



STAFF REPORT TO THE PLANNING COMMISSION

April 16, 2018

TO: Members of the Planning Commission

SUBMITTED BY: Holly Smyth, AICP Planning Director
Elaine Hsieh, Planning Intern
Robert Reber, Adjunct Planner
Patrick Tang, City Attorney

SUBJECT: Consider Approving Resolution #18-08 Recommending the City Council Adopt an Ordinance for proposed Zone Text Amendment #ZTA 18-02 Related to Establishing Restrictions on Paving of Residential Lots

RECOMMENDATION:

Receive report, open public hearing, discuss potential changes to #ZTA 18-02, and consider approving Resolution #18-08 recommending that the City Council adopt an Ordinance with the proposed Zone Text Amendment #ZTA 18-02.

DISCUSSION:

At its regular meeting on December 12, 2017, the City Council directed staff to schedule for discussion concerns regarding the paving of yards on residential lots, as solid surfaces in place of landscaping can affect property values, create excess run-off, and lead to visual blight and safety hazards. At its January 23, 2018 regular meeting, City staff reported to the City Council that the Hercules Zoning Ordinance does not have specific requirements regulating the paving of yards on residential lots and recommended the adoption of regulations to more specifically address the paving of yards. At the regular City Council meeting of February 13, 2018, the City Council directed staff to prepare draft regulations regarding the paving of yards on residential lots to be considered by the Planning Commission at its February 20, 2018 meeting.

At the Planning Commission meeting of February 20, 2018, the discussion revolved around defining terms such as "permeable" and "hardscape," placing a percentage limitation on the rear yard area, and the effects of runoff on adjacent property. The Commission directed that further discussion of this topic be continued to the March 19, 2018 meeting. Planning Commission meeting on March 19, 2018 was cancelled due to improper upload of meeting agenda to public.

The attached zone text amendment would revise the Hercules Zoning Ordinance in response to City Council and Planning Commission concerns about the potential damaging effects paving large portions of properties has on runoff and neighborhood character within residential neighborhoods.

In summary, the proposed attached modifications would:

- 1) Amend Section 5.700 Zoning Clearance Procedure, to add reference to paving permits.
- 2) Add proposed Section 30.750 “Paving Within Residential Front, Rear and Side Yard Areas” to clarify the maximum paved areas allowed on residential property for driveways, walkways and other hardscapes, including landscape minimums.
- 3) Add figure X-X to illustrate front yard areas and rear and side yard areas, and impermeable surfaces.
- 4) Add performance standards related to runoff control, subject to City Engineer evaluation and approval.
- 5) Amend the Zoning Ordinance definitions Section 60.200 to include definitions for “Front yard area”, “Rear and Side yard areas”, “Landscaped Area” and “Hardscape Area.”

ATTACHMENTS:

Attachment 1: Draft Resolution # 18-08 recommending that City Council adopt Zone Text Amendment #ZTA 18-02 Paving Policy

Exhibit A: Proposed Modifications to HMC – Zone Text Amendment #ZTA 18-02

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 16th day of April 2018, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

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.

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 X-X (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 X-X (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 have the discretion to require applicants to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval

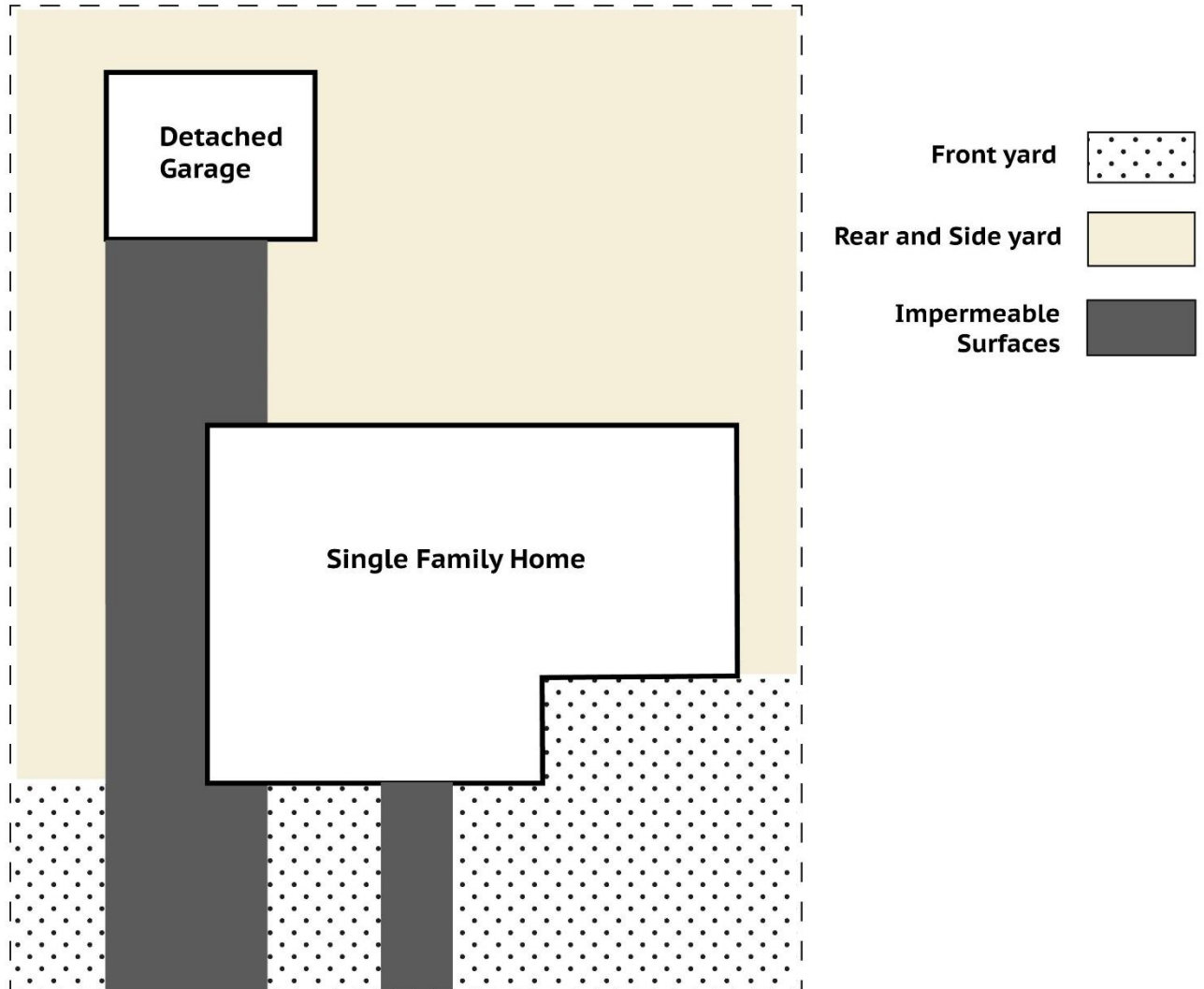
Section 2: Amend existing Section 5.700 to reference paving permits (See highlighted portion):

