

ORDINANCE NO. 2016 – 01
AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE
SAN JUAN BAUTISTA MUNICIPAL CODE TO ADD CHAPTER 11-08
HILLSIDE DEVELOPMENT REGULATIONS

WHEREAS, the City Council has reviewed the San Juan Bautista Municipal Code for its ability to regulate and encourage new development to a standard that retains the rural atmosphere and early California heritage of San Juan Bautista and protect the view shed of the surrounding area; and

WHEREAS, the City Council recognizes the current Municipal Code lacks the ability to regulate development on hillside areas surrounding the city; and

WHEREAS, the City Council finds that Hillside Development Regulations is an action by the City for the protection and preservation of natural resources of hillside areas and regulates development in hillside areas to protect the environment.

THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES HEREBY ORDAIN AS FOLLOWS:

1. Environmental Determination. The project is exempt from environmental review per CEQA Guidelines under Section 15307, 15308 and 15321 (a).
2. Chapter 11-08 Added. Chapter 11-08 of the Municipal Code, entitled "Hillside Development Regulations" is hereby added to the San Juan Bautista Municipal Code as set forth on the attached nine (6) pages, marked Exhibit "A," and incorporated herein by this reference thereto.
3. Effective Date. This ordinance shall be in full force and effect 30 days after its final passage and adoption.
4. Severability. If any portion of this ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.
5. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted on the internet and in the public place designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Juan Bautista duly held on December 15th, 2015, and was passed and adopted at a regular meeting duly held on January 19, 2016 by the following vote:

AYES: Lund, West, Marforana, Edge

NOES: None

ABSENT: Boch

ABSTAIN: None

Rick Edge, Mayor

ATTEST:

City Clerk Connie Schobert

Exhibit A

Chapter 11-08

HILLSIDE DEVELOPMENT REGULATIONS

Article 1 Hillside Development Regulations

- 11-08-010 Intent
- 11-08-020 Purpose
- 11-08-030 Applicability
- 11-08-040 Interpretation
- 11-08-050 Definitions
- 11-08-060 Design Review
- 11-08-070 Violation and Enforcement
- 11-08-080 Findings
- 11-08-090 Conditions, Indemnification and Bonds

11-08-010 Intent

The purpose of these regulations is to encourage design standards, building construction requirements and development guidelines that will establish a framework for appropriate development to issue a Hillside Development Permit in designated Hillside Overlay Districts. The regulations are intended to achieve design standards and construction requirements that will foster and encourage sustainable development and protect the natural hillside environment consistent with the City of San Juan Bautista's goals, objectives, policies and programs of the General Plan.

11-08-020 Purpose

To maintain the existing rural character; preserve landforms; retain the natural landscape; preserve wildlife habitats; and protect the ridgeline view shed to ensure that development fits with the characteristics, terrain, physical constraints and topographical features of the surrounding area. The regulations will ensure that all constraints of the properties will be evaluated for slope stability, landslide hazard, fire hazards, ridgeline view shed, seismic faults and open space criteria of the General Plan so that appropriate conditions will be applied to mitigate and reduce physical impacts of the hillside areas to the meet purpose of the regulations contained herein.

11-08-030 Applicability

- (A) Except as otherwise provided herein, the provisions of these regulations shall apply to all proposed development in a designated Hillside Overlay District for new residential land uses, new buildings, building additions over 55% of the floor area or any other development that

requires a building permit. It shall also apply to all proposed development in a designated Hillside Overlay District that requires a use permit, conditional use permit, minor land division, major subdivision or any other discretionary approval by either the Planning Commission or City Council. These regulations do not affect any agricultural uses permitted on any agricultural zoned lands or any development approved as part of an adopted specific plan of the General Plan. The following areas will be subject to the regulations of this Ordinance.

1. All locations that have a slope of 20% or greater.
2. All locations within one-half mile of the view shed corridors of Highway 156, Salinas Grade Road, San Juan Canyon Road and San Juan-Hollister Road south of State Highway 156 and Mission Vineyard Road.
3. All locations that are visible from the nearest point along said view shed corridor of State Highway 156 that is one-half mile in either direction from the highway.
4. All lands and properties designated Hillside Overlay District in the San Juan Bautista Municipal Code.

(B) Hillside development regulations serve as a guide to the homeowner, developer, architect, engineer, or builder to assist them in preparing a proposal for development which is listed in Article 1, Section 11-08-030. The City staff and Planning Commission will use these regulations as a guide in reviewing and processing applications for development in Hillside Overlay Districts within the City of San Juan Bautista. The hillside regulations contain both mandatory and discretionary requirements which should be incorporated in the development of proposed projects. The word "shall" denotes mandatory compliance with the regulations and "may" denotes discretionary provisions. All development plans must demonstrate full compliance with the Hillside Development Standards and Guidelines.

11-06-040 Interpretation

All words used in the present tense shall mean the future tense also, and all words in the singular shall include the plural. "Lots" shall mean a site, building pad, building area, development area or building envelope or parcel. Planning Commission shall mean the Planning Commission of the City of San Juan Bautista. City Council shall mean the City Council of the City of San Juan Bautista. Staff shall include the City Planner, Planning Director, City Manager or appointed Planning Consultant.

