

CHAPTER 17.29 - HILLSIDE OVERLAY DISTRICTS

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17.29.010 – Purpose of Chapter

The HD, HD-SR, and HD-1 (Hillside Development) overlay zoning districts are intended to:

- A. Preserve and protect views to and from hillside areas to maintain the identity, image, and environmental quality of the City;
- B. Maintain an environmental equilibrium consistent with the native vegetation, animal life, geology, slopes, and drainage patterns by preserving and protecting existing natural resources including native flora and fauna, sensitive wildlife habitats, wildlife corridors, and mature trees to the greatest extent feasible;
- C. Prohibit features that would create or increase fire, flood, landslide or other safety hazards to public health and safety; injure the habitability, stability and value of properties in the affected communities;
- D. Minimize the City's cost of having to install new public infrastructure and the costs to replace and maintain existing public infrastructure;
- E. Preserve significant natural topographic features, including swales, canyons, knolls, ridgelines, and rock outcrops, riparian vegetation, natural streambeds, and woodlands to the maximum extent feasible. While it is recognized that development may necessarily affect natural features, a major design objective shall be to minimize these impacts;
- F. Ensure a safe means of ingress and egress for vehicular (including emergency equipment) and pedestrian traffic to and within the hillside areas, with minimum disturbance to the natural features;
- G. Provide development standards that promote orderly development consistent with the traditional scale and character of the community, and that preserve privacy and views;
- H. For hillside subdivisions, ensure that development sites are concentrated in areas with the greatest environmental carrying capacity and limited to very low densities in areas with low environmental carrying capacity;

- I. Avoid residential densities that would require extensive grading or would generate extensive traffic; and
- J. Preserve and protect existing natural resources including native flora and fauna, sensitive wildlife habitats, and mature trees.

17.29.020 - Applicability

- A. The requirements and guidelines in this Chapter apply to all subdivisions, other proposed development, or a new land use on a site within the HD (Hillside Development) or the HD-SR (Hillside Development, San Rafael Area) overlay zoning districts, except that proposed development and new land uses on sites within the HD-1 overlay district that apply to Upper Hastings Ranch shall be subject only to Section 17.29.090 (HD-1) Standards.
- B. Proposed development and new land uses within the HD, HD-SR, and HD-1 overlay zoning districts shall comply with all applicable requirements of the base zoning district, except where this Chapter establishes a different requirement.

17.29.030 - Permit Requirements

- A. **HD and HD-SR overlay.** A proposed subdivision, new dwelling or structure, or addition to an existing structure within the HD or HD-SR overlay zoning district shall require Hillside Development Permit approval in compliance with Section 17.29.080 (Hillside Development Permit) in addition to any other permit required by this Zoning Code; except that a Hillside Development Permit is not required for the following types of development:
 - 1. **Additions.** The following additions to existing structures, when the additions otherwise comply with all other applicable requirements of this Chapter and this Zoning Code.
 - a. A single-story addition to a dwelling that increases the floor area by no more than 500 square feet or 20 percent of the existing floor area of the primary dwelling, including an attached garage, whichever is greater.
 - b. A second story addition of less than 500 square feet; provided it is in compliance with the guidelines in Section 17.29.060.E (View protection).
 - 2. **Accessory structures.** One single-story detached accessory structure that constitutes no more than 20 percent of the floor area of the primary dwelling (including attached garage).

The thresholds listed in Section A.1 and A.2 above apply either individually or in the aggregate with all other additions and all prior additions in the previous three years to the same lot. The above additions and accessory structures shall comply with the permit requirements of the base zoning district. No credit shall be given for demolition or partial demolition of a structure.

- B. **HD-1 overlay.** See Section 17.29.090 (HD-1-Upper Hastings Ranch Area-Standards).

17.29.040 - Hillside Subdivision Standards

The standards of this Section apply to the subdivision of an existing lot into two or more lots in addition to the other applicable requirements of this Zoning Code, the Subdivision Map Act in compliance with State law (Government Code Section 66410 et.seq.), and the City's Subdivision Ordinance.

- A. Minimum lot area and open space.** In order to retain natural features of hillsides, the number of lots allowed in a new subdivision shall be reduced as slope increases, in compliance with Table 2-8, below.
1. A site proposed for subdivision shall be divided into cells of similar slope, utilizing the slope ranges listed in Table 2-8.
 2. The maximum number of lots allowed by the base zoning district shall be multiplied by the applicable reduction factor assigned to each cell.
 3. The result of this calculation is the maximum allowable number of parcels for each cell.

TABLE 2-8 - DENSITY REDUCTION

Average Slope	Density Reduction Factor
0% to 15%	1.0
More than 15%, up to 20%	0.9
More than 20%, up to 25%	0.8
More than 25%, up to 30%	0.7
More than 30%, up to 35%	0.6
More than 35%, up to 40%	0.5
More than 40%, up to 50%	0.4
Greater than 50%	See Subsection B.

- B. Maximum number of lots if slope exceeds 50 percent.** If the average slope of the site to be divided exceeds 50 percent, the maximum number of lots shall be determined by assigning a maximum number of lots not exceeding one lot for each five acres of site area to the portion of the property exceeding 50 percent slope, and applying the density reduction requirements of

Subsection A to the remainder of the site. The total number of allowable lots for the site shall be the sum total of the two numbers.

