

To: Advisory Design Review Group
From: Elise Semonian, Senior Planner
Re: Ordinance 620, draft hillside development regulations
Date: April 23, 2010

I. Project Summary

Review and discussion regarding proposed Ordinance 620, amending the Town's hillside development regulations.

II. Discussion/Issues to Consider

A copy of the public notice that summarizes the major changes proposed to the hillside lot regulations, a redline draft of the changes, and a copy of Ordinance 620 are attached.

Staff would like the ADR Group to receive public comment and review and make any recommendations to staff regarding the draft provisions of Ordinance 620. We would like you to pay particular attention to the wording of the design guidelines and the modifications that would make certain provisions mandatory and certain provisions guidelines.

The ADR Group has reviewed a number of projects that have proposed floor area above the current guideline floor area limits. There has been much discussion regarding whether the hillside lot area floor area ratios should be guidelines or should be firm limits on development. Staff is recommending that the hillside lot floor area ratio become a mandatory development limit, not a guideline, in order to eliminate some uncertainty regarding the regulations. This will also ensure that applicants that seek floor area above the maximum permitted floor area demonstrate some unusual site circumstances that warrant the Town Council to grant floor areas above the limit (that variance findings can be made).

Staff considered adding language to add an "exception" procedure for applicants that wish to exceed the permitted floor area for previously developed sites (no exceptions could be granted for development of vacant lots). The exception section could define criteria for Town Council to consider the requests. Staff chose not to include this language since we believe it will sustain the current issues with uncertainty regarding the regulations. However, staff would like the ADR Group to consider this idea, the design implications of making the hillside floor area regulations mandatory, and what criteria could be appropriate for exceptions.

Hillside Lot Floor Area Exceptions.

- (a) The Town Council may grant a hillside lot floor area exception to allow floor areas greater than provided for in this Chapter for previously developed lots.
- (b) Submittal requirements, review authority and public hearing. An application for a hillside lot ordinance floor area exception may be filed with the Planning Department with the hillside lot application, subject to fees as established by resolution of the town council and submittal of application material as required by the town planner. The Town Council shall hold the public hearing on any hillside lot floor area exception.
- (c) Findings required for approval. The town council may approve, conditionally approve or deny an application for hillside lot floor area exception if it is consistent with

the purposes of this chapter and if one or more of the following findings can be made:

- (i) The existing development exceeds the guideline floor area and new development proposed is equal to the existing floor area.
- (ii) The site topography is unusual for a hillside area, such as a lot with a level building area that is not visually prominent.
- (iii) To allow the transfer of development rights from hillside lots that will be preserved in their natural state.

The public and staff considered the following alternative language for the definition of slope. This “contour method” would result in more accurate average slope determinations for sites with unusual topography. However, the contour method would also result in reducing floor area for many sites that received slope determinations under the current or prior slope definition. Staff would recommend using the slope contour method of calculating average slope if a procedure for granting exceptions to the floor area is considered.

18.12.315 Slope. The average slope shall be calculated using the following formula:

$$S = (100 \times I \times L) \div A$$

Where “S” is the average percent of slope, rounded off to the nearest one percent; “I” is the contour interval in feet; “L” is the summation of length of the contour lines in feet less the length of the average contour line, i.e., $L = \text{total length of contour lines} - \text{total length of contour lines divided by total number of contour lines}$; and “A” is the area in square feet. The Town staff may establish minimum standards for topographic surveys.