

ORDINANCE NO. 727 N.S.

CODE AMENDMENT 97-002 OF THE CITY OF EL PASO DE ROBLES
 AMENDING CHAPTER 21 OF THE MUNICIPAL CODE (ZONING CODE)
 WITH REGARDS TO HILLSIDE GRADING STANDARDS
 (CITY OF PASO ROBLES)

WHEREAS, the City of Paso Robles has initiated Code Amendment 97-002 to consider modifications to the current hillside grading standards, and specifically an amendment is to Chapter 21.16.E of the Zoning Code and

WHEREAS, developers seeking to build homes in hillside areas have requested the City to permit the ability to manufacture cut and/or fill slopes in excess of current code limitation; and

WHEREAS, at their meeting of March 18, 1997, the City Council directed staff to initiate a Zoning Code Amendment that would have three purposes:

- ♦ eliminate the 12 foot maximum differential between pad elevations
- ♦ allow increased height in cut and fill slopes for larger lots
- ♦ call for performance standards for the installation and maintenance of landscaping on cut and fill slopes.

WHEREAS, public hearings were conducted by the Planning Commission on April 22, 1997 and by the City Council on May 6, 1997 to consider facts as presented in the staff report and to accept public testimony regarding this proposed code amendment, and

WHEREAS, the City Council will be considering adoption of a Negative Declaration of environmental impact in conjunction with this code amendment; and

WHEREAS, at its meeting of May 6, 1997, the City Council gave first reading to this ordinance; and

WHEREAS, at its meeting of May 20, 1997, the City Council gave second reading to this ordinance, and

WHEREAS, this ordinance shall go into effect on June 19, 1997.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is not inconsistent with the General Plan.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Chapter 21 of the Paso Robles Municipal Code (Zoning Code) is hereby amended to modify the text of Section 21.16 E, as contained in the attached Exhibit "A".

Section 1. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

Section 2. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

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Section 3. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinance, motions, resolutions, rules and regulations are hereby repealed.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

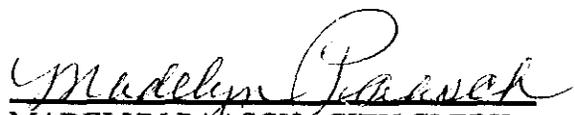
The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on 6 May 1997, and passed and adopted by the City Council of El Paso de Robles on the 20th day of May, 1997, by the following roll call vote, to wit:

AYES: Baron, Iversen, Macklin, Swanson, and Picanco
 NOES: None
 ABSENT: None


 DUANE PICANCO, MAYOR
 City of El Paso de Robles

ATTEST:


 MADELYN PAASCH, CITY CLERK

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“Section 21.16E.140 Grading Limitations**Exhibit “A”**

The following grading standards shall apply:

- A. Preliminary grading plans shall be submitted with every application for a subdivision map and may be required for submittal of parcel maps and lot line adjustment applications.
- B. “Stair-step mass grading” shall be avoided. In general, the extent of cut-and-fill grading shall be minimized. Where large-scale or pad grading can be accomplished in a manner consistent with the purpose and intent of this chapter and such grading is necessary for the reasonable use of the property, extraordinary efforts shall be made to minimize exposed slope and retaining wall heights and to install mitigating landscaping.
- C. “Benching” shall be encouraged and may be required as a construction technique in order to minimize the extent of grading and height of both retaining and stem walls.
- D. The vertical height of graded slopes and/or exterior retaining walls to create pads or benches shall be limited as specified in this subsection. The maximum vertical height of a graded slope or combination of graded slope and the exposed face of an exterior retaining wall used to create a pad or a bench shall be related to the size of the lot and shall not exceed the following limits.

1. Between two side yards or a side and a rear yard:

- a. The maximum height of the exposed face of an exterior retaining wall shall not exceed four feet. If more than one retaining wall is used, the minimum horizontal distance between the exposed faces shall be equal to, or greater than, the height of the exposed face of the higher of two adjacent walls. See Figure 21.16E.020A for a graphic example of this requirement.
- b. The average maximum height of a grade slope, series of exterior retaining walls, or combination of both shall be limited as follows:
 - i. Four feet on lots with areas of seven thousand square feet or less;
 - ii. Eight feet on lots with areas of ten thousand square feet or less;
 - iii. Twelve feet on lots with areas greater than ten thousand *square feet* and less than twenty thousand square feet.
 - iv. Sixteen feet on lots with areas of twenty thousand *square feet* or greater.

Note: The average height for all cut and/or fill slopes is based on the standard ratio of 2:1 for graded slopes and shall be determined in the manner indicated in Figure 21.16E.020B. The average maximum heights of graded slopes may be increased proportionately if lower ratios such as 3:1 or 4:1 are utilized; please see Exhibit 21.16E.020C for an illustration of the proportionate change. Please note that the heights of cut and/or fill slopes on each individual lot shall, except as provided herein, be evaluated independent of each other. In general, where cut and/or fill slopes, retaining walls, or combinations of both are proposed on adjacent lots, the combination of all such slopes and walls shall not exceed the maximum height specifications of this section. Exception: where cut and/or

fill slopes are located on adjacent lots that would result in a combined height in excess of twelve (12) feet, a minimum bench of ten (10) feet shall be provided between adjacent slopes in order to accommodate fencing, drainage facilities, maintenance access and landscaping; said bench shall be heavily landscaped in a manner to be approved by the Development Review Committee, with the intent of mitigating the visual impact of two adjacent slopes. The differential height of pad elevations between adjacent pads shall not be a consideration.

