

To: Mayor, Ross Town Council and Council-elect
From: Elise Semonian, Senior Planner
Re: Hillside Lot Ordinance 620
Date: July 8, 2010

I. Description

Ross Town Council consideration of proposed Ordinance 620, An Ordinance Amending the Town Hillside Development Regulations.

The new regulations would apply to subdivisions and certain construction projects on property within the Town of Ross with an average slope of thirty percent (30%) or greater or that are wholly or partially within Hazard Zones 3 or 4 as identified on the Town slope stability map.

A summary of the changes proposed in the current draft of Ordinance 620:

- The hillside lot floor area ratio would become a mandatory development regulation and not a guideline. A variance would be necessary to exceed the maximum permitted floor area for a hillside site.
- No change to the method of calculating average lot slope is proposed.
- A new hillside lot floor area ratio formula is proposed. The formula levels out the current floor area thresholds and would reduce the maximum permitted floor area for some lots and increase the maximum permitted floor area for other lots.
- The hillside lot ordinance would apply to most hillside projects that are currently subject to design review, such as additions that are 200 square feet or greater and certain retaining wall projects.
- New guidelines would permit the Town Council to consider the design and privacy impacts of decks and take into consideration aesthetic impacts of tall building walls. A specific limit on deck area will be considered.
- The ordinance reinstates larger setbacks requirements for hillside lots as a mandatory development regulation.
- The ordinance would amend the design guidelines and standards for hillside projects. The amendments include limiting the height of retaining walls to six feet (8 feet currently permitted).
- Published notice of a hillside lot hearing would no longer be required. Public notices would be mailed to all property owners within 500 feet of a site and posted at the site and two other locations.

II. Discussion and Recommendation

Staff has revised the draft Ordinance 620 in response to the changes suggested by the Town Council at hearings held on May 13 and June 10, 2010. The Council introduced the ordinance at its June meeting. Under State law, the Council may only adopt ordinances at regular (not special) council meetings. Therefore, staff recommends that the Council receive any public comment on the proposed ordinance, discuss the ordinance, re-introduce Ordinance 620 with any changes, waive reading of the full ordinance text, and schedule the ordinance for adoption at the regular August meeting.

Staff has discussed the proposed ordinance with Council-elect Carla Small and offers the following proposed revisions for the Council to consider:

A. Reorganize Subsection 18.39.020(b)

For clarity, incorporate the last sentence under 18.39.020(b) regarding cumulative projects into the first paragraph of the sub-section. The paragraph may read as follows:

(b) A hillside lot application is also required on improved parcels having thirty percent or greater overall natural or building site slope, or containing Hazard Zones 3 or 4, for the following projects and for staged, phased or cumulative improvements that exceed these thresholds:

. . .

~~A hillside lot application is also required for staged, phased or cumulative improvements that exceed these thresholds.~~

B. Revise Section 18.39.090(c) Grading and retaining walls

Visible concrete and concrete block walls ~~should~~ shall have an appropriate architectural finish.

C. Consider specific limit for deck area

Council members, the Advisory Design Review Group members, and the public have suggested that the Town Council consider adopting a specific limit for deck area.

The original Town floor area regulations included all deck area as floor area. Decks over 18” in height were included in floor area between 1983 and 2003. Many owners of existing residences applied to “trade off” deck area for enclosed living space, which resulted in larger houses with more mass even though there was no change in floor area. The Council often approved applications over the hillside lot ordinance guideline floor area, applying the hillside guideline floor area limit to enclosed living spaces and not deck area. In 2003, the Town Council removed deck area from the definition of floor area. Deck area is limited by the Town lot coverage requirements of 15-20%, depending on the zoning district.

In 2008, the Town Council considered a controversial hillside lot application for 54 Baywood Avenue for residence with 839 square feet of interior space and approximately 1,800 square feet of deck area (including car deck area and flat roof area proposed as deck area). The project had a proposed lot coverage of 11%. The Council approved the application and required the applicant to reduce the deck area. The adjacent neighbor purchased the lot and the house approval has expired. The project will not be built. Staff can think of no other application where the amount of deck area has been at issue.

Ordinance 620 contains a new hillside design guideline that allows the Council to consider and limit deck area where appropriate:

Decks, particularly elevated decks, should enhance the appearance of a house and be of a scale and style which are compatible with the house, adjacent development, and the surroundings. The town council may limit deck and patio area based on considerations of aesthetics, potential for noise, bulk and mass, privacy of adjacent sites, and visibility. (Ordinance 620, Section 18.39.090(d)(6))

The Council may consider specific site circumstances to determine if proposed deck area is appropriate. Decks provide hillside residents with outdoor areas adjacent to their living spaces and may not have any negative impact on neighbors or the appearance of a home.

However, in response to concerns raised by the ADR Group, Council members and the public, staff suggests that the Council consider the following limits on deck area.

18.39.020 Chapter application.

(a) This chapter shall apply to hillside areas. 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. An application for a hillside lot review is required for any development or subdivision of a hillside lot.

(b) A hillside lot application is also required on improved parcels having thirty percent or greater overall natural or building site slope, or containing Hazard Zones 3 or 4, for:

(1) All new buildings, building relocations, and for all exterior remodeling resulting in additions, extensions or enlargements to existing buildings exceeding two hundred square feet of new floor area or deck area over 18" in height, including enclosing existing open areas;

...

18.39.090 Hillside lot design regulations and guidelines.

(b) Maximum deck area. The maximum area of decks over 18 inches in height (including car decks) shall be limited to 25% of the maximum permitted floor area for the site under this chapter, [or 25% of floor area existing as of September 1, 2010, whichever is greater]. If development does not exceed the maximum permitted floor area under this chapter, excess floor area may be used as additional deck area. Deck area shall not be converted to floor area if it will result in floor area that exceeds the limits under this chapter.

...

The following are examples of the deck limits for a site with a 40% slope:

Lot size	HLO FAR	Deck area
20,000	1,354	339

1 acre	2,831	708
2 acres	5,227	1,307
3 acres	7,187	1,797

Issues will most often arise with existing residences. Limiting deck area to 25% of the hillside lot guideline floor area could be onerous for residents. A topographic survey to confirm lot slope and size will be required for even a small deck addition.

Limiting deck area to 25% of the HLO floor area may be too restrictive for sites with houses that already exceed the HLO floor area. For example, an existing 3,000 square foot house on a 20,000 square foot lot with a 40% slope would be limited to 340 square feet of deck area. If the Council is inclined to approve a limit on deck area, staff suggests that the Council consider the alternative language that would permit more proportional deck area for existing houses. This would also eliminate the concern regarding calculation of lot slope for existing residences seeking minor deck additions.

Staff believes that the new deck guideline Section 18.39.090(d)(6) is sufficient to allow the Council to limit the deck area if will result in an inappropriate design or will negatively impact neighbors. Staff would recommend that the Council begin with the new deck design guideline, require hillside lot applicants to provide deck area to the Council, and consider if further limits on deck area are necessary.