

**CHAPTER 19.17**  
**HM (HILLSIDE MANAGEMENT OVERLAY) ZONE**

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**19.17.010 PURPOSE**

The purpose of this overlay zone is to provide for low-density residential development in the City's hillside areas and to assure that this development occurs in a manner which protects the hillside's natural and topographic character and identity, environmental sensitivities, aesthetic qualities, and the public health, safety, and general welfare. (MC 1393 12/2/13)

This protection is obtained by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems, and severe cutting or scarring.

It is the intent to encourage a sensitive form of development while still allowing for residential uses which complement the natural and visual character of the City and its hillsides.

**19.17.020 POLICIES**

The regulations, development standards, and design guidelines set forth in this section are based on the following policies:

1. To minimize the effects of grading and insure that the natural character of hillside areas is retained;
2. To preserve the most visually significant slope banks and ridgelines in their natural state by providing for low density development;
3. To encourage variety in housing types, padding techniques, grading techniques, lot sizes, site design, density, arrangement, and spacing of homes and developments;
4. To encourage innovative architectural, landscaping, circulation, and site design;
5. To discourage mass grading of large pads and excessive terracing;

6. To provide for safe circulation of vehicular and pedestrian traffic to and within hillside areas, and to provide adequate access for emergency vehicles necessary to serve hillside areas;
7. To take into account unstable slopes, or slopes subject to erosion and deterioration, in order to protect human lives and property;
8. To encourage design and building practices to assure maximum safety from wild fire hazard; and
9. To preserve visually significant rock outcroppings, native plant materials, and natural hydrology.

### **19.17.030 APPLICABILITY**

This zone is intended to be the approximate location of the hillside areas along the foothills in the northern area of the City. The foothill area is defined as that area of 15% or greater slope as shown on the General Plan Land Use Plan map on file in the Department.

Areas of 15% natural slope or less along the external border of the zone at the base of the hillsides, as determined by the preparation of a slope map by a licensed civil engineer, may be excluded from the density and development provisions of this Section. Those areas excluded shall revert to the underlying zone density and development standard provisions.

The standards contained in this section apply to all subdivisions, uses, and structures within the District and are in addition to those of the zone. (MC 1393 12/2/13)

### **19.17.040 PERMITTED AND CONDITIONALLY PERMITTED USES**

Uses permitted or conditionally permitted within the HM Overlay Zone shall be the same as those for the underlying district.

A Conditional Use Permit shall be required for all tentative tract and parcel maps and non-residential uses.

### **19.17.050 CONDITIONAL USE PERMIT REQUIRED**

A Conditional Use Permit, in accordance with the requirements of Chapter 19.36 of this Development Code, shall be required for all applicable uses and structures permitted in this overlay zone except in-fill single family homes on existing lots of record which will require a Development Permit.

**19.17.060 DEVELOPMENT STANDARDS**

**1. DENSITY**

Notwithstanding the density allowed by the underlying land use district or the amenities or Senior Citizen and Senior Congregate Care density bonus provisions, the maximum density on any parcel to which this section applies shall not exceed the units per acre for each of the average percent slope ranges indicated below.

| <u>Average Slope (%)</u> | <u>Units Per Acre</u> |
|--------------------------|-----------------------|
| 0 to 15                  | 2.0                   |
| 15+ to 25                | 1.0                   |
| 25+ to 30                | 0.5                   |
| 30+ and above            | 0.1                   |

(Note: For areas with an average slope above 40%, density transfer is encouraged.)

The computation of the maximum number of lots is intended solely to set up an absolute maximum. A lesser number of units may prove to be the maximum permitted based upon compliance with other hillside development and grading requirements.

**2. DENSITY TRANSFER**

Within a project, in the Hillside Management Overlay zone, a density transfer may be granted when permitted development is transferred from one slope category to a lower slope category. In consideration for such a transfer of development, the allowable density of the lower slope category may be increased by 50%. For example, if density/ development is transferred from the 25% to 30% slope category (from the above table) to the next lower category (15% to 25%), the allowable density of the lower category, 1.0 dwelling units per acre, may be increased to 1.5 units per acre. Similarly, if development is limited from the 30% and above slope category and transferred to the 0% to 15% slope category, the allowable density may be increased by 50%, or from two units per acre to three units per acre.

In no situation shall the total number of units permitted for any project exceed the number of units that would have been permitted without any transfer of density.

A project may transfer density outside the Hillside Management Overlay zone, if the project area is included in a Specific Plan. A General Plan Amendment may also be necessary.

