



**Staff Report**

**Date:** December 14, 2017  
**To:** Mayor Robbins and Council Members  
**From:** Heidi Scoble, Planning Manager  
**Subject:** Ericksen Residence Permit Extension, 200 Hillside Avenue  
File No. 2017-040

---

**Recommendation**

Town Council approval of Resolution 2032 conditionally approving a one-year time extension of a Design Review, Hillside Lot Permit, Variance and tree removal permit for construction of a new single family residence at 200 Hillside Avenue and ratification of the requisite findings in support of the original project.

**Project Information**

**Owner:** Chris and Sheri Erickson  
**Design Professional:** Ken Linsteadt Architects and Imprints Landscape Architecture  
**Location:** 200 Hillside Avenue (vacant lot located above 98 Chestnut)  
**A.P. Number:** 73-291-29  
**Zoning:** R-1:B-5A (Single Family Residence; 5 acre minimum lot size)  
**General Plan:** Very Low Density (.1-1 units per acre)  
**Flood Zone:** Zone X (outside of High Risk Area)

**Project Description**

The applicant requests a one-year time extension of a Design Review, Hillside Lot Permit, Variance and tree removal permit to allow for the construction 5,080 square foot single family residence, modification of an existing access driveway, installation of retaining walls and landscape improvements and associated grading and tree removal that was approved by the Town Council on November 12, 2015.

The time extension would allow the applicant to secure a building permit and for construction to begin no later than November 12, 2018 in order to vest the aforementioned approvals.

**Project Summary:**

Lot Area	113,822 square feet (2.6 Acres)		
Existing Floor Area Ratio	0 sq. ft.	0%	(15% permitted)
Proposed Floor Area Ratio	5,080 sq. ft.	4.46%	
Maximum HLO Floor Area	5,115 sq. ft.	4.49%	
Existing Lot Coverage	0 sq. ft.	0%	(15% permitted)
Proposed Lot Coverage	3,502 sq. ft.	3.08%	
Existing Impervious Surfaces	0 sq. ft.	0%	
Proposed Impervious Surfaces	8,693 sq. ft.	7.64%	

**Discussion**

Pursuant to Section 18.60.060, approvals, such as a Demolition Permit, Design Review, and Variances, expire without notice two years after the effective date unless construction or other authorized action has commenced. The zoning regulations also provides relief from the time limitations by allowing a process whereby the Council may grant a one-year extension of the approval if they determine that the findings made in the original approval remain valid. As required by the zoning ordinance, the applicants have requested the extension prior to the expiration of the original approval.

In order to grant a one-year extension, the Council shall determine that the findings associated with the original approval remain valid. As referenced in the Staff Report dated November 12, 2015, Town Council Resolution 1922, and the attached Town Council minutes which demonstrate an action to approve the project subject to conditions of approval, staff suggests and recommends a one-year extension can be granted.

**Alternative actions**

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

**Public Comment**

Public Notices were mailed to property owners within 300 feet of the project site. No public comments were received prior to completion of the staff report.

**Environmental review (if applicable)**

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 15301, Class 1 (Existing Facilities) as the project consists of interior and exterior alterations to an existing single family residence. No exception set forth in Section 15300.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources.

**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.

**Attachments**

1. Resolution 2032
2. Town Council Staff Report dated November 12, 2017
3. Town Council Resolution 1922
4. Town Council Minutes dated November 12, 2017
5. Approved Project Plans

# ATTACHMENT 1

---

# TOWN OF ROSS

## RESOLUTION NO. 2032

### A RESOLUTION OF THE TOWN OF ROSS APPROVING A ONE YEAR TIME EXTENSION FOR DESIGN REVIEW, A HILLSIDE LOT PERMIT, VARIANCE, AND TREE REMOVAL PERMIT TO ALLOW THE NEW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT 200 HILLSIDE AVENUE, APN 073-291-29

**WHEREAS**, Chris and Sheri Ericksen have submitted an application for a one year time extension for Design Review, a Hillside Lot Permit, Variance, and a Tree Removal Permit for the remodel of an existing single family residence that was approved by the Town Council on November 12, 2015 at 200 Hillside Avenue, Assessor's Parcel Number 073-291-39 (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 15303 – *New Construction*, because it involves construction of new single family residence 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 December 14, 2017, the Town Council held a duly noticed public hearing to consider the proposed project; and

**WHEREAS**, on November 12, 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; ratifies the findings set forth in Exhibit "A", and approves the one year time extension located at 200 Hillside Avenue, 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 14<sup>th</sup> day of December 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Elizabeth Robbins, Mayor

**ATTEST:**

---

Linda Lopez, Town Clerk

**EXHIBIT "A"**  
**FINDINGS**  
**200 HILLSIDE AVENUE**  
**APN 073-291-29**

**A. Findings**

**I. In accordance with Ross Municipal Code Section 18.41.070, Design Review is approved based on the following findings:**

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

As supported in Town Council Resolution 1922, the project would meet the purpose of the Design Review chapter through its high quality design and materials. The project is designed with a similar architectural style and materials of the existing residence. The project would not impact the "small town" character of the Town because the project is designed to maintain the overall mass, bulk, and style of the existing residence and garage. The project would also minimize visibility from public vantages through its design, materials, and project siting, and would be consistent with the development patterns within the neighborhood to relative to the neighborhood. Additionally, the project would not impact any unique environmental resources due to the location of the project site relative to any sensitive wildlife habitat, species, and/or creeks. Lastly, the project would be required to address drainage and stormwater prior to issuance of any building permit to allow for the construction of the project.

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

As supported in Town Council Resolution 1922, the project would be consistent with the design review criteria and standards relative to having a nominal impact on the existing site conditions by providing an architectural design that is compatible with the architecture, materials, and colors of the existing residence. Lastly, the project would address health and safety through the issuance of a building permit to ensure compliance with the building, public works, and fire code regulations.

**c) The project is consistent with the Ross General Plan and zoning ordinance.**

As supported in Town Council Resolution 1922, the project would be consistent with the allowed structures and uses that may be permitted within the Medium Density land use designation of the General Plan and the zoning regulations.

**II. In accordance with Ross Municipal Code Chapter 18.39 of the Ross Municipal Code approval for Hillside Lot Permit development of the site as shown on plans submitted for Town Council Review, date stamped July 9, 2015, as modified by conditions, is based on findings described below:**

The project complies with the stated purposes of the Hillside Lot Ordinance.  
The project complies with the development regulations of Section 18.39.090, or that the  
Town Council has considered and approved a variance; and  
The project substantially conforms to the hillside development guidelines in Section  
18.39.090.

Architectural design complements the form of the natural landscape and contours, and is well-articulated to minimize the appearance of bulk and utilizes materials and colors that are subdued tones. Decks and terraces enhance the appearance the residence. The potential for noise will be minimized as the swimming pool equipment will be located within an enclosed structure. Due to site topography and distance from property line and the separation of properties by a roadway, privacy impacts are not expected.

Most of the Native vegetation will be retained. Tree removal areas will be backfilled with engineered soil. Newly introduced landscaping is appropriate for the site setting. Drought and fire-resistant plantings are incorporated and have received approval from the Fire Department. Tree protection measures will be implemented. Final Landscape will be required prior to building permit issuance and shall include:

- irrigation plans;
- patio, terrace, and pathways materials
- fence design and materials
- railing details

The new residence is sited with a heavily vegetated back drop and will not obstruct views. The project does not include ridge development.

The project will be required to demonstrate compliance with Ross Valley Fire Department requirements for hillside development including:

- adequacy of the water supply for fire fighting purposes
- Sprinkler systems shall be provided as required by the fire official.
- Defensible spaces and clearance of brush or vegetative growth from structures and driveways
- adherence to the wildland urban interface building standards in Chapter 7A of the California Building Code.

The project avoids unstable areas on the site, such as slides, severe creep areas and debris flows. Projects plans include retaining walls to ensure site stability during and after construction.

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

The project plans include erosion control measures. Erosion control plans shall comply with the County of Marin stormwater regulations and shall meet the National Pollutant Discharge Elimination System (NPDES) permit requirements for Marin County and chapter



12.28 of the Ross Municipal Code.

Preliminary site drainage plan has been designed by a licensed engineer. A final drainage plan will be required at building permit submittal and shall demonstrate no net increase in peak runoff from the site compared to pre-project conditions. Site plans include techniques for low impact development for stormwater management.

The project includes roadway improvements to widen the road and improve capacity of the road to handle emergency vehicles and construction equipment. The roadway currently follows the natural contours of the hillside. Roadway improvements have been reviewed and preliminarily approved by the Town Engineer. Final roadway design shall be submitted prior to grading permit or building permit approval for the roadway improvements.

**III. In accordance with Ross Municipal Code Section 18.45.050, approval for Variance to allow retaining walls that reach a height of up to 8 feet as shown on plans submitted for Town Council Review, date stamped July 9, 2015, is based on findings outlined in Ross Municipal Code Section 18.45.050 as described below:**

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

The lot has a slope of approximately 46.15 percent requiring a series of retaining walls at different heights. To access the site, the applicant will be required to make roadway widening and capacity improvements to assure the roadway complies with minimum width requirements of the Ross Valley Fire Department and has adequate capacity to handle construction vehicles. The roadway widening will require installation of retaining walls at different locations and at different heights depending on the slope at the location of the wall. The highest point proposed to accommodate the widening is 8 feet high measured from the roadway grade. The retaining wall heights are necessary due to lot slope.

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

The roadway improvements are necessary to accommodate development of the property. The retaining wall heights are necessary due to lot slope and to comply with the Ross Valley Fire Department roadway width requirements. Therefore, the retaining wall heights are necessary for preservation and enjoyment of substantial property rights.

That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposed retaining walls will not adversely affect health and safety of nearby residents. The proposed retaining walls will improve access to at least one other property owner therefore, providing a benefit. The applicant has proposed a construction schedule and management plan that includes provisions for notifying residents of work to be done

and anticipated road closures.

**IV. In accordance with Ross Municipal Code Chapter 12.24 of the Ross Municipal Code, approval of a Tree Removal Permit is based on the following findings:**

1. The alteration or removal is necessary to allow the economic enjoyment of the property, such as construction of improvements because some of the trees are located over the most feasible development area;
2. The alteration or removal will not adversely impact the subject property or neighboring properties because a large number of trees will remain;
3. Tree removal will not result in significant erosion or the diversion of increased flows of surface water because engineered fill will be placed where stumps are removed;
4. The alteration or removal is necessary due to fire hazards-The Ross Valley Fire Department has approved a Vegetation Management Plan that includes tree removal that is required to comply with defensible space criteria.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**200 HILLSIDE AVENUE**  
**APN 073-291-29**

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 for the 5,080 square foot residence including approved by the Town Council on August 13, 2015. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
3. The 630-foot recreation room is for use by the residents of the home. This room shall not be rented separately or converted to a guest house or second unit without prior approvals for such use.
4. Hillside Drive shall be constructed to drain toward the upslope (toward the project site) and away from downslope properties.
5. The landscape planter area between the circular retaining walls shall be at least 4 feet wide. Landscaping within this planter area shall consist of 24-inch box container of tall growing shrubs as necessary to provide adequate screening subject to review by the Planning Department.
6. A final Landscape Plan shall be submitted prior to building permit approval. Final Landscape Plan shall include:
  - irrigation plans;
  - patio, terrace, and pathways materials
  - fence design and materials
  - railing details
  - the lower circular retaining wall shall be treated with a stone finish subject to review and approval by the Town Planner
7. Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town staff reserves the right to require modifications to the landscape to protect mature trees and to comply with MMWD water conserving landscape requirements or fire code clearance requirements. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
8. The final landscape plan shall demonstrate compliance with the tree removal numbers as follows:
  - Seven (7) trees will be removed to accommodate development of the lot.

