

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Bode, Hillside Lot Application, 7 Woodhaven Road, File 1680
Date: May 1, 2008

I. Project Summary

Owner: Steve Bode
Location: 7 Woodhaven Road
A.P. Number: 73-021-04
Zoning: R-1:B-5A (Single Family Residence, 5 Acre Minimum Lot Size)
General Plan: Very Low Density (.1-1 Units per Acre)
FIRM Designation: Zone C (Area of minimal flooding)
Draft FIRM Designation: Zone X (Area outside .2% annual chance floodplain)

II. Project Description

Request is for approval of:

Demolition permit to allow the demolition of an existing residence and detached accessory structures totaling 1,961 square feet of floor area. Variance, design review, hillside lot/ hazard zone 4 use permit and second unit permit to allow the following: 1.) construction of a 4,601 square foot residence and attached two-car garage with a maximum ridge height of 28 feet; 2.) construction of a 1,199 square foot detached second unit above a two-car garage (700 square feet and one story permitted), with a maximum ridge height of 18.5 to 23 feet (18 feet permitted); 3.) location of the new residence, second unit, driveway and landscape retaining walls within 50 feet of a watercourse contained in a culvert (25 to 50 foot setback recommended); 4.) 788 cubic yards of cut and 340 cubic yards of fill; and 5.) over 100 linear feet of new driveway and landscape retaining walls with a maximum height of 9 feet.

Lot area	72,745 square feet
Present Floor Area Ratio	2.7%
Proposed Floor Area Ratio	7.6% (15% permitted*)
Present Lot Coverage	2.7%
Proposed Lot Coverage	5.8% (15% permitted)

*The slope of the site varies. Based on staff's calculation of lot slope, the hillside lot ordinance would recommend a maximum floor area of 4,801 square feet. (See explanation below)

III. Background

The 1.67 acre, irregularly-shaped, lot is developed with a residence and accessory structures. There are several slopes to the site, which vary from 65% to 30%¹. A seasonal creek bisects the site. The natural slope of the site was modified when the existing development was constructed around 1948. The creek channel was filled and the creek was diverted into a culvert.

The lower portion of the lot fronts on Woodhaven Road, which is not a Town maintained right-of-way. On the uphill side, the site backs on to the vacant, 53-acre, Bald Hill parcel, owned by Asia Alliance. The site is also adjacent to a lot owned by the County of Marin, over which privately maintained Upper Road West passes. To the north, the site is bounded by developed residential sites at 9 and 11 Woodhaven Road. To the south, the lot shares a property line with 8 Upper Road West, which has a roadway easement over the lower portion of this site.

This is the second application for redevelopment of the project site. The first application, submitted in 2005, involved a very different project with primary access proposed on Upper Road West. The project was withdrawn after one Council hearing. The staff report and minutes for that meeting are attached for reference.

The project was considered by the Advisory Design Review Group in April. This was the first application considered by the group. The group only discussed the design of the residence, not policy issues related to the floor area or watercourse setback. With the exception of the front elevation, which they believed could be improved; staff believed the group was pleased with the design of the project. The group felt it would be important to review the actual materials proposed. Several neighbors attended the meeting. Some Upper Road West residents questioned if the project would be visible from their site or would create a new source of light. The owners of 8 Upper Road West wished to confirm that adequate landscaping would be provided to screen between the sites.

IV. Discussion

Staff's first impressions of the project were also positive. Based on a review of the concerns expressed by residents in 2005, it appears that the applicant is moving in the right direction with proposing construction in the area of the existing residence with access from Woodhaven Road. However, staff believes it may be difficult for Council to make some of the required findings to approve the project as proposed. We are recommending that Council provide direction to the applicant on the following issues:

A. Project Floor Area

The site is within Hazard Zone 4 on the Town Relative Slope Stability map (Zone 1 slopes the most stable and Zone 4 slopes the least stable) and the project is therefore subject to the hillside lot regulations (RMC §18.39.020(a)). The hillside lot regulations and design review criteria allow the Town Council to impose more restrictive development regulations, including lower floor area percentages (RMC §18.41.100(p)).

