



**Staff Report**

**Date:** September 12, 2024  
**To:** Mayor Kircher and Council Members  
**From:** Alex Lopez-Vega, Assistant Planner  
**Subject:** Kozub and Golden Residence, 21 Loma Linda

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**Recommendation**

Town Council consideration for Design Review, a Nonconformity Permit, a Hillside Lot Permit, and a Variance for the project described below located at 21 Loma Linda. The Town Council may adopt Resolution No. 2433 (Attachment 1) approving the project, subject to conditions.

**Property Address:** 21 Loma Linda  
**A.P.N.:** 072-121-04  
**Applicant:** Imprints Landscape Architecture  
**Property Owner:** Ben Kozub and Scott Golden  
**Zoning:** R-1:B-10  
**General Plan:** ML (Medium Low Density)  
**Flood Zone:** X (Moderate Risk)

**Project Data**

	<b>Code Standard</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Area</b>	10,000 SF	13,063 SF	No change
<b>Building Coverage</b>	20%	2,167 (17%)	No Change
<b>Rear Setback</b>	40'	Deck 23'	No Change- Deck Fireplace/Arbor- 23' 6"
<b>Impervious Surface Coverage</b>	Minimize and/or mitigate for any increase.	1,765 SF	No change

**Project Description:**

The applicant requests approval from the Town Council for Design Review, Nonconformity Permit, Hillside Lot Permit, and a Variance. The project proposes to renovate the existing nonconforming wooden deck, expanding it from 710 square-feet (SF) to 720 SF. Additionally, the project will include a new fireplace, seat wall and a new arbor. Variances are requested to allow for the construction of new landscape structures within the rear yard setback and a new rock wall that will measure 8 feet in height.

Project plans are included as **Attachment 2**; Project Application and Materials are included as **Attachment 3**.

The proposed project is subject to the following permit approval:

- **Design Review Permit is required pursuant to RMC Section 18.41.010** to allow the construction of any retaining wall greater than forty-eight inches in height.
- **Nonconformity Permit is required pursuant to RMC Section 18.52.040** to allow for alterations to an existing nonconforming deck.
- **Variance is required pursuant to RMC Section 18.48.010** to allow for the construction of a new arbor, and outdoor fireplace within the rear yard setback and to construct a new rock wall over 6 feet in height.
- **Hillside Lot Permit is required pursuant to RMC Section 18.39.020** for lots with a slope of 30 percent or more.

**Background**

The project site is an 18,985 SF lot on Loma Linda. The existing single-family residence is legal nonconforming in terms of floor area, setbacks, height, and lot coverage. The existing deck is nonconforming and located within the rear setback.

**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 for Attics, a Hillside Lot Permit, and/or a Variance.

On August 20, 2024, the Advisory Design Review (ADR) group supported the design of the project as drawn since the nonconforming deck is not exacerbating the existing nonconformity. The ADR members recommended that the 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.

Draft minutes of the August 20, 2024, ADR meeting are included as **Attachment 4**.

### **Discussion**

The proposed project is subject to the following permit approvals pursuant to the Ross Municipal Code:

### ***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. If Council intends to approve Design Review, staff recommends that the required findings for approval be satisfied for the proposed project, as follows:

- The project is consistent with the purpose of Design Review as outlined in Section 18.41.010. (Section 18.41.070 (b) (1))
- The project is in substantial compliance with the design criteria of Section 18.41.100. (Section 18.41.070 (b) (2))
- The project is consistent with the Ross General Plan and zoning ordinance. (Section 18.41.070 (b) (3))

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. The proposed project is not monumental or excessively large size and is compatible with others in the neighborhood and do

not attract attention to themselves. The project proposes 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. Landscaping protects privacy between properties, all proposed lighting is down lit with covered bulbs. The post-project stormwater runoff rates from the site would be no greater than pre-project rates.

***Nonconformity Permit***

Many residential structures in the town do not conform to the requirements of this Zoning Code because they were established before the adoption of zoning or before residential floor area limits were established in 1967. The purpose of this section is to allow for the continued existence, reconstruction and modification of nonconforming residential structures, subject to limitations set forth in this section. The intent of these regulations is to protect historic buildings and those that contribute to the Town's small-town character; to permit setbacks nonconformities to be retained on site redevelopment where the design is appropriate; and to allow other nonconformities to be maintained when reasonable and where they create the same or fewer impacts than strict conformance with town regulations.

Pursuant to Sections 18.32.050 and 18.32.060, which establish development standards in the R-1:B-10 district, the minimum side setback is 25 feet, rear side setback is 40 feet, and front setback is 25 feet. The existing nonconforming structure does not meet the current code for rear yard setbacks. Pursuant to Section 18.52.030, the project requires a Nonconformity Permit to enlarge, extend, reconstruct, and/or structurally alter the existing residential structures which are nonconforming with respect to the setbacks.

Town Council may consider a Nonconformity permit, as summarized below and as supported by the findings in Exhibit "A".

- (a) The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed. The property owner has the burden to prove by substantial evidence the nonconforming and legal status of the structure.
- (b) The Town Council can make the findings required to approve any required demolition permit for the structure: The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural, or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood, or the community.
- (c) The project substantially conforms to relevant design review criteria and standards in Section 18.41.100, even if design review is not required.

- (d) Total floor area does not exceed the greater of: a) the total floor area of the existing conforming and or legal nonconforming structure(s); or b) the maximum floor area permitted for the lot under current zoning regulations. The town shall apply the definition of floor area in effect at the time of the application for a nonconformity permit.
- (e) Granting the permit will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- (f) The project will comply with the Flood Damage Prevention regulations in Chapter 15.36.
- (g) The Fire Chief has confirmed that the site has adequate access and water supply for firefighting purposes, or that the project includes alternate measures approved by the Fire Chief.
- (h) The applicant has agreed in writing to the indemnification provision in Section 18.40.180.
- (i) The site has adequate parking. For the purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement; the Town Council may require covered parking to be provided.

The nonconforming structure was in existence prior to adoption of the Zoning Ordinance that now requires the above-mentioned side and front yard setbacks. The structure was constructed in 1915. The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural, or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood, or the community. The project conforms to the design review standards, and the proposed single-family home does not expand the nonconformity. The project will comply with all Flood regulations.

***Variance***

Pursuant to RMC Section 18.48.010, where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the zoning ordinance may result from the strict application of certain provisions thereof, variances, exceptions and adjustments may be granted, by the Town Council in appropriate cases, after public notice and hearing as provided in the zoning ordinance. 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.

In accordance with RMC Section 18.48.010 (c), a Variance is recommended for approval to construct new landscape structures within the rear yard setback based on the following mandatory findings:

- 1) That there are special circumstances or conditions applicable to the land, building or use referred to in the application.
- 2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.
- 3) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

***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 encroaching within the minimum required rear yard setback.

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

The proposed project protects and preserves public and private open space; significant features of the natural environment, includes steep slopes, creeks, significant native vegetation, and 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. Design is well articulated to minimize the appearance of bulk. Materials and colors are of subdued tones and blend with the natural landscape. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views. Consistent with Chapter 18.48, the findings are recommended to support the approval of the requested landscape structures as proposed setback encroachments on a Hillside Lot.

**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. Lastly, there would be no net funding impacts associated with the project.

**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 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 the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

**Public Comment**

Public Notices were mailed to property owners within 500 feet of the project site 10 days prior to the meeting date and no comments were received at the time of writing this report.

**Attachments**

1. Resolution No. 2433
2. Project Plans
3. Project Application and Materials
4. Draft ADR Meeting Minutes, August 20, 2024

# ATTACHMENT 1



# TOWN OF ROSS

## RESOLUTION NO. 2433

### RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, NONCONFORMITY PERMIT, HILLSIDE LOT PERMIT, AND A VARIANCE TO RENOVATE THE EXISTING NONCONFORMING WOODEN DECK AND CONSTRUCT NEW LANDSCAPE STRUCTURES WITHIN THE REAR YARD SETBACK AT 21 LOMA LINDA A.P.N. 072-121-04

**WHEREAS**, the applicant, Imprints Landscape Architecture, on behalf of property owners, Ben Kozub and Scott Golden, submitted an application requesting approval of Design Review, Nonconformity Permit, Hillside Lot Permit, and a Variance to renovate the existing nonconforming wooden deck, expanding it from 710 square-feet (SF) to 720 SF. Additionally, a new fireplace, seat wall, arbor, and a new rock wall that will measure 8 feet in height will be constructed at 21 Loma Linda APN 072-121-04 (herein referred to as “the Project”).

