



Agenda Item No. 8g.

Staff Report

Date: June 13, 2024
To: Mayor Kircher and Council Members
From: Alex Lopez-Vega, Assistant Planner
Subject: Fletcher Residence, 3 Willow Hill Road, (EXT24-0004)

Recommendation

It is recommended that the Town Council adopt Resolution No. 2423 for a one-year time extension for Design Review, Hillside Lot Permit, and a Variance to construct a new pool and decks at the rear of the existing single-family residential property located at 3 Willow Hill Road.

Property Owner: Scott Fletcher
Applicant: Fisher Architecture
Street Address: 3 Willow Hill Road
A.P.N.: 073-252-13
Zoning: R-1: B-5A
General Plan: VL (Very Low Density)
Flood Zone: X (Minimal risk area)

Project Data

| | Code Standard | Existing | Proposed |
|---|---|--|--|
| Lot Area | 5 Acres min. | 21,250 sq. ft. | No change |
| Floor Area (FAR) * * The more restrictive of the regulations apply. | R-1:B-5A: 10% max. Hillside: 1,633 sq. ft. | No change/not applicable to project | No change/not applicable to project |
| Building Coverage | 10% max. | 3,044 sq. ft. (14.3%) (nonconforming) | 3,296 sq. ft. (15.5%) (nonconforming) |

| | Code Standard | Existing | Proposed |
|---|--|--|--|
| Front Setback | 25 feet min. | House: 9 feet (nonconforming) | No change/not applicable to project |
| Side Setback * * The more restrictive of the regulations apply. | R-1:B-5A: 45 feet min. Hillside: 45 feet min. | House: East, 28 feet (nonconforming); West, 38 feet (nonconforming) | House: No change New pool/deck: East, 28 feet; West, 34 feet (nonconforming) |
| Rear Setback * * The more restrictive of the regulations apply. | R-1:B-5A: 70 feet min. Hillside: 70 feet min. | Deck: 13'-3" feet (nonconforming) | New pool/deck: 13'-5" feet (nonconforming) |
| Building Height | 2 stories; 30 feet max. | No change/not applicable to project | No change/not applicable to project |
| Off-street Parking Spaces | 4 total (2 enclosed) min. | No change/not applicable to project | No change/not applicable to project |
| Impervious Surface Coverage | Minimize and/or mitigate for any increase. | 4,420 sq. ft. (20.8%) | 3,116 sq. ft. (14.7%) |

Project Description

The applicant requests a one-year time extension of Design Review, a Hillside Lot Permit, and a Variance to remove the existing rear decks at the first and second stories of the existing single-family residence, and to remove an existing hot tub at the first story. At the rear elevation of the residence, the project proposes to construct a new elevated pool and deck at the first story, covering 1,295 square feet. The new pool/deck would be located 34 feet from the west side property line, 28 feet from the east side property line, and 13.5 feet from the north rear property line. The exterior of the elevated pool/deck structure would be clad in masonry at a height of approximately 4.5 feet to 7.5 feet above grade. New mechanical equipment would be enclosed and screened underneath the existing house. At the second story of the residence, the project proposes a new elevated rear deck and exterior stairs within the existing building footprint.

The project proposes to replace the existing impervious driveway with new permeable pavers, resulting in a net decrease to impervious coverage from 20.8% to 14.7%. Project grading includes approximately 12 cubic yards of excavation and 38 cubic yards of fill.

The project was approved on June 16, 2022, by the Town Council through the adoption of Resolution No. 2254 (see **Attachment 2**). The time extension would allow the applicant to secure a building permit no later than June 16, 2025, to construct the previously approved project.

The scope of the project remains the same as the original approval consisting of removing the existing rear decks at the first and second stories of the existing single-family residence, and to remove an existing hot tub at the first story. At the rear elevation of the residence, the project proposes to construct a new elevated pool and deck at the first story, covering 1,295 square feet. The new pool/deck projection would be located 34 feet from the west side property line, 28 feet from the east side property line, and 13.5 feet from the north rear property line. The exterior of the elevated pool/deck structure would be clad in masonry at a height of approximately 4.5 feet to 7.5 feet above grade. New mechanical equipment would be enclosed and screened underneath the existing house. At the second story of the residence, the project proposes a new elevated rear deck and exterior stairs within the existing building footprint. There are no proposed changes to the Town Council's approved Resolution No. 2254.

Discussion

Pursuant to Section 18.60.060, approvals, such as a Design Review, Hillside Lot Permit, and a Variance, expire without notice two years after the effective date unless construction or other authorized action has commenced. The Zoning Regulations provide relief from the time limitations by allowing Town Council to grant a one-year extension of the approval if the Council determines that the findings made in the original approval remain valid. As required, the applicants have requested the extension prior to the expiration of the original approval, and the penalty fee has been paid to the Town.

In order to grant a one-year extension, the Town Council shall determine that the findings associated with the original approval remain valid. As referenced in Town Council Resolution No. 2254 (see **Attachment 2**), the Staff Report dated June 16, 2022 (see **Attachment 3**), and the attached excerpt from the June 16, 2022, Town Council Meeting Minutes (see **Attachment 4**) which demonstrate an action to approve the project subject to conditions of approval, the applicant requests that a one-year extension be granted.

Alternative actions

1. The Town Council may determine that the findings made in the original approval are no longer valid, and ask that the applicant re-apply for Design Review, Hillside Lot Permit, and a Variance.

Public Comment

Public Notices were mailed to property owners within 500 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 Guidelines Section 15301 (Existing Facilities), because it consists of minor alteration of existing private structures, facilities, or topographical features, involving negligible or no expansion of existing or

former use; and under Section 15303 (New Construction or Conversion of Small Structures), because it consists of construction and location of limited numbers of new, small facilities or structures, including a second dwelling in a residential zone.

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. Town Council Resolution No. 2423 for one-year extension
2. Town Council Resolution No. 2254 (Original Approval dated June 16, 2022)
3. Town Council Meeting Minutes excerpt dated June 16, 2022
4. Town Council Staff Report with Attachments dated June 16, 2022

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2423

A RESOLUTION OF THE TOWN OF ROSS APPROVING A ONE-YEAR EXTENSION FOR DESIGN REVIEW, HILLSIDE LOT PERMIT, AND VARIANCE TO CONSTRUCT A NEW POOL AND DECK AT THE REAR OF THE EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 3 WILLOW HILL ROAD, A.P.N. 073-252-13

WHEREAS, the property owners, Scott Fletcher, submitted an application requesting a one-year time extension to the approvals contained in Resolution No. 2254 for Design Review, a Hillside Lot Permit, and a Variance to construct a new pool and a new deck in the back of the existing single-family residence, at 3 Willow Hill Road, APN: 073-252-13 (herein referred to as “the Project”).

WHEREAS, the Project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), because it consists of construction and location of limited numbers of new, small facilities or structures, including a second dwelling in a residential zone; and

WHEREAS, on June 16, 2022, the Town Council held a duly noticed public hearing and approved Resolution No. 2254, conditionally approving the Project; and

WHEREAS, on June 13, 2024, the Town Council held a duly noticed public hearing to consider a one-year time extension for the Project pursuant to the Ross Municipal Code section 18.60.060(b) and adopting Resolution No. 2423; 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 and approves a one-year time extension for the Project, finding that all the findings contained in Resolution No. 2254 as set forth in Exhibit “A” and incorporated herein, remain valid, subject to the Conditions of Approval contained in Resolution No. 2254. The one-year extension shall expire on June 16, 2025, and no further extensions shall be granted.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 13th day of June 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Cyndie Martel, Town Clerk

C. William Kircher, Mayor

ATTACHMENT 2

TOWN OF ROSS

RESOLUTION NO. 2254

A RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, HILLSIDE LOT PERMIT, AND VARIANCE TO CONSTRUCT A NEW POOL AND NEW DECKS AT THE BACK OF THE EXISTING SINGLE-FAMILY RESIDENTIAL PROPERTY AT 3 WILLOW HILL ROAD, A.P.N. 073-252-13

WHEREAS, applicant Fischer Architecture, on behalf of property owner Scott Fletcher, has submitted an application requesting approval of Design Review, Hillside Lot Permit, and Variance to construct a new pool and new decks at the back of the existing single-family residential property at 3 Willow Hill Road, A.P.N. 073-252-13 (herein referred to as “the Project”).

WHEREAS, the Project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of minor alteration of existing private structures, facilities, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, on June 16, 2022, the Town Council held a duly noticed public hearing to consider the 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, and Variance to allow the Project, 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 16th day of June, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Robbins, Mayor

ATTEST:

Linda Lopez, Town Clerk

**EXHIBIT “A”
FINDINGS
3 WILLOW HILL ROAD**

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

18.41.070 (b) (1). The project is consistent with the purpose of Design Review as outlined in Section 18.41.010.

The project provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical “small town,” low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhances the area in which the project is located; and promotes and implements the design goals, policies and criteria of the Ross General Plan.

18.41.070 (b) (2). The project is in substantial compliance with the design criteria of Section 18.41.100.

Lot coverage and building footprints are minimized, and development clustered, to minimize site disturbance area and preserve larger areas of undisturbed space. All new improvements constructed on sloping land are designed to relate to the natural land forms and step with the slope in order to minimize mass, bulk and height and to integrate structures with the site. Buildings use materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Natural materials such as wood and stone are preferred. Exterior lighting is shielded and directed downward to avoid creating glare, hazard or annoyance to adjacent property owners or passersby. The post-project stormwater runoff rates from the site would be no greater than pre-project rates; pre-existing impervious surfaces would be reduced.

18.41.070 (b) (3). The project is consistent with the Ross General Plan and zoning ordinance.

The project is consistent with the allowed uses and general development standards associated with the Very Low Density land use designation of the General Plan, the Single Family Residence and Special Building Site zoning regulations, and the Hillside Lot regulations; therefore the project is found to be consistent with the Ross General Plan and Zoning Ordinance. Consistent with Chapter 18.48, findings are recommended to support the requested variances to allow for the proposed minor setback encroachments and nonconforming building area.

II. In accordance with Ross Municipal Code Section 18.39.060, Hillside Lot Permit is approved based on the following mandatory findings:

18.39.060 (b) (1). The project complies with the stated purposes of Chapter 18.39.

The proposed project protects and preserves public and private open space; significant features of the natural environment; and steep slopes, creeks, significant native vegetation, wildlife and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel.

Development will not create or increase fire, flood, slide or other hazards to public health and safety.

18.39.060 (b) (2). The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance.

Graded slopes do not exceed 2:1. The project would produce no net increase in peak runoff from the site compared to pre-project conditions. Consistent with Chapter 18.48, findings are recommended to support the requested variances to allow for the proposed setback encroachments on a Hillside Lot.

18.39.060 (b) (3). The project substantially conforms to the hillside development guidelines in Section 18.39.090.

Architectural design complements the form of the natural landscape. Materials and colors are of subdued tones to blend with the natural landscape. Decks enhance the appearance of the house and are compatible with the scale and style of the house, adjacent development, and the surroundings. Railings are transparent and compatible with the architectural design.

III. In accordance with Ross Municipal Code Section 18.48.010, Variance is approved based on the following mandatory findings:

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

The special circumstances and conditions applicable to the land include the substandard lot size of less than half an acre, which is less than one-tenth the minimum lot size of five acres for the district. As such, the subject property is subject to development standards that are more applicable to five-acre lots, including building coverage and side and rear yard setbacks which are more restrictive than would typically apply to an equivalent lot located in a conforming zoning district. The special circumstances and conditions applicable to the land also include the irregular lot shape, the steep slope of the property, and the existing development pattern on the property including nonconforming setbacks and nonconforming building coverage, which make it difficult to construct new improvements that are entirely compliant with the minimum required yard setbacks and maximum allowed building coverage.

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

Due to the special circumstances including substandard lot size, irregular lot shape, steep slope, and existing development pattern including nonconforming building setbacks and nonconforming building coverage, the strict application of the zoning ordinance provisions which limits building coverage to 10% of the lot area, and which requires 45-foot minimum side yard setbacks and 70-foot minimum rear yard setback, would deprive the subject property of the ability to construct new pool and deck improvements at the back of the existing property. Granting of the variance request, in a neighborhood where existing nonconforming setbacks are not uncommon, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights. Granting of the variance would 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.

18.48.020 (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 proposed project is compact in design, with setback encroachment minimized to the greatest extent feasible. The project would maintain and not reduce the existing nonconforming north rear yard setback of approximately 13 feet, as established by the existing rear yard deck to be removed; and it would maintain side yard setbacks of 28 and 34 feet (which exceeds the 20-foot minimum required side yard setback that would apply to an equivalent lot located in a complying zoning district) . The project building coverage of 3,296 square feet (15.5%) is not substantially more than the 15% maximum building coverage allowed for a zoning district that is more typical of the subject half-acre lot. Project construction would be required to comply with all applicable building and health codes.

EXHIBIT “B”
CONDITIONS OF APPROVAL
3 WILLOW HILL ROAD
A.P.N. 073-252-13

1. This approval authorizes Design Review, Hillside Lot Permit, and Variance to construct a new pool and new decks at the back of the existing single-family residential property at 3 Willow Hill Road, A.P.N. 073-252-13 (herein referred to as “the Project”).
2. The building permit shall substantially conform to the plans prepared by Fischer Architecture, entitled, “3 WILLOW HILL ROAD, ROSS, CA 94957, PLANNING REVIEW SET REV 2, 05.02.22”; and reviewed and approved by the Town Council on June 16, 2022.
3. 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.
4. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the Project and will not extend the permitted construction period.
5. The Project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
6. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the Project.
7. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
8. A Tree Permit shall not be issued until the project grading or building permit is issued.
9. 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 (i.e., 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.
- 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. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.
- 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 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.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. 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.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. 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).
- o. 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.
- p. 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.

- q. 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.
 - r. 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.
 - s. 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.
 - t. 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.
 - 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. BEFORE FINAL INSPECTION, 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.
10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards,

commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

ATTACHMENT 3

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JUNE 16, 2022
Held In-Person and Teleconference

1. 5:30 p.m. Commencement.

Mayor Elizabeth Robbins; Mayor Pro Tem Beach Kuhl; Council Member Elizabeth Brekhus, Council Member Bill Kircher, Jr., and Council Member Julie McMillan; Town Attorney Benjamin Stock (*joined meeting via teleconference 6:00 pm*)

2. Posting of agenda.

Town Clerk Lopez reported that the agenda was posted according to government requirements.

3. Open time for matters pertaining to the Closed Session items in Agenda Item 4 – None.

4. 6:00 p.m. Closed Session.

Conference with Labor Negotiators

Town representatives: Town Manager & Mark Wilson, Burke, Williams & Sorensen, LLP
Employee organization: Ross Police Officers Association

5. 6:00 p.m. Open Session. Council will return to open session and announce actions taken, if any.

Mayor Robbins reported there was no reportable action.

6. Open Time for Public Expression.

Doug Ryan, 74 Sir Francis Drake Boulevard, submitted an email which was read into the record regarding potential liability for the Town of Ross relating to potential flooding due to the Town of San Anselmo's Baffles project in the Corte Madera Creek.

9. Mayor's Report.

Mass shootings do not need to be an inevitable part of American life. In the ten years between 2009 and 2018, 1,121 people were killed in mass shootings in the U.S. and 836 more were wounded. The annual toll of all gun violence in the U.S. is staggering: nearly 120,000 people are shot each year, with over 40,000 dying. The Centers for Disease Control reports that firearms have now surpassed car accidents as the number one cause of death for children and adolescents. Despite repeated mass shootings and other firearm violence, no meaningful steps have been taken by Congress to address these tragedies.

Citizens cannot simply accept this inaction around firearm violence prevention. Local and national groups continue to lobby for meaningful regulations to control access to firearms. Two Ross families, the Morris/Soltero family and McGuire family, recently launched a fundraiser for the Everytown for Gun Safety Support Fund. This fund is a 501(c)(3) organization whose mission is to improve understanding of the causes of gun violence and the means to reduce it. The organization, which has over 8 million members, was established as a merger of two groups focused on ending gun violence, Mayors Against Illegal Guns and Moms Demand Action for Gun

Sense in America. Its strategies include research, advocacy, litigation, and grassroots organization.

Some specific goals are:

- Background checks on all gun sales
- Regulate assault weapons
- Prohibit high-capacity magazines
- Raise the age to purchase a gun
- Waiting periods between gun purchase and possession
- Prohibit people with dangerous histories from having guns
- Extreme risk laws (temporarily prevent someone in crisis from accessing guns)
- Build awareness of the importance of secure firearm storage

Thank you, Emily Morris and Julie McGuire, for organizing the very successful event on Ross Common on June 2 to raise awareness about gun violence prevention. Please consider joining Emily and Julie in making a donation to Everytown at Everytown.org. If you'd like to be informed of local volunteer opportunities for Moms Demand Action, text ACT to 644-33.

10. Council Committee & Liaison Reports.

Council Member McMillan provided a report on the Marin Wildfire Prevention Authority Board's vote regarding the Greater Ross fuel break, the Cal Fire grant that will pay for more than half of the fuel break and its construction in 3 versus 6 years.

Mayor Robbins reported on her attendance at the MCCMC City and County Services Subcommittee.

11. Staff & Community Reports.

a. Town Manager

Town Manager Johnson provided the following updates:

- Fire crews responded to a 2-acre grass fire off of a trail near Bon Tempe Lake Loop outside of Fairfax which was contained at 11:00 a.m. Information on wildfire prevention can be found at www.firesafemarin.org.
- Planning and Building Director Rebecca Markwick and the Town's Housing Element consultant will provide a status report on the project and provide information on upcoming meetings.
- Next week's ADR Group will meet on June 21st will start one hour early at 6:00 p.m. via Zoom only. The July 11th meeting will be held in a hybrid format with options for participation at Town Hall or via Zoom.
- The Ross Common Pavement Project was released for bid today and the Public Works Director hopefully will be bringing a recommendation to the Council at its next meeting for award of contract.
- During the last May meeting a resident spoke about safety concerns regarding the use of mechanized scooters and bikes on the Common pathways, which is illegal. Staff has ordered new signage for installation relating to the prohibition.
- Data reveals that there have been 113 charging sessions at the new Post Office EV stations totaling 179 hours of charging, 891 kw hours, resulting in 632 kilograms of GHG savings. The pricing model and data regarding use were described, and stated staff will continue

to monitor what is an average of 28 sessions per month and will bring forward an agenda item in July or August regarding the pricing model and other items.

- The Town is looking forward to Ross's 4th of July celebration on Monday, July 4th starting at 11:00 a.m. with a parade and a picnic on the Common. Those interested in participating can contact Gretchen Castets at gcastetsa@townofross.org.
- She wished Gretchen Castets a Happy June 16th Birthday.

Police Chief Pata provided an update regarding the Town's partnership with the Ross Schools:

- The Police Department has been working with Ross schools on recent school violence activities, defensive training and a re-commitment for timely response;
- He met with the Superintendent and spoke about the recommendation and implementation to work with a special consultant on school security, which he described; and
- He participated in a School/Law Enforcement Partnership Program via Zoom and participated in a training on their response to schools, and he described another meeting held regarding activities for the coming year.

Council Member McMillan described her concerns regarding children playing along three sides of the road on the Ross Common. She asked and confirmed with Chief Pata that the report has been completed and will be discussed about ways to keep students on the property.

b. Ross Property Owners Association

Adrienne Liggett, RPOA, reported RPOA will restart the Monthly Leadership Council, will pilot a new Resident Welcome Kit, are working on Live on the Common and invited the Mayor and Council Members to participate.

12. Consent Agenda.

The following items will be considered in a single motion, unless removed from the consent agenda:

Mayor Robbins announced the request to remove Item a. She asked and confirmed there were no public comments or requests from the public to remove an item.

b. Demands.

c. Town Council consideration of adoption of Resolution No. 2248 approving the Ross Valley Paramedic Authority tax levy for fiscal year 2022-23.

d. Town Council consideration of adoption of Resolution No. 2249 approving the regular Council meeting dates and annual Special Council meeting dates for 2023.

e. Town Council consideration of adoption of Resolution No. 2250 Assembly Bill 361 Amending Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies.

- f. **Town Council consideration of adoption of Resolution No. 2251 electing that the Town accepts the Transportation Authority of Marin (TAM) recommendation to opt out of the Marin County Congestion Management Program (CMP) in accordance with State CMP statute as authorized by California Government Code Section 65088.3.**
- g. **Town Council authorization and appropriation of funds to purchase an Electric Powered Police Utility Vehicle.**

Mayor Pro Tem Kuhl moved and Council Member McMillan seconded, to approve Consent Calendar Items b, c, d, e, f and g. Motion carried unanimously (5-0).

- a. **Minutes from 5/12/22.**

Mayor Robbins confirmed that an amendment was made to the minutes which was circulated to the Council.

Mayor Pro Tem Kuhl moved and Council Member McMillan seconded, to approve Consent Calendar Item a, as amended. Motion carried (4-0, Brekhus recused).

End of Consent Agenda.

11. Public Hearings on Planning Projects – Part I

- a. **15 Skyland Way, Design Review, Hill Lot Permit, and Variance, and Town Council consideration of adoption of Resolution No. 2256.**

Horatio LLC, 15 Skyland Way, A.P. No. 072-201-16, Zoning: R-1:B-A; Hillside Lot, General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

Project Summary: The applicant is requesting approval of Design Review and Hillside Lot Permit to construct new first-story and second-story additions to an existing attached garage at the west wing of the existing single-family residence. Variance is required to construct new building additions with a nonconforming south side yard setback for the Hillside Lot.

Rebecca Markwick, Planning & Building Director, provided a brief overview regarding the request for approval of Design Review and Hillside Lot Permit to construct new first-story and second-story additions to an existing attached garage at the west wing of the existing single-family residence, and a Variance is required to construct new building additions with a nonconforming south side yard setback for the Hillside Lot. She was available for questions.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins asked for a motion.

Council Member Brekhus moved and Mayor Pro Tem Kuhl seconded, to adopt Resolution No. 2256 and approve 15 Skyland Way, Design Review, Hill Lot Permit and Variance. Motion carried unanimously (5-0).

**End of Public Hearings on Planning Projects – Part I.
Administrative Agenda.**

12. Housing Element Update.

Rebecca Markwick, Planning & Building Director, stated the Town is in the process of updating the General Plan Housing Element for the 6th cycle, soliciting input and engaging residents of Ross. The first community workshop will be held on July 12th, and she introduced Andrew Hill, consultant.

Andrew Hill, Dyett & Bhatia, provided an overview of the July 12th event to raise awareness of the Housing Element, stating there will be 6 stations staffed with a person to answer questions, and with interactive activities to collect feedback. He then described the various station themes, interactive activities and a presentation of information which will be given to participants. He said they are planning an on-line Town survey, a Town-wide mailer, a pop-up event and was available to answer questions of the Council.

Council Member McMillan asked who will be staffing the pop-up event, and Mr. Hill said it would be staff from his firm.

Mayor Robbins opened the public comment period, and there were no speakers.

She closed the public comment period and thanked Ms. Markwick and Mr. Hill for the update.

13. Public Hearing: Town Council consideration of adoption of Resolution No. 2252 adopting the Fiscal Year Ending (FYE) 2023 Budget, setting the Parcel Tax Assessment for FYE 2023, and amending the Town’s Salary Schedule; and Town Council consideration of adoption of Resolution No. 2253 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2023.