- Thirteen (13) trees will be removed to accommodate widening of the access road.
  - Twenty (20) trees will be removed to address Ross Valley Fire Department requirements for defensible space.
9. 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.
  10. 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.
  11. As required by the Hillside Ordinance, any slide repair work shall be accomplished under a building permit and the direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work, the engineer or geologist shall submit written confirmation to the town that all work accomplished under his jurisdiction is acceptable.
  12. 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.
  13. Final roadway design and civil drawings shall be submitted prior to grading permit or building permit approval for the roadway improvements
  14. 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.

15. Exterior Lighting shall be consistent with the fixtures approved by the Town Council on June 11, 2015. 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 rights-of-way 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.
16. 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.
17. 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.
18. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD) as outlined in their memo dated May 20, 2015.
19. Based on the scope of the project, the Town shall require sprinklers to be installed in the structures.
20. 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. Prior to foundation inspections, property lines and location of foundation relative to property line shall be physically identified (string line or equal) and must be certified by a licensed land surveyor to be in compliance with the approved plans at the time of the first foundation-related inspection. The building inspector shall not provide foundation-related inspections until the information is provided.
- f. Floor elevation shall be physically surveyed and certified by a licensed land surveyor to be in compliance with the approved plans after the floor(s) are completed.
- g. Upon completion of roof framing, the applicant shall provide the building inspector with written evidence, prepared by a licensed land surveyor, confirming the height of the structure(s) comply with approved plans.
- h. 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.
- i. 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 (i.e., temporary seeding and mulching or straw matting).
- j. 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.

- k. 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.
- l. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- m. 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.
- n. 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).
- o. A Final construction management plan shall be submitted in time to be incorporated into the job.
- p. 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.

- q. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- r. 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.
- s. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- t. 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).
- u. 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.
- v. 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.
- w. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way 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.

- x. 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.
- y. 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.
- z. 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, including but not limited to the following:
  - i. Verify that all new windows and doors with glass shall be tempered in compliance with Wildland Urban Interface (WUI) and chapter 7A of the 2013 California Fire Code. All windows and glazed doors shall comply with Safety Glazing requirements due to locations near stairways per 2013 CRC R308.
  - ii. Verify that roof and roof venting complies with WUI requirements for Class A rated roof assembly.
  - iii. Verify that pool complies with at least one of the seven safety features listed under the 2013 CRC Appendix G AG 100.2. Pool shall either have a safety cover all all access gates shall meet the requirements of 2013 CRC Appendix G AG 100.3.
  - iv. Verify that guardrail is located around the pool deck and all other areas with a drop off of more than 36 inches.
  - v. Verify all exterior stairways shall be properly illuminated, have approved handrails (if more than four steps) and comply with 2013 CRC R311
  - vi. Verify all gutters with downspouts drain into a storm drain system or onto a splash block. Downspouts shall have cleanout prior to entering horizontal drainage pipe of a storm drainage system.
  - vii. Verify that fireplace complies with EPAII and Town of Ross Ordinance 15.42 for outside fireplaces. Gas shut off (if any) shall be located in a readily accessible area per 2013 CPC.
  - viii. The CFM for the hood exhaust fan shall be the requirements of the BTU for the new gas stove.
- aa. 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.

- bb. 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.
- cc. 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.
- dd. 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.
- ee. Prior to Issuance of a Building Permit, a qualified engineer shall prepare a report on the condition of Chestnut Avenue 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.
- ff. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- gg. 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.
- hh. 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.
- ii. 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.)
- jj. 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.
  - kk. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented
  - ll. 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.
  - mm. 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.
21. 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.

## ATTACHMENT 2

---



**Staff Report**

**Date:** November 12, 2015  
**To:** Mayor Kathleen Hoertkorn and Council Members  
**From:** Ali Giudice, Contract Planner  
**Subject:** Chris and Sheri Ericksen, 200 Hillside Avenue, Design Review, Hillside Lot Permit, Variance and Tree Removal Permit, File No. 1987

---

**Recommendation**

Town Council approval of Resolution 1922 conditionally approving Design Review, Hillside Permit, Variance and Tree Removal Permit for construction of a single-family residence and associated access and landscape improvements at 200 Hillside Avenue.

**Project Summary**

**Owner:** Chris and Sheri Erickson  
**Design Professional:** Ken Linsteadt Architects and Imprints Landscape Architecture  
**Location:** 200 Hillside Avenue (vacant lot located above 98 Chestnut)  
**A.P. Number:** 73-291-29  
**Zoning:** R-1:B-5A (Single Family Residence, 5 acre minimum lot size)  
**General Plan:** Very Low Density (.1-1 units per acre)  
**Flood Zone:** Zone X (outside of High Risk Area)

Application for Design Review, Hillside Lot Permit, Variance and tree removal permit for construction of a new single family residence, modification of an existing access driveway, installation of retaining walls and landscape improvements and associated grading and tree removal. Town Council review is required as follows:

**Design Review** is required for:

- construction of a new single-family residence;
- retaining walls that exceed a height of 48 inches in height or more than 100 linear feet;
- grading that results in more than 50 cubic yards of cut or fill;

- construction, improvements, grading, or filling within 25 feet of a creek, waterway or drainageway.

**Hillside Lot Permit** is required for lots with a lot slope of 30 percent or more, pursuant to RMC Section 18.39.020.

**Variance** is required for retaining walls that exceed a height of 7 feet, pursuant to RMC Section 18.48.010.

**Project Data**

	Permitted	Existing	Proposed
Lot Area	5 acres (217,800 square feet)	2.6 acres 113,822 square feet <sup>1</sup>	No change
Floor Area	5,080 square feet (per slope of 46.15%)	Vacant (0%)	5,080 Square feet (4.46%)
Lot Coverage	17,073 square feet (15%)	Vacant (0%)	3,502 square feet (3.08%)
Impervious Surface		Vacant (0%)	8,693 square feet (7.64%)

1. Net area-not including area of open space easement

**Background and Discussion**

This project was originally scheduled for the August 15, 2015 Town Council meeting. Prior to the meeting date, the applicants discovered some inaccuracies in the plans compared to actual site conditions. At that point, the applicant requested a continuance to allow time to revise the project plans and assure proposed plans reflect an accurate retaining wall design. This staff report has been modified to reflect the revised drawings. The retaining wall heights have not changed, however, the setback of the circular retaining walls now reflect a 3-foot setback from the front property line.

**Existing conditions**

The property is part the Raymond Tract Subdivision that was recorded in 1905. In 1990, the Town Council determined that the Raymond Tract Subdivision was not created in compliance with the laws that were in place at the time of their creation and determined that the three lots should be merged into one building site. In 1991, a grant of open space easement was recorded over the property for a 75 foot wide strip of land along entire length of the rear of the property. The recording document included restrictions on future development and required the property be merged to allow for only one development site. The property was subsequently merged (OS 1991-56766) and now consist of one building site.

### Development History

In 2002, the Town Council approved a 4,635 square foot single family residence plus a 400 square foot office. At that time the lot slope was calculated to be approximately 45 percent, which would have permitted a floor area of 6,543 square feet. This approval expired in 2003 because the applicants failed to obtain permits within one year of the Town Council approval. Therefore, the lot remains vacant.

### Proposed Project

On April 15, 2015, an application was filed for a 5,080 square foot single family residence, which includes a 645 square foot garage and basement space, a 630 square foot recreation room. The applicant proposes a bocce ball court to the east of the residence and a swimming pool to the north of the residence. The potential for noise will be minimized as the swimming pool equipment will be located within an enclosed structure. Beyond the swimming pool the applicant proposes a level yard area that will be supported by retaining walls that terrace downslope toward Hillside Avenue.

Proposed materials include a recycled weathered barn wood siding and standing seam metal roof painted a non-reflective gray. Windows will be divided lights. Window sash and trim color has not been provided but will be required prior to building permit submittal and shall be an earth tone color that blend with the surroundings. Windows material shall be chosen to minimize glare. The applicant will be required to provide window samples to the Planning Department prior to Building Permit Issuance. A condition of approval has been including accordingly. Lot retaining walls will be a combination of concrete and stone. Metal railing will be used at deck and entry terrace. A 6-foot high deer fence will be installed around the immediate development area.

### Recreation Room

The applicant proposes a recreation room that includes a bathroom and wet bar area which could have separate entrance. The recreation room is not proposed as a second unit. To assure the unit does not get converted at a future date without planning consideration, staff recommends a condition of approval that specifically prohibits the conversion of this area into a second unit without prior approval by the Planning Department.

### Site Access

The project is accessed via an existing driveway that exists over Hillside Avenue right-of-way that currently provides access to one property. This driveway will need to be widened in certain locations to respond to Ross Valley Fire Department requirements of a 14-foot wide roadway. The roadway widening will require installation of a series of retaining walls on the upslope as well as on the downslope. More information on retaining walls is provided below. In addition, the neighboring property downslope of the project site expressed concerns that the roadway improvement work would strain the existing retaining wall on his property. To address this concern, applicant proposes to install a concrete pier wall on the upslope of the existing retaining wall to provide additional support. This wall would be installed prior to construction work, would provide additional support during construction activity and would remain in place once the project is completed.

### Tree removal

The applicant has submitted a Landscape/Vegetation Management Plan and that demonstrates removal of approximately 42 trees. Two of the trees will be removed due to poor health. The rest will be removed to accommodate development as follows:

- Seven (7) trees will be removed to accommodate development of the lot.
- Thirteen (13) trees will be removed to accommodate widening of the access road.
- Twenty (20) trees will be removed to address Ross Valley Fire Department requirements for defensible space.

Protection ordinance requires tree replacement to occur on-site or payment of in lieu fees. The applicant has proposed a preliminary landscape plan that includes installation of 14 trees: 6 Magnolia trees, 3 Flowering Dogwood, and 5 Strawberry Trees, all in 24" box containers. Due to the amount of tree cover, staff does not recommend additional trees beyond the 14 trees proposed above, nor payment of in-lieu fee. The final landscape plan shall demonstrate compliance with the tree replacement numbers described above. If additional tree removal is found to be necessary the applicant may be required to return to Town Council and/or pay in-lieu fees.

