



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of May 22, 2018

TO: Mayor Kelley and Members of the City Council

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

SUBJECT: Ordinance to Adopt Proposed Zone Text Amendment #ZTA 18-02 Related to Establishing Restrictions on Paving of Residential Lots

RECOMMENDED ACTION:

Consider waiving second reading and adopting the attached Ordinance of the City Council of the City of Hercules modifying the City's Zoning Regulations with the proposed Zone Text Amendment #ZTA 18-02 to implement a policy restricting paving of residential lots.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

Planning Commission Resolution 18-08 was approved by the Planning Commission recommending that the Council consider modifications to the City's Zoning Ordinance to implement a new paving restriction policy.

FISCAL IMPACT OF RECOMMENDATION: No Fiscal Impact.

DISCUSSION:

On May 8, 2018, after conducting a duly noticed public hearing, and upon a motion made by Councilmember Boulanger and seconded by Vice Mayor Romero, the City Council voted 5-0 to waive the first reading and introduce an ordinance amending the Zoning Regulations to establish restrictions on the paving of residential lots within the City of Hercules. A copy of the staff report from the May 8th meeting is provided as Attachment 2 to this report.

At the May 8th public hearing, the Council directed that a definition of "paving" be included for consideration on second reading. Planning Director Smyth has proposed that the definition of "Hardscape Area" be amended to reference "paving" as follows (proposed language highlighted in yellow):

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.

Paved and Hardscaped areas: Includes semi-permeable and permeable impermeable surfaces such as brick, pavers, concrete, or similar materials, but does not allow for asphalt paving (single family residential lots have maximum standards in Section 30.750).

Inclusion of “paved” in the existing definition of hardscape area clarifies that “paving” includes pavers and concrete, and that asphalt is not allowed. In addition, it is recommended that the term “permeable” in the revised definition be changed to “impermeable” as paved and hardscaped surfaces will either be semi-permeable or impermeable. Also, it is recommended that reference to “brick” and “similar materials” be included, to be consistent with the terms used in the definition of “Landscaped area”.

If the proposed ordinance is adopted, staff will promulgate administrative guidelines to specify in more detail what specific materials are permissible.

At the May 8, 2018 meeting, Council also directed, if the measure is adopted, that staff send information regarding the new requirements to the Board of Realtors, various Homeowner's Associations within the City, contractors known to provide paving services, and to Home Depot and other area building materials providers as part of an education and outreach effort.

A copy of the proposed ordinance with the inclusion of the revised definition of “**Paved and Hardscape areas**” is provided as Attachment 1 to this report.

Attachments:

- 1 Draft Paving Ordinance
- 2 May 8, 2018 Staff Report