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 X-X to illustrate paving and hardscape requirements:

Figure X-X (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 X-X.

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

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).

Paving Ordinance

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



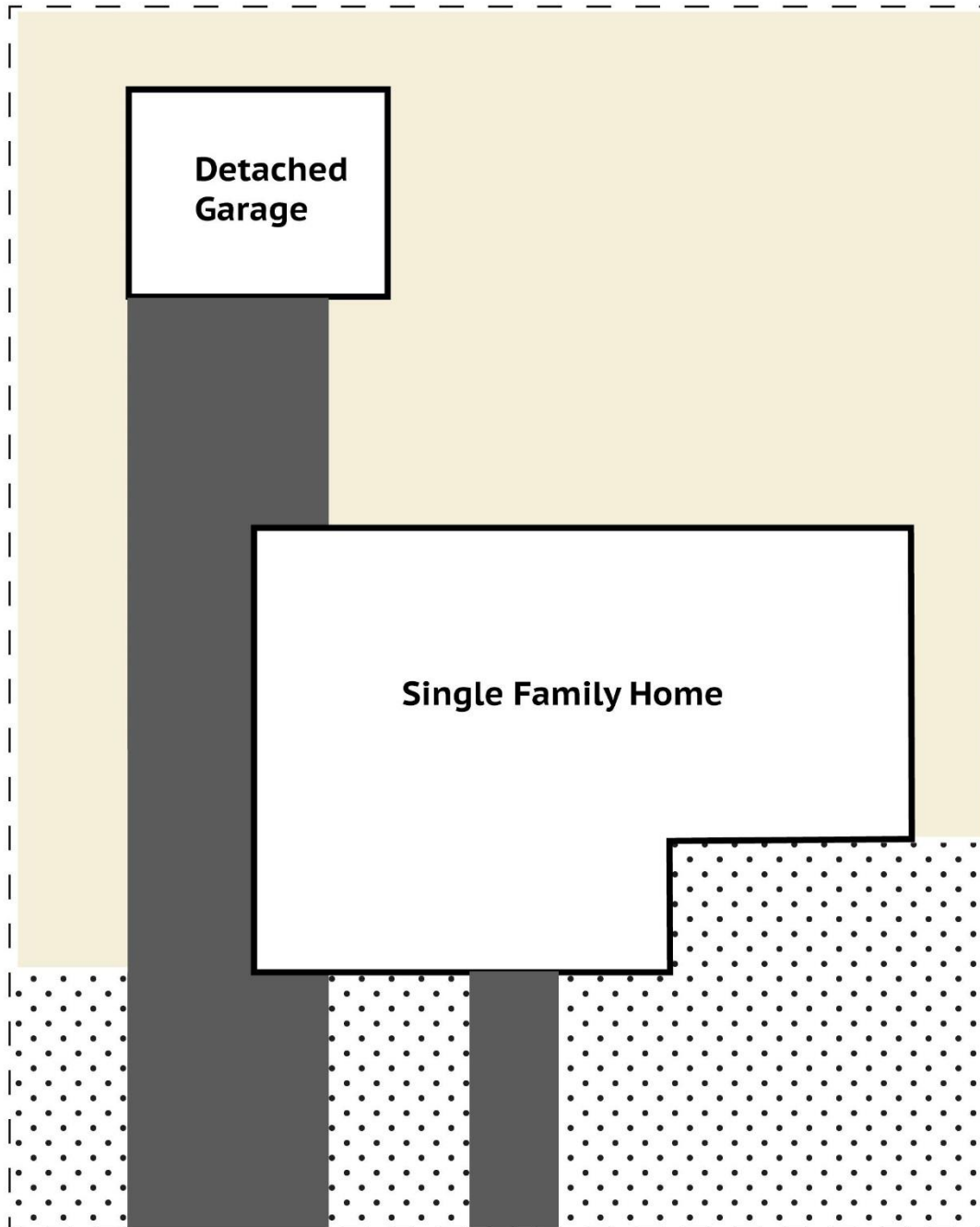


Cul de sacs

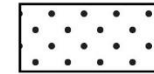




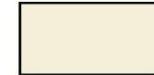




Front yard



Rear and Side yard



Impermeable
Surfaces





STAFF REPORT TO THE PLANNING COMMISSION

March 19, 2018

TO: Members of the Planning Commission

SUBMITTED BY: Holly Smyth, AICP Planning Director
Elaine Hsieh, Planning Intern
Robert Reber, Adjunct Planner

SUBJECT: Consider Approving Resolution #18-04 Recommending the City Council Adopt an Ordinance for proposed Zone Text Amendment #ZTA 18-02 Related to Establishing Restrictions on Paving of Front and Rear Yards of Residential Lots

RECOMMENDATION:

Receive report, open public hearing, discuss potential changes to #ZTA 18-02, and consider approving Resolution #18-04 recommending that the City Council adopt an Ordinance with the proposed Zone Text Amendment #ZTA 18-02.

DISCUSSION:

At its regular meeting on December 12, 2017, the City Council directed staff to schedule for discussion concerns regarding the paving of yards on residential lots, as solid surfaces in place of landscaping can affect property values, create excess run-off, and lead to visual blight and safety hazards.