Areas from which density is transferred shall be restricted from future development in an appropriate manner.

**3. MINIMUM PARCEL SIZE**

No absolute minimum parcel size, widths and depths are specified.

**4. SETBACKS**

Front, side, and rear setbacks shall be determined based upon the precise development plan and environmental studies and in conformance with FF (Foothill Fire Zones) Overlay requirements.

**5. BUILDING HEIGHT**

Applicable only to in-fill single family residential construction of more than one story on existing lots of record, if there is a grade separation of more than eight feet and less than 20 feet between the average level of the lot proposed for construction and the immediately uphill lot.

- A. The maximum height of a proposed structure shall not exceed the midpoint of the structure on the immediately uphill lot.
- B. Where there is no structure on the immediately uphill lot, the maximum height shall not exceed a point eight feet above the average ground level of the uphill lot.
- C. "Immediately uphill lot" shall mean an adjacent lot, whether or not separated by streets, easements, or the like, which has an average ground level higher than the average ground level of the subject lot. If more than one lot meets the definition of "immediately uphill lot" then the measurements required by this section shall be made against the lower lot.
- D. "Midpoint" shall be that point equidistant from the foundation at ground level to the apex of the roof, but not including roof structures, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls skylights, towers, flagpoles, chimneys, smokestacks, wireless and television masts, or similar structures.
- E. Nothing in this Section shall be construed to allow the height of a structure, including a single family residence, to exceed that allowed in the underlying land use district, or to prohibit a single story residence.

**6. INGRESS AND EGRESS**

A tentative tract or parcel map shall provide for at least two different standard routes for ingress and egress. Standard ingress/egress road is a route which is dedicated to the City and has a minimum paved width of 24 feet.

**7. STREET STANDARDS**

Streets in this overlay zone shall conform to the following standards:

- A. Local hillside street standards shall be used to minimize grading and erosion potential while providing adequate access for vehicles, including emergency vehicles. The right-of-way shall be 48.5 feet with 40 feet of paved width and parking on both sides and a sidewalk on one side.

- B.** Streets shall have a paved width of 32 feet with parking and sidewalk on one side of the street only and right-of-way of 40.5 feet, subject to review and recommendation by the Fire Chief and the City Engineer, with approval by the Commission.
- C.** Grades of streets in the hillside management areas shall be as provided in this subsection, unless otherwise approved in writing by the Public Services, Fire, and Public Works Departments. Hillside collector and arterial street shall not exceed 8%. Hillside residential local streets shall not exceed 15%.
- D.** Minimum horizontal curve of streets shall be in accordance with Caltrans computational methods using design speed estimated by the Public Works Department.
- E.** One way streets may be permitted where it can be shown that they reduce the overall amount of cut and fill required.
- F.** Cul-de-sacs to a maximum of 750 feet in length may be permitted with a maximum of 30 dwelling units, and to a maximum of 1,000 feet in length with a maximum of 20 dwelling units and shall terminate with a turn around area not less than 40 feet in radius to curb face.
- G.** Sidewalks on only one side of a street may be permitted in hillside areas subject to the approval of the City Engineer.
- H.** All other street improvement standards shall conform to the standard plans and specifications of the City Engineer.

### **19.17.070 DEVELOPMENT PERFORMANCE STANDARDS**

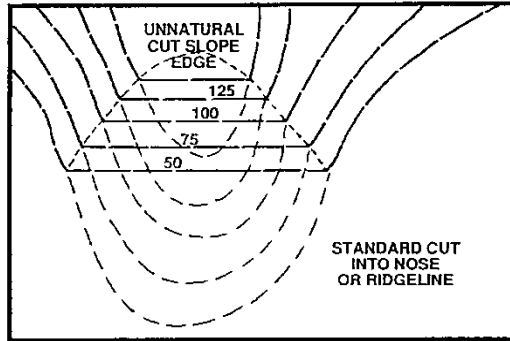
The following minimum performance standards are required for any development within this Overlay zone. Necessary information shall be provided with the Conditional Use Permit application as prescribed in Chapter 19.36 to determine compliance with these standards.

