approve the plans as proposed I do not approve the plans as proposed for the following reasons (attach additional material if necessary):

Note: the information on this form will become part of the public record for this project and providing personal information is optional. If you have any concerns with the plans, the Town encourages you to discuss them with the applicant. If the concerns are not resolved, please inform the Planning Department and/or the Town Council. Written comments received by the Planning Department by 5:00 p.m. the Thursday (7 days) prior to the Town Council meeting will be included in the Council agenda packet. Other written comments should be submitted at least 48 hours prior to the Council meeting so the Council has ample time to review the comments.

Neighbor Name(s) MICHAEL & ROBERT DEBARS
Neighbor Signature(s) [Signature] Date 8-29-15
Neighbor Address 130 LAUREL GROVE AVE - ROSS
Neighbor Phone Number and Email MDEBARS@JENAKSON.COM
917-951-7526



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Project Address and Assessor's Parcel No. 155 Laurel Grove Ave, 072-112-09
Owner(s) of Parcel Javier Saltero & Emily Morris
Date of Plans July 23, 2015

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Neighbor Name(s) Frank Hefferman
Neighbor Signature(s) [Signature] Date 8/19/15
Neighbor Address 119 Laurel Grove Ave
Neighbor Phone Number and Email 4154569595



Town of Ross

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Fax (415) 453-1950

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Project Address and Assessor's Parcel No. 155 Laurel Grove Ave, 072-112-09
Owner(s) of Parcel Javier Sotero, Emily Morris
Date of Plans July 23, 2015

I am a neighbor of the project site identified above. The applicant has reviewed the project plans with me and I understand the scope of work. I understand that the plans may change during the formal review process.

I approve the plans as proposed I do not approve the plans as proposed for the following reasons (attach additional material if necessary):

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Neighbor Name(s) GEORGE GEORGIOU
Neighbor Signature(s) [Signature] Date 08/26/2015
Neighbor Address 5 MAIN GRADE Ross (1422 Po Box), 94957
Neighbor Phone Number and Email 415-827-1111



Town of Ross

Planning Department
P. O. Box 320, Ross, CA 94957
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NEIGHBOR ACKNOWLEDGEMENT FORM

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Project Address and Assessor's Parcel No. 155 Laurel Grove Ave, 072-112-09
Owner(s) of Parcel Javier Soltero, Emily Morris
Date of Plans July 23, 2015

I am a neighbor of the project site identified above. The applicant has reviewed the project plans with me and I understand the scope of work. I understand that the plans may change during the formal review process.

I approve the plans as proposed I do not approve the plans as proposed for the following reasons (attach additional material if necessary):

We would like to see structure moved away from curb.

Note: the information on this form will become part of the public record for this project and providing personal information is optional. If you have any concerns with the plans, the Town encourages you to discuss them with the applicant. If the concerns are not resolved, please inform the Planning Department and/or the Town Council. Written comments received by the Planning Department by 5:00 p.m. the Thursday (7 days) prior to the Town Council meeting will be included in the Council agenda packet. Other written comments should be submitted at least 48 hours prior to the Council meeting so the Council has ample time to review the comments.

Neighbor Name(s) Chris & Bob Feibusch
Neighbor Signature(s) [Signature] Date 8/28/2015
Neighbor Address 115 Laurel Grove Ave
Neighbor Phone Number and Email 415 456-9168 chris@feibusch.net

Ali Giudice

From: Emily Morris <emilyjanemorris415@gmail.com>
Sent: Thursday, October 1, 2015 2:14 PM
To: Ali Giudice
Cc: Mary Beth Coyne; Jason Davis; Leo Marmol; Javier Soltero
Subject: Project at 155 Laurel Grove

Hi Ali,

Thank you so much for taking the time to meet with us again yesterday and for your help in organizing these meetings. As we discussed, I am following up with a written response to Jim Birchenough's letters to the town regarding our project as well as providing a written update on the measures we are taking to address his concerns.

First off, I want to say how disheartened my family and I are about this neighborly disagreement and the extent to which it has inflated. When we moved into this lovely home 4 and a half years ago, we always had the intention of improving and expanding it. Our goals were and still are to enhance and re-invigorate the home's original 1950s design, expand the home to provide space for our growing family (it was only 2 of us when we moved in and now there are 4!), and enclose and enhance our yard so as to provide safety and privacy for our children when they are outdoors. We, like our neighbors, value the park-like setting of Ross and as such we are doing everything in our power to protect and improve it, and the intention behind much of this remodel project is to allow our family to further benefit from the beautiful, natural setting of our yard. It is simply unfortunate that after years of planning, we finally began our remodel project when we did because if we had put the story poles up only a couple of months earlier, before Mr. Birchenough had moved into his home, we would have no dispute at all.

In addition, our required neighbors have signed the town's construction approval form and were very supportive of our plans for our home. Many of these neighbors have lived in Ross for several decades. We are not asking for any variances to Ross's building codes and the Ross Design Review Board approved our project and was also very supportive. This leads us to the disagreement with the Birchenough's...

On Aug 31st, Mr. Birchenough wrote a letter to the town stating that he objected to the scope and location of our project because he didn't want a "tree lined drive replaced by the back of a large structure that wasn't there" when he bought his property. At that time, he said that he didn't want a structure (which is our second unit) backing onto his driveway and he also opposed the small expansion of our bedroom because it brought our house closer to the driveway.

As you know, our architects quickly worked through you to set up a meeting with Mr. Birchenough to hear his concerns in person and to help him understand our reasoning for the placement of the structure (which is to stay outside of the drip lines of all protected trees and to adhere to all Ross town side yard setback guidelines). We also provided details of our landscaping plans, which include 12-15 foot tall Laurels to line our yard facing the private driveway and shield our second unit from view as much as possible. At this meeting, Mr. Birchenough did not mention any issues regarding the small bedroom expansion, but he did ask that we move the second unit further away from the driveway. After the meeting, in response to Jim's concerns and the input from the Ross design review board, our team of architects reworked our plans and moved the second unit structure further away from the driveway and in toward our yard. We also moved the story poles to reflect the new location of the structure and asked our architects to generate new renderings of view of the second unit from the private driveway so that Mr. Birchenough would be able to visualize the changes we were making on his behalf.

It was our understanding that we had addressed all of Mr. Birchenough's concerns. Then, when our architects reached out to Mr. Birchenough to schedule a follow-up meeting to review these changes with him, he mentioned that he now had additional concerns about the garage on our second unit and its impact on curb appeal, safety and

congestion for the private driveway. When we met with Mr. Birchenough on Sept 30th, we discussed each of these items individually.

1. Curb appeal - We shared our proposed building materials and planting plans (12-15 foot laurels lining the private driveway which obscure our new structure as much as possible) with the Ross Design Review Board, our other neighbors and Mr. Birchenough. The Ross Design Review board and the other neighbors were highly supportive of our proposed choices. Mr. Birchenough did not say exactly what his specific concerns are with our chosen materials, but did mention that he doesn't want any structure or garage to change the park like setting that surrounds his driveway. Our architects pointed out that this park-like setting is our front yard we are well within our rights to improve and build upon our property, especially when we are being respectful to preserve the lush natural setting and increase the neighbors' privacy along the driveway by planting tall shrubs to obscure views into our yard and onto the new structure.

2. Congestion - Mr. Birchenough said that he is concerned about the addition of a single-car garage onto the driveway because it may cause congestion. However, the previous owners of our property used to park in a parking space that exited onto this same driveway, so it seems only reasonable that we should also be able to use this driveway in the same way - especially since half of it is on our property. Additionally, our intention is to use this garage primarily for car storage because we have three cars, but only have a two-car garage on our main property. So, the amount of traffic we would create is minimal and relatively insignificant in comparison to the traffic that his family of 8 will now create along this formerly peaceful driveway.

