

## **RESOLUTION NO. 18-08**

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE FOR ZONE TEXT AMENDMENT #ZTA 18-02, UPDATING THE ZONING ORDINANCE AS RELATED TO CERTAIN PAVING STANDARDS IN RESIDENTIAL ZONES.**

**WHEREAS**, the City Council of the City of Hercules recognizes the potentially adverse impacts to the environment, public safety, and neighborhood character caused by excessive paving of residential properties for parking and other secondary purposes; and

**WHEREAS**, there is a need to adopt regulations to avoid adverse impacts of excessive paving, including affecting property values, creating problems with run-off and storm water, and visual blight and safety hazards, and to ensure minimum landscaping standards in single-family residential neighborhoods; and

**WHEREAS**, the Project would amend sections of the Hercules Zoning Ordinance, in substantially the same form as attached herewith; and

**WHEREAS**, it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment and is thus categorically exempt from the California Environmental Quality Act ("CEQA") [State CEQA Guidelines Section 15061(b)(3)]; and

**WHEREAS**, the City Council at its regular meetings on January 23 and February 13, 2018, directed staff to prepare and present for Planning Commission consideration and recommendation a set of zoning regulations to address Council's concerns related to residential paving and parking; and

**WHEREAS**, the Planning Commission did hold on February 20, 2018 and on April 16, 2018, properly noticed public hearings to consider staff's suggested Zoning Text Amendments, and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth;

### **NOW, THEREFORE, BE IT RESOLVED:**

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Planning Commission, based on its independent judgment and analysis, finds that there is no substantial evidence that the project will have no significant effect on the environment based on the whole record before it.
3. After due study, deliberation, and public hearing, the Planning Commission finds and determines that the Project is in the public interest and that the Zoning Ordinance as so amended (per Exhibit A) will remain internally consistent and will maintain the integrity and compatibility of its policy statements.
4. The Planning Commission finds these new policies to be a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the City.
5. The Planning Commission recommends that the City Council approve an Ordinance approving and adopting Zone Text Amendment ZTA 18-02 updating the Zoning Ordinance related to residential paving per the attached document (Exhibit A).

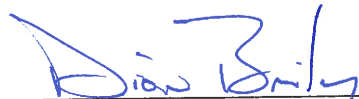
**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF HERCULES** on this 16<sup>th</sup> day of April 2018, by the following votes:

**AYES:** Tolley, Galieva, Morrison, Rubio, Bailey

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

  
Dion Bailey, Chairperson

**ATTEST:**

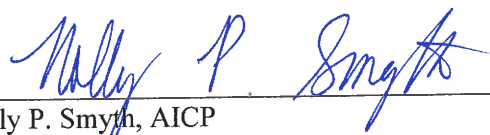
  
Holly P. Smyth, AICP  
Planning Director & Planning Commission Secretary

Exhibit A - Proposed Modification to Hercules Municipal Code (Zone Text Amendment 18-02)

## Exhibit A

### Proposed Modifications to Hercules Municipal Code (Zone Text Amendment 18-02)

In addition to creating a new section to contain paving requirements, it is recommended that several existing sections of the Zoning Regulations be amended to conform to or otherwise clarify the new paving requirements as follows:

Section 1: Creation of new Zoning Ordinance Section 30.750 to establish paving regulations.

Section 2: Amend existing Section 5.700 to reference paving permits (See highlighted portion).

Section 3: Add New Figure X-X to illustrate paving and hardscape requirements.

Section 4: Add new definitions to Zoning Ordinance.

Section 1: Creation of new Zoning Ordinance Section 30.750 to establish paving regulations:

#### **30.750 Paving Within Residential Front, Rear, and Side Yard Areas**

The requirements specified in this Section are intended to preserve the residential character of streetscapes in the city's neighborhoods and minimize excess storm water runoff. The unregulated expansion of paved parking areas in front, rear, and side yards interferes with the pattern of building and open areas within neighborhoods, and can increase vehicle clutter by creating small parking lots in yard areas which are intended to remain as open areas.