#### **1. SOILS/GRADING**

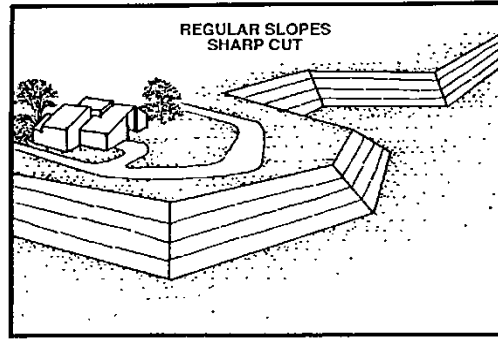
- A.** Grading of any site shall conform to the following grading standards, based upon the percent of the natural slope. The City Engineer shall review and make recommendation to the Planning Commission on the proposed grading.
  - 1.** 0 - 15%. Redistribution of earth over large areas may be permitted.
  - 2.** 15+ - 25%. Some grading may occur, but landforms must retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering is expected to mitigate the need for large padded building areas.

- 3.** 25+ - 30%. Limited grading may occur, however, major topographic features shall retain their natural landforms. Special hillside architectural and design techniques are expected in order to conform to the natural land form, by using techniques such as split level foundations of greater than 18 inches, stem walls, stacking and clustering.
  - 4.** Greater than 30%. Development and limited grading can only occur in this category if it can be clearly demonstrated that safety, environmental, and aesthetic impacts will be avoided. Use of larger lots, variable setbacks and variable building structural techniques such as stepped or pole foundations are expected. Structures shall blend with the natural environment through their shape, materials and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations.
- B.** Grading shall be designed to:
- 1.** Conserve natural topographic features and appearances by means of land sculpturing to blend graded slopes and benches with natural topography.
  - 2.** Retain major natural topographic features such as canyons and prominent landmarks.
- C.** All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls, or netting. Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved by the Public Works Department.
- D.** Slopes created by grading of the site shall not exceed 50 percent or 2:1, without a soils report and stabilization study indicating a greater permissible slope; or shall not exceed 30 feet in height between terraces or benches; except that the Planning Commission may permit slopes exceeding these dimensions where the slopes will result in a natural appearance and will not create geological or erosion hazards.

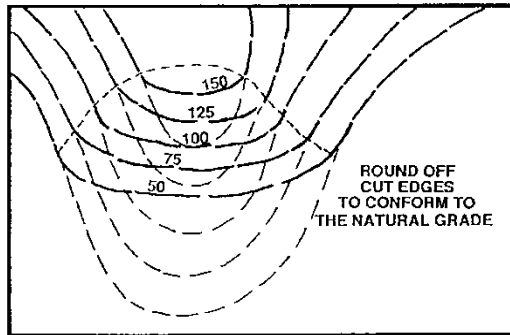
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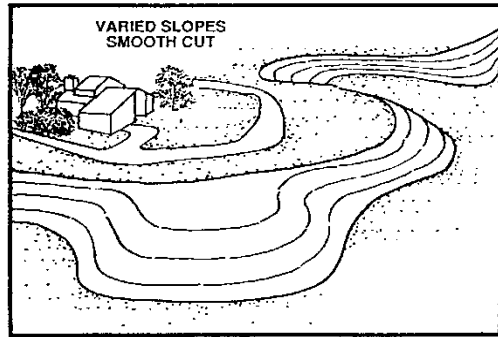
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## 2. PUBLIC SAFETY

### A. FIRE SAFETY

All developments in this overlay zone shall comply with the standards of the FF (Foothill Fire Zones) Overlay Zone. In the course of the review for a project in this overlay zone, the City will be reviewing each project to determine compliance with fire safety standards. The standards cover such items as, but not limited to:

1. Number of access points and street designs for each development;
2. Driveway lengths and widths;
3. Distances between dwellings;
4. Fuel modification plan;
5. Water flow and fire hydrant requirements;
6. Fire retardant building materials;
7. Residential sprinkler requirements as provided in the Foothill Fire Zone Overlay standards.

**B. GEOTECHNICAL**

1. Any subdivision within the Alquist-Priolo "Special Studies Zone" shall conduct a geologic study in conformance with the requirements of the Zone. This study shall be prepared by a certified engineering geologist.
2. No structure for human occupancy shall be permitted within 50 feet of an active or potentially active fault trace. Sensitive and high occupancy structures as defined in the General Plan shall maintain a minimum 100 foot setback.
3. No emergency facilities, community facilities, or places of general public assembly (not including open space areas) shall be permitted within the Alquist-Priolo Zone.
4. All structures within the trace shall require the seismic features of the structure to be reviewed and approved by a professional engineer specializing in seismic/structural design.
5. The Building Official may require special construction methods of structures where it has been determined to have potential geologic hazards.
6. A statement shall be included at the time of purchase agreement and at the close of escrow to the purchaser of each lot within the development, which informs the prospective owner of the potential for seismic activity, and the potential hazards.