3. Safety - Mr. Birchenough said that his family now has 8 members many of whom are brand new drivers and that they may not know how to react to a car pulling into the driveway at that location. Our architects pointed out that there is a garage at the neighbor's house diagonally across the street from our proposed garage that is obscured by a 6 foot tall fence that would seem to be amore significant safety concern for him and his family, but Mr. Birchenough insisted that our proposed garage onto the driveway was just "not a good idea". In response, we agreed that our architects would work closely with the Ross town engineers to examine our garage's location and ensure that we are not creating any safety issues. Because of course, this would be a significant concern for us as well - since our car would be the one pulling into the driveway. So, we will be sure to follow up with the town and with Mr. Birchenough once we have more information from the engineers. I would like to note, however, that Mr. Birchenough's points about his family creating a significant increase in traffic on this driveway raised many red flags for us as our children often play in our yard and sometimes go into that driveway to chase balls, etc.. If we can't close off our yard from this driveway, we are concerned that our children's safety is in jeopardy, as is the peacefulness and privacy of our yard.

At the end of this meeting, Mr. Birchenough did say that he was Ok with the new proposed location of the second unit structure and that he appreciated that we had moved it inward toward our yard.

So, I think that sums it up. All in all, we are concerned that even through our best efforts to address Mr. Birchenough's concerns, he will continue to raise issue after issue in an effort to stall, if not completely block our project. We are doing everything we can to ensure that our project does not impede our neighbors' abilities to enjoy their own properties and we are actively making changes in response to their requests. We love living in Ross, we love our neighbors and we love our home and it is so sad that someone brand new to this neighborhood would try to impede our quality of life here simply because he doesn't want to change the appearance of his driveway.

Thank you, Ali. Please let me know if you have any questions or if I can be of any help. I am truly hopeful that we can find a reasonable solution here.

-Emily Morris



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Phone (415) 453-1453, Ext. 121 Fax (415) 453-1950

Web www.townofross.org Email esemonian@townofross.org

Staff Use Only

Received By: _____

Date: _____

Fees Paid: _____

Date: 2005

VARIANCE/DESIGN REVIEW/DEMOLITION APPLICATION

Parcel Address and Assessor's Parcel No. 155 Laurel Grove Ave APN 07211209

Owner(s) of Parcel Javier Soltero and Emily Morris

Mailing Address (PO Box in Ross) P.O. Box 1631

City Ross State CA ZIP 94957

Day Phone (415) 258-3958 Evening Phone (415) 377-4833

Email emilyjanemorris415@gmail.com, jsoltero@gmail.com

RECEIVED
Planning Department

Architect (Or applicant if not owner) Marmol Radziner

Mailing Address 612 York St

SEP 8 2015

City San Francisco State CA ZIP 94110

Phone 415.872.5107

Town of Ross

Email coynemb@marmol-radziner.com, davisj@marmol-radziner.com

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

Gross Lot Size 38,000 sq. ft. Lot Area 35,070 sq. ft.

Existing Lot Coverage 3,394.4 sq. ft. Existing Floor Area 4,658.5 sq. ft.

Existing Lot Coverage 9.7 % Existing Floor Area Ratio 12.5 %

Coverage Removed 175.4 sq. ft. Floor Area Removed 79 sq. ft.

Coverage Added 1369.8 sq. ft. Floor Area Added 1312 sq. ft.

Net Change- Coverage 1194.4 sq. ft. Net Change- Floor Area 1233 sq. ft.

Proposed Lot Coverage 4658.5 sq. ft. Proposed Floor Area 5627 sq. ft.

Proposed Lot Coverage 13.3 % Proposed Floor Area Ratio 16.0 %

Existing Impervious Areas 5,576 sq. ft. Proposed Impervious Areas 5,998 sq. ft.

Existing Impervious Areas 15.9 % Proposed Impervious Areas 17.1 %

Proposed New Retaining Wall Construction 36'-7" ft. (length) 11'-8" ft. (max height)

Proposed Cut 157 cubic yards Proposed Fill 61 cubic yards

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm Marmol Radziner
 Project Landscape Architect Lindsay Buck
 Mailing Address 612 York St
 City San Francisco State CA ZIP 94114
 Phone 310 826 6222 Fax 310 826 6226
 Email buckl@marmol-radziner.com
 Town of Ross Business License No. _____ Expiration Date _____

Civil/ Geotechnical Engineer

Firm BKF Engineers
 Project Engineer Dale Leda
 Mailing Address 255 Shoreline Drive, Suite 200
 City Redwood City State CA ZIP 94065
 Phone 650.482.6457 Fax 650.482.6300
 Email dleda@bkf.com
 Town of Ross Business License No. _____ Expiration Date _____

Arborist

Firm Horticultural Associates
 Project Arborist John Meserve
 Mailing Address PO Box 1261
 City Glen Ellen State CA ZIP 95442
 Phone 707.935.3911 Fax 707.935.7103
 Email jcmeserve53@gmail.com
 Town of Ross Business License No. _____ Expiration Date _____

Other

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

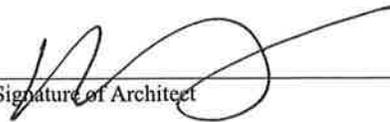
Other

Consultant _____
 Mailing Address _____
 City _____ State _____ ZIP _____
 Phone _____ Fax _____
 Email _____
 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

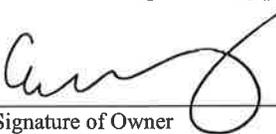
9.8.15

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.

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Signature of Owner

9/4/2015

Date

Signature of Co-Owner (if applicable)

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.

RECEIVED
Planning Department

Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Phone (415) 453-1453, Ext. 121 Fax (415) 453-1950

Web www.townofross.org

Email esemonian@townofross.org

SEP 8 2015

Town of Ross

RESIDENTIAL SECOND UNIT APPLICATION

No Fee for Ministerial Review

Parcel Address 155 Laurel Grove Avenue
 Assessor's Parcel Number 07211209

Legal Owner of Parcel Javier Soltero and Emily Morris

Mailing Address PO Box 1631

City Ross State CA ZIP 94957

Day Phone 415.258.3958 Evening Phone 415.377.4833

Fax _____ Email emilyjanemorris411@gmail.com,
jsoltero@gmail.com

Architect (Or applicant if not owner) Marmol Radziner

Mailing Address 612 York Street

City San Francisco State CA ZIP 94110

Phone 415.872.5107

Fax 415.872.5108 Email coynemb@marmol-radziner.com,
davisj@marmol-radziner.com

Existing and Proposed Property Conditions (Refer to attached fact sheet for definitions.)

Lot Size 38,000 sq. ft.

Existing Coverage 3394.4 sq. ft. Existing Floor Area 4658.5 sq. ft.

Existing Lot Coverage 9.7 % Existing Floor Area Ratio 12.5 %

Coverage Removed 175.4 sq. ft. Floor Area Removed 79 sq. ft.

Coverage Added 1369.8 sq. ft. Floor Area Added 1312 sq. ft.

Net Change- Coverage 1194.4 sq. ft. Net Change- Floor Area 1233 sq. ft.

Proposed Lot Coverage 13.3 % Proposed Floor Area Ratio 16.0 %

Proposed New Retaining Wall Construction 36'-7" (length) 11'-8" (max height)

Mandatory Findings for Residential Second Unit Approval

In order for a Residential Second Unit approval to be granted, each of the following mandatory findings must be made. Please initial beneath all that apply.

For All Residential Second Units

The proposed second unit is located in a single-family residential zoning district.

Initial Here- MBC

One additional parking space will be provided for the use of the residential second unit and it will be screened from public view.

