



Date: October 1st, 2019

To: Kerri Schott
Planner I
Planning & Community Development Department
Land Use Review

RE: **100 Marland Rd. South, Garage Expansion: Hillside Review Comments**

Please see responses regarding the submitted Hillside Review and Neighbor comments

HILLSIDE SITE PLAN REVIEW

Questions/comments to be addressed:

1. **If existing garage is to be demolished but existing foundation to remain/be reused, explain why the new addition and garage cannot be shifted north to maintain a 20'-30' distance from garage to side property line and preserve the existing grade and existing scrub oak/vegetation.**
 - a. The garage expansion does not work if moved north for a number of reasons, which were discussed during the Pre-Application meeting with Hannah Van Nimwegen in the fall of 2017. At that time and based on planning expertise, no aversions to the proposed garage location were communicated other than to ensure that any trees that were removed would be replaced and that the Hillside Review Criteria be met. The Review Criteria and method of meeting the requirements were provided on the Hillside application. Additional justification for the location of the project is stated below:
 - i. The existing garage foundation wall on the north side of the existing garage is planned to be reused for the reconstruction of the expanded garage. If the garage is moved to the north, this wall is no longer being reused and would be in the way of the proposed garage floor, likely requiring full removal and fill in order to build the garage in a revised location.
 - ii. Moving the garage to the north would affect the grading and the ability to tie into the existing structure, which could cause additional site disturbance with having to re-grade the driveway in order to maintain the existing height of access into the house.
 - iii. Moving the garage to the north would eliminate the existing on-property parking area at the existing garage. In order to replace a guest parking area, this would require additional paving, grading, and removal of trees/shrubs to the north and east of the proposed garage. The area of disturbance would then be greater than what is proposed due to the

necessity for additional driveway and parking areas that are currently proposed to remain.

- iv. The existing home has access to the existing garage thru interior doors directly to the car parking area, and this is intended to be maintained. Moving the garage north would negate the existing access to the garage, block windows that allow sunlight into the existing living to the north, and could disrupt the access to the front door of the home.
- v. Moving the garage north would require removing the character tree that is existing in the middle of the drive turn-around. Removing smaller, less healthy trees to the south has less of a character impact.
- vi. Moving the garage to the north would remove the ability to turn a car/trailer around in the limited driveway remaining; residents would be forced to back out 275 feet of blind driveway onto Marland Road South, a street with limited ability to see traffic approaching from the south. Constructing a new turnaround to the north would also require the removal of far more trees and shrubs, and additional grading would be required—far more than what is currently planned.

2. Confirm if there are any existing utility lines along south property line that would conflict with planting of new trees.

- a. The utility lines per CSU locates, existing plans, and survey of existing sanitary are currently shown on the site plan. No utilities were found in the vicinity of the garage expansion other than the sanitary as shown on the drawing.

3. Revisit placement of equipment shed to better preserve the existing mature pine tree located east of the garage. Will current placement affect the livelihood of this existing tree?

- a. The equipment shed has been relocated to reduce the proximity to existing trees. The existing land next to the north wall of the garage is currently level as a walking path around the existing garage and the equipment shed has been moved north to stay in this existing level area. The equipment shed is less than 200 square feet, detached, and has no utilities and therefore does not require a building permit, however it has been shown for the overall concept of the site plan.

4. Accurately represent existing conditions for trees. It is hard to decipher what is existing and what is to be removed on the site plan. Existing scrub oak that is located south of existing garage needs to be shown. Include a separate blow up drawing of vegetation area along southern property line with resubmittal to fully understand what vegetation is existing (include scrub oak), what is to be removed and what is to be proposed. City will require a site visit to better understand the existing and proposed vegetation.

- a. The printing of the site plan has been adjusted to more clearly show existing vs. removed trees on the demo plan, and then existing vs. new trees on the proposed plan. Additional shrubs (lilacs) have been added to the proposed plan to create more of a vegetative buffer along the lower elevation of the proposed garage expansion.