Town Manager Johnson recognized the Council and staff for the work towards development and processing of the budget and gave an overview of the budget which she emphasized focuses on providing high quality services to the community in a fiscally responsible manner. The emphasis continues to be to sustain financial stability as the Town continues to support its 7 goals. The overall budget is \$11.4 million for FY ending 2023, is an increase from FY ending 2022 at \$10.6 million.

She then described programs and services provided by the Town, the Town Council’s budget message and Attachment 1 which lists all changes to the budget document made between April 28th and now. Staff recommends the Council receive the presentation, adopt Resolution 2252 which approves the FY 2023 Budget, sets the public safety parcel tax rate, and also amends the

Town's salary schedule. The Council is also asked to consider Resolution 2253 which sets the Town's appropriation limit for FY ending June 30, 2023.

Council Member McMillan questioned how the Ross Valley Fire Department labor agreement which was still being negotiated would be added into the budget. Town Manager Johnson stated Chief Weber will be bringing forward a new MOU for two bargaining groups at the Council's next meeting in July and staff should have this number at that time and anticipates being able to include it in the document. She clarified the budget would not have to return to the Council unless the amount in the adopted budget does not cover what the Town's expected share is.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins asked for a motion.

Mayor Pro Tem Kuhl moved and Council Member Kircher seconded, to adopt Resolution No. 2252 adopting the Fiscal Year Ending (FYE) 2023 Budget, setting the Parcel Tax Assessment for FYE 2023, and amending the Town's Salary Schedule; adopting the Fiscal Year Ending (FYE) 2023 Budget, setting the Parcel Tax Assessment for FYE 2023, and amending the Town's Salary Schedule. Motion carried unanimously (5-0).

Mayor Pro Tem Kuhl moved and Council Member Kircher seconded to adopt Resolution No. 2253 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2023. Motion carried unanimously (5-0).

14. Town Council consideration of introduction of Ordinance No. 715, an Ordinance of the Town of Ross adopting a Military Equipment Use Policy per Assembly Bill 481.

Police Chief Pata gave an overview of the Council's consideration for introduction of an ordinance regarding a military equipment use policy as set forth by AB 481. The law requires the Town adopt a policy specified by ordinance, a draft of which has been posted on the Town's website since April 30, 2022, as well as the 14 categories of qualifying equipment.

Chief Pata thanked the Town Attorney for his assistance in developing the ordinance and confirmed the Town does not have any qualifying military equipment as defined by AB 481. The department will provide an annual report of any military equipment used to the Town Council to ensure compliance and said he was available for questions.

Mayor Robbins confirmed the ordinance, if introduced tonight, would be brought back at the next meeting for consideration and vote for final passage at which time it would go into effect 30 days thereafter.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins asked for a motion.

Council Member Brekhus moved and Mayor Pro Tem Kuhl seconded to introduce Ordinance No. 715 adopting a Military Equipment Use Policy. Motion carried unanimously (5-0).

- 15. Staff presentation on the condition of various PG&E utility poles on Sir Francis Drake Boulevard and recommendation to authorize the Mayor to send a letter to PG&E requesting a safety evaluation of the utility poles in conformance with CPUC guidelines.**

Rich Simonitch, Public Works Director, gave a presentation and descriptive overview regarding the condition and concerns regarding various utility poles along Sir Francis Drake Boulevard which are leaning and may be shifting underground as a result of seismic activity. He described requirements of General Order 165 relating to PGE&E's annual visual inspections of potential hazards and inspections every 10 years for any intrusive inspections.

PG&E is and has been actively inspecting poles in the Town as evidenced by extensive encroachment permits for this purpose over the last few years, and he described various repairs and replacements.

Staff recommends the Town Council authorize the Mayor to send a letter to PG&E requesting a safety evaluation of the utility poles in conformance with CPUC guidelines, with specific consideration to liquefaction potential during a seismic event. The draft letter is included in the packet and he asked for Council comments, revisions and questions.

Mayor Pro Tem Kuhl referred to the protocol by PG&E and asked if these were the activities performed on the poles or whether PG&E is supposed to perform them.

Director Simonitch explained inspections were done in 2019 by PG&E and then the poles were visually inspected two weeks ago which passed the inspection profile.

Council Member McMillan asked if PG&E is aware of the last time an intrusive inspection was done on the poles.

Director Simonitch said they may have records of them but staff did not inquire as to when the last time an intrusive inspection was done on the poles. Staff anticipates PG&E will respond once they receive the Mayor's letter.

Council Member Kircher voiced frustration and suggested including a request to PG&E for additional information as to why the poles are leaning, the potential cause, and at what point PG&E would acknowledge this is something they should be concerned about. He also suggested copying Senator McGuire and Assembly member Levine on the letter.

Town Manager Johnson reported they have already received additional attention on this matter, noting that PG&E's North Bay representative, Mark Van Gorder contacted the Town and stated he will be working with the team to prepare a response. The draft letter can be amended to include issues voiced by Council Member Kircher, with copy to representatives and signed by the Mayor.

Discussion ensued and Mayor Robbins and Council Members requested when the last time PG&E completed the intrusive inspection, what is acceptable as safe and unsafe in terms of leaning poles, supported copying the letter to Senator McGuire, Assembly Member Levine and the CPUC, and also voiced concerns with integrity of not only the poles but the footings and what is occurring underground.

Director Simonitch then explained the CPUC General Order describes the design process which states the poles are designed to lean up to 10 degrees from vertical. They appear to be less than 10 degrees now, but the question is at what point would they become unsafe and hazardous. He asked whether the Council wished to send the letter directly to the CPUC or to PG&E. He noted the 10 degrees does not take into account a rotation but a bend from the base so it does not take into consideration the rotation and the failure of the subsurface structure.

Mayor Robbins questioned and confirmed Council direction was for staff to amend the letter, taking into account Council comments and ask the Mayor to sign the letter, copying legislative officials and the CPUC.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins asked for a motion.

Mayor Pro Tem Kuhl moved and Council Member Brekhus seconded to authorize Mayor Robbins to sign the letter to PG&E, as amended. Motion carried unanimously (5-0).

16. Staff presentation on bicycle and pedestrian safety in Town of Ross and Town Council consideration of potential safety improvement action items.

Rich Simonitch, Public Works Director, gave a PowerPoint presentation and overview regarding options for bicycle and pedestrian safety improvements for the Town. He presented collision statistics from 2018 to current, recently approved bike and safety projects vetted through the Council, other safety actions such as cost sharing, creating Safe Routes to School Task Force, Ross Police deployment during school drop-off, and effective traffic enforcement, education and public outreach.

He then identified locations of concern and several suggested new public improvement projects as identified by staff for consideration.

Council Member Kircher said the signage has an image of a bicyclist and an image of a car and asked if there were other signs available showing a person walking. He also referred to electronic signs showing speeds and asked if these could be developed so as to get drivers' attention. Director Simonitch said the Town contracts with a Marin County sign shop and they can develop any design desired.

Council Member McMillan asked and confirmed that the scope of these improvements are pedestrian and bike safety with respect to vehicular conflict, except for gap closures on Poplar and Redwood. She cited vehicles traveling 45 mph when trying to get out of Winship and coming

to this meeting, asked that this be a priority and suggested a sign going westbound on Sir Francis Drake Boulevard showing speeds. She also asked and confirmed that people are not supposed to ride bicycles on sidewalks.

Council Member Brekhus preferred the use of the wording in the staff report for the sign on Glenwood Avenue as opposed to the others. She also referred to the huge bush that grows out into the road which impacts driver traveling around the blind curve, thinks the police car parked there has been very effective, thinks Dibblee Road could be another place for pedestrians on roadways, and she was surprised the sharrows make any difference.

Mayor Pro Tem Kuhl asked and confirmed with Director Simonitch that Dibblee Road is a public right-of-way and anyone can use it as long as the gate is open. The property where the roadway lies on is owned by MMWD with the Town having a public easement over it. The Town would have to have any signage approved by MMWD. Mayor Pro Tem Kuhl suggested also having the Town Attorney review any signage prior to its installation.

Council discussion ensued regarding the five reported bicycle accidents over the last five years, removal or trimming of the bush/shrubs on Glenwood which they felt would solve most of the problem, the Chief's opinion and recommendation not to install stop light cameras for Sir Francis Drake as a solution, studies and effectiveness of certain signage relating to "ghost cars" and the effectiveness of signage for safety precautions.

Mayor Robbins opened the public comment period.

Robert Balmaseda, 61 Sir Francis Drake, invited and encouraged Council Member Brekhus to walk with him throughout the neighborhood, stating he has almost been hit many times on Dibblee Road where people never travel 5 mph. He voiced support for signs that add to safety, believes a "Share the Road" sign would have a substantial impact, cited the numerous "no parking" signs in the Town, a lack of barrier between the road and sidewalks in several instances around 73, 71 and 69, and said road dots are often knocked off by vehicles. He also voiced support for the "S" turn sign on Glenwood and asked the Council to implement something before a pedestrian is hit.

Mayor Robbins closed the public comment period.

She asked Director Simonitch to display the list of the streets. Beginning with Sir Francis Drake Boulevard, suggestions are to add another sign that is 30 mph, add reflective lights along the barrier, add an "S" curve sign below the 30 mph sign and add reflectors all the way on both sides of the bridge. .

Council discussion ensued regarding recommendations for reflectors and other safety devices, the response to complaints and concerns from the public, police staffing costs for enforcement, and concerns about litigation. Mayor Robbins confirmed all Council Members were supportive of the reflectors, painting "30 mph" on the road, a majority of support for the "S" curve sign, Shady Lane signage, and Glenwood Avenue signage of "Caution-Pedestrians on Roadway" in approximately four locations in either directions at the blind curves, and for staff to work with the property owner regarding the overgrown hedge on Glenwood Avenue.

Council Members then held discussion regarding Town aesthetics and proliferation of signage versus the need for safety and a balance for both and complaints made to staff and to Council Members relating to signage, safety, and speeding.

Director Simonitch summarized Council direction to have staff to: 1) Install 30 mph sign on Sir Francis Drake and road striping for the entry from Bolinas; 2) install the new regulatory “S” turn sign at the radar sign; 3) install reflective markers on top of the guard rail barriers; and 4) for DPW to send a friendly letter to the property owner reminding him the hedge needs to be trimmed for clearance; 5) install one “Caution-Pedestrians” sign at the entry to Natalie Coffin Greene Park right at the gate on one of the existing poles. (This was agreed on after discussion ensued regarding installing a sign on Glenwood Avenue close to Glenwood and Fernhill heading towards Lagunitas at the other blind curve which is on a hillside further up from the hedge going each way); 6) no sharrows on Shady Lane; and 7) he will defer the sidewalk gap closures for another Council item.

Town Manager Johnson thanked the Council for their input, patience and direction to staff.

17. Update regarding Ross Valley Fire Department’s (RVFD) draft Request for Proposals for a Study to Develop Policy Options for the RVFD Board Surrounding Future Leadership/Governance.

Mayor Pro Tem Kuhl reported the RVFD Board held discussion about four proposals, and they have not decided on any of them. Council Member Brekhus proposed eliminating one of them and the Board decided not to do that. The four include: 1) hire a Fire Chief; 2) contract for outside services which is what they have now with the County Fire Department for certain services; 3) a shared services arrangement to have their own Fire Chief; and 4) becoming a Special District, in which case there would be a separate elected board.

Council Member Brekhus added that the Council did not know when it made the decision to eliminate the Fire Station that Jason Weber was prepared not to renew the County Fire contract as Chief. There was not the savings thought to provide the services and this resulted in more complications. The one proposal for a Special District makes no sense because it is a 3 to 4 year process and they need a Fire Chief sooner than that.

Mayor Robbins opened the public comment period, and there were no speakers. She thanked Council Member liaisons for their update.

End of Administrative Agenda.

RECESS

Mayor Robbins called for a short recess at 8:07 p.m. and, thereafter, resumed the meeting at 8:11 p.m.

Public Hearings on Planning Projects – Part II.

18. 3 Willow Hill Road, Design Review, Hillside Lot Permit and Variance, and Town Council consideration of adoption of Resolution No. 2254.

Scott Fletcher, 3 Willow Hill Road, A. P. No. 073-252-13, Zoning: R-1:B-5A; Hillside Lot, General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

Project Summary: The applicant is requesting approval of Design Review and Hillside Lot Permit to construct a new pool and new decks at the back of the existing single-family residential property. Variances are required to construct new building projections with nonconforming side and rear yard setbacks; and to increase nonconforming building area.

Recusal: Mayor Pro Tem Kuhl recused himself from participating in Item 18 due to the proximity of his property which is within 500 feet of 3 Willow Hill Road and left the Zoom meeting.

Planning and Building Director Rebecca Markwick gave the staff report and overview of the project at 3 Willow Hill Road for Design Review, Hillside Lot Permit and Variance. The project was reviewed by the ADR Group twice and suggestions included increasing the distance from the new pool deck projection to the rear property line, reducing the elevation of the new pool and deck area, minimizing the profile, and improving the appearance of the pool and deck structure as viewed from off-site locations. The applicant implemented all suggestions and the project was unanimously recommended at the ADR's May 17, 2020 meeting.

Director Markwick said staff is able to support the findings for Design Review, Hillside Lot Permit, and the variance to encroach into the side and rear yard setbacks. Staff received public comments from 1014 and 16 Madrona who object to the project based upon potential noise, public safety and privacy impacts. She displayed the architect's rendering showing Willow Hill as approximately 150 feet away from Madrona Avenue. Comments in support include 47 and 9 Willow Hill and which surround the project site. Staff recommends the Council consider the matter and to adopt the resolution approving the Design Review and Hillside Lot Permit and Variance.

Mayor Robbins confirmed that the building coverage is non-conforming in that it increases from 14.3% to 15%. She also clarified that the deck at the rear setback goes from 13'3" from the rear property line to 13'5" so it is improving the non-conforming situation.

Council Member McMillan asked if the property owner on the downhill side on Willow Hill is objecting to the project. Director Markwick stated she has not received comments from 2 Willow Hill and she was unsure as to the owners of 4 Willow Hill.

Council Member McMillan said 4 Willow Hill would be most affected by this project and pointed out that it is important to note that they have not objected.

Council Member Brekhus asked what the green, purple and blue areas represents. Director Markwick replied those are the properties that surround 3 Willow Hill who submitted written comments of support of the project, and the property most affected does not have an objection reported.

Mayor Robbins opened the public hearing and comment period.

Adrienne Liggett, 10 Madrona, said she lives below the property and did not see how this is a case for hardship. The property already exceeds its building coverage, setbacks, and she asked that the project respect the standard setbacks.

Mayor Robbins called on the applicant for a presentation.

Andrew Fischer, architect, explained the owner renovated his home several years ago and he was the architect at that time, as well. They deferred work on the rear of the house and deck for a later phase which is being presented now. This project's only access to the outdoors is by the decks. The original deck has always been flagged as an issue both in terms of its function and use and as an eyesore to the hillside and beauty of the original 1913 Craftsman house. He described moving spaces down to the lower garden area and pool, reducing the looming structure off of the main living level and displayed photos of the pool's connection to the lower bedroom level which would also have decks.

They worked to make adjustments based on the ADR's recommendations which he described noting that site is very wooded and secluded. They strived to fit within the setbacks and building coverage and while it is less than a hillside hardship, the area is zoned and set up for 5 acre sites, and 3 Willow Hill is a one-half acre site. The areas surrounding it include an easement for the road which effectively is the rear yard and they would view this area as a means to mitigate any impacts from neighbors.

Council Member McMillan asked Mr. Fischer to address the privacy and noise issues raised.

Mr. Fischer explained they are over 150 feet away from those voicing privacy concerns. Elevation-wise, Madrona is 40+ feet below this property with a heavily wooded hillside below it. They propose a landscape plan to address any further concerns and said they eliminated the more decorative planting at the base of the pool and propose to add deciduous native oak trees to provide screening and privacy and restore the hillside where currently there is an artificially benched area.

In terms of noise, noise travels in two directions and activities of the existing deck occur on the main floor backyard which they are pulling back. In terms of safety, they have built a number of swimming pools on hillsides that must go through rigorous engineering which mutually benefits all parties.

Mayor Robbins questioned why the building coverage must be expanded. Mr. Fischer said the ADR asked them to reduce the building coverage to less than 15% which was part of a zone that does not have as many limitations on it. The current building coverage is within less than 1% of what is there now but they were able to reduce it and pull it under the 15%. It was originally 16.2% and they pulled it back to 14.1%.

Director Markwick pointed out that the table in the staff report indicates existing building coverage is 14.3% and the proposed is to be 15.5% Mr. Fischer said he wrote a summary of all

changes they made after the first ADR meeting and it is possible this is a typographical error but he is relying on the ADR's recommendation from their second meeting. They original went up to 16.2% and were able to reduce it based on suggestion by an ADR member to bring it to 15% and then brought it to 14.1% which is where they are now.

Mayor Robbins asked and Director Markwick identified a letter from Mr. Fischer dated May 2, 2022 which states that building coverage has been reduced to 14.1% from 16.2%. At the first ADR meeting it was 16.2%. It is just not reflected on the plans, but the Council can add a condition to state the building coverage shall not exceed 14.1%.

Mayor Robbins suggested it state they should not exceed 14.3% which is the existing building coverage, and Council Members agreed.

Council Member Brekhus cited the Town's Hillside Lot Ordinance's provision for retaining walls not to be taller than 6' in height. It also states that anything that says "shall" is mandatory and anything stating "should" is not mandatory. Another property had been affected from this where the Council discussed amending the ordinance, but the variance being requested does not seem specific to the retaining wall.

Mr. Fischer explained that the wall they are proposing at the base of the pool is 30" below the pool deck which is a stone or masonry planter wall. By stepping it back 3 feet away from the deck it helps to terrace the view of the pool from below, so it is actually a raised structure being used for planting. This also eliminates the need for a railing at the edge of the pool, and he referred to Sheet A-3.0 to illustrate the concept.

Council Member Brekhus questioned whether something else could be proposed other than the wall, given what the ordinance states. Mr. Fischer pointed to the stone wall at the base of the pool, the pool deck level, and the waterfall edge which is 30" in back of the wall which is called a terraced planter wall. If there were no plants in it, it would not necessarily retain anything. The section is taken through the middle of the pool at the highest point at which the grade reaches the outer wall. If the wall were not here, they would be required to have a 42 inch high safety railing so this was a way to mitigate the need for that but also to help terrace to reduce the height and presence of a wall.

Council Member Brekhus agreed and suggested this still might be an area where the Town might want to change the code in the future. Director Markwick clarified that because this is terraced with the planter it is considered a terraced wall.

Mayor Robbins closed the public portion of the meeting and asked for Council deliberation.

Council Member Brekhus said she likes the project and thinks it is an improvement over what is there. She understands the noise concerns and drove to the house opposed to the project but agreed there will be noise coming from both directions and could support the project.

Council Member Kircher disclosed he visited the project and viewed it from Willow Hill Road, did not see an impingement on privacy, saw no change from what there is now, and while

sympathetic to noise concerns, there are many pools in Ross. In this case, the property owners concerned are not adjacent to the site but down the hill. The adjacent property is also vacant land so he does not see a causal connection with the setback issue and does not see that as a barrier to granting the application.

In terms of safety and the concern about destabilizing the hill, staff will review this thoroughly and have requirements for a geotechnical report and robust structural engineering. There is a mutual safety interest for the applicant, as well, and therefore, he voiced support of the request.

Council Member McMillan said she agrees with Council Members and thinks this is a unique situation that the adjacent land owner actually supports the project and those concerned are 150 feet away from where the pool and new decks will be built . She also thinks moving the high deck back and eliminating the trellises enhances the overall appearance of the house from Willow Hill and Madrona homeowners. She echoed Council Member Kircher's comments about noise and engineering requirements, and voiced support of the project.

Mayor Robbins recognized neighbors' concerns, respects there is not an increase in the non-conformity, and echoed comments of Council Members and support. The only concern she might have is the need for landscaping at the bottom and the Town can request this up to 3 years after project completion.

Mayor Robbins asked for a motion.

Council Member Brekhus moved and Council Member McMillan seconded to adopt Resolution No. 2254 approving 3 Willow Hill Road, Design Review, Hillside Lot Permit and Variance. Motion carried (4-0; Kuhl recused).

Noted as Present:

Mayor Pro Tem Kuhl returned to the meeting and was noted as present.

19. 5 Ames Avenue, Design Review, Accessory Dwelling Unit Permit and Demolition Permit, and Town Council consideration of adoption of Resolution No. 2255.

Stephen Swire and Jacqueline Neuwirth-Swire, 5 Ames Avenue, A.P. No. 073-181-19, Zoning: R-1:B-A, General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

Project Summary: The applicant requests approval of Design Review to renovate the exterior of the existing main residence; remodel and expand an existing pool house above an existing garage; construct a new two-story accessory structure containing an accessory dwelling unit at the lower floor and an open-air cabana at the upper floor; construct new front yard fence and gates; and rehabilitate the landscape. Request for Accessory Dwelling Unit (ADU) Permit to construct a new detached accessory dwelling unit is ministerial in nature and subject to administrative approval. Demolition Permit is required to alter more than twenty-five percent of the exterior walls or exterior wall coverings of a residence.

Planning and Building Director Markwick gave the staff report and overview of the project at 5 Ames Avenue for Design Review, ADU Permit and Demolition Permit. The ADR Group reviewed the project at two public hearings; one on April 19, 2022 where they had comments on the roof of the cabana, overall mass, amount of fenestration on the pool house, underground storage, and the design of the driveway gate, and she described the applicant's response to requested revisions. As a result, the applicant modified the plans to add a new roof and was before the ADR Group on May 19th where there was not unanimous recommendation for the project. They discussed changes and for clarity separated the project into two components: 1) the cabana roof; and 2) the main house roof. Their comments are summarized in the staff report.

Public comments were received from property owners at 2 Ames and 6 Ames who are in opposition. Concerns include the height of the pool house and the general concern about the mass, height and loss of privacy. As the plans have been amended to reflect the ADR's comments relating to the roof of the main house, staff recommends the Council approve the resolution.

Council Member McMillan asked if anyone can see the roof of the home. Director Markwick said no one can see the roof from the street. One of the three ADR members at the meeting could support the project with the roof as is, one abstained from voting due to not being able to architecturally agree on having the juxtaposition of the two architectural styles, and the other member asked for a new roof and left it up to the Council.

Council Member Kircher said he was still uncertain about the roof. According the page A-3.3 of the plans it seems to show a flat roof without regard to eaves. He asked if there is still a pitched roof on top and asked if it was not visible from the street or from the homes across the street.

Director Markwick explained that as a result of the second ADR meeting the architect has changed the plans to reflect comments of the ADR and is now proposing a flat roof to match the architectural style of the pool house and cabana.

Council Member Brekhus asked, and staff displayed the map showing those in opposition which are 5 Ames, 2 Ames, 4 Ames, and 6 Ames. Council Member Brekhus asked and confirmed with Director Markwick that the cabana area is not being counted for FAR because it is not enclosed.

Discussion ensued regarding FAR regulations and definitions, concerns with massing and the size of the cabana, a similar example on Morrison which was not counted a structure, and the desire for the Town to memorialize the interpretation for cabanas to be consistent.

Mayor Robbins opened the public comment period, and there were no speakers. She then asked if the applicant wished to present.