11-08-050 Definitions

1. Access Road. A vehicular access roadway greater than or equal to 20 feet in width with a minimum of 16 feet of all-weather surfacing such as asphalt, concrete or concrete pavers.
2. Accessory Structure. A detached structure which is incidental to an allowed use of the property but is not a living quarter or habitable, and may include a garage, equipment shed, barn, stable, animal containment pens, sheds or board area.
3. Average Slope. The rate of vertical change of ground surface averaged over the site and expressed in percentage or degrees. The average slope is calculated as follows:

$$S = \frac{0.00229 \ I \ L}{A}$$

A = Area of lot, site, parcel or building envelope
 I = Contour interval in feet
 L = Combined length of all contour lines within the lot, site, parcel or building envelope
 0.00229 the conversion factor for square feet

4. Balance: The excavation or embankment of the site which does not require the export or import of earth materials.
5. Constraints. A factor or factors that restrict development of a site due to environmental hazards or conditions, including seismic designated zones, unstable soils conditions, landslides, streams, creeks, washes, marsh, wetlands, restricted open space zones, habitat areas or flood area.
6. Contour. A line drawn on a plane which connects all points of equal elevation.
7. Contour Grading. A grading concept that results in a natural contoured earth form and resembles natural terrain characteristics.
8. Cut. The excavation of earth or soil material from a specific area or site.
9. Cut and Fill. The excavating of earth material in one place and depositing in another location.
10. Decision Making Body. The Planning Commission or the City Council of the City of San Juan Bautista.
11. Density. The number of dwelling units per acre.
12. Director. The Director of Planning for the City of San Juan Bautista.
13. Driveway. A vehicular access road less than 20 feet in width serving no more than two homes or lots.
14. Emergency Access. An approved secondary access roadway for exclusive use of emergency vehicles.
15. Erosion. The natural process by which soil, rock and earth materials are worn away and removed from one place to another by natural forces such as wind and water.
16. Export. Excess soil material that is removed from a grading operation and deposited off site.
17. Fill. A deposit of earth material placed by artificial means.

18. Finish Grade. The final elevation of ground surface after development and in conformance with the approved plan subject to approved change order if required.
19. Floor Area, Gross. The sum of all enclosed or covered areas of a building measured to the exterior walls, columns or posts.
20. Floor Area Ratio (FAR). The gross floor area of a building or buildings on a lot divided by the gross area of the lot.
21. Grading. The modification of existing ground surface to a designed form by excavation, fill or contouring.
22. Hardscape. All artificially produced impervious surfaces such as concrete, asphalt, pools, sport courts and wooden decks.
23. High Fire Hazard Area (HFHA). The area of the terrain where building or development is considered in the hillside designated overlay zoning district to have a significant exposure and potential for fire damage. The HFHA would be identified by the fire department based upon state standards and criteria.
24. Hillside Lot. A parcel of land with a slope of 20% or greater within the proposed building area or building envelope.
25. Hillside Overlay District. A zoning overlay district that establishes the boundaries of the areas with slopes of 20% or greater within the City limits.
26. Intensity of Development. The amount of development that may be placed on a site as governed by the ratio of the total building square footage and the total gross area of the building envelope of the site.
27. Land Form. The natural slope and contour of the terrain.
28. Least Restricted Development Area (LRDA). The area designated as the least restricted areas on a property where development would have a minimal impact on the natural landscape and environment and slopes are less than 20%.
29. Manmade Slope. A manufactured slope consisting wholly or partially of either cut or fill material.
30. Minimal Grading. A grading operation designed to minimize excavation of embankment. Allows the movement of earth for projects such as individual building foundations, driveways, local roads and yard landscaping.
31. Natural Slope. A slope that is not manmade or altered.
32. Net Lot Area. The area of a lot exclusive of rights of way or ingress-egress easements for public or private uses.
33. Pad. A level area created by grading operations to accommodate development.
34. Planning Commission. The Planning Commission of the City of San Juan Bautista.
35. Remodel. An improvement or alteration to the exterior or interior of a building that requires a building permit.

36. **Ridgeline.** A line connecting the highest points along a hill or mountain range that separates drainage basins. Often referred to as the crest on the hill.
37. **Riparian Corridor.** An area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.
38. **Scar.** A visible cut in a hillside with a slope greater than the natural surrounding slope in which all top soils have been removed and vegetation will be unable to be established after a significant period of time (five years).
39. **Significant Ridgeline.** The elevated portion of the hills and mountains that designate a ridgeline which is visible from over 40% of the residents or citizens of the city.
40. **Site Analysis.** A process where an applicant, owner or builder meets with staff before the development plans are processed. The meeting will address and identify the site constraints and conceptual design plans.
41. **Slope.** A mathematical expression of an inclined ground surface which is expressed as a ratio of vertical (rise) in elevation over a horizontal distance (run) in length divided by 100.
42. **Slope Density Formula.** The size of lots allowed in a new development based on a formula that increases the minimum lot size allowed as the slope of the site increases.
43. **Slope Transition.** The area where a slope bank meets the natural terrain or a level graded area either vertically or horizontally.
44. **Viewing Area.** Any public road/highway that adjoins the property line or the lot being developed.
45. **View Shed.** The visible sight from a road or highway which is within one-half mile of the exterior boundary of the parcel, lots or area that will be considered for development in the hillside overlay district.