### Retaining Walls and Landscape plan

The lot has a slope of approximately 46.15 percent, requiring a series of retaining walls at different heights. To access the site, the applicant will be required to make roadway widening and capacity improvements to assure the roadway complies with minimum width requirements of the Ross Valley Fire Department and has adequate capacity to handle construction vehicles. The roadway widening will require installation of retaining walls at different locations and at different heights depending on the slope at the location of the wall. The highest point proposed to accommodate the widening is 8 feet high measured from the roadway grade. The retaining wall heights are necessary due to lot slope. Roadway retaining walls will be constructed using metal I-beam posts and horizontal timber lagging (see page 13 of plans).

Retaining walls that are proposed on the property, range in height up to 6 feet. Two circular terraced retaining walls located on the north side of the lot facing Hillside Avenue will reach a height of 6 feet. The circular retaining walls are located approximately 3 feet from the front property line at the closest point. The two retaining walls will be separated by a 4-foot terrace to allow for landscaping. The applicant proposes to use the 4-foot terrace as a bio filtration planter. A combination of 5 gallon pittosporum tenuifolium and other non-flammable shrubs and ground cover will be planted within the lower terrace planter areas. The landscape plans do not identify the total number of containers proposed within this area. Due to the size of the retaining walls staff recommends that pittosporum within the lower planter terrace be at minimum 24-inch box containers planted the minimum distance necessary to allow for adequate screening of the wall. In addition, staff recommends the lower retaining wall be treated with a stone façade subject to review and approval by the town planner.



Additional landscaping includes a number of shrubs and groundcover intended to buffer the development from the roadway and to provide screening of the retaining walls. A final landscape plan will be required prior to building permit approval. Staff has included the following conditions of approval that will need to be incorporated into the final landscape plan:

*The landscape planter area between the circular retaining walls shall be at least 4 feet wide. Landscaping within this planter area shall consist of 24-inch box container of tall growing shrubs as necessary to provide adequate screening subject to review by the Planning Department.*

**Slope stability**

The applicant has submitted a Geotechnical Report and addendums, prepared by Nersi Hemati. This report concludes that with the exception of two landslide areas, landslides that exist on the property as documented by prior site investigations are located outside of the development area. The two landslide areas (shown as 6 and 7 on sheet 5) can be addressed through installation of retaining walls with design criteria identified in the geotechnical report. Additional retaining walls and engineered fill will be used to address site stability during and after construction.

**Drainage**

The applicant has submitted a site drainage plan that includes drainage inlets that direct water flow toward either a bioretention planter on the northwest side of the property, or an outlet dissipater located northeast of the property within the roadway boundary but outside of the paved area (see sheet 10). The Town Engineer has reviewed the proposed drainage plan and hydraulic calculations and has concluded that as noted in the project Drainage Analysis Narrative by ILS Associates, Inc., increases in storm flows will be treated and retained on-site with a proposed bioretention planter and retention storage device. The treated runoff will be released slowly over time using outlet control and peak event retention to the edge of Hillside Avenue.

**Construction Schedule**

The applicant has submitted a construction schedule that proposes to complete the work within 22 months as follows:

Month 1	Initial road work and site preparation
Month 2-3	Earthwork: excavation, shoring and off-haul
Month 4-6	Foundation
Month 7-10	House Framing
Month 11-14	House Rough-in
Month 15	Close-up and Sheetrock
Month 16-21	Finish work
Month 22	Final punch list and Final Inspections

The above schedule includes a permit for roadway/driveway improvements that would be completed within 1 month of project start date and a permit for the residence and site improvements that would be completed within 22 months of the original project start date. The applicant is requesting approval of this schedule without interruptions or without the minimum 9 month waiting period between permits. Staff supports this proposal because it will result in a project that would be completed quicker than a timeline that includes the 9-month waiting period between permits. The neighboring property owner downslope of the project has also express his support of this timeline.

Ross Municipal Code Section 15.50.060 provides a mechanism for allowing a waiver of the time limits between permits, with the review authority given to the Building Official. Staff is seeking the Town Council guidance on this matter. This would provide the applicant with certainty about the Towns expectations regarding project scheduling. Staff proposes the imposition of penalties as required by RMC 15.50.070 for any construction delays beyond the 22 months.

#### Public Comment

Staff has received comments from the neighboring property owner of the property located at 98 Chestnut Avenue. The primary concerns identified by the property owner are described below:

1. Road stability - We want to be sure that the intense use of the entry road above all of our retaining walls (especially directly below the proposed building site) will not damage our walls or the stability of our hillside.

*The applicant proposes to a install a concrete pier wall on the upslope of the existing retaining wall to provide additional support. This wall would be installed prior to construction work, would provide additional support during construction activity and would remain in place once the project is completed.*

2. Schedule - We are gratified that their CMP is stating that once they start construction they don't stop until the house is completed. We are in favor of this and hope that they will begin work in a timely fashion after approval.

*Conditions of approval reflect the proposed 22 month construction schedule.*

3. Redesign walls above road - As we discussed, we ask that the lower wall below the building site be stepped back about 4 feet further from the entry road and that the distance between the top of that wall and the one above it be increased to 4 or 5 feet to allow a greater landscape area between them and so they do not read as one. Doing this will soften the view from our property and the road significantly. Our concern is that with the two walls being close to the road and close to one another, it will read as one monolithic continuous wall when viewed from below.

*Conditions of approval require a 4-foot separation between the two circular retaining walls mentioned above. The issue of the retaining wall was discussed at the ADR meeting. Some ADR members were in support of keeping the walls as proposed and some were in support of modifying the plans. The applicant's current site plan reflects a 3-foot retaining wall setback from the front property line at its closest point. Staff seeks Town Council guidance on this matter.*

4. Drainage - We know from our landslide experience that it is critical that their driveway, where it meets the common entry road is designed so that water does not flow off their drive and down our driveway. Their road drainage should be directed to flow to the uphill side of their drive and along the uphill side of the common road.

*The project plans identify culverts on the uphill slope of Hillside Avenue. Standard practice is to require roadways be designed to drain toward the upslope and away from downslope properties. A conditions of approval, notifying the applicant of this requirement, has been added.*

5. CMP - Their draft plan looks good. Our biggest concern is that the residents of our house can come and go at will and that a solid communication plan be in place, the plan addresses both. Please keep us in the loop if there are refinements.

*The construction management plan identifies a construction schedule, proposed construction traffic and delivery hours and a method for communicating with neighbors during the construction period.*

6. Consider the use of Hillside Avenue toward Kentfield as the proposed construction route.

*Staff discussed this option with the applicant and the Ross Valley Fire Department Representatives. The applicant response is that the better route is to take Hillside Avenue to Chestnut Avenue due to the narrow width of Hillside Avenue. RVFD concluded the same and stated that they would not advise the use of Hillside Avenue as construction truck route.*

#### **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 the estimated reasonable cost of providing the associated services and facilities related to the development. 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 15303 –new construction, because it involves construction of new single family residence 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. 1922
2. Project History
3. Comment Letters
4. Applicant project information
5. Project plans

## TOWN OF ROSS

### RESOLUTION NO. 1922

#### **A RESOLUTION OF THE TOWN OF ROSS APPROVING VARIANCE, DESIGN REVIEW, HILLSIDE LOT PERMIT, AND TREE REMOVAL PERMIT FOR CONSTRUCTION OF A NEW 5,080 SQUARE FOOT SINGLE-FAMILY RESIDENCE ON A HILLSIDE LOT AND ASSOCIATED TREE REMOVAL, ROADWAY ACCESS IMPROVEMENTS, RETAINING WALLS, AND LANDSCAPE IMPROVEMENTS ON THE PROPERTY LOCATED AT 200 HILLSIDE AVENUE, APN 073-291-29**

**WHEREAS**, Chris and Sheri Erickson, submitted an application for, Design Review, Hillside Lot Permit, Variance, and Tree Removal Permit, pursuant to Title 18 of the Ross Municipal Code for construction of a 5,080 square foot single-family residence on a hillside lot and associated tree removal, roadway access improvement, retaining walls with heights over 7 feet, and associated landscape improvements for the property located at 200 Hillside Avenue, Assessor's Parcel Number 073-291-29. (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 15303 – *New Construction*, because it involves construction of new single family residence 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 November 12, 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, Hillside Lot Permit, Variance, and Tree Removal Permit for the project described herein, located at 200 Hillside Avenue, 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 12<sup>th</sup> day of November 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**  
**200 Hillside Avenue, APN 073-291-29**

**A. Findings**

**1. Variance (RMC § 18.45.050) – Approval for Variance to allow retaining walls that reach a height of up to 8 feet as shown on plans submitted for Town Council Review, date stamped July 9, 2015, is based on findings outlined in Ross Municipal Code Section 18.45.050 as described below:**

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

*The lot has a slope of approximately 46.15 percent requiring a series of retaining walls at different heights. To access the site, the applicant will be required to make roadway widening and capacity improvements to assure the roadway complies with minimum width requirements of the Ross Valley Fire Department and has adequate capacity to handle construction vehicles. The roadway widening will require installation of retaining walls at different locations and at different heights depending on the slope at the location of the wall. The highest point proposed to accommodate the widening is 8 feet high measured from the roadway grade. The retaining wall heights are necessary due to lot slope.*

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

*The roadway improvements are necessary to accommodate development of the property. The retaining wall heights are necessary due to lot slope and to comply with the Ross Valley Fire Department roadway width requirements. Therefore, the retaining wall heights are necessary for preservation and enjoyment of substantial property rights.*

c) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

*The proposed retaining walls will not adversely affect health and safety of nearby residents. The proposed retaining walls will improve access to at least one other property owner therefore, providing a benefit. The applicant has proposed a construction schedule and management plan that includes provisions for notifying residents of work to be done and anticipated road closures.*

**2. Tree Removal Permit (RMC Chapter 12.24) Approval of a Tree Removal Permit is based on the following findings:**

a) The alteration or removal is necessary to allow the economic enjoyment of the property, such as construction of improvements because some of the trees are located over the most feasible development area;

b) The alteration or removal will not adversely impact the subject property or

neighboring properties because a large number of trees will remain;

c) Tree removal will not result in significant erosion or the diversion of increased flows of surface water because engineered fill will be placed where stumps are removed;

d) The alteration or removal is necessary due to fire hazards-The Ross Valley Fire Department has approved a Vegetation Management Plan that includes tree removal that is required to comply with defensible space criteria.

**3. Hillside Lot Permit (RMC Chapter 18.39)- – Approval for Hillside Lot Permit development of the site as shown on plans submitted for Town Council Review, date stamped July 9, 2015, as modified by conditions, is based on findings described below:**

- a) The project complies with the stated purposes of the Hillside Lot Ordinance.
- b) The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance; and
- c) The project substantially conforms to the hillside development guidelines in Section 18.39.090.