Ken Catton, architect, stated the house was built in the 1960's and the exterior is mostly unchanged since then and well overdue for an upgrade. The owners wanted to modernize it and make the property more functional and other than the new ADU, all of the proposed uses are in existing locations and do not require any variances. He then described letters received from 6 Ames and 2 Ames which he did not believe still had issues. The cabana is hard to see from the street and he said the landscape architect added screening to the already heavy vegetation. They

lowered the pool house roof by 3 feet, added louvered panels for privacy, said the Connickers who are most impacted on Upper Ames wrote a letter of support, and he explained reasons for outside functions and flexible family living out of COVID. He then described costs to change to a flat roof, project colors, and the overall porch design plans.

Council Member Kircher questioned the roof and Mr. Catton explained the two different designs, stating the roof will not be seen from the street because neighbors live below it. He presented the existing roof shape, an existing porch and the roof that slopes down right now which will be replaced with a more modern flat roof to project 7 feet which will tie the look of the house into the new building. Regarding the other proposal, they would have to tear off the existing roof, the porch roof, add new structure for the flat roof with a little bit of parapet wall to conceal it all and this is the difference between the two.

Mayor Robbins closed the public portion of the meeting. She suggested deciding on the house roof and then cabana roof, noting the rest of the project was approved by the ADR.

Member McMillan said she understands the architect wanting to have integrity but if no one can see it, tearing off the roof seems unnecessary and costly. Council Members concurred and agreed to retain the current roof.

Council Members then confirmed the cabana is 1,100 square feet and discussed its mass and height which was reduced from 12 to 10 feet. They recognized the vegetation blocking the front of the cabana, voiced support of the cover for shade, and voiced support with amendment to the roof. They confirmed Director Markwick will insert the necessary sheets into the plans, as directed by Council.

Council Member Brekhus moved and Council Member McMillan seconded to adopt Resolution No. 2255, as amended with respect to the roof, approving 5 Ames Avenue, Design Review, Accessory Dwelling Unit Permit and Demolition Permit.. Motion carried unanimously (5-0).

End of Public Hearings on Planning Projects – Part II.

20. Election of Mayor.

Mayor Robbins and Council Members briefly spoke about the typical Mayor and Mayor Pro Tem rotation process.

Mayor Robbins opened the public comment period, and there were no speakers. She asked for a motion.

Council Member Brekhus moved and Council Member McMillan seconded to appoint Mayor Pro Tem Beach Kuhl as Mayor. Motion carried unanimously (5-0).

21. Election of Mayor Pro Tempore.

Mayor Robbins stated there is a current order of Council Members by the first or second term, and she suggested sticking with what has historically been done, stating Council Member Brekhus is next in line to serve as Mayor Pro Tem.

Council Members then questioned how the rotation is applied which was felt to be awkward and suggested the Governance Committee discuss a future recommended course of action.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member McMillan moved and Council Member Kircher seconded to appoint Council Member Elizabeth Brekhus as Mayor Pro Tem. Motion carried unanimously (5-0).

22. No Action Items:

a. Council correspondence – None.

b. Future Council items – Council Member McMillan cited divisiveness in the community and requested an informal discussion to explore ways to try and bring the Town together, which was supported by Council Member Robbins.

Council Member McMillan referred to the Gun Buy-Back which Ross did not participate in, and she asked for a discussion item so that when other things happen like this that the entire Council gets the opportunity to weigh in, which was supported by Mayor Robbins.

Council Member Brekhus requested a discussion item to consider eliminating the Zoom meeting option for Town Council meetings. After brief discussion by staff relating to a legislative bill, Town Manager Johnson agreed to work with the Town Attorney and bring back information on what is occurring at the State level.

Mayor Robbins asked if there was support to agendaize the topic to talk about ending hybrid meetings for the public and for the Town Council, and there was majority support.

23. Adjournment.

Mayor Robbins adjourned the meeting at 9:52 p.m.

Elizabeth Robbins, Mayor

ATTEST:

Linda Lopez, Town Clerk

ATTACHMENT 4



Agenda Item No. 18.

Staff Report

Date: June 16, 2022
To: Mayor Robbins and Council Members
From: Rebecca Markwick, Planning & Building Director
Subject: Fletcher Residence, 3 Willow Hill Road

Recommendation

It is recommended that the Town Council consider adoption of Resolution No. 2254 (see Attachment 1) approving Design Review, Hillside Lot Permit and Variance for the subject project as described below.

Property Address: 3 Willow Hill Road
A.P.N.: 073-252-13
Applicant: Fischer Architecture
Property Owner: Scott Fletcher
Zoning: R-1:B-5A; Hillside Lot
General Plan: VL (Very Low Density)
Flood Zone: X (Minimal risk area)

Project Summary: The applicant is requesting approval of Design Review and Hillside Lot Permit to construct a new pool and new decks at the back of the existing single-family residential property. Variances are required to construct new building projections with nonconforming side and rear yard setbacks; and to exceed the allowable lot coverage.

Project Data

| | Code Standard | Existing | Proposed |
|---|--|--|--|
| Lot Area | 5 Acres min. | 21,250 sq. ft. | No change |
| Floor Area (FAR) * * The more restrictive of the regulations apply. | R-1:B-5A: 10% max. Hillside: 1,633 sq. ft. | No change/not applicable to project | No change/not applicable to project |
| Building Coverage | 10% max. | 3,044 sq. ft. (14.3%) (nonconforming) | 3,296 sq. ft. (15.5%) (nonconforming) |
| Front Setback | 25 feet min. | House: 9 feet (nonconforming) | No change/not applicable to project |
| Side Setback * * The more restrictive of the regulations apply. | R-1:B-5A: 45 feet min. Hillside: 45 feet min. | House: East, 28 feet (nonconforming); West, 38 feet (nonconforming) | House: No change New pool/deck: East, 28 feet; West, 34 feet (nonconforming) |
| Rear Setback * * The more restrictive of the regulations apply. | R-1:B-5A: 70 feet min. Hillside: 70 feet min. | Deck: 13'-3" feet (nonconforming) | New pool/deck: 13'-5" feet (nonconforming) |
| Building Height | 2 stories; 30 feet max. | No change/not applicable to project | No change/not applicable to project |
| Off-street Parking Spaces | 4 total (2 enclosed) min. | No change/not applicable to project | No change/not applicable to project |
| Impervious Surface Coverage | Minimize and/or mitigate for any increase. | 4,420 sq. ft. (20.8%) | 3,116 sq. ft. (14.7%) |

Project Description

The project proposes to remove the existing rear decks at the first and second stories of the existing single-family residence, and to remove an existing hot tub at the first story. At the rear elevation of the residence, the project proposes to construct a new elevated pool and deck at the first story, covering 1,295 square feet. The new pool/deck projection would be located 34 feet from the west side property line, 28 feet from the east side property line, and 13.5 feet from the north rear property line. The exterior of the elevated pool/deck structure would be clad in masonry at a height of approximately 4.5 feet to 7.5 feet above grade. New mechanical equipment would be enclosed and screened underneath the existing house. At the second story of the residence, the project proposes a new elevated rear deck and exterior stairs within the existing building footprint.



The project proposes to replace the existing impervious driveway with new permeable pavers, resulting in a net decrease to impervious coverage from 20.8% to 14.7%. Project grading includes approximately 12 cubic yards of excavation and 38 cubic yards of fill.

Project application materials are as follows: Project Plans, **Attachment 2**; Project Description, **Attachment 3**; Neighborhood Outreach Description **Attachment 4**.

Background

The project site is an irregularly shaped, 21,250-square-foot lot on the north side of Willow Hill Road. The approximate half-acre lot is substandard with respect to the minimum required 5-acre lot size for the district. The lot has an average slope of approximately 35%. The property is designated as a Hillside Lot with an average slope that exceeds 30%; it is not located within Slope Stability Hazard Zones 3 or 4. The property contains an existing single-family residence and detached garage with nonconforming setbacks and building coverage.

According to Marin County records, development occurred on the site in 1913 and 1993. Previously, the Town approved development projects on the property include the following:

| Date | Permit | Description |
|----------|----------|--|
| 06/14/79 | Variance | Replace and expand deck and hot tub with nonconforming setback. |
| 05/12/83 | Variance | Build new front entry and residential additions with nonconforming floor area. |
| 07/17/95 | Variance | Reconstruct carport with nonconforming setback. |

| Date | Permit | Description |
|----------|----------|---|
| 05/14/87 | Variance | Build new garage and residential additions with nonconforming setbacks. |

The Project History is included as **Attachment 5**.

Advisory Design Review

Pursuant to Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions to Attics, a Hillside Lot Permit, Variance, and/or ADU Permit Exception.

The Advisory Design Review (ADR) Group reviewed the project at a public hearing on April 19, 2022, and May 17, 2022. The ADR Group received information from the applicant, received public comments, and provided recommendations regarding the merits of the project as it relates to the purpose of Design Review and the Design Review criteria and standards per Ross Municipal Code Section 18.41.100 and the Town of Ross Design Guidelines.

On April 19, 2022, the ADR Group recommended revisions to the project design. The ADR Group's recommended revisions included: increase the distance from the new pool/deck projection to the north rear property line; reduce the elevation of the new pool/deck projection; and minimize the profile and improve the appearance of the pool/deck structure as viewed from offsite locations. The April 19, 2022, ADR Group meeting minutes are included as **Attachment 6**.

In consideration of comments received from the ADR Group, the applicant revised the project design and resubmitted the revised project for ADR Group review, along with a written response to ADR Group comments (see **Attachment 7**). The applicant's revisions included: reduction of the overall area of the proposed new pool and decks from 1,860 square feet to 1,740 square feet; reconfigured the shape of the proposed new pool/deck to better suit the configuration of the lot; lowered the elevation of the proposed new pool/deck to better suit the topography of the lot; increased the distance between the proposed new pool/deck and the north rear property line from approximately 9 feet to 13 feet; and clad the exterior in masonry.

On May 17, 2022, the ADR Group unanimously recommended that the revised project is consistent with the purpose of Design Review and the Design Review criteria and standards per Section 18.41.100, and, therefore, recommended approval of Design Review. The ADR Group did not recommend or require any further revisions for approval of Design Review. The May 17, 2022, ADR Group meeting minutes (draft) are included as **Attachment 8**.

Discussion

Design Review

Design Review is intended to guide new development to preserve and enhance the special qualities of Ross and to sustain the beauty of the town's environment. Other specific purposes

include: 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; 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; and 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.

The Town Council may approve, conditionally approve or deny an application for design review. The Town Council shall include conditions necessary to meet the purpose of Design Review pursuant to Chapter 18.41 and for substantial compliance with the criteria set forth in this chapter. The Town Council may adopt by resolution standard conditions for all projects to meet.

Pursuant to Section 18.41.20 (a), the proposed project requires a Design Review Permit for an activity or project resulting in more than fifty cubic yards of grading or filling; and for a project resulting in over 1,000 square feet of new impervious landscape surface.

Staff recommends approval of Design Review, as summarized below and as supported by the findings in Exhibit “A” of the attached Resolution.

The project provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical “small town,” low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhances the area in which the project is located; and promotes and implements the design goals, policies and criteria of the Ross General Plan. Lot coverage and building footprints are minimized, and development clustered, to minimize site disturbance area and preserve larger areas of undisturbed space. All new improvements constructed on sloping land are designed to relate to the natural land forms and step with the slope in order to minimize mass, bulk and height and to integrate structures with the site. Buildings use materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Exterior lighting is shielded and directed downward to avoid creating glare, hazard or annoyance to adjacent property owners or passersby. The post-project stormwater runoff rates from the site would be no greater than pre-project rates; pre-existing impervious surfaces would be reduced.

The project is consistent with the allowed uses and general development standards associated with the Very Low Density land use designation of the General Plan, the Single Family Residence and Special Building Site zoning regulations, and the Hillside Lot regulations; therefore the project is found to be consistent with the Ross General Plan and Zoning Ordinance.

Hillside Lot Permit

Hillside areas are defined as parcels which have a slope of thirty percent or greater or are wholly or partially within Hazard Zones 3 or 4 as identified on the Town slope stability map. The purpose

of Hillside designation includes: preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain; protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources; ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety; protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites; and reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

Pursuant to Section 18.39.20 (b), the proposed project requires a Hillside Lot Permit for a project resulting in more than fifty cubic yards of grading or filling.

Staff recommends approval of the Hillside Lot Permit as summarized below and by the findings in Exhibit "A" in the attached Resolution.

The proposed project protects and preserves public and private open space; significant features of the natural environment; and steep slopes, creeks, significant native vegetation, wildlife and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety. The project proposes Variances to encroach into the side and rear yard setbacks as well as to exceed the allowable lot coverage. Consistent with Chapter 18.48, findings are recommended to support the requested variances to allow for the proposed setback encroachments on a Hillside Lot.

Variance

Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the zoning code may result from the strict application of certain provisions thereof, variances, exceptions and adjustments may be granted, by the Town Council in appropriate cases. 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. 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. 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.

In granting any variance, exception or adjustment under the provisions of Chapter 18.39, the Town Council shall designate such conditions in connection therewith as will in its opinion, secure substantially the objectives of the regulation or provision to which the variance, exception or adjustment is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. In order to grant any variance, exception or adjustment, the findings of the Town Council shall be that the qualifications under Section 18.48.020 apply to the land, building,

or use for which variance, exception or adjustment is sought, and that the variance shall be in harmony with the general purpose of this title.

Pursuant to Sections 18.32.050 and 18.32.060, which establish development standards in the R-1:B-10 district for minimum required setbacks and maximum building coverage, and Section 18.39.090 (b), which establishes minimum required setbacks for a Hillside Lot, the proposed project requires Variances to allow for new construction which is nonconforming with respect to the minimum required side and rear yard setbacks and the maximum allowed building coverage. The proposed new pool and deck projections are proposed to be located 9 feet away from the rear property line, to encroach within the minimum 70-foot rear yard setback and 45-foot side yard setbacks as required by the zoning district and the Hillside Lot regulations; and to allow for nonconforming building coverage exceeding the 10% maximum allowed by the zoning district to be increased.

Staff recommends approval of the Variances as summarized below and by the findings in Exhibit "A" in the attached Resolution.

The special circumstances and conditions applicable to the land include the substandard lot size of less than half an acre, which is less than one-tenth the minimum lot size of five acres for the district. As such, the subject property is subject to development standards that are more applicable to five-acre lots, including building coverage and side and rear yard setbacks which are more restrictive than would typically apply to an equivalent lot located in a conforming zoning district. The special circumstances and conditions applicable to the land also include the irregular lot shape, the steep slope of the property, and the existing development pattern on the property including nonconforming setbacks and nonconforming building coverage, which make it difficult to construct new improvements that are entirely compliant with the minimum required yard setbacks and maximum allowed building coverage.

Due to the special circumstances mentioned above, the strict application of the zoning ordinance provisions which limits building coverage to 10% of the lot area, and which requires 45-foot minimum side yard setbacks and 70-foot minimum rear yard setback, would deprive the subject property of the ability to construct new pool and deck improvements at the back of the existing property. Granting of the variance request, in a neighborhood where existing nonconforming setbacks are not uncommon, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights. Granting of the variance would 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.

The proposed project is compact in design, with setback encroachment minimized to the greatest extent feasible. The project would maintain and not reduce the existing nonconforming north rear yard setback of approximately 13 feet, and it would maintain side yard setbacks of 28 and 34 feet. The proposed building coverage of 15.5% is not substantially more than the 15% maximum building coverage allowed for a zoning district that is more typical of the subject half-acre lot. Project construction would be required to comply with all applicable building and health

codes.

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 on 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.

Alternative actions

1. Continue the item to gather further information, conduct further analysis, or revise the project; or
2. Make findings to deny the application.

Environmental Review

The project has been reviewed under the provision of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On June 9, 2022, the proposed project was determined to be categorically exempt from CEQA pursuant to Section 15301 because the proposed project consists of the project consists of minor alteration of existing private structures, facilities, or topographical features, involving negligible or no expansion of existing or former use.

Public Comment

Public Notices were mailed to property owners within 500 feet of the project site 10 days prior to the meeting date. Written comments received prior to the finalization of this report are included as **Attachment 9**. Written comments, received prior to the May ADR meeting are summarized below:

| Property Owner | Summary |
|-----------------------|--|
| 10 Madrona Avenue | Objects to the project; cites primary concerns as potential noise, public safety, and privacy impacts. |
| 14 Madrona Avenue | Objects to the project; cites primary concerns as potential noise, public safety, privacy, and visual impacts. |
| 16 Madrona Avenue | Objects to the project; cites primary concerns as potential noise impacts. |
| 40 Madrona Avenue | Supports the project. |
| 4 Willow Hill Road | Supports the project. |

Attachments

1. Resolution No. 2254
2. Project Plans
3. Project Description
4. Neighborhood Outreach Description

5. Project History
6. ADR Group Meeting Minutes, April 19, 2022
7. Response to ADR Group Comments
8. ADR Group Meeting Minutes, May 17, 2022 (draft)
9. Public Comments

3 WILLOW HILL ROAD

3 WILLOW HILL ROAD
ROSS, CA 94957
PLANNING REVIEW SET REV 2
05.02.2022



**FISCHER
ARCHITECTURE**

tel 510.204.9250 | fisherarchitecture.com
2984 San Pablo Ave, Berkeley, CA 94702

PROJECT DESCRIPTION

The project includes a deck rebuild, a new pool and new planters located in the backyard of an existing single family residence situated on a hillside; no construction will be done on the existing residence. The existing deck covers an area of 1,145 sf and is currently a non-conforming structure as it sits beyond the required backyard setbacks of 70'-0". The proposed deck, pool and spa will cover a total area of **1,740 sf** and will require a variance to permit the proposed project to also sit beyond the required backyard setbacks. The primary materials for the construction of the project will be ipe wood decking, painted steel railings, and weathered wire steel mesh fence/screen around the proposed stair and **stacked stone walls** for perimeter terraced planters.

PROJECT INFORMATION

Project Address: 3 Willow Road
 Ross, CA 94957
 APN: 073-252-13
 Zoning District: R-1_B-5A
 Construction Type: V-B
 Occupancy Type: RS
 Parking Spaces: 2
 Front Yard Setback: 25'-0" (Req) - 9'-0" (existing)
 Side Yard Setbacks: 45'-0" (Req) - 34'-3" (west)
 45'-0" (Req) - 28'-1" (east)
 Rear Yard Setback: 70'-0" (Req) - 13'-9" (rear)
 Number of Stories: 2
 Building Height (existing): 38'-0" n.c.
 Maxium Building Height: 30'-0"
 Lot Area: 21,250 (n.c.)
 Living Area Sq. Ft. 3,044 sf (n.c.)
 Garage Sq. Ft. 483 sf (n.c.)
 Deck/Patio Sq. Ft. (existing) 1,145 sf
Deck/Patio Sq. Ft. (proposed) 1,295 sf
Pool/Spa Sq. Ft. (Proposed) 445 sf

PROJECT TEAM

OWNER
 Scott Fletcher
 3 Willow Hill Road

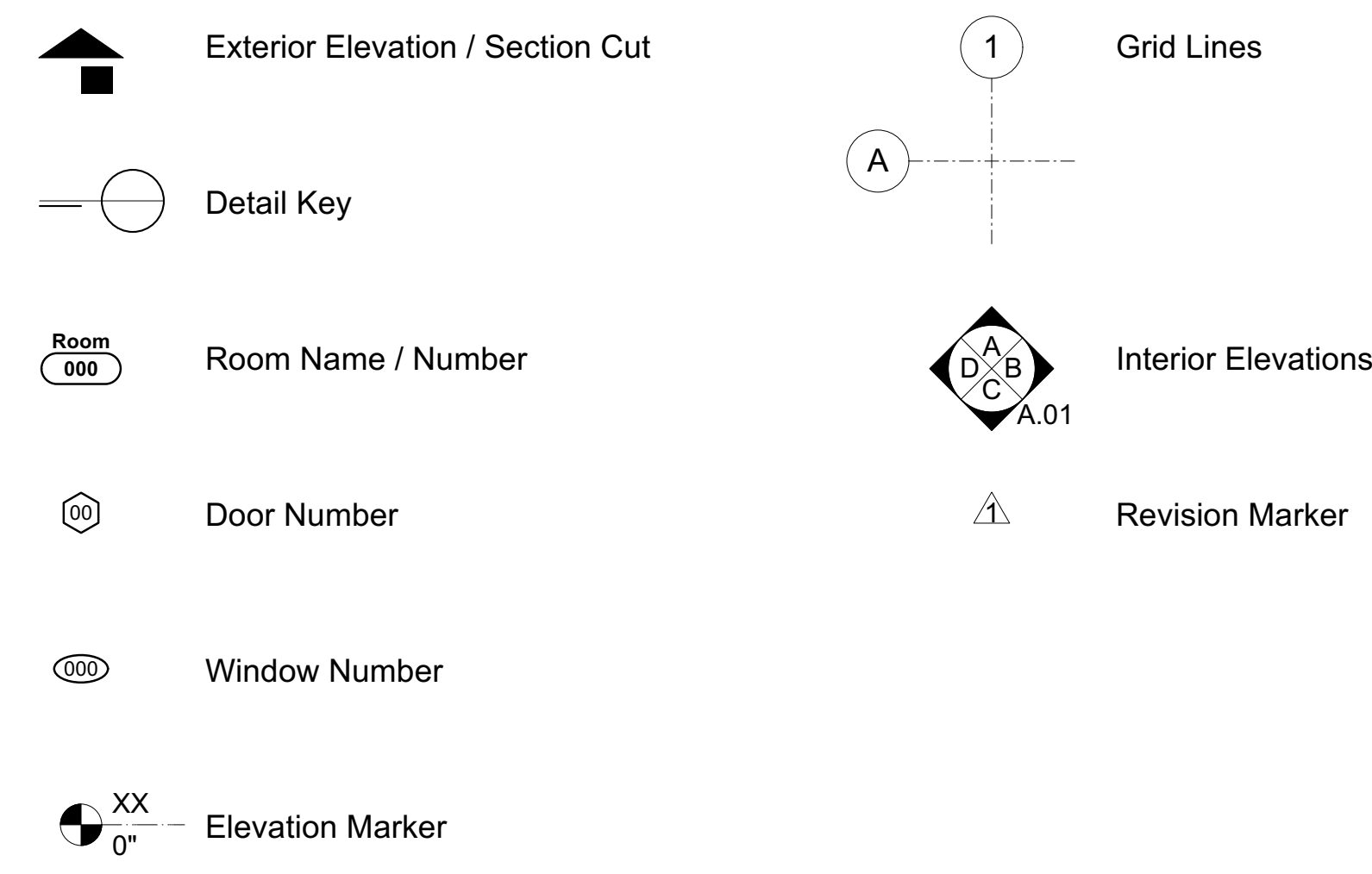
CIVIL ENGINEER
 Oberkamper & Associates
 Civil Engineering Inc.
 7200 Redwood Blvd., Suite 308
 Novato, CA 94945
 tel. (415) 599-2645
 James D. Clark, P.E.

ARCHITECT
 Fischer Architecture
 2984 San Pablo Avenue
 Berkeley, CA 94702
 tel. 510.204.9250
 Kerstin Fischer, Principal
 Andrew Fischer, Principal

GENERAL CONTRACTOR
 T.B.D.

LANDSCAPE ARCHITECT
 T.B.D.

