

City of Solana Beach Hillside Overlay Zone

17.48.020 Hillside overlay zone.

A. Purpose. The purpose of these regulations is to restrict the grading of natural slopes with an inclination of 25 percent or greater, in order to:

1. Preserve the natural topography and scenic qualities of the city;
2. Protect native coastal sage/chaparral and grassland habitat;
3. Preserve existing watersheds; and

4. Reduce the potential for environmental hazards including soil erosion, siltation of coastal wetlands, land slides, adverse impacts due to runoff, and other impacts which could affect the public health, safety and general welfare.

It is further recognized that two of the 23 areas designated as hillside overlay zone (HOZ) on the city of Solana Beach zoning map, herein referred to as the Barbara Avenue hillside and the Santa Helena/Lomas Santa Fe hillside, the limits of which have been defined in the Geologic Reconnaissance Study prepared by CTE, dated April 22, 2002, contain slopes with inclines greater than 25 percent that have been disturbed by grading activities and are atypical to other areas designated as HOZ. As such, these hillside areas containing slopes in excess of 25 percent inclination do not exist in a natural condition, and therefore limited grading and other development activity may be permitted in these areas provided that the activity is in compliance with the supplemental submittal and review techniques established herein. The supplemental submittal and review criteria are intended to assist the city in determining the suitability of development activity in these areas in order to effectively manage the potential impacts of development activity in these areas. More specifically, the purpose of the supplemental review criteria is to:

1. Regulate the design and intensity of development activity in these areas, in order to minimize its visibility and promote its integration with the natural surroundings;

2. Minimize soil erosion and site disturbance;

3. Preserve existing drainage patterns;

4. Minimize potential impacts upon existing adjacent residential development.

B. Applicability of the Hillside Overlay Zone. The requirements of this section shall apply to all areas designated as hillside overlay zone (HOZ) on the city of Solana Beach zoning map, where site-specific analysis indicates that the parcel contains slopes exceeding 25 percent grade.

C. Development Review Permit Required. No building or grading permit shall be issued for any development on sites subject to the requirements of the hillside overlay zone until a development review permit has been submitted and approved in accordance with SBMC 17.68.040 (Development review permits) and the requirements herein.

D. Exemptions. The following are exempt from the requirements of the hillside overlay zone:

1. Any development for which site-specific analysis indicates that no portion of the project, including grading, would be located in slopes exceeding 25 percent slope. This analysis shall be based on map contour intervals not exceeding two feet and prepared by a qualified civil, soils or geotechnical engineer. Such slope analysis shall be administratively approved by the planning department to establish the permit exemption.

2. Minor additions including attached accessory structures to existing single-family residences which do not increase the existing building envelope or floor area by more than 10 percent or require more than 50 cubic yards of grading and such addition is not located on slopes of greater than 25 percent.

3. Detached accessory structures to single-family residences which do not exceed 10 percent of the total floor area of the principal structure or require more than 50 cubic yards of grading and such structure is not located on slopes of greater than 25 percent.

E. Submittal Requirements. In addition to the submittal requirements set forth in SBMC 17.68.040, applications for development review permits in the hillside overlay zone shall include:

1. A slope analysis based upon topographic map contour intervals not exceeding two feet. Such analysis shall be certified by a qualified civil, soils, or geotechnical engineer.

This analysis shall describe the following slope categories in acres and shall also graphically depict the location of each category on the topographic map:

- a. Less than 25 percent slope.
- b. 25 to 40 percent slope.
- c. Greater than 40 percent slope.

2. A geological reconnaissance report where structures and improvements are proposed within any areas of greater than 25 percent slope pursuant to subsections F and G of this section.

Where unstable conditions are indicated, but in the opinion of the city engineer are not sufficiently defined in the geological reconnaissance report, a preliminary engineering geology report shall also be required. The preliminary engineering geology report shall include the results of subsurface investigations sufficient to identify the nature and magnitude of such unstable conditions, and shall identify alternative mitigation measures that may be needed.

F. Development Review Criteria for Slopes That Exist in a Natural Condition.

1. Development or grading shall not be permitted on slopes greater than 25 percent except where necessary to prevent the denial of all reasonable economic use of the property. Where such development is necessary, as much of the natural terrain shall be retained as possible.

2. Minor grading for the construction of one single-family dwelling unit and driveway for up to 20 percent of a legal lot consisting entirely of slopes of 25 percent or greater may be permitted if other nongrading approaches to development are not feasible.

3. All slopes over 25 percent grade which remain undisturbed or which are restored or enhanced as a result of a development approval shall be conserved as a condition of that approval through a deed restriction, open space easement,

or other suitable device that will preclude any future development or grading of such slopes.