At its January 23, 2018 regular meeting, City staff reported to the City Council that the Hercules Zoning Ordinance does not have specific requirements regulating the paving of yards on residential lots and recommended the adoption of regulations to more specifically address the paving of yards. Council directed staff to prepare an ordinance for Planning Commission and Council consideration to regulate the paving of yards on residential lots.

At the regular City Council meeting of February 13, 2018, the City Council directed staff to prepare draft regulations to be considered by the Planning Commission at its February 20, 2018 meeting.

At the Planning Commission meeting of February 20, 2018, the discussion revolved around defining terms such as "permeable" and "hardscape," placing a percentage limitation on the rear yard area, and the effects of runoff on adjacent property. The Commission directed that further discussion of this topic be continued to the March 19, 2018 meeting.

The attached zone text amendment would revise the Hercules Zoning Ordinance in response to City Council and Planning Commission concerns about the potential damaging effects paving large portions of properties has on runoff and neighborhood character within residential neighborhoods.

In summary, the proposed attached modifications would:

- 1) Amend Section 5.700 Zoning Clearance Procedure, to add reference to paving permits.
- 2) Add proposed Section 30.750 “Paving Within Residential Front and Rear Yard Areas” to clarify the maximum paved areas allowed on residential property for driveways, walkways and other hardscapes, including landscape minimums.
- 3) Amend Residential District Development Tables 6.2 and 15.2 to reference the paving restrictions in section 30.750.
- 4) Add figure X-X to illustrate front yard areas and rear yard areas, and non-permeable surfaces.
- 5) Add performance standards related to runoff control, subject to City Engineer evaluation and approval.
- 6) Amend the Zoning Ordinance definitions Section 60.200 to include definitions for “Front yard area”, “Rear yard area”, “Landscaped Area” and “Hardscape Area.”

ATTACHMENTS:

- Attachment 1: Draft Resolution # 18-04 recommending that City Council adopt Zone Text Amendment 18-02 Paving Policy
- Attachment 2: Exhibit A to Resolution #18-04 – Zone Text Amendment #ZTA 18-02

Exhibit A

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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:

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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: Amend Residential District Development Tables 6.2 and 15.2 (see highlighted portions).

Section 4. Add New Figure X-X to illustrate paving and hardscape requirements.

Section 5. Add new definitions to Zoning Ordinance.

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

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 permits 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.

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Table 6.2 Property Development Regulations: Residential District

RS-E RS-L RM-L RM-MRM-H See Also

Site Area (acres) 3 5 15

Density (Units/Acre)					
Range	1 to 2 ⁽¹⁾	2 to 7	up to 12	12 to 30	30 to 55
Midrange		9	20	42	
Lot Size (sq ft)	1/2 acre ⁽¹⁾	6,000 ⁽²⁾	3,000 ^(2,3)	3,000 ⁽²⁾	3,000 ⁽²⁾
Lot Frontage (ft)	45	30	[200 for multi-family, 30 for other]		
Lot Depth (ft)	200 ⁽⁴⁾	100	[200 for multi-family, 80 for other]		
Lot Width (ft)	100	60 ⁽⁵⁾	[200 for multi-family, 35 ⁽⁵⁾ for other]		
Setbacks					
Front (ft)	20	20	15	15	15
Rear (ft)	25	15	15	15	15
Side (ft)	15	5	15 ⁽⁶⁾	15 ⁽⁶⁾	15 ⁽⁶⁾
Corner Side (ft)	20	15	15	15	15
Maximum	20%	50%	60%	60%	60%
Site Coverage	(excludes outdoor uncovered paved areas, see Section 30.750 ⁽⁸⁾)				
Usable Open Space		1,000	300	300	Section 30.800
Per Dwelling Unit (sq ft)					
Building Height (ft)	35	35	45 ⁽⁷⁾	60	90
Parking				Chapter 32	

Key to Land Use Regulations

- ⁽¹⁾ Maximum density and minimum lot size as designated on zoning map for 1 or 2 units per acre density and corresponding 1 acre or 0.5 acre minimum lot size.
- ⁽²⁾ Minimum lot size unless a smaller lot size is allowed by an approved Planned Development Plan.
- ⁽³⁾ Minimum lot size for single family housing is 4,000 sq. ft. unless a smaller lot size is allowed by an approved Planned Development Plan.
- ⁽⁴⁾ Minimum lot depth unless area is designated for 2 units per acre, then 150 ft minimum depth applies.
- ⁽⁵⁾ Minimum lot width for corner lots, add 10 feet.
- ⁽⁶⁾ Minimum side setback unless smaller setback is allowed by an approved Planned Development Plan.
- ⁽⁷⁾ Maximum height for single family housing and duets/duplexes is 35 feet

Commented [PT1]: Why are these numbers here?

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(8)

Impervious surfacing may not exceed the storm water runoff design for the parcel or lot. For single family residential lots greater than 6,000 sq ft, the impervious surfacing shall not exceed 47% of the total lot size. Other land use designations may, at the discretion of the City Engineer, be required to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval.

Commented [PT2]: Why would the 47% requirement be limited to lots greater than 6,000 sq ft? And, why limited to single-family residential? What about a duplex or other multi-unit residential? I thought PC wanted this to apply to multi-unit residential also?

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Table 15.2 — Property Development Regulations: PC-R Planned Commercial Residential Mixed Use District

PC-R See Also

Site Area (sf)

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Density (FAR)⁽⁴⁾

Range 0.20 to 4.0

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Density (du/ac) 40⁽⁵⁾

Lot Size (sq ft) (PDP)

Lot Frontage (ft) (PDP)

Lot Depth (ft) (PDP)

Setbacks

Front (ft) 10⁽²⁾

Rear (ft) 10⁽²⁾

Side (ft) 0⁽²⁾

Corner Side (ft) 10⁽²⁾

Maximum Site Coverage⁽⁶⁾ (PDP)
(excludes outdoor uncovered paved areas, see Section 30.750)

Usable Open Space (sq ft/unit) 50/100 Section 15.300

Building Height (ft) 40/50/65⁽⁴⁾

Parking (PDP) Chapter 32

Signage (PDP) Chapter 34

Key to Land Use Regulations

⁽¹⁾ FAR does not apply to residential development.

⁽²⁾ Lesser setbacks may be accepted in an approved Planned Development Plan.