**3. WATER/DRAINAGE**

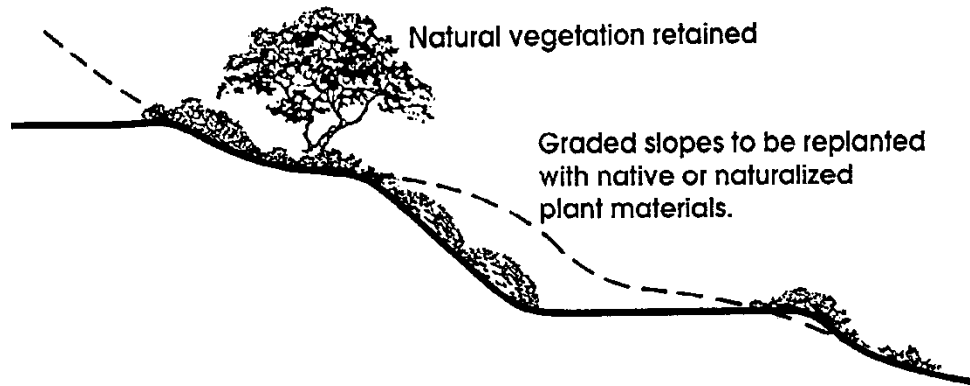
- A. On-site catch basins or siltation basins, as well as energy absorbing devices, may be required as a means to prevent erosion as well as to provide for ground water recharge.
- B. Natural drainage courses should be protected from grading activity.
- C. Where brow ditches are required, naturalize with plant materials and native rocks.
- D. Maximum coverage of a parcel by impervious surfaces shall not exceed 40% of the gross land area, and such maximum may be reduced by the Director in areas where the slope exceeds 15%.

**4. ANIMAL AND PLANT LIFE**

- A. Areas of a site which are identified in the environmental study as having biological significance shall be preserved, unless exempted by the Planning Commission through the Conditional Use Permit process.
- B. Natural vegetation shall be maintained wherever possible. If removal is required, reestablishment of a compatible plant material will be required at a ratio of at least 2:1.
- C. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs, and trees.



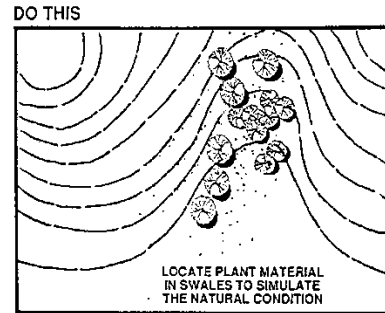
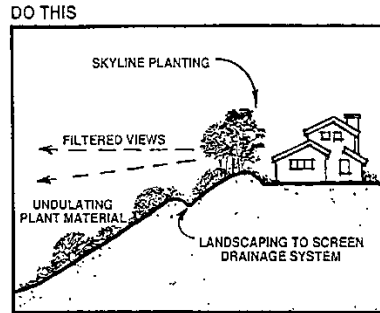
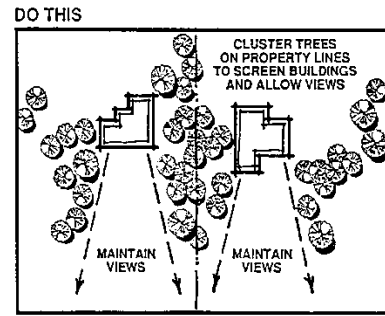
- D. Existing mature trees shall be incorporated into the project where feasible.



