



**Agenda Item No. 14.**

**Staff Report**

**Date:** January 12, 2017  
**To:** Mayor Hoertkorn and Council Members  
**From:** Heidi Scoble, Planning Manager  
**Subject:** Discussion on the Town's Hillside Lot Regulations

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**Recommendation**

Council to provide policy direction to staff as to whether the Hillside Lot maximum floor area regulations should be modified.

**Background**

At the Town's Strategic Goal setting in 2016, concerns were raised by a resident regarding the Town's Hillside Lot regulations. Based on the discussion, it was prioritized that staff would research the Town's regulations and return back to the Town Council with its findings, including possible recommendations.

The Town has been regulating hillside lots since the adoption of Ordinance 220 on December 28, 1961. The purpose of the Hillside lot regulations was originally intended to ensure adequate grading of the site and the structural safety of the building, in addition to ensuring adequate parking and the protection to the public welfare and property or improvements. Since the first Hillside Lot regulations were developed, the Town Council has approved a variety of code amendments to reflect the Town's policies. The following provides a time line of code amendments relative to Hillside Lot applications:

1. Ordinance 220: Adopted on December 28, 1961. Prohibits the development of parcels with an average slope of 30% or greater unless the Town Engineer makes a determination that the project grading would not create any adverse impacts and the Town Council conducts a public hearing.
2. Ordinance 331: Adopted on May 10, 1973 to require a minimum of four parking

3. Ordinance 413: Adopted January 10, 1980 to establish revised regulations and a new chapter concerning Hillside Lots
4. Ordinance 472: Adopted on September 26, 1989 to revise the Hillside Lot regulations to include design standards, including slope density and setback guidelines.
5. Ordinance 521: Adopted on September 9, 1993 to amend the purpose, application, submittal requirements, review authority, hearing requirements, findings, denial if incomplete or inactive applications, administrative exemptions, modified hillside lot design standards, a noncompliance section, an expiration section, and a severability section.
6. Ordinance 620: Adopted on August 12, 2010 to revise the amend the purpose of a Hillside Lot regulations, chapter applicability standards, submittal requirements, review authority and noticing requirements, findings, and revised hillside lot design regulations and guidelines, including a new floor area formula.
7. Ordinance 622: Adopted on January 13, 2011 to require a maximum floor area for lots that have 30% or greater slopes.

### **Discussion**

As depicted in the past ordinances regarding Hillside Lots, the purpose of the Hillside Lot regulations was primarily to provide additional criteria, such as minimizing grading, circulation, environmental impacts, and lot design when reviewing lots that have an average slope in excess of 30%.

Currently the Town requires the Hillside Lot regulations to be applied when a parcel is either developed or undeveloped, and has a thirty percent or greater slope, and/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. The triggers for a Hillside Lot Permit are as follows:

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, including enclosing existing open areas;
2. The construction of any retaining wall greater than forty eight inches in height as measured from bottom of footing to top of wall or any terraced retaining walls totaling more than forty-eight inches in height;
3. Retaining walls totaling more than one hundred linear feet;
4. Any activity or project resulting in more than fifty cubic yards of grading or filling, whether or not a building permit is required;
5. Any construction, improvements, grading/filling or other site work within twenty-five feet of the top bank of a creek, waterway or drainageway, whether or not a building permit is required;

6. For any project on a lot that previously received a hillside lot application approval; and
7. A hillside lot application is also required for any land division which has a natural slope or building site slope of thirty percent or greater for any existing or proposed lots.

A hillside lot application is not required for an attic or basement improvement permitted under Chapter 18.46 unless the project involves exterior work within twenty-five feet of a creek, waterway or drainageway, or if the attic or basement project is associated with a larger project that requires a hillside lot permit.

Currently, there are 314 parcels that meet the Town's criteria of having a 30% or greater slope and/or partially or wholly located within a Slope Hazards Stability Zone 3 or 4. The following provides information regarding the above references parcels:

1. 305 parcels are zoned as residential and privately owned.
2. 2 parcels are zoned Civic District (C-D)
3. 272 of the 305 residentially zoned parcels are developed.
4. 33 of the 305 residentially zoned parcels are vacant
5. 7 parcels are owned by public agencies
  - a. 3 parcels are owned by the Town of Ross
  - b. 2 parcels are owned by the County of Marin
  - c. 1 parcel is owned by Marin County Flood Control
  - d. 1 parcel is owned by the Marin Municipal Water District

When adopting the most recent code amendments in 2010 and 2011 via Ordinances 620 and 622, the most significant unintended consequence associated with the Town's action to require a floor area limitation on lots that have a slope of 30% or greater is that over 70% of the developed parcels subject to the Hillside Lot regulations were rendered nonconforming.

For example, the parcel located at 28 Woodside Way is situated on a 17,543 square foot parcel that has a 54% slope. The parcel is located in the R-1:B-6 zoning district and would be allowed a .20 FAR. The parcel is developed with 2,812 square feet of floor area. The R-1:B-6 zoning district would allow up to a maximum of 3,508 square feet of floor area. Because the subject parcel has a slope is greater than 30%, the Hillside Lot regulations would apply. Accordingly, the maximum permitted floor area for the parcel would be 701 square feet. As such, the existing residence is rendered nonconforming because the existing residence now exceeds the 701 square foot floor area limitation imposed by the Hillside Lot regulations. Thus any remodel to the residence that requires a structural modification to the residence would require a Nonconformity Permit.

Other floor area examples associated with the current regulations are as follows as shown on the next page:

Address	Avg. Slope	Land Area	MAX HLO FAR
88 BAYWOOD AVE	43.58494	5,374	341
101 CHESTNUT AVE	52.86007	11,270	504
9 CREST RD	71.66291	11,000	426
15 EL CAMINO BUENO	36.14481	6,300	487
54 BRIDGE RD	44.19982	12,250	742
7 MADERA AVE	53.2688	8,000	345
5 HILL RD	30.57468	6,096	544
23 BAYWOOD AVE	41.36918	8,800	590
54 WELLINGTON AVE	52.08665	19200	841

As depicted above, due to the Hillside Lot maximum floor area regulations, many parcels are onerously limited to under 1,000 square feet, even though their base zoning district would allow for a more reasonable sized residence.

Another unintended consequence associated with the Hillside Lot regulations is relative to the floor area trigger. As previously stated, when a parcel has a slope of 30% or greater, the Hillside Lot maximum floor area formula is triggered. For example, if there is a property located on a 40,000 square foot parcel located in the R-1:B-A Zoning District. The R-1:B-A zoning district allows a .15 maximum FAR. A parcel with a 29.9% slope would be permitted to have up to 6,000 square foot residence if he parcel is partially or wholly located within a slope hazard stability zone.

What if the subject parcel has an average slope of 30%? The Hillside Lot maximum floor area formula would be triggered, thus reducing the maximum floor area from 6,000 square feet to 3,416 square feet. By having a .10 slope increase, the maximum floor area was reduced by 2,584 square feet.

Below is a more succinct visual to show the impacts of a 29% slope verses a 30% slope:

Parcel Size	% of Slope	Max FAR
40,000	29.9	6,000
40,000	30	3,416

Another scenario, taking a 40,000 square foot parcel in a R-1:B-A zoning district and assume that half of it (20,000 square feet) has a 10% slope and the other half (20,000 sq. ft.) has a 70% slope. For this case the Hillside Lot floor area formula would allow 2,616 square feet to be built based on the overall parcel average slope of 40%. On the other hand just taking a 20,000 square foot parcel by itself with a 10% slope (just the half of the former parcel) is allowed 3,000 square feet, which is 384 square feet more than the much larger parcel with the same developable 10% sloped area. The result is the formula can effectively reduce allowable building square footage even on the developable portion of a parcel.

What if the property owner of the above R-1:B-A zoning district parcel would like to construct an addition within the footprint of the existing residence. With the exception of the Hillside Lot floor

area regulations, the project would comply with all other development standards (e.g., setbacks, lot coverage, and height) of the zoning district. Unfortunately, a Variance would be required to allow a deviation from the required floor area allowances, even though the base R-1:B-A zoning district floor area regulations would allow the floor area increase. Variances can only be approved when the project findings related to special circumstance, substantial parity, and health and safety can be achieved. The special circumstance finding can only be based on special circumstances associated with the physical constraints of the land (e.g., topography, lot configuration, etc). Although the Variance would be the mechanism to request a deviation from the Hillside Lot maximum floor area standard, staff would not be able to support the Variance because the Hillside Lot regulations are creating the special circumstance, and not any constraints associated with the land.

As such, based on the conditions being created as a result of the Hillside Lot maximum floor area regulations, staff suggests the Town Council may want to consider amending the regulations to be less onerous or punitive, while still maintaining discretionary control over the development of parcels known as Hillside Lots.

***What are other municipalities doing?***

Many municipalities have discretionary hillside lots regulations to facilitate in the development of steeper sloping lots. For example, the City of San Rafael has additional Hillside Lot regulations when a parcel has a slope of 25% or greater. San Rafael's regulations addresses further height limitations, allowances for encroaching into setbacks, non-disturbance areas (e.g., leave a percentage of the parcel in a natural state), and a maximum 2,500 square foot plus ten percent of lot area with the maximum gross square footage of 6,500 square feet.

The City of Larkspur has slope and hillside development regulations that require a Slope Use Permit when the project would be located within 100 feet of a ridgeline, when the average slope of the parcel exceeds 25% and would be grading 25 or more cubic yards of soil, or when the average slope of the parcel has a slope of 25% or less and would be grading 150 or more cubic yards of soil. The City of Larkspur also has maximum floor area standards whereby if a parcel has a slope of 10% or greater, than the .40 FAR is reduced by .01 for each 1% above 10% to a minimum allowable FAR of .05 at a 45% average slope. Of interest is that for the purposes of determining the minimum lot area per dwelling and allowed floor area, Larkspur allows the property owner to exclude portions of the site from the average slope calculation. No more than three portions of the site may be excluded from the slope calculation and each area excluded must be delineated using five or fewer straight lines. Furthermore, the property owner must deed restrict the excluded area from ever being developed.

The Town of Woodside's hillside regulations create standards for mandatory undeveloped areas on the parcel when the average slope of the parcel exceeds 12.5%. For example, if the average slope of a parcel is 12.5% to 14.9%, then 32.5% of the parcel needs to remain undeveloped and remain in a natural state. A 20% to 22.4% slope would require 55% of the parcel to remain undeveloped. If the parcel has an average slope of 35% or greater slope, then the entire parcel must remain undeveloped, unless the property owner can establish that the parcel is a legal lot

of record and only a single family residence and accessory uses may be permitted subject to Town approval and compliance with other floor area, lot coverage, and setback regulations.

The City of Calimesa has similar hillside lot regulations to the Town of Woodside, however, the average slope to undeveloped land are slightly less restrictive. For example, a 26% to 30% slope requires a minimum of 50% undisturbed area, where as 46% or greater slopes requires 90% to be undeveloped.

There are many more examples, but on average and beyond the above municipalities, most jurisdictions limit floor area to having a .20 or above FAR on parcels that have average slopes that are 12.5% or greater.

### **Conclusion**

In summary, staff is seeking direction from the Council to determine whether the current Hillside Lot maximum floor area limitation should be reconsidered. Staff is aware of the tremendous effort the community invested in 2009 to 2011 which resulted in Ordinances 620 and 622, but as described previously in the staff report, there are significant unintended consequences, such as floor area nonconformities and onerous development restrictions that are created as a result of the recent amended Hillside Lot regulations. Staff suggests that suitable regulations can be developed to maintain the spirit and intent of current and past policies relative to the development on hillside lots.

Given the examples described by the impacts associated with the Hillside Lot maximum floor area limitation, the first question for consideration is whether the Council finds the current regulations reflect the direction of the Council. If so, staff would not pursue any code amendments. If the Council finds the Hillside Lot floor area regulations could be improved, then staff requests the Council provide direction as to whether staff should consult with the General Government Committee to draft alternative language or whether the staff should schedule a Council Workshop to vet alternative language.

### **Fiscal, resource and timeline impacts**

Staff time to prepare the staff report.

### **Alternative actions**

None recommended.

### **Environmental review (if applicable)**

N/A

### **Attachments**

1. Excerpt from Ordinance 220 Section 10 110 (f)
2. Ordinance 331
3. Ordinance 413
4. Ordinance 472

5. Ordinance 521
6. Ordinance 620
7. Ordinance 622
8. Chapter 18.39, Hillside Lot Regulations (Current)

# ATTACHMENT 1

aggregate area of such lots or parcels shall be considered as a single parcel of land.

7. It shall be unlawful for the owner of any tract, lot or parcel of land in any section of the Residence District to transfer, grant or convey to any other person, any lot or parcel of land upon which there exists at the time of such conveyance any building, residence, dwelling or other structure permitted to be constructed, used or occupied by this Chapter, unless the parcel so conveyed and so containing such structure shall contain not less than the minimum square foot area of land as provided in this Chapter.

No area shall be counted as accessory to more than one (1) dwelling and no area necessary for compliance with the space requirements for one (1) dwelling shall be included or counted in the calculation of the space required for any other dwelling.

8. No restriction as to the minimum amount of land required for a dwelling as set forth in this Chapter shall apply to any lot or parcel of land which, on December 11, 1947, was of record in the office of the County Recorder of Marin County and which does not contain an amount of land sufficient to conform to said minimum requirement, providing, however, that where two (2) or more adjacent lots or parcels of land on said lots so stood of record in a single or common ownership, then the aggregate of all such adjacent lots or parcels shall be treated as one (1) lot or parcel of land.

*EXEMPT FROM ORDINANCE 220 SECTION 10 110 (f)*

(f) Hillside Lots. In order to protect the health, safety, comfort, convenience, general welfare and property of persons residing in the vicinity and neighborhood of steep, hillside building sites, and those building thereon, the following regulation is established:

No building permit for buildings or structures shall be issued for lots having an average slope in excess of 30% unless the following conditions are first met:

1. Plans for the proposed improvement shall have first been approved by the Town Engineer or an authority designated by the Town Council and by a licensed engineer engaged by the applicant with regard to their adequacy in the following matters: (a) prevention of soil erosion, (b) drainage, (c) placing and compaction of any filled earth and stability of the entire site, (d) the retention of any fills or cuts and (e) the structural safety of the building. Any fees or costs for the above shall be paid by the applicant prior to issuance of the permit.

2. The Town Council, after notice and a hearing as provided in Section 10 112, shall have authorized the issuance of the building permit after consideration of the matters set forth in the preceding paragraph, and in addition thereto, the matter of ingress, egress and off-street parking, which shall provide space for no less than four automobiles. The Council in authorizing such issuance may designate such conditions in connection therewith, as will, in its opinion, secure substantially the (see next page)

objectives of protection to the public welfare and property or improvements as hereinbefore set forth.