Initial Here- MBC

If located within the primary residence, the second unit will not result in the creation of an additional story.

Initial Here- —

If detached from the primary residence, the second unit will be less than 18 feet in height when measured from existing grade.

Initial Here- MBC

The proposed second unit will meet setback requirements as established by its zoning district.

Initial Here- MBC

The subject property, with the addition of the second unit, will not exceed maximum floor area requirements.

Initial Here- MBC

The subject property, with the addition of the second unit, will not exceed maximum lot coverage requirements.

Initial Here- MBC

The proposed second unit will have less than 700 square feet of total floor area.

Initial Here- MBC

The owner of record lives on the property on which the residential second unit is proposed.

Initial Here- MBC

Any areas disturbed by construction will be finished to a natural appearing configuration and planted to prevent erosion.

Initial Here- MBC

If the second unit is proposed on a sloping parcel, it will relate to the natural landscape in order to minimize building mass, bulk, and height.

Initial Here- MBC

The second unit will have the same exterior materials, color, and style as the primary living unit.

Initial Here- MBC

Any exterior lighting will be shielded and directed downwards.

Initial Here- MBC

Any exterior lighting be low wattage and incandescent. - LED

Initial Here- MBC

A tree removal permit has been obtained if the construction of the second unit will result in the removal, alteration, or relocation of any significant or protected tree.

Initial Here- MBC

Landscaping will be installed to adequately screen the proposed second unit and associated development.

Initial Here- MBC

The proposed second unit will not be located directly between the primary residence and any roadway.

Initial Here- MBC

For Existing Second Units

Was the existing unit allowed through approval of a conditional use permit?

Yes No

If so, when was the use permit approved?

 / /

If the existing unit was operated without a conditional use permit, was the unit occupied and operated as a second unit prior to October 12, 2003?

Yes No

If so, it has been continuously occupied and operated as a second unit since what 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 Residential Second Unit Fact Sheet and understand the processing procedures, fees, and application submittal requirements.



Signature of Architect

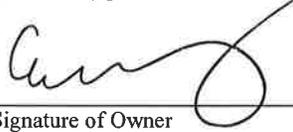
9.8.15

Date

Owner's Signature

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I further certify that I have read the attached Residential Second Unit Fact Sheet and understand the processing procedures, fees, and application submittal requirements.



Signature of Owner

9/8/2015

Date

Signature of Co-Owner (if applicable)

Date

Town Email List

If you would like to receive copies of upcoming Town Council agendas and other items of interest to Ross residents please give us your email address below.

Email(s) _____

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact the Town Administration office at (415) 453-1453, extension 105.

HORTICULTURAL *Associates*

Consultants in Horticulture and Arboriculture

TREE PRESERVATION AND MITIGATION REPORT

155 Laurel Grove Avenue
Ross, CA

RECEIVED
Planning Department

SEP 18 2015

Town of Ross

Prepared for:

Morris-Soltero Family
155 Laurel Grove Avenue
Ross, CA 94957

Prepared by:

John C. Meserve
Consulting Arborist and Horticulturist
American Society of Consulting Arborists
ISA Certified Arborist, WE #0478A
ISA Tree Risk Assessment Qualified

RECEIVED
Planning Department

Town of Ross

August 21, 2015

August 21, 2015

Mary Beth Coyne
Marmol Radziner
612 York Street
San Francisco, CA 94110

Re: Completed *Tree Preservation and Mitigation Report*, Soltero Residence, 155 Laurel Grove Avenue, Ross, CA

Mary Beth,

Attached you will find our completed *Tree Preservation and Mitigation Report* for the above noted project site. A total of 51 trees were evaluated based on their trunk diameter and species. Of this total 50 are found on site and one is located slightly off, but overhanging the site.

Each tree in this report was documented and evaluated for species, trunk diameter, health, and structural condition. We have also provided our estimate of the development impact expected on each tree, as well as specific recommendations for preservation or removal. The *Tree Location Plan* shows the location and numbering sequence of all evaluated trees. Also included are *Tree Preservation Guidelines* as reference to working around trees.

This report is intended to be a basic inventory of trees present at this site, which includes a general review of tree health and structural condition. No in-depth evaluation has occurred, and assessment has included only external visual examination without probing, drilling, coring, root collar examination, root excavation, or dissecting any tree part. Failures, deficiencies, and problems may occur in these trees in the future, and this inventory in no way guarantees or provides a warranty for their condition.

EXISTING SITE CONDITION SUMMARY

The project site consists of an existing residence and yard area. The area is well landscaped and maintained, and a wide variety of ornamental and native trees are present in all areas of the yard.

EXISTING TREE SUMMARY

Existing trees at the site consist primarily of planted ornamental species and two native oaks. Most are present in a well maintained condition. Included are the following species:

Magnolia grandiflora
Sequoiadendron giganteum
Aesculus species
Cedrus deodara
Cedrus atlantica
Malus species
Picea breweriana

Prunus lustanica
Sequoia sempervirens
Acer palmatum
Ligustrum lucidum
Prunus species,
Pistache chinensis
Quercus agrifolia
Pyrus calleryana
Quercus lobata
Betula pendula
Lagerstroemia indica
Eucalyptus polyanthemos

CONSTRUCTION IMPACT SUMMARY

The proposed site modifications are proposed in ideal locations where very few trees are located, so impacts are generally very minor. Of the 51 trees included in this inventory 8 are being recommended for removal. Only 5 require removal due to the proposed plans.

Of this 8 there are 3 in poor condition and these should be removed for this reason alone. They are well away from the project area, but are still recommended for removal due to their existing condition.

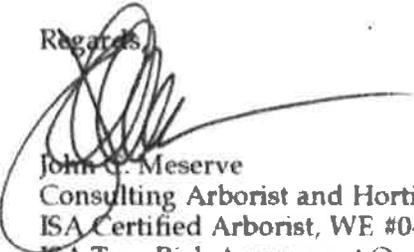
One tree that requires removal has very weak structure and it is also immediately adjacent to the proposed building footprint. It is not a 'protected' or 'significant' tree.

Four trees require removal due to direct impacts with proposed development. None are 'protected' or 'significant' trees.

This project will have minimal impact on the existing tree inventory and requires the removal of a limited number of small trees that are neither 'protected' or 'significant' in size as defined by the Ross Tree Ordinance

Please feel free to contact me if you have questions regarding this report, or if further discussion about any tree related issue is required.

Regard,


John C. Meserve
Consulting Arborist and Horticulturist
ISA Certified Arborist, WE #0478A
ISA Tree Risk Assessment Qualified



TREE INVENTORY CHART

TREE INVENTORY
155 Laurel Grove Avenue
Ross, California

August 20, 2015

Tree #	Species	Common Name	Trunk (dbh ± inches)	Height (± feet)	Radius (± feet)	Health 1-5	Structure 1-4	Not Protected Tree <8'	Protected Tree >8'	Significant Tree >12'	Impact	Recommendations
1	<i>Magnolia grandiflora</i>	Southern Magnolia	19+19+8+10	35	21	3	3			X	1	1, 6, 7
2	<i>Sequoiadendron giganteum</i>	Giant Sequoia	114	75	33	2	3			X	1	1, 6, 7
3	<i>Aesculus species</i>	Buckeye	21.5	45	21	4	3			X	1	1, 6, 7
4	<i>Cedrus deodara</i>	Deodar Cedar	57	80	42	4	3			X	1	1, 6, 7
5	<i>Cedrus at. 'Glauca'</i>	Blue Atlantic Cedar	10.5	25	12	4	3		X		1	1, 6, 7
6	<i>Malus species</i>	Apple	7+6+6	18	12	4	2	X			2.5	4
7	<i>Picea breweriana</i>	Weeping Spruce	29	65	21	4	3			X	1	1, 6, 7
8	<i>Prunus lusitanica</i>	Portugal Laurel	12	16	12	4	3			X	1	1, 6, 7
9	<i>Sequoia sempervirens</i>	Coast Redwood	34	70	18	4	3			X	1	1, 6, 7
10	<i>Prunus lusitanica</i>	Portugal Laurel	9	15	10	3.5	3		X		1	1, 6, 7
11	<i>Prunus lusitanica</i>	Portugal Laurel	7	18	10	3.5	3	X			1	1, 6, 7
12	<i>Acer palmatum</i>	Japanese Maple	9	30	12	4	3		X		1	1, 6, 7
13	<i>Prunus lusitanica</i>	Portugal Laurel	7	14	10	3.5	3	X			1	1, 6, 7
14	<i>Ligustrum lucidum</i>	Glossy Privet	13+16	35	16	3	3			X	1	1, 6, 7
15	<i>Prunus species</i>	Cherry	6+6	12	8	2	2	X			1	3