G. Supplemental Submittal Criteria for Development Activity on HOZ Slopes That Exist in an Unnatural Condition. In addition to the submittal requirements set forth in subsection E of this section, applications for development review permits in the Barbara Avenue hillside and the Santa Helena/Lomas Santa Fe hillside overlay zone areas shall include the following supplemental information:

1. Geotechnical report, prepared and stamped by a geotechnical engineer. Said report will evaluate site conditions, and recommend design measures necessary to reduce development risks and facilitate safe and stable development.

2. A building site cross slope analysis depicting the 1:1 relationship of the proposed development activity with existing and proposed grades, proposed structure devised, such as retaining walls, or fences and the existing adjacent, down slope dwelling.

3. Grading, erosion and sediment control plan prepared pursuant to best management practices by licensed professional civil engineer, which provides the following information:

a. Existing and proposed grades of disturbed areas at two-foot contour intervals, and delineating the limits of disturbance on-site, and final drainage patterns with expected quantities and velocities.

4. Detailed landscaping plan depicting the following:

a. Existing vegetation, boulders, and other natural features on the property, and identification of elements to be preserved and those to be removed;

b. Proposed landscaping and revegetation plan indicating all disturbed areas with the type, method and six-month schedule for proposed revegetation, the location, type, quantity and size of proposed landscaping, the type of privacy screening, where necessary, as well as provisions to establish and maintain landscaping;

c. Revegetation Bond. At the time of building permit issuance, the applicant may be required to enter into an agreement with the city that requires the applicant to furnish the city with a cash bond in an amount determined by the director of community development, for the purpose of ensuring implementation and completion of the revegetation plan. Said bond will be returned to the applicant upon city inspection demonstrating compliance with the revegetation plan.

5. Building elevations depicting the profile of the existing and proposed grade along each elevation, as well as proposed construction materials and colors. Color boards may also be required.

6. Visual Aids. Visual aids including roofline story poles erected pursuant to SBMC 17.63.040(B) and/or photographs of the site may be required to permit field observation of the impact of the proposed development on privacy and view shed.

7. Acoustical analysis, if required to demonstrate compliance with the city's noise ordinance.

8. Photometric plan, if required to demonstrate containment of all light sources within property lines.

9. Letter of intent describing all efforts that have been made to comply with this section, and which address any unique circumstances or hardships.

10. Other information may be required as deemed necessary by the community development director in order to effectively assess the extent and scope of the intended development activity.

H. Supplemental Development Regulations for Development Activity on Slopes That Exist in an Unnatural Condition.

1. Rear Yard Setback. The minimum rear yard setback for new structures or additions to existing structures, situated below-grade (below the ground elevation of the existing structure), shall be 40 feet from the property line. The minimum rear yard setback for at-grade structures (at the same ground elevation as the existing structure) shall be stepped back an additional 10 feet to create a minimum setback of 50 feet. Any new building structure or additions to existing structures with a building height exceeding 16 feet above existing grade is subject to the view assessment provisions of SBMC 17.63.040.

2. Accessory Encroachments. Swimming pools, spas, decks, fences, or walls in excess of 42 inches in height, except for required security or safety fencing up to five feet, and similar accessory structures are considered structures for the purpose of determining setbacks.

3. Rear Yard Buffer Area. A 20-foot-wide minimum landscape buffer shall be provided along the rear property line, in such a manner as to provide visual screening for adjacent residents to the west, as well as minimize view blockage for residents to the east. This buffer area shall be planted and maintained according to this section.

4. Grading Activities within the Landscape Buffer Area. Grading activities shall not be permitted within the 20-foot-wide landscape buffer area.

5. Grading and Structures Immediately Adjacent to Landscape Area. Grading activities may be permitted in the area immediately adjacent to the landscape buffer to allow an avenue for the creation of a usable play area. Accessory structures greater than 42 inches in height, except for required security or safety fencing up to five feet, are not permitted within the 20-foot-wide area immediately adjacent to the landscape buffer area. Noncommercial playground equipment, such as swing sets, and play sets, are permitted within the 20-foot-wide area immediately adjacent to the landscape buffer area, as presently regulated in SBMC 17.20.020(C)(3).

6. Maximum Height. As set forth in SBMC 17.20.030.

7. Other Regulations. As set forth in SBMC 17.20.030.

I. Performance Standards for Development Activity on HOZ Slopes That Exist in an Unnatural Condition. The general criteria for development review is that the proposed development activity shall, to the maximum extent possible, reduce potential visual and spatial impacts of development activity by integrating development with its surroundings. In addition to the review criteria set forth in SBMC 17.48.010, development review permits in the Barbara Avenue and the

Santa Helena/Lomas Santa Fe hillside overlay zone areas shall meet the intent of the following performance-based review criteria:

1. Site Design. The site design should incorporate the existing natural features and terrain taking into consideration the contours of the land. The building form should follow the natural contours of the land. The site design and structure should take into consideration the impacts on privacy and views of neighboring properties. Window placement, landscaping, deck and other accessory structure placement should be carefully planned to ensure adjacent properties are not compromised.