(g) Yards.

1. No yard or other open space provided about any building for the purpose of complying with the regulations of this Chapter shall be considered as providing a yard or open space for any other building or structure.

2. Front yard depths shall be measured at right angles from the front property line, provided, however, that in all cases where the front property line extends into the street, or beyond the street line, or where the legal title to the property in question includes any portion of the street in front thereof, or abutting thereon, then in all such cases the front yard depth shall be measured from the street line as such line is dedicated, defined, or as the same appears on any official map or recorded map.

It is the intention of this Chapter that no dwelling house shall be set back less than 25 feet from the actual street line (inclusive of the sidewalk area).

3. In the event that a single lot or parcel be of such area as to permit of the construction thereon of more than one dwelling house, with side yard areas, rear yard areas and front yard areas as herein required, such dwelling houses, as may be thereon constructed, shall have an intervening unoccupied space between them of at least 30 feet, with front yard area and rear yard area as herein required.

4. All side yard areas and the area between the setback line and the street line shall be free of out-buildings or other structures. All setback lines and yard areas shall be measured from the closest portion of the dwelling.

5. As used herein, the terms structure and/or accessory structure shall also include walls or abutments six (6) feet, or more, in height measured on the highest face of such wall or abutment, but shall not include retaining walls, provided, however, that a retaining wall shall be considered as such only if it is used to resist the lateral displacement of any material on at least eighty percent (80%) of the area of one side of such wall.

6. No dwelling house or other structure shall hereafter be erected or constructed, and no building permit for the construction thereof shall be issued, unless the location of said house or structure be such that the requirements provided for by this Chapter with respect to yard areas shall be satisfied and fulfilled; subject only to the limitations or exceptions in that behalf permitted by Town Council approval of a variance application.

## ATTACHMENT 2

TOWN OF ROSS

ORDINANCE NO. 331

AN ORDINANCE AMENDING SECTION 18.40.080 OF THE  
ROSS MUNICIPAL CODE CONCERNING HILLSIDE LOT APPLICATIONS

THE TOWN COUNCIL OF THE TOWN OF ROSS DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 18.40.080 (2) of the Ross Municipal Code  
is hereby amended to read as follows:

(2) The town council, after notice and a hearing as provided in Chapter 18.48, shall have authorized the issuance of the building permit after consideration of the matters set forth in the preceding paragraph, and in addition thereto, the matter of ingress, egress and off-street parking, which shall provide space for no less than four automobiles. The council in authorizing the issuance may designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of protection to the public welfare and property or improvements as hereinbefore set forth. Unless the building permit is obtained and construction commenced within one year after such hearings, any authorization given herein shall be null and void and a new application must be made hereunder.

SECTION 2. The penalty and severability provisions contained in Title 1 of the Ross Municipal Code shall be applicable to this ordinance.

SECTION 3. This ordinance shall be posted at three (3) public places within the Town of Ross within five (5) days after adoption and shall be in full force and effect thirty (30) days after final adoption hereof.

\* \* \* \*

The foregoing ordinance was introduced at a regular meeting of the Town Council of the Town of Ross held on the 12 day of April, 1973, and thereafter passed and adopted at a

RWE/b1

meeting of the Town Council of the Town of Rose held on  
the 10<sup>th</sup> day of May, 1973, by the following vote:

AYES: Councilmen Allen, Jones, Chase, Ostulds, Maginis  
NOES: Councilmen None  
ABSENT: Councilmen None

J. Saanen  
MAYOR

A T T E S T :

Virginia Stott

# ATTACHMENT 3

T O W N O F R O S S

ORDINANCE NO. 413

AN ORDINANCE AMENDING SECTION 17.12.040 OF THE ROSS MUNICIPAL CODE AND ADDING THERETO A NEW CHAPTER TO BE NUMBERED 18.39 ESTABLISHING REVISED REGULATIONS CONCERNING HILLSIDE LOT AREAS

WHEREAS, the Town Council has been studying the question of possible modifications to the Ross General Plan and to the zoning provisions of the Ross Municipal Code, primarily with reference to the remaining, unimproved, steep forested hill land within the Town, all as more particularly set forth in Ordinance No. 410 adopted August 9, 1979; and

WHEREAS, after numerous noticed public hearings wherein affected property owners, and other residents of the Town, were heard, the Council has determined that improvements can be made in the existing controls by better integration of the subdivision and hillside lot regulations and by incorporating into the present hillside lot regulations criteria to make the zoning regulations consistent with the elements of the Ross General Plan, particularly with respect to the "Open-Space Element"; and

WHEREAS, said Open-Space Element indicates certain lands for classification into "Open Recreation" (OR) or "Open Recreation-Limited" (OR-L) and designates, as "consistent" zoning, any of the following: CD, CC, R-1 or "O-S"; and

WHEREAS, the present zoning districts are consistent with said open space designations in that said areas are either zoned CD, CC or R-1, but none have been actually designated as "O-S" and, further, with respect to the "Limited Development (L-D)" general plan designation, no different zoning district has yet been applied to the area so shown as "L-D"; and

WHEREAS, the Council believes that the above-mentioned portions of the General Plan will be implemented by the changes made in this Ordinance since the considerations that are required

herein are almost identical to those found in the "planned-unit development" sections of many zoning ordinances and should result in appropriate densities and open space for the areas involved; and

WHEREAS, the Council has determined that this Ordinance involves no substantive change in either the zoning or subdivision regulations of the Town, but is basically procedural, except for setting forth certain specific standards and criteria that heretofore have been left to administrative decision by the Town Engineer, the Building Department and other Town officials.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF ROSS DOES ORDAIN AS FOLLOWS:

SECTION 1. A new subsection is hereby added to Section 17.12.040 of the Ross Municipal Code to be numbered and to read as follows:

"(11) Where any lot has an average slope in excess of thirty percent, an application under Chapter 18.39 hereof must be filed and heard contemporaneously with the processing of the tentative map."

SECTION 2. Section 18.40.080 of the Ross Municipal Code is hereby repealed and there is hereby added thereto a new chapter to be numbered, titled and to read as follows:

Chapter 18.39

SPECIAL HILLSIDE LOT REGULATIONS

Sections:

18.39.010 Purpose  
18.39.020 Application  
18.39.030 Submission of Plans and Other Information  
18.39.040 Hearing  
18.39.050 Standards for Density, etc.  
18.39.060 Revocation and expiration

18.39.010 Purpose. The purposes of this chapter are (1) to protect the health, safety, comfort, convenience, general welfare and property of persons residing in the vicinity and neighborhood of steep hillside building sites, and

those building thereon; (2) to limit development in said areas to that which is consistent with the minimum disturbance of the natural features of the terrain, the topographic and geological conditions of the site, and the level of public services and road access that can be reasonably provided to and within the parcel; (3) to protect and preserve open space land as a limited and valuable resource; (4) to permit the reasonable use of open space land, while at the same time preserving and protecting its inherent open space characteristics to assure its continued availability for the following: as agricultural land, conservation or natural resource land; for the containment of urban sprawl and the structuring of urban development, and for the retention of land in its natural or near natural state to protect life and property in the community from the hazards of fire, flood and seismic activity; and (5) to coordinate with and carry out federal, state, regional, county and city open space plans.

18.39.020 Application. In general, the special hillside lot regulations shall be applied, in combination with the applicable R-1 district regulations, to the steep wooded areas located within the Town boundary lines where, in most cases, the areas remain in their natural state, contain open and unimproved space and the existing utilities and roadways provide only limited service. Specifically, the special hillside lot regulations shall be applied as follows: No building permit for buildings or structures shall be issued for lots having an average natural slope in excess of thirty percent, and no map of any proposed subdivision containing any such lot shall be approved, unless the applicant complies with the following sections of this Chapter.

18.39.030 Submission of Plans and Other Information.

Applicant shall make his request for approval by written application upon the form and accompanied by the fees and costs, prescribed by the town council, which fees and costs must be paid by applicant prior to a public hearing.

A. When an applicant is applying for a subdivision, he shall submit for council approval a Precise Plan for the area to be subdivided, which plan shall contain the following data:

(1) A topographic map, at a scale not less than one inch equals 40 feet, showing all proposed grading and drainage facilities and including the location of all existing trees twelve inches and over in diameter within the areas to be improved or disturbed. The map shall demonstrate the feasibility of driveway and required off-street parking construction for each of the respective building sites.

(2) A site layout plan showing all proposed lots and improvements, and showing building perimeter location, proposed setbacks from property lines and, in general, height, bulk and coverage that are projected for future buildings.

(3) A report, from a licensed engineer expertly qualified in soil matters, addressing itself to the following: (a) individual building site and overall site soil stability, including recommendations for grading and prevention of soil erosion; (b) drainage; (c) building foundations and other earth supported structures; (d) site borings and other explorations deemed necessary by the soils engineer to insure completeness of his report.

(4) A statement of concepts, indicating how the

development satisfies relevant human needs for open space, views, variety, harmony within the development and the surrounding areas, and clarity of organization.

(5) A proposal for dedication and/or improvement and maintenance of open space, circulation ways, view easement and recreation areas for all property included in the Precise Plan. Land to be preserved as open space shall be maintained as permanent open space by dedication to the Town of fee title or of scenic easements, by deed restriction approved by the Town Attorney, or by other methods acceptable to the Town.

B. Where an applicant is applying for a hillside lot permit for a single lot (which may be done in conjunction with an application under "A" above), he shall submit, in addition to (1) through (5) above, building plans in sufficient detail to show (i) the architectural concept of the structure and its relationship to the site; (ii) off-street parking, which shall provide space for no less than four automobiles; and (iii) the structural safety of the building.

18.39.040 Hearing. After notice and a hearing as provided in Chapter 18.48, and after consideration of the matters set forth in the preceding paragraph and the completion of any required environmental impact procedures, the Council may:

A. In the case of a subdivision, approve the Precise Plan, taking into further consideration the provisions of section 18.39.050 hereof.

B. In the case of a hillside lot permit for a single lot, authorize the issuance of the permit. The Council, in

approving the Precise Plan, or in authorizing the issuance of the permit, may designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of protection to the public welfare and property or improvements as herein set forth.

18.39.050 Standards for Density, etc. In any Precise Plan submitted under section 18.39.030 A hereof, density shall be as specified in the particular R-1 District per section 18.08.030, except that the density shall also be subject to the provisions of Title 17. In addition, in reviewing the elements of any such Plan, particularly, but not limited to, the density, circulation system and lot design, consideration shall be given to, and affirmative findings must be made by the Council on the following factors:

1. That the density sought in the proposed development is compensated for by surrounding open areas.

2. That the proposed arrangement of residential units and design of the circulation system provide for an adequate transition and maximum compatibility with adjoining patterns of development and open space.

3. That maximum effort has been made to minimize grading and maximize 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, areas suitable for active or quiet recreation, watersheds and watercourses. Ridgelines shall be preserved through siting and building controls to minimize visual impact.

4. That the development of dwellings or dwelling groups will not create the appearance of apartment-like structures through excessive mass, bulk, or repetition of design features.

5. That the Plan will be desirable to the public convenience and welfare and will be in harmony with the Open Space and other Elements and objectives of the Ross General Plan.

18.39.060 Revocation and Expiration. Any approvals under this Chapter shall also be subject to the following conditions:

(1) The Precise Plan shall automatically expire two years after its approval by the Council unless construction has been commenced on at least one lot in the subdivision within that two-year period or unless previously extended by action of the Council.

(2) The hillside lot permit shall automatically expire one year after its issuance unless a building permit is obtained and construction commenced within that one-year period.

SECTION 3. This ordinance shall be posted at three (3) public places within the Town of Ross within five (5) days after adoption and shall be in full force and effect thirty (30) days after final adoption hereof.

SECTION 4. The penalty and severability provisions contained in Title 1 of the Ross Municipal Code shall be applicable to this ordinance.

\* \* \* \*

The foregoing ordinance was introduced at a regular meeting of the Town Council of the Town of Ross held on the 11th day of October, 1979, and thereafter passed and adopted at a Regular meeting of the Town Council of the Town of Ross held on the 10<sup>th</sup> day of January, 1980 by the following vote:

AYES: Councilmen Chase, Ostlund, Maguire, Brakhus, Seales  
NOES: Councilmen None  
ABSENT: Councilmen None

John H. Chase  
MAYOR

A T T E S T:

Virginia Stott  
Clerk

## ATTACHMENT 4

ORDINANCE NO.472  
AN ORDINANCE OF THE TOWN OF ROSS  
AMENDING CHAPTER 18.39 TO TITLE 18 OF THE ROSS TOWN CODE  
RELATING TO SPECIAL HILLSIDE LOT REGULATIONS

The Town Council of the Town of Ross does hereby ordain as follows:

Chapter 18.39

SPECIAL HILLSIDE LOT REGULATIONS

Sections:

18.39.010	Purpose
18.39.020	Application
18.39.030	Submittal Requirements
18.39.040	Hearing
18.39.050	Design Standards
18.39.060	Revocation and Expiration
18.39.070	Severability

- 18.39.010 Purpose The purpose of this chapter is as follows:
1. To insure that development is consistent with the goals and policies of the General Plan.
  2. To protect and preserve open space as a limited and valuable resource.
  3. To preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines, and rock outcroppings and minimize disturbance of the natural terrain.
  4. To protect significant native vegetation and wildlife.
  5. To limit development to that which is consistent with the level of public services and road access that can be reasonably provided to and within the parcel.
  6. To insure that development will not create or increase fire, flood, slide, or other hazards to public health and safety.
  7. To protect the health, safety, comfort, convenience, general welfare and property of persons residing in the vicinity and neighborhood of steep hillside building sites, and those building thereon.
  8. To insure that development will not create or increase the potential of major financial loss to the Town or any other governmental entity through claim or litigation.

18.39.020 Application

1. This ordinance shall apply to hillside areas. Hillside areas are defined as unimproved parcels which have an overall natural or building site slope of 30% or greater. This ordinance shall also apply to any lot or portion thereof which lies within or contains Hazard Zones 3 or 4. A hillside lot application is also required for additions to improved parcels having 30% or greater overall or building site slopes, or containing Hazard Zones 3 or 4, when the additional square footage totals 20% or more of the original primary structure. These applications will first be reviewed by the Town Engineer to determine the appropriate level of geotechnical reports necessary to adequately make a decision on the safety of the proposed improvement.

No building permit for buildings or structures shall be issued for hillside areas, and no map of any proposed subdivision containing any such hillside areas shall be approved, unless the applicant complies with the requirements of this chapter.