⁽³⁾ 50 square feet/unit for live work, 100 square feet/unit for residential

⁽⁴⁾ 50 feet height allowed for combined commercial and residential uses within a structure; for major frontages along Sycamore Avenue and San Pablo Avenue, a maximum height of 65 feet is allowed only if approved in a PDP adopted pursuant to Chapter 48.

⁽⁵⁾ A maximum density of 80 units per acre is permitted for the Town Centrale project on Sycamore Avenue as an approved Planned Development Plan.

⁽⁶⁾ Impervious surfacing may not exceed the storm water runoff design for the parcel or lot. For single-family residential lots greater than 6,000 sf, the impervious surfacing shall not exceed 47% of the total lot size. Other land use designations may, at the discretion of the City Engineer, be required to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval.

(PDP) As per an approved Planned Development Plan.

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Commented [PT3]: Why would the 47% requirement be limited to lots greater than 6,000 sq ft? And, why limited to single-family residential? What about a duplex or other multi-unit residential? I thought PC wanted this to apply to multi-unit residential also?

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30.750 Paving Within Residential Front and Rear Yard Areas

The ~~purpose of these guidelines requirements specified in this Section are intended~~ is 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 ~~and rear yards~~ ~~yard areas off driveways~~ interferes with the pattern of building and open areas within neighborhoods, and can increase vehicle clutter by creating small parking lots in ~~front~~ yard areas which are intended to remain as open areas ~~within neighborhoods~~.

~~Excessive Ppaving of yard areas can result in the proliferation of curb cuts that can have the directly effect of reducing the number of on street parking spaces available and negatively retention, reduce the amount of curb cut alterations (possibly feeding into ADA Standards), and mail pickup. Particular exceptions that may need overlooking are the following lot styles: flag lots, cul da sacs, and corner lots. 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 features (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. Applicant may, at the discretion of the City Engineer, be required to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval. The pPlanning Ddirector shall hear and decide requests for reasonable accommodation to address or uniquely circumstances in specific cases, for example when a flag lot, cul de sac, or corner lot makes strict compliance with the requirements of this section impractical.~~

A. Front Yards.

- ~~1.1~~ Driveways. The amount of allowable paving for driveways shall not exceed 35 percent of the ~~required~~ total front yard area. "Front yard" ~~being is~~ defined as ~~that of the~~ ~~yard~~ area forward of the primary structure ~~as illustrated in~~. See Figure X-X (Limits on Paving and Hardscaping for Residential Front and Rear Yards).
- ~~2.2~~ Walkways and other Hardscape. The amount of paved walkways and hardscape shall not exceed 25 percent of the ~~required~~ front yard area. See Figure X-X (Limits on Paving and Hardscaping for Residential Front and Rear Yards).
- ~~3.3~~ Landscaping minimums. For ~~all residential propertiessingle family zoning districts~~, a minimum of 40 percent of the ~~required~~ front yard area shall consist of a ~~pervious~~

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permeable landscaped area, excluding pavers, bricks, and other hard surfaces, even if permeable.

B. Rear Yards.

4.1) The total amount of paved surface in a rear yard for driveways, walkways, and hardscape combined shall not exceed 60 percent of the ~~required~~ total rear yard area. "Rear yard" ~~being is~~ defined as ~~that of the yard area behind the front cut off line of the primary structure as illustrated in -See Figure X-X (Limits on Paving and Hardscaping for Residential Front and Rear Yards).~~

2.2) Landscaping minimums. For ~~all single residential family zoning properties and lots districts~~, a minimum of 40 percent of the required ~~front-back~~ yard area shall consist of a ~~previous permeable landscaped area, excluding pavers, bricks, and other hard surfaces, even if permeable.~~

4. Storm Water Runoff Limitations. -

~~Impervious-Impermeable~~ surfacing may not exceed the storm water runoff design for the parcel or lot, and ~~must not cause runoff to affect adjacent property. For residential lots the impervious surfacing shall not exceed 47% of the total lot size. 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. For all other residential zones, the City Engineer shall have the discretion to require applicants to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval~~

~~The City Engineer shall have the discretion to require an Applicant to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval.~~

~~For single family residential lots as determined by a qualified licensed engineer. Impermeable surface materials must not cause runoff to affect adjacent property. The City Engineer shall have the discretion to require an Applicant to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval.~~

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

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Commented [RR4]: Again, either here or via a definition, should clarify that hard surfaces—regardless of permeability—do not count as landscaped area.

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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: Amend Residential District Development Tables 6.2 and 15.2 (see highlighted portions):

Table 6.2 Property Development Regulations: Residential District

	RS-E	RS-L	RM-L	RM-M	RM-H	See Also
Site Area (acres)	-	-	3	5	15	
Density (Units/Acre)						
Range	1 to 2 ⁽¹⁾	2 to 7	up to 12	12 to 30	30 to 55	
Midrange	-	-	9	20	42	
Lot Size (sq ft)	1/2 acre ⁽¹⁾	6,000 ⁽²⁾	3,000 ^(2, 3)	3,000 ⁽²⁾	3,000 ⁽²⁾	
Lot Frontage (ft)	45	30	[200 for multi-family, 30 for other]			
Lot Depth (ft)	200 ⁽⁴⁾	100	[200 for multi-family, 80 for other]			
Lot Width (ft)	100	60 ⁽⁵⁾	[200 for multi-family, 35 ⁽⁵⁾ for other]			
Setbacks						
Front (ft)	20	20	15	15	15	
Rear (ft)	25	15	15	15	15	
Side (ft)	15	5	15 ⁽⁶⁾	15 ⁽⁶⁾	15 ⁽⁶⁾	
Corner Side (ft)	20	15	15	15	15	
Maximum	20%	50%	60%	60%	60%	
Site Coverage ⁽⁸⁾						
Usable Open Space	-	-	1,000	300	300	Section 30.800
Per Dwelling Unit (sq ft)						
Building Height (ft)	35	35	45 ⁽⁷⁾	60	90	
Parking						Chapter 32
Key to Land Use Regulations						
⁽¹⁾ Maximum density and minimum lot size as designated on zoning map for 1 or 2 units per acre density and corresponding 1 acre or 0.5 acre minimum lot size.						
⁽²⁾ Minimum lot size unless a smaller lot size is allowed by an approved Planned Development Plan.						