SYMBOLS / ABBREVIATIONS



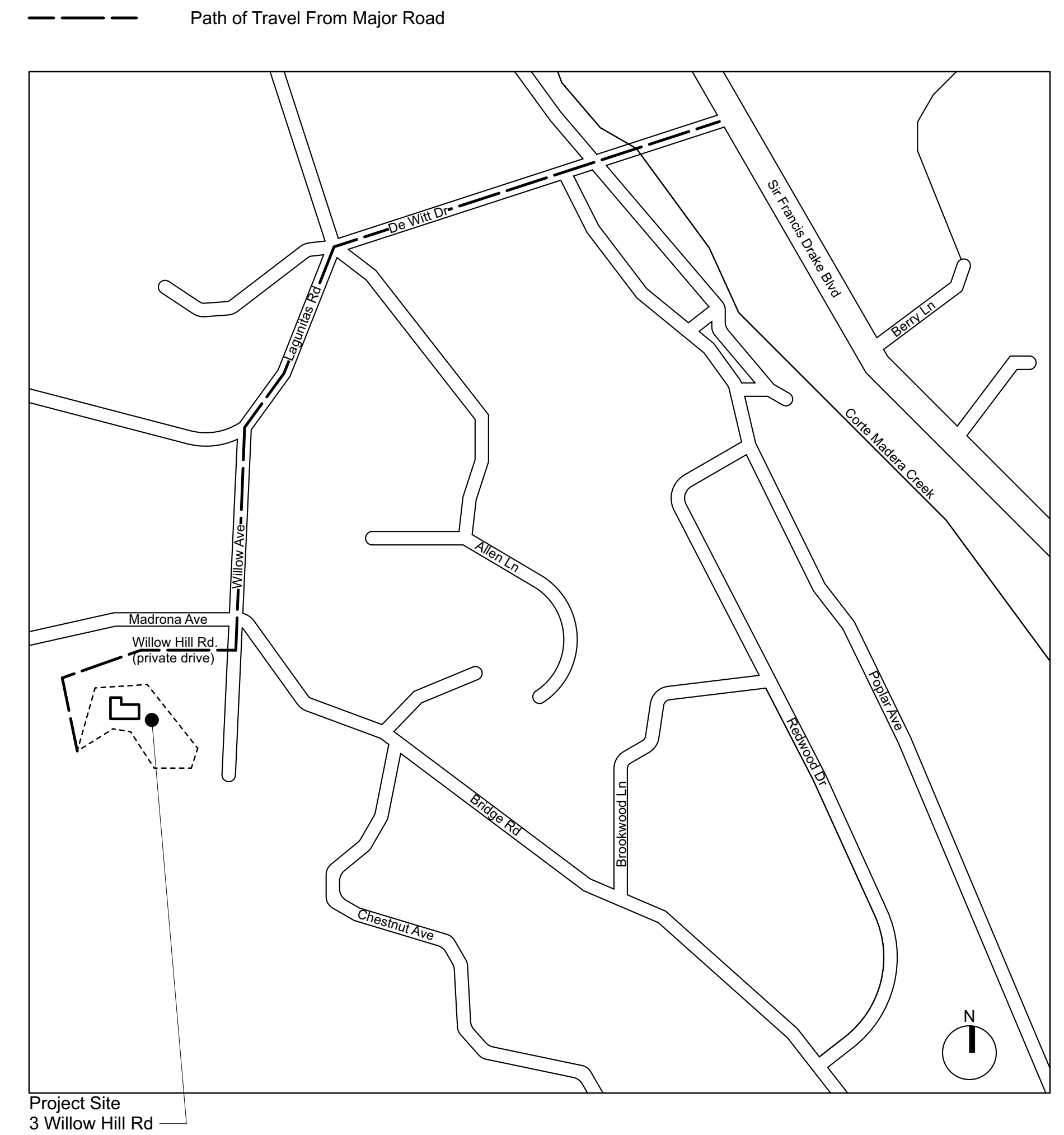
| | | | |
|----------|-------------------------|--------|------------------------|
| adj | adjustable | t.o. | top of |
| af.f. | above finished floor | typ. | typical |
| blkg | blocking | ver | verify |
| cab. | cabinet | v.i.f. | verify in field |
| CL | center line | w.o. | where occurs |
| clng | ceiling | u.o.n. | unless otherwise noted |
| clr | clear | UP | up |
| dim | dimension | | |
| DN | down | | |
| dtl | detail | | |
| dwg | drawing(s) | | |
| ea | each | | |
| el | elevation (height) | | |
| elect | electrical | | |
| elevs | elevation (drawings) | | |
| eq | equal | | |
| (e) | existing | | |
| ext | exterior | | |
| f.b.o. | furnished by owner | | |
| f.f. | finished floor | | |
| fluor | fluorescent | | |
| ga | gauge | | |
| galv | galvanized | | |
| gyp. bd. | gypsum board | | |
| hr | hour | | |
| ht | height | | |
| max | maximum | | |
| mech | mechanical | | |
| med.cab. | medicine cabinet | | |
| manuf | manufacturer | | |
| min | minimum | | |
| mtl | metal | | |
| NIC | not in contract | | |
| NTS | not to scale | | |
| (n) | new | | |
| o.c. | on center | | |
| opp | opposite | | |
| o/ | over | | |
| PL | property line | | |
| ply | plywood | | |
| ptd. | painted | | |
| r | radius | | |
| req'd | required | | |
| r.o. | rough opening | | |
| s.s.d. | see structural drawings | | |
| s.c.d. | see civil drawings | | |
| s.l.d. | see lanscape drawings | | |
| sim | similar | | |
| st. stl. | stainless steel | | |
| st. | steel | | |
| std | standard | | |
| (t) | tempered glass | | |
| t.b.d. | to be determined | | |
| thru | through | | |

SHEET INDEX

Revisions **Architectural Drawings:**

| | |
|------|--------------------------------|
| A0.0 | Cover |
| A0.1 | Project Data & Information |
| 1 | Site Boundary Survey |
| A0.2 | Neighborhood Outreach |
| A0.3 | Storm Control Plan |
| A0.4 | Proposed Site Plan |
| A0.5 | Zoning Requirements Diagram |
| A1.0 | Demo Basement Level Plan |
| A1.1 | Demo Lower Level Deck Plan |
| A1.2 | Demo Upper Level Deck Plan |
| A1.3 | Demo Elevations |
| A1.4 | Demo Elevations |
| A1.5 | Demo Elevations |
| A2.0 | Proposed Basement Level Plan |
| A2.1 | Proposed Lower Level Deck Plan |
| A2.2 | Proposed Upper Level Deck Plan |
| A3.0 | Proposed Section / Elevation |
| A3.1 | Proposed Elevation |
| A3.2 | Proposed Elevation |
| A5.0 | Materials Palette |
| LA-1 | Landscape Plan |

VICINITY MAP



FISCHER ARCHITECTURE

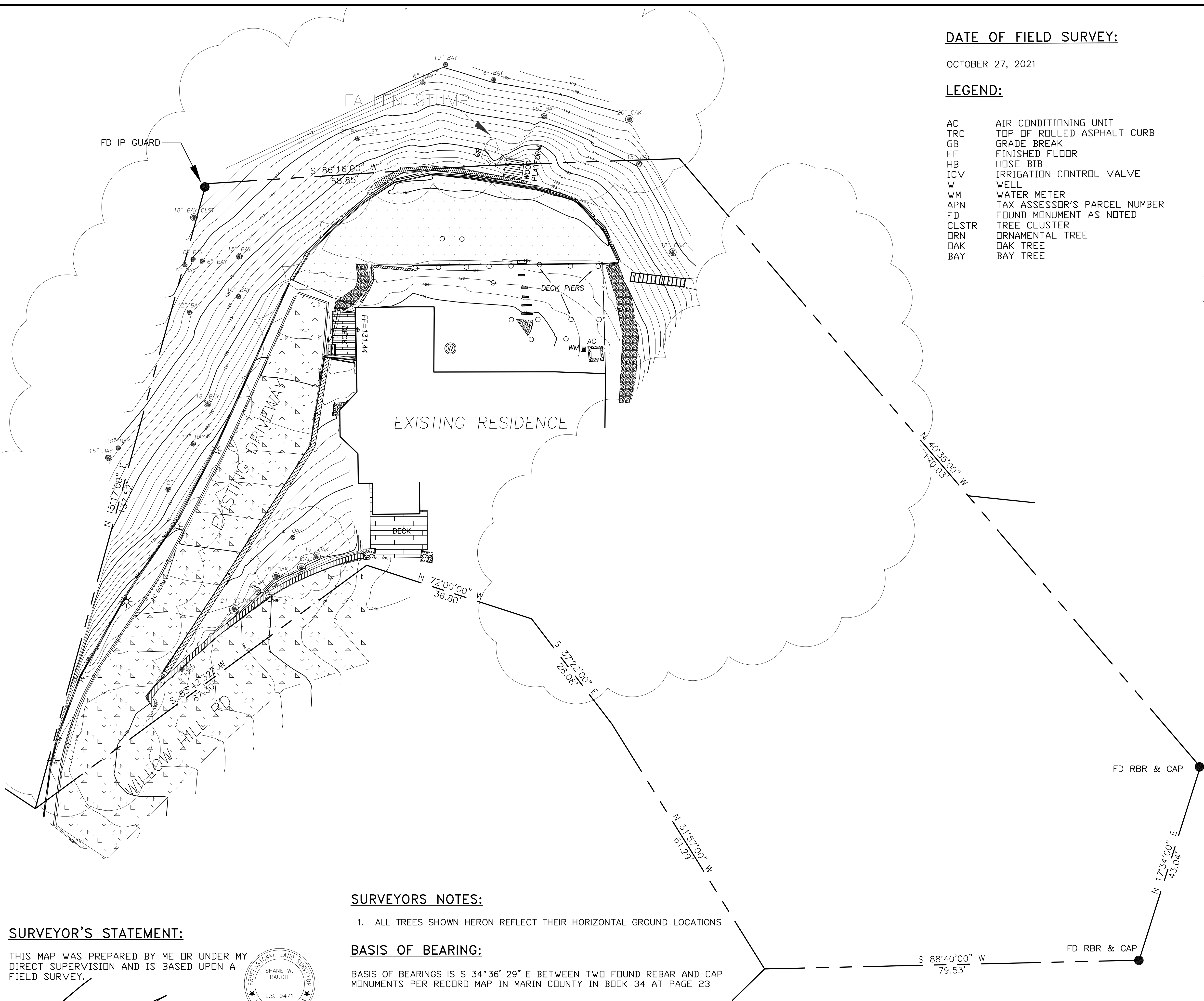
tel 510.204.9250 | fischerarchitecture.com
 2984 San Pablo Ave, Berkeley, CA 94702

FLETCHER RESIDENCE
 3 WILLOW HILL ROAD
 ROSS, CA 94957
 APN: 073-252-13

| REV. | DATE | ISSUE | DRWN. |
|------------|------|------------------------------|-------|
| 01.18.2021 | | Planning Submittal | AF/AR |
| 04.01.2022 | | Revised Planning Submittal | AF/ES |
| 05.02.2022 | | Revised Planning Submittal 2 | AF/ES |

DESCRIPTION
 PROJECT DATA & INFORMATION

SHEET



DATE OF FIELD SURVEY:

OCTOBER 27, 2021

LEGEND:

- AC AIR CONDITIONING UNIT
- TRC TOP OF ROLLED ASPHALT CURB
- GB GRADE BREAK
- FF FINISHED FLOOR
- HB HOSE BIB
- ICV IRRIGATION CONTROL VALVE
- W WELL
- WM WATER METER
- APN TAX ASSESSOR'S PARCEL NUMBER
- FD FOUND MONUMENT AS NOTED
- CLSTR TREE CLUSTER
- ORN ORNAMENTAL TREE
- OAK OAK TREE
- BAY BAY TREE

- EXISTING RETAINING WALL
- EXISTING STEPS
- EXISTING HOSE BIB
- EXISTING ICV
- EXISTING WATER METER
- EXISTING LIGHT POLE
- FOUND MONUMENT AS NOTED
- EXISTING WELL
- EXISTING 12" DECK PIER
- EXISTING GRADE BREAK
- EXISTING EDGE OF PAVEMENT
- EXISTING WIRE FENCE
- PROPERTY LINE
- MAJOR CONTOUR LINE (5')
- MINOR CONTOUR LINE (1')
- VEGETATION/TREE DRIPLINE
- EXISTING TREE DIAMETER & TYPE
- EXISTING PAVEMENT
- EXISTING GRAVEL PATH
- EXISTING CONCRETE
- EXISTING DECK/WOOD
- EXISTING ROCK COLUMN
- EXISTING GRASS

SURVEYORS NOTES:

1. ALL TREES SHOWN HERON REFLECT THEIR HORIZONTAL GROUND LOCATIONS

BASIS OF BEARING:

BASIS OF BEARINGS IS S 34°36' 29" E BETWEEN TWO FOUND REBAR AND CAP MONUMENTS PER RECORD MAP IN MARIN COUNTY IN BOOK 34 AT PAGE 23

BENCHMARK NOTE:

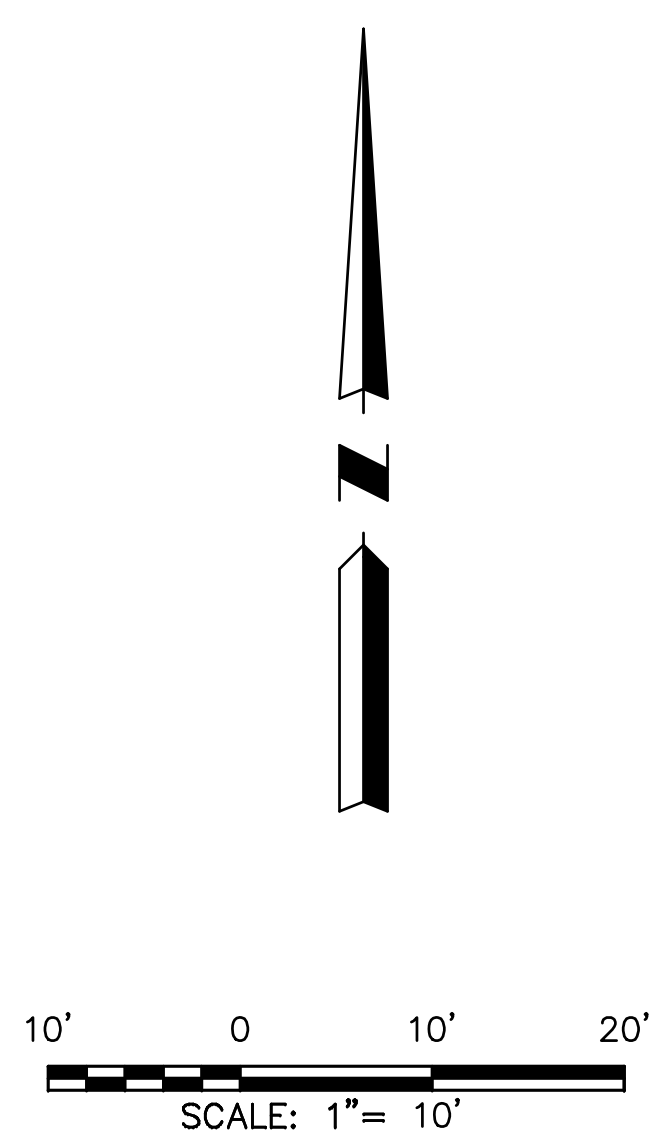
THE ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) VIA NATIONAL GEODETIC SURVEY'S (NGS) 'GEOID12B'

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND IS BASED UPON A FIELD SURVEY.



Shane W. Rauch
 SHANE W. RAUCH
 PROFESSIONAL LAND SURVEYOR #9471
 JANUARY 3, 2022
 DATE



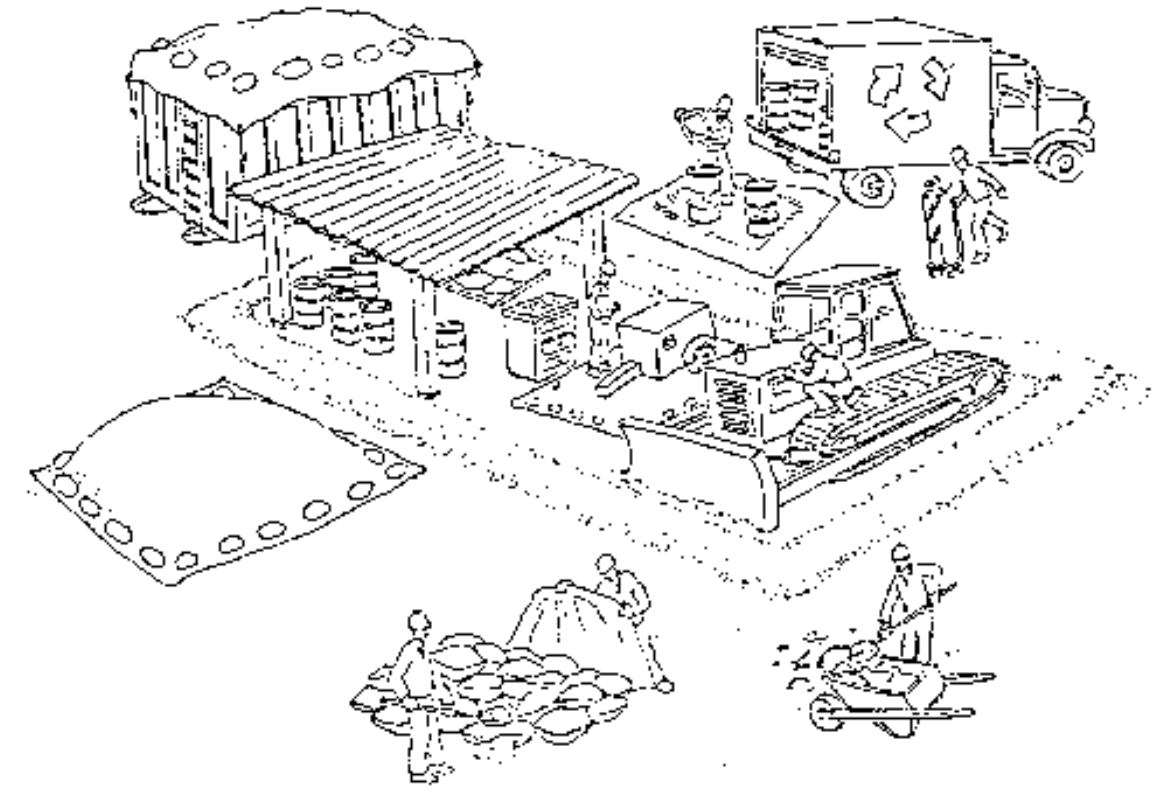
| NO. | DATE | REVISION | DESCRIPTION |
|-----|------|----------|-------------|
| 1 | | | APP.1 |
| 2 | | | APP.2 |
| 3 | | | APP.3 |
| 4 | | | APP.4 |

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| OBERKAMPER & ASSOCIATES CIVIL ENGINEERS INC. <small>600 ADDRESS</small> <small>O&A-CITY STATE PHONE FAX</small> <small>WWW.OBERKAMPER.COM</small> | |
| TOPOGRAPHIC SURVEY 3 WILLOW HILL RD. - APN (073-252-13) <small>MARIN COUNTY</small> <small>CALIFORNIA</small> | <small>Scale: 1"=10'</small> <small>Drawn by: AUS</small> <small>Designed by: JC/SR</small> <small>Checked by: JC/SR</small> <small>Date: OCTOBER 29, 2021</small> |
| SHEET 1 OF 1 <small>21-131</small> | |

Pollution Prevention — It's Part of the Plan

Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.



Materials storage & spill cleanup

Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.
- ✓ Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.



Dewatering operations

- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.



Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.



- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✓ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

Earthwork & contaminated soils

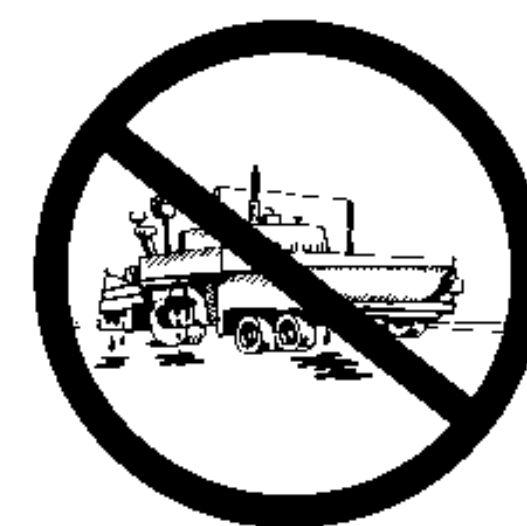
- ✓ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.



- ✓ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.

- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Regional Water Quality Control Board or local hazardous waste management agency for help in determining what testing should be done, and manage disposal of contaminated soil according to their instructions.

Paving/asphalt work



- ✓ Do not pave during wet weather or when rain is forecast.
- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Place drip pans or absorbent material under paving equipment when not in use.
- ✓ Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.

