

## CHAPTER 22.33

### HILLSIDE DEVELOPMENT REGULATIONS

#### 22.33.010 Hillside Development Regulations--Purpose.

The hills of Martinez are a highly valued natural feature of the community. The Martinez General Plan recognizes the intrinsic value and sensitive nature of the hills and sets as policies and goals the preservation of the hills from overbuilding and visually intrusive development. It is the intent of this chapter to implement the aims of the General Plan Land Use Element, Hill Residential Areas and the Environmental Goals and Policies of the Open Space Element, by:

1. Relating the intensity of development to the limitations imposed by topography, hydrology and geology and avoiding development in areas prone to erosion, flooding and landsliding; and
2. Ensuring that the level of development is consistent with the level of services which reasonably can be provided in hill areas; and
3. Preserving the natural features, environmental quality and scenic character of the hills while providing creative, innovative and safe residential development with a variety of housing types.

The provisions of this chapter shall apply to any form of residential development including all sites to be developed as a subdivision or as a planned unit development on properties with any areas of 10% and/or above slope as shown on the Slope Analysis or Seismic and Geologic Hazards Maps of the Open Space, Conservation, Seismic Safety, Scenic Roadway Element of the General Plan or as determined by a slope and hazard area map as described in Section 22.33.020. (Ord. 1211 C.S. § II, 1994)

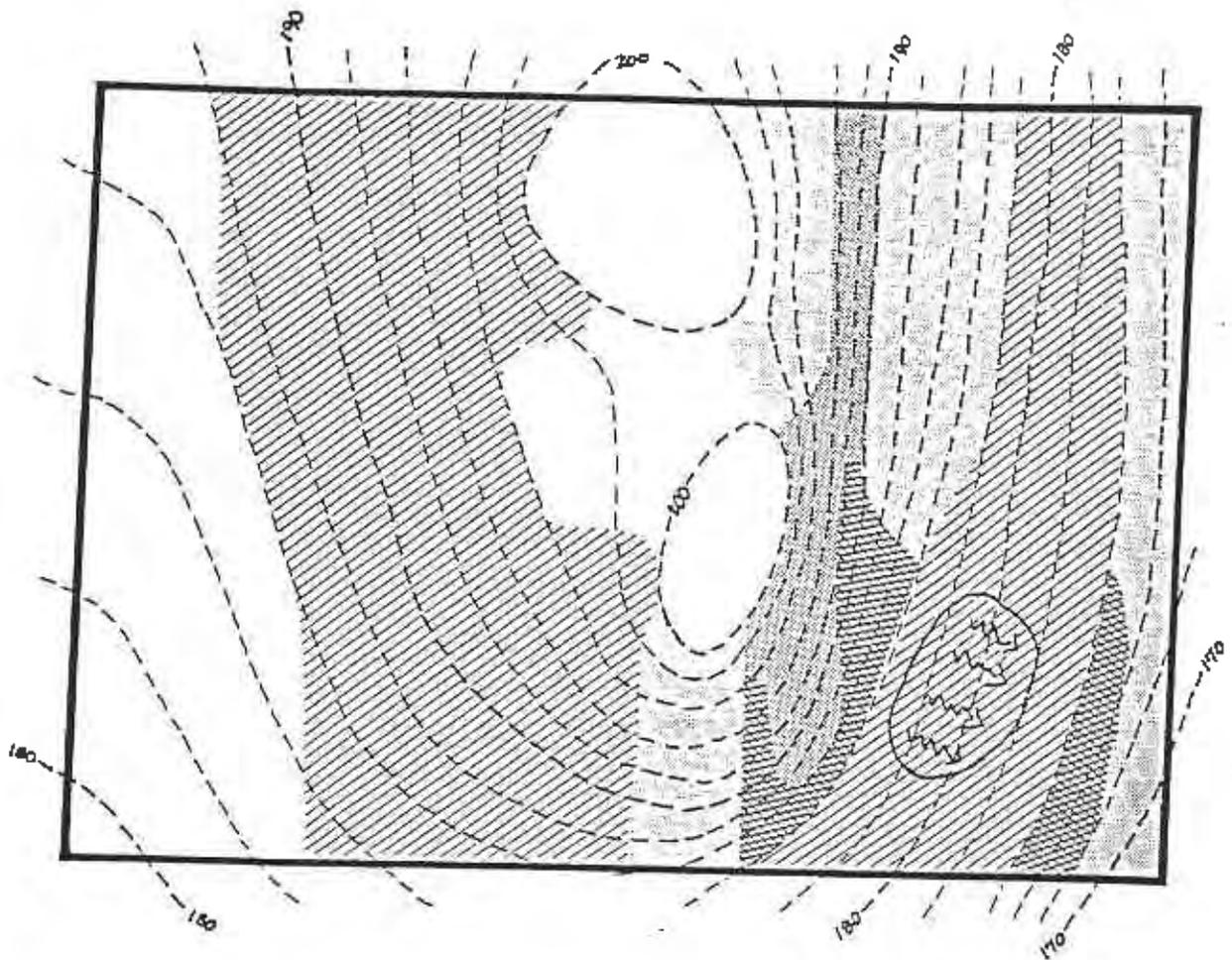
### 22.33.020 Maximum Allowable Density Calculations.