**WHEREAS**, the Project is determined to be 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 the demolition and reconstruction of a single-family residence, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and

**WHEREAS**, on September 12, 2024, 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, Nonconformity Permit, Demolition Permit, and a Variance to approve 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 12<sup>th</sup> day of September 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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Cyndie Martel, Town Clerk

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C. William Kircher, Mayor

**EXHIBIT "A"**  
**FINDINGS**  
**21 Loma Linda**  
**A.P.N. 072-121-04**

**A. Findings**

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

**a) The project is consistent with the purpose of the Design Review chapter as outlined in RMC Section 18.41.010.**

As recommended by the Advisory Design Review (ADR) Group, the Project is consistent with the purpose of the Design Review chapter as outlined in RMC Section 18.41.010. It provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," provides very 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.

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

As recommended by the Advisory Design Review (ADR) Group, the Project is in substantial compliance with the design criteria of RMC Section 18.41.100. The site would be kept in harmony with the general appearance of neighboring landscape. Lot coverage and building footprints would be minimized, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed space. Buildings use materials and colors that minimize visual impacts and blend with the existing landforms and vegetative cover, including wood and stone. Good access, circulation and off-street parking would be provided consistent with the natural features of the site. Open fencing would be aesthetically attractive and not create a "walled-in" feeling or a harsh, solid expanse. Landscaping would be integrated into the architectural scheme to accent and enhance the appearance of the development, including attractive, fire-resistant, native species and replacement trees for trees removed by development. Landscaping would create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire. The Project would maximize permeability and reduce the overall impervious surface coverage on the property, by removing existing impervious surfaces to more than offset the new development, so that the post-development stormwater runoff rates from the site would be no greater than pre-project rates.

**c) 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 Medium Low-Density land use designation of the General Plan, the Single-

Family Residence and Special Building Site zoning regulations, therefore the Project is found to be consistent with the Ross General Plan and Zoning Ordinance.

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

**(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; includes steep slopes, creeks, significant native vegetation, and 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.

**(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. Development adheres to the wildland urban interface building standards within the California Building Standards Code. 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 Variance to allow for the proposed setback encroachments on a Hillside Lot.

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

Architectural design complements the form of the natural landscape. Design is well-articulated to minimize the appearance of bulk. Materials and colors are of subdued tones to blend with the natural landscape. The existing nonconforming residence and the placement conform to the natural contours of the site. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.

**III. In accordance with Ross Municipal Code (RMC) Section 18.52.030 (c), Nonconformity Permit is approved based on the following mandatory findings:**

**(a) The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed. The property owner has the burden to prove by substantial evidence the nonconforming and legal status of the structure.**

The existing nonconforming single-family home was originally constructed in approximately 1912 per the records from the County Assessor.

**(b) The town council can make the findings required to approve any required demolition permit for the structure: The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic**

**value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.**

A demolition permit is not required pursuant to per RMC Chapter 18.50

- (c) The project substantially conforms to relevant design review criteria and standards in Section 18.41.100, even if design review is not required.**

As described in the Design Review findings in Section I above, the project is consistent with the Design Review criteria and standards per RMC Section 18.41.100.

- (d) Total floor area does not exceed the greater of: a) the total floor area of the existing conforming and or legal nonconforming structure(s); or b) the maximum floor area permitted for the lot under current zoning regulations. The town shall apply the definition of floor area in effect at the time of the application for a nonconformity permit.**

The proposed project will not result in any increase to the existing nonconforming floor area.

- (e) Granting the permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.**

The project will promote public health, safety and welfare, and avoid material injury to properties and improvements in the vicinity. The subject structure will be re-constructed in compliance with building and fire codes.

- (f) The project will comply with the Flood Damage Prevention regulations in Chapter 15.36.**

The project is not in the flood plain.

- (g) The fire chief has confirmed that the site has adequate access and water supply for firefighting purposes, or that the project includes alternate measures approved by the fire chief.**

Ross Valley Fire District staff noted that the use of a wood burning outdoor fireplace is restricted during declared fire season. Typically fire season is May through October. Although areas of California are declaring fire season year-round. It is recommended to utilize gas as your single fuel source so the appliance can be used year-round.

- (h) The applicant has agreed in writing to the indemnification provision in Section 18.40.180.**

Condition of Approval No. 9 requires indemnification pursuant to RMC Section 18.40.180.

- (i) The site has adequate parking. For purposes of this section, adequate parking shall**

mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided.

The project maintains the existing two parking spaces available on site.

**IV. In accordance with Ross Municipal Code (RMC) Section 18.48.010(c), a Variance is approved based on the following mandatory findings:**

**a) 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 irregular shape of the lot which makes it difficult to construct new improvements that are entirely compliant with the minimum required yard setback, such as to construct a new fireplace, seat wall, rock wall and arbor. The applicant would like to make use of and enjoy their rear yard, because of these constraints they are proposing to locate the new landscape structures on the north side of the property, and this happens to be outside the setback area.

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

Rear yards are commonly enjoyed by owners of residential properties in the immediate vicinity. Granting of the variance request, in a neighborhood where existing nonconforming setbacks are common, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights. Granting of the variance request would not constitute a grant of special privileges inconsistent with the limitations upon properties in the vicinity and zone in which such property is situated.

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

The proposed new landscape structures (fireplace, seat wall, rock wall and arbor) would not adversely affect the health and safety of nearby residents as the lot has a thick screening of trees and bushes. The project would also be constructed in compliance with the building code and fire codes and all conditions of approval.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**21 Loma Linda**  
**A.P.N. 072-121-04**

1. The building permit shall substantially conform to the plans entitled, "Kozub and Golden Residence" dated 5-1-24 and reviewed and approved by the Town Council on 9-12-24.
2. 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.
3. 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.
4. The Project shall comply with the Fire Code and all requirements of the Ross Valley Fire Department (RVFD).
5. The applicant shall procure the necessary review/approval of the following items, which are required prior to issuance of a building permit. Evidence of compliance (compliance letter, etc.) shall be submitted to the Planning Department as part of the building permit review process:
  - a. All landscape and irrigation plans must be designed in accordance with the most current Marin Municipal Water District (MMWD) landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, MMWD must review and approve the landscape plans for planting and irrigation systems. Contact MMWD at [plancheck@marinwater.org](mailto:plancheck@marinwater.org) for more information.
  - b. New construction and rehabilitation (renovations or changes made to sites with an existing irrigation system) landscape projects will be affected by these requirements if the altered landscape area is greater than 500 square feet.
  - c. Installation of a gray water recycling system is required for all projects that require installation of new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service in compliance with MMWD Ordinance No. 429.

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 a 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 8n.
- 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, Juneteenth, 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 project shall comply with all requirements, standards, and policies of the Ross Municipal Code, General Plan, County of Marin, State, and Federal laws.
11. 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 2

## PROJECT DESCRIPTION

THE GOAL OF THE REAR YARD LANDSCAPE RENOVATION IS LIMITED TO THE REPLACEMENT OF THE WOOD DECK , REPLACEMENT OF THE DRY STACK ROCK WALL WITH A CUSTOM FIREPLACE AND SEAT WALL. ALSO INCLUDED IS A WOOD ARBOR STRUCTURE, AS SHOWN.

THE EXISTING WOOD DECK IS TO BE REPLACED AS SHOWN. THE GOAL IS TO REUSE AS MUCH OF THE EXISTING STRUCTURAL CONCRETE AND TIMBERS AS MUCH AS POSSIBLE. DECK ELEVATIONS WILL REMAIN PER EXISTING CONDITIONS.

THE EXISTING DRY STACK WILL BE REMOVED AND REPLACED WITH A CUSTOM FIREPLACE, SEAT WALL AND ROCK WALL.

AN ARBOR IS PROPOSED TO PROVIDE LIGHTING AND ELECTRIC HEATERS.

LANDSCAPE LIGHTING WILL BE LOW VOLTAGE AND DOWN SHIELDED.

NEW PLANTING WILL BE LIMITED TO DISTURBED AREAS IMPACTED BY CONSTRUCTION. ALL PLANTING WILL BE IRRIGATED UTILIZING DRIP IRRIGATION METHODS AND ADHERE TO MMWD WATER EFFICIENCY CODES AND REQUIREMENTS.

PLANTING WILL ADHERE TO VEGETATION MANAGEMENT CODES AND REQUIREMENTS.

