



Action Report

File #: 17-007

TO: Chair and Planning Commission

FROM: Eva Cutro, Community Development Director
Paul Michaud, Senior Planner
George Burton, Planner

DATE: January 17, 2017

CONTACT:

George Burton, 480-348-3525

AGENDA TITLE:

Citizen Review of Hillside Code Updates (Article XXII of the Town Zoning Ordinance)

BACKGROUND

History

On July 21, 2015, staff presented a list of topics relating to the Hillside Ordinance to the Planning Commission as part of a periodic review and update of the Town Code. Since that time, the Town Council discussed Quality of Life Initiatives to further the goal of maintaining and improving the Paradise Valley quality of life. At the January 28, 2016 Council meeting, a list of initiatives was proposed and various groups were assigned responsibilities. One of the initiatives for the Planning Commission included the review of the Hillside Code.

Over the past year, staff has worked with Commissioner Moore in preparing a draft ordinance identifying topics of discussion and potential amendments. This memo is intended to initiate a discussion on the issues, policies, and requirements pertaining to the Hillside Code.

DISCUSSION/FACTS

The topics and recommendations contained within are suggestions meant as a starting point for discussion. The topics are outlined below.

Discussion

The potential code updates include, but are not limited to, the following topics:

1. Retaining Walls and Screen Walls.
2. Material Palette and Light Reflective Value (LRV).
3. Administrative Hillside Chair Review.
4. Disturbed Area Calculation.
5. Demolition on Hillside Properties.
6. Hillside Model.

7. Accessory Structure and Accessory Structure Height Limit (including raised decks/platforms).
8. 40' Overall Height Measurement.
9. Driveway Disturbance Credit.
10. Lighting.
11. Process to Remove a Property from Hillside Designation.
12. Hillside Assurance/Bond.
13. Define which Hillside Code applies to La Place du Sommet Subdivision.
14. Solar Panels and Hillside Review Process.
15. Cantilever Limitations.
16. On-Site Retention.
17. Pool Barriers and Perimeter Fencing Standards.
18. Administrative relief on hillside lots (Article XXII).

The draft hillside ordinance identifies specific issues, potential changes, and/or issues regarding each topic. The intent of this meeting is to get input from the Planning Commission and continue the discussion regarding the scope and type of changes that should be made to the hillside code. Staff will continue to refine the draft ordinance based upon input from the Commission and the community.

Planning Commission Discussion

The Planning Commission discussed the hillside code update at the December 20, 2016 and January 3, 2017 work study sessions. During the December 20th meeting, the Commission was generally agreeable with the proposed modifications to the hillside code regarding Material Palette, Demolition on Hillside Properties, Hillside Study Models, Accessory Structures, the 40' Overall Height Measurement, the Process to Remove a Property from the Hillside Designation, and Defining which Hillside Code applies to the La Place du Sommet Subdivision.

However, the Commission requested additional information and provided general direction regarding the other, and following, topics:

- Retaining Walls. The Commission agreed that the 4' minimum separation between stacked retaining walls should be kept; since the minimum spacing will provide room for landscaping (which will help soften the effects of stacked retaining walls). Also, the Commission noted that language should be added to the code to clarify that the stacking requirement only apply to retaining walls on each individual lot (and does not include or apply to adjoining retaining walls located on a neighboring property).
- Administrative Hillside Chair Review. The Commission would like to define the scope of solar panel improvements that would be subject to Hillside Chair review (e.g. such as limiting the number or size of the solar panels). The Commission also asked staff to research and identify if the Town has the legal authority to deny solar panels on a roof.
- Disturbed Area Calculations. There was discussion and concern that including the building footprint as disturbance would create a Proposition 207 issue. The Commission identified that further review is needed and requested that staff provide several case studies comparing the current and proposed disturbance calculations to help evaluate the impact of the proposed changes.
- Driveway Disturbance. There was no consensus regarding the proposed changes regarding driveways and disturbance credit. Additional discussion is needed.