18.39.030 Submittal Requirements

1. The applicant shall make his request for approval by written application upon the form and accompanied by the fees and costs prescribed by the Town Council, which fees and costs must be paid by the applicant prior to a public hearing. The applicant shall be required to submit copies of reports and plans as outlined on the Hillside Fact Sheet and determined by Town Staff.
2. The plans, data and reports shall be reviewed and analyzed by the Town Staff to determine compliance with the requirements of this chapter and the General Plan, and to determine whether independent consultant review by a planner, registered engineer, architect or landscape architect is necessary to assist the Town in evaluating the application.
3. If the above review indicates that an independent study by a consultant is necessary to assist the Town in evaluating the application, the application and all plans shall be submitted to the consultant designated by the Town for review at the applicant's expense.
  - (a) Should a certified engineering geologist review be required, such individual shall, based on his review, advise the Council if a significant risk to adjoining property or structures is, or will be, created by the proposed development, including the construction of any roads or appurtenant structures, or by the condition of all of the property after development has occurred; or whether a significant risk of future damage to any structures proposed to be constructed on the property is apparent by reason of the condition of adjoining property; or whether any significant

degree of repair necessary to mitigate the soils conditions on the site might create other environmental concerns such as vegetation removal or massive grading.

18.39.040 Hearing Upon receipt of a complete application, Town Staff shall set a time and place for a public hearing before the Council on the application. Town Staff shall notice the public hearing by causing one notice thereof to be published in a newspaper of general circulation in the Town at least ten days before that date of the hearing and a written notice to all property owners of property within a radius of five hundred feet from the exterior boundaries of the property upon which the use of land is to be made. After a notice, hearing and the completion of any required environmental impact procedures, the Council may:

1. In the case of a subdivision, approve the tentative map, taking into further consideration the provisions of Section 18.39.050 of this code;
2. In the case of a hillside lot permit for a single lot, authorize the issuance of the permit. The Council, in approving the tentative map, or in authorizing the issuance of the permit, may designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of protection to the public welfare and property or improvements as set forth in this chapter.

In order to insure the careful review that these applications demand, no development application that falls within the jurisdiction of this chapter shall be approved with less than two hearings.

18.39.050 Design Standards Standards shall be those of the base district with which this Hillside Ordinance is combined. The requirements in the following schedule shall be in addition and shall govern where conflicts arise. Affirmative findings must be made by the Council in relation to the following standards:

#### Relationship to the Site

1. The Hillside Slope/Density Guidelines and Setback Guidelines are recommended for all hillside lots.
2. Grading, cut and fill, 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 8 feet. The aggregate height of retaining walls shall not exceed 18 feet for any particular slope. Upslope walls up to four feet in height may be constructed of pressure treated timber. All walls up to six feet in height may be constructed of reinforced concrete block. All other walls shall be constructed of reinforced concrete.

3. Building design and the placement of driveways shall conform to the natural contours of the site.

#### Architecture

1. Architectural style shall complement the form of the natural landscape.
2. Designs shall be well articulated so as to minimize the appearance of bulk.
3. Materials and colors shall be of subdued tones to blend with the natural landscape.

#### Landscape Architecture

1. Native shrubs and trees shall be retained on hillside terrain wherever possible to help reduce erosion, and preserve the character of the hillside environment. Newly introduced landscaping shall be of the character and quality identified on the Town of Ross Hillside Plantings List.
2. Drought and fire resistant plantings are recommended.
3. Native vegetation and trees shall be protected from damage during construction.
4. A drip irrigation system is required for hillside landscaping.
5. Landscaping shall preserve the penetration of sunlight to neighboring properties.
6. Small patios, terraces, and pathways are allowed. They shall be porous in nature wherever possible.
7. Fences and walls serving to enclose a parcel are not recommended. All fences and walls are subject to review as part of the landscaping plan.

#### Views

1. Hillside designs shall protect views to the site and those viewsheds of neighboring property owners.
2. No building shall be located on a ridge. Dedication of ridgetop land may be required as a condition of approval of a development plan.

#### Public Safety

1. Clearance of brush or vegetative growth from structures and roadways shall be in accordance with the uniform fire code and approved by the fire department.
2. Class "C" roofing is required.
3. The Director of Public Safety shall insure the adequacy of the water supply for fire fighting purposes by requiring water mains and the upgrade of fire hydrants as necessary.
4. Sprinkler systems shall be required as determined by the Director of Public Safety.

#### Geology

1. All newly created slopes shall be planted or otherwise protected from the effects of storm runoff and erosion within thirty days after completion of grading.

2. All unstable areas on the site, such as slides, severe creep areas, and debris flows, both in the immediate area of the proposed development and elsewhere on the site, including any roadways traversing nondeveloped areas, shall be repaired to the satisfaction of the Town.
3. Prior to any approval of a final subdivision map, all slides to be repaired shall be bonded to guarantee the repair during the normal construction of subdivision improvements. In the case of parcel maps, bonding shall be provided prior to the recordation of the parcel map.
4. All slide repair work shall be accomplished under the direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work and prior to the issuance of a building permit he shall submit written confirmation to the Town that all work accomplished under his jurisdiction is acceptable.

#### Hydrology

1. Homes and accessory structures shall not traverse encroach, or impede a natural watercourse or drainage swale.
2. All new development shall provide drainage improvements necessary to mitigate the runoff created by disturbance to the watershed.
3. Drainage for all impervious surfaces shall be positively directed to natural watercourses or controlled hard surfaces such as gutters or pipes.

#### Circulation

1. The design of the circulation system shall provide for an adequate transition and maximum compatibility with adjoining patterns of development and open space.
2. The design of the circulation system shall follow the natural contours of the land.
3. The points of ingress and egress to a street shall have a minimum visual clearance commensurate with adequate safety requirements. In any event, the visual clearance shall not be less than 100 feet.
4. Roadway improvements required by a development project shall meet the specifications determined by the Director of Public Works and Town Engineer.

18.39.060 Revocation and Expiration Any approvals under this chapter shall also be subject to the following conditions:

1. The hillside subdivision tentative map approval shall automatically expire two years after its approval by the Council unless a final/parcel map has been recorded and construction commenced on at least one lot in the subdivision within that two year period or unless previously extended by action of the Council.

2. The individual hillside lot permit shall automatically expire one year after its issuance unless a building permit is obtained and construction commenced within that one year period.

18.39.070 Severability If any provision or clause of this ordinance or the application thereof to any person or circumstances should be held unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions, and every provision and clause hereof is declared to be severable from all others.

This ordinance was introduced at a regular meeting of the Ross Town Council held on August 10, 1989, and thereafter passed and adopted on September 26, 1989, by the following vote:

AYES: COUNCILMEMBERS BREKHUS, FLEMMING, LILL, GOODMAN AND BARRY

NOES: NONE

ABSENT: NONE

---

PETER BREKHUS, Mayor

ATTEST:

---

VIRGINIA STOTT, Town Clerk

TOWN OF ROSS PLANNING DEPARTMENT  
P.O.Box 320, Ross, California 94957  
(415) 453-8287

HILLSIDE SLOPE/DENSITY GUIDELINES

Slope	Up to and including Acre #	Allowable. Build Sq. Ft. For Each Acre	FAR Max. For Each Acre	Running Total of Building Square Feet Allowed
30-35%	1	3,485	8%	3,485
	2	3,049	7%	6,534
	3	2,614	6%	9,148
	4	2,178	5%	11,326
	5+	1,742+	4%	13,068+
36-40%	1	3,049	7%	3,049
	2	2,614	6%	5,663
	3	2,178	5%	7,841
	4+	1,742+	4%	9,583+
41-45%	1	2,614	6%	2,614
	2	2,178	5%	4,792
	3	1,742	4%	6,534
	4+	1,307+	3%	7,841+
46-50%	1	2,178	5%	2,178
	2	1,742	4%	3,920
	3+	1,307+	3%	5,227+
>51%	1	1,742	4%	1,742
	2	1,307	3%	3,049
	3+	871+	2%	3,920+

These guidelines relate FAR to slope and parcel size. To apply these guidelines, begin by determining the overall slope of the parcel. Slope is determined by the difference between the minimum and maximum elevations, divided by the horizontal distance between these respective elevations, times 100. Next determine the acreage of the subject parcel. The parcel slope, together with the parcel acreage will determine the maximum FAR and total building square footage allowed for the primary structure. For example, a two and one-half acre parcel with a 43% slope would be allowed a 6% FAR on the first acre, a 5% FAR on the second acre, and a 4% FAR on the remaining one-half acre for a total building square footage of 5,663 square feet allowed for the primary structure.

TOWN OF ROSS PLANNING DEPARTMENT  
P.O.Box 320, Ross, California 94957  
(415) 453-8287

HILLSIDE SETBACK GUIDELINES

Building Square Feet	Front Setback	Side Setback	Rear Setback
0-3500	25 Feet	25 Feet	40 Feet
3501+	45	45	70

The Hillside Setback Guidelines relate the required setback to the proposed building square footage. The larger the proposed structure, the greater the setback recommended.

## MEDIUM & TALL GROWING SHRUBS

Abelia grandiflora (Glossy Abelia)  
Abelia 'Edward Goucher' (Pink Abelia)  
Aralia sieboldii (Glossy Aralia)  
Arbutus unedo 'Compacta' (Compact Strawberry Tree)  
Aucuba japonica 'Variegata' (Gold Dust Plant)  
Berberis darwinii  
Calliandra tweedii  
Camellia (in variety)  
Ceanothus (in variety)  
Choisya ternata (Mexican Orange or Mexican Mock Orange)  
Citrus (in variety)  
Corokia cotoneaster  
Cydonia japonica (Flowering Quince)  
Cytisus (in variety)  
Echium fastuosum (Pride of Madeira)  
Erica melanthera rosea (Pink Scotch Heather)  
Escallonia rubra (Red Escallonia)  
Eugenia myrtifolia compacta  
Euonymus (in variety)  
Ferns (in variety)  
Hydrangea (in variety)  
Leptospermum scoparium (in variety)  
Mahonia bealei (Siberian Grape)  
Nandina domestica (Heavenly Bamboo)  
Nerium oleander (Oleander in variety)  
Osmanthus ilicifolius (False Holly)  
Pieris formosa 'Forrestii' (Chinese Andromeda)  
Pittosporum tobira (Japanese Pittosporum)  
Plumbago capensis (Cape Plumbago)  
Rhododendrons (in variety)  
Rhus ovata (Sugar Bush)  
Sarcococca ruscifolia  
Viburnum suspensum (Sandankwa Viburnum)  
Weigela florida 'Bristol Ruby'  
Arbutus unedo (Strawberry Tree)  
Elaeagnus purgens 'Maculata'  
Feijoa sellowiana (Pineapple Guava)  
Ficus benjamina (Weeping Fig)  
Ilex aquifolium (English Holly)  
Lagerstroemia indica (Crape Myrtle)  
Photinia arbutifolia (California Toyon)  
Podocarpus 'Gracilior' (Fern Pine)  
Prunus lusitanica (Portugal Laurel)

## TREES

Acer palmatum (in variety)  
Alnus cordata (Italian Alder)  
Betula alba (European White Birch)  
Camphora officinarum (Camphor Tree)  
Cornus florida 'Rubra' (Pink Flowering Dogwood)  
Ginkgo biloba (Maidenhair Tree)  
Gleditsia triacanthos (Locust in variety)  
Liquidambar styraciflua (Sweetgum)  
Magnolia (in variety)  
Malus (in variety) (Flowering Crabapple Trees)  
Myoporum laetum  
Photinia 'Fraseri'  
Pistacia chinensis (Pistachio)  
Pittosporum undulatum (Victoria Box)  
Podocarpus elongatus gracilior (Fern Podocarpus)  
Prunus cerasifera (in variety) (Flowering Cherry)  
Pyrus kawakamii (Evergreen Pear)  
Quercus agrifolia (Coast Live Oak)  
Ulmus parvifolia 'Brea' (Chinese Evergreen Elm)  
Cedrus (Cedar in variety)  
Sequoia sempervirens (Coast Redwood)  
Fir  
Bay  
Laurel

# ATTACHMENT 5

ORDINANCE NO. 521  
AN ORDINANCE OF THE TOWN OF ROSS  
AMENDING CHAPTER 18.39 OF TITLE 18 OF THE ROSS TOWN CODE  
RELATING TO SPECIAL HILLSIDE LOT REGULATIONS

The Town Council of the Town of Ross does hereby ordain as follows:

Chapter 18.39

HILLSIDE LOT REGULATIONS

Sections:

18.39.010	Purpose
18.39.020	Chapter Application
18.39.030	Submittal Requirements
18.39.040	Review Authority
18.39.050	Hearing
18.39.060	Approval - Special Conditions and Findings
18.39.070	Denial of Incomplete or Inactive Applications
18.39.080	Administrative Exemption
18.39.090	Hillside Lot Design Standards
18.39.100	Noncompliance
18.39.110	Expiration
18.39.120	Severability

18.39.010 Purpose. The purpose of this chapter is as follows:

1. Ensure that development is consistent with the goals, policies and criteria of the General Plan.
2. Protect and preserve public and private open space as a limited and valuable resource.
3. Preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines, and rock outcroppings and minimize disturbance to the natural terrain.
4. Protect significant native vegetation and wildlife.
5. Limit development to a level consistent with available public services and road access that can be reasonably provided to and within the parcel.
6. Ensure that development will not create or increase fire, flood, slide, or other hazards to public health and safety.
7. Protect the health, safety, general welfare and property of people in the vicinity of steep hillside building sites.

8. Ensure that development will not create or increase the potential of major financial loss to the Town or any other governmental entity through claim or litigation.

This chapter establishes procedures and standards for the review of land divisions and the construction of buildings, structures and improvements necessary to meet this purpose.

18.39.020 Chapter Application. This ordinance shall apply to hillside areas. Hillside areas are defined as unimproved parcels which have a natural slope or building site slope of 30% or greater. This ordinance shall also apply to any lot or portion thereof which lies within or contains Hazard Zones 3 or 4 as identified on the Town of Ross Slope Stability Map.

A hillside lot application is also required on improved parcels having 30% or greater overall natural or building site slope, or containing Hazard Zones 3 or 4, for new buildings and additions to existing buildings when the additional square footage totals 20% or more of the original primary structure square footage or more than 1,000 square feet, whichever is less.

A hillside lot application is also required for any land division which has a natural slope or building site slope of 30% or greater for any existing or proposed lots.

No building permit for buildings or structures shall be issued for hillside areas, and no map of any proposed subdivision containing hillside areas shall be approved, until a hillside lot application is approved by the Town of Ross consistent with the requirements of this chapter.

18.39.030 Submittal requirements. An applicant shall file an application for hillside lot review with the Planning Department on forms prepared by the Town Planner. The applicant shall pay a fee as set by the Town Council.

