



Staff Report

Date: December 14, 2017
To: Mayor Robbins and Council Members
From: Heidi Scoble, Planning Manager
Subject: Lewis Residence, Design Review and Variance at 40 Madrona Avenue
File No. 2017-012

Recommendation

Town Council approval of Resolution 2033 conditionally approving Design Review and a Variance to allow for the new construction of a swimming pool that would be located 27.5 feet from the rear property line at 40 Madrona Avenue.

Project Information

Owner: Chad and Amy Lewis
Design Professional: Denler Hobart Gardens LLC
Location: 40 Madrona Avenue
A.P. Number: 073-232-29
Zoning: R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size)
General Plan: Medium Low Density
Flood Zone: Zone X (Outside 1-percent annual chance floodplain)

Project Summary:

Lot Area	19,979 square feet (0.46 acres)
Existing/Proposed Floor Area Ratio	No Change
Existing/Proposed Lot Coverage	No Change
Existing Impervious Surfaces	4,700 sq. ft. 23.5%
Proposed Impervious Surfaces	4,697 sq. ft. 23.5%

Project Description

The applicant is requesting Design Review and a Variance to allow for the new construction of a swimming pool that would be located 27.5 feet from the rear property line. The encroachment of the pool would be consistent with a previously approved Variance that allowed an addition to be located 27.5 feet from the rear property line.

Other project features would include new landscape and hardscape features, such as the installation of turf, permeable pavers, a concrete retaining wall with a stone cap and a grey stucco face that will stand up to four-foot tall, a new 6 foot tall wood fence that will be encroach up to two feet into the front yard setback and located adjacent to the existing garage, in addition to planting new plants and trees as shown on the project plans. Lastly, the project would remove a tree multiple stem tree as shown on the project plans. The tree to be removed does not warrant a Tree Removal Permit due to its size relative to the regulations.

The proposed project requires the following permits:

- **Design Review pursuant to Ross Municipal Code (RMC) Section 18.41.020** because the project would result in more than 50 cubic yards of grading and to allow a 6 foot-tall fence within the front yard setback.
- **A Variance is required pursuant to RMC Chapter 18.48** to allow a swimming pool to encroach into the rear yard setback.

Background and Discussion

The project site is situated on a cross sloped parcel that slopes towards the east. The average slope of the parcel is 13%. Access to the site is via Madrona Avenue. A single family residence was originally constructed at the project site circa 1950. In July 1950, the Town Council approved a Variance to allow the construction of a carport within the front yard setback. In December 1994, the Town Council also approved Design Review and a Variance to allow for 1,025 square foot addition that would be located 29 feet from the rear property line where a 40-foot setback is required. The as-built condition of the addition is that it was constructed to have a 27.5 foot setback from the rear property line at its closet point.

Advisory Design Group Review

On February 28, 2017 the Advisory Design Review (ADR) Group reviewed a Conceptual Advisory Design Review submittal for the substantial remodel of the existing residence and garage, in addition to the new construction of a second floor dwelling unit above the garage. Other project features include the new landscaping and hardscape improvements, such as the new construction of a swimming pool and swimming pool deck. The ADR Group supported the location, design, and materials of the proposed pool and provided suggestions regarding the design modifications to the garage. The ADR Group provided a recommendation to approved the project at the March 28, 2017 ADR Group meeting.

Since the March 28, 2017 meeting, the property owner opted to pursue a remodel to the existing garage and place a hold on the swimming pool and landscape/hardscape project. The scope of the garage remodel did not trigger any discretionary land use permits, such as Design Review, and the Town's Building Department was able to issue a ministerial building permit.

Key Issues

Design Review

The overall purpose of Design Review is to provide excellence in design consistent with the same quality of the existing development, to preserve and enhance the historical “small town,” low-density character and identity that is unique to the Town of Ross, to discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression, and to upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site. Accordingly, pursuant to Section 18.41.100 of the Ross Municipal Code, a series of Design Review criteria and standards have been developed to guide development.

In reviewing the project, the following design review criteria and standards are most relevant to the project:

1. **Preservation of Natural Areas and Existing Site Conditions.** Specifically, sites should be kept in harmony with the general appearance of neighboring landscape.
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.
3. **Materials and Colors.** Soft and muted colors in the earth-tone and wood-tone range are preferred and generally should predominate.
4. **Landscaping.** Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development...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.
5. **Visual Focus.** 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.
6. **Low Impact Development.** 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.
7. **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.

Upon review of the project, staff supports the Design Review aspect of the project based on the project’s consistency with the purpose of Design Review and the conformance with the Design review criteria and standards as follows:

1. The project would maintain the bucolic appearance of the grounds and appearance to neighboring properties.
2. The mass and scale of the project would be more in keeping with character of the setting and the surrounding neighboring properties.
3. The project is designed within high quality, long lasting earth-tone materials and colors.
4. As conditioned, the project would require the post-development stormwater runoff rates from the site would be no greater than pre-project rates.
5. The project would reduce the pre-existing impervious surfaces through the use of permeable pavers, gravel, and turf.
6. The project would not impact any creeks and drainage ways to ensure protection of any natural resource area of the riparian area.
7. The project would not reduce the Town's housing stock.