- C. **Further reduction in number of allowed lots.** The review authority may reduce further than required by this Section the number of lots approved in a new subdivision based upon site-specific problems or constraints identified through the environmental review of the proposed subdivision.
- D. **Building site requirements.** Each proposed lot shall be designed and located to provide at least one building site where all proposed structures can comply with all other applicable requirements of this Chapter.
- E. **Roads.** Each new road shall follow natural terrain contours to the maximum extent feasible to minimize grading. Proposed driveways shall comply with the requirements of Section 17.29.050 (Development Standards) below.

17.29.050 – Development Standards

- A. **General site planning standards.** Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Siting structures in the least prominent locations is especially important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.
- B. **Setback requirements.** A proposed structure shall comply with the setback requirements of the base zoning district, including encroachment plane requirements and limitations on projections into setbacks and encroachment planes, except as follows.
 - 1. **Front setback for main structure.** The minimum front setback for the main structure, and accessory structures other than garages, shall be 25 feet, except that in the San Rafael hillside neighborhood (HD-SR), the front setback shall comply with the requirements in Section 17.29.100 (San Rafael Area Setbacks) below.
 - 2. **Front setback for garage.** The minimum front setback for an attached or detached garage on upslope and downslope sites is at the point on the centerline of the front lot line where the elevation is ten feet above or below the top of the curb, or 25 feet, whichever is less.
 - 3. **Side setback from slope.** Where a building site abuts a lot with an elevation that is three feet or more above or below that of the site, the required side setback shall be measured from the nearest toe or top of slope to the structure, whichever is closer. See Figure 2-1.

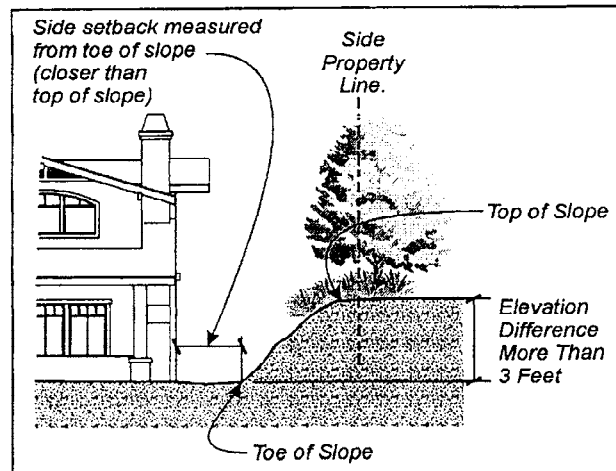


Figure 2-1 – Side Setback Measurement

- C. Placement of structures, ridgeline protection.** Each proposed structure shall comply with the following standards to assist in maintaining a natural appearance for hillsides and ridgelines. For purposes of this Chapter, ridgelines shall be defined as the high meeting point of a crest of two slopes that form a hill. Ridgelines can be on top of a range of hills or can be the spur or backbone of a hillside descending from the top of a mountain or hill.
1. Each structure shall be located as follows: provided the review authority may modify or waive these standards where it determines that a structure on the only feasible building site of an existing lot cannot comply.
 - a. No part of a proposed structure shall appear silhouetted against the sky above the nearest ridge when viewed from a public street or park. See Figure 2-2.
 - b. The topmost point of a proposed structure and all site grading shall be at least 30 feet below the top of the nearest ridge or knoll. See Figure 2-3.
 2. Each structure shall be located to take advantage of existing vegetation for screening, and should include the installation of additional native plant materials to augment existing vegetation, where appropriate.