2. Between two rear yards:
 - a. The maximum height of the exposed face of an exterior retaining wall shall not exceed six feet. If more than one retaining wall is used, the minimum horizontal distance between the exposed faces shall be equal to, or greater than, the height of the exposed face of the higher of two adjacent walls. See Figure 21.16E.020A for a graphic example of this requirement.
 - b. The average maximum height of a grade slope, series of exterior retaining walls, or combination of both shall be limited as follows:
 - i. Six feet on lots with areas of seven thousand square feet or less;
 - ii. Eight feet on lots with areas of ten thousand square feet or less;
 - iii. Twelve feet on lots with areas greater than ten thousand and less than twenty thousand square feet.
 - iv. Sixteen feet on lots with areas of twenty thousand or greater square feet.

Note: The average height for all cut and/or fill slopes is based on the standard ratio of 2:1 for graded slopes and shall be determined in the manner indicated in Figure 21.16E.020B. The average maximum heights of graded slopes may be increased proportionately if lower ratios such as 3:1 or 4:1 are utilized; please see Exhibit 21.16E.020C for an illustration of the proportionate change. Please note that the heights of cut and/or fill slopes on each individual lot shall, except as provided herein, be evaluated independent of each other. In general, where cut and/or fill slopes, retaining walls, or combinations of both are proposed on adjacent lots, the combination of all such slopes and walls shall not exceed the maximum height specifications of this section. Exception: where cut and/or fill slopes are located on adjacent lots that would result in a combined height in excess of twelve (12) feet, a minimum bench of ten (10) feet shall be provided between adjacent slopes in order to accommodate fencing, drainage facilities, maintenance access and landscaping; said bench shall be heavily landscaped in a manner to be approved by the Development Review Committee, with the intent of mitigating the visual impact of two adjacent slopes. There shall be no consideration given to the differential height of pad elevations between adjacent pads.”

“Section 21.16E.140 L Manufactured Slopes:**I. Multi-Parcel Grading**

These requirements apply when a grading permit is submitted for more than one lot or parcel.

A. All Manufactured Slopes Requiring a Grading Permit

All manufactured slopes shall be prepared and maintained with erosion protection. This control shall consist of hydroseeding and other materials approved by the City Engineer and Director of Community Development to be completed within one month of the grading operation unless granted an extension by the City Engineer. Soil amendment and soil preparation may be required by the City Engineer prior to hydroseeding to ensure the establishment of the plant material. Hydromulch seeds should be applied following the first measurable rainfall in the Fall of the year or a temporary irrigation method may be required to ensure germination and minimum growth. If the natural rainfall fails to provide adequate moisture for germination, supplemental irrigation and replanting may be required.

B. Manufactured Slopes Visible From A Public Street

Manufactured slopes determined by the Planning Division to be visible from a public street will be required to install landscaping in addition to the hydroseeding prescribed above. If there is a question regarding the visibility of a slope, the Planning Division may defer the determination to the Development Review Committee. The additional landscaping must be installed prior to Certificate of Occupancy for associated building construction.

1. Plan Required

A landscaping plan shall be submitted for review and approval by the Development Review Committee. The landscaping plan shall be designed by a Landscape Architect. Soil amendment, plant material, installation and irrigation shall be included in the landscape plan. New landscaping shall incorporate plant species which meet the following criteria:

- a. New vegetation should be compatible with natural vegetation and that on surrounding properties.
- b. All planting within thirty feet of buildings should be fire-retardant.
- c. For water conservation purposes, drought resistant species are encouraged.

2. Quantity of Vegetation

Manufactured slopes shall be planted and irrigated per the following standards:

a. Groundcover

Manufactured slopes shall be planted with ground cover materials for erosion control. Groundcover may be as hydromulch or planted from rooted cuttings.

b. Trees and Shrubs

Manufactured slopes have a mixture of trees and shrubs incorporated with groundcover to assure soil stabilization and to promote varying height and mass of landscaping. However, within the private portions of single family lots, sloped areas which are less than eight (8) feet in height are not required to be planted with shrubs, and sloped areas less than five (5) feet in height are not required to be planted with trees.

There shall be a minimum of one (1) tree for every 500 square feet of slope area. If permanent groundcover is applied as a hydromulch, there shall be a minimum of one (1) shrub for every 125 square feet of slope area. If rooted cuttings are utilized as a ground cover, there shall be one (1) shrub for every 300 square feet of slope area. There should be a mix of one (1) gallon to fifteen (15) gallon trees and shrubs to promote varying height and mass of landscaping. Box sized trees require retaining walls on slopes to prevent slope failure.

II. Individual Lot Grading

These requirements apply when a grading permit is submitted for a single lot.

A. All Manufactured Slopes Requiring a Grading Permit

All manufactured slopes shall be prepared and maintained with erosion protection as prescribed in Subsection I.A.

B. Manufactured Slopes Visible From A Public Street

Manufactured slopes determined by the Planning Division to be visible from a public street will be required to install landscaping as prescribed in Subsection I.B. However, a Landscape Architect is not required to design the landscaping plan. Applicant's are encourage to consult a landscape professional when designing the landscape plan."

Exhibit "A"

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FIGURE 21.16E.020.C