11-08-060 Design Review

1. All development in the Hillside Overlay District shall submit a pre-application request for a meeting with staff to assess the site, lot, parcel, site constraints, view shed, visual impacts, wildlife habitat, vegetation, fire hazard, seismic geological hazard, geotechnical conditions or ridgeline development and all other constraints identified and contained in these regulations.
2. After the pre-application meeting, the applicant can submit a Hillside Site Development Permit Application for consideration, with Plans, as follows:
 - a. A site grading plan showing the location of proposed structures in relationship to balancing the grading elevations, vista view shed impacts and mitigation measures or improvements to minimize the impacts. All proposed development on or near a ridgeline shall provide a cross section elevation, drawn to appropriate scale, that shows the location of the building structures, height of the highest

roof ridgeline, the highest elevation of the natural ridgeline, finish pad elevation, cut slopes, fill slopes, all retaining walls, gravity walls and proposed tree landscaping to soften the view shed from the view area of streets, road or highway within one-half mile of the proposed site.

- b. A site preliminary landscaping plan to mitigate the visual impact of the structures in relation to the view shed.
 - c. A color palette of the natural color selections of all buildings, structures, barns, or detached garages that will blend with the surrounding terrain and vegetation.
 - d. Exterior elevation of the primary structure showing architectural design, roof pitch, roof material, wall texture type and colors that will be consistent with surrounding environmental features and terrain.
3. All application plans shall be prepared by a qualified engineer or building designer with illustrations of proposed improvements on a plan that is no less than 24" in width and 36" in length. Plans shall be drawn to scale and contain a vicinity map, legend, contours, tree locations, driveways, access roads and all other features necessary to demonstrate the project intent and design. Plans shall show the amount of excavation and embankment proposed in cubic yards, the property owner, developer, builder and the assessor parcel number. Plans shall show the zoning designation, general plan designation and if the property is within a Land Conservation Act (LCA) contract.
 4. The applicant shall submit three full size copies of the Plans and an 11" x 17" reduced set of plans for processing.
 5. The Plans shall be accompanied with a geotechnical report and other technical report or documents addressing the constraints identified in the pre-application process.
 6. Once the Plans have been submitted and accepted as complete, the planning staff shall schedule the application for review and consideration by the Planning Commission at a public hearing. Upon approval, the applicant will be issued a Hillside Development Permit for all work. If the project is approved during the winter period, the applicant shall be required to submit an erosion control plan and post a performance bond for all work done during the period between October 15 and March 15. In addition, the applicant shall comply with provisions of the Storm Water Prevention Protection Plan (SWPPP) regulations.

11-08-070 Violation and Enforcement.

It shall be unlawful to construct or remodel any building located within a Hillside Overlay District without first obtaining a Hillside Development Permit pursuant to these Hillside Regulations. Any construction or remodeling contrary to the provisions of these Hillside Regulations is unlawful and deemed a public

nuisance and shall be abated, eliminated and enjoined as provided in Title 13, Violation of Chapter 13-1 Enforcement.

11-08-080 Findings.

The Planning Commission shall conduct a public hearing on all applications for Hillside Development Permits and make the following findings for approval of said permits.

1. That the regulation is consistent with the goals, objectives and policies of the General Plan and design standards of the San Juan Bautista Municipal Code.
2. That the regulations are necessary and desirable in relation to the purposes and intent of requiring development standards in hillside areas with slopes of 20% or greater to retain and enhance the City's rural atmosphere and protect the natural environment.
3. That the regulations are necessary to protect the view sheds of the hillside areas along the scenic corridor of Highway 156 and other rural streets and roads.
4. That the regulations will encourage sustainable development in hillside areas that will protect and preserve natural features of the area.
5. That the regulations will establish review and evaluation procedures of physical constraints on the hillside areas to require construction standards that will protect and mitigate impacts to the surrounding areas.
6. That the regulations will not adversely affect the health or safety of properties or persons living in and around the hillside area, and not be detrimental to the public welfare of the City and its residents.

11-08-090 Conditions, Indemnification and Bonds.

1. The Hillside Development Regulations shall establish conditions with the approval of all Hillside Development Permits that will meet the standards of development in hillside areas in accordance with the provisions contained within these regulations.
2. The approval of a Hillside Development Permit shall require the applicant, developer or property owner to enter into a hold harmless agreement with the City for all construction work of the permitted project.
3. The approval of a Hillside Development Permit for all construction work between October 15th and March 15th shall be required and will provide an erosion control plan and a performance bond submitted in accordance with Section 11-08-060 (6) of these regulations.