

THE MORNING AFTER

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Hillside Lot Ordinance Under Review

Council member Michael Skall hosted a public workshop to review the Hillside Lot Ordinance, which is the Council goal he is spearheading for the Town. A crowd of approximately 35 people, including hillside property owners, architects, developers, and former Council members, spent 1 ½ hours discussing the hillside regulations. Facilitator Anna West asked residents to comment on what was working with the ordinance and what they would like to see changed.

The Town's hillside lot regulations apply to development on parcels which have a slope of 30 percent or greater, or are in certain slope hazard areas, with some exceptions. The ordinance was first adopted in 1980. As stated in the regulations, the purpose of hillside lot review is to prevent flood, slide and other safety risks, as well as protect and preserve open space and natural features. Meeting participants generally agreed the ordinance was designed to limit overbuilding on steep lots and to preserve the character and charm of Ross. Some suggested engineering and technological innovations have reduced the need to limit development in order to avoid some safety risks.

The hillside lot regulations contain maximum floor area ratio (FAR) guidelines that relate to parcel slope and parcel size. The guideline FAR percentages decrease as lots increase in size and as the slope increases. A one acre parcel with a slope of 35% percent, for example, would be recommended for a FAR of 8%, while the same size parcel with a slope over 51% would be recommended for a FAR of 4%.

A number of participants noted the existing slope definition is difficult to apply, especially since many lots comprise more than one slope. Some said the

Town has changed its method for calculating slope over time and has been inconsistent in applying the regulations. The current definition of slope requires it to be measured from the high point to a representative low point, which does not necessarily represent the average slope of the site or the slope of the building area. Some residents said this method can be unfair, particularly when the house will be sited in a flatter area of the lot or when the slope is near the regulatory threshold and the application of the ordinance has a significant impact on the FAR. A one-half acre lot with a 29% slope, which would not fall under the ordinance, could allow 3,267 square feet of floor area, for example, while a slope of 30%, which would fall under the hillside regulations, would allow 1,742 square feet.

The ordinance gives the Town Council leeway in applying the regulations and allows development over floor area guidelines if the project demonstrates "excellence of design" or "site planning which minimizes environmental impacts." Some meeting participants, including three former Council



Residents discussed the hillside lot regulations and offered suggestions to improve the ordinance.

members, said the original intent of the ordinance was to provide guideline recommendations but allow the Council flexibility in determining actual FAR. Some residents supported a flexible interpretation of the ordinance, while others wanted a more rigid application of the guidelines. A number of residents said the regulations were often applied inconsistently, and that ambiguities in the ordinance lead to unnecessary uncertainty in the approval process and created discord among neighbors. One participant suggested revising the slope calculation method to take into account all contours on the parcel.



It can be difficult to determine the slope of a lot when there are multiple slopes or the building is sited in a flatter area of the lot.

Some residents did not approve of revisions that had been made to the ordinance over time, such as the elimination of the more restrictive setback provisions, and removal of high ceiling areas and decks from the definition of floor area. A few said the original ordinance worked well and wanted the provisions restored.

There were also several “out-of-the-box” suggestions. One architect suggested developing a form-based zoning code which would establish different building standards for different neighborhoods. Under form-based zoning, the existing pattern of development could dictate the development requirements, rather than standard setbacks, lot coverage, and FAR. Another resident recommended looking at Belvedere and Tiburon’s hillside regulations, which allow increased heights for steeper slopes and permit excess floor area if it doesn’t affect project bulk and mass.

One resident suggested developing different guidelines for existing buildings and vacant lots. Others, however, said the regulations must be applied fairly to all. Some noted a

NIMBY attitude that seeks to protect the existing property owners at the expense of future residents who want to develop their vacant land.

Participants made several suggestions for future meetings, including a review of all vacant, developable lots. One person suggested having a panel of Council members so former Council members could explain the original intent behind the ordinance provisions and current Council members could voice their rationale for wanting to review the regulations.

The Council will review input from this meeting and discuss future public forums at the November 12 Council meeting. Residents are also encouraged to visit the website to learn more about the Hillside Lot Ordinance review process. Written comments may be dropped off at Town Hall or submitted via email to [Elise Semonian](#) or [Council member Michael Skall](#). Residents may also call Elise at 453-1453 ext. 121 to share their views.

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