¹ Treadwell and Rollo Preliminary Geotechnical and Geological Investigation, March 9, 2005

The intent of the regulations is to limit impacts and promote excellence of design and site planning. The recommended maximum guideline floor areas for hillside lots are based upon the slope of a site.

The applicant has determined that the slope of the lot is between 30-35%. In 2005, the Town engineer determined the slope of the lot was 36.8%, running a line from the high point of the lot to the low point of the lot and divided it by the distance between the two points. The line did not run perpendicular to the contours. The Town recently modified the definition of slope to require the average slope to be measured by a line running perpendicular to the contours. Using this method, staff believes the site slope is in the range of 36-40%, depending on where the line is drawn.

The simple slope formula of measuring from the high point to the low point along a line perpendicular to the counters does not work well for this site. The lot is irregular and has several different slopes. The natural contours of the site were modified when it was originally developed.

The hillside lot regulations provide only “guideline” maximums. Staff believes the guideline floor area maximum for this site should be based on a 36-40% site slope. Even if one were to use the 30-35% slope calculated by the applicant, development should be significantly reduced to reflect the following site conditions:

- The large area to the north of the creek that has slopes ranging from 40% to 65%.
- The pre-development contours of the site.
- The location of the building area on an upslope, which can exaggerate the apparent mass of a project and requires significant cut and fill.
- The creek that bisects the site and limits the developable area of the site.
- The presence of Woodhaven Road over the site and the neighbor’s roadway easement, which limit the actual developable area of the site.

Although staff has requested a survey from the applicant, a boundary survey has not been submitted for the property. A topographic map was submitted in 2005, but the engineer that prepared that map indicates that he did not resolve the boundaries of the site or locate easements or other information relevant to the title. In addition, staff is concerned that many of the elevation control points are in areas of proposed construction. Staff has no evidence of how lot size was calculated or if the roadway or other road easements were included to determine the lot area and the proposed floor area. Staff has no information on other easements that may encumber the property. Staff would recommend that the guideline maximum floor area be based on the lot size less the area of the road and any roadway easements, which should result in a guideline floor area maximum in the range of 4,500 to 4,800 square feet.

B. Watercourse Setback and Stormwater Quality

Residences and accessory structures shall not traverse, encroach or impede a natural watercourse or drainage swale. (RMC §18.39.090(g) (1))

Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. (Ross General Plan Policy 1.4)

Development in upland areas shall maintain a setback from creeks or drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards. (RMC §18.41.100(i)(2))

All development shall maintain a setback from creeks, waterways and drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards. A minimum fifty-foot setback from the top of bank is recommended for all new buildings. At least twenty-five feet from the top of bank should be provided for all improvements, when feasible. The area along the top of bank of a creek or waterway should be maintained in a natural state or restored to a natural condition, when feasible. (RMC §18.41.100(s))

Proposed work should be viewed in relationship to existing on-site conditions. Pre-existing site conditions should be brought into further compliance with the purpose and design criteria of this chapter as a condition of project approval whenever reasonable and feasible. (RMC §18.41.100(o))

The design review guidelines recommend that new structures be setback 50 feet from the top bank of a creek or watercourse. The setback line is difficult to determine on this site, since the creek was buried when the site was redeveloped. While staff can understand that a 50 foot setback may not be possible on this site, staff is disappointed that the project does not attempt to improve the watercourse or runoff situation, and instead proposes new fill and lawn above the watercourse. Staff would prefer to see a landscape plan and site design that seeks to improve the condition of the watercourse and riparian habitat in the area.

Staff has attached the Marin County Stormwater Pollution Prevention Program's Stormwater Quality Manual for Development Projects in Marin County. We recommend that Council direct the applicant to incorporate more stormwater treatment and controls into the project.

Although it is not identified on the plans, the project architect indicated at the Advisory Design Review Group meeting that the driveway would be finished with a permeable grid surface. Staff would like additional information on this and any other plans to mitigate stormwater runoff at the site.

