

ORDINANCE NO. 797 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLES OF THE MUNICIPAL CODE
REGARDING HILLSIDE GRADING AND DEVELOPMENT STANDARDS
(CODE AMENDMENT 00-003)

WHEREAS, the City has initiated Code Amendment 00-003, which would amend Section 21.00 et seq. of the Municipal (Zoning) Code; and

WHEREAS, the code amendment would refine the City's existing regulations and standards for Hillside Grading and Development; and

WHEREAS, through discussions at Planning Commission and City Council meetings, and as a result of a joint field trip to view examples of hillside grading and development, the Commission and Council members identified a series of topics that should be addressed as a part of a possible Zoning Code Amendment, and said list of topics was discussed at a public workshop and hearing before the Planning Commission on June 27, 2000; and

WHEREAS, the scope of the proposed Code Amendment 2000-003 would refine but not substantially Amend the City's Zoning Code with regards to Hillside Grading and Development standards; and

WHEREAS, an Initial Study was prepared for this project (on file in the Community Development Department), which proposed that a Negative Declaration be approved; and

WHEREAS, at its meetings of June 27 and July 11, 2000, the Planning Commission held a public workshop and a public hearing to consider options for refining the City's Hillside Grading and Development standards; and

WHEREAS, at its meeting of July 18, 2000, City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;

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 consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 21.00 et seq. of the Municipal Code is hereby amended as reflected in the attached Exhibit "A".

SECTION 2. The City Council adopts the following policy statements to assist the Planning Commission, public and staff in interpreting the purpose and intent of the City's Hillside Grading, Development and related standards:

- a. City staff is hereby authorized and encouraged to provide enhanced advance coordination between development projects is needed to insure that there is a better interface between different developments. Examples include but are not limited to grading treatment on the boundaries of residential tracts where the City could help advocate grading that could result in elimination of areas that will become maintenance, drainage, or other problems for both development and future property owners. It is recognized that this will require additional staff time and information to be provided by the developers.
- b. Retaining walls that are located in yard areas that are not in public view (defined as viewable from City streets or alleys) are considered less visually sensitive and the Planning Commission and Development Review Committee (DRC) may, therefore, exercise discretion to consider and approve retaining wall designs that would not be permitted in public view locations.
- c. The Planning Commission and DRC should focus on the design of sidewalks being of a consistent standard (i.e.: avoiding the variations in sidewalk standards that were approved with Tract 1463 / Sunset Ridge).

SECTION 3. 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 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 unconstitutional.

SECTION 5. 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 and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 6. 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, and the revisions / modifications to the City's Hillside Grading and Development Standards and related policy statements shall apply to all new development projects, the applications of which have not been deemed complete as of July 18, 2000.

Introduced at a regular meeting of the City Council held on July 18, 2000, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of August, 2000, by the following roll call vote, to wit:

AYES:	Baron, Macklin, Mecham, Swanson and Picanco
NOES:	None
ABSENT:	None
ABSTAINING:	None

Duane Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Chapter 21.16E R-1 DISTRICT REGULATIONS

Article II. New Lots

EXHIBIT "A"

21.16E.120 Buildability demonstration.

As part of an application for a tract or parcel map or lot line adjustment, it shall be the responsibility of the applicant to demonstrate, to the satisfaction of the city planner, that the new lots to be created are buildable in a manner consistent with this code; the city does not in any way warrant that it will be economically feasible to build on any property. For the purpose of demonstrating that lots are buildable, detailed drawings of conceptual site and grading plans for individual lots may be required by the city planner to be submitted with the application. **The number and location of existing trees, especially oak trees, shall be a consideration in the design and sizing of lots. Oak tree preservation is a high priority for the City of Paso Robles, and parcels shall be configured in a manner designed to preclude future conflicts between creation of an adequate building envelope and the preservation of oak trees.** (Ord. 572 N.S. § 2 Exh. A(E)(7), 1989)

21.16E.140 Grading limitations.