### BUILDING & PLANNING CODE

ALL CONSTRUCTION, REGARDLESS OF DETAILS SHOWN ON THE PLANS, SHALL COMPLY WITH THE FOLLOWING:

**APPLICABLE BUILDING CODES:**  
 2024 California Building Code (CBC)  
 2024 California Electrical Code (CEC)  
 2024 California Mechanical Code (CMC)  
 2024 California Plumbing code(CPC)  
 2024 California Fire Code (CFC)  
 2024 Green Building Standards  
 2024 California Energy Code  
 2024 California residential Code (CRC)  
 Town of Ross Local Codes

"ALTHOUGH OUR PLAN REVIEW IS COMPREHENSIVE AND INTENDED TO BE COMPLETE, NON-COMPLIANT ELEMENTS AND CONDITIONS MAY OCCASIONALLY BE OVERLOOKED, OR SOME ELEMENTS MAY LACK CLARITY, OR AN ELEMENTS MAY BE MISREPRESENTED ON THE SUBMITTED PLANS. PLEASE BE AWARE NON-COMPLIANT ELEMENTS AND CONDITIONS NOT ADDRESSED IN PLAN REVIEW ARE SUBJECT TO FIELD REVIEW, AND COMPLIANCE WITH ALL APPLICABLE CODES AND LAWS WILL BE REQUIRED."

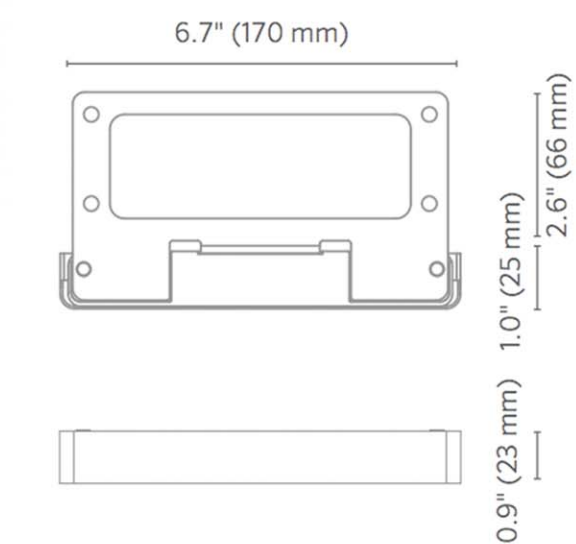


**NEIGHBORHOOD MAP**  
(EXISTING POOLS HIGHLIGHTED)

### LIGHTING LEGEND

SYMBOL	MANUFACTURER	DESCRIPTION MODEL#	Q
	FX LUMINAIRE	LEDGE LIGHT (LF - 1 LED 20 W FB) TOTAL LUMENS† 78	6
	FX LUMINAIRE	TRANSFORMER (EXACT PRODUCT TBD)	

† MEASURED USING THE 3,900K CCT LENS. MULTIPLIERS FOR OTHER CCTS INCLUDE 0.80 (2,700K).



#### LF Ledge Light SPECIFICATIONS

Output	1LED
Total Lumens†	78
Input Voltage	10 to 15V
Input Power (W)	2.0
VA	2.4
Efficacy (Lumens/Watt)	37
Color Rendering Index (CRI)	80+
Max Candela	51
Dimming	PWM, Phase**
Luxor Compatibility	
Default	Zoning
ZD Option	Zoning/Dimming
ZDC Options	--
Minimum Rated Life (L90 B10)	55,000 Hrs
BUG Rating	B0-U0-G0

† Measured using the 3,900K CCT lens. Multipliers for other CCTs include 0.80 (2,700K).  
 \*\* For optimal performance, use a trailing-edge, phase-cut dimmer.

**LEDGE LIGHT**



**VICINITY MAP**

### SHEET INDEX

- L1 SITE PLAN
- L2 EXISTING CONDITIONS PHOTOS
- L3 CONCEPT PLAN & SKETCHES
- L4 VEGETATION MANAGEMENT PLAN

## Golden/Kozub Residence

21 Loma Linda Ross, CA.

AP#: 72-121-04

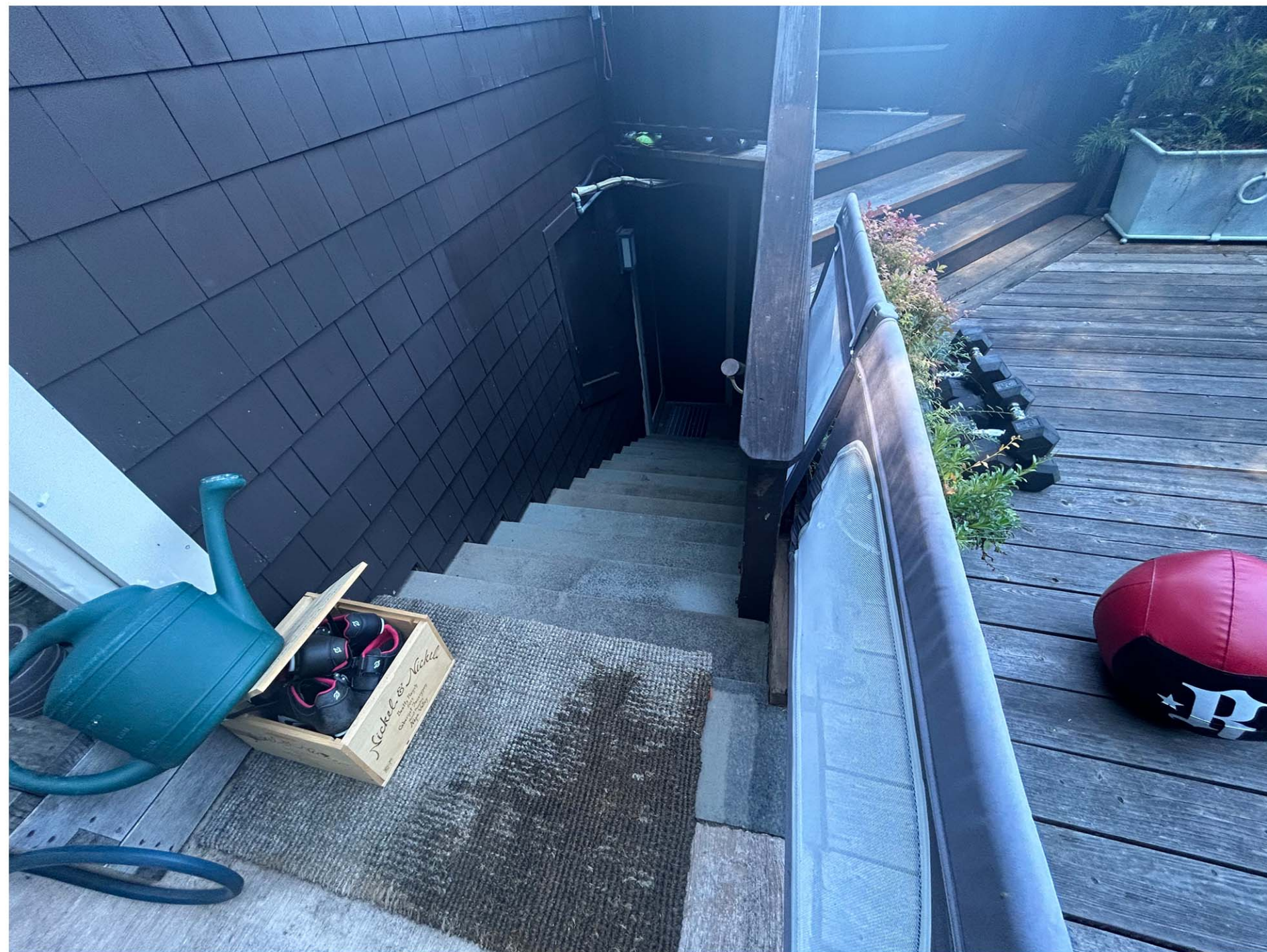
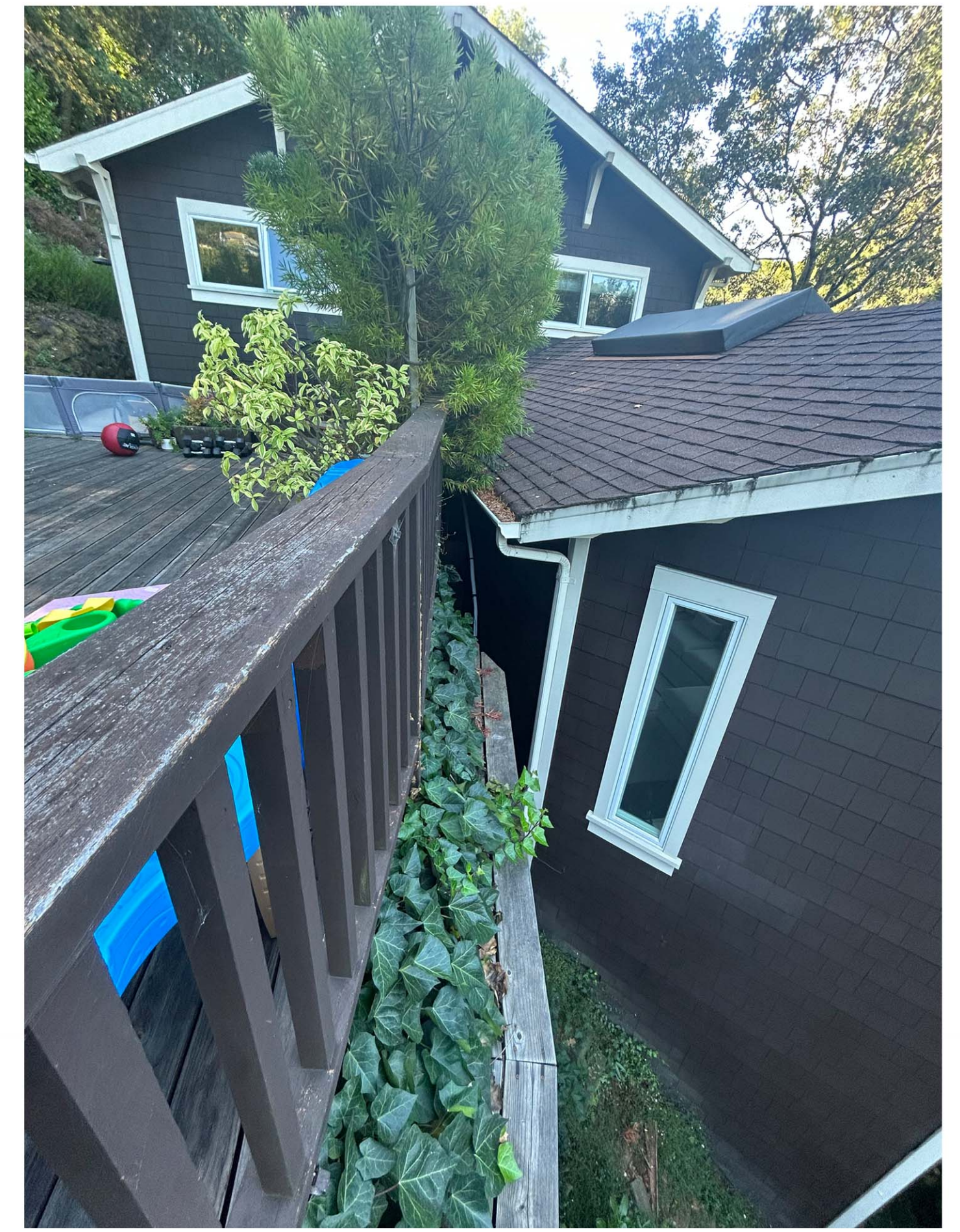
Date: 5 / 1 / 2024 Scale: As Shown