Painting



- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

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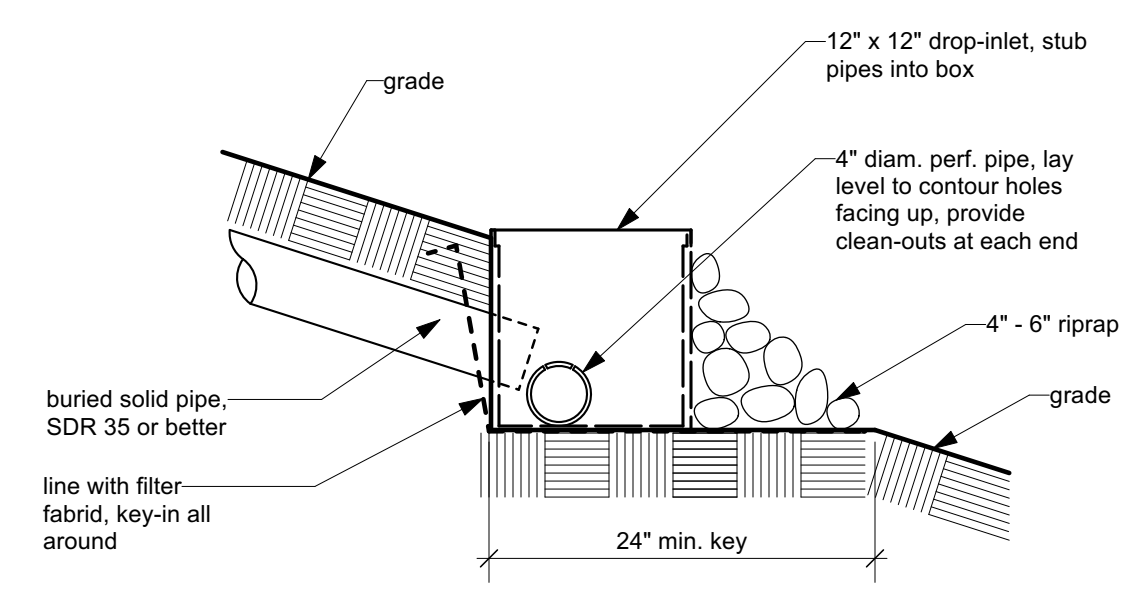
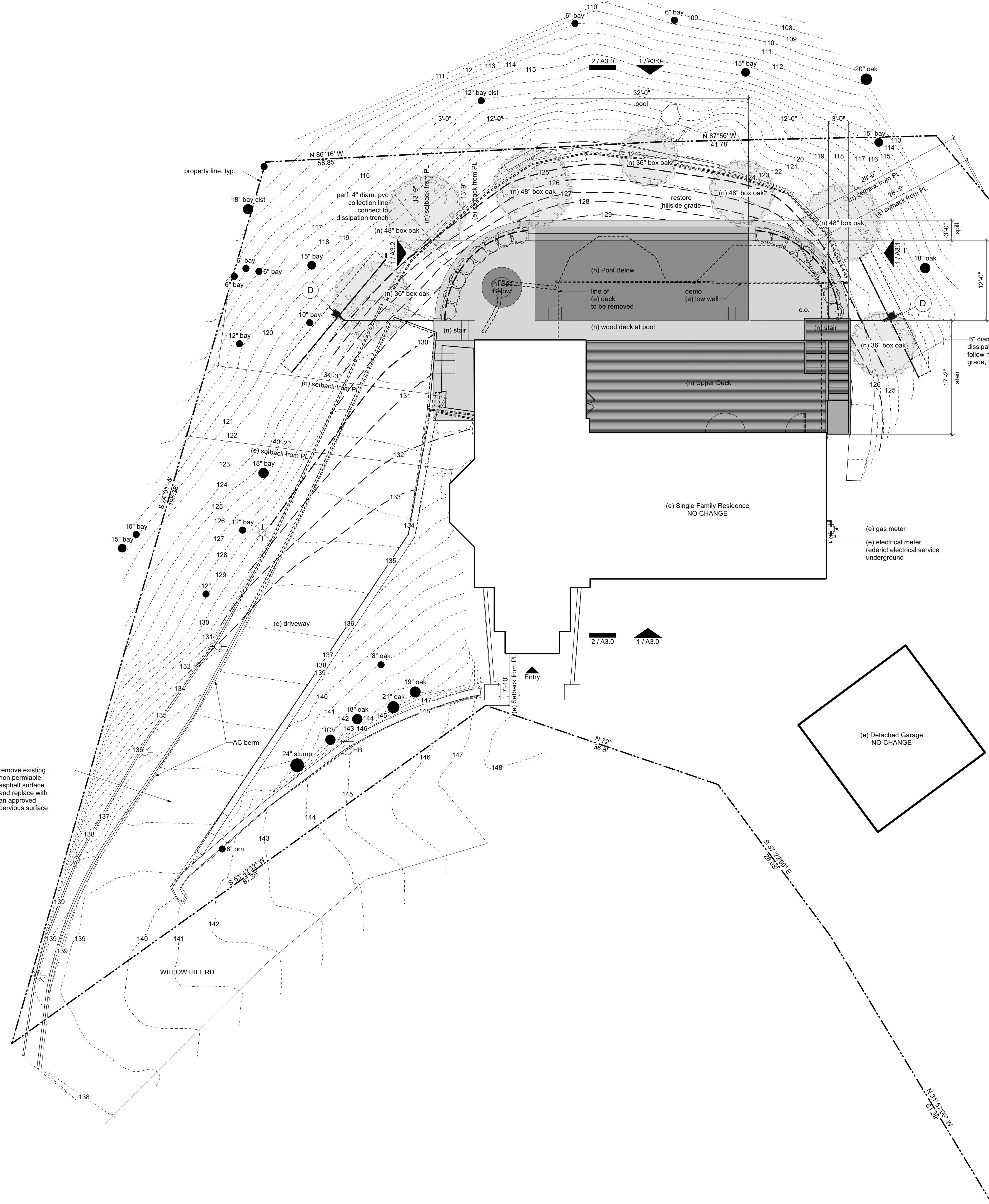
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DESCRIPTION
BEST MANAGEMENT PRACTICE

SHEET

Storm drain polluters may be liable for fines of \$10,000 or more per day!

For more detailed information:
Get a copy of the "Field Manual" — (510) 622-2465 or
www.abag.ca.gov/bayarea/sfep/reports/construction.html



DETAIL AT DISSIPATION LINE
SCALE: 1" = 1'-0"

LEGEND

- Area of Proposed New Deck, Pool and Planter
- Existing Residences to Remain Unchanged

| | Area (Sq Ft) |
|------------------------------|--------------------|
| (e) Lot Size | 21,250 |
| (n) Lot Size | n.c. |
| (e) Building Coverage | 3,044 |
| (n) Building Coverage | 3,296 (15%) |
| (e) Floor Area | 5,240 |
| (n) Floor Area | n.c. |
| (e) Deck | 1,145 |
| (n) Deck/Pool | 1,295 |
| (e) Pervious Coverage | 18,860 |
| (n) Pervious Coverage | 20,164 |
| (e) Impervious Coverage | 4,420 |
| (n) Impervious Coverage | 3,116 |

| Grading | Volumes (Cu Ft) |
|---------------------|--|
| Cut (Cu Ft) | ~320 c.f. (pool cut and drainage key) |
| Fill (Cu Ft) | ~1020 c.f. (hillside restor) |
| Off-haul (Cu Ft) | t.b.d. |

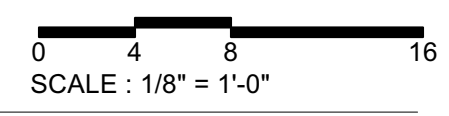
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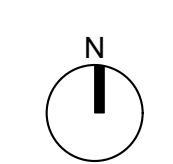
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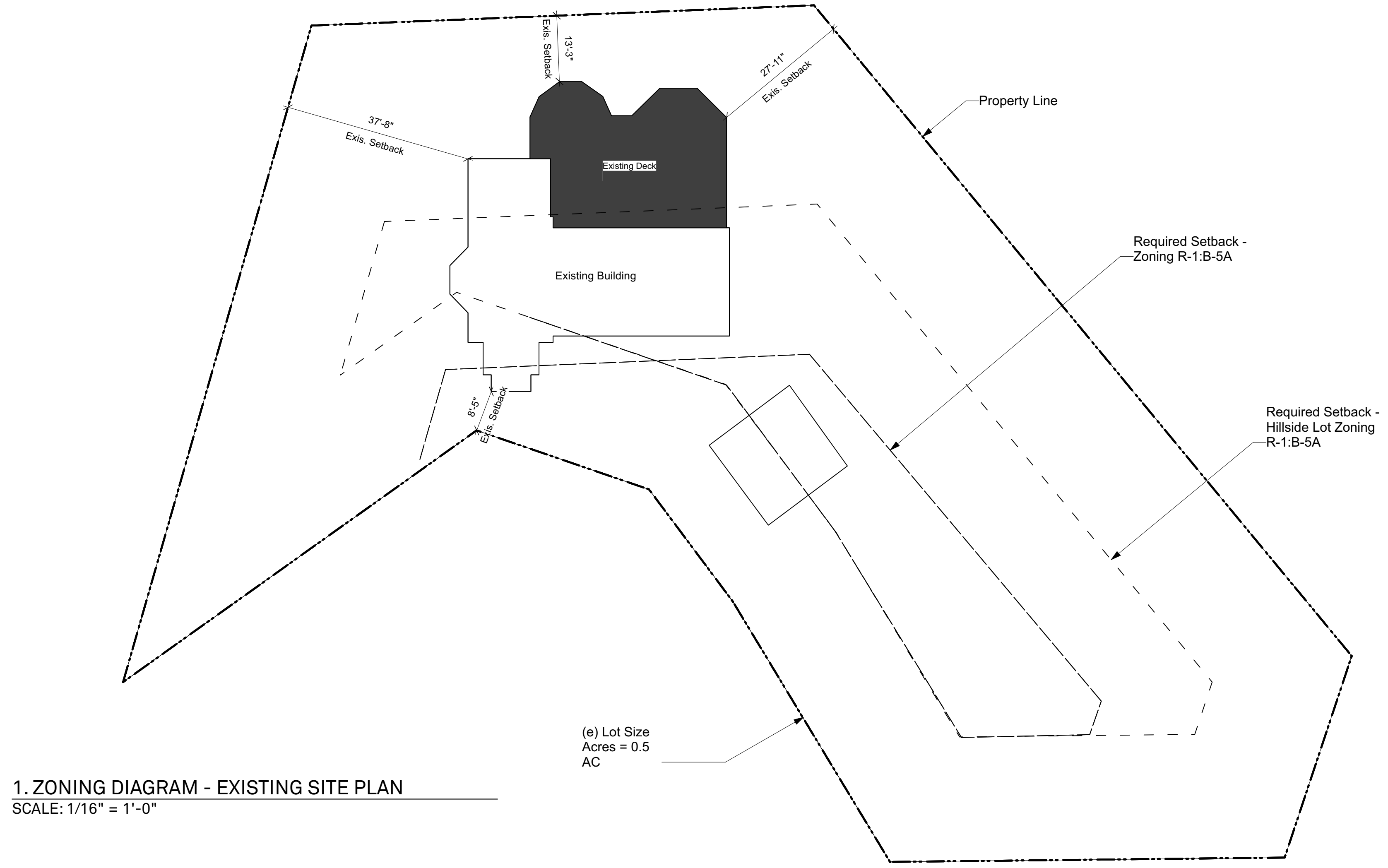
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PROPOSED SITE PLAN



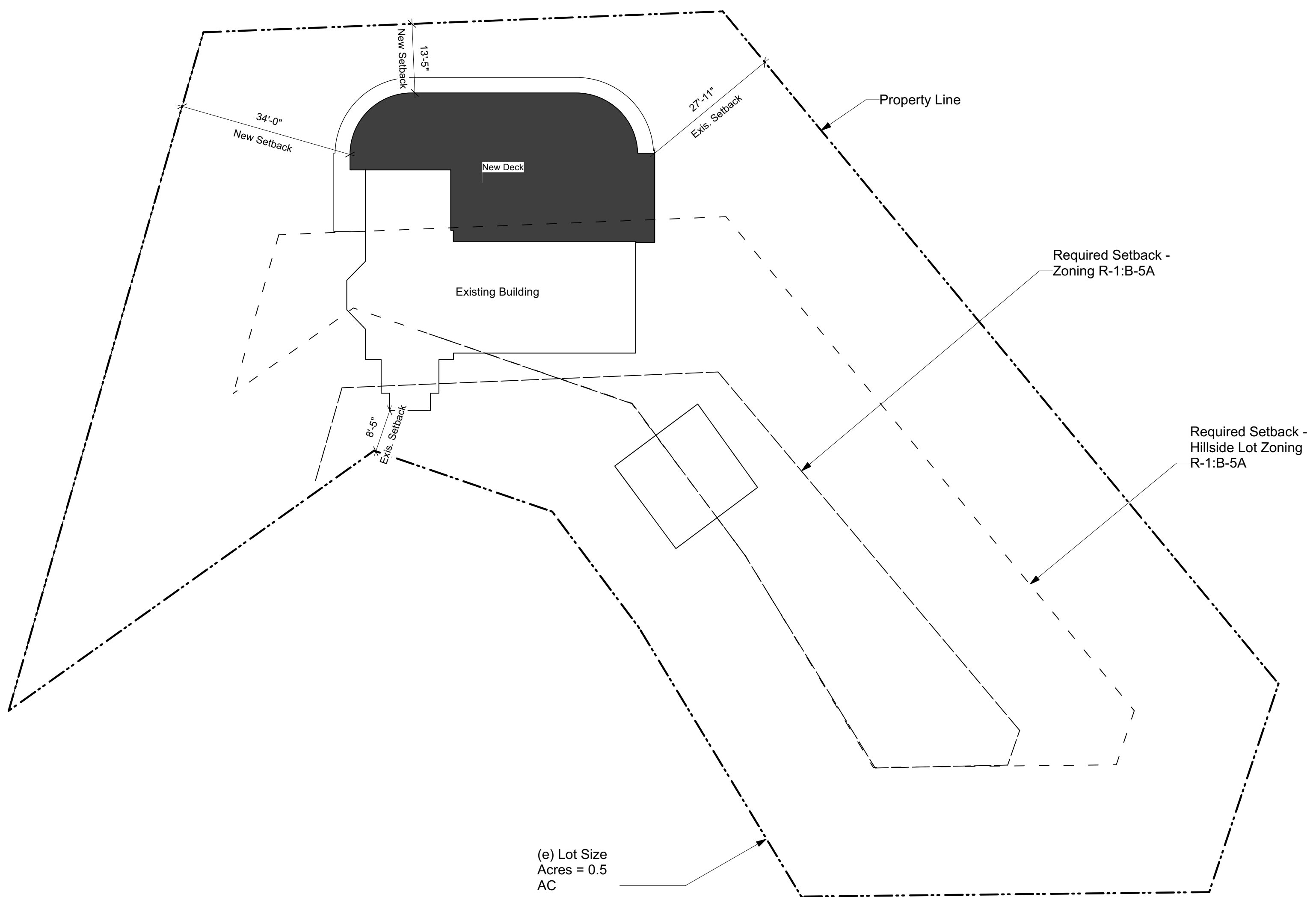
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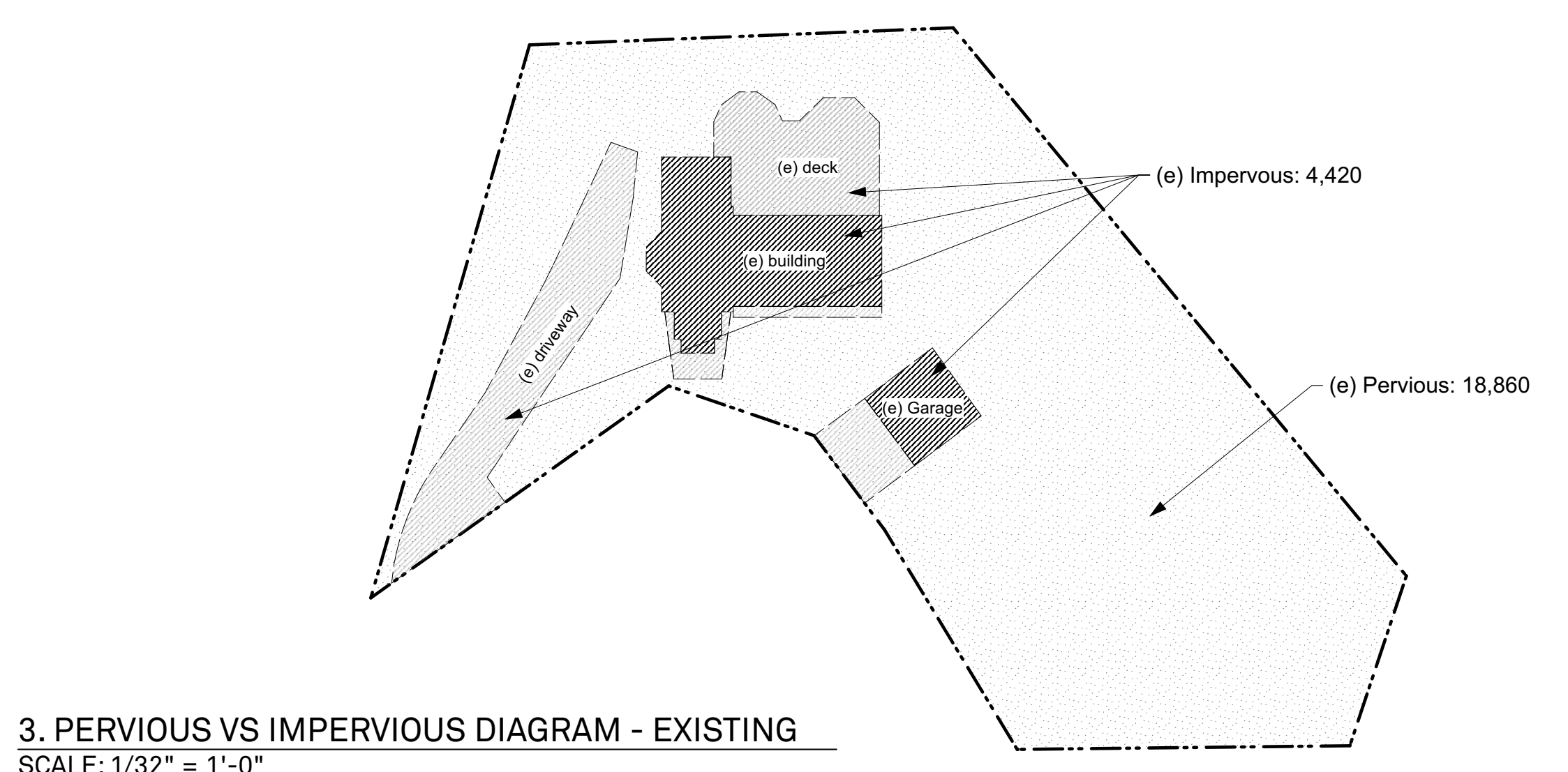
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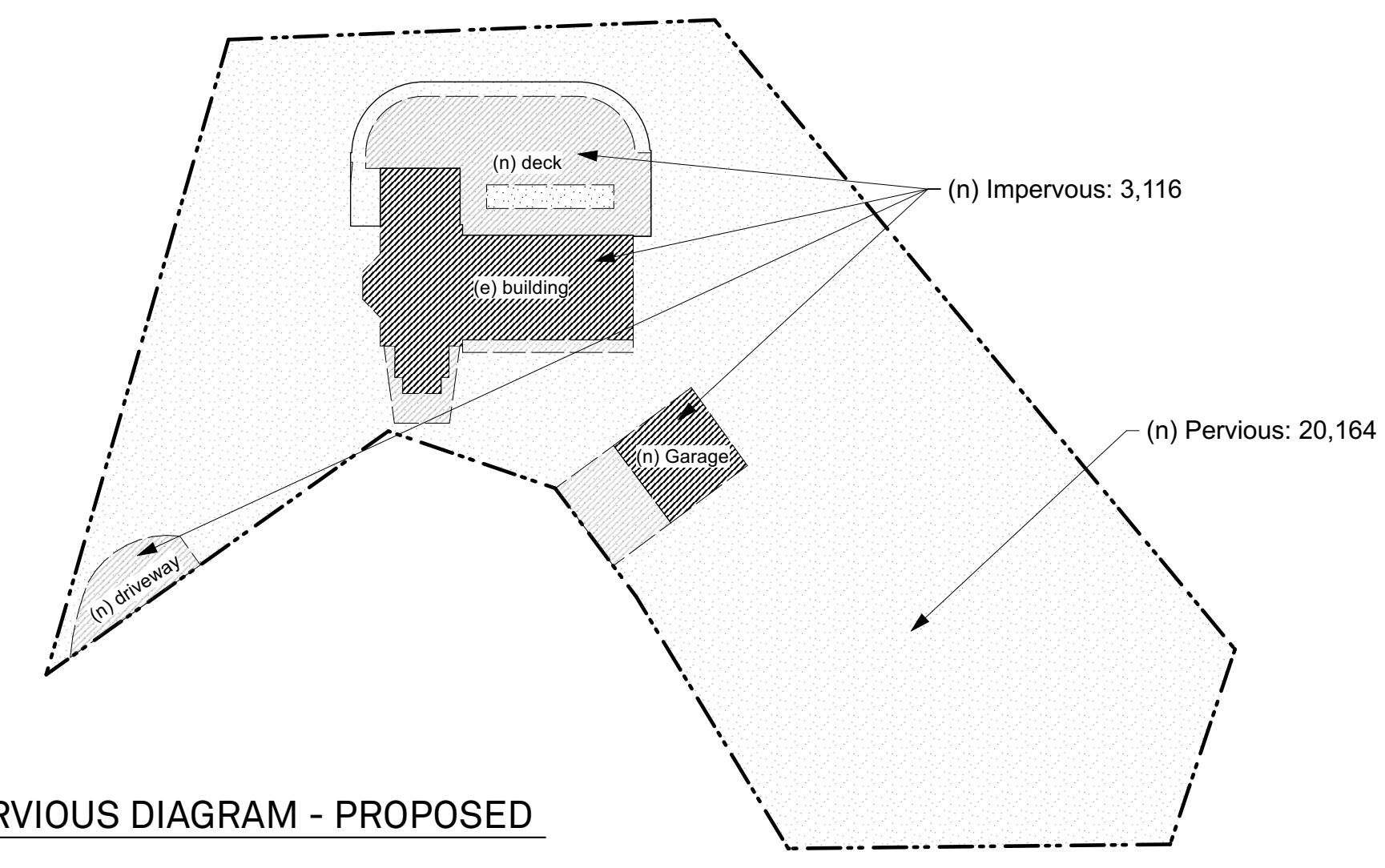
1. ZONING DIAGRAM - EXISTING SITE PLAN
SCALE: 1/16" = 1'-0"



2. ZONING DIAGRAM - PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"



3. PERVIOUS VS IMPERVIOUS DIAGRAM - EXISTING
SCALE: 1/32" = 1'-0"



4. PERVIOUS VS IMPERVIOUS DIAGRAM - PROPOSED
SCALE: 1/32" = 1'-0"



5. NEARBY HILLSIDE POOLS DIAGRAM
NOT TO SCALE

- LEGEND:**
- Setbacks
 - Property Line
 - Existing - No change
 - New - Change
 - Impervious Surfaces
 - Pervious Surfaces
- NOTES:**
- SITE PLAN NOTES:**
1. Refer to Topographic Survey for Property Line Dimensions.
 2. Refer to Civil Drawings for Underground Utility and Site Drainage Information and Location.
 3. Refer to Civil Drawings for Driveway, Curb and Exterior Hardscape Drainage.
 4. See Floor Plans for Finish Deck Elevation 3.767'3.767" s.
 5. See Building Elevations and Sections for Floor and Roof Elevations.
 6. Design/pre-construction meeting with the Fire Marshall to review/clarify compliance with PRC 4291 is suggested.
 7. Landscaping is for reference only and to be done by Landscape Architect.