The maximum allowable density of residential units on properties governed by these sections is calculated by using a slope and hazard area map and the following Table No. 1. The maximum allowable density shall only be permitted where the property design standards set forth in section 22.33.040 of this chapter are met; provided however that the City may determine that a lower density is required to meet the findings, objectives and other criteria as established in this chapter or that a lower density is required due to the topography, hydrology, geology and/or other physical limitations.

As part of a complete application for development of property governed by this chapter, the applicant shall submit a slope and hazard area map of the site upon which development is proposed at a minimum scale of 1 inch per 100 feet, with a minimum contour interval of 10 feet. Percent slope shall be shown on the map as described in the following information. Percent slope is determined by dividing the change in elevation between contours by the horizontal distance between the respective contours. The map shall show site areas of slope in the categories of 1-10 percent, 10.01-15 percent, 15.01-20 percent, 20.01-30 percent and over 30 percent. The map shall also show Hazardous Areas as discussed in Section 22.33.030C. A tabulation of the site area in acres in each of these slope range categories shall be included.

See the following sample, Figure 1 which shall be used in showing the information required by this section. Use the following Table No.1 to find the maximum allowable density. Take each category and move horizontally to the number listed under the zoning designation of the property. This is the maximum number of units per acre allowed in the corresponding zone designation. Multiply this number by the acres of the site (as shown on the map) in this category. Do this for each category. Add up the total allowed in each category for the maximum allowable density. (Ord. 1211 C.S. § II, 1994)

# SAMPLE SLOPE AND HAZARD AREA MAP



| Category  | Area<br>sq.ft. | Area<br>acres | Maximum<br>Units per Acre<br>R-6 Zoning | Maximum<br>Allowable<br>Units |
|---|----------------|---------------|---|-------------------------------|
|  .00 - 10%     | 24,626         | .57           | 7.3                                     | 4.16                          |
|  10.01 - 15%   | 36,568         | .83           | 1.3                                     | 1.08                          |
|  15.01 - 20%   | 11,578         | .27           | 0.8                                     | .22                           |
|  20.01 - 30%   | 3,372          | .08           | 0.6                                     | .05                           |
|  30.01% & over | 3,398          | .08           | 0.0                                     | .00                           |
|  Hazard Area   | 1,699          | .04           | 0.0                                     | <u>.00</u>                    |
|   |                |               |   | 5.51                          |