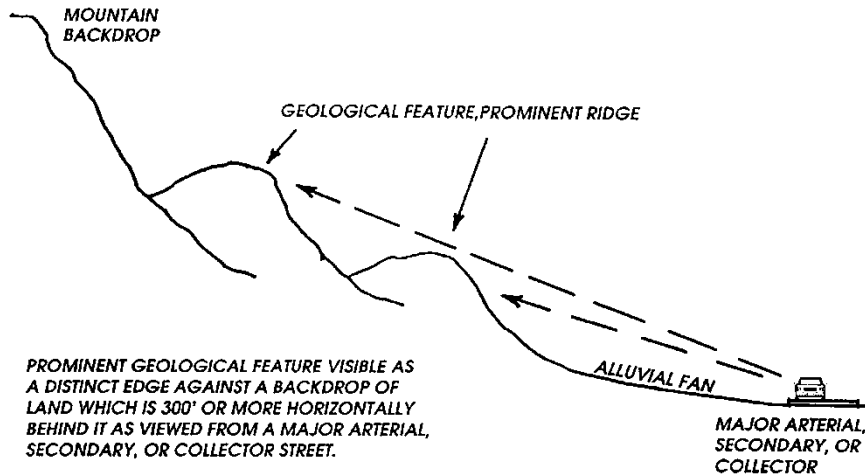
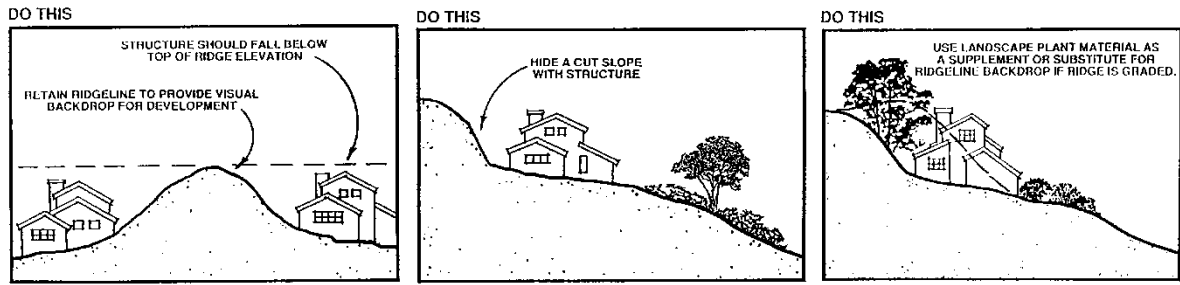
- E. Water and energy conservation techniques shall be utilized, such as special irrigation techniques (e.g., drip irrigation), drought tolerant plant species, alluvial rockscape, etc.
- F. Wherever possible, fire resistant native vegetation shall be preserved and planted.
- G. Introduction of landscaping within the hillside areas should make maximum use of texture, color, and be capable of blending in with the natural landscape, and help to soften the effects of buildings, walls, pavement, and grading.
- H. Screening along roadways should make maximum use of berming and landscaping but shall not interfere with sight distance.

5. **DESIGN**

- A. Dwelling units and structures shall be compatible with the natural surroundings of the area and shall not dominate the natural environment.
- B. Exterior finishes of dwelling units and structures should blend in with the natural surroundings by using earth tone colors and avoiding reflective materials or finishes.
- C. Site design should utilize varying setbacks, building heights, innovative building techniques, and building and wall forms which serve to blend buildings into the terrain.



- D. Dwelling units and structures shall be sited in a manner that will:
1. Retain outward views from each unit;
  2. Preserve or enhance vistas, particularly those seen from public places;
  3. Preserve visually significant rock outcroppings, natural hydrology, native plant materials, and areas of visual or historical significance.
- E. The highest point of any structure shall not be located above the ridgeline. A ridgeline is a long, narrow, conspicuous elevation which is visible north of Highland Avenue, from a freeway, major arterial, secondary arterial, or collector street, which forms part of the skyline or is seen as a distant edge against a backdrop of land at least 300 feet horizontally behind it. (See graphic.)
1. Use the natural ridgeline as a backdrop for structures;
  2. Use landscape plant materials as a backdrop; and
  3. Use the structure to maximize concealment of cut slopes.



F. Retaining Walls/Fences

1. Retaining walls shall be used in the following manner:

Upslope – One wall per lot not exceeding eight feet in height.

Downslope – One wall per lot not exceeding 42 inches in height may be used.

Lots sloping with the street of access or other conditions – One retaining wall on each side of the lot may be used not exceeding 42 inches in height.

Retaining walls adjacent to driveways – Walls being an integral part of the structure may exceed 8 feet in height if necessary.

2. Exposed retaining walls facing roadways shall be no greater than 5 feet in height.
3. Where retaining walls face roadways, they shall be faced with aesthetically pleasing materials (e.g., rock facing).

**19.17.080 CONDITIONAL USE PERMIT PROCESSING**

**1. PROJECT INITIATION**

To initiate a project on any parcel within the HM Overlay Zone, the property owner(s) or assignee(s) shall submit a Conditional Use Permit Application to the Department in accordance with the provisions of Chapter 19.36.

The Commission shall have the responsibility for review and approval of said applications, except that the Director shall review and act upon all Development Permits for single family residences on existing lots.