Excessive paving of yard areas can negatively impact the character and appearance of residential areas. Paving yard areas to add additional parking can result in the proliferation of curb cuts that can have the effect of reducing the number of on-street parking spaces available.

1. The paving requirements in this section shall apply to all residential properties and lots.
2. New paving and hardscape areas (e.g., walkways, patios, etc.) that exceed 120 square feet in total area shall require a Paving Permit issued in compliance with Chapter 5.700 (Zoning Clearance Procedure).
3. The Planning Director shall hear and decide requests for reasonable accommodation as well as unique circumstances of flag lots, cul de sacs, or corner lots which make strict compliance with the requirements of this section impractical.
4. Within six months of final passage of this ordinance, staff shall promulgate administrative guidelines and regulations further defining what types of surfaces and materials are permissible for landscaping, paving, driveways, and walkways consistent with this Article.

#### A. Front Yards.

- 1) Driveways. The amount of allowable paving for driveways shall not exceed 35 percent of the total front yard area. "Front yard" is defined as the yard area forward of the primary structure as illustrated in Figure X-X (Limits on Paving and Hardscaping for Residential Front, Rear, and Side Yards).

2) Walkways and other Hardscape. The amount of paved walkways and hardscape shall not exceed 25 percent of the front yard area. See Figure 35.751 (Limits on Paving and Hardscaping for Residential Front, Rear, and Side Yards).

3) Landscaping minimums. For all residential properties, a minimum of 40 percent of the front yard area shall consist of a permeable landscaped area, excluding pavers, bricks, and other hard surfaces, even if permeable.

B. Rear and Side Yards.

1) The total amount of paved surface in the rear and side yard combined for driveways, walkways, and hardscape combined shall not exceed 60 percent of the total rear yard area. "Rear and Side yard" are defined as the yard area behind the front portion of the primary structure as illustrated in Figure 35.751 (Limits on Paving and Hardscaping for Residential Front, Rear, and Side Yards).

2) Landscaping minimums. For all residential properties and lots, a minimum of 40 percent of the required rear and side yard combined area shall consist of a permeable landscaped area, excluding pavers, bricks, and other hard surfaces, even if permeable.

4) Storm Water Runoff Limitations.

Impermeable surfacing may not exceed the storm water runoff design for the parcel or lot, and must not cause runoff to affect adjacent property. Applicants in the RS-L Residential Zone shall be required to submit to the City Engineer calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval when the impermeable surfacing, including all structures, would be greater than 47% of the entire lot. For all other residential zones, the City Engineer shall require applicants to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval based on administrative regulations promulgated by staff to address storm water runoff in zones other than RS-L. The administrative regulations required to be promulgated pursuant to this subsection shall be established within one year of final passage of this ordinance and updated thereafter as circumstances require.