Staff has no information on the condition, size or location of the existing culvert. We have insufficient information to determine if the culvert should be replaced at the site or under the roadway as a condition of project approval. Replacement of the culvert could have significant impacts on trees and construction management. We recommend that Council direct the applicant to provide the Town with additional information on this culvert.

C. Preservation of Existing Site Conditions/Grading/Massing

New buildings and additions to existing residential buildings constructed on sloping land should be designed to relate to the current landforms with the goal of integrating the building with the site (e.g., step

with the slope). Low retaining walls are encouraged where their use would minimize uphill cutting, and large singleplane retaining walls should be avoided. Cut and fill areas and on/off-hauling should be minimized, especially in locations of limited or difficult access. Special care should be taken to final grade all disturbed areas to a natural appearing configuration and to direct stormwater runoff to areas where water can naturally infiltrate the soil. (Ross General Plan Policy 3.3)

Development should minimize grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses. (RMC §18.41.100(a)(1))

All new buildings or additions constructed on sloping land should be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site. (RMC §18.41.100(b))

Grading, cutting and filling and retaining walls shall be minimized for hillside development by using building techniques which reflect the natural topography of the site. Graded slopes shall not exceed 2:1. Individual retaining walls shall not exceed a height of eight feet. The aggregate height of retaining walls shall not exceed eighteen feet for any particular slope. (RMC §18.39.090(a) (2))

The project does not minimize grading and modifies the existing and natural elevations of the site with cut and fill. The design does not relate to the natural contours of the site or step with the slope. The plan proposes excavation for a new driveway and garage downslope of the existing driveway. The land around the driveway is re-contoured. The plan calls for a 9 foot tall driveway wall. It appears that the wall is not cut into the slope, but retains fill behind it.

Staff would like to see a plan that minimizes cut and fill and also clearly calls out existing and proposed contours and areas of proposed cut and fill. While many homes in this area are large and have pools, most of the lots are not as steep and are not bisected by a creek. Eliminating the pool and flat lawn areas may permit construction that is more appropriate for this hillside setting.

Staff recommends that Council require a geotechnical and drainage peer review be undertaken for the site before the project returns for consideration by Council.

D. Landscaping and Tree Protection

Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development (RMC §18.41.100(j))

No new native trees are proposed. Staff would recommend that the landscape plan incorporate more native vegetation.

Staff is concerned that insufficient information has been submitted regarding tree health and protection. No arborist report has been submitted. No tree removal application has been submitted, but it appears a number of trees would be impacted during construction:

- The grading plan indicates that grading would take place in the area of the 24” bay tree and the 4 redwood trees, which range from 9 to 28” in diameter, to the north of the driveway.
- New retaining walls are proposed within the dripline of the oaks located to the north of the existing residence.
- A retaining wall is proposed in the area of the 18” oak tree in front of the existing residence.

E. Additional information on design

No story pole plan has been submitted. No details have been provided on the proposed materials. The required model has not been submitted. The project architect indicates these materials will be available for the Council to review.

F. Variances for Carriage House

Accessory structures should generally be single-story units unless a clearly superior design results from a multilevel structure. Accessory structures should generally be small in floor area. (RMC §18.41.100(l)(2))

Staff would like Council’s thoughts on the proposed carriage house. Variances are required for development of the carriage house as a second unit. If the structure is developed as a guest house (which cannot be rented), no variances are required. Development of a second unit would further the Town’s housing goals. Staff would be supportive of height, story and size variances associated with a second unit if the unit is designed within the recommended hillside lot guideline floor area maximum for the site and the design is sensitive to the site and surroundings.

Staff would like additional details on what appears to be a patio proposed within the setback, behind the unit. In addition, if it is to be a rental unit, staff recommends the plan include laundry facilities for the residents.

V. Recommendation

Staff recommends that the Council direct the applicant to reduce the floor area to the maximum permitted for a site with a slope between 36-40%, for the reasons set forth above. We recommend that the applicant consider modifications to the project to address staff’s comments above and any additional issues raised by the Council and submit additional material. Staff recommends that the item be continued after direction is provided to the applicant.