**2. CONTENTS OF THE APPLICATION**

An application for a Conditional Use Permit within the HM Overlay Zone shall include the following:

- A. A topographic map of the project site and land and structures within 100 feet of the project boundaries. The map shall be drawn to a scale of not less than one inch equals 100 feet with a maximum contour interval of 10 feet. The maximum contour interval shall be five feet where terrain has a slope of less than 25%.
- B. A tree map, drawn to the scale prescribed above, locating existing trees on the project site with a trunk diameter of six inches or greater or having a vertical height from ground level to tree-top level of 25 feet or greater. This map shall define the species of such trees and identify their approximate trunk diameter, base elevation, height, and condition. No such trees shall be removed without prior written approval of the Commission.
- C. A site or plot plan of the proposed project, including representations of property lines and recorded and proposed easements and public rights-of-way. Existing structures within 100 feet of the site shall also be shown on the site or plot plan.
- D. A preliminary grading plan for the project, drawn to the same scale as required above.
- E. Colored maps of existing and final slope, based on the following slope categories: 0-15%; 15+-25%, 25+-30%; 30+% shall be shown using contrasting colors.
- F. Sections or elevations of the proposed project. Plans shall indicate those residences which may be affected in terms of view obstruction.
- G. A soils engineering report including data regarding the nature, distribution and strengths of existing soils, conclusions, and recommendations for grading procedures, design criteria for and identified corrective measures, and opinions and recommendations regarding existing conditions and proposed grading. This investigation and report shall be performed by a professional soils engineer experienced in the practice of soil mechanics and registered with the State of California.

- H.** Any subdivision in Alquist-Priolo shall provide a geology report including the surface and subsurface geology of the site, degree of seismic hazard, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommended design criteria to mitigate any identified geologic hazards. This investigation and report shall be performed by a professional geologist experienced in the practice of engineering geology and registered with the State of California.
- I.** A hydrology report which shall include areas of possible inundation, downstream effects, natural drainage courses, conclusions, and recommendations regarding the effect of hydrologic conditions on the proposed development, opinions and recommendations regarding the adequacy of facilities proposed for the site, and design criteria to mitigate identified hydrologic hazards. This report shall account for runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a development. Runoff and debris volumes shall be computed using San Bernardino County Flood Control District criteria. This investigation and report shall be prepared by a registered civil engineer experienced in hydrology and hydrologic investigation.
- J.** A preliminary landscaping plan showing disposition of existing trees, and the type and extent of proposed vegetation.
- K.** The applicant may be requested to submit a scaled profile model or an isometric drawing depicting any or all of the site proposed for development. The developer may be required to submit photographs of the site showing the proposed development and its effect.
- L.** Covenants, conditions, and restrictions (CC&Rs), including but not limited to development plans, common area and slope maintenance, private area landscaping and maintenance shall be submitted and approved prior to the recordation of a final tract map.
- M.** Other information or application materials as may be deemed necessary or desirable by the Director.

**3. MODIFICATION OF SUBMITTAL REQUIREMENTS**

The requirement to submit any or all of the materials enumerated above may be varied by the Director under the following conditions:

- A.** Recently completed and satisfactory reports covering the same subject matter of the same site already in existence; or
- B.** Some or all of the above reports are included as part of an approved Environmental Impact Report or Negative Declaration; or
- C.** The reports described in 1. and 2. above were previously prepared for a site in close proximity to the project and such other site possesses similar characteristics to the subject project lot or parcel.

**4. EVALUATION OF CONDITIONAL USE PERMIT APPLICATION**

The Commission shall evaluate the Conditional Use Permit Application based on the following criteria:

- A. In general, the project shall be designed to fit the existing topography; the site shall not be graded to accommodate the project.
- B. The proposed density does not exceed the maximum allowed density.
- C. Final contours and slopes shall generally reflect existing landforms; in particular, building pads and terraces interspersed with slopes shall not be created and ridgelines, knolls, and significant tree masses shall be maintained.
- D. The proposed development seeks to avoid significant intrusion(s) into the view from adjoining up-slope residences.
- E. Views from public open space areas, rights-of-way, and other public places and of major public open space areas are not significantly affected.
- F. Wide pads or level areas are not created to accommodate roads. Roads should be fit into the existing topography; one-way roads may be preferred over two-way roads to reduce grading, and on-street parking should be parallel to the road, not perpendicular.
- G. Buildings, parking, carports, and landscaping shall be arranged so that view corridors from downslope lots are created.

**19.17.090 APPLICABLE REGULATIONS**

All uses shall be subject to the applicable regulations of this Development Code, including, but not limited to Article IV, Administration provisions.