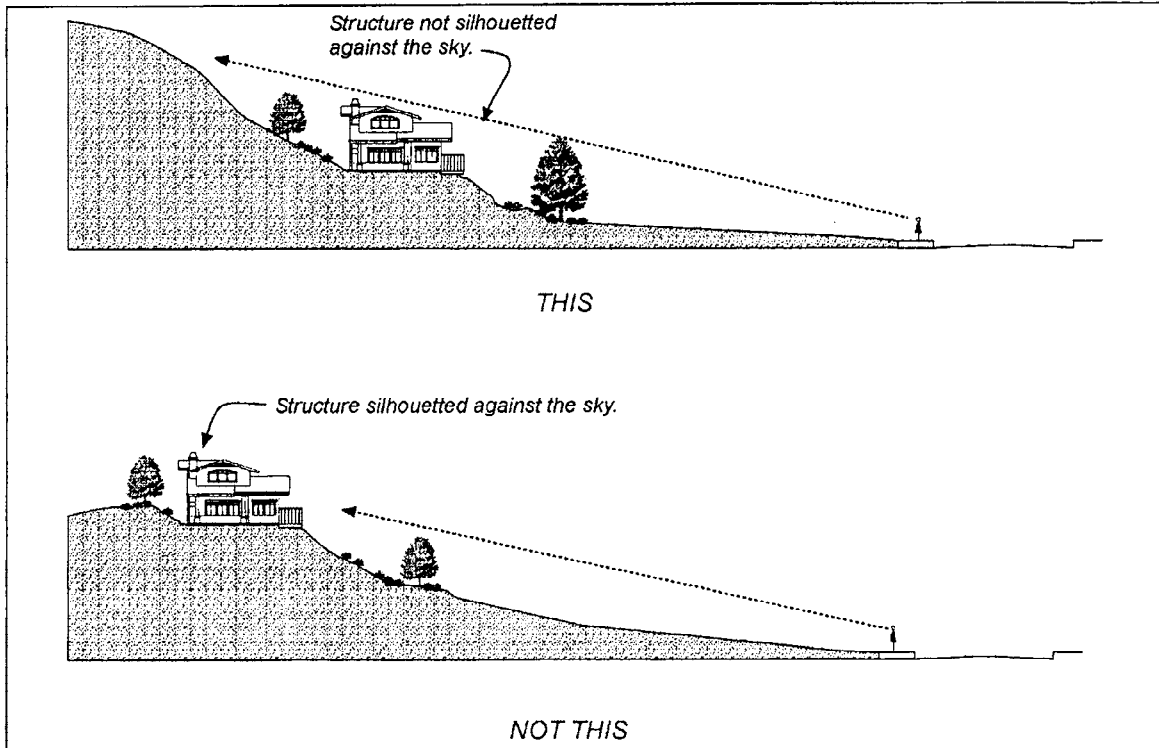


Figure 2-2 – Silhouetted structure

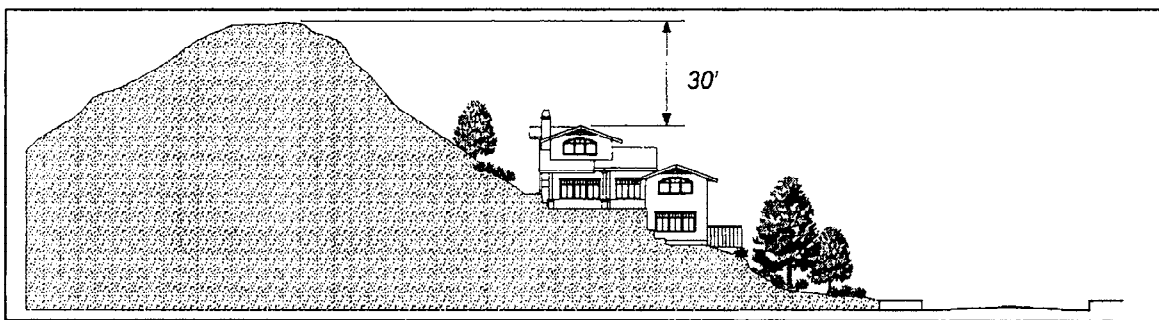


Figure 2-3 – Location of structure below ridgeline

- D. Encroachment into the Arroyo Seco.** No structure shall extend over or below the top edge of the Arroyo Seco slope bank on a lot identified on the *Arroyo Seco Slope Bank Map*, dated May 11, 2004, a copy of which is maintained by the City Clerk.
1. The "top edge" of the Arroyo is the highest existing grade elevation at the point where the natural gradient inclines downward at a slope greater than 2:1 in the mapped area. On a site with multiple slope banks, the "top edge" shall be considered the point farthest from the floor of the Arroyo Seco. The applicant shall provide a complete topographic map of the site for purposes of locating the "top edge" of the Arroyo for each specific site.

2. A Hillside Development Permit shall be required for the development of any structure within 20 feet of the top edge.
- E. Lot coverage.** Total lot coverage shall not exceed 35 percent.
- F. Site access, driveways.** Each driveway shall follow natural terrain contours to the maximum extent feasible to minimize grading, and also shall comply with the following standards.
1. **Width.** The minimum and maximum graded and paved width of a driveway serving a dwelling unit constructed after the effective date of this provision shall be: 15 feet for one unit and 20 feet for two or more units. This provision shall not apply to dwelling units located on flag lots created before June 18, 1980.
 2. **Maximum grade.** The finished grade of a driveway shall conform to the finished grade of the lot, but in no case shall exceed an average grade of 15 percent, or 20 percent at any point.
 3. **Agency review.** The location and design of any driveway shall be referred to the Fire Department and the Transportation Department for review and comment as to on- and off-street safety of vehicles, vehicle passengers and pedestrians, and access for emergency vehicles.
- G. Parking requirements.** Off-street parking shall be provided in compliance with Chapter 17.46 (Parking and Loading), except that each dwelling shall provide off-street guest parking as follows.
1. **Number of spaces required.** A minimum of four guest parking spaces shall be provided on a site fronting on a street where parking is prohibited on both sides of the street at the site. A minimum of two guest parking spaces shall be provided on a site fronting a street where on-street parking is allowed.
 2. **Location of parking.** A maximum of three guest parking spaces may be located on a driveway in a required front setback provided the driveway slope does not exceed 15 percent, and the maximum width of the parking spaces across the lot frontage does not exceed 50 percent of the total frontage of the building facade facing the street. Tandem guest spaces are allowed.
 3. **Parking space dimensions.** Each guest parking space shall be a minimum of 8.5 feet wide by 18 feet long, and shall not extend beyond the property lines of the site.
- H. View protection.** See Section 17.29.060.E. (View Protection) below.
- I. Fences.** Fences and gates shall meet the requirements of the base zoning district and shall not be constructed within or across private or public streets or easements that serve more than one property.

- J. Average Slope Formula.** Average slope as used in this Chapter shall be determined in compliance with the following formula:

$$S = \frac{0.00229IL}{A}$$

Where:

S is average slope

I is contour interval in feet

L is combined length of contour lines in scale feet within land to be divided

A is gross developable acres, inclusive of any rights-of-way to be established by a proposed parcel map or tract map. Existing rights-of-way for public streets, private streets, private driveway easements, or other vehicular access ways located within the site are excluded from the gross developable area.

To determine average slope, the existing topography and contours of the site shall be used. If the site was graded and the topography altered on or after June 18, 1980, the average slope shall be based on the topography which existed before grading and alteration of the site.

17.29.060 - Building Design Standards

Structures shall generally utilize varying setbacks and structure heights, split-level foundations, and low retaining walls to blend structures into the terrain.