Every hillside lot application shall include drawings, plans, reports, specifications and graphic or written material as required by the Town Planner or Town Council to clearly and accurately describe the proposed work, its effect on the environment and its relationship to existing improvements. Standard submittal requirements will be prepared by the Town Planner. Additional information may be required by the planner or Town Council. The Town Engineer will review all applications to determine the appropriate level of geotechnical report necessary to evaluate the safety of the proposed improvement.

Independent evaluation and report by an architect, landscape architect, registered engineer or similarly qualified individual may be required by the Town Planner or Council to assist the Town in evaluating the application. This consultant will be selected by the Town and retained at the applicant's expense.

Any necessary review by a certified engineering geologist shall include an evaluation of the risk to adjoining property or structures by the proposed development, including the construction of roads and other improvements, or by the condition

of the property after development has occurred. The review shall evaluate if the condition of adjacent property indicates any significant risk of future damage to proposed structures. The review shall discuss the need for earth repair to mitigate soils conditions on the site and the effects of this repair on environmental concerns such as vegetation removal or massive grading.

18.39.040 Review authority. The Town Council will conduct the hillside lot review provided for by this chapter.

18.41.050 Hearing. A hillside lot application will be heard by the Town Council at a public meeting. The Town Council will review the application at its next available meeting following a determination by the Town Planner that the application is complete. Town staff will have a notice of the public hearing published in a newspaper of general circulation in the Town at least ten days before the date of the hearing. The Town Clerk will mail written notice at least 10 calendar days prior to the hearing to the applicant and to all owners of property within 500 feet from the exterior boundaries of the project site.

18.39.060 Approval - special conditions and findings. The Town Council may approve, conditionally approve or deny an application for hillside lot review. The Town Council shall include conditions necessary to meet the purpose of this chapter and for substantial compliance with the hillside lot design standards set forth in this chapter. The Council may adopt by resolution standard conditions for all projects to meet.

The Town Council shall make the following findings in approving any project:

1. The project is consistent with the purpose of this chapter as outlined in 18.39.010.
2. The project is in substantial compliance with the hillside lot design standards of section 18.039.090.
3. The project is consistent with the Ross General Plan and Zoning Ordinance.

The Town Council shall deny any project for which they cannot make the above required findings.

18.39.070 Denial of incomplete or inactive applications. Consistent with state law, the Town Planner may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than 90 days or is continued at the applicant's request for more than 60 days.

18.41.080 Administrative exemption. The Town Planner may administratively exempt from hillside lot review any project which will not result in environmental impacts and which is consistent with the intent and design standards of this chapter

and with zoning ordinance regulations. Such administrative exemption may include, but is not limited to, the improvement of existing unfinished attic or basement space not requiring excavation, grading or filling.

18.39.090 Hillside lot design standards. Hillside lots shall meet the requirements of the base zoning district with which this Hillside Lot Regulations Ordinance is combined. The following standards shall be in addition and shall govern if conflicts arise.

Hillside lot projects shall be in substantial compliance with the following standards. The Town Council may deny an application for failure to comply to any single criterion.

**Relationship to the Site**

1. The following hillside slope/intensity guidelines are recommended for all hillside lots:

Slope	Up to and including Acre #	Allowable. Build Sq. Ft. For Each Full Acre	FAR Max. For Each Acre or Portion	Running Total of Building Square Feet Allowed
30-35%	1	3,485	8%	3,485
	2	3,049	7%	6,534
	3+	2,614	6%	9,148
36-40%	1	3,049	7%	3,049
	2	2,614	6%	5,663
	3+	2,178	5%	7,841
41-45%	1	2,614	6%	2,614
	2	2,178	5%	4,792
	3+	1,742	4%	6,534
46-50%	1	2,178	5%	2,178
	2	1,742	4%	3,920
	3+	1,307+	3%	5,227
>51%	1	1,742	4%	1,742
	2	1,307	3%	3,049
	3+	871+	2%	3,920

These guidelines relate FAR to parcel slope and parcel size. The guidelines FAR percentages are applied based on actual lot sizes for lots between 0 and 1 acre, 1 and 2 acres, and 2 and 3 acres. A parcel of .5 acres with a slope between 30% and 35%, for example, would be recommended for a total floor area of  $(.5)(3,485) = 1,743$  square feet. A parcel of 1.5 acres with a slope between 30 and 35%, for example, would be recommended for a total floor area of  $3,485 + .5(3,049) = 5,010$  square feet.

Development above guideline floor area levels may be

permitted if the Town Council finds that such development intensity is appropriate and consistent with this ordinance. Factors which could support such a finding include, but are not limited to, excellence of design and site planning which minimizes environmental impacts.

2. The following hillside lot setback guidelines are recommended for all hillside lots:

Building Square Feet	Front Setback	Side Setback	Rear Setback
0-3500	25 feet	25 feet	40 feet
3501+	25	45	70

3. 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 8 feet. The aggregate height of retaining walls shall not exceed 18 feet for any particular slope. Upslope walls up to four feet in height may be constructed of pressure treated timber. All walls up to six feet in height may be constructed of reinforced concrete block. All other walls shall be constructed of reinforced concrete.
4. Building design and the placement of driveways shall conform to the natural contours of the site.

#### Architecture

1. Architectural style shall complement the form of the natural landscape.
2. Designs shall be well-articulated to minimize the appearance of bulk.
3. Materials and colors shall be of subdued tones to blend with the natural landscape.

#### Landscape Architecture

1. Native shrubs and trees shall be retained on hillside terrain wherever possible to help reduce erosion, and preserve the character of the hillside environment. Newly introduced landscaping shall be of the character and quality identified on the Town of Ross Hillside Plantings List.
2. Drought and fire resistant plantings are recommended.
3. Native vegetation and trees shall be protected from damage during construction.
4. A drip irrigation system is required for hillside landscaping.
5. Landscaping shall preserve the penetration of sunlight to neighboring properties.
6. Small patios, terraces and pathways are allowed. They shall be porous in nature wherever possible.
7. Fences and walls enclosing a parcel are not recommended.

All fences and walls are subject to review as part of the landscaping plan or design review as mandated.

#### Views

1. Hillside designs shall protect views to the site and those viewsheds of neighboring property owners.
2. No building shall be located on a ridge. Dedication of ridgetop land may be required as a condition of approval of a development plan.

#### Public Safety

1. Clearance of brush or vegetative growth from structures and roadways shall be in accordance with the uniform fire code and approved by the fire department.
2. Class "C" roofing is required.
3. The Director of Public Safety shall ensure the adequacy of the water supply for fire fighting purposes by requiring water mains and the upgrade of fire hydrants as necessary.
4. Sprinkler systems shall be provided as required by the Director of Public Safety.

#### Geology

1. All newly created slopes shall be planted or otherwise protected from the effects of storm runoff and erosion within thirty days after completion of grading.
2. Development shall avoid unstable areas on the site, such as slides, severe creep areas, and debris flows. Locating improvements in such areas shall be grounds for project denial. All unstable areas on the site, such as slides, severe creep areas, and debris flows, both in the immediate area of the proposed development and elsewhere on the site including any roadways traversing undeveloped areas, shall be repaired to the satisfaction of the Town.
3. Prior to any approval of a final subdivision map, all slides to be repaired shall be bonded to guarantee the repair during the normal construction of subdivision improvements. In the case of parcel maps, bonding shall be provided prior to the recordation of the parcel map.
4. All slide repair work shall be accomplished under the direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work and prior to the issuance of a building permit, the engineer or geologist shall submit written confirmation to the Town that all work accomplished under his jurisdiction is acceptable.

#### Hydrology

1. Residences and accessory structures shall not traverse encroach or impede a natural watercourse or drainage swale.
2. All new development shall provide drainage improvements necessary to mitigate the runoff created by disturbance to the watershed.

3. Drainage for all impervious surfaces shall be positively directed to natural watercourses or controlled hard surfaces such as gutters or pipes.

#### Circulation

1. The design of the circulation system shall provide for an adequate transition and maximum compatibility with adjoining patterns of development and open space.
2. The design of the circulation system shall follow the natural contours of the land.
3. The points of ingress and egress to a street shall have a minimum visual clearance commensurate with adequate safety requirements. In any event, the visual clearance shall not be less than 100 feet.
4. All roadway improvements shall meet the specifications determined by the Director of Public Works and Town Engineer.

18.39.100 Noncompliance. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the Town of Ross to immediately stop work related to the noncompliance until the matter is resolved. Such violation will be subject to the enforcement penalties and procedures of Chapter 18.64 of the Ross Municipal Code.

18.39.110 Expiration. Failure to secure a building permit and/or commence construction will cause hillside lot approval for development of an individual lot to expire one (1) year from the date of approval without further notice. The Town Council may grant an extension of up to one year from the original expiration date upon determining that the findings made in the original approval remain valid. An application for an extension of time must be filed with the Planning Department prior to the original expiration date.

A hillside lot approval for a land division shall automatically expire two years after its approval by the Council unless a final/parcel map has been recorded. The Town Council may grant a time extension of up to one year from the original expiration date upon determining that the findings made in the original approval remain valid. An application for an extension of time must be filed with the Planning Department prior to the original expiration date.

18.41.120 Severability. If any provision or clause of this chapter or the application thereof to any person or circumstances should be held unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this chapter, and every provision and clause hereof is declared to be severed from all others.

This ordinance was introduced at a regular meeting of the Ross Town Council held on August 12, 1993, and thereafter passed

and adopted on September 9, 1993, by the following vote:

AYES: Councilmembers Brekhus, Barry, Goodman, Reid and Scott

NOES: NONE

ABSENT: NONE

  
A handwritten signature in dark ink, appearing to read 'Peter Brekhus', is written over a horizontal line.

PETER BREKHUS, Mayor

ATTEST:

  
A handwritten signature in dark ink, appearing to read 'Virginia Stott', is written over a horizontal line.  
VIRGINIA STOTT, Town Clerk

# ATTACHMENT 6

# TOWN OF ROSS

## ORDINANCE NO. 620

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ROSS AMENDING THE TOWN HILLSIDE DEVELOPMENT REGULATIONS

The Town Council of the Town of Ross does ordain as follows:

SECTION 1: Title 18, Chapter 18.12, Section 18.12.080 is amended to read as follows:

18.12.080 Building height. “Building height” means the vertical distance as measured in a straight line from any point to either existing or finished grade, whichever is lower.

SECTION 2: Title 18, Chapter 18.12, Section 18.12.130 is amended to read as follows:

18.12.130 Floor area ratio. “Floor area ratio” means the floor area of the building or buildings on a lot, divided by the area of that lot. For the purpose of determining the allowable floor area of a lot, the floor area is the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of the exterior walls. Floor area also includes mezzanines, finished basements and attics, garages, carports, porches which are screened or otherwise enclosed, the entirety of porches which have a depth greater than ten feet, stairs and elevators on one floor, and other detached structures which are accessory to a dwelling.

SECTION 3: Title 18, Chapter 18.39, is amended to read as follows:

#### Chapter 18.39

#### HILLSIDE LOT REGULATIONS

18.39.005 Title. This ordinance shall be known and may be cited as the Hillside Lot Ordinance.

18.39.010 Purpose. The purpose of this chapter is as follows:

- (a) Ensure that development is consistent with the goals, policies and criteria of the general plan;
- (b) Protect and preserve public and private open space as a limited and valuable resource;
- (c) Preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain;
- (d) Protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources;

(e) Limit development to a level consistent with available public services and road access that can be reasonably provided to and within the parcel;

(f) Ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety;

(g) Protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites;

(h) Ensure that development will not create or increase the potential of major financial loss to the town or any other governmental entity through claim or litigation related to physical development of the site.

(i) Reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

This chapter establishes procedures and standards for the review of land divisions and the construction of buildings, structures and improvements necessary to meet this purpose.

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 the following projects and for staged, phased or cumulative improvements that exceed these thresholds:

(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, including enclosing existing open areas;

(2) The construction of any retaining wall greater than forty eight inches in height as measured from bottom of footing to top of wall or any terraced retaining walls totaling more than forty-eight inches in height;

(3) Retaining walls totaling more than one hundred linear feet;

(4) Any activity or project resulting in more than fifty cubic yards of grading or filling, whether or not a building permit is required;

(5) Any construction, improvements, grading/filling or other site work within twenty-five feet of the top bank of a creek, waterway or drainageway, whether or not a building permit is required; and

(6) For any project on a lot that previously received a hillside lot application approval.

(c) A hillside lot application is also required for any land division which has a natural slope or building site slope of thirty percent or greater for any existing or proposed lots.

(d) No building permit for buildings or structures shall be issued for hillside areas, and no map of any proposed subdivision containing hillside areas shall be approved, until a hillside lot application is approved by the town consistent with the requirements of this chapter.

18.39.030 Submittal requirements. (a) An applicant shall file an application for hillside lot review with the planning department on forms prepared by the town planner. The applicant shall pay a fee as set by the town council.

(b) Every hillside lot application shall include drawings, plans, reports, specifications and graphic or written material as required by the town planner or town council to clearly and accurately describe the proposed work, its effect on the environment and its relationship to existing improvements. Standard submittal requirements will be prepared by the town planner. Additional information may be required by the planner or town council. The town engineer will review all applications to determine the appropriate level of geotechnical report necessary to evaluate the safety of the proposed improvement.

(c) Independent evaluation and report by an architect, landscape architect, registered engineer or similarly qualified individual may be required by the town planner or council to assist the town in evaluating the application. This consultant will be selected by the town and retained at the applicant's expense.

(d) Any necessary review by a certified engineering geologist shall include an evaluation of the risk to adjoining property or structures by the proposed development, including the construction of roads and other improvements, or by the condition of the property after development has occurred. The review shall evaluate if the condition of adjacent property indicates any significant risk of future damage to proposed structures. The review shall discuss the need for earth repair to mitigate soils conditions on the site and the effects of this repair on environmental concerns such as vegetation removal or massive grading.

18.39.040 Review authority and notice requirement. The town council shall review the hillside lot applications required by this chapter at a public hearing. At least 10 days prior to the hearing a public notice shall be posted in at least three public places within the town, including the project site, and mailed to the property owner and to all owners of property as shown on the latest equalized assessment roll within 500 feet of the exterior boundary of the property.

18.39.060 Approval--Special conditions and findings. (a) The town council may approve, conditionally approve or deny an application for hillside lot review. The town council shall include conditions necessary to meet the purpose of this chapter and for substantial compliance with the hillside lot design standards set forth in this chapter. The council may adopt by resolution standard conditions for all projects to meet.

(b) The town council shall make the following findings to approve a hillside lot application:

- (1) The project complies with the stated purposes of this Chapter;
- (2) The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance; and
- (3) The project substantially conforms to the hillside development guidelines in Section 18.39.090.