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 Figure 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 feet, a minimum bench of ten 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.

TABLE 21.16E.090 MINIMUM LOT SIZE PER ZONING DISTRICT

Slope	R-1	R-1, B-1	R-1, B-2	R-1, B-3	R-1, B-4	R-1, B-5
(percent)	(sq. ft.)					
0-4	7,000	7,500	10,000	20,000	1 acre	2 acres
5-9	10,000	10,000	10,000	20,000	1 acre	2 acres
10-14	12,500	12,500	12,500	20,000	1 acre	2 acres
15-24	15,000	15,000	15,000	20,000	1 acre	2 acres
25-34	20,000	20,000	20,000	20,000	1 acre	2 acres

TABLE 21.16E.100 MINIMUM LOT WIDTH PER ZONING DISTRICT

Slope	R-1	R-1, B-1	R-1, B-2	R-1, B-3	R-1, B-4	R-1, B-5
(percent)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
0-4	70	70	80	100	100	100
5-9	80	80	80	100	100	100
10-14	100	100	100	100	100	100
15-24	120	120	120	120	120	120
25-34	150	150	150	150	150	150

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 Figure 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 feet, a minimum bench of ten 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.

3. Notes:

a. Where streets are parallel with contour lines, the regulations set out in this subsection may require that downhill lots be graded to drain to a drainage easement in the rear of the downhill lots instead of draining to the street.

b. Benching, raised (stem) wall foundations, interior retaining walls, and similar construction methods may be required in order to comply with the limits set out in this subsection for vertical height of graded slopes and/or exterior retaining walls for pads or benches.

c. Gravity / Crib Wall Option: If the applicant can demonstrate to the satisfaction of the Planning Commission / Development Review Committee that use of a gravity or crib wall will reduce the amount of grading / landform modification and will provide a suitable alternative to a terraced retaining wall, the Planning Commission / Development Review Committee shall consider and may approve use of a gravity or crib wall design for side and/ or rear yard locations. The maximum acceptable height of said gravity / crib wall, and the individual design factors of such walls (for example, whether or not a bench and/or landscaping is required), shall be evaluated on a case by case basis. The extent to which the wall would be in public view shall be a consideration for the Planning Commission / DRC.

E. All retaining walls to create building pads shall be constructed of masonry materials.

F. The exposed face of a stem wall shall not exceed nine feet in average height and shall be heavily landscaped and/or screened in a manner subject to approval of the city council or its designee.

G. The overall shape, height and grade of graded slopes shall not exceed 2:1; 4:1 slopes are preferred. (Exception: The city engineer may approve steeper cut slopes for construction of streets, where a registered soils engineer recommends such approval.)

H. ~~The crest of all graded slopes in excess of eight feet vertical height shall be rounded.~~ **Slope grading design shall be based on the concepts of “contour grading”, a technique that strives to maintain the pre-existing landform or to replicate natural landform patterns in the case of extensive grading.**

I. **The crest of all graded slopes in excess of eight feet vertical height shall be rounded.**-Where graded slopes intersect, the ends of each slope shall be horizontally rounded and blended.

J. All graded slopes with vertical heights of three feet or greater shall be provided with landscaping materials and irrigation systems that are under the control of a single property owner or under the jurisdiction of a homeowner's association.

K. All grading activities are subject to specific erosion-control measures required by the city engineer. Grading plans shall be prepared by a California-licensed engineer. (Exception: If a California-licensed architect prepared the structural plans for a building, the architect may prepare the grading plans.)

L. Manufactured Slopes.

1. 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.

i. 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.

ii. 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 feet in height are not required to be planted with shrubs, and sloped areas less than five feet in height are not required to be planted with trees.

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

iii. Landscaping Installation: The Landscape Architect who prepared the landscaping plan shall supervise the installation of soil amendments, landscaping materials, and irrigation system to insure that the required work is done per the approved plan. The Landscape Architect shall provide the City of Paso Robles with a written confirmation that the soil amendments, landscaping materials, and irrigation system are installed per the plan approved by the City.