- A. Maximum floor area.** The total gross floor area of all structures on a site shall not exceed the area provided by this Subsection. Gross floor area shall be defined and measured the same as in other RS zoning districts, except that gross floor area in the HD and HD-SR overlay districts shall include without limitation: all covered parking, habitable attic space, and basements, including garage and carport areas, with any exposed wall (or portion thereof) six feet or more above finished grade, measured from finished grade elevation to the floor above.

- The maximum gross floor area ratio (FAR) shall be as follows, except as modified by Subsections A.2 through A.6, below:

Zoning District	Allowable Base FAR
RS-1-HD	0.20 + 500 sf
RS-2-HD	0.225 + 500 sf
RS-4-HD	0.25 + 500 sf
RS-6-HD	0.275 + 500 sf

- Notwithstanding Subsection A.1, the maximum FAR for a lot under 10,000 square feet in the RS-1-HD, RS-2-HD or RS-4-HD zoning districts shall be 0.30 + 500 square feet.

3. For lots of 10,000 square feet or over, all portions of the lot with a 2:1 slope or greater shall be deducted from the lot area used for calculating maximum allowable gross floor area.
4. Regardless of the lot area, the maximum FAR for a lot with an average slope exceeding 15 percent shall be further reduced in compliance with the following formula:

$$F = (B) (1 - (C - 0.15) / 2)$$

Where:

F is the maximum allowed gross floor area, reduced based on lot slope;

B is gross floor area calculated in compliance with Subsections A.1, A.2, and A.3; and

C is average slope of the site.

5. The lot area used in calculating the maximum allowable gross floor area in compliance with this Subsection shall not include any access easement.
6. For lots over 10,000 square feet, if, after removing the lot area listed in Subsections A.3 and A.4 above, the resulting maximum allowable gross floor area is less than 3,000 square feet, a maximum allowable gross floor area of 3,000 square feet (including all structures on site) shall be allowed.

B. Height limits. Each proposed structure in the HD and HD-SR districts shall comply with the following height limits, instead of the height limit of the applicable base zoning district.

1. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade (see Figure 2-4), and as provided by Subsection B.2.

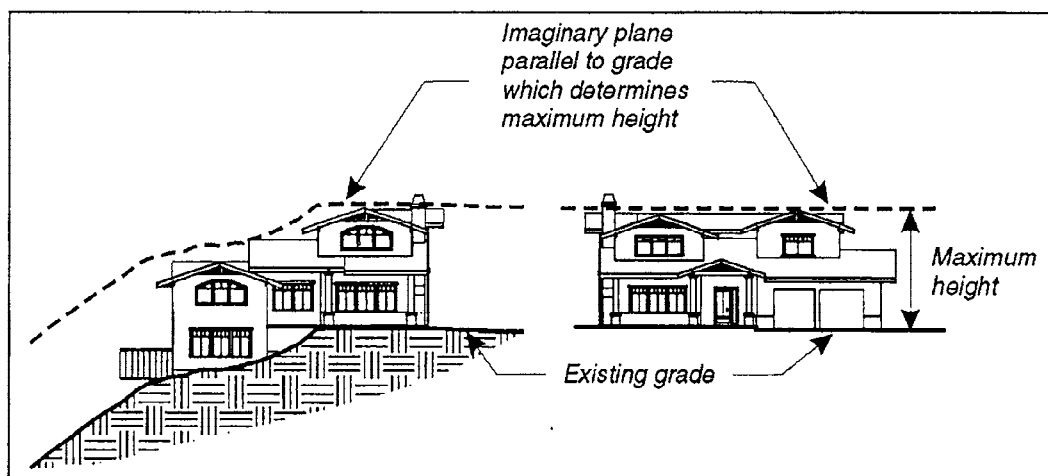


Figure 2-4 – Height Measurement on hillsides

2. **General height limit.** No structure shall exceed a height of 28 feet at any point on the site, measured in compliance with Subsection B.1, and shall not exceed a height of 35 feet, measured from the lowest elevation on the site where the structure touches the grade, to the highest point of the roof. There shall be no maximum height for the top plate of a dwelling

unit if the general height limit is met. A Hillside Development Permit shall be required for projects that propose to match an existing structure height that exceeds the general height limit if the existing structure was constructed before adoption of this Chapter (May 3, 2004).

3. **Height of lowest floor level.** The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six feet (see Figure 2-5).
4. **Decks.** No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks shall be integrated into the architecture of the house, and not appear as an add-on to the primary building mass (see Figure 2-5).

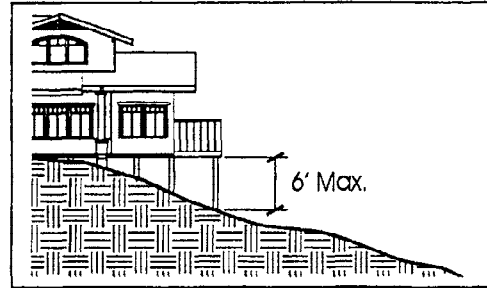


Figure 2-5 – Height limit for lowest floor and decks

C. Architectural features.

All new homes and additions subject to a Building Permit shall have architectural features that are compatible with existing architecture and the character of the surrounding neighborhood as defined below in Section D. In particular:

1. **Exterior wall surfaces.** The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of single-story elements, stepbacks, overhangs, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.
2. **Privacy - surrounding lots.** Windows, balconies, and outdoor living areas generally shall be located to protect the privacy of adjacent homes and yards.
3. **Support structures.** Support structures (for example, columns, pilings, etc.) below the lowest floor on the downhill side of a house, shall be enclosed unless visible structural members are an integral feature of the architectural design.
 - a. A structural or decorative supporting device, including columns, pipes, or beams that are allowed to be exposed to view, shall have a minimum individual dimension of 12 inches for every one foot of height or length, with a minimum dimension of 15 inches.
 - b. A support-structure wall surface shall not exceed six feet in height.
4. **Colors and materials.** A mixture of materials and color shall be used to blend structures with the natural appearance of the hillside:
 - a. Based upon the graphic principle that darker colors are less noticeable than light colors, darker tones, including earth tones, shall be used for building walls and roofs on highly visible sites so that structures appear to blend in with the natural terrain.