*Architectural design complements the form of the natural landscape and contours, and is well-articulated to minimize the appearance of bulk and utilizes materials and colors that are subdued tones. Decks and terraces enhance the appearance the residence. The potential for noise will be minimized as the swimming pool equipment will be located within an enclosed structure. Due to site topography and distance from property line and the separation of properties by a roadway, privacy impacts are not expected.*

*Most of the Native vegetation will be retained. Tree removal areas will be backfilled with engineered soil. Newly introduced landscaping is appropriate for the site setting. Drought and fire-resistant plantings are incorporated and have received approval from the Fire Department. Tree protection measures will be implemented. Final Landscape will be required prior to building permit issuance and shall include:*

- *irrigation plans;*
- *patio, terrace, and pathways materials*
- *fence design and materials*
- *railing details*

*The new residence is sited with a heavily vegetated back drop and will not obstruct views. The project does not include ridge development.*

*The project will be required to demonstrate compliance with Ross Valley Fire Department requirements for hillside development including:*

- *adequacy of the water supply for fire fighting purposes*
- *Sprinkler systems shall be provided as required by the fire official.*
- *Defensible spaces and clearance of brush or vegetative growth from structures and driveways*



- *adherence to the wildland urban interface building standards in Chapter 7A of the California Building Code.*

*The project avoids unstable areas on the site, such as slides, severe creep areas and debris flows. Projects plans include retaining walls to ensure site stability during and after construction.*

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

*The project plans include erosion control measures. Erosion control plans shall comply with the County of Marin stormwater regulations and shall meet the National Pollutant Discharge Elimination System (NPDES) permit requirements for Marin County and chapter 12.28 of the Ross Municipal Code.*

*Preliminary site drainage plan has been designed by a licensed engineer. A final drainage plan will be required at building permit submittal and shall demonstrates no net increase in peak runoff from the site compared to pre-project conditions. Site plans include techniques for low impact development for stormwater management.*

*The project includes roadway improvements to widen the road and improve capacity of the road to handle emergency vehicles and construction equipment. The roadway currently follows the natural contours of the hillside. Roadway improvements have been reviewed and preliminarily approved by the Town Engineer. Final roadway design shall be submitted prior to grading permit or building permit approval for the roadway improvements.*

**4. Design Review (RMC § 18.41.070(b))-Approval of Design Review for construction of a new single family residence with associated exterior improvements 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 single-family residence located on the most level portion of the lot and has been designed to step up the hill to follow the site topography. Existing vegetation will be maintained to the maximum extent possible. Tree replacement will occur on the downslope side where screening will be the most beneficial. Colors and materials are earth colors that blend with the natural setting of the site and are compatible with existing development. Drainage will be accomplished via drain inlets and will be directed to either a dissipation or a bioretention feature. Final Drainage plan will be required to demonstrate compliance with the Town Stormwater Management Ordinance prior to Building Permit approval.*

**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 proposed on the least sloping portion of the lot and will require removal a total of 42 trees to accommodate development and to respond to Ross Valley Fire Department "defensible space requirements." Due to site topography total off-haul will be approximately 1,100. The remainder of the site will remain in its natural state as a wooded area with dense tree cover consisting of bay trees and tall stature redwoods.*

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

*The general appearance of the existing landscaping will be maintained on the uphill side of the property. On the downhill side many trees will remain and additional vegetation will add to the screening. Retaining walls will either be screened and/or treated with a stone finish to create a more natural appearance. Along the roadway, retaining walls will be of horizontal wood boards.*

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

*Lot coverage and building footprints will be well below the 15% permitted for the site. The project is sited in the least sloping portion of the lot. The remainder of the property will remain heavily vegetated with dense tree cover.*

(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 proposes a series of site retaining walls to create terraces that mimic the natural slope of the lot. The residence is also designed as a terraced structure following the natural topography.*

(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 proposed improvements and residence are designed as terraces that follow the natural topography. The residence is in compatible with their setting or other dwellings in the neighborhood.*

(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.

*High quality materials are proposed including recycled weathered barn wood, metal roof and true divided light windows. Stone treatment will be used for the retaining walls.*

(5) Drives, Parking and Circulation.

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

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

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

*The project includes roadway width and capacity improvements, which improve access for the existing neighboring property. At least 4 parking spaces are provided: 2 covered, 2 uncovered.*

(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.

*Lighting fixtures will be required prior to building permit approval. Lighting will need to be shielded and directed downward. Lamps will be low wattage.*

(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 will be well screened by existing and proposed vegetation. Site fencing consist of dear fencing. Metal railings will be installed at terraces and along the exterior steps.*

(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 residence is not located near a creek or watercourse and is not in a flood zone.*

(10) Landscaping.

(a) Attractive, fire-resistant, native species are preferred. Landscaping

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

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

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

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

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

*The applicant has submitted a vegetation management plan to comply with defensible space requirement of the Ross Valley Fire Department. The applicant will be required to submit a final landscape plan that assures maximum screening of retaining walls.*

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

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

(12) Visual Focus.

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

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

to minimize the overbuilding of existing lots and attain compliance with these criteria.

*The residence will be the only residential structure on the site.*

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

*The proposed project is sited up the hill and with adequate setback separation to ensure privacy is maintained.*

(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 new residence and associated improvements are appropriate for the site and reflect a holistic approach to combining development with 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 proposes to add a 7.64% increase in impervious area. The project will be required to comply with the Town Stormwater Management Ordinance.*

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

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

*The site is previously disturbed, is not located near ridgeline, creek or drainage way and will not impact other natural or cultural resources.*

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

*The existing mature vegetation will be retained to the maximum extent possible.*

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

*See (2) above.*

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

*See (2) above.*

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

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

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

(c) Use green materials and resources.

(d) Conserve water, especially in landscaping.

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

(f) Recycle building materials.

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

*The project is sited in an area of the site that will result in the least amount of grading and tree removal. The project will need to comply with Title 24 applicable Calgreen requirements. The landscaping is required to comply with Marin Municipal Water District (MMWD) water conserving landscape requirements.*

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

*Construction and demolition debris must be recycled under existing Town regulations. The applicant has committed to choosing materials that are less toxic.*

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

*The project will not exceed a lot coverage of 3.08 percent and impervious surface of 7.64 percent*

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

*The project largely maintains existing topographic contours. There are no known cultural resources existing on this property and accidental discovery of cultural resources is unlikely.*

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

*Existing mature landscaping will be maintained.*

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

final grade all disturbed areas to a natural appearing configuration and to direct stormwater runoff to areas where water can naturally infiltrate the soil.

*The project proposes to direct site drainage into drain inlets that are directed to a bioretention bed and a dissipater. Due to lot slope over 1,000 cubic yards of off haul will be required. A large portion of the site will remain in its natural state.*

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

*The project complies with the maximum allowable floor area limits established by the Hillside Ordinance. The building mass has been reduced through the use of site terraces and interior floors that step of the natural topography.*

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

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

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

*The size, height and design of the home and proposed improvements will be compatible with the neighboring structures. Light fixtures will be directed downward. With installation of adequate vegetation, privacy will not be impacted.*

(15) 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.*

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

*The proposed site driveway and parking areas will not be visible from existing development.*

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

*The project does not involve a historic building.*

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

*The project does not involve a historic building.*

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

*The project will not eliminate any housing units.*

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

*The discovery of cultural resources is unlikely due to the location of the site and known archaeological areas.*

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

*A geotechnical report was submitted and concluded that development of the site was feasible with implementation of site retaining walls, engineered fill and appropriate structural design criteria. The applicant has include some of these features into the project. Additional structural requirements will be part of the building permit submittal.*

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

*The structure will be required to comply with Ross Valley Fire Department including sprinklers and maintaining defensible landscaping.*

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

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

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

*This finding can be made as noted under finding #22 above.*

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

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

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

*An engineered drainage plan has been submitted and preliminarily approved by the Town Engineer.*

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

*The project will result in a 7.64 percent increase in impervious surface. A bioretention bed will provide opportunities for filtration.*

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

*Work is not proposed near riparian areas.*

**EXHIBIT "B"**  
**200 Hillside**  
**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 for the 5,080 square foot residence including approved by the Town Council on August 13, 2015. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

3. The 630-foot recreation room is for use by the residents of the home. This room shall not be rented separately or converted to a guest house or second unit without prior approvals for such use.

4. The project shall comply with the construction schedule submitted as part of this project and date stamped May 6, 2015, which shall not exceed a total of 22 months. Construction delays beyond the 22 months shall result in imposition of penalty fees as required by RMC 15.50.070. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

5. Hillside Drive shall be constructed to drain toward the upslope (toward the project site) and away from downslope properties.

6. The landscape planter area between the circular retaining walls shall be at least 4 feet wide. Landscaping within this planter area shall consist of 24-inch box container of tall growing shrubs as necessary to provide adequate screening subject to review by the Planning Department.

7. A final Landscape Plan shall be submitted prior to building permit approval. Final Landscape Plan shall include:

- irrigation plans;
- patio, terrace, and pathways materials
- fence design and materials
- railing details

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

final.

9. The final landscape plan shall demonstrate compliance with the tree removal numbers as follows:

- Seven (7) trees will be removed to accommodate development of the lot.
- Thirteen (13) trees will be removed to accommodate widening of the access road.
- Twenty (20) trees will be removed to address Ross Valley Fire Department requirements for defensible space.

10. 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.

11. 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.

12. As required by the Hillside Ordinance, any slide repair work shall be accomplished under a building permit and the direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work, the engineer or geologist shall submit written confirmation to the town that all work accomplished under his jurisdiction is acceptable.

13. 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.

14. Final roadway design and civil drawings shall be submitted prior to grading permit or building permit approval for the roadway improvements

15. 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.

16. Exterior Lighting shall be consistent with the fixtures approved by the Town Council on June 11, 2015. 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.

17. 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.

18. 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.

19. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD) as outlined in their memo dated May 20, 2015.

20. Based on the scope of the project, the Town shall require sprinklers to be installed in the structures.

21. 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. Prior to foundation inspections, property lines and location of foundation relative to property line shall be physically identified (string line or equal) and must be certified by a licensed land surveyor to be in compliance with the approved plans at the time of the first foundation-related inspection. The building inspector shall not provide foundation-related inspections until the information is provided.

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

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

h. 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.

i. 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).

j. 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.

k. 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.

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

m. 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.

n. 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).

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

p. 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.

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

r. 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.

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

t. 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).

u. 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.

v. 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.

w. 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.

x. 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.

y. 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.

z. 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, including but not limited to the following:

- i. Verify that all new windows and doors with glass shall be tempered in compliance with Wildland Urban Interface (WUI) and chapter 7A of the 2013 California Fire Code. All windows and glazed doors shall comply with

Safety Glazing requirements due to locations near stairways per 2013 CRC R308.

- ii. Verify that roof and roof venting complies with WUI requirements for Class A rated roof assembly.
- iii. Verify that pool complies with at least one of the seven safety features listed under the 2013 CRC Appendix G AG 100.2. Pool shall either have a safety cover all all access gates shall mee thte requirements of 2013 CRC Appendix G AG 100.3.
- iv. Verify that guardrail is located around the pool deck and all other areas with a drop off of more than 36 inches.
- v. Verify all exterior stairways shall be properly illuminated, have approved handrails (if more than four steps) and comply with 2013 CRC R311
- vi. Verify all gutters with downspouts drain into a storm drain system or onto a splash block. Downspouts shall have clean out prior to entering horizontal drainage pipe of a storm drainage system.
- vii. Verify that fireplace complies with EPAII and Town of Ross Ordinance 15.42 for outside fireplaces. Gas shut off (if any) shall be located in a readily accessible area per 2013 CPC.
- viii. The CFM for the hood exhaust fan shall bee the requiremets of the BTU for the new gas stove.

aa. All smoke detectors in the residence shall be provided with AC power nd 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.

bb. 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.

cc. 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.

dd. 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.

ee. Prior to Issuance of a Buildig Permit, a qualified engineer shall prepare a report on the condition of Chestnut Avenue 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.