### Cover Sheet



202 Rosemont • Mill Valley CA 94941  
 (415) 380-0755  
 brad@imprintsgardens.com





## Golden/Kozub Residence

21 Loma Linda Ross, CA.

AP#: 72-121-04

Date: 5 / 1 / 2024 Scale: None

**Existing Conditions photos**

**Sheet L2**



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brad@imprintsgardens.com  
www.imprintsgardens.com

# Golden/Kozub Residence

21 Loma Linda Ross, CA.

AP#: 72-121-04

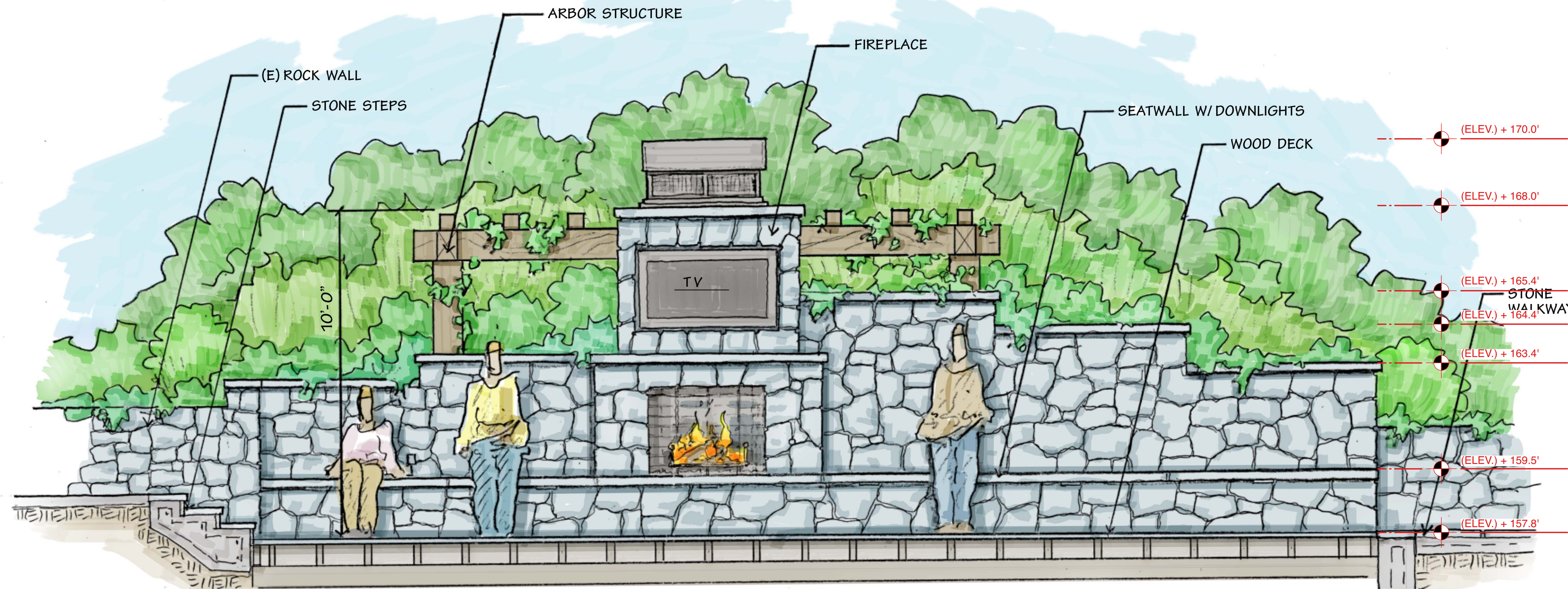