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(3)	Minimum lot size for single family housing is 4,000 sq. ft. unless a smaller lot size is allowed by an approved Planned Development Plan.
(4)	Minimum lot depth unless area is designated for 2 units per acre, then 150 ft. minimum depth applies.
(5)	Minimum lot width for corner lots, add 10 feet.
(6)	Minimum side setback unless smaller setback is allowed by an approved Planned Development Plan.
(7)	Maximum height for single family housing and duets/duplexes is 35 feet
(8)	Site Coverage is the total horizontal area included covered by developed structures, excluding outdoor uncovered paved areas, divided by the site area.

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Table 15.2 Property Development Regulations: PC-R Planned Commercial Residential Mixed Use District

	PC-R	See Also
Site Area (sf)	-	
Density (FAR) ⁽¹⁾		
Range	0.20 to 4.0	
Typical	2.0	
Density (du/ac)	40 ⁽⁵⁾	
Lot Size (sq ft)	(PDP)	
Lot Frontage (ft)	(PDP)	
Lot Depth (ft)	(PDP)	
Setbacks		
Front (ft)	10 ⁽²⁾	
Rear (ft)	10 ⁽²⁾	
Side (ft)	0 ⁽²⁾	
Corner Side (ft)	10 ⁽²⁾	
Maximum Site Coverage	(PDP)	
[Site Coverage is the total horizontal area included covered by developed structures, excluding outdoor uncovered paved areas, divided by the site area.]		
Usable Open Space (sq ft/unit)	50/100	Section 15.300
Building Height (ft)	40/50/65 ⁽⁴⁾	
Parking	(PDP)	Chapter 32
Signage	(PDP)	Chapter 34

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Key to Land Use Regulations	
(1)	FAR does not apply to residential development.
(2)	Lesser setbacks may be accepted in an approved Planned Development Plan.
(3)	50 square feet/unit for live-work, 100 square feet/unit for residential

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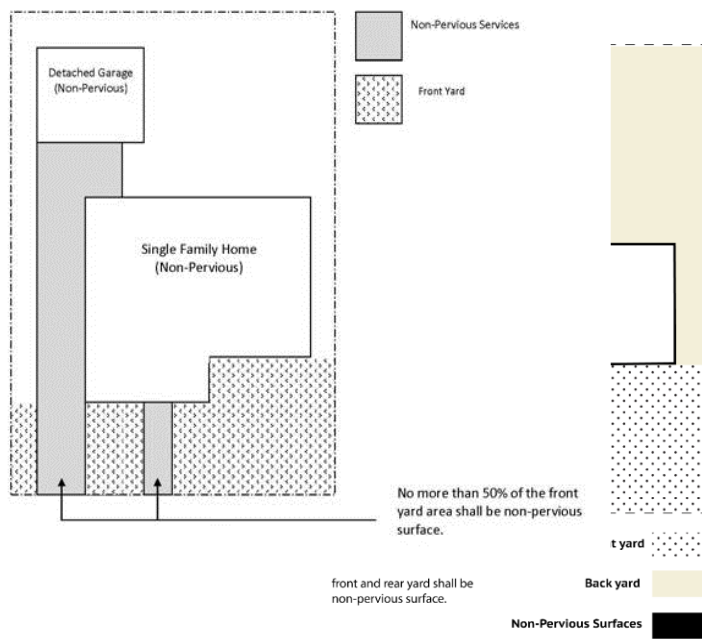
Section 4. Add New Figure X-X to illustrate paving and hardscape requirements:

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NOTE: A REVISED FIGURE X-X WILL
BE DISTRIBUTED PRIOR TO THE
MARCH 19 PLANNING COMMISSION MEETING

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Figure X-X (Limits on Paving and Hardscaping for Residential Front and Rear Yards)
~~Change to total overall covered surfaces.~~



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Section 5. Add new definitions to Zoning Ordinance.

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60.200 Definitions

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

Rear yard area: The yard area behind the primary structure. See Figure X-X.

Landscaped area: A pervious-permeable area that is permanently devoted to and evoted 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.

Hard Surfacing-Hardscape Area: Includes semi-perviouspermeable and pervious 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 stated in each zone distriet).

Overall Site Coverage: The total area covered by developed structures, including outdoor uncovered paved areas, divided by the site area. Includes main structure/garage and front yard and back yard areas.