- b. An enlarged plan of the grading and vegetation along the south end of the property has been added for clarification
- 5. The Hillside Design Manual and review criteria asks for existing vegetation to be preserved or supplementary landscaping to be used to soften structural mass of buildings located within visible areas and questions if emphasis has been placed on preserving healthy and significant scrub oak and pine trees. With garage expansion, existing scrub oak that serves as a current screening will be lost. Proposed vegetation to replace existing scrub oak is insufficient between new garage and private drive. Show a better buffer situation to better soften the structural mass with overstory deciduous trees and small understory deciduous shrubs. Smaller deciduous shrubs can be holly, lilac, etc. Deciduous trees can be 4-5 aspens, or 3-5 oak such as burr oak or red oak per Jeremy Taylor with Colorado Springs Fire Department, Wildfire Mitigation.**
 - a. The existing scrub oak is within the recommended “Fire Wise” boundary to maintain as clear around an existing structure and not a recommended type of vegetation to have in this location. The scrub oak to be removed are small and not full due to lack of sunlight from the taller coniferous trees in this area. Construction of the garage expansion would also require their removal, so to better screen the structure from the private shared drive to the south, additional lilac shrubs have been proposed, in addition to the 3 aspen trees that are currently proposed to replace the 3 trees that are to be removed, including a diseased tree that needs to be removed for the health of all surrounding vegetation.
 - b. The Hillside Review Criteria emphasizes maintaining scrub oak and healthy trees in the front yard. The Front yard, as defined by the original development plan, is to the East toward Marland Rd. The project does not remove any trees or bushes in the Front Yard area and instead uses the side yard for the project expansion. See revised plans.
- 6. Show existing contour grade lines and proposed contours on site plan. Label in legend.**
 - a. Existing and proposed have been more clearly marked on the plans and a legend has been added.
- 7. Show drainage pattern locations. Indicate with arrows and label in legend.**
 - a. The drainage path has been more clearly shown and a legend has been added.
- 8. Label the existing garage versus the new addition on the Hillside site plan.**
 - a. The existing and new garage expansion have been more clearly shown on the site plans. Note: due to the site of the overall site, dense existing vegetation, and existing grades, this submittal is a multiple sheet submittal for the Hillside review to clarify the extend of work to be done.
- 9. Hillside Certification Statement needs to be signed and dated.**
 - a. This will be done for the final version.
- 10. Show garage finished floor elevation line/value on each elevation drawing.**
 - a. This has been more clearly shown on the elevations.
- 11. Show accurate 30’ max Hillside height per Hillside Height Calculation Guide (see attached). Height should be measured from existing/beginning grade. Also show**

height from finished grade to top of garage at each corner on all elevation drawings to accurately include grade change.

- a. The elevations currently show the existing and proposed grade; However, in many cases they are the same. The height has been adjusted to show the existing grade for overall height calculations. This had no affect on meeting the height requirement for Hillside Review since the proposed structure is nearly 8 feet below the maximum allowed.

12. Include approved Grading Erosion Control Plan by Water Resources Engineering with building permit submittal.

- a. Noted. (Should we submit with this letter?)

13. Address/respond to neighbor feedback letter.

- a. Letter is attached and responses are provided below.

14. Depending on the answers to the questions/comments provided in the letter staff may have additional comments or direction for the application.

- a. Noted.

LETTER OF OPPOSITION RECEIVED FROM NEIGHBOR

As you know, this office represents the Rubley, who own property at 104 South Marland Rd. which is adjacent to 100 South Marland Rd. We have been asked to respond to the site plan / building permit request submitted for 100 South Marland Rd. We understand this is only a request for approval of a site plan and thus criteria for development plan approvals are not applicable.

We believe the requested site plan should be denied for the following reasons:

- **The existing approved site plan for the “Bartlett Residence” for 100 South Marland Rd. establishes “limits of disturbance,” upon which the neighbors have relied, and which were intended to protect the existing vegetation and topography. The applicant has not submitted any justification for changing the existing applicable limits of disturbance.**
 - o Response: The submitted application is not for a Building Permit. The application is for Hillside Review only. No Variances or Administrative Relief to the building and/or City Zoning Codes are proposed for this project. “Limit of Disturbance” is project specific and not intended to limit any future construction, as opposed to a “No Build” area or “easement” that would restrict any future building or grading on a site. The Limit of Disturbance shown on the proposed site plan incorporates areas that were already developed as part of the original construction as much as possible. As with any addition or expansion, the area to be disturbed would be modified in order to accommodate that scope of work. The plan provided attempts to minimize disturbance by using the existing foundation walls of the existing garage where possible, maintain the existing driveway for construction access and staging, and does not need to incorporate additional areas of disturbance closer to Marland Rd. The project is intended to

be built closer to the south property line, but does not cross the designated building setback maintaining the code requirement without modification.