Date: 5 / 1 / 2024 Scale: As Shown

## Concept Plan & Sketches

### Sheet L3

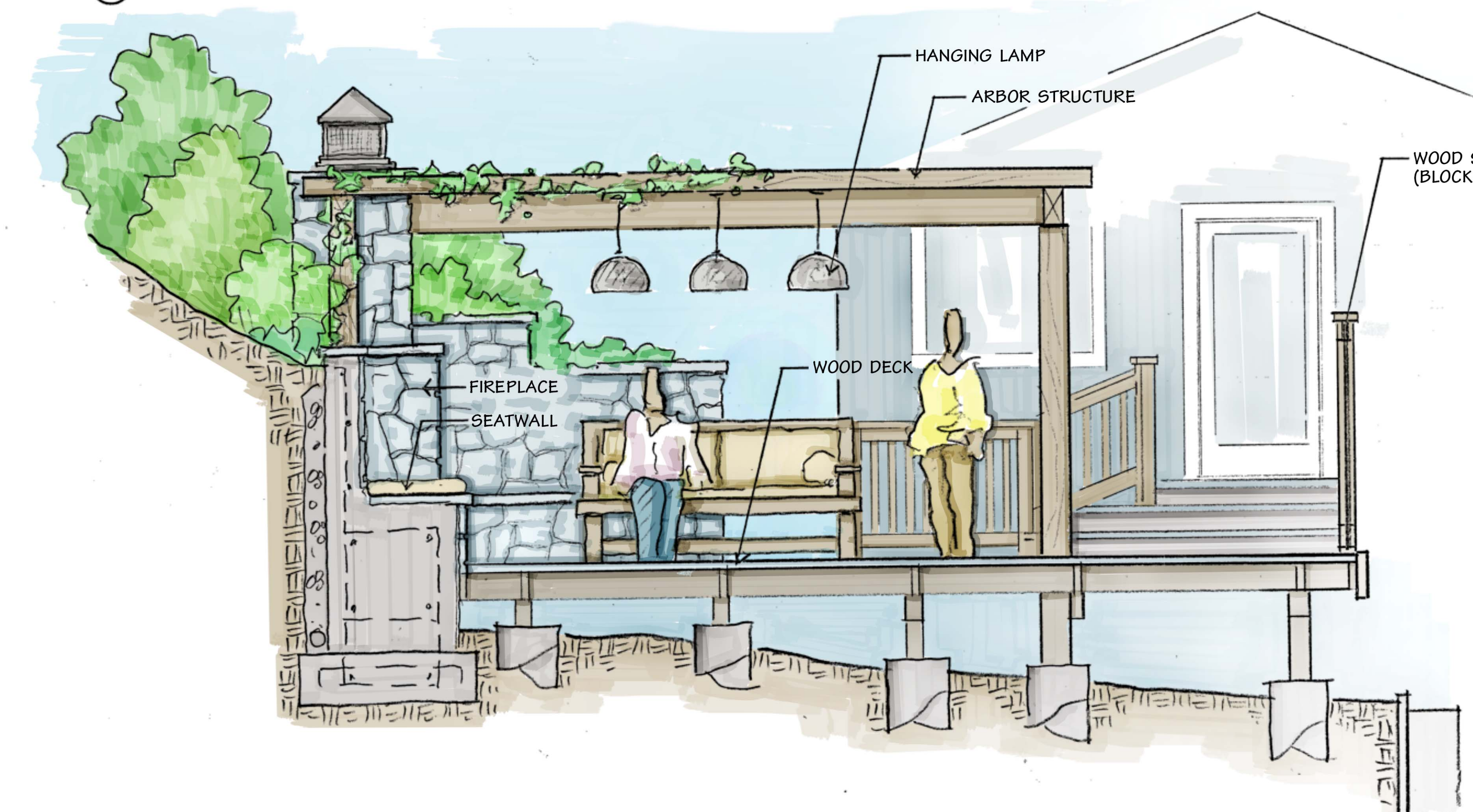


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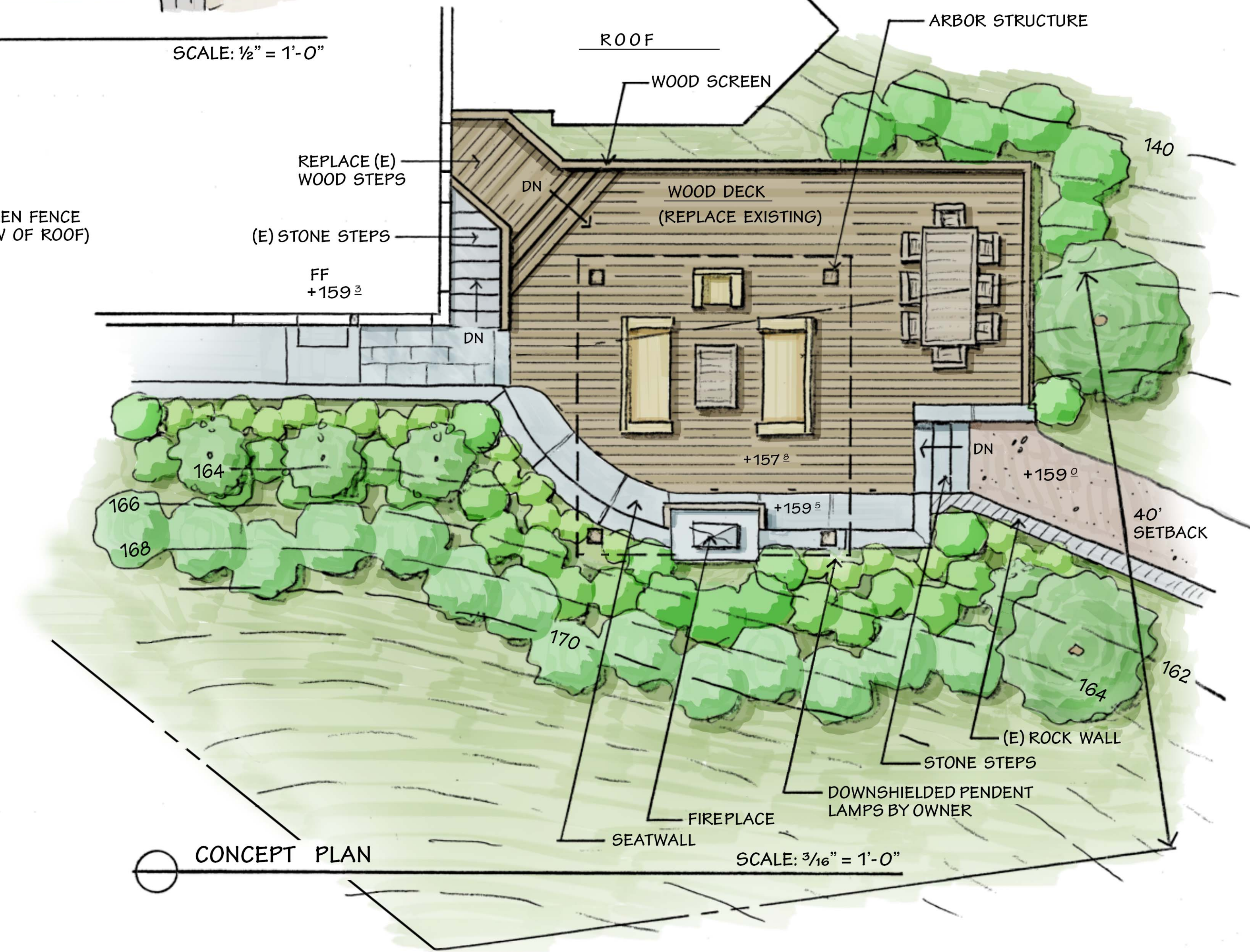
ELEVATION

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



SECTION

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



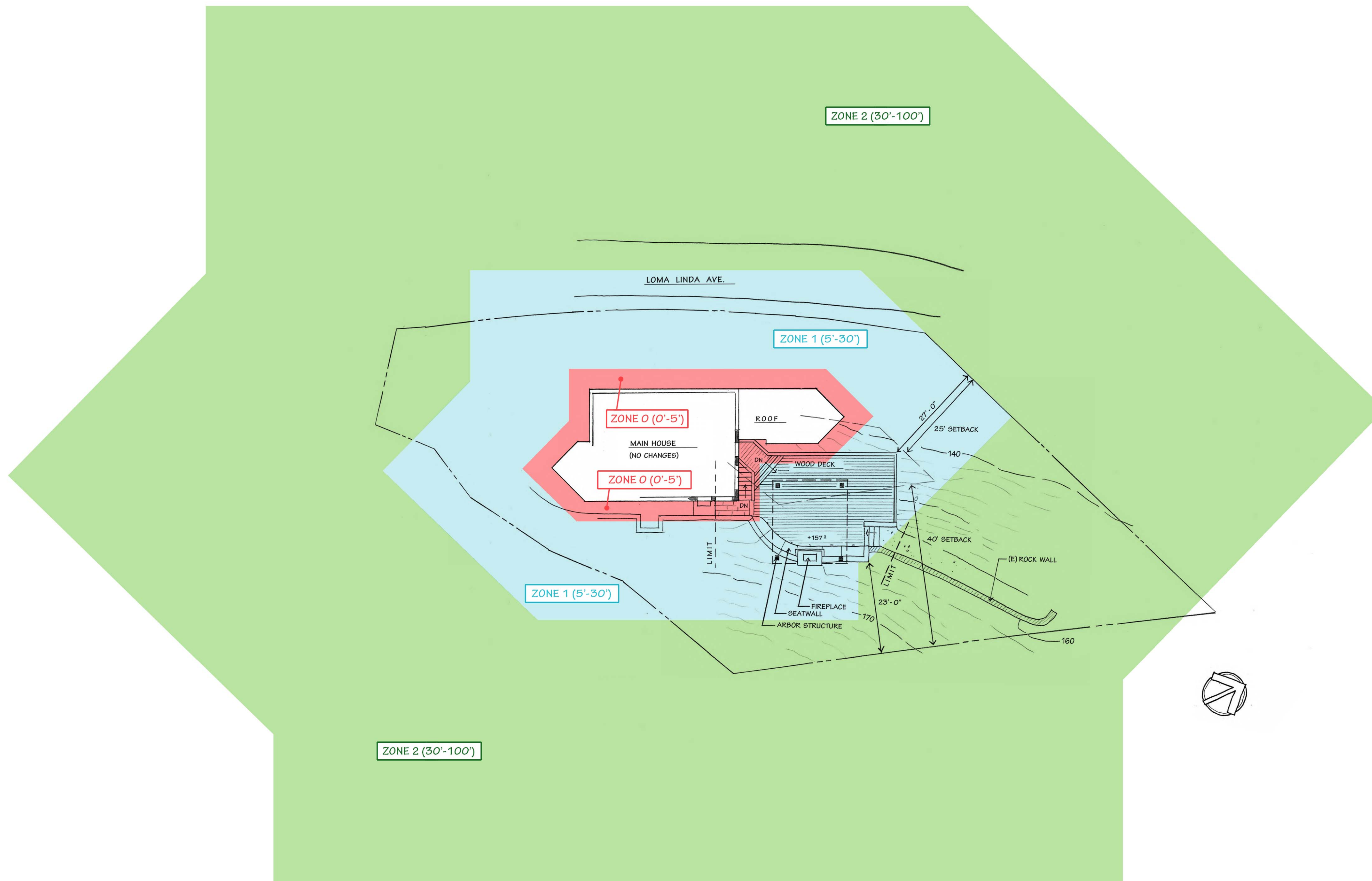
CONCEPT PLAN

SCALE: 3/16" = 1'-0"