- b. Exterior finish materials shall be appropriate for the architectural style of the structure and compatible with the hillside environment.

D. Neighborhood Compatibility. New homes and additions subject to a Hillside Development Permit shall be designed with consideration of the character and scale of the existing development in the vicinity. Through the Hillside Development Permit process, compatibility will be determined following a review of existing site conditions, visibility of the site, and the size, scale, and character of existing development within 500 feet of the site. Dependent on existing conditions, the Zoning Administrator may modify the 500-foot radius to include a larger neighborhood when within the 500-foot radius there are fewer than five developed lots, or when the character of the neighborhood is defined by existing features (e.g., canyon, street, etc.). In addition to the floor area ratio requirements of Section 17.29.060.A, the allowable floor area of the home shall not be greater than 35% above the median floor area of the existing homes within the established radius (excluding garages and other accessory structures). Floor area shall be determined using data from the Los Angeles County Assessor. The review authority may approve additional floor area following a review of site conditions and compliance with the remainder of the Hillside District standards.

E. View protection. A proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible, as determined by the review authority, and as follows. See Figures 2-7 and 2-8. For purposes of this Chapter, “surrounding” properties refers to all abutting properties as well as properties directly across a street from the subject property.

1. New structures and tall landscaping shall not be placed directly in the view of the primary living areas on a neighboring parcel. For purposes of this Chapter, “primary” living area refers to living rooms, family room, patios, but not a kitchen, bedroom, or bathroom.
2. Mechanical equipment other than vents shall be placed on a rooftop or below a deck only if the equipment is not visible from off the site. This equipment shall also comply with the height limits in Subsection B. above.

