

MINUTES OF THE TOWN OF ROSS COMMUNITY WORKSHOP  
on the HILLSIDE LOT ORDINANCE and  
HILLSIDE DEVELOPMENT REGULATIONS

TUESDAY, MARCH 23, 2010  
Ross Town Hall  
31 Sir Francis Drake Boulevard, Ross

**1. Welcome, Introduction, and Background**

Senior Planner Elise Semonian opened the public workshop on the hillside lot ordinance at 7:35 p.m. and explained the meeting objective was to review a red-line draft of proposed revisions to the Hillside Lot Ordinance with a focus on three issues: definition of floor area; the formula for floor area and slope; and, whether or not to include floor area as a guideline or a requirement in the draft ordinance and what criteria should be included for exceptions, if any.

Council member Michael Skall welcomed the meeting participants and said the purpose of the meeting was to formulate a draft ordinance that could then be brought to the Council for further review and community input.

Staff present were Town Manager Gary Broad and Project Planner Christine O'Rourke. Mayor Rick Strauss was present, and Council member Christopher Martin joined the meeting at 8:00 p.m.

**2. Review and Discussion of Draft Ordinance**

Senior Planner Semonian reviewed the proposed alternatives and participants provided comments as follows:

Definition of Floor Area

Senior Planner Semonian explained that the draft ordinance provides design guidelines to address deck and high ceiling areas. The new language would allow the Council to consider limiting deck and high ceiling areas, but does not include them as floor area. Some meeting participants wanted the decks to be put back in to floor area.

Staff proposed counting floor area for stairs and elevators on every floor, although existing policy is to count them only once, in order to simplify the floor area calculation and ensure that all building mass is considered. Meeting participants disagreed with the proposed change to stair and elevator area and recommended counting this area only once.

Senior Planner Semonian said the draft ordinance reinstates the original setbacks but this needs more public input. Staff believes the setbacks will require exceptions or variances on nearly every hillside lot. In order to provide Council with flexibility, staff does not recommend reinstating the larger setbacks.

### Floor Area as a Guideline or a Requirement

Senior Planner Semonian reported that of the approximately 250 hillside lots in Town, only about 40 lots would have extra floor area under the proposed regulations. The remaining 210 would have to go through a variance procedure to put an addition on to their home.

Meeting participant comments:

The ordinance should have strict language. If it says “guideline” the Town will still have the problem caused by the “excellence of design” loophole.

It is necessary to avoid protracted debate. There should be a cap on the amount of floor area that can be requested over the guideline. Applicants have in the past asked for 200% of the guideline.

Councils rarely interpret the Hillside Lot Ordinance (HLO) strictly. Ross has been very liberal in granting additional floor area.

There needs to be fairness in applying the ordinance. The Council has looked at floor area as a guideline in the past, and it would not be fair to move to a strict interpretation now.

The precedent depends on who has been on the Council. In the late 90’s and early 00’s, the Council was very rigid. Decks were included in floor area. Floor area was never looked at as a guideline until recently, due to one aggressive applicant and architect. Better to have stricter guidelines.

Consider treating new homes and remodels differently. New homes should have to comply with the floor area, while floor area could be treated as a guideline for remodels.

Look at undeveloped and developed lots differently.

Call it a “strict guideline” in the ordinance, and direct the Council not to interpret it loosely. Applicants should ask for a variance to exceed the strict guideline.

In Larkspur, applicants are granted an exception, not a variance. It is easier for the Council to grant exceptions.

Strict guidelines can be very unfair to the homeowner.

Exceptions could be created for previously developed lots.

Property owners with lots below under 30%, as currently measured, should be grandfathered. It would be unfair if the new slope calculation method pushes these lots over the hillside lot threshold.

The Town could provide an exception to properties that had lower slopes under the old rules. The new Hillside Lot Ordinance has to be fair to people who bought their property with an expectation for certain development rights.

Keep the ordinance as simple as possible with as few exceptions as possible. The ordinance must be applied equally to everybody. It has to be something everyone can understand. Try not to make exceptions. The more complex the ordinance is, the more opportunities there are for argument.

Everyone wants a simple law, but unfortunately it's more complicated than that when applied to specific lots.

In Ross, property owners almost always have to get a variance to develop anything. It is not like that in other communities.

Provide undeveloped lots with a determination of maximum floor area, so there is no confusion or debate.

### Slope Calculation Method

Senior Planner Semonian reported the proposed contour method to determine slope would probably result in a higher slope determination, but that it was more accurate than the existing method.

Meeting participant comments:

How much does it cost to have a surveyor determine the slope using the contour method?

A topographic map can cost over \$5,000. It is harder for the surveyor when a lot is covered in vegetation. A map for a one-acre lot recently cost \$7,500.

Exceptions could be made so small projects do not need to do a topographic map.

Where the house is being built is very important and should be considered. Exceptions should be made if the house is built on a flatter portion of the lot.

Slope determinations should distinguish between smaller and larger lots. Since all of the contours must be considered in the contour method, large lots can end up with a steeper slope, but can only use up to 3 acres for floor area. It is not fair to have to count steep areas that are not also contributing to additional floor area.

The contour method is not foolproof. The difference between the two slope methods (lowest to highest and contour) can be wildly different. Ravines, knolls and domes can severely impact the overall slope. There should be an exception for these types of conditions.

If the new slope method results in a higher slope determination, maybe the floor area formula should give higher numbers.

Why is the floor area stopped at 50% slope? It should go higher.

It is almost impossible to come up with a formula that is fair to everyone.

### **3. Closing Remarks and Next Steps**

Council member Skall thanked the community members for participating in the discussion and said staff would take these comments to further refine the draft ordinance. The Town Council, sitting as a planning commission, will receive comments on the proposed Hillside Lot Ordinance at the April 8 Town Council meeting and will consider a proposed ordinance at the May and June Council meetings. Residents are encouraged to send comments to Senior Planner Elise Semonian or Council member Michael Skall. Staff will report on tonight's meeting in a special edition of The Morning After.

### **4. Adjournment**

The meeting adjourned at 9:15 p.m.