NOTE: ALL PLANT MATERIAL TO BE NON-PYROPHYTIC PER FIRESAFE MARIN NON PYROPHYTIC PLANT LIST, UNIVERSITY OF CALIFORNIA FIRE RESISTANT PLANT LIST AND CENTRAL COUNTY WILDLAND URBAN INTERFACE APPROVED PLANT LIST.



**REQUIREMENTS AND PRESCRIPTIONS PER ZONE**

The following information will help identify prescriptive measures in each of the Home Ignition Zones. The VMP shall identify compliance with the requirements for each zone. Check with your local fire department or district for any additional defensible space or weed abatement requirements. FIRESAFE MARIN and the NFFA Firewise USA Program are great resources for additional design information.

**IMMEDIATE ZONE (ZONE 0): 0'-5'**

The Immediate Zone extends 0-5' from your house. ZONE 0 is the area closest to your house, including the structure itself, decks, outdoor furniture, and the outside walls and coverings. This area is most vulnerable, and should be most aggressively maintained for fire resistance.

- Remove any combustible outdoor furniture.
- Replace jute or fiber door mats with fire resistant materials.
- Remove or relocate all combustible materials, including garbage and recycling containers, lumber, trash, and patio accessories.
- Clean all fallen leaves and needles regularly. Repeat often during fire season.
- No vegetation is recommended within 5' of structures.
- Remove tree limbs that extend into this zone. Fire-prone tree varieties should be removed if they extend within 5' of structures.
- Do not store firewood, lumber, or combustibles here, even (especially) under decks or overhangs. Move stored combustibles inside, or at least 30' away from structures.
- Use only inorganic, non-combustible mulches such as stone or gravel. Composted mulch and large bark and chips (greater than 1/2" diameter) may be OK.

**INTERMEDIATE ZONE (ZONE 1): 5'-30'**

The Intermediate Zone from 5' to 30' out from buildings, structures, decks, etc. Keep ZONE 1 "Lean, Clean, and Green" and employ careful landscaping to create breaks that can help influence and decrease fire behavior.

- Remove all dead plants, grass, and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trim trees regularly to keep branches a minimum of 10 feet from other trees.
- Remove branches that hang over your roof and keep dead branches 10 feet away from your chimney.
- Remove vegetation and items that could catch fire from around and under decks.
- Remove fire-prone plants, and choose only fire-resistant varieties. Irrigate regularly.
- Remove limbs to a height of 10' above the ground (or 1/3 the height of the tree) to provide clearance and to eliminate a "fire ladder".
- Use only inorganic, non-combustible mulches such as stone or gravel. Composted mulch and large bark and chips (greater than 1/2" diameter) may be OK.

**EXTENDED ZONE (ZONE 2): 30'-100'**

The extended zone from 30' to 100' (or more, if required due to steep slopes, nearby vegetation conditions, and/or your local fire department). The goal here is not to eliminate fire but to interrupt fire's path and keep flames smaller and on the ground. This zone should include at a minimum:

- Cut or mow annual grass down to a maximum height of 4 inches.
- Create horizontal spacing between shrubs, trees and vertical spacing between grass, shrubs and trees.
- Remove fallen leaves, needles, twigs, bark, cones, and small branches. However, they may be permitted to a depth of 3 inches if erosion control is an issue.

**Golden/Kozub Residence**

21 Loma Linda Ross, CA.

AP#: 72-121-04

Date: 5 / 1 / 2024 Scale: 1/16" = 1' - 0"

**Vegetation Management Plan**

**Sheet L4**



202 Rosemont • Mill Valley CA 94941  
 (415) 380-0755  
 brad@imprintsgardens.com  
 www.imprintsgardens.com

# ATTACHMENT 3



**Town of Ross**  
**Planning Department**  
Post Office Box 320, Ross, CA 94957  
Telephone (415) 453-1453, Ext. 121  
Fax (415) 453-1950 www.townofross.org

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## PLANNING APPLICATION FORM

---

**Type of Application**  
**(check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> Accessory Dwelling Unit           | <input type="checkbox"/> Minor Exception Permit     |
| <input type="checkbox"/> Accessory Dwelling Unit Exception | <input type="checkbox"/> Minor Nonconformity Permit |
| <input type="checkbox"/> Appeals                           | <input type="checkbox"/> Nonconformity Permit       |
| <input type="checkbox"/> Certificate of Compliance         | <input type="checkbox"/> Tentative Map              |
| <input type="checkbox"/> Demolition Permit                 | <input type="checkbox"/> Tentative Map Amendment    |
| <input checked="" type="checkbox"/> Design Review          | <input type="checkbox"/> Time Extension             |
| <input type="checkbox"/> Design Review- Amendment          | <input type="checkbox"/> Use Permit                 |
| <input type="checkbox"/> Exceptions for Attics             | <input type="checkbox"/> Variance                   |
| <input type="checkbox"/> Final or Parcel Map               | <input type="checkbox"/> Zoning Ordinance Amendment |
| <input type="checkbox"/> General Plan Amendment            |   |
| <input type="checkbox"/> Hillside Lot Permit               | <input type="checkbox"/> Other:                     |
| <input type="checkbox"/> Junior Accessory Dwelling Unit    |   |
| <input type="checkbox"/> Lot Line Adjustment               |   |

---

**To Be Completed by Applicant:**

Assessor's Parcel No(s): 72-121-04

Project Address: 21 LOMA LINDA AVENUE

Property Owner: Ben Kozub AND Scott Golden

Owner Mailing Address (PO Box in Ross): 1575

City/State/Zip: ROSS, CA Owner's Phone: 908-255-8328

Owner's Email: scottgolden.ca@gmail.com benkozub@yahoo.com

Applicant: IMPRINTS LANDSCAPE ARCHITECTURE

Applicant Mailing Address: 202 ROSEMONT AVE

City/State/Zip: MILL VALLEY CA 94941 Applicant's Phone: 415-380-0755

Applicant's Email: daniel@imprintsgardens.com

Primary point of Contact Email:  Owner  Buyer  Agent  Architect

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**To Be Completed by Town Staff:**

Date Received: \_\_\_\_\_

Application No.: \_\_\_\_\_

Zoning: \_\_\_\_\_

Date paid: \_\_\_\_\_ TOTAL FEES: \_\_\_\_\_

**Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.**

---

**SUBDIVISION INFORMATION ONLY**

Number of Lots: \_\_\_\_\_

**LOT LINE ADJUSTMENT ONLY**

Describe the Proposed Lot Line Adjustment:

Existing Parcel Size(s)	Parcel 1:	Parcel 2:
Adjusted Parcel Size(s)	Parcel 1:	Parcel 2:

**PARCEL ONE**

**PARCEL 2**

Owners Signature:	Owner's Signature:
Date:	Date:
Owner's Name (Please Print):	Owner's Name (Please Print):
Assessor's Parcel Number:	Assessor's Parcel Number:

\* If there are more than two affected property owners, please attach separate letters of authorization.

**REZONING OR TEXT AMENDMENT ONLY**

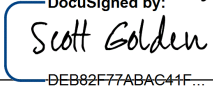
The applicant wishes to amend Section \_\_\_\_\_ of the Ross Municipal Code Title 18. The applicant wishes to Rezone parcel \_\_\_\_\_ from the \_\_\_\_\_ Zoning District to \_\_\_\_\_.