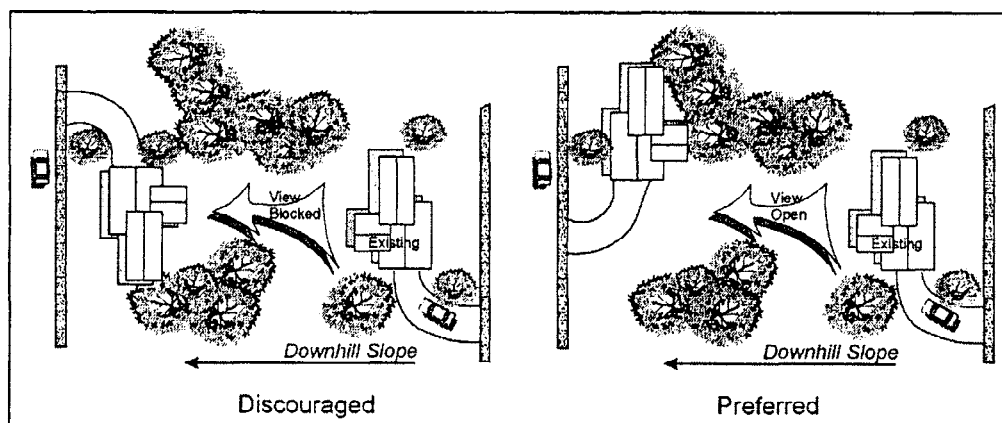


Figure 2-7 – Siting New Building to Preserve Views

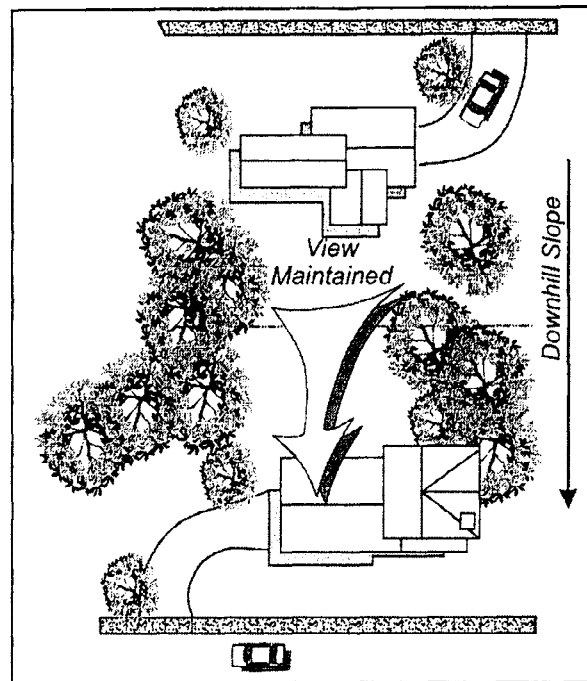


Figure 2-8 – Example of Preferred Location of Second Floor to Preserve Views

17.29.070 - Site Development Standards

- A. **Grading.** Site grading, retaining walls, structural foundations, and all methods of retention shall comply with the requirements of Municipal Code Chapter 14.05 (Excavation and Grading in Hillside Areas), and the Pasadena Building Code. Compliance is determined by the Building Division. No Grading Permit shall be issued for an individual lot in the HD, HD-1, or HD-SR overlay zoning district until each required discretionary entitlement for the project has been approved, and the plan-check process has been completed. For grading of more than one lot in advance of a discretionary entitlement application, a Hillside Development Permit is required.
- B. **Storm Water and Urban Runoff Control Regulations.** All development and redevelopment projects on lots with any natural slope that is 15 percent or greater are subject to the City's Storm Water and Urban Runoff Control Regulations. These projects are required to submit a Standard Urban Stormwater Mitigation Plan (SUSMP) to the City Manager, or duly authorized representative thereof, for review and approval before the issuance of any site plan approval, entitlement of use, or Grading or Building Permits.
- C. **Landscaping.** Landscaping shall meet the requirements of Chapter 17.44 (Landscaping).
- D. **Exterior lighting.** Exterior lighting shall be properly shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and the use of multiple low profile fixtures is encouraged, as opposed to the use of fewer, but taller fixtures. Emphasis for exterior lighting shall be on safety and landscape lighting as opposed to structure lighting.

- E. Fire safety.** Each project shall comply with the requirements of Municipal Code Chapter 14.24 and the Pasadena Fire Code. Before the issuance of a Building Permit, all building plans shall be reviewed and approved by the Fire Chief for compliance with these requirements.
- F. Trash receptacles.** All trash receptacles shall be screened from view from the public right-of-way.
- G. Large vehicle restrictions.** For projects subject to a Building Permit, all construction vehicles or trucks, including trailers with lengths over 30 feet or widths over 102 inches, shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that the vehicles can maneuver around specific tight curves in the Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 a.m. and after 3:00 p.m. Monday through Friday and all day during weekends and holidays.* On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 a.m. and after 3:00 p.m.
- * Holidays are defined as the following: New Year's Day (Day of the Rose Parade), Martin Luther King's Birthday (Third Monday in January), President's Day (Third Monday in February), Memorial Day (Last Monday in May), Independence Day (July 4), Labor Day (First Monday in September), Veterans Day (November 11), Thanksgiving Day (Fourth Thursday in November), Christmas Day (December 25).
- H. Sewer connections and regulations.** All development in the hillside districts shall meet the requirements of the Public Works Department and Building Division with regard to connections to the public sewer system

17.29.080 - Hillside Development Permit

- A. Purpose.** The Hillside Development Permit provides a review process for the City to consider the appropriateness of proposed development on hillside lots to ensure that a proposed project minimizes its visual and environmental impact.
- B. Applicability.** A Hillside Development Permit is required to authorize any proposed development that is subject to the requirements of this Chapter.
- C. Application filing and processing.** An application for a Hillside Development Permit shall be filed and processed in compliance with Section 17.60 (Application Filing and Processing). Hillside Development Permits shall follow the procedures of Conditional Use Permits as identified in Chapter 17.61.050. A Hillside Development Permit application shall include all information and materials required by Section 17.60.040 (Application Preparation and Filing) and the following additional information prepared by licensed or certified professionals:
- 1. Site topography.** A topographic map covering the entire site. The topographic map shall be prepared with a contour interval of not more than five feet, which shall also identify the proposed building site, and all areas of the site with slopes of 15 percent or less, all areas of the site with slopes that are more than 15 percent but no more than 50 percent, and all areas

of the site with slopes of 50 percent or more. An average slope calculation is required for the entire lot area.

2. **Geotechnical report.** A preliminary geotechnical report that identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity. Depending upon the site characteristics and project design, the review authority may also require a final geotechnical report.
3. **Hydrology report.** A hydrology report shall be required that analyzes the effects of water runoff, drainage, sustained landscape irrigation, and increased groundwater on slope stability and analyzes the potential effects (flooding, mudslides, higher water table, etc.) of added groundwater on properties down slope. The Zoning Administrator may waive the hydrology report requirement for projects where no or only minor alterations to the existing topography or drainage patterns are proposed, or where the slope does not exceed 15 percent.
4. **Constraints analysis.** For properties determined by the Zoning Administrator to potentially have sensitive environmental resources including endangered plants or animals, trees protected by the City's Tree Protection Ordinance, riparian areas, or a wildlife corridor, the environmental document prepared for the project in compliance with the California Environmental Quality Act (CEQA) shall include identification and analysis of the resources, and proposed mitigation measures for effective protection.
5. **Visual analysis.** All projects that require a Hillside Development Permit shall be required to provide a visual analysis in accordance with this subsection. In particular, a visual analysis is required to assist the review authority and interested citizens in understanding how a proposed structure and its accompanying grading and other site development will appear in the context of the surrounding hillsides, properties, and development.
 - a. **Content.** A visual analysis shall consist of one or more three-dimensional depictions of a proposed project, including all proposed structures and site development, illustrating how the project will appear to observers viewing the project from public rights-of-way and other public areas near the site.
 - b. **Form.** The three-dimensional visual depictions provided in a required visual analysis may be in one or more of the following forms, as determined by Subsection 5.c (Specific requirements), below:
 - (1) Rendered perspectives, including grading cross-sections;
 - (2) Photomontages, including photos of the site with the location and size of proposed structures defined by structural frameworks (e.g., of boards, PVC pipe, guy wires with pennants, etc.) that outline the walls, roofs, and other features that will determine the location, mass, and bulk of the proposed structures;
 - (3) Computer-generated simulations;
 - (4) A three-dimensional scale model of the project site of a scale sufficient to

evaluate the project as determined by the Zoning Administrator; and

- (5) Any other technique acceptable to the Zoning Administrator that will provide an accurate three-dimensional visual depiction of the proposed project in its proposed location and context with sufficient detail to clearly illustrate how proposed structures and site development will look when complete.