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

gg. 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

hh. 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.

ii. 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.)

jj. 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.

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

ll. 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.

mm. 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.

22. 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.

# ATTACHMENT 3

---

## TOWN OF ROSS

### RESOLUTION NO. 1922

**A RESOLUTION OF THE TOWN OF ROSS APPROVING VARIANCE, DESIGN REVIEW, HILLSIDE LOT PERMIT, AND TREE REMOVAL PERMIT FOR CONSTRUCTION OF A NEW 5,080 SQUARE FOOT SINGLE-FAMILY RESIDENCE ON A HILLSIDE LOT AND ASSOCIATED TREE REMOVAL, ROADWAY ACCESS IMPROVEMENTS, RETAINING WALLS, AND LANDSCAPE IMPROVEMENTS ON THE PROPERTY LOCATED AT 200 HILLSIDE AVENUE, APN 073-291-29**

**WHEREAS**, Chris and Sheri Erickson, submitted an application for, Design Review, Hillside Lot Permit, Variance, and Tree Removal Permit, pursuant to Title 18 of the Ross Municipal Code for construction of a 5,080 square foot single-family residence on a hillside lot and associated tree removal, roadway access improvement, retaining walls with heights over 7 feet, and associated landscape improvements for the property located at 200 Hillside Avenue, Assessor's Parcel Number 073-291-29. (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 15303 – *New Construction*, because it involves construction of new single family residence 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 November 12, 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, Hillside Lot Permit, Variance, and Tree Removal Permit for the project described herein, located at 200 Hillside Avenue, 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 12<sup>th</sup> day of November 2015, by the following vote:

**AYES:** Council Members Hoertkorn, Brekhus, Robbins, Small

**NOES:**

**ABSENT:**

**ABSTAIN:** Council Member Kuhl (*recused*)



Kathleen Hoertkorn, Mayor

**ATTEST:**



Linda Lopez, Town Clerk



**EXHIBIT "A"**  
**Findings in Support of Project Approval**  
**200 Hillside Avenue, APN 073-291-29**

**A. Findings**

**1. Variance (RMC § 18.45.050) – Approval for Variance to allow retaining walls that reach a height of up to 8 feet as shown on plans submitted for Town Council Review, date stamped July 9, 2015, is based on findings outlined in Ross Municipal Code Section 18.45.050 as described below:**

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

*The lot has a slope of approximately 46.15 percent requiring a series of retaining walls at different heights. To access the site, the applicant will be required to make roadway widening and capacity improvements to assure the roadway complies with minimum width requirements of the Ross Valley Fire Department and has adequate capacity to handle construction vehicles. The roadway widening will require installation of retaining walls at different locations and at different heights depending on the slope at the location of the wall. The highest point proposed to accommodate the widening is 8 feet high measured from the roadway grade. The retaining wall heights are necessary due to lot slope.*

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

*The roadway improvements are necessary to accommodate development of the property. The retaining wall heights are necessary due to lot slope and to comply with the Ross Valley Fire Department roadway width requirements. Therefore, the retaining wall heights are necessary for preservation and enjoyment of substantial property rights.*

c) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

*The proposed retaining walls will not adversely affect health and safety of nearby residents. The proposed retaining walls will improve access to at least one other property owner therefore, providing a benefit. The applicant has proposed a construction schedule and management plan that includes provisions for notifying residents of work to be done and anticipated road closures.*

**2. Tree Removal Permit (RMC Chapter 12.24) Approval of a Tree Removal Permit is based on the following findings:**

a) The alteration or removal is necessary to allow the economic enjoyment of the property, such as construction of improvements because some of the trees are located over the most feasible development area;

b) The alteration or removal will not adversely impact the subject property or

neighboring properties because a large number of trees will remain;

c) Tree removal will not result in significant erosion or the diversion of increased flows of surface water because engineered fill will be placed where stumps are removed;

d) The alteration or removal is necessary due to fire hazards-The Ross Valley Fire Department has approved a Vegetation Management Plan that includes tree removal that is required to comply with defensible space criteria.

**3. Hillside Lot Permit (RMC Chapter 18.39)- – Approval for Hillside Lot Permit development of the site as shown on plans submitted for Town Council Review, date stamped July 9, 2015, as modified by conditions, is based on findings described below:**

- a) The project complies with the stated purposes of the Hillside Lot Ordinance.
- b) The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance; and
- c) The project substantially conforms to the hillside development guidelines in Section 18.39.090.

*Architectural design complements the form of the natural landscape and contours, and is well-articulated to minimize the appearance of bulk and utilizes materials and colors that are subdued tones. Decks and terraces enhance the appearance the residence. The potential for noise will be minimized as the swimming pool equipment will be located within an enclosed structure. Due to site topography and distance from property line and the separation of properties by a roadway, privacy impacts are not expected.*

*Most of the Native vegetation will be retained. Tree removal areas will be backfilled with engineered soil. Newly introduced landscaping is appropriate for the site setting. Drought and fire-resistant plantings are incorporated and have received approval from the Fire Department. Tree protection measures will be implemented. Final Landscape will be required prior to building permit issuance and shall include:*

- *irrigation plans;*
- *patio, terrace, and pathways materials*
- *fence design and materials*
- *railing details*

*The new residence is sited with a heavily vegetated back drop and will not obstruct views. The project does not include ridge development.*

*The project will be required to demonstrate compliance with Ross Valley Fire Department requirements for hillside development including:*

- *adequacy of the water supply for fire fighting purposes*
- *Sprinkler systems shall be provided as required by the fire official.*
- *Defensible spaces and clearance of brush or vegetative growth from structures and driveways*

- *adherence to the wildland urban interface building standards in Chapter 7A of the California Building Code.*

*The project avoids unstable areas on the site, such as slides, severe creep areas and debris flows. Projects plans include retaining walls to ensure site stability during and after construction.*

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

*The project plans include erosion control measures. Erosion control plans shall comply with the County of Marin stormwater regulations and shall meet the National Pollutant Discharge Elimination System (NPDES) permit requirements for Marin County and chapter 12.28 of the Ross Municipal Code.*

*Preliminary site drainage plan has been designed by a licensed engineer. A final drainage plan will be required at building permit submittal and shall demonstrates no net increase in peak runoff from the site compared to pre-project conditions. Site plans include techniques for low impact development for stormwater management.*

*The project includes roadway improvements to widen the road and improve capacity of the road to handle emergency vehicles and construction equipment. The roadway currently follows the natural contours of the hillside. Roadway improvements have been reviewed and preliminarily approved by the Town Engineer. Final roadway design shall be submitted prior to grading permit or building permit approval for the roadway improvements.*

**4. Design Review (RMC § 18.41.070(b))-Approval of Design Review for construction of a new single family residence with associated exterior improvements 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 single-family residence located on the most level portion of the lot and has been designed to step up the hill to follow the site topography. Existing vegetation will be maintained to the maximum extent possible. Tree replacement will occur on the downslope side where screening will be the most beneficial. Colors and materials are earth colors that blend with the natural setting of the site and are compatible with existing development. Drainage will be accomplished via drain inlets and will be directed to either a dissipater or a bioretention feature. Final Drainage plan will be required to demonstrate compliance with the Town Stormwater Management Ordinance prior to Building Permit approval.*

**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 proposed on the least sloping portion of the lot and will require removal a total of 42 trees to accommodate development and to respond to Ross Valley Fire Department "defensible space requirements." Due to site topography total off-haul will be approximately 1,100. The remainder of the site will remain in its natural state as a wooded area with dense tree cover consisting of bay trees and tall stature redwoods.*

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

*The general appearance of the existing landscaping will be maintained on the uphill side of the property. On the downhill side many trees will remain and additional vegetation will add to the screening. Retaining walls will either be screened and/or treated with a stone finish to create a more natural appearance. Along the roadway, retaining walls will be of horizontal wood boards.*

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

*Lot coverage and building footprints will be well below the 15% permitted for the site. The project is sited in the least sloping portion of the lot. The remainder of the property will remain heavily vegetated with dense tree cover.*

(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 proposes a series of site retaining walls to create terraces that mimic the natural slope of the lot. The residence is also designed as a terraced structure following the natural topography.*

(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 proposed improvements and residence are designed as terraces that follow the natural topography. The residence is in compatible with their setting or other dwellings in the neighborhood.*

(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.

*High quality materials are proposed including recycled weathered barn wood, metal roof and true divided light windows. Stone treatment will be used for the retaining walls.*

(5) Drives, Parking and Circulation.

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

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

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

*The project includes roadway width and capacity improvements, which improve access for the existing neighboring property. At least 4 parking spaces are provided: 2 covered, 2 uncovered.*

(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.

*Lighting fixtures will be required prior to building permit approval. Lighting will need to be shielded and directed downward. Lamps will be low wattage.*

(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 will be well screened by existing and proposed vegetation. Site fencing consist of deer fencing. Metal railings will be installed at terraces and along the exterior steps.*

(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 residence is not located near a creek or watercourse and is not in a flood zone.*

(10) Landscaping.

(a) Attractive, fire-resistant, native species are preferred. Landscaping

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

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

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

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

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

*The applicant has submitted a vegetation management plan to comply with defensible space requirement of the Ross Valley Fire Department. The applicant will be required to submit a final landscape plan that assures maximum screening of retaining walls.*

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

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

(12) Visual Focus.

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

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



to minimize the overbuilding of existing lots and attain compliance with these criteria.

*The residence will be the only residential structure on the site.*

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

*The proposed project is sited up the hill and with adequate setback separation to ensure privacy is maintained.*

(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 new residence and associated improvements are appropriate for the site and reflect a holistic approach to combining development with 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 proposes to add a 7.64% increase in impervious area. The project will be required to comply with the Town Stormwater Management Ordinance.*

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

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

*The site is previously disturbed, is not located near ridgeline, creek or drainage way and will not impact other natural or cultural resources.*

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

*The existing mature vegetation will be retained to the maximum extent possible.*

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

*See (2) above.*

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

*See (2) above.*

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

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

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

(c) Use green materials and resources.

(d) Conserve water, especially in landscaping.

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

(f) Recycle building materials.

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

*The project is sited in an area of the site that will result in the least amount of grading and tree removal. The project will need to comply with Title 24 applicable Calgreen requirements. The landscaping is required to comply with Marin Municipal Water District (MMWD) water conserving landscape requirements.*

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

*Construction and demolition debris must be recycled under existing Town regulations. The applicant has committed to choosing materials that are less toxic.*

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

*The project will not exceed a lot coverage of 3.08 percent and impervious surface of 7.64 percent*

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

*The project largely maintains existing topographic contours. There are no known cultural resources existing on this property and accidental discovery of cultural resources is unlikely.*

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

*Existing mature landscaping will be maintained.*

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

final grade all disturbed areas to a natural appearing configuration and to direct stormwater runoff to areas where water can naturally infiltrate the soil.