**GENERAL OR SPECIFIC PLAN AMENDMENT ONLY**

Please describe the proposed amendment:

**CERTIFICATION AND SIGNATURES**

I, the property owner, do hereby authorize the applicant designated herein to act as my representative during the review process by City staff and agencies.

DocuSigned by:  

 Date: 5/23/2024

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I, the applicant, do hereby declare under penalty of perjury that the facts and information contained in this application, including any supplemental forms and materials, are true and accurate to the best of my knowledge.

Owner's Signature: BRAD EIGSTI Date: 5/22/24

**SIGNATURE:**

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

I further certify that I understand the processing procedures, fees, and application submittal requirements.

*I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at*

ROSS \_\_\_\_\_, California on 5/23/2024 \_\_\_\_\_

DocuSigned by:  
*Scott Golden*

BRAD EIGSTI

Signature of Property Owner(s) and Applicant(s) Signature of Plan Preparer

**Notice of Ordinance/Plan Modifications**

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

Alternate Format Information

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

**Consultant Information**

The following information is required for all project consultants.

**Landscape Architect**

Firm IMPRINTS LANDSCAPE ARCHITECTURE  
Project Landscape Architect BRAD EIGSTI  
Mailing Address 202 ROSEMONT AVENUE  
City MILL VALLEY State CA ZIP 94941  
Phone 415-380-0755 Fax \_\_\_\_\_  
Email daniel@imprintsgardens.com  
Town of Ross Business License No. #00300250 12 Expiration Date

**Civil/ Geotechnical Engineer**

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

**Arborist**

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

**Other**

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

**Other**

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

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**Written Project Description – *may be attached.***

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

REAR YARD LANDSCAPE RENOVATION IS LIMITED TO: THE REPLACEMENT OF TI  
DECK, DRY STACKED WALL, WITH CUSTOM FIREPLACE AND SEAT WALL AND  
WOOD ARBOR STRUCTURE

WOOD DECK: EXISTING WOOD DECK TO BE REPLACED AS SHOWN, REUSE AS M  
EXISTING CONCRETE FOOTINGS/TIMBERS AS POSSIBLE. DECK FLOOR  
ELEVATION IS NOT TO CHANGE

EXISTING DRY STACKED WALL WILL BE REMOVED AND REPLACED WITH  
CUSTOM FIREPLACE, SEAT WALL AND ROCK WALL

ARBOR: NEW ARBOR PROPOSED W/LIGHTING AND ELECTRIC HEATERS

PLANTING: LIMITED TO DISTURBED AREA IMPACTED BY CONSTRUCTION

IRRIGATION: DRIP, ADHERE TO MMWD CODES AND REQ'S

PLANTING WILL ADHERE TO VEGETATIVE MANAGEMENT CODES AND REQ'S

LANDSCAPE LIGHTING: LOW VOLTAGE AND DOWN SHIELDED

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**Mandatory Findings for Variance Applications**

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

**Special Circumstances**

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

~~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, which make it difficult to construct new improvements that are entirely compliant with the minimum required yard setbacks, as indicated on the site plan.~~

**Substantial Property Rights**

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

~~The homeowners wish to enjoy the exterior areas of their property on a more regular basis with the proposed enhancements and existing site feature upgrades. The proposed landscape upgrades will not adversely affect the health and safety of nearby residents.~~

~~The project would also be constructed in compliance with the building code and fire codes and all conditions of approval. The applicant consulted with the homeowners, Zach Scheiner & Ashley Webb 220 Wellington Ave, Nina & Piers Barry 230 Wellington Ave and Nick and Ashley Ghirardelli 70 Wellington Ave who will be most impacted and overwhelmingly approve of the project - see attached letters of approval.~~



**Public Welfare**

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

~~As stated in Substantial Property Rights, the project is the updating and improving of existing site materials along with newly proposed features.~~

The project, in no way, is harmful or incompatible to other nearby properties. The 3 closests neighbors have reviewed and have given their approval of the project - see attached letters of approval.

**Neighborhood Outreach – Shall be conducted for all discretionary planning projects.**

**A neighborhood outreach description shall be prepared by the applicant.** The description shall include how neighborhood outreach was conducted, dates neighbors were contacted, any meetings held, the specific concerns of neighbors and how those concerns were mediated (through changes to the proposal, site visits, etc.).

Neighborhood Outreach for (insert project address)				
NAME	ADDRESS	DATE CONTACTED	CONCERNS (IF ANY)	RESOLUTION
Zach Scheiner & Ashley Webb	220 Wellington Ave, Ross, CA	8/14/24	NONE	
Nick and Ashley Ghirardelli	70 Wellington Ave	8/14/24	NONE	

Ross, CA

---

Nina & Piers Barry  
230 Wellington Ave Ross, CA                      8/13/24                      NONE

**From:** [Scott Golden](#)  
**To:** [Scott Golden](#)  
**Subject:** Fwd: Letter of support from 230 Wellington  
**Date:** Tuesday, August 13, 2024 9:46:58 PM

---

Sent from my iPhone

Begin forwarded message:

**From:** Barry Family <barryfamross@gmail.com>  
**Date:** August 13, 2024 at 4:40:29 PM PDT  
**To:** Scott Golden <scottgolden.ca@gmail.com>  
**Subject:** Letter of support from 230 Wellington

Dear Scott And Ben,

Thank you for reaching out to us regarding the planned upgrades to the exterior areas of your home. We truly appreciate your consideration.

After reviewing your proposed improvements, we are pleased to express our full support for the project. The thoughtful approach you've taken to enhance the rear yard landscape, particularly the replacement of the wood deck, dry-stacked wall, and the addition of a custom fireplace, seat wall, and wood arbor structure, is both tasteful and in harmony with the aesthetics of our neighborhood.

We commend your effort to reuse existing materials where possible and to adhere to the relevant codes and requirements for irrigation, planting, and landscape lighting. Your commitment to ensuring that the deck floor elevation remains unchanged and that all improvements align with vegetative management and lighting regulations demonstrates a clear respect for the community and the environment.

We have no objections to your plans and are confident that the proposed renovations will be a beautiful and beneficial addition to your home. Please feel free to share our support with the Planning Department and the Design Review Committee.

Thank you for including us in this process, and we wish you the best of luck as you move forward with your project. Please don't hesitate to reach out if you need anything further from us.

Sincerely,

Nina & Piers Barry

230 Wellington Ave  
Ross, CA

**From:** [Zach Scheiner](#)  
**To:** [Scott Golden](#)  
**Cc:** [Ashley Webb](#)  
**Subject:** Letter of support for 21 Loma Linda Avenue backyard exterior update project  
**Date:** Wednesday, August 14, 2024 7:20:07 AM

---

Dear Scott And Ben,

Thank you for reaching out to us regarding the planned upgrades to the exterior areas of your home. As adjacent property owners, we truly appreciate your consideration.

After reviewing your proposed improvements, we are pleased to express our full support for the project. The thoughtful approach you've taken to enhance the rear yard landscape, particularly the replacement of the wood deck, dry-stacked wall, and the addition of a custom fireplace, seat wall, and wood arbor structure, is both tasteful and in harmony with the aesthetics of our neighborhood.

We commend your effort to reuse existing materials where possible and to adhere to the relevant codes and requirements for irrigation, planting, and landscape lighting. Your commitment to ensuring that the deck floor elevation remains unchanged and that all improvements align with vegetative management and lighting regulations demonstrates a clear respect for the community and the environment.

We have no objections to your plans and are confident that the proposed renovations will be a beautiful and beneficial addition to your home. Please feel free to share our support with the Planning Department and the Design Review Committee.

Thank you for including us in this process, and we wish you the best of luck as you move forward with your project. Please don't hesitate to reach out if you need anything further from us.

Sincerely,

Zach Scheiner & Ashley Webb  
220 Wellington Ave, Ross, CA

Dear Ben and Scott-

After reviewing your proposed improvements, we are pleased to express our full support for the project. The thoughtful approach you've taken to enhance the rear yard landscape is a great Dear Scott And Ben,

Thank you for reaching out to us regarding the planned upgrades to the exterior areas of your home. As adjacent property owners, we truly appreciate your consideration.

After reviewing your proposed improvements, we are pleased to express our full support for the project. The thoughtful approach you've taken to enhance the rear yard landscape, particularly the replacement of the wood deck, dry-stacked wall, and the addition of a custom fireplace, seat wall, and wood arbor structure, is both tasteful and in harmony with the aesthetics of our neighborhood.

We commend your effort to reuse existing materials where possible and to adhere to the relevant codes and requirements for irrigation, planting, and landscape lighting. Your commitment to ensuring that the deck floor elevation remains unchanged and that all improvements align with vegetative management and lighting regulations demonstrates a clear respect for the community and the environment.