- **The proposed site plan requires removal of significant existing vegetation, including several mature trees and at least three to four feet of fill adjacent to the driveway for 104 South Marland Rd. It will present a blank wall approximately nineteen feet above the existing grade for a length of forty feet. This violates the following criteria for a site plan in the hillside overlay zone (7.3.504(H) of City Code.)**
 - The project proposes removing 3 pine trees and a small area of scrub oak. One of these trees is diseased and needs to be removed regardless of the project. The other two trees are both within the recommended Fire Wise perimeter (Fuels Management Zone) area of the existing home/garage and per CSFD were recommended to be removed or limbed up to over 4 feet above the existing roof line. Although the proposed project is not a New Building and therefore Section 7.3.504(E) does not specifically apply to the project, the project is intending to meet as many of the criteria established in this section of the City Code as possible. The scrub oak proposed to be removed is also within the Fuel Management perimeter of the home and recommended to be removed as this species is not conducive to fire mitigation. The project proposes removing this vegetation and replanting with 3 new Aspen trees to replace the 3 pines being removed since these are on the list of Fire Wise vegetation. The plan has been revised to also include the planting of 4 lilac bushes to maintain the character and height of the scrub oaks, but to do so with a plant that is on the approved Fire Wise list. The trees to be removed do not appear to have trunks greater than 12" and are therefore not considered character trees.
 - The grading along the south of the property line is being minimally adjusted to maintain drainage in the existing pathway. The grading at the property and to the south toward the existing shared driveway is to remain existing. Per the elevations shown on the A300 and A301 sheets, the grading along the proposed new wall is only being adjusted by 12" at the most from the existing grade. This is not considered significant grading.
 - The project is not proposing a blank wall along the south end. The tallest section is 18'-7" from existing grade, which is well below the allowed 30'-0" for a flat roof. Mr. Rubley's letter incorrectly characterizes the size of the proposed southern wall; The south elevation clearly shows that the roof of nearly half the proposed structure is only 12 feet in height. This, along with material changes and the additional landscaping, meet the intent of the code for building within the Hillside Overlay.
 - The original home was built in 1975, pre-dating the Hillside Overlay, however this project scope aims to fully meet the requirements in the Hillside Design Manual to the greatest extent possible.
 - The justification for meeting all provisions of City Code 7.3.504(H) are currently listed on the site plan sheet and no violation of this code is proposed.

- **Terrain disturbance is not minimized, and there are alternative locations on 100 South Marland Rd. for placement of the garage which would not require terrain disturbance or placement of significant fill.**
 - o The statement above is untrue. Any structure that is new to a site requires terrain disturbance. The proposed project is minimizing terrain disturbance by re-using the existing driveway and existing garage location to re-build on top. Moving the structure to any other location than currently shown would require significantly more grading, removal of existing vegetation, and potentially not meet the guidelines for Hillside Overlay sites.
 - o We trust the information and guidance provided by the planning staff experts in the Pre-Application meeting regarding the layout and feasibility of this proposed project. If these plans were in violation of any of the City Codes, an Administrative Relief or Variance application would be required to be approved in addition to the Hillside Review, however that is not the case for this project. The project scope is a simple garage, well under the height limit, within the building setbacks, and re-using as much of the existing garage location as possible while maintaining the character of the home in addition to maintaining the character of the site.
- **Natural vegetation is not being preserved. The proposed plan involves removal of significant existing healthy scrub oak and mature pine trees which currently buffer existing structures 100 South Marland Rd. from adjoining properties. The plan does not preserve existing vegetation to soften the significant structural mass of the proposed garage.**
 - o 3 trees, one of which is diseased and required to be removed regardless of the project, and a few scrub oak areas are planned to be removed for the scope of work, and then replaced with Fire Wise vegetation that is more appropriate for Hillside construction. The remaining vegetation shown on the plans is to be maintained. The garage is a single story structure that is not over the limits for area, setbacks, or height per code, and is the same width as the existing garage. This does not meet a typical definition of “significant structural mass.” The plans have been adjusted to provide additional vegetation including lilac shrubs to help buffer the lower sections of the proposed structure, in addition to the 3 new Aspen trees are proposed to buffer the upper section of the structure and to replace the 3 pine trees that are proposed to be removed. The owners of 100 Marland Rd. South have also offered to let the neighbors at 104 S. Marland Rd. choose different shrubs from the Fire Wise list if lilacs are not what the neighbor would like to see. The owners understand that there will be a minor visual impact during construction of the garage project to the shared driveway until the vegetation has time to fill in and become more mature; however, they have chosen to impact the shared private drive rather than the Front Yard of Marland Rd. or the north side of the lot next to existing structures. Any construction project has an impact to a site; 100 Marland owners are locating as much of the project as possible on top of existing construction to mitigate site disturbance.

We hope this letter and the attached revised plans help to clarify the intended project scope and intent for complying with the Hillside Overlay Zone requirements. If you have any further questions, please let us know and we will be happy to provide additional information as needed.

Thank you for your time in reviewing the plans and bringing concerns to our attention,

On behalf of Terri Lux and Clay Turner,

A handwritten signature in black ink that reads "Christine P. Riggs". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Christine P. Riggs, AIA
Owner/Architect
308 LLC
719-505-6635