*The project proposes to direct site drainage into drain inlets that are directed to a bioretention bed and a dissipater. Due to lot slope over 1,000 cubic yards of off haul will be required. A large portion of the site will remain in its natural state.*

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

*The project complies with the maximum allowable floor area limits established by the Hillside Ordinance. The building mass has been reduced through the use of site terraces and interior floors that step of the natural topography.*

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

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

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

*The size, height and design of the home and proposed improvements will be compatible with the neighboring structures. Light fixtures will be directed downward. With installation of adequate vegetation, privacy will not be impacted.*

(15) 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.*

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

*The proposed site driveway and parking areas will not be visible from existing development.*

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

*The project does not involve a historic building.*

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

*The project does not involve a historic building.*

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

*The project will not eliminate any housing units.*

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

*The discovery of cultural resources is unlikely due to the location of the site and known archaeological areas.*

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

*A geotechnical report was submitted and concluded that development of the site was feasible with implementation of site retaining walls, engineered fill and appropriate structural design criteria. The applicant has include some of these features into the project. Additional structural requirements will be part of the building permit submittal.*

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

*The structure will be required to comply with Ross Valley Fire Department including sprinklers and maintaining defensible landscaping.*

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

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

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

*This finding can be made as noted under finding #22 above.*

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

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

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

*An engineered drainage plan has been submitted and preliminarily approved by the Town Engineer.*

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

*The project will result in a 7.64 percent increase in impervious surface. A bioretention bed will provide opportunities for filtration.*

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

*Work is not proposed near riparian areas.*

**EXHIBIT "B"**  
**200 Hillside**  
**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 for the 5,080 square foot residence including approved by the Town Council on August 13, 2015. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

3. The 630-foot recreation room is for use by the residents of the home. This room shall not be rented separately or converted to a guest house or second unit without prior approvals for such use.

4. Hillside Drive shall be constructed to drain toward the upslope (toward the project site) and away from downslope properties.

5. The landscape planter area between the circular retaining walls shall be at least 4 feet wide. Landscaping within this planter area shall consist of 24-inch box container of tall growing shrubs as necessary to provide adequate screening subject to review by the Planning Department.

6. A final Landscape Plan shall be submitted prior to building permit approval. Final Landscape Plan shall include:

- irrigation plans;
- patio, terrace, and pathways materials
- fence design and materials
- railing details
- the lower circular retaining wall shall be treated with a stone finish subject to review and approval by the Town Planner

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

8. The final landscape plan shall demonstrate compliance with the tree removal numbers as follows:



- Seven (7) trees will be removed to accommodate development of the lot.
- Thirteen (13) trees will be removed to accommodate widening of the access road.
- Twenty (20) trees will be removed to address Ross Valley Fire Department requirements for defensible space.

9. 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.

10. 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.

11. As required by the Hillside Ordinance, any slide repair work shall be accomplished under a building permit and the direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work, the engineer or geologist shall submit written confirmation to the town that all work accomplished under his jurisdiction is acceptable.

12. 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.

13. Final roadway design and civil drawings shall be submitted prior to grading permit or building permit approval for the roadway improvements

14. 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.

15. Exterior Lighting shall be consistent with the fixtures approved by the Town Council on June 11, 2015. 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.

16. 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.

17. 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.

18. The project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD) as outlined in their memo dated May 20, 2015.

19. Based on the scope of the project, the Town shall require sprinklers to be installed in the structures.

20. 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. Prior to foundation inspections, property lines and location of foundation relative to property line shall be physically identified (string line or equal) and must be certified by a licensed land surveyor to be in compliance with the approved plans at the time of the first foundation-related inspection. The building inspector shall not provide foundation-related inspections until the information is provided.

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

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

h. 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.

i. 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).

j. 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.

k. 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.

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

m. 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.

n. 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).

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

p. 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.

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

r. 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.

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

t. 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).

u. 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.

v. 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.

w. 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.

x. 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.

y. 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.

z. 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, including but not limited to the following:

- i. Verify that all new windows and doors with glass shall be tempered in compliance with Wildland Urban Interface (WUI) and chapter 7A of the 2013 California Fire Code. All windows and glazed doors shall comply with Safety Glazing requirements due to locations near stairways per 2013 CRC R308.
- ii. Verify that roof and roof venting complies with WUI requirements for Class A rated roof assembly.

# ATTACHMENT 4

**REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, NOVEMBER 12, 2015**

**1. 6:00 p.m. Commencement.**

Present: Mayor Katie Hoertkorn; Mayor Pro Tempore Carla Small; Council Member P. Beach Kuhl; Council Member Elizabeth Brekhus; Council Member Elizabeth Robbins; and Town Attorney Greg Stepanicich.

**14. 200 Hillside Avenue, Variance, Design Review, Hillside Lot, and Tree Removal Permit No. 1987, and Town Council consideration of adoption of Resolution No. 1922.**

Chris and Sheri Ericksen, 200 Hillside Avenue, A.P. No. 73-291-29, R-1:B-5A (Single Family Residence, 5-Acre. Minimum Lot Size), Very Low Density (.1-1 Units/Acre). Public hearing for the Town Council to consider Design Review, Hillside Lot Permit, Variance, and Tree Removal Permit. The project includes construction of a new 5,080 square foot, single-family residence (including garage), and retaining walls ranging in height up to 8 feet in height. Other improvements include the widened of the existing roadway and associated retaining walls, a new swimming pool, bocce court, terraced lawn area, and grading, drainage, tree removal, and landscape improvements associated with the project. In addition to consideration of the above permits, the Town Council will be asked to provide staff direction on a proposed project schedule.

<b>Project Data</b>			
	<b>Permitted</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Area</b>	5 acres (217,800 sq. ft.)	2.6 acres (113,822 sq. ft.) <sup>1</sup>	No change
<b>Floor Area</b>	5,080 square feet (per 46.15% slope)	Vacant (0%)	5,080 sq. ft. (4.46%)
<b>Lot Coverage</b>	17,073 sq. ft. (15%)	Vacant (0%)	3,502 sq. ft. (3.08%)
<b>Impervious Surface</b>		Vacant (0%)	8,693 sq. ft. (7.64%)

1. Net area-not including area of open space easement

Contract Planner Ali Giudice summarized the staff report and recommended that the Council approve Resolution No. 1922 conditionally approving design review, hillside permit, variance and tree removal permit for construction of a single-family residence and associated access and landscape improvements at 200 Hillside Avenue.

Council Member Brekhus asked staff if the applicant was told that the 24 months is something staff could support months ago or just recently. Contract Planner Giudice noted that initially the discussion was to bring it to Council for final determination. Town Attorney Greg Stepanicich reviewed the ordinance, and as the code is worded it required a determination made by the building official along with the findings. He noted that the Council has does not have discretion to extend the building permit and make a decision as to whether or not to waive the 9-month period of time.

Mayor Pro Tempore Small noted that the previous Town Manager also acting as the building official looked at the code in a way and made those approvals, and because he made those approvals, the Council thought they had discussion at Council that often times it does not make

**November 12, 2015 Minutes**

common sense to do the 9-month waiting period. It created a more negative impact on the neighbors as well as the applicant. Town Attorney Stepanicich noted that the authority is given to the building official to make that waiver. Town Manager Joe Chinn pointed out that if it was a smaller project such as a swimming pool, a building official could have made a determination in that regard, but in this case, this is a very large, complex road and home project with various construction impacts making the determination that the project would not harm or adversely affect the neighborhood difficult. Mayor Pro Tempore Small clarified that if the entire project takes 22 months then the construction penalties would start on the 20<sup>th</sup> month. Town Manager Chinn responded in the affirmative.

Contract Planner Giudice received correspondence from a neighboring property owner expressing concern that the ADR conclusions were not adequately provided to the Council. Staff noted that the ADR review of the plans showed a 5-foot setback from the circular retaining walls and the Council's packet shows the circular retaining walls being within 3 ft. of the property line.

Mayor Pro Tempore Small discussed the stone walls and asked staff to clarify the condition for the stone walls. Contract Planner Giudice responded that the samples of the stone walls would be required as part of the building permit approval. This conditions should be added to Condition No. 7.

In response to the Mayor Ms. Giudice confirmed that the only variance requests is for the retaining walls that are necessary to accommodate the widening of the driveway which is being required by the Ross Valley Fire Department.

Chris Ericksen, applicant, explained that this is a very complex job and they started from the very beginning with the intent to hire a veteran Ross team of consultants. This has been a long road to get to this point. They bought this property about 5.5 years ago and working pretty diligently for that past 18 months. There were many positives such as fine-tuning the plans several times. They have fallen in love with the community. This is a lovely property and it is a great design and a house that will add value to the Town. It will benefit the community and neighbors. They will spend a substantial amount of money on the road as well as widen the road for access and improve fire safety.

Molly Layshock, project architect, submitted diagrams to the Council along with a model for their consideration. This is a large undeveloped parcel and it was important to improve access. The first diagram shows the idea that they are impacting a minimal portion of the property. They worked closely with the fire department in regard to the access road. The 855 ft. of road improvement represents a significant investment by the owners and will also benefit neighboring properties. They are excavating to meet turnaround requirements for the driveway, which allows the garage to be tucked under the house. A construction management plan has been developed that outlines detailed traffic flows. Their intention is to have one permit for the road and house and to have construction begin in April. Materials will be natural. Concrete and stone retaining walls are proposed. The house will be set substantially into the grade to help fit nicely within the surroundings. The landscape design supports the general development and architectural design rules. A landscape rendering was submitted to the Council for their consideration. Since the ADR meeting, the visual impact has been a concern of



**November 12, 2015 Minutes**

the neighbors. They understand that concern and through studies when a neighbor is out on the northern most part of the deck it is only then that one would be able to catch a small glimpse of the top wall, but the walls will be easily screened.

Council Member Robbins expressed concern for safety and asked about the walls and if there will be a railing. Architect Layshock responded that they have considered a railing, but that might be problematic, so they have no problem moving the railing back 3 ft. No railing is required per the building code, but due to safety, they propose a railing for safety. The railing can be pulled back to the inside face of the lawn and planting area. She clarified that it will be a rail type fence with slats that would have the maximum opening allowed by the building code.

Council Member Brekhus discussed the gutter requirement. Contract Planner Giudice added that if there were gutters or downspouts, they would need to be painted or covered with the same material in order not to be visible. Mayor Pro Tempore Small noted that in the past they had issues with gutters and downspouts in regard to very small neighborhoods where one views a gutter out their kitchen window, so there was a condition in that regard.

Mayor Hoertkorn opened the public hearing on this item.

Riley Hurd, representing neighbor at 11 Willow Avenue, expressed support for the project. Initially there were concerns for Hillside Avenue and improvements being placed on that right-of-way, but they reached an agreement and are now in support of the project.