In summary and as supported above, staff suggests the project is consistent with the intent of the Town's Design Review criteria, standards, findings, and conditions of approval.

Setback Variance for the Swimming Pool

A Variance is required to allow the installation of the swimming pool to be located 27.5 feet from the rear yard setback. Pursuant to Section 18.48.010, a Variance may only be permitted if:

1. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to use permits.

In order to support the Variances to exacerbate the already nonconforming rear yard setback, the Town Council needs to determine whether the requisite Variance findings can be achieved. The Variance finding that is most often difficult to support is whether there are "special circumstances applicable to the property, including size, topography, location or surroundings" that the strict application of the regulations deprives the property of privileges enjoyed by others in the neighborhood and under the same zoning classification.

Staff suggests that a special circumstance does exist based on the constraints associated with the existing development of the site. Based on the existing development of the site, the only reasonable area to locate a swimming pool within the project site, with consideration of impacts to surrounding properties, would be within the location of the proposed swimming pool. Even if

the pool were slightly shifted from the rear property line, a Variance from the setbacks would be required due to the shape and the only feasible location to construct a swimming pool (see Sheet L1). Therefore, staff suggests the special circumstance finding can be achieved as described above.

In support of the “grant of special privilege” finding, as seen from googlemaps and Marinmaps, there are many swimming pools and/or hot tubs that have been constructed within front yard, side yard, and rear yard setbacks. Past Town Council minutes also demonstrate approvals for past setback variances for swimming pools and hot tubs (e.g., 124 Winding Way approved in 1974). Furthermore, the following table provides the Town Council actions regarding the new construction of pools and/or hot tubs in setbacks from 2011 to present (hot tubs were included in the table since they are considered to have similar noise impacts related to swimming pools):

Date	Address	Description	Action
February 10, 2011	29 Makin Grade	Rear yard (22 feet) and side yard (19 feet) variances to allow a hot tub	Approve
May 12, 2011	1 Southwood	Rear yard (20 feet) setback variance for new swimming pool	Approve
December 8, 2011	98 Shady Lane	Rear yard (8 feet) and side yard (12 feet) variance for a swimming pool and spa	Deny
December 8, 2011	60 Baywood	Rear yard (36 feet) variance for a hot tub	Approved
February 9, 2012	10 Morrison	Front yard (14 feet) variance for a hot tub	Approved
June 14, 2012	93 Bolinas	Rear yard (3.5 feet) and side yard (3.5 feet) variances for a hot tub	Approved
July 12, 2012	30 Wellington	Rear yard (39 feet) variance for a hot tub	Approved
December 13, 2012	92 Shady	Rear yard (33 feet) variance for a hot tub	Approved
June 13, 2013	53 Winship	Side yard (10 feet) setback variance for a hot tub	Approved
July 11, 2013	50 Willow	Front yard (5 feet) and side yard (5 feet) variances for a spa and pool extension	Approved
May 9, 2013	33 Wellington	Side yard (11 feet) variance for a new swimming pool	Approved
November 13, 2014	12 Brookwood	Rear yard (15 feet) setback variance to allow for a new pool and spa	Approved

July 9, 2015	90 Glenwood	Rear yard (26 feet) setback variance for a new swimming pool	Approved
March 9, 2017	45 Bolinas	Rear yard (27 feet) setback variance for a new swimming pool	Approved

As shown in the above table, the Town Council typically approves swimming pools and/or hot tubs in setbacks. Out of the above 14 projects, only one project was denied. Therefore, consistent the past actions of the Town Council, staff suggests that approving the swimming pool would not be a grant of special privilege as supported by the above table which demonstrates that other properties in the Town have received variances for swimming pools in setbacks.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. No public comment was received as of the writing of the staff report.

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 reasonable expected 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. Lastly, there would be no operating or funding impacts associated with the project as the project applicant would be required to pay the necessary fees for Town staff’s review of future building permit plan check and inspection fees.

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 and Conversion of Small Structures*, because the project involves the new construction of detached accessory structures where there is no potential for impacts

Attachments

1. Resolution 2033
2. Project History
3. Project Information and Plans

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2033

**A RESOLUTION OF THE TOWN OF ROSS APPROVING
DESIGN REVIEW AND A VARIANCE TO ALLOW THE
THE NEW CONSTRUCTION OF A SWIMMING POOL
AT 40 MADRONA AVENUE, APN 073-232-29**

WHEREAS, property owners Chad and Amy Lewis, have submitted an application for Design Review and a Variance to allow for the new construction of a swimming pool that would be located 27.5 feet from the rear property line at 40 Madrona Avenue (herein referred to as the “project”); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301 – *additions to existing structures*, because it involves an addition to an existing single family residence 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; and

WHEREAS, on December 14, 2017, 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” approving the Project described herein, subject to the Conditions of Approval attached as Exhibit “B” at 40 Madrona Avenue.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 14th day of December 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Robbins, Mayor Pro Tempore

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS TO APPROVE
40 MADRONA AVENUE
APN 073-232-09

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 the December 14, 2017 staff report and as conditioned, 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. As conditioned, the project would also minimize visibility with landscaping to soften the appearance of the residence. 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 summarized in the staff report dated December 14, 2017, the project would be consistent with the design review criteria and standards relative to architectural design, materials, colors, and landscaping. 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.