18.39.090 Hillside lot design regulations and guidelines.

This section provides both regulations and guidelines for hillside development. Regulations are identified by use of the term “shall” and compliance is mandatory. Guidelines are identified by use of the term “should” and compliance is not mandatory but is strongly recommended. The Town Council may deny an application where there are substantial inconsistencies with one or more guidelines in a manner that is counter to any purpose of this ordinance.

If any provision of this ordinance is in conflict with another area of the municipal code, the more restrictive regulation, guideline or policy shall apply.

(a) Maximum Floor area. The maximum floor area shall be limited based on the lot slope and lot size using the following formula:

$$\text{Maximum floor area} = (0.15 - 0.002S)A - 0.005 (A^2/43,560)$$

A = lot area in square feet, up to a maximum of 3 acres

S = slope of the lot, up to a maximum of 55%

For example, a 15,000 square foot lot with a slope of 33 percent would be permitted up to 1,234 square feet of floor area.

(b) Building setbacks. Minimum yards shall be provided as follows.

Building Square Feet	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
0-3500	25	25	40
3501+	25	45	70

(c) Grading and retaining walls. Grading, cutting and filling and retaining walls should be minimized for hillside development by using building techniques which reflect the natural topography of the site. Applicants should balance cut and fill on site. Graded slopes shall not exceed 2:1. Individual retaining walls shall not exceed a height of six feet. Terraced retaining walls should be at least three feet apart to allow for screening vegetation. The aggregate height of retaining walls should not exceed eighteen feet for any particular slope. Upslope walls up to four

feet in height may be constructed of pressure-treated timber. All walls up to six feet in height may be constructed of reinforced concrete block. All other walls shall be constructed of reinforced concrete. Visible concrete and concrete block walls should have an appropriate architectural finish.

(d) Architecture.

- (1) Architectural design should complement the form of the natural landscape.
- (2) Designs should be well-articulated to minimize the appearance of bulk.
- (3) Materials and colors should be of subdued tones to blend with the natural landscape.
- (4) Building design and the placement of driveways should conform to the natural contours of the site.
- (5) The town council may consider limiting floor area to account for tall wall heights and other volumes that exaggerate the height, bulk and mass of a building but are not included in floor area.
- (6) 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. The maximum guideline area of decks over 18 inches in height (including car decks) is 25% of the maximum permitted floor area for the site under this chapter.

(e) Landscape Architecture.

- (1) Native shrubs and trees should be retained on hillside terrain wherever possible to help reduce erosion and preserve the character of the hillside environment. Newly introduced landscaping shall blend with the site setting.
- (2) Drought and fire-resistant plantings are recommended.
- (3) Native vegetation and trees shall be protected from damage during construction.
- (4) An irrigation system shall be required to establish new hillside landscaping.
- (5) Landscaping should preserve the penetration of sunlight to neighboring properties.
- (6) Small patios, terraces and pathways are allowed. They should be porous in nature wherever possible.
- (7) Fences and walls enclosing a parcel are not recommended. All fences and

walls are subject to review as part of the landscaping plan or design review as mandated.

- (8) Railings should be transparent and compatible with the architectural design.

(f) Views.

- (1) Hillside development should minimize the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.

- (2) No building shall be located on a ridge.

(g) Public Safety.

- (1) Class A roofing assembly is required.

- (2) The fire official shall ensure the adequacy of the water supply for fire fighting purposes by requiring water mains and the upgrade of fire hydrants as necessary.

- (3) Sprinkler systems shall be provided as required by the fire official.

- (4) Clearance of brush or vegetative growth from structures and driveways shall be in accordance with the California Fire Code and approved by the fire official.

- (5) Defensible spaces around each building and structure shall be created in accordance with the vegetation clearance requirements prescribed in California Public Resource Code 4291 and California Government Code 51182.

- (6) Development shall adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code.

(h) Geology.

- (1) All newly created slopes shall be planted or otherwise protected from the effects of storm runoff and erosion within thirty days after completion of grading.

- (2) Development shall avoid unstable areas on the site, such as slides, severe creep areas and debris flows. Locating improvements in such areas shall be grounds for project denial. Projects plans should include repair of all unstable areas on the site, such as slides, severe creep areas and debris flows, both in the immediate area of the proposed development and elsewhere on the site including any roadways traversing undeveloped areas as required by the town or project engineers.

- (3) Prior to any approval of a final subdivision map, all slides to be repaired shall be bonded to guarantee the repair during the normal construction of subdivision improvements. In the case of parcel maps, bonding shall be provided prior to the recordation of the parcel map.

- (4) All slide repair work shall be accomplished under a building permit and the

direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work, the engineer or geologist shall submit written confirmation to the town that all work accomplished under his jurisdiction is acceptable.

(5) Erosion control measures shall be required for all development. Erosion control plans shall comply with the County of Marin stormwater regulations and shall meet the National Pollutant Discharge Elimination System (NPDES) permit requirements for Marin County.

(i) Hydrology.

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

(2) Site drainage shall be designed by a licensed engineer. The plan shall be designed to produce no net increase in peak runoff from the site compared to pre-project conditions. Site plans should include techniques for low impact development for stormwater management (see design review guideline 18.41.100(t))

(j) Circulation.

(1) The design of the circulation system should provide for an adequate transition and maximum compatibility with adjoining patterns of development and open space.

(2) The design of the circulation system should follow the natural contours of the land.

(3) The points of ingress and egress to a street shall have a minimum visual clearance commensurate with adequate safety requirements. In any event, the visual clearance shall not be less than one hundred feet.

(4) All roadway improvements shall meet the specifications determined by the director of public works and town engineer.

18.39.100 Noncompliance. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. Such violation will be subject to the enforcement penalties and procedures of Chapter 18.64 of this code.

18.39.110 Expiration. (a) Failure to secure a building permit and/or commence construction will cause hillside lot approval for development of an individual lot to expire one year from the date of approval without further notice. The town council may grant an extension of up to one year from the original expiration date upon determining that the findings made in the original approval remain valid. An application for an extension of time must be filed with the planning department prior to the original expiration date.

(b) A hillside lot approval for a land division shall automatically expire two years after its approval by the council unless a final/parcel map has been recorded. The town council may grant a time extension of up to one year from the original expiration date upon determining that the findings made in the original approval remain valid. An application for an extension of time must be filed with the planning department prior to the original expiration date.

(c) A second extension of up to one year may be granted upon submittal of a request prior to the expiration of the first extension if the council determines that the original findings remain valid.

18.39.120 Variances. Consistent with State law, an applicant may apply to the town council for a variance from any development regulation in this chapter, pursuant to Chapter 18.48 of this Title.

**SECTION 4:** CEQA Exemption. This ordinance is determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15308, as an action for the protection of the environment and that will not have any adverse impact on the environment.

**SECTION 5:** Severability. The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

**SECTION 6:** Inclusion in the Ross Municipal Code. It is the intention of the Ross Town Council that this Ordinance be made a part of the Ross Municipal Code and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

**SECTION 7:** Application to transitional projects. All pending projects for which a complete application was submitted and accepted by the Town prior to the effective date of this Ordinance shall be exempt from complying with the provisions of this Ordinance and shall comply with the development standards in effect at the time of the acceptance of the completed application. Projects with valid Town Council approval or for which a building permit has been issued prior to the effective date of this ordinance may be carried out with the development standards in effect at the time of approval, provided the permit or approval is valid and has not lapsed.

**SECTION 8:** This Ordinance shall go into effect on September 11, 2010, and shall be published once within fifteen (15) days after its adoption in the Marin Independent Journal, a newspaper of general circulation in the Town of Ross.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Ross Town Council on the 15<sup>th</sup> day of July, 2010, and was adopted at a regular meeting of the Ross Town Council on the 12<sup>th</sup> day of August, 2010 by the following vote:

**AYES:** Council Members Martin, Small, Hunter, Russell, Strauss

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Christopher Martin, Mayor

**ATTEST:**

---

Gary Broad, Town Manager

# ATTACHMENT 7

# TOWN OF ROSS

## ORDINANCE NO. 622

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ROSS AMENDING THE TOWN HILLSIDE DEVELOPMENT REGULATIONS

The Town Council of the Town of Ross does ordain as follows:

**SECTION 1:** Title 18, Chapter 18.39, Section 18.39.090(a), currently provides:

(a) Maximum Floor area. The maximum floor area shall be limited based on the lot slope and lot size using the following formula:

$$\text{Maximum floor area} = (0.15 - 0.002S)A - 0.005 (A^2/43,560)$$

A = lot area in square feet, up to a maximum of 3 acres

S = slope of the lot, up to a maximum of 55%

For example, a 15,000 square foot lot with a slope of 33 percent would be permitted up to 1,234 square feet of floor area.

**SECTION 2:** Title 18, Chapter 18.39, Section 18.39.090(a), is amended to read as follows:

(a) Maximum Floor area. The maximum floor area for lots having thirty percent or greater overall natural slope shall be limited based on the lot slope and lot size using the following formula:

$$\text{Maximum floor area} = (0.15 - 0.002S)A - 0.005 (A^2/43,560)$$

A = lot area in square feet, up to a maximum of 3 acres

S = slope of the lot, up to a maximum of 55%

For example, a 15,000 square foot lot with a slope of 33 percent would be permitted up to 1,234 square feet of floor area.

**SECTION 3:** This Ordinance shall go into effect on February 12, 2011, and shall be published once within fifteen (15) days after its adoption in the Marin Independent Journal, a newspaper of general circulation in the Town of Ross.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Ross Town Council on the 6<sup>th</sup> day of January, 2011, and was adopted at a regular meeting of the Ross Town Council on the 13<sup>th</sup> day of January, 2011 by the following vote:

**AYES:** Council Members Martin, Russell, Small, Strauss

**NOES:**

**ABSENT:** Council Member Hunter

**ABSTAIN:**

---

Christopher Martin, Mayor

**ATTEST:**

---

Gary Broad, Town Manager

# ATTACHMENT 8

Chapter 18.39

HILLSIDE LOT REGULATIONS\*

Sections:

18.39.005	Title.
18.39.010	Purpose.
18.39.020	Chapter application.
18.39.030	Submittal requirements.
18.39.040	Review authority and notice requirement.
18.39.060	Approval--Special conditions and findings.
18.39.090	Hillside lot design regulations and guidelines.
18.39.100	Noncompliance.
18.39.120	Variances.

18.39.005 Title. This ordinance shall be known and may be cited as the Hillside Lot Ordinance. (Ord. 620 (part), 2010).

18.39.010 Purpose. The purpose of this chapter is as follows:

- (a) Ensure that development is consistent with the goals, policies and criteria of the general plan;
- (b) Protect and preserve public and private open space as a limited and valuable resource;
- (c) Preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain;
- (d) Protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources;
- (e) Limit development to a level consistent with available public services and road access that can be reasonably provided to and within the parcel;
- (f) Ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety;
- (g) Protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites;

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\* Prior ordinance history: Ords. 413, 430, 435, 440 and 472.

(h) Ensure that development will not create or increase the potential of major financial loss to the town or any other governmental entity through claim or litigation related to physical development of the site.

(i) Reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

This chapter establishes procedures and standards for the review of land divisions and the construction of buildings, structures and improvements necessary to meet this purpose. (Ord. 620 (part), 2010; Ord. 521 (part), 1993).

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 the following projects and for staged, phased or cumulative improvements that exceed these thresholds:

(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, including enclosing existing open areas;

(2) The construction of any retaining wall greater than forty eight inches in height as measured from bottom of footing to top of wall or any terraced retaining walls totaling more than forty-eight inches in height;

(3) Retaining walls totaling more than one hundred linear feet;

(4) Any activity or project resulting in more than fifty cubic yards of grading or filling, whether or not a building permit is required;

(5) Any construction, improvements, grading/filling or other site work within twenty-five feet of the top bank of a creek, waterway or drainageway, whether or not a building permit is required; and

(6) For any project on a lot that previously received a hillside lot application approval.

(7) A hillside lot application is not required for an attic or basement improvement permitted under Chapter 18.46 unless the project involves exterior work within twenty-five feet of a creek, waterway or drainageway, or if the attic or basement project is associated with a larger project that requires a hillside lot permit.

(c) A hillside lot application is also required for any land division which has a natural slope or building site slope of thirty percent or greater for any existing or proposed lots.

(d) No building permit for buildings or structures shall be issued for hillside areas, and no map of any proposed subdivision containing hillside areas shall be approved, until a hillside lot application is approved by the town consistent with the requirements of this chapter. (Ord. 636 (part), 2012; Ord. 620 (part), 2010; Ord. 611 (part), 2008; Ord. 604 (part), 2008; Ord. 521 (part), 1993).

18.39.030 Submittal requirements. (a) An applicant shall file an application for hillside lot review with the planning department on forms prepared by the town planner. The applicant shall pay a fee as set by the town council.

(b) Every hillside lot application shall include drawings, plans, reports, specifications and graphic or written material as required by the town planner or town council to clearly and accurately describe the proposed work, its effect on the environment and its relationship to existing improvements. Standard submittal requirements will be prepared by the town planner. Such submittals shall include a proposed Erosion Control Plan, and if required by Chapter 12.28 of the town code, a Stormwater Control plan and a Stormwater Facilities Operation and Maintenance Plan. Additional information may be required by the planner or town council. The town engineer will review all applications to determine the appropriate level of geotechnical report necessary to evaluate the safety of the proposed improvement.

(c) Independent evaluation and report by an architect, landscape architect, registered engineer or similarly qualified individual may be required by the town planner or council to assist the town in evaluating the application. This consultant will be selected by the town and retained at the applicant's expense.

(d) Any necessary review by a certified engineering geologist shall include an evaluation of the risk to adjoining property or structures by the proposed development, including the construction of roads and other improvements, or by the condition of the property after development has occurred. The review shall evaluate if the condition of adjacent property indicates any significant risk of future damage to proposed structures. The review shall discuss the need for earth repair to mitigate soils conditions on the site and the effects of this repair on environmental concerns such as vegetation removal or massive grading. (Ord. 657 (part), 2014; Ord. 620 (part), 2010; Ord. 521 (part), 1993).

18.39.040 Review authority and notice requirement. The town council shall review the hillside lot applications required by this chapter at a public hearing. At least 10 days prior to the hearing a public notice shall be posted in at least three public places within the town, including the project site, and mailed to the property owner and to all owners of property as shown on the latest equalized assessment roll within 500 feet of the exterior boundary of the property. (Ord. 620 (part), 2010; Ord. 521 (part), 1993).

18.39.060 Approval--Special conditions and findings. (a) The town council may approve, conditionally approve or deny an application for hillside lot review. The town council shall include conditions necessary to meet the purpose of this chapter and for substantial

compliance with the hillside lot design standards set forth in this chapter. The council may adopt by resolution standard conditions for all projects to meet.