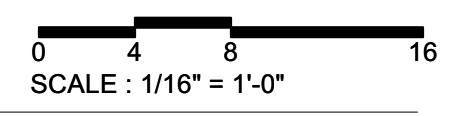
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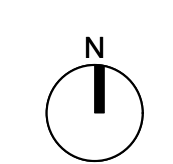
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DESCRIPTION
REQUIREMENT DIAGRAMS






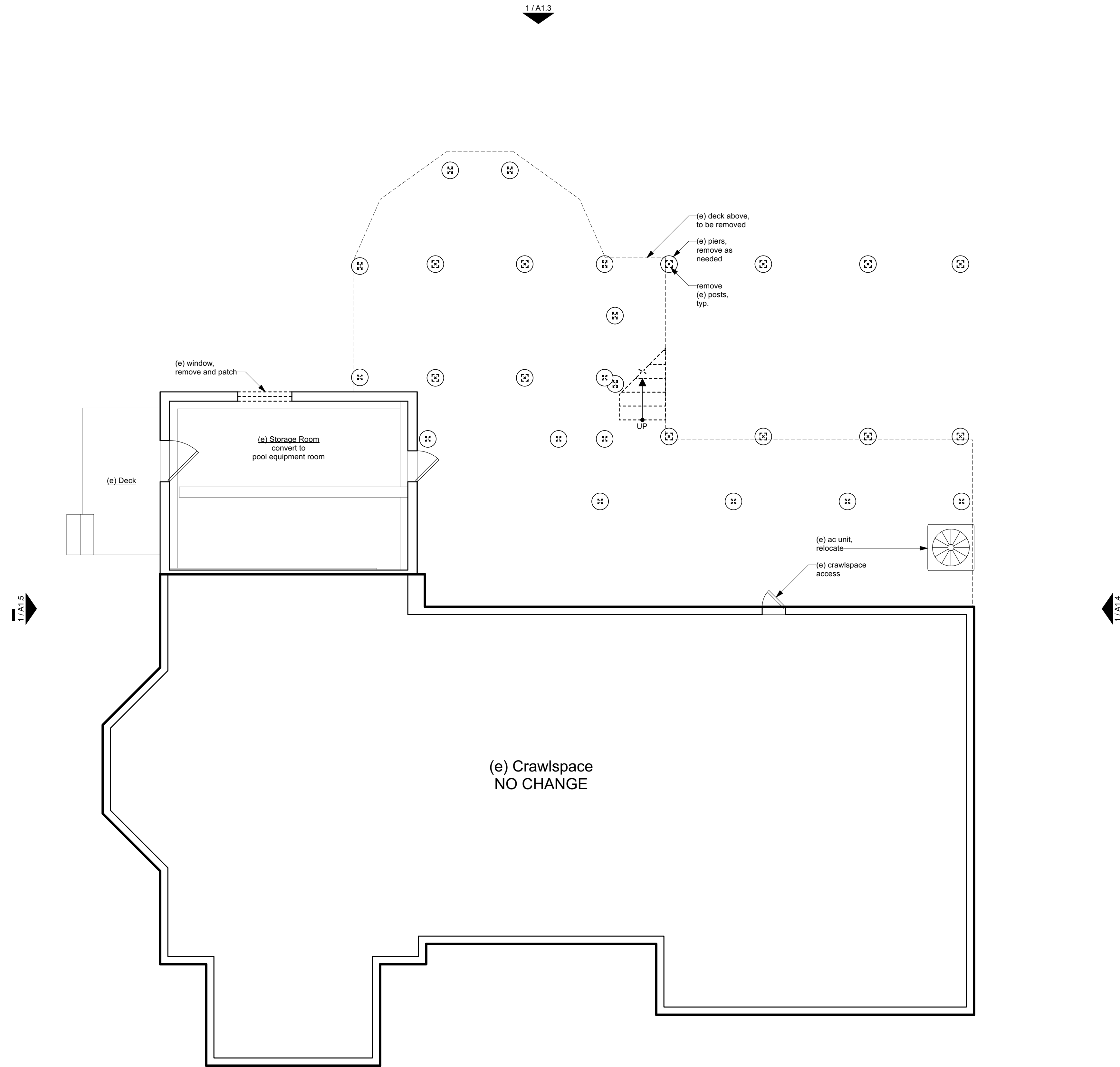
SHEET



A0.5

LEGEND

-  Existing Wall, Fence, or Fixture to be Removed
-  Deck to be Removed
-  Existing Residence to Remain Unchanged



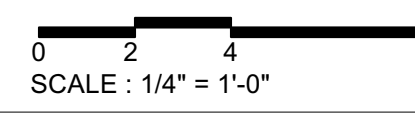
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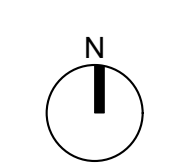
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DESCRIPTION
DEMO BASEMENT LEVEL PLAN

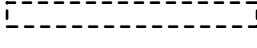
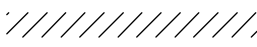



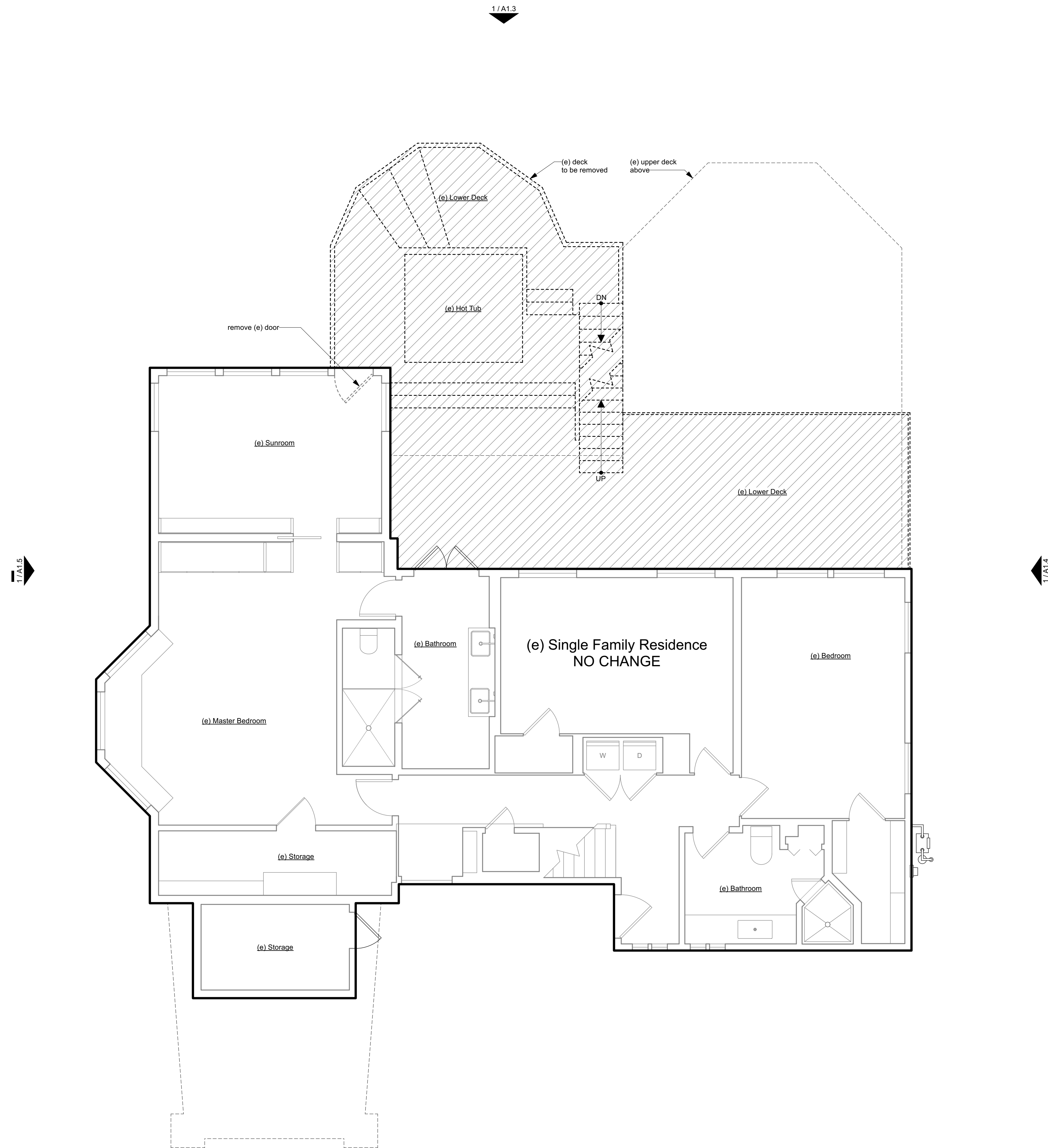
SHEET



A1.0

LEGEND

-  Existing Wall, Fence, or Fixture to be Removed
-  Deck to be Removed
-  Existing Residence to Remain Unchanged



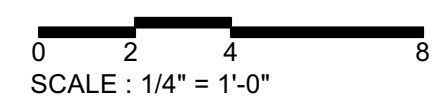
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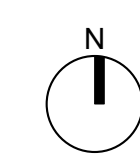
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PROPOSED BASEMENT LEVEL PLAN

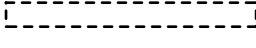
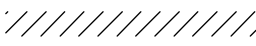



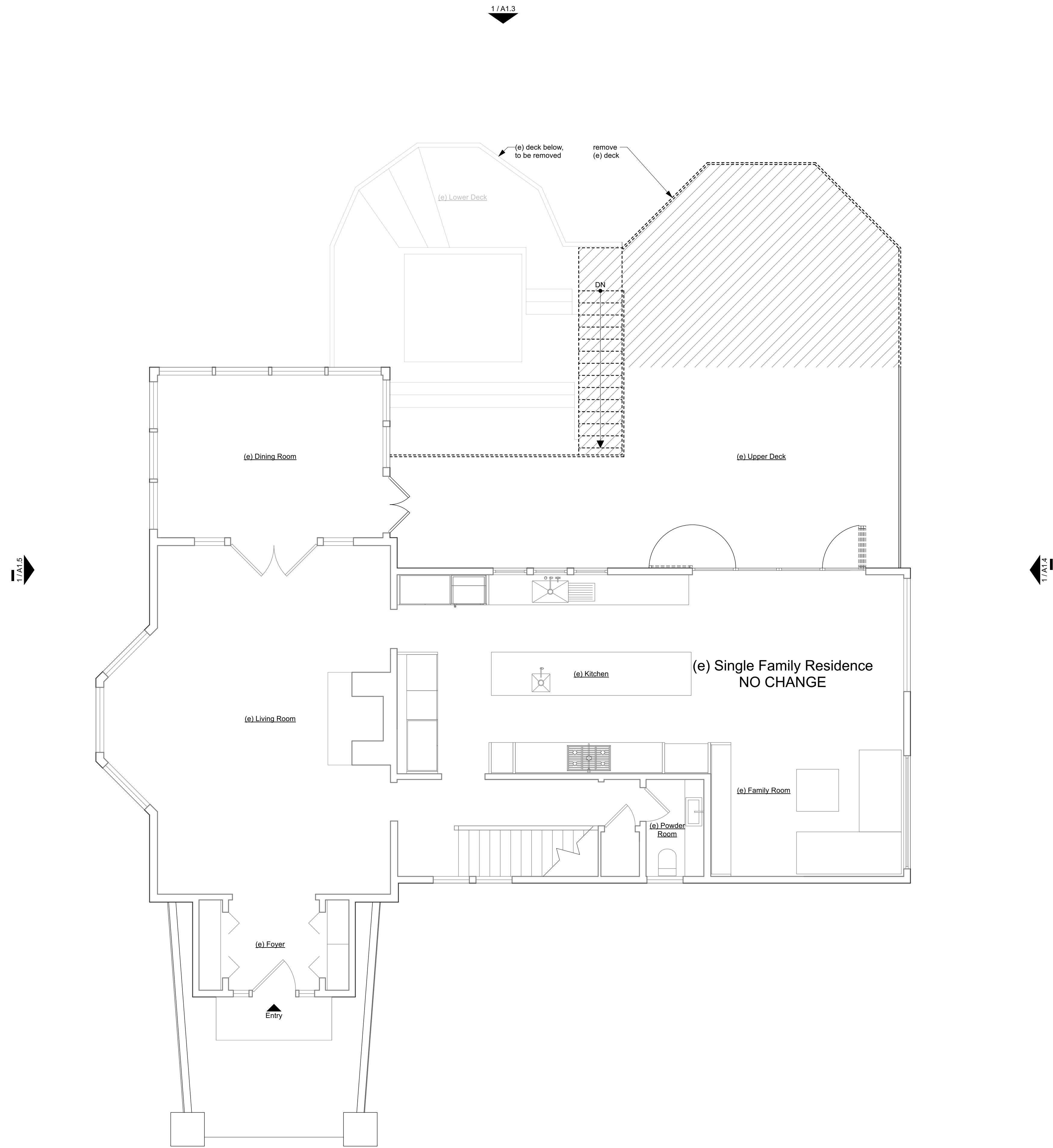
SHEET



A1.1

LEGEND

-  Existing Wall, Fence, or Fixture to be Removed
-  Deck to be Removed
-  Existing Residence to Remain Unchanged



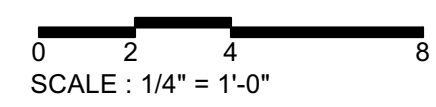
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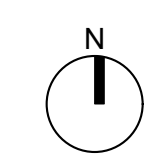
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DESCRIPTION
DEMO UPPER LEVEL DECK PLAN



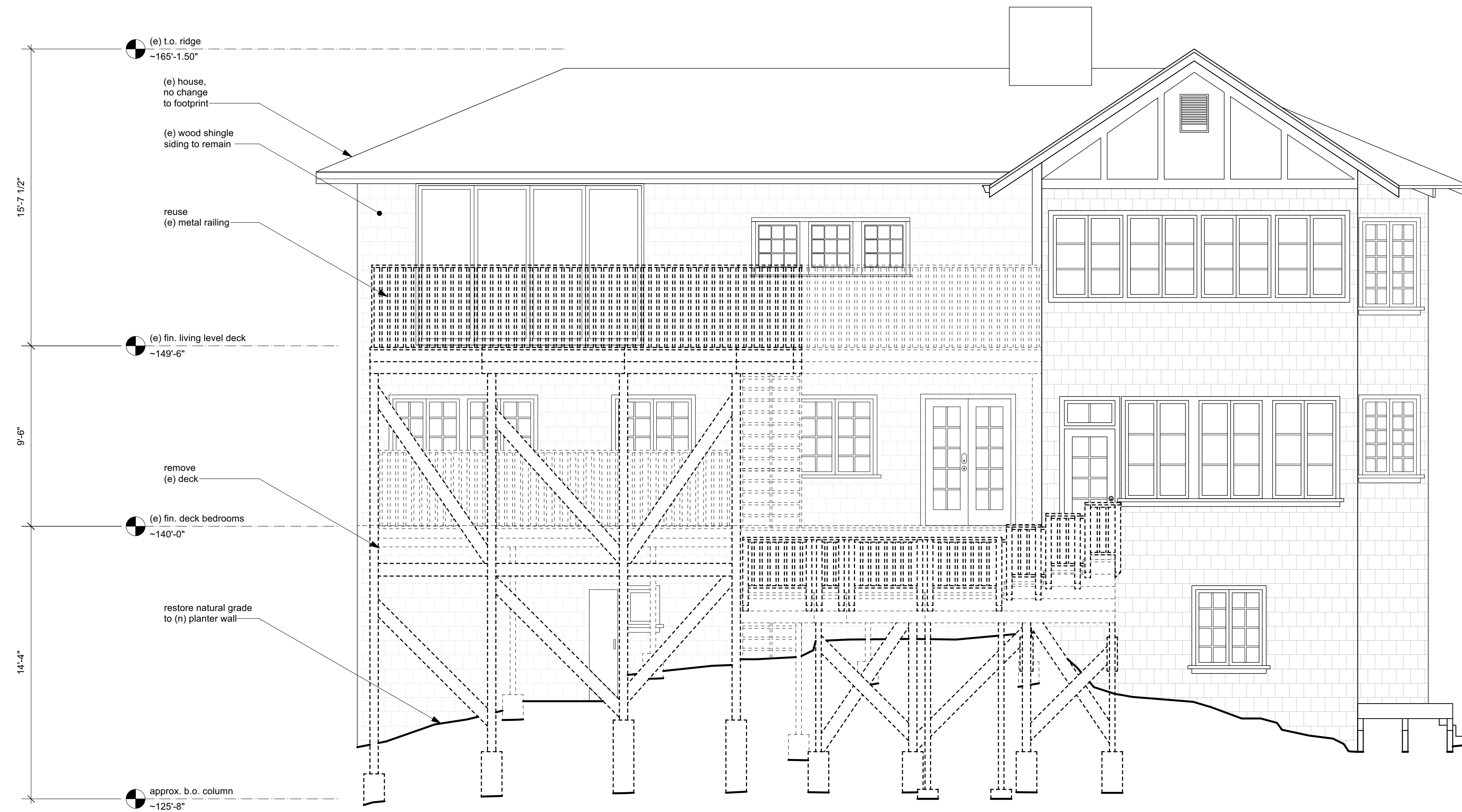
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A1.2

LEGEND

Existing Wall, Fence, or Fixture to be Removed



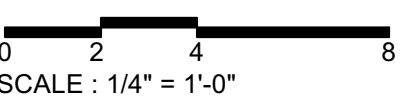
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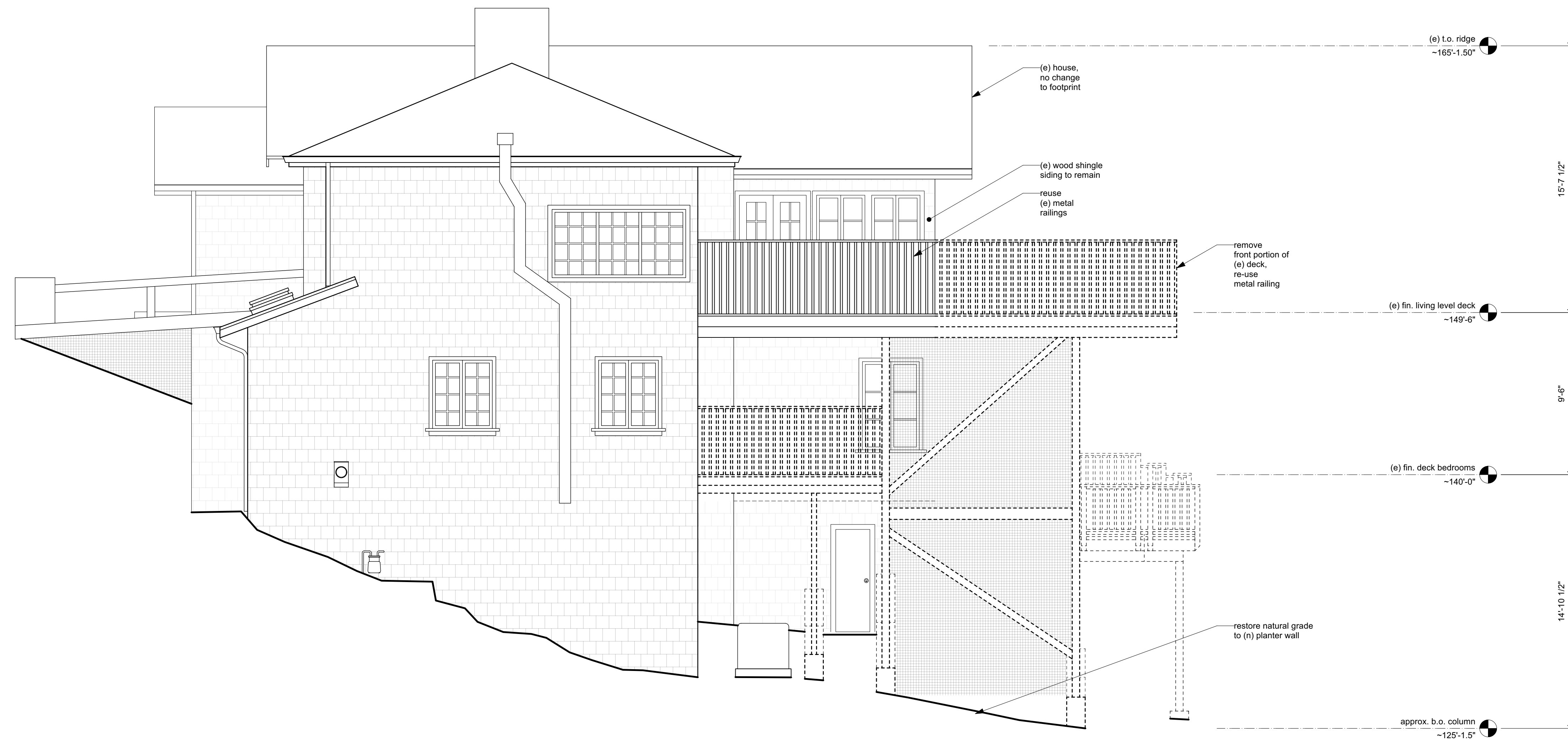
DESCRIPTION
DEMO ELEVATIONS



SHEET

LEGEND

Existing Wall, Fence, or Fixture to be Removed



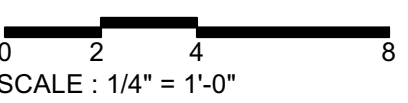
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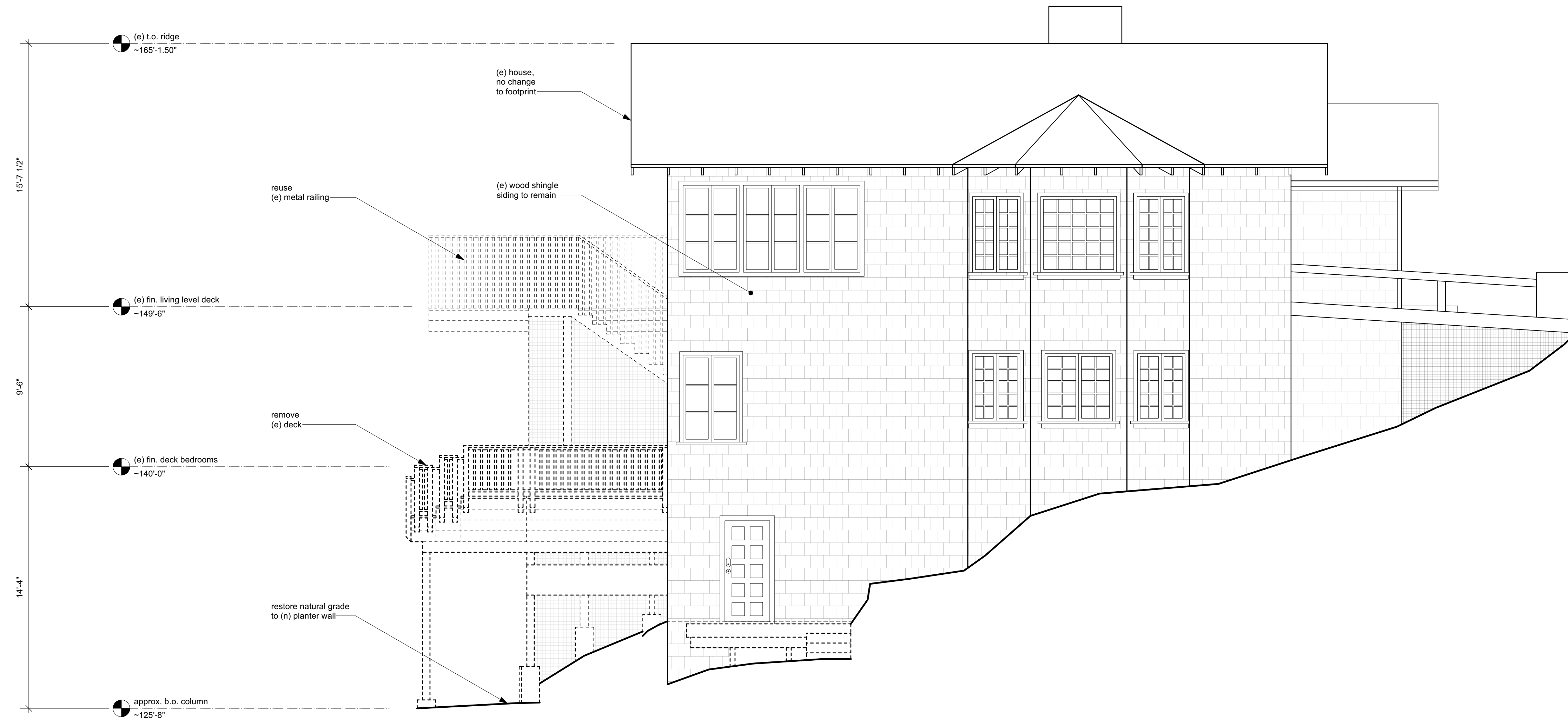
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Existing Wall, Fence, or Fixture to be Removed