The scope of the project is consistent with the allowed structures and uses that may be permitted within the Medium Density land use designation of the General Plan and the single family residence chapter of the zoning ordinance.

II. In accordance with Ross Municipal Code Section 18.48.020, a Variance is approved based on the following findings:

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

As supported in the December 14, 2017 staff report, the requisite special circumstance

findings can be achieved to allow the rear setback Variance due to the location and surrounding of the existing conditions of the project site.

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

The granting of the project Variances as described in the December 14, 2017 staff report would be consistent with other Variances that have been granted for similar projects in similar zoning districts within the Town.

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

The project would not adversely affect health and safety of nearby residents as the project would be constructed in compliance with the building code and fire codes.

EXHIBIT "B"
CONDITIONS OF APPROVAL
40 MADRONA AVENUE
APN 073-232-09

1. This approval authorizes a Design Review and a Variance to allow for the new construction of a swimming pool that would be located 27.5 feet from the rear property line at 40 Madrona Avenue.
2. The building permit shall substantially conform to the plans entitled, "40 Madrona Avenue" consisting of 3 sheets prepared by Ann Bool Design and Planning, date stamped received October 30, 2017.
3. PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, 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.
4. Except as otherwise provided in these conditions, the project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
5. 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.
6. Prior to Building Permit Issuance, the applicant shall submit proposed exterior lighting fixtures if any new lighting will be installed as a result of the project. All 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.

7. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
- a. 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.
 - b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
 - c. 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.
 - d. 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 (e.g. temporary seeding and mulching or straw matting).
 - e. 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.
 - f. 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.

- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. 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.
- i. 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).
- j. A Final construction management plan shall be submitted in time to be incorporated into the job.
- k. 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.
- l. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- m. 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.
- n. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- o. 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).

- p. 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.
- q. 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.
- r. 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.
- s. 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.
- t. 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.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. 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.

- w. 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.
 - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented.
 - ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
 - iii. 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.

8. 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

21. Design review and variance.

DESIGN REVIEW NO. 50

VARIANCE NO. 1111

Clark Maser, 40 Madrona Avenue, AP 73-232-29, R-1:B-10 (Single Family Residence, 10,000 sq. ft. minimum). Request is to allow: Variance and design review to allow the addition of a study/library and expanded family room with a master bedroom and bath addition above. A proposed basement below these levels will make the addition 3 stories (2 permitted.) The 1,025 square foot addition will be located within the rear yard setback (29 feet proposed, 40 feet required.)

Lot Area	18,894 sq. ft.
Present Lot Coverage	17.2%
Proposed Lot Coverage	19.2% (20% permitted)
Present Floor Area Ratio	12.9%
Proposed Floor Area Ratio	18.3% (20% permitted)

12-8-94

Councilmember Brown moved approval with the Findings in the staff report and the following conditions:

1. The Town Council reserves the right to require landscape screening for up to one year from project final.
2. New exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
3. A smoke detector shall be provided as required by the building department.
4. The proposed crawl area may not be finished and may be used for storage and mechanical equipment only.
5. Prior to the issuance of a building permit, a licensed arborist shall review the plans and recommend tree protection measures for the maple tree proximate to construction, subject to Town review and approval.

This was seconded by Councilmember Goodman. Mayor Barry expressed concern over the design and asked if the applicant had considered any alternatives. The architect responded that this was the most feasible plan. Mayor Barry called for a vote and the motion passed with four affirmative votes. Mayor Barry abstained. Councilmember Goodman felt that the hardships for the project were well written.

22. Demolition permit and design review.

Mary and Bill Poland, 4 De Witt Drive, AP 73-201-12, R-1:B-A (Single Family Residence, One acre minimum). Request is to allow: Demolition permit to allow the demolition of an existing residence. A total of 4,835 square feet of existing floor area will be removed.

Design review to allow the construction of a new two-story residence with a basement and garage. A total of 8,990 square feet of floor area are proposed.

Lot Area (net)	60,086 sq. ft.
Present Lot Coverage	5.8%
Proposed Lot Coverage	7.6% (15% permitted)
Present Floor Area Ratio	8.0%
Proposed Floor Area Ratio	14.9% (15% permitted)

The matter was continued.

23. Other Business.

Councilmember Goodman said that he had not received the addresses for the landscaping conditions on variance approvals. The Town Secretary offered to research the addresses.

The Council and staff Christmas party was rescheduled to December 15, at 8 a.m.

Councilmember Reid mentioned the request to support Kindness Week and the Council agreed to this.

Councilmember Goodman noted that the PG&E bill for the Ross apartment was high. He felt that some of this should be

MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN COUNCIL
OF THE TOWN OF ROSS HELD THURSDAY, JULY 13, 1950

The meeting was called to order by Acting Mayor Tucker at 8:10 P.M.