(b) The town council shall make the following findings to approve a hillside lot application:

- (1) The project complies with the stated purposes of this Chapter;
- (2) The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance; and
- (3) The project substantially conforms to the hillside development guidelines in Section 18.39.090. (Ord. 620 (part), 2010; Ord. 534 (part), 1996; Ord. 521 (part), 1993).

18.39.090 Hillside lot design regulations and guidelines.

This section provides both regulations and guidelines for hillside development. Regulations are identified by use of the term “shall” and compliance is mandatory. Guidelines are identified by use of the term “should” and compliance is not mandatory but is strongly recommended. The Town Council may deny an application where there are substantial inconsistencies with one or more guidelines in a manner that is counter to any purpose of this ordinance.

If any provision of this ordinance is in conflict with another area of the municipal code, the more restrictive regulation, guideline or policy shall apply.

(a) Maximum Floor area. The maximum floor area for lots having thirty percent or greater overall natural slope shall be limited based on the lot slope and lot size using the following formula:

$$\text{Maximum floor area} = (0.15 - 0.002S)A - 0.005 (A^2/43,560)$$

A = lot area in square feet, up to a maximum of 3 acres

S = slope of the lot, up to a maximum of 55%

For example, a 15,000 square foot lot with a slope of 33 percent would be permitted up to 1,234 square feet of floor area.

(b) Building setbacks. Minimum yards shall be provided as follows.

Building Square Feet	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
0-3500	25	25	40
3501+	25	45	70

(c) Grading and retaining walls. Grading, cutting and filling and retaining walls should be minimized for hillside development by using building techniques which reflect the natural

topography of the site. Applicants should balance cut and fill on site. Graded slopes shall not exceed 2:1. Individual retaining walls shall not exceed a height of six feet. Terraced retaining walls should be at least three feet apart to allow for screening vegetation. The aggregate height of retaining walls should not exceed eighteen feet for any particular slope. Upslope walls up to four feet in height may be constructed of pressure-treated timber. All walls up to six feet in height may be constructed of reinforced concrete block. All other walls shall be constructed of reinforced concrete. Visible concrete and concrete block walls should have an appropriate architectural finish.

(d) Architecture.

- (1) Architectural design should complement the form of the natural landscape.
- (2) Designs should be well-articulated to minimize the appearance of bulk.
- (3) Materials and colors should be of subdued tones to blend with the natural landscape.
- (4) Building design and the placement of driveways should conform to the natural contours of the site.
- (5) The town council may consider limiting floor area to account for tall wall heights and other volumes that exaggerate the height, bulk and mass of a building but are not included in floor area.
- (6) 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. The maximum guideline area of decks over 18 inches in height (including car decks) is 25% of the maximum permitted floor area for the site under this chapter.

(e) Landscape Architecture.

- (1) Native shrubs and trees should be retained on hillside terrain wherever possible to help reduce erosion and preserve the character of the hillside environment. Newly introduced landscaping shall blend with the site setting.
- (2) Drought and fire-resistant plantings are recommended.
- (3) Native vegetation and trees shall be protected from damage during construction.
- (4) An irrigation system shall be required to establish new hillside landscaping.
- (5) Landscaping should preserve the penetration of sunlight to neighboring properties.

(6) Small patios, terraces and pathways are allowed. They should be porous in nature wherever possible.

(7) Fences and walls enclosing a parcel are not recommended. All fences and walls are subject to review as part of the landscaping plan or design review as mandated.

(8) Railings should be transparent and compatible with the architectural design.

(f) Views.

(1) Hillside development should minimize the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.

(2) No building shall be located on a ridge.

(g) Public Safety.

(1) Class A roofing assembly is required.

(2) The fire official shall ensure the adequacy of the water supply for fire fighting purposes by requiring water mains and the upgrade of fire hydrants as necessary.

(3) Sprinkler systems shall be provided as required by the fire official.

(4) Clearance of brush or vegetative growth from structures and driveways shall be in accordance with the California Fire Code and approved by the fire official.

(5) Defensible spaces around each building and structure shall be created in accordance with the vegetation clearance requirements prescribed in California Public Resource Code 4291 and California Government Code 51182.

(6) Development shall adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code.

(h) Geology.

(1) All newly created slopes shall be planted or otherwise protected from the effects of storm runoff and erosion within thirty days after completion of grading.

(2) Development shall avoid unstable areas on the site, such as slides, severe creep areas and debris flows. Locating improvements in such areas shall be grounds for project denial. Projects plans should include repair of all unstable areas on the site, such as slides, severe creep areas and debris flows, both in the immediate area of the proposed development and elsewhere on the site including any roadways traversing undeveloped areas as required by the town or project engineers.

(3) Prior to any approval of a final subdivision map, all slides to be repaired

shall be bonded to guarantee the repair during the normal construction of subdivision improvements. In the case of parcel maps, bonding shall be provided prior to the recordation of the parcel map.

(4) All slide repair work shall be accomplished under a building permit and the direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work, the engineer or geologist shall submit written confirmation to the town that all work accomplished under his jurisdiction is acceptable.

(5) Erosion control measures shall be required for all development. Erosion control plans shall comply with the County of Marin stormwater regulations and shall meet the National Pollutant Discharge Elimination System (NPDES) permit requirements for Marin County and chapter 12.28 of this Code.

(i) Hydrology.

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

(2) Site drainage shall be designed by a licensed engineer. The plan shall be designed to produce no net increase in peak runoff from the site compared to pre-project conditions. Site plans should include techniques for low impact development for stormwater management (see design review guideline 18.41.100(t)).

(j) Circulation.

(1) The design of the circulation system should provide for an adequate transition and maximum compatibility with adjoining patterns of development and open space.

(2) The design of the circulation system should follow the natural contours of the land.

(3) The points of ingress and egress to a street shall have a minimum visual clearance commensurate with adequate safety requirements. In any event, the visual clearance shall not be less than one hundred feet.

(4) All roadway improvements shall meet the specifications determined by the director of public works and town engineer. (Ord. 657 (part), 2014; Ord. 622 (part), 2011; Ord. 620 (part), 2010; Ord. 611 (part), 2008; Ord. 604 (part), 2008; Ord. 521 (part), 1993).

18.39.100 Noncompliance. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. Such violation will be subject to the enforcement penalties and procedures of Chapter 18.64 of this code. (Ord. 620 (part), 2010; Ord. 521 (part), 1993).

**18.39.120 Variances.** Consistent with State law, an applicant may apply to the town council for a variance from any development regulation in this chapter, pursuant to Chapter 18.48 of this Title. (Ord. 620 (part), 2010).

## ATTACHMENT 9

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

THURSDAY, OCTOBER 29, 2009  
Marin Art & Garden Center, Livermore Pavilion  
30 Sir Francis Drake Boulevard, Ross

**1. 7:00 P.M. Commencement.**

Council member Michael Skall hosted a public workshop on the hillside lot ordinance. Mayor Pro Tempore Scot Hunter and Council member Christopher Martin were also present. Staff present were: Town Manager Gary Broad, Fire Chief Tom Vallee, Senior Planner Elise Semonian, and project planner Christine O'Rourke. Consultant Anna West facilitated the discussion.

**2. Community Workshop and Public Comment**

**Introduction**

Council member Skall opened the workshop. He stated the meeting purpose was to hear from all of participants on what they like and what they think needs to be addressed regarding town-wide regulations for hillside development. To ensure broad participation, a meeting notice was emailed to approximately 1,000 addresses on the Town email list, mailed to roughly 350 hillside lot owners, publicized in *The Morning After*, posted at Town Hall, and announced in the *Marin Independent Journal*. He announced that staff was present to answer questions and provide information, but the meeting is oriented towards receiving public comment.

Anna West, a Marin resident and professional facilitator, went over the ground rules for the public comments.

**Public Comments and Feedback**

Participants were asked the following questions: 1.) What is working well? Why? 2.) What needs to be changed? Why?

**Responses:**

- High ceiling floor area penalty was removed and should be reinstated. It was there to reduce bulk and mass of projects, and protected the Town from oversized houses.
- Floor area should include the area of decks, as it did before.
- The Hillside Lot Ordinance guideline floor area is the recommended floor area and the intent of "excellence of design" was to allow flexibility when decks were included as floor area.
- Applicants should be required to post larger deposits for projects so that the Town is reimbursed for costs associated with hillside lot review.
- Slope should be a guideline, not a hard and fast rule, since surveys are not always accurate and it is onerous to penalize owners by permitting only half the standard floor area when their slope is barely over the 30% threshold.

- The ordinance has generally been successful, but has also allowed inappropriately large houses.
- How is slope determined? There should be consistency in applying the formula.
- Suggestion: use the slope contour method to average the slope of the entire lot, taking into consideration all of the contours. The slope calculation could be higher and the Town may need to adjust the floor area guidelines accordingly or adjust the area used for the calculation.
- Need to address permeability since we are in a watershed. Limit impervious surfaces.
- The regulations should account for sites with large, flat, buildable areas and also hillside conditions.
- Calculating slope is different now than before.
- Encourage holistic review of the regulations.
- There are inconsistencies within the existing definitions and regulations, as well as the way they are applied.
- Consider where a house will be sited. Penalize applicants for building on steep areas or only apply standard regulations to level areas.
- How does the formula apply to lots over 3 acres in size?
- Look to other communities for ideas on how to improve the regulations. Belvedere allows an increase in the building height if the slope is steeper. Tiburon allows excess FAR if it doesn't affect bulk and mass, such as building into the slope. Neither city reduces FAR as slope and parcel size increases.
- The ordinance works. Go to authors and clarify the intent of any ambiguous sections.
- Developers have different perspectives on the ordinance than those that reside near hillside development.
- Hold a future meeting with former Council members to understand the original intent and what is working well or is not working well.
- Some of the biggest issues are with smaller, very steep lots with landslide risks and drainage issues. Large lots with flat land areas that are out of sight are not as problematic.
- Make the intent of the guidelines and ordinance clear and apply it consistently.
- All factors applicable to a site should be considered, such as hydrology, placement, and design.
- Site hydrology is important and credit should be given when a design maintains existing hydrology.
- The regulations have been changed a number of times in response to specific projects.
- Discretion creates a lot of unnecessary tension and anger. Need a higher level of surety about the rules and less discretion and ambiguity.

- Use technology available to refine slope calculations.
- Purpose of the ordinance is to preserve the character of the Town.
- Decks should be included as floor area again.
- The prior setback rules should be reinstated.
- “Excellence of design” is intended to allow some flexibility to protect trees, but not to enable an applicant to claim they are entitled to additional floor area over the guidelines.
- The ordinance is not broken. It needs to be clarified. It would make the architects’ jobs a lot easier if they had parameters going in to the process. The parameters should come from residents.
- There are only a few lots left to be developed. We should make sure the Town looks like what the residents want and we should not compare ourselves to other communities. Preserve existing Town character.
- The existing regulations should be tightened up and some original provisions restored, including decks as floor area, high ceiling penalty. Decks add to the visual bulk and create noise and safety issues.
- “Excellence in design” should not only include the design, but also the landscape, engineering, sustainability, and preservation of open space.
- The ordinance should address what citizens want today, not the intent in the 1980’s and 1990’s.
- Don’t let concern over one project lead the changes.
- There is a disconnect between the council and the residents evidenced by the Council vote to approve a project that many people opposed. The current council should not make the decision about rewriting the ordinance.
- Have two tiers of standards, one for remodels and stricter standards for vacant land.
- If development sited in a level area, base the slope and FAR on the area of the flat portion of the lot, deducting the steep part.
- Provide flexibility when a Town site is bordered by another jurisdiction that has more lenient development regulations.
- Development regulations should have some relationship to the hazards they intend to prevent.
- There’s a little bit of “I’ve got mine” going on. The regulations should be clearly written and fairly applied to everyone, regardless of public opinion and controversy. Variances can be used to address unusual special circumstances.
- It is difficult to apply a recommendation fairly.
- The Council has *interpreted* the guidelines as a recommendation, but they should not be a recommendation.

- Town staff should attend meetings for development proposed in neighboring jurisdictions to protect interests of Town.
- The guidelines are a recommendation, and the Council has flexibility in determining excellence of design. Everyone wants an exception. The Council is the defender of the Town, and it's a difficult job. They should be saying no more than they say yes.
- Kind of a NIMBY attitude. The Town character is defined by many residences that could not be built under current regulations.
- Tighten up and refine the intent of the ordinance to protect environmental and aesthetic impacts.
- Environmental impacts have been vastly improved and can be dealt with from an environmental standpoint.
- Discretion is ripe for unfairness.
- Consider developing a form-based approach to zoning for hillside development. Can be neighborhood-specific.
- Ambiguity and vagueness in the regulations was intentional to permit flexibility and worked with the original regulations, which included height ceiling penalty, decks as floor area, and more restrictive setback provisions. These provisions should be restored.
- Appreciate the ambiguity more than clarity since every circumstance is different and it leaves room for Council to use their judgment. It's important to elect people you expect to be fair. Ordinance is good over-all.
- There's a tension between discretion and clarity. Clarity equals unfair outcomes. Broad discretion equals unfair rules. It's a reality of the legislative process.
- Keep in mind the intent of the hillside lot ordinance, which is the most important factor.
- Concern regarding overbuilding on lots.
- Ambiguity is helpful to give the Council the ability to consider all factors.
- Clarity is helpful so neighbors are not pitted against one another. Be clear on intent, decrease ambiguity and allow discretion.
- Decks may not need to be counted in FAR. Decks should be addressed in design review. If decks are included as floor area it may result in one-dimensional buildings.
- How many vacant lots are there? Staff should identify and map them for future meetings.
- Adding second units and floor area for second units should be addressed for hillside lots.
- Most people want a rigid interpretation of the ordinance.
- The current regulations result in tension and lawsuits.
- Re-evaluate the fire risk of vacant land versus occupied land.

### Ideas for Further Public Process

1. More public meetings.
2. One larger meeting before going to a smaller group.
3. Host a panel with all current Town Council members to have them explain why this is a town priority and what they believe works and does not work. (Concerns expressed regarding if Council will listen to will of residents.)
4. Small group
5. Bring in Town Council members who were the original writers of the ordinance to find out what the original intent was behind the ordinance.