Scot Hunter, neighbor, noted that this particular projects site plan is not the same site plan that was presented to ADR meeting. The construction for tonight's project is scheduled to start in April. They all received a letter from the design professional on ADR strongly recommending that this project go back to the ADR for a second look. He is very concerned about these walls in regard to the view and from the approach. It reads as one monolithic wall and it is now much closer than what ADR reviewed. Construction is not planned to begin in April, so there is plenty of time to go back to ADR and review again and address the wall issue. He first heard the walls were being moved when he read the staff report last Friday. As a neighbor, he has not been kept informed and it is a failure on the part of staff in that regard. There is time to go back to ADR and then back to the Council in January. He strongly suggested a continuance in order for this matter to go back to the ADR for their review.

Peter Nelson, Circle Drive resident, agreed this would be appropriate to go back to for ADR review again. There has been discussion about safety of the fence, slope and retaining wall that ADR should review. This is such a notable site due to the amount of roadwork that must be done. This can all be engineered, but should be reviewed again by the ADR.

Josh Fisher, Ross resident, supported the project. The applicant wants to be part of the community and wants to build a beautiful house that his family can live in for many years. Neighbors should not dictate control of the project. Everyone must be reasonable.

Beverly Domet, Sir Francis Drake resident, pointed out that a lot of work has been done by the team to reduce the visual impact of the retaining walls that are critical to this hillside

**November 12, 2015 Minutes**

development. This project team has done a fantastic job of mitigating the visual impact. This is a beautiful property and noted her support.

Brett Collins, Ivy Drive resident, believed the applicants have done their best to work with the Town and neighbors. ADR is a voluntary process and the applicant tried to create an environment that is truly in character with this lot.

Jeff Burkhold, Southwood resident, felt this is the type of family they want to embrace and allow them to develop their property. There is a big difference in terms of building per code and asking for a variance. This hillside lot is being developed to code. It is important to allow property owners in this Town to build to code. There is no reason to go back to ADR, which is a volunteer process.

Clay Bocker, Hill Road resident, added that at some point enough is enough and to hear about a return to ADR seems unnecessary in his opinion.

George McLaughlin, Wellington resident, felt the applicants are the most reasonable and rational people he knows. They have made significant strides to be reasonable and accommodating.

Steve Rosenberg, contractor, believed if they went back to ADR it would be a three-month delay, they would not start until July as opposed to April.

Architect Layshock pointed out that the changes from the ADR plans to the plans before the Council were extremely minor. Part of the east end moved closer to Hillside Avenue, partly because the topographic survey was not accurate in this area. At ADR the plan presented had a separate structure to handle the bio filtration and drainage piece of the property, but they discovered they could incorporate that into the same structure, so it is less cut and less exposed wall. They saw an opportunity to raise the lawn area to capture the off haul. There is a total of 160 cubic yards of off haul, which represents about 15% of the total being delivered off site. When looking at the sections, the deck between the main house and garage, there is steep slope and the house is about 70 ft. north of the lowest retaining wall and about 50 ft. down hill. When they look at a person viewing up at their property they feel they can hardly view anything. The other component on this wall design and other changes to the landscape plan following the ADR meeting included removing a lot of the screening and existing plant material for defensible space for the fire department. They are using compatible plant materials acceptable to the fire department. Ground cover is proposed and the lower retaining wall will be covered with a fig vine. There is a significant hedge planted between the lower and upper retaining wall. An image was included in the Council's packet in regard to the stone retaining wall along the road showing a wall of green.

Mr. Hunter stated that what is in front of the Council, the ADR has not reviewed. Since construction does not start until April, there is plenty of time to have this matter vetted again by the ADR. They welcome the applicant to the neighborhood, and wished this particular controversy were not ongoing. In terms of Ross credentials, he has paid his dues for years. He asked that his matter be continued and sent back to the ADR. The job of the Council is to

**November 12, 2015 Minutes**

balance the needs and wants of the property owner and the needs and wants of the community. He asked for one small concession to have this reviewed again by the ADR.

Sean Kennings, LAK Associates, pointed out that there was one member of the ADR that expressed moving the walls back. The client's objective is to have some backyard space. It was not the consensus of the ADR to have the walls pulled back. They felt screening made good sense for this type of configuration. When they were presented with the updated survey, they learned that they could keep 160 cubic yards onsite, which is a reduction of 15% of off haul. Neighbors expressed concern of the road and road integrity. The road will be widened for better access along with adding a fire hydrant. Visual impact was a concern and the walls are not visible from the neighbor's house. They worked with ADR and listened to the neighbor and tried to achieve the objective of the client. They asked the Council to consider approval of the project tonight.

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

Council Member Brekhuis stated this is not a popularity contest, it is a small community and everyone knows everyone. In this situation it is a balancing act. She supports the project with the walls as proposed. She further noted that they have the opportunity to review the landscaping to make sure the walls are screened.

Council Member Robbins found the house acceptable and felt it will blend into the hillside. She expressed concern for the two, 6-foot walls. Considering the hillside lot ordinance and design review guidelines, this is a steep hillside and the effect of those walls does not respect the natural setting on the hillsides. Also, the walls provide living space to the edge of the property line. She recommends that the two walls be moved back and with that she would approve the project.

Mayor Pro Tempore Small added that it is a difficult situation and must take into consideration that in 2010 they adopted a more stringent hillside lot ordinance and new building codes in 2013. She looks at all the history and the fact that the site is being looked at now is beneficial to all neighbors since they are under a more restrictive lot ordinance and building codes. When reviewing the ADR report it was very split, there was no particular agreement. There was a difference of opinion from the ADR. In regard to property rights, this is extremely difficult on the neighbor, but she must make a decision on the property. With all the adjustments made, this will probably be more reinforcing to the hillside. With the change added to Condition No. 7, she is willing to support this project.

Mayor Hoertkorn believed this is an extremely difficult site. She endorses the ADR process, which is extremely important for the community. To bring it back to the ADR at this point, it would be difficult with all the work that has been done by the applicant. This will be an enormous improvement for the Town to have this new road. She further noted support for the project.

Contract Planner Giudice noted for the record the following changes to the conditions of approval:

**November 12, 2015 Minutes**

- Elimination of Condition No 4.
- Condition No. 7 – add, *“the lower circular retaining wall shall be treated with a stone finish subject to review and approval by the Town Planner.”*

Mayor Hoertkorn asked for a motion.

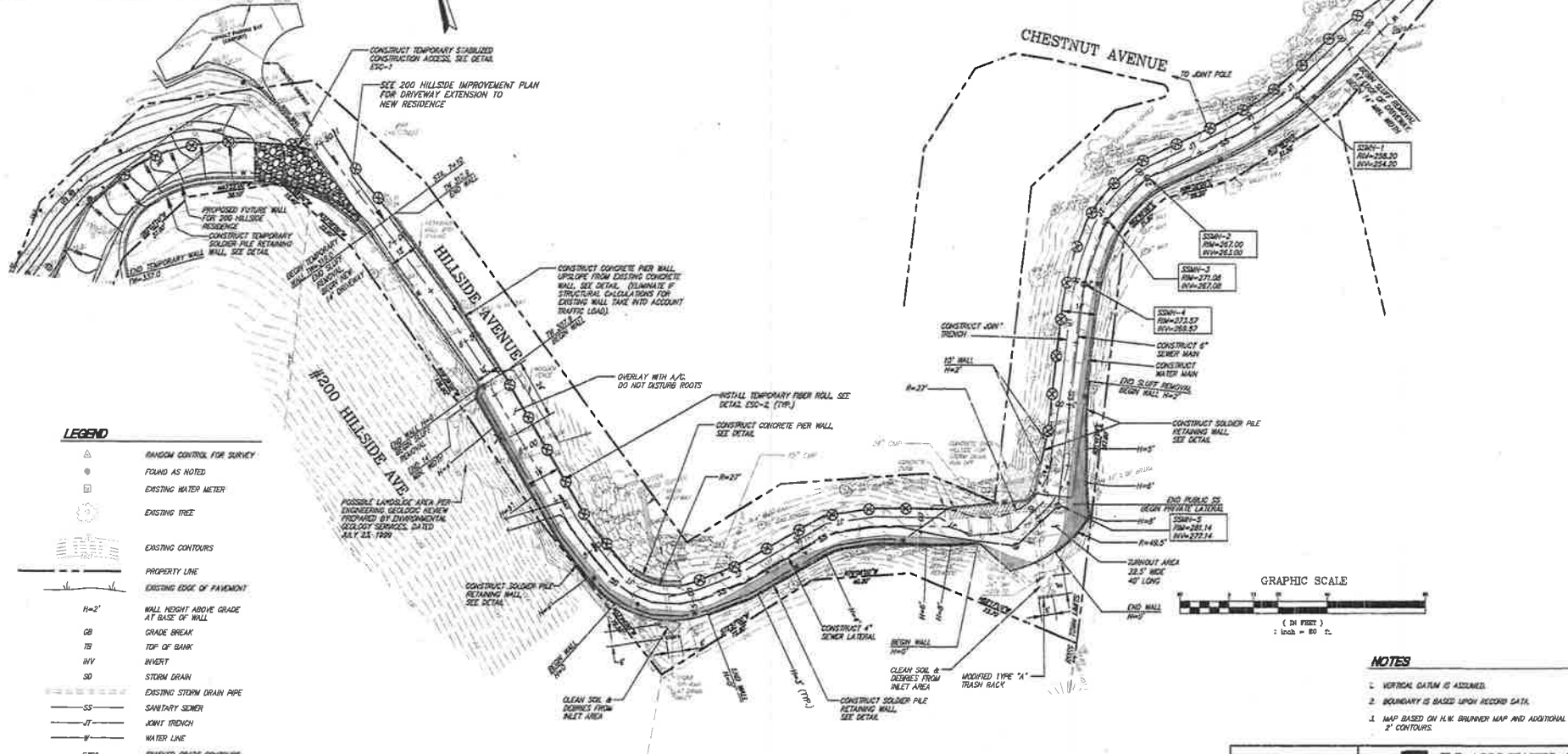
**Council Member Brekhus moved and Mayor Pro Tempore Small seconded, to approve Resolution No. 1922 as revised. Motion carried 3-1. Robbins opposed/Kuhl recused.**