Residential Paving Policies

City of Hercules

- Planning Commission
- February 20, 2018

Examples of Residential Paving



Examples of Residential Paving



Examples of Residential Paving

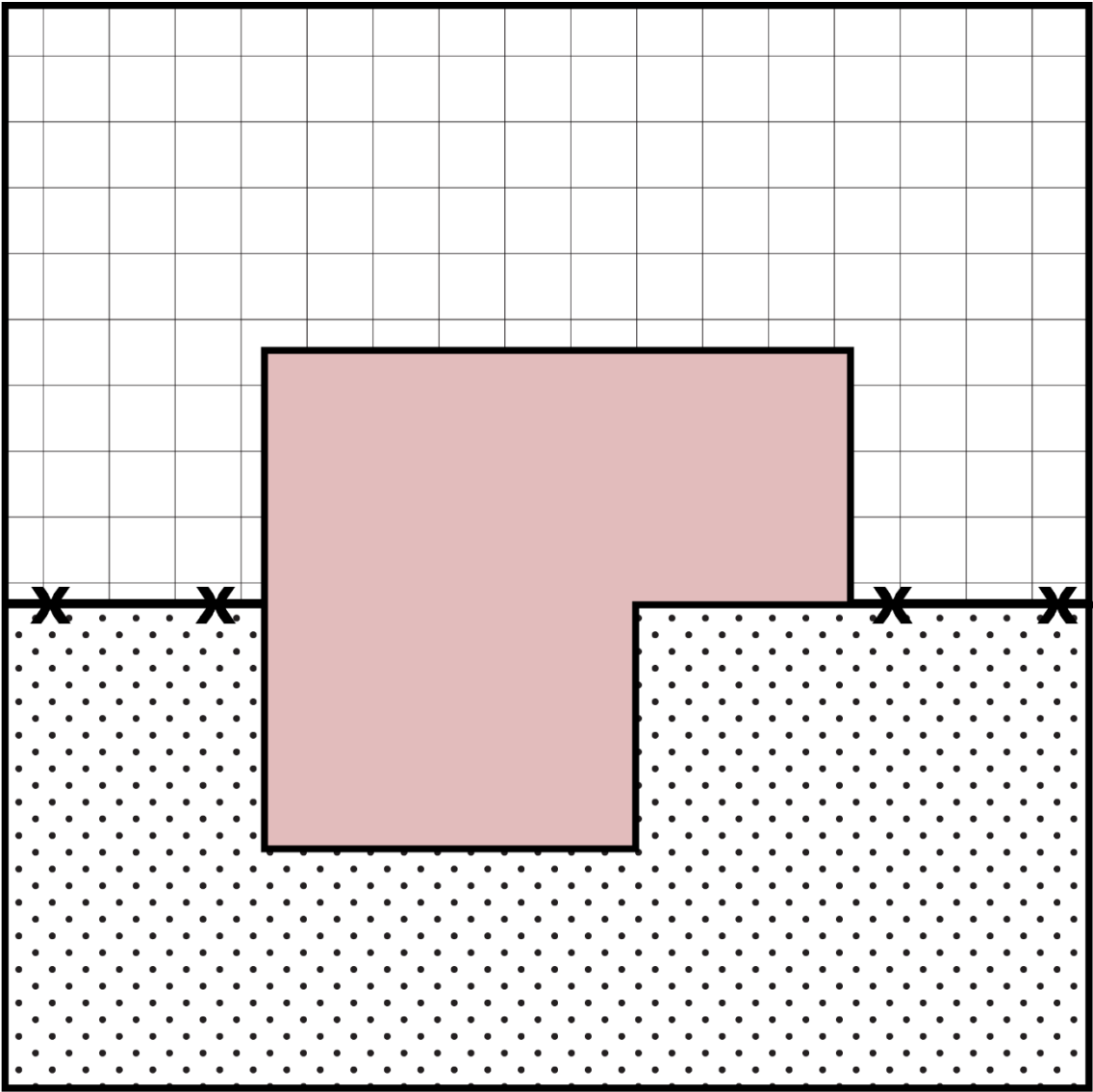



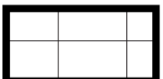

Examples of Residential Paving



Coronado St.

Sample Front & Back Yard Diagram



- Front yard 
- Back yard 
- Main structure /garage 



STAFF REPORT TO THE PLANNING COMMISSION

February 20, 2018

TO: Members of the Planning Commission

SUBMITTED BY: Holly Smyth, AICP Planning Director
Elaine Hsieh, Planning Intern
Robert Reber, Adjunct Planner

SUBJECT: Consider Approving Resolution #18-04 Recommending the City County Adopt an Ordinance for proposed Zone Text Amendment #ZTA 18-02 Related to Paving of Front and Rear Yards of Single-Family Residences

RECOMMENDATION:

Receive report, open public hearing, discuss potential changes that should be incorporated into #ZTA 18-02 based on input, and consider approving Resolution #18-04 recommending that the City Council adopt an Ordinance with the proposed Zone Text Amendment #ZTA 18-02.

DISCUSSION:

At its regular meeting on December 12, 2017, the City Council directed staff to schedule for discussion concerns regarding the paving of front yards on single-family lots, as solid surfaces in place of landscaping on household lots can affect property values, create problems with run-off, and lead to visual blight and safety hazards.

At its January 23, 2018 regular meeting, City staff reported to City Council Staff that the Hercules Zoning Ordinance does not have specific requirements regulating the paving of yards on single-family lots. Staff recommended the adoption of regulations to more specifically address the paving of yards on single-family lots.

Council directed staff to prepare an ordinance for Planning Commission and Council consideration to regulate the paving of yards on single-family lots (without limitation to front lawns) that would also address the related concern of parking on front lawns, and asked the City Attorney to report on the feasibility of adopting an interim paving moratorium for Council consideration if the drafting of appropriate regulations would require significant staff time.

At the regular City Council meeting on February 13, 2018, City Council accepted the City Attorney's and City Manager's recommendation that Council defer imposing a moratorium on yard paving and instead consider adopting a set of regulations to be considered for recommendation by the Planning Commission at its February 20, 2018 meeting.

The Planning Director coordinated with the City Attorney Tang, City Engineer Roberts, Planning intern Hsieh, and Adjunct Planner Reber to review other City's policies on the topic and technical best practices that might be best applied to the City of Hercules. The result is the attached zone text

amendment that would revise the Hercules' Zoning Ordinance in response to what appears to be Council's concerns about the potential damaging effects paving large portions of properties has on runoff and neighborhood character within single-family neighborhoods. Most single family residential areas that have front yard paving opportunities are located east of San Pablo Avenue within the Residential Single Family Estate (RS-E), Residential Single Family Low Density (RS-L), and the Planned Commercial Residential (PC-R) zone districts within non-Homeowner's Association areas. It is unclear if the Historic Town Center or the New Pacific Properties Specific Zone areas would be impacted much if applying changes in the policies given existing residences have homeowner associations which may further limit paving on properties.

In summary, the proposed attached modifications would:

- 1) Add standards for site coverage maximums for front yard and back yard areas (not just the entire lot) within the RS-E, RS-L and PC-R districts and modify the RS-L Overall site coverage from 50% to 47% based on our soils/slopes/engineering runoff standards
- 2) Add minimum 20% landscaping percentages for RS-E and RS-L single-family residential zone districts and leave 10% landscape requirement in the PC-R district
- 3) Include performance standards related to runoff control, subject to City Engineer evaluation and approval.
- 4) Change Section 30.700.1.B from "All *new* single-family residential estate lots" to "All single-family residential estate lots" and add reference to specific landscape criteria in Section 30.700 (Landscaped Areas).
- 5) Create policy specific to paving, adding "Chapter 30.750 – Paving," to clarify the maximum paved areas allowed on residential property for sidewalks, pathways, driveways, and decks.
- 6) Amend Section 30.800, "Open Space," to clarify that usable open space (e.g., for sidewalks, pathways, driveways, decks, etc.) does not count towards landscaping minimums in RS-E and RS-L zones.
- 7) Amend the Zoning Ordinance definitions Section 60.200 to include definitions for "Landscaped Area," "Mulching," "Hard Surface Area," and "Site Coverage."
- 8) Add Zoning Ordinance definition of "Paved Areas" in Section 60.200 to clarify texture and use of solid surfaces.