2. 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 (L)(1)(a) of this section.

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 (L)(1)(b) of this section. However, a landscape architect is not required to design the landscaping plan. Applicants are encouraged to consult a landscape professional when designing the landscape plan.

1. Usable Rear Yard, For All Lots, Regardless of Location. In the rear yard of all lots, a usable, unobstructed natural or manufactured (graded) area ten feet in depth shall be provided. "Usable" means that the slope is a minimum of two percent but not more than five percent. Where a residential building is designed to be built into existing natural slopes, this requirement may be met by providing either a five-foot wide usable manufactured area no less than the full width of a dwelling unit, or a deck a minimum of ten feet in depth and no less than the full width of a dwelling unit. The underside of decks that are three feet or higher above grade shall be screened with landscaping and/or architectural features such as wooden lattice. **Exception: The Planning Commission, Development Review Committee or staff shall consider and may approve proposals for the usable rear yard requirement to be met by designating an equivalent (in area as noted above) side yard (or a combination of rear and side yard). The minimum dimension for any usable yard area shall be ten (10) feet.**

2. For Lots That are Adjacent to, and Elevated Above, an Arterial or Collector Street, as Designated by the Circulation Element of the General Plan.

a. Where a dwelling unit is placed on a manufactured pad, and the average height of the manufactured slopes for this pad in the rear or street side yard adjacent to an arterial or collector street is ten feet or more, the dwelling unit shall be set back a minimum of fifteen feet from the top of the manufactured slope.

b. Where a residential building is designed to be built into existing natural slopes, and a deck is proposed to be the means to meet the usable yard requirement described in subsection (M)(1) of this section, if the rear yard is adjacent to an arterial or collector street, the underside of such a deck, regardless of height above grade, shall be screened with landscaping and/or architectural features such as wooden lattice. Alternative solutions may be proposed to the development review committee (DRC).

The DRC shall have the authority to limit the proposed size and dimensions of any deck, but not less than the minimum dimensions of ten feet of depth and full width of the dwelling unit, if it finds that a proposed deck of greater depth and width would create negative visual impacts.

c. The requirements of subsections (M)(2)(a) and (M)(2)(b) of this section shall be applied to all lots created by tentative subdivision (tract) maps, tentative parcel maps or lot line adjustments that are approved after July 1, 1998. On any lot created prior to that date, the development review committee shall review a site plan application and require grading and landscaping treatment appropriate to the size and dimensions of the lot with the intent of reducing visual impacts. (Ord. 747 N.S. § 2, 1998; Ord. 727 N.S. Exh. A, 1997; Ord. 572 N.S. § 2 Exh. A(E)(9), 1989)

21.16E.150 Oak tree preservation.

Creation of new lots and streets shall be designed to protect oak trees in a manner consistent with the city's Oak Tree Preservation Ordinance (Chapter 10.01). (Ord. 572 N.S. § 2 Exh. A(E)(10), 1989)

Article III. Development Standards

21.16E.250 Oak tree preservation.

Development of lots shall be designed and graded to protect oak trees in a manner consistent with the city's Oak Tree Preservation Ordinance (Chapter 10.01). (Ord. 572 N.S. § 2 Exh. A(F)(6), 1989)

21.16E.320 Off-street parking, driveways and vehicle storage.

A. All uses shall provide off-street parking spaces and facilities as required by Chapter 21.22. The number and location of all driveways shall be subject to approval of the city engineer.

B. Driveways parallel to a street (such as circular driveways and hammerhead turnarounds) shall be designed to provide a minimum ten-foot-wide maintained landscaped setback between the street right-of-way and the parallel edge of the driveway closest to the street right-of-way.