*Council Member Kuhl resumed his seat at the dais.*

## ATTACHMENT 5





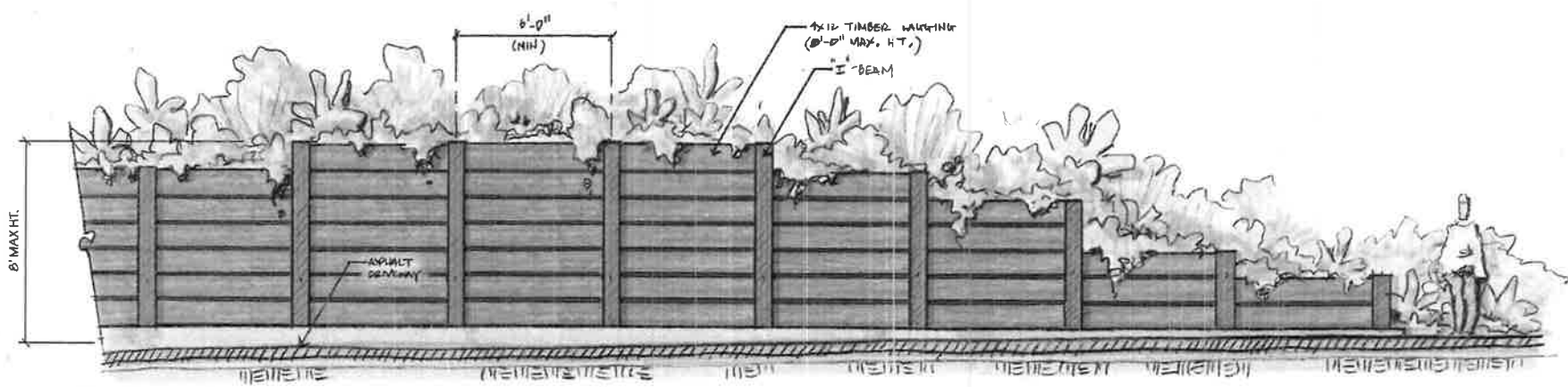


<b>CHECK PRINT</b>	<b>I/S ASSOCIATES, INC.</b> CIVIL ENGINEERING AND LAND SURVEYING	
	78 GALLI DRIVE, SUITE A NOVATO, CA 94948-5217 (415)863-8200 FAX (415)863-2763	
<b>EXISTING HILLSIDE AVENUE</b>		
DATE:	11/24/05	
DATE:	3/29/2005	
PROJECT:	ROSS	CALIFORNIA
DATE:	11/27/05	
NO.:	1 OF 4	

7/10/05 10:57 AM  
E:\Projects\2005\11\24\112405-05-05\112405-05-05.dwg  
I/S Associates, Inc. 4/05

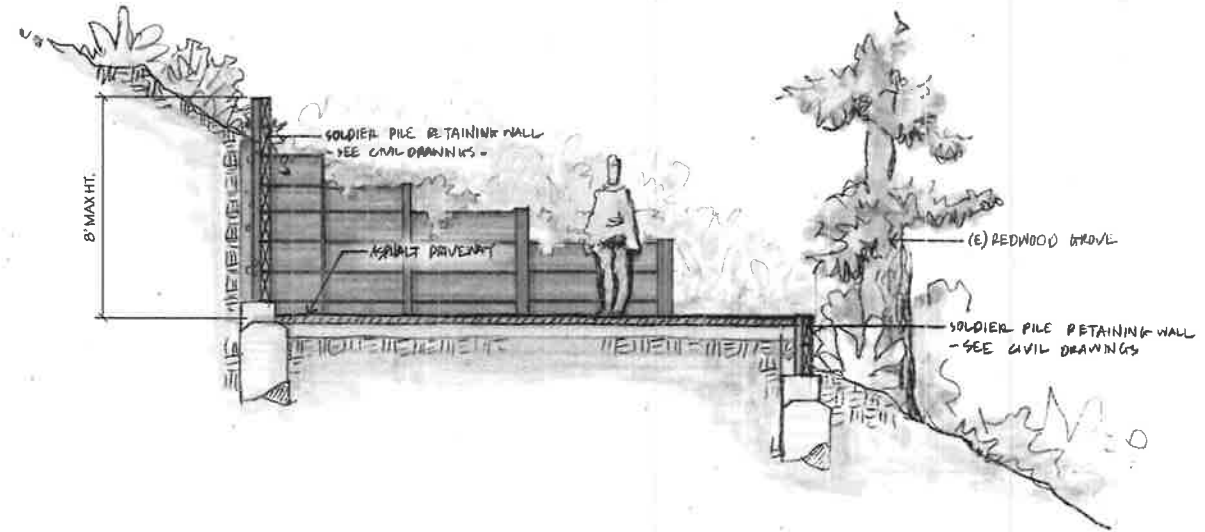






ELEVATION

SCALE: 1/2" = 1'-0"



SECTION

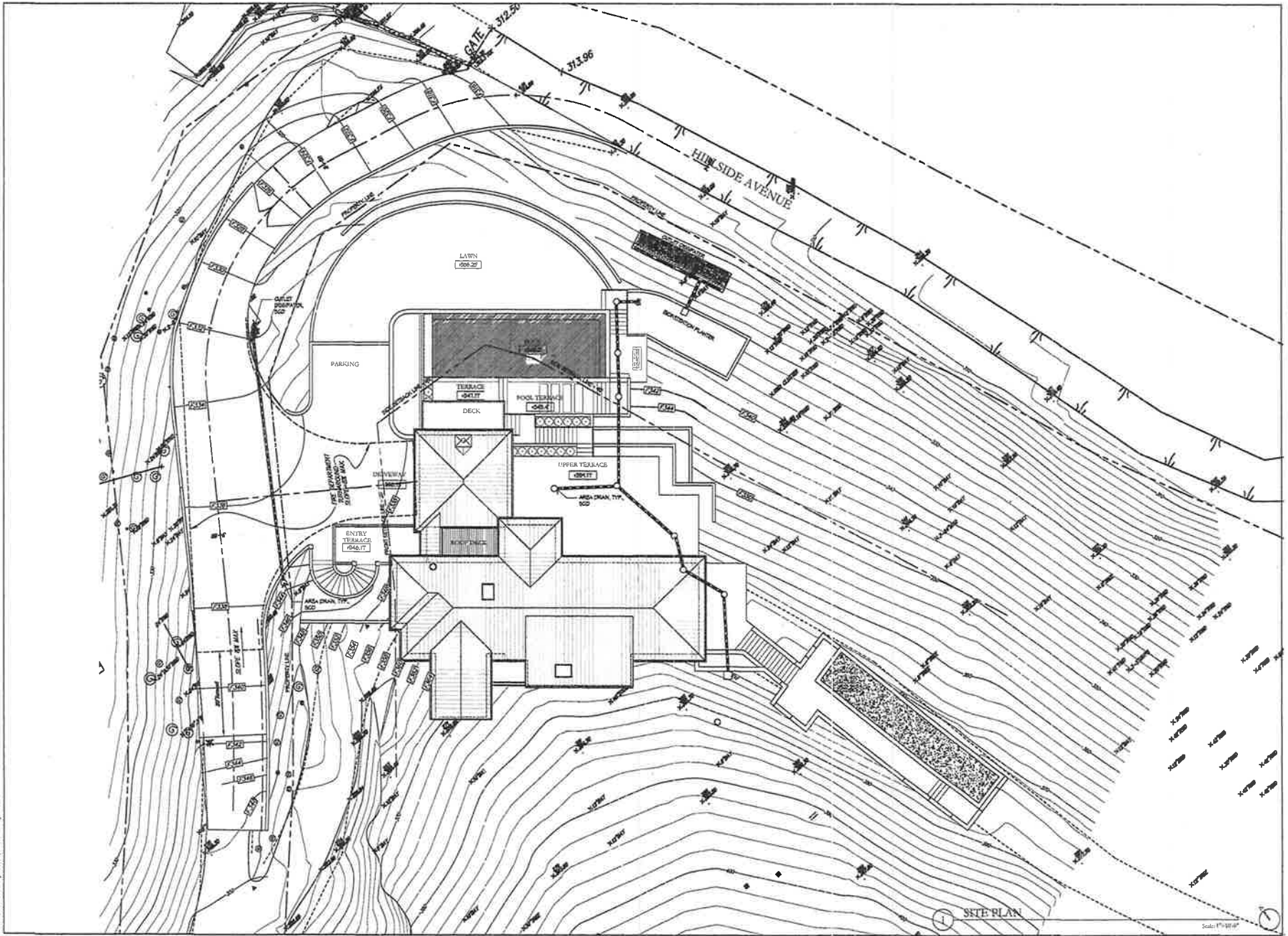
SCALE: 1/2" = 1'-0"

**200 Hillside Ave. Residence**  
 Ross, CA 94904  
 AP #: 073-291-20, 21, 22  
 Date: 5/18/2015      Scale: 1/2" = 1'-0"  
**Driveway Concept Sketches**  
 (Soldier Pile Retaining Wall)

IMPRINTS  
 Landscape Architecture  
 27 Starbuck • Muir Beach, CA 94965  
 (415) 380-0755  
 imprint@earthlink.net  
 www.imprintspac.com



200 Hillside Avenue 03/16/15 10:00 AM



**KL**  
 Ken Linstead  
 ARCHITECTS  
 415-551-1018  
 415-551-1919  
 1462 Park Street  
 San Francisco, CA 94116

All drawings and reports prepared are the property of the architect. They shall be used only with respect to the project for which they were prepared and for each party to the contract. All other uses without the written consent of the architect are prohibited. The architect shall not be held responsible for any errors or omissions on the part of the client or any other party to the project.

**200 HILLSIDE AVENUE**  
 ROSS, CA 94964  
 APN: 073-291-20, 21, 22

REVISIONS

DATE	ISSUE
04/09/15	TOWN COUNCIL

**SITE PLAN**  
 SCALE: 1" = 10'-0"  
**A1.01**  
 C3.16.2015







## AGREEMENT FOR PAYMENT OF APPLICATION FEES

Application fees for certain applications and services provided by the Planning Department are charged on a deposit/at cost basis. The fees noted in the fee schedule are minimum fees to be paid at the time of application filing and function as a retainer. This agreement acknowledges the property owner's agreement in advance of processing the application to reimburse the Town of Ross for all costs, both direct and indirect, associated with the review and processing of the accompanying application(s) with respect to the property located at:

200 Hillside Ave, Ross CA 94904

Assessor's Parcel Number(s): 073-291-29

Reimbursable costs include, but are not limited to, all services provided by the Town of Ross as well as the cost of retaining and managing professional and technical consultant services and any services necessary to perform the functions related to review and processing of the application. The Planning Department reserves the right to require the payment of additional fees if the costs associated with the processing of the application(s) exceed the fees that have been submitted.

Costs typically include all Town staff time for reviewing project plans and other materials submitted with the application, conducting research and site inspections, meeting with the project applicant, other agency staff, and interested parties, photocopying documents, and preparing and mailing correspondence, reports, and public notices.

The applicant may be billed periodically for additional retainer fees during the processing of the application, and fees must be paid to the Town of Ross within 10 days of receiving the invoice unless a longer submittal period is agreed upon. This agreement also signifies the owner's understanding that nonpayment of the fees will result in the temporary or permanent cessation of processing of the application until the proper fee amount has been submitted. Nonpayment of the fees may also result in the denial or withdrawal of the application, an order to cease further work, or withholding of the issuance of further permits, plan checks, inspections, and other administrative processing functions until all required fees have been paid. Upon completion of the application review process, any unused portion of the retainer fees will be refunded. Refunds will be paid to the applicant of record listed in the Planning Application Form regardless of whether the original retainer fee and any subsequent retainer fees were paid by other parties.

By signing below, I certify that I have read and understood the terms of this agreement, including the attached Retainer Policies for the Town of Ross.

Signature of Property Owner

10/27/17  
Date