- c. Specific requirements.** The requirements for the content and form of a visual analysis for a specific project (e.g., the number of illustrations required and their vantage points) will be determined by the Zoning Administrator in each case. Written analysis and/or design in addition to illustrations may also be required when determined by the Zoning Administrator to be necessary to clearly understand the potential visual impacts of the project.

All submitted maps, plans, drawings, and sketches shall be drawn to the same scale which shall be consistent throughout the review and approval process. Exceptions require the approval of the Zoning Administrator.

- D. Review authority.** The Hearing Officer may approve, conditionally approve, or disapprove a Hillside Development Permit in compliance with this Chapter.
- E. Project review, notice, and hearing.** The project review and public notice and hearing requirements for a Hillside Development Permit shall be the same as those required for a Conditional Use Permit by Section 17.61.050.
- F. Findings and decision.** The Hearing Officer may approve, conditionally approve, or disapprove a Hillside Development Permit application, and shall record the decision and the findings upon which the decision is based. The Hearing Officer may approve the permit only after first making the following findings, in addition to the findings required by Section 17.61.050 for Conditional Use Permit approval:
1. The design, location, and size of proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots, as described in Section 17.29.060 D., and in terms of aesthetics, character, scale, and view protection;
 2. The placement of proposed structures avoids the most steeply sloping portions of the site to the maximum extent feasible and minimizes alteration of hillside topography, drainage patterns, and vegetation.
- G. Additional finding for adjustments to standards.** The applicant may seek and the Hearing Officer may grant an adjustment to the standards of this Chapter as part of Hillside Development Permit approval only where it first finds that:
1. The adjustment will result in a structure that is less visible from off the site, and has less impact on environmental resources, wildlife habitat, slopes, or existing scenic views from adjacent properties than would development in compliance with the standard being adjusted.

- H. Conditions of approval.** In approving a Hillside Development Permit, the Hearing Officer may impose any conditions it deems reasonable and necessary to ensure that the approval will comply with the findings required by Subsection F. above.
- I. Post approval procedures.** The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals in Chapter 17.72 (Appeals), shall apply following the decision on a Hillside Development Permit.

17.29.090 - HD-1 (Upper Hastings Ranch Area) Standards

- A. Purpose.** The requirements of the HD-1 (Hillside Development) overlay district are intended to preserve and protect views to and from hillside areas to maintain the visual quality of the City, protect environmental resources, avoid hazards to development, minimize infrastructure costs, and simplify the development review process.
- B. Applicability.** The HD-1 overlay district is applied to the Upper Hastings Ranch Area. Sections 17.29.040 through 17.29.060 shall not be applied in the HD-1 district.
- C. Permit requirement - Second floor additions.** A Hillside Development Permit in compliance with Section 17.29.080 (Hillside Development Permit) shall be required to authorize a second-floor addition to an existing dwelling. Other types of proposed development shall comply with the permit requirements of the base zoning district.
- D. Development standards.** Proposed development shall comply with the standards of the applicable base zoning district, except as modified by this Section.
1. **Setbacks.**
 - a. **Encroachment plane.** In addition to meeting minimum front setback requirements, the main structure shall not be located within a front setback encroachment plane sloping inwards at a 40-degree angle from the horizontal, commencing at the front property line.
 - b. **Second story.** The second story shall be set back an additional five feet from the required front and side setbacks.
 2. **Height limit.** No structure shall exceed a maximum height of 25 feet or two stories except that chimneys may exceed the maximum height by two feet.
 3. **Structure design.**
 - a. **Maximum floor area.** Maximum floor area requirements do not apply. The maximum allowable floor area (measured in square feet) of a second story shall be limited to 50 percent of the floor area of the first story (including attached garage).
 - b. **Roof slope.** Roof slope shall be a minimum of 2:12.



17.29.100 - HD-SR (San Rafael Area) Standards

- A. Purpose.** This Section provides additional standards for the San Rafael hillside neighborhood within the HD overlay district to ensure that proposed development is appropriately located in relation to lot size and site slope.
- B. Applicability.** Proposed development within the San Rafael hillside neighborhood identified by the map on file with the Department shall comply with the requirements of this Section.
- C. Development standards.**
- 1. Parking requirements.** Proposed development shall comply with the parking requirements of Section 17.29.050.G (Parking requirements), except that Subsection G.1 (Guest parking requirements) shall not apply.
 - 2. Setback requirements.** Proposed structures shall comply with the front setback requirements established by Table 2-9. The Zoning Administrator shall maintain on file a map illustrating these setback requirements. Proposed development shall also comply with the side and rear setback requirements established by the applicable base zoning district. Garage setback reductions shall apply to detached garages only.
 - 3. Garage Decks.** Garage decks are not allowed on garages with less than a 25-foot setback.