TREE INVENTORY
155 Laurel Grove Avenue
Ross, California

August 20, 2015

Tree #	Species	Common Name	Trunk (dbh ± inches)	Height (± feet)	Radius (± feet)	Health 1-5	Structure 1-4	Not Protected Tree < 8"	Protected Tree > 8"	Significant Tree > 12"	Impact	Recommendations
16	<i>Prunus specios</i>	Cherry	5	16	10	2	2	X			1	3
17	<i>Prunus specios</i>	Apricot	7	14	8	4	2	X			2	1,6,7
18	<i>Pistache chinensis</i>	Chinese Pistache	6	12	8	4	4	X			2	1,6,7
19	<i>Pistache chinensis</i>	Chinese Pistache	6	12	8	4	4	X			3	2
20	<i>Quercus agrifolia</i>	Coast Live Oak	13	35	16	4	3			X	1	1,6,7
21	<i>Prunus lusitanica</i>	Portugal Laurel	10	16	12	3	3		X		1	1,6,7
22	<i>Prunus lusitanica</i>	Portugal Laurel	6	15	10	4	3	X			1	1,6,7
23	<i>Pyrus calleryana</i>	Ornamental Pear	6	30	12	4	3	X			1	1,6,7
24	<i>Prunus lusitanica</i>	Portugal Laurel	7+7	16	12	3	3	X			1	1,6,7
25	<i>Acer palmatum</i>	Japanese Maple	12+7+9	30	18	4	3			X	1	1,6,7
26	<i>Acer palmatum</i>	Japanese Maple	5+5+5+2+2	20	14	4	3	X			1	1,6,7
27	<i>Acer palmatum</i>	Japanese Maple	8+6+6+5+4+4	30	18	4	3		X		1	1,6,7
28	<i>Acer palmatum</i>	Japanese Maple	6+6+6+4+7+5	30	16	4	3	X			1	1,6,7
29	<i>Acer palmatum</i>	Japanese Maple	4+4+5	25	14	4	3	X			1	1,6,7
30	<i>Acer palmatum</i>	Japanese Maple	5+6+7	30	16	4	3	X			1	1,6,7

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TREE INVENTORY
155 Laurel Grove Avenue
Ross, California

August 20, 2015

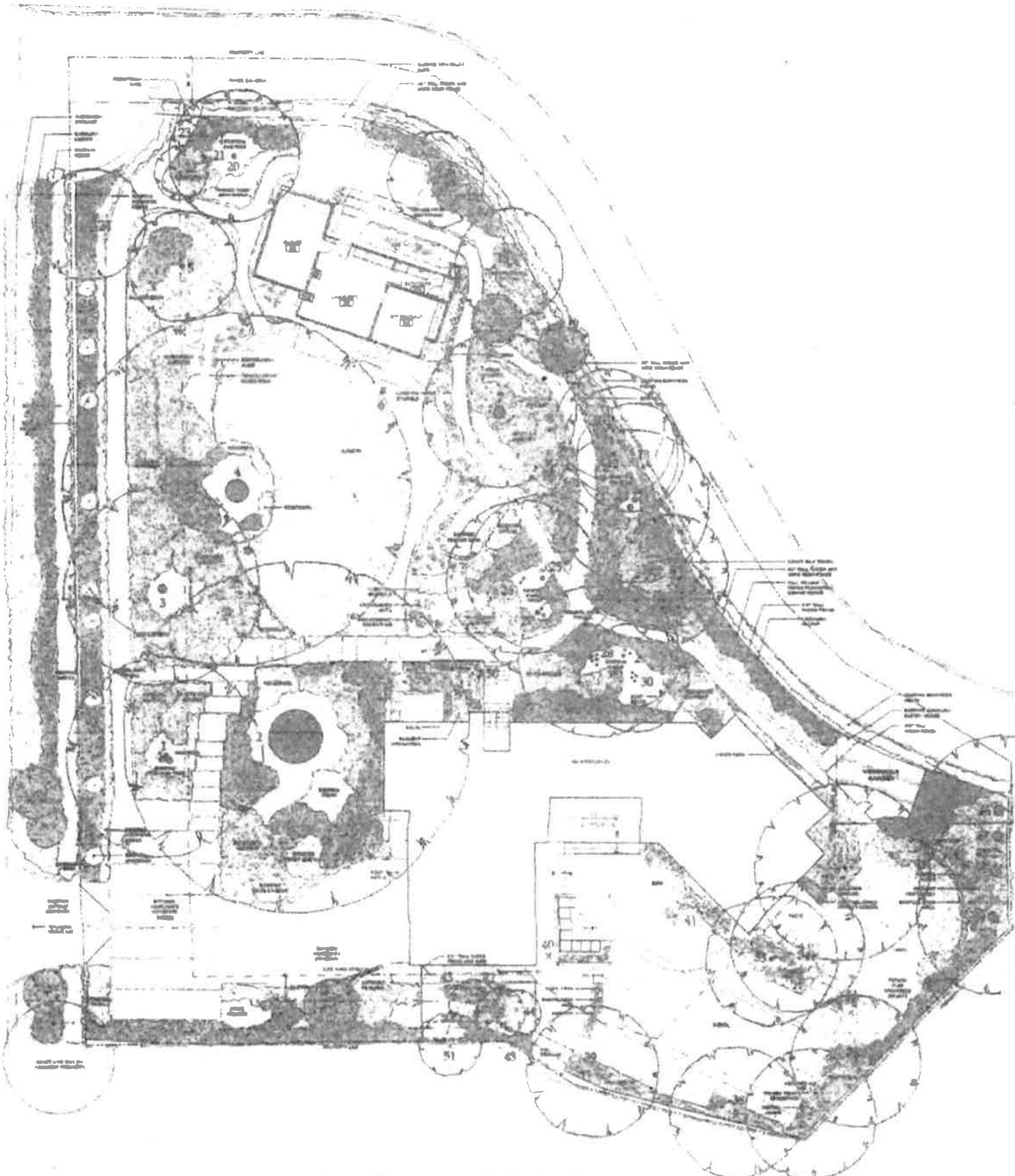
Tree #	Species	Common Name	Trunk (dbh ± inches)	Height (± feet)	Radius (± feet)	Health 1-5	Structure 1-4	Not Protected Tree <8'	Protected Tree >8'	Significant Tree >12'	Impact	Recommendations
31	<i>Acer palmatum</i>	Japanese Maple	6	20	12	4	3	X			1	1, 6, 7
32	<i>Quercus lobata</i>	Valley Oak	12	40	15	4	3			X	1	1, 6, 7
33	<i>Acer palmatum</i>	Japanese Maple	6+6+7+7+8	25	15	4	3		X		2	1, 6, 7
34	<i>Acer palmatum</i>	Japanese Maple	5+5+5+4+4	25	15	4	3	X			1	1, 6, 7
35	<i>Acer palmatum</i>	Japanese Maple	5+5+4+4+2+3	25	15	4	3	X			1	1, 6, 7
36	<i>Acer palmatum</i>	Japanese Maple	4+4+3+3+2	15	15	4	3	X			2	1, 6, 7
37	<i>Acer palmatum</i>	Japanese Maple	5+4+4+4	18	15	4	3	X			2	1, 6, 7
38	<i>Acer palmatum</i>	Japanese Maple	5+4+3+3+3	18	15	4	3	X			2	1, 6, 7
39	<i>Acer palmatum</i>	Japanese Maple	4+5+6	15	14	4	3	X			2	1, 6, 7
40	<i>Acer palmatum</i>	Japanese Maple	4X3+4X2	14	12	3	3	X			3	2
41	<i>Acer palmatum</i>	Japanese Maple	6+5+4+4	12	10	4	3	X			3	2
42	<i>Betula pendula</i>	White Birch	7	35	8	4	3	X			1	1, 6, 7
43	<i>Betula pendula</i>	White Birch	5	35	8	4	3	X			1	1, 6, 7
44	<i>Betula pendula</i>	White Birch	8	35	14	4	3		X		1	1, 6, 7
45	<i>Betula pendula</i>	White Birch	10	35	12	1	3		X		1	3