## Figure 1

TABLE OF ALLOWABLE DENSITY (MAXIMUM UNITS PER GROSS ACRE)

| Site Category | Zoning Districts |       |       |       |       |      |      |      |      |      |       |
|---------------|------------------|-------|-------|-------|-------|------|------|------|------|------|-------|
|               | R-1.5            | R-2.5 | R-3.5 | R-6.0 | R-7.5 | R-10 | R-15 | R-20 | R-40 | R-80 | R-100 |
| 0-10%         | 29.0             | 17.4  | 12.4  | 7.3   | 5.8   | 4.3  | 2.9  | 2.0  | 1.0  | 0.5  | 0.4   |
| 10-15%        | 4.3              | 2.6   | 2.3   | 1.3   | 1.3   | 1.3  | 0.8  | 0.5  | 0.3  | 0.15 | 0.12  |
| 15-20%        | 0.9              | 0.9   | 0.9   | 0.8   | 0.8   | 0.8  | 0.8  | 0.5  | 0.3  | 0.15 | 0.12  |
| 20-30%        | 0.6              | 0.6   | 0.6   | 0.6   | 0.6   | 0.6  | 0.6  | 0.5  | 0.3  | 0.15 | 0.12  |
| 30% & over    | 0                | 0     | 0     | 0     | 0     | 0    | 0    | 0    | 0    | 0    | 0     |
| Hazard areas  | 0                | 0     | 0     | 0     | 0     | 0    | 0    | 0    | 0    | 0    | 0     |

TABLE NO. 1

(Ord. 1211 C.S. § II, 1994)

**22.33.030 Density Calculations -- Exemptions, Exclusions, Conditions.**

- A. These regulations are not intended to preclude development on any lawfully existing parcels. A parcel of land, lawfully in existence on March 19, 1975, shall be exempted only from the hillside development calculations set forth in Chapter 22.33, when proposed for only one dwelling unit. Notwithstanding anything to the contrary stated herein, such parcel will still be required to meet the Development Standards, set forth in Section 22.33.040, and the Maximum Floor Area Ratio Standards for Hillside Lots, set forth in section 22.33.060 of this chapter.
- B. Construction in areas of over 30% slope requires such extreme alteration of the topography as to severely and unalterably depreciate the scenic quality of the natural landform. Therefore, except as provided below, site areas of greater than 30% slope shall be excluded from development. These areas shall not be developed, except as follows:
  - 1. On an existing lot of record development of only one single family house is permitted on slopes of greater than 30% as long as there is no building site for that house on 30% or under slope.

4/7

2. Roads connecting development areas may pass over areas of over 10% slope, only where such roads cannot be located on 30% or less slopes and such roads are approved by the Planning Commission. Grading shall be limited to that necessary for the road or the minimum amount which will create the most natural appearing contours.
  3. In either case (B.1. and B.2.), development shall only be allowed if it can be demonstrated that significant alteration of the topography will be minimized and that hazards to public safety will not be incurred.
- C. All land areas, regardless of slope, which are hazardous to life and/or property due to soils, geological, seismic or hydrological factors shall be excluded for the purposes of calculating the permitted density of development. Repair of these areas shall not allow them to be counted in the maximum density calculation. Any area of the site which has been excluded from density calculations under this subsection C shall be precluded from further development by a scenic easement, dedication of open space, deed of development rights, or other appropriate method approved by the City.
- D. No development shall be approved on a visually significant hillside or ridgeline as depicted on the Visual Environment Map in the Open Space Conservation Element of the General Plan. An exception may be granted by the Planning Commission if it makes all the following findings:
1. Due to the application of this chapter and specifically this subsection D, a structure could not otherwise be constructed on the parcel;
  2. Development is designed to take place as far beneath the visually significant ridge as practicable or in the least visible portion of the visible hillside; and
  3. The proposed siting, grading, landscaping and architecture are such that the development will not conflict with the standards set forth in section 22.33.040.  
(Ord. 1211 C.S. § II, 1994)

#### 22.33.040 Development Standards.

- A. The proposed grading of the property shall be designed to minimize disruption of the natural topography. Grading shall be limited to roads, driveways, garage pads, cuts under the house and cuts on the uphill side of the house which are screened from public view by the house or existing vegetation

or as required by sight distance requirements, drainage, and slope stability purposes. All grading shall be designed in such a manner that it presents a finished look of rounded slopes. All exposed graded areas shall be hydroseeded/re-landscaped to minimize erosion. All proposed roads shall follow contour lines, where feasible, to minimize grading.