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS

Tract	Street or Block	Lots	Front Setback Requirement
6210	N.A.	1-8	Per code
	N.A.	9-12	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	13-15	Per code
	N.A.	16-30	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	31-32	Per code
	N.A.	33-35	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	36	Per code
	N.A.	37	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	38-41	10 ft
	N.A.	42-60	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	61	Per code
	N.A.	62-64	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	65-78	Per code
	N.A.	79	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	80	Per code
	N.A.	81-92	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	94-95	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	96-98	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	B, C, D, E, F, G, H, J	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS -- Continued

Tract	Street or Block	Lots	Front Setback Requirement
6702	N.A.	1 - 9	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line.
	N.A.	10	Per code
	N.A.	11, 12	10 ft
	N.A.	13	Per code
	N.A.	14-27	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	28	Per code
	N.A.	29-44	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	45, 46	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	47	Per code
	N.A.	48-74	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	75-93	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	94-100	Per code
	N.A.	101, 102	10 ft
	N.A.	103-109	Per code
	N.A.	110-115	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	116	Per code
	N.A.	117-141	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	142-147	Per code
	N.A.	148-163	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line.
	N.A.	164-168	Per code
	N.A.	169-173	10 ft
	N.A.	174-184	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS - Continued

Tract	Street or Block	Lots	Front Setback Requirement
7012	Block 1	1-21	Per code
	Block 1	22-25	12 ft
	Block 2	All lots	Per code
	Block 3	1	Per code
	Block 3	2-11	5 ft for a detached garage, but no less than 10 ft from the curb line
	Block 3	12-15	12 ft. 5 ft for a detached garage, but no less than 10 ft from the curb line
	Block 3	3-16	Per code
	Block 3	17-24	12 ft
	Block 3	25-47	Per code
	Block 3	48-74	5 ft for a detached garage, but no less than 10 ft from the curb line
	Block 4	7-10	5 ft for a garage, but no less than 10 ft from the curb line
	Block 4	12-14	12 ft
	Block 5	1-6	5 ft for a detached garage, but no less than 10 ft from the curb line
8119	N.A.	1-2	10 ft
	N.A.	3-6	12 ft
	N.A.	7	10 ft

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS - Continued

Tract	Street or Block	Lots	Front Setback Requirement
8308	N.A.	1-11	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	12-16	Per code
	N.A.	17-20	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	21-36	12 ft
	N.A.	37-43	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	44	Per code
	N.A.	45-57	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	58	Per code
	N.A.	59-66	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	67-68	Per code
	N.A.	69-71	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	72,73	12 ft
	N.A.	74	Per code
	N.A.	75-78	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	79	Per code
	N.A.	80-82	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	83-96	Per code
	N.A.	97-99	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS - Continued

Tract	Street or Block	Lots	Front Setback Requirement
8554	N.A.	1-4,	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	5-26	Per code
	N.A.	27, 28	10 ft
	N.A.	29, 30	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	31-36	Per code
	N.A.	37-56	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	57-59	12 ft
	N.A.,	60-63	Per code
	N.A.	64	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	65-70	Per code
	N.A.	71, 72	10 ft
	N.A.	73-80	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	81	Per code
	N.A.	82-85	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	86-90	Per code
	N.A.	91-95	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	96	Per code
	N.A.	97-111	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	112	Per code
	N.A.	113-135	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
9859	N.A.	1	10 ft
	N.A.	2-5	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	6-12	10 ft

N.A.	13	Per code
N.A.	14-19	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS - Continued

Tract	Street or Block	Lots	Front Setback Requirement
11109	N.A.	1	Per code
	N.A.	2-7	12 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	8-15	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	16-17	Per code
	N.A.	18-25	12 ft
12571	Anita Drive, west side	N.A.	20 ft; 0 ft for a detached garage
	Anita Drive, east side	N.A.	12 ft
	Avenue 64, west side	N.A.	20 ft from street line; 0 setback for a detached garage
	Malcolm Drive, west side	N.A.	20 ft from street line; 0 ft from street line for a detached garage
	Malcolm Drive, east side	N.A.	12 ft from street line
	N.A.	75-78	20 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	79-81	12 ft
	N.A.	82-83	20 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS - Continued

Tract	Street or Block	Lots	Front Setback Requirement
13273	N.A.	1-2	Per code
	N.A.	3-5	20 ft
	N.A.	6-19	15 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	20-27	20 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	28-29	20 ft
	N.A.	30-34	20 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	35	Per code
	N.A.	36-38	10 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	39-46	Per code
	N.A.	47-52	20 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	53-59	15 ft
	N.A.	60	20 ft
	N.A.	61-70	20 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	71	20 ft
	N.A.	72-77	20 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	78	Per code
	N.A.	79-80	20 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	81-92	15 ft
	N.A.	93-97	15 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	98-104	20 ft
	N.A.	105-107	15 ft
	N.A.	108-110	15 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS - Continued

Tract	Street or Block	Lots	Front Setback Requirement
13470	N.A.	1-14	Per code
	N.A.	15	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	16	Per code
	N.A.	17	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	18	Per code
	N.A.	19	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	20	Per code
	N.A.	21	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	22	Per code
	N.A.	23	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	24	Per code
	N.A.	25	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	26	Per code
	N.A.	27	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	28-30	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	31-32	Per code
	N.A.	33	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	34-35	Per code
	N.A.	36	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	37	Per code
N.A.	38-39	15 ft, 5 ft for a detached garage, but no less than 10 ft from the curb line	
N.A.	40-47	15 ft	
N.A.	48-66	20 ft	

N.A.	67	Per code
N.A.	68-69	20 ft
N.A.	70-103	Per code
N.A.	104-135	20 ft

TABLE 2-9 - SAN RAFAEL HILLSIDE NEIGHBORHOOD FRONT SETBACKS - Continued

Tract	Street or Block	Lots	Front Setback Requirement
14065	N.A.	1-6	20 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	7-11	12 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	12-16	5 ft for a detached garage, but no less than 10 ft from the curb line
	N.A.	17-22	12 ft
14590	N.A.	1-7	15 ft; 5 ft for a detached garage, but no less than 10 ft from the curb line