2. Building Form. The slopes of the roof should follow the natural contours (i.e., oriented in the same direction as the slope). The bulk of the building should be broken up by incorporating varied roof heights rather than having just one or two massive roof planes. Expansive facades shall be avoided by offsetting walls and architectural elements to produce patterns of light and shade. Second stories shall be set back from the first floor as specified herein to step with the slope so that bulk is minimized.

3. Fences and Retaining Walls. Solid fencing should be avoided where visible to the public. Retaining walls should be landscaped so that they blend with surroundings and reduce visual impacts.

4. Color and Materials. Exterior colors of all structures shall use natural dark, or earth tones. Light, bright and reflective materials are to be avoided.

5. Vegetation shall be used to blend structures with the surrounding landscape, soften the impact of development on manufactured slopes, and provide erosion control. Landscaping shall be used to screen views of down slope elevations. Landscaping material shall consist of native or naturalized plant material that blends naturally with the landscape and provides screening. An irrigation system that utilizes water and energy conservation techniques, sufficient to establish, and if required, facilitate revegetation and minimize erosion shall be used. Required rear yard landscape buffer areas shall be planted with land material that is sufficient in size and quantity to adequately buffer and screen views from down slope elevations to minimize impacts within existing adjacent residential development. Landscaping shall not exceed the height of adjacent rooflines, either when installed or when they reach maturity.

6. Lighting. All exterior lighting shall be designed pursuant to SBMC 17.48.010(F)(8).

7. Noise. Noise levels shall not exceed the dBA levels set forth in the city of Solana Beach noise ordinance. Intervening structures may be required to be incorporated into the site design to minimize noise impacts.

J. Findings of Fact. In addition to the findings required by SBMC 17.63.040(F)(2) through (5), development activity within the Barbara Avenue and Santa Helena/Lomas Santa Fe hillside areas shall only be allowed if the city council finds the following:

1. The development activity meets the intent of all performance standards set forth herein;

2. The development has been designed so that its visibility has been effectively minimized and integrated in the natural surroundings to the extent feasible;

3. Soil erosion and site disturbance has been effectively minimized;

4. Drainage patterns have been preserved;

5. Potential impacts upon existing adjacent residential development have been minimized to the extent feasible;

6. Development has been sited so that it is compatible with existing surrounding development in terms of height, bulk and scale;

7. Adequate drainage and utility facilities are available to serve the subject property, while maintaining sufficient levels of services for existing development;

8. Potential lighting and noise impacts upon existing adjacent residential development has been effectively minimized;

9. The cumulative visual impact of the development activity, as viewed from west to east, has been effectively mitigated. (Ord. 298 § 1, 2003; Ord. 185 § 2, 1993)

17.48.030 Floodplain overlay zone.

A. Purpose. The purpose of these regulations is to insure that development and fill in the 100-year floodplain of the San Dieguito River Valley, where permitted, will not constitute an unreasonable, undesirable, or unnecessary obstruction to flood flow and that such development will not adversely effect coastal wetlands, riparian areas, or other sensitive habitat areas within the floodplain.

B. Applicability of the Floodplain Overlay Zone. The requirements of this section shall apply to all areas designated as floodplain overlay zone (FPOZ) on the city of Solana Beach zoning map. Such zoning shall include all areas identified as within the 100-year floodplain on maps published by the Federal Emergency Management Agency. Nothing in this section shall preclude the need to comply with the flood damage prevention overlay zone as prescribed in Chapter 17.80 SBMC.

C. Development Review Permit Required. No building or grading permit shall be issued for any development in areas subject to the floodplain overlay zone until a development review permit has been submitted and approved in accordance with SBMC 17.68.040 (Development Review Permits) and this section.

D. Exemptions. The following are exempt from the requirements of the floodplain overlay zone:

1. A single-family residence on a single lot including accessory structures thereto which is located at least one foot above the 100-year flood level and is otherwise designed to withstand periodic flooding.

E. Development Review Criteria. Within the 100-year floodplain of the San Dieguito River Valley, permanent structures and/or fill for permanent structures, roads and other public improvements consistent with the general plan and local coastal program land use plan will only be allowed if the applicant can demonstrate the following:

1. The development is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works including, but not limited to, artificial flood channels, revetments, and levees. Fill required to raise the development above the 100-year flood level shall be permitted consistent with this criteria. Flood protection works may be permitted to protect new or existing roads which are identified in the general plan circulation element.

2. Existing environmentally sensitive habitat areas will not be significantly adversely affected.

3. The development will not result in a net reduction of existing riparian habitat areas within the floodplain. (Ord. 185 § 2, 1993)