C. No automobile, truck, motorcycle, recreational vehicle, boat, camper, trailer, farm equipment or similar vehicle, materials or equipment shall be parked or stored between a dwelling and the street except on paved driveways. Except for lots with circular drives, pavement of the front yard shall be limited to fifty percent of the front yard. On corner lots, pavement of the street side yard shall be limited to ten percent of the street side yard unless the garage/carport is accessed via the side street. In such a case, pavement of the street side yard may be increased to provide direct access to the garage/carport.

Pavement in front and street side yard areas shall not exceed what is necessary to access off-street parking facilities. The balance of all areas between the main building and each street frontage shall be landscaped and maintained in a neat and orderly manner. (Ord. 572 N.S. § 2 Exh. A(F)(13), 1989)

D. Relatively flat (five percent or less) off-street parking spaces shall be created in front of each garage door except that the Planning Commission / Development Review Committee may consider parking spaces on slopes of up to fifteen (15) percent where the creation of the parking spaces would necessitate extensive grading.

21.16E.350 Hillside development standards.

Development on lots located within the hillside development district, including those hillside lots with developable areas on slopes of ten percent or greater but located outside of the hillside development district boundaries, shall comply with the following standards:

A. Site Design. Lots, buildings and structures shall be laid out to minimize adverse impacts on hillside topography. This will include designing the buildings to conform to the contours of the site and arranging driveways, parking areas and patio areas to be compatible with the slopes and building design.

B. Building Design.

1. Color and materials: Color and materials used for buildings shall be subject to the approval of the development review committee. Roofing shall be fire-retardant and shall be neither white nor reflective.

2. Architectural Treatment. Elevations and roof lines shall provide visual relief features which minimize monotony.

3. Foundations. Where padding is restricted because of grading limitations, residential buildings to be located on hillside lots shall utilize special foundation design prepared by a registered engineer or architect. Split-level homes, benching, cantilever foundations, poles, piers, step and stem wall foundations will be encouraged where the method would minimize soil disruption and where such measures can be implemented in an aesthetically acceptable manner. Development review shall include a review of the visual impact of all foundations. No building foundations shall be placed upon natural slopes which are thirty-five percent or greater.

C. Landscaping. Landscaping plans shall be approved by the development review committee to meet the following standards:

1. Protection and Use of Existing Vegetation. Development on hillside lots shall, to the maximum extent possible, protect and use existing vegetation. Existing groundcover and shrubs should not be removed from lands with steep slopes (thirty percent or greater) unless necessary for weed abatement to remove fire hazards. Existing groundcover should not be removed from lesser slopes unless replaced with other vegetation. Existing groundcover shall be protected from damage during construction.

2. New Landscaping. All development on hillside lots shall provide new landscaping as follows:

a. Erosion Control. All graded or cleared slopes shall be landscaped with groundcover designed to hold the slope and to mitigate the visual impacts associated with the bare ground.

b. Architectural Enhancement. Trees and shrubs shall be planted to provide screening under decks, along walls, and where required as a condition of development review to assist in providing visual relief.

c. Street Trees. Street trees shall be planted as required by Title 10 of this code.

d. Irrigation. All landscaping required for erosion control, street trees and architectural enhancement shall be irrigated except where the development review committee explicitly approves otherwise.

e. Plant Species. New landscaping shall incorporate plant species which meets the following criteria:

i. New vegetation should be compatible with natural vegetation and that on surrounding properties.

ii. All planting within thirty feet of buildings should be fire-retardant.

iii. For water conservation purposes, drought-resistant species are encouraged.

f. Completion of Landscaping. All landscaping and irrigation required for erosion control, street trees and architectural enhancement shall either be completed prior to issuance of a certificate of occupancy or security such as a performance bond should be posted.

D. Driveways. Where it appears that topography, vegetation or other characteristics of a site would obstruct the vision of a driver of a vehicle backing out from the site on a street, the development review committee or city planner may require driveways to be designed and constructed in a manner to provide a paved area of adequate size on which vehicles may be turned so that they can be driven out onto the street headfirst. (Ord. 635 N.S. Exh. A (part), 1992; Ord. 572 N.S. § 2 Exh. A(F)(16), 1989)