Present - Councilmen Denicke, Jacks, Painter and Tucker

Absent - Councilman Fisher, with prior consent of the Council

The minutes of the meeting of June 8, 1950 were read, amended and accepted as amended.

The Acting Mayor asked if anyone present wished to address the meeting. In response the following were heard:

Mrs. Hazel Pauline, who presented two petitions for the abolition of rent control in the Town of Ross. They were referred to the Town's Attorney to determine and advise the Council as to their legal position in the matter.

Mr. Raymond del Guerra to oppose the accepting of Skyline Way by the Town if certain conditions were met. Council representatives spoke in favor of such acceptance. At the suggestion of Acting Mayor Tucker, Mr. del Guerra agreed to put his objections in writing.

The Town's Attorney, Harold Reide reported as to his legal investigations in the matter. The Council decided to take no action at the present time and put the matter over to another meeting.

7-13-50
Mr. R. H. Smiley requesting relief from front yard provisions of Ordinance #153 for the location of a car-port. The property had been posted as required by law and letters from his neighbors agreeing to the request were submitted. After some discussion Councilman Painter moved and Councilman Jacks seconded and by unanimous vote of the Councilmen present, the Council found the existence of facts sufficient to warrant the granting of an exception to the extent that the garage be set back at least 15 feet.

The Town's Attorney, Harold F. Riede reported that he had discussed the Post Office matter with Mr. D. Perry's brother and that the Perrys wished to accept the Town's original offer as to land exchanges. On motion of Councilman Jacks, seconded by Councilman Painter, the Council by unanimous vote of the Councilmen present, reaffirmed its original offer. On motion of Councilman Denicke, seconded by Councilman Jacks and by unanimous vote of the Councilmen present, the Council ordered that the preparation of a deed to the property in question be prepared and put in escrow. (See Over)

The Town's Attorney reported that he had instructed

of "st:
Buildi
the ap
Buildi
the Stu
wished

The
and pr
line be
yet avai

Under
a let
visions
The Cour
consent f
conti
advise M

The

The
by member

Demar
fully made
Treasurer

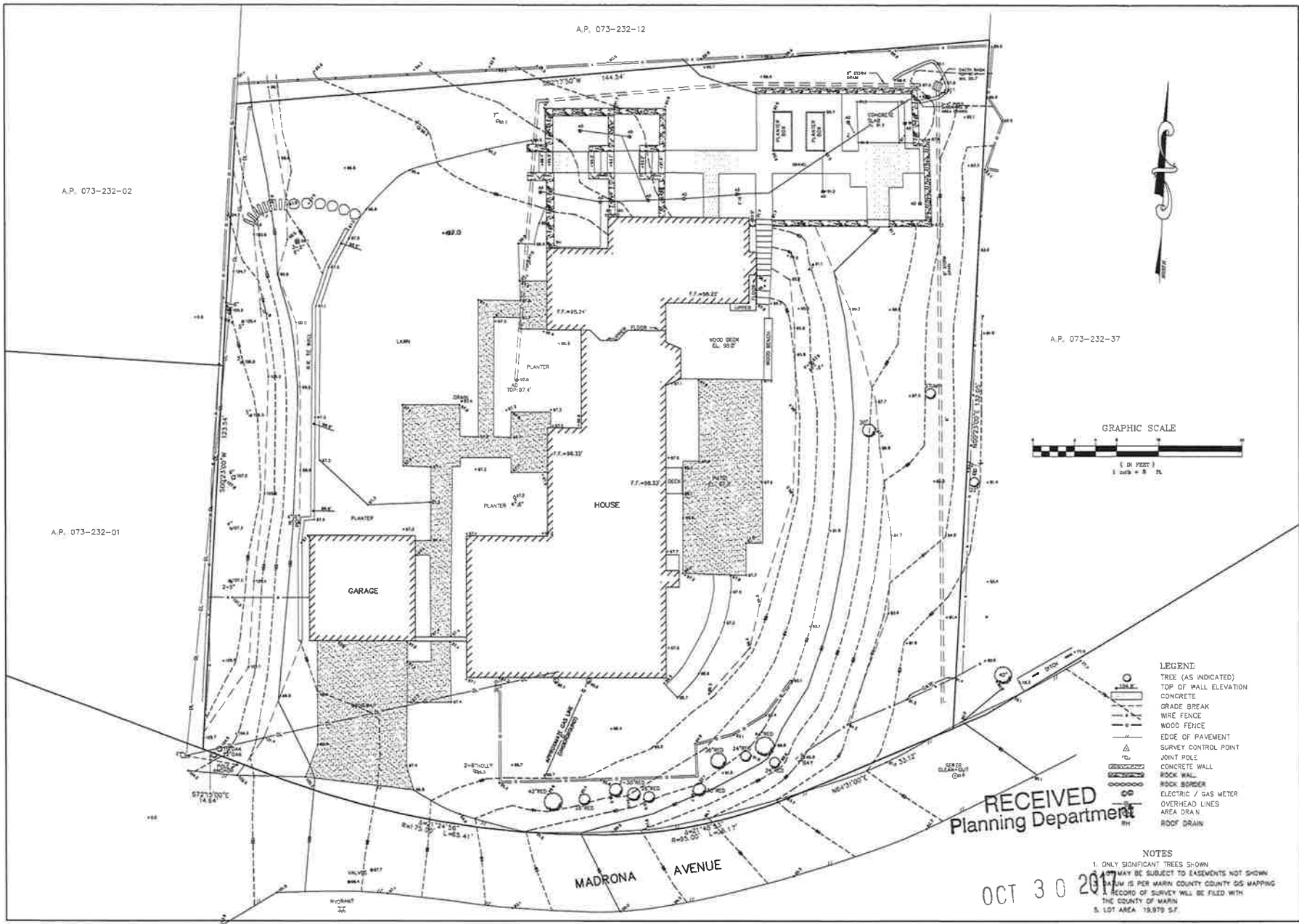
On mo
and by un
the stree
following
month