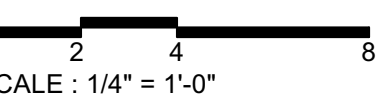
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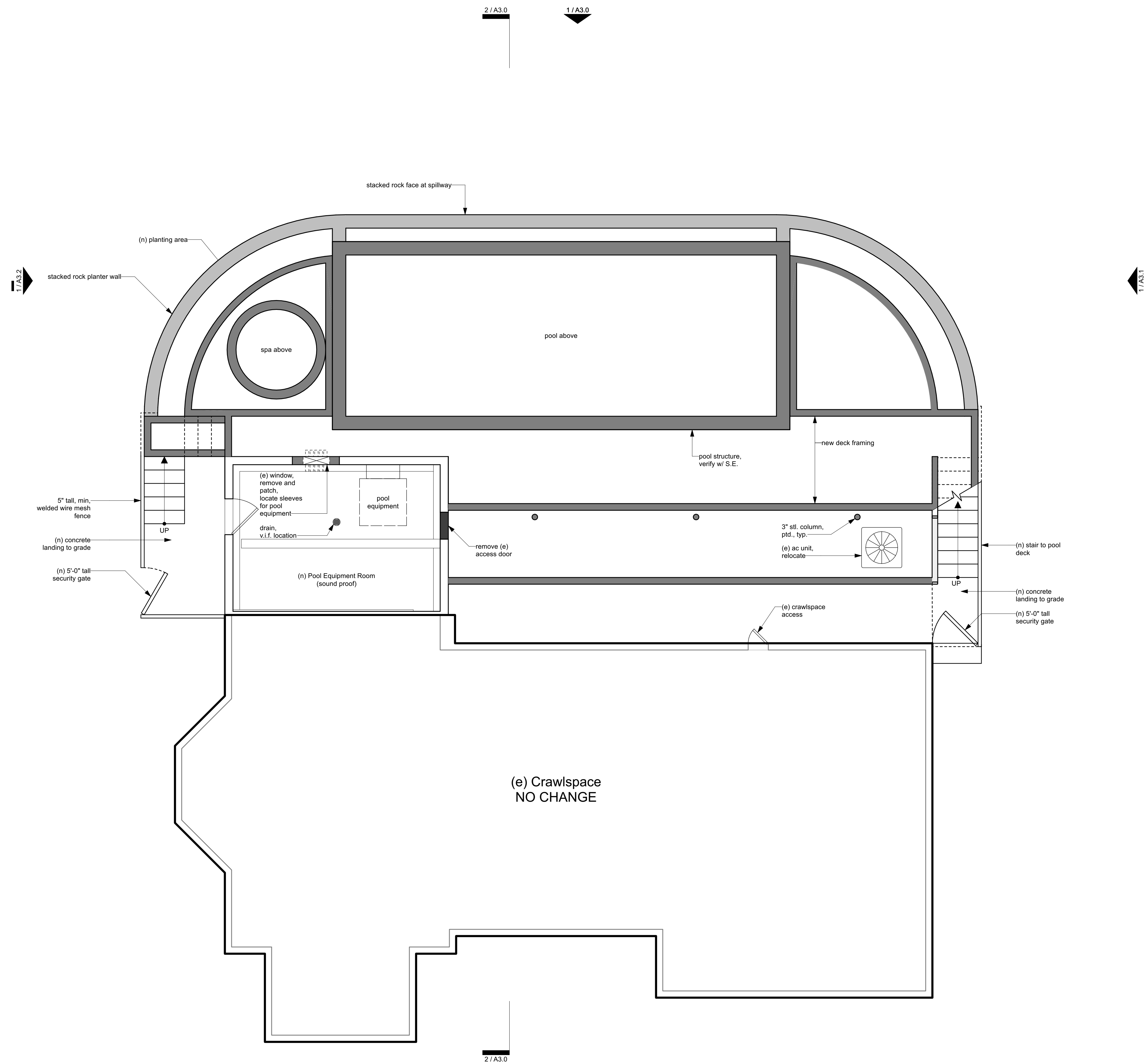
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A1.5

LEGEND

Area of Proposed New Deck

Existing Residence to Remain Unchanged



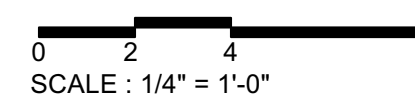
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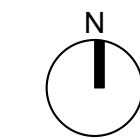
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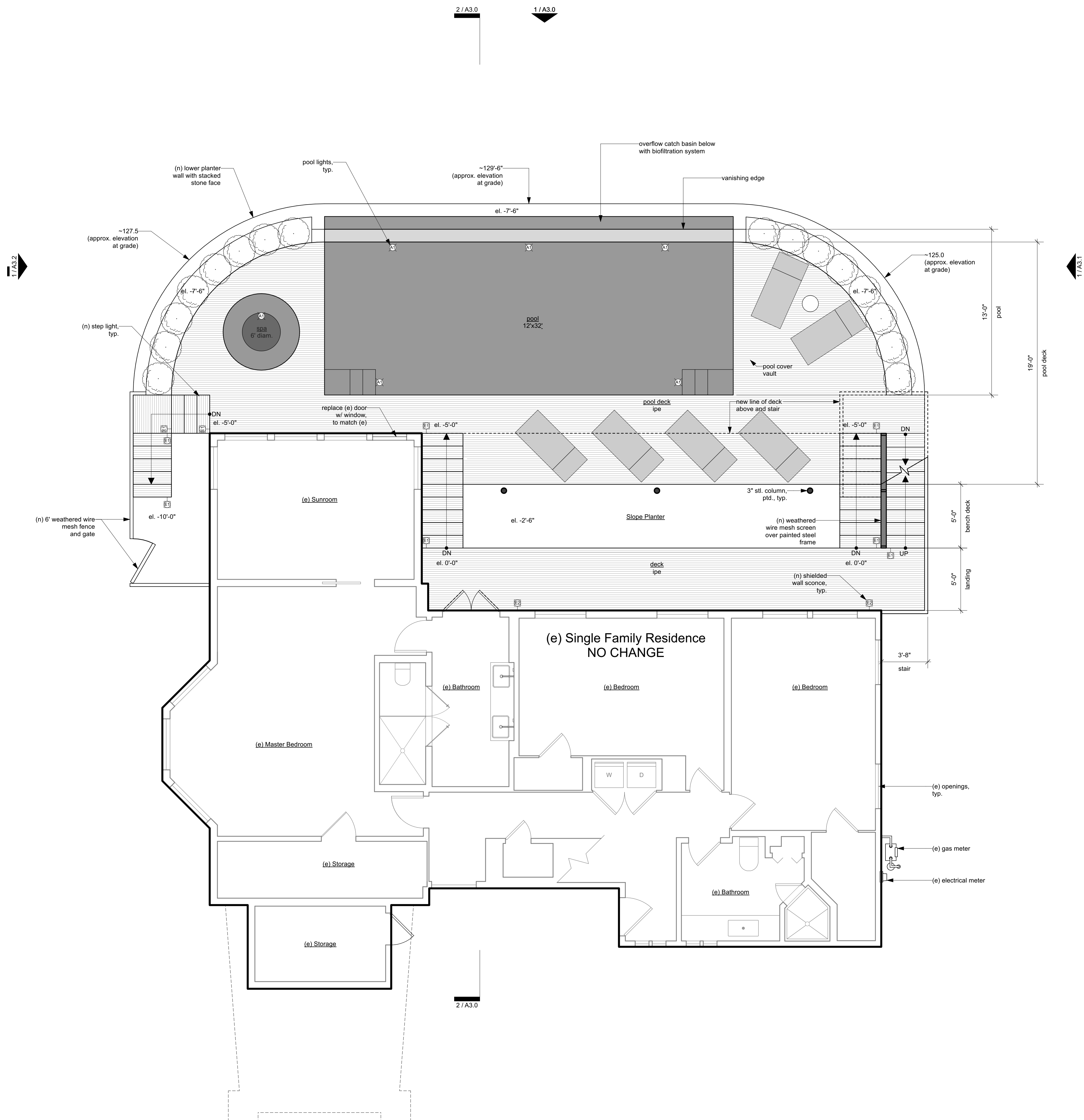
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A2.0

LEGEND

- Area of Proposed New Deck
- Existing Residence to Remain Unchanged



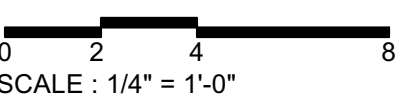
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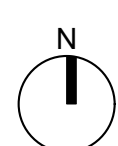
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|------------|------------------------------|-------|-------|
| 01.18.2021 | Planning Submittal | AFIAR | |
| 04.01.2022 | Revised Planning Submittal | AFIES | |
| 05.02.2022 | Revised Planning Submittal 2 | AFIES | |

DESCRIPTION
PROPOSED LOWER LEVEL DECK PLAN



SHEET

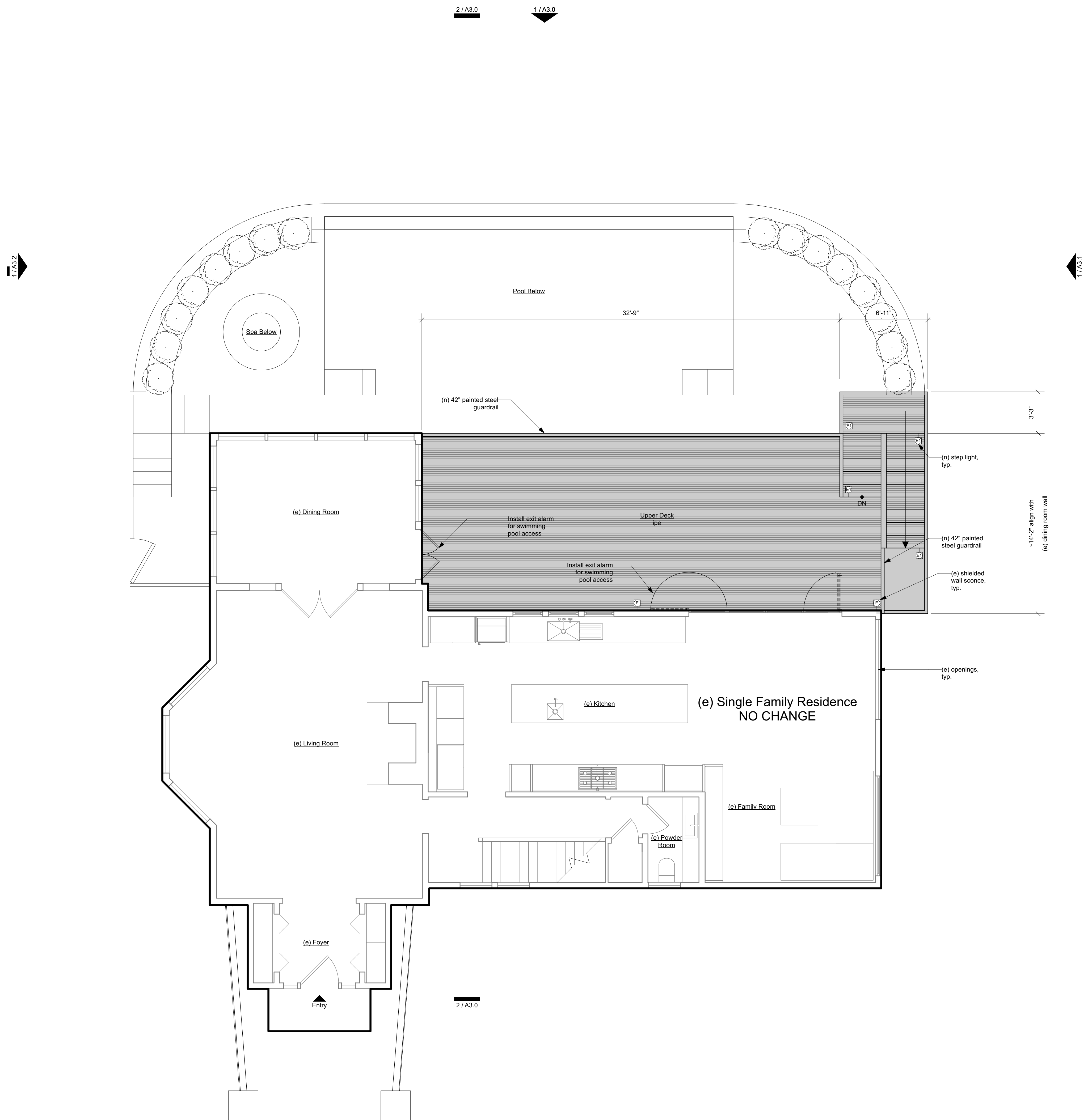


A2.1

LEGEND

— Area of Proposed New Deck

--- Existing Residence to Remain Unchanged



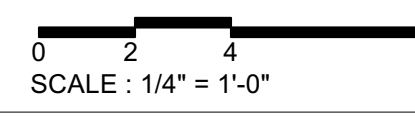
FISCHER ARCHITECTURE

tel 510.204.9250 | fischerarchitecture.com
2984 San Pablo Ave, Berkeley, CA 94702

FLETCHER RESIDENCE
3 WILLOW HILL ROAD
ROSS, CA 94957
APN: 073-252-13

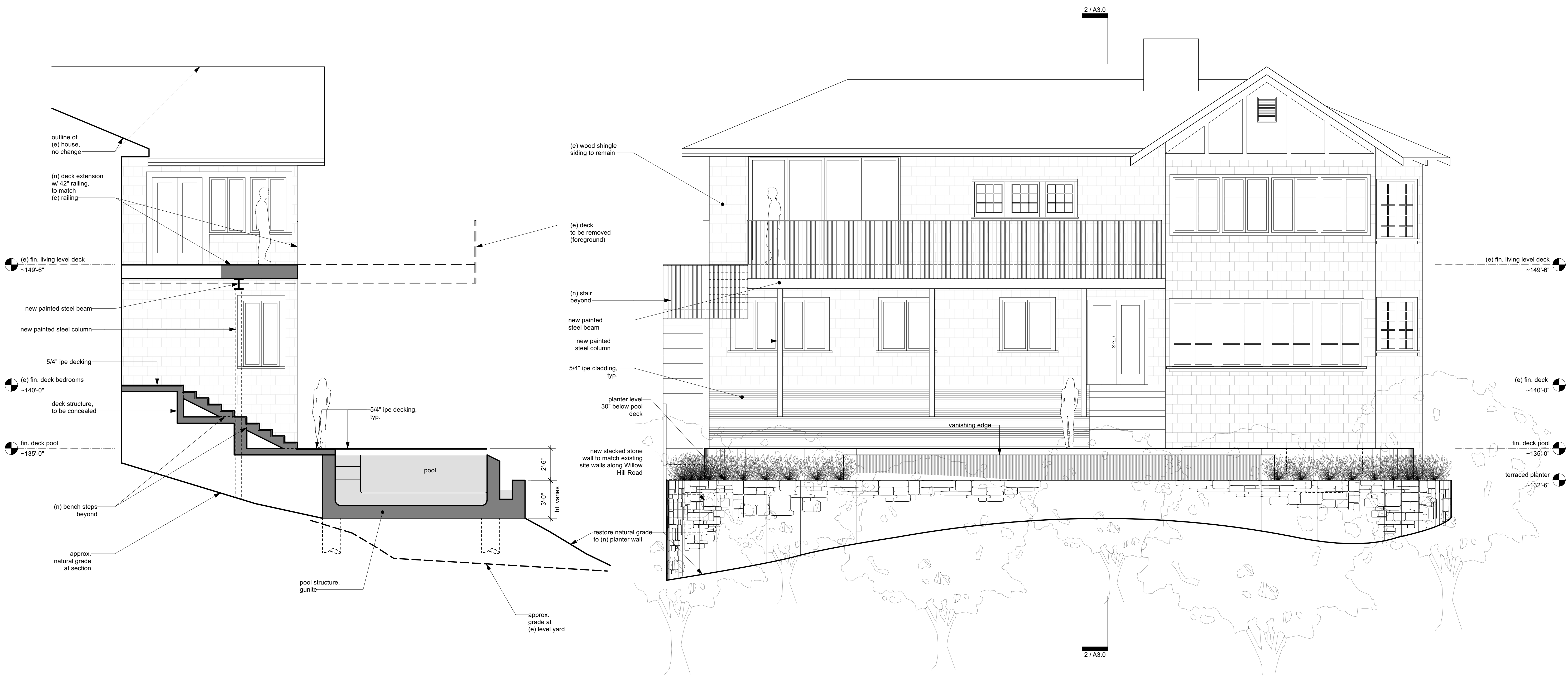
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| 05.02.2022 | | Revised Planning Submittal 2 | AFIES |

DESCRIPTION
PROPOSED UPPER LEVEL DECK PLAN



SHEET





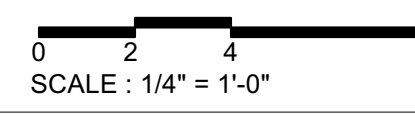
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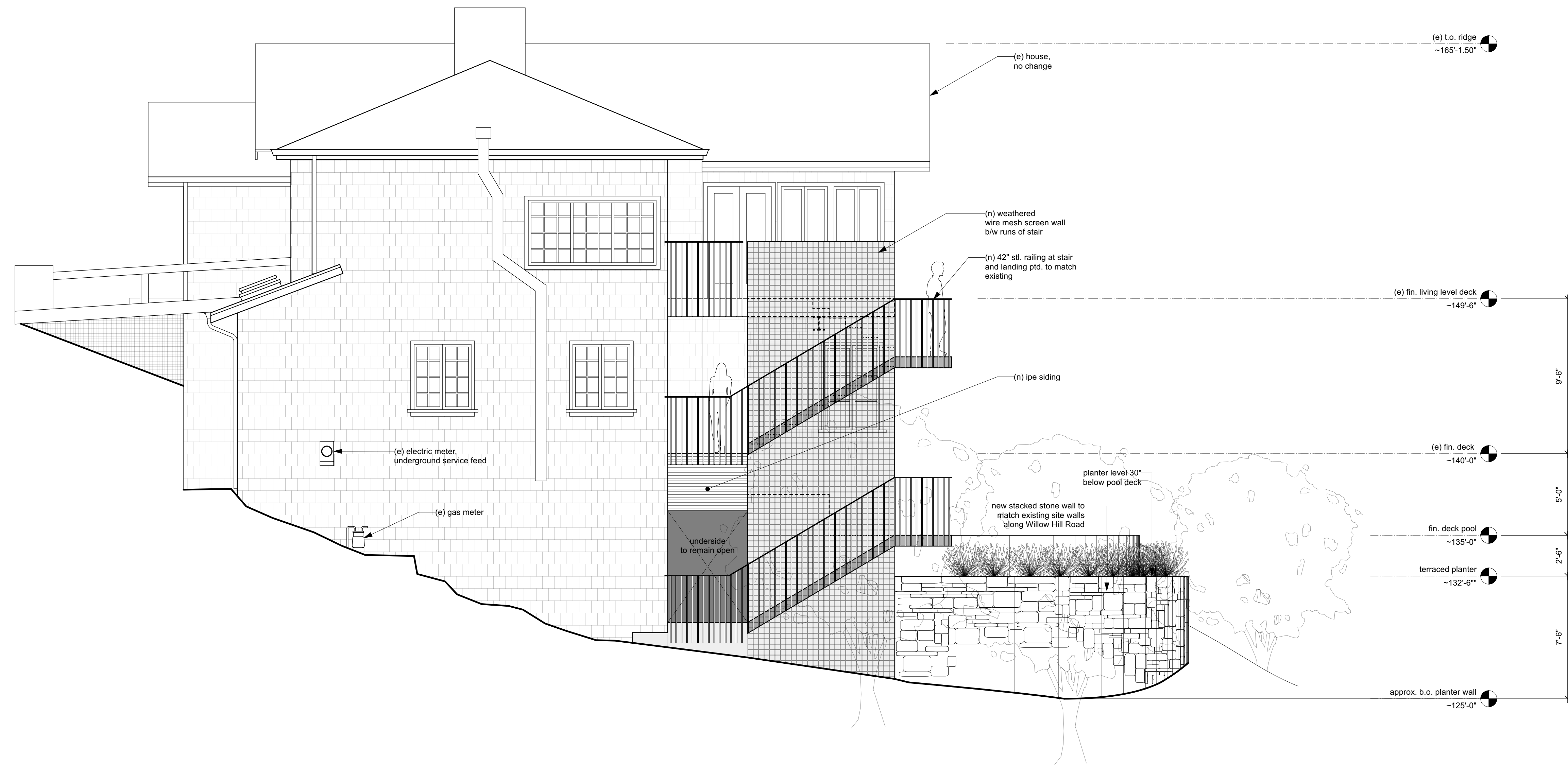
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DESCRIPTION
PROPOSED SECTION / ELEVATIONS



SHEET



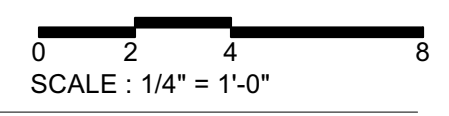
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2984 San Pablo Ave, Berkeley, CA 94702

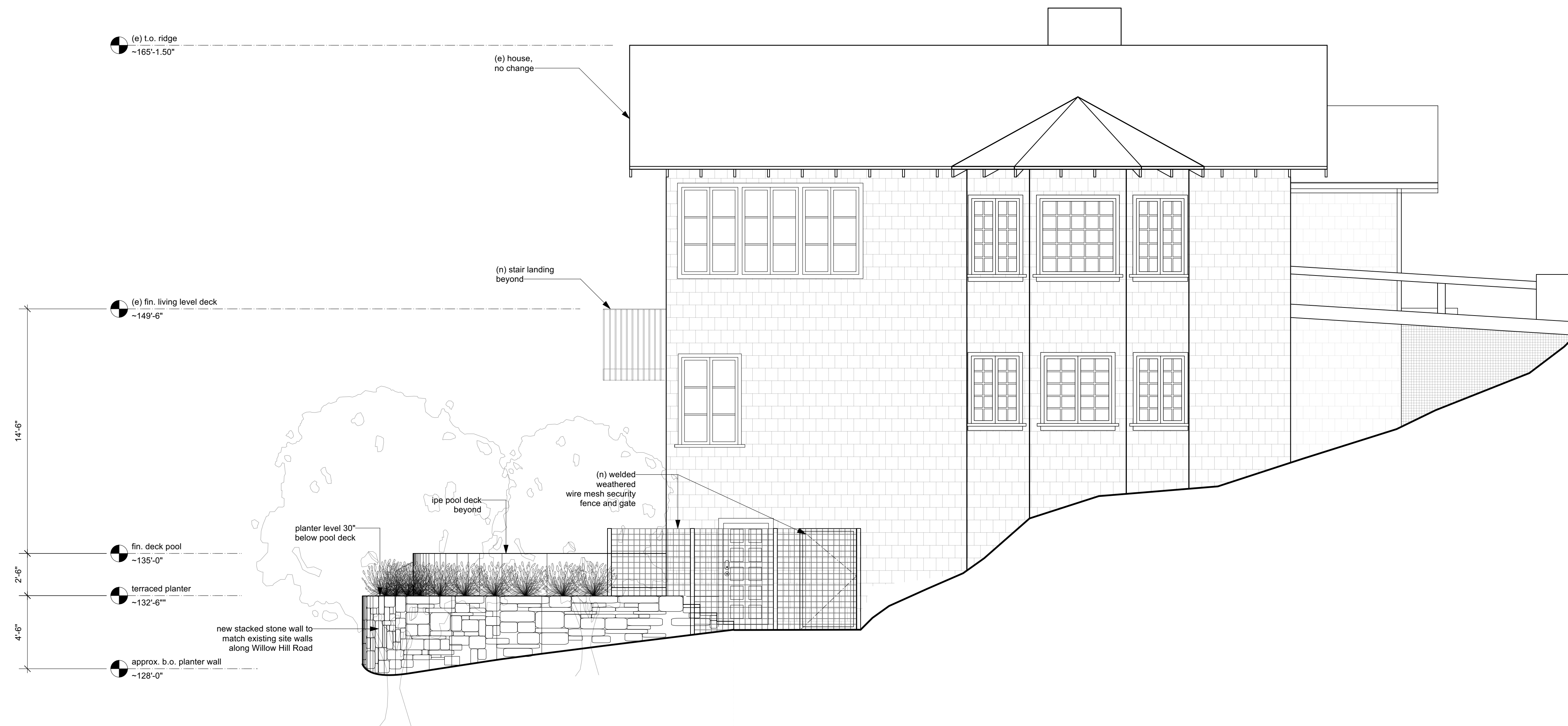
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3 WILLOW HILL ROAD
ROSS, CA 94957
APN: 073-252-13

