

June 8, 2021

Design Review Board  
c/o Alicia Giudice and David Hogan, Project Planners  
Community Development Dept.  
City of San Rafael  
1400 Fifth Ave  
San Rafael, CA. 94901

Design Review Board Members:

***RE: 33/41 Ross Street Terrace - Design Review Board consideration of Hillside Exceptions and Environmental and Design Review Permit***

I urge you to DENY the application for an Environmental and Design Review Permit and Hillside Exceptions for 33/41 Ross Street Terrace for the following reasons:

**1) Hillside Design Guidelines:**

This application has shown a blatant disregard for the Hillside Design Guidelines, including the natural state requirement, guest parking requirement, preservation of significant trees, grading, hillside design and neighborhood compatibility. In fact, the Hillside Design Guidelines were adopted precisely to prevent this type of development on our hillsides.

**a. Natural State:**

The attempt to squeeze two large (almost 3,000 sq') homes on these undersized lots should be denied. Hillside development on the other side of Moore Hill, in the neighboring West End, have required the merging of 2, 3, and even 4 small, undersized hillside lots in order to create a reasonable building site and meet Hillside development standards. I am asking you to maintain past practices for the development of our hillsides by adhering to the important guidelines which have been successfully and consistently applied to our hillside development since the City Council adopted the award-winning Hillside Design Guidelines in 1991.

The applicant is requesting an exception to the natural state requirement with a significant reduction in the natural state, almost 50% less than required, for each lot. This is a blatant disregard for an important hillside protection. If you approve the requested exception to the Natural State requirement, you will forever change hillside development in San Rafael because the exception you approve on this property will set the standard by which you will review all future hillside development, opening the door to other equivalent reductions in the natural state and undermining this important protection of our hillsides.

**b. Parking and circulation (IV.A5):**

All required guest parking spaces, 2 per residence, should be located on-site, not on the street or within the City right-of-way. In addition, the application needs a circulation plan showing all vehicular maneuvering into and out of the garage and guest parking on lot 59, including when a vehicle is parked

in the guest parking space. The circulation plan should indicate how both lots comply with SRMC 14.12.030 (F) which prohibits vehicles from backing out onto streets less than 26' wide.

**c. Preservation of Significant Trees (IV.A2).**

The applicant has NOT shown that a diligent effort has been made to retain as many significant trees as possible, as required by the Hillside Design Guidelines. In fact, quite the opposite, the applicant proposes removing all but one oak tree on lot 59 and removing all existing trees on lot 60. No existing trees will be retained along the proposed access drive, as well, resulting in approximately 58 trees over 6" in diameter being removed, according to the WRA Environmental Consultants report, submitted with the application.

The applicant has NOT proposed a plan for tree replacement that includes a 3:1 ratio as required. If approved, this project will have the unfortunate outcome of clearing the land and changing the natural environment, completely opposite of the Hillside Guidelines objective to preserve the inherent characteristics of the hillside and display sensitivity to the natural setting.

A tree protection plan prepared by a licensed arborist is needed to establish safety procedures both during and after construction for the remaining oak tree on lot 59.

**d. Grading (IV.A3).**

Hillside Design guidelines promote minimizing grading in order to preserve the inherent characteristics of sloping hillside sites and the natural environment. This project requires extensive grading and extensive removal of the natural vegetation on this hillside.

**e. Architectural Design (IV.A7) and Reduction of Building Bulk (IV.A6).**

The design is too boxy and bulky. The style is very contemporary with a "butterfly" roof design. To comply with the Hillside Guidelines and reduce bulk, the houses should be stepped back with the topography and roof slopes should follow the site contours.

**f. Compatibility with surrounding neighborhood (IV.A1).**

This project proposes 2 houses on undersized lots, each having land area between 5,000 and 5,800 sq'. The houses are densely packed together, eliminating all tree canopy and ground cover of the natural setting except for one oak tree. This proposed project is not compatible with the development pattern of the surrounding neighborhood where land area around existing structures is between 12,000 to 16,000 sq' and where the natural environment supports the hillside character of this neighborhood.

A better solution would be to combine the lots to form a 10,800 sq' lot, still small for the area, but more likely to accommodate a modest sized home that complies with the Hillside Design Guidelines and is more compatible with the surrounding development pattern of this neighborhood.

**2) Hillside Exceptions:**

The application must meet the criteria established in SRMC 14.12.040 for hillside exceptions, as stated below:

*A. That the project design alternative meets the stated objectives of the hillside design guidelines to preserve the inherent characteristics of hillside sites, display sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods and maintain a strong relationship to the natural setting; and*

*B. Alternative design solutions which minimize grading, retain more of the project site in its natural state, minimize visual impacts, protect significant trees, or protect natural resources result in a demonstrably superior project with greater sensitivity to the natural setting and compatibility with and sensitivity to nearby structures.*

This application does not meet the criteria for approving an exception to the Hillside development standards. The applicant has NOT demonstrated a superior project with greater sensitivity to the natural setting and compatibility with nearby hillside neighbors. In fact, this application replaces the natural setting with concrete driveways, building footprints and retaining walls.

The exception request for 33/41 Ross Street Terrace to reduce the natural state by almost 50% does NOT result in a superior project with greater sensitivity to the natural setting or preserve the inherent characteristics of the site. In fact, both lots are completely stripped of all trees, except for one oak tree and replaced with small slivers of ornamental landscaping. This project does NOT meet the criteria for a hillside exception, per SRMC 14.12.040.

Staff references 22 Jewel as an example of a previous hillside project on a flag lot where an exception to the natural state was approved. However, the exception requested for this project was minor. The applicant for 22 Jewel revised their plans, in response to neighborhood comments, and improved the design by increasing the building setback which resulted in a slight reduction in the natural state from 57.6% to 50.3% and required an exception. By providing a superior design with greater sensitivity to nearby neighbors, this project met the objectives of SRMC 14.12.040 for exception approval. (*note: the design permit for 22 Jewel has expired, no building permit was issued*).

The approval of this application will set a bad precedent going forward for future hillside development and will undermine our Hillside Design Guidelines and development standards. This application does not meet the criteria required for an exception approval. I urge the City to be consistent with their past practice and require compliance with the Hillside Design Guidelines, per SRMC Chapter 14.12.

As a licensed building contractor, the owner/applicant, should have been well informed about the substandard size of these two lots and the City of San Rafael's Hillside Design Guidelines before he purchased them in 2015. The best use and most feasible development of these lots would be to combine them into one buildable lot which meets the minimum size requirements for the zoning and will accommodate a modest sized home that complies with ALL Hillside Design Guidelines, including the natural state and guest parking requirements.

Thank you for your consideration of these comments.

Sincerely,

Victoria DeWitt  
West End neighbor