- B. Areas of slope instability due to slides, drainage or other geologic hazards shall not be developed. Where these conditions cannot be mitigated by locating development away from the hazard, they shall be repaired as required for the protection of public safety.
- C. The proposed development shall preserve the appearance of scenic ridgelines and protect natural features on the site in their natural state such as trees, creeks, riparian corridors, stock ponds, hill slopes, knolls, ridgelines, outcroppings and natural habitat areas. Natural features of the site such as trees and rock or land formations shall be used to reduce the development's visibility.
- D. The proposed development shall maintain a high quality residential design while reflecting any existing residential patterns and character. It shall minimize the impact of new residential development, to the extent feasible, upon existing residents' views and minimize shadows on adjacent properties. The design of the homes including massing, roof lines, exterior materials, colors, and decking shall be designed to complement the terrain.
- E. The minimum lot area shall not be less than that prescribed by the applicable land use district. However, the required lot areas may be increased above the minimum when the Planning Commission finds that it is necessary to do so because of the physical terrain in order to ensure that there will be a suitable building site for the approved use. In determining whether it is necessary to increase the lot area, the reviewing body shall apply the standards set forth in this section.
- F. Open space lands within the proposed development shall be left in private ownership with scenic easements restricting development unless public ownership or access is desirable or necessary.
- G. The character of the natural setting shall be enhanced with natural landscape designs emphasizing native species and retaining existing vegetation. Plant species shall be selected which are drought tolerant and minimize erosion and fire hazard risks to persons and property. (Ord. 1211 C.S. § II, 1994)

**22.33.050 Maximum Floor Area Ratio for Existing Hillside Lots.**

- A. This regulation is included in this Chapter to limit the size of structures on substandard size hillside lots and to encourage the consolidation of substandard size hillside lots into larger building sites and encourage compatibility with existing homes in the neighborhood, terrain and lot size.
- B. Where the natural slope of the site under the proposed structure exceeds 20% and the site area is substandard in terms of current zoning and/or slope density site area requirements (Section 22.12.150), a maximum floor area ratio (FAR) of .30 shall be allowed for all structures on the site.
- C. To calculate the allowable floor area for a site subject to FAR regulation, the site area is multiplied by the FAR. The resulting floor area is the maximum gross floor area allowable on the site except in the following instances:
  1. The floor area of a garage or carport shall be allowed in addition to the maximum floor area resulting from the FAR.
  2. On a site situated between substandard size sites improved with buildings, the maximum FAR shall be the average FAR on the improved sites adjoining the sidelines of the site, or that of paragraph B above (whichever is greater).
  3. Where a site is not situated between substandard size sites improved with buildings and where substandard size sites comprising 40% of the frontage on a block are improved with buildings, the maximum FAR shall be the average of the FAR's of existing substandard size sites in the block or that of paragraph B above (whichever is greater).
  4. The Planning Commission may consider requests for additional floor area beyond that permitted under this section by use permit (Section 22.40 et seq.). (Ord. 1211 C.S. § II, 1994; Ord. 1100 C.S. § II, 1987.)

**22.33.060 Definitions**

- A. "Substandard Size Hillside Lot" means an existing lot which does not meet the site area requirements of the current zoning and/or hillside density calculations set forth in this Chapter.
- B. "Visually Significant Hillside or Ridgeline" means topographical features which dominate the visual field from both near and far views as shown on the Visual Environmental Map of the Open Space, Conservation, Seismic Safety, Scenic Roadways Element of the Martinez General Plan. (Ord. 1211 C.S. § II, 1994)