We have no objections to your plans and are confident that the proposed renovations will be a beautiful and beneficial addition to your home. Please feel free to share our support with the Planning Department and the Design Review Committee.

Thank you for including us in this process, and we wish you the best of luck as you move forward with your project. Please don't hesitate to reach out if you need anything further from us.

Sincerely,

Nick and Ashley Ghirardelli  
70 Wellington Ave  
Ross, CA

# ATTACHMENT 4

## MINUTES

Meeting of the Ross  
Advisory Design Review Group  
August 20, 2024, 6:00pm

Video and audio recording of the meeting is available online at the Town's website at:  
[townofross.org/meetings](https://townofross.org/meetings).

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

Chair Kruttschnitt called the meeting to order.

Present: Mark Kruttschnitt, Mark Fritts, Joey Buckingham, and Stephen Sutro; Roberta Feliciano (Planning and Building Director), Alex Lopez-Vega (Assistant Planner)

Absent: Laura Dewar

### 2. Approval of Minutes.

The ADR Group approved the minutes from the June 11, 2024, meeting.

### 3. Open Time for Public Comments

No comments were provided.

### 4. Planning Applications/Projects

- a.     **Property Address:**   21 Loma Linda  
       **Property Owner:**   Ben Kozub and Scott Golden  
       **Applicant:**           Imprints Landscape Architecture  
       **Parcel Number:**     072-121-04  
       **Zoning:**             R-1: B-10  
       **General Plan:**       ML (Medium Low Density)  
       **Flood Zone:**         AE (Floodway)

**Project Summary:** The applicant requests a recommendation to the Town Council for Design Review, Nonconformity Permit, Hillside Lot Permit, and a Variance. The project proposes to renovate the existing nonconforming wooden deck, expanding it from 710 square feet (SF) to 720 (SF). Additionally, the project will include a new fireplace, seat wall and arbor. Variances are requested to allow for the construction of the new landscape structures within the rear yard setback and a new rock wall that will measure 8 feet in height.

#### Joey Buckingham

- The project is nicely designed
- Nobody can see the project since it's on a hillside
- Nice improvement for the property
- Approved of the project

Mark Fritts

- Agrees with the ADR members
- The project is well design, no further comments

Mark Kruttschnitt

- The project seems all fine
- Does not bother anyone

Stephen Sutro

- Agrees with Joey
- It does not exacerbate the existing nonconformity of the outdoor space
- Design is great
- Supports the project

**5. Conceptual Advisory Design Review**

- a. **Property Address:** 21 Fernhill Avenue  
**A.P.N.:** 073-091-37  
**Applicant:** Polsky Perlstein Architects  
**Property Owner:** Russ and Stephanie Haswell  
**Zoning:** R-1:B-20  
**General Plan:** ML (Medium Low Density)  
**Flood Zone:** X (Moderate Risk)

Stephen Sutro

- Approved of its design, but cannot specifically find make the findings for a Variance
- Is sympathetic to the fact that it is under construction
- It does not harm anyone

Joey Buckingham

- Agrees with Stephen that it does not harm anyone
- Sympathetic that the owner already started construction
- Cannot make findings to justify why the shed should be allowed even though it is not close to anyone's house
- The shed is in a good spot on the lot given all the other developments

Mark Frits

- Does not support a Variance for the shed
- Nothing else to add



**Project Summary:** The applicant requests conceptual Advisory Design Review for a sport equipment shed in the front yard setback of the existing single-family residence.

b. **Property Address:** 103 Bolinas Avenue  
**A.P.N.:** 073-041-12  
**Applicant:** Charles Bond  
**Property Owner:** John Boesel  
**Zoning:** R-1  
**General Plan:** M (Medium Density)  
**Flood Zone:** X (Moderate Risk)

Stephen Sutro

- Design is good.
- Can see why the owner would like to expand the house
- From a design perspective it fits with the house nicely
- Findings can be made generally along Bolinas Avenue given the patterns of the block
- The restricted setbacks and FAR don't match the existing conditions
- Would like to see an analysis with other lots on Bolinas Avenue regarding nonconformities

Mark Fritts

- Design wise agrees with the project, it works
- The design being proposed you would never know was not part of the building

Joey Buckingham

- With this lot, you can find plenty of findings for hardship
- Addition does not affect anyone, and no additional light pollution or windows are being added
- Has no problem with the addition and supports the variance

Mark Kruttschnitt

- Agrees with the ADR members.
- Great design

**Project Summary:** The applicant requests conceptual Advisory Design Review to expand the existing nonconforming single-family residence by 42 square feet.

c. **Property Address:** 40 Upper Road  
**A.P.N.:** 073-071-08  
**Applicant:** Hsiaochien Chuang  
**Property Owner:** Pamela Sher  
**Zoning:** R-1: B-A  
**General Plan:** VL (Very Low Density)

**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests conceptual Advisory Design Review to construct a new infinity swimming pool, raised wooden deck, pool equipment enclosure, terraced patios and stairs, and retaining walls.

Mark Kruttschnitt

- The only issue with the original proposal (4/21/24 meeting) was that the property line was too close to the pool
- Supports the project as drawn with the parcel merger

Mark Fritts

- Agrees with Mark K about the parcel merger
- Minimize the retaining walls as much as possible and push the pool down 2 feet
- Walls should be 5 to 6 feet for minimal disturbance to the topography
- The project has improved from the last ADR meeting (4/21/24)

Stephen Sutro

- The project looks great with the parcel merger
- Would like to see the planting plan to see what plantings sits below the retaining walls

Joey Buckingham

- Agrees that the project looks great with the parcel merger
- Agrees with Mark Fritts that the pool should be lowered
- Supports the project as drawn

d. **Property Address:** 230 Wellington Avenue  
**A.P.N.:** 072-121-29  
**Applicant:** Brooks McDonald  
**Property Owner:** Piers and Nina Barry  
**Zoning:** R-1: B-10  
**General Plan:** VL (Very Low Density)  
**Flood Zone:** X (Moderate Risk)

**Project Summary:** The applicant requests conceptual Advisory Design Review to demolish the existing 2,267 SF single-family residence, and detached carport. The project proposes to construct a new 2,438 SF two-story single-family home, 521 SF detached garage, and a new pool. The project also proposes to construct an 800 SF Accessory Dwelling Unit (ADU) under the new garage.

Mark Kruttschnitt

- Likes the ADU and Garage design of the project

- Likes that they will add more parking
- Understands the reason for a garage
- The design fits well, and is a great huge improvement to the lot
- Because of the shape of the lot and steepness, hopefully findings can be made for a variance

#### Stephen Sutro

- Agrees with Mark K, the project is well designed
- Will fit on the lot and the neighborhood really well
- If it wasn't for the hillside lot ordinance this project would be in conformance
- Based on the context of the neighborhood and proportionality of the size of the lot, the project makes a lot of sense, and findings can be made for both FAR and setbacks with regards to the proposed structure
- The project does not exacerbate the existing nonconformity
- The thing that is problematic is the proximity of the pool to the side setback
- The findings can be made and would like to further understand the intent of the strict hillside lot ordinance for FAR and setbacks

#### Joey Buckingham

- Agrees with all the ADR members
- Findings can be made using the hillside lot ordinance for granting a variance since it allows for less square footage
- Would love to see the house closer to the garage so that the house would not be in the rear setback
- Could support the house where it is, but the pool is a difficult one because of the side setbacks
- Loves the design and how it sits very nice on a hillside and tucked back
- If the house is pushed closer to the garage, the house roof would not need to be bend, so by pushing the house closer, it will allow for a flat roof and overall better design

#### Mark Fritts

- Likes the idea of separating the house and ADU/garage
- Likes Joey's idea of pulling the house and garage closer together primarily to get the house out of the rear setback
- The lot being on a hillside is not a hardship.
- The massing is really good but can be pushed down a bit more
- Look at ways to push down the house 2-3 feet, so the angle roof can be eliminated and can be a flat roof
- The garage massing might be a problem with the neighbor to the north, perhaps shift the garage, but fully supports the garage in the front yard setback
- Perhaps slide the pool closer to the east side

- To sum things up, the house is still too big. The applicant should be able to build back the existing square footage and not ask for a variance to exceed the FAR.

**6. Information and Discussion.**

**7. New Agenda Items.**

**Adjournment, 7:45 PM.**

**The September 17, 2024, meeting was cancelled. The next scheduled regular meeting date and time will be October 15, 2024, at 6:00 PM.**

DRAFT