TREE INVENTORY
155 Laurel Grove Avenue
Ross, California

August 20, 2015

Tree #	Species	Common Name	Trunk (dbh ± inches)	Height (± feet)	Radius (± feet)	Health 1-5	Structure 1-4	Not Protected Tree <8'	Protected Tree >8'	Significant Tree >12'	Impact	Recommendations
46	<i>Sequoia sempervirens</i>	Coast Redwood	29	75	15	4	3			X	1	1, 6, 7
47	<i>Sequoia sempervirens</i>	Coast Redwood	27	75	15	4	3			X	1	1, 6, 7
48	<i>Sequoia sempervirens</i>	Coast Redwood	26	75	15	4	3			X	1	1, 6, 7
49	<i>Sequoia sempervirens</i>	Coast Redwood	28	75	15	4	3			X	1	1, 6, 7
50	<i>Lagerstroemia indica</i>	Crepe Myrtle	4+4	18	10	3.5	3	X			3	2
51	<i>Eucalyptus polyanthemos</i>	Silver Dollar Eucalyptus	±15	60	18	4	2.5			X	1	1, 6, 7

TREE LOCATION PLAN



TREE LOCATION AND NUMBERING PLAN
 MORAN-SOLTERO RESIDENCE
 185 Laurel Grove Avenue
 Irvine, California

KEY TO TREE
INVENTORY CHART

KEY TO TREE INVENTORY CHART

Tree Number

Each tree has been identified in the field with an aluminum tag and reference number. Tags are attached to the trunk at approximately eye level. The *Tree Location Plan* illustrates the location of each numbered tree.

Species

Each tree has been identified by genus, species and common name. Many species have more than one common name.

Trunk

Each trunk has been measured or estimated, in inches, to document its diameter, at 4.5 feet above adjacent grade. Trunk diameter is a good indicator of age, and is commonly used to determine mitigation replacement requirements.

Height

Height is estimated in feet, using visual assessment.

Radius

Radius is estimated in feet, using visual assessment. Since many canopies are asymmetrical, it is not uncommon for a radius estimate to be an average of the canopy size.

Health

The following descriptions are used to rate the health of a tree. Trees with a rating of 4 or 5 are very good candidates for preservation and will tolerate more construction impacts than trees in poorer condition. Trees with a rating of 3 may or may not be good candidates for preservation, depending on the species and expected construction impacts. Trees with a rating of 1 or 2 are generally poor candidates for preservation.

- (5) Excellent - health and vigor are exceptional, no pest, disease, or distress symptoms.
- (4) Good - health and vigor are average, no significant or specific distress symptoms, no significant pest or disease.
- (3) Fair - health and vigor are somewhat compromised, distress is visible, pest or disease may be present and affecting health, problems are generally correctable.
- (2) Marginal - health and vigor are significantly compromised, distress is highly visible and present to the degree that survivability is in question.
- (1) Poor - decline has progressed beyond the point of being able to return to a healthy condition again. Long-term survival is not expected. This designation includes dead trees.

Structure

The following descriptions are used to rate the structural integrity of a tree. Trees with a rating of 3 or 4 are generally stable, sound trees which do not require significant pruning, although cleaning, thinning, or raising the canopy might be desirable. Trees with a rating of 2 are generally poor candidates for preservation unless they are preserved well away from improvements or active use areas. Significant time and effort would be required to reconstruct the canopy and improve structural integrity. Trees with a rating of 1 are hazardous and should be removed.

- (4) Good structure - minor structural problems may be present which do not require corrective action.
- (3) Moderate structure - normal, typical structural issues which can be corrected with pruning.
- (2) Marginal structure - serious structural problems are present which may or may not be correctable with pruning, cabling, bracing, etc.
- (1) Poor structure - hazardous structural condition which cannot be effectively corrected with pruning or other measures, may require removal depending on location and the presence of targets.

Development Impacts

Considering the proximity of construction activities, type of activities, tree species, and tree condition - the following ratings are used to estimate the amount of impact on tree health and stability. Most trees will tolerate a (1) rating, many trees could tolerate a (2) rating with careful consideration and mitigation, but trees with a (3) rating are poor candidates for preservation due to their very close proximity to construction or because they are located within the footprint of construction and cannot be preserved.

- (3) A significant impact on long term tree integrity can be expected as a result of proposed development.
- (2) A moderate impact on long term tree integrity can be expected as a result of proposed development.
- (1) A very minor or no impact on long term tree integrity can be expected as a result of proposed development.

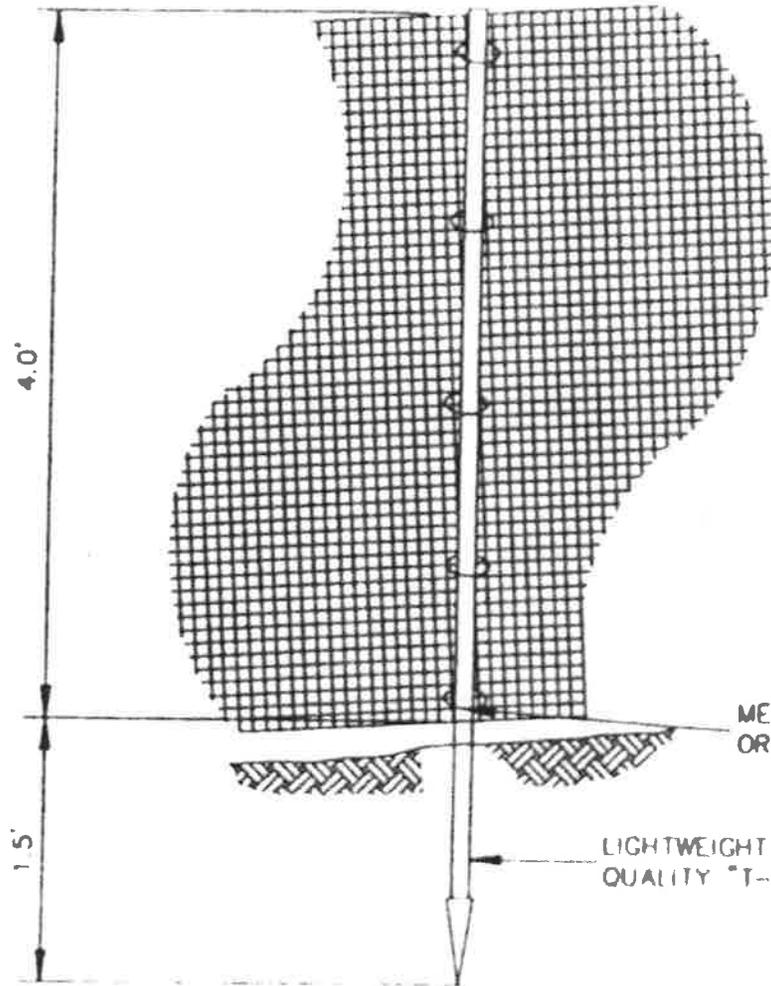
Recommendations

Recommendations are provided for removal or preservation. For those being preserved, protection measures and mitigation procedures to offset impacts and improve tree health are provided.