### Next Steps

A special edition of The Morning After reporting on the hillside lot workshop will be sent out the next day. A meeting summary will be posted on the website, and Council member Skall will report on the workshop at the November 12 Town Council meeting. There are several avenues for ongoing public comments:

- Email Council member Skall at [mikeskall@comcast.net](mailto:mikeskall@comcast.net) and Senior Planner Elise Semonian at [esemonian@townofross.org](mailto:esemonian@townofross.org).
  - Written comments may be submitted at Town Hall.
  - Call Elise Semonian at 415.453.1453 x 121.
  - Visit the Town website.
3. **8:40 P.M. Adjournment.**

## ATTACHMENT 10

## REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, MAY 13, 2010

**1. 6:30 P.M. Commencement.**

Present: Mayor Strauss; Mayor Pro Tempore Hunter; Council Member Cahill, Council Member Martin; Council Member Skall; and Town Attorney Hadden Roth

- 16. Town Council, sitting as Planning Commission, consideration of introduction of Ordinance No. 620, amending the Town's hillside development regulations. A summary of the changes proposed: 1.) 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; 2.) No change to the method of calculating average lot slope is proposed; 3.) 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; 4.) 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; 5.) 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; 6.) The ordinance reinstates larger setbacks requirements for hillside lots as a strongly recommended guideline. The Council may allow reduced setbacks to protect creeks, trees, or to allow development on a more level area of a site, and 7.) 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. The ordinance would regulate all property within the Town of Ross with an average slope of thirty percent (30%) or greater or that is wholly or partially within Hazard Zones 3 or 4 as identified on the town slope stability map. The draft ordinance, a red-line draft of the changes, and other materials are available at the Town website.**

Senior Planner Elise Semonian summarized the staff report and recommended that the Council, sitting as the Planning Commission, consider introducing Ordinance No. 620, amending the Town's hillside development regulations. Staff then distributed emails from Dr. Harvey Glasser and Mr. Charlie Sheppard and two case studies illustrating the existing and proposed hillside lot floor areas for two sites.

Mayor Strauss opened the public hearing on this item.

Julie McMillan, Crest Road resident, expressed concern for the discretionary aspect of decks and setbacks. She believed it might provide more clarity to applicants and neighbors as well as Council to limit decks to a percentage of FAR and require variances to exceed the limit. She believed the former setback provisions should be included and should be mandatory. If an applicant wants to veer away from the larger setbacks, then they should be required to seek a variance. She felt this would provide more opportunity for the neighbors to understand the rationale and provide the Council with more protection. Staff has done a heroic job to couple developers' comments and those that want to protect the character of

Town, but the predominate goal is to make items more certain and not be subject to discretion. Excellence of design provides a slippery slope and she finds the deck and setback language to be the same.

Linda Brown, Baywood resident, reminded the Council of a project that went on for years that dealt with all these problems including excessive decks, setback problems, and length of time, money and effort that was spent due to the guidelines not being certain.

Carla Small, Duff Lane resident, believed clarity is the most significant issue. She added that some decisions made in regard to decks, setbacks and ceiling heights had an effect not anticipated.

Steve Wisenbaker, Lagunitas Road resident, believed being more definite would be the best solution in order for everyone to understand the rule.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

**Section 18.12.130 Definition of floor area ratio**

Senior Planner Semonian recommended only counting stairs and elevators on one floor to clarify existing Town policy. Concerns were raised by the public about automobile lifts and not having them exempt from floor area on more than one level. Staff suggested counting any stair or elevator area over 50 square feet, which would require the area of vehicle lifts to be included. The Council discussed potential ordinance language that would clarify that car lifts would be counted on each floor. The consensus of the council was to leave the ordinance revisions as proposed. Car lifts would not be considered "elevators".

**Section 18.12.080 Building Height**

Council Member Cahill desired an explanation from staff in regard to the change proposed. Senior Planner Semonian responded that the definition was changed throughout the code in 2005 to measure height to "existing or finished" grade, but the definition of building height was not changed. The recommended change would make the definition of building height consistent with the rest of the code. Council Member Cahill recommended that staff clarify the language. Senior Planner Semonian stated the intent is to measure the height to natural or finished grade, whichever is lower. Mayor Strauss noted that the intent is from existing grade to follow the contours of the existing hillside.

**Section 18.39.010(d) Purpose**

Senior Planner Semonian agreed with Ms. McMillan's suggestion of deleting "fragile" from "steep slopes" to read, "Protect steep slopes, creeks, significant native vegetation, wildlife and environmental resources."

**Section 18.39.20 Chapter application**

Council Member Cahill asked staff if the thresholds for requiring review are viewed cumulatively. Senior Planner Semonian noted that existing language under paragraph (b)(5) required the improvements to be viewed cumulatively.

**Section 18.39.090 Hillside lot design regulations and guidelines**

Senior Planner Semonian agreed with Ms. McMillan's suggestion and recommended changing the language in the first paragraph read, "*The Town Council may deny any application where there are substantial inconsistencies with one or more guidelines in a manner that is counter to any purpose of this ordinance.*"

Ms. Semonian recommended maintaining the proposed language under 18.39.090(a) and that no clarification was necessary that lots with slopes over 55% may be developed.

Mayor Pro Tempore Hunter noted that ADR liked the contour method of calculating slope. He questioned the costs associated with the contour method of calculating slope. Senior Planner Semonian indicated that both straight line and contour methods of calculating slope require topographic information in order to know the high and low points on the site. It is not a large cost difference. The majority of the expense is in getting the topographic map itself. Mayor Pro Tempore Hunter asked the Council if the contour method is more accurate to measure slope. Mayor Strauss indicated that the general feeling was that it was more complicated and more costly. The standard method provided a fairly accurate read if the contours of a site are regular. Senior Planner Semonian added that the Council could consider the slope of a site during design review.

Mayor Pro Tempore Hunter shares the concern of Ms. McMillan that the more items taken out of the subjective realm the better for staff, the Council and applicants. Senior Planner Semonian noted that ADR desired more thought and examples before adopting changes to the hillside lot ordinance and suggested that the Town potentially increase the hillside FAR if a contour method of slope calculation is used. Staff added that the Council could direct staff to review the contour method more closely in the future.

Council Member Cahill stated that one issue is existing homes that have already calculated their slope with a house constructed based on the old ordinance will have to go back and redraw it as a result. Council Member Skall believed this is when the process has to slow down. It is not fair to stamp in a new method because it is more accurate. They need more time to move in this direction, particularly around the slope. They need more examples. There must be some leeway and suggested using the modified method, but continue discussion and review.

Council Member Martin pointed out that between the thresholds there seems to be a big jump in terms of a 30 to 35% slope. He wondered if an alternative method could be considered to break up that chart further to state, "30 to 32%." Senior Planner Semonian pointed out that the formula proposed could be adjusted. What is proposed seemed fair. Staff agreed to provide the Council with the examples of the FAR permitted on sites using the current and proposed methods of calculating slope before the next meeting.

#### **18.39.090 (b) Building setbacks**

Senior Planner Semonian noted that the larger setbacks that were removed from the hillside ordinance are equal to what the zoning district requires for newly developed lots in the larger lot zoning districts. The setbacks become an issue on smaller sites with limited area to develop. Staff added that applicants cannot go any lower than the base zoning district requirement. If one could not meet the standard, then a variance would be required.

Council Member Skall desired flexibility to require more or less of a setback based on specific site circumstances. Senior Planner Semonian noted that the language would allow less flexibility. Mayor Pro Tempore Hunter suggested ending the sentence at “*privacy*” and remove the last sentence since it gives a roadmap to come in with an exception. Mayor Strauss asked staff how many vacant hillside lots are left in Town to be developed. Senior Planner Semonian believed around 30. Mayor Pro Tempore Hunter noted that on page 11 under Section 18.39.120 in regard to variances states, “*apply for a variance against anything in the chapter.*” Senior Planner Semonian stated if the Council wanted to amend the section to be mandatory they would change the “*should*” to “*shall*” and delete the rest of the language.

Council Member Cahill agreed with the language as written by staff as a guideline. He noted that the Council has the ability to regulate if there are concerns with privacy. Senior Planner Semonian noted that the language could be modified next month. Mayor Pro Tempore Hunter requested that staff provide the Council with examples. Senior Planner Semonian responded in the affirmative.

#### 18.39.090 (d) Architecture

Senior Planner Semonian pointed out that several “*shalls*” were changed to “*shoulds*.”

- Architectural style *should* complement the form of the natural landscape
- Designs *should* be well-articulated to minimize the appearance of bulk
- Materials and colors *should* be of subdued tones to blend with natural landscape

#### 18.39.090 (d)(4)

Senior Planner Semonian noted that Ms. McMillan’s suggested making retaining the mandatory language of the provision as “*Building design and the placement of the driveways shall conform to the natural contours of the site.*” Staff felt it would be too difficult to determine when an applicant was in compliance with the section if it were mandatory and recommended that it be a guideline.

#### 18.39.090(d)(5)

Senior Planner Semonian agreed with Ms McMillan’s suggestion of deleting “*A building should be in scale with its surroundings*” as it could be interpreted that the Council may allow additional floor area to allow a building in scale with neighbors, which is not the intent of the provision.

#### 18.39.090(d)(6)

Council Member Cahill pointed out that the first sentence is a statement that is not consistent with the rest of the chapter and suggested deleting. Senior Planner Semonian responded in the affirmative.

Staff was not in favor of adding a specific limit to deck area without additional research and consideration of the change and its impacts. Council Member Martin suggested a not-to-exceed percentage. Council Member Cahill believed there should be a distinction. Senior Planner Semonian noted that, other than the Parmenter site on Baywood, decks have not been a major issue.

Mayor Strauss felt 10% could be too small in some cases. Senior Planner Semonian suggested the Council consider limiting total lot coverage. Mayor Strauss stated, as worded, it provides the Council with discretion to reduce the decks. Mayor Pro Tempore Hunter recommended deleting the first sentence. Council Member Martin recommended leaving it open-ended and then revisit.

**18.39.090(f)(1)**

Senior Planner Semonian recommended against creating a mandatory view provision. The sentence could be clarified and staff suggested deleting, “to the site” and state, “Hillside design should protect views and those views of neighboring property owners.” Council Member Martin recommended that staff review San Francisco’s code language. Senior Planner Semonian agreed to review San Francisco as well as Sausalito’s code language as recommended by Linda Brown.

**18.39.090(f)(6)**

Senior Planner Semonian agreed with Ms McMillan that the provision should be reworded so that development “shall” adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code.

**18.39.090(h)(2)**

Senior Planner Semonian recommended the provision as drafted by staff.

**18.39.090(h)(5)**

Council Member Cahill asked staff if “Best Management Practices” should be defined. Senior Planner Semonian agreed that it may not be a term that everyone understands and would modify the language.

**18.39.090(i)(2)**

Senior Planner Semonian recommended changing “should” to “shall” to comply with design review criteria and believed making it mandatory makes sense. Council Member Cahill recommended keeping that open because the design review provisions are guidelines as opposed to mandatory. It must be consistent. When mandatory they “shall” comply and when a guideline they “should” comply. Mayor Pro Tempore Hunter recommended incorporating Chapter 15.54 regulations as well.

Senior Planner Semonian agreed to provide a revised ordinance on the website under the HLO materials.

Council Member Cahill moved and Mayor Pro Tempore Hunter seconded, sitting as a Planning Commission, recommended that the Town Council consider introducing Ordinance No. 620, amending the Town’s hillside development regulations and the changes as discussed. Motion carried unanimously.

**30. Adjournment**

By order of Mayor Strauss, the meeting adjourned at 12:56 a.m.

Richard Strauss, Mayor

ATTEST:

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Gary Broad, Town Manager

**ATTACHMENT 11**

## REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, JUNE 10, 2010

1. 6:30 P.M. Commencement.

Present: Mayor Strauss; Mayor Pro Tempore Hunter; Council Member Cahill, Council Member Martin; Council Member Skall; and Town Attorney Hadden Roth

23. Town Council consideration of introduction of Ordinance No. 620, amending the Town's hillside development regulations. A summary of the changes proposed: 1.) 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; 2.) No change to the method of calculating average lot slope is proposed; 3.) 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; 4.) 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; 5.) 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; 6.) The ordinance reinstates larger setbacks requirements for hillside lots as a strongly recommended guideline. The Council may allow reduced setbacks to protect creeks, trees, or to allow development on a more level area of a site, and 7.) 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. The ordinance would regulate all property within the Town of Ross with an average slope of thirty percent (30%) or greater or that is wholly or partially within Hazard Zones 3 or 4 as identified on the town slope stability map. The draft ordinance, a red-line draft of the changes, and other materials are available at the Town website.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council consider introducing Ordinance No. 620, amending the Town's hillside development regulations.

Council Member Cahill clarified with staff that the Council should follow Julie McMillan's suggestion and make "setbacks" mandatory. Senior Planner Semonian responded in the affirmative. Also, the language Ms. McMillan provided in regard to requiring an irrigation system for new hillside landscaping should be added as well. The Council discussed making certain provisions mandatory.

Mayor Pro Tempore Hunter discussed the contour method being more precise and the ordinance is based on the most important calculation, which is the slope. While it is more accurate, it is more expensive, but staff can estimate what the contour method would have shown and provide that information to the Council on future applications. Senior Planner Semonian noted that the County of Marin has topographic data and estimates slope using the contour method on their GIS program. The computer measures the topo lines for the

formula. It is not as accurate as based on the parcel map, but it is a good informational tool. If an applicant felt the calculation is inaccurate, then they can produce an actual topo map to rebut.

Mayor Pro Tempore Hunter is confused about what is changing from “*should*” to “*shall*” and “*shall*” to “*should*.” Council Member Cahill explained that starting with Item C, it remains as shown in the staff report with the exception of Item E - Landscape No. 4 states, “*An irrigation system shall be required for new hillside landscaping.*” Otherwise all the rest of the “*shall*” and “*should*” remain as outlined in the staff report. Senior Planner Semonian concurred.

Mayor Strauss modified page 7 under Item D to state “*Architectural Design*” rather than “*Style*.” Also, placement of driveways in terms of a parking deck, he did not know how that should be addressed. There may be a site that makes sense for a parking deck. Senior Planner Semonian agreed, noting that driveways that conform to contours may not conform to fire department requirements and that section should remain “*should*.”

Mayor Pro Tempore Hunter asked staff about cut and fill and believed the goal is to have balanced cut and fill. Senior Planner Semonian did not have the standard design review chapter guideline on hand, but she agreed it was important to have this as a guideline in the hillside regulations. Council Member Cahill suggested adding it to Item C - Grading and Retaining Walls. Senior Planner Semonian agreed to include the following language: “*Applicants should strive to balance cut and fill on site.*”

Mayor Strauss opened the public hearing on this item.

Rupert Russell, Shady Lane resident, noted that Ms. McMillan desired some modification to decks and desired to know the outcome. Senior Planner Semonian responded that the new guidelines address the issue. If a percentage could work for decks that would be good, but at this point staff did not have any idea of what that percentage should be. Plus, it adds burden on staff to calculate deck area for each project. They could ask applicants to call out their deck area on applications and determine a realistic percentage. As worded, Council has discretion to reduce the deck size if it seems inappropriate or out of balance.