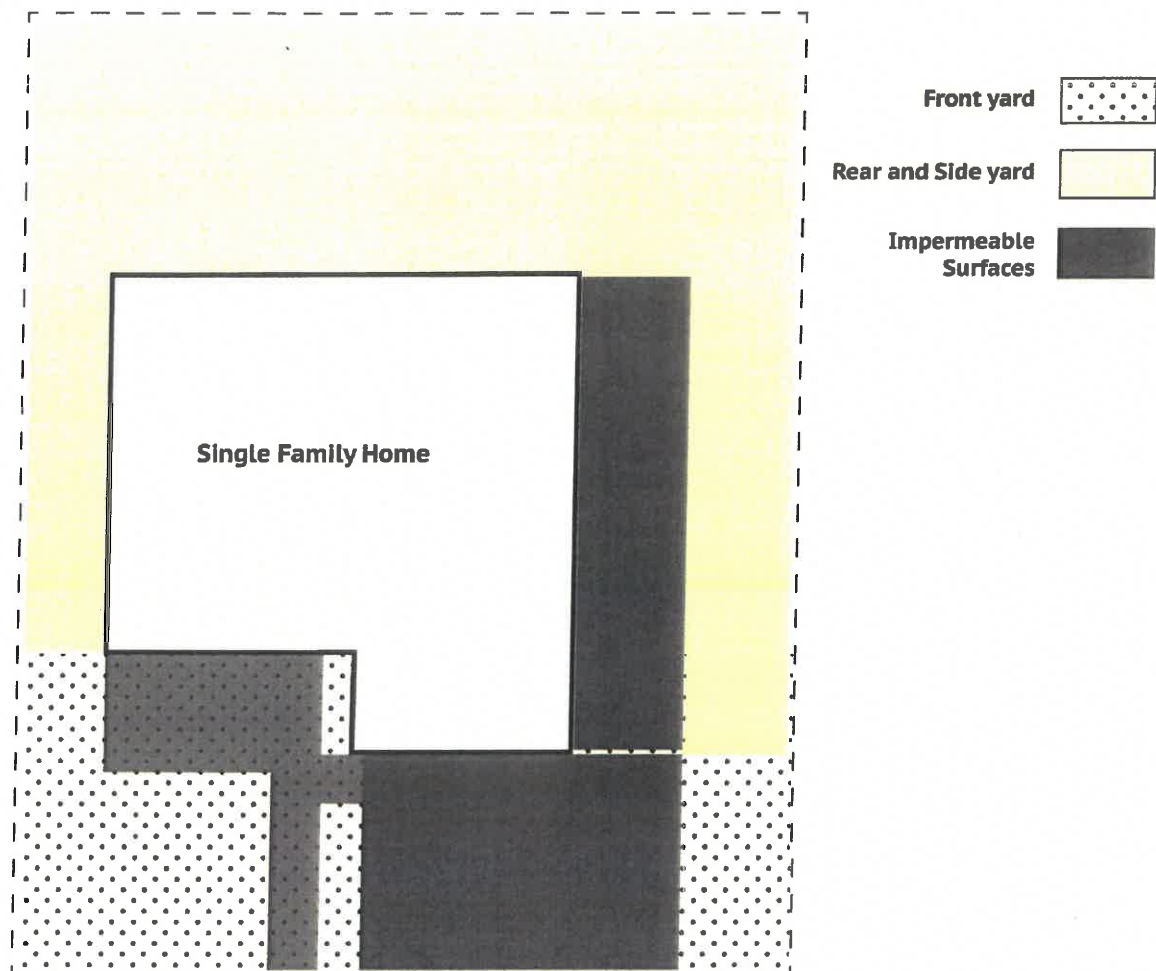
Section 2: Amend existing Section 5.700 to reference paving permits (See highlighted portion):

### **5.700 Zoning Clearance Procedure**

Zoning clearance shall be implemented through use permit application, development plan and design review. The primary goal of the administrative use permit is to provide a review and record keeping mechanism for development and uses within the City in addition to setting forth time periods and minor conditions of approval. Where a particular kind of development does not require a use permit of any kind such as limited accessory structures in some districts, zoning clearance will be met through review of any required building or paving permits. All building permits will be reviewed by the Community Development Director or Chief Building Official to verify that appropriate property regulations, performance standards and conditions of approval are met. A certificate of occupancy is not to be issued until such verification is recorded following the final building permit site inspection.

Section 3. Add New Figure 35.751 to illustrate paving and hardscape requirements:

Figure 35.751 (Limits on Paving and Hardscaping for Residential Front, Rear, and Side Yards)



Section 4. Add new definitions to Zoning Ordinance.

## **60.200 Definitions**

Front yard area: The yard area forward of the primary structure. See Figure 35.751.

Rear and Side yard areas: The yard area behind the front portion of the primary structure. See Figure 35.751.

Landscaped area: A permeable area that is permanently devoted to and maintained for the growing of shrubbery, grass, trees, and other plant material or by the use of such material as bark, crushed stone, lava rock, or similar materials to present an attractive, well-kept appearance (with permeable weed barrier); does not include hard surfaces such as brick, pavers, concrete, asphalt, or similar materials, regardless of permeability.

Hardscape Area: Includes semi-permeable and permeable surfaces such as pavers or concrete, but does not allow for asphalt paving (single family residential lots have maximum standards in Section 30.750).