- (1) Preservation appears to be possible.
- (2) Removal is required due to significant development impacts.
- (3) Removal is recommended due to poor health or hazardous structure.
- (4) Removal is required due to significant development impacts and poor existing condition.

- (5) Removal is recommended due to poor species characteristics.
- (6) Install temporary protective fencing at the edge of the dripline, or edge of approved construction, prior to beginning grading or construction. Maintain fencing in place for duration of all construction activity in the area.
- (7) Maintain existing grade within the fenced portion of the dripline. Route drainage swales and all underground work outside the dripline.
- (8) Place a 4" layer of chipped bark mulch over the soil surface within the fenced dripline prior to installing temporary fencing. Maintain this layer of mulch throughout construction.

TREE FENCING DETAIL



NOTE:
 TENSOR LIGHTWEIGHT SAFETY GRID, ORANGE
 COLOR, BX226516, CUT OR FOLD AT POSTS
 AS NEEDED TO CONFORM TO SLOPING TERRAIN.

AVAILABLE THROUGH: ACF WEST, INC.
 26250 CORPORATE AVE, SUITE D
 HAWYARD, CALIF 94545
 (415) 887-4942

METAL TIE WIRE, FLIP TIE
 OR EQUIVALENT, 5 PER POST

LIGHTWEIGHT 5 1/2' HIGH STANDARD FARM
 QUALITY "T-POST" PLACED 10' C-C

PROTECTIVE FENCE

TREE PRESERVATION GUIDELINES

GENERAL TREE PROTECTION GUIDELINES FOR CONSTRUCTION AROUND PRESERVED TREES

INTRODUCTION

Great care must be exercised when development is proposed in the vicinity of established trees of any type. The trees present at construction sites require specialized protection techniques during all construction activities to minimize negative impact on their long term health and vigor. The area immediately beneath and around canopy driplines is especially critical, and the requirements and procedures that follow are established to protect short and long term tree integrity. The purpose of this protection guideline is therefore to define the procedures that must be followed during any and all phases of development in the immediate vicinity of designated and protected trees.

Established, mature trees respond in a number of different ways to the disruption of their natural conditions. Change of grade within the root system area or near the root collar, damage to the bark of the trunk, soil compaction above the root system, root system reduction or damage, or alteration of summer soil moisture levels may individually or collectively cause physiological stress leading to tree decline and death. The individual impacts of these activities may cause trees to immediately exhibit symptoms and begin to decline, but more commonly the decline process takes many years, with symptoms appearing slowly and over a period of time. Trees may not begin to show obvious signs of decline from the negative impacts of construction until many years after construction is completed. It is not appropriate to wait for symptoms to appear, as this may be too late to correct the conditions at fault and to halt decline.

It is therefore critical to the long-term health of all protected trees that a defined protection program be established before beginning any construction activity where protected trees are found. Once incorporated at the design level, it is mandatory that developers, contractors, and construction personnel understand the critical importance of these guidelines, and the potential penalties that will be levied if they are not fully incorporated at every stage of development.

The following guidelines are meant to be utilized by project managers and those supervising any construction in the vicinity of protected trees including grading contractors, underground contractors, all equipment operators, construction personnel, and landscape contractors. These protection guidelines are presented in a brief outline form to be applied to each individual activity that occurs during development activities. It is left to project managers to implement these protection measures. Questions which

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arise, or interpretation of guidelines as they apply to specific site activities, must be referred to the designated project arborist as they occur.

TREE PROTECTION ZONE

1. The canopy dripline is illustrated on the Improvement Plans and represents the area around each tree, or group of trees, which must be protected at all times with tree protection fencing. No encroachment into the dripline is allowed at any time without approval from the project arborist, and unauthorized entry may be subject to civil action and penalties.
2. The dripline will be designated by the project arborist at a location determined to be adequate to ensure long term tree viability and health.

TREE PROTECTION FENCING

1. Prior to initiating any construction activity on a construction project, including demolition or grading, temporary protective fencing shall be installed at each site tree. Fencing shall be located at the dripline designated by the project arborist or illustrated on the Improvement Plans.
2. Fencing shall be minimum 4' height at all locations, and shall form a continuous barrier without entry points around all individual trees, or groups of trees. Barrier type fencing such as *Tensar* plastic fencing is recommended, but any fencing system that adequately prevents entry will be considered for approval by the project arborist. The use of post and cable fencing is not acceptable.
3. Fencing shall be installed in a professional manner with steel fence posts (standard quality farm 'T' posts work well) placed no more than 8 feet on center. Fencing shall be attached to each post at 5 locations with plastic electrical ties, metal tie wire, or flip tie. See fencing detail.
4. Fencing shall serve as a barrier to prevent encroachment of any type by construction activities, equipment, materials storage, or personnel.
5. All encroachment into the fenced dripline must be approved in writing and supervised by the project arborist. Approved dripline encroachment may require additional mitigation or protection measures that will be determined by the project arborist at the time of the request.

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Glen Ellen, CA 95442
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6. Contractors and subcontractors shall direct all equipment and personnel to remain outside the fenced area at all times until project is complete, and shall instruct personnel and sub-contractors as to the purpose and importance of fencing and preservation.
7. Fencing shall be upright and functional at all times from start to completion of project. Fencing shall remain in place and not be moved or removed until all construction activities at the site are completed.

TREE PRUNING AND TREATMENTS

1. All recommendations for pruning or other treatments must be completed prior to acceptance of the project. It is strongly recommended that pruning be completed prior to the start of grading to facilitate optimum logistics and access.
- 2.
3. All pruning shall be conducted in conformance with International Society of Arboriculture pruning standards, and all pruning must occur by, or under the direct supervision of, an arborist certified by the International Society of Arboriculture.

GRADING AND TRENCHING

1. Any construction activity that necessitates soil excavation in the vicinity of preserved trees shall be avoided where possible, or be appropriately mitigated under the guidance of the project arborist. All contractors must be aware at all times that specific protection measures are defined, and non conformance may generate stop-work orders.
2. The designated dripline is defined around all site trees to be preserved. Fences protect the designated areas. No grading or trenching is to occur within this defined area unless so designated by the Improvement Plan, and where designated shall occur under the direct supervision of the project arborist.
3. Trenching should be routed around the dripline whenever possible. Where trenching has been designated within the dripline, utilization of underground technology to bore, tunnel or excavate with high-pressure air or water will be specified. Hand digging will be generally discouraged unless site conditions restrict the use of alternate technology.
4. All roots greater than one inch in diameter shall be cleanly hand-cut as they are encountered in any trench or in any grading activity. The tearing of roots by equipment of any type shall not be allowed. Mitigation treatment of pruned roots

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shall be specified by the project arborist as determined by the degree of root pruning, location of root pruning, and potential exposure to desiccation. No pruning paints or sealants shall be used on cut roots.