Phil Paisley, Baywood resident, asked staff if ADR reached a consensus on having a percentage on decks. He believed 50% is a reasonable place to start. Senior Planner Semonian noted it was not placed in the recommendations to the Council. ADR could not conclude the percentage and felt more certainty would be great. Also, ADR did not want people to design to the maximum.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Cahill believed it makes a difference if decks are extended out from the building or part of the roof structure in terms of bulk and mass. Mayor Strauss stated that is why the Council has the discretion. Council Member Martin asked staff if they are concerned about ceiling heights. Senior Planner Semonian noted that it is a trend to have taller ceiling heights. It should be looked at through design review, and if it makes sense and

does not have major impacts, it would be appropriate. Staff further noted that there would be discretion through design review.

Council Member Skall believed it is pretty close to what is desired and felt staff did a good job.

Mayor Pro Tempore Hunter discussed the contour calculation where numerous examples were provided of the same property with four different measurements. Almost everyone considering building on hillside lot has to do a topo, so it is part of the planning package anyway, which is the real expense of the contour method. Mayor Strauss did not believe it has to be that extensive. Senior Planner Semonian agreed that the majority of cost is for the topo. Mayor Pro Tempore Hunter recommended using the measurement that truly measures slope rather than an approximation. Council Member Cahill agreed, unless it is too costly. Certain opponents are homeowners that by using it the slope would go up and liked the current method for that reason. For a number of lots, this will be a down zoning similar to the incremental method. They must decide on the incremental method in this draft or go back to 5% threshold method. He is not sure which is better since there are arguments for both sides. The advantage of the incremental method is that if someone is right at the bubble, there will not be as much controversy about how to calculate slope. He favored the incremental approach. He respects the comments about decks that must be taken seriously when reviewing projects to see if decks are excessive, but due to all the variations there would be unintended consequences if they specify a percentage as discussed. He agreed with the proposed ordinance as it is currently with the minor changes suggested by staff.

Council Member Martin is concerned about going to the contour method because it is a change. If someone wants to challenge the ordinance as, "a taking" of the property they would have more of a case. They are tightening up the ordinance to be more restrictive which was the mission to be clear. He feels comfortable with the standards used in the past for calculating slope and apply slope with the incremental method. He is very pleased with the changes as presented tonight.

Mayor Strauss concurred with Council Members Cahill and Martin's comments.

The Council agreed to use the incremental slope calculation as revised. Senior Planner Semonian noted that the ordinance would apply to all projects up until the date of adoption as well as projects received and deemed complete. Any project staff received that is complete the current ordinance would be applied.

Mayor Strauss asked for a motion.

Council Member Cahill moved and Council Member Martin seconded, to waive the reading and introduce Ordinance No. 620, amending the Town's hillside development regulations with the following changes as discussed: Section 18.39.090B, change "Should" to "Shall;" Section 18.39.090C – add, "Applicants should strive to balance cut and fill on the site;" Section 18.39.090D change, "Architectural Style" to "Architectural Design;" Section 18.39.090E – Subsection 4, modifying the wording to state, "an irrigation system shall be established to require new hillside landscaping;" and 18.39.090E, delete the following sentence: "reduce yard requirements." Motion carried unanimously.

**33. Adjournment.**

By order of Mayor Strauss, the meeting adjourned at 10:59 p.m.

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Richard Strauss, Mayor

ATTEST:

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Gary Broad, Town Manager

## ATTACHMENT 12

## SPECIAL MEETING of the ROSS TOWN COUNCIL THURSDAY, JULY 15, 2010

1. 6:00 P.M. Commencement.

Present: Mayor Strauss; Mayor Pro Tempore Hunter; Council Member Small, Council Member Martin; Council Member Russell; and Town Attorney Hadden Roth

18. Town Council further consideration of Ordinance No. 620, amending the Town's hillside development regulations, including potential ordinance re-introduction with limits on deck area for hillside lots. A summary of the changes proposed: 1.) 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; 2.) No change to the method of calculating average lot slope is proposed; 3.) 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; 4.) 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; 5.) 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; 6.) The ordinance reinstates larger setbacks requirements for hillside lots as a strongly recommended guideline. The Council may allow reduced setbacks to protect creeks, trees, or to allow development on a more level area of a site, and 7.) 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. The ordinance would regulate all property within the Town of Ross with an average slope of thirty percent (30%) or greater or that is wholly or partially within Hazard Zones 3 or 4 as identified on the town slope stability map. The draft ordinance, a red-line draft of the changes, and other materials are available at the Town website.

Senior Planner Elise Semonian summarized the staff report and explained that staff revised draft Ordinance No. 620 in response to the changes suggested by the 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 Council meetings. Therefore, staff recommends that the Council receive any public comment on the proposed ordinance, discuss the ordinance, and re-introduce Ordinance No. 620 amending the Town's hillside development regulations with any additional changes, waive the reading of the full ordinance text, and schedule the ordinance for adoption at the regular Town Council meeting in August.

Council Member Strauss noted that the Council would have discretion in terms of deck size as written rather than modifying. Council Member Hunter recommended modifying Section 18.39.090(b) to state, "should" rather than "shall," to read, "*The maximum area of decks over 18-inches in height should be limited to 25% of the maximum permitted floor area for the site under this chapter.*"

Council Member Russell asked staff to explain the reasoning for “*limited to 25%*”. Senior Planner Semonian responded that 25% seemed reasonable based on the size of a home. 30% becomes fairly large. Staff added that the limit would be helpful for new houses, but the concern is how it would impact existing residences.

Mayor Martin noted that the ordinance contains new language for how decks might be built out. With a maximum, the Council could be encouraging those to build toward that maximum rather than present a design that would be compatible. Senior Planner Semonian indicated that although staff did not recommend the regulation, members of the public and the ADR Group have suggested that the Town Council consider adopting a specific limit for deck area.

Council Member Strauss discussed the condition regarding visible concrete walls and believed board formed concrete and other walls with a concrete finish may be appropriate, depending on the design. He recommended keeping the wording of the guideline to provide the Council with some discretion.

Mayor Pro Tempore Small made the suggestion about visible concrete and concrete block having an appropriate architectural finish. Sitting through all the Hillside Lot Ordinance (HLO) meetings as well as ADR meetings, there has been a consistent line of thought to have some kind of guideline with decks and that it be reasonable with some kind of expectation. Several members of ADR felt there should be more of a guideline in the HLO regarding decks than what was mentioned at the last meeting. She added that there is the possibility of building up to 25%, but it also provides a reasonable expectation and that is what she hoped to accomplish. Council Member Strauss did not want to be so prescribed to every architect in the Town of Ross. He believed if the concrete is very poor, then Council has the ability to make modifications.

Council Member Hunter discussed Section 18.39.090 (c) – “Grading and Retaining Walls” and recommended that the Council delete the word, “*strive*” to read, “*Applicants should balance cut and fill on site.*”

Mayor Martin opened the public hearing on this item.

John d’Alessio, Crest Road Avenue resident, agreed that the Town should have some limit placed on decks and believed the language proposed would set a reasonable expectation, so he favored the 25% limit.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Strauss stated with regard to decks, he would hate to restrict architects. He believed a general idea is appropriate, but then the Council should make the determination after review. He expressed concern that a deck area limitation would unnecessarily constrain architects. He felt that the Council could adequately address issues regarding project bulk and mass during design review. Each home is individual and the Council should have discretion. He further recommended maintaining the language as proposed without the limit.

Mayor Pro Tempore Small noted mixed feelings in terms of deck size and pointed out that before the HLO decks were included. Council Member Russell believed there is a need to have guidelines and suggested that the Council adopt the language provided by staff, including the 25% limit in order to have a goal of 25%.

Council Member Strauss recommended that the Council direct staff to work with the comments provided and craft the appropriate language. Senior Planner Semonian suggested the following language: *“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. The maximum guideline area of decks over 18-inches in height (including car decks) is 25% of the maximum permitted floor area for the site under this chapter.”*

Senior Planner Semonian summarized the changes to Ordinance No. 620 as follows:

\* Section 18.39.020:

*(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:*

\* Deck condition should read:

*(6) 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. The maximum guideline area of decks over 18-inches in height (including car decks) is 25% of the maximum permitted floor area for the site under this chapter.*

\* Grading condition should read:

*(c) Grading and retaining walls. Grading, cutting and filling and retaining walls should be minimized for hillside development by using build-ing techniques, which reflect the natural topography of the site. Applicants should balance cut and fill on site. Graded slopes shall not exceed 2:1. Individual retaining walls shall not exceed a height of six feet. Terraced retaining walls should be at least three feet apart to allow for screening vegetation. The aggregate height of retaining walls should not exceed eighteen feet for any particular slope. Upslope walls up to four feet in height may be constructed of pressure-treated timber. All walls up to six feet in height may be constructed of reinforced concrete block. All other walls shall be constructed of reinforced concrete. Visible concrete and concrete block walls should have an appropriate architectural finish.*

The Council agreed to include a suggested guideline for deck area to be limited to 25% of the allowable floor area as well introduce Ordinance No. 620.

Mayor Martin asked for a motion.

Council Member Strauss moved and Council Member Hunter seconded, to waive reading and introduce Ordinance No. 620, amending the Town hillside lot regulations including the modification to Section 18.39.020(b) as outlined above by staff. Motion carried unanimously.

Council Member Hunter moved and Council Member Strauss seconded, to modify Section 18.39.090(d)(6) to state, *“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. The maximum guideline area of decks over 18 inches in height (including car decks) is 25% of the maximum permitted floor area for the site under this chapter.”* Motion carried unanimously.

The Council will consider adoption of the Hillside Lot Ordinance at the August Town Council meeting.

34. Adjournment.

By order of Mayor Martin, the meeting adjourned at 12:15 a.m.

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Christopher Martin, Mayor

ATTEST:

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Gary Broad, Town Manager

**ATTACHMENT 13**

## REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, AUGUST 12, 2010

1. 6:30 P.M. Commencement.

Present: Mayor Martin; Mayor Pro Tempore Small; Council Member Hunter, Council Member Russell; Council Member Strauss; and Town Attorney Hadden Roth

22. Town Council consideration of adoption of Ordinance No. 620, amending the Town's hillside development regulations, including potential ordinance re-introduction with limits on deck area for hillside lots. A summary of the changes proposed: 1.) 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; 2.) No change to the method of calculating average lot slope is proposed; 3.) 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; 4.) 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; 5.) 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; 6.) The ordinance reinstates larger setbacks requirements for hillside lots as a strongly recommended guideline. The Council may allow reduced setbacks to protect creeks, trees, or to allow development on a more level area of a site, and 7.) 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. The ordinance would regulate all property within the Town of Ross with an average slope of thirty percent (30%) or greater or that is wholly or partially within Hazard Zones 3 or 4 as identified on the town slope stability map. The draft ordinance, a red-line draft of the changes, and other materials are available at the Town website.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council receive public comment and waive the reading of the full ordinance text and adopt Ordinance No. 620.

Mayor Martin opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

In response to a question by Councilmember Russell, Ms. Semonian explained that the new regulations will apply to planning applications submitted after the effective date of the ordinance in mid-September 2010.

Mayor Martin asked for a motion.

Council Member Strauss moved and Council Member Hunter seconded, to waive the reading and adopt Ordinance No. 620, amending the Town's hillside development regulations. Motion carried unanimously.

*The Council commended Senior Planner Elise Semonian and former Council Member Michael Skall for their work on the ordinance over the past year along with members of the public for their input.*

**30. Adjournment.**

By order of Mayor Martin, the meeting adjourned at 11:07 p.m.

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Christopher Martin, Mayor

ATTEST:

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Gary Broad, Town Manager

**ATTACHMENT 14**

SPECIAL MEETING of the ROSS TOWN COUNCIL  
THURSDAY, JANUARY 6, 2011

1. 8:30 A.M. Commencement.

Present: Mayor Chris Martin, Mayor Pro Tempore Carla Small, Council Member Rupert Russell, Council Member Rick Strauss. Absent: Council Member Scot Hunter.

2. Posting of Agenda.

Town Manager Gary Broad reported that the agenda was posted according to government code.

3. Open Time for Public Expression.

No one wished to speak during the open time.

4. Town Council, sitting as a Planning Commission, public hearing on proposed Zoning Ordinance No. 622 to amend the hillside lot development regulations. The amendment would add language to the Hillside Lot Ordinance to clarify the intent of the Council that the hillside lot floor area ratio formula applies only to lots with an average slope of 30% or greater. The Planning Commission will make a recommendation to the Town Council regarding Ordinance No. 622.

Senior Planner Elise Semonian recommended that the Town Council, sitting as Planning Commission, recommend that the Town Council adopt Ordinance No. 622 and that the Town Council introduce Ordinance No. 622 and consider adoption of the ordinance at the January 13, 2011 meeting.

Mayor Martin asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Small seconded, to recommend that the Town Council introduce Ordinance 622. Motion carried unanimously (Council Member Hunter absent).

5. Town Council introduction of Ordinance No. 622 to amend the hillside lot development regulations. The amendment would add language to the Hillside Lot Ordinance to clarify the intent of the Council that the hillside lot floor area ratio formula applies only to lots with an average slope of 30% or greater. (Semonian, 10 minutes)

Jared Polsky, architect, recommended that the Council adopt the proposed ordinance. Mr. Polsky suggested the Council explore revisions to the Town slope definition.

Mayor Martin asked for a motion.

Council Member Strauss moved and Mayor Pro Tempore Small seconded, to recommend that the Town Council introduce Ordinance 622. Motion carried unanimously (Council Member Hunter absent).

7. **Adjournment.**

By order of Mayor Martin, the meeting adjourned at 10:00 a.m.

Christopher Martin, Mayor

ATTEST:

Gary Broad, Town Manager

## ATTACHMENT 15

REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, JANUARY 13, 2011

1. 5:30 p.m. Commencement.

Present: Mayor Chris Martin; Mayor Pro Tempore Carla Small; Council Member Rupert Russell; Council Member Rick Strauss; and Town Attorney Hadden Roth

2. Posting of agenda.

Town Manager Gary Broad reported that the agenda was posted according to government code.

- a. Town Council adoption of Ordinance No. 622 to amend the hillside lot development regulations. The amendment would add language to the Hillside Lot Ordinance to clarify the intent of the Council that the hillside lot floor area ratio formula applies only to lots with an average slope of 30% or greater.

Mayor Martin asked for a motion.

Council Member Strauss moved and Council Member Russell seconded, to approve Consent Calendar Item "b" as submitted by staff. Motion carried unanimously. Hunter absent.

End of Consent agenda.

27. Adjournment.

By order of Mayor Martin, the meeting adjourned at 10:55 p.m.

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Christopher Martin, Mayor

ATTEST:

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Gary Broad, Town Manager