Acting
Council to
been g
was, secc
Councilmen
the Town
ended t
July 13, 19

There
Council ad

rest:

ATTACHMENT 3



LAWRENCE DOYLE
 LAND SURVEYOR
 CIVIL ENGINEER
 100 HELENS LANE
 MILL VALLEY, CA 94541
 415 388 8955 F 415 388 5412

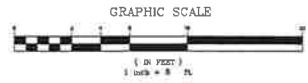
© 2014
 THIS DRAWING IS THE PROPERTY OF LAWRENCE P. DOYLE LAND SURVEYOR CIVIL ENGINEER AND MAY NOT BE REPRODUCED OR USED WITHOUT PERMISSION

40 MADRONA AVE.
 ROSS MARIN COUNTY CALIFORNIA
 A.P. 073-232-29

TOPOGRAPHIC SURVEY

DATE	BY	REVISION
1/10/17		
8/21/17		

C-1
 DRAWING NUMBER 278
 SHEET 1 OF 1



- LEGEND:
- TREE (AS INDICATED)
 - TOP OF WALL ELEVATION
 - CONCRETE
 - GRADE BREAK
 - WIRE FENCE
 - WOOD FENCE
 - EDGE OF PAVEMENT
 - SURVEY CONTROL POINT
 - JOINT POLE
 - CONCRETE WALL
 - ROCK WALL
 - ROCK BORDER
 - ELECTRIC / GAS METER
 - OVERHEAD LINES
 - AREA DRAIN
 - ROOF DRAIN