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DESCRIPTION
ELEVATIONS



SHEET



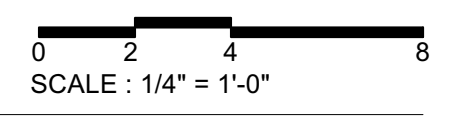
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FLETCHER RESIDENCE
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| 01.18.2021 | Planning Submittal | AF/AR | |
| 04.01.2022 | Revised Planning Submittal | AF/ES | |

DESCRIPTION
ELEVATIONS



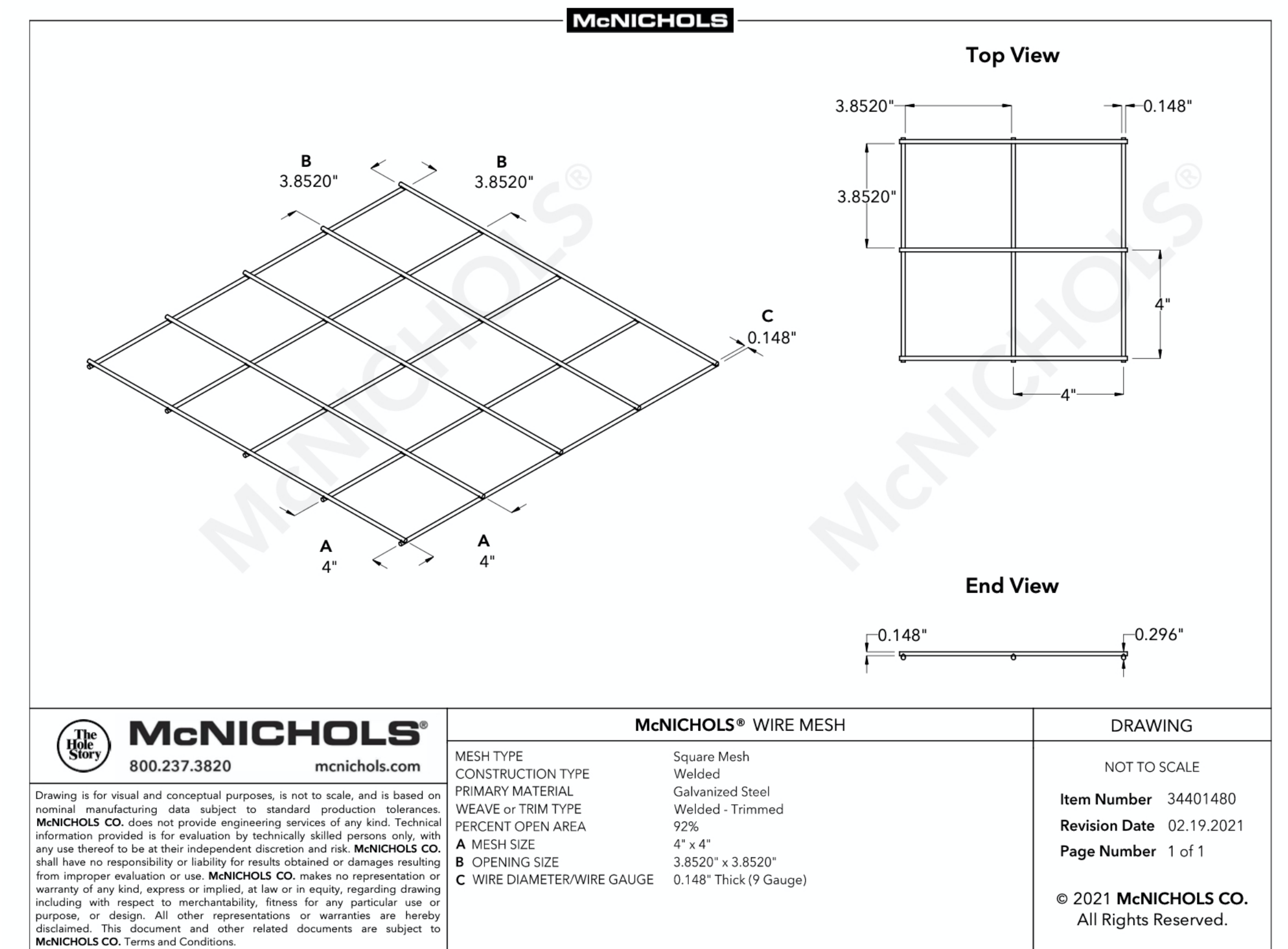
SHEET



IPE DECKING



WILLOW HILL STACKED STONE WALL



WELDED WIRE MESH

WAC LIGHTING

Step Light with Photocell

| Model & Voltage | Color Temp & CRI | Lumens | Finish |
|-------------------|-------------------|--------|--|
| WL-LED102 120 VAC | 3000K 90 Amber | 65 | <input type="radio"/> BK Black on Aluminum <input type="radio"/> BN Brushed Nickel on Aluminum <input type="radio"/> BR Bronze on Aluminum <input type="radio"/> SS Stainless Steel <input type="radio"/> WT White on Aluminum |

Example: WL-LED102-30-BK

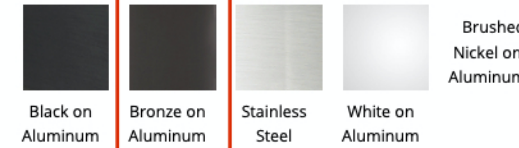
FEATURES

- Options in die-cast brass or 316 marine-grade stainless steel
- Fits into 2"x4" J-Box with minimum inside dimensions of 3"x2"x2"
- No driver needed
- No heat radiation
- Low profile, flush to wall aesthetics with no visible hardware
- Balanced lighting, free of shadows with minimum glare
- Integrated photocell for energy saving
- Driver concealed within the fixture
- 5 Year warranty

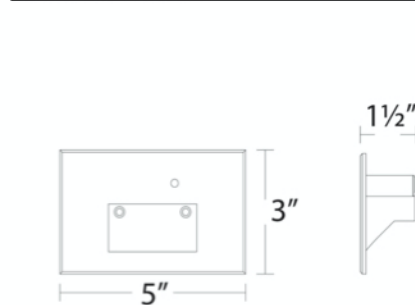
SPECIFICATIONS

| | |
|-----------------|---|
| Construction: | Corrosion resistant aluminum alloy, Stainless Steel |
| Power: | 2W |
| Input: | 120 VAC, 50/60Hz |
| Light Source: | Integrated LED |
| Lens: | 3 Step Mac Adam Ellipse Tempered Glass |
| Rated Life: | 54000 Hours |
| Finish: | Enamel Coated:Black on Aluminum, Enamel Coated:Bronze on Aluminum, Enamel Coated:Stainless Steel, Enamel Coated:White on Aluminum, Enamel Coated:Brushed Nickel on Aluminum |
| Operating Temp: | -40°F to 122°F (-40°C to 50°C) |
| Standards: | ETL, cETL, Wet Location Listed, IP66, ADA |

FINISHES:



LINE DRAWING:

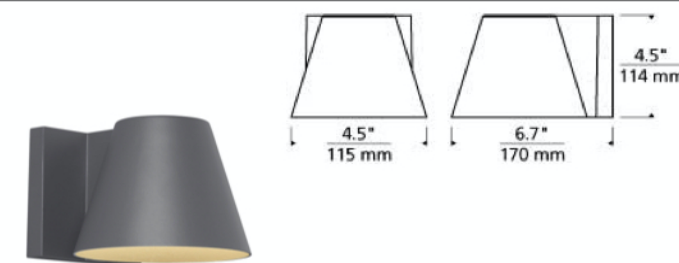


Fixture Type: _____
 Catalog Number: _____
 Project: _____
 Location: _____

STEP LIGHT - E1 FIXTURE

Bowman 4 Outdoor Wall

DESCRIPTION
 The classic and sleek silhouette of the Bowman LED outdoor wall sconce by Tech Lighting makes it suitable for both indoor and outdoor applications. Clean lines and mid-century modern design inspiration characterizes the die-cast aluminum body which houses a powerful, long-lasting LED light source tightly controlled for down light only, yet supplying significant illumination for even the darkest nights. The UV stabilized, frosted acrylic lensing diffuses the LED light to create an even glow. This small-scale, modern wall sconce is available in two sizes (4.5 inches and 6 inches high). The durable, marine-grade powder coat finish is available in Charcoal, Bronze, Black, Silver or White. IP65 wet listed. L70, 70,000 hours. 5-year warranty.



ORDERING INFORMATION

| 700WSBOW | LENGTH (A) | FINISH | LAMP |
|----------|------------|--|---|
| 4 | 4" | <input type="radio"/> B BLACK <input type="radio"/> Z BRONZE <input type="radio"/> H CHARCOAL <input type="radio"/> I SILVER <input type="radio"/> W WHITE | <input type="checkbox"/> -LED437 <input type="checkbox"/> -LED437-277 <input type="checkbox"/> -LED80 <input type="checkbox"/> -LED80-277 LED 80 CRI 3000K 120V <input type="checkbox"/> -LED80-277 LED 80 CRI 3000K 277V |



700WSBOW _____
 FIXTURE TYPE: _____
 JOB NAME: _____
 NOTES: _____

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(E) WALL LIGHT - E FIXTURE



(E) PAINTED STEEL RAILING

FISCHER ARCHITECTURE

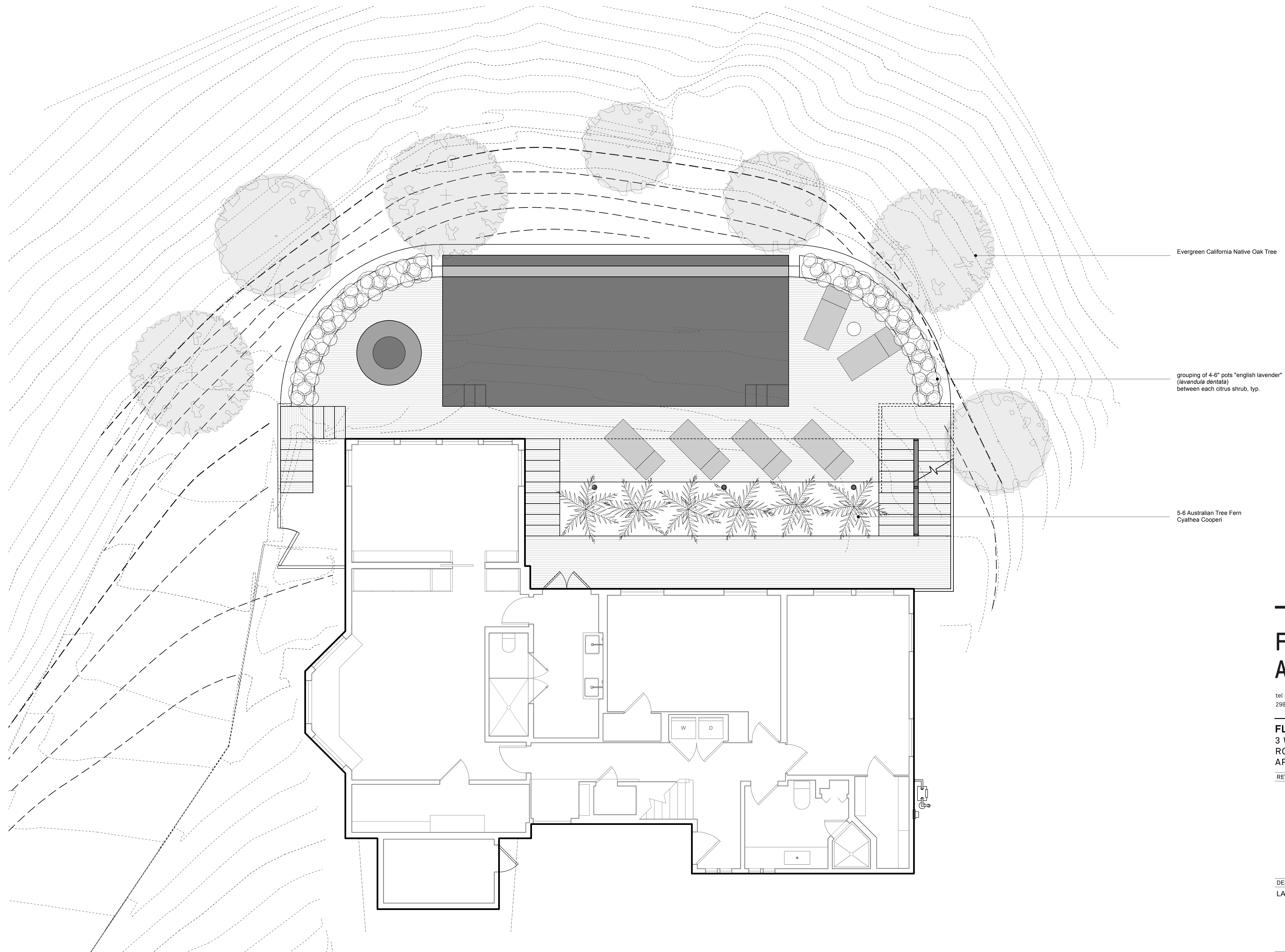
tel 510.204.9250 | fischerarchitecture.com
 2984 San Pablo Ave, Berkeley, CA 94702

FLETCHER RESIDENCE
 3 WILLOW HILL ROAD
 ROSS, CA 94957
 APN: 073-252-13

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DESCRIPTION
 MATERIALS PALETTE AND LIGHTING

SHEET



Evergreen California Native Oak Tree

grouping of 4-6" pots "english lavender"
(*lavandula dentata*)
between each citrus shrub, typ.

5-6 Australian Tree Fern
Cyathea Cooperi

FISCHER ARCHITECTURE

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DESCRIPTION
LANDSCAPE PLAN

0 2 4 8
SCALE : 1/4" = 1'-0"

SHEET

18 January 2022
(Revised 04 April, 2022)

Project Description: 3 Willow Hill Road

Enclosed please find our submittal for a Planning Application and Variance Request for improvements to the home at 3 Willow Hill Road, a single-family residence owned by Scott Fletcher.

The property at 3 Willow Hill Road, accessed by a private road, is sited along a heavily wooded hillside lot in the Town of Ross. It includes a single-family residence, a detached garage, elevated deck structures and a hot tub. The project proposes demolition and remodel of the existing multilevel deck off the living areas and an addition of a pool and a terraced planter. One of the goals for this project is to simplify the design of the existing deck and supporting structure. Currently, the wooden structure is composed of complex add hock geometries that obscure much of the existing northern façade of the 1913 craftsman house. (refer to A1.3). Our proposed redesign of the deck features a clean and redefined deck plan that allows for simpler circulation and efficient organization of exterior spaces. In elevation, the proposed design produces a less obstructive structure that reveals more of the pleasant aesthetics of the existing residence's northern façade. This allows the existing home to display its doors, windows and shingled exterior cladding. As part of the deck design, the proposal also includes a pool and terraced planter that encroaches into the rear setback of the irregular narrow lot which triggers a request for a variance.

The materials proposed for this design include a palette of warm hardwood decking, painted steel structural members and painted metal railings. These materials will be complemented with vegetation planted in a terraced planter that falls along the perimeter of the proposed deck and pool. To mitigate the presence of the pool wall from below hill the perimeter planter walls will be concealed by weathered, wire mesh fence panels that will sustain plants and vines to serve as screening vegetation. In addition we are restoring natural grade (by removal of an existing retaining wall) at the base of the terraced planter wall to further reduce the visual impact of the proposed structure.

Variance Findings

Special Circumstance:

The size of the subject property and the location of its existing structures do not meet the standards of the zoning district, R1: B5-A, for minimum lot area, building coverage as well as for side, front and rear setbacks. The minimum lot area for this zoning district is 5 acres, with a 10% coverage requirement, 25' front, 45' side and 75' rear setbacks. 5 Willow Hill has a lot area of less than 0.5 acres, making building coverage and setbacks that comply with its assigned

zoning district standards an impossible burden to overcome. Furthermore, the lot is irregularly shaped with a large portion unbuildable due to steep topography and a grove mature oak trees.

Substantial Property Rights:

The existing home is positioned on a narrow section of a very steep lot with limited access to the outdoors and natural grade, other than by elevated wooden decks. Our proposed pool and lower deck extend off the living areas and provide an accessible outdoor recreational area that would otherwise be prohibitive.

Public Welfare:

The proposed improvements will be fully shielded from view on the south and east side of the property by the existing home and detached garage structure. The view from the western side is screened by existing mature oak trees as well as being well below the level of the proposed decks and pool. A filtered view of the proposed improvements from the North can only be seen from the private road through mature oak and bay trees. The limited view back to the house from below will be improved by the removal of a large portion of the visible upper deck that projects out towards the north. We are also proposing to restore natural grade up to the base of the pool/planting structure as well as utilizing a terraced planter to reduce the visual wall height along the norther edge of the pool deck.

The subject property is not visible from the public right-of-way below Willow Hill along Lagunitas and Madrona

Many thanks again for your consideration, and please don't hesitate to call with any questions or comments.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a stylized name.



Town of Ross

Planning Department

P. O. Box 320, Ross, CA 94957

Telephone (415) 453-1453 ext. 121

www.townofross.org

Fax (415) 453-1950

NEIGHBOR ACKNOWLEDGEMENT FORM

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

Project Address and Assessor's Parcel No. 3 Willow Hill Road, 073-252-13

Owner(s) of Parcel Scott Fletcher

Date of Plans _____

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

I approve the plans as proposed

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

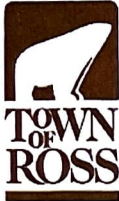
Note: the information on this form will become part of the public record for this project and providing personal information is optional. If you have any concerns with the plans, the Town encourages you to discuss them with the applicant. If the concerns are not resolved, please inform the Planning Department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

Neighbor Name(s) Scott + Evin Grace

Neighbor Signature(s) [Signature] Date Jan 22, 2022

Neighbor Address 7 Willow Hill Rd, Ross CA 94957

Neighbor Phone Number and Email 720-891-7197 scott.grace@noveen.com



Town of Ross

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Owner(s) of Parcel Scott Fletcher

Date of Plans _____

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Neighbor Name(s) Alexander and Lily Uihlein

Neighbor Signature(s) *[Signature]* Date 1/23/2012

Neighbor Address 9 Willow Hill Rd.

Neighbor Phone Number and Email (67) 840-4640 alexanderuihlein@gmail.com



Town of Ross

Planning Department
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Owner(s) of Parcel Scott Fletcher

Date of Plans _____

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Neighbor Name(s) John B. Coan

Neighbor Signature(s) [Signature] Date 1/25/22

Neighbor Address 4 Willow Hill Rd, Ross CA 94957

Neighbor Phone Number and Email 415-261-7237, johncoan@me.com

FISCHER ARCHITECTURE

tel 510.204.9250
fischerarchitecture.com
2984 San Pablo Avenue
Berkeley, California 94702

May 2, 2022

Matthew Weintraub, Planner
Town of Ross
31 Sir Francis Drake Boulevard
Ross, California 94957

Re: Revisions to the Planning Application for 3 Willow Hill Road Ross, CA 94957

Dear Matthew,

Please find our revised design and application for the Deck and Pool project at 3 Willow Hill Road. We have gone back and revised our plans and elevations to incorporate comments made by several of the ADR commissioners from the April 19th public hearing. The specifics and details of the revisions are noted below.

Sheet A0.1 Project Data and Information:

- Revision to the Project Description and Project Information have been made to reflect the design changes, specifically to the proposed Deck and Patio square footage as well as the Pool/Spa size. The overall decks, pool and spa have been reduced, from 1860 s.f. to 1740 s.f. These changes have been highlighted with **Bold Text**.

Sheet A0.4 Proposed Site Plan:

- Revision to shape and size of lower pool deck and planters.
- Increased the rear yard setback from 9'-4" to 13'-9", which is currently the setback to the existing lower deck.
- Proposing to increase the area of hillside grade restoration to follow revised shape of deck and planter walls.
- Introducing stacked stone walls at terraced planters (replaces lagging wall and steel mesh panels). The stone walls will resemble the stone site walls that currently line Willow Hill Road.
- Introducing evergreen trees to be planted along base of planter walls, see notes to Landscape Plan below.
- Building coverage has been reduced to 14.1% from 16.2%.
- Cut and fill calculations reflect changes made to restore hillside and push pool closer to the house. Note, these calculations are in cubic feet.

Sheet A0.5 Zoning Requirement Diagrams:

- The diagram for the proposed design has been modified to reflect the revisions.
- Note; we have removed the redundant site calculations which show up on Sheet A0.4.
- We added a diagram illustrating the approximate location of existing pools, on the hillside, and in close proximity to 3 Willow Hill.

Sheet A2.0 Proposed Basement Level Floor Plan:

- Changes to the deck structure to reflect revised design.

Sheet A2.1 Proposed Lower Level Floor Plan:

- Changes made to the shape of the pool deck and terraced planter. The revised shape and smaller pool better conform to the natural topography of the site and significantly reduce the height of the outer, downslope walls.

- Proposing to removed the mid level bench deck and replace with a sloped planter.
- Introducing spill over catch basin with “bio-filtration” medium.

- The spa has been removed from the pool and placed on the west deck.
- Removed steel mesh screen at planter walls, see Sheets A3.0-A3.2 for further illustration of material changes
- Rerouted west stair from pool deck to grade.

Sheet A2.2 Proposed Upper Level Plan:

- Minor dimension changes to proposed stair from upper deck.

Sheet A3.0 Proposed Section/Elevation:

- Section drawing illustrated the modifications made to the pool deck and terraced planter walls/overspill catch basin. Terraced wall height reduced to 3'-0" from 5'-2".
- Elevation illustrates the modifications made to the pool deck and terraced planter walls. Overall wall heights have been greatly reduced and a material change is proposed for the planter walls and introduction of a “vanishing” pool edge and overspill catch basin.

Sheet A3.1 Proposed East Elevation:

- Elevation illustrates the modifications made to the pool deck and terraced planter walls. Terraced planter wall height has been reduced to 7'-6" from 11'-10". Planter wall materials have been changed from steel mesh screening to stacked rock walls.

Sheet A3.2 Proposed West Elevation:

- Elevation illustrates the modifications made to the pool deck and terraced planter walls. Terraced planter wall height has been reduced to 4'-6" from 10'-7". Planter wall materials have been changed from steel mesh screening to stacked rock walls.
- Access stair and security fence has been modified to follow west edge of the house.

Sheet A5.0 Material Palette and Lighting:

- Added an image of stacked stone walls that are similar to the existing stone walls that line Willow Hill Road.

Sheet LA-1Landscape Plan:

- Modified planting plan to reflect changes made to the terraced planter walls and removal of the steel mesh screen wall.
- Proposing to add several large box evergreen oak trees to the restored hillside for stability and screening.

Sincerely,

FISCHER ARCHITECTURE



Andrew Fischer