ATTACHMENTS:

- Attachment 1: Draft Resolution # 18-04 recommending that City Council adopt Zone Text Amendment 18-02 Paving Policy
- Attachment 2: Exhibit A to Resolution #18-04 – Zone Text Amendment #ZTA 18-02

Table 6.2 Property Development Regulations: Residential District

	RS-E	RS-L	RM-L	RM-M	RM-H	See Also
Site Area (acres)	-	-	3	5	15	
Density (Units/Acre)						
Range	1 to 2 ⁽¹⁾	2 to 7	up to 12	12 to 30	30 to 55	
Midrange	-	-	9	20	42	
Lot Size (sq ft)	1/2 acre ⁽¹⁾	6,000 ⁽²⁾	3,000 ^(2, 3)	3,000 ⁽²⁾	3,000 ⁽²⁾	
Lot Frontage (ft)	45	30	[200 for multi-family, 30 for other]			
Lot Depth (ft)	200 ⁽⁴⁾	100	[200 for multi-family, 80 for other]			
Lot Width (ft)	100	60 ⁽⁵⁾	[200 for multi-family, 35 ⁽⁵⁾ for other]			
Setbacks						
Front (ft)	20	20	15	15	15	
Rear (ft)	25	15	15	15	15	
Side (ft)	15	5	15 ⁽⁶⁾	15 ⁽⁶⁾	15 ⁽⁶⁾	
Corner Side (ft)	20	15	15	15	15	
Maximum Overall Site Coverage ⁽⁸⁾	20%	50 47%	60%	60%	60%	
Front yard Coverage	20%	50 47%	-	-	-	
Rear yard Coverage	20%	50 47%	-	-	-	
Landscaping Minimum	20% ⁽⁹⁾	20% ⁽⁹⁾	-	-	-	
Usable Open Space Per Dwelling Unit (sq ft)	-	-	1,000	300	300	Section 30.800
Building Height (ft)	35	35	45 ⁽⁷⁾	60	90	
Parking						Chapter 32

Key to Land Use Regulations

- ⁽¹⁾ Maximum density and minimum lot size as designated on zoning map for 1 or 2 units per acre density and corresponding 1 acre or 0.5 acre minimum lot size.
- ⁽²⁾ Minimum lot size unless a smaller lot size is allowed by an approved Planned Development Plan.

- (3) Minimum lot size for single family housing is 4,000 sq. ft. unless a smaller lot size is allowed by an approved Planned Development Plan.
- (4) Minimum lot depth unless area is designated for 2 units per acre, then 150 ft minimum depth applies.
- (5) Minimum lot width for corner lots, add 10 feet.
- (6) Minimum side setback unless smaller setback is allowed by an approved Planned Development Plan.
- (7) Maximum height for single family housing and duets/duplexes is 35 feet.
- (8) Impervious surfacing may not exceed the stormwater runoff design for the parcel or lot. For single-family residential lots greater than 6,000 sf, the impervious surfacing shall not exceed 47% of the total lot size. Other land use designations may, at the discretion of the City Engineer, be required to submit calculations by a registered civil engineer demonstrating consistency with this policy as a condition of approval.
- (9) This coverage applies separately to the front yard and back yard areas.

Table 15.2 Property Development Regulations: PC-R Planned Commercial Residential Mixed Use District

	<u>PC-R</u>	<u>See Also</u>
Site Area (sf)	-	
Density (FAR) ⁽¹⁾		
Range	0.20 to 4.0	
Typical	2.0	
Density (du/ac)	40 ⁽⁵⁾	
Lot Size (sq ft)	(PDP)	
Lot Frontage (ft)	(PDP)	
Lot Depth (ft)	(PDP)	
Setbacks		
Front (ft)	10 ⁽²⁾	
Rear (ft)	10 ⁽²⁾	
Side (ft)	0 ⁽²⁾	
Corner Side (ft)	10 ⁽²⁾	
Maximum Site Coverage	(PDP)	
<u>Front (ft)</u>	<u>(PDP)⁽⁶⁾</u>	
<u>Rear (ft)</u>	<u>(PDP)⁽⁶⁾</u>	
<u>Landscaping Minimum</u>	<u>10%</u>	
Usable Open Space (sq ft/unit)	50/100	Section 15.300
Building Height (ft)	40/50/65 ⁽⁴⁾	

Parking (PDP) Chapter 32

Signage (PDP) Chapter 34

Key to Land Use Regulations

(1) FAR does not apply to residential development.

(2) Lesser setbacks may be accepted in an approved Planned Development Plan.

(3) 50 square feet/unit for live-work, 100 square feet/unit for residential

(4) 50 feet height allowed for combined commercial and residential uses within a structure; for major frontages along Sycamore Avenue and San Pablo Avenue, a maximum height of 65 feet is allowed only if approved in a PDP adopted pursuant to Chapter 48.

(5) A maximum density of 80 units per acre is permitted for the Town Centrale project on Sycamore Avenue as an approved Planned Development Plan.

(6) This coverage applies separately to the front yard and back yard areas.

(PDP) As per an approved Planned Development Plan.

30.700 Landscaped Areas

Landscaping is an essential component of the overall design and aesthetics of a project. Landscaping along major regional streets and highways should soften the appearance of traffic and parking along these routes, while allowing view corridors to retail and other businesses.

Landscaping plans should implement effective water conservation, use of drought-resistant landscaping and irrigation with reclaimed wastewater. Native plants are to be used in landscaping.

Plantings that serve to screen views of residential development, or that help to maintain a natural-appearing landscape, shall be retained to the extent feasible. Such plants could be thinned selectively if thinning would improve view corridors. If specific trees are to be removed, such as eucalyptus trees, replace with trees, preferably native species that will provide suitable screening while retaining important view corridors.