- Hillside Assurance/Bond. The Commission recommended that language be added to the code to define the scope of work associated with the assurance, identify who reviews the assurance, and identify which bid will be used.
- Cantilever Limitations. There was no consensus regarding the proposed changes to the limitations on cantilevers. It was recommended that language be added to the code identifying what the area under the cantilever should look like and to provide more illustrations clarifying the type of cantilevers that would be allowed. However, more discussion is needed regarding the scope or type of changes that should be made to this section of the code.
- On-Site Retention. The Commission did not like the use of “basin” and recommended using a different term. This section of code has been updated to identify “retention area” instead of “retention basin.”
- Pool Barriers and Perimeter Fencing Standards. The Commission did not like the proposed limits and recommended adding language to the code clarifying that the pool barrier shall be the minimum amount need to secure the pool. This will allow the Hillside Committee to determine what an appropriate amount of barrier is for each site.
- Administrative relief on hillside lots. The Commission noted that they would like to limit this to existing construction and requested that a staff create a list that identifies what improvements are subject to administrative relief.
- Additional discussion. There was also discussion regarding outside safety review fees. When the Town deems it necessary to hire an outside firm to help with the review of an application, the fee for that outside safety review will be passed on to the applicant. This includes instances such as the Town hiring an engineering firm to help review safety items such as drainage and geotechnical reports.
- Since Commissioner Moore will be moving to the Town Council, Commission Campbell volunteered to work with staff on drafting the Hillside Code updates.

During the January 3rd work session, the Commission went through each page of the draft ordinance and concluded their review at the end of page ZO-XXII-18. The Commission identified or requested the following:

- Define the scope of each review. Language has been added to the code to clarify that new homes and major remodel/additions require both a concept and formal hillside review. It has also been clarified that smaller remodel/additions, site improvements (such as pools and spas), and solar panel installations over 1,000 square feet in area may be processed as a combined review.
- Hillside Assurance/Bond. The Commission recommended that language be added to the code to identify that Town staff and the Town Engineer will review the bids and determine the assurance amount.
- Building Heights. The Commission recommended that language be added to the code to clarify that the maximum deck column height on the primary residence or accessory building will be limited to 12’ tall.
- Cantilever Limitations. There was no consensus regarding the proposed changes to the limitations on cantilevers. It was recommended that staff research other city codes to see how different communities address cantilevers, provide several pictures of cantilevers for reference, and to include the entire area underneath a cantilever as disturbance.

Staff contacted the City of Sedona, City of Aspen, Park City, City of Newport Beach, and the City of Telluride to identify how other communities regulate cantilevers. However, none of the cities had specific regulations for cantilevers. The Planners from these cities clarified that cantilevers must meet applicable height, setback, and lot coverage restrictions.

Due to the lack of consensus and limited examples from other communities, more discussion is needed regarding the scope or type of changes that should be made to this section of the code.

The changes incorporated from the December 20th Commission meeting are highlighted in yellow and the changes incorporated from the January 3rd meeting are highlighted in blue.

Quality of Life Initiative

Since this is a Quality of Life Initiative, staff would like to receive input from the Planning Commission regarding any other concerns or potential amendments to the hillside ordinance.

Public Comment

Public comment was received during the December 20th meeting. An architect expressed concern about a “one-size fits all” approach and prefers giving latitude to the Hillside Committee. The architect expressed concern and opposition regarding the proposed pool barrier limitations.

Staff also received comment from an engineer regarding retaining walls. The engineer recommended the following:

1. Allow for more than 6" of exposed retaining wall if wall acts as a flooding wall;
2. Reconsider on-site retention requirements for hillside developments where the slope of the land is over 20%; and
3. Require an as-built G&D after project completion. This will assure that there are no deviations from plans and would offset the Town's liability.

The Commission recommended that the Town Engineering Department should review and evaluate the three aforementioned suggestions. The Engineering Department’s response is as follows:

1. Staff supports the allowance of a retaining wall to extend 12” above the material it retains provided the wall acts as a flood wall. However, the retaining flood wall is still limited to the 8’ maximum height limit.
2. Staff is not supportive of modifying the retention requirements for properties with slopes over 20%. The amount of retention is based upon the site slope as referenced in the Town’s Storm Manual.
3. Staff is supportive of requiring an as-built grading plan after project completion.

During the January 3rd meeting, several members of the public expressed issues and concerns regarding cantilevers. Also, an architect expressed that cantilevers can enhance a building if it is designed properly.

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Next Steps

Based upon the scope of proposed changes to the code, it is anticipated that additional work study sessions will be needed prior to scheduling a public hearing. Staff invited the full-time Hillside Committee members to attend and contribute to as many of the Commission meetings as they are able to attend. Also, staff will work with Commissioner Campbell to continue to refine the draft ordinance based upon input from the Commission and the community.

Attachments

Draft Ordinance 2016-09

Chapter 2 Section 2-5-3 Admin Relief Draft Updates

Hillside Code Topic No. 4 Examples

Photographs of Cantilevers