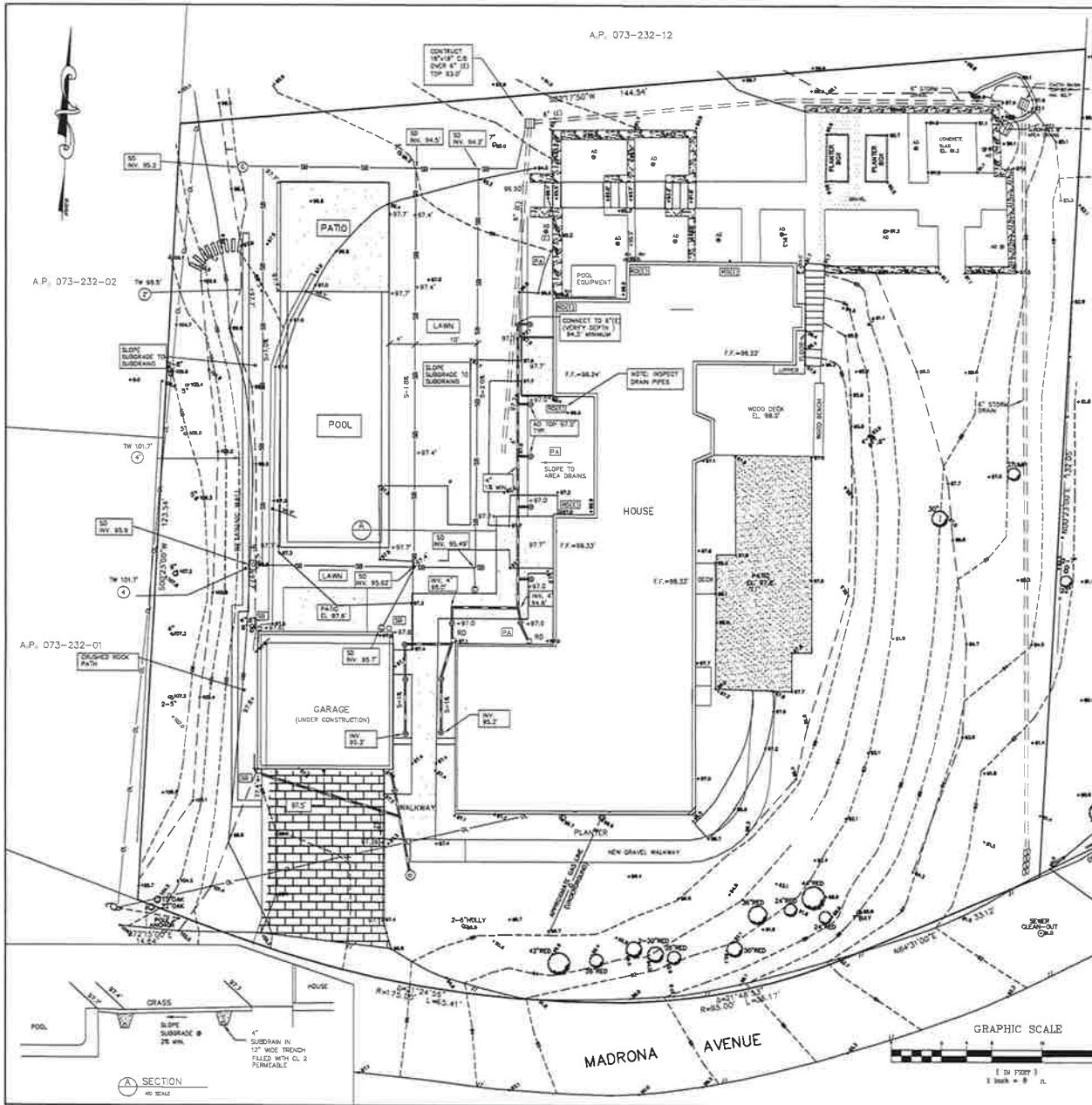
RECEIVED
 Planning Department

OCT 30 2017

NOTES
 1. ONLY SIGNIFICANT TREES SHOWN
 2. PROPERTY MAY BE SUBJECT TO EASEMENTS NOT SHOWN
 3. THIS DRAWING IS PER MARIN COUNTY COUNTY GIS MAPPING RECORD OF SURVEY WILL BE FILED WITH THE COUNTY OF MARIN
 4. LOT AREA: 19,979 SF.

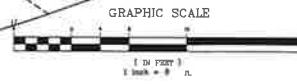
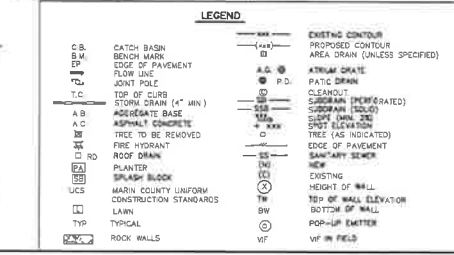
Town of Ross