1. The landscaping and irrigation requirements listed in this section shall apply to all proposed development or construction at undeveloped parcels, or as determined by the Community Development Director, which shall include but not be limited to the following developments:
 - A. Common areas and landscape easements of all single-family subdivisions.
 - B. All ~~new~~ single-family residential ~~estate~~ lots.
 - C. Common areas at multifamily residences, including apartment and condominiums and duets.
 - D. Model homes.
 - E. Commercial, industrial and mixed use projects.
 - F. Public buildings, grounds and facilities.

- G. The reconstruction or rehabilitation of the common areas and landscape easements at residential projects and non-residential buildings, projects or developments where either:
- 1) The value of the reconstruction or rehabilitation exceeds 25% of the current assessed value of the building, project or development; or
 - 2) The area of the landscaping affected by the reconstruction or rehabilitation exceeds 25% of the landscaped area.

The requirements do not apply to that portion of a site, or to projects or development using reclaimed water or well water, or additions or modifications to existing single-family residences, nor to portions of site area irrigating edible crops, or not receiving irrigation.

30.750 Hard Surfacing/Paving

See maximum site coverages allowed in single-family residential property.

Impervious surfaces, including but not limited to all paths, driveways, and porches, shall not exceed ~~50~~ 47% of all areas in front of fencing for “front yard coverage.” Driveways, patios, porches, and other hard or impervious surfaces shall not exceed ~~50~~ 47% of backyard area.

30.800 Open Space

1. Usable Open Space

Usable open space is required within several zoning districts to serve residents, visitors and employees of a project or property. Usable open is distinct from required landscaped areas in that the open space is to be specifically designed for use rather than aesthetics. Where usable open space is required within a zoning district, it shall be in addition to any landscaping requirement and public parks requirement. Usable open space may be provided in the form of small play areas, plazas, balconies, decks, usable yard areas, open space trails, or other similar spaces. The minimum usable open space area is 50 square feet of contiguous area not less than 5 feet wide in any location. Open space trails shall not provide more than 50% of the usable open space requirement of a project.

Usable open space is considered solid surfacing coverage, and cannot be counted toward “landscaping” specific to residential properties in RS-E and RS-L zones.

31.300 Performance Standards

1. Erosion and Runoff Control

- A Runoff increase calculations are required for each proposed development project. The calculations shall identify runoff for the parcel at full build-out as measured against estimates of existing runoff in order to ensure that no flooding will result.

- B. Installation of sedimentation and grease basins in the storm drain system in parking lots in accordance with NPDES regulations (Title 5, Chapter 8 of the Municipal Code), is required to minimize pollution downstream from sedimentation. Property owners shall maintain the basins annually, or as required by NPDES regulations. Parking lots shall be swept periodically to decrease the amount of debris that could potentially contaminate the riparian or wetland habitat.
- C. Development projects shall prepare and implement a set of best management practices (BMP's) to reduce impacts to water quality. Such practices may include, but are not limited to:
- 1) stormwater retention or detention structures;
 - 2) oil and water separators; and
 - 3) sediment traps.

60.200 Definitions

Landscaped area:

An area that is permanently devoted and maintained for the growing of shrubbery, grass, trees, and other plant material or by the use of such material as bark, mulch, crushed stone, lava rock, or similar materials to present an attractive, well-kept appearance.

Mulching: The application of plant residue or other suitable materials to the land surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

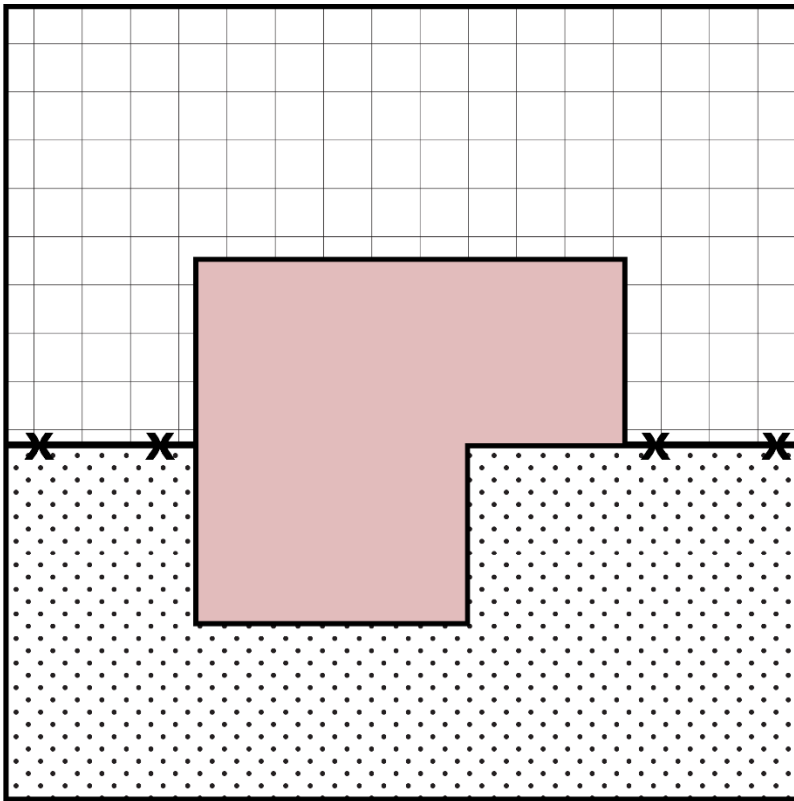
Hard Surfacing Area: Includes semi-pervious and pervious surfaces such as pavers or concrete, but do not allow for asphalt paving (single family residential lots have maximum standards stated in each zone district).

Overall Site Coverage: The total ~~horizontal~~ area ~~included~~ covered by developed structures, ~~excluding~~ including outdoor uncovered paved areas, divided by the site area. Includes main structure/garage and front yard and back yard areas.

Front yard Coverage: The space in front of fencing outside of the main structure (can include paved areas)

Back yard coverage: The space behind front yard fencing outside of the main structure (can include detached accessory structures or paved area).

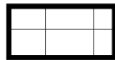
Main structure/garage: The space of main structure (house) and garage (walled, roofed structure either attached or detached to the main structure.



Front yard



Back yard



**Main structure
/garage**