5. Where significant roots are encountered mitigation measures such as supplemental irrigation and/or organic mulches may be specified by the project arborist to offset the reduction of root system capacity.
6. Retaining walls are effective at holding grade changes outside the area of the dripline and are recommended where necessary. Retaining walls shall be constructed in post and beam or drilled pier construction styles where they are necessary near or within a dripline.
7. Placement of fill soils is generally discouraged within the dripline, but in some approved locations may be approved to cover up to 30% of this area. The species and condition of the tree shall be considered, as well as site and soil conditions, and depth of fill. Retaining walls should be utilized to minimize the area of fill within the dripline. Type of fill soil and placement methods shall be specified by the project arborist.
8. Grade changes outside the dripline, or those necessary in conjunction with retaining walls, shall be designed so that drainage water of any type or source is not diverted toward or around the root crown in any manner. Grade shall drain away from root crown at a minimum of 2%. If grading toward the root collar is unavoidable, appropriate surface and/or subsurface drain facilities shall be installed so that water is effectively diverted away from root collar area.
9. Approved fill soils within the dripline may also be mitigated using aerated gravel layers and/or perforated aeration tubing systems, as specified by the project arborist.
10. Tree roots will be expected to grow into areas of soil fill, and quality of imported soil shall be considered. Ideally, fill soil should be site soil that closely matches that present within the root zone area. When import soil is utilized it must be the same or slightly coarser texture than existing site soil, should have a pH range comparable to site soils, and generally should have acceptable chemical properties for appropriate plant growth. A soil analysis is recommended prior to importation to evaluate import soil for these criteria.
11. Grade reduction within the designated dripline shall be generally discouraged, and where approved, shall be conducted only after careful consideration and coordination with the project arborist.

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12. Foundations of all types within the dripline shall be constructed using design techniques that eliminate the need for trenching into natural grade. These techniques might include drilled piers, grade beams, bridges, or cantilevered structures. Building footprints should generally be outside the dripline whenever possible.

DRAINAGE

The location and density of native trees on many sites may be directly associated with the presence of naturally occurring water, especially ephemeral waterways. Project design, especially drainage components, should take into consideration that these trees may begin a slow decline if this naturally present association with water is eliminated.

TREE DAMAGE

Any form of tree damage which occurs during the demolition, grading, or construction process shall be evaluated by the project arborist. Specific mitigation measures will be developed to compensate for or correct the damage. Fines and penalties may also be levied.

Measures may include, but are not limited to, the following:

- pruning to remove damaged limbs or wood
- bark scoring to remove damaged bark and promote callous formation
- alleviation of compaction by lightly scarifying the soil surface
- installation of a specific mulching material
- supplemental irrigation during the growing season for up to 5 years
- treatment with specific amendments intended to promote health, vigor, or root growth
- vertical mulching or soil fracturing to promote root growth
- periodic post-construction monitoring at the developer's expense
- tree replacement, or payment of the established appraised value, if the damage is so severe that long term survival is not expected

FERTILIZATION

1. Native trees generally do not require supplemental fertilization unless exhibiting a deficiency symptom. Following completion of construction any tree that exhibits symptoms of a specific nutrient deficiency shall be fertilized to compensate for the deficiency. Soil or tissue analysis may be required to identify the deficiency.
2. Distressed trees, or trees damaged by construction in any way, may be detrimentally affected by supplemental fertilization. The decision to fertilize, and with what fertilizers, shall be made by the project arborist based on conditions and appearance observed at the completion of the project.

PEST CONTROL

A close visual examination for tree pests shall be conducted by the pruning contractor as he completes recommended pruning procedures. If a serious infestation is present, that was not apparent from ground observation, then pest control measures may be considered. However, the simple presence of tree pests does not warrant the use of chemical pesticides. Only a serious infestation, capable of causing tree decline, would warrant pesticide use. The use of organic sprays or pesticidal soaps is the preferred method for treating any serious pest infestation.

WEED CONTROL

No specific measures are recommended for weed control, and the presence of weeds should not be considered problematic in relation to continued tree health. However, use of contact weed killers and pre-emergent weed killers are generally not recommended due to their potential for root system damage if improperly applied.

DISEASE CONTROL

No specific measures are recommended for disease control unless noted in the Tree Protection and Preservation Plan. All disease control measures should be based on observation of actual conditions in the tree canopy.

MULCHING

Trees will generally benefit from the application of a 4 inch layer of chipped bark mulch over the soil surface within the greater root zone area. Ideal mulch material is a chipped bark containing a wide range of particle sizes. Bark mulches composed of shredded redwood, bark screened for uniformity of size, or chipped lumber will not function as

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beneficially. Rock and gravel mulches are generally discouraged due to their minimal benefit.

PLANTING UNDER EXISTING TREES

1. The installation of lawn beneath established native trees is strongly discouraged because it has the potential to initiate serious disease. If planting is required for aesthetic or functional purposes, the use of drought tolerant, woody species is most appropriate. Species should be selected for their ability to survive with minimal or no water through the summer months after the initial establishment period. Only drip irrigation should be utilized within the canopy dripline to minimize summer water in the root zone.
2. Many non-native trees will tolerate summer irrigation well and suitable landscape planting and irrigation may actually be beneficial.

September 3, 2015

Mary Beth Coyne
Marmol Radziner
612 York Street
San Francisco, CA 94110

Re: Soltero residence; addendum to Tree Preservation and Mitigation Report

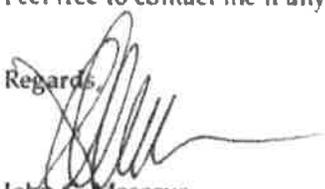
Mary Beth,

It appears that I misread the topographic plan used when surveying trees at the Soltero residence project site, and I am providing this letter as an addendum for clarification. The following discussion is provided for that clarification:

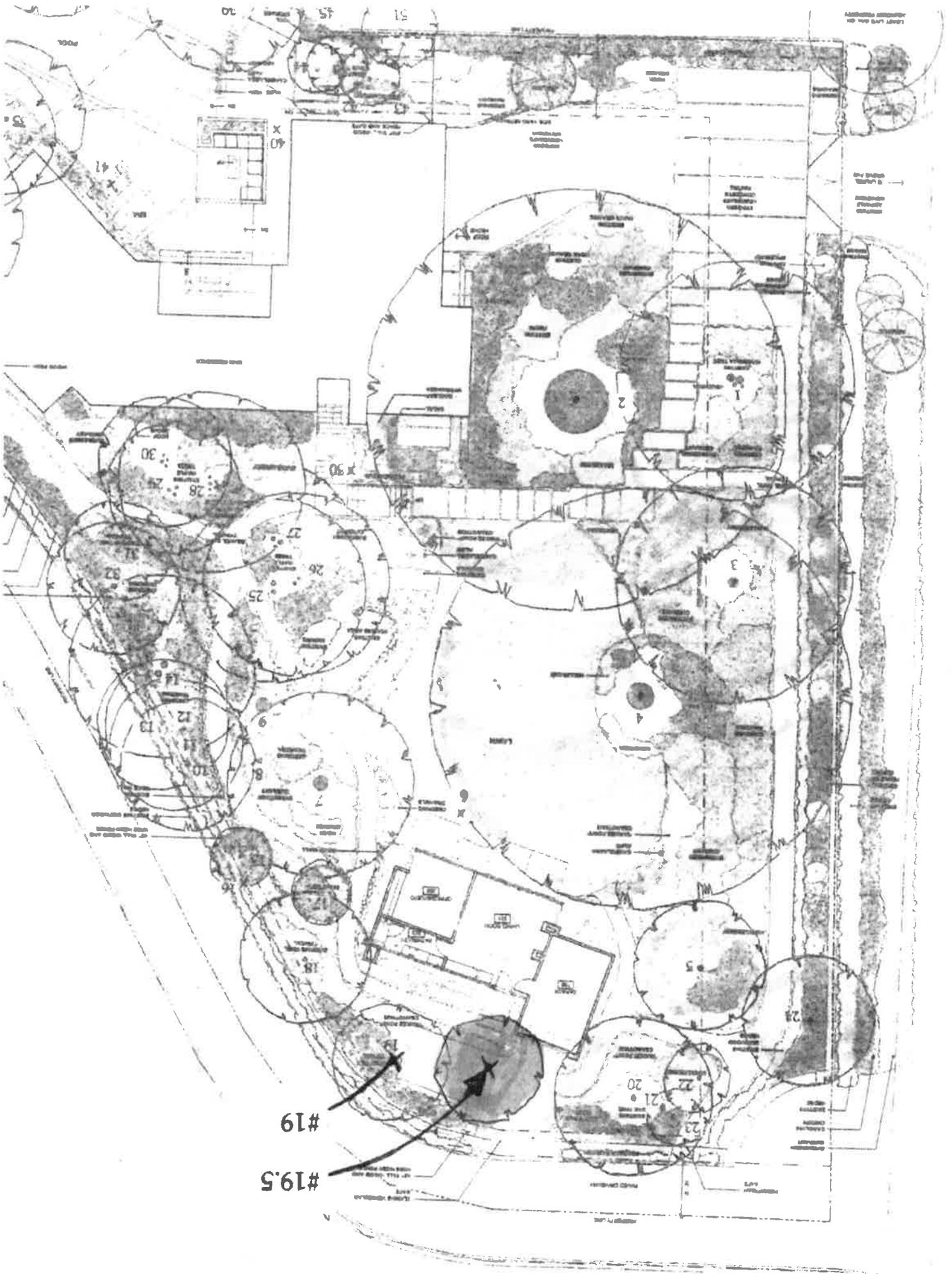
1. I misread the location of one tree, and inadvertently left it off the Tree Location and Numbering Plan. The attached plan has the missing tree now illustrated as #19.5, identified as a 6" *Pistache chinensis*, or Chinese Pistache.
2. This tree is located directly in the footprint of the proposed landing area, and it will require removal.
3. It does not appear to be possible to save this tree.
4. Mitigation for this additional 6 inch diameter tree will be required.
5. Please accept this letter as a minor change to our Tree Preservation and Mitigation Report that was submitted on August 21, 2015
6. Additionally, we discussed a slight intrusion of the proposed foundation into the 16' dripline of Tree #20. This will not be an issue in terms of tree health, and is acceptable to me. Install the protective fencing approximately 3 feet from the foundation to allow for construction access, and place a minimum 6 inch layer of chipped bark mulch over the soil surface between the fence and the foundation prior to starting construction. This will protect roots from compaction while construction is in progress, and following completion of construction the mulch layer should be reduced to no more than 4 inches to provide an optimum long term cultural condition. I recommend that this slight deviation be addressed on the construction drawings with a note.

Feel free to contact me if any further discussion or clarification would be helpful.

Regards,


John C. Meserve
Consulting Arborist and Horticulturist
Member, American Society of Consulting Arborists
ISA Certified Arborist, WE #0478A
ISA Tree Risk Assessment Qualified





#19

#19.5

Ali Giudice

From: Jim Birchenough <jimbirchenough@yahoo.com>
Sent: Thursday, October 1, 2015 2:18 PM
To: Ali Giudice
Subject: Comments for Committee on 155 Laurel Grove Project

Hi Ali,

Thanks for taking time to meet with me and the neighbors team at the proposed construction site at 155 Laurel Grove. I understand that you are preparing your report for committee ahead of next Thursdays meeting and would like to summarize our concerns so please forward this email to the committee members

As you know, we purchased the property at 117 Laurel Grove on June 13, 2015 as a family home for our blended family of 6 kids (ages 10, 12, 13, 15, 15, 17). My wife Xochitl grew up in central Marin, going to Marin Catholic, and is very excited to return with our family to the area. I have lived in Tiburon for 14 years, where I've been very active in the community coaching baseball, soccer, softball and swimming. I have supported innumerable projects in the community and this is the first time I have had to raise concerns regarding a project.

To be clear, we understand our neighbors right to develop their property for the benefit of their growing family and would support a second unit in the general area proposed for appropriate use but have several concerns that I've shared with you, and their team, related to proximity to our driveway, serious safety issues around proposed active garage so close to our entry gate, potential congestion at the entry to our property and impact on curb appeal and value of our home. Let me address each point in more detail.

1- proximity of 2nd unit to driveway - the original story poles were positioned almost on top of the edge of the driveway and I understand the planning committee asked them to be pushed back. I understand they've been pushed back 4 feet but this still seems too close. We have researched side setback requirements and haven't been able to find any for Ross (please advise) but other jurisdictions, and Marin county specifically, start the setback from the closest edge of the easement as opposed to the property line and typically require at least 20 feet of setback, and we are nowhere close here. I have included the Marin county setback rules in a prior communication and would ask that they be included in your report. Setbacks that consider easements over property lines make sense, in our view, otherwise people could build right on top of Laurel Grove, Sir Francis Drake or even 101 highway.

2- proposed plan to expand the existing structure off our upper driveway raises similar concerns as the proposed expansion is also within the setback that we would like to see honored from the edge of the driveway easement. It takes a bulky structure already and adds bulk very close to the driveway with a negative effect on the curb appeal of our property.

3 - our biggest concern relates to proposed use of the 2nd unit as an active garage. The location of this proposed active garage is too close to our entry gate and shielded by the stone gate itself as well by a large tree so as to give drivers coming in absolutely no time to react to a car backing out of this garage. For those entering the gate at driveway speed and who can anticipate a car backing out of a known garage, there is still no time to react. For those unfamiliar with the property, coming in a little faster, not anticipating a garage so poorly located, this could create a very bad safety situation. Undoubtedly someone backing out of the proposed garage could be late for a medical appointment and pull out quickly, while an elderly family member may be coming to meet us and an accident will occur. With a 17 year old daughter driving, two additional drivers coming in the next 3-6 months and 3 more young drivers over the next 6 years, we take this safety issue very seriously. Our neighbors architects, apparently recognizing the safety issue now, have proposed all sorts of mitigating steps like speed bumps, speed signs, etc, which are equally inappropriate as is a garage in this location. I would advise committee members to enter our driveway through the gates, perhaps today,

coming from the lower part of Laurel grove (ie turning right into the gate), and assess how soon they see the nearest story pole defining the lower edge of the garage. Then realize that drivers entering the property may have no expectation of a car backing out. I will try to send a video later today to make this point.

4- our second biggest concern is the potential for congestion at the bottom of the driveway and the inconvenience this will cause for us. There is already a garage higher up on the driveway to the left and to introduce another garage lower down just creates unacceptable congestion. The applicants have represented to us and Ross's town planner that the sole need for the garage is to store a 3rd vehicle. If this is indeed the case we would note a very large existing driveway to 155 Laurel Grove that had 3 cars sitting on it yesterday, in front of a 2-car garage. Surely, if this is only meant to provide storage then another option can be found that doesn't leave open the possibility of future safety issues on our driveway.

5- we are concerned more broadly regarding the lack of regard towards longstanding easements on our entry way and driveway and the precedent that is being proposed to disregard this easement. This easement should be respected and we would like the committee to clarify the relevance of easements. We have been open to consultation with our neighbors but have been confronted by a sophisticated team of architects asserting legal rights. We have rights too, that were assumed when we purchased 117 Laurel Grove and would appreciate those being considered.

To summarize, we support a 2nd unit but have serious issues with the scope, location and proposed function of this 2nd unit.

Please feel free to contact me directly at 415-672-4635.

Regards

Jim Birchenough MD

Sent from my iPhone