A.P. 073-232-12



- NOTES**
- ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE FOLLOWING:
 - THESE PLANS.
 - THE STANDARD SPECIFICATIONS, CITIES AND COUNTY OF MARIN.
 - THE 2008 UNIFORM CONSTRUCTION STANDARDS.
 - THE GEOTECHNICAL SOILS REPORT.
 - NO WORK SHALL COMMENCE UNTIL ALL NECESSARY PERMITS ARE OBTAINED FROM THE TOWN OF ROSS.
 - UTILITIES AS SHOWN CONFORM WITH ALL PRESENT INFORMATION; HOWEVER, IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY LOCATION AND DEPTH OF ALL UTILITIES WITH APPROPRIATE AGENCIES. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE AGENCY AND TO THE ENGINEER.
 - ALL TRENCHES 5' IN DEPTH OR GREATER SHALL BE SHORED AND BRACED ACCORDING TO STATE LAW.
 - SITE DRAINAGE:
 - THE GROUND IMMEDIATELY ADJACENT TO THE FOUNDATION SHALL BE SLOPED AWAY FROM THE BUILDING AT A SLOPE OF NOT LESS THAN 2% PERCENT SLOPE FOR A MINIMUM DISTANCE OF 10 FEET MEASURED PERPENDICULAR TO THE FACE OF THE WALL. IMPERVIOUS SURFACES WITHIN 10 FEET OF THE FOUNDATION SHALL BE SLOPED A MINIMUM OF 2 PERCENT AWAY FROM THE BUILDING.
 - ALL ROOF DRAINS SHOULD BE EQUIPPED WITH GUTTERS AND DOWNSPOUTS THAT DISCHARGE INTO A SOLID DRAINAGE LINE THAT IS CONNECTED TO THE DISPERSION FIELD OR STORM DRAIN OR AS SHOWN.
 - SURFACE DRAINAGE SYSTEMS, E.G. ROOFS, DITCHES AND DROP INLETS, MUST BE MAINTAINED SEPARATELY FROM FOUNDATION AND BACKDRAINAGE SYSTEMS.
 - STORM DRAINS:
 - SHALL BE PVC ASTM D-3034 SDR-35, HOPE, OR AS NOTED.
 - CONNECTED WATERTIGHT AS PER THE MANUFACTURER'S RECOMMENDATIONS.
 - ALL ELBOWS SHOULD BE 45° FITTINGS.
 - CATCH BASINS:
 - SHOULD BE CENTRAL PRECAST PRODUCTS, CHRISTY, OR NDS PRODUCTS OR EQUAL.
 - VERTICAL DEPTHS OF ALL PRECAST PRODUCTS IN FIELD BEFORE GRADING SHOULD BE BELOW LOWEST ADJACENT DOWNSLOPE GRADE.
 - ALL CATCH BASINS IN ROADWAY OR DRIVEWAY AREAS SHALL HAVE TRAFFIC GRATES.
 - SUBSURFACES:
 - RETAINING WALL SUBDRAIN SHOULD BE FULLY BACKDRAINED. THE BACKDRAIN SHOULD CONSIST OF 4-INCH DIAMETER WOOD PERFORATED PIPE SURROUNDING BY A DRAINAGE BLANKET. THE TOP OF THE DRAIN PIPE SHOULD BE AT LEAST 6 INCHES BELOW LOWEST ADJACENT DOWNSLOPE GRADE. THE DRAINAGE BLANKET SHALL BE 2" PERFORATED POLYETHYLENE TEREPHTHALATE (PET) OR 4" PERFORATED POLYPROPYLENE (PP) WITH AN OPEN AREA OF 20% OR BETTER, AND THE PIPE SHOULD BE SLOPED TO DRAIN AT LEAST 1 PERCENT TO THE NEAREST TO AN APPROVED OUTLET. ACCESSIBLE SUBDRAIN CLEANOUTS SHOULD BE PROVIDED, AND SHOULD BE MAINTAINED ON A ROUTINE BASIS. THE DRAINAGE BLANKET SHOULD CONSIST OF CLEAN, FREE-DRAINING CRUSHED ROCK OR GRAVEL WRAPPED IN A FILTER FABRIC SUCH AS MIRAFIL. ALTERNATIVELY, THE DRAINAGE BLANKET COULD CONSIST OF CALTRANS CLASS 2 PERMEABLE MATERIAL, IN WHICH CASE THE FILTER FABRIC MAY BE OMITTED. A PREFABRICATED DRAINAGE STRUCTURE SUCH AS MIRAFIL WRAPAROUND MAY ALSO BE USED PROVIDED THAT THE BACKDRAIN PIPE IS EMBEDDED IN AT LEAST 1.5 FEET OF PERMEABLE MATERIAL. THE MINIMUM FOOT OF THE DRAINAGE BLANKET SHOULD BE CONTINUOUS, AT LEAST 1 HORIZONTAL FOOT THICK, AND SHOULD EXTEND TO WITHIN 1 FOOT OF THE SURFACE OF THE UNDERNEATH 1 FOOT SHOULD BE BACKFILLED WITH COMPACTED SOIL TO EXCLUDE SURFACE WATER.
 - CONNECT TO SEPARATE LINES AND NOT CONNECTED TO STORM DRAINS OR STRUCTURES UNLESS SHOWN.
 - ALL 4" OUTLET PIPES AND CLEAN OUT RISER PIPES SHALL BE TIGHT LINE.
 - INSTALL CLEAN OUTS AT EVERY 180° IN SUBDRAIN AND ALL ELBOWS SHOULD BE 45° FITTINGS.
 - SURFACE SCREW CAP SHALL BE INSTALLED IN A NON TRAFFIC EDGE WITH COVER.
 - INTERIOR AND DOWNSLOPE GRADE BEAMS AND FOUNDATION LINES SHOULD BE PROVIDED WITH 2" WEEP HOLES TO ALLOW ANY ACCUMULATED WATER TO PASS THROUGH THE FOUNDATION.
 - EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO SITE DISTURBING ACTIVITIES, AND SHALL BE MAINTAINED OR MODIFIED TO REMAIN EFFECTIVE FOR THE DURATION OF THE WORK.
 - SWIMMING POOL DRAINAGE:
 - WHEN DRAINING THE POOL FOR SERVICE, USE A PORTABLE SUMP PUMP AND SLOWLY DRAIN THE WATER ONTO THE LANDSCAPE WHERE THE WATER CAN BE ABSORBED BY THE SOIL WITHOUT EROSION. THE WATER SHALL BE DECHLORINATED / DE-BROMINATED PRIOR TO DISCHARGE, AND THE PH MUST BE BETWEEN 6.5 AND 8.5. NO WATER CAN DISCHARGE INTO A WATERCOURSE PURSUANT TO UCC23.034.

PROJECT DATA RUNOFF REDUCTION MEASURES	
Project Type and Description	NEW GARAGE & POOL
Total Project Site Area (acres)	0.46 ACRES
Total New or Replaces Impervious Surface Area	1,990 S.F.
Total Pre-Project Impervious Surface Area	4,700 S.F.
Total Post-Project Impervious Surface Area	5,045 S.F.
Runoff Reduction Measures Selected	<input checked="" type="checkbox"/> 1. Disperse runoff to vegetated area <input checked="" type="checkbox"/> 2. Pervious pavement <input checked="" type="checkbox"/> 3. Cisterns or Rain Barrels <input checked="" type="checkbox"/> 4. Bio-retention Facility or Planter Box



LAWRENCE DOYLE
 LAND SURVEYOR
 CIVIL ENGINEER
 100 HELLERS LANE
 MILL VALLEY, CA 94541
 415.938.0008 F 415.938.9410

© 2011
 THIS DRAWING IS THE PROPERTY OF LAWRENCE P. DOYLE LAND SURVEYOR CIVIL ENGINEER AND MAY NOT BE DUPLICATED OR USED WITHOUT PERMISSION.



40 MADRONA AVE.
 ROSS MARIN COUNTY CALIFORNIA
 A.P. 073-232-29

SWIMMING POOL GRADING & DRAINAGE PLAN

DRAWN BY: DRAWNBY

DATE: 3/14/12
 12/23/12

C-2

DRAWING NUMBER: 2019

NO.	REVISIONS	BY

DEWEER HODART GARDENS, LLC
 P.O. BOX 1207
 MADRA, CA 94057
 F 415.454.4353

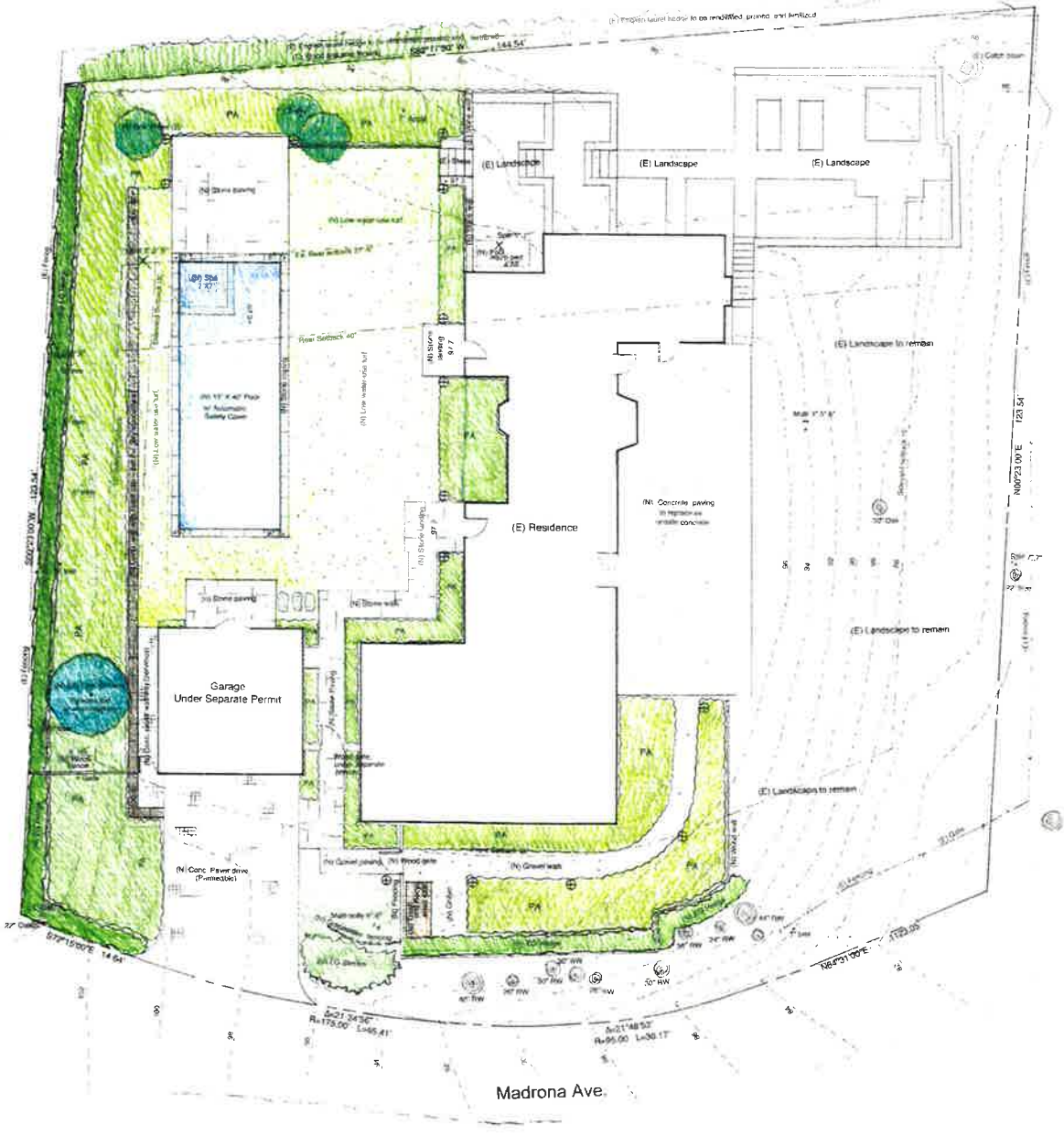
GARDEN PLAN

Lewis Residence
 40 Madrona Ave.
 Ross, CA

DATE	07/3/2029
DRAWN	JLH
CHECKED	JLH
SCALE	1/8" = 1'-0"
SHEET	L-1
TOTAL SHEETS	1

LEGEND

- (E) Existing
- (N) New (Proposed)
- PA Planting Area
- EG Evergreen
- * Existing tree To be removed
- (L) Low-voltage landscape path light location (Future TBD)



- NOTES:
- Survey information from Lianeuxa Doyle Land Surveyor and Civil Eng
 - This drawing is for planning purposes. Not for construction.
 - All landscape lighting will be low voltage and downward cast.
 - The drawing presented on this sheet are for reference purposes only. Variations may occur.
 - Proposed spot elevations are for design intent only. See Civil Eng for all grades, elevations and contours.